

Memorandum 2022-19

2022 Legislative Program (Status Report)

The status of the Commission's legislative program for 2022 is summarized below.¹

Disposition of Estate Without Administration

Assembly Bill 1716 (Maienschein) would implement the following recommendations:

- *Disposition of Estate Without Administration: Liability of Transferee*, 47 Cal. L. Revision Comm'n Reports __ (2020).
- *Nonprobate Transfers: Liability of a Surviving Spouse Under Probate Code Sections 13550 and 13551*, 46 Cal. L. Revision Comm'n Reports 11 (2019).

The bill was approved on consent by the Assembly Committee on Judiciary on March 15, 2022.

In preparing for that hearing, the staff spotted an error in the Commission's recommendation that should be corrected. Existing Probate Code Sections 13117 and 13211 grant a court discretion to waive interest payments, where equitable to do so, in specified provisions. In each case, one of the specified provisions would be repealed by AB 1716. The references to the repealed sections should be removed. This could be done with the following revisions:

Prob. Code § 13117. Waiver of interest

13117. If the court finds that a person to whom payment, delivery, or transfer of the decedent's property has been made under this chapter has acted reasonably and in good faith under the circumstances as known to the person, the court may, in its discretion, excuse the person from liability to pay interest, in whole

¹. 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.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

or in part, under paragraph (2) of subdivision (a) of Section 13111 or ~~paragraph (3) of subdivision (b) of Section 13112~~, if it would be equitable to do so.

Comment. Section 13117 is amended to reflect the repeal of Section 13112.

Prob. Code § 13211. Waiver of interest

13211. If the court finds that a person designated as a successor of the decedent in a certified copy of an affidavit issued under Section 13202 has acted reasonably and in good faith under the circumstances as known to the person, the court may, in its discretion, excuse the person from liability to pay interest, in whole or in part, under paragraph (2) of subdivision (a) of Section ~~13206~~, 13206 or paragraph (2) of subdivision (c) of Section 13206, ~~or paragraph (3) of subdivision (b) of Section 13207~~, if it would be equitable to do so.

Comment. Section 13211 is amended to reflect the repeal of Section 13207.

Those errors were discovered too close in time to the committee hearing to be handled at the hearing. Instead, with the Commission's approval, the staff will work with Assembly Member Maienschein's office to implement those amendments before the bill goes to the Assembly floor.

Toxic Materials

The Assembly Committee on Environmental Safety and Toxic Materials has authored AB 2293 and AB 2327 to implement the following recommendations:

- *Hazardous Substance Account Recodification Act* (February 2021).
- *Hazardous Substance Account Recodification Act: Conforming Revisions* (February 2021).

Public Records Act Clean-Up

The staff is continuing to work with the Office of the Legislative Counsel to reintroduce cross-reference corrections that were chaptered out of last year's AB 474 (Chau). The intention is that these technical revisions will be included in this year's Maintenance of the Codes bill.

Antitrust Study

The staff is keeping its eye on a resolution that was introduced last year, ACR 95 (Cunningham & Wicks). The resolution would authorize the Commission to

study certain aspects of antitrust law. It has been referred to the Senate Committee on Judiciary.

Respectfully submitted,

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