

LEGISLATIVE INTENT SERVICE, INC.

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COMPENDIUM OF 2007 NOTABLE CALIFORNIA LEGISLATION

Prepared by Maria A. Sanders, Esq. ©

COUPON!

LIST OF TOPICS

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Our research fee for the legislative history of one California bill in this compendium for any timeframe that you select will be reduced by 20%. Limit: one discount offer per caller. When you call in your order, be sure to give us the discount code: "84335" to apply your single 20% discount. This coupon is redeemable during 2007 and 2008 only. The 2007-2008 Biennial Session	Agriculture Attorneys Business Civil Procedure Civil Rights Construction Courts Criminal Law Education
of the California Legislature began on	Elections
January 3, 2007, with the first year of the	Energy
biennium ending on September 14,	Environment
2007. The Governor had until October	Family Law
14, 2007 to sign or veto bills passed by	Financial
the Legislature. (Art. IV, Sec. 10(b)(1))	Government
Any bill in the possession of the	Health & Safety
Governor after October 14, 2007 that is	Insurance
not returned within 12 days after that	Labor and Employment
date becomes a statute (Id Sec	Land Use

Chaptered laws are identified below with a "c." and indicate the bill was enacted into law.

10(b)(2)

This list was not intended to be exhaustive. If you are interested in legislation not noted herein, please contact our office.

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Patents & Trademarks

Agriculture

AB 771, c. 324: Agricultural industry.

Requires the Secretary of the Depart. of Food and Agriculture to establish a Seedless Mandarin and Honeybee Coexistence Working Group, and requires the DFA to adopt regulations by June 1, 2008, if the working group fails to reach consensus or best management practices and establish fees to address coexistence issues related to seedless mandarins and honeybees.

AB 1717, c. 338: Pesticides. Increases, from two years to four years, the statute of limitations for actions brought by the Department of Pesticide Regulation against sellers of adulterated or misbranded pesticides. This bill makes other changes to existing law relating to structural pesticide operators.

AB 1735, c. 339: Milk and dairy products; standards. Makes several changes to state sanitation standards applicable to dairies, primarily to conform with federal milk product guidelines.

SB 282, c. 293; State Fair Leasing **Authority**. Establishes the State Fair Leasing Authority made up of representatives from the Department of Food and Agriculture, the Department of Finance, the Department of General Services, the California Exposition and State Fair (Cal-Expo) and four appointed members. The goal of this Authority is to enter into leases or other agreements for the use of the State Fair Race Track or any other owned or controlled by the fair. Also, the authority is to prepare a master plan for the long-range comprehensive development and improvement of the Cal-Expo.

Attorneys

AB 1723, c. 422: IOLTA accounts.

Revises the laws governing Interest on Lawyer Trust Accounts (IOLTA accounts) and requires attorney and law firms to deposit or invest their IOLTA accounts, as newly defined, in financial institutions that offer high yielding interest or dividend accounts.

Business

AB 323, c. 131: Alcoholic beverage licensees; wine. Makes modifications to the Alcoholic Beverage Control Act to enable custom crush wine producers (boutique wineries) to donate and pour their wine at winetasting events conducted by nonprofit organizations.

AB 1670, c. 716: Fictitious business name statements. Revises the conditions under which a new fictitious business name must be filed and revises the content of the fictitious business name statement.

SB 250, c. 640: Gift certificates.

Allows any gift card, as defined, with a cash value of less than \$10 to be redeemed in cash for its cash value. This bill deletes from current law governing gift cards the exemption for food product gift cards or certificates.

SB 376, c. 17: Unfair competition; actions by city attorneys. Revises the statute authorizing the city and county of San Francisco to bring unfair competition actions, and to allow recovery of a civil penalty regardless of the size of its population.

<u>SB 385, c. 301</u>: Real estate; mortgages; real estate brokers.

Applies federal guidance relating nontraditional mortgage products to state-regulated mortgage lenders and brokers.

SB 582, c. 446: Charitable solicitations; disclosures. Creates a procedure for law enforcement personnel, firefighters, and other public safety employees of a local agency to obtain approval form the city or county to engage in charitable solicitation activities on public roadways, notwithstanding any local ordinance that restricts such activity.

SB 729, c. 437: Vehicles; dealers; **consumer protection**. As of July 1, 2008, creates the Consumer Motor Vehicle Recovery Corporation and the Consumer Recovery Fund, with a board of directors with certain powers and duties, in order to provide payments to consumers on specified eligible claims when a vehicle dealer (1) fails to remit license or registration fees, (2) fails to pay off a trade-in's sale or lease balance owed, or (3) fails to make payment on a consignment sale agreement. Eligible claims include claims where the dealer/lessor has ceased selling or leasing vehicles or is in bankruptcy.

SB 970, c. 667: Rental vehicles.

Allows a rental vehicle's fuel gauge that was installed by the vehicle's manufacturer to be used in a rental transaction by a rental company to calculate an optional charge for fueling if specified conditions are met.

Civil Procedure

AB 1126, c. 113: Civil discovery; unlawful detainer; subpoenas. 1)

Makes several clarifying and technical changes regarding unlawful detainer and discovery motions; 2) Requires the Judicial Council to adopt Rules of Court prescribing--in any forcible entry, forcible detainer or unlawful detainer action--the time for filing and serving opposition and reply papers relating to a motion to quash, a summary judgment motion or a discovery motion in a summary proceeding for possession of real property.

SB 639, c. 212: Judgments; foreigncountry money judgments. In addition to recasting provisions for recognizing a foreign country judgment in the state, (1) clarifies that the Act is applicable only to money judgments rendered in a foreign country, (2) allocates the burden of proof with regard to establishing whether a foreign-country judgment is within the scope of the Act and whether a ground for nonrecognition of the money judgment exists, (3) establishes the procedure for recognition of foreigncountry judgment, (4) specifies that recognition of the foreign-country judgment has both a conclusive effect between the parties as a sister state judgment entitled to full faith and credit and the effect of being enforceable in the same manner and to the same extent as a judgment rendered in this state, and (5) establishes that the statute of limitations for commencing an action to recognize a foreign-country judgment is the earlier of the time during which the judgment is effective and in the foreign country for 15 years from the date that the foreigncountry judgment became effective in that foreign country.

