

2005-06 Bill Summaries

ATTORNEYS AND RELATED MATTERS

Attorneys and Related Services

AB 108 (Houston) Attorney advertising: residential construction defects. This bill regulates advertising by plaintiffs' attorneys regarding construction defect issues. Specifically, it requires an advertisement by an attorney or law firm that urges a person or entity to take an action that may lead to the filing of a claim for residential construction deficiencies to disclose information concerning litigation alternatives; attorney and expert witness fees; liability of costs and fees should plaintiff lose the case; if there will be sufficient funds remaining to repair the home once all fees and costs have been paid; if the value of the home will be affected by the litigation and to what extent; if, upon sale of the property, disclosure of the litigation is required, including whether the amount recovered was enough to fully fund the repairs to the defects and if the defects were actually repaired. Status: AsmJud, failed.

AB 425 (Negrete McLeod) Immigration consultants. As heard by the Committee, this bill revised the Immigration Consultant Act by clarifying that correspondence and petitions are among the types of documents that an immigration consultant must deliver to the client on whose behalf the correspondence or petition is completed by the immigration consultant. The bill also required that each covered document include the name of the immigration consultant and his or her signature, business address, telephone number and bond information. The bill was subsequently amended to deal with organized retail crime. Status: SenB&P, dead.

AB 612 (Houston) Attorney advertising: residential construction defects. This bill regulates advertising by plaintiffs' attorneys regarding residential construction defect issues. Specifically, the bill requires an advertisement or other solicitation sent by mail that urges a person or entity to take an action that may lead to the filing of a claim for residential construction deficiencies to disclose: 1) whether legal fees will be charged to the person or entity before a potential settlement is reached; 2) that the person or entity may be responsible for paying a portion of inspection and testing costs for the alleged defect; and 3) that a potential settlement may not be sufficient to pay the cost of repairing the residence. Status: AsmJud, dead.

AB 630 (Chu) Immigration consultants: surety bonds. This bill requires immigration consultants to, among other things, pass a background check in order to conduct business in California and prohibits the Secretary of State (SOS) from filing a bond of a person who has failed to pass this background check. This bill also requires the SOS to issue a cease and desist order to an immigration consultant who fails to maintain a valid bond and to notify the Attorney General of the failure by an immigration consultant to comply with bond requirements or if an immigration consultant's bond has been canceled, withdrawn or expired. Status: Chapter 605, 2006.

AB 1612 (Pavley) Public agency attorneys. As heard by the Committee, this bill would have established a limited exception to an attorney's ethical duty of confidentiality by permitting, but not requiring, an attorney who learns of improper governmental activity, in the course of representing a governmental organization, to directly refer that matter to the law enforcement agency or official charged with oversight of the governmental organization. The bill was subsequently amended to allow medical providers, with certain exceptions, to withdraw their services from a medical provider network established pursuant to workers' compensation law. Status: SenFloor, dead.

AB 1739 (Judiciary) Judicial Council: access to legal services. This bill provides that on or before January 1, 2007, the California Commission on Access to Justice shall issue a written report to the Assembly and Senate Committees on Judiciary regarding its recommendations on improvements in access to legal services. Status: Vetoed.

AB 2301 (Judiciary) Legal services: voluntary charitable contributions. This bill facilitates compliance with professional responsibilities of lawyers by promoting voluntary charitable giving to support legal services programs. Specifically, this bill authorizes the State Bar of California to receive voluntary contributions by members for nonprofit organizations that provide free legal services to persons of limited means, and provides for creation of a task force to evaluate and recommend to the State Bar Board of Governors potential means to accomplish this goal. Status: Chapter 165, 2006.

AB 2679 (Harman) Provision of legal services to indigent persons: immigrants. This bill would prohibit recipients of IOLTA funds from using those funds to provide legal assistance to a person who is not a citizen of the United States unless he or she is an eligible alien, as defined, or meets certain requirements related to an emergency situation or to battery or extreme cruelty. The bill would require a fund recipient, prior to providing legal services with those funds to a person claiming to be a citizen, to have the person attest that he or she is a citizen, except as specified, and would require the fund recipient to demand verification in certain situations. The bill would require an alien seeking representation to submit documents to verify eligibility. The bill would require a recipient to adopt written policies and guidelines in order to ensure compliance with these provisions, would require the State Bar to obtain a declaration signed under penalty of perjury that the funds will be used only to provide legal services to citizens of the United States or eligible aliens, would require the State Bar to audit a recipient annually to ensure compliance, and would impose specified penalties for a violation of these provisions. Status: AsmJud, dead.

AB 2803 (Parra) Attorney advertising: residential construction defects. Regulates client solicitation by plaintiffs' attorneys regarding construction defect issues by requiring that a direct mail solicitation that urges a person or entity to take an action that may lead to the filing of a claim for residential construction deficiencies shall disclose, prior to filing a lawsuit on the person or entity's behalf, the following information: (a) alternatives to remedy the deficiencies without litigation; and (b) potential adverse consequences of litigation. Status: AsmJud, dead.

SB 894 (Dunn) Unlicensed practice of law. This bill provides the courts and the State Bar with the authority to exercise civil remedies in order to prevent the unauthorized practice of law by non-attorneys. The bill also credits attorneys, who have been placed on inactive status with the State Bar while they successfully complete required activities through the Lawyer Assistance Program, for the time on inactive status towards any period of actual suspension imposed by the court. Status: Chapter 273, 2005.

Attorney's Fees

AB 928 (J. Horton) Attorney's fees. This bill awards attorney's fees to the prevailing party in a collection action to enforce a contract that provides for attorney's fees in the amount of 20% of the principal obligation owing under the contract or the local rule, whichever is higher, provided all of the following are satisfied: (1) The case is decided by default; (2) The local court has established a schedule for attorney's fees to be used in such cases; (3) The principal obligation owing under the contract is \$4,000 or less; and, (4) The debtor is a business entity (i.e. not a consumer) that is not a natural person. The above provisions sunset as of January 1, 2010. The bill also requests the California Law Revision Commission to study the appropriate amount, if any, of a statewide fee scale for attorney's fees for collection actions to enforce contracts that provide for attorney's fees. Status: SenJud, dead.

AB 1897 (Dymally) State Civil Service Act: employment discrimination. This bill adds reasonable attorney's fees and costs to the available remedies that the State Personnel Board may order when compensating an employee who has suffered employment discrimination under the State Civil Service Act. Status: Vetoes.

AB 1902 (Villines) Mechanics' liens: attorney fees. This bill deletes the provision in existing law that limits attorney's fees for the prevailing party in a claim for a mechanics lien to \$2000. This bill would also require that a decree to release property from a lien include the name of the owner of the property or interest in the property. Status: AsmJud, dead.

AB 2514 (S. Runner) Special education: attorney's fees. This bill prohibits attorney's fees from being awarded for any meeting of an individualized education program team, except as specified. The bill would prohibit a party to a due process hearing from refusing to enter into a settlement agreement or conditioning a settlement offer on the receipt of the reimbursement of attorney's fees from another party to that hearing. Status: AsmEd, dead.

SB 1330 (Dunn) Housing developments: attorney's fees. This bill modifies the prevailing plaintiff attorney's fee award provisions in three housing statutes – the anti-NIMBY (Not In My Back Yard), no-net-loss, and density bonus laws – by (1) precluding an award of fees under any of the statutes for a housing project applicant who has secured 1,000 or more new housing units in the United States on an annual basis, as specified, (2) providing that the availability of attorney's fees under any of the statutes does not preclude a plaintiff from seeking an alternate award of attorney's fees under the private

attorney general statute, (3) adding an "extraordinary circumstances" exception to the density bonus attorney's fees provision, and (4) deleting the "frivolous" exception and the January 1, 2007 sunset from the no-net-loss attorney's fees provision. Status: AsmHousing, failed.

SB 1489 (Ducheny) Attorney's fees: Attorney General. Authorizes fees and costs in specified actions by the Attorney General by repealing and re-enacting Code of Civil Procedure section 1021.8 as revised, provides that this section does not authorize recovery of fees and costs for private counsel unless certain existing Government Code requirements are met, prohibits the AG from retaining private counsel on a contingency fee basis in any action to enforce any provision under the bill, and requires the AG to meet specified conditions if the AG seeks costs for the expense of any private counsel, and specifies that the section does not authorize the recovery of fees and costs from a city, county, or city and county. Status: Vetoed.

SB 1818 (Alarcon) Attorney's fees: big box retailers. Provides that a prevailing local government entity may recover attorney's fees when it is the prevailing party in certain improper litigation brought by a big box retailer, as defined, challenging the validity or application of an ordinance or other law regulating zoning where the action is brought or maintained to intimidate the local governmental entity to abandon its zoning decision because of the retailer's substantially greater financial resources to conduct the litigation; and the big box retailer has a history of intimidating lawsuits in the previous five years or in that period has repeatedly been sanctioned or fined for improper conduct in litigation or violation of a court order. Status: Vetoed.

State Bar

AB 664 (Jones) Court referrals and State Bar identification number. This bill allows courts to refer tenants to established legal aid providers that receive State Bar trust funds, in addition to those that receive federal Legal Services Corporation funding. This bill also provides that the State Bar may accept an identification number, other than a social security number, for State Bar exam applicants and licensees. Status: Chapter 610, 2005.

AB 1529 (Jones) State Bar dues. This bill authorizes the State Bar of California to collect up to \$395 as total State Bar active membership dues for 2006 (a \$5 increase from the present \$390 maximum), and up to \$400 (a \$10 increase from the present) in total active membership dues for 2007. The dues will fund only mandatory programs of the State Bar. Members could deduct \$5 if they did not wish to support non-Keller activities. This bill also increases annual dues for inactive members, increasing the current \$50 total to a \$115 total in 2006 and a \$125 total in 2007. This bill also narrows the current fee scaling provision from a maximum 50 percent deduction for those attorneys having less than \$30,000 in annual income to a maximum 25 percent deduction if the attorney has total income of less than \$40,000. Status: Chapter 341, 2005.

SB 262 (Dunn) State Bar: audit. This bill provides the State Bar with greater flexibility to hire an accounting firm to conduct the annual audit of its financial statements. It

would permit the Bar to engage the services of an independent national or regional public accounting firm with at least five years experience in governmental auditing, instead of being restricted to contracting only with a national recognized public accounting firm. The bill also directs the State Bar in selecting the accounting firm, to consider the value of continuity along with the risk that continued long-term engagements with the accounting firm may affect the independence of that firm. Status: Chapter 15, 2006.

SB 1568 (Dunn) Law schools and law degree programs. This bill transfers regulation and oversight of unaccredited law schools, non-law school programs leading to a J.D. degree and correspondence law schools from the Bureau for Private Postsecondary and Vocational Education to the State Bar's Committee of Bar Examiners. Additionally, correspondence law schools are required to disclose their faculty-to-student ratio and their First-Year Law Students Examination ("baby bar") and the general bar exam passage rates to prospective students, in the same manner required of unaccredited schools. Status: Chapter 534, 2006.

CIVIL PRACTICE AND PROCEDURE

Arbitration and Mediation

AB 202 (Harman) Arbitration agreements. This bill clarifies procedural rules regarding the litigation of issues subject to arbitration agreements. It makes clear that a petition to compel arbitration is the preferred and sole procedural mechanism by which a party may contest the litigation of claims alleged to be covered by an arbitration agreement, other than a collective bargaining agreement. Status: Vetoes.

AB 316 (Nakanishi) Contractors. This bill 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. It further revises and refines the elements of the home improvement contract, and the service and repair contract. Status: Chapter 385, 2005.

AB 415 (Harman) Arbitration: legal representation. Extends, by one year, the statute authorizing appearances by out-of-state attorneys in arbitration proceedings. Status: Chapter 607, 2005.

AB 1176 (Tran) Arbitration. This bill revises the rules of private arbitration and allows parties to any contract to agree in writing that in any arbitration to resolve a dispute relating to the contract, the arbitrator's award shall be supported by law and substantial evidence, and if the agreement so provides, a court shall vacate the award if after review of the award it determines either that the award is not supported by substantial evidence or that it is based on an error of law. Status: AsmJud, dead.

AB 1553 (Evans) Arbitration. This bill provides that if an arbitration agreement requires that arbitration be demanded or initiated within a period of time, the

commencement of a civil action by that party within that period of time shall toll the applicable time limitations contained in the arbitration agreement with respect to that controversy, from the date the civil action is commenced until 30 days after a final determination by the court that the party is required to arbitrate the controversy, or 30 days after the final termination of the civil action that was commenced and initiated the tolling, whichever date occurs first. Status: Chapter 266, 2006.

AB 2371 (Levine) Involuntary arbitration: employment discrimination. This bill precludes involuntary waiver of civil rights laws in the workplace by establishing that it is an unlawful employment practice for an employer covered by the Fair Employment and Housing Act (FEHA) to require an employee or potential employee to waive rights or procedures provided for in the FEHA as a condition of employment or continued employment, and establishing that it is an unlawful employment practice for an employer covered by the FEHA to retaliate or otherwise discriminate against an employee or potential employee because he or she refuses to waive rights or procedures provided for in the FEHA. This bill further provides that a waiver of rights or procedures provided for in the FEHA contrary to this act shall be deemed involuntary, unconscionable, against public policy and unenforceable. Status: AsmFloor, failed.

AB 2482 (Harman) Arbitration: legal representation. Extends and revises the statute authorizing appearances by out-of-state attorneys in arbitration by clarifying the process for filing certificates with the State Bar, and requires collection of information and reporting by the Bar to the Legislature regarding the operation of the program. Status: Chapter 357, 2006.

Civil Procedure

AB 194 (Dymally) Brown Act Violations. This bill permits a district attorney or any interested person to commence an action by declaratory relief to obtain a judicial determination that an action taken by a local legislative body is in violation of the Ralph M. Brown Act. It also reduces the time period that the district attorney or interested person has to make a written demand for cure or correction, and places the burden of proof on the legislative body. Status: AsmLGov, dead.

AB 323 (Gordon) Negligence: real estate brokers. This bill precludes the commencement of an action based upon the professional negligence of a licensed real estate broker or salesperson until the defendant has been given at least 60 days prior notice of the intention to commence the action, as specified. Status: AsmJud, dead.

AB 496 (Aghazarian) Service of process. This bill makes several changes to various statutes related to service of process. It requires the court clerk to keep the original summons, and amends existing law to conform to this requirement. It eliminates the requirement that a consumer or employee whose records are subpoenaed be served with specific documents when the subpoenaing party is the consumer or employee (respectively), and s/he is the only subject of the subpoenaed records. It also limits the exemption currently granted to attorneys and their employees from registering as process

servers as applying only to those cases in which they are providing legal services. The bill clarifies that service directed to a person who is incarcerated within any institution in this state may be served by any person who may lawfully serve process. Status: Chapter 300, 2005.

AB 528 (Frommer) Civil actions: Public Health and Environmental Enforcement Law of 2005. This bill provides that any person with a beneficial interest in the outcome may commence a civil action against any person or the federal government, to the extent it has waived sovereign immunity, to enforce specific laws regarding the protection or enhancement of public health or the environment, except against the State of California or its officers, agencies or any local entity, as defined. It requires any applicable administrative procedures be exhausted and prohibits a civil action for immaterial or inconsequential violations as well as any action against a public entity challenging the issuance of a permit. The bill provides for specific remedies in any such action, including among others, declaratory and equitable relief and requires notification of settlements to the Attorney General (AG) and court approval of all settlements. All monies paid to plaintiff, excluding attorney's fees and costs, must be dedicated to the mitigation and restoration of environmental damage. It precludes such an action prior to 60 days after the plaintiff has given notice of the alleged violation to the AG or other entity with authority to enforce the statute alleged to have been violated, and prohibits such an action altogether if the AG or the relevant agency has commenced a civil action or administrative order based upon the same violation unless the plaintiff seeks to enjoin the activity alleged to be undertaken without, or in violation, of a permit or circumstances that may constitute an imminent and substantial endangerment to public health or the environment. This bill permits a civil action under the act only if the complaint alleges that the violations are either repeated or ongoing, or a completed act that is causing ongoing risk to public health. Status: AsmInactive, dead.

AB 771 (Saldana) California Coastal Commission: ex parte communications. When this bill was originally heard by this Committee, it would have provided that private communications that do not appear on the official record between interested persons and members of the Commission (i.e. ex parte communications) are governed by the Administrative Procedure Act (APA), rather than the Coastal Act. The bill was amended in the Senate to make several changes to the current ex parte communication provisions found in the Coastal Act itself (rather than subjecting the Commission's ex parte communications to the APA). The bill adds new disclosure requirements to the Coastal Act, including the disclosure of "the person on whose behalf the (ex parte) communication is being made," shortens the reporting time for ex parte communications, requires disclosures to be posted on the internet, and requires the Coastal Commission to report back to the Legislature on the efficacy of the ex parte provisions. Status: Vetoes.

AB 915 (Keene) Civil actions: time of commencing. This bill extends the statute of limitations period for debt collectors to bring an action to collect debts. Specifically, this bill extends the statute of limitations from four to seven years on 1) any action based on a written contract, obligation or liability; 2) actions to recover on certain specified

accounts; and 3) actions based upon the rescission of a contract in writing. Status: AsmJud, dead.

AB 941 (Canciamilla) Construction defects: pre-litigation procedure. This bill provides that prior to filing any action for construction defect claims for homes sold prior to January 2003, a homeowner shall contact the builder of that home to inform the builder of the defect and allow the builder to inspect the defect at a mutually convenient time if the builder has provided the homeowner a written copy of the law to be enacted by this act. The bill exempts condominium association and other common interest development claims from the Calderon-Steinberg process for resolution of construction defect disputes if both the homeowner and the builder comply with the procedure in this bill. Status: AsmJud, failed.

AB 1150 (La Suer) Civil warrants. This bill enacts a series of requirements to govern the issuance and execution of civil arrest warrants for failure to appear pursuant to a subpoena or a court order. The bill establishes that the sheriff may obtain specified fees for the processing and execution of a warrant. It requires the person seeking enforcement of the subpoena or court order to pay those fees, but permits that person to seek \$500 plus damages and costs in a civil suit against the person named in the subpoena or court order. The bill also permits the court to make a civil assessment of up to \$1,000 against a person who fails to appear in court after signing a promise to appear. Status: Chapter 474, 2005.

AB 1158 (Lieber) Civil procedure. This bill enacts additional provisions with respect to anti-SLAPP motions and SLAPPback lawsuits, as specified. Status: Chapter 535, 2005.

AB 1444 (J. Horton) Malpractice actions: real estate brokers or salespersons. This bill requires an attorney for the plaintiff or cross-complainant in an action arising out of the professional negligence of a real estate broker or salesperson to file and serve a certificate declaring either that the attorney has consulted and received an opinion from a real estate broker, or that the attorney was unable to obtain that consultation for specified reasons. Status: AsmJud, dead.

AB 1495 (Canciamilla) Process serving: prejudgment claim of right to possession. As originally introduced, this bill authorized government employees acting within the scope of their employment, attorneys and their employees, persons specially appointed by a court to serve its process, licensed private investigators and their employees, and specified professional photocopiers and their employees to effect that service. This bill was subsequently amended to exempt from disclosure critical infrastructure information under the Public Records Act. Status: Chapter 476, 2005.

AB 1742 (Judiciary) Courts. This bill makes a number of changes to statutes that govern civil procedure and court operations, including among others, modifying the Tort Claims Act, streamlining changes to small claims court procedure, and other technical non-substantive changes. Status: Chapter 706, 2005.

AB 1919 (Aghazarian) Civil actions: simple collection actions. As originally introduced, this bill authorized the clerk of the court to enter a default judgment against a defendant in a "simple collection action" upon the filing of a verified complaint, and it eliminated the requirements for case management and other status conferences in simple collection actions. As amended, this bill would require the Judicial Council to create a working group to explore the practice, procedure, and administration of simple collection actions in the trial court. Status: SenJud, dead.

AB 2258 (Villines) Waiver of jury trial. This bill authorizes pre-dispute jury trial waivers by contract in civil cases. Specifically, this bill provides that an agreement to waive the right to trial by jury may be executed at any time prior to commencing an action by a party to a written contract or lease that provides that the parties to the contract or lease voluntarily agree not to demand a trial by jury in any controversy arising from the contract or lease. Status: AsmJud, failed.

AB 2369 (La Suer) Civil warrants. This bill, in order to correct an oversight in AB 1150 (La Suer), Chapter 474, Statutes of 2005, enables the court to issue a civil bench warrant for the arrest of a person who fails to appear for post-judgment examinations. The civil bench warrant will provide an alternative to existing law, which only authorizes issuing a warrant for criminal contempt. Status: Chapter 277, 2006.

AB 2767 (Canciamilla) Waiver of jury trial. This bill provides that a party may waive trial by jury in a civil case by, at any time, entering into a written contract, agreement, undertaking, or commitment in which the party waives the right to a trial by jury, unless the party is a consumer, as defined. Status: AsmJud, dead.

AB 2801 (Saldana) Political Reform Act: collection of fines. This bill creates an expedited procedure for the Fair Political Practices Commission (FPPC) to collect unpaid penalties in any situation where the time for judicial review of the FPPC's decision has lapsed, or where all means of judicial review of the FPPC's decision have been exhausted. Instead of bringing a civil action with the court to collect the unpaid penalties, the FPPC would be permitted to apply to the clerk of the court for a judgment enforcing the FPPC's decision. Status: SenER&CA, failed.

