



# 2013 NEW LAW WORKBOOK

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



# **2013 New Law Workbook**

*Presented by*

## **County Recorders' Association of California**

*Legislative Committee*

*Document Reference Manual Committee*

*Uniform Practice Committee*

**Sacramento, California  
December 10-12, 2013**

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## **2012 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 805</b>
<b>Chapter Number:</b>	180
<b>Author:</b>	Torres
<b>Topic:</b>	Common-interest developments
<b>Impact:</b>	This bill revises and recasts the Davis-Stirling Common Interest Development Act (Davis-Stirling Act). It standardizes language for condominium plans and other common interest developments.
<b>Summary:</b>	This bill, <b><u>on and after January 1, 2014</u></b> , will comprehensively reorganize and re-codify the Davis-Stirling Act. That reorganization will group related provisions together, clarify certain sections without changing substantive effect, divide longer sections into shorter sections, and standardize terminology.
<b>Effect:</b>	Adds Part 5 (commencing with Section 4000) and repeals Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, relating to common interest developments.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders, Los Angeles County
<b>Notes:</b>	Revises Pages 7, 51 and 69 in the DRIM

## **2012 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 806</b>
<b>Chapter Number:</b>	181
<b>Author:</b>	Torres
<b>Topic:</b>	Common-interest developments
<b>Impact:</b>	This bill, <b>effective January 1, 2014</b> , will make technical conforming changes to the Davis-Stirling Act. It standardizes language for condominium plans and other common interest developments.
<b>Summary:</b>	This bill, effective January 1, 2014, will make technical conforming changes to the Davis-Stirling Act.
<b>Effect:</b>	Amends Sections 10131.01, 10153.2, 10177, 11003, 11003.2, 11004, 11004.5, 11010.10, 11018.1, 11018.12, 11018.6, 11211.7, 11500, 11502, 11504, 11505, 23426.5, and 23428.20 of the Business and Professions Code; amends Sections 51.11, 714, 714.1, 782, 782.5, 783, 783.1, 798.20, 799.10, 800.25, 895, 935, 945, 1098, 1102.6a, 1102.6d, 1133, 1633.3, 1864, 2079.3, 2924b, 2929.5, and 2955.1 of the Civil Code; amends Sections 86, 116.540, 564, 726.5, 729.035, and 736 of the Code of Civil Procedure; amends Sections 12191, 12956.1, 12956.2, 53341.5, 65008, 65915, 65995.5, 66411, 66412, 66424, 66427, 66452.10, 66475.2, and 66477 of the Government Code; amends Sections 1597.531, 13132.7, 19850, 25400.22, 25915.2, 25915.5, 33050, 33435, 33436, 33769, 35811, 37630, 37923, 50955, 51602, and 116048 of the Health and Safety Code; amends Section 790.031 of the Insurance Code; amends Section 2188.6 of the Revenue and Taxation Code; amends Sections 21107.7, 22651, 22651.05, and 22658 of the Vehicle Code; and amends Section 13553 of the Water Code, relating to common interest developments.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders, Los Angeles County
<b>Notes:</b>	Revises Pages 7, 51 and 69 in the DRIM

Title  
**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

Purpose  
To specify the limitations or qualifications on land use imposed in a conveyance or other instrument

- Requirements
1. Name(s) of owner(s) / homeowners' association
  2. Description / identification of real property
  3. Statement of the type of common interest development affected
  4. Explanation of covenants, conditions, and restrictions
  5. Name and address of a managing agent or treasurer of the association or other individual or entity authorized to receive assessments and fees imposed by the association
  6. Daytime telephone number of the authorized party identified, if a telephone number is available
  7. A list of separate interests subject to assessment by the association showing the assessor's parcel number or legal description, or both, of the separate interests
  8. The recording information identifying the declaration governing the association
  9. Signature(s) of owners(s) / homeowners' association
  10. Signature(s) acknowledged

Fees  
Regular

Legal References  
CC - 1352, 1353 (common interest dev), 1355 (amends); 1465, 1468, 1471  
Govt - 65871 (easements), 27287 (ack)

Comments  
If an amended statement is being recorded, the recording information identifying the prior statement or statements which the amendment is superseding

Local Use	
Index	Ordinances/Opinions
Grantor = Declarants	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2013

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**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

*Document sample under development*

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

**Title**  
**NOTICE OF (DELINQUENT) ASSESSMENT - HOMEOWNERS' ASSOCIATION**

**Purpose**  
 To create a lien against the real property of a member of a homeowners' association in accordance with the covenants, conditions, and restrictions (CC&R's) of that association

**Requirements**

1. Name of homeowners' association
2. Name(s) of property owner(s)
3. Amount of assessment
4. Description / identification of real property (address acceptable)
5. Itemized statement of charges owed by the owner(s)
6. Signature of person designated or association officer

**Fees**  
 Regular fee plus lien fee, if applicable

**Legal References**  
 CC - 1367

**Comments**

Local Use	
Index	Ordinances/Opinions
Grantor = Owner Grantee = Association / Public Agency	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
 ADDRESS  
 CITY, STATE/ZIP

**SAMPLE**

Rev. 2013

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**NOTICE OF ASSESSMENT**

NOTICE IS HEREBY GIVEN that the Association, a California non-profit corporation with its principle office in the County of \_\_\_\_\_, State of California, pursuant to that certain agreement dated \_\_\_\_\_ by and between the Association and the Owner, hereby declares and gives notice that the Association has a lien on the herein described property for delinquent dues and assessments as follows :

Dues thru	\$ _____
Insurance thru	\$ _____
Special Assessments	\$ _____
Late charges & interest	\$ _____
Other costs	\$ _____
Total amount owing	\$ _____

Owner(s) :

Property Address :

Real Property Description :

Dated : \_\_\_\_\_ Designated person / Association Officer

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

**Title** CONDOMINIUM PLAN

**Purpose**  
To provide a description of the boundaries, both common and separate, that constitute a condominium estate in real property

**Requirements**

1. Certificate of consent by owner(s) (signed and acknowledged)
2. A description or survey map of the condominium project, which shall refer to or
3. A three-dimensional of the project which is sufficiently detailed to identify the
4. Signautre and acknowledgement of all of the following:
  - a. record owner
  - b. in the case of a condo project that will terminate upon the termination of a trust, all lessors and lessees
  - c. in the case of a condo project subject to a life estate, all life tenants and remainder interests
  - d. the trustee or the beneficiary of each deed of trust

**Fees**  
Regular recording fee if plan. Regular filing fee if map.

**Legal References**  
CC - 1352  
Govt - 27287 (ack)

**Comments**  
Condominium descriptions may also be recorded as subdivision map, parcel map, or condominium plan map.

Local Use	
Index	Ordinances/Opinions
Grantor = Owner	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

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**CONDOMINIUM PLAN**

*Document sample under development*

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>Assembly Bill No. 116</b>
<b>Chapter Number:</b>	CHAPTER 62
<b>Author:</b>	Raul Bocanegra
<b>Topic:</b>	Land use: subdivision maps: expiration dates.
<b>Impact:</b>	<b>None</b>
<b>Summary:</b>	This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, as specified, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.
<b>Effect:</b>	None
<b>Actions Required:</b>	None
<b>Presenter:</b>	Santa Clara County
<b>Notes:</b>	The legislation deals with expiration dates for subdivision maps and what conditions a city or county may impose prior to issuing a building permit. There is no impact to recorders or the DRIM.

