

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE SEPTEMBER 10, 2013
AMENDED IN SENATE JULY 9, 2013
AMENDED IN ASSEMBLY MAY 1, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1098

Introduced by Assembly Member Gray

February 22, 2013

An act to add Section ~~6126.10 to the Business and Professions Code~~ *12012.63 to the Government Code*, relating to ~~attorneys tribal gaming~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as amended, Gray. ~~Attorneys: practice of law. Tribal gaming: compact ratification.~~

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it

proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Estom Yumeka Maidu Tribe of the Enterprise Rancheria, executed on August 31, 2012. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for purposes of CEQA.

~~Existing law prohibits a person from practicing law in California, or from advertising or holding himself or herself out as practicing law, unless the person is an active member of the State Bar, or otherwise authorized, as specified, to practice law in this state. A violation of these provisions is a crime. Existing law, with specified exceptions, generally defines a legal document assistant as a person who, among other things, provides or assists in providing, for compensation, any self-help service to a member of the public representing himself or herself in a legal matter. Existing law regulates the activities of legal document assistants and requires them to register, as specified. A violation of these provisions is a crime.~~

~~This bill would provide that it is not the practice of law, is not a violation of those provisions prohibiting the unlawful practice of law, does not constitute the activities of a legal document assistant, and does not require registration as a legal document assistant for a person to design, create, publish, assemble, complete, distribute, display, or sell legal products, by means of an Internet Web site or mobile application, if the Internet Web site or mobile application includes a statement that it is not a substitute for an attorney.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 12012.63 is added to the Government*
- 2 *Code, to read:*
- 3 *12012.63. (a) The tribal-state gaming compact entered into*
- 4 *in accordance with the federal Indian Gaming Regulatory Act of*
- 5 *1988 (18 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701*
- 6 *et seq.) between the State of California and the Estom Yumeka*
- 7 *Maidu Tribe of the Enterprise Rancheria, executed on August 31,*
- 8 *2012, is hereby ratified.*

1 (b) (1) In deference to tribal sovereignty, none of the following
2 shall be deemed a project for purposes of the California
3 Environmental Quality Act (Division 13 (commencing with Section
4 21000) of the Public Resources Code):

5 (A) The execution of an amendment to the tribal-state gaming
6 compact ratified by this section.

7 (B) The execution of the tribal-state gaming compact ratified
8 by this section.

9 (C) The execution of an intergovernmental agreement between
10 a tribe and a county or city government negotiated pursuant to
11 the express authority of, or as expressly referenced in, the
12 tribal-state gaming compact ratified by this section.

13 (D) The execution of an intergovernmental agreement between
14 a tribe and the Department of Transportation negotiated pursuant
15 to the express authority of, or as expressly referenced in, the
16 tribal-state gaming compact ratified by this section.

17 (E) The on-reservation impacts of compliance with the terms
18 of the tribal-state gaming compact ratified by this section.

19 (F) The sale of compact assets, as defined in subdivision (a) of
20 Section 63048.6, or the creation of the special purpose trust
21 established pursuant to Section 63048.65.

22 (2) Except as expressly provided herein, this subdivision does
23 not exempt a city, county, or city and county, or the Department
24 of Transportation, from the requirements of the California
25 Environmental Quality Act.

26 ~~SECTION 1. Section 6126.10 is added to the Business and~~
27 ~~Professions Code, to read:~~

28 ~~6126.10. (a) It is not the practice of law, is not a violation of~~
29 ~~this article, does not constitute the activities of a legal document~~
30 ~~assistant pursuant to Chapter 5.5 (commencing with Section 6400),~~
31 ~~and does not require registration as a legal document assistant~~
32 ~~pursuant to Section 6402 for a person to design, create, publish,~~
33 ~~assemble, complete, distribute, display, or sell, by means of an~~
34 ~~Internet Web site or mobile application, legal products, including,~~
35 ~~but not limited to, written material, books, documents, forms, and~~
36 ~~computer software.~~

37 ~~(b) This section shall apply only if the Internet Web site or~~
38 ~~mobile application includes a statement that it is not a substitute~~
39 ~~for an attorney.~~

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