Memorandum 96-46

1996 Legislative Program: Status of Bills

Attached to this memorandum is a chart showing the status of the Commission's 1996 legislative program. We will update this chart at the meeting. The demise of SB 197 (homestead exemption) is discussed separately in the First Supplement to Memorandum 96-46.

The Commission should be aware of the following additional matters.

SB 1400 (Monteith) — Scientific Evidence in Administrative Proceedings

Senate Bill 1400 (Monteith) would have provided:

> To the extent feasible using existing budgetary resources, the California Law Revision Commission shall study the scope and effectiveness of existing law regarding the ability of parties to present evidence, in adjudicatory hearings and in judicial proceedings reviewing writs of mandamus, challenging the scientific reliability and validity of scientific tests which are required to be conducted by a regulation at issue in the hearing or proceeding. Upon completion of the study, on or before January 31, 1997, if feasible, the California Law Revision Commission shall make recommendations to the Legislature regarding any changes to existing law related to this issue which it deems appropriate.

The author's office has informed us that the sponsor of this measure, the California Trucking Association (CTA), no longer seeks to pursue this matter, and they will not be moving the bill towards enactment. We understand that CTA may be currently involved in litigation which they hope will yield the result they desire.

The Commission has authority to study this matter apart from the bill. However, we would not pursue it. The staff's initial analysis indicates existing law is satisfactory, and our tentative recommendation on judicial review of agency action is consistent with existing law.

SCA 4 (Lockyer) — Trial Court Unification

This measure is still pending in the Assembly. It has passed the Assembly Judiciary Committee. In its current form it would amend the Constitution to allow unification on a county by county basis, on a vote of a majority of the superior court judges and a majority of the municipal court judges in the county. It would become effective immediately on passage at the November general election.

SCR 43 (Kopp) — Annual Resolution of Authority

This measure is pending on the Assembly floor, and would add authority to consolidate the environmental statutes. Assemblyman Ackerman is checking with key Assembly players in this field to make sure there is agreement in the Assembly that this is a project that the Commission should do.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

STATUS OF 1996 COMMISSION LEGISLATIVE PROGRAM
(as of July 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): Civil Procedure Omnibus Bill
(tolling statute of limitations; trial court delay
reduction)

SCR 43 (Kopp): Continuing Authority to Study Topics
(adds studies of contract law, consolidation of
environmental statutes)

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		June 26	June 10	[June 28]	July 1	May 28	Apr 25	June 13
First House	Policy Committee	Dead	Jan 17	Jan 16/17	Jan 22	May 21	Apr 23	Mar 27
	Fiscal Committee		—	Jan 29	—	—	May 13	—
	Passed House		Jan 25	Jan 31	Jan 25	May 29	May 24	Apr 22
Second House	Policy Committee		[Aug 7]	June 18	July 1	[July 10]	June 19	July 1
	Fiscal Committee		—	July 3		—	July 3	—
	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*