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 253</b>
<b>Chapter Number:</b>	432
<b>Author:</b>	Levine
<b>Topic:</b>	Floating Home Marinas: Conversion: Subdivision Map Requirements
<b>Impact:</b>	<b>Extends the same requirements for condominium conversions to floating home marinas.</b>
<b>Summary:</b>	This bill also exempts floating home marinas from the requirement of filing a tentative and final map for all subdivisions creating five or more condominiums, if two-thirds of the owners of floating homes have applied for a waiver and signed a petition.
<b>Effect:</b>	An act to amend Section 11010.9 of, and to add Section 11010.85 to, the Business and Professions Code, and to amend Sections 66427.4 and 66428.1 of, and to add Section 66427.6 to, the Government Code, relating to floating home marinas.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Fred Garcia
<b>Notes:</b>	DRIM Page 110 (No changes)

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 379</b>
<b>Chapter Number:</b>	137
<b>Author:</b>	Brown
<b>Topic:</b>	Manufactured Housing: Removal
<b>Impact:</b>	<b>Changes time to record a notice</b>
<b>Summary:</b>	Requires an enforcement agency to record a notice with the County Recorder within five (5) business days of the issuance of a Certificate of Occupancy.
<b>Effect:</b>	An act to amend Section 18551 of the Health and Safety Code, relating to manufactured housing.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Fred Garcia
<b>Notes:</b>	Lengthens the time allotted for recording a Certificate of Occupancy from one (1) day to five (5) business days. Changes to DRIM Page 19.

**Title**  
**CERTIFICATE OF OCCUPANCY - MOBILE HOME**

**Purpose**  
 To evidence County approval of the placing of a mobile home on a foundation

**Requirements**

1. Name(s) of property owner(s)
2. Description / identification of real property
3. Statement that a mobile home has been affixed to a property
4. Signatures of approving agency

**Fees**  
 Regular (free if recorded by local agency)

**Legal References**  
 H & S - 18551.2 (A) Recording  
 H & S - 18551.2 (B) Indexing

**Comments**  
 HCD Form 433(a)

Local Use	
Index	Ordinances/Opinions
Grantor = Property owner	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
 ADDRESS  
 CITY, STATE/ZIP

**SAMPLE**

Rev. 2012

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**NOTICE OF MANUFACTURED HOME (MOBILE HOME) OR COMMERCIAL COACH, INSTALLATION ON A FOUNDATION SYSTEM**

Recording of this document at the request of the local agency indicated is in accordance with California Health and Safety Code Section 18551. This document is evidence that such local agency has issued a certificate of occupancy for installation of the unit described hereon, upon the real property described with certainty below, as of the date of recording. When recorded, this document shall be indexed by the County Recorder to the named owner of the real property and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

REAL PROPERTY OWNER/LESSOR

LOCAL AGENCY ISSUING PERMIT AND CERTIFICATE OF OCCUPANCY

MAILING ADDRESS

MAILING ADDRESS

CITY COUNTY STATE ZIP

CITY COUNTY STATE ZIP

INSTALLATION MAILING ADDRESS, IF APPLICABLE

BUILDING PERMIT NO. TELEPHONE NUMBER

CITY COUNTY STATE ZIP

SIGNATURE OF LOCAL AGENCY OFFICIAL DATE

UNIT OWNER

DEALER NAME

MAILING ADDRESS

DEALER LICENSE NO.

CITY COUNTY STATE ZIP

UNIT DESCRIPTION

MANUFACTURES NAME

DATE OF MANUFACTURE

MODEL NAME/NUMBER

SERIAL NUMBER(S)

LENGTH X WIDTH

INSIGNIA/LABEL NUMBER(S)

REAL PROPERTY LEGAL DESCRIPTION

ASSESSORS PARCEL NUMBER

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 464</b>
<b>Chapter Number:</b>	78
<b>Author:</b>	Daly
<b>Topic:</b>	Vital Records
<b>Impact:</b>	<b>Medium</b>
<b>Summary:</b>	This bill allows the request and notarized statement necessary for vital records requests to be in a digitized format. It also allows informational copies to be sufficient for document recording purposes. Lastly, this bill specifies the form for the proof of executio for a document.
<b>Effect:</b>	To amend Sections 1188 and 1195 for the Civil Code, Sections 103526 of the Health & Safety Code, and to amend Section 210 of the Probate code relating to vital records.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders
<b>Notes:</b>	No impact on DRIM

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 502</b>
<b>Chapter Number:</b>	531
<b>Author:</b>	Wagner
<b>Topic:</b>	Commercial law; secured transactions
<b>Impact:</b>	<b>The law amended Section 9102 of the California Commercial Code to make its language consistent with UCCs in other states.</b>
<b>Summary:</b>	This bill revised and recast specified provisions of the UCC in line with recommendations from the national Uniform Law Commission. Among other things, the law created an "organic public record" and revised several definitions in the law for national consistency.
<b>Effect:</b>	An act to amend Section 3343.5 of the Civil Code, to amend Sections 481.207, 481.220, 680.340, 680.350, and 697.530 of the Code of Civil Procedure, to amend Sections 9102, 9105, 9307, 9311, 9316, 9317, 9326, 9406, 9408, 9503, 9507, 9515, 9516, 9518, 9521, 9607, and 10103 of, and to add Chapter 8 (commencing with Section 9801) to Division 9 of, the Commercial Code, to amend Section 21855 of the Food and Agricultural Code, and to amend Sections 504b and 574 of the Penal Code, relating to secured transactions, and making an appropriation therefore.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Jean Pasco
<b>Notes:</b>	CRAC was concerned about the introduction of a new type of public record ("organic") but was assured by Legislative Counsel that the definition applied narrowly only to the affected sections of the California Commercial Code. Changes to Pages 101, 102 and 264 in the DRIM

Title **FINANCING STATEMENT - FORM UCC 1**

Purpose  
To evidence a security interest in personal property and / or crops, timber, minerals, or fixtures

Requirements

1. Name(s) of debtor(s) and record owner, if different from debtor(s)
2. Name(s) of secured party(ies)
3. Mailing address(es) of debtor(s)
4. Indicate whether the debtor is an individual or organization
5. Sufficient description of real property
6. Mailing address(es) of secured party(ies)

Fees  
Standard National UCC Form - \$10.00 flat fee, (1-2 pages);  
\$20.00 flat fee (3 or more pages) or regular recording fee

Legal References  
UCC 9501 et. seq. 9519 (indexing) 9516 (rejection) 9601 et. seq. Govt - 12194 (fee / form)

Comments  
Notification is required when record is rejected per UCC 95206(b)  
Accept only National Standard Form  
Addendum form may be used

Local Use	
Index	Ordinances/Opinions
Grantor = Debtor, Trade name, Land owner (if applicable) Grantee = Secured Party	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

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**UCC FINANCING STATEMENT**

A. NAME & PHONE OF CONTACT AT FILER

B. SEND ACKNOWLEDGMENT TO :  
(NAME & ADDRESS)

**THE ABOVE SPACE IS FOR OFFICE USE ONLY**

1. DEBTOR'S NAME - insert only one debtor name (1a or 1b) - additional Debtor info in item 10 (Form UCC1Ad)

1a. ORGANIZATION'S NAME

1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
1c. MAILING ADDRESS	CITY	STATE	POSTAL CODE COUNTRY

1. DEBTOR'S NAME - insert only one debtor name (2a or 2b) - additional Debtor info in item 10 (Form UCC1Ad)

2a. ORGANIZATION'S NAME

2b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
2c. MAILING ADDRESS	CITY	STATE	POSTAL CODE COUNTRY

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
3c. MAILING ADDRESS	CITY	STATE	POSTAL CODE COUNTRY

4. COLLATERAL: This financing statement covers the following collateral:

5. Check if applicable: Collateral is  held in Trust (see UCC1Ad)  administered by a Decedent's Representative

6a. Check if applicable:

Public-Finance Transaction  Manufactured Home Transaction  A Debtor is a Transmitting Utility

6b. Check if applicable:

Agricultural Lien  non-UCC Filing

7. ALTERNATIVE DESIGNATION  Lessee/Lessor  Consignee/Consignor  Seller/Buyer  Bailee/Bailor  Licensee/Licenser

8. OPTIONAL FILER REFERENCE DATA

**FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT (FORM UCC 1)**

**Title**  
**UCC NATIONAL FINANCING STATEMENT AMENDMENT - UCC 3**

**Purpose**  
 To evidence the continuation, amendment, assignment, release or termination of a Financing Statement - UCC 1

**Requirements**

1. Initial filing information (document number)
2. 1b should be checked
3. Name of Party authorizing the amendment

**IF CHANGING INFORMATION**

4. Organization / Individual name (changed/added/deleted)
5. Organization / Individual mailing address (changed/added/deleted)
6. Collateral change (if applicable)

**Fees**  
 Standard National UCC Form - \$10.00(1-2 pages); \$20.00 (3 or more pages)

**Legal References**  
 UCC 9501 - et seq; 9516 (rejection); 9516 (indexing); Govt. 12194 fee/form

**Comments**  
 Original / initial record must be cross referenced per UCC 9519(c)(1)  
 Notification required when record is rejected per UCC 9516(b)  
 Amendment Addendum form may be attached

Local Use	
Index	Ordinances/Opinions
Grantor = See indexing instructions for appropriate indexing of various UCC - 3 types	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
 ADDRESS  
 CITY, STATE/ZIP

**SAMPLE**

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**UCC FINANCING STATEMENT AMENDMENT**

A. NAME & PHONE OF CONTACT AT FILER  
 B. SEND ACKNOWLEDGMENT TO :  
 (NAME AND ADDRESS)

1a. INITIAL FINANCING STATEMENT FILE #  
 1b. This FINANCING STATEMENT is to be filed (for record) (or recorded) in the  REAL ESTATE RECORDS

2.  TERMINATION: Effectiveness of the Financing Statement is terminated with respect to security interest(s)

3.  ASSIGNMENT: Provide name of Assignee in item 7a or 7b and address of Assignee in item 7c and name of Assignor in item 9  
 For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

4.  CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

5. PARTY INFORMATION CHANGE :  
 Debtor of  Secured Party **AND**  CHANGE name and/or address  ADD name  DELETE name

6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name

6a. ORGANIZATION'S NAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
6b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX

7. CHANGED OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
7b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX

INDIVIDUAL'S FIRST PERSONAL NAME	INDIVIDUALS ADDITIONAL NAME(S)/INITIAL(S)
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7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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8. COLLATERAL CHANGE: check only one box.  
 Indicate collateral  ADD collateral  DELETE collateral  RESTATE covered collateral  ASSIGN collateral

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT:

9a. ORGANIZATION'S NAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX
9b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME	SUFFIX

10. OPTIONAL FILER REFERENCE DATA:

<b>Title</b>	<b>UCC NATIONAL INFORMATION STATEMENT</b>
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<b>Purpose</b>	To evidence that a person believes that a UCC National Financing Statement (UCC-1) or UCC National Financing Statement Amendment has been inaccurately or wrongfully filed
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<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Initial filing information (document number)</li> <li>2. Item 1b should be checked</li> <li>3. Item 2a, 2b or 2c should be checked</li> <li>4. Item 3 should indicate the basis for claim</li> <li>5. The date and time the initial statement was filed/recorded</li> <li>6. Name of Organization / Individual filing the Information Statement</li> </ol>
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<b>Fees</b>	Standard National UCC form \$10 (1-2 pages); \$20 (3 or more pages)
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<b>Legal References</b>	GC - 27361.6 (Cross Reference), 12194 (fee) UCC - 9501 (et. Seq.), 9516 (rejection), 9519 (indexing)
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<b>Comments</b>	Original/initial record must be cross referenced per UCC 9519(c)(1). Notification required when record is rejected per UCC 9516(b)
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Local Use	
Index	Ordinances/Opinions
Grantor = Same as original filing (recording) UCC Reference	

RECORDING REQUESTED BY	<h1 style="font-size: 4em; margin: 0;">SAMPLE</h1> <i>Rev. 2013</i>
AND WHEN RECORDED MAIL TO	
NAME	
ADDRESS CITY, STATE/ZIP	
space above this line for Recorder's use only	

INFORMATION STATEMENT			
<b>1. Identification of the RECORD to which this INFORMATION STATEMENT relates.</b>			
1a. INITIAL FINANCING STATEMENT FILE NUMBER	1b. RECORD INFORMATION TO WHICH THIS INFORMATION STATEMENT RELATES		
<b>2. Check one of these boxes to indicate the claim made by this INFORMATION STATEMENT</b>			
2a. <input type="checkbox"/> RECORD IS INACCURATE. Enter in item 3 the basis for the belief by the Debtor of Record identified in item 5 that the RECORD identified in item 1 is inaccurate and indicate the manner in check the person believes the RECORD should be amended to cure the inaccuracy			
2b. <input type="checkbox"/> RECORD WAS WRONGFULLY FILED. Enter in item 3 the basis for the belief by the Debtor of Record identified in item 1 was wrongfully filed			
2c. <input type="checkbox"/> RECORD FILED BY PERSON NOT ENTITLED TO DO SO. Enter in item 3 the basis for the belief by the Secured Party of Record that the person filed the RECORD identified in item 1 was not entitled to do so under UCC Section 9-509			
<b>3. Basis for claim of box in item 2</b>			
<b>4. if this INFORMATION STATEMENT relates to a RECORD filed (or recorded) in a filing office described in Section 9-501(a)(1) and this INFORMATION STATEMENT is filed in such a filing office, provide the date [and time] on which the INITIAL FINANCING STATEMENT identified in item 1a above was filed [or recorded]</b>			
4a. DATE		4b. TIME	
<b>5. NAME of PERSON filing this INFORMATION STATEMENT</b>			
5a. ORGANIZATION'S NAME			
OR	5b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME SUFFIX

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>Assembly Bill 551</b>
<b>Chapter Number:</b>	406
<b>Author:</b>	Ting
<b>Topic:</b>	Local Government: urban agriculture incentive zones
<b>Impact:</b>	<b>Informational</b>
<b>Summary:</b>	This bill enacts the Urban Agriculture Incentive Zones Act and would authorize, under specific conditions until January 1, 2019, a county and a landowner to enter into a contract to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small scale production of agriculture crops and animal husbandry.
<b>Effect:</b>	<b>An act to add Chapter 6.3 (commencing with Section 51040) to Part 1 of Division 1 of Title 5 of the Government Code, and to amend Section 402.1 of, and to add Section 422.7 to, the Revenue and Taxation Code</b>
<b>Actions Required:</b>	DRIM change
<b>Presenter:</b>	Kammi Foote, Inyo County
<b>Notes:</b>	Revises Page 132 of the DRIM

Title **AGRICULTURAL LAND CONTRACT**

Purpose  
To evidence an agreement between a landowner and a city or county regarding land designated as an agricultural preserve

Requirements

1. Name(s) of owner(s)
2. Description / identification of real property
3. Reference to map showing agricultural preserve area
4. Signature(s) of owner(s)
5. Signature of local agency official
6. Signatures acknowledged

Fees  
Free

Legal References  
Govt - 51248, 51248.5 (fictitious), 27287 (ack)

Comments  
The fictitious contract must conform to the provisions of CC - 2952.

Local Use	
Index	Ordinances/Opinions
Grantor = Owner Grantee = Public Agency	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2012

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**LAND CONSERVATION CONTRACT**

This contract, made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ hereinafter referred to as "Owner" and the County of \_\_\_\_\_, a political subdivision of the State of California, hereinafter referred to as "County".

RECITALS

The Owner possesses real property located within the County, and more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

During the term of this contract, the above described land shall not be used for any purpose other than: an agricultural or compatible use as same is defined in the rules for the agricultural preserve in which said land is situated.

