

### SENATE PREPARES TO ELECT NEW PRESIDENT PRO TEM

August 24 has been scheduled for the Senate to vote on the replacement for long-time President pro Tem [John Burton](#) of San Francisco, who will leave the Legislature in November due to term limits.

Three Democrats – [Don Perata](#) of the East Bay, [Martha Escutia](#) of Whittier, and [Sheila Kuehl](#) of Santa Monica – are vying for the post, which is at least the second most-powerful in state Government.



Kuehl



Escutia



Perata

Conventional wisdom in the Capitol has Perata and Escutia running essentially neck-and-neck for the post, with Kuehl a decided dark horse likely to throw her support to Escutia.

The issue will first be considered by the Senate Democratic Caucus, which theoretically will unify behind the winner of its internal vote, guaranteeing that candidate of the post when the issue is next brought before the full Senate. However, questions have already arisen over what vote is necessary for a candidate to prevail in the Caucus deliberations, since Burton and possibly one other termed-out lawmaker have determined not to vote (i.e. does it take a majority of the Caucus – 13 votes – to prevail, or only a majority of the members actually voting).

There is also speculation (probably unlikely) that the candidate who loses in Caucus could cut a deal with Senate Republicans to win the President pro Tem post on a coalition vote on the Senate Floor. That was how Willie Brown launched his record 14-year run as Speaker of the Assembly some 24 years ago.

Kuehl and Perata are not termed-out until 2008, and therefore could serve a full four years as Pro tem if elected. Escutia will be termed out in 2006, and thus could serve only two years.

### SCHWARZENEGGER THREATENS VETO OF LAST-MINUTE “GUT-AND-AMENDS”

The Schwarzenegger administration issued a warning last week that it does not propose to look kindly upon major substantive legislation created

during the final weeks of the legislative session via the “gut-and-amend” process.

The process, in which a lawmaker will strip out the contents of an existing, often completely unrelated bill, and substitute the text of an entirely new bill – frequently one with potential statewide or national impact – has been fairly common in recent years. In some instances, the gut-and-amend process is essential to responding to emergency situations, late-breaking issues, or recent court decisions. In other cases, however, it has been used to circumvent the scrutiny of the committee hearing process.

Schwarzenegger Legislative Secretary Richard Costigan was quoted in the L.A. Times as saying the Governor would look with skepticism at gut-and-amend bills on major issues “unless it’s necessary for the public good,” such as an emergency or a disaster. Costigan noted that it can take months for departments, finance and agencies to do necessary analyses of bills.

### STATE BAR-RELATED BILLS SENT TO GOVERNOR

The Legislature has given final approval to several pieces of State Bar-related legislation and sent them to Governor Schwarzenegger, who must act upon them before the end of next week.

By a 65-12 vote, the Assembly approved this year’s bill to keep the State Bar in operation by extending for one year its authority to assess membership fees of attorneys ([SB 1490](#) – Senate Judiciary Committee). The vote on the bill continues the upward trend of votes in favor of State Bar Fee Bills in recent years. The vote in both houses on SB 1490 is the most positive on a State Bar Fee Bill since 1995, prior to the shut-down following then-Governor Pete Wilson’s veto of the 1997 bill.

The Assembly also concurred in Senate amendments to [AB 3080](#), a bill by the Assembly Judiciary Committee that requires the State Bar to aggressively publicize the fact that Bar members have the right to have their names removed from the mailing lists that the Bar provides, at cost, to a limited group of outside entities such as local bar associations, MCLE providers, and the Foundation of the State Bar. The bill would also require the Bar to report, on or before May 1, 2005, to the Assembly and Senate Committees on Judiciary regarding the procedures it has in place to ensure that members can limit the use of their member information.