

## Memorandum 2001-57

**AB 1103 (Papan): Law Library Board of Trustees**

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Assembly Bill 1103 (Papan) would implement the Commission's recommendation on *Law Library Board of Trustees*, 30 Cal. L. Revision Comm'n Reports 429 (2000). The bill passed the Assembly on the consent calendar and went to the Senate, where it was referred to the Senate Judiciary Committee. As recommended by the Commission, the bill proposed to amend Business and Professions Code Section 6301.5 to read:

6301.5. In any county where there are no more than three judges of the superior court, the board of supervisors, with the **concurrence** of the judges of the superior court, may reduce the number of law library trustees to not less than three members.

(Emphasis added.)

Before the hearing in the Senate Judiciary Committee, the consultant analyzing the bill questioned whether this provision would require unanimous concurrence of the superior court judges, or only concurrence of a majority. Based on a review of statutes requiring "concurrence" of a group, as well as general principles of majority-rule, the staff took the position that

- The provision would require concurrence of a majority of the superior court judges.
- It was not necessary to make this explicit.
- If the committee considered clarification necessary, the provision should require "concurrence of a majority of the incumbent judges of the superior court ... ." By referring to "incumbent" judges, the provision would address the possibility of judicial vacancies.

At the hearing, it became clear that the Chair of the Committee believed that the bill should be amended to specify the type of concurrence required. The author therefore agreed to the following amendment:

6301.5. In any county where there are no more than three judges of the superior court, the board of supervisors, with the concurrence of the a majority of the incumbent judges of the

superior court, may reduce the number of law library trustees to not less than three members.

The committee unanimously passed the bill as amended. The bill is now pending on the Senate floor. If it passes the Senate, it will be sent back to the Assembly for concurrence. **The Commission should ratify the amendment accepted in the Senate Judiciary Committee.**

Respectfully submitted,

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