AB 2864 (Harman) Civil action: time of commencing. This bill applies the general Code of Civil Procedure rules for computing time under the code to existing statutes of limitations for filing a lawsuit against a decedent. Status: Chapter 221, 2006.

AB 3049 (Judiciary) Waiver of jury trial. Makes non-substantive changes to the Code of Civil Procedure regarding the process by which a party may waive his or her right to a jury trial as specified in Code of Civil Procedure Section 631(d). Status: SenJud, dead.

SB 373 (Kehoe) County water authority: civil actions for public nuisance. This bill provides that an encroachment maintained in violation of county water authority regulations is a public nuisance subject to abatement through a civil proceeding. Status: Chapter 599, 2005.

SB 815 (Ortiz) Civil procedure: service by publication. As heard by the Committee, this bill authorized substitute service of a summons on a defendant's insurance company if it is determined that the party to be served cannot be served in other manner, as specified, and provided, except as specified, that a plaintiff who elects to serve the defendant's insurer as a substitute for service by publication thereby waives any claim above the insured's policy limits. The bill was subsequently amended to address unrelated workers' compensation issues. Status: Vetoed.

Evidence

AB 1133 (Harman) Evidentiary privileges. This bill requires, subject to a three-year sunset, any disclosure of confidential information to be intentional in order for certain evidentiary privileges to be waived. This bill provides, subject to the three-year sunset, that consent to disclose information is manifested by any statement or other conduct of the holder of the privilege indicating intent to permit the disclosure, including failure to claim the privilege in any proceeding in which the holder has the legal standing and opportunity to claim the privilege. The bill also allows, subject to the three-year sunset, a court, after an intentional waiver of a significant portion of confidential information, to require additional disclosure to prevent unfairness from partial disclosure. Status: SenJud, dead.

AB 1427 (Mountjoy) Abortion: saving tissue for evidence. This bill requires a physician or surgeon performing an abortion on a minor to retain sufficient tissue of the aborted fetus to permit DNA testing for the purposes of determining paternity and providing potential evidence in sex crimes cases. Status: AsmPubS, failed.

AB 1700 (Pavley) Secrecy agreements: public dangers. This bill regulates the use of secrecy agreements and court orders regarding evidence discovered in litigation tending to show the existence of a public danger. Status: AsmInactive, dead.

AB 2875 (Pavley) Secret settlements: felony sex offense. This bill prohibits a confidential settlement agreement in any civil action "the factual foundation for which establishes a cause of action for civil damages for act that may be prosecuted as a felony sex offense." The bill would not affect the ability of the parties to agree to keep confidential the victim's medical information or personal identifying information, and, to keep confidential the amount paid in settlement of the claim. Status: Chapter 151, 2006.

CONTRACTS, BUSINESS AND COMMERCIAL MATTERS

Business

AB 339 (Harman) Limited Partnership Act. This bill enacts the Uniform Limited Partnership Act, a limited partnership act which is a stand-alone measure developed by the National Conference of Commissioners on Uniform State Laws. This bill proposes a scaled-back version of the model Act to account for differences in current California law,

and omits the option to form a Limited Liability Limited Partnership. Status: Chapter 495, 2006.

AB 457 (Nuñez) Disasters: price controls. This bill provides additional consumer protection against price-gouging in the event of emergencies and abnormal market disruptions declared by the Governor, and implements recommendations of the California Energy Commission with respect to reporting of specified data by oil producers and others in the petroleum industry. Status: AsmFloor, dead.

AB 634 (Lieber) International marriage brokers. This bill requires, under specified circumstances, an international marriage broker, as defined, to provide basic rights information to a foreign recruit, as defined, in his or her language. The bill requires the Attorney General, Speaker of the Assembly and President pro Tem of the Senate to convene a task force to draft basic rights information by December 31, 2007. The bill also requires international marriage brokers to file a \$50,000 bond with the Secretary of State (SOS) and a disclosure form with specified information. Status: SenApprops, dead.

AB 759 (Lieber) Unfair competition. As heard by the Committee, this bill ensured that the City and County of San Francisco maintains its standing to bring actions under California's Unfair Competition Law (UCL) as a number of defendants in UCL actions, have challenged the City Attorney's standing on the ground that San Francisco's population may have fallen below 750,000. Existing law authorizes the Attorney General, district attorney, and the city attorneys of cities with populations exceeding 750,000 to initiate prosecutions under the UCL. As subsequently amended the bill, instead, makes findings and declarations regarding the El Camino Hospital District. Status: Vetoed.

SB 702 (Ackerman) Unincorporated associations. This bill provides default rules for unincorporated associations to use when their governing documents do not address issues such as, member voting, termination or suspension, amendments to the governing documents, and dissolution of the association. The bill also provides that a member, director, officer or agent of a nonprofit association is liable for injury caused by an act or omission of the association or an act or omission of another member, director, officer or agent if the member, director, officer or agent expressly assumes liability or engages in tortious conduct that causes injury or is otherwise liable under another statute. The bill provides that the above list is a nonexclusive list and does not foreclose other common law bases for liability. Status: Chapter 116, 2005.

SB 878 (Dunn) Charitable solicitation: disclosures. This bill deletes, from a statute that regulates solicitations for charitable purposes, provisions that render the statute unenforceable under the United States Supreme Court decision in *Riley v. National Federation of Blind*. This bill also adds firefighters, fire marshals, and firefighting personnel to the list of the types of non-governmental organizations that a charity solicitor must give specified information about in the course of solicitation campaigns. Status: Chapter 212, 2005.

Contracts

AB 68 (Montanez) Motor vehicle sale contracts: Car Buyer's Bill of Rights. This bill, effective July 1, 2006, enacts the Car Buyers Bill of Rights. The bill requires a car dealer selling a used vehicle for a purchase price under \$40,000 to offer the buyer a two-day contract cancellation option agreement under which the buyer may return the vehicle without cause so long as certain conditions are met. It prohibits a car dealer from advertising a used vehicle as "certified" or any similar descriptive term that implies the vehicle has been certified to meet the terms of a used vehicle certification program, if, among other things, the odometer has been rolled back, or the vehicle has sustained damage that after repair prior to sale substantially impairs its use or safety. This bill provides that when a seller assigns or sells a conditional sale contract, the amount of money the seller is allowed to receive from the assignment, with specified exceptions, is limited as specified. The bill further requires car dealers who finance a motor vehicle sale to disclose to the buyer the price of additional products, services, or other items, if the sales contract includes a charge for those items. It requires car dealers who finance a motor vehicle sale to disclose the buyer's credit score, the range of possible credit scores established by the credit reporting agency, and provide the buyer a written notice regarding credit scores. Status: Chapter 128, 2005.

AB 341 (Daucher and Huff) Works of improvement: disputed amounts. As heard by this Committee, this bill revised the law with respect to retention proceeds for works of improvement. Specifically, the bill specified the amount that may be withheld from progress payments or final payments, depending on the circumstances, to a sum of various amounts and percentages. The bill was subsequently amended to deal with county health care delivery systems. Status: Chapter 156, 2005.

AB 406 (Haynes) Construction contracts: indemnity. As heard by the Committee, this bill stated the Legislature's intent to enact legislation governing the use of indemnification and/or additional-insured provisions in construction contracts with respect to construction defect disputes in order to expedite the fair and efficient resolution of these disputes and to address the availability and cost of liability insurance for builders, contractors, subcontractors, design professionals and others, as well as the cost of housing. The bill was subsequently amended to deal with driving while intoxicated. Status: SenPubS, dead.

AB 419 (Koretz) Artistic employment contracts: minors. This bill extends the time period by which a trust must be established for minors who enter into artistic employment contracts with third-parties from 7 days to 30 days. The bill would also extend the timeframe accordingly for attaching a trustee's statement evidencing the establishment of a trust to the Labor Commissioner's consent for the employment of a minor under 16 years of age. Status: AsmAEST&IM, dead.

AB 533 (Negrete McLeod) Public works: payment bonds. This bill provides that whenever an original contractor's agreement is assigned to a 3rd party (where the

contractor to whom is awarded a contract by a public entity, except as specified, involving an expenditure in excess of \$25,000 for any public work), the 3rd party shall be required to provide a payment bond. Status: AsmJud, dead.

AB 573 (Wolk) Construction contracts: indemnity. As originally heard by the Committee, this bill stated the Legislature's intent to enact legislation governing the use of indemnification and/or additional-insured provisions in construction contracts with respect to construction defect disputes. The bill was subsequently amended to provide, that for all contracts, and amendments thereto, entered into on or after January 1, 2007, with a public agency for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting any such contract, and amendments thereto, that purport to indemnify, including the cost to defend, the public agency by a design professional against liability for claims against the public agency, are unenforceable, except for claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional. Status: Chapter 455, 2006.

AB 662 (La Suer) Construction defects: County of San Diego: fires. This bill clarifies existing law regarding construction defects to provide that nothing in Title 7 (commencing with Section 895), of the Civil Code shall be construed to prohibit an individual from voluntarily agreeing with a contractor to incorporate the rights and remedies of Title 7, or any provision of Title 7, in a contract for reconstruction of a dwelling unit or common area of a residence lost during the October 2003 Cedar Fire in the County of San Diego. The bill also defines "contractor" to mean any subcontractor, design professional, or general contractor who, after the effective date of this act and on or before January 1, 2008, provides his or her services without compensation. Status: Chapter 40, 2005.

AB 758 (Calderon) Construction contracts: indemnity. This bill 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. It provides that the above provision could not be waived or modified by contractual agreement, act, or omission of the parties, and that contractual provisions, clauses, covenants, or agreements not expressly prohibited in the bill would be reserved to the agreement of the parties. 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. Status: Chapter 394, 2005.

AB 987 (Frommer) Rental car companies: collision damage waiver disclosures.

Allows rental car companies to continue to provide only written notice about collision damage waivers (CDWs) to customers who are enrolled in a membership program. This bill removes the sunset provision which would repeal the provision on January 1, 2006, and consequently, once again, require oral disclosure to all customers about CDWs potentially duplicative coverage, whether they are enrolled in rental car membership programs or not. The bill also requires rental car companies to provide written notice to all renters who are not participants in a membership program, that a damage waiver may be duplicative of coverage that the customer maintains under his or her own policy of motor vehicle insurance. Status: Chapter 82, 2005.

AB 1038 (Houston) Construction defects. This bill states the Legislature's intent to enact legislation governing the use of indemnification and/or additional-insured provisions in construction contracts with respect to construction defect disputes in order to expedite the fair and efficient resolution of these disputes and to address the availability and cost of liability insurance for builders, contractors, subcontractors, design professionals and others, as well as the cost of housing. Status: SenRules, dead.

AB 1068 (Plescia) Public works: payment bonds. This bill provides that whenever an original contractor's agreement is assigned to a 3rd party (where the contractor to whom is awarded a contract by a public entity, except as specified, involving an expenditure in excess of \$25,000 for any public work), the 3rd party shall be required to provide a payment bond. Status: AsmJud, dead.

AB 1209 (Yee) Rental snowmobile contracts. As heard by the Committee, this bill required snowmobile rental companies to require that renters complete a safety training course. The bill further required that tour guides for snowmobile rental companies be certified in basic cardiopulmonary resuscitation (CPR) procedures. This bill also required that snowmobile rental companies that rent snowmobiles to children under the age of 16 may only do so if the child is accompanied by a responsible adult. The bill was subsequently amended to become a bill relating to a grant program for micro-enterprise development. Status: SenApprops, dead.

AB 1622 (Liu) Private works of improvement. This bill limits the amount of retention proceeds withheld from progress payments in private construction contracts and governs the terms of repayment. Specifically, this bill permits an owner, contractor, or subcontractor to withhold up to 10% of progress payments in a private work of improvement until 50% of the amount due under any contract is paid; when 50% of the amount due under the contract is paid, retention proceeds shall be reduced to no more than 5% of the progress payments. The bill requires the retention proceeds to be released with interest, as specified, within 45 days of the date of completion by the contractor or subcontractor. Status: Vetoed.

AB 1740 (Judiciary) Forum selection clauses. This bill provides that forum selection clauses in consumer contracts are unenforceable. An agreement entered into or renewed after January 1, 2006, establishing a forum outside of this state for the hearing or

determination of a matter arising from an offer or provision of goods, services, property, or extensions of credit primarily for personal, family, or household purposes to a California consumer is contrary to public policy and is void and unenforceable. Status: SenJud, dead.

SB 130 (Margett) Works of improvement: stop notices. This bill provides that a stop notice claimant on a work of improvement may reduce or release a stop notice served on an owner, and that any such reduction or release would not preclude service of subsequent stop notices which are timely and proper. This bill allows the use of a stop notice release in a form other than that currently provided in statute. Status: Chapter 15, 2005.

SB 1281 (Romero) Public contracts. This bill prohibits a state agency from contracting for the acquisition of goods or services with a contractor who does not have, and adhere to, a written policy of providing its full-time employees with at least five days of regular pay for actual jury service. Status: Vetoed.

SB 1605 (Margett) Public contracts: public works. This bill clarifies when a public works contractor must notify a public agency, in relation to the change of soil conditions and makes conforming changes. This bill clarifies that sub-surface or latent physical conditions at the site must differ from information provided at the time of the bid in order to trigger the requirement that the contractor notify the public agency of this condition and clarifies that this obligation pertains only to "local public agencies." Status: Chapter 183, 2006.

SB 1724 (Runner) California State University. This bill exempts the California State University (CSU) from a statutory requirement that state agencies contracting with a vendor or contractor must hold a California's seller's permit. Although CSU is still a state agency, it would enjoy an exemption from the permit requirement similar to that already enjoyed by the University of California, the Legislature, the courts, and any agency in the judicial branch of government. Status: Chapter 453, 2006.

Corporations

SB 119 (Ackerman) Corporations: board of directors meetings. This bill revises and extends to corporations, mutual benefit corporations, and consumer cooperative corporations a current provision applicable to nonprofit public benefit and nonprofit religious corporations that allows voting on a potential self-dealing transaction by written consent, under specified conditions, including that appropriate disclosures are made prior to voting, that these disclosures are stated conspicuously in the written consent, and that an interested director abstain from providing consent; and clarifies that for a written consent to be valid, the number of directors serving at the time of voting by written consent is sufficient to constitute a quorum. The bill contains a five-year (January 1, 2011) sunset clause. Status: Chapter 102, 2005.

SB 1481 (Poochigian) Commercial transactions. This bill makes various technical changes to the Uniform Commercial Code. The Uniform Commercial Code governs commercial transactions including the sale and leasing of goods, the transfer of funds, bills of lading and investment securities. Status: Chapter 254, 2006.

Creditor-Debtor Relations

AB 1977 (Harman) Debt collection. This bill, among other things, would permit employees of any debt collector to collect a debt by telephone without disclosing the caller's identity if the employees identify themselves by using personally identifiable business aliases and they correctly identify their debt collector employers or provide a call-back number to their employers' debt collection office where their activities are conducted. Status: AsmB&F, dead.

AB 2043 (Banking & Finance) Debt collection: identity theft. This bill provides a firm, association, organization, partnership, business trust, company, corporation, or limited liability company with the same rights as an individual to contest debt that has resulted from identity theft. Status: Chapter 521, 2006.

SB 627 (Ackerman) Usury. This bill would restore application of the usury law to real estate loans. The bill would carve out, from the statutory exemptions to the constitutional prohibition against usury, a debt secured, in whole or in part, by real property owned or leased by the borrower, provided the primary purpose for the borrowing is to finance the acquisition, ownership, development, leasing or sale of the property. This carve out from the exemption would not apply to institutional investors, as defined. Status: AsmJud, dead.

SB 1609 (Simitian) Reverse mortgages: annuities. This bill requires a lender to refer a prospective borrower to a housing counseling agency approved by the United States Department of Housing and Urban Development before accepting a reverse mortgage application. This bill also prohibits a lender from requiring an applicant for a reverse mortgage to purchase an annuity as a condition of obtaining a reverse mortgage, offering an annuity to the borrower prior to the closing of the reverse mortgage or referring the borrower to anyone for the purchase of an annuity prior to the closing of the reverse mortgage. In addition this bill requires a reverse mortgage contract be translated into the appropriate language when negotiations for the reverse mortgage contract were conducted in another language. Status: Chapter 202, 2006.

COURTS AND RELATED MATTERS

Courts

AB 27 (Mullin) Homicide trial costs. This bill revises existing provisions to provide that when a court orders a change of venue to a court in another county, all costs, as defined, incurred by the receiving county that are not payable by the state shall be paid by the transferring court or county. If the change of venue costs are court operations, those

costs would be considered court costs to be charged against and paid by the transferring court to the receiving court, as specified. If the change of venue costs incurred by the receiving county are not court operations, those costs would be considered county costs to be paid by the transferring county to the receiving county, as specified. The bill also provides that the Judicial Council adopt specified financial policies and procedures to ensure the timely payment of these court costs. Status: Chapter 282, 2005.

AB 1453 (Daucher) Venue: production of groundwater. This bill would establish 9 water divisions in the superior courts of specified counties, and would provide for the transfer of groundwater actions to those courts. An assigned water judge would preside over actions that involve the adjudication of rights to produce groundwater in each division. The bill would further provide that a water judge has exclusive subject matter jurisdiction, and a water division has exclusive venue, over all matters relating to the adjudication of rights to produce groundwater, as specified. The bill would also require the Judicial Council to promulgate special rules governing those actions, in consultation with the water judges of the specified courts, the Department of Water Resources, and the State Water Resources Control Board. Status: AsmJud, dead.

AB 2227 (Chu) Courts: advisory panel on language access. This bill establishes a Blue Ribbon Panel on Language Access in the courts to make recommendations to the Legislature and Judicial Council regarding court interpreter issues. Status: Vetoed.

AB 2302 (Judiciary) Court interpreters: civil proceedings. Provides for court interpreters when needed for parties in family, domestic violence, and other civil matters who require assistance with English. Specifically, this bill provides that in civil actions in which a party does not proficiently speak or understand the English language, and that party is present, an interpreter, as specified, shall be present to interpret the proceedings in a language that the party understands, except as provided. If sufficient funds or interpreters are not available to meet the need in all civil cases, this bill establishes case priorities. Status: Vetoed.

AB 2571 (Levine) Traffic cases: law enforcement. This bill requires the California Highway Patrol, and local law enforcement agencies in cooperation with each other, and under the direction of the Judicial Council, to study methods and draft proposals to improve the procedure for handling traffic cases, so that those proceedings are processed in a manner that reduces the amount of time law enforcement officers spend at those proceedings. Also requires the findings and proposals resulting from the study to be reported to the Legislature on or before January 1, 2008. Status: SenApprops, dead.

Court Employees

AB 1886 (Dymally) Court employees. This bill would require all security personnel, clerical staff, and office assistants for each court of appeal to be state employees. Status: AsmJud, dead.

AB 1995 (Koretz) Trial court employees: personnel files. This bill requires a trial court to permit an employee, upon request, to inspect any personnel files that are or were used to determine the employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action. Status: Chapter 187, 2006.

Court Reporting and Recording

AB 333 (Harman) Civil discovery. This bill provides that a deposition of an organization will be treated as a single deposition for purposes of the provisions applicable to discovery in a limited civil case even when more than one person may be designated or required to testify. It requires a deposition officer to put the deponent under oath or affirmation and also requires the testimony and any stated objections, if taken stenographically, to be taken by a certified shorthand reporter. The bill authorizes a petitioner's successor in interest who expects to be a party to a lawsuit in state court to petition to conduct discovery before the lawsuit is filed under specified conditions. It provides that a deposition is admissible in a court of this state if it was taken under the provisions of the Civil Discovery Act or under comparable provisions of another state, or the federal courts, or a foreign nation in which it was taken. Status: Chapter 294, 2005.

AB 1293 (Oropeza) Depositions. As originally heard by the Committee, this bill provided that if the deponent and the attending parties agree on the record, the notice required by existing law from the deposition officer may be sent electronically, via e-mail, and the transcript may be sent by the deposition officer electronically, provided that such notice contain a prescribed confidentiality notice, and that any transcript sent electronically shall be encrypted and password protected by the deposition officer to prevent the transcript from being altered by the recipient or forwarded electronically to or accessed by another recipient. As subsequently re-heard by the Committee, the bill omitted the foregoing provisions and instead revised the sunset date for the Transcript Reimbursement Fund by which indigent parties may be reimbursed for the cost of transcripts of proceedings and revised the eligibility standards for determining indigency. Status: Chapter 457, 2006.

AB 2305 (Klehs) Court reporting fees. This bill would increase transcription fees, as specified. The bill would also specify the formatting for transcripts and make related changes. This bill would further prohibit loaning a copy or copies of a transcript to any other party or person. Status: AsmJud, dead.

Judges

AB 1322 (Evans) Judges: disqualification. This bill supplements the disqualification rules for any judge who has a current arrangement for prospective employment or other compensated service as a dispute resolution neutral, or who is having or has had within the previous two years a discussion regarding that prospective employment or service, to include disqualification where the judge directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom, among other things, the judge has the arrangement; or the judge will

select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the judge, and among those available for selection is an individual or entity with whom the judge has the arrangement or with whom the judge is discussing or has discussed the employment or service. Status: Chapter 332, 2005.

SB 56 (Dunn) Trial courts: judgeships. This bill provides, upon legislative appropriation, 50 additional superior court judgeships allocated to various county courts in accordance with uniform standards established by the Judicial Council. The bill also requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships and additionally requires that, on or before November 1, 2007, the Judicial Council shall adopt, and shall report to the Legislature annually thereafter upon, judicial administration standards and measures that promote the fair and efficient administration of justice. The bill further requires the State Bar to adopt procedures to facilitate reporting by members of the State Bar online. Status: Chapter 390, 2006.

