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CALIFORNIA LAW REVISION COMMISSION

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Recommendations,

and Studies

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California Law Revision Commission
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PREFACE

Bound Volume 47 contains the Commission's *2020-2021 Annual Report,* a second informational report, and five Commission recommendations to the Legislature approved in 2020.

Legislative histories of Commission measures enacted in the 2020 legislative year are contained in the *2020-2021 Annual Report,* beginning on page 265.

The *Cumulative Table of Sections Affected by Commission Recommendations,* following this preface, lists all sections of the Constitution, codes, and session laws that have been adopted, amended, or repealed on recommendation of the Commission, except as otherwise noted.

The reports and recommendations contained in Volume 47 are also available on the Commission's website at *www.clrc.ca.gov*.

CUMULATIVE TABLE OF SECTIONS AFFECTED BY COMMISSION RECOMMENDATIONS

Instructions for Use of Table

The table starting on page T.3 lists constitutional provisions, code sections, and uncodified sections[1] that have been adopted, amended, or repealed as a result of Commission recommendations.[2] The table is cumulative through December 31, 2020.

For each entry, the table uses the following codes to indicate the legislative action that was taken:

"(A)" for an amendment.
"(N)" for a new provision.
"(R)" for a repealed provision.
"(C)" for a change to a Commission Comment.
"(#)" for a change to Section numbering.

When a code section has been renumbered, both the old and new section numbers appear in the table with a (#) code. If the text of the renumbered section was amended, the old section number also appears as a separate entry, with an (A) code.

Each entry also provides a citation to the Commission report that recommended the listed enactment, followed by a citation to any subsequent Commission report relating to that recommendation.

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1. Sections are listed in decimal order regardless of their order within the codes (e.g., Government Code Section 26625.10 precedes Section 26625.2 in the table).

2. The Commission did not publish reports concerning the following codifications enacted on Commission recommendation: *Partial Revision of Education Code* (1955 Cal. Stat. chs. 799 & 877); *Fish and Game Code* (1957 Cal. Stat. ch. 456); *Codification of Laws Relating to Grand Juries* (1959 Cal. Stat. ch. 501). No references to these codifications are contained in the cumulative table. In addition, the repeal of the Probate Code is not indicated for each section of the repealed code. See the note at the beginning of the listing for the repealed Probate Code.

Citations to Commission reports are given in the form "vv:pp," where "vv" is the volume number and "pp" is the page number (e.g., 32:1 refers to page one of volume 32).[3]

> **Example**: The table entry for Business and Professions Code Section 4160 reads:
>
> **4160 (A).....25:55, 25:636, 25:711**
>
> The entry indicates that Section 4160 was amended pursuant to a Commission recommendation. The Commission recommendation that proposed the amendment begins on page 55 of volume 25. Legislative history on the enactment begins on pages 636 and 711 of volume 25.

For a cumulative listing of legislative action on Commission recommendations, see Appendix 3 of the *2020-2021 Annual Report* (at page 265 of this volume).

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3. References to "LH" are to the Legislative History section of the cited volume. "AR" refers to the Annual Report for the year and volume cited. Entries such as "N7" are page numbers in early bound volumes.

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(Repealed by 1990 Cal. Stat. ch. 79, § 13, operative July 1, 1991)

This table does not include citations to 1990 legislation repealing sections that are continued in the new Probate Code. Accordingly, citations to sections repealed by the following are omitted: 1990 Cal. Stat. ch. 79, § 13 (1851 sections), 1990 Cal. Stat. ch. 140, §§ 19-34 (16 sections), 1990 Cal. Stat. ch. 324, § 4 (1 section), 1990 Cal. Stat. ch. 1307, § 6 (11 sections).

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STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Disposition of Estate Without Administration: Liability of Transferee

May 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

NOTE

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent *Annual Report*.

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STATE OF CALIFORNIA

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May 21, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

The Probate Code includes procedures that allow a person to receive property from a decedent's estate without probate administration. This recommendation focuses on two of those procedures, which allow the decedent's devisee or heir to (1) take personal property from a small estate or (2) take real property of small value.

Under those procedures, the transferee is personally liable for the decedent's unsecured debts and is also liable if another person has a "superior right" to the property (i.e., the transferee was not actually the decedent's devisee or heir with respect to the property taken). In addition, if the decedent's estate is being administered, the personal representative can require that transferred property be returned to the estate for use in paying the decedent's obligations or for transfer to a person with a superior right. If the property was taken fraudulently, the transferee is liable for three times the value of the property taken.

This recommendation proposes improvements to those liability rules, including revisions to do the following:

- Eliminate the personal representative's authority to require the return of transferred property to pay the decedent's unsecured debts.
- Replace the property return rule with a provision that makes the transferee personally liable to the decedent's estate for a calculated share of the decedent's unsecured debts.
- Make clear that a transferee's liability for the decedent's unsecured debts includes the decedent's funeral expenses and expenses of last illness, as well as any wage claims made against the decedent's estate.
- Expressly authorize a transferee to voluntarily return transferred property to the estate for administration.
- If the personal representative requires the return of transferred property because there is a person with a superior right, any treble damage award for fraud would go to the person with a superior right to the property, rather than to the estate generally. However, the award would first be used to reimburse the estate for the cost of the proceeding to recover the property.
- Existing rules provide for adjustments to the value of transferred property that is returned to the decedent's estate. Those rules would be standardized and generalized.

This recommendation was prepared pursuant to Resolution Chapter 158 of the Statutes of 2018.

Respectfully submitted,

Victor King
Chairperson

DISPOSITION OF ESTATE WITHOUT ADMINISTRATION: LIABILITY OF TRANSFEREE

BACKGROUND

Ordinarily, a decedent's estate must be administered before estate property can pass to a devisee or heir. As part of administration, the decedent's property is used to pay the decedent's debts and other obligations.

However, there are procedures that allow a decedent's property to pass to a devisee or heir without administration, in limited circumstances. One allows the devisee or heir to take personal property from a small estate.[1] Another allows the devisee or heir to take real property of small value.[2]

In both cases, the person who takes the property (hereafter the "transferee") is personally liable for the decedent's unsecured debts, up to the value of the property taken. In addition, the transferee is personally liable to a person with a "superior right" (i.e., if the transferee was not actually the decedent's devisee or heir with regard to the property, then the actual devisee or heir has a superior right to that property). In addition, if the decedent's estate is being administered, the transferee is liable to the decedent's estate for restitution of the property received (to the extent required to satisfy the decedent's debts or superior right claims).

This recommendation proposes improvements to those liability rules.

RESTITUTION LIABILITY

Under existing law, if a decedent's estate is being administered, the personal representative can require that property transferred under one of the procedures discussed above be returned to the

1. See generally Prob. Code §§ 13100-13116.
2. See generally Prob. Code §§ 13200-13210.

estate for use in paying the decedent's obligations.[3] Return can also be required where another person has a superior right to the property at issue.[4]

When this liability is enforced for the payment of debts, its effect can be unduly burdensome. If a transferee is required to return a tangible asset to the estate, rather than a pecuniary gift, that asset would need to be sold in order to use its value in paying the estate's debts. That would deprive the transferee of ownership, which could be undesirable and contrary to the decedent's intentions, particularly if the gift has sentimental or heirloom value.

That problem would be especially acute where the transferee has sufficient funds to simply pay an appropriate share of liability for decedent debts and is willing to do so. Existing law does not expressly authorize that alternative.

The Commission recommends that the existing procedures be revised to address that issue. The proposed reform would have three parts:

Limit Scope of Restitution Liability

The proposed law would revise the restitution provisions to make them inapplicable to the payment of decedent debt.[5]

The restitution remedy would remain applicable to address a claim by a person with a superior right to the property.[6] In the latter case, restitution is the best way to effectuate the decedent's intentions, because it would ensure that an item of tangible

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3. See Prob. Code §§ 13111 (transfer of personal property), 13206 (transfer of real property).

4. See Prob. Code §§ 13111 (transfer of personal property), 13206 (transfer of real property).

5. See proposed amendments to Prob. Code §§ 13111 (transfer of personal property), 13206 (transfer of real property) *infra*.

6. See proposed amendments to Prob. Code §§ 13111 (transfer of personal property), 13206 (transfer of real property) *infra*.

property with sentimental or heirloom value goes to the right person.

Personal Liability to Estate

If the restitution provision is made unavailable for use in paying the decedent's debts, it would be necessary to provide a replacement, so that the transferee does not entirely escape liability to the estate for a share of the decedent's debts.

The proposed law would provide such a replacement. It would add a provision that establishes a transferee's personal liability to the estate for a share of the decedent's unsecured debts.[7] The share would be calculated by applying the existing rules of abatement (which establish rules for determining the order in which gifts are consumed for the payment of a decedent's obligations).[8] Payment of that share would eliminate the transferee's direct personal liability to a decedent's unsecured creditors.[9] If the transferee had previously made any direct payments to creditors, those payments would be credited against the transferee's liability to the estate.[10]

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7. See proposed Prob. Code §§ 13109.5 (transfer of personal property), 13204.5 (transfer of real property) *infra*.

8. See proposed Prob. Code §§ 13109.5(b) (transfer of personal property), 13204.5(b) (transfer of real property) *infra*. The cost of making this calculation would be borne by the transferee. See proposed Prob. Code §§ 13109.5(e) (transfer of personal property), 13204.5(e) (transfer of real property) *infra*.

9. See proposed Prob. Code §§ 13109(c) (transfer of personal property), 13204(c) (transfer of real property) *infra*.

10. See proposed Prob. Code §§ 13109.5(d), second sentence (transfer of personal property), 13204.5(d), second sentence (transfer of real property) *infra*. If the amount paid were to exceed the transferee's share of liability, the difference would be reimbursed. That reimbursement would be given a higher payment priority than the decedent's unsecured debts. See proposed Prob. Code §§ 13109.5(d), third and fourth sentences (transfer of personal property), 13204.5(d), third and fourth sentences (transfer of real property) *infra*.

Voluntary Property Return

Finally, a provision would be added that would permit a transferee to voluntarily return transferred property to the estate for administration.[11] That would not be an attractive option in many cases, because it would subject the property to the added cost and delay associated with administration. However, there might be circumstances where simply returning the property would be the best solution (especially if the transferee lacks sufficient funds to pay the estate the transferee's share of liability and does not want the burden of liquidating the transferred property).

SCOPE OF LIABILITY

Under existing law, a transferee is liable for the decedent's "unsecured debts."[12] However, it is not entirely clear whether that liability extends to the decedent's funeral expenses, expenses of last illness, and wage claims. Under existing law, those specific types of obligations are treated differently than the decedent's "general debts."[13]

The Commission found no good policy reason to exclude the listed obligations from the transferee's liability for the decedent's debts. The Commission recommends revising the statute to make clear that a transferee's liability includes funeral expenses, expenses of last illness, and wage claims.[14]

However, the Commission does not recommend that a transferee be made liable for a share of the general costs of estate administration. One of the main purposes of the procedures at issue here is to spare the transferee the cost of probate.

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11. See proposed Prob. Code §§ 13110.5 (transfer of personal property), 13205.5 (transfer of real property) *infra*.

12. See Prob. Code §§ 13109, 13204.

13. See, e.g., Prob. Code § 11420.

14. See proposed Prob. Code §§ 13100.5(c), 13202.5(c) *infra*.

TREBLE DAMAGES FOR FRAUD

Under the existing procedures, a transferee who fraudulently takes property from the decedent's estate is liable for an additional penalty of three times the value of the transferred property.[15] That penalty is imposed differently, in two different scenarios:

(1) It can be imposed as part of the transferee's personal liability to a person with a superior right to the transferred property. In that scenario, the penalty is paid to the person with the superior right.[16]

(2) It can be imposed when the transferred property is returned to the estate.[17] In that scenario, the penalty is paid to the decedent's estate.

The proposed legislation would add language stating expressly that the penalty can only be applied once per incident of fraud. If the penalty is imposed in one of the scenarios described above, it could not be imposed in the other.[18]

In addition, the proposed legislation would change the recipient of the treble damages when imposed in an action brought by the estate for the return of the transferred property.[19] Under existing law, that restitution is paid to the estate generally. The proposed legislation would instead provide for payment of treble damages to the person with a superior right to the transferred property (after reimbursing the estate's costs in bringing the action).

The Commission believes that the penalty should be paid to the person who was most directly harmed by the transferee's fraud — the person with the superior right to the property that was fraudulently taken. That result would be more fair than paying the

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15. See Prob. Code §§ 13110(b), 13111(b), 13205(b), 13206(b).

16. Prob. Code §§ 13110(b), 13205(b).

17. Prob. Code §§ 13111(b), 13206(b).

18. See proposed Prob. Code §§ 13110(b), 13111(b), 13205(b), 13206(b) *infra*.

19. See proposed Prob. Code §§ 13111(b), 13206(b) *infra*.

award to the estate generally, where it would often be distributed to the decedent's residuary beneficiaries.

ADJUSTMENTS TO VALUE OF RETURNED PROPERTY

Under the existing restitution provisions, the value of the property to be returned to the estate can be adjusted, up or down, based on events that occurred after the property was transferred. For example, if the transferee improved real property, the transferee may be entitled to reimbursement for any increase in the property's fair market value.[20] Conversely, if the transferee extracted income from the property before its return, the transferee could be liable for restitution of that income, along with the property that generated it.[21]

The provisions that govern restitution of transferred property apply to a number of different situations. The statutes differentiate between cases where the transferee does or does not still possess the property,[22] as well as cases where the property has or has not been improved by the transferee.[23] The adjustment rules are not applied consistently across those different situations.[24] The Commission sees no policy reason for that inconsistent treatment. It recommends that the adjustment rules be standardized so that they apply consistently in all cases.[25]

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20. See Prob. Code § 13206(c).

21. See Prob. Code §§ 13111(a)(1) (transfer of personal property), 13206(a)(1) (transfer of real property).

22. See Prob. Code §§ 13111(a)(1) & (2) (transfer of personal property); 13206(a)(1) & (2) (transfer of real property).

23. See Prob. Code § 13206(c) (transfer of real property).

24. For example, if a transferee is required to return real property that has been significantly improved, the transferee is entitled to reimbursement for having made a payment on any liens or encumbrances that were on the property when it was received. See Prob. Code §13206(c)(1)(B). If the transferee is required to return real property that was not significantly improved, the statute does not provide for any such reimbursement. See Prob. Code § 13206(a)(1).

25. See proposed Prob. Code §§ 13111(c), 13206(d) *infra*.

The Commission also recommends that the rules requiring restitution of income derived from transferred property be limited to income that would have been received by the estate if it had retained possession and control of the property.[26] This differentiates between income that is an innate part of an asset (e.g., dividends paid for shares of stock) from income that was created by the transferee's own initiative (e.g., income derived from using the property as part of the transferee's business). The former should be returned to the estate; the latter should not.

Finally, the Commission proposes that the basic principles underlying the adjustment rules be generalized, rather than relying on a set of specific rules.[27] This would allow for an appropriate adjustment to be made in circumstances that are not directly addressed by the existing rules.

If the decedent's personal representative and the transferee cannot agree on the adjustments to be made, either party could petition the court for a determination. In making that determination the court would consider whether the parties acted in good faith and whether a particular adjustment would impose an unfair burden.[28]

MINOR SUBSTANTIVE AND TECHNICAL CHANGES

The proposed law would also make a minor substantive change and a small number of technical changes to the statutes affected by the reforms described above.[29]

The minor substantive change involves the existing provisions that prescribe the scope of a transferee's aggregate personal

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26. See proposed Prob. Code §§ 13110(a)(2), 13113(b)(2), 13205(a)(2), 13208(b)(2) *infra*.

27. See proposed Prob. Code §§ 13111(c), 13113, 13206(d), 13208 *infra*.

28. See proposed Prob. Code §§ 13113(e), 13208(e) *infra*.

29. The technical changes are noted in the Comments that follow the affected sections, *infra*.

liability to the decedent's creditors.[30] Under those provisions, the transferee's liability cannot exceed the fair market value of the property at the time it was received, plus net income derived from the property, and if the transferee no longer possesses the property, interest on the fair market value of the property from the date of disposition.[31] The Commission sees no good policy reason to make the transferee liable to the decedent's creditors for income or interest that accrued after the transferee received the property. Creditors have no interest in estate property after it has been distributed. For that reason, the proposed law would delete the income and interest provisions from the rule that determines a transferee's aggregate liability to the decedent's creditors.[32]

The same considerations do not apply to a transferee's liability to a person with a superior right to the property. In that instance, the transferee had no right to receive the property in the first place. It should have gone to the person with the superior right. For that reason, the transferee should be made to return not just the transferred property, but any value that would have accrued to that property.[33]

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30. See Prob. Code §§ 13113, 13208 *infra*.

31. See Prob. Code §§ 13113(b), 13208(b) (transfer of real property) *infra*.

32. See proposed Prob. Code §§ 13109(b), 13109.5(b)(2) 13204(b), 13204.5(b)(2) *infra*.

33. See proposed Prob. Code §§ 13110(a)(2), 13110(a)(3), 13111(a)(2), 13111(c), 13113(b)(2) (transfer of personal property); 13205(a)(2), 13205(a)(3), 13206(a)(2), 13206(d), 13208(b)(2) (transfer of real property) *infra*.

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PROPOSED LEGISLATION

PART 1. COLLECTION OR TRANSFER OF SMALL ESTATE WITHOUT ADMINISTRATION

CHAPTER 3. AFFIDAVIT PROCEDURE FOR COLLECTION OR TRANSFER OF PERSONAL PROPERTY

Prob. Code § 13100.5 (added). Definitions

SEC. ___. Section 13100.5 is added to the Probate Code, to read:

13100.5. For the purposes of this chapter, the following terms have the following meanings:

(a) "Transferee" means a person to whom payment, delivery, or transfer of property is made under this chapter.

(b) "Transferred property" means property that is paid, delivered, or transferred pursuant to an affidavit or declaration executed under Section 13101.

(c) "Unsecured debts" includes, but is not limited to, a decedent's funeral expenses, expenses of a decedent's last illness, and wage claims.

Comment. Section 13100.5 is new.

Subdivisions (a) and (b) are nonsubstantive. They are added for drafting convenience.

Subdivision (c) clarifies the scope of a transferee's liability for a decedent's obligations.

Prob. Code § 13109 (amended). Personal liability for decedent's unsecured debts

SEC. ___. Section 13109 of the Probate Code is amended to read:

13109. (a) ~~A person to whom payment, delivery, or transfer of the decedent's property is made under this chapter~~ A transferee is personally liable to the extent provided in ~~Section 13112,~~ this section for the unsecured debts of the decedent. ~~Any such~~ That

debt may be enforced against the ~~person~~ transferee in the same manner as it could have been enforced against the decedent if the decedent had not died. In any action based upon the debt, the ~~person~~ transferee may assert any ~~defenses, cross-complaints, or setoffs~~ defense, cross-complaint, or setoff that would have been available to the decedent if the decedent had not died. Nothing in this section permits enforcement of a claim that is barred under Part 4 (commencing with Section 9000) of Division 7. Section 366.2 of the Code of Civil Procedure applies in an action under this section.

(b) The personal liability under subdivision (a) shall not exceed the fair market value of the transferred property at the time the affidavit or declaration is presented under this chapter, less the amount of any liens and encumbrances on the transferred property at that time, and less the amount of any payment made pursuant to subdivision (a) of Section 13110.

(c) A transferee is not liable under this section if the transferee has satisfied the requirements of Section 13109.5, 13110.5, or 13111.

Comment. Subdivision (a) of Section 13109 is amended to make technical revisions.

Subdivision (b) is drawn from former Section 13112(b), except that it does not include the net income or interest elements of that provision. See also Section 13110(a).

Subdivision (c) is added to state the relationship between Section 13109 and Sections 13109.5, 13110.5, and 13111. It is drawn in part from former Section 13112(a).

See also Section 13100.5(a) ("transferee"), Section 13100.5(b) ("transferred property").

Prob. Code § 13109.5 (added). Liability to estate for decedent's unsecured debts

SEC. ___. Section 13109.5 is added to the Probate Code, to read:

13109.5. (a) If proceedings for the administration of the decedent's estate are commenced, a transferee is personally liable to the estate for a share of the decedent's unsecured debts.

(b) In calculating the transferee's share of liability under subdivision (a), the abatement rules provided in Part 4 (commencing with Section 21400) of Division 11 shall be applied, using all of the following assumptions:

(1) Transferred property shall be treated as if it had remained in the estate for administration.

(2) Any unsecured debts of the decedent that were paid by the transferee pursuant to Section 13109 shall be treated as if they were claims made against the decedent's estate.

(c) The personal representative shall provide a written statement of liability to the transferee, which specifies the amount that must be paid to the estate.

(d) The transferee is personally liable to the estate for the amount specified in the statement of liability. Any amount that the transferee paid pursuant to Section 13109 or 13110 shall be credited against the amount that the transferee owes the estate under this subdivision. If the amount that the transferee paid pursuant to Section 13109 or 13110 exceeds the amount specified in the written statement of liability, the estate shall reimburse the difference to the transferee. For the purposes of Section 11420, that reimbursement shall be deemed an expense of administration.

(e) The reasonable cost of proceeding under this section shall be reimbursed as an extraordinary service under Sections 10801 and 10811. The transferee is liable for the payment of that cost, which shall be separately identified in the statement of liability.

(f) A transferee is not liable under this section if the transferee has satisfied the requirements of Section 13110.5 or 13111.

Comment. Section 13109.5 is new.

Subdivision (f) is similar to former Section 13112(a).

See also Section 13100.5(a) ("transferee"), Section 13100.5(b) ("transferred property").

Prob. Code § 13110 (amended). Personal liability to person with superior right

SEC. ___. Section 13110 of the Probate Code is amended to read:

13110. (a) Except as provided in subdivision (b), ~~each person to whom payment, delivery, or transfer of the decedent's property is made under this chapter~~ a transferee is personally liable ~~to the extent provided in Section 13112~~ to any person having a superior right to transferred property by testate or intestate succession from the decedent. Except as provided in subdivision (b), the personal liability established by this subdivision shall not exceed the sum of the following, less the amount of any payment made pursuant to Section 13109 or Section 13109.5:

(1) The fair market value of the transferred property at the time the affidavit or declaration is presented under this chapter, less the amount of any liens and encumbrances on the transferred property at that time.

(2) Income received from the property, if that income would have accrued to the estate had the property not been transferred to the transferee.

(3) If the property has been disposed of, interest on the fair market value of the transferred property from the date of disposition at the rate payable on a money judgment. For the purposes of this paragraph, "fair market value of the transferred property" means the fair market value of the transferred property, determined as of the time of the disposition of the property, less the amount of any liens and encumbrances on the property at the time the property was paid, delivered, or transferred to the transferee.

(b) In addition to any other liability the ~~person~~ transferee has under this section and Sections 13109, 13109.5, 13111, and ~~13112~~ 13113, any person who fraudulently secures the payment, delivery, or transfer of the decedent's property under this chapter is liable to the person having ~~such~~ a superior right to that property by testate or intestate succession from the decedent for three times the fair market value of the property. For the purposes of this subdivision, the "fair market value of the property" is the fair market value of the property paid, delivered, or transferred to the person liable under this subdivision, valued as of the time the person liable under this subdivision presents the affidavit or declaration under

this chapter to the holder of the decedent's property, less any liens and encumbrances on that property at that time.

(c) An action to impose liability under this section is forever barred three years after the affidavit or declaration is presented under this chapter to the holder of the decedent's property, or three years after the discovery of the fraud, whichever is later. The three-year period specified in this subdivision is not tolled for any reason.

(d) A transferee is not liable under subdivision (a) if the transferee has satisfied the requirements of Section 13110.5 or 13111.

Comment. Subdivision (a) of Section 13110 is amended to continue a rule drawn from former Section 13112(b) (scope of liability). See also Section 13109(b). Subdivision (a) is also amended to make technical revisions.

Subdivision (b) is amended to provide that income received from the property need only be returned if it would have accrued to the estate had the property remained in the estate. The subdivision is also amended to add a reference to Section 13109.5 and to make technical revisions.

Subdivision (d) is added to state the relationship between this section and Sections 13110.5 and 13111. It is drawn in part from former Section 13112(a).

See also Section 13100.5(a) ("transferee"), (b) ("transferred property").

Prob. Code § 13110.5 (added). Voluntary return of transferred property to the estate

SEC. ___. Section 13110.5 is added to the Probate Code, to read:

13110.5. (a) If proceedings for the administration of a decedent's estate are commenced, a transferee may voluntarily return transferred property to the decedent's estate for administration.

(b) The property to be restored to the estate under this section shall be reduced or increased as provided in Section 13113.

Comment. Section 13110.5 is new.

See also Section 13100.5(a) ("transferee"), Section 13100.5(b) ("transferred property").

Prob. Code § 13111 (amended). Liability for return of transferred property to estate

SEC. ___. Section 13111 of the Probate Code is amended to read:

13111. (a) ~~Subject to the provisions of this section, if proceedings for the administration of the decedent's estate are commenced in this state, or if the decedent's personal representative has consented to the payment, transfer, or delivery of the decedent's property under this chapter and the personal representative later requests that the property be restored to the estate, each person to whom payment, delivery, or transfer of the decedent's property is made under this chapter is liable for:~~

If property is paid, delivered, or transferred to a transferee under this chapter, and the decedent's personal representative determines that another person has a superior right to the property by testate or intestate succession from the decedent, the personal representative may request that the transferred property be restored to the estate. Subject to subdivisions (b), (c), (d), (e), and (g) if the personal representative makes that request, the transferee is liable for all of the following:

(1) ~~The~~ If the transferee still has the transferred property, restitution of the transferred property to the decedent's estate ~~if the person still has the property, together with (A) the net income the person received from the property and (B) if the person encumbered the property after it was delivered or transferred to the person, the amount necessary to satisfy the balance of the encumbrance as of the date the property is restored to the estate~~.

(2) ~~The~~ If the transferee no longer has the transferred property, restitution to the decedent's estate of the fair market value of the transferred property ~~if the person no longer has the property, together with (A) the net income the person received from the property and (B)~~ plus interest from the date of disposition at the rate payable on a money judgment on the fair market value of the transferred property. For the purposes of this ~~subdivision~~ paragraph, the "fair market value of the transferred property" is the fair market value of the transferred property, determined as of the time of the disposition of the transferred property, ~~of the property~~

~~paid, delivered, or transferred to the person under this chapter~~, less the amount of any liens and encumbrances on the transferred property at ~~that~~ the time the property was paid, delivered, or transferred to the person under this chapter.

(b) Subject to subdivision (c) and subject to any additional liability the ~~person~~ transferee has under Sections 13109 to ~~13112~~ 13113, inclusive, if the ~~person~~ transferee fraudulently secured the payment, delivery, or transfer of the decedent's property under this chapter, the ~~person~~ transferee is liable under this section for restitution ~~to the decedent's estate~~ of three times the fair market value of the transferred property. For the purposes of this subdivision, the "fair market value of the transferred property" is the fair market value of the transferred property, determined as of the time the person liable under this subdivision presents the affidavit or declaration under this chapter, ~~of the property paid, delivered, or transferred to the person under this chapter,~~ less the amount of any liens and encumbrances on the property at that time. Restitution provided under this subdivision shall first be used to pay the estate's cost of proceeding under this section, with the remainder paid to the person who has a superior right to the property by testate or intestate succession.

(c) The property and amount required to be restored to the estate under this section shall be reduced ~~by any property or amount paid by the person to satisfy a liability under Section 13109 or 13110~~ or increased as provided in Section 13113.

(d) An action to enforce the liability under this section may be brought only by the personal representative of the estate of the decedent. ~~Whether or not the personal representative brings an action under this section, the personal representative may enforce the liability only to the extent necessary to protect the interests of the heirs, devisees, and creditors of the decedent.~~

(e) An action to enforce the liability under this section is forever barred three years after presentation of the affidavit or declaration under this chapter to the holder of the decedent's property, or three years after the discovery of the fraud, whichever is later. The three-

year period specified in this subdivision is not tolled for any reason.

(f) In the case of a nondomiciliary decedent, restitution under this section shall be made to the estate in an ancillary administration proceeding.

(g) A transferee is not liable under subdivision (a) if the transferred property was returned to the estate under Section 13110.5.

Comment. Section 13111 is amended to limit the application of the provision to claims by a person with a superior right, to delete language that is continued and generalized in Section 13113, and to make technical revisions.

Subdivision (b) is amended to change the disposition of treble damages awarded under the subdivision.

Subdivision (d) is amended to delete the second sentence. With the section limited to preclude its application to creditor claims, the deleted sentence became superfluous.

Subdivision (g) is added to state the relationship between this section and Section 13110.5.

See also Section 13110.5(a) ("transferee"), Section 13110.5(b) ("transferred property").

Prob. Code § 13112 (repealed). Scope of personal liability under Sections 13109 and 13110

SEC. ___. Section 13112 of the Probate Code is repealed.

Comment. Section 13112 is repealed. The substance of former Section 13112(a) is continued in Sections 13109(c) and 13110(d). For a similar rule, see Section 13109.5(f),

The substance of former Section 13112(b) is continued in Sections 13109(b) and 13110(a), except that Section 13109(b) does not continue the part of former Section 13112(b) that related to income and interest.

Prob. Code § 13113 (added). Adjustment to liability under Section 13110.5 or 13111

SEC. ___. Section 13113 is added to the Probate Code, to read:

13113. (a) If the transferee's action or inaction increased the value of property returned to the estate or decreased the estate's obligations, the personal representative shall reimburse the

transferee by the same amount. Actions or inaction that increase the value of returned property or decrease the estate's obligations include, but are not necessarily limited to, the following actions:

(1) A payment toward an unsecured debt of the decedent.

(2) A payment toward a debt secured against the returned property.

(3) A significant improvement of the returned property that increased the fair market value of the property.

(b) If the transferee's action or inaction decreased the value of property returned to the estate or increased the estate's obligations, the transferee is personally liable to the estate for that amount. Actions or inaction that decrease the value of the returned property or increase the estate's obligations include, but are not necessarily limited to, the following actions or inaction:

(1) An action or inaction that resulted in a lien or encumbrance being recorded against the property.

(2) The receipt of income from the property, if that income would have accrued to the estate had the property not been transferred to the transferee.

(c) The personal representative shall provide the transferee a written statement of any reimbursement or liability under this section, along with a statement of the reasons for the reimbursement or liability.

(d) For the purposes of Section 11420, reimbursement of the transferee under subdivision (a) shall be deemed an expense of administration.

(e) In the event that the transferee and the personal representative cannot agree on the reimbursement or liability due under this section, the transferee or personal representative may petition the court for an order determining the amount of the reimbursement or liability. In making a decision under this subdivision, the court should consider the surrounding circumstances, including whether the parties acted in good faith and whether a particular result would impose an unfair burden on the transferee or the estate.

Comment. Section 13113 is new. It generalizes language that was deleted from Section 13111(a) and provides a procedure for determining the adjustments to be made under Sections 13110.5 and 13111(c).

See also Section 13100.5(a) ("transferee").

Prob. Code § 13114 (added). Value of returned property included in value of estate

SEC. ___. Section 13114 is added to the Probate Code, to read:

13114. If transferred property is returned to the estate under Sections 13110.5 or 13111, the value of that property shall be included in the total value of the estate, for all purposes.

Comment. Section 13114 is new.

See also Section 13100.5(b) ("transferred property").

CHAPTER 5. AFFIDAVIT PROCEDURE FOR REAL PROPERTY OF SMALL VALUE

Prob. Code § 13202.5 (added). Definitions

SEC. ___. Section 13202.5 is added to the Probate Code, to read:

13202.5. For the purposes of this chapter, the following terms have the following meanings:

(a) "Transferee" means a person designated as a successor of the decedent in a certified copy of an affidavit issued under Section 13202.

(b) "Transferred property" means property transferred to a transferee pursuant to a certified copy of an affidavit issued under Section 13202.

(c) "Unsecured debts" includes, but is not limited to, a decedent's funeral expenses, expenses of a decedent's last illness, and wage claims.

Comment. Section 13202.5 is new.

Subdivisions (a) and (b) are nonsubstantive. They are added for drafting convenience.

Subdivision (c) clarifies the scope of a transferee's liability for a decedent's obligations.

See also Section 13006 ("successor of the decedent").

Prob. Code § 13204 (amended). Personal liability for decedent's unsecured debts

SEC. ___. Section 13204 of the Probate Code is amended to read:

13204. (a) ~~Each person who is designated as a successor of the decedent in a certified copy of an affidavit issued under Section 13202~~ A transferee is personally liable to the extent provided in ~~Section 13207~~ this section for the unsecured debts of the decedent. ~~Any such~~ That debt may be enforced against the ~~person~~ transferee in the same manner as it could have been enforced against the decedent if the decedent had not died. In any action based upon the debt, the ~~person~~ transferee may assert any defense, cross-complaint, or setoff that would have been available to the decedent if the decedent had not died. Nothing in this section permits enforcement of a claim that is barred under Part 4 (commencing with Section 9000) of Division 7. Section 366.2 of the Code of Civil Procedure applies in an action under this section.

(b) The personal liability under subdivision (a) shall not exceed the fair market value of the transferred property at the time of the issuance of the certified copy of the affidavit under Section 13202, less the amount of any liens and encumbrances on the transferred property at that time, and less the amount of any payment made pursuant to subdivision (a) of Section 13205.

(c) The transferee is not liable under this section if the transferee has satisfied the requirements of Section 13204.5, 13205.5, or 13206.

Comment. Subdivision (a) of Section 13204 is amended to make technical revisions.

Subdivision (b) is drawn from former Section 13207(b), except that it does not include the net income or interest elements of that provision. See also Section 13205(a).

Subdivision (c) is added to state the relationship between Section 13204 and Section 13204.5, 13205.5, or 13206. It is drawn in part from former Section 13207(a).

See also Section 13202.5(a) ("transferee"), Section 13202.5(b) ("transferred property").

Prob. Code § 13204.5 (added). Liability to estate for decedent's unsecured debts

SEC. ___. Section 13204.5 is added to the Probate Code, to read:

13204.5. (a) If proceedings for the administration of the decedent's estate are commenced, a transferee is personally liable to the estate for a share of the decedent's unsecured debts.

(b) In calculating the transferee's share of liability under subdivision (a), the abatement rules provided in Part 4 (commencing with Section 21400) of Division 11 shall be applied, using all of the following assumptions:

(1) Transferred property under this chapter shall be treated as if it had remained in the estate for administration.

(2) Any unsecured debts of the decedent that were paid by the transferee pursuant to Section 13204 shall be treated as if they were claims made against the decedent's estate.

(c) The personal representative shall provide a written statement of liability to the transferee, which specifies the amount that must be paid to the estate.

(d) The transferee is personally liable to the estate for the amount specified in the statement of liability. Any amount that the transferee paid pursuant to Section 13204 or 13205 shall be credited against the amount that the transferee owes the estate under this subdivision. If the amount that the transferee paid pursuant to Section 13204 or 13205 exceeds the amount specified in the written statement of liability, the estate shall reimburse the difference to the transferee. For the purposes of Section 11420, that reimbursement shall be deemed an expense of administration.

(e) The reasonable cost of proceeding under this section shall be reimbursed as an extraordinary service under Sections 10801 and 10811. The transferee is liable for the payment of that cost, which shall be separately identified in the statement of liability.

(f) The transferee is not liable under this section if the transferee has satisfied the requirements of Section 13205.5 or 13206.

Comment. Section 13204.5 is new.

Subdivision (f) is similar to former Section 13207(a).

See also Section 13202.5(a) ("transferee"), Section 13202.5(b) ("transferred property").

Prob. Code § 13205 (amended). Personal liability to person with superior right

SEC. ___. Section 13205 of the Probate Code is amended to read:

13205. (a) ~~Except as provided in subdivision (b), each person who is designated as a successor of the decedent in a certified copy of any affidavit issued under Section 13202~~ A transferee is personally liable ~~to the extent provided in Section 13207~~ to any person having a superior right to transferred property by testate or intestate succession from the decedent. Except as provided in subdivision (d), the personal liability established by this subdivision shall not exceed the sum of the following, less the amount of any payment made pursuant to Section 13204 or Section 13204.5:

(1) The fair market value at the time of the issuance of the certified copy of the affidavit under Section 13202 of the transferred property, less the amount of any liens and encumbrances on the transferred property at that time.

(2) Income received from the property, if that income would have accrued to the estate had the property not been transferred to the transferee.

(3) If the property has been disposed of, interest on the fair market value of the transferred property from the date of disposition at the rate payable on a money judgment. For the purposes of this paragraph, "fair market value of the transferred property" means the fair market value of the transferred property, determined as of the time of the disposition of the property, less the amount of any liens and encumbrances on the property at the time the certified copy of the affidavit was issued.

(b) In addition to any other liability the ~~person~~ transferee has under this section and Sections 13204, 13204.5, 13206, and ~~13207~~ 13208, if the ~~person~~ transferee fraudulently executed or filed the affidavit under this chapter, the ~~person~~ transferee is liable to the person having a superior right to that property by testate or

intestate succession from the decedent for three times the fair market value of the transferred property. For the purposes of this subdivision, the "fair market value of the transferred property" is the fair market value of the transferred property, determined as of the time the certified copy of the affidavit was issued under Section 13202, ~~of the property the person liable took under the certified copy of the affidavit to which the other person has a superior right~~, less any liens and encumbrances on the transferred property at that time.

(c) An action to impose liability under this section is forever barred three years after the certified copy of the affidavit is issued under Section 13202, or three years after the discovery of the fraud, whichever is later. The three-year period specified in this subdivision is not tolled for any reason.

(d) The transferee is not liable under this section if the transferee has satisfied the requirements of Section 13205.5 or 13206.

Comment. Subdivision (a) of Section 13205 is amended to continue a rule drawn from former Section 13207(b). Subdivision (a) is also amended to make technical revisions.

Subdivision (b) is amended to provide that income received from the property need only be returned if it would have accrued to the estate had the property remained in the estate. The subdivision is also amended to add a reference to Section 13204.5 and to make technical revisions.

Subdivision (d) is added to state the relationship between this section and Sections 13205.5 and 13206. It is drawn in part from former Section 13207(a).

See also Section 13202.5(a) ("transferee"), Section 13202.5(b) ("transferred property").

Prob. Code § 13205.5 (added). Voluntary return of transferred property to the estate

SEC. ___. Section 13205.5 is added to the Probate Code, to read:

13205.5. (a) If proceedings for the administration of the decedent's estate are commenced, a transferee may voluntarily return transferred property to the decedent's estate for administration.

(b) The property to be restored to the estate under this section shall be reduced or increased as provided in Section 13208.

Comment. Section 13205.5 is new.

See also Section 13202.5(a) ("transferee"), Section 13202.5(b) ("transferred property").

Prob. Code § 13206 (amended). Liability for return of transferred property to estate

SEC. ___. Section 13206 of the Probate Code is amended to read:

(a) ~~Subject to subdivisions (b), (c), (d), and (e), if proceedings for the administration of the decedent's estate are commenced, or if the decedent's personal representative has consented to use of the procedure provided by this chapter and the personal representative later requests that the property be restored to the estate, each person who is designated as a successor of the decedent in a certified copy of an affidavit issued under Section 13202 is liable for:~~

If property is transferred to a transferee under this chapter, and the decedent's personal representative later determines that another person has a superior right to the property by testate or intestate succession from the decedent, the personal representative may request that the transferred property be restored to the estate. Subject to subdivisions (b), (c), (d), (e), and (g) if the personal representative makes that request, the transferee is liable for all of the following:

(1) ~~The~~ If the transferee still has the transferred property, restitution of the transferred property to the decedent's estate ~~of the property the person took under the certified copy of the affidavit if the person still has the property, together with (A) the net income the person received from the property and (B) if the person encumbered the property after the certified copy of the affidavit was issued, the amount necessary to satisfy the balance of the encumbrance as of the date the property is restored to the estate~~.

(2) ~~The~~ If the transferee no longer has the transferred property, restitution to the decedent's estate of the fair market value of the transferred property ~~if the person no longer has the property~~

~~together with (A) the net income the person received from the property prior to disposing of it and (B)~~ plus interest from the date of disposition at the rate payable on a money judgment on the fair market value of the transferred property. For the purposes of this paragraph, the "fair market value of the transferred property" is the fair market value of the transferred property, determined as of the time of the disposition of the transferred property, ~~of the property the person took under the certified copy of the affidavit,~~ less the amount of any liens and encumbrances on the transferred property at the time the certified copy of the affidavit was issued.

(b) Subject to subdivision (d), if the ~~person~~ transferee fraudulently executed or filed the affidavit under this chapter, the ~~person~~ transferee is liable under this section for restitution ~~to the decedent's estate~~ of three times the fair market value of the transferred property. For the purposes of this subdivision, the "fair market value of the transferred property" is the fair market value of the transferred property, determined as of the time the certified copy of the affidavit was issued, ~~of the property the person took under the certified copy of the affidavit,~~ less the amount of any liens and encumbrances on the property at that time. Restitution provided under this subdivision shall first be used to pay the estate's cost of proceeding under this section, with the remainder paid to the person who has a superior right to the property by testate or intestate succession.

(c) Subject to subdivision (d), if ~~proceedings for the administration of the decedent's estate are commenced and a person designated as a successor of the decedent in a certified copy of an affidavit issued under Section 13202~~ the transferee made a significant improvement to the transferred property ~~taken by the person under the certified copy of the affidavit~~ in the good faith belief that the ~~person~~ transferee was the successor of the decedent to that property, the ~~person~~ transferee is liable for whichever of the following the decedent's estate elects:

(1) The restitution of the transferred property~~, as improved,~~ to the estate of the decedent~~ upon the condition that the estate reimburse the person making restitution for (A) the amount by~~

~~which the improvement increases the fair market value of the property restored, determined as of the time of restitution, and (B) the amount paid by the person for principal and interest on any liens or encumbrances that were on the property at the time the certified copy of the affidavit was issued~~.

(2) The restoration to the decedent's estate of the fair market value of the transferred property, determined as of the time of the issuance of the certified copy of the affidavit under Section 13202, less the amount of any liens and encumbrances on the transferred property at that time, together with interest on the net amount at the rate payable on a money judgment running from the date of the issuance of the certified copy of the affidavit.

(d) The property and amount required to be restored to the estate under this section shall be reduced ~~by any property or amount paid by the person to satisfy a liability under Section 13204 or 13205~~ or increased as provided in Section 13208.

(e) An action to enforce the liability under this section may be brought only by the personal representative of the estate of the decedent. ~~Whether or not the personal representative brings an action under this section, the personal representative may enforce the liability only to the extent necessary to protect the interests of the heirs, devisees, and creditors of the decedent.~~

(f) An action to enforce the liability under this section is forever barred three years after the certified copy of the affidavit is issued under Section 13202, or three years after the discovery of the fraud, whichever is later. The three-year period specified in this subdivision is not tolled for any reason.

(g) The transferee is not liable under subdivision (a) if the transferred property was returned to the estate under Section 13205.5.

Comment. Section 13206 is amended to limit the application of the section to claims by a person with a superior right, to delete language that is continued and generalized in Section 13208, and to make technical revisions.

Subdivision (b) is amended to change the disposition of treble damages awarded under the subdivision.

Subdivision (d) is amended to delete the second sentence. With the section limited to preclude its application to creditor claims, the deleted sentence became superfluous.

Subdivision (g) is added to state the relationship between this section and Section 13205.5.

See also Section 13202.5(a) ("transferee"), Section 13202.5(b) ("transferred property").

Prob. Code § 13207 (repealed). Scope of personal liability under Sections 13204 and 13205

SEC. ___. Section 13207 of the Probate Code is repealed.

Comment. Section 13207 is repealed. The substance of former Section 13207(a) is continued in Sections 13204(c) and 13205(d).

The substance of former Section 13207(b) is continued in Sections 13204(b) and 13205(a), except that Section 13204(b) does not continue the part of former Section 13207(b) that related to income and interest.

Prob. Code § 13208 (added). Adjustment to liability under Section 13205.5 or 13206

SEC. ___. Section 13208 is added to the Probate Code, to read:

13208. (a) If the transferee's action or inaction increased the value of property returned to the estate or decreased the estate's obligations, the personal representative shall reimburse the transferee by the same amount. Actions or inaction that increase the value of returned property or decrease the estate's obligations include, but are not necessarily limited to, the following actions:

(1) A payment toward an unsecured debt of the decedent.

(2) A payment toward a debt secured against the returned property.

(3) A significant improvement of the returned property that increased the fair market value of the property.

(b) If the transferee's action or inaction decreased the value of property returned to the estate or increased the estate's obligations, the transferee is personally liable to the estate for that amount. Actions or inaction that decrease the value of the returned property or increase the estate's obligations include, but are not necessarily limited to, the following actions or inaction:

(1) An action or inaction that resulted in a lien or encumbrance being recorded against the property.

(2) The receipt of income from the property, if that income would have accrued to the estate had the property not been transferred to the transferee.

(c) The personal representative shall provide the transferee a written statement of any reimbursement or liability under this section, along with a statement of the reasons for the reimbursement or liability.

(d) For the purposes of Section 11420, reimbursement of the transferee under subdivision (a) shall be deemed an expense of administration.

(e) In the event that the transferee and the personal representative cannot agree on the reimbursement or liability due under this section, the transferee or personal representative may petition the court for an order determining the amount of the reimbursement or liability. In making a decision under this subdivision, the court should consider the surrounding circumstances, including whether the parties acted in good faith and whether a particular result would impose an unfair burden on the transferee or the estate.

Comment. Section 13208 is new. It generalizes language that was deleted from Section 13206(a) and (c) and provides a procedure for determining the adjustments to be made under Sections 13205.5 and 13206(d).

See also Section 13202.5(a) ("transferee").

Prob. Code § 13209 (added). Value of returned property included in value of estate

SEC. ___. Section 13209 is added to the Probate Code, to read:

13209. If transferred property is returned to the estate under Section 13205.5 or 13206, the value of that property shall be included in the total value of the estate, for all purposes.

Comment. Section 13209 is new.

See also Section 13205.5(b) ("transferred property").

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

INFORMATIONAL REPORT

Pending Sunset Dates

July 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

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STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
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July 9, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

Many provisions throughout the codes contain a sunset date of January 1, 2021. This report is intended to assist the Legislature in determining how to handle those provisions, given the unprecedented challenges stemming from the COVID-19 pandemic.

The report is purely informational in nature. In this report, the Commission does not take any position on the substantive merits of any particular sunset provision.

This report was prepared pursuant to Government Code Section 8298.

Respectfully submitted,

Victor King
Chairperson

PENDING SUNSET DATES

Many statutes include a sunset provision, which specifies that a provision of law will be repealed or become inoperative on a particular date. This report focuses on statutes with a sunset date of January 1, 2021 (hereafter, a "1/1/21 sunset date").

In an ordinary year, there is ample opportunity for persons interested in extending or eliminating a sunset date to express their views, and for the Legislature to craft and consider the merits of legislation to accomplish that result. If a statute warrants continuation (either indefinitely or for a specified time period), the Legislature can remove or adjust the sunset date, as appropriate.

Due to the COVID-19 pandemic, this year's legislative schedule has been interrupted and constrained in unprecedented ways. Further disruptions of the legislative process might still occur. In addition, the Legislature is facing a host of urgent and critical issues relating to the pandemic. As a result, it might not be possible to give as much legislative attention as usual to the impending sunset dates. That might lead to an inadvertent lapse or change in the law, with unfortunate consequences.

To assist the Legislature, the Commission gathered information on 1/1/21 sunset dates. This purely informational report presents and analyzes that information.

In this report, the Commission did not evaluate whether, as a matter of policy, any specific sunset date should be extended.[1] The sole purpose of this report is to provide objective information and neutral drafting suggestions that might be useful to the Legislature in addressing the 1/1/21 sunset dates.

The report begins by explaining precisely which provisions the Commission included in its analysis. Next, the report classifies those provisions in several categories and discusses relevant circumstances for each category.

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1. But see *Revocable Transfer on Death Deed: Follow-Up Study*, 46 Cal. L. Revision Comm'n Reports 135, 181 (2019) (proposed 10-year extension of January 1, 2021 sunset date in Probate Code Section 5600).

The report concludes with some technical observations on how legislation to temporarily extend 1/1/21 sunset dates might be drafted.

SCOPE

In preparing this report, the Commission reviewed the codes to identify all 1/1/21 sunset dates.[2] For the purpose of this report, the following types of provisions were considered to contain a "1/1/21 sunset date":

- A provision that would be repealed, or become inoperative, by its own terms on January 1, 2021.[3]
- A provision that would repeal, or render inoperative, one or more *other* provisions of law on January 1, 2021.[4]
- A provision that says certain provisions of law should be treated as if they would become inoperative or be repealed on January 1, 2021.[5]

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2. This report does not include any 1/1/21 sunset dates that were added to the codes after June 1, 2020. See, e.g., 2020 Cal. Stat. ch. 11, § 14 (amending Penal Code § 1001.20 to add 1/1/21 sunset); 2020 Cal. Stat. ch. 22, § 1 (adding Unemp. Ins. Code § 1026.2, which contains a 1/1/21 sunset). Given the recent adoption of those sunset provisions, they do not appear to require further attention at this time.

3. See, e.g., Civ. Code § 1798.145(h)(4) ("This subdivision shall become inoperative on January 1, 2021."); Mil. & Vet. Code § 59(c) ("This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.").

4. See, e.g., Educ. Code § 67425 ("This part shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed."); Health & Safety Code § 103870.2 ("This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed.").

5. See, e.g., Bus. & Prof. Code § 10050(a)(2) ("… The review shall be performed as if this part and that chapter were scheduled to be repealed as of January 1, 2021.").

- A provision expressly stating that a reporting requirement will become inoperative, based on Government Code Section 10231.5, on January 1, 2021.[6]
- A set of paired "sunset/sunrise" provisions, where the first provision (the sunset provision) is operative until a specified date and the second provision (the sunrise provision) becomes operative on that same date. This report includes such paired provisions if the repeal date of the sunset provision is January 1, 2021, even if the sunset/sunrise transition would operate earlier than that date.[7]

The Commission did not include provisions that otherwise use January 1, 2021, as a date with legal effect. For example, the analysis does not encompass a provision that requires submission of a report by January 1, 2021,[8] or a rule that commences, changes, or ends on January 1, 2021.[9]

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6. See, e.g., Pub. Cont. Code § 20119.5(b) ("The requirement for submitting a report imposed pursuant to subdivision (a) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.").

7. See, e.g., Health & Safety Code §§ 103526(h), as amended by 2018 Cal. Stat. ch. 131, § 1 ("This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date."), 103526(g), as amended by 2018 Cal. Stat. ch. 131, § 2 ("This section shall become operative January 1, 2021."). See also Fish & Game Code §§ 3031(e) (as amended by 2018 Cal. Stat. ch. 295, § 5), 3031(e) (as amended by 2018 Cal. Stat. ch. 295, § 6).

8. See, e.g., Pub. Util. Code § 2838(a)(2) (report due January 1, 2021).

9. See, e.g., Civ. Code § 51.6(g)(1) (obligation to provide specified notice commencing January 1, 2021); Code Civ. Proc. § 1010.6(d)(5) (exemption from electronic filing and service requirements until January 1, 2021); Gov't Code § 12833(c) (authority to adopt regulations under streamlined process extends until January 1, 2021); Pen. Code § 1170.127(a)(2) (provision applicable to filings before January 1, 2021); Veh. Code § 4853(b)(4) (requiring pilot programs authorized by subdivision to be completed by January 1, 2021).

CATEGORIZATION OF PROVISIONS WITH 1/1/21 SUNSET DATES

Each provision with a 1/1/21 sunset date has been listed in one of four tables, which are attached to this report.

This was done because the posture of each provision could affect the Legislature's analysis of the provision. To make that analysis easier, the provisions have been grouped together along those lines. The content of each table is described below.

Table 1. Miscellaneous Provisions with 1/1/21 Sunset Dates Affected by Pending Bill

With exceptions addressed by Tables 3 and 4 below, Table 1 lists all of the code sections that meet both of the following criteria:

(1) The section contains a 1/1/21 sunset clause.

(2) The sunset clause would be affected by a bill that is pending before the Legislature.[10]

For each such provision, the table quotes the key language in existing law (the 1/1/21 sunset clause and, in some instances, a corresponding sunrise clause), identifies the pertinent pending bill, indicates the date of last action on the bill, and shows whether the bill includes an urgency clause or other uncodified provision that may be relevant to revision of the sunset clause (i.e., a "plus section").

Where a provision is currently included in multiple pending bills, the bills that would amend the sunset clause are listed first in the table. Any bill that would not affect the sunset is identified with a footnote specifying that the bill would make no change to the sunset.

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10. Pending legislation was identified using the California Legislature's Table of Sections Affected from July 1, 2020. For the purpose of this report, pending legislation only includes legislation that would, in its current form, make changes to a relevant provision. Pending legislation does not include any bill that was noted as having died or been vetoed on the California Legislative Information Service website.

Table 2. Miscellaneous Provisions with 1/1/21 Sunset Dates Not Affected by Pending Bill

Many code provisions that contain a 1/1/21 sunset clause do not have a corresponding, pending bill that would revise the sunset clause.[11] Those provisions are listed in Table 2.

In some cases, a section listed in Table 2 would be affected by a pending bill, but that bill would not directly affect the sunset clause (i.e., the bill would make some other unrelated change to the section). Information about such tangentially-related bills has not been included in Table 2.

Table 3. Business and Professions Code Provisions

The Business and Professions Code includes a large number of provisions that contain 1/1/21 sunset dates that would be affected by pending legislation.[12] Table 3 lists those provisions.

Many of the sunset dates in Table 3 relate to the Joint Sunset Review Oversight work undertaken by the Assembly Business and Professions Committee and the Senate Business, Professions, and Economic Development Committee.[13] In the course of preparing this report, the Commission reached out to staff on those committees.

Based on that correspondence, the Commission understands that (1) many of the 1/1/21 sunset dates in the Business and Professions Code are currently addressed in committee-authored legislation and (2) the remainder are not at risk for inadvertent lapse.[14] For this reason, the 1/1/21 sunset dates in the Business and Professions Code subject to pending legislation are grouped in their own table.

Where a provision is currently included in multiple pending bills, all of the pending bills are noted in the table. The table does not

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11. See *supra* note 10.

12. See *supra* note 10.

13. See https://abp.assembly.ca.gov/jointsunsethearings.

14. Many of the 1/1/21 sunset dates are addressed in a bill authored by the Senate Committee on Business, Professions, and Economic Development. See SB 1474, as amended June 18, 2020.

distinguish between bills that would amend the sunset and those that would not.

Table 4. Labor Code Section 2750.3

Labor Code Section 2750.3 is a lengthy, controversial section that addresses whether a person providing labor or services for remuneration is an employee, as opposed to an independent contractor. The section includes a paragraph specifically relating to a newspaper distributor or newspaper carrier, which by its terms, will become inoperative on January 1, 2021.[15]

Section 2750.3 is addressed in over thirty pending bills. Two of those bills propose to eliminate the inoperative date and indefinitely continue the legal requirements relating to a newspaper distributor or newspaper carrier.[16] In the remaining bills, the inoperative date would be unchanged or the substantive changes would be so significant that the section would be repealed and replaced altogether.[17]

Given the wide range of different legislative proposals focused on this section, it is clear that the content of the section is being closely scrutinized. Because the posture of the section is unique, information about it is provided in a separate table. Table 4 lists the bills that would affect Labor Code Section 2750.3.

ANALYSIS AND POSSIBLE LEGISLATION

The Legislature may wish to introduce an omnibus bill to extend certain 1/1/21 sunset dates by one year, so that those sunsets would instead operate on 1/1/22.

This would be appropriate, for instance, if the Legislature determines that a 1/1/21 sunset date should perhaps be extended, but

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15. See Lab. Code 2750.3(b)(7)(B) ("This paragraph shall become inoperative on January 1, 2021, unless extended by the Legislature.").

16. See AB 2796 (Fong), as introduced Feb. 2, 2020; SB 867 (Bates), as introduced Jan. 17, 2020.

17. See, e.g., AB 1850 (Gonzalez), as amended May 12, 2020; SB 900 (Hill), as amended Mar. 26, 2020.

that the present emergency makes it impractical to commit the resources required to fully consider the matter this year. The status quo would then be preserved for one year, allowing the Legislature to revisit the matter on its merits in 2021.

Even if legislation to adjust a 1/1/21 sunset date is already pending before the Legislature and is making steady progress toward enactment, it might be prudent to include the affected provision in an omnibus bill. This would serve as a safety net, preventing an unintended gap in the law's effect that might occur if the present emergency somehow interferes with the more targeted bill's progress.

To best serve such a purpose, the omnibus bill should include a subordination clause. In the event that another bill that affects a section in the omnibus bill is eventually enacted, that other bill would control over the omnibus bill, regardless of the order in which they are enacted. A subordination clause is routinely used in the Maintenance of the Codes bill and similar omnibus technical bills, to prevent a technical amendment from chaptering out a more significant change made in another bill (without the need for numerous double-jointing provisions).

With a subordination clause, an omnibus bill would only affect a 1/1/21 sunset date if no other bill affects the same provision.

As noted above, the categorization used in Tables 1-4 is intended to assist the Legislature in deciding whether any 1/1/21 sunset dates should be included in an omnibus sunset extension bill. Each table reflects a different posture that might be relevant to the Legislature's analysis. The implications of those postures are summarized below.

- **Table 1.** All of the sunset dates listed in Table 1 are the subject of one or more pending bills that would affect the sunset date. The existence of those bills suggests that there is some legislative interest in extending those sunset dates, rather than letting them operate. Most of the related bills are making good progress toward enactment. Those efforts may be sufficient to ensure that the Legislature's purposes are served. However, the Legislature should consider whether to include such provisions in an omnibus bill, as a hedge against

the possibility that things might change in way that further limits the resources available in 2020.

- **Table 2.** This table lists sunset provisions for which there is no bill that would affect the sunset date. This suggests that the Legislature may have concluded that it is proper that those sunset provisions operate on 1/1/21. If so, then there would be no need to include them in omnibus legislation. However, it might be worth reviewing the list to make sure that the absence of any legislation to change the sunset date is not inadvertent. In the current pandemic, the Legislature and affected groups have their hands full with high-priority emergency work, at a time when resources are unusually constrained. It might be that some 1/1/21 sunset dates listed in Table 2 should be extended, but have simply slipped through the cracks.

- **Table 3.** The provisions listed in Table 3 are sunsets from the Business and Professions Code that would be affected by pending legislation. A number of these provisions relate to the Joint Sunset Review Oversight work conducted by the Legislature. The Commission understands that these provisions are not at risk of inadvertent lapse and, for that reason, may not need to be included in omnibus legislation. However, the Legislature could include these provisions if it wishes to provide a backstop for the other pending bills. If the omnibus legislation includes a subordination clause, there would be no obvious disadvantage to doing so.

- **Table 4.** Labor Code Section 2750.3 is the subject of numerous and varied pending bills. Given the significant legislative attention on this provision, the sunset provision does not appear to be at risk of inadvertent lapse. For this reason, it may not need to be included in omnibus sunset extension legislation.

CONCLUSION

As explained above, this report is purely informational. Its purpose is to provide information that the Legislature may find helpful in deciding how to address the numerous 1/1/21 sunset dates in existing law.

The Commission takes no position on whether or how to address those provisions, other than to point out the possible advantages of an omnibus bill with a subordination clause that extends the sunset dates by one year. Such a vehicle would serve as a safety net, preventing an unintended lapse in the law if changed circumstances disrupt more focused legislative reforms.

TABLE 1: MISCELLANEOUS PROVISIONS WITH 1/1/21 SUNSET DATES AFFECTED BY PENDING BILL

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Civ. Code § 1798.145 (h)(4), (n)(3)	(h)(4) - This subdivision shall become inoperative on January 1, 2021. (n)(3) - This subdivision shall become inoperative on January 1, 2021	AB 1281 (Chau) AB 873 (Irwin)[20] AB 981 (Daly)[21] AB 1416 (Cooley)[22] SB 1371 (Committee on Judiciary)[23]	July 1, 2020 July 9, 2019 May 29, 2019 July 9, 2019 June 18, 2020	§ 2 No No No § 304

18. The legislation affecting each of the relevant sections was identified using the California Legislature's Table of Sections Affected from July 1, 2020.

19. The "Last Action Date" for each bill in this table was determined as of July 2, 2020.

20. AB 873 would, in addition to making substantive changes to the section, not continue the existing language of subdivisions (h) and (n), which, under current law, will become inoperative on January 1, 2021.

21. AB 981 would, in addition to making substantive changes to the section, not continue the existing language of subdivisions (h) and (n), which, under current law, will become inoperative on January 1, 2021.

22. AB 1416 would, in addition to making substantive changes to the section, not continue the existing language of subdivisions (h) and (n), which, under current law, will become inoperative on January 1, 2021.

Code Section	**Key Text (existing law)**	**Pending Bill**[18]	**Last Action Date**[19]	**Plus Section**
Code Civ. Proc. § 231(h), as added by 2016 Cal. Stat. ch. 33, § 2	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	SB 1133 (Jackson)	June 29, 2020	No
Code Civ. Proc. § 231(f), as added by 2016 Cal. Stat. ch. 33, § 3	This section shall become operative on January 1, 2021.	SB 1133 (Jackson)	June 29, 2020	No
Code Civ. Proc. § 430.41(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 3062 (Obernolte)	June 23, 2020	§ 8

23. SB 1371 is the maintenance of the codes bill. SB 1371 would not change the existing language of paragraphs (h)(4) and (n)(3), which, under current law, would render the subdivisions inoperative on January 1, 2021.

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Code Civ. Proc. § 435.5(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.	AB 3062 (Obernolte)	June 23, 2020	§ 8
Code Civ. Proc. § 439(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.	AB 3062 (Obernolte)	June 23, 2020	§ 8
Code Civ. Proc. § 472(b), as added by 2015 Cal. Stat. ch. 418, § 3	This section shall become operative on January 1, 2021.	AB 3062 (Obernolte)	June 23, 2020	§ 8

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Code Civ. Proc. § 472(c), as amended by 2017 Cal. Stat. ch. 273, § 3	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 3062 (Obernolte)	June 23, 2020	§ 8
Code Civ. Proc. § 472a(f), as amended by 2015 Cal. Stat. ch. 418, § 4	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 3062 (Obernolte)	June 23, 2020	§ 8
Code Civ. Proc. § 472a(f), as amended by 2016 Cal. Stat. ch. 86, § 23	This section shall become operative on January 1, 2021.	AB 3062 (Obernolte)	June 23, 2020	§ 8

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Educ. Code § 53315	This chapter shall become inoperative on July 31, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.	SB 1193 (Lena Gonzalez)	Mar. 18, 2020	No
Educ. Code § 67425	This part shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.	AB 3110 (Jones-Sawyer)	May 5, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Educ. Code § 94950[24]	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	SB 1474 (Committee on Business, Professions and Economic Development)	June 29, 2020	§ 72
Elec. Code § 15365	… This article shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2400 (Quirk)	July 1, 2020	§ 4
Fam. Code § 4055(d), as amended by 2017 Cal. Stat. ch. 730, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 3365 (Committee on Judiciary)	June 24, 2020	No

24. The pending bill affecting this section, SB 1474, is the committee bill extending many of the sunsets in the Business and Professions Code. See *infra* Table 3.

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Fam. Code § 4055(d), as amended by 2017 Cal. Stat. ch. 730, § 2	This section shall become operative on January 1, 2021.	AB 3365 (Committee on Judiciary)	June 24, 2020	No
Fish & Game Code § 3031(e), as amended by 2018 Cal. Stat. ch. 295, § 5	This section shall remain in effect only until July 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 1305 (Obernolte) AB 3022 (Obernolte)	June 19, 2019 June 3, 2020	No § 3
Fish & Game Code § 3031(e), as amended by 2018 Cal. Stat. ch. 295, § 6	This section shall become operative on July 1, 2020.	AB 1305 (Obernolte) AB 3022 (Obernolte)	June 19, 2019 June 3, 2020	No § 3
Gov't Code § 19240(d), as amended by 2015 Cal. Stat. ch. 356, § 2	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Gov't Code § 19240(d), as added by 2015 Cal. Stat. ch. 356, § 3	This section shall become operative on January 1, 2021.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19241(b), as amended by 2015 Cal. Stat. ch. 356, § 4	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19241(b), as amended by 2016 Cal. Stat. ch. 86, § 161	This section shall become operative on January 1, 2021.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19241.5(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19242(d), as amended by 2015 Cal. Stat. ch. 356, § 7	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19242(b), as added by 2015 Cal. Stat. ch. 356, § 8	This section shall become operative on January 1, 2021.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21

Code Section	**Key Text (existing law)**	**Pending Bill**[18]	**Last Action Date**[19]	**Plus Section**
Gov't Code § 19242.05(d)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19242.2(c), as amended by 2015 Cal. Stat. ch. 356, § 10	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 19242.2(b), as added by 2015 Cal. Stat. ch. 356, § 11	This section shall become operative on January 1, 2021.	SB 1264 (Committee on Human Services) AB 2328 (Cristina Garcia)[25]	June 29, 2020 Mar. 16, 2020	§ 21 No
Gov't Code § 19242.3(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1264 (Committee on Human Services)	June 29, 2020	§ 21
Gov't Code § 56133.5(f)	This section shall remain in effect only until January 1, 2021, 2026, and as of that date is repealed.	SB 799 (Dodd)	Mar. 16, 2020	§ 2

25. AB 2238 would not amend the sunrise provision (i.e., the sunrise would operate as in current law), but makes other changes to this section.

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Gov't Code § 67700(a)	This title shall become inoperative when the board determines that 80 percent of the territory of Fort Ord that is designated for development or reuse in the plan prepared pursuant to this title has been developed or reused in a manner consistent with the plan adopted or revised pursuant to Section 67675, or June 30, 2020, whichever occurs first, and on January 1, 2021, this title is repealed.	SB 189 (Monning)	Aug. 30, 2019	§§ 26, 27

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Health & Safety Code § 25150.7(k)	This section shall become inoperative on December 31, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.	SB 68 (Galgiani)[26]	Sept. 11, 2019	§ 2
Health & Safety Code § 103526(h), as amended by 2018 Cal. Stat. ch. 131, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2376 (Flora)	July 1, 2020	§ 3

26. On September 11, 2019, SB 68 was ordered to the inactive file.

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Health & Safety Code § 103526(g), as amended by 2018 Cal. Stat. ch. 131, § 2	This section shall become operative January 1, 2021.	AB 2376 (Flora)	July 1, 2020	§ 3
Health & Safety Code § 103870.2	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2821 (Nazarian)	July 1, 2020	No
Health & Safety Code § 105206(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 3220 (Committee on Environmental Safety and Toxic Materials)	July 1, 2020	No
Lab. Code § 226.75(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2479 (Gipson)	June 23, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Mil. & Vet. Code § 59(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2192 (Committee on Veterans Affairs)	June 23, 2020	No
Penal Code § 1234.5	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2876 (Waldron)	July 2, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Prob. Code § 5600(c)	This part shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date. The repeal of this part pursuant to this subdivision shall not affect the validity or effect of a revocable transfer on death deed that is executed before January 1, 2021, and shall not affect the authority of the transferor to revoke a transfer on death deed by recording a signed and notarized instrument that is substantially in the form specified in Section 5644.	SB 1305 (Roth)	June 18, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Pub. Cont. Code § 20119.5(b)	The requirement for submitting a report imposed pursuant to subdivision (a) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.	AB 1981 (Nazarian)	July 1, 2020	§ 7
Pub. Cont. Code § 20119.7	This article shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 1981 (Nazarian)	July 1, 2020	§ 7
Pub. Res. Code § 21080.20(d)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 288 (Wiener)	June 15, 2020	§§ 5, 6

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Pub. Res. Code § 21189.3	This chapter shall remain in effect until January 1, 2021, and as of that date is repealed unless a later enacted statute extends or repeals that date.	AB 2991 (Santiago and Ting) SB 995 (Atkins, Wiener, Caballero, and Rubio)	June 2, 2020 June 29, 2020	§ 9 § 9
Pub. Res. Code § 71155(e)	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.	AB 2800 (Quirk)	July 1, 2020	No
Pub. Util. Code § 99270.8(d)	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.	SB 1459 (Caballero)	June 18, 2020	§§ 2, 3
Rev. & Tax. Code § 6018.10.(d)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 38 (Hill)	June 18, 2020	§§ 2, 3, 4

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Rev. & Tax. Code § 17053.88.5 (h)(2)	The requirement for submitting a report imposed under subdivision (g) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.	AB 2243 (Eggman)	Mar. 16, 2020	§§ 3, 4
Rev. & Tax. Code § 18754.3(a)	This article shall remain in effect only until January 1, 2021, and as of that date, is repealed.	SB 587 (Monning)	June 24, 2020	No
Rev. & Tax. Code § 18804(a)	This article shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2021, deletes or extends that date.	AB 2068 (Petrie-Norris)	June 23, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Rev. & Tax. Code § 18808(a)	This article shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2021, deletes that date.	AB 2068 (Petrie-Norris)	June 23, 2020	No
Rev. & Tax. Code § 42111	This part shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	SB 1441 (McGuire)	June 18, 2020	§ 17
Sts. and Hy. Code § 27567(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2674 (Ting)	Mar. 17, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Sts. and Hy. Code § 30114(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2674 (Ting)	Mar. 17, 2020	No
Sts. and Hy. Code § 30814(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2674 (Ting)	Mar. 17, 2020	No
Veh. Code § 4024(d)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	AB 2260 (Fong)	Feb. 20, 2020	No

Code Section	**Key Text (existing law)**	**Pending Bill[18]**	**Last Action Date[19]**	**Plus Section**
Water Code § 50906(e), as amended by 2016 Cal. Stat. ch. 86, § 307	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	SB 807 (Nielsen)[27]	May 12, 2020	No
Water Code § 50906(e), as amended by 2016 Cal. Stat. ch. 86, § 308	This section shall become operative on January 1, 2021.	SB 807 (Nielsen)[28]	May 12, 2020	No

27. On May 12, 2020, SB 807 was rescinded due to the shortened 2020 Legislative Calendar.

28. *Id*.

TABLE 2: MISCELLANEOUS PROVISIONS WITH 1/1/21 SUNSET DATES NOT AFFECTED BY PENDING BILL

Code Section	**Key Text (existing law)**
Bus. & Prof. Code § 7.5(b), as amended by 2018 Cal. Stat. ch. 995, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 7.5(d), as added by 2018 Cal. Stat. ch. 995, § 2	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 480(e), as amended by 2019 Cal. Stat. ch. 578, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 480(j), as amended by 2019 Cal. Stat. ch. 578, § 2.5	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 481(b), as amended by 2018 Cal. Stat. ch. 995, § 6	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 481(f), as added by 2018 Cal. Stat. ch. 995, § 7	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 482(c), as amended by 2018 Cal. Stat. ch. 995, § 8	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 482(d), as added by 2018 Cal. Stat. ch. 995, § 9	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 488(b), as amended by 2018 Cal. Stat. ch. 995, § 10	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

Code Section	**Key Text (existing law)**
Bus. & Prof. Code § 488(c), as added by 2018 Cal. Stat. ch. 995, § 11	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 493(c), as amended by 2018 Cal. Stat. ch. 995, § 12	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 493(e), as added by 2018 Cal. Stat. ch. 995, § 13	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 654.3(j), as amended by 2019 Cal. Stat. ch. 856, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 654.3(m), as added by 2019 Cal. Stat. ch. 856, § 2	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 4180.5(g)	This section shall become inoperative on January 1, 2021, and as of that date is repealed.
Bus. & Prof. Code § 4620(c)	This section shall be repealed on January 1, 2021.
Bus. & Prof. Code § 4961(d), as amended by 2019 Cal. Stat. ch. 308, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Bus. & Prof. Code § 4961(h), as added by 2019 Cal. Stat. ch. 308, § 2	This section shall become operative on January 1, 2021.
Bus. & Prof. Code § 4970(k), as amended by 2019 Cal. Stat. ch. 308, § 3	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Bus. & Prof. Code § 4970(k), as added by 2019 Cal. Stat. ch. 308, § 4	This section shall become operative on January 1, 2021.

Code Section	**Key Text (existing law)**
Bus. & Prof. Code § 7558.1(c), as amended by 2019 Cal. Stat. ch. 326, § 5	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Bus. & Prof. Code § 7558.1(c), as added by 2019 Cal. Stat. ch. 326, § 6	This section shall become operative on January 1, 2021.
Bus. & Prof. Code § 11345.2(c), as amended by 2019 Cal. Stat. ch. 578, § 4	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Bus. & Prof. Code § 11345.2(c), as amended by 2019 Cal. Stat. ch. 578, § 5	This section shall become operative on July 1, 2020.
Bus. & Prof. Code § 19604.7	This article shall become inoperative on May 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
Code Civ. Proc. § 703.520(c), as amended by 2019 Cal. Stat. ch. 552, § 3	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
Code Civ. Proc. § 703.520(c), as added by 2019 Cal. Stat. ch. 552, § 4	This section shall become operative on September 1, 2020.
Code Civ. Proc. § 703.550(b), as amended by 2019 Cal Stat. ch. 552, § 5	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.

Code Section	**Key Text (existing law)**
Code Civ. Proc. § 703.550(b), as added by 2019 Cal Stat. ch. 552, § 6	This section shall become operative on September 1, 2020.
Educ. Code § 41003.3(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Educ. Code § 49452.9(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Educ. Code § 66922	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Educ. Code § 88906	This part shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Educ. Code § 89290(g)	Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report under this section shall be inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.

Code Section	**Key Text (existing law)**
Elec. Code § 4000.5(m)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Elec. Code § 4001.5(*l*)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Elec. Code § 10003(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Elec. Code § 10202(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Elec. Code § 10703(c)(2)	This subdivision shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Elec. Code § 19204.5(b)(2)	... This paragraph shall become inoperative on January 1, 2021.
Fam. Code § 17705(c)	Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2021.

Code Section	**Key Text (existing law)**
Gov't Code § 4216.7(g), as added by 2017 Cal. Stat. ch. 26, § 49	This section shall become operative on July 1, 2020.
Gov't Code § 4216.7(g), as amended by 2017 Cal. Stat. ch. 26, § 48	This section shall become inoperative on July 1, 2020, and shall be repealed on January 1, 2021.
Gov't Code § 4216.21(d), as amended by 2017 Cal. Stat. ch. 26, § 56	This section shall become inoperative on July 1, 2020, and shall be repealed on January 1, 2021.
Gov't Code § 4216.21(d), as added by 2017 Cal. Stat. ch. 26, § 57	This section shall become operative on July 1, 2020.
Gov't Code § 8670.48.3(d)	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
Gov't Code § 12718	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 12803(d), as added by 2019 Cal. Stat. ch. 38, § 2	This section shall become operative July 1, 2020.
Gov't Code § 12803(d), as amended by 2019 Cal. Stat. ch. 38, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

Code Section	**Key Text (existing law)**
Gov't Code § 13979.2(h)	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 15643(e), as amended by 2017 Cal. Stat. ch. 561, § 82	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Gov't Code § 15643(e), as added by 2015 Cal. Stat. ch. 404, § 2	This section shall become operative on January 1, 2021.
Gov't Code § 50079.6(c)	This section shall become inoperative on January 1, 2021.
Gov't Code § 66477(i), as added by 2015 Cal. Stat. ch. 276, § 2	This section shall become operative on January 1, 2021.
Gov't Code § 66477(i), as amended by 2015 Cal. Stat. ch. 276, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Gov't Code § 68530(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 85305(b), as added by 2019 Cal. Stat. ch. 556, § 6	This section shall become operative on January 1, 2021.
Gov't Code § 85305(b), as amended by 2019 Cal. Stat. ch. 556, § 5	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

Code Section	**Key Text (existing law)**
Gov't Code § 85306(e), as added by 2019 Cal. Stat. ch. 556, § 8	This section shall become operative on January 1, 2021.
Gov't Code § 85306(d), as amended by 2019 Cal. Stat. ch. 556, § 7	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 85307(c), as added by 2019 Cal. Stat. ch. 556, § 10	This section shall become operative on January 1, 2021.
Gov't Code § 85307(c), as amended by 2019 Cal. Stat. ch. 556, § 9	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 85315(d), as added by 2019 Cal. Stat. ch. 556, § 12	This section shall become operative on January 1, 2021.
Gov't Code § 85315(c), as amended by 2019 Cal. Stat. ch. 556, § 11	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 85316(d), as added by 2019 Cal. Stat. ch. 556, § 14	This section shall become operative on January 1, 2021.
Gov't Code § 85316(c), as amended by 2019 Cal. Stat. ch. 556, § 13	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

Code Section	**Key Text (existing law)**
Gov't Code § 85317(b), as added by 2019 Cal. Stat. ch. 556, § 16	This section shall become operative on January 1, 2021.
Gov't Code § 85317(b), as amended by 2019 Cal. Stat. ch. 556, § 15	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Gov't Code § 85318(c), as added by 2019 Cal. Stat. ch. 556, § 18	This section shall become operative on January 1, 2021.
Gov't Code § 85318(b), as amended by 2019 Cal. Stat. ch. 556, § 17	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Harb. & Nav. Code § 1190.4(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Health & Safety Code § 1211(e)	This section shall become inoperative on January 1, 2021, and as of that date is repealed.
Health & Safety Code § 1385.007(d)	This section shall become inoperative on February 1, 2020, and, as of January 1, 2021, is repealed.
Health & Safety Code § 1385.03(i), as amended by 2019 Cal. Stat. ch. 807, § 4	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Health & Safety Code § 1385.03(p), as added by 2019 Cal. Stat. ch. 807, § 5	This section shall become operative on July 1, 2020.

Code Section	**Key Text (existing law)**
Health & Safety Code § 11164.1(c), as amended by 2019 Cal. Stat. ch. 677, § 3	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Health & Safety Code § 11164.1(c), as added by 2019 Cal. Stat. ch. 677, § 4	This section shall become operative on January 1, 2021.
Health & Safety Code § 11165(i), as amended by 2019 Cal. Stat. ch. 677, § 5	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Health & Safety Code § 11165(k), as added by 2019 Cal. Stat. ch. 677, § 6	This section shall become operative on January 1, 2021.
Health & Safety Code § 25214.2(f), as amended by 2019 Cal. Stat. ch. 379, § 3	This section shall become inoperative on June 1, 2020, and, as of January 1, 2021, is repealed.
Health & Safety Code § 25214.2(f), as added by 2019 Cal. Stat. ch. 379, § 4	This section shall become operative on June 1, 2020.
Health & Safety Code § 103527.5(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Health & Safety Code § 122477(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Health & Safety Code § 127665	This chapter shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Health & Safety Code § 127670(c)(2)	Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on January 1, 2021.

Code Section	**Key Text (existing law)**
Ins. Code § 1726(c), as amended by 2019 Cal. Stat. ch. 201, § 6	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Ins. Code § 1726(c), as added by 2019 Cal. Stat. ch. 201, § 7	This section shall become operative on July 1, 2020.
Ins. Code § 10103.5(d), as amended by 2019 Cal. Stat. ch. 151, § 2	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Ins. Code § 10103.5(d), as added by 2019 Cal. Stat. ch. 151, § 3	This section shall become operative on July 1, 2020.
Lab. Code § 226.2(b), as added by 2015 Cal. Stat. ch. 754, § 5	This section shall become operative on January 1, 2021.
Lab. Code § 226.2(k), as added by 2015 Cal. Stat. ch. 754, § 4	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Penal Code § 290(d), as amended by 2018 Cal. Stat. ch. 423, § 51	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Penal Code § 290(g), as amended by 2018 Cal. Stat. ch. 423, § 52	This section shall become operative on January 1, 2021.
Penal Code § 290.006(b), as amended by 2017 Cal. Stat. ch. 541, § 3	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Penal Code § 290.006(d), as added by 2017 Cal. Stat. ch. 541, § 4	This section shall become operative on January 1, 2021.
Penal Code § 290.008(f), as amended by 2018 Cal. Stat. ch. 423, § 54	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Penal Code § 290.008(g), as amended by 2018 Cal. Stat. ch. 423, § 55	This section shall become operative on January 1, 2021.

Code Section	**Key Text (existing law)**
Penal Code § 290.45(i), as amended by 2017 Cal. Stat. ch. 541, § 7	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Penal Code § 290.45(i), as added by 2017 Cal. Stat. ch. 541, § 8	This section shall become operative on January 1, 2021.
Penal Code § 991.5(e)	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
Penal Code § 1234.4(c)(1)	The requirement for submitting a report imposed under subdivision (b) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.
Penal Code § 11166.02(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Penal Code § 13150(b), as amended by 2019 Cal. Stat. ch. 581, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 13150(b), as added by 2019 Cal. Stat. ch. 581, § 2	This section shall become operative on July 1, 2020.
Penal Code § 13151(b), as amended by 2019 Cal. Stat. ch. 581, § 3	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 13151(b), as added by 2019 Cal. Stat. ch. 581, § 4	This section shall become operative on July 1, 2020.

Code Section	**Key Text (existing law)**
Penal Code § 13202(b), as amended by 2019 Cal. Stat. ch. 581, § 5	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 13202(b), as added by 2019 Cal. Stat. ch. 581, § 6	This section shall become operative on July 1, 2020.
Penal Code § 18109(b), as amended by 2019 Cal. Stat. ch. 724, § 1	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18109(c), as added by 2019 Cal. Stat. ch. 724, § 2	This section shall become operative on September 1, 2020.
Penal Code § 18120(f), as amended by 2019 Cal. Stat. ch. 724, § 3	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18120(f), as added by 2019 Cal. Stat. ch. 724, § 4	This section shall become operative on September 1, 2020.
Penal Code § 18150(e), as amended by 2019 Cal. Stat. ch. 725, § 1	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18150(e), as added by 2019 Cal. Stat. ch. 725, § 2	This section shall become operative on September 1, 2020.
Penal Code § 18160(c), as amended by 2019 Cal. Stat. ch. 724, § 5	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18160(c), as added by 2019 Cal. Stat. ch. 724, § 6	This section shall become operative on September 1, 2020.
Penal Code § 18170(c), as amended by 2019 Cal. Stat. ch. 725, § 3	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18170(c), as added by 2019 Cal. Stat. ch. 725, § 4.5	This section shall become operative on September 1, 2020.

Code Section	**Key Text (existing law)**
Penal Code § 18175(e), as amended by 2019 Cal. Stat. ch. 733, § 2.1	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18175(f), as added by 2019 Cal. Stat. ch. 733, § 2.2	This section shall become operative on September 1, 2020.
Penal Code § 18180(c), as amended by 2019 Cal. Stat. ch. 724, § 11	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18180(c), as added by 2019 Cal. Stat. ch. 724, § 12	This section shall become operative on September 1, 2020.
Penal Code § 18185(c), as amended by 2019 Cal. Stat. ch. 724, § 13	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18185(c), as added by 2019 Cal. Stat. ch. 724, § 14	This section shall become operative on September 1, 2020.
Penal Code § 18190(h), as amended by 2019 Cal Stat. ch. 725, § 5	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18190(h), as added by 2019 Cal. Stat. ch. 725, § 6.5	This section shall become operative on September 1, 2020.
Penal Code § 18197(b), as amended by 2019 Cal. Stat. ch. 724, § 17	This section shall become inoperative on September 1, 2020, and, as of January 1, 2021, is repealed.
Penal Code § 18197(b), as added by 2019 Cal. Stat. ch. 724, § 18	This section shall become operative on September 1, 2020.
Pub. Cont. Code § 3503.7(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Pub. Res. Code § 746(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

Code Section	**Key Text (existing law)**
Pub. Res. Code § 3217(k)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Pub. Res. Code § 14572.3(c)	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Pub. Res. Code § 21080.20.5(d)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Pub. Res. Code § 43032(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Pub. Util. Code § 714(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Pub. Util. Code § 715(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Pub. Util. Code § 918.1(b)	Pursuant to Section 10231.5 of the Government Code, this section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

Code Section	**Key Text (existing law)**
Pub. Util. Code § 2867.4	This article shall become inoperative on August 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
Pub. Util. Code § 5012	This chapter shall become inoperative on November 1, 2020, and, as of January 1, 2021, is repealed.
Pub. Util. Code § 99030	This chapter shall be repealed on January 1, 2021.
Rev. & Tax. Code § 42018(d)	Notwithstanding Section 42024, this section shall remain operative until January 1, 2021, and shall be repealed as of that date.
Sts. & Hy. Code § 149.9(e)(2)	… This paragraph shall become inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.
Unemp. Ins. Code § 3301(f), as amended by 2019 Cal. Stat. ch. 24, § 38	This section shall remain in effect only until July 1, 2020, and as of that date is repealed.
Unemp. Ins. Code § 3301(f), as added by 2019 Cal. Stat. ch. 24, § 39	This section shall become operative on July 1, 2020, and shall remain in effect only until January 1, 2021, and as of that date is repealed.
Unemp. Ins. Code § 3301(f), as amended by 2019 Cal. Stat. ch. 24, § 40	This section shall become operative on January 1, 2021.
Unemp. Ins. Code § 3302.1(b), as amended by 2019 Cal. Stat. ch. 497, § 269	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

Code Section	**Key Text (existing law)**
Unemp. Ins. Code § 3302.1(b), as amended by 2019 Cal. Stat. ch. 497, § 270	This section shall become operative on January 1, 2021.
Unemp. Ins. Code § 3303(b), as amended by 2018 Cal. Stat. ch. 849, § 6	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Unemp. Ins. Code § 3303(c), as added by 2018 Cal. Stat. ch. 849, § 7	This section shall become operative on January 1, 2021.
Unemp. Ins. Code § 3303.1(d), as amended by 2018 Cal. Stat. ch. 849, § 8	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Unemp. Ins. Code § 3303.1(d), as added by 2018 Cal. Stat. ch. 849, § 9	This section shall become operative on January 1, 2021.
Veh. Code § 11202(g), as amended by 2019 Cal. Stat. ch. 307, § 1	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Veh. Code § 11202(f), as added by 2019 Cal. Stat. ch. 307, § 2	This section shall become operative on July 1, 2020.
Veh. Code § 21651.1(b)	This section is repealed on January 1, 2021, pursuant to Section 10231.5 of the Government Code.
Water Code § 10608.8(a)(2)	... This paragraph shall become inoperative on January 1, 2021.
Water Code § 13808.8	This article shall become inoperative on January 30, 2020, and, as of January 1, 2021, is repealed.
Welf. & Inst. Code § 1762(e), as added by 2019 Cal. Stat. ch. 857, § 3	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

Code Section	**Key Text (existing law)**
Welf. & Inst. Code § 1762(e), as added by 2019 Cal. Stat. ch. 857, § 4	This section shall become operative on July 1, 2020.
Welf. & Inst. Code § 4096.1(i)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 4096.55(g)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 10612.5(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 11402.01(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 11461(g)(4)(D)	The basic rates set forth in written directives or regulations pursuant to subparagraph (C) shall become inoperative on January 1, 2021, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which they become inoperative.

Code Section	**Key Text (existing law)**
Welf. & Inst. Code § 11462(c)(1)(C)	The initial interim rates set forth in written directives or regulations pursuant to paragraph (3) shall become inoperative on January 1, 2021, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which they become inoperative.
Welf. & Inst. Code § 11462.001(*l*)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 11462.015(*l*)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 11462.021(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.
Welf. & Inst. Code § 11463(c)(1)(C)	The initial interim rates set forth in written directives or regulations pursuant to paragraph (4) shall become inoperative on January 1, 2021, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which they become inoperative.

Code Section	**Key Text (existing law)**
Welf. & Inst. Code § 11523.2(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Welf. & Inst. Code § 12301.61(k)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Welf. & Inst. Code § 14005.276(b)(2)	Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2021.
Welf. & Inst. Code § 16122(e), as amended by 2019 Cal. Stat. ch. 827, § 2	This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.
Welf. & Inst. Code § 16122(f), as added by 2019 Cal. Stat. ch. 827, § 3	This section shall become operative on July 1, 2020.
Welf. & Inst. Code § 16519.5(u), as amended by 2020 Cal. Stat. ch. 11, § 75	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.
Welf. & Inst. Code § 16519.5(u), as amended by 2020 Cal. Stat. ch. 11, § 76	This section shall become operative on January 1, 2021.
Welf. & Inst. Code § 18995(d), as amended by 2019 Cal Stat. ch. 27, § 124	This section shall become inoperative on July 1, 2019, and, as of January 1, 2021, is repealed.
Welf. & Inst. Code § 18995(d), as added by 2019 Cal Stat. ch. 27, § 125	This section shall become operative on July 1, 2019.

TABLE 3: BUSINESS AND PROFESSIONS CODE PROVISIONS WITH 1/1/21 SUNSET DATES IN PENDING BILLS

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 1246.7(e)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.	AB 2199 (Nazarian)	June 23, 2020	§§ 2, 3

29. The legislation affecting each of the relevant sections was identified using the California Legislature's Table of Sections Affected from July 1, 2020.

To save space and improve readability, for bills authored by either the Assembly Committee on Business and Professions or the Senate Committee on Business, Professions and Economic Development, the bill author is not noted in the individual entries in this table.

30. The "Last Action Date" for each bill in this table was determined as of July 2, 2020.

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 2460(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.	SB 1474	June 29, 2020	§ 72
§ 2841(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2854 SB 1474	June 23, 2020 June 29, 2020	No § 72
§ 2847.3(c)	This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2854 SB 1474	June 23, 2020 June 29, 2020	No § 72
§ 2920(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2856 SB 1474	Mar. 5, 2020 June 29, 2020	No § 72

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 2933(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2856 SB 1474	Mar. 5, 2020 June 29, 2020	No § 72
§ 3504	... This section shall remain in effect only until January 1, 2021, and as of that date is repealed. ...	SB 1474	June 29, 2020	§ 72
§ 3512(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1474	June 29, 2020	§ 72
§ 4001(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.	AB 2857 SB 1474	Mar. 5, 2020 June 29, 2020	No § 72
§ 4003(e)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1474	June 29, 2020	§ 72

Bus. & Prof. Code Section	Key Text (existing law)	Pending Bill[29]	Last Action Date[30]	Plus Section
§ 4501(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2854 SB 1474	June 23, 2020 June 29, 2020	No § 72
§ 4503(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2854 SB 1474	June 23, 2020 June 29, 2020	No § 72
§ 4621(a)	This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.	SB 1474	June 29, 2020	§ 72
§ 4800(b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2855 SB 1474	Mar. 5, 2020 June 29, 2020	No § 72
§ 4804.5	… This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 2855 SB 1474	Mar. 5, 2020 June 29, 2020	No § 72

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 4990(i)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1474	June 29, 2020	§ 72
§ 4990.04(f)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1474	June 29, 2020	§ 72
§ 6140(c)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 3362 (Committee on Judiciary)	June 23, 2020	No
§ 7303(e)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.	SB 1474	June 29, 2020	§ 72

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 7512.3(b), as amended by 2017 Cal. Stat. ch. 569, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7512.3(b), as amended by 2017 Cal. Stat. ch. 569, § 2	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7512.14 (b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7512.15 (b)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7520.3(h)	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7525.1(*l*), as amended by 2017 Cal. Stat. ch. 569, § 11	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7525.1(k), as amended by 2017 Cal. Stat. ch. 569, § 12	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 7529 (a)(3), (b)(3), (c), as amended by 2019 Cal. Stat. ch. 326, § 2	(a)(3) -This subdivision shall become inoperative on January 1, 2021. (b)(3) - This subdivision shall become operative only if the January 1, 2021, repeal date for this section established in subdivision (c) is deleted or extended, and in that event shall become operative on January 1, 2021. (c) - This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute deletes or extends that date.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7529(c), as amended by 2019 Cal. Stat. ch. 326, § 3	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7533.5(c), as amended by 2017 Cal. Stat. ch. 569, § 21	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18

Bus. & Prof. Code Section	Key Text (existing law)	Pending Bill[29]	Last Action Date[30]	Plus Section
§ 7533.5(c), as amended by 2017 Cal. Stat. ch. 569, § 22	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7538(b), as amended by 2017 Cal. Stat. ch. 569, § 25	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7538(b), as amended by 2017 Cal. Stat. ch. 569, § 26	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7538.5(b), as amended by 2017 Cal. Stat. ch. 569, § 27	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7538.5(b), as amended by 2018 Cal. Stat. ch. 92, § 8	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7539(k), as amended by 2017 Cal. Stat. ch. 569, § 29	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	SB 1271 (Morrell)	June 29, 2020	§ 18
§ 7539(k), as amended by 2018 Cal. Stat. ch. 92, § 9	This section shall become operative on January 1, 2021.	SB 1271 (Morrell)	June 29, 2020	§ 18

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 10050 (a)(2)	... The review shall be performed as if this part and that chapter were scheduled to be repealed as of January 1, 2021.	AB 2506 (Irwin) SB 1474	Mar. 12, 2020 June 29, 2020	No § 72
§ 11301 (a)(2)	... The review shall be performed as if this part were scheduled to be repealed as of January 1, 2021.	SB 1474	June 29, 2020	§ 72
§ 21701(g), as amended by 2017 Cal. Stat. ch. 227, § 1	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 325 (Ramos)	June 23, 2020	No
§ 21701(g), as added by 2017 Cal. Stat. ch. 227, § 2	This section shall become operative on January 1, 2021.	AB 325 (Ramos)	June 23, 2020	No
§ 21703(e), as amended by 2017 Cal. Stat. ch. 227, § 3	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 325 (Ramos)	June 23, 2020	No
§ 21703(e), as added by 2017 Cal. Stat. ch. 227, § 4	This section shall become operative on January 1, 2021.	AB 325 (Ramos)	June 23, 2020	No

Bus. & Prof. Code Section	**Key Text (existing law)**	**Pending Bill[29]**	**Last Action Date[30]**	**Plus Section**
§ 21705(c), as amended by 2017 Cal. Stat. ch. 227, § 5	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 325 (Ramos)	June 23, 2020	No
§ 21705(c), as added by 2017 Cal. Stat. ch. 227, § 6	This section shall become operative on January 1, 2021.	AB 325 (Ramos)	June 23, 2020	No
§ 21712(d), as amended by 2017 Cal. Stat. ch. 227, § 8	This section shall remain in effect only until January 1, 2021, and as of that date is repealed.	AB 325 (Ramos)	June 23, 2020	No
§ 21712(c), as added by 2017 Cal. Stat. ch. 227, § 9	This section shall become operative on January 1, 2021.	AB 325 (Ramos)	June 23, 2020	No

TABLE 4: PENDING LEGISLATION AFFECTING LABOR CODE SECTION 2750.3

Bill Number[31]	**Last Action Date**[32]
AB 1850 (Gonzalez)	July 1, 2020
AB 1925 (Obernolte)	February 14, 2020
AB 1928 (Kiley and Melendez)	February 27, 2020
AB 2257 (Gonzalez)	July 1, 2020
AB 2458 (Melendez)	February 27, 2020
AB 2465 (Gonzalez)	March 17, 2020
AB 2489 (Choi)	May 12, 2020
AB 2497 (Bigelow)	March 5, 2020
AB 2572 (Megan Dahle)	March 10, 2020
AB 2750 (Bigelow)	February 21, 2020
AB 2793 (Mathis)	May 5, 2020
AB 2794 (Mathis)	March 2, 2020
AB 2796 (Fong)	March 2, 2020
AB 2822 (Waldron)	March 2, 2020
AB 2823 (Waldron)	March 2, 2020
AB 2864 (Bauer-Kahan)	May 5, 2020
AB 2979 (Voepel)	March 5, 2020
AB 3136 (Voepel)	March 9, 2020

31. The legislation affecting Labor Code Section 2750.3 was identified using the California Legislature's Table of Sections Affected from July 1, 2020.

32. The "Last Action Date" for each bill in this table was determined as of July 2, 2020.

Bill Number[31]	**Last Action Date**[32]
AB 3185 (Lackey)	May 5, 2020
AB 3281 (Brough)	March 9, 2020
SB 806 (Grove)	May 18, 2020
SB 867 (Bates)	January 29, 2020
SB 868 (Bates)	March 5, 2020
SB 875 (Grove)	January 29, 2020
SB 881 (Jones)	February 6, 2020
SB 900 (Hill)	May 15, 2020
SB 963 (Morrell)	February 20, 2020
SB 965 (Nielsen)	February 20, 2020
SB 966 (Nielsen)	February 20, 2020
SB 967 (Borgeas)	February 20, 2020
SB 975 (Dahle)	March 26, 2020
SB 990 (Moorlach and Grove)	May 18, 2020
SB 997 (Borgeas)	June 10, 2020
SB 1236 (Stern)	March 5, 2020
SB 1371 (Committee on Judiciary)	June 18, 2020

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Eminent Domain: Pre-Condemnation Activities

September 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

Cite this report as *Eminent Domain: Pre-Condemnation Activities*, 47 Cal. L. Revision Comm'n Reports 101 (2020).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
c/o UC Davis School of Law
Davis, CA 95616

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September 10, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

California's statutory Eminent Domain Law includes comprehensive procedures relating to the taking of private property for public use. One part of that law governs a potential condemnor's entry and activity on private property for the purpose of evaluating its suitability for public use. That kind of pre-condemnation activity can itself constitute a taking, entitling the property owner to compensation.

California case law has established that a property owner may also be entitled to compensation for losses caused by a condemnor's unreasonable actions before an eminent domain proceeding has commenced. That kind of loss is known colloquially as "Klopping damages."

The Law Revision Commission recommends that the Eminent Domain Law be revised to make the following improvements related to compensation for pre-condemnation losses:

- Codify the holding of *Property Reserve Inc. v. Superior Court*,[1] to make clear that a property owner has a waivable right to a jury trial determination of the amount of compensation owed for losses caused by pre-condemnation activity.
- Provide that a property owner who is entitled to compensation under Code of Civil Procedure Section 1245.060 for losses due to pre-condemnation activity has the option of instead seeking that compensation as a defendant in an eminent domain action related to that property.
- Codify California case law providing that a property owner may seek compensation for Klopping damages as a defendant in an eminent domain action.
- Make clear that a property owner who seeks compensation for either kind of pre-condemnation loss as a defendant in an eminent domain action must plead the claim for that compensation in the owner's answer.

Other technical or conforming revisions are also proposed.

This recommendation was prepared pursuant to Resolution Chapter 158 of the Statutes of 2018.

Respectfully submitted,

Crystal Miller-O'Brien
Chairperson

1. *Property Reserve Inc. v. Superior Court* (2016) 1 Cal.5th 151.

EMINENT DOMAIN: PRE-CONDEMNATION ACTIVITIES

INTRODUCTION

The "takings clause" of the California Constitution provides that private property shall not be taken for a public purpose without just compensation.[2]

California's statutory Eminent Domain Law[3] establishes a procedure that can be used to take private property for public use.[4] Consistent with the takings clause, that law requires that the property owner receive just compensation for the property taken.[5]

A property owner may also be entitled to compensation for losses suffered as a result of a condemnor's actions prior to commencing an eminent domain action. This recommendation considers two ways in which that may arise:

(1) *Pre-condemnation activity*. Under existing statutory law, a condemnor who is considering taking private property for a public use may petition the court for permission to enter the property and conduct testing to evaluate its suitability.[6] As a condition of such entry, the condemnor must deposit with the court an

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2. Cal. Const. art. I, § 19(a) ("Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.").

3. Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

4. See Chapter 3 (commencing with Section 1240.010) of Title 7 of Part 3 of the Code of Civil Procedure.

5. See Chapter 9 (commencing with Section 1263.010) of Title 7 of Part 3 of the Code of Civil Procedure.

6. Code Civ. Proc. §§ 1245.010-1245.030.

amount determined sufficient by the court to compensate the property owner for losses caused by the pre-condemnation activity.[7] If such losses do occur, the property owner may seek compensation by pursuing a civil action, or by applying to the court for an award from the amount deposited by the condemnor.[8]

(2) "*Klopping" damages*. In *Klopping v. City of Whittier*,[9] the California Supreme Court held that a property owner was entitled to seek compensation for loss caused by a condemnor's unreasonable delay following an announcement of intent to commence an eminent domain action, or by other unreasonable conduct by the condemnor, prior to commencing the eminent domain action.[10]

The Law Revision Commission recommends that the Eminent Domain Law be revised to make the following improvements related to compensation for pre-condemnation losses:

- Codify the holding of *Property Reserve Inc. v. Superior Court*,[11] to make clear that a property owner has a waivable right to a jury trial determination of the amount of compensation owed for losses caused by pre-condemnation activity.
- Provide that a property owner who is entitled to compensation under Code of Civil Procedure Section 1245.060 for losses due to pre-condemnation activity has the option of instead seeking that compensation as a defendant in an eminent domain action related to that property.

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7. Code Civ. Proc. § 1245.030(c).
8. Code Civ. Proc. § 1245.060(a), (c).
9. *Klopping v. City of Whittier* (1972) 8 Cal.3d 39.
10. *Id.* at 52.
11. *Property Reserve Inc. v. Superior Court* (2016) 1 Cal.5th 151.

- Codify California case law providing that a property owner may seek compensation for Klopping damages as a defendant in an eminent domain action.
- Make clear that a property owner who seeks compensation for either kind of pre-condemnation loss as a defendant in an eminent domain action must plead the claim for that compensation in the owner's answer.

RIGHT TO JURY TRIAL

In *Property Reserve*,[12] the California Supreme Court considered whether activity authorized by California's statutory pre-condemnation procedure can constitute a "taking" of an owner's property for purposes of the "takings clause" of the California Constitution, and if so, whether the procedure is compatible with constitutional requirements.

The court first held that pre-condemnation activity authorized by the statute can result in a taking under the California takings clause:

> [S]ome pre-condemnation entry and testing activities — when they involve operations that will result in actual injury to, or substantial interference with the possession and use of, the entered property — have been viewed as triggering the protections of the California takings clause.[13]

The court then considered whether the pre-condemnation activity statute satisfied the requirements of the California takings clause. The court held that it did, with one exception. Specifically, the statute violates the California takings clause because it does not provide for a jury determination, unless waived, of the amount of

12. *Id.*

13. *Id.* at 192.

compensation due the property owner for a pre-condemnation "taking."[14]

Rather than invalidate the statute based on that infirmity, the court reformed it:

> Although we conclude that section 1245.060 as presently written does not afford a property owner the right to have a jury determine the amount of compensation within the precondemnation proceeding itself, and further agree with the Court of Appeal that the statute is constitutionally deficient in this respect, in our view the appropriate remedy for this constitutional flaw is not to invalidate the precondemnation entry and testing statutes as applied to any precondemnation testing activity that rises to the level of a taking or damaging of property for purposes of the state takings clause. Instead, we conclude that the appropriate remedy for this constitutional flaw is to reform the precondemnation entry statutes so as to afford the property owner the option of obtaining a jury trial on damages at the proceeding prescribed by section 1245.060, subdivision (c).[15]

The court's reformation of the compensation provision cured the constitutional deficiency in the pre-condemnation statute, but could create a serious practical problem. There is now a significant substantive inconsistency between the text of that compensation provision, and its meaning as construed by the California Supreme Court. That could lead to confusion and error.

To avoid that problem, the Commission recommends that Code of Civil Procedure Section 1245.060(c) be revised to codify the court's reformation of that provision.

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14. *Id.* at 208.

15. *Id.*

COMPENSATION IN EMINENT DOMAIN PROCEEDING

Pre-Condemnation Activity

Code of Civil Procedure Section 1245.060 provides two ways in which a property owner can be compensated for losses caused by pre-condemnation activity:

(1) Bring a civil action against the condemnor.

(2) Apply to the court for compensation from the amount deposited for that purpose.

There may be situations in which it would be more convenient and efficient for the property owner to forego those options, and instead seek compensation for pre-condemnation loss in a subsequent eminent domain action. Such an approach could conserve judicial resources, especially if the property owner intends to exercise the right to have a jury determine the amount of compensation due the owner for losses caused by the pre-condemnation activity.

Although Code of Civil Procedure Section 1245.060 is silent on the point, the Commission's Comment to that provision indicates that damages for pre-condemnation activity can be recovered in an eminent domain action.[16] That approach would also be consistent with the existing treatment of Klopping damages, which may be sought in an eminent domain action commenced after the condemnor's unreasonable conduct.[17]

The Commission sees no policy reason to preclude the recovery of compensation for losses caused by pre-condemnation activity in the subsequent eminent domain proceeding. Nor does the Commission see any practical problem that would result from that approach.

For the reasons discussed above, the Commission recommends that the law be revised to expressly allow a property owner to seek

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16. *The Eminent Domain Law*, 12 Cal. L. Revision Comm'n Reports 1601, 1742 (1974).

17. See *Klopping v. City of Whittier* (1972) 8 Cal.3d 39, 58.

compensation for losses caused by pre-condemnation activity in an eminent domain action commenced by the condemnor.[18] This would be an optional alternative to seeking compensation either in a civil action against the condemnor, or from the amount deposited with the court by the condemnor prior to engaging in the pre-condemnation activity.

Klopping Damages

Courts have consistently held that Klopping damages may be recovered in an eminent domain action.[19]

The Commission recommends that the Eminent Domain Law be revised to codify that rule.

FORM OF PLEADING

If an owner is authorized to seek compensation for pre-condemnation loss in an eminent domain action, it would be helpful to specify the form of pleading the owner must use to assert that claim. As discussed below, there is likely to be some confusion on this point.

In the Comment to Code of Civil Procedure Section 1245.060, the Commission states that compensation for losses caused by pre-condemnation activity may only be sought in a subsequent eminent domain proceeding by means of a cross-complaint.[20] As authority for that position, the Commission cites Code of Civil Procedure Section 426.70 and the Comment to that section.

Section 426.70 was added on the Commission's recommendation, to make the law on compulsory cross-complaints

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18. See proposed Code Civ. Proc. § 1245.060(a) *infra*.

19. See *Redevelopment Agency v. Contra Costa Theatre, Inc.* (1982) 135 Cal. App.3d 73; *People ex rel. Dept. Pub. Wks. v. Peninsula Enterprises, Inc.* (1979) 91 Cal.App.3d 332; *Richmond Redevelopment Agency v. Western Title Guaranty Co.* (1975) 48 Cal.App.3d 343.

20. *The Eminent Domain Law*, 12 Cal. L. Revision Comm'n Reports 1601, 1742 (1974).

applicable to eminent domain proceedings.[21] The Comment to Section 426.70 explains the purpose of the addition:

> Subdivision (a) of Section 426.70 — by making this article applicable to eminent domain proceedings — codifies the principle that a related cause of action must be asserted against the plaintiff in an eminent domain action or it is barred. Klopping v. City of Whittier, 8 Cal. 3d 39, 58, 500 P.2d 1345, 1360, 104 Cal. Rptr. 1, 16 (1972) (damages caused by pre-condemnation announcements). The related cause must be asserted as a cross-complaint. See Section 426.30.[22]

Despite that guidance, courts have subsequently held that Klopping damages should be pled as part of the property owner's answer in an eminent domain action.[23] Pleading Klopping damages in a cross-complaint has been specifically considered and rejected.[24]

The Commission sees merit in providing that claims related to pre-condemnation activity be pled in the defendant's answer. This would minimize the number of pleadings required (by avoiding the need for a cross-complaint and an answer to that cross-complaint).

Moreover, it would make sense for the procedure that is used to claim compensation for pre-condemnation activity losses to parallel the existing practice that governs Klopping damages. Both types of claims involve a loss suffered as a result of the condemnor's actions before commencing an eminent domain action.

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21. *Id.* at 1889.

22. *Id.*

23. See *Redevelopment Agency*, 135 Cal.App.3d at 79, n.2; *People ex rel. Dept. Pub. Wks.*, 91 Cal.App.3d at 352-53; *Richmond Redevelopment Agency*, 48 Cal.App.3d at 350.

24. See *Redevelopment Agency*, 135 Cal.App.3d at 79, n.2; *People ex rel. Dept. Pub. Wks.*, 91 Cal.App.3d at 352-53; *Richmond Redevelopment Agency*, 48 Cal.App.3d at 350.

The Commission recommends that Code of Civil Procedure Section 1250.320 be revised to require that a claim by a property owner in an eminent domain action for losses caused by pre-condemnation activity be included in the owner's answer. Further, to avoid any confusion on the point, the Commission recommends that Section 1250.320 codify existing case law and require Klopping damages to also be pled in the owner's answer.

TECHNICAL AND MINOR SUBSTANTIVE REVISIONS

The Commission also recommends a small number of technical and minor substantive amendments, to follow standard drafting practices and conform to the reforms discussed above.[25]

The most significant conforming revision is to Code of Civil Procedure Section 1260.230, a provision that requires the trier of fact in an eminent domain action to separately assess distinct types of compensation that are claimed by the property owner. Because the Commission's recommendation would add two new types of compensation that could be claimed by the property owner, the recommendation proposes to revise Section 1260.230 to require separate assessment of each of those types of compensation. That would extend the existing policy of requiring separate assessment by the trier of fact, so that it would apply to the new types of compensation that could be claimed in an eminent domain action.

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25. See proposed Code Civ. Proc. §§ 1245.020, 1245.060(a), 1245.060(d), 1250.320(b), 1260.230(d), and 1260.230(e), *infra*.

PROPOSED LEGISLATION

Code Civ. Proc. § 1245.020 (amended). Entry

SECTION 1. Section 1245.020 of the Code of Civil Procedure is amended to read:

1245.020. In any case in which the entry and activities mentioned in Section 1245.010 will subject the person having the power of eminent domain to liability under Section 1245.060, before making ~~such~~ entry and undertaking ~~such~~ those activities, the person shall secure at least one of the following:

(a) The written consent of the owner to enter upon ~~his~~ the owner's property and to undertake ~~such activities; or~~ those activities.

(b) An order for entry from the superior court in accordance with Section 1245.030.

Comment. Section 1245.020 is amended to make technical corrections.

Code Civ. Proc. § 1245.060 (amended). Compensation

SEC. ___. Section 1245.060 of the Code of Civil Procedure is amended to read:

1245.060. (a) If the entry and activities upon property cause actual damage to or substantial interference with the possession or use of the property, whether or not a claim has been presented in compliance with Part 3 (commencing with Section 900) of ~~Divison~~ Division 3.6 of Title 1 of the Government Code, the owner may recover for ~~such~~ that damage or interference in a civil action, as a defendant in an eminent domain action affecting the property, or by application to the court under subdivision (c).

(b) The prevailing claimant in an action or proceeding under this section shall be awarded ~~his~~ the claimant's costs and, if the court finds that any of the following occurred, ~~his~~ the claimant's litigation expenses incurred in proceedings under this article:

(1) The entry was unlawful.

(2) The entry was lawful but the activities upon the property were abusive or lacking in due regard for the interests of the owner.

(3) There was a failure substantially to comply with the terms of an order made under Section 1245.030 or 1245.040.

(c) If funds are on deposit under this article, upon application of the owner, the court shall determine and award the amount the owner is entitled to recover under this section and shall order ~~such~~ that amount paid out of the funds on deposit. If the funds on deposit are insufficient to pay the full amount of the award, the court shall enter judgment for the unpaid portion. In a proceeding under this subdivision, the owner has a right to a jury trial, unless waived, on the amount of compensation for actual damage to or substantial interference with the possession or use of the property.

(d) Nothing in this section affects the availability of any other remedy the owner may have for the damaging of ~~his~~ the owner's property.

Comment. Subdivision (a) of Section 1245.060 is amended to give the property owner the option of seeking compensation otherwise available under this section in a subsequent eminent domain action affecting the same property. See also Section 1250.320(c).

Subdivision (c) is amended to codify the judicial reform of that subdivision in *Property Reserve Inc. v. Superior Court* (2016) 1 Cal.5th 151.

The section is also amended to make technical corrections.

Code Civ. Proc. § 1250.320 (amended). Answer

SEC. ___. Section 1250.320 of the Code of Civil Procedure is amended to read:

(a) The answer shall include a statement of the nature and extent of the interest the defendant claims in the property described in the complaint.

(b) Where the defendant seeks compensation provided in Article 6 (commencing with Section 1263.510) (goodwill) of Chapter 9, the answer shall include a statement that the defendant claims compensation under Section 1263.510, but the answer need not specify the amount of ~~such~~ that compensation.

(c) Where the defendant seeks compensation provided in Article 1 (commencing with Section 1245.010) of Chapter 4, the answer shall include a statement that the defendant claims compensation under Section 1245.060, but need not specify the amount of that compensation.

(d) Where the defendant seeks compensation for loss caused by the plaintiff's unreasonable conduct prior to commencing the eminent domain proceeding, the answer shall include a statement that the defendant claims compensation for that loss, but need not specify the amount of that compensation.

Comment. Subdivision (c) of Section 1250.320 is added to provide that any claim for losses caused by pre-condemnation activity compensation must be included in the defendant's answer. See also Section 1245.060(a) (compensation for loss caused by pre-condemnation activity may be sought in eminent domain action, as alternative to other remedies provided in that section).

Subdivision (d) is added to provide that any claim for loss caused by the plaintiff's unreasonable conduct prior to commencing the eminent domain proceeding must be included in the defendant's answer. This subdivision does not establish or affect the scope of the defendant's right to compensation for a plaintiff's unreasonable conduct. That right has been established by case law. See *Klopping v. City of Whittier* (1972) 8 Cal.3d 39; *Redevelopment Agency v. Contra Costa Theatre, Inc.* (1982) 135 Cal.App.3d 73; *People ex rel. Dept. Pub. Wks. v. Peninsula Enterprises, Inc.* (1979) 91 Cal.App.3d 332; *Richmond Redevelopment Agency v. Western Title Guaranty Co.* (1975) 48 Cal.App.3d 343.

Section 1250.320 is also amended to make a technical correction.

Code Civ. Proc. § 1260.230 (amended). Separate assessment of compensation

SEC. ___. Section 1260.230 of the Code of Civil Procedure is amended to read:

As far as practicable, the trier of fact shall assess separately each of the following:

(a) Compensation for the property taken as required by Article 4 (commencing with Section 1263.310) of Chapter 9.

(b) Where the property acquired is part of a larger parcel:

(1) The amount of the damage, if any, to the remainder as required by Article 5 (commencing with Section 1263.410) of Chapter 9.

(2) The amount of the benefit, if any, to the remainder as required by Article 5 (commencing with Section 1263.410) of Chapter 9.

(c) Compensation for loss of goodwill, if any, as required by Article 6 (commencing with Section 1263.510) of Chapter 9.

(d) Compensation claimed under subdivision (c) of Section 1250.320.

(e) Compensation claimed under subdivision (d) of Section 1250.320.

Comment. Subdivision (d) of Section 1260.320 is added to require the trier of fact to separately assess compensation for loss caused by the plaintiff's pre-condemnation activity, if that compensation was claimed in the defendant's answer.

Subdivision (e) is added to require the trier of fact to separately assess compensation for loss caused by the plaintiff's unreasonable conduct prior to commencing the eminent domain proceeding, if that compensation was claimed in the defendant's answer.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts

September 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

Cite this report as *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts*, 47 Cal. L. Revision Comm'n Reports 117 (2020).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
c/o UC Davis School of Law
Davis, CA 95616

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September 10, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

California's trial court system was dramatically restructured around the turn of the century. As a result, hundreds of provisions throughout the codes became obsolete, in whole or in part.

At the request of the Legislature, the Law Revision Commission has been reviewing the codes and recommending revisions to remove material made obsolete by trial court restructuring. The Commission has done extensive work on this legislative assignment over the years, but more work remains to be done.

Among other things, the codes include the following Acts:

- The San Joaquin County Regional Justice Facility Financing Act (Gov't Code §§ 26290-26293.4).
- The Orange County Regional Justice Facilities Act (Gov't Code §§ 26295-26298.58).
- The County Regional Justice Facilities Financing Act (Gov't Code §§ 26299.000-26299.083), which applies to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.

These Acts (collectively, the "Regional Justice Facilities Acts") contain material that appears to be obsolete due to trial court restructuring. The Acts also contain legislative findings about the condition of local justice facilities from over thirty years ago, as well as other material that might be outdated.

Revising the Acts to reflect current conditions would require considerable effort and call for various policy decisions. Such an undertaking appears unnecessary, however, because outreach to the affected courts and counties revealed little interest in retaining the Regional Justice Facilities Acts, which have never been used for their intended purposes.

The Commission thus recommends that the Regional Justice Facilities Acts be repealed. They do not appear to be needed and retaining them in the codes could lead to occasional wasted efforts or confusion.

This recommendation was prepared pursuant to Government Code Section 71674 and Resolution Chapter 158 of the Statutes of 2018.

Respectfully submitted,

Crystal Miller-O'Brien
Chairperson

TRIAL COURT RESTRUCTURING CLEAN-UP: REGIONAL JUSTICE FACILITIES ACTS

California made several major reforms of its trial court system around the turn of the century. Those reforms necessitated extensive statutory revisions, throughout the codes. At the request of the Legislature, the Law Revision Commission has been reviewing the codes and recommending revisions to remove material made obsolete by trial court restructuring. Over the years, many bills have been enacted to implement its recommendations, but there is still work to be done.

This recommendation focuses on three statutes in the Government Code relating to funding for regional justice facilities (hereafter, the "Regional Justice Facilities Acts").[1] Those statutes contain material that is obsolete due to developments stemming from trial court restructuring, particularly a shift in responsibility for court facilities.

Updating that material would require significant effort and entail policy decisions that might be beyond the Commission's authority. As explained below, however, such analysis appears to be unnecessary due to an apparent lack of interest in retaining the Regional Justice Facilities Acts. The Commission thus recommends that they be repealed.

This report begins by summarizing the trial court restructuring reforms and the Commission's role in that process. It then describes the Regional Justice Facilities Acts, as well as a few constitutional challenges to those statutes. Lastly, the Commission explains why those Acts should be repealed as obsolete.

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1. Gov't Code §§ 26290-26293.4 (San Joaquin County Regional Justice Facility Financing Act), 26295-26298.58 (Orange County Regional Justice Facilities Act), 26299.000-26299.083 (County Regional Justice Facilities Financing Act). Unless otherwise indicated, all further statutory references in this recommendation are to the Government Code.

Trial Court Restructuring and the Commission's Role

The restructuring of California's trial court system was extensive, complex, and occurred in several stages, as explained below.

Former Structure

In the late 1990's, California had two types of trial courts: municipal courts (with limited jurisdiction) and superior courts (with jurisdiction of all other cases).[2] Both types were county-operated, received county funding, and were largely staffed with county employees.[3] Trial court facilities were owned, constructed, and maintained by the counties.[4]

Key Structural Changes

Around the turn of the century, three major reforms occurred:

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2. See former Cal. Const. art. VI, §§ 4, 5, 10, which are reproduced in *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1, 21 (1994) (hereafter, "*TCU: Constitutional Revision*"). California also had justice courts until the mid-1990's, when they were eliminated statewide pursuant to a ballot measure approved by the voters. See 1994 Cal. Stat. res. ch. 113 (SCA 7 (Dills)) (Prop. 191, approved Nov. 8, 1994).

Any California Law Revision Commission document referred to in this report 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.

3. See, e.g., Senate Committee on Judiciary Analysis of AB 233 (June 10, 1997); *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 76-79 (1998) (hereafter, "*TCU: Revision of Codes*"); J. Clark Kelso, Analysis of Existing Court Staffing Statutes (DRAFT: Jan. 24, 2000) (on file with Commission).

4. See, e.g., *Statutes Made Obsolete by Trial Court Restructuring: Part 2* (hereafter, "*TCR: Part 2*"), 33 Cal. L. Revision Commission Reports 169, 177 (2003) ("Court facilities have historically been county structures.").

- *Lockyer-Isenberg Trial Court Funding Act*. Under this 1997 legislation,[5] the state assumed full responsibility for funding trial court operations.[6] The goal was to eliminate disparities in funding from county to county, helping to ensure equal service in courts across the state.[7]
- *Trial court unification*. In 1998, the voters approved a measure that permitted trial court unification on a county-by-county basis: On a vote of a majority of the municipal court judges and a majority of the superior court judges in a county, the municipal and superior courts in that county could unify their operations in the superior court.[8] By early 2001, the trial courts in all of California's 58 counties had unified.[9] Each county now has a unified superior court, which handles all trial court operations in that county.
- *Enactment of the Trial Court Employment Protection and Governance Act ("TCEPGA")*. This legislation was enacted in 2000.[10] It established a new personnel system for trial court employees, in which they are employed by the superior court itself (not by the county or the state).[11]

Follow-Up Legislation on Court Facilities

The reforms described above did not directly resolve the fate of trial court facilities. Instead, the Trial Court Funding Act created a

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5. 1997 Cal. Stat. ch. 850; see generally Sections 77000-77655.

6. See Section 77200.

7. See Section 77100(c)-(d).

8. See 1996 Cal. Stat. res. ch. 36 (SCA 4 (Lockyer)) (Prop. 220, approved June 2, 1998).

9. See https://www.courts.ca.gov/documents/unidate.pdf.

10. 2000 Cal. Stat. ch. 1010; see generally Sections 71600-71675.

11. See, e.g., Senate Committee on Judiciary Analysis of SB 2140 (May 9, 2000).

task force "to review and report the status of court facilities throughout the state, and to make recommendations for specific funding responsibilities among the entities of government (i.e., state and/or county) with regards to court facilities maintenance and construction."[12]

The task force visited court facilities throughout the state and submitted its final report to the Legislature in 2001.[13] Its overarching recommendation was that "responsibility for trial court facilities funding and operation be shifted from the counties to the state."[14]

The task force gave four main reasons for that recommendation, which the Legislature endorsed in the Trial Court Facilities Act, enacted in 2002.[15] A key theme was that *the judiciary* should control both court operations and court facilities:

> (1) The *judicial branch* of government is now wholly responsible for its programs and operations, with the exception of trial court facilities. The *judiciary* should have the responsibility for all of its functions related to its operations and staff, including facilities.
>
> (2) *Uniting responsibility for operations and facilities* increases the likelihood that operational costs will be considered when facility decisions are made, and enhances economical, efficient, and effective court operations.
>
> (3) The state, being solely responsible for creating new judicial positions, drives the need for new court facilities.
>
> (4) Equal access to justice is a key underpinning of our society and the rule of law. It is also a paramount goal of the Judicial Council, the policymaking body of the judicial

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12. Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 1.

13. See Section 77654; Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 2.

14. 2002 Cal. Stat. ch. 1082, § 1 (legislative findings for Trial Court Facilities Act).

15. 2002 Cal. Stat. ch. 1082 (SB 1732 (Escutia)); see generally Sections 70301-70403.

> branch. The state can best ensure uniformity of access to all court facilities in California.[16]

Consistent with those findings, the Trial Court Facilities Act grants the judicial branch broad authority with respect to court facilities, while still ensuring that other voices are heard and taken into account.[17]

Of particular importance, the Trial Court Facilities Act set a deadline for each county to negotiate agreements transferring its court facilities (and responsibility for maintaining those facilities) to the state.[18] The court facility transfers took longer than expected, but were essentially completed by the end of 2009.[19]

Role of the Law Revision Commission in Trial Court Restructuring

At the direction of the Legislature, the Law Revision Commission was involved in trial court restructuring from the outset. In 1993-94, the Commission helped to draft the constitutional revisions necessary to accomplish trial court unification.[20] It later drafted the extensive statutory revisions necessary to accommodate county-by-county unification.[21]

After the trial courts in all counties unified, the Commission prepared a massive report proposing further statutory revisions

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16. 2002 Cal. Stat. ch. 1082, § 1 (emphasis added). For further background on the Trial Court Facilities Act, see Assembly Committee on Judiciary Analysis of SB 1732 (June 25, 2002); Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002).

17. See, e.g., Section 70391.

18. See former Section 70321 (2002 Cal. Stat. ch. 1082, § 4).

19. See, e.g., Section 70321.

20. See *TCU: Constitutional Revision, supra* note 2; see also 1993 Cal. Stat. res. ch. 96; *Trial Court Unification: Transitional Provisions for SCA 3,* 24 Cal. L. Revision Comm'n Reports 627 (1994).

21. See *TCU: Revision of Codes, supra* note 3; see also 1997 Cal. Stat. res. ch. 102; 1998 Cal. Stat. res. ch. 91; *Report of the California Law Revision Commission on Chapter 344 of the Statutes of 1999 (Senate Bill 210)*, 29 Cal. L. Revision Comm'n Reports 657 (1999).

(and a few constitutional revisions) to reflect the elimination of the municipal courts. As requested by the Legislature, that 2001 report also included proposed legislation to reflect the enactment of the Trial Court Funding Act and the TCEPGA.[22]

Since then, the Commission has continued to review the codes and periodically recommend revisions to reflect trial court unification, enactment of the Trial Court Funding Act, and enactment of the TCEPGA.[23] Virtually all of the Commission's proposed legislation on trial court restructuring has become law.[24]

Throughout this work, the Legislature, the Governor, and the general public made the key policy decisions; the Commission was not involved in such decision-making. Instead, the Commission's role was to use its drafting expertise to conform the codes and the California Constitution to the new policies governing California's trial court system, without disrupting other existing policy choices.[25]

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22. See *Statutes Made Obsolete by Trial Court Restructuring: Part 1,* 32 Cal. L. Revision Comm'n Reports 1 (2002) (hereafter, "*TCR: Part 1*").

23. For a list of the Commission's recommendations on trial court restructuring, see *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities,* 46 Cal. L. Revision Comm'n Reports 25, 34 n.26 (2019) (hereafter, "*TCR: Court Facilities"*). See also *Trial Court Restructuring Clean-Up: Obsolete "Constable" References,* 45 Cal. L. Revision Comm'n Reports 441 (2018); *Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees,* 46 Cal. L. Revision Comm'n Reports 1 (2019); *Trial Court Restructuring Clean-Up: Obsolete References to Marshals,* 46 Cal. L. Revision Comm'n Reports 105 (2019).

The Commission has also completed work on a set of legislatively-mandated projects that derived from its work on trial court unification. See *Trial Court Restructuring Clean-Up: Completion of Studies Under Government Code Section 70219,* 47 Cal. L. Revision Comm'n Reports 187 (2020).

24. For details, see *TCR: Court Facilities*, *supra* note 23, at 35, n. 27. The proposed legislation in the 2018 and 2019 reports cited in note 23 *supra* was introduced in 2020 as Assembly Bill 1984 (Maienschein).

25. See *TCU: Constitutional Revision, supra* note 2, at 13 ("The Commission has not been authorized to report to the Legislature concerning the wisdom or desirability of trial court unification, and has not considered the question.");

Because court facilities issues were unsettled, the Commission did not address such issues in its 2001 report or shortly thereafter.[26] Recently, however, the Commission turned to those issues and finalized a recommendation on how to update various court facility provisions to reflect the trial court restructuring reforms, including the enactment and implementation of the Trial Court Facilities Act.[27]

The Commission examined the Regional Justice Facilities Acts in preparing that new recommendation, but decided to address them separately because they raised special issues. Those three statutes and their history are described next.

Regional Justice Facilities Acts

"Part 2. Board of Supervisors" of Division 2 of Title 3 of the Government Code includes three adjacent chapters relating to "regional justice facilities":

TCU: Revision of Codes, supra note 3, at 60 ("[T]he Commission has narrowly limited its recommendations to generally preserve existing procedures in the context of unification. The objective of the proposed revisions is to preserve existing rights and procedures despite unification, with no disparity of treatment between a party appearing in municipal court and a similarly situated party appearing in superior court as a result of unification of the municipal and superior courts in the county."); 2000 Cal. Stat. ch. 1010, § 14 (enacting Section 71674, which only directed Commission to "determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 …, or the implementation of trial court unification, and … recommend to the Legislature any amendments to remove those obsolete provisions."); 2002 Cal. Stat. ch. 784, § 360 (amending Section 71674 to continue Commission's authority to "determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 …, or the implementation of trial court unification, and … recommend to the Legislature any amendments to remove those obsolete provisions.").

26. See *TCR: Part 1, supra* note 22, at 21; *TCR: Part 2, supra* note 4, at 176-77.

27. See *TCR: Court Facilities*, *supra* note 23.

- The San Joaquin County Regional Justice Facility Financing Act (Sections 26290-26293.4) (reproduced at pages 17-21) (hereafter, the "San Joaquin County Act").
- The Orange County Regional Justice Facilities Act (Sections 26295-26298.58) (reproduced at pages 21-32) (hereafter, the "Orange County Act").
- The County Regional Justice Facilities Financing Act (Sections 26299.000-26299.083) (reproduced at pages 32-43) (hereafter, the "Multi-County Act"). This Act pertains to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.[28]

These Acts were all enacted in the late 1980's. As discussed below, they are similar, but not identical, in content.

Description of the Acts

Each of the Regional Justice Facilities Acts contains a provision with legislative findings and declarations, which state that it is in the public interest to:

(1) Address overcrowding of local jails and court facilities.

(2) Create, or authorize the creation of, a new governmental entity with responsibilities relating to regional justice facilities.

(3) Allow voters to decide whether to impose a countywide tax to fund regional justice facilities.

For example, Section 26295.2 in the Orange County Act states:

> 26295.2. The Legislature hereby finds and declares that the existing state of overcrowding in jails and court facilities in Orange County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to

28. See Section 26299.007.

> be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the Orange County Regional Justice Facilities Commission so that regional justice facility needs may be addressed in an expeditious and appropriate fashion on a countywide basis. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the Orange County Regional Justice Facilities Commission.[29]

Consistent with the legislative findings, each Act provides for creation of a new governmental entity and specifies its composition, powers, duties, limitations, and other attributes. For example, the Orange County Act creates the Orange County Regional Justice Facilities Commission (hereafter, "Orange County Commission"), comprised of two members of the board of supervisors, two members of city councils in the county, and one other citizen.[30] The Orange County Commission is responsible for soliciting proposals for "adult and juvenile detention facilities and courthouse facilities" in the county and then developing a "master plan."[31]

Subject to specified limitations, the "master plan" may include, but is not limited to, all of the following:

> (a) The adult detention facilities to be constructed, furnished, acquired, maintained or operated throughout the county.
>
> (b) The juvenile detention facilities to be constructed, furnished, acquired, maintained, or operated throughout the county.
>
> (c) The *courthouse facilities* to be constructed, furnished, acquired, maintained, or operated throughout the county.

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29. The corresponding provisions in the other Acts are Section 26290.1 (San Joaquin County Act) and Section 26299.001 (Multi-County Act).

30. See Section 26296.2.

31. See Section 26297.1.

> (d) The time schedule according to which the facilities referenced in subdivisions (a), (b), and (c) shall be constructed, furnished, or acquired.
>
> (e) Projections of revenues, including revenues expected to be derived from the tax provided for in this chapter, together with other federal, state, and local funds, and funds from the sale of bonds under this chapter, and expenditures for capital, maintenance, and operations purposes for adult and juvenile detention facilities and *courthouse facilities* purposes.
>
> (f) Those other requirements as the commission, in carrying out its responsibility for the provision of detention and *court facilities and services*, deems necessary and appropriate.[32]

The Orange County Commission has "no power to determine the geographic locations at which any of the detention or court facilities … shall be sited or the design or construction standards which shall apply to those detention or court facilities."[33] For purposes of allocating revenues pursuant to the tax feature of the Act, "the commission shall coordinate the *construction, furnishing, acquisition, maintenance, and operation of all* adult and juvenile detention facilities and *courthouse facilities within the county pursuant to the master plan*."[34]

The tax in question is a retail transactions and use tax, which is intended to "supplement existing local revenues being used for the development of adult and juvenile detention facilities and courthouse facilities within the county."[35] Orange County and cities within it are "encouraged to maintain their existing commitment of local funds for adult and juvenile detention facilities and courthouse facilities purposes."[36] The retail

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32. Section 26295.12 (emphasis added).

33. Section 26295.14(c).

34. Section 26297 (emphasis added).

35. Section 26298.

36. *Id.*

transactions and use tax must be approved by the Orange County voters at an election.[37] Voter approval is also necessary for the Commission to issue bonds payable from the proceeds of the tax.[38]

The San Joaquin County Act and the Multi-County Act differ from the above-described Orange County scheme in some respects. For example, the San Joaquin County Act only pertains to "construction and acquisition of adult detention facilities, sheriff facilities, *functionally related court facilities,* and structures necessary or convenient thereto."[39] A "functionally related court facility" is "a court facility that is used solely for criminal prosecutions and handling inmates."[40]

The entity created by the San Joaquin County Act is the San Joaquin County Regional Justice Facility Financing Agency, comprised of two members of the board of supervisors, two public members, and the local sheriff.[41] That entity has broad powers to implement the master plan for "construction and acquisition of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto,[42] but the master plan is to be developed and approved by the board of supervisors.[43] The master plan may include, but is not limited to, the following:

> (a) The number of adult detention facilities, sheriff facilities, functionally related court facilities, to be constructed, furnished, or acquired.
>
> (b) The geographic location at which the facilities referenced in subdivision (a) shall be sited.

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37. See Sections 26298.2-26298.10.
38. Section 26298.12.
39. Section 26290.6 (emphasis added).
40. Section 26290.8.
41. See Sections 26291, 26291.1.
42. See, e.g., Sections 26291.7, 26291.8.
43. Section 26290.6.

> (c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.
>
> (d) Construction standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.
>
> (e) Design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.
>
> (f) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.[44]

The corresponding provision in the Multi-County Act is closely similar, but it refers simply to "court facilities," not "functionally related court facilities." Further, the Multi-County Act does not actually create any new governmental entity. Rather, it authorizes each county covered by the Act (Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties) to create a "county regional justice facilities financing agency" if the local board of supervisors finds that it is in the public interest to do so.[45] The rules regarding composition of the board of a county regional justice facilities financing agency are different from, and more complicated than, the corresponding rules under the San Joaquin Act and the Orange County Act.[46] There are also various other distinctions between the three Acts, but this description should suffice for present purposes.

Constitutional Challenges

Soon after enactment of the Orange County Act and the Multi-County Act, the Howard Jarvis Taxpayers' Association challenged those Acts as "unconstitutional and invalid as in conflict with article XIII A, section 4 of the California Constitution (Proposition

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44. *Id.*

45. See Section 26299.020.

46. See Section 26299.021.

13)."[47] As originally enacted, the Acts only required a majority vote (not a 2/3 vote) in favor of the tax for each county. The trial court held that unconstitutional and the defendants appealed.

While the *Howard Jarvis* appeal was pending, the Legislature amended the Acts to provide an *option* of requiring a 2/3 vote instead of a majority vote.[48] In addition, Los Angeles County (with permission from the court of appeal) conducted a vote on a justice facilities tax. The voters rejected the proposed tax by an almost two-to-one margin.[49] Orange County held a similar election and the voters rejected the proposed justice facilities tax by an almost three-to-one margin.[50]

The court of appeal issued its decision in *Howard Jarvis* in late 1993. Because the Legislature had amended the Acts to include an option for a 2/3 vote, the court of appeal declined to declare the Acts altogether void. Instead, it ruled that any tax ordinance under the Acts "is invalid *if* it is not approved by at least two-thirds of the county's voters, as required by Proposition 13."[51]

In reaching that conclusion, the court of appeal relied on the California Supreme Court's 1991 decision in *Rider v. County of San Diego*,[52] which held that a similar tax under the San Diego Regional Justice Facility Financing Act (hereafter, "the San Diego Act") violated Proposition 13.[53] Unlike the versions of the Orange

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47. *Howard Jarvis v. Taxpayers' Ass'n v. Board of Equalization* (1993) 20 Cal.App.4th 1598, 1601, 25 Cal.Rptr.2d 330.

48. 1990 Cal. Stat. ch. 527, §§ 1, 2, 3.

49. *Howard Jarvis,* 20 Cal.App.4th at 1602 n.2.

50. *Id.*

51. *Id.* at 1605-06 (emphasis added). The court of appeal recognized one exception to the 2/3 vote requirement: It did not apply to any prevention program under the Multi-County Act. See *id.* at 1606.

52. *Rider v. County of San Diego* (1991) 1 Cal.4th 1, 820 P.2d 1000, 2 Cal.Rptr.2d 490.

53. See *id.* at 4 (retail transaction and use tax imposed for purpose of financing construction and operation of criminal detention and/or courthouse

County Act and Multi-County Act in the *Howard Jarvis* appeal, the San Diego Act did not include an option for a 2/3 vote.[54] The Legislature repealed the invalidated San Diego Act in 1993.[55]

In contrast, the Legislature did not make any changes to the Orange County Act or the Multi-County Act shortly after the *Howard Jarvis* decision. Fourteen years later, however, it amended those Acts to *require* a 2/3 vote.[56] The same 2007 bill also amended the San Joaquin Act and ten other statutes (unrelated to court facilities) in a similar manner, because they appeared potentially vulnerable on the same constitutional grounds.[57] In addition, the bill (the Local Government Omnibus Act of 2007) made numerous other uncontroversial reforms relating to local government.[58]

The legislative history of that omnibus bill gives no indication that the Legislature evaluated the continuing utility of the Orange County Act, the Multi-County Act, or the San Joaquin Act.[59] To the best of the Commission's knowledge, none of those Acts has ever been implemented for its intended purposes.

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facilities in San Diego County "is invalid because it was not approved by at least two-thirds of the County's voters, as required by section 4").

54. See *Rider v. County of San Diego* (1991) 1 Cal.4th 1, 820 P.2d 1000, 2 Cal.Rptr.2d 490.

55. See 1993 Cal. Stat. ch. 1060, § 1 (SB 263 (Melo & Killea)), repealing former Gov't Code §§ 26250-26285.

56. See 2007 Cal. Stat. ch. 343, §§ 9.2, 9.3 (SB 144 (Committee on Local Government)). This bill made a 2/3 vote mandatory, but it did not delete Sections 26298.2(b) and 26299.041(b)-(d), which permit a 2/3 vote as an alternative procedure. That appears to have been an oversight.

57. See 2007 Cal. Stat. ch. 343, § 9.1.

58. See 2007 Cal. Stat. ch. 343; Senate Floor Analysis of SB 144 (June 27, 2007).

59. See, e.g., Senate Floor Analysis of SB 144 (Aug. 29, 2007), pp. 6-7.

Reexamination of the Regional Justice Facilities Acts in Light of Trial Court Restructuring

The Commission's role is to determine whether any provisions of law are obsolete as a result of the implementation of trial court unification, the enactment of the TCEPGA, or the enactment of the Trial Court Funding Act of 1997.[60] The Commission "shall recommend to the Legislature any amendments to remove those obsolete provisions."[61]

The Trial Court Facilities Act[62] followed from, and is closely linked to, the Trial Court Funding Act.[63] The Commission's role logically includes identifying and recommending removal of material that became obsolete due to enactment of the Trial Court Facilities Act.

Material in the Regional Justice Facilities Acts Made Obsolete by Trial Court Restructuring

The Regional Justice Facilities Acts discussed above appear to contain some material made obsolete by trial court restructuring. Most glaringly, a provision in the Multi-County Act still refers to municipal courts:

> 26299.008. "Court facilities" means the *municipal* and superior courts of the county, as well as any other facilities used for adult or juvenile court matters, criminal prosecutions, handling inmates, or a combination thereof.[64]

The Commission flagged that municipal court reference in its 2001 tentative recommendation on trial court restructuring,[65] but

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60. Section 71674.

61. *Id.*

62. Sections 70301-70508.

63. See text accompanying notes 12-19 *supra*.

64. Emphasis added.

65. Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, *"2001 TR"*), p. 163.

ultimately left the section alone because court facilities issues were still unsettled.[66]

More fundamentally, all three of the Regional Justice Facilities Acts may conflict to some extent with the Trial Court Facilities Act. Under that Act, the Judicial Council and the individual superior courts have key roles with regard to court facilities, but other entities are also involved to some extent.

Of particular note, subdivisions (a) and (b) of Section 70391 say that the Judicial Council shall:

> (a) Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.
>
> (b) Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.

Section 70391 also authorizes the Judicial Council to:

- Dispose of surplus court facilities, subject to various restrictions;[67]
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities;[68]
- Establish and consult with local project advisory groups on the construction of new trial court facilities;[69]

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66. See *TCR: Part 1, supra* note 22, at 21.

67. Section 70391(c).

68. Section 70391(e). This authority includes, but is not limited to, "facilities planning, acquisition, construction, design, operation, and maintenance."

69. Section 70391(f). The local project advisory groups may include "the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community." *Id.*

- Manage court facilities in consultation with the trial courts;[70]
- Prepare funding requests for court facility construction, repair, and maintenance;[71] and
- Take various other actions with respect to court facilities.

In contrast to the approach taken in Section 70391 and the remainder of the Trial Court Facilities Act, the Regional Justice Facilities Acts predate the trial court restructuring reforms and were thus built on the premise that *the pertinent county (or counties)* bore responsibility for trial court facilities, as well as detention facilities. Unsurprisingly, those Acts allocate key roles to boards of supervisors and their members (as detailed above), and give relatively little control to the Judicial Council, trial courts, and trial court personnel. Such an approach is now outdated and the statutory provisions implementing it are obsolete.

Best Approach to the Material Made Obsolete by Trial Court Restructuring

Reconciling the Regional Justice Facilities Acts with the Trial Court Facilities Act could perhaps be done, but it would require care and entail significant policy decisions that may go beyond the Commission's statutory clean-up role in this study. To give just a few examples:

- Should the Regional Justice Facilities Acts be amended to apply only to detention facilities, deleting all references to court facilities? Would this preclude using these Acts for purposes of building a detention facility that includes a courtroom? If so, is that advisable?
- If the Acts continue to apply to courts, should any adjustments be made in the composition of the boards

70. Section 70391(g).

71. Section 70391(j).

of the governmental entities created or authorized by the Acts? If so, precisely what adjustments should be made?

- If the Acts continue to apply to courts, should changes be made in who has responsibility for preparing a "master plan"? If so, what changes should be made?

Because the Regional Justice Facilities Acts have never actually served their intended purposes, the Commission wondered whether it would make sense for anyone to invest resources in answering these types of questions. It therefore circulated a discussion draft to all of the affected courts and counties, the Judicial Council, and other interested persons, to determine whether there was any interest in updating the Acts to remove the obsolete material.[72]

Despite extensive efforts to obtain input, not all of the entities responded and those that did were, with one exception, either neutral on updating the Acts[73] or affirmatively recommended repealing them.[74] The sole exception was Humboldt County

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72. Discussion Draft on *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts* (Jan. 2020).

73. See CLRC Staff Memorandum 2020-14, Exhibit p. 22 (Los Angeles Superior Court "does not have an opinion as to whether the County Regional Justice Facilities Act (Govt. Code §§ 26299.000-26299.083) should remain or be repealed."); see also *id*. (Los Angeles Superior Court "has confirmed with the County of Los Angeles that it does not have an opinion on whether to amend the law or leave as is.").

The Judicial Council did not submit a formal comment on the discussion draft, but one of its supervising attorneys discussed the matter with some of his colleagues and reported that "we don't have an opinion as to whether [the Regional Justice Facilities Acts] should be eliminated or not — that seems to be more of a county matter." *Id*. at Exhibit p. 20.

74. See *id*. at Exhibit p. 21 (County of San Bernardino recommends repeal of Multi-County Act as "outdated and redundant" because "counties are no longer responsible for financing court facilities and there are several other statutes upon which the County may rely to place transactions taxes on the ballot to finance jails and public safety facilities."); *id*. at Exhibit p. 23 (San Bernardino County Superior Court suggests that "the provisions of Government Code sections

Superior Court, which recommended revising the Multi-County Act so extensively as to bear little resemblance to current law (the proposed revisions would even change the type of entity created by the Act and its purpose).[75] If needed, such a reform probably could be best achieved by writing on a clean slate, rather than reinventing the Multi-County Act.

Because there appears to be little interest in retaining the Regional Justice Facilities Acts as originally conceived and investing the effort to update them, the simplest way to remove the material made obsolete by trial court restructuring would be to repeal the Acts outright. They appear to be unnecessary given the existence of other funding mechanisms for court facilities and detention facilities, which the state has been using for many years instead of the mechanisms contemplated by the Acts. Moreover, the legislative findings in the Acts are over thirty years old and might not accurately reflect current conditions and legislative priorities. Keeping the Acts in the codes, without updating their obsolete aspects, could also cause occasional confusion and wasted effort, as people run across them and try to assess their meaning in light of the trial court restructuring reforms.

For all of these reasons, the Commission recommends that the San Joaquin County Regional Justice Facility Financing Act, the Orange County Regional Justice Facilities Act, and the County Regional Justice Facilities Financing Act be repealed. That would simplify the codes for the benefit of the public, without causing any negative effects.

26299.000 to 26299.083 may be repealed without harm"); *id*. at Exhibit p. 24 (Ventura County Superior Court says Multi-County Act is "obsolete due to the many changes over the past 22 years to trial court funding and trial court facilities management," so "it is a good time to remove these statutes from the books.").

75. See *id*. at Exhibit pp. 1-19; see also *id*. at pp. 7-10 (discussing comments of Humboldt County Superior Court).

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PROPOSED LEGISLATION

Gov't Code §§ 26290-26293.4 (repealed). San Joaquin County Regional Justice Facility Financing Act

SEC. ____. Chapter 13.6 (commencing with Section 26290) of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

Comment. Sections 26290-26293.4 are repealed as unnecessary and obsolete. They have never been used for their intended purpose and conditions have changed since they were enacted in 1988. For instance, counties are no longer responsible for trial court operations and facilities. That is now a state responsibility, allocated primarily to the judiciary under the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court Facilities Act, 2002 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities), 77003 ("court operations" defined), 77200 (state funding of trial court operations); Cal. R. Ct. 10.810 (court operations).

Note. The text of the repealed chapter is set out below.

CHAPTER 13.6. SAN JOAQUIN COUNTY REGIONAL JUSTICE FACILITY FINANCING ACT

Article 1. General Provisions, Findings, and Definitions

26290. This chapter shall be known and may be cited as the San Joaquin County Regional Justice Facility Financing Act.

26290.1. The Legislature hereby finds and declares that the existing state of overcrowding in the jails, sheriff, and court facilities in San Joaquin County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the San Joaquin County Regional Justice Facility Financing Agency so that regional justice facility and prevention program needs may be addressed in an expeditious and appropriate fashion. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the San Joaquin County Regional Justice Facility Financing Agency.

26290.2. "Bonds" means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

26290.3. "Agency" means the San Joaquin County Regional Justice Facility Financing Agency.

26290.4. "County" means the County of San Joaquin.

26290.5. "Board of supervisors" means the Board of Supervisors of the County of San Joaquin.

26290.6. "Master plan" means the plan for construction and acquisition of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto. The plan shall be developed and approved, and may be amended from time to time, by the board of supervisors. The master plan may include, but is not limited to, the following:

(a) The number of adult detention facilities, sheriff facilities, functionally related court facilities, to be constructed, furnished, or acquired.

(b) The geographic location at which the facilities referenced in subdivision (a) shall be sited.

(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.

(d) Construction standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(e) Design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(f) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

26290.7. "Prevention program" means a program, administered by the county, designed to decrease the number of inmates incarcerated in county adult detention facilities by providing alternatives to incarceration, or by providing counseling, diversion, or intervention programs, or by providing both. Alternatives to incarceration, include, but are not limited to, alternative work programs, work furlough programs, half-way houses, and own recognizance services. Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol counseling, parole counseling, and pretrial screening.

26290.8. "Functionally related court facility" means a court facility that is used solely for criminal prosecutions and handling inmates.

Article 2. Creation of the Agency, Powers and Duties, Membership

26291. There is hereby created the San Joaquin County Regional Justice Facility Financing Agency in the county.

26291.1. (a) The board of directors of the agency shall be comprised of five members, as follows:

(1) Two members of the board of supervisors who shall be appointed by, and serve at the pleasure of, the board of supervisors.

(2) Two public members who shall be appointed by, and serve at the pleasure of, the board of supervisors.

(3) The Sheriff of San Joaquin County.

(b) The senior member of the two appointed members of the board of supervisors shall serve as the chairperson of the board of directors of the agency through December 31, 1990. Thereafter, the chairperson of the board of directors of the agency shall be elected by vote of a majority of the members of the board of directors of the agency and shall serve for a period of one calendar year.

(c) The board of directors shall adopt those rules and procedures as it deems necessary to conduct its business.

26291.2. The agency may adopt a seal and alter it at its pleasure.

26291.3. The agency may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

All claims for money or damages against the agency are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein, or by other statutes or regulations expressly applicable thereto.

26291.4. The agency may compensate the members of its board of directors for all reasonable and necessary expenses incurred in the course of performing their duties.

26291.5. All reasonably necessary staff shall be provided by the county or hired by the agency. The county shall be reimbursed by the agency for the costs of any staff services provided to the agency by the county in accordance with an agreement entered into between the agency and county.

26291.6. The agency may enter into contracts. The agency may employ attorneys and consultants as necessary or convenient to carrying out its purposes and powers.

26291.7. The agency shall have the power to do all of the following:

(a) Administer this chapter.

(b) Finance the construction, acquisition, and furnishing of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto, in compliance with a master plan.

(c) Exercise the power of eminent domain for acquisition, and finance the acquisition of, the lands, easements, and rights-of-way necessary for the general governmental purposes of the agency set forth in this section.

(d) Hold title as necessary to land or facilities and convey title to such land or facilities to the county.

(e) Retire all or a portion of any capital debt previously incurred for any adult detention facilities, sheriff facilities, or functionally related court facilities which exists on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.

(f) Finance all or part of the cost of any prevention program.

(g) Reimburse costs incurred by the county in implementing the master plan, reimburse costs incurred by the county in the operation of any facility constructed or acquired pursuant to this chapter, or reimburse costs incurred by prevention programs provided the board of supervisors certifies to the agency that progress toward completion of adult detention facilities, sheriff facilities, and functionally related court facilities has progressed substantially in accordance with the master plan.

(h) Construct, furnish, and acquire adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto, in accordance with the master plan.

26291.8. The agency may do all things necessary or convenient to carry out the purposes of this chapter.

26291.9. The initial meeting of the agency shall be held in the county when called by the board of supervisors. At that meeting, or at any subsequent meeting of the agency called by the board of supervisors for the purposes of approving the transactions and use tax ordinance and ballot proposition, the agency may approve a transactions and use tax ordinance and may call an election in accordance with Article 3 (commencing with Section 26292) which election, notwithstanding any other provision of law, may be held within 60 days of the calling of the election. The board of supervisors or the agency may file written arguments, including rebuttal arguments, in favor of the ballot proposition. No arguments shall exceed 500 words in length.

Article 3. Transactions and Use Tax

26292. The Legislature, by the enactment of this article, intends the additional funds provided by this article to supplement existing local revenues being used for the development of regional justice facilities. Government agencies are encouraged to maintain their existing commitment of local funds for regional justice facility purposes.

26292.1. A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the agency in accordance with Section 26292.5 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the ordinance is adopted by a two-thirds vote of the board of directors of the agency and if two-thirds of the electors voting on the measure vote to approve its imposition at a special election called for that purpose by the agency. The tax ordinance shall take effect at the close of the polls on the day of the election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 26292.4.

26292.2. The ordinance shall state the tax rate and may state a term during which the tax will be imposed. The purposes for which the tax may be imposed are the general governmental purposes of the agency as set forth in Section 26291.7.

26292.3. (a) The county shall conduct an election called by the agency. The election shall be held within the incorporated and unincorporated areas of the county.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county.

(c) The cost incurred by the county in conducting the election shall be reimbursed by the agency from proceeds of the transactions and use tax.

26292.4. (a) Any transactions and use tax ordinance adopted pursuant to this article shall become operative on the first day of the first calendar quarter commencing more than 110 days after adoption of the ordinance.

(b) Prior to the operative date of the ordinance, the agency shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

26292.5. The agency, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and

Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

26292.6. The combined rate of tax imposed in San Joaquin County by any entity pursuant to Part 1.5 (commencing with Section 7200) or Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, this chapter, and any other provision of law authorizing the imposition of local sales or transactions and use taxes shall not exceed 2.25 percent. Neither this chapter nor any ordinance or resolution approved pursuant to this chapter shall affect any tax otherwise authorized.

26292.7. (a) The agency, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, may seek authorization to issue bonds payable from the proceeds of the tax and establish the appropriation limit of the agency for purposes of Article XIII B of the California Constitution.

(b) The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the transactions and use tax for a period of not more than the number of years for which the transactions and use tax authorized by this article is to be imposed.

26292.8. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the agency at any time, and from time to time, payable from the proceeds of the tax. The bonds shall be referred to as "limited tax bonds." The bonds may be secured by a pledge of revenues from the proceeds of the tax.

(b) The pledge of the transactions and use tax revenues for the limited tax bonds authorized under this article shall have priority over the use of any of the revenues for other purposes except to the extent that the priority is expressly restricted in the resolution authorizing the issuance of the bonds.

(c) The proceeds of the bonds may be used for the following purposes:

(1) To finance the activities set forth in paragraphs (2), (3), (5), and (8) of subdivision (a) of Section 26291.7.

(2) To pay the costs incurred for the issuance of the bonds.

(3) To fund a reserve fund for the bonds.

26292.9. The agency may provide for the bonds to bear a variable or fixed interest rate, for the manner and intervals in which the rate shall vary, and for the dates on which the interest shall be payable.

26293. Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by vote of the board of directors of the agency.

26293.1. Any bonds issued pursuant to this article are a legal investment for all trust funds; for the funds of insurance companies, commerical [sic] savings banks, and trust companies; and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, counties, school districts, or other districts within the state, those funds may be invested in the bonds issued pursuant to this article, and whenever bonds of cities, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public money, the bonds issued pursuant to this article may be so used. The provisions of this article are in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

26293.2. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this article or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance, shall be held to be valid and in every respect legal and incontestable.

26293.3. The agency has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this chapter.

26293.4. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Gov't Code §§ 26295-26298.58 (repealed). Orange County Regional Justice Facilities Act

SEC. ____. Chapter 13.7 (commencing with Section 26295) of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

Comment. Sections 26295-26298.58 are repealed as unnecessary and obsolete. They have never been used for their intended purpose and conditions have changed since they were enacted in 1989. For instance, counties are no longer responsible for trial court operations and facilities. That is now a state responsibility, allocated primarily to the judiciary under the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court Facilities Act, 2002 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities), 77003 ("court operations" defined), 77200 (state funding of trial court operations); Cal. R. Ct. 10.810 (court operations).

Note. The text of the repealed chapter is set out below.

CHAPTER 13.7. ORANGE COUNTY REGIONAL JUSTICE FACILITIES ACT

Article 1. General Provisions, Findings, and Definitions

26295. This chapter shall be known and may be cited as the Orange County Regional Justice Facilities Act.

26295.2. The Legislature hereby finds and declares that the existing state of overcrowding in jails and court facilities in Orange County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the Orange County Regional Justice Facilities Commission so that regional justice facility needs may be addressed in an expeditious and appropriate fashion on a countywide basis. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the Orange County Regional Justice Facilities Commission.

26295.4. As used in this chapter, "commission" means the Orange County Regional Justice Facilities Commission created pursuant to Article 2 (commencing with Section 26296).

26295.6. As used in this chapter, "bonds" means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

26295.8. As used in this chapter, "county" means the County of Orange.

26295.10. As used in this chapter, "board of supervisors" means the Board of Supervisors of the County of Orange.

26295.12. As used in this chapter, "master plan" means the plan for construction, furnishing, acquisition, maintenance, and operation of adult and juvenile detention facilities and courthouse facilities, and structures necessary or convenient to those facilities. The master plan shall be developed and approved, and may be amended from time to time, by the commission. Subject to the limitations on the commission's powers, as set forth in subdivision (c) of Section 26296.14, the master plan may include, but is not limited to, all of the following:

(a) The adult detention facilities to be constructed, furnished, acquired, maintained or operated throughout the county.

(b) The juvenile detention facilities to be constructed, furnished, acquired, maintained, or operated throughout the county.

(c) The courthouse facilities to be constructed, furnished, acquired, maintained, or operated throughout the county.

(d) The time schedule according to which the facilities referenced in subdivisions (a), (b), and (c) shall be constructed, furnished, or acquired.

(e) Projections of revenues, including revenues expected to be derived from the tax provided for in this chapter, together with other federal, state, and local funds, and funds from the sale of bonds under this chapter, and expenditures for capital, maintenance, and operations purposes for adult and juvenile detention facilities and courthouse facilities purposes.

(f) Those other requirements as the commission, in carrying out its responsibility for the provision of detention and court facilities and services, deems necessary and appropriate.

26295.14. As used in this chapter, "outstanding," when used as of any particular time with reference to bonds issued by the commission, means all bonds theretofore and thereupon being authenticated and delivered by an authenticating agent duly appointed by the commission or its authorized designee except:

(a) Bonds theretofore canceled by an authenticating agent or surrendered to such authenticating agent for cancellation.

(b) Bonds that are owned or held by or for the account of the commission or any other obligor on the bonds, or any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the commission or any other obligor on the bonds.

(c) Bonds for the transfer or exchange of or in lieu of or in substitution for which other bonds shall have been authenticated and delivered.

(d) Refunding bonds issued pursuant to Section 26298.42, except to the extent that the principal amount of the refunding bonds exceeds the

principal amount of the bonds to be refunded with the proceeds of such refunding bonds.

Article 2. Creation of Commission, Powers and Duties, Membership

26296. There is hereby created the Orange County Regional Justice Facilities Commission in the county.

26296.2. (a) The commission shall be comprised of five members, as follows:

(1) Two members of the board of supervisors who shall be appointed by, and serve at the pleasure of, the board of supervisors.

(2) One member of the city council of a city in the county, who shall be appointed by, and serve at the pleasure of, the county city selection committee created pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5.

(3) One member of the city council of a city in the county, other than the city specified in paragraph (2), who shall be appointed by, and serve at the pleasure of, the county city selection committee specified in paragraph (2).

(4) One citizen, who shall be appointed by a majority vote of the other four members of the commission.

(b) Each member of the board of directors may appoint an alternate member to the commission, to represent, including, without limitation, to appear for and vote on behalf of, that member.

(c)(1) Except as provided in paragraph (2), all members of the commission shall be appointed for terms of four years and until their successors are appointed and qualified.

(2) For the initial members of the commission, two shall serve for terms of two years, two shall serve for terms of three years, and one shall serve for a term of four years. The respective terms of each of the initial members shall be determined by the members of the commission by lot. Thereafter, persons appointed as members of the commission shall be appointed for terms of four years.

(3) The term of any member serving on the commission as a result of holding another public office shall terminate when that member ceases holding the other public office and a new member has been properly seated. The new member of the commission shall hold office for the remainder of the term of the member who was replaced by the new member.

(4) Vacancies occurring shall be filled by the appointing authority for the unexpired term.

26296.4. The commission at its first meeting, and thereafter annually at the first meeting held on a date as the commission may determine, shall elect a chairperson from its members, who shall preside at all meetings, and a vice chairperson, who shall preside in the chairperson's absence. In the event of the absence or inability to act of both the chairperson and vice chairperson, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore who, while so acting, shall have all of the authority of the chairperson.

26296.6. The commission shall establish rules for its proceedings consistent with the law of the State of California.

26296.8. A majority of the members of the commission shall constitute a quorum for the transaction of business, and all official acts of the commission shall require the affirmative vote of a majority of its members constituting a quorum.

26296.10. The acts of the commission shall be expressed by motion, resolution, or ordinance.

26296.12. All meetings of the commission shall be conducted in the manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

26296.14. (a) The commission shall do all of the following:

(1) Adopt an annual budget.

(2) Cause a postaudit of the financial transactions and records of the commission to be made at least annually by a certified public accountant.

(b) The commission may do all of the following:

(1) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of commission officers, the method of appointment of commission employees, and methods, procedures, and systems of operation and management of the commission.

(2) Do any and all things necessary to carry out the purposes of this chapter.

(c) Notwithstanding subdivision (a) or (b), the commission shall have no power to determine the geographic locations at which any of the detention or court facilities specified in this chapter shall be sited or the design or construction standards which shall apply to those detention or court facilities.

26296.16. Notice of time and place of the public hearing for the adoption of the annual budget shall be published one time in a newspaper of general circulation not later than the 15th day prior to the date of the

hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

26296.18. The commission shall appoint an executive director who shall act for the commission under its direction. The commission may appoint other officers as it deems necessary to carry out its duties and functions.

26296.20. Members of the commission may be compensated at a rate not exceeding one hundred dollars ($100) for any day attending to the business of the commission, but not to exceed four hundred dollars ($400) in any month, and may be reimbursed for necessary travel and other expenses incurred in the performance of their duties, as authorized by the commission.

26296.22. (a) Except as otherwise provided in subdivisions (b) and (c), the commission shall enter into a contract with the Board of Administration of the Public Employees' Retirement System, and the board shall enter into that contract, to include all of the employees of the commission in that retirement system, and the employees shall be entitled to substantially similar health benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of Title 2.

(b) For purposes of providing retirement benefits, the commission may contract with the retirement system of which the employees of the county are members, in lieu of contracting with the board.

(c) Notwithstanding subdivision (a) or (b), to the extent that the commission contracts with the county or other agencies to utilize employees of the county or other agencies as employees of the commission, the commission need not establish any retirement benefits program for those employees.

26296.24. The commission has perpetual succession and may adopt a seal and alter it at its pleasure.

26296.26. The commission may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

26296.28. All claims for money or damages against the commission are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein, or by other statutes or regulations expressly applicable thereto.

