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COMPENDIUM OF 2008 NOTABLE CALIFORNIA LEGISLATION ©

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The 2007-2008 Biennial Session of the California Legislature began on January 3, 2007, with the first year of the biennium ending on September 14, 2007. The second year of the biennium began on January 7, 2008 when the Legislature reconvened. The Governor had until September 30, 2008 to sign or veto bills passed by the Legislature before and in the Governor's possession on or after September 1, 2008. (Art. IV, Sec. 10(b)(2)) Any bill in the possession of the Governor after September 12, 2008 that was not returned within 12 days after that date was passed into law. (Id., Sec. 10(b)(1)) The 2009-2010 Regular Session will convene on December 1, 2008. (Art. IV, Sec. 3(a))

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

This list is not intended to be exhaustive. If you are interested in legislation not noted that was enacted in this or any other Legislative Session, please contact us.

There is an **Index** at the end of this Compendium for your easy reference in locating specific legislation within this document.

Free State Bar approved self-study exam on legislative history available 24/7 at: <http://www.legintent.com/onlinemcle.php>

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AGRICULTURE

AB 2168, c. 447: Farm stands; direct marketing; retail food. Allows individuals, organizations, or entities that purchase produce or products from a farmers' market, farm stand, or retail farm stand to resell that product to another user if there is information provided to trace back the produce.

AB 2284, c. 236: Market milk standards; frozen yogurt; "Milk Producers Security Trust Fund". Provides specific temperature requirements for market milk at specific times; deletes specific frozen yogurt requirements; provides that any instrument used as acceptable security for the Milk Producers Security Trust Fund is subject to revised requirements; modifies the circumstances under which the Secretary of the California Department of Food and Agriculture may release the issuer of acceptable security from liability; and, makes other technical changes.

AB 2349, c. 147: Diseased animals and poultry; violations and penalties; administrative penalty. Allows the Department of Food and Agriculture, in addition to the Attorney General, to enforce animal quarantine laws; makes a violation of animal quarantine laws subject to an administrative penalty between \$100 to \$1,000 per violation, credited to the Food and Agriculture Fund; and requires the CDFA to notify the violator and requires the violator be given an opportunity to be heard in an administrative adjudication hearing provided by CDFA.

AB 2763, c. 573: Invasive pests; advance planning; detection and eradicating plans. Requires the California Department of Food and Agriculture to develop and maintain a list of invasive animals, plants, and insects likely to enter California; requires CDFA to plan for

appropriate responses to these invasive pests; and requires CDFA to follow specific protocols based on the plan if pests enter the state.

AB 2765, c. 574: Pest eradication; serial use of pesticide; public hearing; notice. When the Secretary of the Department of Food and Agriculture proclaims an eradication project in an urban area that includes potential aerial application, this bill 1) requires the Secretary or a county agricultural commissioner, before the aerial application of a pesticide, to conduct at least one public hearing to consider all alternatives to aerial application; 2) requires the Secretary to seek an evaluation of human health risk and environmental risk jointly prepared by the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment including findings and recommendations relating to the proposed use of a pesticide by serial application; and 3) expands information contained in the public notice to include specified information of each active ingredient and inert material in the pesticide formulation.

SB 1623, c. 414: Rice industry. Defines the terms "handle" and "process" for purposes of rice production and distribution, and changes the definition of the term "handler" to persons selling or offering rice for sale. Deletes fidelity bond requirements for agents designated by the California Rice Commission (CRC) to handle assessments and instead requires these funds to be accounted for in a manner prescribed by the CRC. Repeals and recasts the CRC and Department of Food and Agriculture (DFA) duties related to investigations and violations. Allows the DFA and the CRC to collect reimbursements for enforcement costs associated with this bill.

BUSINESS AND PROFESSIONS

AB 1245, c. 629: Alcoholic beverages.

Modifies an existing provision of the Alcoholic Beverage Control Act to allow beer manufacturers to give adult consumers promotional advertising items valued up to \$3.

AB 1545, c. 35: Professional boards, and vocations. Re-establishes the Dental Board of California (DBC), the Speech-Language Pathology and Audiology Board (SLPAB), the Board of Vocational Nursing and Psychiatric Technicians (BVN), and the Board of Barbering and Cosmetology (BBC) within the Department of Consumer Affairs (DCA); establishes an executive officer for each board; repeals these provisions on January 1, 2012.

AB 2059, c. 738: Advertising; mailed solicitations; disclosures. Protects consumers from unknowingly waiving their rights under federal and state Do Not Call laws by requiring clear and conspicuous disclosures on "lead cards" or other forms of marketing devices used to obtain a consumer's express written permission to be solicited by telephone.

AB 2163, c. 739: Prepaid calling cards. Enhances the advertising disclosure requirements related to prepaid calling cards and services by requiring that any advertisement of the price, rate, or unit value in connection with the sale of prepaid calling cards or services clearly and conspicuously disclose all ancillary charges, as defined, and the conditions under which each applies. Requires that customers be informed of any increased rates or charges prior to agreeing to pay for a recharge of a prepaid calling card or service and that a voice prompt be provided at the beginning of each call that indicates the total number of prepaid minutes that are available for that call.

AB 2210, c. 449: Dentistry; emergency services. Provides a dentist with a qualified immunity from civil liability for the provision of emergency medical care consistent with his or her dental education and emergency training during a declared state of emergency. Applies to good faith, but negligent actions causing personal injury, wrongful death, or property damage. Does not apply to acts of gross negligence or willful misconduct. Does not limit any immunity provided under the existing "Good Samaritan" statute.

AB 2293, c. 638: Alcoholic beverage licenses. Adds a new provision to the Alcoholic Beverage Control Act that permits a manufacturer of distilled spirits, winegrower, rectifier, or distiller, or its authorized agent to provide their product, as well as entertainment and food to consumers over 21 years of age during invitation-only events (free of charge), as specified. The events must occur on premises for which a caterer's permit authorization has been issued. Sunsets on January 1, 2014.

AB 2842, c. 744: Solicitation; unfair business practices. Provides that it is an unfair business practice for a solicitor, solicitor firm, or representative of a health care service plan to sell, solicit, or negotiate the purchase of health care coverage products by specified methods; and defines "cold lead advertising" and "Medicare product."

SB 1400, c. 749: Sweepstakes. Updates California's rules and disclosure requirements for sweepstakes solicitations to better protect consumers, particularly the elderly who are disproportionately targeted and victimized, against unfair or misleading advertising of sweepstakes.

SB 691, c. 730: Junk dealers and recyclers; nonferrous material. Requires junk dealers and recyclers to comply with additional

recordkeeping requirements and new payment restrictions when purchasing nonferrous materials (i.e., copper, copper alloys, stainless steel, and aluminum, excluding beverage containers).

SB 1307, c. 713: Pharmacy; pedigree.

Extends the pedigree implementation requirement to allow additional time for the development and testing of technological innovations and applications used in the pedigree process for compliance with the electronic drug pedigree law beginning on January 1, 2015, and ending on July 1, 2017.

SB 1369, c. 748: Remote caller bingo.

Authorizes remote caller bingo as a game in which specific tax-exempt organizations, as defined, may use audio or video technology to link designated in-state facilities for playing bingo pursuant to a local ordinance and state regulation and oversight. Defines "bingo" as a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player's possession and that conforms to numbers or symbols, selected at random and announced by a live caller, as specified.

CIVIL PROCEDURE

AB 2193, c. 231: Civil discovery; out-of-state proceedings. Establishes the Interstate and International Depositions and Discovery Act which clarifies and refines the procedure for obtaining discovery from a witness in this state for purposes of a case pending in an out-of-state jurisdiction.

CIVIL RIGHTS/PRIVACY

AB 2249, c. 234: Financial institutions; accounts. Authorizes depository institutions to provide the Franchise Tax Board (FTB) with information, for the purpose of allowing

the FTB to collect improperly deposited tax refunds from people to whom the refunds should not have gone, and timely credit the accounts of people to whom the refunds should have gone. Also, corrects a chaptering-out error involving the provision of information to a county adult protective services office or long-term care ombudsman.

AB 2654, c. 682: Discrimination. Updates various provisions in different codes dealing with discrimination in contracting, insurance, workers compensation, court-appointed child advocacy, and prepaid health plans to ensure that proper reference is made to the classes protected under the Unruh Civil Rights Act, or Government Code 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), or to the Fair Employment and Housing Act. Expands the protected classes in some statutes to encompass those recently added to the Unruh Civil Rights Act or to sections of the Government Code.

SB 31, c. 746: Identification documents. Part of a package of bills concerning privacy and Radio Frequency Identification (RFID) technology. Defines misdemeanors for non-consensual remote reading of RFID and for improper disclosure of the keys to RFID systems. Persons and entities that misuse this powerful technology must face reasonable sanctions.

SB 1608, c. 549: Disabled persons; equal access rights; civil actions. Comprehensive reform measure intended to promote better compliance with the Americans with Disabilities Act (ADA), as well as the state's own equal access laws. It is a multi-faceted approach that attempts to address the problem of non-compliance in several ways.

CONSTRUCTION

SB 1407, c. 311: Court facilities; financing.

Allows the issuance of up to \$5 billion in lease-revenue bonds to finance the construction of critical needs courthouse construction projects, and supports the debt service for the bonds by raising specified criminal and civil fees and fines.

CORPORATIONS

AB 2796, c. 363: Office of Emergency Services; statewide registry. Authorizes the Office of Emergency Services (OES) to establish a registry of private businesses and nonprofit organizations that are interested in making donations to the state, to prepare the state for emergencies and disasters and provides for associated procedures and rules.

SB 1329, c. 715: charitable institutions; fund management; dissolution. Repeals the Uniform Management of Institutional Funds Act (UMIFA) and enacts the Uniform Prudent Management of Institutional Funds Act (UPMIFA), which revises and reenacts the provisions contained in UMIFA. Requires an institution, when managing and investing an institutional fund, to consider the charitable purposes, as defined, of the institution and the purposes of the fund, to act in good faith and with the care of an ordinarily prudent person, to incur only reasonable and appropriate costs, and to take specified factors into consideration. Establishes procedures for the modification of restrictions on the use of institutional funds and authorizes a charitable institution to modify a restriction on the use of institutional funds not exceeding \$100,000 and older than 20 years by making a filing with the Attorney General rather than seeking court relief. Modifies the requirements with respect to expenditures and accumulation of endowment funds. Makes various other changes to current UMIFA provisions.

Authorizes a court, in an action brought by and at the request of the Attorney General, to make an order declaring that a nonprofit public benefit corporation is wound up and dissolved without meeting these requirements, upon a finding by the court that it is impossible or impracticable to meet some or all of those requirements.

SB 1409, c. 177: Annual reports.

Authorizes certain California corporations to follow a recently-issued Securities and Exchange Commission rule allowing proxy materials to be provided over the Internet.

COURTS

AB 1949, c. 218: Court operations. Updates the law on trial preferences to remove obsolete references; provides additional time for the processing of local court rules; clarifies the definition of a subordinate judicial officer (SJO) and the law governing SJO relocation costs; and clarifies the law pertaining to the payment of civil jury fees and jury deposits by governmental entities.

CRIMINAL LAW

AB 352, c. 422: Imitation firearms. Expands the existing prohibition against openly displaying or exposing any imitation firearm in a public place to include any such display on the grounds of a public school.

AB 499, c. 359: Commercially sexually exploited minors. Creates a pilot project in Alameda County which may be implemented contingent upon local funding for the purpose of diverting sexually exploited minors accused of soliciting an act of prostitution into supervised counseling and treatment programs.

AB 534, c. 423: Crimes against children.

Prohibits publishing information describing or depicting a child 14 or under, the physical appearance of such a child, the location of such a child, or locations where such children may be found, with the intent that another person imminently use the information to commit a crime against such a child and the information is likely to aid in the imminent commission of a crime against such a child; provides that a violation is a misdemeanor, punishable by up to one year in county jail, a fine of up to \$1,000, or both; and provides that any parent or guardian of a child 14 or under, about whom such information is published with the specified intent, may seek a preliminary injunction enjoining any further publication of that information.

AB 717, c. 582: Victims compensation. (1)

Allows a victim of a sex crime that occurred when the victim was a minor to file a claim until the victim's 28th birthday; (2) allows moving expenses to be paid to a person who resided with a homicide victim; (3) allows compensation to be paid to the victim for pecuniary losses that occurred during prosecution or punishment of the perpetrator, regardless of whether or not the victim previously suffered pecuniary losses; and (4) requires additional information to be provided to the Victim Compensation and Government Claims Board concerning an inheritance that has come to an inmate who may owe restitution or a restitution fine.

AB 919, c. 583: Electronic communication devices; threats to safety.

Creates a new crime, punishable by up to one year in the county jail, a fine of up to \$1,000, or both for any person acting with the intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, and without consent of the other person, and for the purpose of imminently causing that other person

unwanted physical contact, injury, or harassment, by a third party, to use an electronic communication device to electronically distribute, publish, e-mail, hyperlink, or make available for downloading, personal identifying information, as defined, or an electronic message of a harassing nature about another person.

AB 1278, c. 258: Crimes; human trafficking.

voids, as a matter of public policy, any contract provision that purports to allow a deduction from a person's wages for the cost of emigrating and transporting that person to the United States; and establishes a procedure where multiple violations of human trafficking involving the same victim or victims but occurring in more than one county could be tried together in one county.

AB 1771, c. 86: Domestic violence;

restraining orders. Specifies the information that a court may consider in determining whether "good cause" exists to issue a domestic violence restraining order, to include the underlying nature of the offense charged as well as information provided to the court pursuant to a criminal history search.

AB 1931, c. 217: Peace officer powers; illegal dumping enforcement officers.

Amends the Penal Code section that grants limited arrest powers to, among others, illegal dumping enforcement officers, to define an illegal dumping enforcement officer to include a person employed part-time or as a volunteer who completes specified training and is designated by local ordinance as a public officer.

AB 1976, c. 89: Emergency telephone system; abuse.

Any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction – Penalties will be: 1) a written

warning on the first violation; 2) for a second violation a fine of \$50, plus penalty assessments; 3) for a third violation, a fine of \$100, plus penalty assessments; and 4) for a fourth or subsequent violation a fine of \$250, plus penalty assessments.

