

Notable California Legislation – 2005*

by LEGISLATIVE INTENT SERVICE

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NOTABLE BILLS ENACTED IN 2005

ASSEMBLY BILLS:

Assembly Bill 7 (Cogdill), commencing July 1, 2006, dedicates 33 1/3 percent of the revenues collected from the sale of sport fishing licenses to a new Hatchery and Inland Fisheries Fund which will be used to support fish hatcheries and the Heritage and Wild Trout Program.

Assembly Bill 14 (Harman) prohibits a county assessor from assigning parcel numbers or taking

other actions for subdividing existing residential properties until subdivision final map or parcel map has been recorded.

Assembly Bill 22 (Lieber) establishes civil and criminal penalties for trafficking in human beings, allows for forfeiture of assets derived from human trafficking, makes legislative findings and requires law enforcement agencies to provide Law Enforcement Agency Endorsement (LEAE) to trafficking victims, creates California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force, and provides restitution to victims.

Assembly Bill 68 (Montanez) becomes effective on July 1, 2006, enacts the Car Buyers Bill of Rights.

Assembly Bill 111 (Koretz) authorizes the Department of Alcoholic Beverage Control to issue special event permits for the sale of wine, beer, or distilled spirits for four total days each year, rather than the existing limit of one day per calendar quarter.

Assembly Bill 114 (Cohn) allows evidence of a defendant's prior acts of child abuse, as defined, in criminal cases involving physical child abuse, subject to an evidentiary hearing.

Assembly Bill 115 (Klehs) generally conforms California personal income and corporation tax laws to federal income tax laws, as set forth in the Internal Revenue Code, as of January 1, 2005.

Assembly Bill 121 (Vargas) requires the Department of Health Services (DHS) to regulate candy as to lead content, as defined.

Assembly Bill 178 (Koretz) prohibits the sale of cigarettes that do not meet specified fire safety standards beginning January 1, 2007. Establishes fire safety certification requirements. Establishes new civil penalties for violations.

Assembly Bill 186 (Bogh) establishes a refund mechanism for workplace safety penalties imposed against public police departments, and the Department of Forestry and Fire Protection.

Assembly Bill 228 (Koretz) prohibits health care service plans and health insurers from denying coverage for organ or tissue transplantation services on the basis that an enrollee, subscriber, insured, or policyholder is infected with HIV. The bill permits health plans and insurers, in the provision of benefits required

by this bill, to utilize case management, network providers, utilization review techniques, prior authorization, copayments, or other cost sharing, subject to the terms and conditions of the plan or policy and consistent with sound clinical processes and guidelines.

Assembly Bill 316 (Nakanishi) clarifies the obligation of a qualifier (a qualifying partner, responsible managing officer, or responsible managing employee) for a contractor's license to comply with an arbitration award even though they have notified the Contractors' State License Board that they are no longer going to be the qualifier for the license. This bill revises and refines the elements of the home improvement contract, and the service and repair contract.

Assembly Bill 356 (Chan) requires health plans and insurers selling products in the individual health insurance market to disclose specified information to individuals applying for coverage, and to those who have such coverage, and to report a general description of their rating and underwriting criteria and policies to the Department of Managed Health Care (DMHC) and the Department of Insurance (DOI), as specified.

Assembly Bill 380 (Nunez) establishes resource adequacy standards for electric utilities and other providers of electric service, collectively referred to as load-serving entities.

Assembly Bill 381 (Montanez) provides that an assault committed with the intent to capture any type of visual image, sound recording, or physical impression of the plaintiff subjects a person to provisions of law authorizing liability for up to three times the amount of general and special damages proximately caused by that violation, punitive damages, and disgorgement to the plaintiff of any proceeds or other consideration as a result of the violation; also provides that a person who direct, solicits, actually induces, or actually causes another person to commit an assault of this nature is liable for other specified damages.

