

Memorandum 2006-13

2006 Legislative Program: Status of Bills

Attached to this memorandum is a chart showing the status of bills in the Commission's 2006 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.

PENDING LEGISLATION

AB 69 (Harman) – Ownership of Amounts Withdrawn from Joint Account

This measure passed the Assembly unanimously in 2005, but the Senate Judiciary Committee staff had concerns with it. We have been working with committee staff and the California Bankers Association to see whether we can devise an acceptable resolution before setting the bill for hearing in 2006.

AB 770 (Mullin)/SB 551 (Lowenthal) – CID Ombudsperson

We will provide any new information concerning these bills at the Commission meeting. We will take the matter up in conjunction with the general CID law study.

AB 1133 (Harman) – Waiver of Privilege By Disclosure

This measure has passed the Assembly and is pending in the Senate Judiciary Committee, where it faces significant opposition.

AB 2126 (Lieu and Leno) — Enforcement of Judgments Under the Family Code

AB 2126 (Lieu and Leno) would implement the Commission's recommendation on *Enforcement of Judgments Under the Family Code*.

The bill includes a provision that would require the Judicial Council to publish educational materials relating to the enforcement of a Family Code judgment and make those materials available to the parties in a family law case. The provision was drafted to give the Judicial Council flexibility as to the form of publication, in order to reduce the cost and delay of implementation.

The bill is scheduled to be heard by the Assembly Committee on Appropriations on April 26. The committee staff asked the Judicial Council about the cost to comply with the education requirement. Judicial Council indicated that the cost would be minimal and absorbable, provided that it could follow its current practice of publishing self-help materials on the Internet, rather than publishing on paper. Self-help Internet kiosks are available to the public in court houses. Some court offices (such as the family law facilitator) will print self-help articles for parties who have difficulty accessing Internet-based materials.

The authors proposed to amend AB 2126 to make clear that the Judicial Council's current practice is acceptable:

On or before January 1, 2008, the Judicial Council shall ~~publish~~ develop self-help materials that include: (1) a description of the remedies available for enforcement of a judgment under this code, and (2) practical advice on how to avoid disputes relating to the enforcement of a support obligation. The self-help materials shall be made available to the ~~parties in a proceeding under this code~~ public through the Judicial Council self-help Web site.

That amendment was made on April 20. The staff recommends that the Commission ratify this change, which would not require a revision of the Commission's Comment.

NOT YET INTRODUCED

Judicial Review of Emergency Rulemaking

This is a fairly small technical cleanup that doesn't merit its own bill. We have located a possible vehicle to attach it to, and are seeking to have it amended into the bill.

ALSO OF INTEREST

AB 928 (J. Horton) – CLRC Study of Attorneys Fees

This bill would prescribe attorneys fees in a collection action to enforce a contract and would sunset on January 1, 2010. The bill would also direct the Law Revision Commission to study the appropriate amount, if any, of a statewide fee scale for attorneys fees in a collection action to enforce a contract that provides for attorneys fees. The Commission's report, including recommendations, would be due by January 1, 2009.

The bill has passed the Assembly and is pending in the Senate.

AB 1162 (Mullin) – CLRC Study of Eminent Domain

This bill would direct the Law Revision Commission to study whether the law governing the appraisal and valuation process in eminent domain proceedings fairly compensates a condemnee for the taking of its property, including the role and importance of legal counsel for the condemnee. The Commission's report on this study, together with any recommendations for changes in the law, would be due by January 1, 2008.

The measure passed the Assembly in a different form and is pending in the Senate.

ACR 73 (McCarthy) – CLRC Study of Firearms Statutes

This measure would direct the Commission to study, report on, and prepare recommended legislation concerning revision of the portions of the Penal Code relating to the control of deadly weapons. The Commission's report on the matter would be due by July 1, 2008.

The measure has passed the Assembly and is pending in the Senate Public Safety Committee.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

Status of 2006 Commission Legislative Program

As of April 21, 2006

		AB 69	AB 770	AB 1133	AB 2126	SB 551		SCR 15			
First House	Introduced	1/3/05	2/18/05	2/22/05	Feb 21	2/18/05		2/9/05			
	Last Amended	3/1/05	Jan 18	4/14/05	Apr 20	Jan 17		6/20/05			
	Policy Committee	2/22/05	Jan 12	4/12/05	Apr 4	Jan 9		6/21/05			
	Fiscal Committee	—	Jan 18	—	<i>Apr 26</i>	Jan 17		7/12/05			
	Passed House	3/7/05	Jan 30	4/21/05		Jan 30		8/22/05			
Second House	Policy Committee							8/25/05			
	Fiscal Committee	—		—				Jan 18			
	Passed House							Jan 26			
Concurrence								—			
Governor	Received							—			
	Approved							—			
Secretary of State	Date							Jan 31			
	Chapter #							Res 1			

Bill List: AB 69 (Harman): Ownership of Amounts Withdrawn from Joint Account
 AB 770 (Mullin): CID Ombudsperson
 AB 1133 (Harman): Waiver of Privilege By Disclosure
 AB 2126 (Lieu and Leno): Enforcement of Judgments Under the Family Code

SB 551 (Lowenthal): CID Ombudsperson
 SCR 15 (Morrow, Dunn, and Escutia): CLRC Studies

Also of Interest:

ACR 73 (McCarthy): CLRC Study of Firearms Statutes
 AB 928 (J. Horton): CLRC Study of Attorneys Fees
 AB 1162 (Mullin): CLRC Study of Eminent Domain

KEY _____

Italics: Future or speculative

"—": Not applicable

*: Double referral, not fiscal

[date]: Deadline