

**CalGeo Bill Status Report as of 4/17/2010
Prepared by Judith Wolen and Associates**

[AB 759](#)

(Ma D) Public contracts with expatriate corporations: corporation tax law water's-edge election.

Current Text: Amended: 9/2/2009 [pdf](#) [html](#)

Introduced: 2/26/2009

Last Amend: 9/2/2009

Status: 9/10/2009-To inactive file on motion of Senator Wolk.

Location: 9/10/2009-S. INACTIVE FILE

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

Summary: Existing law regarding contracting between state agencies and private contractors sets forth requirements for the procurement of materials, supplies, equipment, and services by state agencies. Existing law sets out the various responsibilities of the Department of General Services, and other state agencies, in overseeing and implementing state contracting procedures and policies. This bill would revise the definition of an expatriate corporation to also require that the entity be domiciled in a jurisdiction that does not have an income tax treaty in force with the United States. This bill contains other related provisions and other existing laws.

Position **Priority**
Watch 3

Notes 1: Bill is marked watch with a priority 3 until such time there is further direction from Association. This bill will be monitored, but not lobbied until direction is received.

Notes 2:

Notes 3:

Memo

[AB 1704](#)

(Jeffries R) Environment: CEQA: exemption.

Current Text: Amended: 4/8/2010 [pdf](#) [html](#)

Introduced: 2/1/2010

Last Amend: 4/8/2010

Status: 4/13/2010-Re-referred to Com. on NAT. RES. In committee: Hearing postponed by committee. (Refers to 4/12/2010 hearing)

Location: 4/12/2010-A. NAT. RES.

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

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts specified pipeline projects from the above requirements. This bill additionally would exempt a project of less than 8 miles in length for the installation of a new pipeline for the distribution of recycled water within a paved public street, highway, or right-of-way. Because a lead agency, which may include a local agency, is required to determine whether a project qualifies for that exemption, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position **Priority**
Watch 3

Notes 1: Bill is marked watch with a priority 3 until such time there is further direction from Association. This bill will be monitored, but not lobbied until direction is received.

Notes 2: CLARIFICATION REQUESTED FROM CLIENT: Please provide clarification on the tracking of all CEQA bills. A memo from leadership that included email traffic regarding bill review suggested that all CEQA bills not be included in reports. We are not sure if we should have taken direction from the email traffic or just the last email on the email received. PLEASE ADVISE ON THIS SPECIFIC ISSUE AND THE ASSOCIATIONS DESIRE TO TRACK THIS BILL AND ALL OTHER CEQA BILLS.

Notes 3:

Memo

[AB 1805](#)

(Calderon, Charles D) Environment: California Environmental Quality Act (CEQA).

Current Text: Introduced: 2/10/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Status: 3/22/2010-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 3/22/2010-A. NAT. RES.

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

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to

prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for the judicial review of a lead agency's decision to certify an EIR. The bill would enact the CEQA Litigation Protection Pilot Program of 2010 and would require the Business, Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2010 and 2014. The bill would exempt from judicial review, pursuant to CEQA, a lead agency's decision to certify the EIR of, or to adopt a mitigated negative declaration based on an initial study for, the selected projects, a lead agency's and responsible agency's approval of the selected project, and the Business, Transportation and Housing Agency's selection of the projects. The bill would require the Business, Transportation and Housing Agency, by December 31 of each year, to submit an annual report to the Governor and to the Legislature summarizing the designation of projects, and the job creation and investment attributable to the designated projects. This bill contains other related provisions.

Position
Watch
Priority
3

Notes 1: Bill is marked watch with a priority 3 until such time there is further direction from Association. This bill will be monitored, but not lobbied until direction is received.

Notes 2: CLARIFICATION REQUESTED FROM CLIENT: Please provide clarification on the tracking of all CEQA bills. A memo from leadership that included email traffic regarding bill review suggested that all CEQA bills not be included in reports. We are not sure if we should have taken direction from the email traffic or just the last email on the email received. PLEASE ADVISE ON THIS SPECIFIC ISSUE AND THE ASSOCIATIONS DESIRE TO TRACK THIS BILL AND ALL OTHER CEQA BILLS.

Notes 3:

Memo

[SB 694](#)

(Correa D) Public contracts: public works: competitive bidding: procedures.

Current Text: Amended: 1/12/2010 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 1/12/2010

Status: 1/25/2010-In Assembly. Read first time. Held at Desk.

Location: 1/25/2010-A. DESK

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

Summary: Existing law allows a public agency to elect to be subject to the Uniform Public Construction Cost Accounting Act, which authorizes bidding procedures for public projects, as specified. The act establishes the California Uniform Construction Cost Accounting Commission, which is charged with specified duties, including recommending for adoption by the Controller uniform construction cost accounting procedures for implementation by public agencies in the performance of, or in contracting for, construction on public projects. Under the act, each commission member serves without compensation, but is required to be reimbursed for travel and other expenses incurred, and the commission is authorized to accept grants from federal, state, or local public agencies, or private foundations or individuals, to assist it in carrying out its duties. This bill would extend the time for commission review to 45 days for a review of a public agency project that is to be performed after rejection of all bids, and to 90 days for a review of work for which evidence was provided that the work has exceeded the force account limits or has been improperly classified as maintenance. This bill contains other existing laws.

Position
Oppose
Priority
2

Notes 1:

Notes 2: This bill was transferred from an old status report. It was marked as a bill to oppose, but there has been no letter of opposition and/or other direction PROVIDED, thus it is marked as an oppose with a priority 2. If we are going to actively oppose this bill, a letter should be drafted and/or other direction should be provided. MEANWHILE, this bill is not being actively lobbied.

Notes 3:

Memo

[SB 972](#)

(Wolk D) Indemnity: design professionals.

