

Leg. Prog.

January 25, 1999

Memorandum 99-1

1999 Legislative Program

This memorandum discusses the status of matters in the Commission's 1999 legislative program. We are not as far along in placing our bills as we should be at this point in the session. There are several reasons for this:

- We have lost the Senate member of the Commission, and a replacement has not yet been appointed.
- The Commission has not yet completed work on all of its recommendations intended for 1999, and was late in completing work on others.
- Legislative bill limits impact our ability to obtain authors for our fairly "technical" recommendations.

The deadline for requesting a bill draft from Legislative Counsel was January 22. We have met this deadline for all of our bills, or possible bills. The deadline for introduction of bills for the 1999 session is February 26.

There follows a list of prospective recommendations in our 1999 legislative program and other matters of interest, and their status. We will update this list with any more current information at the Commission's February meeting.

Continuing Authority to Study Topics

Assembly Member Wayne has agreed to author our annual resolution of authority. This has not yet been drafted or introduced because the Commission has not yet reviewed and determined its topics and priorities for 1999.

Trial Court Unification Followup Legislation

The Senate Judiciary Committee staff is circulating this cleanup legislation to committee members for likely introduction as a committee bill. We may be adding to the bill as problem areas are discovered. The Judicial Council will also have some material for inclusion in the bill.

Health Care Decisions for Adults Without Decisionmaking Capacity

This is our major recommendation for the 1999 session. We are circulating it to potential authors for review.

Effect of Dissolution of Marriage on Nonprobate Transfers

This proposal may require further Commission work due to an unexpected conjunction with spousal support issues in the Legislature.

Administrative Rulemaking

We have two separate recommendations — *Consent Regulations* and *Advisory Interpretations* — that could be combined in a single bill. In the Legislature there are few public lawyers or legislators with an interest in administrative procedure. It may be necessary to hold these proposals for inclusion in an omnibus administrative procedure bill for next session, combined with miscellaneous other revisions of the Administrative Procedure Act. Meanwhile, we continue to seek an author for this session.

Inheritance by Foster Child or Step Child

This recommendation is not of sufficient import that it warrants a stand-alone bill. We are making inquiries whether the State Bar is sponsoring an omnibus probate bill this session, which could be a vehicle for this recommendation. Otherwise, we plan to hold it until the Commission itself has omnibus probate legislation for introduction.

Eminent Domain Valuation Evidence

This recommendation proposes a technical change to clarify Evidence Code Section 822. It does not warrant a stand-alone bill. If the Assembly Judiciary sponsors an omnibus civil practice bill this year, which at this point looks doubtful, we will seek to have this recommendation included in it. Otherwise, we will wait until we have a critical mass of recommendations in the eminent domain area and combine them all in one bill.

Uniform Principal and Income Act

The Commission has not yet completed work on this project, so we have not been able to place it. However, we are making inquiries now as to possible authorship.

Confidentiality of Settlement Negotiations

The Commission has not yet completed work on this project; its prospects for approval at the Commission's February meeting are not clear. If we do not

approve a recommendation at the February meeting, it is likely we will be unable to include this matter in the 1999 legislative program.

Environment Code

The Commission has decided not to propose legislation on this matter for 1999, but to seek legislative feedback on it via a committee hearing early in 1999. Commissioner Wayne is organizing this, but indicates it will not be possible to get a hearing before the Commission's February meeting.

Governor's Budget [AB 135 (Ducheny); SB 160 (Peace)]

The proposed Governor's Budget for 1999-00, announced in January, includes an increase of \$10,000 in the Commission's budget that we had requested. The increase is necessary to cover a shortfall in our operating expense allowance. In the past we have covered the shortfall out of personnel funds, but we are no longer able to do that because of increased personnel expenses resulting from staff advancement.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary