



STATE LEGISLATION
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Last month, we started with the basics of understanding how state legislation works. As a reminder-- An excellent resource for understanding the terminology is located at <http://leginfo.ca.gov/glossary.html>. It's called a "Glossary of Legislative Terms." This excellent resource also gives a description of an Analysis of the Budget Bill, a Call of the House, a Parliamentary Inquiry, and basic knowledge of the legislature. I recommend that you download it and keep it on file. It will come in very handy!

Share this glossary information and state legislation with your club members, maybe via your club newsletter. Help them to understand the legislative process in California.

Now, let's begin with a little humor:

A bus load of politicians were driving down a country road when, all of a sudden, the bus ran off the road, and crashed into a tree in an old farmer's field. The old farmer, after seeing what had happened, went over to investigate. He then proceeded to dig a hole to bury the politicians. A few days later the local Sheriff came out, saw the crashed bus, and asked the old farmer where all the politicians had gone. The old farmer said he had buried them. The Sheriff asked the old farmer, "Were they all dead?" The old farmer replied, "Well, some of them said they weren't, but you know how them there politicians lie."

LEGISLATIVE BILLS

AB 1709 Gallagher (R) Courts: interpreters: deaf or hard of hearing.
STATUS: Active Bill, currently in Assembly Judiciary Committee. Recommend Support.

Court interpreters shall be Court-certified. However, for good cause, a Court may appoint an interpreter who is not Court-certified. When appointing an interpreter who is not Court-certified, the Court shall follow the good cause and qualification procedures and guidelines for uncertified or unregistered spoken language interpreters set forth in Section 68561 of the Government Code and those adopted by the Judicial Council.

SB 811 Gaines (R) Unmanned aircraft systems: correctional facilities.
STATUS: Currently in the Senate Public Safety Committee. Recommend Support.

Section 4577 is added to the Penal Code to read: (a) Except as provided in subdivisions (b), (c), and (d), a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail is guilty of a misdemeanor. (b) This section does not apply to a person employed by the prison who operates the unmanned aircraft system within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation to operate the unmanned aircraft system over the prison. (c) This section does not apply to a person employed by the jail who operates the unmanned aircraft

system within the scope of his or her employment, or a person who receives prior permission from the county sheriff to operate the unmanned aircraft system over the jail. (d) This section does not apply to any entity for which the Federal Aviation Administration has authorized the use of the unmanned aircraft system and the unmanned aircraft system is operated in accordance with the terms and conditions of the authorization.

**AB 1714 Brough (R) Department of Motor Vehicles: services: third-party contracts.
STATUS: Active Bill, pending referral. Recommend Support.**

Existing law authorizes the Department of Motor Vehicles, in conformance with certain provisions in existing law relating to personal services contracts with private parties, to establish contracts for electronic programs that allow qualified private industry partners to join the department to provide title and vehicle registration transactions. Existing law authorizes the department to enter into contractual agreements with 3 specified types of private industry partners for this purpose, and to charge a transaction fee for the information and services provided. This bill would expand the services for which the department would be authorized to establish contracts with private industry partners as described above, to include driver's license renewals, eyesight and hearing tests, and fingerprinting and photography services. The bill would make other technical and conforming changes.

**AB 1682 Mark Stone (D) Confidential settlement agreements.
STATUS: Active Bill, currently in Assembly Judiciary Committee. Recommend Support.**

Existing law prohibits a confidential settlement agreement in a civil action with a factual foundation establishing a cause of action for civil damages for an act that may be prosecuted as a felony sex offense. Existing law provides that the prohibition does not affect the ability of parties to enter into a settlement agreement or stipulated agreement requiring nondisclosure of the amount of money paid in settlement of a claim.

This bill would additionally prohibit a confidential settlement agreement in a civil action with a factual foundation establishing a cause of action for civil damages for an act of childhood sexual abuse or sexual exploitation of a minor, as defined. The bill would repeal the provision specifying that a settlement agreement or stipulated agreement that requires nondisclosure of the amount of money paid in settlement of a claim is not prohibited. The bill would make a confidential settlement agreement, as described in the bill, entered into on or after January 1, 2017, void as a matter of law and against public policy.

The bill would make an attorney who demands such a confidential settlement agreement as a condition of settlement or who advises a client to sign such an agreement subject to professional discipline and would require the State Bar of California to investigate and take appropriate action in cases brought to its attention.

**SB 885 Wolk (D) Construction contracts: indemnity.
STATUS: Currently in the Senate Judiciary Committee. Recommend Oppose.**

Existing law makes specified provisions in construction contracts void and unenforceable, including provisions that purport to indemnify the promisee against liability for damages for

death or bodily injury to persons, injury to property, or any other loss arising from the sole negligence or willful misconduct of the promisee or the promisee's agents who are directly responsible to the promisee, or for defects in design furnished by those persons.

This bill would specify, for construction contracts entered into on or after January 1, 2017, that a design professional, as defined, only has the duty to defend claims that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional.

Under the bill, a design professional would not have a duty to defend claims against any other person or entity arising from a construction project, except that person or entity's reasonable defense costs arising out of the design professional's degree of fault, as specified.

The bill would prohibit waiver of these provisions and would provide that any clause in a contract that requires a design professional to defend claims against other persons or entities is void and unenforceable. The bill would provide Legislative findings and declarations in support of these provisions.

Helpful Links:

<http://senate.ca.gov/> <http://assembly.ca.gov/> <http://leginfo.legislature.ca.gov/>