

12/28/82

Memorandum 83-3

Subject: 1983 Legislative Program

All of the Commission recommended legislation has been introduced at the 1983 legislative session except for the bill relating to dismissal of civil actions for lack of prosecution. Assemblyman McAlister did not want to introduce this bill. We sought to have the bill introduced by the Chairman of the Assembly Committee on Judiciary (Assemblyman Harris), but he was not interested in introducing the bill. The head of the staff of the Assembly Committee on Judiciary is making a survey of the members of the Committee to determine if any are interested in the bill. If an interested member is found, a member of the Commission's staff will discuss the bill with the member.

Because we do not have a Senate member and wanted to avoid any delay in introducing the Commission recommended legislation, the other Commission recommended bills were introduced by Assemblyman McAlister. The following is a list of the bills he introduced:

- AB 24 - Missing Persons
- AB 25 - Wills, Intestate Succession, and Related Matters (Comprehensive Revision)
- AB 26 - Division of Marital Property
- AB 27 - Limited Conservatorships
- AB 28 - Disclaimers
- AB 29 - Emancipated Minors
- AB 30 - Claims Against Public Entities
- AB 31 - Bonds and Undertakings
- AB 53 - Nonprobate Transfers
- AB 68 - Wills, Intestate Succession, and Related Matters (Conforming Revisions)
- AB 69 - Vacation of Streets, Highways and Public Service Easements
- AB 99 - Creditors' Remedies
- ACR 2 - Continues Authority to Study Previously Authorized Topics

We are advised by the staff of the Assembly Judiciary Committee that bills will not be set for hearing until early in February, and we expect to have most of our bills heard in February.

One of these bills has not been considered by the Commission. This bill, Assembly Bill No. 69, is a clarifying bill designed to make clear that Commission recommended legislation enacted in 1980 did not affect the general requirement otherwise provided by statute that the proposed vacation of a street ordinarily must be referred to the planning commission for study and report. The bill makes clear that the legislation enacted

in 1980 did not affect this general requirement. Does the Commission wish to include this bill in its legislative program?

We are advised that Assembly Bill No. 30 (claims against public entities) may require a change in approach. The bill is now under study by various persons and organizations, and we do not plan to set the bill for hearings by the Assembly Judiciary Committee until interested persons and organizations are satisfied with the bill.

Other bills relating to probate law and procedure (Assembly Bill Nos. 25, 28, 53, and 68) will require technical amendments. The amendments to these bills are attached as exhibits to the First Supplement to Memorandum 83-1. They should be reviewed prior to the meeting and you should ask at the meeting for any additional information you need concerning the amendments or raise any concerns you have about the amendments for discussion at the meeting.

We plan to delay hearings on Assembly Bill No. 25 (comprehensive revision of the law relating to wills, intestate succession, and related matters) and Assembly Bill No. 68 (conforming revisions to Assembly Bill No. 25) until our printed report is available for study by interested persons and organizations. (We have given first priority to preparing the proposed bills for introduction and second priority to the printed reports. We have sent to the printer camera ready copy for the report containing the following recommendations: missing persons, disclaimers, emancipated minors, nonprobate transfers, and limited conservatorships. Typographical and coding errors made in typing a portion of the Annual Report for printing will cause some delay in receipt of the printed report. But we have sent the necessary corrections to the printer and should be able to send the camera ready copy to the printer before the end of 1983. The legal staff has substantially completed work on the recommendation on wills and intestate succession and we expect to send camera ready copy for this report to the printer early in January 1983.)

We have one other major recommendation we plan to submit to the 1983 session--the recommendation relating to liability of marital property for debts. We will determine at our January 1983 meeting whether this recommendation is ready to approve for submission to the Legislature. We also may submit to the 1983 Legislature a recommendation relating to delegation of authority to make health care decisions. However, this is

a controversial matter, and there does not appear to be any general agreement concerning the proper approach to the problem. We will be considering this recommendation at our January meeting.

Sincerely,

John H. DeMouilly
Executive Secretary