AB 2098, c. 194: animals, nonambulatory; cruelty. Makes it a misdemeanor to buy, sell, process or butcher, meat or products of a nonambulatory animal for human consumption and to provide for property handling of a nonambulatory animal.

AB 2296, c. 492: Academic research; “Researcher Protection Act of 2008”. Creates a misdemeanor punishable by up to one year in the county jail for any person who publishes information describing, depicting, or location where an academic animal researcher or his/her immediate family member, with the intent that another person imminently use the information to commit a crime involving violence or threat of violence against an academic researcher or his/her immediate family member.

AB 2337, c. 456: Child abuse reporting; mandated reporters. Adds drug and alcohol counselors to the list of mandated reporters for the purpose of the Child Abuse and Neglect Reporting Act, and defines an "alcohol and drug abuse counselor" as a person providing counseling therapy, or other clinical services for a state-licensed or certified drug, alcohol, or drug and alcohol treatment program.

AB 2470, c. 676: Crimes; weapons. (1) Provides that any person who, without the written permission of the college or university president or chancellor or his or her designee, brings or possesses a less lethal weapon (i.e., a remote stun gun or taser), or a stun gun, as defined, upon the grounds of or within a public or private college or university campus is guilty of a misdemeanor, punishable by up

to six months in jail, a fine of up to \$1,000, or both; and (2) Provides that publicly displaying an imitation firearm on a public or private college or university campus without authorization, subject to specified exceptions, will be punishable as an infraction by a fine of \$100 for the first offense, \$300 for a second offense, and a third or subsequent violation of this section is punishable as a misdemeanor, by up to six months in county jail, a fine of \$1,000, or both.

AB 2750, c. 468: Music piracy; restitution. (1) Specifically provides that in a music or audio-visual piracy case restitution shall be paid to the owner, lawful producer, or trade association acting on behalf of the owner or producer; (2) Provides for the calculation of restitution for music and audio-visual piracy; and (3) Provides that restitution includes the reasonable costs incurred by the owner, producer, or trade association acting on behalf of the owner or producer, to investigate the piracy.

AB 2809, c. 587: Crime victims; mental health counseling. Authorizes the Victims Compensation and Government Claims Board to reimburse the cost of out-patient mental health counseling in an amount of not more than \$5,000 for any minor who suffers emotional injury as a direct result of witnessing a violent crime and is not eligible for reimbursement of those costs under any other provision of law. To be eligible for reimbursement for mental health counseling, the minor must have been in close proximity to the victim when the minor witnessed the crime.

AB 2810, c. 358: Human trafficking. (1) Makes specified legislative findings with respect to human trafficking; (2) Requires law enforcement agencies to use due diligence to identify victims of human trafficking, regardless of the persons citizenship, and,

under specified circumstances, consider whether specified indicators of human trafficking are present; and (3) Allows any person who claims to have been forced to commit an act of prostitution because they are a victim of human trafficking to have their name and address kept confidential, under an exception to the Public Records Act.

SB 129, c. 109: Criminal communications.

Expands the scope of the current crime of making two or more phone calls or electronic communications with the intent to annoy. Also prohibits making two or more such communications regardless of where the communication is received.

SB 1033, c. 111: Undetectable knives.

Expressly prohibits the export out of state of undetectable knives, [any knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that is commercially manufactured to be used as a weapon and is not detectable by a metal detector or magnetometer, either handheld or otherwise, that is set at standard calibration], to prohibit keeping undetectable knives for dealer, wholesaler, or distributor sale, and to require that any sale of undetectable knives to exempt entities be made pursuant to a valid purchase order.

SB 1126, c. 38: Criminal street gangs; nuisance; damages. Authorizes the Attorney General, district attorney or prosecuting city attorney to collect assets from a criminal street gang or individual members who knew or should have known of the unlawful act in order to satisfy a money damages award in a nuisance abatement action, as specified; and, states only members of the criminal street gang who created, maintained or contributed to the creation or maintenance of the nuisance are personally liable for the money damages.

SB 1509, c. 410: Highway workers; assault and battery. Enacts new misdemeanor assault and battery crimes applicable where the victim is a Department of Transportation employee or contractor, as specified.

EDUCATION

AB 830, c. 649: Vehicles; transportation of school pupils. Specifies that a parent may contract with a charter-party carrier that operates a vehicle carrying between 11 and 25 persons to or from school-related activities. Also requires the California Department of Education to review and, if necessary, revise its training courses and requirements for classroom instruction and behind-the-wheel training to ensure that they appropriately address those vehicles that carry between 11 and 25 persons.

AB 876, c. 650: Career technical education. Requests the University of California and the California State University to provide assistance in the development of K-12 Career Technical Education courses for the purposes of admission to UC and CSU and to disseminate information about those courses.

AB 2759, c. 308: State preschool programs; reform. Consolidates the State Preschool program, and the portion of the general child care and development program that serves three- and four-year-olds into one preschool program, establishing the California State Preschool Program.

SB 1105, c. 577: Teacher credentialing; criminal convictions.

Expands the definition of "conviction" when applied to suspending or revoking teaching credentials to include pleas of nolo contendere, allows the Commission on Teacher Credentialing to make adverse action findings available for up to five years, as specified, and requires the Legislature to

convene a workgroup to study specific sections of the Education Code, and to report on its findings before December 1, 2009.

SB 1110, c. 578: Teacher credentialing; revocation of credential. Requires the Commission on Teacher Credentialing to suspend a teaching credential when the holder's credential has been revoked by another state; and, to revoke a teaching credential when the holder's ability to associate with minors has been limited as a condition of probation.

SB 1186, c. 518: Teachers. Provides exemptions from the state basic skills proficiency test requirement, clarifies requirements for teacher development programs, and makes other technical and conforming changes to statute.

SB 1251, c. 710: Academic Performance Index; graduation rates. Adds partial credit for pupils who graduate high school in five or six years to the calculation of each high schools Academic Performance Index.

SB 1370, c. 525: Freedom of speech and of the press. Prohibits a school employee from being dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a pupil or student engaged in conduct authorized by state law or refusing to infringe upon conduct that is protected pursuant to the United States Constitution and the California Constitution.

SB 1629, c. 307: State preschool programs. Establishes the Early Learning Quality Improvement System Advisory Committee to develop recommendations on how to evaluate and improve the quality of child development programs providing services from birth to age five, including preschool, and establishes a framework for future resources necessary to achieve and maintain higher quality programs.

SB 1666, c. 726: School zones; crime. Expands the area of a safe school zone" from 1,000 to 1,500 feet from a school, and provides that existing school disruption and related crimes apply to proscribed conduct on or around a private school.

ELECTIONS

AB 583, c. 735: Political Reform Act of 1974; "California Fair Elections Act of 2008". Enacts the California Fair Elections Act of 2008 to authorize candidates for the office of Secretary of State to obtain public funds for campaign purposes, and provides for its submission to the voters for approval at the June 8, 2010 statewide primary election. Sunsets on January 1, 2019. Provides for a tax checkoff where taxpayers may designate to the Voters Fair Elections Fund which is created by the bill.

