

9/16/82

First Supplement to Memorandum 82-80

Subject: Priorities for Consideration of Topics

Assembly Bill No. 1607, which has passed the Legislature and is now awaiting action by the Governor, adds the following section to the Probate Code:

1313. The staff of the appropriate policy committees of the Senate and Assembly shall review the study conducted by the California Law Revision Commission regarding the administration of estates of decedents and shall prepare a report to the Legislature regarding the study by June 30, 1984.

This provision is included in a portion of the bill which continues the former inheritance tax referees as "probate referees." We assume that the review of our "study" will be with a view to whether the new "probate referees" are to be continued or not continued, depending upon what the Commission recommends.

Obviously, the Commission will not have a report on Division 3 of the Probate Code (administration of decedents) by June 30, 1984. I checked with the staff members of various legislative policy committees and they can provide no information on the background of Section 1313, set out above. However, the legislative representative of the State Bar (which supported the bill) advised that the provision was included to meet concern of those who were reluctant to continue the inheritance tax referees as probate referees. The provision was intended to provide assurance that the Commission would study the matter and make a recommendation. The date for the report was not given any particular thought, it apparently being assumed that the report of the Commission would be available in time to permit the committee staff reports to be prepared. The Chief Counsel of the Senate Judiciary Committee advises that if our report is not available, the committee staff will report that fact and indicate that no committee study has been made for that reason.

Yesterday, the Commission's staff was requested by the office of Senator Marz Garcia to respond to a request of a constituent by providing the constituent with a detailed statement of what the Commission has

done in the Probate Code study, what is now being done, and what will be done in the future.

Respectfully submitted,

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Executive Secretary