Assembly Bill 405 (Montanez) prohibits the use, at a school, of new or experimental pesticides which do not have full registration or testing from state agencies. Senate Floor Amendments of 9/2/05 clarify that the bill does not impose any new labeling requirements and clarifies that a pesticide would be prohibited if it is "for a new use", but exempts conditionally registered pesticides that are

approved for other uses that have fulfilled all registration requirements that relate to human health.

Assembly Bill 414 (Klehs) clarifies the ability of a third party to initiate and enforce a labor compliance program on a public works project that uses funds derived from the Education Facilities Bond Act of 2002 or the Kindergarten-University Public Education Facilities Bond Act of 2004. Senate Floor Amendments delete a prior provision of the bill which prevented a construction manager, who has a financial stake in the completion of a project from performing a labor compliance program, (2) delete the provision that requires the third party, performing the labor compliance program, from having to be independent from the general contractor or subcontractor on a project, and (3) clarify that a third party, who performs a labor compliance program on a project, may not review the payroll of its own employees or the employees of its subcontractors.

Assembly Bill 415 (Harman) extends the sunset date by one year, from January 1, 2006 to January 1, 2007, for a provision that allows an out-of-state attorney to represent a party in an arbitration proceeding in this state or to render legal services in this state in connection with an out-of-state arbitration proceeding, provided the attorney submits an application containing information similar to that required for pro hac vice admissions to practice in the state and provided the attorney submits to the disciplinary jurisdiction of the State Bar of California.

Assembly Bill 428 (Gordon) makes various legislative findings regarding the Department of Alcoholic Beverage Control's (ABC) Grant Assistance Program (GAP) and provides that at least \$1.5 million but no more than \$3 million shall be appropriated annually from the Alcohol Beverage Control Fund (Fund) for support of the program.

Assembly Bill 453 (Benoit) increases, from one year to two years, the time period within which a local agency must complete certain matters necessary for the commencement of a grade separation project in order to receive funding from the California Transportation Commission for the project.

Assembly Bill 489 (Bermudez) extends, by one year each, the due dates for the Ports of Long Beach and Los Angeles to provide certain statistical data and reports to various agencies and the Legislature.

Assembly Bill 495 (Montanez) makes technical cleanup changes to the process by which waste discharge reports must be submitted to a regional water quality control board.

Assembly Bill 512 (Richman) authorizes the Department of Health Services to revoke or suspend the license of a clinical laboratory, or impose a civil money penalty for failure to comply with the infectious disease reporting requirements.

Assembly Bill 532 (Levine) establishes an alternate process for school districts to procure bids for the acquisition of computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus.

Assembly Bill 547 (Berg, et al.) creates the Clean Needle and Syringe Exchange Program, which eliminates the statutory requirement for a declaration of a local emergency by a public entity in order to operate a needle exchange program. The Governor vetoed a similar bill last year but law enforcement support helped to pass this year's bill.

Assembly Bill 582 (Matthews) prohibits a candidate or political committee in this state from transmitting a text message advertisement to a cellular telephone, pager, or two-way messaging device.

Assembly Bill 584 (Blakeslee) deletes the obsolete Alfred E. Alquist Earthquake Fund, transfers the remaining \$106 in the fund to the Seismic Safety Commission and appropriates the funds to the Seismic Safety Commission for expenditure in this fiscal year.

Assembly Bill 646 (Runner) provides that it is an infraction for any person to perform or offer to perform body piercing upon a person under 18 years of age punishable by a fine up to \$250, as specified.

Assembly Bill 662 (La Suer) authorizes a homeowner and a contractor, as defined, to voluntarily agree to incorporate the rights and remedies of SB 800 (Burton), Chapter 722, Statutes of 2002, in a contract for free reconstruction of a home lost during the October

2003 Cedar Fire in San Diego County. This bill sunsets on January 1, 2008.

Assembly Bill 689 (Nava) requires the State Board of Education to adopt content standards for health education, only if sufficient funds are available for this purpose.

Assembly Bill 712 (Canciamilla) redefines the base residential densities from which local governments may not downsize without upzoning other properties or making specific findings. The bill also extends the sunset on the requirement that a court award attorney fees and costs to a successful plaintiff, except under extraordinary circumstances.

Assembly Bill 758 (Calderon) provides that for all residential construction contracts entered into after January 1, 2006, all provisions, clauses, covenants, or agreements contained in any such construction contract that purport to indemnify, including cost to defend, the builder by a subcontractor against liability for claims of construction defects will be unenforceable to the extent the claims arise out of, pertain to, or relate to the negligence of the builder or the builder's other agent's, other servants, or other independent contractors who are directly responsible to the builder, or for defects in design 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. This bill provides that the above section could not be waived or modified by contractual agreement, act, or omission of the and that contractual provisions, clauses, covenants, or agreements not expressly prohibited in the bill would be reserved to the agreement of the parties. This bill provides that the above provisions will not prohibit a subcontractor and builder from mutually agreeing to the timing or immediacy of the defense, and provisions for reimbursement of defense fees and costs, so long as such agreement, upon final resolution of the claims, does not waive or modify the provisions in the bill.

Assembly Bill 764 (Calderon) establishes a specified process where in the event an identification (ID) card issued to a member of the Armed Forces is provided as proof of age 21 when purchasing alcohol beverages, and the ID lacks a physical description, then proof of being

age 21 may be further substantiated if a motor vehicle operator's license or other valid bona fide identification issued by any government jurisdiction is also provided as specified.

Assembly Bill 783 (Jones) provides that expenses for elections proclaimed by the Governor to fill a vacancy in the office of the Senate or Assembly, or to fill a vacancy in the office of United States Senator or Representative in the Congress are to be paid by the state. When an election proclaimed by the Governor is consolidated with a local election, the state will pay only those additional expenses directly related to the election proclaimed by the Governor.

Assembly Bill 911 (Chu) addresses unintended consequences from the amnesty program recently administered by the Franchise Tax Board (FTB) for unpaid tax liabilities.

Assembly Bill 929 (Oropeza) requires the Radiologic Health Branch of the Department of Health Services to adopt regulations regarding quality assurance standards for facilities using specified radiation-producing equipment.

Assembly Bill 1007 (Pavley) requires the Air Resources Board, in consultation with specified state agencies, to develop and adopt a state plan to increase the use of alternative fuels, as specified, by June 30, 2007.

Assembly Bill 1051 (Benoit) prohibits pocket bikes, as defined, from being operated on sidewalks, highways, and public trails.

Assembly Bill 1125 (Pavley) enacts the Rechargeable Battery Recycling Act of 2006, and requires retailers of rechargeable batteries, by July 1, 2006, to establish a system for accepting rechargeable batteries for reuse, recycling, or proper disposal.

Assembly Bill 1158 (Lieber) enacts additional provisions with respect to anti-SLAPP motions and SLAPPback lawsuits, as specified.

Assembly Bill 1179 (Yee) makes it unlawful for a person to sell or rent a video game that is labeled as a "violent video game," as defined, to a minor under 18 years old. The bill also requires specified labeling for the purpose of identifying violent video games. The language of this part of the bill appears to come from a competitor, Assembly Bill 450 (Yee).

Assembly Bill 1194 (Oropeza) requires venues of live entertainment to announce the availability

of emergency exits prior to the beginning of the event.

Assembly Bill 1222 (Jones) creates a Remote Sensing Pilot program, implemented by the Air Resources Board, to determine emissions from locomotives using wayside remote sensing devices.

Assembly Bill 1227 (Torrico) specifies that continuing care retirement facilities are protected by the terms of a law that prohibits discrimination against residential housing developments or emergency shelters. As amended in the Senate, this bill proposes to enact mandatory attorney's fees provisions in housing development law. The bill also makes a number of clarifying changes to the law that prohibits discrimination against residential housing developments. Also places a three-year sunset on the first section of the bill, which added an attorney's fees provision and made other minor changes to the statute prohibiting local governments from denying people the enjoyment of land use for discriminatory reasons.

Assembly Bill 1311 (Koretz) authorizes the Labor Commissioner to serve copies of complaints, notices or decisions on parties as provided in the rules for valid service of a summons in a civil action in addition to those methods already provided for under existing law.

Assembly Bill 1325 (Vargas) increases the penalties for violations of the prohibition against speed contests when there is injury.

Assembly Bill 1328 (Wolk) designates discrete segments of Cache Creek in Yolo and Lake Counties as wild, scenic, and recreational.

Assembly Bill 1329 (Wolk) allows the cities in Solano and Yolo counties to use the design-build contracting method until January 1, 2011. Any city that uses this design-build statute must report to the Office of the Legislative Analyst regarding its design-build experiences by December 1, 2009. The Legislative Analyst must report to the Legislature by January 1, 2010 regarding the effectiveness of the design-build program.

Assembly Bill 1359 (Chan) requires a sponsor of Medicare prescription drug plan authorized by the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to be licensed as a health care service plan by the

Department of Managed Health Care or as a life and disability insurer by the California Department of Insurance.

Assembly Bill 1390 (Jones) creates a 10-year statute of limitations on bringing action against a redevelopment agency for various violations related to its low- and moderate-income housing fund.

Assembly Bill 1400 (Laird) clarifies that marital status and sexual orientation are among the characteristics that are protected against discrimination by business establishments under the Act. This bill also imports into the Act definitions of the terms "disability," "religion," "sex," and "sexual orientation" from the Fair Employment and Housing Act, and includes, in enumerating the above characteristics, the perception of those characteristics and association with a person who has or is perceived to have those characteristics as being within the protected categories. These definitions will be integrated into other related provisions of the Act. This bill contains legislative findings and declarations regarding the Act and the courts' consistent interpretation that the categories enumerated in the Act are illustrative rather than restrictive, and further declares the Legislature's intent that the enumerated bases in the Act continue to be construed as illustrative rather than restrictive. This bill further declares that it does not intend to affect the California Supreme Court's holding in Marina Point, Ltd. v. Wolfson (1982) 30 Cal.3d 721.

Assembly Bill 1415 (Pavley) bans the sale and distribution of specified products containing mercury as well as providing certain exemptions.

Assembly Bill 1442 (Horton) creates a Tied-House Law exception by allowing the holder of a beer manufacturer's or winegrower's license, a distilled spirits rectifier, or a distilled spirits manufacturer or distilled spirits manufacturer's agent, to purchase advertising time and space from, or on behalf of, an on-sale retail licensee at additional facilities in Los Angeles County, as specified.

Assembly Bill 1474 (Maze) makes changes in the provisional licensing program that would impose additional operating restrictions on younger drivers.

Assembly Bill 1495 (Canciamilla) exempts from public disclosure under the Public Records Act critical infrastructure information, as defined in the federal Homeland Security Act that is voluntarily provided to the California Office of Homeland Security.

Assembly Bill 1507 (Pavley), for a five-year period beginning July 7, 2007, requires a health studio, as defined, to acquire, maintain, and train personnel in the use of automatic external defibrillators, as specified.

Assembly Bill 1512 (Garcia) allows the California Housing Finance Agency to use not more than \$75 million from the California Housing Downpayment Assistance Program to make short-term loans for the acquisition of land and the development of for-sale housing. This bill also allows a designee of the general counsel to advise the board of directors, chairperson, and executive director when the general counsel is unavailable.

Assembly Bill 1585 (Blakeslee) requires the California Energy Commission (CEC) to review the feasibility of increasing the renewable resources target to 33 percent by 2020.

Assembly Bill 1655 (Ridley-Thomas) specifies that certain stepchildren of deceased law enforcement and firefighting personnel may qualify for tuition and fee waivers at the University of California, Hastings College of the Law and the California State University.

