A LEGISLATIVE TRACKING AND MONITORING SYSTEM
FOR THE CALIFORNIA JUDGES ASSOCIATION

THE AMERICAN UNIVERSITY
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
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A LEGISLATIVE TRACKING AND MONITORING SYSTEM
FOR THE CALIFORNIA JUDGES ASSOCIATION

June 1981

CONSULTANT:
Beatrice Hoffman
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I. INTRODUCTION

A. Background

The California Judges Association (CJA) is probably the largest organization of its kind in the county. It represents approximately 1,500 state judges who serve on courts of appellate, general and limited jurisdiction. Its educational program has received national acclaim, consisting of programs for the judiciary, school-age youth, and the general public. It has always had an active presence in legislative matters of interest to its members.

In recent years, CJA's legislative involvement has increased dramatically. This increase prompted Sue U. Malone, CJA Executive Director, to request assistance from the Criminal Courts Technical Assistance Project at The American University, for the purpose of developing a Legislative Tracking and Monitoring System. This request was approved by the California Office of Criminal Justice Planning and, subsequently, approved and accepted by the Courts Technical Assistance Project on April 6, 1981.

The Project selected Beatrice Hoffman, a private consultant in courts and corrections, to work on the assignment. As Director of Court Research Associates and, formerly, as Director of Research and Planning for the Colorado Judicial Department, Ms. Hoffman has had considerable system analysis and legislative liaison experience.

B. Methodology

The consultant made site visits to CJA's San Francisco offices on April 16 and April 23, 1981, during which time the present legislative tracking system was reviewed, documented, and discussed. In addition to
extensive time spent with Ms. Malone, determining the extent of present problems and the scope of CJA's legislative efforts, time was also spent with other members of the staff who have legislation-related duties: Gail Ramada, Beth Schenker and Ruth Norris. Documents relevant to the work were examined, and the routine in the office was observed. A follow-up site visit was made on May 8, and a presentation of proposed alternative recommendations was made and discussed on June 2.

Two site visits were made to Sacramento, the state capital. On April 30, the consultant visited the Judicial Council offices, interviewing Edgar A. Carry, Special Assistant to the Director, and Margaret France, Office Manager. Mr. Carry and his staff maintain an active liaison function among all three branches of government. Their techniques for following bills through the legislative process were explained in detail.

On May 7, Loren Smith of California Advocates, Inc. (CAI), the firm that contracts with CJA to provide legislative advocacy services, was interviewed. He and Eloise Lippi, Secretary, described the interaction between CJA, CAI, and the legislature.

Other people interviewed were Alan Clarke of Legislative Reporting Service, and Miki Vohryzek, Consultant to the Assembly Judiciary and Criminal Justice Committees, Assembly Office of Research. Materials were provided by the Legislative Bill Room and by the people mentioned above.

In addition, research into legislative monitoring by judicial organizations in other states was done by T/A project staff. Project staff contacted by phone a number of people employed by the judiciary to perform legislative liaison work, in such states as Florida, New York,
Michigan and Illinois. T/A staff and Ms. Hoffman discussed research and field findings by telephone, and agreed on the general direction of the assistance. The recommendations and system design are the work of Ms. Hoffman.
II. ANALYSIS OF EXISTING SITUATION

The CJA Legislative Program consists of its Affirmative Legislation Program, incorporating measures sponsored by CJA, and its Legislation Position Program, in which measures introduced during the session are officially supported or opposed by the CJA. All such official actions are determined by majority vote of the Executive Board.

California Advocates, Inc., a contract lobbyist firm in Sacramento, does the bulk of the preliminary work on the Affirmative Legislation Program. Measures which originate from CJA members or committees and which are approved by the Board are submitted in draft or concept form to CAI. The firm finds an author, sees that the bill is written and introduced, seeks additional support for it, and lobbies for its successful passage through the complex legislative process.

In addition, the firm screens all bills (and subsequent amendments) to determine if any are of potential interest to CJA, and forwards these to CJA. Miscellaneous duties include escorting and assisting CJA witnesses, providing written bill status summaries for Board meetings, and advising the Board on legislative opinion. Except on very rare occasions, when instructed to by the Board, CAI does no testifying. All CJA positions are presented by the President or another judge-member.

The Legislation Position Program is initiated when bills sent to CJA by CAI are then forwarded to the appropriate CJA committee chairman. Recommendations by the committee that CJA take a position for or against specific bills are discussed and voted upon the Executive Board.

When CJA takes an official position, it is expected that this position will be conveyed to the legislators through letter and
testimony. With the President, the Executive Director is responsible for administering the Legislation Affirmative and Position Programs. The Executive Director handles the massive coordination effort that is required to make the programs work by serving as a communication conduit between CJA committees and members, the Board and the President, legislators and legislative committee staff, the Governor's office, and CAI.

Five years ago, during the 1975-76 session, when CJA sponsored three bills and took a position on 11 others, the work was easily accomplished. Each succeeding year, the program has increased substantially, so that by June 1, 1981, near the close of the first of the 1981 - 82 session, CJA has already sponsored 25 bills and has taken a position on another 142. This means there has been a 700 percent increase over the past four sessions, including the present one, in the Affirmative Legislation Program (an average of approximately a 100 percent increase per year). In the same period of time, the Legislation Position Program shows a 118 percent increase (an average of about 75 percent growth per year). Note that these figures apply only if no further action is taken by CJA during the 1981 - 81 session; if more bills are sponsored, supported or opposed (as is likely), the increase will be higher still.

Some of the growth is due to increased bill activity within the legislature itself, particularly in the criminal justice area, requiring more CJA examinations and decisions than previously. Often, three bills may be introduced on the same subject. These bills may proceed through the process separately until at some point, two are withdrawn by agreement. Unfortunately, if the subject is considered important,
positions must be taken on all three bills, and all three bills must be followed, since it is unknown which will survive. However, the principal reason for the growth appears to be an unplanned, unstructured burgeoning of interest by the judiciary in legislative matters. It is probable that most members of the organization, even most committee and Board members, do not realize the extent of the growth in the CJA Legislative Program, nor the mounting difficulty of carrying it out well.

The Association employs a staff of 6.5 F.T.E. (Full Time Equivalency) to administer the policies and programs approved by the Executive Board and the membership. They include a Public Information Director and Administrative Assistant, her part-time Secretary/part-time General Office Secretary; the Executive Director and her Secretary, and three part-time positions: A Membership Secretary/General Office Assistant, a Bookkeeper, and a Printroom Manager. A majority of their time is spent on education, committee and membership activities. Because of these commitments, there is little time for legislative duties, necessitating the Executive Director do them, or, because of time constraints, forcing them to be left undone by default.

The result is that the Legislative Program cannot be executed effectively, because demands are higher than resources available to carry them out. To improve the Program, the following problems should be recognized and resolved:

1) The Affirmative Legislation Program may have grown too large. If CJA has no restrictions on the number and type of sponsored bills, legislators will receive an impression of unprofessional latitude, rather than careful selectivity. Concentrating on several critically
important issues per session is better strategy than dissipating energy on many.

2) The Legislation Position Program must be much more timely. If CJA is to take a position, it should be done early, prior to the Policy Committee hearing in the Originating House, when support or opposition is most productive.

3) CJA's position on bills is not getting disseminated completely or systematically enough. This requires letters to authors, letters to all committee members prior to each committee hearing, plus a CJA representative providing testimony at each hearing on all sponsored bills, and on most of the position bills. At the present time, resources are not available to provide the number of required letters per bill. The testimony function is being discharged, but the number of witness appearances needed, multiplied by the amount of communication required to arrange them, is making it difficult for the Executive Director to find time to fulfill all her obligations.
III. RECOMMENDATIONS

1. CJA should make a policy decision as to the scope of its legislative program.
   If the Board decides to pursue its current high level of legislative activity, then rules, guidelines or working principles should be adopted to prevent unrestricted, unintentional growth in the number of bills CJA sponsors, endorses, or opposes.

2. At the time the CJA Board adopts an official position on a bill, it should assign it a priority classification.
   The priority classifications suggested below were devised by the consultant with the assistance of the Executive Director. The following codes comprise the system:

   Priority 1  All sponsored or non-sponsored bills which involve judicial compensation and benefits. Testimony and position letters are required at all stages.

   Priority 2  All sponsored and non-sponsored bills (other than the above) which are considered important enough to require testimony at all hearings, as well as position letters to legislators.

   Priority 3  All non-sponsored bills which are considered important enough to require a position, but do not need testimony, i.e., position letters are sufficient.

Since the amount of work involved in supporting or opposing a bill is associated with its level of importance to CJA, priority designations should help the Board recognize the work implications
of each position it approves. It is hoped that assigning priority classifications will help limit the total number of bills in each category on which positions are taken. More importantly, the priority rating instantly informs the CJA and CAI staff of the tasks required by each bill, eliminating the need for the Executive Director to give instructions at each stage. Also, if there is a conflict regarding testimony schedules or letter production, the priority number easily solves the problems as to which bills take precedence.

3. A systematic method for exchanging information on bill positions with the Judicial Council should be devised and followed. The Judicial Council's legislative staff in Sacramento follows every bill that contains a reference to the courts. Much of CJA's legislative activity duplicates the work of the Judicial Council staff. If Council's position on a bill is known at the time the Board makes a position decision, it could take that fact into consideration, e.g., if CJA and Council positions were the same, the Board might not feel required to take a formal position. Each new CJA Legislative Bill Status Report should be sent to the Judicial Council; in exchange, a similar written list of bills the Judicial Council is following, with positions noted, should be sent to CJA periodically. Similar exchanges between CJA and other groups, such as the State Bar Association, might be explored.

4. All committee members, and committee chairmen in particular, should be advised and encouraged to make considered and prompt recommendations on which bills require a CJA official position.
The CJA manual, Guidelines for Chairmen and Vice Chairmen of Association Committees, should be revised to include instructions regarding the need to limit the number of recommendations for CJA official positions on bills, and the need to make such recommendations as promptly as possible, prior to the first Policy Committee hearing. Letters sent to the chairmen at the beginning of the session should convey the same message.

In order for committee to make position recommendations promptly, so that Board decisions on bills can be made in time for CJA to present its position persuasively, the Board should consider ways to allow committees to make more timely decisions without added travel expense, e.g., dividing committees by subject and geographical location; selecting committee membership partially on a geographical basis; encouraging telephone discussions on certain bills. The CJA staff can help by including, with new bills sent to committee chairman, notice of the date of the next Board meeting and urging a recommendation to meet that deadline.

5. A systematic method of monitoring the progress of each CJA position bill, and its accompanying CJA activity, should be devised and followed.

A CJA LEGISLATIVE TRACKING AND MONITORING SYSTEM (see Appendix A) has been designed by the Consultant, to fulfill requirements expressed by the Executive Director. The model includes all duties linked to the priority classification system previously described. The model involves a substantial increase in the amount of work produced by the CJA staff.
To accomplish that much work, two alternatives are possible: 1) a manual file card system, requiring the addition of a minimum of one half-time employee to operate the system and to type letters; or 2) an electronic system necessitating the purchase of a word processor/micro- or mini-computer, but no additional employee time. The second alternative is recommended, because it is the most economical, versatile and expansive solution. A small word processor/micro- or mini-computer, with one CRT (Cathode Ray Tube) terminal, and keyboard, with a printer that produces high quality "typewriter" print, and with memory capability of about 64K, is available in today's market for approximately $8,000 to $12,000, depending on the amount of software desired. With that size memory, CJA would be able to use the machine for more than legislative activity, freeing present staff time to permit increased legislative-related work.

Unless CJA makes a policy decision not to send position letters to legislators, or drastically reduces the number of official position bills, automatic and easily-edited letter production is a must. Calculating an average of ten legislators per committee, a bill could require a maximum of 162 letters (if committee members receive follow-up letters at the time the bill goes to the floor; see steps 12 and 19 of the Tracking and Monitoring System). At the present time, CJA has 166 official position bills. If all bills progressed through the entire legislative cycle (unlikely but possible), 26,892 letters would be required before the end of the session. A sophisticated word processor would make it possible.

6. The CJA Legislative Bill Status Report should be revised
immediately to make it simpler to prepare.

Presently, the CJA Bill Status Report (see Appendix B) is proving to be time-consuming and difficult to produce, due to the large amount of information it contains. A new format is recommended (see Appendix C) which requires only five separate sections of information. It can be typed on 8½ by 13" paper, making it easy to insert in the typewriter, which can be reduced later to fit on 8½ by 11" paper. Ten or eleven bills can be reported per page; and the final column can be easily updated by typing on Scotch Post-It Note Tape, which adheres easily to paper. When data on newly-added position bills must be inserted between already-typed material (because of the sequential numbering system of the format), the Post-It Note Tape will provide smoother adhesion than traditional cut-and-paste techniques. Of course, if a work processor is obtained for the office, the Bill Status Report can be set up and revised speedily and easily.

7. No change is recommended for the weekly Legislative Hearing Calendar Report. The format for the weekly Legislative Hearing Report (see Appendix D) seems satisfactory. Of course, if a word processor is obtained for the office, the Report can be set up and revised speedily and easily.
IV. SUMMARY

The Legislative Program of the California Judges Association has grown in recent years to the point that it is straining present resources. The Board must make a policy decision as to the scope of its program before any administrative decisions can be made concerning improvements in CJA's legislative monitoring system. CJA must either reduce its current high level of legislative activity, or provide additional resources to support the amount of work the legislative program requires.
CJA LEGISLATIVE TRACKING AND MONITORING SYSTEM

CHART II.

CALIF. ADVOCATES  LEGISLATIVE PROCESS  CJA

DAY 1

- **Daily File Shows Bill Set, Policy Committee, Orig. House**

  - **Is Bill Priority #1, 2, 3?**
    - **NO**
    - **YES**
      - **Request for Bill Analysis**

  - **Work Behind Scenes for CJA #1 Bills**

  - **Letter to Author & Committee Gives CJA Position**

  - **Is Bill Priority #1 or 2?**
    - **NO**
    - **YES**
      - **Arrange for Judge to Testify**

  - **Receives Notice CJA Will Testify**

DAY 5

- **Bill Heard in Policy Comm., Orig. House**

  - **Did Bill Pass?**
    - **NO**
    - **YES**

III.
CJA LEGISLATIVE TRACKING AND MONITORING SYSTEM

CHART III.

CALIF. ADVOCATES

LEGISLATIVE PROCESS

CJA

Was Bill Amended?

Amended Bill to Committee Chairman

Has Fiscal Impact?

Board May Change Position or Priority

Daily File Shows Bill Set, Fiscal Committee, Orig. House

Letter to Committee Gives CJA Position

Is Bill Priority #1 or 2?

Arrange for Judge to Testify

 Receives Notice CJA Will Testify

Bill Heard in Fiscal Comm., Original House

Letter to All House Members Gives CJA Position

Did Bill Pass?

Vote on Chamber Floor

Did Bill Pass?

DAY 1

DAY 3

8

9

10

11

12
CJA LEGISLATIVE TRACKING AND MONITORING SYSTEM
CHART V.

CALIF. ADVOCATES LEGISLATIVE PROCESS CJA

Has Fiscal Impact?

NO

YES

Daily File Shows Bill Set, Fiscal Committee, Other House

Letter to Committee Gives CJA Position

Is Bill Priority #1 or 2?

NO

YES

Arrange Judge to Testify

Letter to All House Members Gives CJA Position

DID BILL PASS?

NO

YES

VOTE ON CHAMBER FLOOR

NO

YES

V1.
This system requires the creation of a CJA Legislative File, which will permit the recording of activity CJA takes at important steps within the life of proposed legislation. The File can be in the form of a simple card file (4 x 6" white cards) or maintained on a word processor or mini-computer.

The Legislative File is in addition to the History File (storing one copy of each Bill received) and the Current File (a File Folder containing one copy of the bill plus other important relevant documents; one File Folder per bill). It is also in addition to a weekly Calendar of Legislative Hearings and a Status Report of Legislation, prepared for the CJA Board Meeting. It replaces all other records or notations that list CJA activity, e.g., a list of Bills sent to Committee Chairmen.