Civil Rights

AB 14, c. 568: Discrimination; Civil Rights Act of 2007. Cross-references protected classes in 51 antidiscrimination provisions located in 12 state codes to the Unruh Civil Rights Act (Civil Code 51) or to Government Code 11135 [which prohibits discrimination in state-funded programs and activities based on race, color, religion, ancestry, national origin, disability, medical condition, sex (including gender identity), marital status, and sexual orientation,], whichever is appropriate. Makes consistent these antidiscrimination statutes spread across various state codes. In doing so, expands the protected classes in some statutes to encompass those recently added to the Unruh Civil Rights Act or to Government Code 11135.

AB 394, c. 566: Safe schools; discrimination and harassment.

Requires the California Department of Education (CDE) to (1) assess local educational agencies, as part of CDEs existing monitoring process, for compliance with specific anti-discrimination and harassment policies and procedures, and (2) display on their web site specific bias-related and discrimination and harassment information.

SB 777, c. 569: Discrimination re education. Revises the current list of prohibited bases of discrimination and the kinds of prohibited instruction, activities, and instructional materials in the Education Code, and instead refers to the protected characteristics contained in the definition of hate crimes in the Penal Code. Also defines disability, gender, nationality, race or ethnicity, religion,

and sexual orientation for this purpose. This bill changes the current references to "handicapped" individuals in the Education Code to, instead, refer to individuals with physical disabilities.

Construction

SB 138, c. 32: Constructions contracts; indemnity. Provides that for all residential construction contracts entered into after January 1, 2008, all provisions, clauses, covenants, and agreements contained in any such construction contract that purport to require the subcontractor to indemnify, including cost to defend, the general contractor or contractor not affiliated with the builder against liability for construction defect claims, would be unenforceable to the extent the claims arise out of, pertain to, or relate to the negligence of the nonaffiliated general contractor or nonaffiliated contractor or their agents, other servants, or independent contractors who are directly responsible to the nonaffiliated general contractor or nonaffiliated contractor, or for design defects furnished by those persons, or to the extent the claims do not arise out of, pertain to, or relate to the scope of work in the written agreement between the parties. Provides that the above section could not be waived or modified by contractual agreement, act, or omission of the parties, and that contractual provisions, clauses, covenants, or agreements not expressly prohibited in the bill would be reserved to the agreement of the parties.

SB 354, c. 299: Contractors; aiding unlicensed persons. Authorizes the Contractors State License Board to issue to a licensee, who has aided and abetted an unlicensed person, a citation which

includes an order for payment for the financial injury caused by the acts of the unlicensed person.

Courts

AB 367, c. 132: Court-ordered debts. Enacts the final recommendations of the Collaborative Court Working Group on Enhanced Collections to improve the collection of court-ordered delinquent fees, fines, forfeitures, penalties, and assessments.

Criminal Law

AB 104, c. 104: Criminal records; city attorneys. Specifically directs the Attorney General to provide criminal history information to city attorneys who are pursuing gang injunctions or drug abatement injunctions.

AB 678, c. 747: Vehicular manslaughter; fleeing the scene of an accident. Makes technical corrections to conform 2006 legislative amendments to provisions relating to vehicular manslaughter.

AB 1165, c. 749: DUI; repeat offense. Provides that a person on probation DUI who violates the probation conditions relating to driving with a 0.01 percent level of alcohol or refusing to take a preliminary alcohol screening shall be subject to an automatic license suspension and a possible vehicle impound.

SB 40, c. 3: Sentencing.

It is the intent of the Legislature to respond to the decision of the United States Supreme Court in <u>Cunningham v. California</u>, 2007 U.S. LEXIS 1324 (U.S. 2007). It is the further intent of the

Legislature to maintain stability in California's criminal justice system while the criminal justice and sentencing structures in California sentencing are being reviewed.

SB 67, c. 727: Vehicles; speed contests & reckless driving. Reinstates law that was sunsetted on December 31, 2006, which provided that when a person is arrested for reckless driving, reckless driving in a parking facility, exhibition of speed or a speed contest the officer may seize and impound the vehicle for 30 days.

SB 271, c. 34: Criminal street gangs; injunctions. Allows any district attorney or city prosecuting attorney to maintain an action for damages against a criminal street gang or its members as part of an action enjoining a gang nuisance.

SB 407, c. 206: Domestic violence.

Makes a number of changes to the existing domestic violence victimcounselor evidentiary privilege: Specifically, (1) changes the definition of domestic violence counselor," and makes corresponding cross references, (2) defines "domestic violence victim service organization," (3) changes the definition of what constitutes a "confidential communication,", (4) expressly provides that a guardian or conservator accused of committing domestic violence against a victim cannot be a holder of that privilege, and (5) expressly references which proceedings the privilege applies to.

SB 866, c. 8: Mental health; sexually violent predators.

Appropriates \$12.532 million from the General Fund to the Department of Mental Health for 2006-07 budget

deficiencies related to the evaluation of sexually violent predators and administrative support of those efforts.

Education

AB 216, c. 382: Special education; nonpublic, nonsectarian schools. Gives the flexibility for non-public, nonsectarian schools (NPS) that provide special education to offer curricula and instructional materials that are standardsbased (and adopted by the State Board of Education, for K-8 materials) but that are not necessarily used by the local educational agency in which the NPS is located.

AB 342, c. 12: Pupil health; individuals with exceptional needs.

Reinstates public health nurses to the list of qualified persons allowed to assist individuals, with exceptional needs, with specialized physical health care services during the regular school day, and allowed to supervise other qualified designated school personnel trained in the administration of specialized physical health care services.

AB 347, c. 526: Pupils; high school exit exam; intensive instruction & services. Implements a proposed settlement agreement in the Valenzuela v. O'Connell lawsuit by placing conditions on the receipt of funding that requires school districts to provide intensive instruction and services to pupils who have not passed the high school exit examination by the end of twelfth grade.

AB 428, c. 527: High school curriculum; notification re college preparatory courses. Requires school districts to include in their annual

notification to parents, specified information related to admission requirements for the University of California and the California State University.

AB 469, c. 133: Teacher credentialing. Establishes timelines for submitting and processing applications for credentials issued to educators.

AB 629, c. 602: Sex education programs; requirements.

Requires sexual health education programs that are funded by the state, but provided by an entity other than a public school, to provide information that is age appropriate, medically accurate, current and objective, and to fulfill other requirements that are similar to those for sexual health education programs offered by public schools.

AB 668, c. 607: Student financial aid.

Requires the California Community Colleges to develop statements for students regarding the availability of federal financial aid.

AB 685, c. 56: Special education.

Makes technical changes to various provisions of law regarding individuals with exceptional needs and special education and related services to conform to the new federal regulations, updates cross-references, and makes other clarifying changes.

AB 1014, c. 691: School facilities.

Changes the method of determining K-12 new construction eligibility. The bill authorizes a school district to submit an alternative five-year or 10-year enrollment projection based upon specified factors for purposes of determining eligibility for new construction funding.

AB 1061, c. 530: School accountability; report card. Revises the items that must be reported by school districts on the School Accountability Report Card for each school in the district.

AB 1548, c. 574: College Textbook
Transparency Act. Establishes the
College Textbook Transparency Act
requiring publishers and bookstores
offering textbooks for sale to public
colleges and universities to disclose
specified information and requiring
faculty and other employees of public
higher education to follow specified
practices in the adoption and purchase of
textbooks.

AB 1663, c. 454: Special education; conformance to federal law. Makes numerous substantive changes to provisions of law regarding individuals with exceptional needs and special education and related services to conform to federal special education regulations.

SB 13, c. 519: School facilities funding process; career technical facilities. Requires the California Department of Education to include specified questions in the application for new construction plan approval.

SB 20, c. 215: Charter schools.

Clarifies and strengthens the process by which the State Board of Education authorizes statewide benefit charter schools. The bill makes a one-time appropriation of \$18 million for purposes of the Charter School Facilities Grant Program.

SB 166, c. 461: Emergency preparedness; community colleges. Requires the Chancellor of the California Community Colleges (CCC

California Community Colleges (CCC) to develop emergency preparedness standards and guidelines to assist CCC districts in the event of an emergency, as specified, by January 1, 2009.

SB 219, c. 731: Pupil achievement; API; alternative education. Requires the Superintendent of Public Instruction to modify the Academic Performance Index of schools to include information on tracking the program of at risk students.

Elections

AB 18, c. 485: Signature stamps; authorized users. Enacts the Warren Mattingly Signature Stamp Act. This bill permits a disabled person who is unable to provide a handwritten signature to use a signature stamp for situations when the Elections Code requires a signature. The user must be an "authorized person," as defined, and provide valid identification. The use of a signature stamp, under this bill, is in addition to existing law allowing use of a mark instead of a handwritten signature.

AB 223, c. 359: Absentee voting; military service. Allows voters called away to military service to be considered special absentee voters and submit their absentee ballot by fax, or by email. The bill also provides a person called away for military service a process by which they can receive an absent voter's ballot after the normal deadline for requesting an absentee ballot.

SB 512, c. 348: Political Reform Act of 1974. Amends the Political Reform Act by codifying the Elmore opinion by the Fair Political Practices Commission to exclude interests in government defined-benefit pension plans from the definition of "investment" and makes clarifying and technical changes to candidate statements of economic interest.

Energy

AB 809, c. 684: Renewable energy resources. Allows any increase in the amount of electricity generated from a hydroelectric generation facility as a result of efficiency improvements at the facility to be considered renewable for purposes of the Renewable Portfolio Standard, under specified conditions.

AB 1130, c. 626: Aboveground storage tanks. Transfers responsibility for the aboveground storage tank inspection program and fee collection from the State Water Resources Control Board and the Regional Water Quality Control Boards to the local certified Unified Program Agencies.

AB 1470, c. 536: Solar Water Heating and Efficiency Act of 2007. Creates the Solar Water Heating and Efficiency Act of 2007, a \$250 million subsidy program for solar hot water heaters with the goal of promoting the installation of 200,000 solar hot water systems in California by 2017.

SB 1036, c. 685: Renewable energy resources. Deletes the authority for the California Energy Commission (CEC) to award Supplemental Energy Payments (SEPs) for the above-market cost of renewable power and instead authorizes the California Public Utilities

Commission (PUC) to allow the investor-owned utilities (IOUs) to pay renewable developers for above-market costs as approved by PUC with a cap on the total amount of above-market costs an IOU must pay set at a level equal to the maximum SEP payments that would have been allowed for each investor-owned utility.

Environment

AB 118, c. 750: Alternative fuels & vehicle technologies; funding programs. Establishes the Fleet Modernization Program, the Alternative and Renewable Fuel and Technology Program, and the Air Quality Improvement Program.

AB 233, c. 592: Diesel vehicles and engines; Health Heart and Lung Act. This bill (1) requires the Air Resources Board (ARB) to develop a strategic plan for consistent, comprehensive, and fair enforcement of ARB's diesel emission control regulations, (2) increases the minimum civil penalty, from \$100 to \$300, for a violation of ARB's idling restriction on diesel-fueled commercial motor vehicles, and (3) prohibits the DMV from registering or renewing the registration of a commercial vehicle, if the owner or operator has been found in violation of air pollution control laws and regulations, until the violation has been cleared by ARB.

AB 833, c. 616: California Toxic Release Inventory Program. Enacts the California Toxic Release Inventory Program Act of 2007 to require the Department of Toxic Substances Control to develop and implement, by January 1, 2009, the California Toxic Release Inventory Program to require a facility to

submit a toxic chemical release form to the department, if the facility is not required to submit a toxic chemical release form containing that same information pursuant to the existing federal regulations, as specified.

AB 1023, c. 143: Recycling; compostable and biodegradable plastic trash bags. Exempts manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags.

