

Legis. Prog.

October 1, 2002

**Memorandum 2002-51****2002 Legislative Program (Final Report)**

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Attached to this memorandum is a chart showing the final status of bills in the Commission's 2002 legislative program. Exhibit p. 1. This memorandum presents additional information concerning a few matters.

**COMMISSION RECOMMENDATIONS****AB 568 (Dutra) — Double Liability Problem in Home Improvement Contracts**

The bill as amended, while preserving the basic concept of the Commission's recommendation, departed from the original recommendation in a number of significant details. The amended bill was not brought to a hearing in Senate Judiciary Committee, in the face of strong opposition from stakeholders. The Commission should decide whether to resubmit its original recommendation next session.

**ACA 15 (Wayne) — Trial Court Restructuring (Constitutional Amendment)**

The measure appears on the November ballot as Proposition 48. We should know the outcome of the vote on the measure by the time of the November meeting.

**SB 1316 (Senate Judiciary Committee) — Trial Court Restructuring (Statutory Revision)**

The bill was amended late in the session to preserve existing law concerning the Merced County Marshal, due to late-surfacing concerns expressed by the County of Merced. Comment revisions to reflect the amendment are set out at Exhibit pp. 2-3. We have sent a draft of the revised Comments to the law publishers, subject to Commission ratification of the Comment revisions. (We will assume Commission ratification, absent a question being raised at the meeting.)

In the last days of the session an unrelated bill (AB 2928) was converted into a vehicle to allow the Merced County Board of Supervisors to abolish the marshal's office. The bill has been enacted. 2002 Cal. Stat. ch. 1072.

ALSO OF INTEREST

**ACR 125 (Papan) — Protection of Personal Information**

ACR 125 directs the Commission, by January 1, 2005, to study, report on, and prepare recommended legislation concerning the protection of personal information relating to or arising out of financial transactions. The resolution has been approved by the Legislature. See 2002 Cal. Stat. res. ch. 167. The measure makes the study contingent on funding in the 2002-03 budget. The funds for this project have been appropriated. 2002 Cal. Stat. ch. 1127, § 22.

For further information about this measure, see the First Supplement to Memorandum 2002-38 (new topics and priorities), scheduled for consideration at the November 2002 Commission meeting.

**SCR 81 (Machado) — Uniform Money Services Act**

SCR 81 would have directed the Commission, through existing resources, to study and make recommendations to the Legislature concerning the advisability of California consolidating and revising its licensing laws governing money transmission, sales and issuance of payment instruments, sales and issuance of traveler's checks, check cashing, and currency exchange, into a single law similar to the Uniform Money Services Act. The measure died in Assembly Appropriations Committee.

**AB 2238 (Dickerson) — Public Safety Officials Home Protection Act**

This bill requires a report on privacy protection of public safety officials' home information. At one point the Commission was identified to do the report, but the time allowed was insufficient. As enacted the bill instead establishes a task force, chaired by the Attorney General, that does not include the Commission. See 2002 Cal. Stat. ch. 621.

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary

# Status of 2002 Commission Legislative Program

As of September 23, 2002

		AB 568	AB 1770	AB 1784	AB 1857	ACA 15	ACR 123	SB 1316	SB 1322	SB 1323	SB 1371	SB 2061
	<b>Introduced</b>	2/21/01	Jan 9	Jan 14	Jan 30	Jan 7	Jan 7	Jan 24	Jan 28	Jan 29	Feb 7	Feb 22
	<b>Last Amended</b>	May 28	—	Apr 30	Jun 12	Apr 2	—	Aug 19	Mar 13	Mar 7	—	Apr 29
<b>First House</b>	Policy Committee	—	Apr 2	May 7	Apr 9	Apr 9	Apr 9	Apr 23	Mar 19	Mar 20	Mar 19	May 7
	Fiscal Committee	—	—	—	Apr 24	Apr 30*	May 8	May 13	—	—	—	—
	Passed House	—	Apr 4	May 16	May 2	May 9	May 16	May 23	Apr 4	Apr 4	Apr 4	May 16
<b>Second House</b>	Policy Committee	dead	Jun 4	Jun 18	Jun 18	Jun 11	Jun 18	Jun 11	Jun 4	Jun 5	Jun 4	Jun 4
	Fiscal Committee	—	—	—	Aug 5	Jun 24*	Aug 5	Aug 7	—	—	—	—
	Passed House	—	Aug 12	Jun 27	Aug 12	Jun 27	Aug 27	Aug 21	Jun 10	Jun 13	Jun 10	Jun 10
<b>Concurrence &amp; Enrollment</b>		—	Aug 12	Jun 27	Aug 15	Jun 27	Aug 27	Aug 29	Jun 10	Jun 13	Jun 10	Jun 10
<b>Governor</b>	Received	—	Aug 16	Jul 3	Aug 22	—	—	Sep 3	Jun 12	Jun 17	Jun 12	Jun 12
	Approved	—	Aug 28	Jul 10	Sep 5	—	—	Sep 21	Jun 21	Jun 28	Jun 21	Jun 21
<b>Secretary of State</b>	Date	—	Aug 28	Jul 11	Sep 6	Jun 27	Sep 16	Sep 22	Jun 21	Jun 30	Jun 21	Jun 21
	Chapter #	—	293	138	389	Res 88	Res 166	784	68	94	71	72