This contract shall only be subject to cancellation in accordance with the provisions of Government Code 51248 et seq. In the event of cancellation as above provided the Owner shall pay the County the following fees :

The within contract, its terms and conditions, shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have affixed their hands and seals the day and year first above written.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Local Agency Official

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 1121</b>
<b>Chapter Number:</b>	651
<b>Author:</b>	Atkins
<b>Topic:</b>	Gender Identity: Petition for change of name
<b>Impact:</b>	<b>Minor (Informational)</b>
<b>Summary:</b>	<p>This bill provides that if no written objection is timely filed, the court is required to grant the petition without a hearing. The bill exempts the publication requirements relating to the order to show cause in a situation where the petition for a change of name is sought in order to conform the petitioner's name to his or her gender identity.</p> <p>This bill also requires the State Registrar to issue a new birth certificate without a court order for any person born in the state that has undergone clinically appropriate treatment for the purpose of gender transition and submits to the State Registrar an affidavit of a physician attesting that the person has undergone that treatment, as specified. Upon receipt of the documentation and a prescribed fee, the State Registrar would be required to establish a new birth certificate reflecting the person's sex and name, if applicable.</p>
<b>Effect:</b>	Amend Sections 1277 and 1288 of the Civil Code, and to add Section 103426 to the Health and Safety Code, relating to gender identity
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders
<b>Notes:</b>	No impact on DRIM

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 1149</b>
<b>Chapter Number:</b>	395
<b>Author:</b>	Campos
<b>Topic:</b>	Identity Theft: Local Agencies
<b>Impact:</b>	<b>Expands notification of information breaches</b>
<b>Summary:</b>	This bill expands to local agencies existing requirements that any state office, officer or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.
<b>Effect:</b>	An act to amend Section 1798.29 of the Civil Code, relating to identity theft.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Jean Pasco
<b>Notes:</b>	No impact on the DRIM

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 1248</b>
<b>Chapter Number:</b>	190
<b>Author:</b>	Cooley
<b>Topic:</b>	Controller: internal control guidelines applicable to local agencies.
<b>Impact:</b>	<b>Creates local agency internal-control guidelines</b>
<b>Summary:</b>	This bill would require the Controller, on or before January 1, 2015, to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud, based on specified standards and with input from any local agency and organizations representing the interests of local agencies. This bill would require the Controller to, by the same date, post the completed internal control guidelines on the Controller's Internet Web site and update them, as he or she deems necessary, as specified.
<b>Effect:</b>	An act to add Section 12422.5 to the Government Code, relating to local government.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders
<b>Notes:</b>	No impact on the DRIM

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>AB 1386</b>
<b>Chapter Number:</b>	750
<b>Author:</b>	Committee on Labor
<b>Topic:</b>	Employment: employee complaints: final orders.
<b>Impact:</b>	<b>Creates a recordable enforcement order</b>
<b>Summary:</b>	<p>This bill would provide that, under the above provisions, upon an order of the Labor Commissioner becoming final, a lien is created and the Labor Commissioner may record a certificate of lien, as specified, with the county recorder of any county in which the employer's property may be located. The bill would require the certificate to contain specified information. The bill would provide that the lien would continue on the employer's real property until satisfied or released, as provided, or for 10 years, as specified, and would require the county recorder to accept, record, and index the certificate of lien, as specified.</p>
<b>Effect:</b>	An act to amend Section 98.2 of the Labor Code, relating to employment.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Val Wood
<b>Notes:</b>	Two new documents, Pages 303 and 304, of the DRIM

Title **CERTIFICATE OF LIEN - LABOR COMMISSIONER**

Purpose  
To evidence a lien against real property upon an order becoming final

Requirements

1. Names of owner(s)
2. Description / identification of real property
3. Amount of unpaid tax
4. Signature of Labor Commissioner
5. Signature acknowledged

Fees  
Free

Legal References  
Labor -98.2(g) (1) through (3), Govt - 27201(b)(2) (signature), 27287 (ack), 27288.1 (names)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Owner(s)	
Grantee = Labor Commissioner	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2013

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**CERTIFICATE OF LIEN - LABOR COMMISSIONER**

*Document sample under development*

**Title**  
**RELEASE OF CERTIFICATE OF LIEN - LABOR COMMISSIONER**

**Purpose**  
 To evidence a release of lien against from all or part of the real property subject to the lien

**Requirements**

1. Name of owner(s)
2. Recording reference to the certificate of lien
3. Signature of Labor Commissioner
4. Signature acknowledged

**Fees**  
 Government release fee

**Legal References**  
 Labor - 98.2 (g) (4)  
 Govt - 27288.1, 27361.3 (fee), 27361.6 (rec ref) , 27287 (ack)

**Comments**

Local Use	
Index	Ordinances/Opinions
Grantor = Labor Commissioner	
Grantee = Owner(s)	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
 ADDRESS  
 CITY, STATE/ZIP

**SAMPLE**

Rev. 2013

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**RELEASE OF CERTIFICATE OF LIEN - LABOR COMMISSIONER**

*Document sample under development*

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>SB 46</b>
<b>Chapter Number:</b>	396
<b>Author:</b>	Corbett
<b>Topic:</b>	Personal information: privacy.
<b>Impact:</b>	<b>Expands notification of information breaches</b>
<b>Summary:</b>	This bill expands to local agencies existing requirements that any state office, officer or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Also expands definition of personal information. Companion bill to AB 1149.
<b>Effect:</b>	An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Tauna Malis
<b>Notes:</b>	No impact on the DRIM

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>SB 184</b>
<b>Chapter Number:</b>	210
<b>Author:</b>	Committee on Governance and Finance
<b>Topic:</b>	Local Government: Omnibus Bill
<b>Impact:</b>	<p>An act to amend <i>Section 11010.4 of the Business and Professions Code</i>, to amend Sections 12419.8, 12419.10, 27201, 41802, 41803, 41805, 50281, 53243.4, 53395.1, 53395.2, 53395.10, 53395.13, 53395.14, 53395.17, 53395.85, 53396, 53890 66428, 66442.5, and 66449 of the Government Code, to amend Section 9002 of the Health and Safety Code, to amend Section 32556 of, and to repeal Sections 9973, 9974, 9975, 9976, 9977, and 9978 of, the Public Resources Code, and to amend Section 36622 of the Streets and Highways Code, <i>and to amend Sections 3.1, 23, and 29 of, and to repeal Section 24 of, the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951)</i>, relating to local government.</p>
<b>Summary:</b>	<p>This bill would amend GC 27201 to require the agency to provide the officially adopted facsimile signature by letter, and would provide that the facsimile signature will continue to be valid until the agency notifies the county recorder that the facsimile signature has been revoked. This bill would additionally include within the definition of "family member" a person's domestic partner, and would define the term "domestic partner," as specified.</p> <p>This bill would additionally require the city engineer or county surveyor to provide that date on which he or she signed the final or parcel map, and to include his or her seal. This bill also discusses the Historical Property contract, but makes no changes to our existing document</p>
<b>Effect:</b>	None
<b>Actions Required:</b>	None
<b>Presenter:</b>	David Valenzuela
<b>Notes:</b>	Revises Page 104 in the DRIM

Title **HISTORIC PROPERTY CONTRACT**

Purpose  
To evidence a lien against real property for recovery of various local agency abatement costs

Requirements

1. Name(s) of owner(s)
2. Name of contracting agency
3. Description / identification of real property
4. Signature of parties
4. Signatures acknowledged

Fees Regular

Legal References  
Govt - 50282, 27287 (ack), 27288.1 (names)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Owner, Public Agency	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2012

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**HISTORIC PROPERTY CONTRACT**

This contract is entered into by the County of \_\_\_\_\_ and \_\_\_\_\_ Owner of the property herein described.