AB 1056, c. 372: California Ocean Protection Act. Authorizes the Ocean Protection Council to establish a science advisory team to identify scientific research priorities necessary to protect coastal water and ocean ecosystems, and authorizes the Ocean Protection Council to spend funds without the approval of the State Coastal Conservancy.

AB 1098, c. 623: Hazardous materials; administrative; penalties; liability. Clarifies provisions of existing law regarding the imposition of administrative and criminal penalties relating to the handling and release of hazardous materials.

AB 1220, c. 373: Oil spill response fund. Clarifies that any state borrowing of monies to clean up an oil spill must be repaid by the assessment of fees on distributors, pipeline operators, refiners, and marine terminal operators. Increases the "cap" on how much money may be requested for appropriation by the Legislature for the state's Oiled Wildlife Care Network (OWCN). Revises definition of marine fueling facilities regulated by the Office of Oil Spill Prevention and Response (OSPR) and

decreases the frequency of training or testing of a marine facility's oil spill contingency plan. Eliminates defunct provisions indemnifying an owner of a nontank vessel who contracts for oil spill response services with a nonprofit maritime association.

AB 1371, c. 705: hazardous waste.

Provides Department of Toxic Substances Control with clear statutory authority to pursue civil and administrative enforcement cases against persons who unlawfully store or treat hazardous wastes at unauthorized facilities that they do not own or operate.

AB 1613, c. 713: Waste Heat and Carbon Emissions Reduction Act.

Enacts the Waste Heat and Carbon Emissions Reduction Act which relates to the utilization of excess waste heat through combined heat and power distributed generation technologies.

SB 701, c. 657: Forest legacy program. Reinstates, until January 1, 2015, the California Forest Legacy Program, which sunsetted on January 1, 2007. The Program, which authorized the state to acquire conservation easements on private forestland, was created by the Legislature in 2000.

SB 1028, c. 669: State Air Resources Board; regulations; ambient air quality standards; vehicles. Requires the Air Resources Board to adopt rules and regulations governing motor vehicle emissions that are necessary, costeffective, and technologically feasible that together with other measures will achieve federal ambient air quality standards.

Family Law

AB 102, c. 567: Marriage; domestic partnerships; name. Establishes a process for persons getting married or registering as domestic partners to adopt a new name and to have the new name reflected in the marriage license or certificate of domestic partnership registration. Allows use of the marriage license or the domestic partnership certificate as proof of identity of the person with the new name and allows the Department of Motor Vehicles to accept such proof for purposes of issuing new or duplicate driver's licenses. Provides that a person's election to change his/her name upon marriage or registration of a domestic partnership is lawful and that the marriage license or the certificate of domestic partnership registration indicating a new name serves as an official record of the person's name change. Will not affect the ability of individuals to change their names by common usage or through a court-ordered name change. Finally, Extends to any person current protections provided a woman from discrimination by a person engaged in a trade or business or the provision of services, who refuses to do business with, refuses to provide services to, or imposes a specified requirement upon the woman's use of a birth name or former name as a condition of doing business or providing services. Contains findings and declarations regarding ensuring that men and women are treated equally as to changing names upon marriage or entering a domestic partnership. Has a delayed effective date of January 1, 2009.

AB 861, c. 141: Dissolution of marriage; estates and trusts. Revises, recasts, and expands the conditions a court may impose when severing the issue of marital status from the property division and other issues in a dissolution proceeding. These conditions, intended to preserve the economic rights and community property interests of the parties, have been affected by recent changes to the Probate Code that void a nonprobate transfer of assets, made by a decedent during marriage to a former spouse, absent clear and convincing evidence that the transferor spouse intended to maintain the designation of the transferee spouse as the beneficiary. Updates the Family Code with respect to those changes. Also, empowers the court to fashion other orders to protect the community property and other interests of the spouses or domestic partners prior to final resolution of property issues.

SB 403, c. 152: Child custody and visitation; drug and alcohol testing. Extends, until January 1, 2009, the provisions of Family Code 3041.5, which provides the authority for a court to order any person seeking custody or visitation with a child to undergo testing for alcohol or drugs.

SB 415, c. 247: Spousal Support; change of circumstances. Provides that in a proceeding in which a spousal support order exists and a companion child support order is in effect, the termination of child support by operation of law shall constitute a change of circumstances that may be the basis for a request for modification of spousal support.

Financial

AB 1508, c. 242: Money transmission; licensees and agents. Makes numerous and substantive changes to the money transmitters law, including regarding the regulation of agents of licensed money transmitters, regulatory actions against agents and licensees, and regulatory oversight of licensed money transmitters and their agents.

AB 1518, c. 148: Credit unions.

Enacts a variety of changes intended to modernize the Credit Union Law, by allowing credit unions to share the results of their regulatory examinations with more professionals, as specified belong to economic development and trade organizations, make large gifts and donations, make loans on which one member and one non-member co-sign, and establish executive committees with broader responsibilities than those provided for under current law, among others.

Government

AB 220, c. 591: Firefighters. Enacts the Firefighters Procedural Bill of Rights Act to mirror the Public Safety Officers Procedural Bill of Rights Act that is applicable to public safety officers.

AB 221, c. 671: Public retirement systems; investments; Iran. Prohibits the Board of Administration of the PERS or the TRS from investing public employee retirement funds in a company with "business operations" in the defense or nuclear sector of Iran or that are involved in the development of Iranian petroleum or natural gas resources and are subject to federal sanctions.

AB 373, c. 670: Local government; community facilities improvement.

Enacts numerous substantive and technical changes to the statutes governing School Facilities
Improvement Districts and the Mello-Roos Community Facilities Act.

AB 554, c. 318: Public employees;

benefits. Expands the group of employers eligible to participate in the California EmployersRetirement Benefit Trust Fund (Prefunding Plan) administered by the Public Employees' Retirement System (PERS) to include all California public employees. The Prefunding Plan allows agencies that contract with PERS for employee health benefits to prefund the future cost of their retiree health benefits and other post-employment benefits.

AB 757, c. 323: Teachers; retirement and employment. Makes various technical and conforming changes to the State Teachers Retirement System (STRS) Law to facilitate efficient administration of the STRS Defined Benefit Program, the STRS Defined Benefit Supplement Program and the STRS Cash Balance Benefit Program.

