

2009

Mid-Session 2009 Legislative Summary

Assembly Governmental Organization Committee

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ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE

Mid-Session 2009 LEGISLATIVE SUMMARY

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ASSEMBLY COMMITTEE ON
GOVERNMENTAL ORGANIZATION

JOE COTO, CHAIRMAN
ASSEMBLYMEMBER, TWENTY-THIRD DISTRICT

December 2009

Dear Interested Parties:

This publication summarizes any legislation that was referred to the Assembly Committee on Governmental Organization in the first year of the 2009-2010 legislative sessions. The summary includes a brief description and final status of all bills.

Jurisdiction of the Committee primarily includes the following subjects: Indian gaming, horse racing, card clubs, alcohol, tobacco, the Lottery, outdoor advertising, and state open meeting and public record law. Policy from the committee affects key industries that employ thousands of Californians in areas such as gambling/entertainment, horse racing, tourism, wine production, etc. Revenues generated from these industries in the form of taxes and fees generate significant sources of revenues for all levels of government. These range from income and employment taxes, to excise fees charged to alcohol and tobacco products.

The full text of legislation summarized in this report, as well as the committee analysis of those measures, may be viewed on the Internet via the Legislative Counsel's web site (<http://www.leginfo.ca.gov>).

I hope this publication will be informative and useful as a reference tool. For additional copies or other information concerning committee activities, please contact my committee staff at (916) 319-2531.

Sincerely,

Joe Coto
Assembly Committee on
Governmental Organization, Chair

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Alcohol (15)

AB 59 **Jeffries** Chapter 405, Statutes of 2009

Provides that, if a military identification card lacks a physical description, but does include date of birth and photo, further proof of majority shall not be required to purchase or consume any alcoholic beverage, as specified.

AB 172 **Smyth** Chapter 398, Statutes of 2009

Allows public colleges to serve alcoholic beverages during events (non-profit fundraisers) at college facilities, which are used to school K-12 students, if the event is held at a time when children are not present at the facility.

AB 813 **J. Perez** Chapter 647, Statutes of 2009

Creates a new tied-house exception to the Alcoholic Beverage Control Act (ABC Act) that authorizes the owner of a venue (Club Nokia) in Los Angeles to engage in a sponsorship agreement with an a beer manufacturer, holder of winegrower's license, California winegrower's agent, distilled spirits manufacturer, holder of a distilled spirits rectifiers general license, or a distilled spirits manufacturer's agent for the privilege of placing advertising in the on-sale licensee's premises.

NOTE: AB 813 was authored by Assembly member Hall when it passed off the Assembly Floor but was amended into an alcohol bill in the Senate. The Assembly version of the bill, limited the times that the Department of Justice (DOJ) may perform routine audits at controlled gambling establishments to the normal business hours, between 8 a.m. to 6 p.m. within a five-day work week. AB 813 provides that the limitation on the times that a routine audit may be performed shall not be construed to take away from DOJ's investigatory authority and duties.

AB 888 **Price** *Vetoed by Governor*

Prohibits, as an infraction, the possession of an alcoholic beverage container, or consumption of an alcoholic beverage, on a public street, alley, or sidewalk within 600 feet of the property line of a public or private school (K-12), with specified exceptions.

AB 1060 **De La Torre** Inactive File Senate Floor

Prohibits off-sale general licensees from selling alcoholic beverages using a self-service checkout system.

AB 1191 **Conway**

Chapter 142, Statutes of 2009

Authorizes the acceptance of a valid passport, issued by the United States government or a foreign government, as bona fide evidence that a person is 21 years of age or older. The bill makes findings and declaration with regard to the importance of tourism to California.

AB 1282 **Hall**

Chapter 521, Statutes of 2009

Extends to out-of-state domestic and overseas brewers, as well as importers, the same privileges as California brewers have with respect to the dollar value of advertising specialty items that may be given away to adult consumers.

AB 1448 **Tom Berryhill**

Chapter 399, Statutes of 2009

Creates an exception to the general prohibition against the consumption of alcoholic beverages on publicly owned school property by allowing alcoholic beverages to be sold and consumed for an event during the weekend or at other times when pupils are not on the rounds of an overnight retreat facility owned and operated by the county office of education in Stanislaus County.