Assembly Bill 1660 (Pavley) enacts the California Energy-Efficient Vehicle Group Purchase Program to encourage the purchase of energy-efficient vehicles by local and state agencies through a group-purchasing program that uses the purchasing leverage of state and local agencies to lower the purchase price of those vehicles.

Assembly Bill 1661 (Horton) updates California's financial guaranty laws to reflect changes made in other states over the past decade. Specifically, this bill makes numerous changes including (1) redefining terms, (2) expanding and adjusting several classifications, (3) authorizing certain accounting adjustments, (4) authorizing an increased investment in single entity from one to four percent, and (5) clarifying calculations of reserves, unearned premium, and other terms.

Assembly Bill 1669 (Chu) tolls, for an employee who is a minor, the one-year statute of limitation for filing a complaint based on an unlawful employment practice under the Fair Employment and Housing Act, so that the employee may file such a claim up to one year after the minor reaches the age of 18.

Assembly Bill 1690 (Laird) requires the Legislative Analyst to conduct a review of the planning processes used by the University of California and the communities in which they are located. *Note:* As it left the Assembly, this bill required UC to enter into an enforceable agreement with cities and counties to include a schedule of infrastructure, mitigations and municipal services. Senate amendments deleted those provisions and instead require a study of the subject.

Assembly Bill 1734 (Koretz) allows existing provisions relative to meal periods that are contained in valid collective bargaining agreements of employees in the motion picture industry or the broadcasting industry to apply in lieu of provisions related to meal periods of applicable state law.

Assembly Bill 1746 (Assembly Local Government Comm.) makes eight changes to the state laws affecting local agency formation commissions (LAFCOs) and local governments boundaries. This bill also extends the deadline for LAFCOs to review, revise, and update their spheres of influence from January 1, 2006 to January 1, 2008.

SENATE BILLS:

Senate Bill 8 (Soto) applies the so-called revolving door prohibition to every city, county, school district, and special district in the state, as specified.

Senate Bill 12 (Escutia) removes the requirement that SB 19 (Escutia) Chapter 913, Statutes of 2001, be funded in order to be implemented, thereby implementing nutrition standards in elementary schools, and extends the standards to secondary schools. This bill also modifies nutrition standards.

Senate Bill 35 (Florez) expands auditing requirements under the California Children and Families Act of 1998 (Proposition 10). This bill

requires county commissions to submit specified annual audit reports and authorizes the state commission to withhold funds from county commissions who fail to report. In addition, this bill requires the State Controller to issue guidelines for the expanded audits of county commissions and quality control functions, and present the final guidelines and an implementation plan to the state commission.

Senate Bill 37 (Speier) requires the Department of Health Services to provide the United States Anti-Doping Agency's (USADA) Guide to Prohibited Substances and Prohibited Methods of Doping (guide) to the California Department of Education (CDE) on or before March 30, 2006, and makes changes relating to the 1998 California High School Coaching Education Program.

Senate Bill 39 (Murray) allows registered Permanent Absentee Voters to continue to receive an absentee ballot in all elections unless they fail to return their ballot in two consecutive statewide general elections.

Senate Bill 70 (Scott) provides resources for the support of career technical education programs at middle schools, high schools, regional occupational centers and programs and community colleges.

Senate Bill 97 (Murray) provides that a person who sends unsolicited commercial e-mail advertising shall be subject to misdemeanor criminal penalties (a six month county jail sentence and/or a fine of up to \$1,000) where the message or "header" contains false or misleading information.

Senate Bill 102 (Ducheny) authorizes the Employment Training Panel to allocate funds for up to five licensed nurse training pilot programs to train individuals who are currently working as nurse assistants or caregivers in a health facility, as defined.

Senate Bill 115 (Florez) makes various changes to the Disabled Veteran Business Enterprise Program (DVBE), including requiring the Department of General Services to establish a DVBE participation incentive to bidders that would be mandatory for all state agencies, and requiring the Department of Veterans Affairs to establish a method of monitoring adherence to the DVBE participation goals.