AB 1222, c. 329; State mandates; legislatively determined mandate.

Establishes an alternative state mandate reimbursement process, revises certain provisions of the existing reimbursement methodology, and enhances existing requirements for certain mandates.

SB 162, c. 428: Local government; organization. Requires local agency formation commissions to consider environmental justice to the list of factors they must consider when acting on proposed boundary changes for cites

and special districts. This bill also defines "environmental justice," and requires local agency formation commissions to consider the comments of affected voters and residents.

SB 421, c. 647: DPR acquisition of property. Allows the Department of Parks and Recreation (DPR) to acquire real property that is subject to a conservation easement or other deed restriction if the Director of DPR determines that the restriction is consistent with the purposes for which the property is to be acquired.

SB 699, c. 94: Developer fees; water rights and supply. Expands the Mitigation Fee Acts definition of capacity charge" to include supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights involving a capital expense relating to the local agency's existing or new public facilities.

SB 839, c. 563: Fireworks. Revises the penalties for possession and transportation of dangerous fireworks. The bill establishes a fund from the proceeds of all fines and fees collected in relation to dangerous fireworks violations with those funds earmarked for enforcement of dangerous fireworks law.

Health and Safety

AB 3, c. 376: Physician assistants.

Creates the California Team Practice Improvement Act which would delete the prohibition on the authority of a physician assistant to issue a drug order for specified classes of controlled substances, but only if the physician assistant has completed a specified education course, require a physician assistant and his or her supervising physician and surgeon to establish written supervisory guidelines and protocols, increase to 4 the number of physician assistants a physician and surgeon may supervise, and would specify that services provided by a physician assistant are included as covered benefits under the Medi-Cal program.

AB 12, c. 677: Adult Health Coverage Expansion Program; Santa Clara County. Establishes the Adult Health Coverage Expansion Program to provide health care coverage to eligible adults with incomes of up to 350 percent of the federal poverty level, living and employed in Santa Clara County, who are without health care coverage.

AB 329, c. 386: Telemedicine.

Requires the Medical Board of California (MBC) to establish a pilot program to expand the practice of telemedicine in California, and authorizes the MBC to implement this pilot program by convening a working group.

AB 647, c. 135: Tobacco use

programs. Consolidates three existing grant programs administered by the California Department of Education for tobacco education programs into one competitive grant process, commencing July 1, 2009.

AB 949, c. 686: Residential care facilities for the elderly; resident transfers. Establishes procedures and duties for a residential care facility for the elderly prior to transferring a resident to another facility or living arrangement

as a result of forfeiture of a license or change of the use of the facility.

AB 1108, c. 672: Children's products; phthalates; product safety. Prohibits the use of phthalates in toys and childcare products designed for babies and children under three years of age.

AB 1298, c. 699: CMIA; Personal information; disclosure. (1) Provides that, regardless of the existence of a security freeze, a consumer reporting agency may disclose lawfully obtained public record information contained in a customers credit report; (2) Subjects any business organized to maintain medical information for purposes of making that information available to an individual or to a health care provider, as specified, to the provisions of the Confidentiality of Medical Information Act (CMIA); and (3) Adds medical and health insurance information to the list of personal information which requires disclosure in the case of a data security breach.

Insurance

AB 522, c. 134: Nonadmitted

insurers. Allows for short-term extension of surplus line insurance policies without conducting a diligent search of admitted insurers, as specified; and would eliminate the January 1, 2008 sunset date on a provision that allows non-admitted insurers and surplus lines brokers to immediately bind homeowners' insurance coverage and obtain the applicant's signed disclosure within five days of binding coverage, under specified conditions.

AB 720, c. 270: Insurance licensees. Establishes two new insurance agent license types, a life-only agent license

and an accident and health agent license, in place of the current life agent license allowing the licensee to transact both life and disability/health insurance, defines the authorities of each license type, and specifies the requirements for licensure and post-licensing continuing education, as specified.

AB 1008, c. 326: Vehicle service contracts. Expands the definition of vehicle service contracts to allow for the sale of contracts covering automobile tires and wheels, glass, and non-paint dent repair, and adds vehicle service contract obligor to demonstrate to the satisfaction of the Insurance Commissioner that it has a net worth of \$100 million in lieu of obtaining insurance coverage sufficient to cover its vehicle service contract obligations.

Labor and Employment

AB 338, c. 595: Workers' compensation; temporary disability payments. Extends the "window period" during which an injured workers can receive up to 104 weeks of temporary disability benefits from two years to five years.

Land Use

AB 162, c. 369: Water supply.

Requires cities and counties to increase their attention to flood-related matters in the land use, conservation, safety, and housing elements of their general plans, and update specified elements.

AB 1019, c. 165: Annexation; housing. Creates a process for the reallocation of a county's share of the regional housing need when the

annexation of an unincorporated area into a city occurs.

AB 1053, c. 692: Regional Planning, Housing, and Infill Incentive Account; programs. Amends SB 86, a trailer bill to the 2007-08 Budget Act, revise the definition of eligible applicant for receipt of funds provided under the \$850 regional Planning, Housing, and Infill Incentive Account, created by Proposition 1C.

AB 1246, c. 330: Natural resources; transfer of property interests. Allows a state or local agency, when required to set aside an interest in land as mitigation for the environmental impact of one of the agency's capital projects, to transfer the interest to a nonprofit organization that meets current statutory requirements to hold title to and manage the land interest.

SB 2, c. 633: Local planning. Requires cities and counties to accommodate their need for emergency shelters on where the use is allowed without a conditional use permit, and requires cities and counties to treat transitional and supportive housing projects as a residential use of property.

SB 990, c. 729: Hazardous waste; Santa Susana Field Lab. Authorizes the Department of Toxic Substances Control to compel a responsible party or parties to take or pay for appropriate removal or remediation action, as prescribed, necessary to protect public health and safety and the environment at the Santa Susana Field Laboratory site in Ventura County. The sale, lease, sublease, or other transfer of any land presently or formerly occupied by the Santa Susana Field Laboratory shall be prohibited unless the Director of Toxic Substances Control certifies that the land has undergone complete remediation.

