

9/7/73

Subject: Budget for 1974-75 Fiscal Year and Annual Report (Commission Output)

In order to complete the portions of the budget and the Annual Report that call for projections of Commission output, it is necessary that the Commission make determinations as to its planned output during the next few years. With this memorandum, we submit staff recommendations on output for review and revision by the Commission. We will revise the output projections in the budget and Annual Report to reflect any such revisions. A schedule of deadlines based on the staff recommendations is attached as Exhibit II. Page and section estimates are set out in Exhibit III.

Output for 1973-74

We have based our budget projections for output for 1973-74 (Memorandum 73-69) on the assumption that we will publish the tentative recommendations on eminent domain during 1973-74 and will submit recommendations 1 through 5 (listed in Exhibit I attached) to the 1974 legislative session. If any of those recommendations are not to be submitted, we will adjust the projections for 1973-74 accordingly.

Output for 1974-75

We have based our budget projections for output for 1974-75 on the assumption that we will submit recommendations 6 through 13 (listed in Exhibit I attached) to the 1975 legislative session. This means that these are the topics we will be working on next year. Our budget projection is conservative since we assume that we will be unable to complete work on some of the listed recommendations during 1974.

Other Work During 1974

We expect that we will be starting work on Child Custody and Adoption late in 1974 and work on Execution late in 1974 or early in 1975.

Respectfully submitted,

John H. DeFouilly
Executive Secretary

1974 Legislative Program

1. Recommendation Relating to Prejudgment Attachment

Tentative Recommendation distributed for comment. We will review comments on tentative recommendation at our October meeting and should approve Recommendation to 1974 session for printing at our November 29-December 1, 1973, meeting.

2. Recommendation Relating to Enforcement of Sister State Judgments

We will review comments on tentative recommendation at our September meeting and approve recommendation for printing at our October meeting.

3. Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information

We will review comments on tentative recommendation at our September meeting and approve for printing (if recommendation is approved).

4. Recommendation and Study Relating to Inheritance Rights of Nonresident Aliens

We will review comments on our tentative recommendation at our September meeting and approve for printing (if recommendation is approved).

5. Recommendation Relating to Evidence Code Section 999--The "Criminal Conduct" Exception to the Physician-Patient Privilege

We will review comments on our tentative recommendation at our September meeting and approve for printing (if recommendation is approved).

1975 Legislative Program

6. Recommendation Proposing the Eminent Domain Law

We hope to approve the entire tentative recommendation for printing at our November 29-December 1 meeting. We will be able to do this if we approve the tentative draft of the eminent domain statute for printing at our September meeting and the tentative draft of the entire statute (including conforming amendments, additions, and repeals) at our October meeting. After comments on the printed tentative recommendation have been reviewed (March-July 1974), we will approve for printing our recommendation to the 1975 session.

7. Recommendation Relating to Eminent Domain Law: Conforming Changes in Special District Laws

We should approve for printing a draft of these six bills at our September meeting. The preliminary portion of our tentative recommendation on special district laws should be approved for printing at our October meeting. We do not plan to distribute a mimeographed draft for comment. We will solicit comments on the printed tentative recommendation. We do not plan to reprint this tentative recommendation as a recommendation to the Legislature unless the proposed legislation requires many substantial revisions.

8. Recommendation Relating to Eminent Domain Law: Conforming Revisions in Improvement Acts

We have distributed a staff draft for comment. After reviewing the comments already received, the staff believes that a draft of a tentative recommendation can be presented at the October meeting for approval for printing. We are hopeful that the comments on the tentative recommendation will not suggest any substantial revisions and that we will not have to reprint this report as a recommendation to the Legislature.

9. Recommendation Relating to Liquidated Damages

We plan to work on this early next year to review comments received and to draft a recommendation for submission to the 1975 session. We have already distributed a tentative recommendation for comment, but we believe substantial additional work will be required on this topic.

10. Recommendation Relating to Disposition of Property Left by Tenant After Termination of Tenancy

We hope that the tentative recommendation on this subject will be approved for distribution for comment at the September meeting. We will ask for comments to be sent to us by December 20, 1973, and will consider these comments at our January meeting and hopefully approve for printing a recommendation at our March or April 1974 meeting.

11. Recommendation Relating to Partition Procedure

Our consultant has substantially completed work on a draft for the revision of the entire partition law. We are now working with the consultant to finish up the study, and we expect that it will be ready for Commission consideration early in 1974. We believe that we can have a recommendation ready for the 1975 session.

12. Recommendation and Study Relating to Oral Modification of a Written Contract

For some time, we have had a completed study on hand. We believe that we can work this topic into our agenda early in 1974. We should be able to make a decision on whether to drop this topic or to draft a recommendation for the 1975 session.

13. Selected Aspects of Debtor-Creditor Remedies

We hope to work into the agenda portions of the debtor-creditor study and to submit recommendations on those portions to the 1975 session.

Major Projects During 1974-75: Possible Recommendations to 1976 Session

Child Custody and Adoption

Consultant expects to complete study on adoption by July 1974.

Execution

We have begun staff work on this topic.

Major Projects During 1975-76: Possible Recommendations to 1977 Session

Nonprofit Corporations

We will begin staff work on this topic this fall.

SCHEDULE OF DEADLINES

September 1973 Meeting

Approve for Printing

Entire Eminent Domain Law (not conforming amendments to codified sections)

Draft of conforming revisions in special district laws

Recommendations on:

Erroneously Ordered Disclosure of Privileged Information

Inheritance Rights of Nonresident Aliens

Evidence Code Section 999--"Criminal Conduct" Exception

Approve for Distribution for Comment

Disposition of Property Left by Tenant After Termination of Tenancy

October 1973 Meeting

Approve for Printing

Eminent Domain Law (conforming amendments to codified sections)

Eminent Domain Law (conforming revisions in improvement acts)

Enforcement of Sister State Judgments

Preliminary portion of Eminent Domain Tentative Recommendation

November-December 1973 Meeting (November 29-December 1)

Approve for Printing

Recommendation Relating to Prejudgment Attachment

March 1974 Meeting

Approve for Printing

Recommendation Relating to Disposition of Property Left by Tenant After Termination of Tenancy

Recommendation Relating to Liquidated Damages (or approve new tentative recommendation for distribution for comment)

June 1974 Meeting

Approve for Distribution for Comment Tentative Recommendation Relating to:

Oral Modification of a Written Contract

Partition Procedure

Selected Aspects of Debtor-Creditor Remedies

October 1974 Meeting

Approve for Printing

Recommendation Proposing the Eminent Domain Law

Recommendation Relating to Oral Modification of a Written Contract

Recommendation Relating to Partition Procedure

Recommendations Relating to Selected Aspects of Debtor-Creditor Remedies

To the extent the above schedule permits and our consultant produces study according to anticipated schedule, substantial time during the last few months of 1974 will be devoted to child custody and adoption.

PAGE AND SECTION ESTIMATES

Publication	Estimated Number	
	Pages	Sections
Recommendation Relating to Prejudgment Attachment	200	235
Recommendation Relating to Enforcement of Sister State Judgments	20	16
Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information	(5 pages-- 1973 Annual Report)	1
Recommendation and Study Relating to Inheritance Rights of Nonresident Aliens	25	4
Recommendation Relating to Evidence Code Section 999—"Criminal Conduct" Exception	(14 pages-- 1973 Annual Report)	1
1973 Annual Report	60	--
<u>Tentative Recommendations Relating to Condemnation Law and Procedure:</u>		
New Eminent Domain Statute	400	400
Conforming Changes in Special District Acts	400	150
Conforming Changes in Improvement Acts	50	665
Recommendation Proposing the Eminent Domain Law	400	400
Recommendation and Study Relating to Liquidated Damages	75	6
Recommendation Relating to Disposition of Property Left by Tenant After Termination of Tenancy	40	14
Recommendation Relating to Partition Procedure	60	136
Recommendation and Study Relating to Oral Modification of a Written Contract	40	3
Selected Aspects of Debtor-Creditor Remedies	?	?