When Bill is received by CJA from California Advocates (CA ADV.), all three copies of the Bill go to Sue Malone. She gives them, with appropriate instructions to Legislative Assistant (Leg. Asst.). Leg. Asst. (one or two of the CJA staff assigned Legislative-related duties) makes new Current File file folder, inserts one copy; files one in History File, and sends one copy to Committee Chairman or President of Board. This action initiates a new entry in the Legislative File plus the following data recorded: Author, Year, Bill No., Summary, Date Received by CJA, name of Committee or Board President sent a copy, and the Date Sent.

Covering Memo sent with Bill will request that a recommendation as to a CJA position be made by a specified date, which shall be five days prior to the next upcoming Board Meeting.

When Board meets, they decide whether to take position on the bill, and what priority it will be: Priority 1 = judicial compensation and benefit bills; Priority 2 = sponsored or non-sponsored bills considered important enough that CJA take position and have a CJA representative testify at all hearings; Priority 3 = non-sponsored bills on which CJA has taken a position.
but which will receive position letters only, no testimony.

Sue Malone will write a letter informing CA ADV. of Board action, detailing bills, position, and priority. Carbon of letter is the data document for the Leg. Asst. to record on the Legislative File: Date position was taken; Position (S = Support; 0 = Oppose); and Priority: #1, #2 or #3. (If Legislative File is manual system, the file card should be color-coded at this time, according to Priority.) The Position and Priority codes shall be marked in prominent place on file folders in Current File, and color-coded, according to Priority.

When Assembly or Senate Daily File shows Bill has been set for a hearing before the Policy Committee, the Leg. Asst. shall make a notation reminder to call the Committee the morning of the hearing day to request a bill analysis. This reminder is not on the Legislative File. Analysis date on the Legislative File is to be entered when bill analysis is received by CJA and put into Current File.

If a position letter has not yet been composed, a reminder should be given to Sue Malone. Position letters should be sent immediately to the author and all members of the Policy Committee in the Originating House. A carbon copy goes to CA ADV. and another goes into the Current File. At time of mailing, entry should be made on the Legislative File

Date, time and location of hearing should be entered in Last Action blank on Legislative File. The weekly Calendar Memo prepared for Sue Malone can be compiled from these Last Action entries if they are kept up-to-date. The Last Action blanks should contain future dates or actions being awaited, each entry purging the previous one, until no further action is possible, e.g., bill becomes law.

If Bill is #1 or #2 Priority, Sue Malone will contact the President or another Judge to give testimony at the hearing. Position letters to author and Committee members should include the fact that a CJA member will testify. When the name is known, it should be entered on the Legislative File. If arrangements are made without time to send letters, author, Committee and
CA ADV. should be notified that CJA will have a witness at the hearing.

Whenever Bill is amended, CA ADV. will send a copy of the Amended Bill to CJA. Sue Malone will transmit copy to the appropriate Committee Chairman or to the Board President. If amendment causes Board to adopt new Position or Priority, the change shall be made on the Legislative File.

If and when Assembly or Senate Daily File shows date has been set for the Bill to be heard before the Fiscal Committee, CJA position letters shall be sent to all members of the Committee. Date Sent shall be entered on the Legislative File.

If Bill is #1 or #2 Priority, Sue Malone will make arrangements for the President or another Judge to testify. Position letters to the Committee should include the fact that a CJA member will testify.

If and when Bill passes to Second Reading in the Originating House, position letters are to be sent to all members of House, or (at minimum) all members not on Policy and Fiscal Committees.

If and when Bill passes to Other House, the Assembly or Senate Daily File will show the date the Bill is set for hearing with the Policy Committee. Position letters should be sent to all members of the Committee and the mailing date entered in the Legislative File. If Bill is #1 or #2, arrangements should be made for the President or another Judge to testify. His name shall be entered in the Legislative File. If the position letters do not include the fact that a CJA member will testify, the Committee and CA ADV. should be notified.

