

Memorandum 71-95

Subject: Study 36 - Schedule for Condemnation Study

For the last several years, the bulk of the Commission's time has been devoted to the right to take aspects of condemnation law and procedure. The staff plans to present various aspects of the right to take within the next few months so that the Commission can prepare and publish a tentative recommendation covering the right to take.

We hope to be able to send our tentative recommendation on the right to take to the printer before July 1, 1972. Accordingly, at the coming meetings, we will be considering a series of miscellaneous problems that remain to be covered if we are to cover comprehensively all aspects of the right to take.

At the December meeting, the staff hopes to tie up various loose ends on the comprehensive statute. After the December meeting, we plan to prepare a new draft of the comprehensive statute that will include all revisions made at past meetings and at the December meeting. We expect that the volume of statutory material in the new draft will be approximately twice what it is in the present draft, primarily because we plan to pick up any necessary conforming amendments in various codified and uncodified laws.

When this new draft is available, we plan to have the Chairman write a letter to the State Bar Committee forwarding the draft and giving the committee a tentative schedule for review and comment. Also, at the same time, we will attempt to interest the Judicial Council and Conference of California Judges in this project.

In publishing the right to take recommendation, we believe that amendments that are merely conforming should be omitted in the interest of saving printing funds.

Respectfully submitted,

John H. DeMouilly
Executive Secretary