

Legis. Prog.

July 7, 2000

Memorandum 2000-46

2000 Legislative Program (Status of Bills)

Attached is a chart showing the current status of bills in the Commission's 2000 legislative program. We will update the chart orally at the meeting. This memorandum presents supplemental information concerning some of the proposals.

AB 321 (Wildman): Eminent Domain Valuation Evidence. This recommendation would clarify obscure language in Evidence Code Section 822(a)(1). The bill was introduced last year and has passed both houses; it is pending concurrence in the Assembly. The bill is hung up on an unrelated matter. Assemblyman Wildman's office has indicated they intend to proceed with the Commission's part of the bill, whether or not they are able to work out the disputed matter.

AB 1669 (Assembly Judiciary Committee): The Assembly Judiciary Committee agreed to carry three Commission recommendations in its omnibus civil practice bill:

- (1) Authority to Appoint Receivers
- (2) Jurisdictional Classification of Good Faith Improver Claims
- (3) Compensation for Loss of Business Goodwill in Eminent Domain

Despite the generally technical nature of these recommendations, the Senate Judiciary Committee deemed several of them too substantive to go into an omnibus bill that will be on the consent calendar. The proposals on receivers and business goodwill were removed from the bill before it was heard in Senate Judiciary Committee.

We will look for appropriate vehicles for these proposals next session. We may have a miscellaneous trial court unification bill that the receivers recommendation can go into, and a miscellaneous eminent domain bill that the business goodwill recommendation can go into.

SB 2140 (Burton): Trial Court Employees. This bill was amended June 22 to add the following provision:

71674. The California Law Revision Commission shall conduct a study of the provisions in Article 9 (commencing with Section 69941), Article 10 (commencing with Section 69990), Article 11 (commencing with Section 70040), Article 12 (commencing with Section 70100), and Article 13 (commencing with Section 70140) of Chapter 5 of this title, in Chapter 6 (commencing with Section 71001) of this title, and in Chapter 8 (commencing with Section 72000), Chapter 9 (commencing with Section 72600), and Chapter 10 (commencing with Section 73330) of this title to determine whether any of those provisions are obsolete as a result of the enactment of this chapter, the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850 of the Statutes of 1997), the implementation trial court unification, or for any other reason, and shall recommend to the Legislature any amendments to remove those obsolete provisions. The commission shall report its recommendations to the Legislature, including any proposed statutory changes, on or before January 1, 2002.

The story behind this provision is that it came out of negotiations between employee unions and the Administrative Office of the Courts over labor and staffing issues arising out of trial court unification. Employees are constitutionally and statutorily protected in their employment rights through unification, until a new personnel plan has been approved and adopted. Inconsistent statutes are superseded by the new personnel plan. Gov't Code § 70215.

Originally, it was conceived that the Judicial Council would be charged with cleaning obsolete county-specific statutes out of the codes. *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 84-85 (1998). However, through negotiations it was concluded that a neutral body — the Law Revision Commission — should be charged with reviewing the statutes to make sure that no important protections would be lost in the process of cleaning out apparently obsolete statutes.

If this bill is enacted, it will be a substantial undertaking for the Commission's staff. (It should require relatively little Commission time. It will involve mainly checking with the relevant parties and reviewing the agreements in effect in each county.) The body of statutes to be reviewed and dealt with occupy about one and a half volumes of the annotated codes. The legislation does not currently include an urgency clause, so it would not take effect until January 1, 2001. This would allow the Commission one year to complete the task.

The bill is currently pending in the Assembly Appropriations Committee. If this legislation becomes law, the staff will propose a method of proceeding on the project.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

Status of 2000 Commission Legislative Program

As of July 7, 2000

	AB 321	AB 1358	AB 1491	AB 1822	AB 2939	AB 1669	SB 1487	Budget
	1999	1999	1999	Feb 3	Mar 28	1999	Feb 11	Jan 10
Introduced	8/24/99	Jun 21	Apr 4	Jun 7	Jul 5	Jul 5		May 30
Last Amended	5/11/99	—	—	Apr 11	May 8	Jan 11	Mar 14	Apr 25
Policy Committee	—	—	—	May 3	—	—	Mar 23	May 23
Fiscal Committee	6/4/99	—	—	May 11	May 22	Jan 14	Apr 3	May 26
Passed House	8/17/99	Jun 20	Mar 28	Jun 13	Jul 5	Jul 5	June 13	Mar 2
Policy Committee	—	*Aug 9	—	Jun 27	—	—	Jun 28	May 2
Fiscal Committee	8/26/99	—	Apr 13	—	—	—	Jul 6	May 8
Passed House			Apr 24				—	Jun 22
Concurrence			Apr 26					Jun 28
Governor			May 5					Jun 30
Received			May 5					Jun 30
Approved			May 5					Jun 30
Secretary of State			17					Jun 30
Date								52
Chapter #								

Index: AB 321 (Wildman): Eminent Domain Valuation Evidence
 AB 1358 (Assembly Judiciary): *includes* Family Code Enforcement
 AB 1491 (Kaloogian): *includes* Alternate Distributees
 AB 1669 (Assembly Judiciary): *includes* Jurisdictional Classification of Good Faith Improver Claims
 AB 1822 (Wayne): Administrative Rulemaking
 AB 2939 (Assembly Natural Resources): Air Resources Technical Revs.

SB 1370 (Ortiz): Settlement Negotiations [Not set for hearing: Dead]
 SB 1487 (Knight): Trout Affidavit

Budget: AB 1740 and SB 1344

KEY

Italics: Future or speculative
 "—": Not applicable