Juries

AB 1993 (Nakanishi) Jurors: exemption. This bill provides that until January 1, 2010, an eligible person who holds an active license as a registered nurse and works at least 20 hours per week in direct patient care services may be excused from jury service. Status: AsmJud, dead.

AB 2079 (Spitzer) Jurors: payments. This bill would make it a misdemeanor for parties to a proceeding or jurors in a proceeding that did not end in a verdict to offer or accept compensation while the case is still pending in superior court, where the compensation is made in connection with the juror's service. The bill also specifies, however, that a person who served as a juror in the case that did not result in a verdict may be compensated as a witness if he or she is called to testify in an action to collaterally attack the verdict in the former trial. Status: AsmPubS, dead.

AB 2550 (Blakeslee) National Guard: exemption. As heard by the Committee this bill broadened the provision in current law exempting members of the state's active militia from jury duty in criminal cases to cover civil cases as well and provided members of the California National Guard, and their specified relatives, preference points for civil service employment. The jury duty provision was subsequently deleted from the bill. Status: Chapter 494, 2006.

SB 874 (Romero) Jury service: public contracts. This bill prevents a state agency from contracting for goods or services with a contractor that does not have and adhere to a written policy of providing its employees with at least five days of regular pay, on an annual basis, for actual jury service. This bill exempts small businesses, defined as contractors with 100 or more full-time employees, from the provisions of the bill. Status: Vetoed.

Small Claims Court

AB 1459 (Canciamilla) Small claims court: jurisdiction. This bill increases the small claims court jurisdiction from \$5,000 to \$7,500 for natural persons. This bill declares the intent of the Legislature not to raise the jurisdictional limits again, particularly with respect to individuals, until funding is available to provide sufficient and adequate advisors and well-trained, compensated judges. In addition, this bill requires actions to collect money to separately state the original debt, along with all payments, fees and charges. This bill also requires temporary judges to complete ethics and/or substantive law courses offered by the courts. Status: Chapter 618, 2005.

AB 2455 (Nakanishi) Small claims court: jurisdiction. This bill, consistent with a recent increase in the small claims court jurisdictional limits from \$5,000 to \$7,500 for an action brought by a natural person, provides that small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit, if the amount of the demand does not exceed \$7,500. Status: Chapter 150, 2006.

AB 2618 (Berg) Small claims court: actions. Conforms various statutes to the jurisdictional limits of small claims court as revised in 2005. Specifically, this bill adds cross-references to the new code provision created in the 2005 small claims court jurisdiction bill and deletes obsolete references to dollar amounts specified in certain statutes. Status: Chapter 167, 2006.

SB 422 (Simitian) Small claims court: jurisdiction. This bill increases the small claims court jurisdiction from \$5,000 to \$7,500 for natural persons. This bill declares the intent of the Legislature not to raise the jurisdictional limits again, particularly with respect to individuals, until funding is available to provide sufficient and adequate advisors and well-trained, compensated judges. In addition, this bill requires actions to collect money to separately state the original debt, along with all payments, fees and charges. This bill also requires temporary judges to complete ethics and/or substantive law courses offered by the courts. Status: Chapter 600, 2005.

Trial Court Coordination and Funding

AB 262 (Berg) Courts: transfer of county facilities. This bill is a vehicle for resolution among county leaders and the Judicial Council on the issue of the transfer to the state of county court facilities which do not meet certain seismic safety standards. Status: AsmApprops, dead.

AB 750 (Mullin) Trial court funding: San Mateo county. As originally referred, this bill would, for 1 year, commencing July 1, 2005, authorize San Mateo County to reduce the amount it is required to remit to the state for funding court operations, as specified, by 15%. The bill was subsequently amended to provide that the County of San Mateo may file, and that the Commission on State Mandates may pay from the State Mandates Claim

Fund, a claim for legal counsel defense costs in designated cases in excess of the usual rates for court-appointed defense counsel, for specified reasons. Status: AsmJud, dead.

AB 1435 (Evans) Courthouse construction funds. This bill makes several technical amendments to the Trial Court Facilities Act of 2002 (TCFA), including correction of technical errors, clarification of the appropriate use of courthouse construction funds, and simplification of the process for modifying the distribution of penalty assessments for the benefit of the courthouse construction fund. This bill provides that certain uses of a county's Courthouse Construction Fund, which was established prior to passage of the TCFA, are declaratory of existing law. Status: Chapter 410, 2005.

AB 3017 (Mullin) Changes of venue: reimbursement. This bill creates a non-exhaustive list of costs associated with a change of venue for a criminal trial which must be reimbursed to the receiving county by the transferring county. This bill also specifies that county costs, for purposes of reimbursement for change of venue costs, include, but are not limited to, all construction related costs, alterations to a courthouse made to accommodate the transfer of the trial, rental of furniture or equipment that resulted from the transfer of the trial, inmate transportation provided by the county sheriff from the jail to the courthouse, extraordinary costs for the storage of evidence, security of the inmate or other participants in the trial, security expenses incurred by the county Sheriff that resulted from the transfer, rental of jury parking lot, jury parking lot security and information services for the media. Status: Chapter 287, 2006.

SB 10 (Dunn) Court facilities. This bill provides, if responsibility for court facilities is transferred from the county to the state pursuant to a negotiated agreement, and the building containing those court facilities is rated as a "level V seismic rating," as defined, that the county shall be responsible for any seismic-related damage and injury only to the same extent that the county would be liable if responsibility was not transferred to the state, and the county shall indemnify, defend and hold the state harmless from any such claims, except as specified. This bill requires the county, in the event that seismic-related damage occurs, to either make repairs or provide funds to the state sufficient to make those repairs, as specified. This bill authorizes the county and the Judicial Council to agree on a method to address the seismic issue so that the state does not have a financial burden greater than it would have had if the court facilities initially transferred were court facilities in buildings rated as a level IV seismic rating. This bill authorizes the California State Association of Counties, the Judicial Council of California, and the Director of the Department of Finance to agree to alternative methods for calculating the county facilities payment amount to be used by any county meeting the criteria set forth in those alternative methods. The provisions for transfer of level V buildings sunset on January 1, 2010. Status: Chapter 444, 2006.

SB 395 (Escutia) Court Facilities Bond Act. This bill authorizes the issuance, pursuant to the State General Obligation Bond Law, of a yet unspecified amount in bonds. Proceeds from the bonds issued will be deposited into the 2006 California Court Facilities Bond Act Construction Fund for specified purposes relating to the acquisition and maintenance of court facilities, including any lease-financing arrangements between

counties and the California Judicial Council. The bill specifies that appropriation provisions are "for display purposes only." That is, such provisions do not constitute appropriation, debt or liability pursuant to this bill. Instead, this bill only authorizes issuance of the bond and provides that any funds generated by the bond shall become available only through a subsequent appropriation by the Legislature. Status: AsmApprops, dead.

FAMILY LAW, CHILDREN AND RELATED MATTERS

Adoption

AB 447 (La Suer) Adoption: final hearing. This bill permits a judge to waive the requirement that the prospective adoptive parents and child appear before the court at the final hearing at which the court makes and enters the order of adoption. Status: AsmJud, dead.

AB 1638 (Nava) Adoption of dependent children. This bill requires that if a foster parent, who has custody of a child and has acted on a day-to-day basis in the role of parent for that child for more than one year, states an intent to adopt the child to the licensed adoption agency, and such adoption is not opposed by the child or the county child welfare department, the petition shall be approved within 90 days of the exhaustion of the appellate rights of the parents or within 90 days of the statement of adoption intent, whichever is later, unless the department can show cause why the petition approval cannot be granted within the required time frame. Status: AsmApprops, dead.

AB 2488 (Leno) Adoption: sibling contact. This bill lowers the age of consent to disclosure of contact information between adoptees and their siblings from 21 to 18. For those children under 18, this bill allows them to consent to disclosure of their information provided that their adoptive parent, legal parent or guardian consents. Additionally, this bill authorizes a court to appoint a confidential intermediary to obtain the consent of an adoptee or their sibling who has not already consented to disclosure. Status: Chapter 386, 2006.

SB 302 (Scott) Adoption. Makes several changes to adoption requirements, including providing that the consent of a man presumed to be a father, through marriage or attempted marriage or through a voluntary declaration of paternity, is not required for the child to be adopted, if he became a presumed father after the mother's relinquishment or consent to adoption of the child became irrevocable, or after the mother's parental rights were terminated; permitting the signing of the consent by either or both birth parents, in a step parent adoption, to be acknowledged by a notary public and then requiring the notary public to immediately file the consent with the court clerk where the adoption petition is filed; and authorizing the court to order publication of the notice for a hearing to terminate parental rights when the identity of one or both parents, or alleged parents, is unknown. If the court determines that there has been due diligence in attempting to identify the parent or parents and legal guardianship or long-term foster care is

recommended, the bill provides that no further notice to the unknown parent(s) is required. Status: Chapter 627, 2005.

SB 799 (Simitian) Special filing fees. This bill lowers the special filing fee for issuing a certificate of official character to documents related to child adoptions from \$20 to \$10 per signature. Status: AsmApprops, dead.

SB 1325 (Scott) Adoption. This bill revises, and clarifies, numerous aspects of adoption law including those relating to assisted reproduction, felony convictions of parents, appearance by prospective adoptive parents and presumed father proceedings. Status: Chapter 806, 2006.

SB 1393 (Florez) Intercountry adoptions. This bill creates a streamlined readoption process for state residents who finalize an adoption in a foreign country whose adoption standards meet or exceed those of California. Status: Chapter 809, 2006.

SB 1712 (Migden) Adoption Assistance Program. This bill requires the Department of Social Services (DSS) to establish a 3-year-pilot project in four counties and one state office to provide enhanced pre-adoption and post-adoption services to ensure the successful adoption of children who have been in foster care for 18 months or more and who are at least 9 years of age. The County and City of San Francisco and the County of Los Angeles are included in the pilot program along with two other counties to be chosen by DSS, as defined, and a state district office. Each participating county is required to provide pre-adoption and post-adoption services, which may include, among other things, respite care, behavioral health services, peer support groups, mediation services, and information and referral services. Status: AsmApprops, dead.

SB 1758 (Figueroa) Adoption facilitators. This bill strengthens regulations concerning adoption facilitators including increasing the surety bond to \$25,000, imposing minimum education requirements, requiring Department of Social Services registration, restricting internet advertisements displaying minor children and authorizing increased civil penalties. Status: Chapter 754, 2006.

Children

AB 519 (Leno) Parental rights. This bill permits, under limited circumstances, a child whose parents have had their rights terminated to petition the court to have the rights reinstated. Additionally, this bill authorizes the juvenile court to issue ex parte order protecting parents, guardians, and caregivers even if an order protecting the child is not being issued simultaneously. Status: Chapter 634, 2005.

AB 628 (Strickland) Foster care givers: religious and moral beliefs. This bill specifies that the religious or moral beliefs of a person licensed or certified, or applying to be licensed or certified to provide foster care will not render the person ineligible to provide foster care. Status: AsmHumS, failed.

AB 1074 (Chu) HIV testing for foster children. This bill allows a foster parent, relative caregiver, or assigned social worker for a child who has been adjudged a dependent child of the juvenile court to obtain the results of an HIV test without the written consent of the subject of the test. This bill also authorizes a foster parent or relative caregiver of a child adjudged to be a dependent child of the juvenile court, and the child's social worker, to consent to an HIV test on the child's behalf. Status: AsmHumS, dead.

AB 1198 (Mullin) Juvenile court records: San Mateo county. This bill authorizes the San Mateo County Board of Supervisors to establish, by resolution, a demonstration project permitting the exchange of information concerning a juvenile, as specified. The project includes an evaluation of the impact of the demonstration project, as specified, and would not exceed 3 years, except as specified. Status: AsmJud, dead.

AB 1338 (Nation) Immigrant children. When the court determines it is in the child's best interests, this bill requires the court to appoint an immigration attorney for the following children: (1) a dependent child who is not a citizen of the United States or a lawful permanent resident; for whom the court has determined parental reunification is no longer an option, and (2) a child who is adjudged a ward of the court who is not a citizen of the United States or a lawful permanent resident and who is in foster care or deemed unlikely to reunify with his or her parents. This bill authorizes the appointed immigration attorney to pursue special immigrant juvenile status pursuant to existing federal law that permits such status or to pursue any other legal avenue to obtain permanent legal residence or citizenship for that dependent child or ward. This bill would not apply to counties that already provide immigration assistance services to these children and specifies that the requirement to provide legal representation is contingent on an appropriation in the annual Budget Act or another statute. Status: Vetoed.

AB 1412 (Leno) Dependent children: out-of-home placements. This bill expands, subject to phase-in and appropriation through the Budget Act, the responsibilities of county child welfare workers by directing them to ask all foster children 10 years old or older who have been in placement longer than six months about developing and maintaining supportive relationships with adults who can serve in important roles in the foster youth's life. This bill also allows a foster child to review his or her own case plan if he or she is over 12 years of age. Status: Chapter 640, 2005.

AB 1949 (J. Horton) Child abuse: reporting. As referred to this Committee, this bill would have prohibited immunity from civil or criminal liability for an official or employee of a government agency who is a mandated reporter and, within the scope of his or her official duties, that official or employee, intentionally or with a reckless disregard for the truth, misrepresents child abuse or neglect, as specified. The bill was subsequently amended to deal with horse racing. Status: SenRules, dead.

AB 2130 (DeVore) Placement of dependent children: values. This bill requires a court to consider the religious, cultural, moral and ethnic values of the child or of his or her

birth parents prior to granting a petition of adoption for that child. Status: AsmHumS, failed.

AB 2480 (Evans) Dependent children: counsel. This bill (1) provides for appellate counsel for children in specified dependency proceedings, and (2) presumes that a child over the age of 12 years is of sufficient maturity to consent to invoke the psychotherapist-client privilege, physician patient privilege, and clergy-penitent privilege in dependency proceedings. Status: Chapter 385, 2006.

AB 2938 (S. Runner) Juvenile case files. The bill requires the release of juvenile court records and both county and state case files, as specified, pertaining to a case of child abuse or neglect that resulted in a child fatality or near fatality. The bill would also require that certain information be redacted. This bill requires county child welfare agencies to create a record in the Child Welfare Services/Case Management System on all cases of child fatality or near fatality, as defined, suspected to be related to child abuse or neglect. The bill would require the Judicial Council to adopt a rule of court by January 1, 2008, to establish the procedures for the release of information and redaction of court records pursuant to these provisions. Status: AsmPubS, dead.

AB 2976 (Mountjoy) Child abuse: reporting. This bill creates the "Child Sexual Abuse, Exploitation, and Rape Reporting and Deterrence Act of 2006," which requires specified medical personnel to promptly report to a law enforcement or child protective service agency their knowledge that a minor has contracted a sexually transmitted disease or is pregnant. Status: AsmPubS, failed.

AJR 41 (Nation) Immigrant children. Makes various findings and declarations regarding undocumented immigrant children and urges Congress and the President of the United States to protect these children by amending the federal immigration law to allow such immigrant children who are legally adopted to become U.S. citizens. Status: Res. Chapter 116, 2006.

SB 116 (Dutton) Child abandonment: safe surrender of newborns. This bill removes the sunset from the law that allows a parent or other person with lawful custody of a baby 72 hours old or younger to surrender the baby to a county-designated safe surrender site without being prosecuted for child abandonment, making the law effective indefinitely. The law provides a procedure for the safe surrender of the newborn at designated sites, the reclaiming of that child, and the transfer of the surrendered child to the county child protective services agency for the purpose of making the child a dependent of the court. Status: Chapter 625, 2005.

SB 218 (Scott) Termination of parental rights: prospective adoptive parents. This bill provides that after termination of parental rights and before a petition for adoption is granted by the court, a child may be removed from the home of a caretaker who has been designated as a prospective adoptive parent only after notice is provided and, if a noticed person objects, a noticed hearing is held. The child may be removed from that caretaker's home if the court finds that removal is in the best interest of the child. This bill provides

that the above notice and noticed hearing procedure does not apply if there is a risk of physical or emotional harm to the child. In that event, the Department of Social Services or the licensed adoption agency may remove the child immediately and then proceed with the noticed hearing procedure. This bill provides that a court may designate a dependent child's caretaker as a prospective adoptive parent if specified conditions are met and the caretaker has taken steps towards the goal of adopting the child. Status: Chapter 626, 2005.

SB 678 (Ducheny) Indian children. This bill revises and recasts the portions of the Family, Probate, and Welfare and Institutions Codes that address Indian child custody proceedings by codifying into state law various provisions of the federal Indian Child Welfare Act (ICWA), the Bureau of Indian Affairs Guidelines for State Courts, and state Rules of Court. Specifically, this bill (1) affirms the state's interest in protecting Indian children and the child's interest in having tribal membership and a connection to the tribal community, (2) clarifies that ICWA applies to certain proceedings under the Probate and Family Codes, as well as the Welfare and Institutions Code, (3) specifies the requirements necessary for giving proper notice when it is known or there is reason to know that a proceeding involves an Indian child, (4) if the child has more than one tribal affiliation, clarifies the factors a court should consider when determining which tribe is the child's tribe for purposes of an Indian child custody proceeding, (5) specifies the circumstances under which a proceeding shall or may be transferred to a tribal court, (6) clarifies the placement preferences for out-of-home placements for Indian children and when a court may deviate from the preferences, (7) requires that active efforts be made to prevent the breakup of the Indian family and provide guidance as to what constitutes active efforts, (8) clarifies who may qualify as a "qualified expert witness" for purposes of testifying whether continued custody of the parent would result in physical or emotional damage to the Indian child, and (9) establishes specified exceptions to the termination of parental rights to an Indian child. Status: Chapter 838, 2006.

SB 726 (Florez) Dependent children. This bill creates Adam's Law to emphasize to foster parents the importance of providing courts with information to determine whether a noncustodial parent is an appropriate placement for a foster child. Status: Chapter 632, 2005.

Child Custody and Visitation

AB 265 (Haynes) Child custody: parents on active military duty. This bill prohibits a court from modifying an order granting custody of a child if the party who was granted custody of the child is a member of the California National Guard and he or she has been called to active duty, unless the court determines that modifying the order is in the best interest of the child and the party has either died while on active duty or is no longer able to provide adequate care for the child. Status: AsmJud, dead.

AB 1307 (Dymally) Joint custody. This bill requires a court to provide, to the greatest degree practical, substantially equal access to children to both parents unless the objecting parent proves by clear and convincing evidence that joint custody would not be

in the child's best interest. This bill also requires the court to consider a finding of an intentional false accusation of child abuse or neglect made by a party to be a change of circumstances of an existing custody order. Status: AsmJud, failed.

AB 1502 (Salinas) Custody: San Benito pilot project. This bill creates in San Benito County, until January 1, 2010, a pilot project in which a family law court would appoint an attorney and a multidisciplinary team of professionals who shall support the attorney to represent the best interests of a child in family law matters when the custody of the child is in dispute and either one party to the action has accused the other party of domestic violence or there are allegations of child abuse by one of the parties against the child who is the subject of the custody dispute, as specified. Status: AsmJud, dead.

AB 2517 (Tran) Minor children: visitation rights. This bill allows a grandparent to petition the court for visitation with their grandchild when the natural or adoptive parents are married, and the grandchild has been adopted by a stepparent. Status: Chapter 138, 2006.

AB 2893 (Mountjoy) Custody and visitation: sex offenders. This bill restates that a court cannot find there is no significant risk of harm and award physical or legal custody of, or unsupervised visitation with, a child to a person who is required to register as a sex offender, as specified, or who lives with anyone who is required to register as a sex offender, unless the court states the reasons for its findings in writing or on the record. Status: Chapter 207, 2006.

SB 594 (Torlakson) Custody and visitation: sex offenders. This bill expands existing law relative to granting custody of a child to a registered sex offender to prohibit a court from granting custody of, or unsupervised visitation with, a child to a person if that person resides with a registered sex offender whose victim was a child. The bill also provides that an existing custody or visitation order shall be modified or terminated consistent with that provision, as specified. Status: Chapter 483, 2005.

SB 1667 (Kuehl) Dependent children. Allows any foster parent, Indian custodian, relative caregiver, community care facility or foster family agency with physical custody of a child to attend all juvenile dependency court post permanency planning hearings for that child. Allows these individuals to submit written information they deem to be relevant to the court. This bill also requires service of the Judicial Council Caregiver Information Form (JV -290) and instructions for filing on any foster parents, or relative caregivers in addition to the social worker's recommendations. Status: Chapter 389, 2006.

Paternity and Child, Family and Spousal Support

AB 667 (Jones) Child support enforcement: study. This bill requires the Legislative Analyst to contract for an evaluation of the child support program, directing the Analyst to specifically consider collections, cost-effectiveness, additional enforcement tools, current funding levels, allocation formulas and to recommend any management practices,

collection procedures or allocation changes which would improve the operation of the child support program. The bill requires creation of an advisory body of experts and stakeholders to guide the Analyst. Status: SenApprops, dead.

AB 1626 (Klehs) Employer reports: new hires. As originally referred to this Committee, this bill would have required employers to report the estimated monthly income of each new hire, along with other required information, within 20 days of hiring. The bill also would have mandated penalties for employers who failed to report their new hires and established an amnesty for those who failed to report in the past. As subsequently amended, now authored by Assemblymember Nava, the bill expands the time period in which jurors are prevented, for consideration, from supplying information regarding a trial on which they have served. Status: AsmPubS, failed.

