

2/21/69

Memorandum 69-43

Subject: Materials for Policy and Program Hearings

The attached materials have been prepared for the Policy and Program Hearings that will be held by the Department of Finance early in April 1969. It is important that you examine these materials prior to the meeting since they consist of a statement as to what can be expected to be produced by the Commission during the next five years. The Department of Finance, the Governor, and the Legislature will expect the Commission to follow the program set out in these materials.

Please mark any editorial revisions on the materials and turn them in to the staff at the meeting so that your revisions can be considered when the materials are revised after the meeting. Please be prepared to raise any questions of policy concerning these materials at the meeting.

We attached to this memorandum Sections 6800-6830.2 of the State Administrative Manual, which contain a description and state the requirements of the State Programming and Budgeting System. The materials to be presented at the Policy and Program Hearing were prepared to meet the requirements of these sections of the State Administrative Manual. Also attached is a copy of the Governor's budget for the Commission as submitted to the current legislative session. (The editorial revisions in output are revisions by the Commission's staff, not included in the printed budget, to reflect actual experience and revised estimates for the future.)

Respectfully submitted,

John H. DeMouilly
Executive Secretary

POLICY AND PROGRAM HEARING MATERIALS
CALIFORNIA LAW REVISION COMMISSION

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Multi-year Program Statement--California Law Revision Commission

Program objective

The primary objective of the California Law Revision Commission is to study the statutory and decisional law of this state to discover defects and anachronisms and to recommend legislation to effect needed reforms. The subjects of commission study are designated by concurrent resolution of the Legislature.

The commission consists of a Member of the Senate appointed by the Committee on Rules, a Member of the Assembly appointed by the Speaker, and 7 additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel is an ex officio nonvoting member of the commission.

Need

The commission assists the Legislature in keeping the law up to date by intensively studying complex and controversial subjects, identifying major policy questions for legislative attention, gathering the views of interested persons and organizations, and drafting recommended legislation for legislative consideration. The commission also identifies deficiencies in the law that might not otherwise come to legislative attention and recommends corrective legislation.

The efforts of the commission permit the Legislature to devote its time to determining significant policy questions rather than having to be concerned with the technical problems involved in preparing background studies, working out intricate legal problems, and drafting needed legislation. The output of the commission thus permits the Legislature to accomplish needed reforms that the Legislature might otherwise not be

able to effect because of the heavy demands on legislative time. In some cases, the commission's study results in a determination that no legislation on a particular topic is needed, thus relieving the Legislature of the burden of devoting its time to the study of such topic.

Authority

Section 10330 of the Government Code.

Output

The basic measure of the commission's output is the number of statute sections recommended to be added, amended, or repealed at a given session. This is not, however, an accurate measure of output for a number of reasons:

(1) One statute section dealing with a complex, controversial problem may require substantially more resources than 50 sections dealing with a relatively simple, noncontroversial problem.¹

(2) Some statutes require a number of years to produce and the output is measured only in the year when the statute is actually recommended for enactment.²

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1. For example, one problem now under study is whether the condemnee in an eminent domain action should be permitted to recover litigation expenses (primarily attorney's fees and appraisal costs) and, if so, under what circumstances. The Commission may conclude that no change should be made in the existing law (in which case the work on this problem is not reflected in measured output) or may recommend only one or two sections to deal with the problem. On the other hand, a recodification of an existing statute with minor substantive changes may result in a recommendation affecting 50 or more sections but require considerably less time and resources than the litigation expense problem.
 2. Considerable time and resources have been devoted to the study of inverse condemnation (see Exhibit I) but this work is not reflected in measured output to date.

(3) Frequently, after considerable study of a particular problem, the commission concludes that legislation or additional legislation should not be enacted on a particular topic or aspect of a topic that the Legislature has directed the commission to study.

