

Leg. Prog.

May 3, 1996

## Memorandum 96-29

### 1996 Legislative Program: Status of Bills

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Attached to this memorandum is a chart showing the status of the Commission's 1996 legislative program. The staff will update this material at the meeting.

The Commission should be aware of the following additional information.

#### **Reorganization of Environmental Statutes**

The Senate Judiciary Committee approved the Commission's annual resolution of authority (SCR 43) with the addition of the following new topic:

Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between statutes, and eliminate obsolete and unnecessarily duplicative statutes.

This topic was added at the request of the President Pro Tem of the Senate, Bill Lockyer, following discussions between his office and business leaders to the effect that something needs to be done about the proliferation of environmental regulation statutes.

Although the language of this resolution is quite broad, it is our understanding based on discussions with Senator Lockyer's office that the object of the study is basically a nonsubstantive consolidation of existing statutes, and that the Commission would have broad discretion to determine the scope of the reorganization, including exclusion of statutes or topics from the reorganization as the Commission concludes is appropriate.

In this connection, the Assembly Committee on Environmental Safety and Toxic Materials has introduced a spot bill (AB 3477) which states:

It is the intent of the Legislature, by enactment of this act, to establish a single unified code of environmental protection statutes, which would replace existing environmental protection statutes in the various codes, that would be administered by a single environmental protection agency.

Also, Commissioner Skaggs has brought to our attention a draft report on “Unifying California’s Environmental Quality Statutes”. This report is being developed by a blue ribbon commission established by Cal/EPA pursuant to Governor Wilson’s 1994 State of the State initiative to develop and consider proposals for consolidating California’s environmental statutes into a comprehensive, unified environmental statute.

### **Uniform Statutory Rule Against Perpetuities**

In a recent Daily Journal article, a Glendale attorney questions whether the common law rule against perpetuities might now apply to commercial transactions, albeit inadvertently. Of course, the answer is “no” and the intent of the law is clear, as expressed in the Commission’s recommendation and Comments and in the Uniform Statutory Rule Against Perpetuities and its comments. See *Recommendation Relating to Uniform Statutory Rule Against Perpetuities*, 20 Cal. L. Revision Comm’n Reports 2501 (1990). See also *Shaver v. Clanton*, 26 Cal. App. 4th 568, 31 Cal. Rptr. 2d 595 (1994).

While the staff finds the newspaper article unconvincing and its conclusion unfounded, it raises a minor technical issue that could confuse others if not corrected. The correction may be simply made by changing a reference to “chapter” to “Article 2” to direct the exclusionary rule of Probate Code Section 21225 at the heart of the statutory rule against perpetuities. This is also consistent with the structure of the uniform act.

The staff has brought this matter to the attention of the Senate Judiciary Committee, which may include corrective language in its currently pending probate bill (SB 392).

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary

# STATUS OF 1996 COMMISSION LEGISLATIVE PROGRAM

(as of May 3, 1996)

SB 197 (Kopp): Homestead Exemption  
 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 1510 (Kopp): Tolling Statute of Limitations  
 SCR 43 (Kopp): Continuing Authority to Study Topics  
 (adds study of contract law)  
 AB 2751 (Kaloogian): Probate Omnibus Bill  
 (statute of limitations in trust matters;  
 inheritance involving out of wedlock child)

Bill Status	SB 197	SB 392	SB 794	SB 1033	SB 1510	SCR 43	AB 2751
Introduced	1995	1995	1995	1995	Feb 13	Jan 3	Feb 22
Last Amended	Apr 25	Jan 12	Mar 20	Jan 23		Apr 25	
First House	Policy Committee	Jan 17	Jan 16/17	Jan 22	[May 7]	Apr 23	Mar 27
	Fiscal Committee	—	Jan 29	—	—	[May 13]	—
	Passed House	Jan 25	Jan 31	Jan 25			Apr 22
Second House	Policy Committee						
	Fiscal Committee	—		—	—		—
	Passed House						
Concurrence							
Governor	Received					—	
	Approved					—	
Chapered by Secretary of State	Date						
	Chapter #						

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