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LEGISLATURE ON SEMI-RECESS

The Legislature is scheduled to be on vacation this month – and, for the most part, it is. The Senate has recessed until August 5, and will not return until then, absent some extraordinary change on the budget horizon.

The Assembly, which cannot recess until it passes a budget, is continuing to meet in Floor Session on its regular days (Mondays and Thursdays). It is devoting virtually all its time to tributes to departing members and housekeeping measures, rather than taking up eligible bills on file. The Assembly can be called into session at any time by the Speaker, but that is unlikely to happen unless a Budget vote is imminent. At press time, there was no indication the **budget logjam** was going to break up soon.

RUMORS

Rumors are circulating around the Capitol (especially in the Assembly) that [Herb Wesson's](#) Speaker position may be challenged by [Darrell Steinberg](#) (D-Sacramento). Several key sources report that this “challenge” is something that came from the media. The question is who fed the rumor to media – disgruntled Assembly Democrats, Assembly Republicans, or a “political junkie” having fun.

COMING UP

The Legislature will return to full business on August 5, and is mandated by the State Constitution to wrap up business on all but certain, select bills¹ by midnight, August 31. Unlike most legislative deadlines, which can be waived with the approvable of the Rules Committee and a 2/3 vote of the house in question, **the August 31 deadline cannot be waived under any circumstances.**

(Historical note: Up until the mid-1980's, the Legislature used to get around the midnight deadline by stopping the clock at 11:55 p.m. and continuing to do business until the wee hours of the next day, then re-starting the clock and announcing “the hour of midnight having arrived.” This practice ended when

¹ Specifically, constitutional amendments and bills which would take effect immediately upon passage (e.g., urgency measures, bills calling elections, tax levies, and “appropriations for the usual current expenses of the state” – including a Budget, if one still hasn't been enacted by August 31).

the Legislative Counsel opined that all bills passed after the real hour of midnight could be subject to legal challenge and possible invalidity.)

Here is a brief overview of what to expect during August:

First Week (August 5 to August 9) – Although the official legislative schedule says this week should be devoted to fiscal committee hearings, much of the action will be taking place in policy committees, which will be holding [post-deadline hearings](#) on a number of bills put over from June. The Senate Judiciary Committee, for example, has a massive calendar of 48 bills scheduled for Tuesday, August 6, including [AB 363 \(Steinberg\)](#), the Public Attorney Whistleblowers bill, and [AB 3028](#) (Assm. Judiciary Committee), the Legal Document Assistants Act Sunset Repeal measure.

On the other hand, fiscal committees will also be busy the day the Senate returns. The Senate Appropriations Committee is scheduled to hear over 300 bills when it returns on Monday, August 5. The Assembly Appropriations Committee has 250 bills calendared for the first week back – including [SB 1459 \(Romero\)](#), the Bar-supported bill to increase the penalty for non-attorney UPL -- and 100 for the second week.

Second Week (August 12-16) – This week will be devoted principally to fiscal committee hearings, though there may be a few post-deadline policy committee hearings for non-fiscal bills, if the rules are waived.

Third & Fourth Weeks (August 19-31) – All committee hearings are scheduled to end and the Legislature is scheduled to meet only on the floor.

There are some deadlines within deadlines during this final period, two of which are key:

- Tuesday, August 28: Last day to serve notice of intent to remove a bill from Inactive File
- Wednesday, August 29: Last day to amend a bill.

September 30 – Last day for Governor to sign or veto bills sent to him after August 19 (bills sent to the Governor on or before that date must be signed or vetoed within 12 days, or become law without his signature).