

**CalGeo Bill Status Report as of 8/11/2010
Prepared by Judith Wolen and Associates**

[AB 759](#)

(Ma D) Public contracts with expatriate corporations.

Current Text: Amended: 8/5/2010 [pdf](#) [html](#)

Introduced: 2/26/2009

Last Amend: 8/5/2010

Status: 8/9/2010-Be re-referred to Com. On REV. & TAX. Pursuant to Senate Rule 29.10. (Ayes 3. Noes 0.) Re-referred to Com. On REV. & TAX.

Location: 8/9/2010-S. REV. & TAX

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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, and would exclude as an expatriate corporation a foreign incorporated entity that is publicly traded in the United States that meets specified conditions, including, among others, that the foreign incorporated entity is created and organized under the laws of a foreign country with which the United States has a comprehensive income tax treaty and is considered a resident of that foreign country for purposes of that treaty or any successor treaty. This bill contains 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: 8/8/10 - CalGeo has not taked a position on this bill but it has been tracked. Please review amendments of 8/2/10. This bill is on the Senate Floor.

Notes 3:

Memo

[AB 1431](#)

(Hill D) Geologists and geophysicists.

Current Text: Amended: 4/27/2010 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 4/27/2010

Status: 6/16/2010-Read second time. To third reading.

Location: 6/16/2010-S. THIRD READING

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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 establishes in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, consisting of 13 members. Existing law requires that membership to include 5 engineers, one land surveyor, and 7 public members. Existing law requires the Governor to appoint 5 of the public members and all of the professional members. The Senate Committee on Rules and the Speaker of the Assembly are required to each appoint a public member. This bill would rename the board as the Board for Professional Engineers, Land Surveyors, and Geologists. The bill would change the membership of the board to 15 to include a professional member licensed under the Geologists and Geophysicists Act and an additional public member, to be appointed by the Governor. The bill would make conforming changes to related provisions. This bill contains other existing laws.

Position **Priority**
Watch

Notes 1: 6/6/10 - this bill is still active according to the Sponsors (PECG) however ACEC sent a letter of opposition and AEG sections sent a letter of Oppose unless amended which PECG did not accept the amendments. It is very unclear as to whether the Governor will sign this bill with the opposition. There will be a sunset review hearing this fall on BPELS and there will be a discussion on the merger of BGG and BPELS.

Notes 2: 8/8/10 - this bill is on the Senate Floor could come up at anytime. ACEC is opposed to the bill as well as AEG.

Notes 3:

Memo

[SB 294](#)

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

Current Text: Amended: 8/2/2010 [pdf](#) [html](#)

Introduced: 2/25/2009

Last Amend: 8/2/2010

Status: 8/9/2010-Read second time. To third reading.

Location: 8/9/2010-A. THIRD READING

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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 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 and the Physician Assistant Committee of the Medical Board of California . Existing law requires the Physician Assistant Committee of the Medical Board of California 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 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 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: 8/8/10 - this bill is on the Assembly Floor and expected to pass and be signed by the Governor.

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

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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 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.

8/8/10 - this bill is still on the Assembly Floor and can be heard at anytime.

Memo

[SB 972](#)

(Wolk D) Indemnity: design professionals.

Current Text: Amended: 8/2/2010 [pdf](#) [html](#)

Introduced: 2/8/2010

Last Amend: 8/2/2010

Status: 8/3/2010-Read second time. To third reading.

Location: 8/3/2010-A. THIRD READING

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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 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 further provide with respect to all contracts and amendments to contracts entered into by a public agency for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or amendments to contracts that purport to require the duty defend to under an indemnity agreement are unenforceable.

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.

8/8/10 - this bill is now on the Assembly Floor and can be heard at anytime. Please review amendments of 8/2/10.

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: 8/4/2010-Action From APPR.: Failed passage.

Location: 8/4/2010-A. APPR.

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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. 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 **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 PECG 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 Appropriations, probably in the first two weeks of August.

8/8/10 - This bill failed passage out of Assembly Appropriations on 8/4/10, it could be reconsidered but unlikely. As you know Senate Cox passed away three weeks ago and though someone else could take this bill I have heard they will not move it forward.

Memo

[SB 1008](#)

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

Current Text: Amended: 8/2/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Last Amend: 8/2/2010

Status: 8/5/2010-Set, first hearing. Referred to APPR. suspense file.

Location: 8/5/2010-A. APPR. SUSPENSE 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: 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 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.

8/8/10 - This bill is on Assembly Suspense file, it will be heard on 8/12/10

Memo

Total Measures: 7

Total Tracking Forms: 7