

Time

Place

March 19 - 7:00 p.m. - 10:00 p.m.

California Alumni Center  
Lake Tahoe, California

March 20 - 9:00 a.m. - 12:00 noon  
7:00 p.m. - 10:00 p.m., if necessary

AGENDA

for meeting of

CALIFORNIA LAW REVISION COMMISSION

Lake Tahoe

March 19-20, 1967

March 19 - Sunday evening

1. Approval of Minutes of February Meeting (sent 3/7/67)
2. Administrative matters, if any
3. Review of recommendations to 1967 legislative session

Memorandum 67-25 (enclosed)

Approval for Printing in Senate Journal

Recommendation Relating to Senate Bill No. 531 (enclosed)  
(Amending Code of Civil Procedure 414 and related sections)

4. Study 26 - Escheat

Memorandum 67-13 (to be sent)

Revised Recommendation (attached to memorandum)

March 20 - Monday

5. Study 36 - Condemnation Law and Procedure

Possession Prior to Final Judgment and Related Problems

Memorandum 67-23 (enclosed)

: Special Order  
: of Business  
: 9:00 a.m.  
: March 20  
:

6. Study 62 - Evidence Code

Memorandum 67-24 (to be sent)

MINUTES OF MEETING

of

CALIFORNIA LAW REVISION COMMISSION

MARCH 19 AND 20, 1967

Lake Tahoe

A meeting of the California Law Revision Commission was held at the California Alumni Center at Lake Tahoe on March 19 and 20, 1967.

Present: Richard H. Keatinge, Chairman  
Sho Sato, Vice Chairman  
James R. Edwards  
John R. McDonough  
Thomas E. Stanton, Jr.

Absent: Joseph A. Ball  
Herman F. Selvin  
George H. Murphy, ex officio

Note: Legislative members of the Commission have not yet been designated by the respective appointing authorities.

Messrs. John H. DeMouilly, Joseph B. Harvey, and Clarence B. Taylor of the Commission's staff also were present.

Also present were the following observers:

Robert F. Carlson	State Dept. of Public Works (March 20)
Norval Fairman	State Dept. of Public Works (March 20)
James T. Markle	State Dept. of Water Resources (March 20)
Willard A. Shank	Office of Attorney General (March 20)
Charles E. Spencer	State Dept. of Public Works (March 20)
David B. Walker	Office of San Diego County Counsel

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ADMINISTRATIVE MATTERS

Minutes of February 1967 meeting. The Minutes of the February 1967 meeting were approved.

Future meetings. Future meetings are scheduled as follows:

April 21 (evening), 22	Los Angeles
Note: This meeting will be held only if necessary in connection with the 1967 legislative program.	
May 19 (evening), 20	San Francisco
June 23 (evening), 24	Los Angeles
July 28 (evening), 29	San Francisco
August	No meeting
September 21 (evening), 22, 23	Los Angeles
October 20 (evening), 21	San Francisco

Report on 1967 legislative program. The Executive Secretary reported that Senate Bills Nos. 250 (additur), 252 (leases) and 254 (good faith improver) have been approved by the Senate Committee on Judiciary and that the Committee also approved the reports revising the comments to the sections contained in these bills. None of the other bills has been heard by the Senate Judiciary Committee.

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STUDY 26 - ESCHEAT

The Commission considered Memorandum 67-13, the First Supplement to Memorandum 67-13, and the Revised Tentative Recommendation which was attached to the basic memorandum. A revised tentative recommendation is to be prepared to reflect the actions taken and is to be distributed for comment. The following actions were taken.

Revision of tentative recommendation generally

Editorial revisions on drafts of the tentative recommendation submitted by various Commissioners should be taken into account in preparing the revised tentative recommendation.

Preliminary portion of tentative recommendation

The portion of the tentative recommendation contained in the Exhibit to the First Supplement to Memorandum 67-13 is to be substituted for this portion of the tentative recommendation contained in the draft attached to Memorandum 67-13.

Section 1501

The definition of "owner" in the existing statute should be restored.

Section 1510

Subdivision (1) of paragraph (b) should be checked to be sure that the holder is not required to make reports that are not based on the information contained in his records. See Section 1530 and related sections.

Subdivision (a) should be revised to read:

(a) The last known address, as shown on the records of the holder, of the apparent owner is in this state.

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Similar conforming changes should be made in the remainder of the statute, e.g., the same change in subdivisions (c) and (d) of Section 1510.

Paragraph (2) of subdivision (b) should be revised so that California does not escheat property where the other state has proved that the last known address of the owner was actually in the other state.

The comment should be revised so that the holding in Texas v. New Jersey is not stated so broadly.

#### Section 1511

The last sentence of the comment should be revised to read: "If the records of the holder show an address for the apparent owner, Section 1511 is inapplicable and whether this state is entitled to the property will be determined under Section 1510." A similar revision should be made wherever comparable language is used.

A new section should be added to the statute to require persons selling travelers checks and money orders in this state to retain a record of the checks or orders sold to purchasers in this state.

#### Section 1512

The introductory portion of this section should conform to the method of drafting used in the introductory clause of Section 1511.

Subdivision (a)(1) should be revised to read:

(1) It is not definite and certain from the records of the corporation what person is entitled to the funds or no address of the apparent owner of the funds is shown on the records of the corporation; and

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Subdivision (b)(1) should be conformed to the language set out above.

The last sentence of the comment should be revised.

Section 1530

The comment should make clear that, in the case of an insurance company, the name of the beneficiary is to be reported under subdivision (b)(1) and the name of the insured or annuitant is to be reported under subdivision (b)(2).