

## CalGeo Bill Review Report 2010

### Prepared by Judith E. Wolen and Associates 2/17/2010

#### [AB 133](#) **(Smyth) Subdivisions: major thoroughfares.**

**Introduced:** 01/20/2009

**Last Amend:** 01/04/2010

**Status:** 02/04/2010-Referred to Com. on L. GOV.

**Location:** 02/04/2010-S L. GOV.

**Summary:** Would authorize a local agency to establish a fund for a benefit area that covers all of the bridge and major thoroughfare projects in that benefit area when that benefit area is one in which more than one bridge or major thoroughfare is required to be constructed. The definition of "construction" for the unincorporated area of San Diego County would also be applied to the unincorporated area of Los Angeles County . However, with respect to Los Angeles County only, in specified circumstances, "construction" would be defined to include administration of construction contracts, rather than administrative expenses .

**Position:** Watch/Pending Review

**Priority:** 3

#### [AB 411](#) **(Garrick) Health facilities: seismic safety.**

**Introduced:** 02/23/2009

**Last Amend:** 09/10/2009

**Status:** 09/11/2009-Withdrawn from committee. Re-referred to Com. on RLS.

**Location:** 09/11/2009-S RLS.

**Summary:** Would require a health care district that has been denied an extension of the seismic retrofit and replacement deadlines to make a specified report to the office, on or before March 1, 2010. This bill contains other related provisions and other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

#### [AB 435](#) **(De La Torre) Public utilities: transmission facilities.**

**Introduced:** 02/24/2009

**Last Amend:** 07/23/2009

**Status:** 09/11/2009-To inactive file on motion of Senator Romero.

**Location:** 09/11/2009-S INACTIVE FILE

**Summary:** Would require an electrical corporation to additionally evaluate the cost and feasibility of retrofitting existing transmission facilities with high-technology conductors and other advanced transmission technology, whether using high-technology conductors or other advanced transmission technology will expedite the delivery of electricity generated by eligible renewable energy resources, and enable the utility to increase transmission capacity without building new transmission towers. The bill would require electrical corporations to report the results of the investigation and evaluation to the CPUC by July 1, 2011. The bill would require local publicly owned electric utilities to report the results of the investigation and evaluation to the Energy Commission by July 1, 2011. This bill contains other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

#### [AB 746](#) **(Coto) Conflicts of interest.**

**Introduced:** 02/26/2009

**Last Amend:** 01/27/2010

**Status:** 01/27/2010-From committee chair, with author's amendments: Amend, and refer to committee. Read second time, amended, and re-referred to Com. on L. GOV.

**Location:** 01/27/2010-S L. GOV.

**Summary:** Would provide that an independent contractor shall not be deemed to be interested in a contract as a result of the independent contractor's preparation, at the request of a governmental entity, of a document that serves a purpose independent of the

contract, a request for proposal, a request for qualifications, a request for bids, or any other bid-related documents.

**Position:** Watch/Pending Review

**Priority:** 3

**[AB 815](#) (Ma) Public contracts: bidding procedures.**

**Introduced:** 02/26/2009

**Last Amend:** 06/01/2009

**Status:** 06/18/2009-Referred to Com. on L. GOV.

**Location:** 06/18/2009-S L. GOV.

**Summary:** Would provide that the prohibition shall not be construed to prohibit a local public entity, charter city, or charter county from requiring a bidder to review all relevant bid documents provided by the local public entity, charter city, or charter county prior to submission of a bid .

**Position:** Watch/Pending Review

**Priority:** 3

**[AB 1074](#) (Conway) Contractors: fraudulent license numbers.**

**Introduced:** 02/27/2009

**Last Amend:**

**Status:** 07/14/2009-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

**Location:** 07/14/2009-S PUB. S.

**Summary:** Would instead provide that it is a crime if a person willfully and intentionally uses, with the intent to defraud, any number that does not correspond to the number on a currently valid contractor's license held by that person. This bill contains other related provisions and other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

**[AB 1099](#) (Fuller) School facilities: construction.**

**Introduced:** 02/27/2009

**Last Amend:** 04/14/2009

**Status:** 07/01/2009-In committee: Set, second hearing. Hearing canceled at the request of author.

**Location:** 06/04/2009-S ED.

**Summary:** Existing law, the Field Act, requires the Department of General Services under the police power of the state to supervise the design and construction of a school building , as defined, or the reconstruction or alteration of, or addition to, a school building, if not exempted under specified law, to ensure that plans and specifications comply with adopted rules and regulations and building standards published in regulations, and to ensure that the work of construction is performed in accordance with the approved plans and specifications for the protection of life and property. As the work of construction or alteration progresses and when the department requires, the licensed architect or structural engineer in charge of observing construction or registered engineer in charge of observing other work, the inspector on the work, and the contractor are each required to submit reports, based on personal knowledge, as defined, to the department that the work and materials comply with the approved plans and specifications. When the construction is completed, notice of completion is filed, specified reports are submitted to the department, and all required fees are paid, the department is required to issue a certification that the school building complies with the requirements of the Field Act. This bill would eliminate the requirement that the contractor submit periodic reports to the department that the work and materials comply with the approved plans and specifications and would eliminate the requirement that notice of completion be filed before the department issues a certification that the school building complies with the Field Act requirements. The bill also would make technical, nonsubstantive changes to these provisions .

**Position:** Watch/Pending Review

**Priority:** 3

**[AB 1409](#) (John A. Perez) Public contracts: county highways: work authorizations.**

**Introduced:** 02/27/2009

**Last Amend:** 06/02/2009

**Status:** 02/02/2010-Joint Rule 62(a), file notice suspended. (Page 1756.) In committee: Hearing postponed by committee. (Refers to 7/16/2009 hearing)

**Location:** 07/15/2009-S T. & H.

**Summary:** Would revise that provision authorizing the work on those county highway contracts to be done by (1) purchasing the material and having the work done by day labor, as defined, only after advertising and requesting bids, as provided, and the board passing a resolution making a specified finding; or (2) purchasing the material and having the work done by specified employees, as defined .

**Position:** Watch/Pending Review

**Priority:** 3

**AB 1431** **(Hill) Geologists and geophysicists.**

**Introduced:** 02/27/2009

**Last Amend:** 01/04/2010

**Status:** 02/11/2010-Referred to Com. on B., P. & E.D.

**Location:** 02/11/2010-S B., P. & E.D.

**Summary:** Would rename the board as the Board for Professional Engineers, Land Surveyors, Geologists and Geophysicists. The bill would change the membership of the board to 14 to include a professional member licensed under the Geologists and Geophysicists Act. This bill contains other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

**AB 1659** **(Huber) State government: agency repeals.**

**Introduced:** 01/19/2010

**Last Amend:**

**Status:** 02/04/2010-Referred to Com. on B. & P.

**Location:** 02/04/2010-A B. & P.

**Summary:** Would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies, as defined, and to conduct a comprehensive analysis of every agency to determine if the agency is still necessary and cost effective. The bill would require each agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the agency prior to the date the agency is scheduled to be repealed, and would require that an agency be eliminated unless the Legislature enacts a law, based upon a recommendation endorsed by a vote of the majority of the members of the committee, to extend, consolidate, or reorganize the agency. The bill would specify the composition of the committee, which would be appointed by the President pro Tempore of the Senate, the Speaker of the Assembly, and the Governor, and certain aspects of its operating procedure. The bill would also make a statement of legislative intent to enact legislation that provides for the repeal of every entity of state government, excluding an agency that is constitutionally created or an agency related to higher education.

**Position:** Watch/Pending Review

**Priority:** 3

**AB 1719** **(Harkey) Sales and use taxes: exemption: business equipment.**

**Introduced:** 02/02/2010

**Last Amend:**

**Status:** 02/11/2010-Referred to Com. on REV. & TAX.

**Location:** 02/11/2010-A REV. & TAX

**Summary:** Would exempt from those taxes the sale of, and the storage, use, or other consumption in this state, of business equipment purchased for business use in California by, a person engaged in business. This bill contains other related provisions and other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

**AB 1760** **(Blumenfield) Design-sequencing contracts.**

**Introduced:** 02/08/2010

**Last Amend:**

**Status:** 02/09/2010-From printer. May be heard in committee March 11.

**Location:** 02/08/2010-A PRINT

**Summary:** Would reenact similar provisions, applicable to up to 10 transportation projects, to be effective until January 1, 2014. The bill would require a report to the Legislature describing and evaluating the outcome of the contracts undertaken pursuant to these provisions.