26296.30. The commission may make contracts and enter into stipulations of any nature whatsoever, including, but not limited to,

contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this chapter. The commission may contract with any department or agency of the United States of America, with any public agency, or with any person upon terms and conditions as the commission finds is in its best interest including, but not limited to, contracts for alcohol detoxification diversion programs. The commission may employ attorneys and consultants necessary and convenient to carrying out its purposes and powers.

26296.34. The purchase of all supplies, equipment, and materials, and the construction of all facilities and works, when the expenditure required exceeds twenty-five thousand dollars ($25,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation. The publication shall be made at least 10 days before the date for the receipt of the bids. The commission, at its discretion, may reject any and all bids and readvertise.

26296.36. If, after rejecting bids received under Section 26296.34 the commission determines and declares, by a two-thirds vote of all of its members, that the supplies, equipment, or materials may be purchased at a lower price in the open market, the commission may proceed to purchase those supplies, equipment, or materials in the open market without further observance of the provisions of this article regarding contracts, bids, advertisement, or notice.

26296.38. Notwithstanding Section 26296.34, the commission may direct the purchase of any supply, equipment, or material without observance of any provision in this article regarding contracts, bids, advertisement, or notice upon a finding by two-thirds of all members of the commission that there is only a single source of procurement therefor and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use.

Article 3. Detention and Courthouse Facilities

26297. For purposes of allocating revenues pursuant to Section 26298.18, the commission shall coordinate the construction, furnishing, acquisition, maintenance, and operation of all adult and juvenile detention facilities and courthouse facilities within the county pursuant to the master plan.

26297.1. (a) The master plan shall be developed and approved by the commission. The master plan may be approved before or after the

adoption of the retail transactions and use tax ordinance specified in Article 4 (commencing with Section 26298).

(b) Incident to the development of the master plan, the commission shall solicit proposals for adult and juvenile detention facilities and courthouse facilities purposes from the county and the cities in the county. The commission shall adopt a procedure for evaluating these proposals in consultation with the county and the cities in the county. However, nothing in this subdivision shall require the commission to include any of these proposals into the master plan.

(c) The master plan may be amended from time to time by the commission, in its sole discretion.

Article 4. Transactions and Use Taxes in the County of Orange

26298. The Legislature, by the enactment of this article, intends the additional funds provided by this article to supplement existing local revenues being used for the development of adult and juvenile detention facilities and courthouse facilities within the county. The county and the cities therein are further encouraged to maintain their existing commitment of local funds for adult and juvenile detention facilities and courthouse facilities purposes.

26298.2. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the commission in accordance with Section 26298.8 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the ordinance is adopted by a two-thirds vote of the commission and if two-thirds of the electors voting on the measure vote to approve its imposition at an election. This election may be a special election called for that purpose by the commission or, if the commission so determines, shall be consolidated with a regular election.

(b) In addition to the authorization of subdivision (a), a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the commission in accordance with the requirements of subdivision (a), except that, at the option of the commission, the ordinance may be required to be approved by two-thirds of the electors voting on the measure.

26298.4. The ordinance shall state the nature of the tax to be imposed, the tax rate, the purposes for which the revenue derived from the tax will be used, and the term during which the tax shall be imposed. The proposition shall include an appropriations limit for the agency pursuant to Section 4 of Article XIII B of the California Constitution.

26298.6. (a) The county shall conduct the election, as called by the commission, regarding the imposition of a retail transactions and use tax ordinance. The commission shall reimburse the county for its cost in conducting that portion of the regular election directly related to the commission measure or in conducting the special election, as applicable.

(b) Any special election shall be called and conducted in the same manner as provided by law for the conduct of special elections by a county.

26298.8. The commission, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

26298.10. (a) The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

"ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES — ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION

To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes." In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.

YES ____

NO ____

(b) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code, shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon at an election.

26298.12. (a) The commission may, as part of the same ballot proposition to approve the imposition of a retail transactions and use tax,

seek authorization to issue bonds payable solely from the proceeds of the retail transactions and use tax.

(b) The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

"ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES — ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes and/or to issue bonds payable from the proceeds of that sales tax." In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.	YES NO	____ ____

(c) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code, shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon at an election.

26298.16. (a) Any transactions and use tax ordinance adopted pursuant to this article shall become operative as provided in Section 7265 of the Revenue and Taxation Code.

(b) Prior to the operative date of the ordinance, the commission shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

26298.17. The combined rate of any transactions and use tax imposed pursuant to this chapter and all other transactions and use taxes imposed pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of the Revenue and Taxation Code) or any other provision of law shall not exceed 1 percent. No tax shall be considered in accordance with this part if, upon its adoption, the combined rate will exceed 1 percent.

26298.18. The revenues from the taxes imposed pursuant to this article may be allocated by the commission for the following purposes:

(a) To administer this chapter.

(b) To pay the costs of the financing, construction, acquisition, furnishing, maintenance, and operation of adult and juvenile detention facilities, courthouse facilities, and structures necessary or convenient thereto, in compliance with the master plan and pursuant to allocation or funding agreements described in Section 26298.20.

(c) To pay the costs of the financing and acquisition of necessary lands, easements, and rights-of-way at sites designated or approved by the commission, including any costs incurred by the commission in acquiring the lands, easements, and rights-of-way.

(d) To hold title as necessary to land or facilities.

(e) To retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities or courthouse facilities which exists on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.

(f) To pay all debt service and any other related costs and expenses of any bonds issued under this chapter.

26298.20. (a) The commission shall establish a procedure for reviewing and evaluating requests by the county and the cities in the county for revenues of the commission to be used for the adult and juvenile detention facilities and courthouse facilities purposes specified in Section 26298.18, and shall review and evaluate, from time to time, those requests. After approving such a request of the county or any city in the county, the commission may allocate to the county or city any lawfully available moneys of the commission, including, but not limited to, the revenues from the taxes imposed pursuant to this article and the proceeds of any limited tax bonds authorized by the voters pursuant to Section 26298.12, in amounts as the commission shall determine, to fund, in whole or in part, those detention or courthouse facilities purposes.

(b) In connection with any allocation of moneys to the county or any city in the county pursuant to subdivision (a), the commission shall enter into an allocation or funding agreement with the county or city pursuant to which the commission shall commit the moneys allocated under subdivision (a) to the county or city. The moneys shall be used solely for the purposes approved by the commission under subdivision (a). Each allocation or funding agreement shall contain terms and conditions as the commission shall determine and may provide, without limitation, the purpose or purposes for which the allocation may be used, that the amount to be allocated may be advanced by the commission in a lump

sum or in a series of payments at a date or dates determined by the commission, which may be in one or more fiscal years of the commission, that the allocation will be in the form of a conditional or unconditional grant or contribution or as a loan or other advance against an obligation of the county or city to repay the same, and the terms and conditions relating the obligation to repay the same, including the interest rate to be paid and the date or dates that payments are to be made to the commission on account of that obligation.

26298.22. (a) No modification, amendment, or rescission of any allocation or funding agreement between the commission and the county shall become effective unless the board of supervisors, by resolution, first approves the modification, amendment, or rescission.

(b) No modification, amendment, or rescission of any allocation or funding agreement between the commission and any city within the county shall become effective unless the city council of the city, by resolution, first approves the modification, amendment, or rescission.

26298.24. When adopting its annual budget pursuant to Section 26296.14, the commission shall provide that the lawfully available moneys of the commission shall be used first for the payment of debt service on all outstanding limited tax bonds of the commission (unless otherwise provided in the resolution providing for the issuance of such bonds) and (unless otherwise provided in an allocation or funding agreement) for the payment of all allocations required to be made pursuant to allocation or funding agreements between the commission and the county or any city in the county prior to the payment of operating costs and expenses and any other lawful costs and expenses of the commission.

26298.28. If a retail transactions and use tax is adopted pursuant to this article, the commission shall prepare and submit a report to the board of supervisors and to the city council of each city in the county on or before January 1 of the year following the end of the first full fiscal year after that date that the taxes are imposed pursuant to this article and annually thereafter. The report shall evaluate, and report the progress made in, the implementation of the master plan in the preceding fiscal year.

26298.30. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the commission at any time, and from time to time, payable solely from the proceeds of the tax. The bonds shall be referred to as "limited tax bonds."

(b) Limited tax bonds may not be issued unless the estimated proceeds of the retail transactions and use tax for a period of 30 years after issuance of the bonds shall at least equal the aggregate principal and interest payable with respect to all limited tax bonds then outstanding plus the limited tax bonds proposed to be issued. For purposes of determining the principal amount of limited tax bonds outstanding, limited tax bonds shall be assumed to be paid at par either at their respective maturities or pursuant to mandatory sinking fund installments with respect thereto. For purposes of determining the aggregate interest payable with respect to any issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect on the date that the determination is made. For purposes of determining the estimated proceeds of the retail transactions and use tax for a period of 30 years, a finding made by the commission, incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds shall be binding and conclusive for all purposes.

(c) The pledge of retail transactions and use taxes to the limited tax bonds authorized under this article shall have priority over the use of any of the funds for "pay-as-you-go" financing except to the extent that priority is expressly restricted in the resolution providing for the issuance of the bonds.

26298.32. (a) Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by the commission by a two-thirds vote of all members of the commission. Each resolution shall provide for the issuance of bonds in amounts as the necessity therefor may appear, until the full amount of the bonds authorized shall have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.

(b) A resolution providing for the issuance of bonds shall state all of the following:

(1) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of those purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated cost of accomplishing the purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term the bonds, proposed to be issued, shall run before maturity, which shall not exceed 31 years from the date thereof or the date of each series thereof.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum interest rate specified from time to time in Section 53531 of the Government Code, without regard to any other limitation.

(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars ($5,000).

(7) A pledge of retail transactions and use taxes to the limited tax bonds, either before or after giving effect to the payment of maintenance and operations expenses as defined by the commission in the resolution, and a statement that the bonds shall have priority over the use of any of the funds for "pay-as-you-go" financing except to the extent that the priority is expressly restricted in the resolution. However, the resolution shall not provide for the pledge of retail transactions and use taxes that have been allocated to the county or any city therein pursuant to Section 26298.20, except to the extent that the proceeds of any limited tax bonds are to be so allocated in lieu of those retail transactions and use taxes.

(8) The form of the bonds, including, without limitation, registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when the whole or any part of the principal shall become due and payable.

(c) The resolution may also contain any other matters authorized by this article or any other law.

26298.34. (a) The commission may provide for the bonds to bear interest at a variable or fixed interest rate, for the manner and intervals, in which the rate shall vary, and for the dates on which the interest shall be payable.

(b) In the resolution or resolutions providing for the issuance of the bonds, the commission may also provide for call and redemption of the bonds prior to maturity at times and prices and upon other terms as it may specify. However, no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(c) The principal of and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the county or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds.

(d) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be signed by the chairperson or vice chairperson

of the commission and the treasurer, or other officer of the commission performing the duties of a treasurer, of the commission, and the official seal of the commission shall be attached thereto. The interest coupons, if any, of the bonds shall be signed by the treasurer, or other officer performing the duties of a treasurer, of the commission. All of the signatures and seal may be printed, lithographed, or mechanically reproduced. However, the bonds shall be valid or become obligatory for any purpose until manually signed by an authenticating agent duly appointed by the commission or its authorized designee. If any officer whose signature appears on bonds or coupons ceases to be such an officer before the delivery of the bonds, the officer's signature is as effective as if the officer had remained in office.

26298.36. The bonds may be sold as the commission determines by resolution. The commission may sell the bonds at a price below par, but the discount on any bonds so sold shall not exceed 5 percent of the par value thereof.

26298.38. Delivery of any bonds issued pursuant to this chapter may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

26298.40. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury of the commission and applied to secure the bonds or for the purposes for which the debt was incurred. However, when those purposes have been accomplished, any moneys remaining shall be either (a) transferred to the fund to be used for the payment of principal of and interest on the bonds or (b) placed in a fund to be used for the purchase of outstanding bonds of the commission from time to time in the open market at those prices and in that manner, either at public or private sale or otherwise, as the commission may determine. Bonds so purchased shall be canceled immediately.

26298.42. (a) The commission may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the commission upon the terms, at the times and in the manner which it determines.

(b) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the commission, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending that

application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the commission.

(c) Pending that use, the escrowed proceeds may be invested and reinvested by the commission or its trustee in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at a time or times appropriate to ensure the prompt payment of principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on the investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment thereof may be returned to the commission for use by it in any lawful manner.

(d) The provisions of this article for the issuance and sale of bonds apply to the issuance and sale of refunding bonds.

26298.44. (a) The commission may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this article, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, but the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any moneys of the commission available therefor, including the revenues from the retail transactions and use taxes imposed pursuant to this article. If not previously otherwise paid, the bond anticipation notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next sale of the bonds of the commission in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the commission has been authorized to issue, less the amount of any bonds of the authorized issued previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The bond anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolution or resolution authorizing them may contain provisions, conditions, or limitations which a resolution of the commission authorizing the issuance of bonds may contain.

26298.46. Any bonds issued under provisions of this article shall be legal investment for all trust funds, for the funds of insurance companies, commercial and savings banks, and trust companies, and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the state, those moneys or funds may be invested in the bonds issued under this article. Whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this article may be so used. This article shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

26298.48. Notwithstanding any other provision of law:

(a) The commission and its revenues are exempt from all taxes on, or measured by, income.

(b) Bonds issued by the commission are exempt from all property taxation, and the interest on the bonds is exempt from all taxes on income.

(c) All property owned by the commission is exempt from property taxes, assessments, and other public charges secured by liens.

26298.50. (a) Bonds issued under this chapter do not constitute a debt or liability of the state or of any other public agency, other than the commission, or a pledge of the faith and credit of the state or of any other public agency, other than the commission, but shall be payable solely from the funds provided therefor. All the bonds shall contain on the face thereof a statement to the following effect:

"Neither the faith and credit nor the taxing power of the State of California or any public agency, other than the Orange County Regional Justice Facilities Commission, is pledged to the payment of the principal of, or interest on, this bond."

(b) The issuance of bonds under this chapter does not in any manner obligate the state or any other public agency thereof to levy, or to pledge any form of, taxation therefor or to make any appropriation for their payment.

26298.52. Neither the members of the board of directors of the commission, nor any person executing the bonds, are liable personally on the bonds, or are subject to any personal liability or accountability by reason of the issuance thereof.

26298.54. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this article or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure, and shall be commenced within six months from the date of the election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance and the retail transactions and use tax provided for therein, shall be held to be valid and in every respect legal and incontestable.

26298.56. The county and each city within the county are authorized to contribute to the commission such amounts as the county and each city, in their discretion, deem appropriate. These amounts may be used by the commission for any lawful purpose. The commission may commit to repay any portion or all of the amounts contributed, together with interest thereon at a rate not exceeding the interest rate specified from time to time in Section 53531 or the Government Code, from any lawful source, including, but not limited to, revenues derived from the retail transactions and use tax ordinance adopted pursuant to this chapter.

26298.58. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Gov't Code §§ 26299.000-26299.083 (repealed). County Regional Justice Facilities Financing Act

SEC. ____. Chapter 13.8 (commencing with Section 26299.000) of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

Comment. Sections 26299.000-26299.083 are repealed as unnecessary and obsolete. They have never been used for their intended purpose and conditions have changed since they were enacted in 1989. For instance, municipal courts have been eliminated through trial court unification in every county. Further, counties are no longer responsible for trial court operations and facilities. That is now a state responsibility, allocated primarily to the judiciary under the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court Facilities Act, 2002 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312

(responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities), 77003 ("court operations" defined), 77200 (state funding of trial court operations); Cal. R. Ct. 10.810 (court operations).

Note. The text of the repealed chapter is set out below.

CHAPTER 13.8. COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT

Article 1. General Provisions

26299.000. This chapter shall be known and may be cited as the County Regional Justice Facilities Financing Act.

26299.001. The Legislature hereby finds and declares that the existing state of overcrowding in jail facilities in counties is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society may be required to be released into that society for lack of adequate facilities to house them.

The Legislature further finds and declares that it is in the public interest to create county regional justice facilities financing agencies so that regional adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and prevention program needs may be addressed in an expeditious and appropriate fashion.

The Legislature further finds and declares that it is in the public interest to allow the voters in each county the opportunity to approve a general tax for the general governmental purposes of county regional justice facilities financing agencies.

26299.002. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter. The definition of a word applies to any of that word's variants.

26299.003. "Agency" means a county regional justice facilities financing agency.

26299.004. "Board of directors" means the board of directors of a county regional justice facilities financing agency established pursuant to this chapter.

26299.005. "Board of supervisors" means the board of supervisors of a county.

26299.006. "Bonds" means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

26299.007. "County" means Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.

26299.008. "Court facilities" means the municipal and superior courts of the county, as well as any other facilities used for adult or juvenile court matters, criminal prosecutions, handling inmates, or a combination thereof.

26299.009. "Master plan" means the plan for construction and acquisition of juvenile and adult detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto. The plan shall be developed and approved, and may be amended from time to time, by the board of supervisors. The master plan may include, but is not limited to, the following:

(a) The number of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto to be constructed, furnished, or acquired.

(b) The geographic areas in which the facilities referenced in subdivision (a) shall be sited.

(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.

(d) Construction and design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(e) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

26299.010. "Outstanding," when used as of any particular time with reference to bonds issued by the agency, means all bonds theretofore and thereupon being authenticated and delivered by an authenticating agent duly appointed by the agency or its authorized designee except:

(a) Bonds theretofore canceled by an authenticating agent or surrendered to such authenticating agent for cancellation.

(b) Bonds that are owned or held by or for the account of the agency or any other obligor on the bonds, or any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the agency or any other obligor on the bonds.

(c) Bonds for the transfer or exchange of or in lieu of or in substitution for which other bonds shall have been authenticated and delivered.

(d) Refunding bonds issued pursuant to Section 26299.073, except to the extent that the principal amount of the refunding bonds exceeds the principal amount of the bonds to be refunded with the proceeds of those refunding bonds.

26299.011. "Prevention program" means a program designed to decrease the number of inmates incarcerated in county juvenile and adult detention facilities by providing alternatives to incarceration, or by providing counseling diversion, or intervertion [sic] programs, work furlough programs, halfway houses, and own recognizance services. Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol counseling, probation counseling, pretrial screening, and community programs intended to reduce or prevent juvenile criminal activity.

26299.013. "Qualifying facilities" means any of the adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, which may be constructed, furnished, or acquired pursuant to this chapter.

26299.014. This chapter shall be liberally construed in order to effectuate its purposes. No inadvertent error, irregularity, informality, or the inadvertent neglect or omission of any officer, in any procedure taken under this division, other than fraud, shall void or invalidate that proceeding or any levy imposed to finance regional justice facilities needs or improvements.

Article 2. Creation of Agency, Powers and Duties, Membership

26299.020. (a) A county regional justice facilities financing agency may be established in any county, as defined in Section 26299.007, with membership and terms determined as provided in Section 26299.021, upon a finding of the board of supervisors that it is in the public interest to do so. Any such finding shall be adopted by resolution of the board of supervisors.

(b) A resolution adopted pursuant to subdivision (a), shall specify the number, membership, and terms of office of members of the board of directors of the agency as determined pursuant to Section 26299.021.

26299.021. The number, membership, and terms of office of the board of directors of a county regional justice facilities financing agency established pursuant to Section 26299.020, shall be determined by one of the following means:

(a)(1) The board of supervisors may establish the number, membership, and terms of office of the board of directors of the agency with the concurrence of the city councils representing both a majority of the cities in the county and a majority of the population in the incorporated area of the county.

(2) Notwithstanding the provisions of paragraph (1), the term of office of members of the board of directors shall be staggered, and shall not exceed four years.

(b) The board of supervisors may establish a board of directors of the agency comprised of five members, as follows:

(1) The county sheriff.

(2) Four other members, appointed by, and serving at the pleasure of, the board of supervisors, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary. Not more than two of these four members may be members of the board of supervisors or other elected or appointed officers of the county.

(c) The board of supervisors may establish a board of directors of the agency comprised of seven members, as follows:

(1) The sheriff.

(2) The district attorney.

(3) Two members appointed by, and serving at the pleasure of, the city selection committee created pursuant to Article 1.1 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, each of whom shall be either a member of the city council or the mayor of a city in the county. These two members may not represent the same city.

(4) Two members of the board of supervisors.

(5) One member appointed by, and serving at the pleasure of, the presiding judge of the superior court, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary.

26299.022. The term of any member serving on the board of directors by virtue of holding another public office shall terminate when that member ceases holding the other public office and a new member has been properly seated. The new member of the agency shall hold office for the remainder of the term of the member who was replaced by the new member.

26299.023. Vacancies occurring on the board of directors shall be filled by the appointing authority for the unexpired term.

26299.024. The board of supervisors shall call the first meeting of the board of directors and shall designate one of the members of the board of directors to serve as the chairperson at that meeting. Thereafter, a chairperson and vice chairperson of the board of directors shall be elected annually by vote of a majority of the members of the board of directors of the agency and shall serve for a period of one calendar year. The chairperson shall preside at all meetings, and the vice chairperson shall preside in the absence of the chairperson.

In the event of the absence or inability to act of both the chairperson and vice chairperson, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore who, while so acting, shall have all of the authority of the chairperson.

26299.025. A majority of the members of the agency shall constitute a quorum for the transaction of business, and all official acts of the agency shall require the affirmative vote of a majority of its members constituting a quorum, unless a two-thirds vote is required by this chapter.

26299.026. The acts of the agency shall be expressed by motion, resolution, or ordinance.

26299.027. The board of directors shall adopt those rules and procedures, consistent with the laws of the state, as it deems necessary to conduct its business.

26299.028. All meetings of the agency shall be conducted in the manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

26299.029. In carrying out its purposes and powers, the agency may:

(a) Adopt a seal and alter it at its pleasure.

(b) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

All claims for money or damages against the agency are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein or by other statutes or regulations expressly applicable thereto.

(c) Subject to the limitations provided for in Section 26299.035, compensate the members of its board of directors for all reasonable and necessary expenses incurred in the course of performing their duties.

(d) Appoint and employ an executive officer and clerical staff as may be necessary for the administration of the affairs of the agency. All other reasonably necessary staff may be hired by the agency or may be provided by the county. The county shall be reimbursed by the agency for the costs of any staff services provided to the agency by the county in accordance with an agreement entered into between the agency and the county.

(e) Enter into contracts. The agency may employ attorneys and consultants as necessary or convenient to carrying out its purpose and powers.

(f) Appoint policy committees as deemed necessary.

26299.030. The agency shall do all of the following:

(a) Adopt an annual budget.

(b) Adopt an administrative code, by ordinance, which prescribes the powers and duties of agency officers, the method of appointment of agency employees, and methods, procedures, and systems of operation and management of the agency.

(c) Cause a postaudit of the financial transactions of the agency to be made at least annually by a certified public accountant.

(d) Do any and all things necessary to carry out the purposes of this chapter.

26299.031. In carrying out the purposes of this chapter the agency shall have the power to do all of the following:

(a) Administer this chapter.

(b) Finance the construction, acquisition, and furnishing of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, in compliance with a master plan developed and approved, as amended from time to time, by the board of supervisors for that purpose.

(c) Finance the acquisition of necessary lands, easements, and rights-of-way, including reimbursement to the county for any costs incurred by the county in acquiring such lands, easements, and rights-of-way, at sites designated or approved by the board of supervisors, for the general governmental purposes of the agency set forth in this section.

(d) Hold title as necessary or convenient to land or facilities constructed or acquired pursuant to this chapter, and convey title to such land or facilities to the county.

(e) Finance the operation and maintenance of any qualifying facilities constructed, acquired, or financed, in whole or in part, pursuant to this chapter or any adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which may become operational after the effective date of any transactions and use tax approved pursuant to this chapter.

(f) Reimburse costs incurred by the county in the operation of any qualifying facilities constructed or acquired pursuant to this chapter, provided the board of supervisors certifies to the agency that progress toward completion of qualifying facilities has advanced substantially in accordance with the master plan, and reimburse costs incurred by the county in implementing the master plan.

(g) Retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement

facilities, court facilities, or other structures necessary or convenient thereto which exist on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.

(h) Finance all or part of the cost of any prevention program, as defined in Section 26299.011.

26299.032. In carrying out the purposes of this chapter the agency may finance the construction, acquisition, and furnishing of other county or city criminal justice and law enforcement facilities, provided the board of supervisors certifies to the agency that all current master plan requirements have been met.

26299.033. Notwithstanding any other provision of this chapter to the contrary, the board of directors of an agency shall have no power to determine the geographic locations at which any of the qualifying facilities specified in this chapter shall be sited.

26299.034. Notice of the time and place for the public hearing for the adoption of the annual budget shall be published one time in a newspaper of general circulation not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

26299.035. Members of the board of directors of the agency may be compensated at a rate not exceeding one hundred dollars ($100) for any day attending to the business of the agency, but not to exceed four hundred dollars ($400) in any month, and may be reimbursed for reasonable and necessary travel and other expenses incurred in the performance of their duties, as authorized by the agency.

26299.036. (a) Except as otherwise provided in subdivisions (b) and (c), the agency shall enter into a contract with the Board of Administration of the Public Employees' Retirement System, and the board shall enter into that contract, to include all of the employees of the agency in that retirement system, and the employees shall be entitled to substantially similar health benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of Title 2.

(b) For purposes of providing retirement benefits, the agency may contract with the retirement system of which the employees of the county are members, in lieu of contracting with the board.

(c) Notwithstanding subdivision (a) or (b), to the extent that the agency contracts with the county or other agencies to utilize employees of the county or other agencies as employees of the agency, the agency need not establish any retirement benefits program for those employees.

26299.037. At the initial meeting of the agency, or at any subsequent meeting, the agency may approve a transactions and use tax ordinance and ballot proposition, and may call an election in accordance with Article 3 (commencing with Section 26299.040).

Article 3. Transactions and Use Tax

26299.040. The Legislature, by the enactment of this chapter, intends that the additional funds provided governmental agencies by this chapter shall supplement existing local revenues being used for the development and operation of regional justice facilities, and that local agencies maintain their existing commitment of local funds for regional justice facilities purposes.

26299.041. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the agency in accordance with this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the tax ordinance is adopted by a two-thirds vote of the agency and imposition of the tax is subsequently approved by two-thirds of the electors voting on the measure at a special election called for that purpose by the board of supervisors, at the request of the agency, and a county regional justice facilities master plan is adopted pursuant to Section 26299.009.

(b) In addition to the authorization of subdivision (a), a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the agency in accordance with the requirements of subdivision (a), except that, at the option of the agency, the ordinance may be required to be approved by two-thirds of the electors voting on the measure.

(c) A retail transactions and use tax approved by the electors pursuant to this chapter shall remain in effect for not longer than 30 years, or any lesser period of time specified in the tax ordinance. The tax may be continued in effect, or reimposed, by a tax ordinance adopted by a two-thirds vote of the agency and the reimposition of the tax is approved by either a majority or two-thirds of the electors, whichever was required for the initial approval.

(d) The special elections required by subdivisions (a), (b), and (c) for the initial imposition and reimposition, respectively, of a retail transactions and use tax may be consolidated, if the agency so determines, with a regular election.

26299.042. A tax ordinance adopted pursuant to Section 26299.041 shall take effect at the close of the polls on the day of the election at

which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 26299.049.

26299.043. The agency, in the ordinance adopted pursuant to Section 26299.041, shall state the nature of the tax to be imposed, the tax rate, the period during which the tax will be imposed, which of the financing activities enumerated in Section 26299.031 the agency proposes to exercise, and the specific activities and purposes, if any, for which the agency proposes to allocate any fixed portion of the tax proceeds. The purposes for which the tax may be imposed are the general governmental purposes of the agency as set forth in Section 26299.031.

The proposition shall include an appropriations limit for the agency pursuant to Section 4 of Article XIII B of the California Constitution.

26299.044. (a) The county shall conduct a special election called by the agency for the purpose of approving a transactions and use tax ordinance adopted by the agency. The election shall be held within the incorporated and unincorporated areas of the county.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of special elections by a county.

(c) If the measure is approved by the voters, the cost incurred by the county in conducting the special election shall be reimbursed by the agency from proceeds of the retail transactions and use tax.

26299.045. The agency by two-thirds vote of its board of directors, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

26299.046. The revenues from the tax imposed pursuant to this chapter may be allocated by the agency for the following purposes:

(a) To administer this chapter.

(b) To pay the costs of the financing, construction, acquisition, furnishing, maintenance, and operation of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, in compliance with the adopted master plan.

(c) To finance all or any portion of the cost of any prevention program, as defined in Section 26299.011.

(d) To pay the costs of the financing and acquisition of necessary lands, easements, and rights-of-way at sites designated or approved by

the agency, including any costs incurred by the agency in acquiring lands, easements, and rights-of-way.

(e) To hold title as necessary to land or facilities.

(f) To retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which exists on the date the election is held for voter approval of the retail transactions and use tax.

(g) To pay all debt service and any other related costs and expenses of any bonds issued pursuant to this chapter.

26299.047. When adopting its annual budget pursuant to Section 26299.030, the agency shall provide that the lawfully available moneys of the agency shall be used first for the payment of debt service on all outstanding limited tax bonds of the agency unless otherwise provided in the resolution providing for the issuance of such bonds, and, unless otherwise provided in an allocation or funding agreement, for the payment of all allocations required to be made pursuant to allocation or funding agreements between the agency and the county or any city in the county prior to the payment of operating costs and expenses and any other lawful costs and expenses of the agency.

26299.048. If a retail transactions and use tax is adopted pursuant to this chapter, the agency shall prepare and submit a report to the board of supervisors and to the city council of each city in the county on or before January 1 of the year following the end of the first full fiscal year after that date that the taxes are imposed pursuant to this chapter and annually thereafter. The report shall evaluate, and report progress made in, the implementation of the adopted master plan in the preceding fiscal year.

26299.049. (a) Any transactions and use tax ordinance adopted pursuant to this chapter shall become operative as provided in Section 7265 of the Revenue and Taxation Code, or its successor.

(b) Prior to the operative date of the ordinance, the agency shall contract with the State Board of Equalization to perform all functions incidental to the administration and operation of the ordinance.

26299.050. (a) The combined rate of any transactions and use tax imposed in a county pursuant to this chapter and all other transactions and use taxes imposed in that county pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), or any other provision of law shall not exceed 1 percent.

(b) No tax shall be considered in a county in accordance with this part if, upon adoption, the combined rate of transactions and use taxes in the county will exceed 1 percent.

Article 4. Bonds

26299.060. (a) As part of the ballot proposition to approve the imposition of a retail transactions and use tax pursuant to this chapter, authorization may be sought to issue bonds payable from the proceeds of the tax to finance capital outlay expenditures as may be provided for in the master plan for county regional justice facilities adopted pursuant to Section 26299.009.

(b) Limited tax bonds may not be issued unless the estimated proceeds of the retail transactions and use tax for a period of 30 years after issuance of the bonds shall at least equal the aggregate principal and interest payable with respect to all limited tax bonds then outstanding plus the limited tax bonds proposed to be issued. For purposes of determining the principal amount of limited tax bonds outstanding, limited tax bonds shall be assumed to be paid at par either at their respective maturities or pursuant to mandatory sinking fund installments with respect thereto. For purposes of determining the aggregate interest payable with respect to any issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect on the date that the determination is made. For purposes of determining the estimated proceeds of the retail transactions and use tax for a period of 30 years, a finding made by the agency, incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds shall be binding and conclusive for all purposes.

26299.061. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the agency at any time, and from time to time, payable from the proceeds of the tax. The bonds shall be referred to as "limited tax bonds."

(b) The pledge of the retail transactions and use tax revenues for the limited tax bonds authorized under this chapter shall have priority over the use of any of the tax revenues for "pay-as-you-go" financing, or any other purposes except to the extent that that priority is expressly restricted in the resolution authorizing the issuance of the bonds.

26299.062. Limited tax bonds issued under this chapter may be used only for the following purposes:

(a) To finance the capital outlay expenditures for those qualifying facilities which the agency is authorized to construct, acquire, or furnish pursuant to Section 26299.032.

(b) To pay costs incurred in the issuance of the limited tax bonds.

(c) To fund a reserve fund for the limited tax bonds.

26299.063. Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by a two-thirds vote of the board of directors of the agency. Each resolution shall provide for the issuance of bonds in the amounts as may be necessary, until the full amount of bonds authorized have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.