ENERGY

AB 811, c. 159: Contractual assessments; energy efficiency improvements. Authorizes all cities and counties in California to designate areas within which city officials and willing property owners may enter into contractual assessments to finance the installation of distributed generation renewable energy sources and energy efficiency improvements.

AB 2466, c. 540: Local government renewable energy self-generation program. Authorizes a local government entity to receive a credit on their electric bill for power generated from a renewable energy facility that generates more energy than is needed to serve the electrical load of governmental entity owned or controlled site where the facility is located.

AB 2791, c. 253: “**Waste Heat and Carbon Emissions Reduction Act.**” Expands the definition of eligible customer under the Waste Heat and Carbon Emissions Reduction Act to include a federal, state, or local government facility. Also prohibits any state agency's acquisition of a combined heat and power facility, financed pursuant to the Act, until legislative notification, as specified, has been made by the Department of Finance.

ENVIRONMENT

AB 109, c. 313: **Air pollution; alternative fuels and vehicle technologies.** Provides clarifying changes to the existing greenhouse gas emission reduction programs authorized by AB 118 of 2007, specifically the Alternative and Renewable Fuel and Vehicle Technology Program and the Air Quality Improvement Program.

AB 844, c. 731: **Junk dealers and recyclers; nonferrous material.** Requires junk dealers and recyclers to comply with additional recordkeeping requirements and new payment restrictions when purchasing nonferrous materials such as copper, copper alloys, stainless steel, and aluminum, excluding beverage containers.

AB 1960, c. 562: **Oil production facilities and oil spills.** Adds requirements pertaining to the operation and regulation of oil and gas production facilities and changes the fines for certain violations. Additionally, this bill adds new fines under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

AB 2911, c. 565: **Oil spill prevention and response; inland spills; wildlife contaminations.** Expands the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act by giving the Administrator of the Office of Spill Prevention and Response authority to serve as a State Incident

Commander and direct the removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any placement of petroleum or petroleum product in the waters of the state, including inland, and expands the Oiled Wildlife Care Network to improve search and rescue efforts.

AB 2935, c. 564: **Oil spill prevention and response.** Amends the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act by: 1) establishing a procedure for the closure and reopening of fisheries that might be affected after an oil spill has occurred; and, 2) expanding requirements on oil spill contingency plans for protecting environmentally and ecologically sensitive areas. Also clarifies DFG and OEHHA's role in determining the need for closure and reopening of fisheries to protect public health and to prevent the waste of commercial fish or shellfish.

SB 732, c. 729: **Environment.** In response to the voter initiative titled The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), this bill establishes the Strategic Growth Council (Council), requires the Council to take certain actions with regard to coordinating specified programs of member state agencies, and requires the Council to manage and award grants and loans to support the planning and development of sustainable communities

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

SB 1739, c. 566: Oil spill contingency plan.

This bill strengthens oil spill recovery response organization (OSRO) requirements by: 1) requiring, rather than authorizing, a rated OSRO to demonstrate response resources can be deployed to meet provisions of an oil spill contingency plan; 2) requiring, rather than authorizing, satisfactory completion of one unannounced drill for each rated OSRO prior to being granted a renewal or prior to reinstatement of a revoked or suspended rating; 3) providing that if an actual spill response performance is substituted for a drill, that response must be both satisfactory and performed during the previous three years; and, 4) providing that if a federal agency unannounced drill qualifies as an Office of Oil Spill and Prevention and Response drill, that federal agency unannounced drill must have been performed during the previous three years.

FAMILY LAW

AB 1679, c. 50: Paternity actions; records.

Adds agents of a party, and of the party's attorney, to the list of persons who are permitted to inspect court files pertaining to paternity actions if the agents are acting pursuant to written authorization from the party to the action or the party's attorney.

SB 1255, c. 57: Child custody. Extends, until January 1, 2013, the authority of a court to order any person seeking custody or visitation with a child to undergo testing for alcohol or drug abuse.

FINANCIAL

AB 69, c. 277: Mortgage lending; reporting.

Authorizes the Commissioner of the Department of Corporations (DOC), as he/she deems necessary, to require finance lender and residential mortgage lender licensees to provide specified information regarding their

residential mortgage loan servicing activities, and directs the Commissioner to post aggregated survey results on DOC's web site, as specified.

AB 180, c. 278: Mortgages; foreclosure consultants.

Amends existing law relative to foreclosure consultants. Specifically, this bill (1) prohibits a foreclosure consultant from entering specified pre-foreclosure agreements with a homeowner, (2) allows a homeowner to cancel within five days of signing a contract with a foreclosure consultant, and (3) requires the foreclosure consultant to maintain a surety bond, as specified.

AB 372, c. 151: Consumer credit reports; security freezes.

Amends the Consumer Credit Reporting Agencies Act to: (a) provides that a consumer credit reporting agency may, except as specified, charge a fee of no more than five dollars to a consumer 65 years of age or older and no more than \$10 to other consumers for each security freeze request, removal of the freeze, temporary lift of the freeze for a period of time, or temporary lift of a freeze for a specific party; (b) requires a consumer credit reporting agency to place a security freeze on a consumer's credit report no later than three (versus five) business days after receiving a request; (c) allows a consumer to place a security freeze on his or her credit report by making a written request by regular (versus certified) mail to a consumer credit reporting agency. Makes conforming changes to current consumer credit reporting agency disclosure requirements.

AB 1301, c. 125: Financial institutions.

Updates, organizes, and rearranges the California Banking Law, to improve the ability of the Department of Financial Institutions to administer the law, and to ease understanding of and compliance with the law by licensees.

AB 2149, c. 476: Broker-dealers and investment advisors. Prohibits a broker-dealer or investment advisor from using senior-specific certification, credential or professional designation indicating that he or she has special training in advising or servicing senior citizens or retirees in such a way as to mislead any person.

AB 2323, c. 262: Escrow agents. Expands the background checks currently required to be performed on applicants for an escrow agent license and an Escrow Agents Fidelity Corporation (EAFC) certificate from a state-only background check to a state and federal background check, and requires the information returned from the background checks to be given to the Department of Corporations and EAFC, as specified.

AB 2749, c. 501: Financial institutions; disclosure and reporting requirements. Seeks to modernize the California Banking Law by restructuring the various divisions of the Financial Code administered by the Commissioner, creating a definition of "licensee" to allow the consolidation of disparate Financial Code sections into one location, modifying the code sections related to the sharing of confidential information, and making conforming changes to other laws.

SB 1007, c. 708: Exchange facilitators. Requires a person engaging in business as an exchange facilitator, as defined, to comply with certain bonding and insurance requirements, as specified, and to notify existing exchange clients whose relinquished or replacement property is located in this state of any change in control, as defined, of the exchange facilitator. Requires a person engaging in business as an exchange facilitator to, among other things, act as a custodian for all exchange funds and to invest those funds in investments that meet a prudent

investor standard, as specified. Prohibits these persons from performing specified acts, including, but not limited to, making material misrepresentations and engaging in conduct constituting fraudulent or dishonest dealings. Makes any person who violates these provisions subject to civil suit in a court of competent jurisdiction and provides that a person claiming to have sustained damage because of a failure to comply with these provisions may file a claim on specified bonds, deposits, or letters of credit to recover the damages.

SB 1055, c. 282: Taxation; cancellation of indebtedness; mortgage debt forgiveness. Allows a solvent taxpayer to exclude from his/her gross income an amount of qualified principal residence indebtedness discharged by the lender, which is in conformity with the federal Mortgage Forgiveness Debt Relief Act of 2007.

SB 1065, c. 283: Home financing programs. Allows cities and counties to use revenue bond funds to make or purchase refinanced home mortgages that are federally insured, federally guaranteed, or eligible to be purchased by the Federal National Mortgage Association or the Federal Home Loan and Mortgage Corporation.

SB 1604, c. 285: Escrow Agents' Fidelity Corporation. Requires that any private insurance policy maintained by an escrow agent be applied as primary coverage, in the event of a loss covered by both the private insurance and the Escrow Agents Fidelity Corporation (EAFC). Intent is to clarify coverage issues in the event a claim is covered both by EAFC and an escrow company's private insurance policy, clarify the length of time that must pass and the procedures that must be followed by an individual who has been denied an EAFC Certificate or had their certificate revoked, before that individual may

reapply for a certificate, and ensure that both EAFC and DOC are informed of certain occurrences that might indicate an increased risk of loss by an escrow company.

GOVERNMENT

AB 38, c. 372: State agencies; California Emergency Management Agency. Merges the Office of Emergency Services and the Office of Homeland Security to create the California Emergency Management Agency responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.

AB 158, c. 754: Tribal gaming; local agencies. Enacts several recommendations proposed by the State Auditor relative to the allowable allocation and uses of grants to local government agencies to mitigate the impact of tribal gaming in local jurisdictions.

SB 640, c. 383: Government tort claims; childhood sexual abuse. Exempts claims for childhood sexual abuse against a local public entity, arising out of conduct occurring on or after January 1, 2009, from the Government Tort Claims Act.

SB 1441, c. 548: Healing arts practitioners; substance abuse. Establishes within the Department of Consumer Affairs the Substance Abuse Coordination Committee to develop uniform standards and controls for programs dealing with licensees with substance abuse problems.

HEALTH AND SAFETY

AB 97, c. 207: Food facilities; transfats. Prohibits storing, distributing, serving, or using any food, oil, shortening, or margarine containing artificial trans fat in the preparation of any food within a food facility, effective January 1, 2010, or January 1, 2011,

depending on the food product. Exempts food sold or served in a manufacturer's original, sealed package. Exempts food provided by public elementary, middle, junior high or high school cafeterias.

AB 749, c. 477: Residential care facilities for the elderly; emergency plans. Requires, as of March 1, 2009, residential care facilities for the elderly licensed by the Department of Social Services (DSS) to have a specified emergency plan available to residents and local emergency responders; and requires the DSS to confirm during licensing visits that the plan is on file at the facility.

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

AB 1203, c. 603: Health care service plans; noncontracting hospitals; poststabilization care. Establishes uniform requirements governing communications between health plans and non-contracting hospitals related to post-stabilization care following an emergency, and prohibits a non-contracting hospital from billing a patient who is a health plan enrollee for post-stabilization services, except as specified.

AB 1860, c. 569: Unsafe products; "Product Recall Safety and Protection Act." Prohibits the manufacture, remanufacture, retrofit, distribution, or sale of a product that is unsafe knowing that the product is unsafe. Also (1) requires a commercial dealer, manufacturer, importer, distributor, or wholesaler that has placed a product subject to a recall or warning into the stream of commerce to take specified steps within 24 hours of receiving notice of the recall or warning; (2) requires the manufacturer of the product to provide for the safe return of the product at no cost to the end consumer or retailer; and (3) requires a retailer

to take specified steps if it receives notice of a recall or warning regarding a product the retailer offered for sale within the previous 18 months.

AB 1879, c. 559: Hazardous materials; toxic substances. This bill and SB 509, together, carry the Administration's Green Chemistry proposal for this session. Requires the Department of Toxic Substance Control (DTSC) to adopt regulations, as specified, to establish processes for identifying, prioritizing, and evaluating chemicals of concern and their potential alternatives. Requires DTSC, in adopting regulations, to prepare a multimedia life cycle evaluation, as defined. Requires DTSC to establish and appoint members to a Green Ribbon Science Panel, which will take specified actions and advise DTSC on science, technical and policy matters. Establishes procedures to exempt the public release of information that is claimed to be a trade secret, as specified.

AB 2347, c. 572: Mercury-added thermostats; "Mercury Thermostat Collection Act of 2008". Requires a manufacturer that owns or owned a name brand of mercury-added thermostats sold in this state before January 1, 2006, to establish and maintain a collections and recycling program for out-of-service mercury-added thermostats, as specified.

AB 2747, c. 683: End-of-life care. Seeks to facilitate meaningful end-of-life care communication between doctors and their patients by enacting the California Right to Know End-of-Life Act of 2008 to ensure that health care providers provide critically-needed information in carefully-circumscribed instances.

AB 2901, c. 575: Toxics; enforcement; lead jewelry; packaging. Authorizes the Department of Toxic Substances Control to

take specified measures to enforce compliance with existing prohibitions of lead in jewelry and of packaging containing regulated metals (e.g., lead, mercury, cadmium, or hexavalent chromium).

AB 2917, c. 274: Emergency medical services personnel. 1) Requires the Emergency Medical Services Authority (EMSA) to establish and maintain a statewide registry of the status of emergency medical technician (EMT) licenses and certificates, to be used by certifying entities, as defined. 2) Requires EMSA to develop standards, guidelines, and regulations for certification of specified EMTs. 3) Establishes guidelines for EMT certification and discipline, and for investigation of any conduct which threatens public health and safety, as defined.

AB 3000, c. 266: Health care decisions; life-sustaining treatment. Seeks to offer and encourage use of the "Physician's Order for Life Sustaining Treatment" (POLST) order, to help direct what resuscitative means, if any, a patient would like used in an emergency by amending the Probate Code to reflect a broader vision of resuscitative or life sustaining requests and to encourage the use of POLST orders to better handle resuscitative or life sustaining treatment consistent with patients' wishes.

SB 158, c. 294: Hospital; patient safety and infection control. Establishes an infection surveillance, prevention, and control program within the Department of Public Health to provide oversight of hospital prevention and reporting of general acute care hospital-associated infections, expands the responsibilities of the existing Healthcare Associated Infection Advisory Committee, and requires all hospitals to institute a patient safety plan for the purpose of improving the health and safety of patients and reducing preventable patient safety events.

INSURANCE

SB 509, c. 560: Hazardous materials; toxic substances. This bill and AB 1879, together, carry the Administration's Green Chemistry proposal for this session. Requires the Department of Toxic Substances Control (DTSC) to establish a Toxics Information Clearinghouse, as specified, and defines terms relating to a Green Chemistry program to be administered by DTSC.

SB 1058, c. 296: Health facilities; "Medical Facility Infection Control and Prevention Act" or "Nile's Law"; bacterial infections. Requires hospitals to implement specified procedures for screening, prevention, and reporting specified health care associated infections also known as hospital associated infections (HAIs); requires hospitals to report positive Methicillin-resistant Staphylococcus aureus and other HAI test results to the Department of Public Health (DPH) and requires DPH to make specified information public on its Internet Website.

