



Engrossment*

Summer/2004

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DIRECTORS' COMMENTS

Since 1974, when Bill Keller and Tom Stallard founded LEGISLATIVE INTENT SERVICE, this company has been committed to excellence in the production of the most thoroughly researched legislative history possible. This year, we are celebrating our 30th Anniversary and would like to personally "THANK" our clients -- from those who have been with us from the beginning to those who only just discovered us! As Bill Keller recently noted: "With a new Governor and a re-energized Legislature working hard to come up with creative solutions to the state's fiscal crisis, Sacramento is once again an exciting place. New ideas and innovative approaches are enacted into law in record time." **LEGISLATIVE INTENT SERVICE is here in the center of it all with only one purpose:** to help you and your clients make sense of this rapidly changing statutory landscape. Give us a call and we will answer your questions.

In May, LEGISLATIVE INTENT SERVICE hosted two Law Librarians from the law firms of Nossaman, Guthner, Knox & Elliott and Bryan Cave, both of Southern California, to a day in Sacramento. At two recent law librarian meetings, these two librarians, Tracy Brost and Karen Lasnick, won raffles to be our guests for the day. Tom Stallard took them on personal tour of our offices and the Capitol and treated them to lunch in downtown Sacramento. As we celebrate our 30th Anniversary this year, we would like to extend our *appreciation* to all of the law librarians in this state and across the nation who have used our services and recommended us to other law librarians and law firms. **THANK YOU!**

MEET US IN MONTEREY AT THE STATE BAR ANNUAL MEETING!

One of our staff attorneys, Filomena Yeroshek, has organized a panel of experienced attorneys in the legislative history field to be presented at the State Bar Annual Meeting in October of 2004 in Monterey. The title of the panel is "**Win Your Next Case Using Legislative History.**" Learn how to use legislative

history documents to support your arguments and win! Experts and experienced attorneys will guide you to understanding the legislative process and the use of legislative history materials in court. We are excited about this event and invite all interested to join us for a lively discussion: **Sat- Oct. 9th, 8:30 to 10:30 a.m.**

SIGNIFICANT RECENT CALIFORNIA LEGISLATION

The Legislature in the 2003-2004 Session enacted major legislation, three of which we address herein. The enactment of **Senate Bill 899 of 2004** followed a commitment by the new Governor in his State of the State address to initiate **workers' compensation reform**. The bill's final language was the result of a conference committee convened in April to improve the workers' compensation system. This urgency legislation affects about 50 different Labor Code statutes, and was introduced by Senator Charles Poochigian of Fresno, later joined by 38 members of the Senate and Assembly as co-authors by the time the bill came out of conference. Among the numerous proposals in the bill, the conference amendments gave immunity to entities that report suspected fraudulent activity, restored user funding and allowed for the cost of return to work programs to be funded out of user funding, allowed eligible small employers [up to 50 employees] to apply for reimbursement for workplace modifications for injured workers to return to work, repealed duplicate programs, re-instituted vocational rehabilitation program for injuries occurring on or before December 31, 2003 [sunsetting in 2009], and authorized parties in collectively bargained ADR programs to negotiate occupational and nonoccupational health care integration projects. These are only a few of the numerous changes to the law that were enacted by Senate Bill 899.

Senate Bill 515 of 2003, which added **section 425.17 to the Code of Civil Procedure**, was introduced by Senator Sheila Kuehl for the Consumer Attorneys of California to make the Strategic Lawsuit Against Public Participation motion (SLAPP) inapplicable to public interests and class action lawsuits under specified conditions and lawsuits brought against a business that arises from commercial statements or conduct of that

* *The process of comparing the printed bill to ensure it looks like the original and to verify that amendments have been correctly inserted. [<http://www.leginfo.ca.gov/glossary.html>]*

business. Senate Bill 515 also provides if the trial court denies a SLAPP motion because of the new exemptions, the stay of discovery and the right to an immediate appeal provisions of the anti-SLAPP law would not apply. The bill also made legislative findings relating to the abuse of the anti-SLAPP law. There was support for this measure from the California Anti-SLAPP Project, the Congress of California Seniors, and the Consumer Federation of California. Those who opposed included the American Civil Liberties Union, the Association of California Insurance Companies of California, the Personal Insurance Federation of California, among others. In our research of this bill, we found there were two prior bills that were related to the proposals in Senate Bill 515.

Known as the "Labor Code Private Attorneys General Act of 2004," **Senate Bill 796 of 2003** added **sections 2698 and 2699 to the Labor Code in 2003**. This bill, which was introduced by Senator Joe Dunn for the California Labor Federation and CRLA Foundation, allows employees to sue their employers for civil penalties for employment law violations and is intended to augment the enforcement abilities of the Labor Commissioner by creating an alternative "**private attorney general**" system for labor law enforcement. The bill also provides that it would not affect the exclusive remedy provided by workers' compensation provisions of current law, clarifies that no penalty is established for any failure to act by the Labor and Workplace Development Agency, and makes clarifying changes. The sponsor of this bill contended that in the last decade state government labor law enforcement functions failed to keep pace with the growth of the economy and the workforce. Resources available to county district attorneys for prosecution of Labor Code violations as crimes were also lacking. According to the Senate Judiciary Committee, Senate Bill 796 was intended to "attack the underground economy and enhance our state's revenues by allowing workers to crack down on labor violators." You may wish to note that Senate Bill 899 amended section 2699 this year.

DIGITIZED FORMAT WELCOMED BY OUR CLIENTS

A short while ago, LEGISLATIVE INTENT SERVICE launched a digitized delivery system that permits our clients to download our research from a secured web site. As we progress with this type of

delivery, it seemed like a good idea to poll our clients recently as to their opinions. The digitized format appears to be popular because it permits clients to receive the materials a day earlier than when delivered by overnight delivery. Also, there was the benefit of being able to deliver the materials to the attorneys on staff instantly, without any internal routing delays. Finally, cost was predictable: there was a flat rate to transmit in pdf Adobe Acrobat rather than a per page copy cost, which remains unknown until research is completed. Most of the clients found it to be "very easy" to retrieve the materials net posted and that it took very little time, while a few others needed help from our technicians, who offered successful telephone support. For clients comfortable with working with a digitized presentation and printing from their own computers this is a viable and efficient alternative.

EDGE APPEAL

Over these last 30 years, LEGISLATIVE INTENT SERVICE has developed a successful system for providing our high quality product with an extra-level of service within whatever fast timeframe is required by our clients. Our level of thoroughness has been a trademark of the quality of research we are proud to produce and distinguishes us from others in this field. Our clients have found that the rates we charge are an "efficient expenditure" of their research funds. For example, *one* difference is that we provide a customized **letter** reflecting the extensive analysis that our staff undertakes for every research project. Its purpose is to: a) set forth a final analysis of the appropriate enactments to research given our client's focus of interest; b) assure our clients that for each of the researched bills, complete research is provided, i.e. there is or isn't competing measures, prior unsuccessful measures, or the text was or was not derived from an earlier chaptered law and just put into this bill, and so on; and c) focus on our client's language of interest, directing the reader to the discussion of these sections in the legislative materials. Our letter saves the reader considerable time and provides a framework to approach a voluminous set of documents with a good understanding of the legislative history. A *second* difference is that we provide for every enactment, including all competitors and unsuccessful bills, a **declaration**, aiding one in establishing the authenticity of the bills. Our declaration, which we provide without additional charge, was recently noted in *People v. Connor* (2004) 115 Cal.App.4th 669, 681, fn.3.