Current Text: Amended: 4/5/2010 [pdf](#) [html](#)

Introduced: 2/8/2010

Last Amend: 4/5/2010

Status: 4/14/2010-Set for hearing April 27.

Location: 4/5/2010-S. JUD.

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Under existing law, specified rules are to be applied in the interpretation of a contract of indemnity, unless a contrary intention appears. Pursuant to these rules, the person indemnifying is

bound, on request of the person indemnified, to defend actions or proceedings brought against the latter in respect to the matters embraced by the indemnity, but the person indemnified has the right to conduct those defenses, if he or she chooses to do so. This bill would provide, for all contracts, and amendments to contracts, entered into on or after January 1, 2011, for design professional services, all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or amendments to contracts that purport to require an immediate defense under an indemnity agreement are unenforceable, except as provided. The bill would provide that a design professional is not required to defend or indemnify the indemnified party unless and until the indemnified party provides a written tender of the claim to the design professional, at which point the design professional may choose to either defend the claim with counsel of its choosing or pay a reasonable allocated share of the indemnified party's defense fees and costs. The bill would allow the indemnified party to recover damages from the design professional if it fails to timely and adequately perform these duties. The bill would provide that a design professional shall not be required to pay defense or indemnity costs in an amount in excess of the finally determined percentage of liability based upon the comparative fault of the design professional. This bill contains other existing laws.

Position **Priority**
Support 1

Notes 1: This bill is a support bill but we will need a letter next week addressed to the Chair of Judiciary Committee Senator Ellen Corbett and cc: to the Members of the Judiciary Committee, you can send to me for distribution via e-mail. The bill will be heard in Senate Judiciary Committee on the 27th.

Notes 2: This bill has been assigned to Judiciary Committee which does not currently have a hearing date set.

ACTION REQUESTED: The bill has been held over to a future hearing, no specific date set. Please draft a support letter we can finalize after the Judiciary Committee hearing date is set. I will work with Marsha on putting a Blast out to the members for letters.

Notes 3:

Memo

[SB 1005](#)

(Cox R) Public contracts: health care districts: design-build.

Current Text: Introduced: 2/10/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Status: 4/16/2010-Set for hearing April 19.

Location: 2/18/2010-S. L. GOV.

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

Summary: Existing law provides for local health care districts which govern certain health care facilities. Each health care district has specific duties and powers respecting the creation, administration, and maintenance of the districts, including to purchase, receive, take, hold, lease, use, and enjoy property of every kind and description of property within the district. Existing law establishes design-build bidding procedures for the award of construction contracts that, if adopted by a county, require the submission of information under penalty of perjury. This bill would allow a health care district, upon approval of its board of directors, to use the design-build procedure to assign contracts for the construction of a hospital or health facility building. This bill contains other related provisions and other existing laws.

Position **Priority**
Watch 3

Notes 1: Bill is marked watch with a priority 3 until such time there is further direction from Association. This bill will be monitored, but not lobbied until direction is received.

Notes 2:

Notes 3:

Memo

[SB 1008](#)

(Padilla D) Engineering and land surveying: limited liability partnerships.

Current Text: Amended: 3/15/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Last Amend: 3/15/2010

Status: 4/8/2010-Set for hearing April 20.

Location: 4/5/2010-S. JUD.

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

Summary: The Professional Engineers Act provides for the licensure and regulation of engineers and the Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers and Land Surveyors. Existing law provides for the formation of various types of legal entities, including registered limited liability partnerships and foreign limited liability partnerships. Under existing law, a registered limited liability partnership or a foreign limited liability partnership may only be formed by persons licensed to engage in the practice of accountancy, the practice of law, or, until January 1, 2012, the practice of architecture. This bill would authorize registered limited liability partnerships and foreign limited liability partnerships to be formed by

persons licensed to engage in the practice of engineering or land surveying, and would provide that one or more engineers or land surveyors are not prohibited from practicing or offering to practice, within the scope of their licensure, as a limited liability partnership if specified requirements are met. This bill contains other related provisions and other existing laws.

Position **Priority**
Support 2

Notes 1: There was interest in supporting this bill, but I will need a letter as soon as possible, it is scheduled to be heard on the 20th of April in Senate Judiciary Committee. The letter would be addressed to Senator Ellen Corbett, Chair, Senate Judiciary Committee and cc: Members of the Senate Judiciary Committee. You can e-mail to me and I will get to the committee on Monday am. If you are unable to get letter in by that time, do I have your permission to say CalGeo supports the bill in Committee and will forward a bill later. If you were opposed I would need the letter before testifying. Also please let me know how to address the name of the organization, do I say CalGeo or California Geotechnical Engineers Association. Thanks sorry for the late notice, things are moving fast and this ended up getting double referred.

Notes 2: This bill got out of Senate Business and Professions, 7-2 on 4/5/10 and was amended so please review to make sure you are still in support.

Notes 3:

Memo

[SB 1227](#) (**Runner R**) **School facilities: construction.**

Current Text: Amended: 4/15/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Last Amend: 4/15/2010

Status: 4/15/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on ED.

Location: 4/15/2010-S. ED.

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

Summary: Existing law authorizes a school district or community college district that has submitted a school construction application for review to the Department of General Services to request that the department refer the documents necessary for the review of the application to a qualified plan review firm operating under contract with the department, as specified. Existing law requires the department immediately to grant the request. This bill instead would authorize the department to grant the request as it deems appropriate. This bill contains other related provisions and other existing laws.

Position **Priority**
Watch 1

Notes 1: This bill has been amended this week, Calgeo may want to review. SB 1227 will be heard in Education Committee on April 21st, any letters should be sent asap and a copy to me.

Notes 2:

Notes 3:

Memo

Total Measures: 8

Total Tracking Forms: 8