Patents and Trademarks

AB 1484, c. 711: Model State

Trademark Law. Repeals California's Trademark Law and, instead, replace it with the Model State Trademark Law, making numerous changes, including: (1) reducing the registration period from 10 to 5 years; (2) requiring applicants to state whether a similar mark has been registered in this state; (3) conforming dilution provisions to recent federal changes by adopting the "likely to dilute" standard; (4) stating that federal case law is persuasive authority; and (5) removing a the provision stating that a registration constitutes prima facie evidence of the registrant's right to use the mark in California.

Prisoners and Prisons

AB 900, c. 7: Prisons; construction.

Authorizes up to 40,000 new state prison beds, contingent upon significant program enhancements designed to reduce recidivism. Also provides the California Department of Corrections and Rehabilitation temporary authority to house up to 8,000 inmates out-of-state until new construction is completed and the results of enhanced anti-recidivism programming impact the inmate population.

AB 1172, c. 571: Inmate release.

Increases specified notification requirements related to parolees and sexually violent predators.

Probate/Estate Planning/ Trust/Conservatorships

AB 341, c. 159: Estates and trusts; creditor's claims. (1) Harmonizes separate Probate Code provisions for creditor claims against a trust and against an estate in probate, such as provisions for notice to creditors, statutes of limitations for filing creditors' claims, and allowance for late claims, (2) Requires the trustee of a decedent's trust to give notice of the decedent's death to the Director of Health Services, where the decedent was the surviving spouse of a person who received the medical services, and (3) Conforms the interest rate to be paid by a distributee of trust property on a claim filed by a public entity to the interest rate paid by a distributee of a probated estate on a claim made by a public entity against decedent's estate.

AB 361, c. 105: Decedents' estates; creditor claims. Requires the general personal representative or attorney of a decedent's estate to give notice of the administration of the estate to the FTB not later than 90 days after the date letters of administration are first issued. Applies to all decedents' estates for which letters of administration are first issued on or after July 1, 2008.

AB 403, c. 388: Attorney-Client privilege. Requires a court to appoint a personal representative when subsequent administration of an estate is necessary after the personal representative has been discharged because disclosure is sought of a communication, provides that the appointed representative shall be a holder of the lawyer-client privilege in existence, and directs the California Law Revision Commission to study the issue

of whether and, if so, under what circumstances, the attorney-client privilege should survive the death of the client, and report its findings to the Legislature on or before July 1, 2009.

AB 1689, c. 629: Revised Uniform Anatomical Gift Act. Repeals and reenacts the Uniform Anatomical Gift Act (UAGA) into the Revised UAGA to allow anatomical gifts (gifts) to be used for purposes including, but not limited to transplantation, therapy, research, or education. The Revised UAGA regulates gifts and the disposition of donated bodies and body parts.

AB 1727, c. 553: Conservators and guardians. (1) Makes a dependent adults caregiver a disqualified beneficiary of a donative transfer (testamentary gift) from the dependent adult only if the instrument creating or modifying the gift is dated after the caregiving commenced; (2) Prohibits the court from granting a conservatorship unless the court makes an express finding that a conservatorship is the least restrictive alternative needed for the protection of the conservatee; (3) Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions; (4) Authorizes a county's public guardian or adult protective services to petition the court for orders in connection with an investigation of whether appointment of the public guardian would be appropriate, including orders for release of confidential medical and financial information about the proposed conservatee; and (5) Makes other technical and clarifying amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006 to

ensure the proper implementation of the Act.

SB 340, c. 581: Criminal history information. Authorizes the Attorney General to furnish summary criminal history information to investigators conducting guardianship and specified conservatorship investigations at the request of a court.

Property

AB 62, c. 224: Disaster relief. Provides income tax and property tax relief to victims of wildfires in Ventura, El Dorado, and Santa Barbara Counties in 2006 and 2007.

SB 38, c. 222: Disaster relief. Provides disaster assistance and tax relief for losses sustained as a result of the Riverside County wildfires in October 2006

SB 114, c. 223: Disaster relief.

Provides income tax, corporation tax, homeowners exemption property tax, and state reimbursement of local property tax losses relief as a result of the January 2007 severe freezing condition for the following counties: El Dorado, Fresno, Imperial, Kern, Kings, Madera, Merced, Monterey, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yuba.

SB 223, c. 291: Real estate appraisals.

Prohibits any person with an interest in a real estate transaction involving an appraisal from improperly influencing or attempting to improperly influence a real estate appraisal sought in connection with a mortgage loan, as specified and provides that a violation by an individual

licensed by the state is deemed to be a violation of state licensing law. In addition, this bill also expands the prohibition for licensed appraisers from engaging in any appraisal activity where their compensation is affected by that appraisal.

SB 433, c. 153: Homestead exemption.

Extends the automatic homestead exemption to cases where the judgment debtors separated or former spouse, but not the debtor himself or herself, resides in the homestead, until the entry of judgment or legally enforceable agreement dividing the community property.

Streets and Highways

AB 57, c. 673: Highways; federal funds; Safe Routes to School. Deletes the sunset date of the Safe Routes to School program and provides that any annual state budget allocation shall be in addition to any federal funding received which is designated for "Safe Routes to School" projects.

Taxation

AB 198, c. 381: Income taxes; LLCs, apportionment. Changes the basis for reportable income for determination of the limited liability corporation fee. Specifically, this bill bases the fee on a limited liability corporations income derived from activity in California rather than on worldwide total income. Also codifies a state court decision, Macy's v. San Francisco, to ensure that the state is only to issue refunds of the fee collected in violation of the federal Constitution.

AB 650, c. 606: Personal income taxes, notification; earned income tax

credit. Requires that employers notify their employees that they may be eligible for the federal Earned Income Tax Credit

AB 402, c. 450: Property taxation; change in ownership. Extends change of ownership exclusion to transfers between foster parents and foster children, and enacts reporting requirements for residential cooperative housing.