**Position:** Watch/Pending Review

**Priority:** 3

**AB 1788 (Yamada) Water development projects: state financial assistance.**

**Introduced:** 02/10/2010

**Last Amend:**

**Status:** 02/11/2010-From printer. May be heard in committee March 13.

**Location:** 02/10/2010-A PRINT

**Summary:** Would authorize the state to pay up to 70% of those nonfederal costs upon the recommendation of the department or the board if either entity determines that the project will increase the level of flood protection within the benefit area of the project if that area has a household poverty rate that is more than 150% of the household poverty rate of the state, as determined by the United States Census Bureau.

**Position:** Watch/Pending Review

**Priority:** 3

**SB 258 (Oropeza) Contractors: public works.**

**Introduced:** 02/24/2009

**Last Amend:** 05/14/2009

**Status:** 07/07/2009-Set, first hearing. Hearing canceled at the request of author.

**Location:** 07/07/2009-A B. & P.

**Summary:** Would on and after January 1, 2012, prohibit a contractor from performing work as a contractor or subcontractor on a public work, as defined, contracted for by the state or a state agency unless he or she has obtained a public works certification from a state certifying agency to be determined by the Legislature. The bill would require the certifying agency to establish and validate standards of competency through a prequalification certification system by January 1, 2011. The certifying agency would also be authorized to deny or revoke a public works certification under specified circumstances. The bill would require the agency to charge each applicant a fee in an amount sufficient to pay for the costs of administering the prequalification and certification, not to exceed certain amounts, as specified. The bill would also create the Public Works Certification Fund within the State Treasury in which fee moneys would be deposited and used only for these purposes upon appropriation by the Legislature .

**Position:** Watch/Pending Review

**Priority:** 3

**SB 392 (Florez) Contractors: limited liability companies.**

**Introduced:** 02/26/2009

**Last Amend:** 09/04/2009

**Status:** 09/04/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on JUD.

**Location:** 09/04/2009-A JUD.

**Summary:** Would authorize a limited liability company to render services lawfully rendered only pursuant to a specified license, certificate, or registration if the provisions governing that license, certificate, or registration authorize a limited liability company to hold that license, certificate, or registration. The bill would authorize the issuance of a contractor's license to a limited liability company and would authorize the responsible managing manager, responsible managing officer, responsible managing member, or responsible managing employee of the limited liability company to qualify for that license. The bill would also require, as a condition precedent to the issuance, reissuance, reinstatement, reactivation, renewal, or continued valid use of a limited liability company license, that the applicant or licensee file or have on file a surety bond in the sum of \$50,000 for damages

arising out of specified claims of employees. The bill would require the limited liability company to maintain a policy or policies of insurance against liability imposed on or against it for damages arising out of claims, as specified, as a condition of licensure, and would require the licensed limited liability company to provide a notice concerning that insurance or security in certain contracts, as specified. The bill would provide for the personal liability of persons within the limited liability company in a certain instance, except as specified. The bill would also enact related, conforming provisions. Because the bill would impose various fees on limited liability companies that apply for and obtain a contractor's license, the bill would increase the amount of revenue deposited in the Contractors' License Fund, thereby making an appropriation. In addition, because a violation of specified provisions of the Contractors' State License Law by a limited liability company licensed pursuant to these provisions would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

**[SB 686](#) (DeSaulnier) Environment: CEQA exemption: addition and deletion.**

**Introduced:** 02/27/2009

**Last Amend:**

**Status:** 05/11/2009-To Com. on NAT. RES.

**Location:** 05/11/2009-A NAT. RES.

**Summary:** The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of Natural Resources Agency. This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.

**Position:** Watch/Pending Review

**Priority:** 3

**[SB 694](#) (Correa) Public contracts: public works: competitive bidding: procedures.**

**Introduced:** 02/27/2009

**Last Amend:** 01/12/2010

**Status:** 01/25/2010-In Assembly. Read first time. Held at Desk.

**Location:** 01/25/2010-A DESK

**Summary:** 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:** Watch

**Priority:** 3

**[SB 696](#) (Wright) South Coast Air Quality Management District: CEQA: permits.**

**Introduced:** 02/27/2009

**Last Amend:** 09/01/2009

**Status:** 09/02/2009-In Assembly. Read first time. Held at Desk.

**Location:** 09/02/2009-A DESK

**Summary:** Would authorize the district to issue permits under specified circumstances, notwithstanding this court decision. The provisions of the bill would be repealed on May 1, 2012. This bill contains other related provisions and other existing laws.

