

Legis. Prog.

March 14, 2005

Memorandum 2005-9

2005 Legislative Program: Status of Bills

Attached is a chart showing the status of bills in the Commission's 2005 legislative program. We will update the information in the chart with any changes at the time of the Commission meeting.

This memorandum supplements the information in the chart with respect to selected matters.

AB 69 (Harman): Ownership of Amounts Withdrawn from Joint Account

Before passage by the Assembly Judiciary Committee, the following technical clarifying amendment was made at the suggestion of the Committee staff:

Prob. Code § 5303 (amended). Right of survivorship and terms of account

5303. ...

(c) During the lifetime of a party, the terms of the account may be changed as provided in subdivision (b) to eliminate or to add rights of survivorship. Withdrawal of funds from the account by a party also eliminates rights of survivorship with respect to the funds withdrawn to the extent of the withdrawing party's net contribution to the account.

AB 333 (Harman): Civil Discovery

The Commission's three recommendations on civil discovery — (1) Statutory Clarification and Minor Substantive Improvements, (2) Correction of Obsolete Cross-References, and (3) Legislation to Correct AB 3081 Chaptering Out Problems — are being amended into AB 333, relating to depositions.

Emergency Rulemaking Under the Administrative Procedure Act

We are looking for an appropriate vehicle that this recommendation could be attached to. Possibilities include AB 1351 (Vargas) — relating to review of regulations by the Office of Administrative Law — and AB 1588 (Negrete McLeod) — relating to reliance on lawful agency guidance.

Common Interest Development Law

Two spot bills have been introduced that could accept the Commission's recommendation on *State Assistance to Common Interest Developments* if we finalize an acceptable recommendation in a timely fashion. These are AB 770 (Mullin) and SB 551 (Lowenthal).

A hearing on the Commission's proposal was held jointly by the Assembly Committee on Housing and Community Development and the Assembly Committee on Business and Professions on Wednesday, March 9, 2005. For a report of the hearing, see the First Supplement to Staff Memorandum 2005-10 (Mar. 11, 2005) (available at www.clrc.ca.gov).

Chaptered Out Gov't Code § 71601 Changes

We are looking for an appropriate vehicle that this recommendation could be attached to. One possibility is AB 176 (Bermudez), relating to trial court employment.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

Status of 2005 Commission Legislative Program

As of March 14, 2005

		AB 69	AB 333	AB 1133		SB 702	SB 853	SB 1104	SCR 15
Introduced		Jan 3	Feb 10	Feb 22		Feb 22	Feb 22	Mar 1	Feb 9
Last Amended		Mar 1							
First House	Policy Committee	Feb 22				<i>Mar 29</i>		<i>Apr 6</i>	
	Fiscal Committee	—							
	Passed House	Mar 7							
Second House	Policy Committee								
	Fiscal Committee	—							
	Passed House								
Concurrence									
Governor	Received								
	Approved								
Secretary of State	Date								
	Chapter #								

Bill List: AB 69 (Harman): Ownership of Amounts Withdrawn from Joint Account
 AB 333 (Harman): Civil Discovery (Statutory Clarification and Minor Substantive Improvements; Correction of Obsolete Cross-References; Legislation to Correct AB 3081 Chaptering Out Problems)
 AB 1133 (Harman): Waiver of Privilege By Disclosure
 SB 702 (Ackerman) Unincorporated Association Governance and Nonprofit Tort Liability
 SB 853 (Kehoe): Preemption of CID Architectural Restrictions and Obsolete Cross-References to Former CCP § 383
 SB 1104 (Sen. Banking, Finance and Insurance Comm.): Financial Privacy
 SCR 15 (Morrow; co-authors Escutia/Dunn): Oral Argument Resolution of Authority

KEY

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

Emergency Rulemaking: TBA
 Chaptered Out Gov 't Code § 71601 Changes: TBA

Also of Interest:

SB 304 (Battin), SB 551 (Lowenthal), AB 770 (Mullin): CID Oversight
 AB 1459 (Schuparra), SB 422(Simitian), SB 996 (Alarcon): Small Claims Jurisdiction