

Memorandum 76-51

Subject: Study 77 - Nonprofit Corporations (Schedule for Study)

At the last meeting, the Commission requested that the staff provide a schedule for work on the nonprofit corporations study.

The attached schedule takes into consideration two important factors. First, the Commission's report is required by statute to be printed by the Office of State Printing. If the report is to be submitted to the 1977 session, the report must be in the hands of the printer not later than November 1, 1976. This is because--beginning early in December--the printer gives top priority to the Governor's budget and our reports are put aside; and--beginning in January--the legislative business (bills, daily and weekly histories, journals, and files) have top priority and other printing has a low priority. If our report arrives in the hands of the printer much after November 1, 1976, it is unlikely that it will be available for submission in printed form to the Governor and the Legislature prior to the time the proposed legislation is set for hearing. In fact, it would be far safer if the report could be in the hands of the printer early in October 1976.

There is another--more important--consideration in connection with the schedule. It is possible that the Commission may be directed to make a study of tort liability calling for submission of a background study by February 1, 1978, and tentative legislation by February 1, 1979. The Commission and staff would need to commence work on such a study as soon as authorized, and it would occupy substantially all the Commission's time thereafter. The bill to direct that such a study be made was approved by the Assembly Judiciary Committee. Accordingly, it is essential that the nonprofit corporations study be completed

as soon as possible so the Commission will be in a position to give the necessary time to the tort liability study should the Legislature direct the Commission to make such a study.

It is important that the comments and suggestions of the State Bar Committee be obtained and reviewed before the Commission's recommendation is printed. The Chairman will report at the meeting on our meeting with Assemblyman Knox and others. Past major studies--such as the Evidence Code, Eminent Domain Law, and Creditors' Remedies legislation--were the result of a joint effort of the Commission and a special State Bar committee, and the resulting legislation was strongly supported by the State Bar. It is to be hoped that the State Bar will support--or at least not oppose--the nonprofit corporation legislation to be produced by the Commission. To accomplish this objective, it is essential that the views of the State Bar be received and considered within the time provided in the attached schedule.

The schedule suggested by the staff, taking into consideration the matters discussed above, is attached. The attached schedule ties in with the tentative meeting schedule previously distributed (copy attached).

Respectfully submitted,

John H. DeMouilly
Executive Secretary

TENTATIVE SCHEDULE FOR WORK ON NONPROFIT
CORPORATION STUDY

This is a tentative schedule only. The dates set are goals for completion of various phases of the project. It may be possible to complete work on some phases earlier than indicated and some phases may be more difficult than anticipated and may cause a delay in the schedule. Attendance of the staff of Select Committee and some members of State Bar Committee at each Commission meeting will contribute greatly to achievement of goals. Expeditious review by State Bar Committee of portions when received and transmission of comments to Commission is essential to maintenance of schedule.

May 15, 1976

Members of State Bar Committee and Select Committee Chairman and staff receive binder containing portions of tentatively approved General Nonprofit Corporation Law and portions of new Division 4, both revised to reflect decisions made at Commission's April 22-24 meeting.

May 13-15 Commission Meeting

Commission completes its initial review of entire General Nonprofit Corporation Law draft (excluding transitional provisions).

June 17-19 Commission Meeting

Commission reviews tentative draft of entire General Nonprofit Corporation Law.

July 8-10 Commission Meeting

Commission reviews transitional provisions and conforming revisions in other statutes and makes necessary policy decisions with reference thereto. Any comments received on May 15 tentative draft are reviewed if received in sufficient time prior to meeting so they can be reproduced and sent out to Commission members, consultants, and others attending meetings.

July 12, 1976

State Bar Committee and Select Committee Chairman and staff receive tentative draft of entire General Nonprofit Corporation Law and new Division 4, both revised to reflect decisions made at June 17-19 meeting. Tentative draft sent out to other interested persons for review and comment.

August 1, 1976

State Bar Committee and Select Committee Chairman and staff receive tentative draft of transitional provisions and conforming revisions in other statutes, revised to reflect decisions made at July 8-10 meeting. Same material sent to other interested persons for review and comment.

September 9-11 Commission Meeting

Comments on tentative draft, transitional provisions, and conforming revisions are reviewed by Commission. Entire tentative draft is reviewed section by section.

October 7-9 Commission Meeting

Commission's recommendation, including revised draft of statutory material, reviewed and approved for printing. Staff makes necessary substantive, technical, and editorial revisions and requests Legislative Counsel to put in form for preprinted bill; preprint bill is printed; preprinted bill to be included in Commission's recommendation.

November 1, 1976

Revised and edited recommendation sent to printer.

TENTATIVE SCHEDULE FOR FUTURE MEETINGS

CALIFORNIA LAW REVISION COMMISSION

May - Los Angeles

May 13 - 7:00 p.m. - 10:00 p.m.

May 14 - 9:00 a.m. - 5:00 p.m.

May 15 - 9:00 a.m. - 4:30 p.m.

June - San Francisco

June 17 - 7:00 p.m. - 10:00 p.m.

June 18 - 9:00 a.m. - 5:00 p.m.

June 19 - 9:00 a.m. - 12:00 noon

July - Los Angeles

July 8 - 7:00 p.m. - 10:00 p.m.

July 9 - 9:00 a.m. - 5:00 p.m.

July 10 - 9:00 a.m. - 4:30 p.m.

August

No meeting

September - San Francisco

September 9 - 10:00 a.m. - 5:00 p.m.

September 10 - 9:00 a.m. - 5:00 p.m.

September 11 - 9:00 a.m. - 4:30 p.m.

October - Los Angeles

October 7 - 7:00 p.m. - 10:00 p.m.

October 8 - 9:00 a.m. - 5:00 p.m.

October 9 - 9:00 a.m. - 12:00 noon

November - San Francisco

November 11 - 7:00 p.m. - 10:00 p.m.

November 12 - 9:00 a.m. - 5:00 p.m.

November 13 - 9:00 a.m. - 12:00 noon

December - Los Angeles

December 2 - 7:00 p.m. - 10:00 p.m.

December 3 - 9:00 a.m. - 5:00 p.m.

December 4 - 9:00 a.m. - 12:00 noon