SB 1184, c. 347: Public health. Requires clinical labs to report CD4 count test results to a local health officer and requires this officer to report the test results, if associated with a case of human immunodeficiency virus to the Department of Public Health

SB 1420, c. 600: Food facilities; nutritional information. Requires by January 1, 2011, every food facility in this state that operates under common ownership or control, with at least 19 other food facilities with the same name, that sell substantially the same menu items, or operates as a franchised outlet of a parent company with at least 19 other franchises, with the same name, that sell substantially the same menu items, to disclose to consumers specified nutritional information for all standard menu items.

AB 1150, c. 188: Health care coverage; underwriting practices. Prohibits health care service plans and disability insurers selling health insurance from setting performance goals, quotas and compensation based on, or related in any way to, the number of persons, contracts, policies, or certificates for health insurance rescinded, canceled, or limited, or the resulting cost savings to the health plan or insurer.

AB 1188, c. 428: Multiple employer welfare arrangements; investments. Authorizes a self-funded or partially self-funded multiple employer welfare arrangement (MEWA) to use the excess assets of MEWA to purchase an office building or buildings that are used for its principal operations and business, as specified.

AB 2569, c. 604: Health care coverage; rescission. Requires health plans and health insurers to offer new coverage, or continue existing coverage, for individuals covered in a contract or policy where the coverage was rescinded, as specified; and, establishes a duty for agents and brokers selling individual health coverage products to assist applicants in providing answers to health questions accurately and completely, as specified.

AB 2203, c. 129: Insurance; foreign investments. Increases the limit on the amount of foreign investments that California-based insurance companies may make from 4% to 20% of assets, and prohibits investments by these insurers in foreign countries designated by the Secretary of State as sponsors of terrorism.

SB 1168, c. 390: Health care coverage; dependent children. Provides that a health plan or insurer may not terminate coverage for a dependent child who is over 18 years of age

and enrolled at a secondary or postsecondary educational institution if the child takes a medically necessary leave of absence from school.

SB 1279, c. 351: Insurance; electronic records. Deletes the requirement that insurer statements be filed with the Department of Insurance in triplicate, deletes the requirement that the Insurance Commissioner certify and provide copies of surety and bail agent information to county clerks, as specified, and requires the Insurance Commissioner to publish and maintain records in electronic form and handle transactions electronically, to the extent not otherwise prohibited by law.

SB 1467, c. 407: Insurance; guarantee fund. Requires all meetings of the California Insurance Guarantee Association (CIGA) board of governors and its investment and audit committee to be open to the public, with exceptions for closed meetings, as specified.; requires 10 day public notice of those open meetings via CIGA's Internet Web site or through publication in a newspaper of general circulation in California; requires CIGA to provide periodic reports to the Insurance Commissioner (IC) specifying the subjects discussed in each closed session; and explicitly permits the IC or a designated representative to attend all meetings of the CIGA governing board or its audit and investment committee, including closed sessions.

LABOR AND EMPLOYMENT

AB 10, c. 753: Employment; overtime compensation. Expands, for certain employees in the computer software field, the existing exemption from overtime compensation requirements.

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.

AB 2537, c. 678: Public works; volunteers. Allows volunteers to continue contributing their labor to public works projects, and provides for an evaluation of the impact of such participation.

AB 2754, c. 684: Public safety personnel; MRSA skin infections. Adds methicillin-resistant staphylococcus aureus skin infection as an additional condition that is presumed to be work-related for safety members employed by counties providing retirement under the County Employees Retirement Act of 1937, making them eligible for work-related disability retirement benefits, and removes the existing five years of service eligibility for industrial disability retirement currently required in the '37 Act for injuries caused by blood-borne pathogens.

SB 940, c. 169: Temporary services employee; wages. Requires that temporary services employers, with certain exceptions, pay their employees weekly, regardless of when the assignment ends, unless the employee is discharged, quits, is assigned to work for a client on a day-to-day basis, or if the employee is assigned to work for a client engaged in a labor dispute.

SB 1296, c. 712: Public Employment Relations Board. Makes declarations and findings relating to the scope of jurisdiction of the Public Employment Relations Board, under the Meyers-Milias-Brown Act, to bolster the procedural rights of firefighters and their representatives in public employment relations; clarifies the scope of board's exclusive jurisdiction as it relates to locally

enacted, voter approved measures; and provides that the superior courts retain exclusive jurisdiction over actions involving interest arbitration.

LAND USE

AB 1510, c. 658: Subdivision Map Act; exemptions. Exempts from the Subdivision Map Act leases and easements in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on land. Also exempts a biogas project that utilizes, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land.

MUNICIPALITIES

AB 163, c. 647: Gambling; local ordinances. Adds a new section to the Gambling Control Act to authorize a local government to amend its gambling ordinance, without voter approval, to increase the number of tables that may be operated by small card clubs.

AB 642, c. 314: Design-build; counties, cities, and special districts. Authorizes all cities in California to employ design-build contracting for the construction of buildings; authorizes cities, counties, and special districts to employ design-build contracting for the construction of no more than 20 regional and local wastewater facilities, solid waste management facilities, or water recycling facilities; and, requires the Legislative Analyst's Office to report to the Legislature on the use of the design-build method for such projects.

AB 2001, c. 325: Local government; whistleblower hotlines. Authorizes a city or county or city and county auditor or controller to maintain a whistleblower hotline to receive

calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules, or regulations.

AB 3005, c. 692: Community development; mitigation fees.

Requires a local agency, when imposing a fee for the purpose of mitigating vehicular traffic impacts on a housing development located near a transit station and meeting other specified characteristics, to set the fee at a rate that reduced automobile trip generation, unless the local agency finds that the development would not significantly reduce automobile trip generation.

SB 301, c. 375: Local government finance.

Eliminates the deadline by which communities must incorporate and cities must annex inhabited land in order to receive additional vehicle license fee (VLF) funding.

SB 1146, c. 345: Tax administration; disclosure of information; FTB and cities.

Requires cities that assess a business license tax or require a city business license to annually furnish specified information to the Franchise Tax Board (FTB), upon request of the FTB, unless a city enters into a reciprocal agreement to exchange specified tax data with FTB. If a city enters into such an agreement, each party would absorb its own costs for providing the data in lieu of reimbursement, and cities would forego claims for state-mandated costs. Also extends the sunset date from December 31, 2011, to January 1, 2014, allowing FTB to share tax information with cities.

SB 1458, c. 158: Local government; "the County Service Area Law". Repeals the existing County Service Area Law and enacts a new County Service Area Law with eight detailed articles: (1) general provisions, including legislative declarations and

definitions, (2) formation procedures, with local agency formation commission approval, (3) general powers, covering basic governance topics, (4) services and facilities, listing 26 examples, (5) finance, covering budgets, audits, and borrowing, (6) revenues, including special taxes, benefit assessments, and fees, (7) capital financing, covering three types of bonds, and (8) zones, allowing for localized financing and special services.