Senate Bill 118 (Chesbro) brings California law into line with a recent Supreme Court decision, Granholm v. Heald, regarding interstate sales of wine.

Senate Bill 140 (Margett) allows excavators to use vacuum excavation devices or power-operated or power-driven tools near subsurface installations as long as there is an express written mutual agreement between the operator(s) and the excavator. This bill requires operators to use the uniform color code of the American Public Works Association when making field markings.

Assembly Amendments require operators to use the uniform color code of the American Public Works Association when making field markings.

Senate Bill 157 (Ackerman) allows a business entity to enter into an installment agreement to satisfy a tax liability.

Senate Bill 220 (Chesbro) authorizes Napa Valley College to sell wine it produces as part of the College's instructional program in viticulture and enology.

Senate Bill 228 (Figueroa) extends the sunset date for the Board for Geologists and Geophysicists, and extends the sunset date for the Board for Professional Engineers and Land Surveyors.

Senate Bill 275 (Torlakson) requires the California Transportation Commission (CTC) to complete a 10-year transportation needs assessment.

Senate Bill 281 (Maldonado) establishes the California Fresh Start Pilot Program, administered by the California Department of Education, in consultation with the Department of Food and Agriculture and the Department of Health Services.

Senate Bill 310 (Chesbro) requires the Morale, Welfare, and Recreation Fund, established for the California Veterans' Home at Yountville, to maintain a reserve in the amount of \$2 million and allows the reserve to be invested in securities.

Senate Bill 322 (Midgen) requires the Department of Alcoholic Beverage Control, on a quarterly basis and at no cost, to transmit an electronic report to the Board of Equalization that contains certain information on licenses issued or transferred in order to facilitate administration of the Sales and Use Tax Law.

Senate Bill 355 (Murray) prohibits phishing, the act of posing as a legitimate company in an email, Web page, or Internet communication in order to trick a recipient into revealing his or her personal information.

Senate Bill 471 (Escutia) deletes from the definition of property, contained in the California Land Environmental Restoration and Reuse Act (CLERRA), a site that has one or more full-time equivalent employees on an annualized basis.

Senate Bill 484 (Migden) establishes the California Safe Cosmetics Act of 2005.

Senate Bill 555 (Machado) is an omnibus technical containing various changes to the property and income tax laws proposed by various entities, including the California Assessors' Association, the California Association of County Treasurers & Tax Collectors, the California Association of Clerks and Election Officials, the Franchise Tax Board, and the State Controller.

Senate Bill 570 (Migden) creates a procedure for minors who are within the jurisdiction of the juvenile court for delinquent conduct to be evaluated for mental disorders, emotional disturbances or developmental disabilities, as specified.

Senate Bill 581 (Figueroa) provides specified conditions, circumstances and time frames under which a person may cancel a contract for health studio services when facilities or services are not offered, eliminated or substantially reduced. It raises the amount that a health studio can require as part of the contract, allows for a right to cancel the contract and provides for prorated reimbursement within a specified period of time, depending on the amount of the contract, and requires facilities that have not yet opened to hold moneys received in trust and meet other requirements, as specified.

Senate Bill 644 (Ortiz) prohibits a health care licentiate (such as a pharmacist) from obstructing a patient from obtaining prescribed drugs or devices, except under specified conditions.

Senate Bill 670 (Dunn) expresses the apology of the State of California to the victims that were illegally deported or coerced into leaving the United States under the Mexican Repatriation Program of the 1930's and requires a plaque be placed in a designated public location to

commemorate the victims of the repatriation program.

Senate Bill 719 (Romero) increases penalties for fleeing in a motor vehicle from police, conditions immunity for law enforcement agencies from liability for injuries from police vehicle pursuits on adoption and promulgation of pursuit policy and regular and periodic training.

Senate Bill 724 (Scott) authorizes the California State University to award the Doctor of Education (Ed.D) degree, focused on preparing administrative leaders for California public elementary and secondary schools and community colleges.