AB 1470 **Evans**

Chapter 535, Statutes of 2009

Permits an on-sale beer and wine public premises licensee and a licensed winegrower to allow a person who has purchased and partially consumed a bottle of wine to remove the partially consumed bottle from the premises upon departure.

AB 1493 **John A. Perez**

Assembly Governmental Organization

Authorizes, as an exception, the holder of a winegrower's license, a beer manufacturer, a distilled spirits manufacturer, or a distilled spirits manufacturer's agent, to purchase advertising space and time from, or on behalf of, an on-sale retail licensee, under certain conditions, if the on-sale retail licensee is the owner, manager, agent of the owner, assignee of the owner's advertising rights, or major tenant of specified facilities, including specified facilities located in the County of Los Angeles.

AB 1579 **G.O. Committee**

Inactive File Senate Floor

Makes minor clarifying changes to an existing provision of the Alcoholic Beverage Control Act that grants the Department of Alcoholic Beverage Control the authority to, in its discretion, issue an interim retail permit to an applicant for any retail license to operate the premises during the period an application for a license at the premises is pending, subject to specified conditions.

SB 131 **Wiggins**

Chapter 638, Statutes of 2009

Provides a tied house exemption for an alcohol licensee to make monetary and alcoholic beverage contributions to a symphony association (San Francisco Symphony) that is a nonprofit charitable corporation or association, as defined, and under specified conditions.

SB 192

Negrete McLeod

Inactive File Assembly Floor

Adds a new provision to the Alcoholic Beverage Control Act that permits the return of unsold and unopened beer from an organization that obtained a temporary license.

SB 415

Oropeza

Vetoed by Governor

Expands the eligibility list of local government officials (not only law enforcement agencies) who may request an extension of time to review the issuance or transfer of an alcoholic beverage license and lengthens the existing extension period from 20 to 30 days (adds 10 days to current law).

SB 825

Committee on G.O.

Chapter 68, Statutes of 2009

Annual committee bill that makes non-controversial and code maintenance changes to the Alcoholic Beverage Control Act.

Emergency Services (7)

AB 472 **Blumenfield** *Vetoed by Governor*

Requires any state agency, beginning July 1, 2010, to maintain on its homepage a link that will direct a user to earthquake and emergency preparedness information for the home and workplace.

AB 611 **Fong** *Vetoed by Governor*

Requires the California Emergency Management Agency (Cal EMA) to take measures to help people with limited English proficiency (LEP) prepare for emergencies and understand information conveyed during emergencies, such as utilizing bilingual persons in public contact positions, and coordinating with organizations that represent the needs of LEP persons in order to disseminate guidance to local and regional governmental entities.

AB 865 **Price** Assembly Governmental Organization

Would require the agency, in cooperation with the office of the State Chief Information Officer, to develop and operate a full-time wireless communications system providing the public with emergency information that is accessible by cellular telephone, text pager, or computer.

AB 1128 **Brownley** Assembly Appropriations (Suspense)

Requires the Secretary of the California Emergency Management Agency (Cal EMA) to acquire 131 fire engines.

AB 1197 **Torrico** Assembly Appropriations (Suspense)

Modifies the Public Safety Communication Act to allow additional technology to be considered for improved public safety interoperability.

AB 1203 **Ma** Chapter 516, Statutes of 2009

Requires the California Emergency Management Agency (Cal EMA), by February 1 of each fiscal year, to select eligible applicants for transit system safety projects from the Transit System Safety, Security, and Disaster Response Account (Account) pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) and provide the Controller with a list of the projects and sponsoring agencies eligible to receive an allocation.

SB 828 **Committee on G.O.** Assembly Governmental Organization

Makes various minor, technical and nonsubstantive changes to the Public Safety Communications Act of 2002.

Gambling (8)

AB 58 **Jeffries** Chapter 72, Statutes of 2009

Reduces the penalty for an individual who participates in a betting pool, including a pool for a sporting event, from a misdemeanor to an infraction, punishable by a maximum fine of \$250.