26299.064. (a) A resolution providing for the issuance of bonds pursuant to this chapter shall state all of the following:

(1) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to, or connected with, the accomplishment of those purposes, including without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated cost of accomplishing those purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term the bonds proposed to be issued shall run before maturity, which shall not be beyond the date of termination of the imposition of the retail transactions and use tax.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum rate allowed by Section 53531 of the Government Code, payable at intervals determined by the agency.

(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars ($5,000).

(7) The form of the bonds, including, without limitation, registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when all, or any part, of the principal becomes due and payable.

(b) The resolution may also contain any other matters authorized by this chapter or any other law.

26299.065. The agency may provide for the limited tax bonds to bear a variable or fixed interest rate, for the manner and intervals in which the rate shall vary, and for the dates on which the interest shall be payable.

26299.066. (a) In the resolution authorizing the issuance of the bonds, the agency may also provide for the call and redemption of the bonds prior to maturity at the times and prices and upon other terms as specified.

(b) Notwithstanding the provisons [sic] of subdivision (a), no bond is subject to call or redemption prior to maturity, unless it contains a recital to that effect or unless a statement to that effect is printed therein.

26299.067. The principal of and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the agency, or at such other places as may be designated, or at both the office and other places at the option of the holders of the bonds.

26299.068. (a) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be signed by the chairperson or vicechairperson of the agency at the treasurer of the agency, and the official seal, if any, of the agency shall be attached.

(b) The interest coupons, if any, of the bonds shall be signed by the treasurer of the agency. All of the signatures and the seal may be printed, lithographed, or mechanically reproduced. However, the bonds shall not be valid or become obligatory for any purpose until manually signed by an authenticating agent duly appointed by the agency or its authorized designee.

(c) If any officer whose signature appears on the bonds or coupons ceases to be that officer before the delivery of the bonds, the officer's signature is as effective as if the officer had remained in office.

26299.069. The bonds may be sold as the agency determines by resolution. The agency may sell the bonds at a price below par, whether by negotiated or public sale.

26299.070. Delivery of any bonds issued pursuant to this chapter may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

26299.071. All accrued interest and premiums received on the sale of the bonds shall be placed in the fund to be used for the payment of the principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed in the treasury of the agency and applied to secure the bonds or for the purposes for which the debt was incurred. However, when the purposes have been accomplished, any money

remaining shall be either (a) transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) placed in a fund to be used for the purchase of the outstanding bonds in the open market at prices and in the manner, either at public or private sale or otherwise, as determined by the agency. Bonds so purchased shall be cancelled immediately.

26299.072. (a) The agency may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the agency upon the terms, at the times and in the manner which it determines.

(b) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the agency, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending that application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the agency.

(c) Pending that use, the escrowed proceeds may be invested and reinvested by the agency or its trustee in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at a time or times appropriate to ensure the prompt payment of principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on the investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment thereof may be returned to the agency for use by it in any lawful manner.

(d) The provisions of this chapter for the issuance and sale of bonds apply to the issuance and sale or [sic] refunding bonds.

26299.073. Refunding bonds may be issued in a principal amount sufficient to pay all, or any part of, the principal of the outstanding bonds, the premiums, if any, due upon call and redemption thereof prior to maturity, all expenses of the refunding, and either of the following:

(a) The interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds or to the date upon which the

bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

(b) The interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

26299.074. (a) The agency may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this chapter, but which have not been sold or delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, provided that the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any money of the agency available therefor, including the revenues from the retail transactions and use tax which may be imposed pursuant to this chapter. If not previously otherwise paid, the bond anticipation notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next sale of the bonds of the agency in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of the bonds which the agency has been authorized to issue, less the amount of any bonds therefor issued and then outstanding. The bond anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the agency authorizing the issuance of bonds may contain.

26299.075. Any limited tax bonds issued pursuant to this chapter are a legal investment for all trust funds; for the funds of insurance companies, commercial and savings banks, and trust companies; and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the state, that money or funds may be invested in the bonds issued pursuant to this chapter. Whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued pursuant to this chapter may be so used. The provisions of this chapter are in addition to all other laws

relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

26299.076. Notwithstanding any other provision of law:

(a) The agency and its revenues are exempt from all taxes on, or measured by, income.

(b) Bonds issued by the agency are exempt from all property taxation, and the interest on the bonds is exempt from all taxes on income.

(c) All property owned by the agency is exempt from property taxes, assessments, and other public charges secured by liens.

26299.077. (a) Bonds issued pursuant to this chapter do not constitute a debt or liability of the state or of any other public agency, other than the county regional justice facilities financing agency issuing the bonds, or a pledge of the faith and credit of the state or of any other public agency, other than the issuing agency, but shall be payable solely from the funds provided therefor. All of the bonds shall contain on the face thereof a statement to the following effect:

"Neither the faith and credit nor the taxing power of the State of California or any public agency, other than the ____ County Regional Justice Facilities Financing Agency, is pledged to the payment of the principal of or interest on this bond."

(b) The issuance of bonds pursuant to this chapter does not in any manner obligate the state or any other public agency thereof to levy, or to pledge, any form of taxation therefor or to make any appropriation for their payment.

26299.078. Neither the members of the board of directors of the agency, nor any person executing the bonds, are liable personally on the bonds, or are subject to any personal liability or accountability by reason of the issuance thereof.

26299.079. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this chapter or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure within six months from the date of the election at which the ordinance is approved. Otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance and the retail transactions and use tax

provided for therein, shall be held to be valid and in every respect legal and incontestable.

26299.080. The county and each city within the county is authorized to contribute to the agency such amounts as the county and each city, in their discretion, deem appropriate. These amounts may be used by the agency for any lawful purpose. The agency may commit to repay all or any portion of the amounts contributed, together with interest thereon at a rate not exceeding the interest rate specified from time to time in Section 53531 of the Government Code, from any lawful source, including, but not limited to, revenues derived from the retail transactions and use tax which may be imposed pursuant to this chapter.

26299.081. The agency has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this chapter.

26299.082. It is the intent of the Legislature in enacting this chapter to ensure that counties are not deprived of state funds which might be made available to finance needed regional justice facilities, including adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, other structures necessary or convenient thereto, and prevention programs subsequent to the enactment of this chapter, whether those funds be provided by statute or constitutional amendment.

26299.083. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

CONFORMING REVISIONS

Gov't Code § 53721.5 (repealed). Tax adopted pursuant to San Joaquin County Regional Justice Facility Financing Act

SEC. ____. Section 53721.5 of the Government Code is repealed.

~~53721.5. A transactions and use tax imposed by an ordinance adopted pursuant to Chapter 13.6 (commencing with Section 26290) of Part 2 of Division 2 of Title 3 shall be deemed to be a~~

~~general tax for the purposes of this article, unless the transactions and use tax ordinance, or an amendment thereto, either declares the tax to be a special tax or requires the proceeds of the tax to be placed in a fund other than the general fund of the San Joaquin County Regional Justice Facilities Financing Agency, or a similar fund, and irrevocably restricts the use of the proceeds to specific purposes of more limited scope and type than the general governmental purposes of the San Joaquin County Regional Justice Facilities Financing Agency set forth in Section 26291.7. The receipt or retention of the proceeds of the transactions and use tax, imposed by an ordinance adopted pursuant to Chapter 13.6 (commencing with Section 26290) of Part 2 of Division 2 of Title 3 by a bond trustee for bonds secured by the proceeds of the tax shall not cause a general tax to become a special tax.~~

Comment. Section 53721.5 is repealed to reflect the repeal of former Chapter 13.6 (commencing with Section 26290) of Part 2 of Division 2 of Title 3. See *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts*, 47 Cal. L. Revision Comm'n Reports 117 (2020).

Note. Section 53721.5 is in Article 3.7 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. That article was added to the codes by Proposition 62, approved by the voters on Nov. 4, 1986. To maintain voter control over its content, Proposition 62 included a section (Section 53729) that states: "This Article may only be amended by vote of the electorate of the State of California." However, Section 53721.5 was not part of Proposition 62. Section 53721.5 was added to the codes later, through the normal legislative process. See 1988 Cal. Stat. ch. 1634, § 2. Thus, a vote of the electorate is not necessary to repeal Section 53721.5.

Gov't Code § 53721.6 (repealed). Tax adopted pursuant to Orange County Regional Justice Facilities Act or County Regional Justice Facilities Financing Act

SEC. ____. Section 53721.6 of the Government Code is repealed.

~~53721.6. (a) A retail transactions and use tax imposed by an ordinance adopted pursuant to Chapter 13.7 (commencing with Section 26295) or 13.8 (commencing with Section 26299.000) of Part 2 of Division 2 of Title 3 shall be deemed to be a general tax~~

~~for the purposes of this article unless the transactions and use tax ordinance, or an amendment thereto, either declares the tax to be a special tax or requires the proceeds of the tax to be placed in a fund other than the general fund of the county regional justice facilities financing agency, or a similar fund, and irrevocably restricts the use of the proceeds to specific purposes of more limited scope and type than the general governmental purposes of the county regional justice facilities financing agency set forth in Section 26298.18 or 26299.031.~~

~~(b) The receipt or retention of the proceeds of the transactions and use tax, imposed by an ordinance adopted pursuant to Chapter 13.7 (commencing with Section 26295) or 13.8 (commencing with Section 26299.000) of Part 2 of Division 2 of Title 3 by a bond trustee for bonds secured by the proceeds of the tax shall not cause a general tax to become a special tax.~~

Comment. Section 53721.6 is repealed to reflect the repeals of former Chapters 13.7 (commencing with Section 26295) and 13.8 (commencing with Section 26299.000) of Part 2 of Division 2 of Title 3. See *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts*, 47 Cal. L. Revision Comm'n Reports 117 (2020).

Note. Section 53721.6 is in Article 3.7 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. That article was added to the codes by Proposition 62, approved by the voters on Nov. 4, 1986. To maintain voter control over its content, Proposition 62 included a section (Section 53729) that states: "This Article may only be amended by vote of the electorate of the State of California." However, Section 53721.6 was not part of Proposition 62. Section 53721.6 was added to the codes later (and subsequently amended), through the normal legislative process. See 1989 Cal. Stat. ch. 1335, § 2; 1990 Cal. Stat. ch. 527, § 4. Thus, a vote of the electorate is not necessary to repeal Section 53721.6.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219

October 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

Cite this report as *Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219*, 47 Cal. L. Revision Comm'n Reports 187 (2020).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
c/o UC Davis School of Law
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October 15, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

Government Code Section 70219 directs the Judicial Council and the Law Revision Commission to undertake certain studies relating to judicial administration. The Judicial Council and the Commission have completed those studies as assigned. Section 70219 is thus obsolete and the Commission recommends that it be repealed.

This recommendation was prepared pursuant to Government Code Section 71674 and Resolution Chapter 158 of the Statutes of 2018.

Respectfully submitted,

Crystal Miller-O'Brien
Chairperson

TRIAL COURT RESTRUCTURING CLEAN-UP: COMPLETION OF STUDIES UNDER GOVERNMENT CODE SECTION 70219

In its 1998 report on revision of the codes to implement trial court unification, the Law Revision Commission identified a number of topics for future study.[1] The Legislature subsequently enacted Government Code Section 70219, which directs the Judicial Council and the Commission to undertake those studies and share responsibility for them in the manner suggested in the Commission's report.[2]

The Judicial Council and the Commission conducted the assigned studies as directed and all of the work is complete. Section 70219 thus appears to be obsolete and ready for repeal, as explained in more detail below.

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1. See *Trial Court Unification: Revision of Codes,* 28 Cal. L. Revision Comm'n Reports 51 (1998) (hereafter, *"TCU: Revision of Codes"*). The Commission prepared that recommendation pursuant to 1997 Cal. Stat. res. ch. 102.

2. Government Code Section 70219 provides:

> 70219. On submission by the California Law Revision Commission of its report to the Governor and the Legislature pursuant to Resolution Chapter 102 of the Statutes of 1997 recommending statutory changes that may be necessitated by court unification, *the Judicial Council and the California Law Revision Commission shall study and make recommendations to the Governor and the Legislature on the issues identified in the report as appropriate for future study,* including consideration of the experience in counties in which the courts have unified. *Each agency shall assume primary or joint responsibility for the studies and recommendations as outlined in the report,* and each agency shall consult with the other in the studies and recommendations. This section does not limit any authority of the Judicial Council or the California Law Revision Commission to conduct studies and make recommendations authorized or directed by law.

(Emphasis added.) This provision was first enacted in 1998. See 1998 Cal. Stat. ch. 931, § 257. It was inadvertently repealed by 2001 Cal. Stat. ch. 745, § 113, but reenacted without substantive change by 2002 Cal. Stat. ch. 784, § 340. See Gov't Code § 70219 Comment (2002).

Assigned Studies and Work Performed

The studies assigned by Section 70219 fall into the following categories:

- A reexamination of the three-track system for civil cases, to be jointly conducted by the Judicial Council and the Commission.
- Studies primarily assigned to the Judicial Council, to conduct in consultation with the Commission.
- Studies primarily assigned to the Commission, to conduct in consultation with the Judicial Council.

Each category is described and discussed in order.

Joint Study of the Three-Track System for Civil Cases

In its report on revision of the codes to implement trial court unification, the Commission sought to preserve existing procedural distinctions between traditional superior court cases (now known as unlimited civil cases), traditional municipal court cases (now known as limited civil cases), and small claims cases (a special category of limited civil cases).[3] The Commission "strongly recommended," however, that the Legislature "direct a study reexamining this three-track system and its underlying policies in light of unification."[4]

The Commission explained that such a study "may entail elimination of unnecessary procedural distinctions, reassessment of the jurisdictional limits for small claims procedures and economic litigation procedures, and reevaluation of which procedures apply to which type of case."[5] The Commission recommended that this study be jointly conducted by the Judicial Council and the Commission.[6]

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3. See *TCU: Revision of Codes, supra* note 1, at 64-65, 82.
4. *Id.* at 82.
5. *Id.* at 82-83.
6. *Id.* at 83.

By enacting Section 70219, the Legislature approved that approach. The section specifically directs the Judicial Council and the Commission to conduct the studies identified in the Commission's report, assume primary or joint responsibility for those studies as outlined in that report, and consult with each other in conducting the assigned studies.[7]

As directed, the Judicial Council and the Commission jointly reexamined the three-track system for civil cases. In particular, they conducted a project in which they identified and proposed to eliminate some unnecessary procedural differences between limited civil cases and unlimited civil cases.[8] The proposed legislation was enacted.[9]

The Judicial Council and the Commission also jointly studied the jurisdictional limits for a small claims case and a limited civil case. As a first step, the Judicial Council hired a consulting firm to conduct empirical research and prepare a background study summarizing its findings. Upon consideration of the consultant's 2002 report,[10] the Commission prepared and widely circulated a tentative recommendation proposing to increase the jurisdictional limits for both types of cases.[11] The Commission received extensive input, but consensus among the stakeholders proved difficult to reach and work on the joint study stopped in early 2004.[12]

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7. For the text of Section 70219, see *supra* note 2.

8. See *Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases,* 30 Cal. L. Revision Comm'n Reports 443 (2000).

9. See 2001 Cal. Stat. ch. 812.

10. Policy Studies, Inc., *Report on the California Three-Track Civil Litigation Study* (July 31, 2002).

11. See Tentative Recommendation on *Jurisdictional Limits of Small Claims Cases and Limited Civil Cases* (Dec. 2002).

12. See CLRC Staff Memorandum 2004-3; First Supplement to CLRC Staff Memorandum 2004-3; CLRC Staff Memorandum 2004-40; CLRC Minutes (Feb. 2004), pp. 7-8; see also CLRC Staff Memorandum 2014-41, p. 9 (explaining that project was tabled a decade earlier, circumstances warranting

Several bills modifying the jurisdictional limits for a small claims case have since been enacted.[13] The joint study by the Judicial Council and the Commission helped pave the way for those bills and related improvements (such as reforms relating to temporary judges, self-represented litigants, and litigants who do not speak English).[14] The Judicial Council took positions on and helped to shape the jurisdictional bills,[15] but the Commission stayed on the sidelines as required by its governing statute.[16]

The jurisdictional limit for a limited civil case remains unchanged.[17] Although some recent Judicial Council subgroups re-explored the possibility of revising that limit, they did not find sufficient support for such a reform.[18]

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reactivation of the project had not materialized, and "it seems reasonable to consider the matter closed.").

13. See 2005 Cal. Stat. ch. 600 (SB 422 (Simitian)); 2005 Cal. Stat. ch. 618 (AB 1459 (Canciamilla)); 2006 Cal. Stat. ch. 150, § 1 (AB 2455 (Nakanishi)); 2008 Cal. Stat. ch. 157, § 4 (SB 1432 (Margett)); 2011 Cal. Stat. ch. 64 (SB 221 (Simitian)).

14. See, e.g., 2005 Cal. Stat. ch. 600, § 1 (legislative findings referring to consultant's report for joint study); 2005 Cal. Stat. ch. 618, § 1 (same); Assembly Committee on Judiciary Analysis of AB 1459 (April 26, 2005), pp. 5-6 (referring to joint study); Assembly Committee on Judiciary Analysis of SB 411 (June 28, 2005), pp. 5-6 (same); CLRC Staff Memorandum 2004-40 (describing Judicial Council projects addressing concerns expressed in joint study); CLRC Staff Memorandum 2005-41 (discussing 2005 bills and impact of joint study); CLRC Staff Memorandum 2010-40, pp. 3-4 (discussing joint study follow-up projects, including expedited jury trials).

15. See, e.g., Senate Committee on Judiciary Analysis of AB 1459 (June 28, 2005), pp. 1, 5-6; Senate Committee on Judiciary Analysis of SB 221 (April 12, 2011), pp. 3-6.

16. See Gov't Code § 8288; see also CLRC Staff Memorandum 99-85, p. 2 ("The Commission does not take positions on bills; it speaks to the Legislature through its own recommendations and bills.").

17. See Code Civ. Proc. §§ 85, 86, 86.1.

18. See, e.g., https://www.courts.ca.gov/documents/SPR18-11.pdf (Judicial Council's invitation to comment on proposal by its Civil and Small Claims Advisory Committee to increase jurisdictional limit for limited civil cases from

Studies Primarily Assigned to the Judicial Council

Under Section 70219, the following studies were primarily assigned to the Judicial Council, to conduct in consultation with the Commission: [19]

Obsolete statutes relating to prior court and personnel restructurings. The Commission's 1998 report cited two code sections to illustrate this problem.[20] Both of those provisions have since been repealed.[21]

Superior court sessions, both general and special. The Commission studied and made recommendations on this topic, with input from the Judicial Council and other stakeholders.[22] The proposed legislation was enacted.[23]

Number of authorized commissioners and referees in a county in which the courts have unified. In 2000, the Judicial Council co-sponsored the enactment of the Trial Court Employment Protection

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$25,000 to $50,000, as recommended by its Commission on Future of California's Court System); CLRC Staff Memorandum 2011-36, p. 4 & Exhibit p. 1 (describing ideas being explored by Judicial Council's Small Civil Cases Working Group).

19. See *TCU: Revision of Codes, supra* note 1, at 84-85.

20. See *id*. at 84 n.116 (citing Gov't Code §§ 71003, 71040.5).

21. See 2002 Cal. Stat. ch. 784, § 341 (SB 1316 (Committee on Judiciary)) (repealing Gov't Code § 71003); 2001 Cal. Stat. ch. 824, § 24 (AB 1700 (Steinberg)) (repealing Gov't Code § 71040.5); see also *Statutes Made Obsolete by Trial Court Restructuring: Part 1,* 32 Cal. L. Revision Comm'n Reports 1, 308-09 (2002) (hereafter, "*TCR: Part 1*") (recommending repeal of article containing Gov't Code § 71003).

22. See *Statutes Made Obsolete by Trial Court Restructuring: Part 2,* 33 Cal. L. Revision Comm'n Reports 169, 175-76 (2003) (hereafter "*TCR: Part 2*"); see also CLRC Staff Memorandum 2001-2, Exhibit pp. 2-3 (Administrative Office of the Courts ("AOC") memorandum reporting on Judicial Council activities).

23. See 2003 Cal. Stat. ch. 79.

and Governance Act ("TCEPGA").[24] Among other things, this legislation includes a code section that governs appointment of subordinate judicial officers ("SJOs") after trial court unification.[25] Later, the Judicial Council studied the balance between judges and SJOs and made recommendations on conversion of SJO positions to judgeships.[26] Legislation on the matter was enacted.[27]

Reorganization of statutes governing court fees. The statutes governing court fees were standardized and reorganized through the enactment of the Uniform Civil Fees and Standard Fee Schedule Act of 2005.[28] They are now consolidated in a single chapter of the Government Code.[29]

Eligibility of judges to serve on the small claims advisory committee. This topic was addressed in a 1999 clean-up bill on trial court unification.[30] Among other things, that bill amended the

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24. 2000 Cal. Stat. ch. 1010.

25. See Gov't Code § 71622; see also *TCR: Part 1, supra* note 21, at 12 (TCEPGA "has established far-reaching provisions relating to subordinate judicial officers that eclipse much of existing law relating to authorization and appointment of subordinate judicial officers.").

26. See Judicial Council, *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 23, 2007); Judicial Council, Subordinate Judicial Officer Working Group, *Subordinate Judicial Officers: Duties and Titles* (July 2002).

27. 2007 Cal. Stat. ch. 722, § 3 (AB 159 (Jones)) (adding Section 69615 to Gov't Code); see also 2010 Cal. Stat. ch. 690, § 2 (AB 2763 (Committee on Judiciary)) (amending Gov't Code § 69615); https://www.courts.ca.gov/documents/csjo.pdf (summarizing situation).

28. See 2005 Cal. Stat. ch. 75 (AB 145 (Committee on Budget)).

29. See Gov't Code §§ 70600-70678.

30. See 1999 Cal. Stat. ch. 344, § 5 (SB 210 (Committee on Judiciary)); see also *Trial Court Unification Follow-Up,* 29 Cal. L. Revision Comm'n Reports 657, 658 (1999) (Appendix #5 to *1999-2000 Annual Report*, 29 Cal. L. Revision Comm'n Reports 579 (1999)) (hereafter, *"TCU Follow-Up"*); CLRC Staff

provision governing the composition of the small claims advisory committee.[31]

Catalogue of cases within the appellate jurisdiction of the courts of appeal on June 30, 1995. With the exception of death penalty cases, the courts of appeal have appellate jurisdiction "when superior courts have original jurisdiction *in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995,* and in other causes prescribed by statute."[32] To aid in interpretation of this constitutional requirement, the Commission's 1998 report raised the possibility of creating a catalogue of the types of cases that were within the appellate jurisdiction of the courts of appeal on June 30, 1995.[33]

As directed by the Legislature, the Judicial Council investigated this topic, in consultation with the Commission.[34] In mid-1999, the Appellate Advisory Committee of the Judicial Council concluded that "rather than constructing a catalogue in the abstract, it was best to wait for the issue to be ripe and better defined."[35]

In 2001, the Commission revisited the concept of creating a catalogue.[36] This concept faded from consideration as the Judicial Council and the Commission explored broader ideas relating to appellate and writ review under trial court unification.[37]

Memorandum 2001-2, Exhibit p. 5 (AOC memorandum reporting on Judicial Council activities).

31. See Code Civ. Proc. § 116.950 & Comment.

32. Cal. Const. art. VI, § 11 (emphasis added).

33. See *TCU: Revision of Codes, supra* note 1, at 84.

34. See, e.g., CLRC Staff Memorandum 99-31; First Supplement to CLRC Staff Memorandum 99-31; CLRC Staff Memorandum 99-73; CLRC Minutes (June 1999), p. 11; CLRC Minutes (Oct. 1999), p. 9.

35. CLRC Staff Memorandum 99-73, Exhibit p. 1.

36. See CLRC Staff Memorandum 2001-56, pp. 2-6.

37. See, e.g., materials collected at http://www.clrc.ca.gov/J1310.html (CLRC Study J-1310: *Appellate and Writ Review Under Trial Court Unification*).

The Commission circulated a tentative recommendation on the subject, which proposed a set of constitutional and statutory reforms, including deletion of the constitutional reference to "causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995."[38] The Judicial Council's Ad Hoc Task Force on the Superior Court Appellate Divisions developed its own proposal, which took a different approach.[39] Neither approach gained traction and the efforts were eventually set aside.[40]

The Commission is not aware of any current interest in developing a catalogue of cases within the appellate jurisdiction of the courts of appeal on June 30, 1995. The lack of interest is likely due to the possibility of transferring, rather than dismissing, an appeal brought in the wrong court.[41]

Consolidation of jury commissioner functions for the courts in each county. The Commission studied and made recommendations on this topic, with input from the Judicial Council and other stakeholders.[42] The proposed legislation was enacted.[43]

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38. See Tentative Recommendation on *Appellate and Writ Review Under Trial Court Unification* (Nov. 2001).

39. See Ad Hoc Task Force on the Superior Court Appellate Divisions, *Report to the Appellate Process Task Force on the Superior Court Appellate Divisions* (May 2001).

40. See CLRC Minutes (Nov. 2003), p. 8; see also CLRC Staff Memorandum 2003-38.

41. See, e.g., *People v. Nickerson* (2005) 128 Cal.App.4th 33, 26 Cal.Rptr.3d 563 (ordering transfer of case from court of appeal to appellate division); Gov't Code § 68915 ("No appeal taken to the Supreme Court or to a court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein, as if regularly appealed thereto."); see also CLRC Staff Memorandum 2001-56, pp. 5-6 (discussing authority to transfer); CLRC Staff Memorandum 2001-2, Exhibit p. 6 (AOC memorandum reporting existence of consensus that "any problems occurring in this area could be resolved by transfer of an appeal filed in the wrong court to the appropriate court.").

42. See *TCR: Part 2, supra* note 22, at 177-78.

Magistrate as judicial officer of the state or judicial officer of a particular court.[44] Statutory clarification of this point was deemed unnecessary.[45] The Commission is not aware of any current concerns relating to this matter.

Correction of county-specific statutes after unification in that county. The Commission studied and made recommendations on this topic, with input from the Judicial Council and other stakeholders.[46] The proposed legislation was enacted.[47]

Pursuant to other sources of authority,[48] the Commission is continuing to review and make recommendations relating to statutes made obsolete by trial court restructuring, including county-specific statutes.[49] Section 70219's directive to study and correct county-specific statutes is no longer necessary.[50]

Reexamination of the statutes governing jury selection. The Commission studied and made recommendations on this topic,

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43. See 2003 Cal. Stat. ch. 79.

44. See generally CLRC Staff Memorandum 1997-66, p. 23.

45. See CLRC Staff Memorandum 2001-2, Exhibit pp. 6-7 (AOC memorandum reporting on Judicial Council activities).

46. See *TCR: Part 2, supra* note 22, at 177-78.

47. See *TCR: Part 1, supra* note 21, at 16-17.

48. See Gov't Code § 71674; 2018 Cal. Stat. res. ch. 158 (item #12).

49. See, e.g., *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities,* 46 Cal. L. Revision Comm'n Reports 25 (2019); *Trial Court Restructuring Clean-Up: Obsolete References to Marshals,* 46 Cal. L. Revision Comm'n Reports 105 (2019).

50. See, e.g., CLRC Staff Memorandum 2001-2, Exhibit pp. 7-8 (AOC memorandum discussing work on county-specific statutes to be done by Commission).

with input from the Judicial Council and other stakeholders.[51] The proposed legislation was enacted.[52]

Studies Primarily Assigned to the Commission

Under Section 70219, the following studies were primarily assigned to the Commission, to conduct in consultation with the Judicial Council: [53]

Obsolete statutes relating to expired pilot projects or other expired programs. The Commission studied and made recommendations on this topic, with input from the Judicial Council and other stakeholders.[54] The proposed legislation was enacted.[55]

Whether to conform the statutory provisions on circumstances for appointment of a receiver. The Commission studied and made recommendations on this topic, providing opportunities for stakeholder input.[56] The proposed legislation was enacted.[57]

Procedure for good faith improver claims. The Commission studied and made recommendations on this topic, providing

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51. See *TCR: Part 1, supra* note 21, at 19-20. See also *id*. at 109-13 (proposing to amend Code Civ. Proc. §§ 198.5 & 201 and repeal Code Civ. Proc. §§ 199, 199.2, 199.3 & 199.5).

52. See 2002 Cal. Stat. ch. 784 (SB 1316 (Committee on Judiciary)).

53. See *TCU: Revision of Codes, supra* note 1, at 85-86.

54. See *Expired Pilot Projects,* 30 Cal. L. Revision Comm'n Reports 327 (2000).

55. See 2001 Cal. Stat. ch. 115 (SB 153 (Knight)).

56. See *Authority to Appoint Receivers,* 30 Cal. L. Revision Comm'n Reports 291 (2000).

57. See 2001 Cal. Stat. ch. 44 (SB 562 (Morrow)).

opportunities for stakeholder input.[58] The proposed legislation was enacted.[59]

Procedure for obtaining a stay of a mechanic's lien foreclosure action pending arbitration. The Commission studied this topic and issued a recommendation in 2000.[60] The following year, the proposed legislation was included in a bill with some other reforms,[61] but later deleted to permit further study in light of a new court decision.[62]

Thereafter, the Commission approved a revised recommendation.[63] A bill to implement the revised recommendation was introduced in 2003.[64] To address concerns raised in the legislative process, the bill was amended to implement the substance of the original recommendation instead. It was enacted as so amended.[65]

Clarification of provisions relating to obtaining counsel for a defendant in a criminal case. The Commission's 1998 report pointed out that certain statutes on appointment of counsel for a criminal defendant "appear to be somewhat dated, and their

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58. See *Jurisdictional Classification of Good Faith Improver Claims,* 30 Cal. L. Revision Comm'n Reports 281 (2000).

59. See 2000 Cal. Stat. ch. 688, § 7 (AB 1669 (Committee on Judiciary)).

60. See *Stay of Mechanic's Lien Enforcement Pending Arbitration,* 30 Cal. L. Revision Comm'n Reports 307 (2000).

61. See SB 562 (Morrow), as introduced on Feb. 22, 2001.

62. See CLRC Staff Memorandum 2001-93.

63. See *Stay of Mechanic's Lien Enforcement Pending Arbitration,* 31 Cal. L. Revision Comm'n Reports 333 (2001).

64. See AB 113 (Ackerman), as introduced on Feb.3, 2003.

65. See 2003 Cal. Stat. ch. 22.

interrelation is unclear."[66] The report suggested that a "clearer statutory statement of the governing rules may be appropriate."[67]

Upon further study as directed by the Legislature, the Commission became concerned that some of the statutes might conflict with a defendant's constitutional right of self-representation.[68] The Commission decided not to propose legislation in this area, because such a proposal would entail analysis beyond the scope of the technical clean-up originally envisioned when the Legislature authorized the study.[69]

Role of court reporter in a county in which the courts have unified, particularly in a criminal case. Citing several statutes, the Commission's 1998 report noted that "[e]xisting statutes governing functions of court reporters may be problematic as applied in a county in which the courts have unified, particularly in criminal cases."[70] The Commission studied this matter and recommended statutory revisions to address the problems identified.[71] The proposed legislation was enacted.[72]

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66. *TCU: Revision of Codes, supra* note 1, at 85 n.128 (referring to Penal Code §§ 859, 859a, 859b, 860).

67. *Id.*

68. See CLRC Staff Memorandum 1999-12.

69. See *id.*; see also CLRC Minutes (June 1999), p. 9.

70. *TCU: Revision of Codes, supra* note 1, at 86 n.129 (referring to Code Civ. Proc. § 274c, Gov't Code § 72194.5 & Penal Code § 869).

71. See *Cases in Which Court Reporter Is Required,* 31 Cal. L. Revision Comm'n Reports 223 (2001).

72. See 2002 Cal. Stat. ch. 71 (SB 1371 (Morrow)). Although the court reporter issues assigned by Section 70219 have been resolved, the statutes governing court reporter compensation still contain material made obsolete by trial court restructuring. See CLRC Staff Memorandum 2020-15. The Commission is authorized to study those statutes pursuant to other sources of authority. See Gov't Code § 71674; 2018 Cal. Stat. res. ch. 158 (item #12). The situation is complicated and the Commission will proceed with the statutory clean-up when it appears feasible to do so.