WHEREAS, the building located on the property described as:

has significant value as part of the cultural characteristics of the County, exemplifies the cultural, social and historic heritage of the community, portrays the environment in the era of history characterized by a distinctive architectural style, and represents an established and unique visual feature of the County, and

WHEREAS, the County and the Owner have agrres on the terms of this contract, the rehabilitation of the property, the right of the County to inspect the property and the historic use to which the property will be put;

NOW THEREFORE the conditions which are attached and incorporated into this agreement, are binding on both parties and shall continue until the termination of this agreement by the parties.

Dated: \_\_\_\_\_

Owner

Authorized County Official

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>SB 692</b>
<b>Chapter Number:</b>	219
<b>Author:</b>	Hancock
<b>Topic:</b>	Local government: community facilities districts.
<b>Impact:</b>	<b>Creates two new recordable documents</b>
<b>Summary:</b>	The bill would authorize a local agency to execute and record in the office of the county recorder of the county in which a community facilities district is located, a notice of the owner's agreement to disclose certain information and a notice of termination of that obligation, as specified. The bill would subject a subsequent transferee of the property to the disclosure obligation.
<b>Effect:</b>	An act to amend Sections 6588, 53313, 53316.2, 53317, 53328.1, 53340, 53350, and 53363.9 of, and to add Section 53357.1 to, the Government Code, relating to local government.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Val Wood
<b>Notes:</b>	Creates two new documents (Pages 307 and 308) to the DRIM

**Title**  
**NOTICE OF OWNER'S DISCLOSURE AGREEMENT**

**Purpose**  
 A notice of the owner's disclosure agreement for the purpose of providing notice to a subsequent transferee.

**Requirements**

1. Name of Local Agency
2. Name of owner(s)
3. Description/identification of real property
4. Signature of local agency official
5. Signature acknowledged
6. Owner's written consent attached to notice

**Fees**  
**Regular**

**Legal References**  
 Govt - 53357.1(a), 27287 (ack)

**Comments**  
 A subsequent transferee of the property shall be subject to the disclosure obligation.

Local Use	
Index	Ordinances/Opinions
Grantor = Owner(s)	
Grantee = Local Agency	

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

*Added 2013*  
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**NOTICE OF OWNER'S DISCLOSURE AGREEMENT**

**DOCUMENT UNDER DEVELOPMENT**

**SAMPLE**

Title **TERMINATION OF OWNER'S DISCLOSURE AGREEMENT**

Purpose  
Upon termination of the disclosure obligation, the local agency may cause a notice of termination to be recorded in the office of the county recorder in which the original notice was recorded.

Requirements

1. Name of releasing agency
2. Name of owner(s)
3. Recording reference to Notice of Owner's Disclosure Agreement
4. Signature of releasing agency
5. Signature acknowledged

Fees **Regular**

Legal References  
Govt - 53357.1(b), 27287 (ack), 27361.6 (rec.ref.)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Releasing Agency	
Grantee = Owner(s)	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME

ADDRESS

CITY, STATE/ZIP

*Added 2013*

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**TERMINATION OF OWNER'S DISCLOSURE AGREEMENT**

DOCUMENT UNDER DEVELOPMENT

**SAMPLE**

## **2013 Chaptered Bill Analysis**

<b>Bill Number:</b>	<b>SB 753</b>
<b>Chapter Number:</b>	639
<b>Author:</b>	Steinberg
<b>Topic:</b>	Central Valley Flood Protection Board
<b>Impact:</b>	<b>Authorizes recording "cease &amp; desist" order</b>
<b>Summary:</b>	Existing law authorizes the flood board to issue an order directing a person or public agency to cease and desist from undertaking, or threatening to undertake, an activity that may encroach on levees, channels, or other flood control works under the jurisdiction of the board. If a person or public agency subject to a cease and desist order fails to comply with the order and does not request a hearing, an order "shall be recorded" with the county recorder's office by the board against the person or public agency's property associated with the order.
<b>Effect:</b>	An act to amend Section 8732 of, to add Section 8579 to, and to repeal and add Article 6 (commencing with Section 8700) of Chapter 3 of Part 4 of Division 5 of, the Water Code, relating to flood protection.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Jean Pasco
<b>Notes:</b>	Adds Enforcement Order (Page 305) and Certificate of Abatement (Page 306) as new pages to the DRIM

Title **CERTIFICATE OF ABATEMENT**

Purpose  
To evidence the enforcement action has been fully resolved.

Requirements

1. Name of releasing agency
2. Name of party(s) responsible for violation
3. Recording reference to Enforcement Order
4. Signature of board member or executive officer
5. Signature acknowledged

Fees  
Regular - unless exempt under Govt. 6103

Legal References  
Water Code 8701.4, Govt - 27287 (ack)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Releasing agency Grantee = Responsible party(ies)	

RECORDING REQUESTED BY  
  
AND WHEN RECORDED MAIL TO  
NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2013

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**CERTIFICATE OF ABATEMENT**

*Document sample under development*

Title **ENFORCEMENT ORDER**

Purpose  
To evidence an order against real property for failure to correct a violation as required in a cease and desist order.

Requirements

1. Name of Water Board
2. Name of party(s) responsible for violation
3. Description/identification of property
4. Signature of board member or executive officer
5. Signature acknowledged

Fees  
Regular - unless exempt under Govt 6103

Legal References  
Water Code 8701.4, Govt - 27287 (ack)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Responsible party(ies) Grantee= Water Board	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev 2013

space above this line for Recorder's use only

**ENFORCEMENT ORDER**

*Document sample under development*

## **2013 Pending Bill Analysis**

<b>Bill Number:</b>	<b>SB 391</b>
<b>Chapter Number:</b>	
<b>Author:</b>	DeSaulnier and other co-authors
<b>Topic:</b>	California Homes and Job Act of 2013
<b>Impact:</b>	This would have a devastating impact on Recorders!
<b>Summary:</b>	This bill would enact the California Homes and Jobs Act of 2013. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. <b>See Gov code 27388.1 and 27388(2) for more information.</b> The bill would require that revenues from this fee be sent quarterly to the Department of Housing and Community Development for deposit in the California Homes and Jobs Trust Fund, which the bill would create within the State Treasury. The bill would impose certain auditing and reporting requirements
<b>Effect:</b>	An act to add Section 27388.1 to the Government Code, and to add Chapter 2.5 (commencing with Section 50470) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.
<b>Actions Required:</b>	Oppose
<b>Presenter:</b>	David Valenzuela
<b>Notes:</b>	THIS IS OUR PRIORITY OPPOSITION BILL!

## *2013 New Law Conference*



*Miscellaneous corrections to the Electronic Version  
of the Document Recording and Indexing Manual  
(DRIM)*

**NOTE: All changes to the DRIM include an attached sample.**

Year	Document Name	Reason for Update	Page #
2013	Acknowledgment Section	Add GC 27201.5 to A-3 Section B, add 3a American possessions	A-3
2013	Acknowledgment Section	Updated Hague Convention Countries	A-4
2013	Document Index	Correct the word Assessment with Assignment	D-4
2013	Document Index	Certificate of Federal Tax lien out of alpha order	D -8
2013	Garbage Charges – Certificate of Delinquent	Add "Deleted" to end of document title	D-17
2013	Judgment – Award of Arbitrator	Add "Deleted" to end of document title	D-20
2013	Lien – Delinquent Utility Charges	Add "Deleted" to end of document title	D-21
2013	National Banks – Certificate of Merger	Add "Deleted" to end of document title	D-26
2013	Document Index	Notice of default linked to incorrect page	D-27
2013	Notice of Lien for Delinquent Utility Charges	Add "Deleted" to end of document title	D-28
2013	Notice of Lien for Sewer Service Charges	Add "Deleted" to end of document title	D-28
2013	Notice of Public Service Lien	Add "Deleted" to end of document title	D-29
2013	Notice of Substandard Building	Add "Deleted" to end of document title	D-29
2013	Notice of Zoning Violation	Add "Deleted" to end of document title	D-30
2013	Order for Deferred Sale of Home	Add "Deleted" to end of document title	D-31
2013	Order of Dismissal	Add "Deleted" to end of document title	D-31
2013	Document Index	Add Payment of Transfer Required (Notice)	D-33
2013	Public Service Lien	Add "Deleted" to end of document title	D-34
2013	Document Index	D-37 and D-38 are out of sequential order. D-3 spelling error rescission	D-37/38
2013	Sewer Charges – Certificate of Delinquent	Add "Deleted" to end of document title	D-40
2013	Sewer Service Charges Lien	Add "Deleted" to end of document title	D-40