	<u>Actual 1968-69</u>	<u>Estimated 1969-70</u>	<u>Estimated 1970-71</u>	<u>Estimated 1971-72</u>
Sections recommended	64	56	300	300

Another measure of the commission's output is the number of printed pages contained in material published in a given fiscal year. To some extent, this reflects the commission's actual output since the complexity of a legal problem is generally reflected in the number of pages required to discuss the problem. However, the commission strives for conciseness in its publications in order to minimize printing costs and to reduce the volume of material that must be considered by the Legislature and other interested persons. Consequently, the more editorial resources that are devoted to a particular publication, the more likely that it can and will be shortened. In addition, in a number of instances, considerable mimeographed material is prepared on a particular problem and considerable commission time is devoted to a consideration of the problem, the Commission finally concluding that it would be undesirable

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3. For example, the commission after study of particular topics has recommended that they be dropped from the commission's agenda either because no legislation is needed (as in the case of pour-over trusts) or because the topic is not suitable for commission study (as in the case of the right of an unlicensed contractor to recover for work performed). The commission also has considered a number of areas of inverse condemnation liability and concluded that the enactment of legislation in these areas would not be desirable or should be given a low priority on expenditure of the Commission's resources (see Exhibit I).

to change the existing law dealing with the particular matter or that the matter is one that does not lend itself to a legislative--as distinguished from a judicial--solution.

	<u>Actual</u> <u>1967-68</u>	<u>Estimated</u> <u>1968-69</u>	<u>Estimated</u> <u>1969-70</u>	<u>Estimated</u> <u>1970-71</u>	<u>Estimated</u> <u>1971-72</u>
Commission reports (printed pages)	327	183	300	300	300
Background studies published in law reviews (printed pages)	160	100	350	300	35

Rather than measuring the output of the commission by either of the methods discussed above, a more subjective valuation should be made of the quality and significance of the legislative measures produced by the commission. It is believed that the Senate and Assembly Committees on Judiciary make a continuing evaluation of the quality and significance of the commission's legislative measures. In this connection, it is significant to note that commission recommendations have resulted in the enactment of legislation affecting 1,932 sections of the California statutes: 978 sections have been added, 463 sections amended, and 491 sections repealed. Perhaps more significant is the fact that of 71 bills recommended by the commission, 61 eventually became law and one of two constitutional amendments recommended by the commission was approved and ratified by the people. Almost without exception, the legislative measures recommended by the commission involve significant and important changes in existing law or codify important principles of law in areas where the law is uncertain.

Workload Information

The commission devotes its resources to those topics that the Legislature has assigned for study. During the next four or five years, the

commission will devote approximately 60 percent of its resources to preparing recommendations relating to condemnation law and procedure and to inverse condemnation--two topics which legislative committees have directed the commission to give priority. For further information concerning these topics, see Exhibits I and II. Other recommendations on smaller topics will be submitted to the Legislature during this period to the extent they can be worked into the Commission's active agenda without delaying work on the two priority topics mentioned above.

The commission now has an agenda of 24 topics referred to it by the Legislature for study. These topics can be classified as follows:

(1) Topics under active consideration. Eight topics are included in this category. Two of these topics--condemnation law and procedure and inverse condemnation--are topics that the Legislature has requested be given priority. One of the remaining topics--sovereign immunity--is included in this category because it is closely related to inverse condemnation. The Evidence Code, enacted upon commission recommendation, is included in the active category because the commission from time to time considers suggested revisions or additions to the statutes relating to evidence. The remaining three topics under active consideration are relatively minor in importance.

(2) Topics continued on agenda for further study. Ten topics are included in this category. Studies and recommendations relating to these topics, or to one or more aspects of these topics, have been made. The topics are continued on the agenda for further study of recommendations not enacted or for the study of additional aspects of the topic or new developments. It is not anticipated that a significant portion of the commission's resources will be devoted to work on these topics in the

future. However, this category includes four topics with respect to which the commission has submitted recommendations to the 1969 Legislature and a significant amount of staff time will be devoted to assisting the legislative committees in their consideration of these recommendations.

(3) Other topics authorized for study. Six topics are included in this category. The commission plans to request authority from the 1970 Legislature to drop two of these topics from its agenda. (It has concluded that it would not be desirable to devote any of its resources to the study of one of these topics and the other topic will be dealt with by legislation prepared by the State Bar and the Judicial Council.) A research consultant is working on a background study on one of the remaining topics (authorized for study in 1968). The three remaining topics have not yet been taken up for consideration by the commission.

Senate Concurrent Resolution 16 was introduced at the current legislative session on behalf of the commission. This resolution would authorize the commission to drop one topic previously authorized for study from its agenda. Senate Concurrent Resolution 17 was introduced at the current legislative session on behalf of the commission. This resolution would authorize the commission to study four new, relatively narrow topics, three of which were recommended by the Commission and one of which was added to the resolution by the Senate Committee on Judiciary. These new topics would be studied if and when they could be considered without delaying the work on the two priority topics--inverse condemnation and condemnation law and procedure. The study of these new topics would be made without any increase in the present level of commission expenditures.

The commission is making an effort to identify other areas of the law that present problems the solution to which would be particularly aided by the type of legal research and analysis which the commission undertakes to provide. The commission believes that it may have time to consider a few topics during the next few years that are relatively narrow in scope. During recent years, the commission has submitted recommendations to the Legislature on most of the topics it was authorized to study that were narrow in scope. It is desirable to obtain authority to study additional topics well in advance of the time when the commission will be in a position to consider them so that a research consultant will have the time to prepare a background research study that will be available for commission consideration when the commission first considers the topic.

Present staffing of the commission is adequate to handle the anticipated workload during the next four or five years. Delay in completing work on major topics now under study is unavoidable because the topics are complex and controversial and an increase in the professional staff of the commission would not result in an economical increase in the output with respect to these major topics.

General Description and Work Plan

Recommending new legislation. The following are the significant steps in the preparation of the commission's recommendations to the Legislature.

1. Preparation of research study. Before the Commission commences study of a particular topic, a research study is prepared to provide background information concerning the topic. The research study contains a full discussion of the existing law, of the defects in existing law, and of various statutory approaches that might be used to eliminate these defects.

Most research studies are prepared by outside research consultants. A contract is made with the research consultant who ordinarily undertakes to prepare the study for a specified lump sum. In addition, the contract provides for paying his travel expenses in attending Commission meetings and legislative hearings when he is requested to attend by the Commission. The amount paid for the study is modest, especially in relation to the amount of time required to produce the study and in view of the fact that the consultant is an expert in the field of law involved. The primary reason why an outside consultant is willing to undertake to prepare a research study for the Commission is that it provides him with an opportunity both to participate in law reform and to publish his study in a law review.

Some of the research studies are prepared by the Commission's staff. Since this is a more expensive method of preparing studies, outside consultants are used whenever possible. Usually, a staff study is prepared in cases where the subject matter does not require a substantial amount of research or where the topic is one for which a competent consultant cannot be obtained.

Before the study is printed, it is edited and checked by the Commission's staff. Often a study prepared by an outside consultant is supplemented by as much as one-third, brought up to date, and otherwise improved in quality.

The research study is available to the Commission when it considers what recommendation should be made and to interested persons, including the Legislature, when the Commission's recommendation is considered.

2. Distribution of tentative recommendations. The Commission prepares and distributes tentative recommendations to the State Bar and to interested persons throughout the state. Legal newspapers and other legal publications publish notices that these tentative recommendations are available, thus assuring wide distribution. Comments on the tentative recommendations are considered carefully by the Commission in determining what recommendation to make to the Legislature.

Defects can largely be eliminated as a result of the review of tentative recommendations by various interested persons. This results in a substantial saving of legislative time in considering the Commission's recommendations.

3. Printing of Commission report. When the Commission has determined the recommendation it will make to the Legislature, the recommendation (including a draft of any legislation necessary to effectuate its recommendation) and the research study (if not separately published) is published in a printed pamphlet.

In 1965-66, for the first time, the Commission authorized the printing of five of its research studies as articles in law reviews. This procedure has a number of advantages: (1) quality is improved; (2) wider circulation is assured; (3) research consultants are more willing to undertake to prepare studies if they are published in law reviews; and (4) the major portion of the printing costs--the charge for setting the type--is carried by the law review, thus achieving a substantial reduction in printing costs because the study can be photo-offset for inclusion in the Commission's report. Because

of these advantages, the commission plans to continue this procedure in the future for those studies which are suitable for publication in law reviews.

4. Distribution of reports. The commission's reports are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state. Thus, defects that were not eliminated at the time of the distribution of tentative recommendations can be pinpointed and eliminated before the bill is enacted by the Legislature. A primary reason for the legislative success of commission recommended legislation may be found in the wide distribution to the public and the careful consideration which is accorded the comments received from interested persons.

Securing enactment of recommendations. A significant portion of the time of the commission's staff is spent in presenting recommendations at legislative hearings and in explaining the recommendations to interested persons.

Annual report. In compliance with Section 10335 of the Government Code, the commission publishes an annual report which includes a list of topics under study, the report on unconstitutional and impliedly repealed statutes, legislative history, and some of the smaller recommendations.

Repeal of unconstitutional or impliedly repealed statutes. A further program, described in Section 10331 of the Government Code, is recommending the express repeal of all statutes repealed by implication or held unconstitutional. Because of the pressure of other work, the commission has given this directive a narrow construction. One part-time law student can, in about one week of full-time work, do the basic research necessary

to comply with this directive. A few hours of staff and commission time are required to prepare the report to the Legislature. This report averages about one to one and one-half printed pages in length and is contained in the commission's Annual Report.

Input

It is anticipated that the expenditures of the Law Revision Commission during the next five years will remain fairly constant. Five-year expenditure projections are indicated on the following page. The expenditure projections are based on the assumption that a five percent salary increase will be granted for the 1969-70 fiscal year and that there will be no turnover in the commission's staff. The projected increase in expenditures results from anticipated merit salary adjustments and normal promotions. If there is staff turnover, it would result in some decrease in production and a slight decrease in expenditures. The five-year expenditure projections assume that the cost of materials, supplies, and services other than personnel, will not increase over the current level.

FIVE-YEAR EXPENDITURE PROJECTIONS
1970-71 to 1974-75

EXHIBIT I

Agency California Law Revision Commission

Budget Bill Item No. _____

School of Law, Stanford, California 94305

Date March 1969

Fund General

	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75
1. Estimated Expenditures*	-	169,301	171,169	174,343	176,248	177,673
a. 1969-70 Governor's Budget	163,922	-	-	-	-	-
b. 5% salary increase	5,379	-	-	-	-	-
2. Adjustments to Base						
a. Nonrecurring one-time costs (explain): Equipment in 1969-70 budget		(900)				
b. Terminating programs (explain):						
c. Workload adjustments (explain):						
d. Merit salary adjustments		1,518	608	1,948	1,396	1,203
e. Full-year cost of programs initiated in 1968-69						
f. Department of Finance letters (dates):						
3. Other Adjustments (explain):						
Increased staff benefits		651	266	187	127	104
Normal staff promotions		2,099	2,800	270	152	
Estimated savings in intermittent help and research as junior members of legal staff gain experience		(1,500)	(500)	(500)	(250)	(250)
Total Expenditures	169,301	171,169	174,343	176,248	177,673	178,730

* Beginning Estimated Expenditures, starting with the 1970-71 fiscal year will be the total expenditures from the prior year.

Prepared by:

Name _____
Title _____

Reviewed by:

Name _____
Title _____

Program Memorandum--California Law Revision Commission

It is the view of the commission that a possible area for savings during future years is in the cost of printing. The commission looks forward to the development in the State Printing Office of means of printing composition that do not involve the use of hot type. In addition, the commission is continuing its investigation of the use of equipment that will produce camera ready copy under direct commission supervision. Stanford University recently put into operation equipment that will produce camera ready copy. Although exploratory discussions have taken place, no effort has been made to use the Stanford University service; the commission is delaying its use of the service until the "bugs" in the new system are eliminated. The commission plans, however, to give serious consideration to utilizing this service on a trial basis to produce one of its reports to the 1970 Legislature.

For the reasons indicated above, the commission is not yet in a position to propose a change in the present method of having its recommendations printed in the State Printing Office using hot type.

EXHIBIT I

INVERSE CONDEMNATION STUDY

Resolution Chapter 130 of the Statutes of 1965 directed the Law Revision Commission to make a study concerning "whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised, including but not limited to the liability for inverse condemnation resulting from flood control projects." The Senate Judiciary Committee expressed the desire that this study, together with the eminent domain study, be given top priority.

Early in 1966, the Commission retained Professor Arvo Van Alstyne, who had prepared the background study on governmental liability, to prepare a background study relating to what extent, and in what respects, legislative enactments could effectively modify the current law relating to inverse condemnation without violating constitutional requirements. In August, 1966, Professor Van Alstyne produced a research study on this aspect of inverse condemnation in which he concluded that the Legislature could establish reasonable rules in this field under the federal and state constitutions. This study was later published in the Stanford Law Review. See Van Alstyne, Statutory Modification of Inverse Condemnation: The Scope of Legislative Power, 19 Stan. L. Rev. 727 (1967). At its September 1966 meeting, the Commission determined that, in view of Professor Van Alstyne's conclusions, it would continue its study of inverse condemnation but that it would not recommend any amendment of the state Constitution.

In June, 1967, Professor Van Alstyne produced another installment of the research study. This installment provided valuable background information concerning the various considerations that should be kept in mind

when specific typical and recurring forms of inverse condemnation claims are considered. The installment did not, however, deal with any specific areas of inverse condemnation liability. The study was published in the Santa Clara Lawyer. See Van Alstyne, Modernizing Inverse Condemnation: A Legislative Prospectus, 8 Santa Clara Lawyer 1 (1967). The Commission discussed this portion of the study but deferred taking any action until further installments of the study were available.

The third installment of the background research study was available in December, 1967, but the first opportunity the Commission had to consider this portion of the study was at its February 1968 meeting. This delay was caused by the turnover in Commission membership that resulted when two members of the Commission resigned in September, 1967, and the terms of two others expired in October, 1967. Their successors were not appointed until January, 1968. The third installment was concerned with deliberately inflicted injury or destruction. It was published in the Stanford Law Review. See Van Alstyne, Statutory Modification of Inverse Condemnation: Deliberately Inflicted Injury or Destruction, 20 Stan. L. Rev. 617 (1968). It deals with the following aspects of inverse condemnation:

(1) Deliberately Inflicted Injury or Destruction

- (a) Denial Destruction (In times of extreme emergency or disaster, public officials may order the selective destruction of private property to protect the community from widespread and calamitous loss. Typical examples of this so-called "denial destruction" are: Destruction of private property to prevent it from falling into enemy hands in wartime or to deny its combustible elements to a raging fire or the release of artificially impounded waters by destruction of private property to reduce damage from a serious flood.)

The Commission devoted considerable time to the problem of denial destruction. Several drafts of a tentative recommendation were prepared and revised. However, in June, 1968, the Commission determined that further work on this

aspect of inverse condemnation should be suspended. The many extremely difficult and complex problems that the Commission discovered were presented in an attempt to provide statutes dealing with denial destruction would have required far more time and resources than would be justified by the likelihood that cases of denial destruction would arise. Moreover, it was thought that it might be better that the problems in this area be resolved on a case by case basis rather than attempting to draft a statute that might not yield a proper result in the rare cases that might arise.

- (b) Requisitioning of Private Property (Under emergency circumstances, private property needed by government to carry out its responsibilities may sometimes be summarily seized, requisitioned, or commandeered. It is generally accepted that just compensation must be paid in such cases.)

The Commission determined not to study the extent, manner, or other requisites for requisitioning property. The Commission determined that it will consider the problem of damages for requisitioning of property after it has dealt with the compensation aspect of eminent domain. Representatives of public agencies advised the Commission that there are no pressing problems in this area.

- (c) Destruction of Menaces to Health and Safety (In cases calling for immediate action, public authorities may damage or destroy, without incurring liability for compensation, such property as diseased animals, rotten fruit, or infected trees where life or health is jeopardized.)

The Commission determined to defer study of this aspect of inverse condemnation until a later time.

(2) Confiscation and Destruction as Sanctions

- (a) Enforcement of Regulatory Policies (A broad range of statutes authorizes seizure, forfeiture, or official destruction of private property to enforce regulatory policies.)

The Commission determined to defer study of this aspect of inverse condemnation until a later time.

- (b) Building and Safety Code Enforcement (Destruction of private buildings as a means of enforcing building and safety regulations is another form of deliberate taking of private property that presents inverse condemnation problems.)

The Commission determined to give priority to the problem of discriminatory enforcement of building and safety code enforcement as a means of acquiring property by condemnation

at a reduced compensation. This matter will be considered in connection with the eminent domain study.

The procedural aspects of building and safety code enforcement were deferred but will be considered if and when staff and Commission workload permits.

The fourth installment of the research study on inverse condemnation was available in June, 1968. This portion of the research study deals with unintended physical damage. It will be published in the next issue of the Hastings Law Journal (which should be available in February, 1969). At its June 1968 meeting, the Commission determined to go into each aspect of this portion of the study in detail. The study covers:

- (a) Entry for Survey, Exploration, or Examination (Inverse condemnation problems may arise in connection with statutory authorizations for public officials to enter upon private property to survey, explore, or investigate.)

Representatives of public entities advised the Commission that this problem needed immediate attention. The Commission received a preliminary draft of this portion of the research study in April, 1968, and commenced its work on the problem. During 1968, a tentative recommendation was drafted and re-drafted, submitted to various public agencies for comment, and finally revised and distributed to a substantial number of persons for comment in December, 1968. A recommendation on this aspect of inverse condemnation law may be submitted to the 1970 Legislature.

- (b) Interference With Land Stability (The problem of a landslide caused by a public project carefully constructed; under existing law, the public entity is liable.)

The Commission determined to give this aspect of inverse condemnation a top priority. After study, the Commission concluded that the enactment of legislation in this area would not clarify the law and that no substantive change in existing law is needed or desirable.

- (c) Water Damages (The Commission is giving a top priority to this aspect of inverse condemnation. The problems are extremely difficult and have not yet been resolved. Memorandum 68-57 summarizes the background research study. See especially pages 6-11.)

- (d) Loss of Advantageous Conditions (Problem of governmental liability for environmental pollution, such as water pollution.)

This aspect has not yet been considered by the Commission.

- (e) Miscellaneous Physical Damage Claims (Included under this heading are (1) concussion and vibration, (2) escaping fire and chemicals, (3) physical occupation or destruction by mistake.)

This aspect of inverse condemnation has not yet been considered by the Commission.

The fifth portion of the background research study is in preparation and should be available by May 1, 1969. This portion will deal with non-physical or intangible harm to private property consisting of loss or diminution of value caused by governmental non-regulatory activity (such as, for example, airport or freeway noise).

The Commission has determined not to attempt to codify inverse condemnation law in vast areas of liability or potential liability. Instead, the Commission will submit recommendations covering specific types of recurring problems of inverse liability to future sessions of the Legislature. The top priority area, presently under study, is water damage and a recommendation on this area is tentatively scheduled for submission to the 1971 Legislature.

EXHIBIT II
CONDEMNATION LAW AND PROCEDURE

The Commission is now engaged in the study of condemnation law and procedure and tentatively plans to submit a recommendation for a comprehensive statute on this subject to the 1972 Legislature. The Senate Committee on Judiciary directed several years ago that this topic be given a top priority. Both the Assembly and Senate Committees on Judiciary--within the past year--have referred a number of bills relating to condemnation law and procedure to the Commission for consideration in connection with the overall study of this subject being made by the Commission.

As it did in connection with the Evidence Code study, the Commission will publish a series of reports containing tentative recommendations and research studies covering various aspects of condemnation law and procedure. The comments and criticisms received from interested persons and organizations on these tentative recommendations will be considered before the comprehensive statute is drafted.

The first report in this series has been published. See Tentative Recommendation and a Study Relating to Condemnation Law and Procedure: Number 1--Possession Prior to Final Judgment and Related Problems, 8 Cal. L. Revision Comm'n Reports 1101 (1967).

The second research study in this series, dealing with the right to take, will soon be available in mimeographed form, and arrangements will be made for its publication in a law review. The Commission's staff has begun work on the third study which will deal with compensation and the measure of damages.

The Commission also has retained Professor Douglas Ayer of the Stanford Law School to prepare a research study on the procedural aspects of condemnation. The first portion of his research study--which deals with the recovery of attorney's fees, appraiser's fees and other trail costs, and related matters--is available in mimeographed form and will soon be published in the Stanford Law Review. The Commission has considered this portion of the study but is seeking the views of interested persons and organizations before it determines whether to make any recommendation relating to recovery of attorney's and appraiser's fees.

Several tentative recommendations have been prepared and have been distributed to interested persons and organizations in mimeographed form for comment.