PATENTS AND TRADEMARKS

AB 541, c. 424: Liability; genetically engineered plants. Establishes sampling and analysis protocols in order to determine whether patent infringement has occurred between a farmer and a party holding a patent on a genetically engineered plant; provides for a notification procedure prior to entry on property; provides protection for farmers in possession of de minimis amounts of proprietary material; defines farmer, genetically engineered plant, and modern biotechnology; and, makes legislative findings.

AB 1394, c. 431: Counterfeit; trademarks. Makes it a misdemeanor or a felony for any person to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark, as specified; specifies the procedure for the forfeiture of the counterfeited items; expands the definition of a "counterfeit mark"; defines "business entity" to include a corporation, business partnership, or a limited liability company, but not sole proprietorships.

PROBATE/ESTATE PLANNING/ TRUST/CONSERVATORSHIPS

AB 171, c. 310: filing fees for estates and trusts. Replaces the graduated uniform civil filing fee for petitions or accounts filed in

connection with the administration of an estate or trust with a flat filing fee of \$320.

AB 2014, c. 52: Conservators and guardians; property in foreign jurisdictions. Defines the estate of a conservatee or ward to include all personal property, wherever situated, and all real property located in this state owned by the conservatee or ward.

AB 2248, c. 53: Wills; requirements. Requires a witness to a will to sign the will within the testator's lifetime. Allows a printed will that fails to meet current statutory requirements to be probated if the proponent of the will establishes by clear and convincing evidence that the testator, at the time he/she signed the will, intended the will to be his/her will.

SB 1264, c. 174: Wills and trusts; no contest clauses. Following California Law Revision Commission's recommendations, this bill revises and simplifies California's statutory scheme governing no contest clauses that resulted in problems by seeking simplification of the statute and reversing its approach which would be consistent with and strengthen the general policies underlying the existing statute.

SB 1726, c. 534: Adoption; sperm donors. Makes several changes to adoption requirements including: (1) adds clarifying language relative to a waiver procedure, (2) adds provisions relative to donations provided to a licensed sperm bank, (3) requires the Department of Social Services to establish regulations for an enforcement process for adoption facilitators, (4) allows the department to deny or revoke inclusion of an adoption facilitator for specified reasons, and (5) adds provisions relative to work experience requirements for individuals providing direct adoption services.

PROPERTY

AB 2020, c. 665: Residential property contracts; liquidated damages. Increases the amount of presumptively proper liquidated damages in a contract to purchase a newly constructed attached condominium unit, as described, from three percent to six percent; provides for the annual adjustment of that minimum purchase price.

AB 2738, c. 467: Indemnification; construction contracts. Provides for and specifies the application of wrap-up insurance policies in the context of residential construction projects and their relationship to indemnification and defense obligations in residential construction projects.

AB 2846, c. 502: Common interest developments; assessments. Provides that if a dispute exists between the homeowner and the association regarding any disputed charge or sum, and the amount does not exceed the jurisdictional limit for small claims court, the homeowner may, in addition to pursuing dispute resolution, pay the disputed amount under protest and commence an action in small claims court.

SB 685, c. 168: Pet trusts. Repeals current law on trusts for domesticated or pet animals and enacts new, more detailed provisions for the creation and enforcement of pet trusts.

SB 1137, c. 69: Residential mortgage loans; foreclosure procedures. Enacts several changes to the procedures that must be followed before the holder of a mortgage may issue a notice of default or notice of trustee sale, requires the holder of a mortgage to mail a specified notice to the tenant(s) of a property on which foreclosure proceedings have begun, and imposes penalties on property owners who fail to adequately maintain foreclosed properties, as specified.

SB 1511, c. 527: Common interest developments; mortgages. Allows an association, with respect to separate interests governed by the association, to record a request that a mortgagee, trustee, or other person authorized to record a notice of default regarding any of those separate interest mail to the association a copy of any trustee's deed upon sale concerning a separate interest, as specified. Requires the mortgagee or trustee to mail that information to the association within 15 business days following the date the trustee's deed is recorded. This bill specifies that failure to mail the request, pursuant to that provision, would not affect the title to real property.

PUBLIC CONTRACT

AB 498, c. 272: "Darfur Contract Act of 2008". Prohibits a scrutinized company, as defined, that is involved in specified activities in Sudan, from entering into a contract with a state agency for goods or services. Also requires a prospective bidder for those state contracts that currently or within the previous three years has had business activities or other operations outside of the United States, to certify that the company is not a scrutinized company and imposes civil penalties, as specified, for a company that provides a false certification. Finally, allows the Director of General Services, under specified conditions, to permit a scrutinized company to enter into state contracts for goods and services.

PUBLIC RESOURCES

AB 31, c. 623: "Statewide Park Development and Community Revitalization Act of 2008." States the intent of the Legislature to make available to the Department of Parks & Recreation (DPR), upon appropriation, \$400 million in bond proceeds provided by Proposition 84, to be

used to award competitive grants for new parks, new recreational facilities or new recreational opportunities serving critically underserved communities, pursuant to the Statewide Park Development and Community Revitalization Act of 2008.

SB 1357, c. 697: Beverage containers; processing payments. Authorizes the Department of Conservation (DOC) to expend up to \$20,000,000 from July 1, 2009 to January 1, 2012, for either grants for beverage container recycling and litter reduction programs or focused, regional community beverage container recycling and litter reduction programs. This bill also requires DOC, on and after January 1, 2010, to use the most recently published, measured actual costs of recycling for a beverage container

TAXATION

AB 550, c. 297: Property taxation; business property; audit. Deletes the current requirement that assessors audit, at least once every four years, all taxpayers with locally assessable trade fixtures and business tangible personal property of \$400,000 or more, and instead enacts a new mandatory audit procedure. Two basic goals: (1) to provide assessors more flexibility to maximize their limited audit resources by reducing the total number of mandatory audits; and (2) to improve reporting compliance by expanding the parameters of taxpayers subject to a mandatory audit. Improves accurate reporting and compliance while furthering efficiency, effectiveness, and fairness for all taxpayers reporting their assets.

AB 2047, c. 222: State Board of Equalization; business and special taxes; compromises. Extends the State Board of Equalization's (BOE) current offers-in-compromise program to businesses that have not been discontinued or transferred and to

successors of businesses that may have inherited tax liabilities of their predecessors. Extends that program to consumers that have incurred a use tax liability.

SB 1040, c. 17: Telecommunications; "Emergency Telephone Users Surcharge Act". Provides for a surcharge to be imposed on amounts paid by every person in California for Voice over Internet Protocol (VoIP) service that provides access to the 911 emergency system by any service user in this state beginning January 1, 2009.

SB 1064, c. 386: Disaster relief. Provides additions to disaster provisions in the Personal Income Tax Law, Corporation Tax, and Property Tax for El Dorado, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties and taxpayers in those counties affected by the 2007 Southern California wildfires, and for Riverside County, and taxpayers in Riverside County affected by severe wind conditions in October 2007.

SB 1284, c. 524: Property tax; welfare exemptions; rental housing and related facilities. Allows the partial welfare exemption for low-income housing to apply to property previously purchased and owned by the Department of Transportation pursuant to a consent decree requiring housing mitigation measures due to freeway construction. To be eligible, the property must be owned by an organization exempt under Section 501(c)(3) of the Internal Revenue Code.