AB 1743 (Committee on Judiciary) Child support: compromise of debt for reunited families. This bill clarifies and expands the scope of the existing program allowing for the compromise of child support debt owed by parents to the state when their children have been removed from their homes because of abuse or neglect. This bill also aligns this program's required review hearings with the annual eligibility redeterminations required for CalWORKs and foster care. Status: Chapter 198, 2005.

AB 1926 (DeVore) Parent-child relationship: embryo adoption. This bill permits the establishment of parentage, whether by birth or adoption, for an embryo by specifying that (1) a parent-child relationship may be established between a natural mother, including a mother who becomes pregnant as a result of an embryo transfer in compliance with a written agreement, by proof of the birth of the child; and (2) a parent-child relationship may be established between a child and an adoptive parent by proof of an agreement to transfer an embryo. Status: AsmJud, dead.

AB 2440 (Klehs) Child support obligations liability. This bill imposes liability upon any person or business entity who knowing, or who should have known, of a child support obligation, assists a child support obligor who has an unpaid court-ordered child support obligation to avoid, escape, or evade paying the obligation. The liability is for three times the value of the assistance provided, such as three times the amount of wages paid to the child support obligor but not reported, but may not exceed the entire child support obligation due. Status: Chapter 820, 2006.

AB 2781 (Leno) Private child support collectors. This bill requires private child support collectors (PCSCs), as defined, to comply with some basic consumer protections to ensure that child support obligees have clear information about the contract they are entering into, have some basic rights to cancel the contract, receive meaningful notice of collections made and the amount of the collections kept by the private agency as its fee, requires PCSCs to follow the debt collection practices that apply to collectors of other types of consumer debt, and provides remedies when PCSCs do not comply with these requirements. Status: Chapter 797, 2006.

AJR 17 (Jones) Child support penalties. This resolution requests the U.S. Congress to enact the Child Support Reinvestment Act of 2005, introduced by Congresswoman Matsui, to allow states that have been assessed federal penalties for failing to timely implement an automated child support collection program to reinvest those penalties in child support program improvements and automated system development and to use as a base year for the calculation of those penalties the year prior to when penalties were first imposed. Status: Res. Chapter 118, 2005.

SB 896 (Runner) Child support: private collection agencies. As heard by this Committee, this bill would have required private child support collectors (PCSCs), as defined, to comply with some basic consumer protections. As subsequently amended, this bill amends current law which permits sheriffs and police chiefs to contract for emergency health services to extend this authority to "other public officials," and provides that existing Inmate Health Care and Medical Provider Fair Pricing Working Groups address the issue of whether a disproportionate share of local law enforcement patients is being treated at any one hospital or system of hospitals. Status: Chapter 303, 2006.

SB 1082 (Morrow) Child custody and support obligations: military personnel. This bill facilitates the process for activated reservists and National Guard members to seek a modification of their child support orders prior to deployment out-of-state. The bill, also, if the court cannot set the matter for hearing prior to the deployment, preserves the service member's ability to modify the support order retroactively to the date of deployment or date of filing and service of the modification petition, whichever is later, to reflect any change in income resulting from the activation to military service. The bill additionally provides that the fact of a person's deployment out-of-state, in and of itself, cannot be used by the court as a ground for modification of custody or visitation. Status: Chapter 154, 2005.

SB 1483 (Alquist) Child support: modifications. This bill, until January 1, 2010, establishes, if approved by a resolution of a county board of supervisors, a child support pilot project for the counties of Alameda, Fresno, Orange, San Mateo, and Santa Clara. The bill authorizes courts in those counties to modify a child support order when a local child support agency submits an application for modification of support and complies with specified provisions. This bill specifically authorizes a local child support agency to seek modification of an existing child support order if it has received income information for one or both parents that indicates that an existing order is not in substantial conformity with child state support guidelines, as specified. Status: Chapter 876, 2006.

Domestic Violence

AB 99 (Cohn) Protective orders: extension of expiration date. This bill allows a court to issue protective orders, stay-away orders and residence exclusion orders for up to five years, instead of three years under existing law, and allows the court to renew those orders, upon request of a party, for an additional five years instead of three years under existing law. Status: Chapter 125, 2005.

AB 102 (Cohn) Domestic violence: dual status. As referred to this Committee, this bill would have required each superior court to identify the best practices in family, criminal, and juvenile court cases involving domestic violence; required the presiding judges of the family, criminal, and juvenile courts of each county to create a jointly written protocol regarding coordinating cases; and required the Judicial Council to collect and compile data on this protocol, to prepare an evaluation of the implementation of the protocol, and to report its findings and any resulting recommendations to the Legislature, as specified. The bill was subsequently amended to repeal the July 1, 2006 sunset concerning intensive parole supervision for specified high-risk parolees and remove language in this statute requiring reports to the Legislature, and referred to the Public Safety Committee. Status: Chapter 55, 2005.

AB 104 (Cohn) Protective orders: early termination. As heard by this Committee, this bill would have required the same judge who initially issued a domestic violence protective order, to the extent feasible given the potential needs of the court and the parties, to preside over any motion to terminate the order prior to its expiration date. The bill was subsequently amended to express the Legislature's intent to fund the Substance Abuse Treatment Trust Fund each year in the annual Budget Act. Status: SenPubS, dead.

AB 112 (Cohn) Protective orders: enforcement priority. This bill provides enforcement precedence to an Emergency Protective Order (EPO) over any other restraining or protective order provided the EPO is issued to protect one or more individuals already protected by another restraining or protective order; the EPO restrains an individual who is restrained by the other restraining or protective order; and, the provisions of the EPO are more restrictive as to the restrained party than the other restraining or protective order. Status: Chapter 132, 2005.

AB 118 (Cohn) Protective orders: minor children. This bill requires that, if a protective order has been issued by a criminal court, the court shall make reference to that criminal protective order and acknowledge the precedence of enforcement of that protective order in any subsequent custody or visitation order between the same parties. This bill also requires Judicial Council to modify criminal and civil court forms consistent with the bill, by July 1, 2006. Status: Chapter 465, 2005.

AB 120 (Cohn) Domestic violence: children. As heard by this Committee, this bill would have authorized, subject to adequate, discretionary funding from a city or county, the superior court in Santa Clara County to develop a pilot program, and any other county able and willing to participate in that program to collect data with regard to domestic violence cases and children, as specified. The bill would have required superior courts participating in this program to report their findings and recommendations to the Judicial Council on or before December 1, 2006. The bill was subsequently amended to provide for the completion of a continuing education or competency requirement for physical therapists and physical therapists assistants, prior to the renewal of a license or approval by the Physical Therapy Board of California. Status: Chapter 540, 2006.

AB 167 (Cohn) Domestic violence: conditions of parole. As referred to this Committee, this bill would have granted a family court judge the authority to order a party appearing before it, who the court determines to be a domestic violence batterer, to attend a Batterer Intervention Program. This bill was subsequently amended to eliminate the requirement in current law that, to constitute a misdemeanor, making contact with the intent to annoy by means of electronic communication, when directed to a person at their place of work, must be either in violation of a restraining order or must be directed to a person with a specified relationship to the caller and must involve over 10 contacts within a 24-hour period, and to expand the scope of the current law prohibiting repeated annoying communications to include electronic communications wherever they are received. Status: SenPubS, failed.

AB 220 (Public Safety) Domestic violence. This bill amends various statutes that reference "battered woman syndrome" to instead refer to "intimate partner battering and its effects." Status: Chapter 215, 2005.

AB 429 (Chu) Workplace harassment: protective orders. This bill establishes an alternative form of service of process for workplace violence protective orders. At the request of a plaintiff-employer, law enforcement present at the scene of reported unlawful violence or a credible threat of violence must serve the defendant with a copy of a temporary or permanent workplace violence protective order. The law enforcement officer, if the plaintiff or protected party cannot produce an endorsed copy of the protective order, is required to attempt to verify the existence of the order. If the officer determines that the order has been issued, the officer must orally serve the defendant. The plaintiff must mail an endorsed copy of the order to the defendant's mailing address, obtained by the law enforcement officer, within one business day of the officer's verbal notice to the defendant. Status: Chapter 467, 2005.

AB 978 (S. Runner) Restraining orders: address information. This bill requires a court to prohibit a party enjoined under a civil or criminal protective order from taking any action to obtain the address or location of the protected party, or of the protected party's family members, caretakers or guardian unless there is good cause not to make the order. Status: Chapter 472, 2005.

AB 1712 (Hancock) Domestic violence: Berkeley. This bill adds the City of Berkeley to Alameda County's pilot program regarding the oversight and coordination of domestic violence programs. It authorizes the City of Berkeley to increase its fees for certified copies of birth certificates, fetal death records and death records by up to \$2, and authorizes an annual increase in those fees by an amount equal to the increase in the Consumer Price Index. This bill requires the City of Berkeley to use those fees for governmental oversight and coordination of a variety of domestic violence and family violence prevention and intervention efforts. This bill includes a sunset date of January 1, 2010. Status: Chapter 545, 2005.

AB 1787 (Cohn) Emergency protective orders. This bill clarifies that an emergency protective order is valid only if issued by a judicial officer after making required findings and pursuant to a request by a law enforcement officer. Status: Chapter 82, 2006.

AB 2051 (Cohn) Domestic violence: lesbian, gay, bisexual and transgender violence. The bill establishes in the Office of Emergency Services (OES) a grant program for domestic abuse prevention in the lesbian, gay, bisexual, and transgender (LGBT) community, and establishes fees of \$23 in addition to the registration fee for domestic partnerships in order to fund this grant program. It requires the OES to conduct training workshops specific to domestic violence in the LGBT community, and to include at least one member from the LGBT community on its advisory council. The bill also requires the Peace Officers Standard Training courses to contain a specific curriculum component in domestic violence involving the LGBT community. The bill also requires the Department of Health Services (DHS) to prepare an LGBT-specific domestic abuse brochure for the Secretary of State to print and make available to persons who qualify as domestic partners for registration purposes. In addition, this bill would require the DHS advisory council on the battered women's shelter grant program to include LGBT representation. Status: Chapter 856, 2006.

AB 2084 (Karnette) Domestic violence shelter-based programs. This bill re-designates "domestic violence centers" as "domestic violence shelter-based programs" for purposes of funding under the Domestic Violence Center Act (Act) and re-defines domestic violence to include abuse by "cohabitants." Status: Chapter 857, 2006.

AB 2139 (Garcia) Emergency protective orders. This bill requires law enforcement officers who respond to an intimate violence situation to tell the victim that they may ask the officer to request an emergency protective order, as specified. Status: Chapter 479, 2006.

SB 720 (Kuehl) Protective orders: contempt. This bill (1) authorizes the district attorney or city attorney to initiate and pursue a court action for contempt against a person for failing to comply with a domestic violence protective order issued by a court, (2) requires, with respect to domestic violence protective orders, the court or the court's designee to transmit all data filed with the court to law enforcement personnel, in the same manner that criminal court protective orders are transmitted, and (3) clarifies that an order protecting victims of violent crime applies to all contact by the defendant, thereby ensuring the court's authority to issue stay-away orders in addition to criminal protective orders. Status: Chapter 631, 2005.

SB 968 (Torlakson) Domestic violence: Contra Costa County. This bill repeals the January 1, 2007 automatic termination date in the statute that authorizes the County of Contra Costa to increase fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records to fund oversight and coordination of agencies dealing with domestic violence, making the statute permanent, and increases the maximum fee that the County can charge on the vital records listed above from \$2 to \$4. Status: Chapter 635, 2006.

SB 1491 (Kuehl) Domestic violence: personal information. This bill prohibits a victim service provider from being required to reveal the personally identifying information of its clients or potential clients as a part of applying for or receiving grants or financial assistance for its services. This bill defines "victim service provider" to mean a non-governmental organization that provides shelter or services to victims of domestic violence. Status: Chapter 54, 2006.

Family Law

AB 19 (Leno) Gay marriages. This bill would enact the "Religious Freedom and Civil Marriage Protection Act," which would provide that marriage is a personal relation arising out of a civil contract between 2 persons, rather than between a man and a woman. The bill would make conforming changes with regard to consent, and would make related findings and declarations. This language was subsequently amended into AB 849 which was vetoed by the Governor. Status: AsmFloor, failed.

AB 402 (Dymally) Collaborative family law. This bill enacts the Collaborative Family Law Act, which codifies the parties' ability to enter into a collaborative process for dissolution of marriage, nullity of marriage or legal separation. This bill also requests the Senate and Assembly Judiciary Committees to convene a working group of specified members to study and make recommendations on a comprehensive collaborative law statute, with the goal of enacting legislation in 2007-08 to provide a procedural framework for the practice of collaborative family law. Finally, this bill reiterates that parties to a child custody proceeding can request a written statement from the court of a decision containing its factual and legal basis, and requires the Judicial Council to create an information sheet for parties involved in child custody and visitation matters. Status: Chapter 496, 2006.

AB 1102 (Hancock) Marriage. This bill, operative January 1, 2008, revises and recasts provisions relating to the issuance of marriage licenses. Among other things, this bill conforms various statutory provisions of law to those changes. This bill regulates the issuance of confidential marriage licenses based upon an inability of the parties to appear, as specified, and makes related changes with regard to notaries public and the State Registrar. In issuing a duplicate marriage license or confidential marriage license, this bill allows the county clerk to charge any fee to cover the actual costs of issuing that duplicate license, and changes the fee charged notaries public for approval to issue confidential marriage licenses to \$300. Status: Chapter 816, 2006.

AB 1236 (DeVore) Marriage Choice Act. The bill makes legislative findings including that the state needs to find a way to encourage marriages to stay together and that no fault divorce has caused many negative impacts on our society. The bill would establish procedures by which a couple may enter into a "fault-based" marital contract. Before entering into such contract the couple is required to undergo specified marital counseling and education, and also to undergo specified marital counseling before divorcing. Among other things, the bill requires county clerks to develop and make available to the

public choice forms, as defined, in accordance with the act. The bill also requires a county clerk to file and keep completed choice forms within the county's permanent records and to establish a directory of marriage education or skills training providers within its office. Status: AsmJud, failed.

AB 2126 (Lieu) Enforcement of judgments. This bill provides that enforcement of a money judgment or judgment for possession or sale of property under the Family Code would be enforceable until satisfied in full. Additionally, this bill allows a court in limited civil cases to enforce orders under the Family Code. Status: Chapter 86, 2006.

AB 2853 (Salinas) Family law counselors. This bill codifies a current Rule of Court that requires initial and continuing domestic violence education for court counselors, evaluators, investigators and mediators involved in child custody matters. Status: Chapter 130, 2006.

ACA 3 (Haynes) Marriage rights and responsibilities. This resolution seeks to amend the state Constitution to require that only marriage between a man and a woman, whether contracted in California or elsewhere, is valid and recognized in California, and to require that the rights, responsibilities, benefits and obligations of marriage can only be granted to a man and a woman joined in a valid marriage and cannot be conferred upon any other union or partnership. Status: AsmJud, failed.

SB 1015 (Murray) Dissolution of marriage: financial declarations. This bill modifies the existing statute designed to shield financial information in marital dissolution cases to address a finding of unconstitutionality made by the appellate court in the recent decision of *Burkle v. Burkle* (January 20, 2006) 135 Cal.App.4th 1045. Status: AsmInactive, dead.

SB 1088 (Bowen) Family law: ex parte communications. This bill prohibits ex parte communications in family court proceedings between the court, the attorneys for the parties, the child's attorney, and mediators and evaluators, subject to specified exceptions. Exceptions include cases involving domestic violence or when necessary to prevent harm to a child or party. This bill directs the Judicial Council, by July 1, 2006, to adopt a rule to implement the prohibition. Status: Chapter 489, 2005.

HEALTH CARE

AB 464 (Daucher) Health care directives: natural death. This bill specifies that a health care provider who honors a natural death order, is not subject to criminal prosecution, civil liability, or other disciplinary proceedings. Existing law already provides immunity for health care providers who honor requests to forgo resuscitative measures. Status: AsmJud, dead.

AB 568 (Garcia) HIV tests. This bill requires any woman seeking an annual gynecological examination or family planning appointment to be provided information on

HIV and AIDS and offered the option of being tested for HIV. Status: AsmApprops, dead.

AB 576 (Wolk) Immunization information system. This bill authorizes local officers, health care providers, health plans and other public agencies to share information on the immunization status of children for the purposes of patient care or public health, prohibits sharing of immunization records if parents or patients object, requires that such information be treated as confidential, and requires the Department of Health Services to create a sustainability plan for a statewide immunization plan. Status: Chapter 329, 2006.

AB 598 (De La Torre) Health care contracts. This bill requires the Department of Managed Health Care and the Department of Insurance to review and approve all provider contracts, for compliance with existing and new contract requirements, as specified, and makes provider contract renewals with health plans, insurers and other contracting agents, as specified, contingent on a provider's annual execution. Status: AsmApprops, dead.

AB 1062 (Saldana) Medical experimentation: informed consent. This bill provides that, in addition to the requirements of the Experimental Subject's Bill of Rights, any human subject of biomonitoring research must be informed of and must consent to, among other things, the intended use of any biospecimen to be taken from the subject and provides that the subject has the right to review all laboratory reports and final research results regarding a biospecimen taken from the subject. This bill also requires that a subject must be provided a written disclosure about any legal rights the subject may have regarding any patentable pharmaceuticals or other products that are a byproduct of, or synthesized from, any biospecimen taken from the subject. Status: Vetoed.

AB 1278 (Emmerson) Vital records. This bill revises the medical and social information to be included on a certificate of live birth relating to prenatal activities and procedures and principal sources of payment for prenatal care and delivery. Status: Chapter 430, 2005.

AB 1376 (Harman) Long-term health care facilities: violations. This bill is a technical correction to the judicial appeals process for long-term care facilities, requiring a long-term care facility prosecuting a judicial appeal of a citation issued by the Department of Health Services to file with the court a case management statement pursuant to Court Rule 212. Status: Chapter 56, 2005.

AB 1994 (Leslie) Health records. This bill provides that the decision of a health care provider as to whether to make a minor's records available for copying, in addition to inspection, by the minor's representative where the health care provider determines that access to the records would have a detrimental effect on the provider's professional relationship with the minor or the minor's physical safety or psychological well-being, would not expose the provider to liability, unless the decision was found to be in bad faith. Status: Chapter 100, 2006.

AB 2260 (Negrete McLeod) Approvals and certificates of registration. This bill clarifies the requirements for unlicensed foreign doctors to practice medicine in fellowship, faculty or department chief capacity in a California medical school. Status: Chapter 565, 2006.

AB 2340 (Harman) Health care decisions. This bill, among other things, requires a health care provider to use reasonable efforts to locate a patient's advance health care directive (AHCD) or to contact a hierarchy of specified individuals, beginning with a spouse or domestic partner, to act as surrogate to make needed health care decisions when the patient is incapacitated. Status: SenJud, dead.

AB 2357 (Karnette) Assisted outpatient mental health treatment. This bill extends the sunset date of the Assisted Outpatient Treatment Demonstration Project Act of 2002 from January 1, 2008 to January 1, 2013. The Assisted Outpatient Treatment Demonstration Project Act of 2002 authorizes an assisted outpatient treatment pilot program for any person who is suffering from a mental disorder, and requires the Department of Mental Health to submit a report and evaluation of all counties implementing any component of this program to the Governor and Legislature by July 31, 2011. Status: Chapter 774, 2006.

AB 2856 (Hancock) Informed consent: prescription medication. This bill requires a physician and surgeon to obtain informed consent from a patient before prescribing, administering, or furnishing a prescription medication for an off-label use, as defined. The bill also specifies information that a physician and surgeon is required to provide in order to obtain the patient's informed consent. Status: AsmHealth, dead.

SB 231 (Figueroa) Healing arts: Medical Board of California. This bill extends the sunset date for the Medical Board of California (MBC) until 2011 and provides for changes to the MBC, as recommended by an Enforcement Monitor. Changes include requiring physicians to inform MBC when they are convicted of a misdemeanor that is substantially related to the qualifications, duties, and functions of a physician and surgeon and that are defined in subsequent legislation developed by MBC and other groups; declaring the intent of the Legislature that the Little Hoover Commission, on or before July 1, 2008, study and make recommendations on the role of public disclosure in the public protection mandate of MBC, including whether the public is adequately informed about physician misconduct by laws and regulations providing for disclosure; declaring the intent of the Legislature that the Bureau of State Audits conduct a thorough performance audit, by June 30, 2007, of MBC's diversion program to evaluate the effectiveness and efficiency of the program, and make recommendations regarding changes and the continuation of the program; increasing MBC's initial license fee from \$610 to \$790, and the biennial renewal fee from \$610 to \$790; authorizing, subject to a January 1, 2008 sunset, the Department of Justice to investigate (in addition to having prosecution authority under existing law) licensees and applicants of MBC. Status: Chapter 674, 2005.

SB 401 (Ortiz) Pharmaceutical medical information: marketing. As referred to this Committee, this bill would have included in the definition of "marketing," under the Confidentiality of Medical Information Act, written communications which pharmacists provide to patients when dispensing prescription drugs, if the communication includes the trade name or commercial slogan for any drug other than the dispensed drug and the cost of the communication is paid, directly or indirectly, by a drug manufacturer or distributor. This bill was subsequently amended to make changes to provisions relating to the public hearing, public records, patent royalties, and license revenues and conflict-of-interest procedures for members of the Independent Citizen's Oversight Committee working groups, established pursuant to Proposition 71, the Stem Cell and Research and Cures Act. Status: AsmApprops, dead.

SB 1205 (Escutia) Air pollution. This bill would enact the Children's Breathing Rights Act, which would increase the maximum penalties for specified violations of air pollution laws, as provided. The bill would punish specified violations of air pollution laws that result in substantial risk of actual injury, as specified. The bill would punish making certain false statements, representations, or certifications, as specified. The bill would require the state board to post on its website information on air quality violations, as specified. Status: AsmFloor, failed.

SB 1272 (Bowen) Advance Health Care Directives. This bill changes the state's Advanced Health Care Directive (AHCD) Registry from a paper-based to an electronic, web-based system to be maintained by the Secretary of State (SOS). It establishes a system allowing persons to electronically file an AHCD with the state's existing Registry, subject to the implementation of certain security requirements. The bill would also require the AHCD Registry and the "Donate Life" Registry (for organ and tissue donation) to have direct links to the other's website. The bill would require the SOS to evaluate the system and report its findings to the Legislature by June 30, 2001. Status: AsmApprops, dead. (A narrow provision of this bill, which made properly authenticated electronic signatures legally valid, was put into AB 2805 (Blakeslee) and signed by the Governor, Chapter 579, 2006.)

SB 1307 (Poochigian) Medical information: confidentiality. This bill conforms California law to the federal Health Insurance Portability and Accountability Act by allowing a physician to disclose medical information to a health care agent, as specified. Status: Chapter 249, 2006.

SB 1430 (Alquist) The Local Pandemic and Emergency Health Preparedness Act of 2006. This bill permits the Director of the Department of Health Services to declare a health emergency and the local health officer to declare a local health emergency in the jurisdiction in specified instances and permits a local health officer to issue an order to first responders for the purpose of immediately isolating exposed individuals in specified instances and with specified limitations. Status: Chapter 874, 2006.

SB 1851 (Health) Breast cancer: informed consent. Requires a physician and surgeon, upon a diagnosis of breast cancer, to give the patient a written summary of alternative

efficacious methods of treatment for breast cancer required under current law and to note on the patient's chart that he or she has given the patient the written summary. Status: Chapter 485, 2006.

IMMIGRATION ISSUES

AB 930 (De La Torre) Naturalization services. This bill establishes the New Californians Act to develop a comprehensive, coordinated, accessible, and accountable naturalization and civic participation program to assist eligible immigrants through the naturalization process and to help them integrate into the economic and civic fabric of our state; create a method for allocating funds to organizations and citizenship assistance providers that is equitable and effective, linked with need for services, and tied to a statewide accountability mechanism for effective service; and create an advisory committee of experts on citizenship issues. Status: AsmApprops, dead.

AB 1894 (Blakeslee) Department of Corrections: undocumented immigrants. This bill requires the Secretary of the Department of Corrections and Rehabilitation (CDCR) to enter into a Memorandum of Understanding with the United States Department of Homeland Security under which the United States Immigration and Customs Enforcement trains, certifies, and authorizes designated CDCR personnel to perform certain immigration processing functions. Status: AsmPubS, failed.

AB 2060 (De La Torre) Naturalization services. This bill, among other things, establishes the naturalization program to be administered by DCS to provide funding to community-based organizations to assist legal permanent residents in obtaining citizenship and requires the program to develop a referral system. Status: Chapter 515, 2006.

AB 2458 (Blakeslee) State audit: illegal immigration. This bill requires the Bureau of State Audits to conduct an audit to determine the impact of illegal immigration on the California Department of Corrections and Rehabilitation, state prisons, county jails, public safety infrastructure, and the state court system, to identify which costs may be eligible to be recouped from the federal government, and to report its findings to the Legislature on or before January 1, 2008. Status: AsmJud, dead.

AB 2508 (Haynes) Illegal immigration: emergencies. This bill adds "illegal immigration" to the causes listed in the Emergency Services Act as creating conditions of disaster or extreme peril to the safety of persons and property within the state or within the territorial limits of a city or county that are beyond the ability of state or local resources to combat. This bill also declares, among other things, the intent of the Legislature to comprehensively address the urgent national security, economic, and social crisis posed by illegal immigration in the state. Status: AsmJud, failed.

ACA 6 (Wyland) Public benefits. This measure would prohibit the state from issuing any driver's license, state identification card, providing in-state tuition or fees for postsecondary education, granting any voting privileges, or providing any health, social,

or other state or local public benefit to any person who is neither a citizen of the United States nor an alien lawfully present in the United States, unless the privilege, service, or the benefit is required to be provided pursuant to federal law. This measure would also require, to the extent consistent with applicable federal law, the presentation of proof of citizenship when any person exercises his or her right to vote in this state. Status: AsmJud, failed.

ACA 20 (Haynes) Immigration enforcement. This measure creates a state entity to engage in the enforcement of federal immigration laws and to dedicate state funds to engage in federal immigration functions. Status: AsmJud, failed.

ACR 152 (Torrico) Immigrant Day. This bill recognizes the various contributions that immigrants make to California and declares the third Monday in May as Immigrant Day. This bill also calls on our national leaders to reject all immigration reform efforts that seek to criminalize an individual because of his or her immigration status and to prioritize humane comprehensive immigration reform that includes a path to permanent residency, and the protection of civil and human rights for all immigrants. Status: AsmJud, dead.

AJR 51 (Nuñez) Immigration reform. This resolution calls on the President and Congress of the United States to enact reasonable and bipartisan immigration policy reform. Status: AsmFloor, dead.

SCR 113 (Romero) Great American Boycott 2006. This measure would recognize May 1, 2006, as "The Great American Boycott 2006," to educate people in California and the United States about the contributions of immigrants in California. Status: AsmJud, dead.

LIABILITY AND RELATED MATTERS

Damages Provisions

AB 22 (Lieber) Human trafficking. This bill, among other things, permits a victim of trafficking to bring a civil action for actual damages, provide for restitution and punitive damages, and would establish a victim-caseworker privilege. Status: Chapter 240, 2005.

AB 195 (Dymally) State Civil Service Act: employment discrimination. This bill adds reasonable attorney's fees and costs to the available remedies that the State Personnel Board may order when compensating an employee who has suffered employment discrimination under the State Civil Service Act. Status: Vetoes.

AB 381 (Montanez) Civil paparazzi: assault liability. As originally heard, the bill was a technical clean-up bill relating to entertainment contracts with minors. The bill was subsequently amended to provide 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. Status: Chapter 424, 2005.

AB 1863 (Harman) Punitive damages. This bill, as specified, requires the trier of fact to determine whether the defendant is liable for exemplary damages. The bill further requires the court to determine the amount of the award, if any, and enter an order setting that amount and the reasons for supporting the award. Status: AsmJud, failed.

SB 97 (Murray) Unsolicited commercial email. This bill 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. Status: Chapter 247, 2005.

SB 832 (Perata) Punitive damages. Extends the sunset provision for the existing split-recovery statute regarding punitive damages awards. This bill provides, with respect to an action filed after August 16, 2004, that results of a final judgment or settlement that is rendered on or before June 30, 2011, and includes punitive damages, that the punitive damages shall be apportioned according to a specified formula. Status: Vetoed.

Immunity and Scope of Liability

AB 173 (Houston) Immunity from liability: obesity related health claims. This bill provides manufacturers, distributors, sellers and others, as defined, of food or beverage with immunity from liability for obesity-related health claims. Status: AsmJud, failed.

AB 192 (Tran) Tort Claims Act. The bill seeks to provide a cap on public entities' liability for damages of \$250,000 per individual or \$500,000 per incident. The bill also provides that questions of design immunity are questions of law to be determined by the judge, rather than factual questions for a jury. Status: AsmJud, dead.

AB 355 (Tran) Joint and several liability. This bill would allow a court to instruct the jury on the effect of finding a defendant in a multi-defendant case partially liable under California's joint and several liability rule. Status: AsmJud, dead.

AB 423 (Spitzer) Liability: peace officers. This bill grants immunity to a peace officer who makes a warrantless arrest if that arrest received a prompt, judicial determination of probable cause subsequent to the arrest. Specifically, this bill provides that there shall be no civil liability, and no cause of action shall arise, against any peace officer who makes a warrantless arrest, so long as the arrest is made without malice and there is a prompt, judicial determination of probable cause by a judicial officer following the arrest. Status: AsmJud, failed.

AB 733 (Nation) Psychotherapists: duty to warn. This bill clarifies the existing statute by specifying the two steps, notifying both the potential victim and a law enforcement agency, which a psychotherapist may take to discharge their duty to a potential victim of

a patient's communicated serious threat of violence. By implication, this bill clarifies that a psychotherapist may discharge their duty under case law by taking other reasonable steps. Status: Chapter 136, 2006.

AB 970 (Yee) School facilities: seismic safety. As referred to this Committee, this bill required the Department of General Services to, upon the request of a school district, provide copies of a report on seismic safety of public school buildings or data upon which the report is based. The bill further provided that a school district that receives the requested information is immune from liability for a period of four years from any lawsuit that alleges the district had actual knowledge of seismic safety deficiencies in a school building and failed to take actions to remedy those deficiencies. The bill was subsequently amended to deal with tax administration. Status: Chapter 343, 2006.

AB 984 (Laird) Liability: genetically engineered plants. As heard by this Committee, this bill provided that the manufacturer of a genetically engineered plant is liable for the contamination of, among other things, a farm product or property by a genetically engineered plant. The bill further provided the liability and defenses of manufacturers and producers of genetically engineered plants. This bill was subsequently amended to deal with the authorization for a program to control and eradicate tamarisk in the Colorado River Basin. Status: Chapter 710, 2006.

AB 1130 (Ruskin) Regional center employee liability. This bill extends, for three years, the existing qualified immunity of regional center employees responsible for providing services to the developmentally disabled. Regional center employees are immune from civil liability for death or injury resulting from the employee's act or omission where the employee exercised, in good faith, their discretion to carry out the intent of the Lanterman Developmental Disabilities Services Act. Status: Chapter 30, 2005.

AB 1316 (Salinas) Hospital rules: indemnification. This bill provides that a hospital district board of directors may indemnify non-employee medical staff members for damages and for costs associated with the legal defense of the medical staff member arising from participation in the medical peer review activities of the district. However, this bill also prohibits indemnification of medical staff members for certain punitive or exemplary damages but allows districts to pay the costs of such judgments under certain circumstances. Status: Chapter 314, 2006.

AB 1507 (Pavley) Automatic external defibrillators: health studios. This bill, 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. Status: Chapter 431, 2005.

AB 1658 (J. Horton) Outdoor advertising. As referred to this Committee, the bill required a notice of violation to be sent to the owner of the land on which a nonconforming advertising display is located, as well as to the owner of the display if known and the advertising party, all of whom would be jointly and severably liable for

penalties. The bill was subsequently amended to deal with alcoholic beverages. Status: AsmGO, dead.

AB 2083 (Vargas) Automatic external defibrillators. This bill extends the sunset date for another five years on the operative provisions of existing law which provide immunity from civil damages for persons or entities that acquire automatic external defibrillators (AEDs) and comply with maintenance, testing, and training requirements. Status: Chapter 85, 2006.

AB 2135 (Vargas) Emergency services: liability. This bill allows recovery of certain emergency response costs necessitated by false police reports. Specifically, this bill provides that any person 18 years of age or older who is convicted of making a false police report in violation of Penal Code Section 148.3, if that false police report proximately causes an appropriate emergency response by a public agency, is liable for the expense of the emergency response made by the responding public agency to the incident. The bill further specifies that a public agency shall be entitled to satisfaction of any judgment for expenses after any victims or other persons injured by the incident are compensated for their injuries and any liens held by a medical provider are satisfied. Status: Chapter 226, 2006.

AB 2145 (Montanez) Hazardous materials: liability. This bill expressly provides immunity from both statutory and common law with respect to the California Land Reuse and Revitalization Act of 2004. That Act provided innocent landowners immunity from statutory law with regard to urban infill clean-up. Status: AsmJud, dead.

AB 2179 (Leslie) Indemnification: UC Regents. This bill requires any current, or former, members of the regents, officers, employees or investment managers of the UC, and current and former officers, directors, trustees, agents, or employees of any UC foundation, be indemnified from all claims and liability, including attorney's fees, that might result from the decision of the UC Board of Regents to divest from the Sudan. Status: Chapter 441, 2006.

AB 2353 (Bogh) Homicide: justifiable: use of deadly force. This bill makes a person using deadly force within his or her residence against another person who unlawfully and forcibly enters the residence immune from civil liability. Status: AsmPubS, failed.

AB 2610 (Keene) Redevelopment agencies. This bill stipulates that, for any person who acquires property from a redevelopment agency - if the property has been cleaned of hazardous material and the agency is immune from liability pursuant to existing law - the person acquiring the property shall also be immune from liability based upon the original contamination. Status: SenJud, dead.

AB 2696 (Huff) Immunity from liability: scooters. This bill expands the "hazardous recreational activities" statute to include qualified immunity from liability for scooter-related injuries, and to lower the immunity umbrella for skateboard accidents from those 14 or older to children 10 years or older. Status: AsmJud, failed.

AB 2941 (Koretz) Public retirement systems: investments: Sudan. This bill, among other things, prohibits the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) from investing public employee retirement funds in a company with business operations in the Sudan, as specified, and requires the boards of these retirement systems to report to the Legislature regarding these investments. The bill further indemnifies and holds harmless, by the General Fund, present and former board members, state officers and employees, research firms and investment managers from all liability, losses or damages sustained by reason of any decision not to invest in companies with business operations in the Sudan pursuant to the provisions of this bill. Status: Chapter 442, 2006.

AB 3050 (Judiciary) Flood liability. This bill provides that liability for property damage or personal injury due to the failure of a flood control project shall be shared jointly among the state and local agencies that are responsible for the failure and subsequent damages. The bill also provides that a local public entity shall be subject to joint liability and the state's rights of indemnification and contribution to the extent that it increases the amount of damages sustained in flood by approving new developments in previously undeveloped areas, as defined. Status: AsmFloor, dead.

SB 126 (Runner) Emergency services: liability. This bill makes a person liable for the emergency response costs incurred by a public entity when responding to an incident caused by the person's willful flight from police pursuit in a motor vehicle. The public entity could only recover after restitution was made to victims of the incident. Status: AsmJud, dead.

SB 212 (Lowenthal) Lapses of consciousness: reports to the DMV. This bill removes the requirement that physicians report to the Department of Motor Vehicles every patient diagnosed with a condition characterized by a lapse of consciousness, except those patients diagnosed with Alzheimer's disease or other dementia disorders and other disorders as specified. It would exempt a physician and surgeon from civil and criminal liability for making a report required by the bill. The bill further requires the DMV (with DHS and professional medical organizations) to adopt regulations defining disorders characterized by recurrent lapses of consciousness. Status: Vetoed.

SB 399 (Escutia) Health services: 3rd-party liability. This bill states that certain health care providers who have rendered services to a Medi-Cal beneficiary because of an injury caused by a third party are entitled to a lien against the portion of the beneficiary's recovery relating to past medical expenses. It establishes new judicial procedures to resolve disputes between a Medi-Cal beneficiary and a health care provider regarding the amount to be reimbursed to the provider out of the beneficiary's recovery against a third party. It further extends counties' current lien rights against judgments to also include settlements and compromises. Status: Vetoed.

SB 826 (Maldonado) State maintenance areas. This bill requires the State Department of Water Resources or the California Reclamation Board to form, operate, and maintain a

flood management maintenance area if a local agency submitted an application to the State Department of Water Resources to form the maintenance area on or before July 1, 2003. The bill requires the local agency, before the department or the board forms a maintenance area, to enter into an indemnification agreement with the department. Status: Chapter 687, 2005.

SB 989 (Environmental Quality) Hazardous material: bona fide ground tenant.

This bill extends to "bona fide tenants" the immunity from liability enjoyed by certain property owners for purposes of brownfields redevelopment, pursuant to the California Land Reuse and Revitalization Act of 2004. Brownfields are generally defined as inner-city and infill areas where contamination may abound. Status: Chapter 510, 2006.

SB 1179 (Morrow) Recreational activities: skateboarding. This bill extends the sunset provision in current law that makes skateboarding a hazardous recreational activity, in certain circumstances, as well as to lower the age where qualified immunity from liability is present for injuries incurred at a public skate park from 14 to 12. Status: Chapter 140, 2006.

SB 1311 (Soto) Liability waivers by persons with limited English proficiency. This bill authorizes and requests the California Law Revision Commission to study and report to the Legislature possible statutory protections that can be enacted to protect an unrepresented tort victim from unknowingly settling or waiving a claim due to miscommunication or misinterpretation of the terms of a settlement, waiver, or liability release where negotiations regarding the settlement, waiver, or liability release are conducted in whole or in part in a language in which the victim is not proficient. Status: Vetoed.

SB 1524 (Speier) Limitation of actions: Armenian Genocide victims. This bill provides that any Armenian Genocide victim, or heir or beneficiary, who resides in this state and has a claim arising out of a financial institution's failure to pay or turn over deposited assets, or turn over looted assets, may bring an action or continue a pending action in any court of competent jurisdiction in this state, which court would be deemed the proper forum for that action. This bill provides that any action under this section would not be dismissed for failure to comply with the applicable statute of limitation, if the action is filed on or before December 31, 2016. Status: Chapter 443, 2006.

SB 1765 (Escutia) Victims of wrongful or coerced repatriation. This bill allows victims of the 1930's repatriation of individuals of Mexican descent to bring a civil action for damages and establishes a grace period, from the statute of limitations for this civil action, until December 31, 2016. At the onset of the Depression in 1929, the drastic loss of jobs combined with a wave of anti-immigrant sentiment gave rise to a government sponsored repatriation program to forcibly remove persons of Mexican descent from the U.S. Status: Vetoed.

CIVIL, CONSTITUTIONAL, PRIVACY, AND PERSONAL RIGHTS

Civil Rights

AB 20 (Leslie) Disabled persons: access: technical violations. This bill precludes commencement of an action for damages against a public facility for a de minimus deviation from a code or regulation that has no significant impact on a disabled person's right to the goods and services provided by the facility, as specified. The bill instead provides that the remedy for a technical violation, as defined, is injunctive relief and the recovery of attorney's fees. Status: AsmJud, dead.

AB 378 (Chu) Statute of limitation: protected classes. This bill extends from one to three years the time within which an action seeking penalties for an alleged violation of California's hate crimes statute (Tom Bane Civil Rights Act) may be brought. Status: Chapter 123, 2005.

AB 1400 (Laird) Civil Rights Act. This bill clarifies that marital status and sexual orientation are among the characteristics that are protected against discrimination by business establishments under the Unruh Civil Rights Act (Act). It 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. The 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. Status: Chapter 420, 2005.

AB 1574 (Jones) Housing: discrimination. This bill authorizes the City of Sacramento and the County of Sacramento to enact local ordinances that are substantively identical to state laws prohibiting discrimination in housing as set forth in the Fair Employment and Housing Act (FEHA). It is intended as a pilot program for extending authority to every other city or county in the state to enact laws prohibiting discrimination in housing. Status: SenJud, failed.

AB 2800 (Laird) Housing: discrimination. Makes consistent, throughout various code sections relating to financing, construction, and occupancy of housing, terms relating to requirements for nondiscrimination by making all references to nondiscrimination in financing, construction and occupancy of housing the same as existing law to the effect that it shall be unlawful to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person. Status: Chapter 578, 2006.

ACR 29 (Leslie) Access Awareness Month. This resolution recognizes July, 2005 as Access Awareness Month, urges all citizens to join in the recognition of the 15th anniversary of the Americans with Disabilities Act (ADA), and encourages businesses and the disabled to work together in the same bipartisan spirit that accompanied the original enactment of ADA in order to achieve a greater cooperation towards compliance in this state. Status: Res. Chapter 99, 2005.

SB 1441 (Kuehl) Discrimination: state programs and activities: sexual orientation. Prohibits sexual orientation discrimination by state entities, programs, activities and recipients of state aid. Status: Chapter 182, 2006.

SB 1745 (Kuehl) Employment discrimination: victims of violence. This bill declares that it is against the public policy of the state for any person to discharge or harass any individual, or otherwise discriminate or retaliate against any individual in compensation, or in other terms, conditions, or privileges of employment, because the individual is a victim of domestic violence, sexual assault, or stalking, as defined. Status: Vetoed.

SJR 10 (Figueroa) U.S. Patriot Act. This measure urges the California Congressional delegation to work to repeal any provisions of the USA PATRIOT ACT that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties. Status: Res. Chapter 6, 2006.

Constitutional Rights

AB 416 (Plescia) Civic centers. This bill repeals the requirement that a school district charge a fee for the use of its facilities for religious services and also repeals other specified restrictions on the use of school facilities for religious services. It further provides that policies regarding the charging of fees for the direct costs of the use of school facilities shall be applied equally to users without regard to the educational, political, economic, artistic, or moral viewpoints or the beliefs expressed by a particular group. Status: SenJud, dead.

AB 450 (Yee) Violent video games. As referred to the Committee, this bill made legislative findings that the prolonged exposure to violent video games may increase feelings of aggression and cause psychological harm to minors, and that the state has a compelling interest in preventing such harms. The bill made 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 required specified labeling for the purpose of identifying violent video games. The contents of this bill were later inserted into AB 1179 (Chapter 638). AB 450 was subsequently amended to deal with emergency management systems regarding animals. Status: Chapter 604, 2006.