Prior to 1972, the Commission will submit recommendations concerning eminent domain problems that appear to be in need of immediate attention. The Commission submitted the first such recommendation, relating to the exchange of valuation data, to the 1967¹ Legislature, and submitted a second recommendation to the 1968 Legislature relating to the recovery of the condemnee's expenses on abandonment of an eminent domain proceeding.²

¹

See Recommendation Relating to Discovery in Eminent Domain Proceedings, 8 Cal. L. Revision Comm'n Reports 19 (1967). For a legislative history of this recommendation, see 8 Cal. L. Revision Comm'n Reports 1318 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1104.

²

See Recommendation Relating to Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding, 8 Cal. L. Revision Comm'n Reports 1361 (1967). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 133.

EXHIBIT III

CALIFORNIA LAW REVISION COMMISSION

MULTI-YEAR SCHEDULE OF PROJECTS

(Number of sections is estimated unless otherwise indicated)

FEBRUARY 1969 - JANUARY 1970

Legislative Consideration of Recommendations to 1969 Legislature (64 sections--actual count)

Powers of Appointment (SB 98, SB 99)
Real Property Leases (SB 101)
Additur and Remittitur (SB 105)
Evidence Code (Revisions of Privileges Article) (SB 103)
Sovereign Immunity (Statute of Limitations in Actions Against
Public Entities and Public Employees) (SB 100)
Mutuality of Remedies in Suits for Specific Performance (SB 104)
Fictitious Name Certificates (SB 102)

Topics to Be Added to Agenda of Topics (SCR 17)
(Three topics recommended by Commission; one topic added by
Senate Committee)

Topics to Be Dropped from Agenda of Topics (SCR 16)
(One topic)

Preparation of Recommendations to 1970 Legislature (56 sections)

Fictitious Business Name Statute (Comprehensive Revision)--34
sections
Inverse Condemnation (Right to Survey and Examine Property)--3
sections
Sovereign Immunity (Prisoners and Mental Patients)--12 sections
Evidence (Res Ipsa Loquitur)--1 section
Quasi-Community Property--4 sections
Civil Code Section 1698 (Oral Modification of Contract in
Writing)--1 section
Code of Civil Procedure Section 1974 (Writing Required to Hold
Person Liable for Representation as to Credit of Third Person)
--1 section

Topics to Be Added to Agenda of Topics (to be determined)

Topics to Be Dropped from Agenda of Topics:
Small Claims Court Law
Additional topics (to be determined)

Work on Other Topics

Inverse Condemnation (Water Damage) (TOP PRIORITY)
Condemnation Law and Procedure (The Right to Take) (PRIORITY)
Condemnation Law and Procedure (Cost Allocation) (PRIORITY)

Consideration of Recommendations to 1969 Legislature That Are
Not Enacted

JANUARY 1970 - JANUARY 1971

Legislative Consideration of Recommendations to 1970 Legislature

(See topics listed under "Preparation of Recommendations to 1970
Legislature" for February 1969-January 1970 Period)

Preparation of Recommendations to 1971 Legislature (300 or more sections)

Inverse Condemnation (Water Damage) (TOP PRIORITY)--20 sections
Condemnation Law and Procedure (The Right to Take) (PRIORITY)--200
sections
Evidence Code:
Revisions of Business and Professions Code--50 sections
Revisions of Civil Code--50 sections
Arbitration--2 sections
Sovereign Immunity (The Collateral Source Rule)--3 sections

Work on Other Topics

Condemnation Law and Procedure (PRIORITY)
Inverse Condemnation (PRIORITY)

Consideration of Recommendations to 1970 Legislature That Are Not
Enacted

Additional Topics (to be determined on basis of priorities and
assignments given by legislative committees)

JANUARY 1971 - JANUARY 1972

Legislative Consideration of Recommendations to 1971 Legislature

(See topics listed under "Preparation of Recommendations to 1971
Legislature" for January 1970-January 1971 Period)

Preparation of Recommendations to 1972 Legislature (300 or more sections)

Inverse Condemnation (various aspects)
Condemnation Law and Procedure (Comprehensive Statute)

Work on Other Topics

Inverse Condemnation (various aspects)
Other Topics (to be determined on basis of priorities and assignments given by legislative committees)

JANUARY 1972 -

Legislative Consideration of Recommendations to 1972 Legislature

Condemnation Law and Procedure (Comprehensive Statute)
Inverse Condemnation (various aspects)
Other Topics (to be determined)

Work on Other Topics During Future Years Determined on Basis of
Priorities and Assignments Given by Legislative Committees