AB 1260, c. 280: Local government; taxes, fees, assessments, and charges; notice. Clarifies how a public agency may provide notice when proposing a new, or increasing an existing, property-related fee or charge.

AB 1360, c. 281: FTB; notice of proposed deficiency. Requires the FTB to postmark every notice of proposed deficiency assessment and every notice of final deficiency mailed to taxpayers after January 1, 2008.

AB 1748, c. 342: Sales and Use Tax Law. (1) Grants taxpayers appeal rights for the imposition of a negligence penalty for failure to make a prepayment of tax due under the Sales and Use Tax law or the Motor Vehicle Fuel Tax law; (2) Increases the use tax exemption for foreign purchases hand-carried into California within a 30-day period from \$400 to \$800; and (3) Revises effective dates of the surcharge rate period under the Emergency Telephone Users Surcharge law.

SB 105, c. 426: Registered domestic partners. Clarifies SB 1827 (Migden), Chapter 802, Statutes of 2006, which enacted the requirement that registered domestic partners (RDPs) use the same

tax filing status as married persons, that a RDP or a former RDP will be treated as a spouse or former spouse.

<u>SB 559, c. 555</u>: Property taxation; change in ownership; exclusion.

Allows registered domestic partners whose property was reassessed due to a change of ownership between January 1, 2000, and January 1, 2006, to apply to the county assessor to receive a reversal of the reassessment.

SB 717, c. 733: Transportation Investment Fund. Continuously authorizes the transfers of sales tax revenue derived from the sale of motor vehicle fuels to the Transportation Investment Fund, beginning in fiscal year 2008-09.

Vehicles

AB 139, c. 158: Schoolbus drivers; medical examinations. Authorizes a licensed advanced practice registered nurse qualified to perform a medical examination or a licensed physician assistant to give the medical examination required of an applicant for a certificate to drive a school bus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle.

AB 421, c. 746: DMV; abstract of record of court. Requires the court to report to the DMV an abstract of judgment within five days instead of within 10 days thereby complying with a federal requirement.

AB 430, c. 682: Speed contests and reckless driving. Makes conforming changes to provisions relating to reckless driving and speed contests to include

recently enacted provisions with enhanced penalties for specified injuries.

AB 808, c. 748: Licensure application or renewal; required declaration.

Requires, beginning July 1, 2008, that an applicant for an original or renewal drivers license sign a specified declaration related to driving under the influence.

AB 1658, c. 743: Alcoholic beverages; underage drinking. Increases the fines for trying to purchase alcohol by persons under 21 years old and manufacturing of false IDs and licenses.

SB 7, c. 425: Smoking in vehicles with minor passengers. Makes it an infraction for a person to smoke a cigar, cigarette or pipe in a vehicle, whether in motion or at rest, in which there is a minor.

SB 659, c. 192: Repossessors.

Specifies that the legal owner of collateral registered under the Vehicle Code includes the seller or lessee named on a valid conditional sales contract or lease agreement and requires a licensed repossessor who is subject to certain violent acts or threatened acts during a repossession to provide details about the incident to the person who made the assignment. That person will then be required to notify a subsequent repossessor of that information at the time of making another assignment to skip trace, locate, or repossess that vehicle.

Veterans

AB 7, c. 358: Armed services members; consumer loans. Requires any state-chartered bank or credit union

that makes a refund anticipation loan to a covered borrower, as defined, to comply with specified provisions of federal law relating to terms of consumer credit extended to armed services members and dependents of armed services members. This bill, effective October 1, 2007, makes it unlawful under the California Finance Lenders Law (regulating specified consumer loans) and the California Deferred Deposit Transaction Law (regulating payday loans) to violate specified provisions of the federal John Warner National Defense Authorization Act of 2007 (JWNDAA) relating to members of the Armed Services. This bill also provides that any payday lender who does not market or extend payday loans to armed services members, pursuant to the provisions of JWNDAA, would not be in violation of the anti-discrimination provisions of the Military and Veterans Code, which prohibit discrimination in lending or financing practices against service members based upon the person's state or federal military status.

SB 234, c. 151: Consumer warranties; members of the Armed Forces.

Provides that California's Lemon Law cover a motor vehicle purchased by a member of the Armed Forces in the United States with a manufacturer's express warranty regardless of the state of purchase or registration, if both of the following apply: (1) the member purchased the motor vehicle, as defined, from a manufacturer who sells vehicles in California, and (2) the member was stationed in or a resident of California at the time he or she purchased the vehicle or at the time he or she filed an action pursuant to California's Lemon Law. This bill defines "Member of the Armed Forces" for purposes of California's

Lemon Law as a person on full-time active duty in the Army, Navy, Marine Corps, Air Force, National Guard, or Coast Guard, and provides that full-time active duty also include active military service at a designated military service school

Water and Flood

AB 5, c. 366: Flood management.

Reforms the Reclamation Board, adjusts statutory framework for State flood control projects in the Central Valley. Corrects errors in three other bills that are part of this year's flood package - AB 156 (Laird), SB 5 (Machado) and SB 17 (Florez).

AB 70, c. 367: Flood liability.

Establishes that a city or county may be required to contribute its fair and reasonable share for the property damage caused by a flood, to the extent that the city or county increases the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project, and if it is determined that the city or county failed to comply with other applicable provisions of existing law.

AB 156, c. 368: Flood control. Makes changes to flood protection and emergency flood response related to Central Valley flood protection and the management of the system by the Department of Water Resources, the Reclamation Board, and local agencies.

AB 422, c. 597: Hazardous substances; water quality. Increases the consistency between the cleanup standards required by the State Water Resources Control

Board applicable to waste discharges and cleanup standards required by the Department of Toxic Substances Control applicable to hazardous waste sites.

AB 566, c. 319: Water conservation.

Requires the Department of Water Resources (DWR), to the extent that monies are appropriated for these purposes in the annual Budget Act, to complete the development of a standard data protocol for evapotranspiration data for the purpose of ensuring that the data are available in an easily accessible, standard, and usable format throughout the state. This information would be required to be made available through the California Irrigation Management Information System (CIMIS). Also requires DWR to continue the operation of CIMIS.