AB 293 **Mendoza** Chapter 233, Statutes of 2009

Allows limited liability companies (LLCs) and its officers, managers, members, or owners to be eligible for a state gambling license; imposes on all partnerships and LLCs the same licensing requirements that are applicable to limited partnerships and provides that a partnership, instead of being formed under the laws of the state to be eligible for a gambling license must be registered in the state and provide specific supplemental information; and requires the California Gambling Control Commission to develop procedures to allow for the continuous operation of licensed gambling establishments in cases including the death or incapacity of a licensee.

AB 1036 **Niello** Assembly Governmental Organization

This bill would, with respect to charitable nonprofit organizations applying for mitigation payments from the Charity Bingo Mitigation Fund, extend the date by which that organization must have ceased using electronic bingo machines/devices to October 1, 2009 and extend the deadline for applying to the California Gambling Control Commission (CGCC) for mitigation payments to October 31, 2009.

AB 1577 **G.O. Committee** Vetoed by Governor

Requires the Office of Problem Gambling (OPG) within the Department of Alcohol and Drug Programs (DADP) to include specific education and awareness outreach efforts within its existing prevention programs, and authorizes OPG to use existing funds to develop a grant program as specified.

SB 126 **Cedillo** Chapter 562, Statutes of 2009

Makes various technical changes to the remote caller bingo law enacted last year by SB 1369 (Cedillo), Chapter 748, Statutes of 2008. This bill (1) deletes reference to "school districts" in the provisions specifying the organizations that may conduct bingo games and instead authorizes "charitable organizations affiliated with a school district" to conduct bingo games, and (2) deletes reference to organizations "registered" to conduct those bingo games.

SB 200 **Correa** Chapter 38, Statutes of 2009

Authorizes private, nonprofit, and eligible organizations, as specified, to advertise raffles over the internet.

SB 213

Florez

Vetoed by Governor

Extends the moratorium on the issuance of new gambling licenses for cards rooms from January 1, 2015 to January 1, 2020, and makes other related changes regarding the regulation of gambling.

SB 829

Committee on G.O.

Chapter 624, Statutes of 2009

Authorizes the executive director and the members of the California Gambling Control Commission (CGCC) to administer oaths and certify official acts in connection with the business of the CGCC.

Horse Racing (15)

AB 136 **Silva**

Chapter 221, Statutes of 2009

Deletes the limitation on the total number of out-of-state or out-of-country harness or quarter horse races that may be imported in a calendar year by a harness or quarter horse racing association.

AB 246 **Price**

Chapter 226, Statutes of 2009

Requires a person licensed to conduct a horse racing meeting to hold in trust the distribution required to be made pursuant to horse racing law until the funds are paid to the various individuals and groups that receive them. In addition, authorizes a quarter horse and harness racing association, subject to approval by CHRB, to deduct from the total amount handled in the pari-mutuel pool for any type of wager up to 2% more of the total amount handled than was authorized on May 1, 2009, and would require any amount deducted under this authority to be distributed as specified.

AB 605 **Portantino**

Inactive File on Senate Floor

Allows thoroughbred horse racing results to be included in proposition pari-mutuel pool wagers.

AB 734 **Hill**

Senate Governmental Organization

Expands the scope of how monies generated from an extra 1% percent takeout on live fair racing can be used, as defined, by the Secretary of the California Department of Food and Agriculture (CDFA) to maintain operations at any fair satellite wagering facility in the state.

AB 763 **Chesbro**

Chapter 122, Statutes of 2009

Allows the Humboldt County Fair (HCF) to import and accept wagers on up to eight races per day from out-of-state locations, as specified. In addition, allows a Thoroughbred association in the southern zone to import and accept wagers on an additional eight races from out-of-state locations during the period that HCF is conducting a live race meet, as defined.

AB 864 **Price**

Assembly Appropriations (Suspense)

Requires at least 10% of the total amount of all state contracts for infrastructure improvements at any racetrack grounds in the state be let to small businesses or disabled veteran business enterprises (DVBES).

