

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 481

Introduced by Senator Wright

February 17, 2011

~~An act to amend Section 392.1 of the Public Utilities Code, relating to electricity.~~ *An act to amend Section 4320 of the Family Code, relating to spousal support.*

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as amended, Wright. ~~Electrical restructuring: information practices.~~ *Spousal support.*

Existing law authorizes a court to issue an order for spousal support, and sets forth various circumstances the court is required to consider in issuing the order including, among other things, the ability of the supporting party to pay spousal support, and the obligations and assets of each party.

This bill would require the court also to consider the extent to which income for support was already capitalized and paid to the other spouse in the division of community property, in order to avoid double counting the income when the result would be inequitable.

~~Existing law requires the Public Utilities Commission to compile and regularly update specific consumer information regarding electrical service.~~

~~This bill would, instead, specifically require the commission to compile and update that information every six months.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

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

1 SECTION 1. Section 4320 of the Family Code is amended to
2 read:

3 4320. In ordering spousal support under this part, the court
4 shall consider all of the following circumstances:

5 (a) The extent to which the earning capacity of each party is
6 sufficient to maintain the standard of living established during the
7 marriage, taking into account all of the following:

8 (1) The marketable skills of the supported party; the job market
9 for those skills; the time and expenses required for the supported
10 party to acquire the appropriate education or training to develop
11 those skills; and the possible need for retraining or education to
12 acquire other, more marketable skills or employment.

13 (2) The extent to which the supported party's present or future
14 earning capacity is impaired by periods of unemployment that
15 were incurred during the marriage to permit the supported party
16 to devote time to domestic duties.

17 (b) The extent to which the supported party contributed to the
18 attainment of an education, training, a career position, or a license
19 by the supporting party.

20 (c) The ability of the supporting party to pay spousal support,
21 taking into account the supporting party's earning capacity, earned
22 and unearned income, assets, and standard of living.

23 (d) The needs of each party based on the standard of living
24 established during the marriage.

25 (e) The obligations and assets, including the separate property,
26 of each party.

27 (f) The duration of the marriage.

28 (g) The ability of the supported party to engage in gainful
29 employment without unduly interfering with the interests of
30 dependent children in the custody of the party.

31 (h) The age and health of the parties.

32 (i) Documented evidence of any history of domestic violence,
33 as defined in Section 6211, between the parties, including, but not
34 limited to, consideration of emotional distress resulting from
35 domestic violence perpetrated against the supported party by the
36 supporting party, and consideration of any history of violence
37 against the supporting party by the supported party.

38 (j) The immediate and specific tax consequences to each party.

1 (k) The balance of the hardships to each party.

2 (l) The goal that the supported party shall be self-supporting
3 within a reasonable period of time. Except in the case of a marriage
4 of long duration as described in Section 4336, a “reasonable period
5 of time” for purposes of this section generally shall be one-half
6 the length of the marriage. However, nothing in this section is
7 intended to limit the court’s discretion to order support for a greater
8 or lesser length of time, based on any of the other factors listed in
9 this section, Section 4336, and the circumstances of the parties.

10 (m) The criminal conviction of an abusive spouse shall be
11 considered in making a reduction or elimination of a spousal
12 support award in accordance with Section 4325.

13 (n) *The extent to which income for support was already*
14 *capitalized and paid to the other spouse in the division of*
15 *community property, to avoid double counting the income when*
16 *the result would be inequitable, based on all of the circumstances*
17 *presented.*

18 ~~(n)~~

19 (o) Any other factors the court determines are just and equitable.

20 SECTION 1. ~~Section 392.1 of the Public Utilities Code is~~
21 ~~amended to read:~~

22 ~~392.1. (a) The commission shall compile and update every six~~
23 ~~months all of the following information: names and contact~~
24 ~~numbers of registered providers, information to assist consumers~~
25 ~~in making service choices, and the number of customer complaints~~
26 ~~against specific providers in relation to the number of customers~~
27 ~~served by those providers and the disposition of those complaints.~~
28 ~~To facilitate this function, registered entities shall file with the~~
29 ~~commission information describing the terms and conditions of~~
30 ~~any standard service plan made available to residential and small~~
31 ~~commercial customers. The commission shall adopt a standard~~
32 ~~format for this filing. The commission shall maintain and make~~
33 ~~generally available a list of entities offering electrical services~~
34 ~~operating in California. This list shall include all registered~~
35 ~~providers and those providers not required to be registered that~~
36 ~~request the commission to be included in the list. The commission,~~
37 ~~upon request, shall make this information available at no charge.~~
38 ~~Notwithstanding any other provision of law, public agencies that~~
39 ~~are registered entities shall be required to disclose their terms and~~
40 ~~conditions of service contracts only to the same extent that other~~

1 registered entities would be required to disclose the same or similar
2 service contracts:

3 ~~(b) The commission shall issue public alerts about companies~~
4 ~~attempting to provide electric service in the state in an unauthorized~~
5 ~~or fraudulent manner as defined in subdivision (b) of Section~~
6 ~~394.25.~~

7 ~~(e) The commission shall direct the Office of Ratepayer~~
8 ~~Advocates to collect and analyze information provided pursuant~~
9 ~~to subdivision (a) for purposes of preparing easily understandable~~
10 ~~informational guides or other tools to help residential and small~~
11 ~~commercial customers understand how to evaluate competing~~
12 ~~electric service options. In implementing these provisions, the~~
13 ~~commission shall direct the Office of Ratepayer Advocates to pay~~
14 ~~special attention to ensuring that customers, especially those with~~
15 ~~limited-English-speaking ability or other disadvantages when~~
16 ~~dealing with marketers, receive correct, reliable, and easily~~
17 ~~understood information to help them make informed choices. The~~
18 ~~Office of Ratepayer Advocates shall not make specific~~
19 ~~recommendations or rank the relative attractiveness of specific~~
20 ~~service offerings of registered providers of electric services.~~