**Position:** Watch/Pending Review

**Priority:** 3

**[SB 879](#) (Cox) Construction projects: alternative bidding procedures: design-build.**

**Introduced:** 01/12/2010

**Last Amend:****Status:** 01/21/2010-To Com. on L. GOV.**Location:** 01/21/2010-S L. GOV.**Summary:** Would repeal those reporting provisions. This bill contains other related provisions and other existing laws.**Position:** Watch/Pending Review**Priority:** 3**[SB 954](#) ([Harman](#)) Legislative procedure: committee referrals: Joint Committee on Boards, Commissions, and Consumer or Business Protection.****Introduced:** 02/04/2010**Last Amend:****Status:** 02/05/2010-From print. May be acted upon on or after March 7.**Location:** 02/04/2010-S PRINT**Summary:** Would enact the Jobs Protection Act. The bill would rename the Joint Committee on Boards, Commissions, and Consumer Protection as the Joint Committee on Boards, Commissions, and Consumer or Business Protection, and would create a new legislative procedure with regard to any bill, as defined, that may have a statewide economic impact affecting business. The bill would require the Assembly Committee on Rules and the Senate Committee on Rules to refer any bill that may have a statewide economic impact affecting business, as specified, to the joint committee for the preparation of an economic impact analysis and a hearing and approval. The bill would require the joint committee to move a bill estimated to generate a fiscal impact of \$10,000 or more on small business, as defined, or \$50,000 or more on any other business, to the suspense file of the joint committee for further consideration, subject to specified procedural requirements. The bill would also require the joint committee to make an annual report in that regard. The bill would make conforming changes to related provisions. This bill contains other existing laws.**Position:** Watch/Pending Review**Priority:** 3**[SB 972](#) ([Wolk](#)) Indemnity.****Introduced:** 02/08/2010**Last Amend:****Status:** 02/09/2010-From print. May be acted upon on or after March 11.**Location:** 02/08/2010-S PRINT**Summary:** Would expand that rule to provide that the person indemnifying has no obligation to defend actions or proceedings prior to a preliminary or final determination of liability, nor in any amount that exceeds the finally determined indemnification percentage of liability based upon the comparative fault of the indemnitor.**Position:** Support**Priority:** 2**[SB 976](#) ([Hollingsworth](#)) Land use: Planning and Zoning Law.****Introduced:** 02/08/2010**Last Amend:****Status:** 02/09/2010-From print. May be acted upon on or after March 11.**Location:** 02/08/2010-S PRINT**Summary:** The Planning and Zoning Law, among other things, authorizes the legislative body of a city or county to adopt zoning ordinances regulating, among other things, the use of buildings, structures, and land as between industry, business, residences, open space, and other uses. This bill would make a technical, nonsubstantive change to the Planning and Zoning Law.**Position:** Watch/Pending Review**Priority:** 3**[SB 978](#) ([Hollingsworth](#)) Community development: commissions.****Introduced:** 02/08/2010**Last Amend:****Status:** 02/09/2010-From print. May be acted upon on or after March 11.

**Location:** 02/08/2010-S PRINT

**Summary:** Existing law establishes in each community, as defined, a public body, corporate and politic, known as the community development commission, in order that a community have the option of operating and governing its redevelopment agency or redevelopment agency and housing authority, under a single operating entity and board. This bill would make a technical, nonsubstantive change to the definition of the term "community" for purposes of these provisions.

**Position:** Watch/Pending Review

**Priority:** 3

**[SR 33](#)** (**[Padilla](#)**) **Relative to National Engineers Week**

**Introduced:** 01/12/2010

**Last Amend:** 02/09/2010

**Status:** 02/16/2010-Enrolled text released

**Location:** 02/16/2010-S ENROLLMENT

**Summary:**

**Position:** Watch/Pending Review

**Priority:** 3

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