AB 1499 **Evans**

Chapter 151, Statutes of 2009

Reauthorizes a fair to deduct an additional 0.5 percent of the total amount handled in exotic pari-mutuel pools of races for any breed, other than races solely for thoroughbreds, to defray workers' compensation insurance costs for trainers and owners who race at an applicable fair.

AB 1575 **G.O. Committee**

Chapter 650, Statutes of 2009

Authorizes the California Horse Racing Board (CHRB) to increase the amount set aside under current law for simulcast operating expenses for a Thoroughbred race meet in the northern zone and in the central and southern zones from 2.5% to up to 4%. Revises the manner in which supplemental purses are distributed between the 22nd District Agricultural Association and the Los Angeles County Fair. Furthermore, it cleans-up a provision of SB 16 X2 (Ashburn), Chapter 12, Statutes of 2009-10 Second Extraordinary Session, which alleviated the horse racing industry of its obligation to fund the fairs from license fees. Adds outriders to the definition of horse racing officials, thus requiring them to be licensed as racing officials, and clarifies the requirements for oral examinations of stewards and veterinarians by CHRB.

AB 1578 **G.O. Committee**

Chapter 550, Statutes of 2009

Permits the official thoroughbred registering agency to distribute a specific portion of designed funds annually for a California-bred bonus program.

SB 254 **Wiggins**

Chapter 42, Statutes of 2009

Revises horse racing law relative to the sale of equines. Requires each purchase, sale or transfer to be accompanied by a written bill of sale signed by the buyer and seller. Prohibits any person from acting as a dual agent, as defined, without the knowledge and written consent of the buyer and seller. Restricts an agent's compensation to no more than \$500 per transaction unless the amount of compensation is disclosed in writing and the buyer and seller provide written consent.

SB 517 **Florez**

Chapter 636, Statutes of 2009

Allows a thoroughbred association or fair, subject to the approval of the California Horse Racing Board (CHRB), to alter the amount deducted from horse racing wagering. This bill also allows the distribution of funds from the amount deducted to be modified or redirected, subject to the approval of the CHRB.

SB 662 **Yee**

Assembly Rules Committee

Authorizes the California Horse Racing Board (CHRB) to provide real time monitoring of all pari-mutuel wagering transactions on California horse races.

NOTE: Amended in Assembly Appropriations to become a bill about domestic violence funding.

SB 693 Harman

Chapter 63, Statutes of 2009

Modifies the commissions paid to satellite wagering facilities based on the time that the satellite wagering facilities are open and operating.

SB 766 Negrete McLeod

Chapter 616, Statutes of 2009

Allows uncommitted surplus funds in the horse racing Market Promotion Fund or the horse racing Workers Compensation Fund, to be reallocated to any other fund or account created pursuant to the Horse Racing Law.

SB 830 Committee on G.O.

Assembly Rules Committee

Clarifies the policy purpose of Horse Racing Law, reflecting the changes made to the law pursuant to the enactment of SB 16XX (Ashburn), Chapter 12, Statutes of 2009 Second Extraordinary Session.

Indian Gaming (4)

AB 122 **Coto**

Senate Rules Committee

Ratify the tribal-state gaming compact entered into between the State of California and the Pinoleville Pomo Nation, executed on March 10, 2009. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would also provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act.

AB 1576 **Chesbro**

Senate Rules Committee

Ratify the tribal-state gaming compact entered into between the State of California and the Habematolel Pomo of Upper Lake, executed on September 2, 2009. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would also provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act.

NOTE: Formerly an Assembly Governmental Organization Committee bill, which was gutted & amended in Senate Rules Committee. Before being amended, the bill established a stand-alone article chapter within the Government Code between the State of California and specified Indian tribes.

SB 357 **Ducheny**

Chapter 181, Statutes of 2009

Extends the sunset date from January 1, 2010 to January 1, 2021, on the law that specifies how the Indian Gaming Special Distribution Fund (SDF) local mitigation grants monies are distributed.

