

Memorandum 72-9

Subject: Study 39.70 - Schedule for Prejudgment Attachment Bill

Introduction

In connection with our work on the prejudgment attachment study, we have just learned that bills must be in the office of the Legislative Counsel not later than March 8, 1972 (before our March meeting) and must actually be introduced by March 15, 1972. See Joint Rules for 1972 Session (ACR No. 1, Rule 8.3)(not yet adopted). These new, shorter deadlines will allow less time than we had planned to prepare a bill relating to prejudgment attachment for introduction. A bill can be introduced after the deadline only if it is approved by the Rules Committee and authorized by a two-thirds vote of the members of the Assembly or Senate.

If we are to meet these deadlines established by the Legislature, a draft of a bill must be approved for introduction at the Commission's February meeting. Needed revisions in the staff draft to reflect changes made at the February meeting must be made and a new typed draft prepared within approximately 10 days after the February meeting, and the draft must then immediately be delivered to the office of the Legislative Counsel in Sacramento.

At the March meeting, the Commission will need to review the bill as introduced and make any needed changes. The bill can then be amended to include these changes before it is heard by committee.

There probably will still be time at the April meeting to correct minor technical defects in the bill.

Passage of Bill

It is entirely possible that the Legislature will adjourn about July 1. SCR 3 has been introduced to provide for adjournment on June 30, 1972, and I believe that the various pressures on the Legislature are so strong that the session will probably end about that time.

If the session is going to be as short as it now appears, it will be a difficult task to obtain enactment of complex bills introduced on the last day for introduction of bills. Accordingly, the bill must quickly be put into final shape, hopefully at the March meeting, so that its passage will not be delayed by technical defects or frequent amendments.

Printed Report

After the March meeting, the Commission will need to prepare and perfect the Comments to the various sections of the proposed legislation. This task should be accomplished very early in April.

A preliminary portion of the recommendation explaining what the problems are under existing law and how the recommended legislation will solve these problems should be prepared and be available early in April.

The staff will attempt to work out some procedure whereby the recommendation and Comments can be made available to all interested persons in printed form sometime before the session ends. It probably will be necessary to publish this report in typewritten form.

Quality of product. Even if we are able to meet the schedule outlined above, it is obvious that we will not be able to give this study the thorough, reflective consideration that we generally attempt to provide. The Commission may wish to reconsider whether this deviation from our usual course is merited in the present circumstances.

Respectfully submitted,

John H. DeMouilly
Executive Secretary