

**CalGeo Bill Status Report as of 6/27/2010
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 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

[SB 294](#)

(Negrete McLeod D) Department of Consumer Affairs: regulatory boards.

Current Text: Amended: 6/16/2010 [pdf](#) [html](#)

Introduced: 2/25/2009

Last Amend: 6/16/2010

Status: 6/22/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 11. Noes 0.) Re-referred to Com. on APPR. (Heard in committee on June 22.)

Location: 6/22/2010-A. APPR.

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

Summary: Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs, including the California Board of Occupational Therapy, the Physician Assistant Committee of the Medical Board of California, and the Veterinary Medical Board. Existing law requires the committee and authorizes the Veterinary Medical Board to appoint an executive officer. Under existing law, those provisions regarding the California Board of Occupational Therapy will become inoperative on July 1, 2013, and will be repealed on January 1, 2014. Those provisions governing the Physician Assistant Committee of the Medical Board of California and the Veterinary Medical Board will become inoperative on July 1, 2011, and will be repealed on January 1, 2012. Under this bill, the provisions relating to the California Board of Occupational Therapy would become inoperative and be repealed on January 1, 2014, and the provisions concerning the Physician Assistant Committee of the Medical Board of California and the Veterinary Medical Board would become inoperative and be repealed on January 1, 2013. This bill contains other related provisions and other existing laws.

Position **Priority**
Watch 3

Notes 1: 6/27/10 - this bill was added because it extends the sunset for BPELS by six months. The sunset review process will begin in the fall and will include a review of BPELS.

Notes 2:

Notes 3:

Memo

[SB 694](#)

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

Current Text: Amended: 5/18/2010 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 5/18/2010

Status: 6/23/2010-Read second time. To third reading.

Location: 6/23/2010-A. THIRD READING

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 to 8 business days to request a commission review, to 45 days for a commission review of a public agency project that is to be performed after rejection of all bids, and to 90 days for a commission 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: 5/21/10 - this bill has been amended, please review and let me know of any action I need to take.

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: 6/6/10 - this bill was recently amended, may want to review to see if there is any impact to members.

6/27/10 - this bill is on third reading and could come up for vote at anytime. Let me know if there is anything I need to do on this bill.

Memo

[SB 972](#)

(Wolk D) Indemnity: design professionals.

Current Text: Amended: 6/23/2010 [pdf](#) [html](#)

Introduced: 2/8/2010

Last Amend: 6/23/2010

Status: 6/23/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on JUD.

Location: 6/23/2010-A. JUD.

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

Summary: Existing law contains specified rules that are to be applied in the interpretation of a contract for indemnity. Pursuant to these rules, the person that is required to provide indemnification is bound, upon the request of the person that is required to be indemnified, to defend actions or proceedings brought against the person that is required to be indemnified prior to a finding of liability. Existing law further provides, for all contracts, and amendments to contracts, entered into on or after January 1, 2007, with a public agency for design professional services, all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts, that purport to indemnify, including the cost to defend, the public agency by a design professional against liability for claims against the public agency, are unenforceable, except for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional. This bill would provide, for all contracts, and amendments to contracts, entered into on or after January 1, 2011, with a public agency, as defined, 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. This bill would provide that the obligations of a design professional to indemnify a public agency for damages determined to be caused by negligence, recklessness, or willful misconduct to be proportionate to the actual liability of the design professional. This bill would provide that if a public agency includes indemnity language in a contract for the services of a design professional, those provisions shall only be enforceable if the language of the contract is in conformance with these provisions.

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: 6/6/10 - this bill passed off the Senate Floor on 6/1/10, 30-3, it will be heard in Assembly Judiciary next, no date has been set. I will let you know when it will be heard so that a letter can be sent.

6/27/10 - THIS BILL WAS AMENDED ON THE 23RD, PLEASE REVIEW AND LET ME KNOW IF WE ARE STILL OK ON THIS BILL, IT WILL BE HEARD IN ASSEMBLY JUDICIARY ON 6/29/10.

Memo

[SB 1005](#)

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

Current Text: Amended: 6/21/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Last Amend: 6/21/2010

Status: 6/21/2010-Read second time. Amended. Re-referred to Com. on APPR.

Location: 6/21/2010-A. APPR.

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. This bill would allow the Tahoe Forest Health Care District and a health care district authorized by the Office of Statewide Health Planning and Development, upon approval of the district's 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
Watch
Priority
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.

6/27/10 - This bill passed out of Assembly Local Government, 5-2, and will now be heard in Assembly Appropriation, probably in the first two weeks of August.

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: 6/22/2010-From committee: Do pass, but first be re-referred to Com. on JUD. (Ayes 11. Noes 0.) Re-referred to Com. on JUD. (Heard in committee on June 22.)

Location: 6/22/2010-A. JUD.

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
Support
Priority
2

Notes 1: This bill passed out of Senate Appropriations and the Senate Floor, it is now in the Assembly Rules Committee waiting to be assigned to a committee.

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.

6/27/10 - this bill was passed out of the Assembly Business and Professions committee and will now be heard in Assembly Judiciary on June 29th.

Memo

Total Measures: 6

Total Tracking Forms: 6