

**CalGeo Bill Status Report as of 5/10/2010  
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

|               |           |        |        |       |           |        |        |       |                |          |        |           |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>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 1805](#)

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

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

**Introduced:** 2/10/2010

**Status:** 4/19/2010-In committee: Hearing for testimony only.

**Location:** 4/20/2010-A. NAT. RES.

|               |           |        |        |       |           |        |        |       |                |          |        |           |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>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**                      **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

[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:** 5/6/2010-To Coms. on L. GOV. and B.,P. & C.P.

**Location:** 5/6/2010-A. L. GOV.

|               |           |        |        |       |           |        |        |       |                |          |        |           |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
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|               | 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**                      **Priority**  
Oppose                                      2

**Notes 1:** This bill is moving to the Assembly and will be set for a policy committee hearing in the next week or so. It will probably not be actually heard until June. Do you want to take any action on this bill?

**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:** 5/4/2010-Do pass as amended.

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

|               |           |        |        |       |           |        |        |       |                |          |        |           |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
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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:** The letter was delivered to the Senate Judiciary Committee on 4/27/10. The bill will be heard on the 4th of May, I will voice support of the bill at the hearing unless you want to attend.

**Notes 2:** 5/10/10 - this bill passed out of the Senate Judiciary committee on 5/4/10, 4-0. Committee analysis was sent under separate cover.

**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:** 5/6/2010-From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and be amended.

**Location:** 5/3/2010-S. SECOND READING

|               |           |        |        |       |           |        |        |       |                |          |        |           |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
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|               | 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:** I attended a hearing on this bill this past week and noticed ACEC and other groups in support, in opposition were PEGC and other union groups. Can you please review and see if this is something you would be interested in supporting. Senator Cox would appreciate it. It is set for hearing on May 3rd in Appropriations, a letter will not be needed until it gets to the Senate Floor, in two weeks or so.

**Notes 2:** I will be attending the hearing on behalf of CALGEO on May 3rd.

**Notes 3:** 5/10/10 - The bill passed out of committee on 5/3/10 and is on Senate Appropriations Consent file for 5/10/10. It will now go the floor.

Memo

[SB 1008](#)

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

**Current Text:** Amended: 4/28/2010 [pdf](#) [html](#)

**Introduced:** 2/10/2010

**Last Amend:** 4/28/2010

**Status:** 5/4/2010-Set for hearing May 10.

**Location:** 4/28/2010-S. APPR.

|               |      |        |        |           |      |        |        |       |                |          |        |           |
|---------------|------|--------|--------|-----------|------|--------|--------|-------|----------------|----------|--------|-----------|
| 2Year<br>Dead | Desk | Policy | Fiscal | Floor     | Desk | Policy | Fiscal | Floor | Conf.<br>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:** This bill will be heard in Senate Appropriations in the near future. Is this a bill that CalGeo can support?

**Notes 2:** This bill got out of Senate Judiciary Committee 4-1 this week. It will now go to Senate Appropriations. Please let me know if you still want to send a letter on this bill. If so you can draft a letter to be distributed to the Senate Floor which will be after it gets out of the Appropriations Committee.

**Notes 3:** 5/10/10- this bill passed out of Senate Appropriations on consent today. It will move to the floor tomorrow and could be heard as early as Thursday the 13th.

Memo

**Total Measures: 6**

**Total Tracking Forms: 6**