



June 7, 2011

To: Board of Governors, State Bar of California

From: Jennifer Wada, Legislative Advocate

Re: Status of SB 163 (Evans)

The Legislature received the majority and minority reports by the May 15th due date. Upon receipt, an intense review was conducted and we are told that the recent amendments are intended to reflect features from each proposal, with some additions. Senate Bill 163 was amended on May 27th to include a number of governance reform provisions. The amendments change the composition of the Board, include a public protection charge, and require consistency with Bagley-Keene, among other things. The current version of the bill reflects a consensus proposal crafted by the Senate President pro Tem, the Speaker of the Assembly, and both Chairs of the Judiciary committees.

Process in the Senate

The deadline to get bills out of their first house was June 3rd. Because the amendments were not revealed until May 27th, only one week remained for SB 163 to meet a number of procedural requirements: 1) the bill had to be referred back to the Senate Rules committee; 2) the Senate Rules committee had to refer the bill to the Senate Judiciary committee; 3) the Senate Judiciary committee had to hold a hearing on the bill¹; and 4) the bill had to be referred back to the floor for a Senate floor vote. If SB 163 had failed to complete these steps by the June 3rd deadline, the bill would have died for the year and with it, the authority to collect 2012 bar dues.

Process in the Assembly

SB 163 is currently in the Assembly, awaiting referral to the Assembly Judiciary committee. The bill will be set for a committee hearing sometime prior to July 8th, which is the last day for policy committees to meet in the second house. The bill will then be sent to the Assembly floor for a vote. If the bill is amended on the Assembly side, it will have to return to the Senate for one final concurrence vote.

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Because the deadline had passed for policy committees to meet, the Senate invoked Rule 29.10. This rule requires, when amendments rewrite a bill, that the bill be referred to a standing committee. The committee must hold a hearing on the bill within two days.

Because of the tight timeline in the Senate as described above, the objective was to keep the bill moving through the process to preserve our options for future action. Having achieved that goal, there is still opportunity to amend the bill in the Assembly, both in the Judiciary committee and on the Assembly floor. The last day to amend bills on the floor is September 2nd. The rushed process will not repeat in the Assembly since we are at the beginning of the second house cycle (as opposed to the end, as was the case in the Senate).

There is room for alteration, provided substantive arguments can be made to justify the changes. The fact that the current language is the product of both Senate and Assembly leadership should be of import but as long as we approach negotiations reasonably, there is an openness to work with the Board.