

Leg. Prog.

February 15, 1996

Memorandum 96-8

1996 Legislative Program: Status of Bills

Attached to this memorandum is a chart showing the status of the Commission's 1996 legislative program. The staff will update the chart orally at the February 22 meeting in case of any new developments.

The Commission should be aware of the following additional information.

Administrative Adjudication Followup

The administrative adjudication followup legislation is SB 794 (Kopp). It has passed the Senate and is awaiting action in the Assembly. The staff is proposing a few additions to the bill. See Memorandum 96-19, scheduled for consideration at the February meeting. If the additions are made in the Assembly, it will require the bill to be returned to the Senate for concurrence.

Homestead Exemption

The recommendation to repeal the declared homestead is embodied in SB 1368 (Kopp). We need to complete work on the proceeds exemption issue before we can start moving the bill. See Memorandum 96-9, scheduled for consideration at the February meeting.

Miscellaneous Probate Matters

Two minor probate recommendations — statute of limitations in trust matters and inheritance involving out of wedlock child — will be bundled with miscellaneous State Bar probate proposals. The prospective bill author is Assembly Member Howard Kaloogian. However, the bill has not yet been introduced.

Repeal of Civil Code 1464

The proposed repeal of Civil Code Section 1464 — the First Rule in Spencer's Case — has not been introduced. It does not merit its own bill — it should be packaged with some other real property law matter. Senate Judiciary Committee staff informs us that the Committee will not have an omnibus Civil Code bill this year. However, the Civil Code Section 1464 proposal could be combined with the

obsolete restriction proposal (when we complete work on it), and Senator Calderon is interested as a possible author for that package next session. In light of this information, the staff plans to hold the proposed Civil Code Section 1464 repeal for next session.

Tolling Statute of Limitations When Decedent Is Out of State

The proposal to repeal Code of Civil Procedure Section 351, which tolls the statute of limitations when the defendant is out of state, has not yet been introduced. Senate Judiciary Committee will not have an omnibus civil practice bill this year. The Assembly Judiciary Committee has had substantial turnover in membership and staff, but may sponsor a civil practice bill nonetheless. The bill introduction deadline is rapidly approaching. Senator Kopp's office informs us that Senator Kopp will be carrying a civil practice bill, and that bill could include this proposal should the need arise. We should be able to resolve the placement of the proposal by the end of next week.

Trial Court Unification

Senator Lockyer's SCA 4 on trial court unification is still pending in the Legislature. It has been amended to provide that the municipal and superior courts in a county shall be unified on a vote of a majority of the superior court judges and a majority of the municipal court judges in the county. The measure would go on the November 1996 ballot, and would be immediately effective.

The measure is not self-sufficient in its present form but will require implementing legislation. If the Legislature approves the measure in its present form, the Legislature may look to the Commission for help in putting together "band-aid" or stop-gap legislation this session that will allow unification to go forward pending a more thorough statutory revision.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

STATUS OF 1996 COMMISSION LEGISLATIVE PROGRAM
(as of February 15, 1996)

SB 392 (Sen. Judic. Comm.): Probate Committee Bill (collecting small estate without administration) SB 794 (Kopp): Administrative Adjudication Followup SB 1033 (Sen. Judic. Comm.) Family Law Committee Bill (Family Code corrective amendment) SB 1368 (Kopp): Homestead Exemption	SCR 43 (Kopp): Continuing Authority to Study Topics (adds study of contract law) AB **** : Probate Omnibus Bill (statute of limitations in trust matters; inheritance involving out of wedlock child) Repeal of Civil Code 1464 Tolling Statute of Limitations
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Bill Status		SB 392	SB 794	SB 1033	SB 1368	SCR 43	AB ****
Introduced		1995	1995	1995	Jan 3	Jan 3	
Last Amended		Jan 12	Jan 22	Jan 23			
First House	Policy Committee	Jan 17	Jan 16/17	Jan 22			
	Fiscal Committee	—	Jan 29	—	—		
	Passed House	Jan 25	Jan 31	Jan 25			
Second House	Policy Committee						
	Fiscal Committee	—		—	—		
	Passed House						
Concurrence							
Governor	Received					—	
	Approved					—	
Chaptered by							
Secretary of State	Date						
	Chapter #						

• Unless otherwise noted, all dates are in 1996 [date]: scheduled —: not applicable