2013	Substandard Building – Notice Of	Add "Deleted" to end of document title	D-41
2013	Surety Bond-Release	Added legal reference CC 3143 repealed in 2010, SB 189	15
2013	Notice of Rescission	Corrected spelling of document title and legal ref to CC 2924 c(a)(2)	16
2013	Notice of State Tax Lien	Changed the word "and" to "or" for recording requirement #4, pursuant to GC 7171	25
2013	Deed	Added the Grantee indexing info	34
2013	Mechanic's Lien	Incorrect legal references/comments	45
2013	Certificate of Merger	Add "Deleted" to sample	46
2013	Bond	Updated recording requirements to clarify signature requirements	48
2013	Notice of Default	Missing new required foreign language information in the comment section	54
2013	Notice of Trustee's Sale	Missing new required foreign language information in the comment section	57
2013	Rec of Notice- Tax Prop	Incorrect sample document	74
2013	Maps - Subdivision	Missing sample documents	110
2013	Maps - Assessment	Missing sample documents	112
2013	Maps - State Highway Map	Missing sample documents	114
2013	Maps - Official	Missing sample documents	115
2013	Maps - Cemetery	Missing sample documents	116
2013	Maps - Judicial District	Missing sample documents	117
2013	Delinquent Tax Notice	Updated the purpose of document and added legal ref R&T 3364 and updated sample document	128
2013	Cert of Dedication	Who signs the acceptance of the dedication- Owners need to sign and acknowledge the Dedication	163
2013	Certificate of Dedication	Added the recording requirement of the name of the public agency and that a Cert. of Acceptance may be required in the comment section	163
2013	Notice of Abatement	Spelling error	206
2013	Notice of Lien/ Nuisance	Missing legal reference GC-38773.5(e)	210
2013	Notice of Non/Compliance	Incorrect links for these pages	214/215
2013	Request for Notice of Trustee's Deed	Updated the recording requirements to remove the requirement of the owners name and updated the legal references	293

**COUNTY RECORDERS ASSOCIATION  
OF CALIFORNIA (CRAC)**

2013/2014 LEGISLATIVE SESSION  
LEGISLATIVE PROPOSAL

---

**Submitted by:** Kammi Foote

**County:** Inyo

**Address:** PO Drawer F  
Independence, CA 93526

**Phone:** 760-878-0224

**email:** kfoote@inyocounty.us

---

**Amend Code section(s):** Government Code 27388

---

**What does this proposal do?** Clarifies the legislative intent of the phrase “in connection with” pursuant to Government Code 27388 when determining if a Real Estate Fraud fee is due

---

**What problem(s) will this proposal resolve?** The indistinct phrase “in connection with” does not clearly define which documents are meant, resulting in inconsistent application throughout California’s 58 counties. Clearly defining which documents are exempt from payment of Real Estate Fraud fees per Government Code 27388, will promote uniformity in the application of this code section throughout the state.

---

**How will this proposal affect the agency and the public?** By removing ambiguous language in statute, this proposal will result in ease of operation and promote uniformity in determining fee exemptions per Government Code 27388. This will benefit the public and industries that regularly submit documents for recording, by clarifying which documents are subject to the exemption.

Currently, with a lack of a clear definition of which documents are exempt from payment of Real Estate Fraud fees per Government Code 27388, some citizens may pay the fee when they are not legally required to do so and other citizens

may claim exemption when they are not legally entitled to such exemption. By clarifying the language, it will ensure that all fees are collected uniformly.

In order to record documents, all fees must be paid at the time of recording. A substantial amount of documents are submitted for recording through the mail or third party agents. Because all fees must be paid at the time of recording, the ability of the public to calculate recording fees ahead of time is essential.

---

Are there any other related Code sections that will be affected?

Yes. Provide them:

**No**

---

**Will this proposal save/increase costs? Explain and give estimates:** This proposal may result in increased collection of fees by clarifying which documents are exempt from collection of fees.

Currently, County Recorders must rely on agencies and members of the public to indicate whether or not they qualify for the exemption of Real Estate Fraud fees pursuant to Government Code 27388. This may result in some citizens paying the fee when they are not legally required to do so and other citizens claiming the exemption when they are not legally entitled to such exemption. By clarifying the language in relation to time, it may result in a modest increase in collection of the fee, as some citizens that currently claim the exemption may not be eligible for such exemption if changes to this code section are enacted.

This proposal will also reduce exposure to lawsuits that would seek to clarify the legislative intent of the phrase “in connection with” as it pertains to this code section.

---

**What other agencies be affected by this proposal?** The District Attorneys Association, and all agencies or members of the public who record documents subject to the collection of fees pursuant to Government Code 27388

---

**Who will support this proposal? Why?** The District Attorneys who rely on the collection of fees in this code section should support this proposal because it promotes uniformity and clarity.

---

## Who will oppose this proposal? Why? Unknown

---

**Draft Language:** (attached additional pages if necessary)

(a) In addition to any other recording fees specified in this code, upon the adoption of a resolution by the county board of supervisors, a fee of up to ten dollars (\$10) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded within that county, except those expressly exempted from payment of recording fees. For purposes of this section, "real estate instrument" means a deed of trust, an assignment of deed of trust, an amended deed of trust, an abstract of judgment, an affidavit, an assignment of rents, an assignment of a lease, a construction trust deed, covenants, conditions, and restrictions (CC&Rs), a declaration of homestead, an easement, a lease, a lien, a lot line adjustment, a mechanics lien, a modification for deed of trust, a notice of completion, a quitclaim deed, a subordination agreement, a release, a reconveyance, a request for notice, a notice of default, a substitution of trustee, a notice of trustee sale, a trustee's deed upon sale, or a notice of rescission of declaration of default, or any Uniform Commercial Code amendment, assignment, continuation, statement, or termination. ~~"Real estate instrument" does not include any deed, instrument, or writing recorded in connection with transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code.~~ Any fees imposed pursuant to section (a) shall not apply to any real estate instrument, paper or notice related to and recorded concurrently with a transfer subject to payment of documentary transfer tax pursuant to Section 11911 of the Revenue and Taxation Code. The fees, after deduction of any actual and necessary administrative costs incurred by the county recorder in carrying out this section, shall be paid quarterly to the county auditor or director of finance, to be placed in the Real Estate Fraud Prosecution Trust Fund. The amount deducted for administrative costs shall not exceed 10 percent of the fees paid pursuant to this section.

**COUNTY RECORDERS ASSOCIATION  
OF CALIFORNIA (CRAC)**

2013/2014 LEGISLATIVE SESSION  
LEGISLATIVE PROPOSAL

---

Submitted by: Val Wood County: San Diego

Address: 1600 Pacific Hwy S, Suite 260 Phone: 619-557-4035  
San Diego, CA 92110

email: val.wood@sdcounty.ca.gov

---

Amend Code section(s): Government Code 27337

---

What does this proposal do? Amends Government Code 27337

---

What problem(s) will this proposal resolve? This statute requires the veteran to sign a statement acknowledging that by recording the military discharge document, such as a DD214, all information will become public record. The law did not anticipate situations where the veteran is deceased and a family member needs to record the document. This proposal would amend the current law to allow someone currently authorized by Government Code 6107(b) to receive a certified copy, to record the DD214. It would also allow that person to sign the required notification form.

---

How will this proposal affect the agency and the public? It would allow other authorized people to record and sign the form.

---

Are there any other related Code sections that will be affected?

Yes. Provide them:

No

---

Will this proposal save/increase costs? Explain and give estimates: No change. .

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What other agencies be affected by this proposal? Veteran's Affairs

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Who will support this proposal? Why? Veteran's Affairs possibly, since it allow other authorized people to record the DD214 and sign the notification form.

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Who will oppose this proposal? Why? Not aware of anyone/groups.

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Draft Language: (attached additional pages if necessary)

**27337.** If any military veteran requests the recordation in any county in this state of any military discharge document, including a veteran's service form DD214, the county recorder shall require the veteran to sign a form stating the following: "I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information referenced within it becomes part of the official record of this county, and that this information is open to inspection by any person."

Print Name	Signature	Date

**27337.**

(a) If any military veteran **or person authorized by Government Code 6107(b) to receive a certified copy** requests the recordation in any county in this state of any military discharge document, including a veteran's service form DD214, the county recorder shall require the ***person requesting recording*** to sign a form stating the following:

"I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information referenced within it becomes part of the official record of this county, and that this information is open to inspection by any person."

Print Name	Signature	Date

(b) No copy of a recorded military discharge document may be issued except as provided by Section 6107.

**COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA  
GENERAL LEGISLATIVE GUIDELINES**

TOPIC	LEGISLATIVE INTENT	POSITION
<b>Recording Fees</b>	Recording fees for recorder operations	SUPPORT
	Recording fees that directly tie to recorder customer benefit	SUPPORT
	Recording fees for non-recorder related activities	OPPOSE
	Recording fees for non-recorder related activities with vote of public	NEUTRAL
<b>Recorded Documents</b>	Establishment of a new document provided appropriate fees and recording requirements are included	NEUTRAL
	Establishment of new recording requirements provided adequate funding is included and service is not disruptive to function of recorder	SUPPORT
<b>Recording Process</b>	Electronic recording including county option	SUPPORT
	Adequate fees are provided and service is not disruptive to function of recorder	NEUTRAL
<b>Vital Statistic Fees</b>	Copy fees for recorder operations	SUPPORT
	Copy fees that directly tie to recorder customer benefit	SUPPORT
	Copy fees for non-recorder related activities	OPPOSE
	Copy fees for non-recorder related activities with vote of public	NEUTRAL
<b>Vital Statistic Process</b>	Establishment of new forms provided no additional cost is charged and is not disruptive to recorder function	NEUTRAL
	Establishment of new requirements provided policy is not disruptive to recorder function and costs are recovered	NEUTRAL
<b>Public Records</b>	Establish limitations affecting the public's access to official records	OPPOSE
	Establish limitations affecting the public's access to vital statistic records	NEUTRAL
	Establish limitations affecting the public's access to filed documents	OPPOSE
<p>These general legislative guidelines will be used by the legislative committee in reviewing pending legislation for establishing an association position. Each bill will be looked at individually when using these general guidelines.</p>		



# Government Affairs Consulting

To: County Recorders' Association of California (CRAC)

From: Rob Grossglauer  
Gregg Cook  
Government Affairs Consulting

Date: September 24, 2013

Subject: CRAC Legislative Report: Year End Review

The 2013-14 legislative session began like no other legislative session in recent history: it began with a single party holding a super majority (2/3 of the members) in both houses of California's bicameral legislature. The 2/3rds vote threshold is key for passing tax measures, as well as, urgency legislation. How the supermajority power would be used was the most discussed and anticipated issue at the start of the session. Legislative leaders publicly stated that restraint was going to be utilized; but County Recorders watched with trepidation. Fees on recorded documents are passed with a 2/3<sup>rd</sup> vote, and now could pass such measures without needing a single Republican vote.

Ultimately, what started out as a 2/3rds supermajority turned out to be a game of legislative musical chairs. Early in the session Democrats lost the supermajority in the Assembly and then lost and recaptured the supermajority in the Senate. Sitting members of the State Senate moved on to Congress and left open State Senate seats for sitting members of the State Assembly. Also, one State Senator left elected office altogether to pursue life in the private sector. The lure of the Los Angeles City Council called to two members of the Democratic Party one from both the Assembly and the Senate. By the end of the 2013 legislative session, the Assembly did not have the supermajority. At the start of 2014, year two of the session, it is anticipated that the Democrats will have regained a supermajority in both houses once again.

Legislation fortunate to make it to the Governor's desk will patiently wait for Governor Brown to act. October 13<sup>th</sup> is the last day for Governor Brown to sign or veto bills passed by the Legislature. If the Governor takes no action on a piece of legislation by the end of the 30 days, the state constitution provides that the legislation automatically becomes law.





The CRAC legislative committee and committee chair provide direction and work to identify pertinent legislation identified by Government Affairs Consulting (GAC) and the committee membership. Many pieces of legislation is discussed and debated by the legislative committee and the direction and extent of advocacy efforts is determined. The legislative chair and the committee provide expertise on the Recorder's office and GAC provides expertise on politics and the legislative process.

Let's take a look at the numbers for the first year of the 2013-14 legislative session:

- 2540:** Total number of bills introduced in 2013
- 1585:** Number of bills introduced in the Assembly
- 955:** Number of bills introduced in the Senate
- 1155:** Total number that became two- year bills
- 622:** Number of bills exempt from traditional legislative deadlines (e.g. urgency)
- 763:** Number of bills that passed the legislature
- 86:** Number of bills analyzed and considered by the CRAC Legislative Committee

Legislation considered by the CRAC Legislative Committee in 2013 include:

Assembly Bills: 5, 17, 116, 122, 139, 188, 198, 203, 242, 253, 376, 379, 382, 383, 464, 481, 499, 502, 527, 532, 536, 551, 561, 574, 625, 629, 683, 774, 775, 846, 849, 905, 952, 969, 976, 1011, 1024, 1036, 1063, 1091, 1109, 1121, 1149, 1164, 1240, 1244, 1248, 1256, 1288, 1291, 1292, 1336, 1359, 1386

Senate Bills: 37, 38, 46, 184, 251, 280, 310, 343, 378, 383, 391, 479, 499, 501, 510, 545, 538, 570, 608, 644, 652, 658, 676, 692, 697, 734, 745, 752, 753, 762, 803, 810

Specific Legislative Actions During 2013:

Many significant pieces of legislation have passed or failed at various points in the legislative process, either in policy or appropriations committee, on the floor of the respective house, or the Governor's desk. The following are a few of the high priority bills for which GAC engaged on behalf of CRAC during the year one of the 2013-2014 legislative session.

#### **Assembly Bill 464 (Daly): Vital Records**

AB 464 was CRAC's sponsored legislation for 2013. It contained three important and distinct elements:

- 1) Clarifies that there are single form certificates prescribed by statute for acknowledgements. Removes conflicting statutes. Civil Code 1188 & 1189
- 2) Allows for digitized (e.g., scanned) requests of vital records. Current law only allows for in-person, mail, and fax requests. Health and Safety Code 103526(a)
- 3) Includes "informational Certified Copy" of a death certificate as an acceptable copy for purposes of recording an affidavit of death. (Probate Code 210)



The legislation took a very, very rare path through the legislative process: it was NEVER amended. At one point there was potentially amendment requested by the Department of Public Health but those amendments did not fully develop and the legislation continued to quickly move through the process, being signed into law by the Governor this past summer.

**Assembly Bill 502 (Wagner): Commercial law: Secured Transactions**

This very long, technical piece of legislation created a new term relating to the Uniform Commercial Code that gave CRAC reason for concern: "Organic Document" was a newly defined term that they were adding to the state statute. After extensive conversations with the author's office and a conversation with the State's Chief Legislative Counsel herself, CRAC removed its opposition with the understanding that the definition was narrowly tailored and would not relate to any documents coming to the counter at the Recorder's office.