AB 739, c. 610: Stormwater

discharge. Establishes criteria for the Department of Water Resources and the State Water Resources Control Board to award Proposition 1E and Proposition 84 stormwater grants. Additionally, requires the state board to develop and adopt a framework for assessing the effectiveness of municipal storm water programs and would require municipalities to comply with that framework. Creates a stormwater management task force and requires it to submit a stormwater management program report, no later than January 1, 2009, to the Ocean Protection Council.

AB 800, c. 371: Discharge of hazardous substance or sewage.

Clarifies existing law regarding the emergency notification and reporting of raw sewage spills.

AB 1481, c. 535: Waste discharge and water reclamation requirements;

recycled water; landscape irrigation uses. (1) requires the State Water Resources Control Board (SWRCB), on or before July 31, 2009, to adopt a general permit for landscape irrigation uses of recycled water for which the Department of Public Health has established uniform statewide recycling criteria; (2) requires the SWRCB to establish a reasonable schedule of fees to reimburse SWRCB for the costs it incurs in implementing developing and administering the general permit; (3) prescribes the manner in which an applicant may become subject to the general permit; and (4) requires the SWRCB to designate an ombudsperson to coordinate and facilitate communication on recycled water, on the issuance of specified water reclamation and waste discharge requirements and on the promotion of water recycling while ensuring reasonable protection of water quality.

SB 5, c. 364: Flood management.

Requires the Department of Water Resources and the Central Valley Flood Protection Board to prepare and adopt a Central Valley Flood Protection Plan by 2012, and establishes certain flood protection requirements for certain local land-use decisions consistent with the Central Valley Protection Plan.

SB 17, c. 365: Flood protection.

Renames and substantively restructures the Reclamation Board and requires it to produce a report on the status of the flood control system.

SB 516, c. 434: Shasta-Tehama County Watermaster District. Creates the Shasta-Tehama County Watermaster District in Shasta County and parts of Tehama County, which will perform various functions currently provided by the Department of Water Resources Watermaster program. This bill also creates a seven-member board of directors to govern the newly formed district, to be appointed by the boards of supervisors of Shasta and Tehama counties on or before February 1, 2008.

SB 976, c. 734: SF Bay Area Water Emergency Transportation Authority.

Repeals the San Francisco Bay Area Water Transit Authority and establishes a new replacement entity, the San Francisco Bay Area Water Emergency Transportation Authority, to consolidate and operate ferry services in the San Francisco Bay Area and to plan and respond to emergencies or disasters affecting the transportation system in the San Francisco Bay Area.

SB 1029, c. 725: Drinking water

standards. Establishes timeframes by which regulations relating to maximum contaminant levels (MCLs) for primary and secondary drinking water standards proposed by the Department of Public Health (DPH) must be reviewed as part of the regulatory adoption process. For regulations pertaining to issues other than MCLs for primary or secondary drinking water standards, authorizes DPH to adopt specified federal rules and regulations in accordance with specified procedures.

Welfare and Institutions

AB 298, c. 565: Relative caregivers.

(1) establishes that a juvenile court can approve a proposed plan of legal guardianship with a relative without requiring proof of a compelling reason not to terminate parental rights, (2) revises the existing statutory order of

preference governing permanent planning hearings so that adoption by a current caregiver remains first (as in current law), legal guardianship by a relative caregiver is moved to second. and adoption by an as-yet-unidentified family is third, (3) specifies that a relative caregiver's preference for legal guardianship over adoption, so long as it does not indicate an unwillingness to accept full responsibility for the child, may not alone be the sole basis to remove the child from the relative caregiver's home, and (4) requires a court, prior to termination of a legal guardianship, to order the county child welfare agency to evaluate whether the child could safely remain in or be returned to the guardian's home if services were provided to the child or guardian and, if appropriate, to identify recommended family maintenance or reunification services to maintain the legal guardianship.

AB 673, c. 393: Child abuse or neglect; mandated reports. This bill (1) expressly include death of a child in the definition of child abuse or neglect for purposes of the Child Abuse and Neglect Reporting Act, and (2) clarify that mandated reporters who make a report under this Act in their private capacity and not in their professional capacity or within the scope of their employment are covered under the Act.

AB 1201, c. 457: Antigang violence parenting classes. Provides that if a minor is found to be a delinquent ward of the court by reason of the commission of a gang-related offense, and the court finds that the minor is a first-time offender and orders that a parent or guardian retain custody of that minor, the court may order the parent or

guardian to attend antigang violence parenting classes, as specified.

SB 39, c. 468: County welfare agencies and departments; child abuse and **neglect**; **files.** 1) provides for the release by a county welfare agency of specified information regarding a deceased child where the death is reasonably suspected to be the result of abuse or neglect, within five days of the child's death, (2) where a child's death is substantiated to be from abuse or neglect, establishes a process for the release of specified documents in a county welfare agency's juvenile case file, without court review and for the release of other documents in the case file after a petition is filed and opportunity is given for interested parties to object to the release of those other documents, and (3) clarifies existing law relating to the release of a juvenile case file when a child has died due to abuse or neglect, including the presumption of disclosure unless statutory grounds for non- or partialdisclosure or redaction of information exist. The bill contains legislative declarations and findings regarding the need for quicker access to information contained in a juvenile case file where a child died as a result of abuse or neglect.

SB 183, c. 48: Elderly and dependent adults; civil actions. This bill, without petition to the court, passes the right to commence or maintain a civil action under the Elder Abuse and Dependent Adult Civil Protection Act, after the death of the elder or dependent adult, to an intestate heir whose interest may be affected by the action or to the decedent's successor in interest or an interested person, if there is no personal representative of the decedent.

<u>SB 518, c. 649</u>: Juveniles; Youth Bill of Rights. Enacts a Youth Bill of Rights for incarcerated youth, as specified, and to impose specified requirements on the Division of Juvenile Facilities related to the rights of youthful offenders.

SB 586, c. 652: Affordable Housing Innovation Fund; Affordable Housing Revolvoing Develoment and Acquisition Program. Programs the \$100 million available from the Proposition 1C Affordable Housing Innovation Fund for four distinct purposes.

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