**Bill List:** AB 568 (Dutra): Double Liability Problem in Home Improvement Contracts  
 AB 1770 (Papan): Evidence of Prejudgment Deposit Appraisal in Eminent Domain  
 AB 1784 (Harman): Rules of Construction for Trusts and Other Instruments  
 AB 1857 (Wayne): Administrative Rulemaking Refinements

SB 1316 (Senate Judiciary Committee): Trial Court Restructuring (Statutory Revision)  
 SB 1322 (Ackerman): Debtor-Creditor Technical Revisions  
 SB 1323 (Ackerman): Municipal Bankruptcy  
 SB 1371 (Morrow): Cases in Which Court Reporter Is Required  
 SB 2061 (Morrow): Electronic Communications and Evidentiary Privileges

ACA 15 (Wayne): Trial Court Restructuring (Constitutional Amendment)  
 ACR 123 (Wayne): Resolution of Authority

**Also of Interest:**

ACR 125 (Papan): Protection of Personal Information [Res. Ch. 167]  
 SCR 81 (Machado): Uniform Money Services Act

KEY

*Italics:* Future or speculative  
 “—”: Not applicable  
 \*: Double referral, not fiscal  
 [date]: Deadline

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Exhibit

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**Gov't Code § 69916 (added). Marshal of Merced County Superior Court**

**Comment.** The first sentence of Section 69916 continues the first sentence of the first paragraph of former Section 73796, replacing a reference to the municipal court with a reference to the superior court.

The second sentence continues the second paragraph of former Section 73796, omitting a reference to the municipal court as obsolete.

For provisions relating to restatements and continuations of existing law, see Section 2. For disposition of the provisions of former Section 73796 that are not continued, see the Comment to former Article 12.5 (commencing with former Section 73790).

**Gov't Code §§ 71180-71184 (repealed). Filling of vacancies**

**Comment.** Sections 71180-71184 are repealed to reflect:

(1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. For election and terms of superior court judges, see Cal. Const. art. VI, § 16. For notification of judges' retirement systems on death, removal, or resignation of a superior court judge, see Section 68504; see also Sections 75025 (notice of retirement), 75033.5 (notice and election of retirement).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71601(l) ("trial court employee" defined), 71615(c)(5) (trial court as employer of all trial court employees), 71620(a) (job classifications and appointments), 71623 (salaries), 71640-71645 (employment selection and advancement), 71673 (authority of court). ~~Cf. Section 69916 Merced County marshal.~~ For provisions relating to the appointment of county employees, see Cal. Const. art. XI, §§ 1(b) and 4 (county governing board shall provide for the number, compensation, tenure, and appointment of employees), and Section 25300 (board of supervisors shall provide for the appointment of county employees). See also Sections 77212(d) (contract for county services), 77212.5 (agreement with sheriff's department regarding court security services).

**Gov't Code §§ 73790-73802 (repealed). Merced County Municipal Court**

**Comment.** Sections 73790-73802 are repealed to reflect:

(1) Unification of the municipal and superior courts in Merced County pursuant to Article VI, Section 5(e), of the California Constitution, effective August 3, 1998. See Section 70211 (former municipal court judgeships continued as superior court judgeships); Cal. Const. art. VI, § 23(c)(2) and Section 70212(b) (preexisting court locations retained as superior court locations). See also Section 69589 (number of judges in Merced County), ~~69916 (Marshal of Merced County Superior Court)~~; Code Civ. Proc. §§ 38 (judicial district), 190 *et seq.* (jury selection). *Cf.* Sections 71042.5 (preservation of judicial districts for purpose of publication), 71265 (marshals' powers, duties, and liabilities).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71601(l) ("trial court employee" defined), 71615(c)(1) (preservation of employees' job classifications), 71615(c)(5) (trial court as employer of all trial court employees), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court). For provisions

governing the employment and compensation of county employees, see Cal. Const. art. XI, §§ 1(b) and 4 (county governing board shall provide for the number, compensation, tenure, and appointment of employees) and Section 25300 (board of supervisors shall provide for the number, compensation, tenure and appointment of county employees). See also Section 69941 (appointment of official reporters).

(3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also Section 68073 (responsibility for court operations and facilities).

**Gov’t Code § 73796. Marshal of Merced County Municipal Court**

**Comment.** Section 73796 continues former Section 73796 without change. For provisions relating to restatements and continuations of existing law, see Section 2.