SB 827 **Committee on G.O.**

Chapter 206, Statutes of 2009

Repeals and renumbers sections of the Government Code related to Indian gaming into one stand-alone Title in the Government Code. This bill makes other technical, nonsubstantive changes.

NOTE: Gut and amended on the Assembly Floor to deal with South Coast Air Quality Management District.

Official Acts (2)

AB 264 **Cook**

Vetoed by Governor

Designates March 30 of each year as "Welcome Home Vietnam Veterans Day" and calls for the day to be observed by public schools as a day of special significance. Requires the Governor to annually proclaim March 30 as "Welcome Home Vietnam Veterans Day."

NOTE: Similar legislation, AB 717, was amended to establish March 30 of each year as "Welcome Home Vietnam Veterans Day" and it was signed on September 25, 2009, Chapter 158, Statutes of 2009.

ACR 13 **Fuentes**

Assembly Governmental Organization

Recognizes April 10, 2010 as the United States Census Day and strongly urge the Governor to act immediately to commence planning for outreach efforts for the 2010 decennial census to achieve a complete count of all Californians.

Open Meetings (1)

AB 1494 **Eng**

Chapter 150, Statutes of 2009

Amends the Bagley-Keene Open Meeting Act's (Bagley-Keene Act) definition of "meeting" to address a recent court order decision affecting serial meetings of public bodies, which are prohibited under existing law.

Outdoor Advertising (1)

AB 109 **Feuer**

Assembly Governmental Organization

Prohibits an advertising display that is visible from a state, county, or city highway, as specified, from being constructed as, or converted, enhanced, improved, modified, modernized, or altered, unless it complies with a municipalities(permitting authority) specified permitting process, as described in state law. Prohibits, until January 1, 2012, any highway changeable message sign (Caltrans) from displaying messages other than official traffic operations or public safety messages. Prohibits the painting, installation, or application of a supergraphic, as defined, to an exterior building wall until the State Fire Marshall (SFM) promulgates safety regulations governing these signs.

Public Records (4)

AB 352 **Audra Strickland**

Senate Rules Committee

Declares the intent of the Legislature that the California Interscholastic Federation (CIF), in consultation with the California Department of Education (CDE), comply with the California Public Records Act.

AB 1245 **Monning**

Chapter 519, Statutes of 2009

Establishes a procedure by which the Secretary of State (SOS), on behalf of the California State Archives (CSA), could recover governmental records, belonging to the state or a local agency that are found in possession of non-governmental entities or persons.

SB 218 **Yee**

Vetoed by Governor

Revises the definition of the term "local agency" to additionally include specified auxiliary organizations established for the purpose of providing support services and specialized programs for the general benefit of a community college. SB 218 revises the definition of the term "state agency" to additionally include specified auxiliary organizations and other specified entities. The bill would exempt from disclosure under the California Public Records Act the names of individuals who donate to specified entities if those individuals request anonymity. However, the bill would provide that this exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

SB 359 **Romero**

Chapter 584, Statutes of 2009

Updates the statute within the California Public Records Act (CPRA) that contains an alphabetical list of records that are exempt from disclosure. The bill also requires that a standing committee of the Legislature introduce a bill at the beginning of each two-year session that updates this alphabetical list of records exempt from disclosure under the CPRA.

State Fire Marshall/Fire Safety (3)

AB 54

Jeffries

Assembly Governmental Organization

Requires the Department of Forestry and Fire Protection, the Office of the State Fire Marshal, the State Board of Fire Services, the Department of the California Highway Patrol, the Office of Traffic Safety, the California Conservation Corps, and the Emergency Medical Services Authority to create a working group, by March 1, 2010, to prepare a Governor's Reorganization Plan that would transfer the authorities and duties of those departments, offices, and entities to the California Emergency Management Agency. The bill would require the working group to develop the proposed Governor's Reorganization Plan, so that the Governor may transmit the plan to the Legislature for approval during the 2011 portion of the 2011-12 Regular Session of the Legislature. The bill would require the plan to provide that it would become operative no later than January 1, 2012.

AB 635

V. Manuel Perez

Senate Governmental Organization

Provides that a state or local agency, including a city, county, city and county, or district, shall not prohibit a firefighter from using an air-purifying device during a wildland fire.