**Assembly Bill 561 (Ting): Documentary Transfer Tax**

The author publicly stated that the purpose behind AB 561 was "tax fairness" and that an update to the definition of "realty sold" was necessary to provide such equalization. CRAC agreed with the premise but had issue with the specific language in AB 561, as such, CRAC adopted a "support if amended" position on the bill. The author's office adopted CRAC's amendments and moved to a support position. GAC strongly advocated passage the bill out of the Assembly Local Government Committee and we were successful. The bill's next stop was the Assembly Revenue and Taxation Committee. Prior to the committee hearing the author decided to pull the bill from the agenda in an effort to continue discussions with the opposition as the bill is opposed by the California Taxpayers Association and various other business groups. AB 561 became a two-year bill when that decision was made.

**Assembly Bill 1063 (Eggman): Surveyors & Engineers – Additional information**

CRAC took an oppose position on AB 1063. The language in the legislation provided for the recording of such abstract information as photographs, field notes, diaries, e-mails. The County Recorder is not your local storage cabinet. The author's office and sponsor needed to be educated on the function and purpose of the recorder's office. After extensive conversations and negotiations, we agreed to continue to work with the author and sponsor on language that would respect the function of recorders but help accomplish what the author and sponsor believed was longstanding important information that should be carried with the property documents recorded in our offices. CRAC opposed the bill in policy committee but committed to working with the parties as it moved along in the process. The bill died in the fiscal committee (i.e., Appropriations) but the sponsor has informed CRAC that they plan on trying to resurrect the legislation in 2014. The Board for Professional Engineers, Land Surveyors, and Geologists along with the California Land Title Association opposed the measure alongside CRAC.

**Assembly Bill 1386 (Assembly Labor Committee): Labor Commissioner decisions**



The legislation is intended to create a process for the State Labor Commissioner's office to issue a decision or order for unpaid wages. The traditional process currently requires a court to interact although the Labor Commissioner has the authority to issue the judgment. AB 1386 is intended to simplify the process and allow for the Labor Commissioner to record a final decision without requiring the ministerial action by the Superior Court. CRAC had many concerns regarding the specific language to implement such a streamlined process. CRAC worked tirelessly with the author's office, the Governor's office and the State Bar to craft language that provided appropriate parameters on the process and allowed for the payment of fees by those wishing to remove the lien. AB 1386, like many pieces of legislation, was the gift that kept giving, as the number of amendment iterations and drafts considered were easily more than a dozen. The final product was one that CRAC approved and provides the simplified process the Labor Commissioner's office was seeking.

#### **Senate Bill 37 (DeLeon): Energy Efficiency & On-bill Repayment Program**

SB 37 would enact the California Clean Energy Consumer Access Act of 2013 and would authorize the establishment of an on-bill repayment (OBR) program providing financial assistance for energy efficiency by allowing for repayment via one's electricity bill. The language in SB 37 required the recording of the OBR and the recording upon termination. CRAC objected to the language in the legislation but came to agreement with the author on acceptable language that could be implemented by recorders. The bill was amended to address CRAC's concerns but the bill failed passage in the Senate Energy Committee.

#### **Senate Bill 391 (DeSaulnier): California Homes and Jobs Act of 2013**

SB 391 is a bill that would enact a \$75 recording fee to support affordable housing. Need we say more? Just in case, we provide a short update even though a college term paper is necessary to update everyone on the dealings of SB 391.

SB 391, last year it was SB 1220, successfully passed the house of origin, the State Senate, and is currently parked in the Assembly Appropriations Committee. The 2/3rds votes required for passage on the Assembly Floor did not appear to be there the last few months of 2013, things may be different in 2014 (see beginning). SB 391 continues to be CRAC's top priority bill and will likely remain so in 2014. Together with a strong coalition of partners, CRAC continues to be at the front, leading the parade on opposing SB 391. The extreme impact to our customers and the potentially detrimental impact to our offices continue to be our rallying cry. CRAC has been the cornerstone to the opposition efforts. Whether it has been the creation of the SB 391 fee impact "matrix" or the press editorial efforts, CRAC's esteemed legislative chairs have done an extremely impressive job working against this misguided and regressive legislation.

#### **Senate Bill 570 (DeSaulnier): Public Records: Copy Charges**

The legislation would prohibit a public agency from charging for copies of records available in PDF. CRAC requested an amendment that would exclude "where the fee to be charged for the copying of a paper or record is provided for by statute."



The author's office ultimately did not decide on the amendment but decided to drop the idea altogether and the bill was gutted and is now a two-year bill pertaining to drug counselors.

**Senate Bill 608 (Wright): Adverse Possession, Public Real Property Transfers**

According to the author's office, SB 608 would "codify existing case law regarding the prohibition of adverse possession of public property and harmonize statutes relating to all transfers of public real estate to private parties." Simple, or at least at first it seemed. SB 608 required extensive analysis and fostered debate regarding the appropriateness of void and voidable deeds. In the end, the sponsor, the Pacific Merchant Shipping Association, agreed to accept amendments to address CRAC's technical concerns but had to drop the bill. SB 608 is a two-year bill that may or may not move in 2014.

**Senate Bill 652 (DeSaulnier): Residential Construction Defects: Disclosures**

As introduced, SB 652 would establish requirements and recordings associated with residential construction defect litigation. The notification requirements and recordings section had various problems ranging from the initial recording of the notice to the release of the lien. GAC worked with the author's office on language that would properly engage the recorder's office without creating unnecessary confusion or implementation issues. The author agreed to the amendments but ultimately decided to eliminate that section of the bill. Subsequent amendments to the bill caused it to focus on the already existing disclosure requirements in the Civil Code. The bill is currently sitting on the Governor's desk.

**Senate Bill 692 (Hancock): Community Facilities Districts**

Legislation is in regards to ability of a joint powers authority. CRAC took an oppose position based on unnecessary and potentially confusing language in the legislation that stated, "the county recorder's office shall accept the notice." In addition, the language did not expressly provide for charging recording fees. CRAC worked with the author's office, the Assembly Local Government Committee staff, and the committee's personal staff to amend the bill to resolve CRAC's concerns. The bill was amended to CRAC's satisfaction and was been signed into law.

**Senate Bill 762 (Hill): Secondhand Goods**

Anyone interested in recording notice of forfeiture for personal property? The property at issue is personal property that has ended up at a pawnshop. CRAC quickly took an oppose position on the requirements of SB 762 that referenced any county recorder activity associated with personal property and notice of forfeitures. The author's office understood our position and quickly amended the bill to alleviate CRAC's concerns. The amended bill passed the legislature and was signed into the law.

## OVERVIEW OF LEGISLATIVE PROCESS

The process of government by which bills are considered and laws enacted by the California State Legislature is commonly referred to as the legislative process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature maintains a legislative calendar governing the introduction and processing of the legislative measures during its two-year regular session.

### **Idea**

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

### **The Author**

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The draft of the bill is returned to the legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

### **First Reading/Introduction**

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the Office of State Publishing. No bill except the Budget Bill may be acted upon until 30 days have passed from the date of its introduction.

### **Committee Hearings**

After introduction, a bill goes to the rules committee of the house, where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations and Assembly Appropriations. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee, or that it be passed as amended. Bills may be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically the analysis also lists organizations that support or oppose the bill.

## **Second and Third Reading**

Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members, and voted on by a roll call vote. Bills that require an appropriation, or that take effect immediately, ordinarily require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.

## **Repeat Process in Other House**

Once the bill has been approved by the house of origin it proceeds to the other house where the procedure described above is repeated.

## **Resolution of Differences**

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

## **Governor**

If both houses approve a bill, it goes to the Governor. The Governor has three choices: sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

## **California Law**

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the California Constitution come about as a result of constitutional amendments approved by the voters at a statewide election.