

Memorandum 2008-33

2008 Legislative Program: Status of Bills

The procedural status of each Commission bill is indicated on the attached chart. It will be updated orally at the meeting.

This memorandum provides additional detail on matters requiring Commission attention.

AB 1921 (SALDAÑA): RECODIFICATION OF CID LAW

Assembly Bill 1921 (Saldaña) would implement the Commission's recommendation on *Statutory Clarification and Simplification of CID Law* (Dec. 2007). The status of that bill is discussed in Memorandum 2008-43.

PROPOSED COMMISSION STUDIES**Charter Schools**

As amended on April 23, 2008, Assembly Bill 1868 (Walters) would have required that the Commission prepare a report on the Government Claims Act and the extent to which its policy purposes would be served by treating a charter school as a public entity for the purposes of the Act. The report would be due on March 1, 2009.

AB 1868 was not approved by the Senate Appropriations committee before the August 15, 2008, deadline for final action by fiscal committees. Barring a rule change or waiver, the bill is dead.

Gradual Earth Movement

As amended on June 30, 2008, Assembly Bill 2479 (Hancock) provides as follows:

SECTION 1. (a) The California Law Revision Commission shall study all of the following matters and report its findings and recommendations to the Legislature on or before March 1, 2009:

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

(1) A general discussion of existing remedies, including under the law of accretion, for a property owner whose property is affected, adversely or favorably, when the boundaries of land owned by the person has been disturbed by gradual earth movement, whether caused by nature or man, including, but not limited to, slides, subsidence, or lateral or vertical displacements, so that these lands are in a location different from that at which they were located prior to the movement, and distinguishing between earth movement caused by nature and earth movement caused by man.

(2) Whether an action in rem should be established to enable a property owner to equitably reestablish boundaries and to quiet title to land within the boundaries so reestablished, when the boundaries of land owned by either public or private entities have been disturbed by any earth movement, abrupt or gradual, including, but not limited to, slides, subsidence, or lateral or vertical displacements, so that these lands are in a location different from that at which they were located prior to the movement, distinguishing between earth movement caused by nature and earth movement caused by man.

(3) A general discussion of the possible collateral consequences of enacting the provision described in paragraph (2), and recommendation for addressing those consequences, including all of the following:

(A) Whether a provision is necessary to set forth the measure of damages, if any, when a boundary is reestablished pursuant to the provision described in paragraph (2).

(B) The effect, if any, in the title recording of the property and title searches.

(C) The effect, if any, on the sale of the property, including any obligation to disclose the movement.

(D) Any other significant impact discovered by the commission in the course of the study required by this subdivision.

(b) The California Geological Survey, Department of Conservation, is requested to provide background information on the history and nature of gradual earth movement in California to the California Law Revision Commission for the purposes of the study required by subdivision (a). The California Law Revision Commission may also request relevant technical background information from other state agencies that is necessary to comply with the requirements of this act.

(c) In the report required by subdivision (a), the California Law Revision Commission shall issue a recommendation on whether the Legislature should adopt the policy described in paragraph (2) of subdivision (a).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the real property interests of counties and cities, and to equitably reestablish land boundaries after an earth movement at the earliest possible time, it is necessary that this act take effect immediately.

A vote on that bill is pending on the floor of the Senate. As an urgency measure, the bill must be approved by a 2/3 vote. If approved, it will need to return to the Assembly for a concurrence vote. The last day for any bill to be passed by the Legislature is August 31, 2008.

Respectfully submitted,

Brian Hebert
Executive Secretary

Status of 2008 Commission Legislative Program

As of August 19, 2008

	AB 250	AB 567	AB 1921	AB 2166	AB 2193	AB 2299	SB 1182	SB 1264	SB 1691
Introduced	1/1/07	2/21/07	2/8/08	2/21/08	2/21/08	2/21/08	2/12/08	2/19/08	2/21/08
Last Amended	4/9/08	1/17/08	5/22/08	—	—	5/5/08	—	3/24/08	4/1/08
Policy Committee	3/27/07	1/16/08	4/2/08	Dead	3/25/08	3/25/08	3/25/08	4/8/08	4/8/08
Fiscal Committee	3/31/07	1/24/08	4/29/08		4/9/08	—	—	—	4/28/08
Passed House	6/4/07	1/29/08	5/27/08		4/21/08	4/3/08	4/1/08	4/21/08	5/15/08
Policy Committee	Dead	6/23/08	Dead		6/10/08	6/24/08	6/10/08	6/17/08	6/17/08
Fiscal Committee		8/4/08			6/30/08	—	—	—	7/2/08
Passed House		8/13/08			7/3/08	7/2/08	6/16/08	6/23/08	7/14/08
Concurrence		8/15/08			7/14/08	8/7/08	—	7/2/08	8/6/08
Governor					7/21/08		6/19/08	7/10/08	
Secretary of State					8/1/08		7/1/08	7/22/08	
					8/1/08		7/1/08	7/22/08	
					231		56	174	

Bill List:

AB 250 (DeVore): Revocable TOD Deed
 AB 567 (Saldaña): CID Bureau
 AB 1921 (Saldaña): CID Recodification
 AB 2166 (Tran): Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture
 AB 2193 (Tran): Deposition in Out-of-State Litigation
 AB 2299 (Silva): References to Recording Technology

SB 1182 (Ackerman): Trial Court Restructuring: Part 4; Trial Court Restructuring: Transfer of Case Based on Lack of Jurisdiction
 SB 1264 (Harman): Revision of No Contest Clause Statute
 SB 1691 (Lowenthal): Mechanics Lien Law

Also of Interest:

AB 1868 (Walters): Tort Liability of Charter Schools
 AB 2479 (Hancock): Property Boundaries and Earth Movement

KEY

Italics: Future or speculative

“—”: Not applicable

*: Double referral, not fiscal

[date]: Deadline