Senate Bill 754 (Poochigian) allows a trustee, under specified terms and conditions, to convert a trust into a unitrust, reconvert from a unitrust to a trust and change the distribution payout of the unitrust. Finally, this bill requires a fiduciary administering a unitrust, reconverting a trust, or changing the percentage payout from a unitrust, to administer the trust impartially. Assembly Amendments made clarifying changes relative to converting a trust and changing the payout percentage.

Senate Bill 759 (Maldonado) allows certified payroll information on public works projects to be submitted in an electronic data format. Specifies that certified payroll records may consist of printouts of payroll data that are maintained as computer records, if the printouts contain the same information and are verified in the same manner as currently required for written payroll records.

Senate Bill 771 (Simitian) extends the restrictions on discharges that currently apply to cruise ships to include oceangoing ships in state marine waters and marine sanctuaries.

Senate Bill 798 (Simitian) establishes a voluntary, county-option drug repository and distribution program to distribute surplus medications to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies.

Senate Bill 833 (Bowen) establishes in California the federal-in requirement for junk faxes (unsolicited advertising via facsimile machines, computers, or other electronic devices), rather than rely on the application of federal law to regulate these unsolicited fax ads. The bill mirrors federal law governing junk faxes, as follows: (1) it prohibits the sending of unsolicited commercial

faxes to or from California or advertising using unsolicited faxes, (2) it permits persons and businesses that receive junk faxes to sue the sender or advertiser, or both, for injunctive relief, for actual damages or \$500, whichever is greater, per violation, and for up to treble the damages for knowing or willful violations, and (3) it requires the same identifying information on any junk fax sent to or from California, including the identity of the business and/or person sending the fax, the telephone number of the machine sending the fax, and the date and time the fax is sent.

Senate Bill 861 (Speier) allows cities and counties to enact breed-specific ordinances for mandatory spaying and neutering and breeding restrictions; provides for increased reporting to the State Public Health Veterinarian of dog bite data and other information by local jurisdictions that make use of the authorization provided by this bill.

Senate Bill 914 (Kehoe) makes the selling of a dog under the age of eight weeks, except as specified, an infraction or a misdemeanor, punishable as specified. In addition, the bill specifies that with respect to the sale of two or more dogs in violation of the bill provisions, each dog unlawfully sold shall represent a separate offense.

Senate Bill 963 (Ashburn) explicitly includes in the existing law pertaining to local home detention programs using "electronic monitoring or supervising devices" the use of "global positioning system devices and other" supervising devices.

Senate Bill 965 (Escutia) revises, and extends to high schools, on a phased-in basis beginning July 1, 2007, current restrictions imposed on K-8 pupils relating to the sale of certain beverages.

Senate Bill 975 (Ashburn) allows public agencies to use vehicles that can run off biodiesel blends -- "biodiesel" to mean a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of the American Society for Testing and Materials (ASTM) D-6751.

Senate Bill 1018 (Simitian) enacts the Financial Elder Abuse Reporting Act of 2005; from January 1, 2007 until January 1, 2013,

makes all officers and employees of banks, federal and state credit unions and their affiliates who suspect financial elder or dependent adult abuse, as specified, mandated reporters of suspected financial abuse of elders and dependent adults; and makes a failure by a mandated reporter to report suspected financial abuse of an elder or dependent adult subject to civil penalties currently imposed on other mandated reporters of elder or dependent adult abuse, and makes such penalties payable by the employer financial institution.

Senate Bill 1028 (Bowen) prohibits the shooting or killing of any bird or mammal with any weapon via the Internet.

Senate Bill 1100 (Perata) establishes the Medi-Cal Hospital Care and Uninsured Hospital Care Demonstration Project Act, which serves as the statutory framework for implementing a five year waiver of federal Medicaid requirements that provide federal Medicaid funding under the terms of the waiver to pay certain public, private, and district hospitals for services provided to Medi-Cal and uninsured patients.