

**POST-DEADLINE COMMITTEE
HEARINGS CONTINUE**

Today (Friday, August 16) was the Legislature's self-imposed deadline for all committees to meet. From this point on, all legislative action up to the scheduled adjournment on August 31 is supposed to occur on the floors of the two houses.

Not surprisingly, this deadline has proven much less than absolute. Many legislative policy committees, which were scheduled to cease their deliberations on June 28, were still holding extensive hearings this week – and some have even scheduled hearings for next week. Likewise, the fiscal committees of both houses have hearings scheduled for the coming week, including the crucial hearings on “Suspense Calendar” items – i.e., those bill which are projected to have a significant fiscal effect.

The Legislature is scheduled to recess for the remainder of the session on August 31, and most legislation (excluding urgency measures, tax levies, statutes calling elections, and appropriations for the “usual and current expenses of the state”) are required by the Constitution to be passed to the Governor by that date.

MAJOR LAST-MINUTE POLICY ISSUES

Typically, the waning days of the legislative year see many last-minute efforts to make substantial changes in law. 2002 is proving no exception.

The first three days of the past week saw amendments to 180 bills, including more than 30 cases where one bill was changed into something entirely different (a “gut-and-amend,” in legislative parlance), most

often (28 of the 30 cases) with an entirely different author as well. Most of these were done to overcome a procedural hurdle, where Republicans in both houses refused to agree to provide waivers to allow bills to be heard after the deadlines.

Several of the new measures created relate to tort law. According to an [article](#) by Sacramento Bee capitol reporter Dan Walters, these measures are part of a sweeping package of tort-related legislation relating to construction defects, including:

- [SB 688](#) (Escutia) – Would define to “construction defects” for purposes of stipulated judgments.
- [SB 692](#) (Escutia) – Changes the burden of proof in Summary Judgment cases.
- [SB 800](#) (Romero) – Relates to the time for filing a tort action (reportedly will propose to increase the time from one to two years).

SUPREME COURT TO DECIDE BUDGET-RELATED CASE

The only visible action on the State Budget, how 46 days late, occurred outside the Legislature. On Wednesday, August 14, the California Supreme Court agreed unanimously to review the 2nd District Court of Appeals' decision in [White v. Davis](#), which would prohibit state workers from being paid more than minimum wage if the new fiscal year begins without a Budget in place.

The suit was initially filed in 1988, when the Howard Jarvis Taxpayers Association sued State Controller Kathleen Connell and persuaded a trial court to issue a

preliminary injunction barring her from paying most state obligations with no budget in place.

The Supreme Court's decision continues the stay on the effectiveness of the *White* decision until the case is decided.

The Assembly still has not passed the budget bill, and legislative employees have not been paid for six weeks. Fortunately for some staffers, several local banks and credit unions are offering interest-free or low-interest loans.

NEW LEGISLATIVE COUNSEL

Dianne Boyer-Vine recently became the Legislature's Legislative Counsel. She joined the office in 1988 and started working on a project that had a goal of eliminating obsolete sections from the Education Code. In 1998, the former Counsel, Bion Gregory, appointed her to be one of his two chief deputies.

Boyer-Vine spent many years in ballet and had to choose between college and studying ballet full-time in San Francisco. Although she attributes ballet for giving her the discipline that has helped her get to where she is today, she decided to go to college (which made her parents happy) and later graduated from UC Davis with a law degree. Boyer-Vine is married, has two children, and on weekends she attends her son's soccer games and takes her daughter horseback riding.

NEWS YOU CAN USE?

- The Senate just passed an **age bias** bill, [AB 1599 \(Negrete-McLeod\)](#), which is on its way to the Governor. The bill would protect California workers over

40 from age discrimination. The bill rejects the California Supreme Court's affirmation of *Esberg vs. Union Oil of California*. It returns to the Assembly for concurrence in Senate amendments.

- **Privacy** issue not dead yet! [SB 773 \(Speier\)](#) which pertains to financial privacy, never got out of the Assembly last year. However, on Thursday it became "alive" again, and a compromise bill may be sent to the Governor by the end of the month.
- The Senate recently passed a **gun liability** bill ([AB496](#), [Koretz](#)) that is on its way to the Governor. In brief, the bill strips gun manufacturers of their exemption from liability for the damage and death that can result from firearms.
- Legislation ([SB 1936](#) - [Burton](#)) that would reaffirm that California **spouses** owe each other the same duty of care as non-marital business partners – but are not held to the "prudent investor standard" of professional fiduciaries – has cleared both houses and is headed for the Governor's desk. The State Bar's voluntarily-funded Family Law and Trusts & Estates Sections played key roles in shaping the final form of the bill, which was introduced after an appellate court misconstrued the Legislature's intent in enacting the law in 1991.
- In the area of criminal law, the Legislature has given final approval of legislation ([SB 1242](#) – [Brulte](#)) which would allow prison officials to use force to gather **DNA samples** from inmates.