AB 660

Torrico

Senate Appropriations

Prohibits any person from installing or modifying a fire sprinkler system, a wet standpipe system, or an automatic fire extinguishing system without a certificate of registration issued by the State Fire Marshal (SFM).

State Lottery (2)

AB 662 **Hagman**

Assembly Governmental Organization

Prohibits the California State Lottery Commission from continuing the process to build a new California State Lottery headquarters. In addition, this bill would require that a portion of those unused funds be applied toward renovating the existing headquarters, public education, services for employees whose salaries have been reduced and advertising or other marketing activities.

SB 831 **Committee on G.O.**

Chapter 207, Statutes of 2009

Reinstates a provision of the California State Lottery Act that was inadvertently chaptered out by AB 1654 (Assembly Budget Committee), Chapter 764, Statutes of 2008. This bill gives a player up to one year to claim prize money for jackpot or grand prize won in a multistate lottery game (Mega Millions).

Tobacco (7)

AB 89 **Torlakson** Assembly Governmental Organization

Would, commencing on or after the first day of the first calendar quarter commencing more than 90 days on or after the effective date of the bill, impose and additional excise tax on the distribution of cigarettes at the rate of \$0.105 for each cigarette distributed, and would require a dealer or wholesaler to file a return with the State Board of Equalization showing the number of cigarettes in his/her possession or under his/her control on that date, as defined. The revenues collected from the additional tax would be deposited in the Tobacco Excise Tax Account, which would be created by the bill, and would be allocated, upon appropriation by the Legislature, for certain education, health, and child-related purposes.

AB 689 **Charles Calderon** Inactive File on Assembly Floor

Expands the definition of "tobacco products" contained in both the Tobacco Tax and Health Protection Act of 1988 (Proposition 99) and the California Children and Families First Act of 1998 (Proposition 10) to include any articles or products made of or containing tobacco.

ACA 22 **Torlakson** Assembly Governmental Organization

This measure would, commencing on and after the first day of the first calendar quarter commencing more than 90 days on or after the effective date of the measure, impose an additional tax on the distribution of cigarettes at the rate of \$0.074 for each cigarette distributed, and upon the distribution of tobacco products at an equivalent tax rate. The revenues collected from the additional tax would be deposited in the Tobacco Excise Tax Fund, which would be created by the measure, and would be allocated, upon appropriation by the Legislature, for certain education-, health-, and child-related purposes. The bill also would impose a floor stock tax on every distributor and wholesaler for each cigarette or tobacco product in his or her possession on the day the excise tax is first imposed. ACA 22 would prohibit the Legislature, between January 1, 2011, and January 1, 2016, from imposing any additional tax upon the distribution of cigarettes or tobacco products.

SB 4 **Oropeza** Inactive File Assembly Floor

Makes it an infraction to smoke on a state beach or other state park unit, and makes a violation punishable as an infraction, subject to \$100 fine. In addition authorizes the Department of Parks and Recreation (DPR) to post signs providing notice of smoking prohibition. Enforcement cannot begin until signs have been posted alerting the public.

SB 400 **Corbett** Vetoed by Governor

Updates both the Stop Tobacco Access to Kids Enforcement (STAKE) Act and the California Cigarette and Tobacco Products Licensing Act of 2003 to define electronic cigarettes under state law and to halt the sale of electronic cigarettes to minors.

SB 602 **Padilla**

Gut and amend in Assembly G.O.

Repeals the current restrictions that limits the Board of Equalizations (BOE) enforcement actions against retail tobacco license holders, requires enforcement agencies to notify the BOE of retailers' violations of underage sales laws, and strengthens penalties on retailers convicted of furnishing products to people under the age of 18.

Bill was Gut & Amended and subsequently withdrawn from committee.

SB 603 **Padilla**

Assembly Governmental Organization

Establishes a \$100 annual fee on each license issued by the State Board of Equalization (BOE) for the retail sale of cigarette and tobacco products. In addition, this bill establishes a statewide standard relative to the traditional retailers definition and proximity limitations.