SB 1562, c. 356: Property taxation; exemption; fruit-bearing and nut-bearing trees and grapevines; freeze, wildfire, and wind relief. Provides a limited-term property tax exemption for fruit-bearing or nut-bearing trees, or grapevines that were damaged by the winds that commenced on October 20, 2007

and by the wildfires that commenced on October 21, 2007 by 1) restarting the four-year exemption period currently allowed for newly planted trees and the three-year period for grapevines damaged by the late- 2007 winds and wildfires; 2) defining severely damaged as requiring pruning to the trunk or bud union to establish a new shoot as a replacement; and 3) providing that the state shall not reimburse any local agency for property tax revenues lost as a result of this bill.

TRANSPORTATION

AB 1358, c. 657: Planning; circulation element; “Complete Streets Act of 2008”. Beginning January 1, 2009, and no later than January 1, 2014, requires the Office of Planning and Research to amend its "General Plan Guidelines" for the circulation element to specify how local officials can accommodate safe and convenient travel. Also requires, beginning January 1, 2011, cities and counties, upon any substantive revision, to modify their circulation elements to plan for a balanced multi-modal transportation network that meets the needs of all users of streets, roads, and highways, as defined.

SB 375, c. 728: Transportation planning; travel demand models; sustainable communities strategy; environmental review. Requires: 1) the Air Resources Board to provide each region with greenhouse gas emission reduction targets for the automobile and light truck sector; 2) a regional transportation plan to include a Sustainable Communities Strategy designed to achieve the targets for greenhouse gas emission reduction; 3) the California Transportation Commission to maintain guidelines for travel demand models; 4) cities and counties, in general, to revise their housing elements every eight years in conjunction with the regional transportation plan and complete any

necessary rezonings within a specific time period; and 5) relaxation of CEQA requirements for housing developments that are consistent with a Sustainable Communities Strategy.

UTILITIES

AB 2267, c. 537: California-based entities; self-generation incentive program. Requires the California Energy Commission to give priority to California-based entities in making awards pursuant to the Public Interest Energy Research program and provides a 20% additional incentive for California suppliers that install eligible distributed generation resources for the Self-Generation Investment Program.

AB 2578, c. 552: PUC; procedures and remedies. Enhances the ability of the California Public Utilities Commission (PUC) to collect delinquent fines and restitutions by: (1) giving the PUC judgment creditor status when it issues a fine or penalty against an entity subject to its jurisdiction; (2) allowing the PUC to seek remedies under the Uniform Fraudulent Transfer Act if a company fraudulently transfers assets to avoid paying fines, penalties, or restitution imposed by the PUC; and (3) permitting the PUC to require a company to demonstrate sufficient ability to pay potential penalties, fines, or restitution that may be ordered by the PUC and granting the company the right to an impartial review by an administrative law judge, and providing that utility companies with revenues of greater than \$100 million are presumed to be able to pay.

AB 2885, c. 745: Telecommunications; mobile telephone service; prepaid service. Authorizes the Public Utilities Commission to enforce the standards and requirements for consumer disclosure and services by sellers of prepaid calling cards and services.

SB 428, c. 539: electrical corporations; demand reduction. Requires electrical corporations to offer optional interruptible or curtailable service programs to customers, using price incentives for the demand reduction programs that are cost effective and that may reflect the full range of avoided costs, including environmental benefits.

VEHICLES

AB 1115, c. 85: Peace officers; accidents. Expands the definition of authorized emergency vehicle used in the performance of duty by a peace officer or firefighter to include situations where the vehicle has been rented or leased by the employer for official purposes.

SB 28, c. 270: Electronic wireless communications device. Prohibits a person from writing, sending, or reading text-based communications while operating a motor vehicle.

WATER, WATERWAYS, AND FLOOD

AB 2356, c. 609: Water quality. Requires the State Water Resources Control Board (SWRCB) to take specified actions when allocating funds to small, disadvantaged communities for wastewater collection, treatment or disposal projects, including allocating 25% of the financial assistance amount to the recipient community in advance of the actual expenditure. Establishes the State Water Pollution Control Revolving Fund Small Community Grant Fund in the State Treasury. Authorizes the SWRBC to redirect up to \$50 million in lieu of interest that would otherwise be paid to the State Water Pollution Control Revolving Fund to the newly created Small Community Grant Fund.

SB 1217, c. 568: Vessels; Board of Pilot Commissioners; pilots, fitness for duty. This bill is one of a number of bills introduced in the wake of the November 2007 Cosco Busan oil spill in San Francisco Bay. This bill requires that the Board of Pilot Commissioners by February 15, 2010, to submit an annual report to the Legislature that provides information on each pilot, inland pilot, trainee, vessel movements, and investigations of reported incidents.

SB 1627, c. 567: Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, Suisun and Monterey. In the wake of the Cosco Busan oil spill incident in San Francisco Bay last November, this bill is intended to inject ongoing and continuous legislative oversight and administrative responsibility into the existing pilot licensing framework, without altering the Board, its charge, or composition and without changing current pilotage rates, pilot pension benefits, or duties and responsibilities of current, past or future licensed pilots.

SB 1xx, c. 1xx: Water quality, flood control, water storage, and wildlife preservation. Amends integrated regional water management program statute and appropriates \$820,973,000 in funding from currently authorized general obligation bonds for various water-related purposes. Many of the appropriations originated in last year's SB 1002 (Perata), which the Governor vetoed the October weekend after the Senate failed to pass a water bond in this 2nd Extraordinary Session. Last year, the 2007-08 State Budget excluded these water bond appropriations, in anticipation of SB 1002 making those appropriations. This year, the Budget Conference Committee again removed water bond appropriations from the budget, and SB 1XX was amended to include certain

appropriations. Many arise out of the Governor's budget change proposals (BCP).

WELFARE AND INSTITUTIONS

AB 2100, c. 481: Elder abuse; reporting.

Requires the local ombudsperson or local law enforcement to whom a case of abuse against an elder or dependant adult has been reported, in addition to existing reporting requirements, to report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

SB 1140, c. 475: Financial abuse of elder or dependent adults.

Adds the taking or appropriation of property by undue influence to the definition of financial abuse of an elder or dependent adult. Creates a presumption that a person has taken or appropriated property of an elder or dependent adult for a wrongful use, if the person knew or should have known that his/her conduct is likely to be harmful to the elder or dependent adult. Creates a new cause of action for financial abuse against a person who takes the property of an elder or dependent adult who lacks capacity and then refuses to return the property after a demand for return of the property was made by the elder or dependent adult. Establishes that the statute of limitations for the filing of an Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) financial abuse action, including the new cause of action for property taken from an elder or dependent adult who lacks capacity, is four years from the date the plaintiff discovers, or should have discovered, the facts constituting the financial abuse. Clarifies that in an action under EADACPA, the court shall award attorney's fees and costs in addition to compensatory damages and all other remedies otherwise provided by law.

SB 1175, c. 617: Development services; regional center house. Authorizes the Department of Developmental Services (DDS) to approve regional center proposals for leasing housing for people with developmental disabilities under specified conditions, and adds these and other residential facilities for people with developmental disabilities to the definition of facilities that can be financed by the California Health Facilities financing Authority.

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