If and when Bill passes to Fiscal Committee, the Assembly or Senate Daily File will give the date of the hearing. Position letters should be sent to all members of the Committee, and the mailing date entered in the Legislative File. If
Bill is #1 or #2 Priority, arrangements should be made for the President or another Judge to testify. If the position letters do not include the fact that a CJA member will testify, the Committee and CA ADV. should be notified.

If Bill is passed to Second Reading in the Other House, position letters should be sent to all House members, or (at a minimum) all members not on the Policy or Fiscal Committees.

If Bill is sent to the Governor, a letter giving CJA's position should be sent to the Governor's Office.

Whenever the Board meets during the Legislative Session, a Status Report on CJA Position Bills should be prepared by the Leg. Asst. All information on the Status Report should be available from the Legislative File, if it has been kept up-to-date. This Status Report is sent, as well, to all Judges who have indicated they want it, and to the Governor's Office.

The Weekly History gives actions on each bill to date. It will list the printed date of each bill. At some time during the Bill's life, when the Weekly History is being used to check latest action, the date the Bill was printed should be entered in the Legislative File.

When dates are indicated on the charts, they show the minimum number of days required by the Legislature between specified events. In most cases, the actual number of days is much more. In a few cases, the rules are waived, and the days are even fewer.
Blanks are to be filled in with pen or typewritten. In the Last Action box, a Scotch Brand Post-it Note Pad sheet can be used to record the latest action or future date. As the action is concluded, a new Post-it sheet can replace the old message, and so on, until no further action can take place. The Bill's actual last action should be recorded in the box itself.

SUGGESTED DESIGN FOR TERMINAL SCREEN:

A similar design can be set up as a mask for a terminal screen used with a Word Processor or Mini-computer. It would not look precisely the same, but the same data elements would be included. Instead of a large box for Last Action or Future Date, a single blank in a date format would do. As each new date is inserted, the old date would be erased.
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<td>Reduce civil</td>
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March 75, 1981
APPENDIX C
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<th>NUMBER</th>
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APPENDIX D
LEGISLATIVE HEARINGS - As of April 22, 1981

Wednesday, April 22, 1981

SENATE RULES 1:30 p.m. Room 5007
SB No. 718(Holmdahl) - Judicial impact cases

Wednesday, April 29, 1981

SENATE ELECTIONS & REAPPORTIONMENT - 9:30 a.m. Room 2040
SB No. 510 (Davis) - Judges sentencing record

Tuesday, May 5, 1981

SENATE JUDICIARY - 9:30 a.m. Room 4203
SB No. 366(Sieroty) - Unlawful detainer: proc. upon judgmt.
SB No. 790(Dills) - Retired judges: assignmt.
SCA No. 23(Maddu) - Courts: Judicial Council

Tuesday, May 12, 1981

SENATE JUDICIARY - 9:30 a.m. Room 4203
SB no. 311(Holmdahl) - Limitations of actions
SB No. 877(Sieroty) - References

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Wednesday, April 22, 1981

ASSEMBLY JUDICIARY 1:30 p.m. Room 2117
ACA No. 8(Imbrecht) Appt. of law school deans
AB No. 1323(Floyd) - Judges' Retirement law: disability retirement

Monday, April 27, 1981

ASSEMBLY CRIMINAL JUSTICE - 1:30 p.m. & 7:00 p.m. Room 4202
AB No. 609(Ivers) - Mentally disordered sex offenders
AB No. 1945(Konnyu) - Criminal sentences

Tuesday, April 28, 1981

ASSEMBLY CRIMINAL JUSTICE - 7:00 p.m. Room 4202
AB No. 609(Ivers) - Mentally disordered sex offenders
AB No. 515(Floyd) - County jails
AB No. 1945(Konnyu) - Criminal Sentences

Wednesday, April 29, 1981 1:30

ASSEMBLY JUDICIARY - 1:30 p.m. Room 2117
AB No. 84(McAlister) - Fees for failure with court proceedings
AB No. 622(Willie Brown) - Legal assist. by DA
ACA No. 30(Dapiloff) - Salary revision

Wednesday, April 29, 1981

ASSEMBLY PUBLIC EMPLOYEES AND RETIREMENT - 4:00 p.m. Room 2133
AB no. 1440(Floyd) - Public employees' medical and hospital care act: benefits