

Leg. Prog.

May 9, 2001

Memorandum 2001-38**Legislative Program: Status of Bills**

Attached to this memorandum is a chart showing the status of bills in the Commission's 2001 legislative program. We will update the chart orally at the meeting. This memorandum provides additional information concerning some of the bills.

AB 223 (Frommer) – Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases

The joint Law Revision Commission and Judicial Council recommendations will be amended into this bill in the Senate. If any of the joint recommendations proves controversial, it will be amended out and treated separately.

AB 237 (Papan) – Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain

See Memorandum 2001-48 for discussion.

AB 873 (Harman) – Estate Planning and Dissolution of Marriage

See Memorandum 2001-39 for discussion.

SB 561 (Morrow) – Administrative Rulemaking Cleanup

The bill harmonizes the requirements of two similar, but not identical, provisions (Government Code Sections 11340.8 and 11340.85) by repealing one and amending the other to include provisions unique to the repealed section. The staff of the Senate Judiciary Committee expressed concern that minor differences in phrasing between the two sections might result in substantive differences. The bill was amended to address this concern. These were nonsubstantive changes and no change to the Commission Comments is required.

The bill was also amended to make a change previously approved by the Commission — the definition of “public notice” was deleted from Government Code Section 11340.85(c)(1). The staff of the Senate Judiciary Committee expressed concern that the change might be confusing and suggested that the Commission Comment be revised as follows:

Comment. Section 11340.85 is amended to harmonize its requirements with those of former Section 11340.8.

Subdivision (b)(4) is amended to provide that agencies are required to accept comments by facsimile or electronic mail. The mandatory aspect of this rule is drawn from former Section 11340.8(a). Subdivision (b)(5) makes clear that an agency is not required to accept rulemaking petitions by facsimile or electronic mail.

Subdivision (c)(1) is amended to improve its clarity. This is a nonsubstantive change. Provisions requiring a “public notice” as defined in paragraph (1) include Sections 11346.4 (notice of proposed action), 11346.8(a) (notice of hearing), 11346.8(b) (notice of continuance or postponement of hearing), and Section 44 of Title 1 of the California Code of Regulations (notice of changes to proposed regulation).

Subdivision (c)(6)-(9) continues former Section 11340.8(b)(6)-(9) without substantive change.

Subdivision (f) continues the introductory statement of intent in former Section 11340.8 without substantive change.

The added sentence is drawn from the Commission Comment to Section 11340.85(c)(1), added by AB 1822 (Wayne) (2000). The staff agreed to the change.

As a consequence of making the changes proposed by the Judiciary Committee staff, the bill was approved on the committee’s consent calendar.

SB 562 (Morrow) – Civil Procedure Technical Corrections

See Memorandum 2001-40 for discussion.

SB 563 (Morrow) – Rulemaking Under Penal Code Section 5058

The bill was amended to correct typographical errors. No change to the Commission Comments is necessary.

SCR 13 (Morrow) – Resolution of Authority

The Commission’s resolution of authority was approved by the Senate Appropriations Committee, but placed on its suspense file pending adoption of the Commission’s budget.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

Status of 2001 Commission Legislative Program

As of May 9, 2001

		AB 223	AB 237	AB 873	AB 1103	AB 1278	SB 153	SB 561	SB 562	SB 563	SCR 13
	Introduced	Feb 13	May 2	Feb 22	Feb 23	Feb 23	Jan 30	Feb 22	Feb 22	Feb 22	Feb 14
	Last Amended	Apr 16	May 7	Apr 17	Apr 5	Apr 5		Apr 30	Apr 16		Apr 3
First House	Policy Committee	Apr 3	May 2	Apr 3	May 2	Apr 17	Apr 3	May 1	Apr 17	Apr 17	Mar 27
	Fiscal Committee	May 2	—		—	—	—	—	—	May 7	Apr 30
	Passed House					Apr 19	Apr 16		Apr 26		
Second House	Policy Committee										
	Fiscal Committee		—		—	—	—	—	—		
	Passed House										
Concurrence											
Governor	Received										
	Approved										
Secretary of State	Date										
	Chapter #										

- Bill List:** AB 223 (Frommer) — Unnecessary procedural differences between limited and unlimited civil cases [not yet in bill as of April 16 amendments]
 AB 237 (Papan) — Early disclosure of valuation data and resolution of issues in eminent domain
 AB 873 (Harman) — Estate planning during marital dissolution
 AB 1103 (Papan) — Law library board in unified court
 AB 1278 (Wayne) — Health Care Decisions Law miscellaneous revisions

KEY

Italics: Future or speculative
 “—”: Not applicable

- SB 153 (Knight) — Expired pilot projects
 SB 561 (Morrow) — Administrative rulemaking cleanup
 SB 562 (Morrow) — Civil procedure: technical corrections, appointment of receiver, stay of mechanic’s lien enforcement pending arbitration
 SB 563 (Morrow) — Rulemaking under Penal Code Section 5058
 SCR 13 (Morrow) — Resolution of authority