

Legis. Prog.

January 30, 2004

Memorandum 2004-2

2004 Legislative Program

This memorandum reviews the Commission's 2004 legislative program. If any significant event occurs between the time of issuance of the memorandum and the time of the Commission meeting, we will update the memorandum orally at the meeting.

The Legislative Counsel's bill request deadline was January 23. The bill introduction deadline is February 20.

RECOMMENDATIONS

AB 1836 (Harman) — Alternative Dispute Resolution in Common Interest Developments

Assembly Member Harman has introduced this Commission recommendation.

SB 111 (Knight) — Obsolete Reporting Requirements

This Commission recommendation was introduced in 2003, but the Legislature did not act on it last year due to legislative deadlines. In January 2004 the bill was approved by the Senate and sent to the Assembly for its review.

Architectural Review and Decisionmaking

The Commission has circulated a tentative recommendation on this matter as a followup to legislation that was not enacted in 2003. The author of the 2003 legislation, Assembly Member Bates, may be interested in carrying the followup proposal if the Commission is able to finalize an acceptable recommendation in a timely fashion. The Legislative Counsel's bill request deadline has been satisfied. The Commission has the matter on its agenda for the February 6 meeting. See Memorandum 2004-5.

Authority of Court Commissioner

We have not yet arranged an author for this technical recommendation. We anticipate we will be able to combine it with a technical cleanup of the

subordinate judicial officer statute that was chaptered out of the Commission's recommendation on statutes made obsolete by trial court restructuring last year. (A provision is "chaptered out" when it is enacted but there is later enacted legislation the same session that affects the same provision.) The Legislative Counsel's bill request deadline has been satisfied.

Civil Discovery: Nonsubstantive Reform

We are seeking to have this recommendation introduced as a committee bill by the Assembly Judiciary Committee. We anticipate having the bill draft revised before introduction. See Memorandum 2004-13 and its First Supplement.

Unincorporated Associations

This recommendation has not yet been introduced. The Legislative Counsel bill request deadline has been satisfied.

ALSO OF INTEREST

AB 286 (Dutra) — Double Liability Problem in Home Improvement Contracts

This bill is based on the Commission's recommendation, but includes differences the Commission considers significant.

The bill passed the Assembly in 2003 and is pending in the Senate Judiciary Committee. There is substantial opposition, and the bill will likely be further amended before it is heard.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary