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2009 Labor Bills Picking Up Steam

LEGISLATIVE INTENT SERVICE, INC. has observed an up-tick for research of different labor law issues, both legislative and through the IWC. There are numerous labor-related bills currently pending before the Legislature. For example, **SB 789** is a United Farm Workers bill known as the “Employee Free Choice Act” that would create a new election process for agricultural workers to select their representatives for collective bargaining. The Associated Builders and Contractors of California is sponsoring **AB 227** to provide employers a cost effective way to obtain expert answers to their questions on how best to comply with California’s detailed, complex labor laws. The CA Employment Lawyers Assoc. is behind **AB 335** to prohibit specified choice of law clauses, venue-selection clauses, or forum-selection clauses in binding employment materials that are imposed on an employee as a condition of employment. Finally, the unions backing **SB 186** seek to delete a 12/31/2009 sunset date that would eliminate the right of workers to predesignate a personal physician for the purposes of workers compensation.

Popular 2008 Bills Researched in 2009

LEGISLATIVE INTENT SERVICE, INC. publishes a compendium each Fall covering that year’s notable enacted legislation. You can read our current and past Compendium issues anytime at our website at: <http://www.legintent.com/legislation.php>.

Some of the bills that we mentioned in our Compendium for 2008 have proven to be popular for research during this first half of 2009. Foreclosures are of interest this year, which made **SB 1137** addressing *residential mortgage loans and foreclosure procedures*, a likely bill in 2009 to order. Along other financial lines, **SB 1007** relating to *exchange facilitators*, required them to comply with certain bonding and insurance requirements. A detour off the same theme can be found in **SB 1140** on *financial*

abuse of elder or dependent adults, which, among other things, added to the definition of financial abuse the taking, secreting, appropriating, obtaining, or retaining of real or personal property of an elder or dependent adult by undue influence.

Construction contracts *indemnification provisions* were affected by **AB 2738**, which provided for and specified the application of wrap-up insurance policies re residential construction projects and their relationship to indemnification and defense obligations in residential construction projects.

It seems that **AB 2248**, a Trusts and Estates Section of the State Bar bill, generated interest from the probate practice community because of its key provision requiring a *witness to a will to sign the will within the testator’s lifetime*.

SB 375 on *transportation planning*, travel demand models, sustainable communities’ strategy, and environmental review appears to have generated numerous analyses and good size committees file materials for helpful review.

Recent current events will sometimes reveal the need for legislative history research, such as **SB 1627**, relating to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, Suisun, and Monterey, which *revised and recast provisions related to the regulation and licensing of pilots* for these Bays.

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Federal Bills Seek To Strengthen Health and Law Enforcement

Federal bills introduced in this 111th Congress have made news and two pending federal bills are **S.B. 982 (Kennedy)** and **H.R. 1256 (Waxman)**, both addressing regulation of tobacco products and both entitled the “**Family Smoking Prevention and Tobacco Control Act**”. These two bills have passed their respective Senate and House committees’ review. The bills are intended to empower the FDA to regulate the harmful chemical components in tobacco and

cigarette smoke, require agency review of new tobacco products, ban the use of misleading terms such as “light” and “low tar” to suggest that cigarettes are safe, require new, larger health warnings on such packages, and tighten restrictions on marketing and advertising.

Another federal bill that recently made the rounds is **S.B. 797**. North Dakota Senator Bryon Dorgan, as lead author of a bi-partisan group of 13 Senators, introduced the “**Tribal Law and Order Act of 2009**” to “amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country . . .” Senator Dorgan, chair of the U.S. Senate Committee on Indian Affairs, drafted this legislation after he met with Indian Communities and tribal leaders and after holding eight hearings in the 110th Congress

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provides federal legislative research. If you have an interest in the legislative history of these or any other federal bills, please give us a call for a **free quote**. We provide a *free sample* of our federal research at: <http://www.legintent.com/fedsample.php>. Also, we have points and authorities for federal intent *free* at: http://www.legintent.com/pa/fed_guide.pdf.

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