AB 972 (S. Runner) Boxing: pregnancy tests. This bill mandates that a female who is a contestant in a professional or amateur boxing match, kickboxing match or martial arts match must provide the results of a pregnancy test before the match commences to indicate whether she is currently pregnant. This bill also requires that if the test results indicate that the contestant is pregnant, she may not compete in a boxing, kickboxing or martial arts match. Status: AsmJud, failed.

AB 1042 (Harman) Floating interest rate. The California Constitution provides that the rate of interest upon a judgment shall be set by the Legislature at not more than 10% per annum, but permits that rate to be varied and based on interest rates charged by federal agencies or economic factors or both. Existing statutory law provides that interest accrues at the rate of 10% per annum on certain judgments. This bill would instead provide that interest on pretrial settlement offers accrues at the federal short-term rate plus 3%, except as otherwise provided in a written contract, not to exceed 10% per annum on those judgments, as specified. The bill would require the Controller to annually establish the interest rate, as specified, and notify the auditor in each county of that rate. Status: AsmJud, dead.

AB 1287 (Evans) Health studios. As originally introduced, this bill dealt with payment bonds. The bill was subsequently amended to authorize a health studio to limit access to persons of a single gender from certain areas where equipment for physical exercise is used or classes for physical exercise instruction are conducted. It also prohibits a health studio from limiting access to persons of a single gender in other areas of a health studio, such as dining areas, bars, seating areas, retail sales areas, and sports courts. Status: AsmJud, dead.

AB 2311 (Mountjoy) Instruction: prohibition: homosexuality. This bill prohibits the teaching of socialism, humanism or homosexuality with the intent to indoctrinate or transform in the mind of any pupil or teacher, a preference for socialism, humanism or homosexuality. Status: AsmEd, failed.

AB 2545 (Haynes) Display of religious symbols. This bill would make injunctive relief the sole remedy in any civil action against a public agency, or any officer or employee thereof, stemming from the public display of a religious symbol upon any public building, official seal, public lands, or veterans' memorial. The bill would provide that no attorney's fees shall be awarded in any civil action against a public agency, or officer or employee thereof, for publicly displaying a religious symbol. Status: AsmJud, failed.

AB 2581 (Yee) Postsecondary education: student conduct. This bill prohibits any administrator of a campus of the University of California, the California State University or the California City College from making or enforcing any rule subjecting a student to sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus, is protected from restriction by the California Constitution or the U.S. Constitution, and specifies that prior restraint of the student press is not authorized. Status: Chapter 158, 2006.

AB 2707 (Keene) Funerals: limits on demonstrations. This bill would make it unlawful for a person to engage in picketing targeted at a funeral during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. A violation of this is punishable by a fine not exceeding \$1,000 or imprisonment in a county jail not exceeding six months; or by both that fine and imprisonment. Status: AsmPubS, failed.

ACR 38 (Cogdill) Eagle Scouts. This bill seeks to recognize the efforts of Boy Scouts who earn the rank of Eagle Scout without encouraging the organization to halt its discriminatory policies that regrettably harm individuals seeking to be scouts and excluded from this opportunity solely due to their personal characteristics. Status: AsmJud, failed.

ACR 48 (Goldberg) Girl Scouts. This resolution commends the Girl Scouts of the United States of America for 93 years of service and for inspiring millions of girls with the highest ideals of character, conduct, and patriotism. Status: Res. Chapter 56, 2005.

ACR 69 (Goldberg) Eagle Scouts. This resolution recognizes the outstanding efforts of the Boy Scouts of America (BSA) members who earn the rank of Eagle Scout and encourages the BSA to accept for membership and leadership all qualified boys and men, without discriminating on the basis of sexual orientation or religious belief. Status: Res. Chapter 82, 2005.

ACR 155 (Cogdill) Eagle scouts. This resolution seeks to recognize the efforts of Boy Scouts who earn the rank of Eagle Scout without encouraging the organization to halt its discriminatory policies that regrettably harm individuals seeking to be scouts and excluded from this opportunity solely due to their personal characteristics. Status: AsmJud, failed.

AJR 3 (Cohn) Reproductive rights: *Roe v. Wade*. This resolution memorializes the Congress and the President of the United States to stand firm in their resolve to uphold the intent and substance of the 32-year old United States Supreme Court decision in *Roe v. Wade* (1973) 410 U.S. 113. This resolution makes various statements regarding the effect of *Roe v. Wade* on women's ability to exercise their full rights under federal and state law. Status: Res. Chapter 83, 2005.

AJR 23 (Klehs) Japanese internment camps. This resolution urges the United States Congress, including all members of the California delegation, to vote for passage of, and urge President Bush to sign into law legislation that authorizes \$38 million in federal funds to preserve camps where Japanese-Americans were interned during World War II. Status: Res. Chapter 102, 2005.

AJR 31 (Evans) Speech. This measure respectfully urges the Congress of the United States to enact a shield law for America's journalists. Status: Res. Chapter 135, 2006.

SB 540 (Kehoe) Tenancy: signs and flags. This bill would provide that, subject to certain exceptions, a landlord shall not prohibit a tenant from posting or displaying campaign signs relating to an election or legislative vote, including an election for a candidate for public office or the initiative, referendum, or recall process. This bill would exempt instances where the campaign sign is more than six square feet in size; the posting or displaying violates a local, state, or federal law, or a lawful provision in a common interest development (CID) governing document. The bill would also permit a landlord to prohibit posting or displaying signs in excess of the period of time between 90

days prior to the relevant election or vote and 15 days following the election or vote.
Status: Vetoed.

SB 645 (Dunn) Mexican repatriation: commission. This bill establishes a Commission on the Unconstitutional Deportation of American Citizens During the 1930s for addressing the forced deportation and emigration of persons of Mexican descent during the 1930's and 1940's. Status: Vetoed.

SB 670 (Dunn) Mexican repatriation program of the 1930s: state apology. This bill 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. Status: Chapter 663, 2005.

SB 711 (Dutton) Civic centers. This bill repeals the requirement that a school district charge a fee for the use of its facilities for religious services and also repeals other specified restrictions on the use of school facilities for religious services. Status: AsmEd, dead.

SCR 75 (Alquist) Girl Scouts. This resolution commends the Girl Scouts of the United States of America for 94 years of service and for inspiring millions of girls with the highest ideals of character, conduct, and patriotism. Status: Res. Chapter 139, 2006.

SJR 11 (Kehoe) Military: "Don't Ask, Don't Tell" policy. This measure urges the Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2005 (H.R. 1059), that institutes a policy of nondiscrimination based on sexual orientation, and to repeal the "Don't Ask, Don't Tell" policy. Status: Res. Chapter 108, 2005.

Privacy Rights

AB 26 (Mountjoy) DMV: commercial requester accounts. This bill establishes, for two years, a mechanism at the DMV to provide special expedited telephone access to name and vehicle registration information to persons and organizations who have commercial requester accounts with the department. Status: AsmApprops, dead.

AB 67 (Levine) Customer proprietary network. As referred to this Committee, this bill prohibited a telephone corporation from discriminating between customers based upon a customer's consent, or refusal to consent, to provide opt-in or opt-out approval to the use or disclosure of, or access to, customer proprietary network information, as defined. The bill was subsequently amended to deal with electricity rates. Status: Chapter 562, 2005.

AB 278 (Bogh) Thumbprints at commercial mail receiving agencies. This bill would require commercial mail receiving agencies to collect a thumbprint from a consumer before providing a mailbox to him or her. AsmJud, failed.

AB 718 (Calderon) Personal data: drivers licenses. This bill expands the ability of businesses to electronically collect information from a driver's license or identification card. Specifically, the bill authorizes a retail seller to type, key in, or otherwise capture the data from a driver's license or identification card when that card is unreadable for specified purposes for which existing law already allows businesses to swipe such ID using an electronic device. It further allows the swiping of a driver's license or identification card for an owner of a vehicle to ensure that a potential driver is licensed to drive or for complying with a Department of Motor Vehicles' requirement, or for purposes of providing financing or the arranging of insurance for a vehicle purchase. Status: AsmJud, dead.

AB 766 (Chavez) Internet dating. As heard by the Committee, this bill required Internet-based dating services to remove customers' profiles upon termination of their paid services. The bill was subsequently amended to deal with WIC program vendors, then amended again into a Cox bill dealing with hazardous materials. Status: SenJud, dead.

AB 1035 (Spitzer) Public officials: Internet posting of home information. This bill prohibits any person from knowingly hosting or providing service to an Internet web site that posts an official's home address or telephone number and prohibits any person from knowingly disclosing an official's home address or telephone numbers. This bill also provides an official whose home address or telephone number was disclosed as a result of a violation of the prohibition a civil cause of action to recover actual damages, including court costs, loss of wages, attorney's fees, pain and suffering, punitive damages and any other relief that a court deems proper and appropriate. Status: SenJud, dead.

AB 1741 (Judiciary) Outsourcing voter information. This bill precludes a person who requests access to certain voter registration information, or who gathers signatures and other information for ballot petitions, from sending that information outside the United States or making it available electronically outside the United States. Status: Chapter 121, 2005.

AB 1871 (Benoit) Telecommunications: release of customer information to law enforcement. This bill would, until January 1, 2010, require telecommunications service providers to provide law enforcement agencies with customer information, as defined, under exigent circumstances, as specified. This bill would require telecommunications service providers to maintain all requests from law enforcement agencies for customer information for at least 2 years, and provide that after a release of customer information to a law enforcement agency a telecommunications provider shall be entitled to obtain from the agency specified legal documents that formed the basis for the agency's request. This bill would specify that information obtained pursuant to these provisions shall be used solely for the purpose of rendering emergency aid by law enforcement to the customer, as specified. This bill would also require the Public Utilities Commission to prepare and present a report to the Legislature, on or before March 1, 2009, regarding the operation and effect of these provisions, as specified. Status: SenAppros, dead.

AB 2169 (Montanez) Public records: confidentiality. This bill extends the January 1, 2008 repeal date sunset provision for the Address Confidentiality for Victims of Domestic Violence and Stalking program which is administered by the Secretary of State until January 1, 2013. That program, part of the Safe at Home project, allows victims of domestic violence or stalking to use an alternative address on public records to retain their anonymity. This bill would also extend the sunset for this program as it applies to reproductive health care services providers, volunteers, and patients. Status: Chapter 475, 2006.

AB 2251 (Evans) Reproductive health care: confidentiality of personal information. This bill seeks to protect the personal safety of reproductive health care providers, employees, volunteers, and patients by prohibiting the posting of such people's personal information on the Internet under specified circumstances. The bill seeks to further this end by creating various civil penalties for, and causes of actions against, persons who post and/or trade that personal information. Status: Chapter 486, 2006.

AB 2512 (S. Runner) Fetal pain prevention. This bill would enact the Unborn Child Pain Awareness Act of 2006, to require, among other things, with an exemption for medical emergency, the physician performing the abortion to offer to the pregnant woman information and counseling on fetal pain. Status: AsmHealth, failed.

AB 2561 (Torrico) Privacy protection: identification documents. As heard by this Committee, this bill would have required the California Research Bureau to submit a report to the Legislature by June 30 2007, related to security measures for government-issued, remotely readable identification credentials. Provisions of this bill were incorporated in SB 768 (Simitian). Status: SenGO, dead.

AB 3013 (Koretz) Medical information: disclosures. This bill amends the Confidentiality of Medical Information Act (CMIA) to better conform to confidentiality provisions of the federal Health Insurance Portability and Accountability Act (HIPAA). This bill preserves the ability of general acute care hospitals to make specified disclosures. Status: Chapter 833, 2006.

SB 13 (Bowen) Personal information: state agency databases. This bill permits state agencies to release personal information to the University of California or a nonprofit educational institution conducting scientific research only if the research proposal has been reviewed and approved by the Committee for the Protection of Human Subjects (the state's Institutional Review Board) for the Health and Human Services Agency. This bill requires the committee to apply specified standards pertaining to data protection to its review of research proposals. Status: Chapter 241, 2005.

SB 92 (Murray) Computer spyware penalties. As heard by the Committee, this bill allowed a person harmed by spyware, the Attorney General, or a district attorney, to file a civil suit for damages. The bill was subsequently amended to deal with sanitation district design-build contracts. Status: AsmInactive, dead.

SB 158 (Machado) Powers of attorney: social security number. This bill deletes the social security number from the statutory power of attorney form. This bill notifies a person on the statutory power of attorney form that a third party may require additional identification. Status: Chapter 251, 2005.

SB 234 (Runner) Taxpayer information: disclosure. As heard by the Committee, this bill prohibited the Franchise Tax Board's disclosure of a taxpayer's personal information, as defined, to the general public unless the disclosure is specifically authorized or required by law. The bill also designated specified documents in the possession of the board as disclosable public records, as specified, and required the deletion of specified personal information from those records. The bill was subsequently amended into a Denham bill dealing with maintenance of the Central Coast Veterans Cemetery. Status: AsmVetAf, dead.

SB 355 (Murray) Anti-Phishing Act. Establishes the Anti-Phishing Act of 2005, which makes it unlawful for any person, through the Internet or other electronic means, to solicit, request, or take any action to induce another person to provide identifying information, by misrepresenting the person to be a business. This bill provides a cause of action against violators of the Act, and specifies the amount of damages that specified plaintiffs may seek. Status: Chapter 437, 2005.

SB 433 (Simitian) Personal information: driver's licenses. This bill would prohibit the Department of Motor Vehicles (DMV) from issuing, renewing, duplicating, or replacing a driver's license or identification card, if the license or card uses remotely readable radio waves to transmit personal information or if personal information stored on the card could be read remotely. The provisions of this bill would sunset on January 1, 2010. Status: AsmFloor, dead.

SB 440 (Speier) Laptop encryption. As referred to Committee, this bill required any state agency, or person contracting with a state agency, to encrypt personal information that is transported via a laptop or other electronic storage device, and prohibited a business from discriminating against a customer who does not permit the business to share the customer's personal information. The bill was subsequently amended to deal with telecommunications. Status: Vetoed.

SB 550 (Speier) Personal information: data brokers. As heard by the Committee, this bill, the California Data Brokers Access and Accuracy Act of 2005, provided individuals with access to, and an opportunity to correct, their files compiled by data brokers. The bill was modeled after the federal Fair Credit Reporting Act (FCRA) and included many consumer protections provided by the FCRA. The bill was subsequently amended to deal with internet privacy. Status: AsmRules, dead.

SB 569 (Torlakson) Affinity programs. This bill, until January 1, 2011, permits the California State University (CSU), the University of California (UC), and Hastings College of the Law (HCL) to release the names and addresses of their alumni to

businesses with whom they have affinity-partner agreements (i.e. commercial vendors that have contracts with the institutions to offer alumni commercial products and services, often at discounted rates). The bill requires certain privacy requirements to be met, including requiring the businesses to maintain the confidentiality of the names and addresses of the alumni. The institutions must provide their alumni with the opportunity to opt-out having their information shared. Status: Chapter 498, 2005.

SB 682 (Simitian) Identity Information Protection Act of 2005. This bill initially required certain security measures to be implemented into government-issued identification documents that incorporate radio frequency identification (RFID) technology. The contents of this bill were later inserted into SB 768 (Simitian) below. SB 682 was subsequently amended into a Migden bill that transferred funds from the Public Buildings Construction Fund to the California State Library and the California State University for a joint library project at the San Francisco campus. Status: Chapter 509, 2006.

SB 768 (Simitian) Identity Information Protection Act of 2006. This bill would require that government-issued identification document that incorporates radio frequency identification (RFID) technology conform to specified security measures. The bill also calls upon the California Research Bureau to conduct a study of existing RFID technology and security measures and to report the findings of its study and make recommendations to the Legislature not later than June 30, 2007. This bill would sunset on December 31, 2012, unless the Legislature enacts new standards before that date based, in whole or in part, on the recommendations of the California Research Bureau. Status: Vetoed.

SB 802 (Simitian) Debit cards. This bill prohibits any person who transacts business using debit cards from electronically printing more than the last five digits of the debit card on the receipt. Status: Chapter 445, 2005.

SB 833 (Bowen) Unsolicited advertising faxes. This bill establishes in California the former federal opt-in requirement for junk faxes (unsolicited advertising via facsimile machines, computers, or other electronic devices). 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 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. Status: Chapter 667, 2005.

SB 852 (Bowen) Identity theft. This bill extends existing law's requirements relating to notice of a breach of the security of a computer system to also include non-computerized data. Upon the theft or other type of disclosure of computerized data containing personal information, as defined, an entity must notify any California resident whose information

was acquired, regardless of whether the data was in computerized form at the time of the unauthorized acquisition. This bill also requires the entity to report the theft to the three consumer reporting agencies and the Office of Privacy Protection. It specifies what must be included in the notice and provides for some exceptions. Status: AsmB&P, failed.

SB 1062 (Bowen) Sexual assault victims: CalCAP. This bill permits sexual assault victims to participate in the existing California Confidential Address Program for Victims of Domestic Violence and Stalking (CalCAP). The bill also makes technical changes to the statute that governs the domestic violence programs within the Maternal Child Health (MCH) Branch of the Department of Health Services (DHS) and the Comprehensive Statewide Domestic Violence Program (CSDVP) within the Office of Emergency Services (OES). The effect of these changes would lend greater efficiency to the programs by allowing different programs to share information and consolidate site visitation requirements. Status: Chapter 639, 2006.

SB 1078 (Simitian) Pupil attendance: electronic monitoring. This bill would prohibit a public school, school district, or county office of education from using any device that uses radio waves either to transmit personal information remotely or to enable personal information to be read remotely for the purposes of recording attendance or establishing or tracking the location of a pupil on school grounds. Status: AsmFloor, dead.

SB 1364 (Battin) Marriage licenses: address information. This bill allows an applicant or witnesses to a marriage license or certificate of registry to use their mailing address instead of a residential address for verification. Status: Chapter 60, 2006.

SB 1666 (Bowen) Personal information: prohibited practices. This bill would have prohibited any person from obtaining or attempting to obtain, or causing to be disclosed or attempting to cause to be disclosed, the personal information contained in business records about a customer or employee of that business, by making false, fictitious, or fraudulent statements or representations to an officer, employee, agent, or customer of the business. Status: AsmFloor, dead.

SB 1668 (Bowen) Child death review teams. This bill provides that records exempt from disclosure to third parties pursuant to state or federal law remain exempt, with specified guidelines, from disclosure when they are in the possession of a child death review team (CDRT). This bill requires that CDRTs make available to the public, no less than once each year, findings, conclusions and recommendations of the CDRT, including aggregate statistical data on the incidences and causes of child deaths. Status: Chapter 813, 2006.

SB 1696 (Dunn) National Guard: domestic surveillance. As passed by the Committee, this bill provided that, except in cases and under circumstances expressly authorized by the Constitution or act of the Legislature, any person who willfully uses any part of the National Guard as a posse comitatus or otherwise for civilian law enforcement purposes, including surveillance, would be fined not more than \$250,000 or imprisoned in the state

prison, or both. The bill was subsequently amended to deal with Los Angeles County Superior Court employees. Status: Vetoed.

SB 1699 (Bowen) Financial transactions: privacy. This bill provides that no entity that accepts credit or debit cards for the transaction of business shall print more than the last five digits of the credit or debit card account number on any receipt retained by the entity which is printed at the time of purchase, exchange, refund, or return. This bill also specifies that these provisions will not become operative until January 1, 2009. Status: Chapter 682, 2006.

SB 1743 (Bowen) Victims of crime. Exempts an action for name change for victims of sexual assault from the requirement that the court's order to show cause be published in a newspaper of general circulation or posted in the three most public places in the county for a prescribed period. Status: Chapter 689, 2006.

SB 1744 (Bowen) Information privacy. This bill provides that, when a consumer makes an electronic or telephonic request, during normal business hours, as defined, for a temporary lift of a security freeze on the consumer's credit report for a period of time, the consumer credit reporting agency would be required to lift the freeze within 15 minutes of the consumer's request, except under certain circumstances. This bill also provides that a consumer credit reporting agency may develop procedures, as specified, for receiving and processing a consumer's request to temporarily lift a security freeze. This bill also provides that it would become operative on September 1, 2008. Status: AsmB&F, dead.

Personal Rights

AB 222 (Bogh) Public works: prevailing wages. This bill eliminates the provisions that authorize and require the initiation and enforcement of a labor compliance program, and instead, requires an awarding body to post a notice advising workers that do not receive the prevailing rate of per diem wages for work performed on a public works project to contact the Division of Labor Standards Enforcement. Status: AsmL&E, failed.

AB 581 (Klehs) Public works construction projects: wages. This bill requires awarding bodies on public works projects to submit to the Contractors' State License Board (CSLB) the name and license number of all contractors and subcontractors awarded contracts, which CSLB must then post on its website. The bill further states that a licensee's failure to pay wages as required by the Labor Code is cause for disciplinary action by the CSLB, with or without a finding of a violation by the Labor Commissioner, and provides that a joint labor-management committee may bring an action for violations of prevailing wage laws on public works within four years of a violation. Status: SenApprops, dead.

AB 654 (Berg and Levine) California Compassionate Choices Act. This bill enacts the California Compassionate Choices Act (Act), which would authorize competent adults who have been determined by two physicians to be suffering from a terminal

disease to make a request for medication to hasten the end of their lives in a humane and dignified manner. This language was subsequently amended into AB 651 which failed in the Senate Judiciary Committee. Status: AsmInactive, dead.

AB 2385 (Lieu) Employment indemnification: securities dealers. This bill states the intent of the Legislature to clarify the law governing the allocation of costs and expenses between securities industry employers and certain registered financial professionals. Status: AsmApprops, dead.

AB 2997 (Houston) Employment: Labor Code enforcement. This bill states the Legislature's intent to explore methods to permit the Labor and Workforce Development agency to obtain reasonable notice of settlements under the Labor Code Private Attorney General Act of 2004 for the purpose of informing the agency of the amount of civil penalties to which it is entitled. Status: AsmJud, dead.

SB 174 (Dunn) Violations of wage and hour laws. This bill allows employees to act on behalf of themselves and others making less than twice the state minimum wage in recovering unpaid minimum wages or overtime compensation. Status: Vetoed.

PROBATE AND RELATED MATTERS

Civil Commitment, Conservatorship and Guardianship

AB 541 (Harman) Guardians. This bill authorizes a court to require any person who is seeking custody of, or visitation with, a child who is the subject of a guardianship proceeding to undergo drug testing, as specified. This bill generally exempts guardians of the person only from the definition of "private professional guardian" who are subject to registration requirements with the county clerk and the Statewide Registry of conservators, guardians and trustees. The court may at its discretion require a guardian of the person who receives compensation for his or her services to comply with the requirements of private professional guardians, subject to specified limitations. Status: Chapter 302, 2005.

AB 907 (Canciamilla) Guardians and conservators: fees. This bill allows the Judicial Council to adopt a rule to establish uniform compensation and fees of guardians and conservators. Status: AsmJud, dead.

AB 1363 (Jones) Conservatorships and guardianships. This bill enacts the Omnibus Conservatorship and Guardianship Reform Act of 2006, significantly restructuring the courts' review of conservatorships, imposing new duties on court investigators, and requiring the Judicial Council of California to implement a range of rules, forms and notices. Among other things, this bill (1) establishes more frequent court reviews of conservatorships (at six months and one year after the initial appointment, and annually thereafter) and allows a court to order a review of a conservatorship at any time, (2) imposes new duties on court investigators (new investigations of all temporary conservatorships, full investigations after six months, status or full investigations at one-

year intervals, expanded investigatory scope to include conservatees' placements, quality of care and finances, investigating proposed moves of conservatees), (3) requires more court reviews of each accounting, (4) requires the public guardian of a county to apply for appointment as guardian or conservator if there is imminent threat to a proposed conservatee's health, safety, or estate, (5) requires the Judicial Council to develop by January 1, 2008, user-friendly educational materials for non-professional guardians to be made available to them free of charge, and (6) requires Judicial Council to report to the Legislature by January 1, 2008, the results of a study on court effectiveness in conservatorship cases. Status: Chapter 493, 2006.

SB 1116 (Scott) Conservatorships: residence. This bill revises provisions for a conservator's public or private sale of the personal residence of a conservatee. This bill requires the conservator or guardian to file a notice of change of address for the ward or conservatee within 30 days of change of residence, and to serve notice of the change on persons entitled to notice. Further, it requires the Judicial Council of California to develop forms for this purpose by January 1, 2008. Status: Chapter 490, 2006.

SB 1550 (Figueroa) Professional fiduciaries: licensing of conservators, guardians and trustees. This bill establishes a licensing and disciplinary scheme for "professional fiduciaries," including professional conservators, guardians, trustees, and agents under a durable power of attorney for health care or for finances, as specified, with exemptions. This bill establishes the Professional Fiduciaries Bureau (Bureau), located in the Department of Consumer Affairs, and the Professional Fiduciaries Advisory Committee within the Bureau. This bill requires all professional fiduciaries to be licensed by July 1, 2008 and sunsets the Bureau as of July 1, 2011. Status: Chapter 491, 2006.

SB 1716 (Bowen) Conservatorships: court investigations. This bill (1) allows the court to review a conservatorship at any time on its own motion, (2) requires the investigators evaluation to include an examination of the conservatee's placement, quality of care he or she is receiving, and the conservatee's finances, and (3) refers to the court investigator ex parte communications between any party or attorney for the party and the court concerning a conservatee or a ward or concerning a fiduciary's performance of his or her duties. The Judicial Council is required to adopt a rule of court to implement these provisions by January 1, 2008. Status: Chapter 492, 2006.

Elder Abuse

AB 609 (Lieber) Public guardian: adult protective services. As heard by this Committee, this bill changes the duties of Adult Protective Services departments in responding to financial abuse of elders by extending the approval process of Adult Protective Services to allow representatives, and not just supervisors, to approve declarations that an elder is in danger of suffering financial abuse issued by peace officers and by requiring Adult Protective Services to transmit the signed declarations to appropriate financial institutions within 24 hours. The bill was subsequently amended to create a regional advisory group to advise the Department of Developmental Services on

issues related to the disposition of state property related to the proposed closure of Agnews Developmental Center. Status: Vetoed.

SB 1018 (Simitian) Elder and dependent adult abuse. This bill enacts the Financial Elder Abuse Reporting Act of 2005. The bill, 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. It 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. Status: Chapter 140, 2005.

Probate

AB 12 (DeVore) Non-probate transfers: real property. This bill requires the California Law Revision Commission (CLRC) to study California's nonprobate transfer provisions, as well as beneficiary deeds in other states, in order to determine whether California should enact legislation statutorily creating a beneficiary deed. The CLRC is required to report its findings to the Legislature by January 1, 2007. Status: Chapter 422, 2005.

AB 69 (Harman) Multiple-party accounts. This bill provides that the proportional ownership interests in a multiple-party account are not limited to the sums on deposit. The bill makes clarifying changes with regard to the right of survivorship with respect to funds in a multiple-party account and makes conforming changes with regard to the protection of financial institutions in connection with multiple-party accounts. Status: SenJud, dead.

AB 204 (Harman) Posthumously conceived children. This bill revises several provisions of the statute enacted in 2004, that established rules for determining the rights of a posthumously conceived and born child with respect to distribution of property after a decedent's death. Status: Chapter 285, 2005.

AB 2034 (Spitzer) Donative transfers. This bill requires the California Law Revision Commission (CLRC) to study the operation and effectiveness of the provisions of the Probate Code that presumptively invalidate donative transfers to certain classes of individuals and to recommend revisions to this area of the law. Status: Chapter 215, 2006.

AB 2267 (Huff) Decedents' estates. This bill increases the size of estates that may be administered outside of the formal probate process. Under current law, the decedent's successor may collect (1) personal property through use of an affidavit or declaration, provided the gross value of the estate is less than or equal to \$100,000; (2) real property through use of simplified petition, provided the gross value of the estate is less than or equal to \$100,000; and (3) real property through use of an affidavit, provided that the

gross value of all decedent's real estate located in California is less than or equal to \$20,000. This bill increases those caps to \$200,000, \$200,000 and \$100,000, respectively. Additionally, this bill permits a surviving spouse to collect, outside the formal probate process, up to \$15,000 from the deceased spouse's employer for salary and other compensation, including compensation for unused vacation. Status: AsmJud, failed.

AB 2568 (Harman) Wills: personal property. This bill would provide, subject to certain limitations, that a will may refer to a separate writing that directs the disposition of tangible personal property not otherwise specifically disposed of in the will, regardless of whether the writing was created before or after the execution of the will. The bill would not apply to writings where the total value of the disposed property exceeds \$25,000 or to individual items that exceed \$5,000 in value. Status: Chapter 280, 2006.

SB 390 (Bowen) Probate agreements: cash advances. This bill regulates the assignment for cash or other consideration of a beneficiary's interest in a decedent's estate. This bill requires a written agreement between a beneficiary and a transferee for value, which must include the amount of consideration paid; a description of the transferred interest; and a statement of the total of all costs and fees charged to the beneficiary and may not contain certain specified provisions. The bill authorizes the court to examine the written agreement and refuse to order distribution, or order distribution on other equitable terms, if the court finds that the transferee for value did not substantially comply with the requirements, the consideration paid or to be paid by the beneficiary was grossly unreasonable or the agreement was obtained by fraud, duress or undue influence. The court may also order the transferee for value, for any willful violation of the requirements of the bill, committed in bad faith, to pay to the beneficiary a sum up to twice the value paid for the assigned beneficial interest. Status: Chapter 438, 2005.

SB 1197 (Soto) Notice of decedent's death. This bill requires the Department of Health Services (DHS) to file, or give notice of, a Medi-Cal cost recovery claim against a decedent's estate, whether in probate or not, within four months of the date that DHS receives notice of the decedent's death. Status: Vetoed.

SCR 42 (Campbell) California Law Revision Commission: no contest study. This measure requires the commission, in consultation with the Senate and Assembly Judiciary Committees, to conduct a comprehensive study and prepare a report concerning the advantages and disadvantages of the provisions of the Probate Code relating to no contest clauses. The bill also requires the commission to review the various approaches in this area of law taken by other states and proposed in the Uniform Probate Code and present an evaluation to the Legislature. Status: Res. Chapter 122, 2005.

Trusts

AB 878 (Chavez) Felonies: profits. This bill imposes a trust upon all profits or assets gained by a convicted felon that are a byproduct of the felony for which that felon was

convicted, and upon all of the profits or assets gained by any other person, other than a victim. Any money in the trust that is not claimed by a beneficiary of the trust after a specified time period would be allocated to the Restitution Fund. Status: SenJud, dead.

AB 1455 (Yee) Mortgages and deeds of trusts: regulation. This bill states the Legislature's intent to enact supplementary provisions to regulate mortgage and deed of trust practices. Status: AsmJud, dead.

AB 2042 (Spitzer) Trustee: removal. This bill authorizes removal of a trustee by the court if the trustee is (1) substantially unable to manage the trust's financial resources or is otherwise substantially unable to execute properly the duties of the office, or (2) substantially unable to resist fraud or undue influence, as specified. These grounds for removal would be in addition to grounds for removal of a trustee under existing law. Status: Chapter 84, 2006.

AB 2347 (Harman) Trusts: distributions. This bill makes technical and conforming changes to the Uniform Principal and Income Act (UPIA), including provisions that specific and general gifts distributed under a trust will carry income and bear interest in a manner consistent with a devise under a will, as set forth in the Probate Code. This bill makes other changes relating to the allocation of income and principal so as to make California law better conform with the UPIA. Status: Chapter 569, 2006.

SB 296 (Campbell) Trusts. Overturns the appellate court's decision in *Estate of Thomas* (2004) 124 Cal.App.4th 711 and provides that money which is received by a trust from an entity is received in partial liquidation of the entity, and therefore properly allocated to principal, if the total amount of money received by all owners, collectively, including the trust, in a distribution or series of related distributions is greater than 20 percent of the entity's gross assets. The bill also immunizes from liability in part those trustees who made allocations pursuant to the *Thomas* decision, as specified. Status: Chapter 51, 2005.

SB 754 (Poochigian) Trusts: unitrust conversions. This bill 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. This bill requires a fiduciary administering a unitrust, reconverting a trust, or changing the percentage payout from a unitrust, to administer the trust impartially. Status: Chapter 100, 2005.

PROPERTY AND RELATED MATTERS

Intellectual Property

AB 2721 (Mullin) Intellectual property: state-funded research. This bill establishes the Office of Intellectual Property in the Business, Transportation and Housing Agency, responsible for tracking intellectual property generated by state employees and by state funded research, developing a database to track intellectual property, establishing and updating guidelines for use by state agencies in administering their intellectual property, developing an outreach campaign informing state agencies of their rights and abilities

concerning intellectual property, and developing sample invention assignment agreements and sample language for licenses or terms-of-use agreements for use by state agencies. This bill requires that intellectual property policies, established on and after January 1, 2008, meet certain requirements regarding rights and uses of the research or invention. It also requires that state agencies or departments submit an annual report regarding royalties earned pursuant to the agency's or department's agreements to the Office of Intellectual Property. Status: SenGO, dead.

ACR 24 (Mullin) CCST: intellectual property under state contracts. This measure requests the California Council on Science and Technology to expand the scope of its study group on how the State of California should treat intellectual property created under state contracts to include contracts, grants, and agreements developed under Proposition 71 (Stem cell) of the November 2, 2004, general election and to study and report to the Legislature on how the commercialization of technology developed with the investment of taxpayer dollars could generate a public financial benefit. It also requests the council to establish a review group to review and comment on the study. Status: Res. Chapter 111, 2005.

AJR 15 (Baca) Mag Instrument flashlight patent. This measure memorializes Congress and the President of the United States to take necessary action to extend by 2 years the Mag Instrument flashlight patent by approving HR 607 and thereby protecting this highly valued manufacturing company and prized employment for the citizens of the Inland Empire. Status: Res. Chapter 86, 2005.

AJR 44 (Plescia) Intellectual and physical property rights. This measure would memorialize the President and the Congress, in cooperation with state legislatures, to work together to restore, protect, and enhance intellectual and physical property rights by reviewing present law, pending federal and state legislation, and all trade agreements. Status: AsmJud, dead.

SB 1636 (Ackerman) Trade secrets. The bill permits the recovery of costs by a prevailing party in specified circumstances relating to the litigation of a claim for misappropriation of trade secrets, and defines costs to include expert witness fees that are "actually incurred and reasonably necessary," unless the witness is a regular employee of a party. Status: Chapter 62, 2006.

Personal Property

AB 238 (Harman) Fraudulent transfers. This bill clarifies existing law by exempting a governmental entity from an existing Civil Code provision that requires delivery and change of possession of personal property for the property to be exempt from enforcement of judgments by creditors. Status: Chapter 43, 2005.

AB 248 (Tran) Fraudulent transfers. This bill makes technical corrections to obsolete cross-references in the Uniform Fraudulent Transfers Act. Status: Chapter 34, 2005.

AB 2187 (Liu) Livestock: liens. This bill would create a new and expedited method by which the holder of a livestock service lien may sell the livestock in order to recover payment due. Specifically, this bill would permit a lienholder, after giving proper notice, to sell livestock in his or her possession in order to secure payment for services so long as the lienholder makes a good faith determination that the value of the livestock is \$4,000 or more. Status: SenJud, dead.

SB 1593 (Runner) Vehicles: removal storage. This bill requires a private property owner to verify that the towing company used to remove a vehicle from private property has a valid motor carrier permit. Status: AsmTrans, dead.

Real Property

AB 174 (Salinas) Eminent domain: Pajaro Valley Water District. This bill permits the Pajaro Valley Water Management Agency to acquire property outside of its boundaries through eminent domain in order to construct a specified pipeline and related appurtenant facilities, but only if the board of supervisors for the county in which the property is located grants its approval by resolution. The bill permits that board of supervisors to condition its approval on the Agency's promise to indemnify the county in any dispute arising from the board's approval decision or the Agency's exercise of eminent domain. This bill also makes technical amendments to existing statute. Status: Chapter 32, 2005.

AB 394 (Niello) Housing: unlawfully restrictive covenants. This bill reworks an existing process for deleting unlawfully restrictive covenants from the governing documents for real property. It makes the modification process easier for property owners by permitting county recorders to waive fees, and by arranging for county counsel to review the legality of proposed modifications without requiring property owners to separately seek out the legal determination. This bill also establishes that one property owner may modify a restrictive covenant located in covenants, conditions, and restrictions for an entire subdivision, making it so that each owner in the subdivision would not have to make a separate application. Status: Chapter 297, 2005.

AB 408 (Tran) Housing: financial discrimination. This bill repeals existing provisions which requires the Secretary of Business, Transportation and Housing to monitor and investigate the lending patterns and practices of financial institutions for compliance with the prohibition against discrimination in the availability of, or in the provision of, financial assistance for the purpose of purchasing, construction, rehabilitation, improving, or refinancing housing accommodations. It further repeals the requirement that the secretary adopt regulations applicable to all persons who are in the business of originating residential mortgage loans in this state and who are not depository institutions. Status: AsmB&F, dead.

AB 590 (Walters) Eminent domain: private property. As originally referred, this bill dealt with discrimination in senior housing. The bill was subsequently amended to deal with eminent domain and provides that "public use" does not include the taking or

damaging of property for private use, including, but not limited to, the condemnation of property for economic development. Status: AsmHousing, failed.

AB 619 (Leslie) Common interest developments. As heard by the Committee, this bill sought to give homeowners some additional protections in their interaction with their homeowners' associations when dealing with alleged delinquencies. The bill was subsequently amended into a Cogdill bill dealing with local government financing. Status: SenRules, dead.

AB 745 (Blakeslee) Public utilities: eminent domain. This bill exempts privately owned natural gas companies and electric companies from certain public notice and hearing requirements at the California Public Utilities Commission (PUC) before the natural gas companies can condemn land as part of an eminent domain proceeding if the condemned land is to be used for PUC authorized natural gas storage. Status: AsmU&C, dead.

AB 1098 (Jones) Common interest developments. This bill requires a common interest development association to make available all association records, as opposed to just accounting books and records and meeting minutes, to a member of the association, apply this provision to related community service organizations, and increase civil penalties for a violation of these provisions. Status: Chapter 458, 2005.

AB 1162 (Mullin) Eminent domain. This bill would prohibit, until January 1, 2008, various public entities, including redevelopment agencies, from exercising the power of eminent domain to acquire owner-occupied residential real property for private use, as defined, if ownership of the property will be transferred to a private party or private entity. The bill would also require the California Research Bureau of the State Library to submit two reports to the Legislature, one on or before January 1, 2007, and the other on or before January 1, 2008, regarding the exercise of the power of eminent domain, as specified. The bill would also require the California Law Revision Commission to conduct a related study and submit a report to the Legislature on or before January 1, 2008. Status: AsmRules, dead.

AB 1264 (Leslie) Common interest developments. The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, and provides that any member of the association may attend meetings of the board of directors of the association, except when the board adjourns to executive session to consider litigation, matters relating to the formation of contracts with 3rd parties, or member discipline, among others. This bill would remove matters relating to the formation of contracts with 3rd parties from the subjects that the board may adjourn to meet in executive session to consider. Status: AsmHousing, dead.

AB 1390 (Jones) Statute of limitations in redevelopment. This bill creates a 10-year statute of limitations for actions against a redevelopment agency for failure to make required deposits in a Low and Moderate Income Housing Fund and for the unlawful expenditure of such funds. The bill requires an agency which has deposited inadequate

funds or unlawfully expended funds to repay the funds with interest, and it provides several methods for repayment of the funds. Additionally, the bill repeals the sunset on the definition of "substantial rehabilitation" as used in Health and Safety Code Section 33413 to determine the amount of low and moderate income housing that a redevelopment agency must provide. Status: Chapter 409, 2005.

AB 1397 (Arambula) Eminent domain: public utility property. This bill would eliminate the current rebuttable presumption that the power of eminent domain has been properly exercised in cases in which the government entity has appropriated an electric, gas, or water public utility property, and intends to put to the seized property to the same use. In deleting the presumption, the bill instead requires a local public entity that appropriates electric, gas, or water public utility property to prove a more necessary use by clear and convincing evidence that the public utility has continually failed to comply with governing rules and regulations. The bill would further delete an exception in existing law for eminent domain actions in the Mortara Sanitary District and would make other conforming changes to a related provision. Status: AsmJud, dead.

AB 1904 (Tran) Escheated funds: portable housing. This bill requires that all unclaimed moneys escheated to the state from the estates of deceased persons be used for an existing state program to construct or rehabilitate multifamily housing for senior citizens. Status: AsmApprops, dead.

AB 1990 (Walters) Eminent domain. This bill would prohibit any public entity that has the powers of a community redevelopment agency from exercising eminent domain to acquire any real property if ownership of the property will be transferred to a private party or entity, except a public utility. Status: AsmHousing, failed.

AB 2392 (Utilities and Commerce) Public Utilities: wharfingers. This clean-up bill repeals the authority of a wharfinger to condemn property as wharfingers no longer condemn property. Currently most wharfs are owned or operated by local jurisdictions such as cities or port authorities. Although these larger entities employ wharfingers, the wharfinger is merely a manager of operations. Status: SenEnergy, dead.

AB 2511 (Jones) Land use: housing. This bill makes a number of changes to state law to promote the development of affordable housing and prevent delays in processing applications for development projects that include a housing element. Status: Chapter 888, 2006.

AB 2624 (Houston) Common interest developments: non-judicial foreclosure. This bill adapts procedures concerning rights of redemption for judicial foreclosures for use with the 90-day right of redemption in nonjudicial homeowner association foreclosures to collect delinquent assessments. To adapt those procedures, this bill (1) grants a nonjudicial foreclosure trustee the power and capacities of a levying officer and grants a homeowner the rights of a judgment debtor, (2) allows a nonjudicial foreclosure trustee to collect the fees a levying officer could collect for their duties, and (3) requires the trustee to execute a trustee's deed, comply with notice and distribution provisions for a trustee's

sale when there is no redemption. This bill makes other changes relating to foreclosure, including allowing the trustee to collect for the cost of service of certain documents, and providing additional notice to any subsequent purchaser that the home is subject to a right of redemption. This bill, except for one provision, sunsets on January 1, 2010. Status: Chapter 575, 2006.

AB 2655 (Plescia) Construction defects: waterproofing system. This bill revises the standards for determining liability in an action seeking the recovery of damages arising out of, or related to, deficiencies in residential construct, design, and related issues with respect to shower and bath enclosures and ceramic tile. Status: AsmJud, dead.

AB 2851 (DeVore) Common interests developments. This bill allows a homeowners association to make a reasonable amendment to a condominium plan if each owner is provided with proper disclosure of the plan and its costs; a meeting prior to the vote occurs, accompanied by various disclosures; each owner whose boundaries or exclusive common area are affected consents within 180 days of the meeting; and 67% of owners subject to the plan and the superior court approve. This bill also allows certain amendments to mixed-use condominium plans that affect only industrial or commercial uses by requiring only the owners of the affected units to execute the amendment, and not the remaining owners. Additionally, this bill requires residential owners to make certain alterations without amending the condominium plan, or receiving the consent of other owners. Status: SenJud, dead.

AB 2922 (Jones) Redevelopment: affordability covenants. This bill would require redevelopment agencies, in cases where agencies are already required to record affordability covenants or restrictions on a property, to also record a document that specifies the date on which the affordability restrictions will expire and describes the property that is subject to the restrictions. The bill also specifies that interested parties, including any person or family of low or moderate income that is eligible to reside at, or is displaced or threatened with displacement from, a property subject to affordability covenants or restrictions, may sue to enforce those covenants or restrictions against the property owner. Status: Vetoed.

AB 2939 (Wolk) Sacramento Yolo Port: eminent domain. The bill would reestablish the boundaries of the Sacramento-Yolo Port District and specify the membership of the Sacramento-Yolo Port Commission. The bill would prohibit the Sacramento-Yolo Port District from selling or dismantling certain property without the prior consent of specified local governmental entities, or selling or leasing for non-maritime purposes, land in excess of 10 acres located in a designated area unless the board of port commissioners makes a written finding that the proposed sale or lease is necessary to maintain the financial viability of the port. This bill additionally permits an employee of an appointing authority to be a member of a port commission. Status: Chapter 284, 2006.

AB 3020 (Montanez) Real estate: time shares. This bill is a clean-up amendment to the Vacation Ownership and Timeshare Act (VOTA) of 2004, which came into effect on July 1, 2005. In addition to a number of technical and clarifying amendments, this bill would

require time share developers to make specified information available to potential buyers. This bill would also adopt provisions parallel to the Davis-Sterling Act that clarify rules for collecting delinquent assessments and enforcing liens against delinquent assents. This bill generally takes effect immediately as an urgency statute, but operative date for certain specified provisions are delayed until January 1, 2007. Status: Chapter 429, 2006.

AB 3043 (Houston) Construction defects: pre-litigation procedure. Requires further specificity in the initial homeowner notice to a builder regarding alleged construction defects prior to suit – specifically that a construction defect claimant's written notice to a builder regarding the claimant's claim that the construction of his or her residence violates specified construction standards must describe the claim in reasonable detail sufficient to determine the nature and location of the claimed violation, and include a citation to the specific subdivision and paragraph number of the Civil Code section alleged to be violated. Status: AsmJud, dead.

ACA 22 (La Malfa) Eminent domain. This bill would have prohibited state and local governments from taking property under eminent domain unless it was needed for public uses such roads, schools, parks, and public facilities. It would have expressly prohibited private-to-private transfers for purposes of "economic development" or "increasing tax revenue." The measure would also have redefined "just compensation" to include both the market value of the property as well as any additional costs incurred. Finally the measure would have made it easier for a property owner to challenge an eminent domain proceeding. Status: AsmHousing, failed.

SB 61 (Battin) Common interest developments: elections. This bill requires secret ballots and other procedural safeguards for elections in common interest developments. Status: Chapter 450, 2005.

SB 137 (Ducheny) Common interest developments. This bill protects owners' equity in their homes when they fail to pay relatively small assessments to their common interest development associations. This bill prohibits associations from using a foreclosure action to collect delinquent assessments of less than \$1,800 or any assessments that are more than 12 months delinquent. In such cases, an association could recover the debt by filing a claim in small claims court. The association could also place a lien on the home pursuant to a majority vote of the board, entitling it to recover when the home is refinanced or sold. In addition, this bill establishes that the owner has a right to participate in dispute resolution with the association before a lien may attach. In cases where foreclosure is permitted under the bill, i.e., where the assessments owed are \$1,800 or higher, or any assessments that are more than 12 months delinquent, this bill requires a majority of the board to vote for foreclosure before the association could use that form of relief. This bill also requires the owner to be notified in specified ways if the board has voted to foreclose. The owner would then be entitled to participate in alternative dispute resolution with a neutral third party before the foreclosure takes place. Status: Chapter 452, 2005.

SB 504 (Torlakson) Real property sales contracts. This bill excludes large-scale condominiums (25 units or more), with pre-sale agreements (known as conditional public reports) from the requirements proscribed for installment land contracts when the conditional public report lasts longer than one year. Among these requirements are obtaining written consent from each individual purchaser each time the selling developer either changes its financing or adds a new encumbrance to the condominium development. Status: Chapter 51, 2006.

SB 565 (Migden) Property tax: reappraisal exclusion. This bill excludes the transfer of real estate between registered domestic partners from transfers resulting in the reappraisal of real property. Status: Chapter 416, 2005.

SB 853 (Kehoe) Common interest developments. This bill clarifies that CID architectural review decisions based on an association's governing documents are preempted by governing law. Status: Chapter 37, 2005.

SB 1026 (Kehoe) Eminent domain moratorium. As heard by this committee, this bill would place a two-year moratorium on the use of eminent domain by public entities to acquire owner-occupied residential real property for private use. Eminent domain could only be used to acquire owner-occupied residential real property for a public facility or a public works that is owned and operated by the public entity. The bill would also require the California Research Bureau of the State Library to submit a report to the Legislature on or before January 1, 2007 that sets out specified information relating to the use of eminent domain during a five-year period. This bill was subsequently amended in the Assembly Appropriations Committee to become a Kuehl bill related to construction contracts. Status: Chapter 1, 2006.

SB 1206 (Kehoe) Redevelopment: eminent domain: blight. This bill amends statutory elements necessary to establish that land is blighted for the purpose of redevelopment, including the exercise of eminent domain by a redevelopment agency. Specifically, this bill would (1) narrow the conditions that constitute an underlying finding of blight; (2) use a performance standard to justify a finding of blight; and (3) delete antiquated subdivision conditions as conditions that establish blight, absent a showing that land is also predominantly urbanized and economically blighted. Status: Chapter 595, 2006.

SB 1210 (Torlakson) Eminent domain. This bill changes certain processes that relate to the taking of property by eminent domain. It prevents issuance of a pre-judgment order of possession without prior notice and an opportunity to respond for the property owner or occupants. It requires an entity seeking to take property by eminent domain to offer to pay the property owner's reasonable costs in ordering an independent appraisal of the property. It defines litigation expenses to include reasonable attorney's fees and reasonable expert witness and appraiser fees. The bill also changes certain laws that relate to redevelopment plans. Specifically, the bill requires a finding of continuing "substantial blight" prior to any exercise of eminent domain pursuant to a redevelopment plan longer than 12 years after the adoption of the plan, and would enact a new conflict-

of-interest prohibition applicable to board members of public entities. Status: Chapter 594, 2006.

SB 1560 (Battin) Common interest developments: governance. This bill clarifies procedures for secret ballot elections and accessing records in common interest developments enacted in SB 61 of 2005. Status: Chapter 310, 2006.

SB 1650 (Kehoe) Eminent domain: future uses. This bill prohibits a public entity from using a property for any use other than the public use stated in its resolution of necessity, unless the entity first adopts a new resolution showing the public interest and necessity of using the property for a new stated public use. Upon an entity's failure to adopt a new resolution as required, this bill requires the public entity to offer a right of first refusal for the original owner or owners of the property to repurchase the property, under specified conditions. Status: Chapter 602, 2006.

SB 1809 (Machado) Real property disclosures: eminent domain. This bill would amend current requirements that local legislative bodies record a statement upon the adoption of a redevelopment plan, to reflect that property is located within a redevelopment project area, by adding a requirement that such recordation take place within 60 days, as well as adding a statement of whether the plan authorizes use of eminent domain and what, if any, limitations are imposed on the use of eminent domain. Status: Chapter 603, 2006.

Rental Property

AB 197 (Umberg) Sale of mobilehome parks. Provides that resident organizations, that have fulfilled certain requirements, shall have a right of first refusal to purchase a mobilehome park if the owner decides to sell or receives an offer from a third party to buy the park. Status: AsmHousing, failed.

AB 1169 (Torrico) Real property rentals. This bill reenacts a statute that sunsetted on January 1, 2006, requiring the owner of a residential rental property to give at least 60-days notice before terminating a periodic tenancy for a tenant who has resided in the dwelling for one year or more. This bill modifies the prior statute by specifying that the 60-day notice requirement only applies where every tenant and resident in the dwelling has lived in the dwelling for one year or more. This bill sunsets on January 1, 2010. Status: Chapter 842, 2006.

AB 1528 (Jones) Tenancy: agency/ flood liability. This bill was originally related to the application of the law of agency to the relationship of landlord and tenant. The bill was subsequently amended to hold that local entities could be held liable for damages caused by the failure of a flood control project to the extent that the local entity increased by the extent of damage by approving new developments in a previously undeveloped area. Status: SenJud, dead.

AB 2008 (Haynes) Unlawful detainer: procedure. This bill would make a time frame for filing a demurrer or a motion to strike in response to an unlawful detainer notice consistent with the existing time frame for filing a motion to quash. This bill would also provide that, in a nonresidential unlawful detainer action, the time for filing of a demurrer or a motion to strike shall be extended until five days after an order overruling the demurrer or the motion to strike, unless the court has good cause to extend the time for pleading to not more than 15 days after the order. Status: AsmJud, dead.

AB 2603 (Parra) Housing discrimination: sex offenders. States the intent of the Legislature to address the needs of property owners and tenants for safe rental housing in a manner that is consistent with the goals and purposes of the Megan's Law sex offender registration requirement and state law on civil rights. Status: SenRules, dead.

AB 2712 (Leno) Housing: sex offenders. This bill clarifies existing law regarding the duty of a residential landlord regarding the tenancy of individuals who are required to register as sex offenders by providing that no duty toward tenants shall arise on the part of a residential landlord solely for renting or leasing residential real property to a person who is registered or who is required to register under Megan's Law or who is a person who has been convicted as a sex offender in another state or foreign jurisdiction, and making conforming changes to related Penal Code provisions to clarify that a landlord's authorization to use Megan's Law registration information is discretionary, and does not create a duty to use the information. Status: Vetoed.

AB 2839 (S. Runner) Tenancy. This bill would require low-income tenants who obtain housing under a federal program to sign an agreement promising that neither they, nor their guests or other household members, will engage in specified activity or permit the dwelling to be used for that activity. This bill would further provide that a single violation of the agreement would be grounds for termination of the tenancy, even in the absence of a criminal conviction. Status: AsmJud, failed.

SB 40 (Dunn) Mobilehome parks: Health and Safety Code violations. This bill provides that certain remedies are available if the Department of Housing and Community Development (HCD) or a designated local agency issues a notice or order finding a mobilehome park, manufactured housing community, or special occupancy park (park) in violation of relevant health and safety codes, and the park owner fails to comply with that notice or order within a reasonable amount of time. This bill also permits the enforcement agency, a park resident, or a resident association to seek a court order requiring the park owner to correct the violation. Failure to comply with that order would be punishable by civil contempt or other remedies. Status: Vetoed.

SB 51 (Kuehl) Real property rentals. As heard by this Committee, this bill would have extended the sunset date for a law that requires landlords to give 60-days notice (instead of 30 days) before terminating the periodic tenancy of a tenant who has resided in a dwelling for one year or longer. It was amended to become a Migden bill that sets forth guidelines and requirements to be implemented by horse owner-trainers and how they are

to elect their board of directors and requires that the board form a subcommittee to address purse schedules. Status: Chapter 445, 2006.

SB 237 (Migden) Mobilehome parks transfers. Prohibits a rental agreement in a mobilehome park entered into or renewed on or after January 1, 2006, from including a provision that would grant the management of the park the right of first refusal to purchase the homeowners' mobilehome for sale to a third party. This bill provides the park owner or management and homeowner may enter into a separate agreement which would grant the park owner or management the right of first refusal. Status: Chapter 25, 2005.

SB 288 (Ducheny) Tenancy. As heard by the Committee, this bill set a limit at which the Department of Housing and Community Development can raise rent for farmworkers who occupy temporary dwellings operated by the Office of Migrant Services and clarified tenancy law as it relates to unlawful detainer actions. The bill was subsequently amended into a Battin bill dealing with gaming. Status: Chapter 13, 2006.

SB 735 (Torlakson) Trespass. This bill clarifies that lawful labor activities on any tenant property are exempt from criminal trespass law. Status: Vetoed.

MISCELLANEOUS

AB 820 (Strickland) Wild animals in captivity. Expands laws governing the possession and handling of exotic wild animals. Among other things, this bill requires the Department of Fish and Game (DFG) to promulgate regulations governing issuance of permits, conducting of inspections, and responding to the escape of a wild animal. Requires identification of wild animals and establishment of a registry. Requires the immediate reporting of all escaped animals, and establishes rules for handling confiscated animals. Authorizes a new custodian of a wild animal to bring a civil action for recovery of reasonable costs from the prior custodian under specified circumstances, and enhances the penalties for violations. Requires inspection of wild animal facilities by DFG or an eligible local entity, and requires DFG to enter into memorandums of understanding with eligible local entities if DFG elects not to inspect every wild animal facility itself. Status: Chapter 698, 2005.

AB 1588 (Negrete McLeod) Administrative agencies: regulations compliance. As introduced, this bill provided that any person or entity that complies with lawful administrative guidance is rebuttably presumed to have complied with the law or regulation upon which the guidance was based. This bill also prohibited a state agency or official from imposing any sanction upon a person or entity that reasonably relies upon that guidance, provided that the acts taken in reliance on that guidance were performed before any substantive change in the law or regulation upon which the guidance was based. The bill was subsequently amended to address unrelated issues regarding professional licensing boards. Status: SenB&P, dead.

AB 2052 (Haynes) Economic development. As originally referred, this bill declares the intent of the Legislature to facilitate free market growth in low-income neighborhoods and close inter-generational wealth gaps among economically disadvantaged groups, by creating jobs, growing small businesses, building affordable housing, and revitalizing low-income neighborhoods. The bill was subsequently amended to enact the California New Markets Venture Capital Program Act. Status: AsmJobs, dead.

AB 2186 (Torrico) Employment insurance: appeals. This bill requires an employer to report specified information with respect to hiring any service provider, as defined, to the Employment Development Department. This bill would also authorize the director to assess a penalty of \$25,000 against any employer who willfully, purposefully, or intentionally classifies an employee as an independent contractor per incidence of misclassification, as specified. Status: AsmL&E, dead.

AB 2253 (Hancock) Vehicles: illegal dumping. This bill authorizes the impoundment and, in specific instances, civil forfeiture of a motor vehicle when the registered owner has multiple convictions for misdemeanor illegal dumping of waste matter. Status: Chapter 765, 2006.

AB 2300 (Parra) Crime prevention programs. This bill establishes the California Crime Stoppers Program and levies a \$3 penalty assessment to fund local crime stoppers programs. Status: AsmPubS, dead.

AB 2303 (Judiciary) Civil Omnibus. This bill proposes a variety of non-controversial changes to the California Codes. Each year, the Legislature identifies various non-controversial changes to statutory law. The annual "Civil Omnibus" bill is the vehicle for implementing the wholesale corrections. For inclusion into the measure, the change must be non-controversial only and must not have any opposition. Status: Chapter 567, 2006.

AB 2309 (Negrete McLeod) Payments to public agencies. This bill authorizes, subject to approval of the county board of supervisors, the acceptance by credit card, debit card, or electronic funds transfer of any moneys payable to the sheriff pursuant to a levy under a writ of attachment or writ of execution. Status: Chapter 320, 2006.

AB 2390 (Utilities and Commerce) Public Utilities Commission: rehearings and judicial review. This bill, if a party consents in advance to electronic notification, provides that the "date of issuance" for an order or decision issued by the Public Utilities Commission (PUC) is triggered by the PUC's transmittal of an electronic copy of the official version of the order or decision or an Internet web site where the official version of the order or decision is readily available to the parties to the action or proceeding. This bill also provides that the "date of issuance" means the mailing or electronic transmission date that is stamped on the official version of the order or decision. This bill provides that a petition for judicial review of an order or decision of the PUC to the court of appeal or the Supreme Court must be served upon the PUC's general counsel, in addition to the executive director. Status: Chapter 217, 2006.

AB 2425 (Matthews) Apple pests. This bill requires the Secretary of the California Department of Food and Agriculture to appoint a committee of the California Apple Commission for the general purpose of identifying and designating destructive pests, diseases, and regions the committee finds to be infested with apple destroying pests and diseases, and provides specified powers including powers to investigate and file civil actions. Status: SenAg, dead.

AB 2620 (Umberg) Military Department: Office of the Inspector General. Requires the Military Department to fund the position of Inspector General from the amount annually appropriated to it, and to provide office space and support personnel as needed. This bill also requires the Governor to appoint the Inspector General and provides that the Inspector General is independent of the chain of command of the Military Department and serves at the discretion of the Governor. The Inspector General would be required to investigate complaints and allegations of wrongdoing, discrimination, misconduct, or retaliation for whistleblowing by military personnel, and requires the Inspector General to establish a toll-free public telephone number to receive these complaints and allegations. Status: SenApprops, dead.

AB 2966 (S. Runner) Individuals with exceptional needs: classroom cameras. This bill allows school districts that have under their jurisdiction an individual with exceptional needs, who is not capable of reporting abusive behavior perpetrated against him or her in the classroom to install in each classroom in which that pupil attends classes a fully functional and operating video camera for the purpose of monitoring any instances of abusive behavior perpetrated against the pupil. Status: AsmEd, dead.

ACR 86 (Parra) Emergency assistance. This resolution urges all Californians to participate in the In Case of Emergency campaign by entering an emergency contact number into their cell phone memory in order to assist medical and emergency personnel. Status: Res. Chapter 137, 2005.

SB 44 (Torlakson) Vehicles: dealer document preparation charges. This bill increases from \$45 to \$55 the maximum fee that a vehicle dealer may charge a purchaser for document preparation. Status: Chapter 623, 2006.

SB 274 (Romero) Incompatible offices: elected and appointed positions. This bill prohibits an elected or appointed member of a government body from accepting election or appointment to a second government body without resigning from the first. Status: Chapter 254, 2005.

SB 432 (Alquist) County fees. This bill, commencing January 1, 2008, increases sheriffs fees for service of earnings withholding orders and superior court summons and complaint by \$5 to account for the higher cost to perform these actions. Status: Chapter 365, 2006.

SB 543 (Margett) State Water Project. This bill codifies an existing administrative process at the Department of Water Resources (DWR) for permitting construction and

equipment encroachments on the State Water Project right-of-way and establishes a process at DWR to remove unauthorized encroachments. Status: Chapter 263, 2005.

SB 706 (Ortiz) Insurance commissioner. This bill makes various changes in the regulatory authority of the Department of Insurance by expanding the authority to suspend an employee of an insurer or a producer, to obtain recovery from private causes of action filed in the name of the Insurance Commissioner. Status: Chapter 380, 2005.

SB 740 (Romero) Public agencies: video news release. Makes it unlawful for a state or local officer, including a state or local appointee, employee, or consultant, to use public resources for the creation of a video news release (VNR) that advocates a position in a rulemaking proceeding in which that officer is exercising quasi-legislative authority to implement policies he or she will implement through regulations adopted in that rulemaking proceeding. Status: Vetoed.

SB 1075 (Hollingsworth) Disaster response. As heard by this Committee, this bill would have repealed the State's existing Interstate Civil Defense and Disaster Compact and replaced it with the Emergency Management Assistance Compact that has been adopted by other states and ratified by Congress. As subsequently amended, the bill adds illegal immigration to the definition of an emergency under which the Governor can take specified actions, including to use and employ any of the property, services, and resources of the state, to mitigate the effects of an emergency, as defined. Status: AsmJud, dead.

SB 1108 (Judiciary) Maintenance of the Codes. This bill makes technical changes and restates existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 2005. Specifically, this bill corrects grammatical and other errors without substantive change to the law. Status: Chapter 22, 2005.

SB 1462 (Cox) Insurance information and privacy protection: service of process. This bill authorizes the California Insurance Commissioner to use third party mailing services with tracking capabilities, such as Fedex and UPS, to serve statements of charges, notices, orders and other processes. Status: Chapter 145, 2006.

SB 1496 (Dunn) Public utilities: California Alternate Rates for Energy (CARE). This bill states that it is the intent of the Legislature to address the problem of enforcement of utility discounts for qualified low-income residents of master-meter mobilehome parks, apartments, and multiple residential communities under the CARE program. Status: AsmU&C, dead.

SB 1852 (Judiciary) Maintenance of the Codes. This bill makes technical changes and restates existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 2006. Specifically, this bill corrects grammatical and other errors without substantive change to the law. Status: Chapter 538, 2006.

SCR 15 (Morrow) California Law Revision Commission: studies. This measure authorizes the commission to study whether specified laws should be revised, including, as a new topic for study, a comprehensive review of the Code of Civil Procedure and applicable case law in order to clarify the circumstances in which parties are entitled to oral argument. The measure requires the commission, before commencing work on any project within the calendar of topics the Legislature has authorized or directed the commission to study, to submit a detailed description of the scope of work to the Chairs and Vice Chairs of the Committees on Judiciary of the Senate and Assembly, and if during the course of the project there is a major change to the scope of work, submit a description of the change. Status: Res. Chapter 1, 2006.