



ENGROSSMENT*

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SURPRISE!

Celebrating anniversaries are extra fun when they are surprise parties, which is exactly what the staff at **LEGISLATIVE INTENT SERVICE** did for its founders, Bill Keller and Tom Stallard. On December 14th, the office staff hosted a surprise 30th Anniversary Party for them, with 85 guests present, who represented past employees, former Legislators, and members of the local communities of Yolo and Sacramento Counties, as well as our staff and their families. Happily, we pulled it off and Bill and Tom were genuinely surprised – this surprised *us* as well because it's not easy pulling the wool over these two! A good time was had by all, the history of the company was talked about, we ate great food, and enjoyed the company of our wonderful guests.

THE BILLS THAT WERE

Wrapping up the 2003-2004 Legislative Session, like any Legislative Session, is not easy but we can mention a few of the high points.

Senate Bill 1809 significantly amended "The Labor Code Private Attorneys General Act of 2004" by enacting specified procedural and administrative requirements that must be met prior to bringing a private action to recover civil penalties for Labor Code violations. . . *Assembly Bill 1836* addressed common interest developments and dispute resolution. . . Increases in attorney fees awards passed in contract actions on a book account under *AB 2347*. . . *SB 1145* removed the sunset or repeal of 60-day notice requirement when rent increase exceeds 10% and landlord prohibition on use of tenant's income when deciding to rent . . . Revision of required signage on unreinforced masonry buildings enacted by *AB 2533* triggering administrative penalties and injunctive relief for failure to comply. . . *AB 252* allows genetic testing to set aside a judgment or order establishing paternity under specific conditions. . . Commercial email advertisements law conformed to new federal law by *SB 1457*. . . *SB 1436* established the Consumer Protection Against Computer Spyware Act to eliminate control of a consumer's computer by unauthorized persons or entities. . . Information on the internet about sex offenders was provided by *AB 488*. . . Electronic reproductions of files, records, writings, photos, fingerprints or other

instruments in the criminal justice agency's official custody that were microphotographed or otherwise reproduced in a lawful manner are admissible as the original file, record, writing or other instrument under *AB 883*. . . Elder abuse crimes expanded by *AB 3095* to include persons who reasonably should have known the victim was elderly or a dependent adult. . . *AB 2208* requires a health care service plan and a health insurer to provide coverage to the registered domestic partner of an employee, subscriber, insured, or policyholder equal to the coverage provided to spouses. . . *AB 782* authorizes parties to seal or redact specific financial information in family law pleadings, compelling new Judicial Council forms in place by July 1, 2005. . . Posthumously conceived children may be entitled to estate distribution under conditions set forth in *AB 1910*. . . *AB 1956* permits diversion for defendants with cognitive development disabilities in certain misdemeanor cases.

HAPPY NEW LEGISLATIVE SESSION!

As the new 2005-2006 Legislative Session begins, it will be important to remember that Democrats control both Houses. We think it is safe to predict that the Governor's budget this year will draw a lot of attention from those interested on both sides in resolving the \$8 billion budget deficit. In January, Governor Schwarzenegger raised the ante by calling an extraordinary session to address reform of the State's budget process, government employee pension systems and education. He introduced his new "e-budget" on January 10th. Once the Assembly Ways and Means Committee and the Senate Budget and Fiscal Review Committee introduce their budget bills, we will look for reports and revisions that may be useful to our clients' legislative histories if relevant. As indicated in his State of the State address, the Governor will call for a special election if the budget issues are contentious and irresolvable through the legislative process. Fortunately for our clients, we research legislation *as well as* budget trailer bills and propositions! Also, California's legislators are dealing with the federal government investigating current and former legislators' dealings. All in all, an interesting year awaits us at the Capitol.

* *The process of comparing the printed bill to ensure it looks like the original and to verify that amendments have been correctly inserted.*

MCLE CHANGES

New MCLE opportunities by our firm will be made available over the course of 2005. One new feature immediately being put into place will be the opportunity for your firm to choose a 2004 enactment or 2005 pending bill for us to review during our free MCLE presentation. We offer free MCLEs at your firm and while we are not experts in the fields of law practiced by your firm, we can address the legislative process by which a bill of interest to you was passed or is being considered. Call us at 1-800-666-1917 if you would like to discuss or schedule a free MCLE presentation.

CONTROVERSIAL 2000 LABOR BILL SURVIVING TEST OF TIME

Labor Code §§ 98.1, 98.2, 203.1, 218.5, 226, 350, 351 and 1174 were amended and §§ 218.6 and 226.7 were added to the Labor Code in 2000 following legislative passage of Assembly Bill 2509, an omnibus labor enforcement measure, introduced by Assembly member Darrell Steinberg for the California Labor Federation, AFL-CIO.

Subsequent to legislative approval, Governor Gray Davis signed the bill on September 28, 2000, and it was recorded as Chapter 876 of the Statutes of 2000. According to the Office of Senate Floor Analyses, AB 2509 made various changes to the Labor Code relative to rights, remedies, and procedures, streamlined and altered many enforcement and administrative procedures of wage and hour laws before the Labor Commissioner and the courts, and increased civil penalties and damages for violations. This same analysis noted that the law was intended to address a "large and growing 'underground economy' of employers who are chronic violators of wage and hour, safety, and tax laws." There were two predecessors: Assembly Bill 633 and Assembly Bill 1652. AB 633 initially contained general wage and hour provisions and garment industry specific provisions; however, the general wage and hour provisions were moved out of the bill and inserted into AB 1652. AB 633 was enacted into law without the wage and hour provisions and AB 1652 was vetoed by the Governor. The legislation was then proposed in AB 2509. If you would like to order the legislative history of this 2000 bill, give us a call.

HUGE "COASTAL COMMISSION ACT" READILY AVAILABLE

If your firm requires the legislative history of the 1976 Coastal Commission Act, you like to know that the entire legislative history materials and documents collected by our firm on this bill since 1976, which normally spans a few feet of materials and can incur nearly a thousand dollars in copying costs alone, fits very handily on *two CDs*, at a cost to our clients **only** of the regular research fee plus our normal \$50.00 digitization set up fee. Thus, the savings to our clients is remarkable and the ease of usage of the materials, which are set up in Adobe Acrobat pdf format, makes this a popular research CD project in our office. Call us if you would like to order this legislative history.

OUTSIDE CALIFORNIA BILLS RESEARCHED

We provide the legislative history for the bills of other states besides California. Over the years, we have learned what sorts of legislative documents are available by different states' legislative bodies and how to obtain them. A good percentage of our outside of California clients retain us to research their own states' bills! Give us a call if you would like to discuss research of any of the other 49 states' legislative measures.

RECOVERING YOUR COSTS

The fees paid by your firm that were incurred to have our company research legislative intent can be recovered if your position prevails in court. (Van de Kamp v. Gumbiner, 221 CA3rd 1260 (1990)).

How to Contact Us!

Call *toll-free* at 1-800-666-1917

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**We are professional legislative historians
at your service in the 21st Century!**