

8/11/70

First Supplement to Memorandum 70-76

Subject: Multi-Year Schedule of Projects

It is useful for the Commission from time to time to consider its various legislative assignments and to plan how and when those assignments will be completed.

Attached as Exhibit I (pink) is a multi-year schedule of projects. The Commission already has determined tentatively the content of the legislative program for 1971. You will recall that we have retained two consultants to submit a study on attachment and garnishment by October 1, 1970, and we plan (working with the State Bar Committee and others) to submit legislation to the 1971 Legislature to deal with the problems in this field of law that are most urgently in need of correction. We have distributed for comment a tentative recommendation on two aspects of pleading, and we plan to submit a recommendation on these topics to the 1971 Legislature. We also plan to submit a uniform relocation assistance statute to the 1971 Legislature and have distributed a tentative recommendation on that subject for comment. (We will consider the comments on the relocation assistance recommendation at the September meeting; the comments on the pleading recommendation will be considered at the October meeting.) We expect to receive the background study on the right of nonresident aliens to inherit by October 1, 1970. If this proves to be a simple topic (merely repeal of existing statutes or substitution of one or two sections for existing statutes), we could make a recommendation on the topic to the 1971 Legislature. Also, the Commission will need to determine whether any recommendations are to be made to the 1971 or subsequent sessions on the

sovereign immunity provisions recommended to the 1970 Legislature but not enacted (nuisance; plan or design immunity; liability for ultrahazardous activities).

The remaining portion of the multi-year program is tentative. To a considerable extent, we depend upon the receipt of a background study before we can consider particular topics.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

First Supplement to Memorandum 70-76

EXHIBIT I

CALIFORNIA LAW REVISION COMMISSION

MULTI-YEAR SCHEDULE OF PROJECTS

(Number of sections is estimated unless otherwise indicated.)

JANUARY 1970 - JANUARY 1971

Legislative Consideration of Recommendations to 1970 Legislature (106 sections--actual count)

("*" indicates revised version of recommendation to prior session)

Fictitious Business Names--40 sections
Sovereign Immunity (Revisions of Governmental Liability Act)--23 sections
*Sovereign Immunity (Statute of Limitations)--12 sections (ENACTED)
Quasi-Community Property--4 sections (ENACTED)
Proof of Foreign Official Records--1 section (ENACTED)
Condemnation Law and Procedure (Arbitration of Just Compensation)--7 sections (ENACTED)
*Real Property Leases--14 sections (ENACTED)
*Evidence Code (Revisions of Evidence Code)--5 sections
"Vesting" of Interests Under Rule Against Perpetuities--1 section (ENACTED)
Representations as to Credit of Third Persons--1 section

Topic Added to Agenda:
Nonprofit Corporation Law

Topics Dropped From Agenda:
Small Claims Court Law
Service of Process by Publication

Work on Recommendations to 1971 Legislature

("#" indicates topics that can be considered only if study is received by September 15, 1970)

Attachment and Garnishment (TOP PRIORITY)
Condemnation Law and Procedure (Relocation Assistance) (PRIORITY)
Cross-Complaints and Counterclaims
Joinder of Causes of Action
#Right of Nonresident Aliens to Inherit

Work on Other Topics

Inverse Condemnation (Water Damage; Land Stability) (TOP PRIORITY)
Condemnation Law and Procedure (The Right to Take) (TOP PRIORITY)
Jurisdiction in Custody Matters
Consideration of Recommendations to 1970 Legislature That Are Not
Enacted

JANUARY 1971 - JANUARY 1972

Legislative Consideration of Recommendations to 1971 Legislature (200
sections)

Attachment and Garnishment
Condemnation Law and Procedure (Relocation Assistance)
Cross-Complaints and Counterclaims
Joinder of Causes of Action
Right of Nonresident Aliens to Inherit

Topics to be Dropped From Agenda:

Taking Instructions to Jury Room (no legislation desirable)
Trial Preference Statutes (no legislation desirable)
Personal Injury Damage Award as Separate Property (legislation
enacted)
Mutuality of Remedies in Suits for Specific Performance (legisla-
tion enacted)
Vehicle Code Section 17150 and Related Statutes (legislation
enacted)
Good Faith Improvers (legislation enacted)
Section 197⁴ of the Code of Civil Procedure (legislation enacted)
Additur and Remittitur (legislation enacted)
Civil Code Section 715.8 (legislation enacted)

New Topics:
(not yet determined)

Work on Recommendations to 1972 Legislature

Inverse Condemnation (Water Damage; Land Stability) (TOP PRIORITY)
Revision of Arbitration Statute
Disposition of Lessee's Property Upon Termination of a Lease
Liquidated Damages
Jurisdiction in Custody Matters

Work on Other Topics

Condemnation Law and Procedure (The Right to Take) (TOP PRIORITY)
Condemnation Law and Procedure (Compensation and Related Problems)
(TOP PRIORITY)

Condemnation Law and Procedure (Other Aspects) (TOP PRIORITY)
Inverse Condemnation (Various Aspects) (TOP PRIORITY)
Consideration of Recommendations to 1971 Legislature That Are Not
Enacted

JANUARY 1972 - JANUARY 1973

Legislative Consideration of Recommendations to 1972 Legislature

Inverse Condemnation (Water Damage; Land Stability; Other Aspects)
Arbitration
Jurisdiction in Custody Matters
Disposition of Lessee's Property
Liquidated Damages

Work on Recommendations to 1973 Legislature

Comprehensive Eminent Domain Statute (TOP PRIORITY)
Consideration of Recommendations to 1972 Legislature That Are Not
Enacted
Oral Modification of Written Contract

JANUARY 1973 - JANUARY 1974

Legislative Consideration of Recommendations to 1973 Legislature

Comprehensive Eminent Domain Statute
Oral Modification of Written Contract

Work on Other Topics

Comprehensive Garnishment-Attachment-Execution Statute
Nonprofit Corporation Law
Partition and Probate Sales
Other Topics added to agenda at 1971 and subsequent sessions