Appealability of order of recusal in a criminal case. The Commission studied and proposed legislation on the appealability of an order of recusal in a criminal case. The proposed legislation was enacted.[73]

Publication of legal notice in a county with a unified superior court. The Commission studied and made recommendations on this topic, with input from the Judicial Council and other stakeholders.[74] The proposed legislation was enacted.[75]

Resolving the numbering conflict in the two Chapters 2.1 (commencing with Section 68650) of Title 8 of the Government Code. The Legislature fixed this problem by enacting the 1998 bill on maintenance of the codes.[76] There was no need for the Commission to do anything further.

Default in an unlawful detainer case. The Commission studied and proposed legislation on default in an unlawful detainer case. The proposed legislation was enacted.[77]

Whether to make revisions regarding the repository for the duplicate of an affidavit pursuant to Fish and Game Code Section 2357. The Commission studied and made recommendations on this topic, providing opportunities for stakeholder input.[78] The proposed legislation was enacted.[79]

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73. See 1999 Cal. Stat. ch. 344, § 25 (conforming Penal Code § 1238 to Penal Code § 1424(a)(2)); *TCU Follow-Up, supra* note 30, at 664.

74. See *Trial Court Unification: Publication of Legal Notice,* 44 Cal. L. Revision Comm'n Reports 385 (2015).

75. See 2016 Cal. Stat. ch. 2881 (AB 2881 (Committee on Judiciary)).

76. See 1998 Cal. Stat. ch. 485, §§ 94-100.5 (AB 2803 (Committee on Judiciary)).

77. See 1999 Cal. Stat. ch. 344, § 19 (correcting cross-references in Code Civ. Proc. § 1167.3); *TCU Follow-Up, supra* note 30, at 663.

78. See *Trout Affidavit,* 30 Cal. L. Revision Comm'n Reports 319 (2000).

79. See 2000 Cal. Stat. ch. 167, § 1 (SB 1487 (Knight)).

Recommendation

Because all of the studies required by Government Section 70219 are done, there is no need to retain it in the codes. The Commission recommends that the section be repealed as obsolete.[80]

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80. See proposed repeal of Gov't Code § 70219 & Comment *infra*.

PROPOSED LEGISLATION

Gov't Code § 70219 (repealed). Judicial Council and Law Revision Commission studies and recommendations

SECTION 1. Section 70219 of the Government Code is repealed.

~~70219. On submission by the California Law Revision Commission of its report to the Governor and the Legislature pursuant to Resolution Chapter 102 of the Statutes of 1997 recommending statutory changes that may be necessitated by court unification, the Judicial Council and the California Law Revision Commission shall study and make recommendations to the Governor and the Legislature on the issues identified in the report as appropriate for future study, including consideration of the experience in counties in which the courts have unified. Each agency shall assume primary or joint responsibility for the studies and recommendations as outlined in the report, and each agency shall consult with the other in the studies and recommendations. This section does not limit any authority of the Judicial Council or the California Law Revision Commission to conduct studies and make recommendations authorized or directed by law.~~

Comment. Section 70219 is repealed as obsolete. All of the assigned studies have been completed. See *Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219,* 47 Cal. L. Revision Comm'n Reports 187 (2020).

CONFORMING REVISIONS

Gov't Code § 71601 (amended). Definitions

SEC. __. Section 71601 of the Government Code is amended to read:

71601. For purposes of this chapter, the following definitions shall apply:

(a) "Appointment" means the offer to and acceptance by a person of a position in the trial court in accordance with this

chapter and the trial court's personnel policies, procedures, and plans.

(b) "Employee organization" means either of the following:

(1) Any organization that includes trial court employees and has as one of its primary purposes representing those employees in their relations with that trial court.

(2) Any organization that seeks to represent trial court employees in their relations with that trial court.

(c) "Hiring" means appointment as defined in subdivision (a).

(d) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the trial court and the recognized employee organization or recognized employee organizations through interpretation, suggestion, and advice.

(e) "Meet and confer in good faith" means that a trial court or representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process should include adequate time for the resolution of impasses where specific procedures for resolution are contained in this chapter or in a local rule, or when the procedures are utilized by mutual consent.

(f) "Personnel rules," "personnel policies, procedures, and plans," and "rules and regulations" mean policies, procedures, plans, rules, or regulations adopted by a trial court or its designee pertaining to conditions of employment of trial court employees, subject to meet and confer in good faith.

(g) "Promotion" means promotion within the trial court as defined in the trial court's personnel policies, procedures, and plans, subject to meet and confer in good faith.

(h) "Recognized employee organization" means an employee organization that has been formally acknowledged to represent trial

court employees by the county under Sections 3500 to 3510, inclusive, prior to the implementation date of this chapter, or by the trial court under former Rules 2201 to 2210, inclusive, of the California Rules of Court, as those rules read on April 23, 1997, Sections 70210 to ~~70219,~~ 70218, inclusive, or Article 3 (commencing with Section 71630).

(i) "Subordinate judicial officer" means an officer appointed to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution, including, but not limited to, a court commissioner, probate commissioner, child support commissioner, referee, traffic referee, juvenile court referee, and juvenile hearing officer.

(j) "Transfer" means transfer within the trial court as defined in the trial court's personnel policies, procedures, and plans, subject to meet and confer in good faith.

(k) "Trial court" means a superior court.

(*l*) "Trial court employee" means a person who is both of the following:

(1) Paid from the trial court's budget, regardless of the funding source. For the purpose of this paragraph, "trial court's budget" means funds from which the presiding judge of a trial court, or ~~his or her~~ the presiding judge's designee, has authority to control, authorize, and direct expenditures, including, but not limited to, local revenues, all grant funds, and trial court operations funds.

(2) Subject to the trial court's right to control the manner and means of ~~his or her~~ the person's work because of the trial court's authority to hire, supervise, discipline, and terminate employment. For purposes of this paragraph only, the "trial court" includes the judges of a trial court or their appointees who are vested with or delegated the authority to hire, supervise, discipline, and terminate.

(m) A person is a "trial court employee" if and only if both paragraphs (1) and (2) of subdivision (*l*) are true irrespective of job classification or whether the functions performed by that person are identified in Rule 10.810 of the California Rules of Court. "Trial court employee" includes those subordinate judicial officers who satisfy paragraphs (1) and (2) of subdivision (*l*). The phrase

"trial court employee" does not include temporary employees hired through agencies, jurors, individuals hired by the trial court pursuant to an independent contractor agreement, individuals for whom the county or trial court reports income to the Internal Revenue Service on a Form 1099 and does not withhold employment taxes, sheriffs, temporary judges, and judges whether elected or appointed. Any temporary employee, whether hired through an agency or not, shall not be employed in the trial court for a period exceeding 180 calendar days, except that for court reporters in a county of the first class, a trial court and a recognized employee organization may provide otherwise by mutual agreement in a memorandum of understanding or other agreement.

Comment. Section 71601 is amended to reflect the repeal of former Section 70219, which was obsolete and did not relate to representation of trial court employees.

This section is also amended to eliminate gendered pronouns.

Gov't Code § 71614 (amended). Effect of chapter

SEC. __. Section 71614 of the Government Code is amended to read:

70614. Nothing in this chapter shall be construed as affecting the interpretation or operation of Sections 70210 to ~~70219,~~ 70218, inclusive, for purposes of unification of the trial courts.

Comment. Section 71614 is amended to reflect the repeal of former Section 70219, which became obsolete when the Judicial Council and the Law Revision Commission completed the studies that it required them to conduct.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Emergency-Related Reforms: Common Interest Development Meetings

November 2020

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

Cite this report as *Emergency-Related Reforms: Common Interest Development Meetings*, 47 Cal. L. Revision Comm'n Reports 209 (2020).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
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November 19, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

Existing law provides that a common interest development can only conduct a board meeting by teleconference if at least one physical location is held open for participation by the owners of separate interests.

The Commission recommends that this requirement be waived during a declared emergency, provided that certain procedural safeguards are met.

This recommendation was prepared pursuant to Resolution Chapter 46 of the Statutes of 2020.

Respectfully submitted,

Crystal Miller-O'Brien
Chairperson

EMERGENCY-RELATED REFORMS: COMMON INTEREST DEVELOPMENT MEETINGS

A common interest development ("CID") is a housing[1] development characterized by (1) separate ownership of dwelling space (or a right of exclusive occupancy) coupled with an undivided interest in common property, (2) covenants, conditions, and restrictions that limit use of both the common area and separate ownership interests, and (3) management of common property and enforcement of restrictions by a community association. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments.[2]

Existing law generally requires that meetings of the board of directors of a CID's managing association be open to the membership of the association. These requirements are similar in spirit to the open meeting laws that govern state and local government entities.[3]

Existing law allows a CID board to meet by teleconference, but only if there is at least one physical location held open for attendance by members and at least one director attends at that location.[4]

A similar requirement exists for state and local agencies.[5]

As a result of the COVID-19 pandemic, it became unsafe for groups of people to congregate. "Stay at home" orders were issued, both locally and statewide. The requirement that one location be held open to the public made it impracticable for public bodies to

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1. Although most CIDs are residential, a CID may also include commercial units. An entirely nonresidential CID is exempt from many of the laws that govern residential CIDs. See Civ. Code § 1373.

2. See Civ. Code § 1351.

3. See Gov't Code §§ 54950-54963 (Ralph M. Brown Act); 11120-11132 (Bagley-Keene Open Meeting Act).

4. See Civ. Code § 4090(b).

5. See Gov't Code §§ 54953(b)(3), 11123(b)(1)(C).

use teleconferencing to conduct open meetings. This was a serious problem, because teleconferencing was the only means of conducting meetings safely during the public health emergency.

The same problem exists for CIDs. If association boards are to conduct meetings safely, they may need to use teleconferencing to do so. But existing law makes that impracticable, by requiring that a teleconference meeting be anchored by a physical location that is open to attendance by members, with at least one association official present at that location. Recent experience shows that emergency conditions can persist for many months. It would not be feasible for a CID board to be unable to meet for such a long period of time. This may be especially true in a time of emergency. The board may need to make unusually critical and time-sensitive decisions.

To address that problem for state and local government meetings, Governor Newsom issued an executive order that waived the requirement that a physical location be held open to the public when conducting a state or local government meeting by teleconference.[6]

The Commission recommends a statutory reform to codify the same policy for CIDs. The requirement that a CID board meeting conducted by teleconference have a physical location that is open to members would be waived during a declared emergency.

The application of that waiver would not be limited to infectious disease emergencies. There may be other kinds of emergencies, like wildfires, that would make it unsafe or otherwise impracticable for an association to meet in a physical location.

In addition, the waiver would only apply if certain procedural safeguards are satisfied:

- Notice of the meeting must include detailed instructions on how to participate in the teleconference.

6. See Executive Order N-29-20.

- The notice must include contact information for a person designated to provide technical assistance with the teleconference process, both before and during the meeting.
- A vote of the directors must be conducted by roll call.
- Members must be allowed to participate by telephone.

PROPOSED LEGISLATION

Civ. Code § 4090 (amended). "Board meeting"

SECTION 1. Section 4090 of the Civil Code is amended to read:

4090. "Board meeting" means either-of the following:

(a) A congregation, at the same time and place, of a sufficient number of directors to establish a quorum of the board, to hear, discuss, or deliberate upon any item of business that is within the authority of the board.

(b) A teleconference, where a sufficient number of directors to establish a quorum of the board, in different locations, are connected by electronic means, through audio or video, or both. A teleconference meeting shall be conducted in a manner that protects the rights of members of the association and otherwise complies with the requirements of this act. Except for a meeting that will be held solely in executive session <u>or conducted under Section 5450</u>, the notice of the teleconference meeting shall identify at least one physical location so that members of the association may attend, and at least one director or a person designated by the board shall be present at that location. Participation by directors in a teleconference meeting constitutes presence at that meeting as long as all directors participating are able to hear one another, as well as members of the association speaking on matters before the board.

Comment. Section 4090 is amended to reflect the enactment of Section 5450.

Civ. Code § 5450 (added). Emergency teleconference meeting

SEC. 2. Article 11 (commencing with Section 5450) is added to Chapter 6 of Part 5 of Division 4 of the Civil Code, to read:

Article 11. Emergency Powers and Procedures

5450. (a) This section only applies to a common interest development that is in an area affected by one or more of the following conditions:

(1) A state of disaster or emergency declared by the federal government.

(2) A state of emergency proclaimed by the Governor under Section 8625 of the Government Code.

(3) A local emergency proclaimed by a local governing body or official under Section 8630 of the Government Code.

(b) Notwithstanding subdivision (b) of Section 4090, any other law, or the association's governing documents, a board meeting or meeting of the members may be conducted entirely by teleconference, without any physical location being held open for the attendance of any director or member, if all of the following conditions are satisfied:

(1) The meeting notice provides clear technical instructions on how to participate by teleconference.

(2) The meeting notice provides the telephone number and electronic mail address of a person who can provide technical assistance with the teleconference process, both before and during the meeting.

(3) Every director and member has the same ability to participate in the meeting that would exist if the meeting were held in person.

(4) Any vote of the directors shall be conducted by a roll call vote.

(5) Any person who is entitled to participate in the meeting shall be given the option of participating by telephone.

Comment. Section 5450 is new.

Subdivision (a) governs the application of the section. See also 42 U.S.C. §§ 247d (federal public health emergency), 5120-5208 (federal disaster relief).

Subdivision (b) authorizes meetings to be conducted entirely by teleconference, if certain conditions are met.

Paragraphs (b)(1) and (2) govern the required delivery and content of notice of a meeting conducted under this section.

Paragraph (b)(3) provides that a meeting conducted under this section must afford every director and member of the association the same right to participate in the meeting that the person would have had in a face-to-face meeting. This would include the right to witness the opening and counting of paper ballots under Section 5120(a). To comply with that

requirement, the meeting would need to provide video that clearly shows the opening of ballot envelopes and the votes cast by the ballots, sufficient to demonstrate the accuracy of the process.

Paragraph (b)(4) is similar to Government Code Section 11123(b)(1)(D).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

2020-2021 Annual Report

California Law Revision Commission
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Cite this report as *2020-2021 Annual Report,* 47 Cal. L. Revision Comm'n Reports 221 (2020).

SUMMARY OF WORK OF COMMISSION

Recommendations to the 2020 Legislature

In 2020, legislation was approved to implement the following Commission recommendations:

- Trial Court Restructuring Clean-Up: Obsolete "Constable" References
- Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees
- Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities
- Trial Court Restructuring Clean-up: Obsolete References to Marshals
- Resolution of Commission Authority

Legislation was introduced to implement the following Commission recommendations, but was later withdrawn due to disruption of the legislative process that resulted from the COVID-19 pandemic:

- Revocable Transfer on Death Deeds: Follow-up Study
- California Public Records Act Clean-up
- California Public Records Act Clean-up: Conforming Revisions

Finally, the Commission submitted a report to the Legislature that identified sunset dates that might need to be temporarily extended as a consequence of the disruption caused by the COVID-19 pandemic.

2021 Legislative Program

In 2021, the Commission plans to seek the introduction of legislation effectuating Commission recommendations on the following subjects:

- Nonprobate Transfers: Liability of a Surviving Spouse Under Probate Code Sections 13550 and 13551
- Revocable Transfer on Death Deeds: Follow-up Study
- California Public Records Act Clean-up
- California Public Records Act Clean-up: Conforming Revisions
- Disposition of Estate Without Administration: Liability of Transferee
- Eminent Domain: Pre-Condemnation Activities
- Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts
- Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219
- Emergency-Related Reforms: Common Interest Development Meetings
- Resolution of Commission Authority

Commission Activities Planned for 2021

During 2021, the Commission intends to work on the following major topics: recodification of toxic substance statutes, state and local agency access to customer information from communications service providers, fish and game law, trial court restructuring, the use of the Uniform TOD Registration Act to transfer an interest in a stock cooperative, and emergency-related reforms.

The Commission may work on other topics as time permits.

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STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION
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SENATOR RICHARD ROTH
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December 17, 2020

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission submits this report of its activities during 2020 and its plans for 2021.

In 2020, five Commission recommendations were enacted into law. The Commission expresses its gratitude to the following legislators for carrying the implementing legislation:

Assembly Member Brian Maienschein

- Trial Court Restructuring Clean-Up: Obsolete "Constable" References
- Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees
- Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities
- Trial Court Restructuring Clean-up: Obsolete References to Marshals

Assembly Member James Gallagher

- Resolution of Commission Authority

In addition, legislation was introduced to implement three other Commission recommendations, but was later withdrawn as a consequence of the COVID-19 pandemic. The Commission also expresses its gratitude to the authors of that legislation:

Assembly Member Ed Chau

- California Public Records Act Clean-up
- California Public Records Act Clean-up: Conforming Revisions

Senator Richard Roth

- Revocable Transfer on Death Deeds: Follow-up Study

In 2020 the Commission held one physical meeting, in Sacramento. Because of the COVID-19 pandemic, the Commission held seven meetings by video conference. This was made possible by Executive Order N-29-20.

Respectfully submitted,

Crystal Miller-O'Brien
Chairperson

2020-2021 ANNUAL REPORT

Introduction

The California Law Revision Commission was created in 1953 and commenced operation in 1954 as the permanent successor to the Code Commission,[1] with responsibility for a continuing substantive review of California statutory and decisional law.[2] The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission ordinarily works on major topics, assigned by the Legislature, that require detailed study and cannot easily be handled in the ordinary legislative process. The Commission's work is independent, nonpartisan, and objective.

The Commission consists of:[3]

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

The Commission may study only topics that the Legislature has authorized.[4]

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1. See 1953 Cal. Stat. ch. 1445, operative September 9, 1953. The first meeting of the Commission was held on February 23, 1954.

2. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra*). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

3. For current membership, see "Personnel of Commission" *infra*.

4. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study. See *Calendar of Topics Authorized for Study,* Appendix 2 *infra*. However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298. Additionally, a concurrent resolution or statute may directly confer authority to study a particular subject. See, e.g., 2016 Cal. Stat. ch. 179 [AB 1779] and 2015 Cal. Stat. ch. 293 [AB 139] (revocable transfer on death deeds); 2014 Cal. Stat. ch. 243 [SB 406] (standards for recognition of tribal and foreign court money

The Commission has prepared 417 final recommendations with proposed reforms it sought to implement. Of those, 393 (more than 90%) have been enacted or otherwise implemented in whole or in substantial part.[5] Commission recommendations have resulted in the enactment of legislation affecting 25,379 sections of California law: 5,273 sections amended, 11,101 sections added, and 9,005 sections repealed.

The Commission's recommendations, reports, and other selected materials are regularly published in hardcover volumes. Recent materials are also available through the Internet. A list of past publications and information on obtaining printed or electronic versions of Commission material can be found at the end of this Annual Report.[6]

The COVID-19 Pandemic

The Commission's work was significantly affected by the 2020 COVID-19 pandemic:

- Beginning in March, the Commission's staff began working almost entirely from their homes. In addition, the Commission was required to designate one employee for reassignment as a contract tracer.
- Beginning in May, the Commission held all of its public meetings by video conference. This was made possible by Executive Order N-29-20.
- Within its existing subject matter authority, the Commission dedicated part of its resources to developing statutory reforms to address emergency conditions. The Commission also decided to request

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judgments); 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communications service providers); 2006 Cal. Stat. res. ch. 128 [ACR 73] (nonsubstantive reorganization of weapon statutes); 2006 Cal. Stat. ch. 216 [AB 2034] (donative transfer restrictions).

5. See *Legislative Action on Commission Recommendations*, Appendix 3 *infra*.

6. See *Commission Publications*, Appendix 5 *infra*.

broad authority to study emergency-related reforms in all subject areas.

- The strain that the pandemic placed on the legislative process caused the withdrawal of legislation to implement three Commission recommendations. The Commission hopes that legislation to implement those recommendations will be introduced in 2021.

2021 Legislative Program

In 2021, the Commission plans to seek the introduction of legislation effectuating Commission recommendations on the following subjects:

- Nonprobate Transfers: Liability of a Surviving Spouse Under Probate Code Sections 13550 and 13551
- Revocable Transfer on Death Deeds: Follow-up Study
- California Public Records Act Clean-up
- California Public Records Act Clean-up: Conforming Revisions
- Disposition of Estate Without Administration: Liability of Transferee
- Eminent Domain: Pre-Condemnation Activities
- Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts
- Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219
- Emergency-Related Reforms: Common Interest Development Meetings
- Resolution of Authority

Commission Activities Planned for 2021

During 2021, the Commission intends to work on the following major topics: recodification of toxic substance statutes, state and

local agency access to customer information from communications service providers, fish and game law, trial court restructuring, the use of the Uniform TOD Registration Act to transfer an interest in a stock cooperative, and emergency-related reforms.

The Commission may work on other topics as time permits.

Recodification of Toxic Substance Statutes

The Commission will continue to study the nonsubstantive revision of two chapters of the Health and Safety Code relating to toxic substances.[7]

State and Local Agency Access to Customer Information Held by Communications Service Providers

The Commission will continue to study revision of statutes that govern state and local agency access to customer information held by communications service providers.[8]

Fish and Game Law

The Commission will continue to study the revision of the Fish and Game Code and related statutory law to improve organization, clarify meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.[9]

Trial Court Restructuring

The Commission will continue to work on determining whether any statutory provisions are obsolete, in whole or in part, due to the major restructuring of California's trial court system that occurred at the turn of the century.[10]

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7. See 2020 Cal. Stat. res. ch. 46.
8. See 2013 Cal. Stat. res. ch. 115.
9. See 2020 Cal. Stat. res. ch. 46.
10. See Gov't Code § 71674; see also 2020 Cal. Stat. res. ch. 46.

Use of Uniform TOD Registration Act to Transfer Interest in Stock Cooperative

The Commission will continue to study whether the Uniform TOD Registration Act (Probate Code §§ 5500-5512) can be adapted to provide a means of transferring an ownership interest in a stock cooperative.[11]

Emergency-Related Reforms

The Commission will continue to study emergency-related reforms. It will do so within its existing subject matter authority and will request a new grant of authority to study such reforms more broadly.

Other Subjects

The studies described above will dominate the Commission's time and resources during 2021. As time permits, the Commission may consider other subjects that are authorized for study.

Calendar of Topics for Study

The Commission's calendar of topics includes 13 topics that have been authorized by the Legislature for study.[12]

Function and Procedure of Commission

The principal duties of the Commission are to:[13]

(1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.

(2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on

11. See 2020 Cal. Stat. res. ch. 46.

12. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

13. Gov't Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra*.

Uniform State Laws,[14] bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.[15]

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.[16] However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.[17] Additionally, a concurrent resolution[18] or statute[19] may directly confer authority to study a particular subject.

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14. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov't Code § 10271.

15. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

16. Gov't Code § 8293. Section 8293 requires a concurrent resolution authorizing the Commission to study topics contained in the calendar of topics set forth in the Commission's regular report to the Legislature. Section 8293 also requires that the Commission study any topic that the Legislature by concurrent resolution or statute refers to the Commission for study.

17. Gov't Code § 8298.

18. For an example of a concurrent resolution referring a specific topic to the Commission for study, see 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communications service providers).

19. For example, Government Code Section 70219 requires the Commission, in consultation with the Judicial Council, to perform follow-up studies taking into consideration the experience in courts that have unified. For a list of

Background Studies and Expert Consultants

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant. Law professors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and receive little more than an honorarium for their services.

From time to time, the Commission requests expert assistance from law professors and other legal professionals, who may provide written input or testify at meetings.

Recommendations

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what

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specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998).

Government Code Section 71674 requires the Commission to recommend repeal of provisions made obsolete by the Trial Court Employment Protection and Governance Act (Gov't Code § 71600 *et seq.*), Lockyer-Isenberg Trial Court Funding Act of 1997 (1997 Cal. Stat. ch. 850), and the implementation of trial court unification.

Pursuant to Code of Civil Procedure Section 681.035, the Commission also has continuing authority to study enforcement of judgments.

Statutory authority may be uncodified. See, e.g., 2016 Cal. Stat. ch. 179 (revocable transfer on death deeds).

recommendation, if any, will be made to the Legislature.[20] When the Commission has reached a conclusion on the matter,[21] its recommendation to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.[22]

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20. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMoully, *Fact Finding for Legislation: A Case Study,* 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Gaal, *Evidence Legislation in California,* 36 S.W.U. L. Rev. 561, 563-69 (2008); Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes,* 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

21. Occasionally, one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved.

22. For recent background studies published in law reviews, see Méndez, *California Evidence Code - Federal Rules of Evidence, IX. General Provisions*, 44 U.S.F. L. Rev. 891 (2010); Méndez, *California Evidence Code - Federal Rules of Evidence, VIII. Judicial Notice*, 44 U.S.F. L. Rev. 141 (2009); Méndez, *California Evidence Code - Federal Rules of Evidence, VII. Relevance: Definition and Limitations*, 42 U.S.F. L. Rev. 329 (2007); Méndez, *California Evidence Code — Federal Rules of Evidence, VI. Authentication and the Best and Secondary Evidence Rules*, 41 U.S.F. L. Rev. 1 (2006); Méndez, *California Evidence Code - Federal Rules of Evidence, V. Witnesses: Conforming the California Evidence Code to the Federal Rules of Evidence*, 39 U.S.F. L. Rev. 455 (2005); Alford, *Report to Law Revision Commission Regarding Recommendations for Changes to California Arbitration Law*, 4 Pepp. Disp. Resol. L.J. 1 (2004); Méndez, *California Evidence Code - Federal Rules of Evidence, IV. Presumptions and Burden of Proof: Conforming the California Evidence Code to the Federal Rules of Evidence*, 38 U.S.F. L. Rev. 139 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, I. Hearsay and Its Exceptions: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 351 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, II. Expert Testimony and the Opinion Rule: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 411 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, III. The Role of Judge and Jury: Conforming the Evidence Code to the Federal Rules,* 37 U.S.F. L. Rev. 1003 (2003).

Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal. The Comments are included in the Commission's published recommendations. A Comment indicates the derivation of a section and often explains its purpose, its relation to other law, and potential issues concerning its meaning or application.[23]

Commission Materials as Legislative History

Commission recommendations are printed and sent to both houses of the Legislature, as well as to the Legislative Counsel and Governor.[24] Receipt of a recommendation by the Legislature is noted in the legislative journals, and the recommendation is referred to the appropriate policy committee.[25]

The bill introduced to effectuate a Commission recommendation is assigned to legislative committees charged with study of the matter in depth.[26] A copy of the recommendation is provided to legislative committee members and staff before the bill is heard

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For a list of background studies published in law reviews before 2003, see 32 Cal. L. Revision Comm'n Reports 585 n.14 (2002); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971).

23. Commission Comments are published by LexisNexis and Thomson Reuters in their print editions of the annotated codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and LexisNexis.

24. See Gov't Code §§ 8291, 9795, 11094-11099; see also *Reynolds v. Superior Court* (1974) 12 Cal.3d 834, 847 n.18, 528 P.2d 45, 117 Cal.Rptr. 437 (Commission "submitted to the Governor and the Legislature an elaborate and thoroughly researched study").

25. See, e.g., Senate J. Aug. 18, 2003, at 2031 (noting receipt of 2002-2003 recommendations and their transmittal to the Committee on Judiciary).

26. See, e.g., Office of Chief Clerk, California State Assembly, California's Legislature 126-27 (2000) (discussing purpose and function of legislative committee system).

and throughout the legislative process. The legislative committees rely on the recommendation in analyzing the bill and making recommendations to the Legislature concerning it.[27]

If an amendment is made to the bill that renders one of the Commission's original Comments inconsistent, the Commission generally will adopt a revised Comment and provide it to the committee. The Commission also provides this material to the Governor's office once the bill has passed the Legislature and is before the Governor for action. These materials are a matter of public record.

Until the mid-1980s, a legislative committee, on approving a bill implementing a Commission recommendation, would adopt the Commission's recommendation as indicative of the committee's intent in approving the bill.[28] If a Comment required revision, the revised Comment would be adopted as a legislative committee Comment. The committee's report would be printed in the journal of the relevant house.[29]

The Legislature has discontinued the former practice due to increased committee workloads and an effort to decrease the volume of material reprinted in the legislative journals. Under current practice, a legislative committee relies on Commission materials in its analysis of a bill, but does not separately adopt the

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27. The Commission does not concur with the suggestion of the court in *Conservatorship of Wendland* (2001) 26 Cal.4th 519, 542, 28 P.3d 151, 110 Cal.Rptr.2d 412, that a Commission Comment might be entitled to less weight based on speculation that the Legislature may not have read and endorsed every statement in the Commission's report. That suggestion belies the operation of the committee system in the Legislature. See White, *Sources of Legislative Intent in California*, 3 Pac. L.J. 63, 85 (1972) ("The best evidence of legislative intent must surely be the records of the legislature itself and the reports which the committees relied on in recommending passage of the legislation.").

28. See, e.g., *Baldwin v. State* (1972) 6 Cal.3d 424, 433, 491 P.2d 1121, 99 Cal.Rptr. 145. For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno* (1973) 33 Cal.App.3d 877, 884, 109 Cal.Rptr. 421.

29. For an example of such a report, see *Report of Senate Committee on Judiciary on Assembly Bill 3472*, Senate J. June 14, 1984, *reprinted in* 18 Cal. L. Revision Comm'n Reports 1, 115 (1986).

materials. Instead, the Commission makes a report detailing the legislative history of the bill, including any revised Comments. Bill reports are published as appendices to the Commission's annual reports.[30]

Use of Commission Materials to Determine Legislative Intent

Commission materials that have been placed before and considered by the Legislature are legislative history, are declarative of legislative intent,[31] and are entitled to great weight in construing statutes.[32] The materials are a key interpretive aid for

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30. Commission reports have in the past been published as well in legislative journals. See, e.g., *In re Marriage of Neal* (1984) 153 Cal.App.3d 117, 124, 200 Cal.Rptr. 341 (noting that Chairman of Senate Judiciary Committee, when reporting on AB 26 on Senate floor, moved that revised Commission report be printed in Senate Journal as evidence of legislative intent).

31. See, e.g., *Guardianship of Ann S.* (2009) 45 Cal.4th 1110, 1137 n.20, 202 P.3d 1089, 90 Cal.Rptr.3d 701 (Commission's official comments deemed to express Legislature's intent); *Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1132, 176 P.3d 654, 72 Cal.Rptr.3d 382 (official comments of California Law Revision Commission are declarative of intent not only of drafters of code but also of legislators who subsequently enacted it); *Collection Bureau of San Jose v. Rumsey* (2000) 24 Cal.4th 301, 308 & n.6, 6 P.3d 713, 99 Cal.Rptr.2d 792 (Comments to reenacted statute reiterate clear understanding and intent of original enactment); *County of Los Angeles v. Superior Court* (1965) 62 Cal.2d 839, 843-44, 402 P.2d 868, 44 Cal.Rptr. 796 (statutes reflect policy recommended by Commission).

32. See, e.g., *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770, 288 P.3d 1237, 149 Cal.Rptr.3d 614 ("Comments of a commission that proposed a statute are entitled to substantial weight in construing the statute, especially when, as here, the Legislature adopted the statute without change."); *Jevne v. Superior Court* (2005) 35 Cal.4th 935, 947, 111 P.3d 954, 28 Cal.Rptr.3d 685 (Commission report entitled to substantial weight in construing statute); *Utility Consumers' Action Network, Inc. v. AT&T Broadband of Southern Cal., Inc.* (2006) 135 Cal.App.4th 1023, 1029, 37 Cal.Rptr.3d 827 (Commission recommendation enacted without change entitled to substantial weight when interpreting statutory provision); *Hale v. S. Cal. IPA Med. Group, Inc.* (2001) 86 Cal.App.4th 919, 927, 103 Cal.Rptr.2d 773:

> In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 400, fn. 8 [276 Cal.Rptr.

practitioners as well as courts,[33] and courts may judicially notice and rely on them.[34] Courts at all levels of the state[35] and federal[36] judicial systems depend on Commission materials to construe statutes enacted on Commission recommendation. Appellate courts have cited Commission materials in more than a thousand published opinions.[37]

524]; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal.App.3d 524, 535, fn. 7, 260 Cal.Rptr. 713.) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn. 10, 17 Cal.Rptr.2d 340.)

33. *Cf.* 11 B. Witkin, Summary of California Law *Constitutional Law* § 138(d) (2020) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

34. See, e.g., *Lang v. Roché* (2011) 201 Cal.App.4th 254, 263 n.8, 133 Cal.Rptr.3d 675; *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 34 Cal.Rptr.3d 520 (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale v. Southern California IPA Medical Group, Inc.* (2001) 86 Cal.App.4th 919, 927, 103 Cal.Rptr.2d 773; *Barkley v. City of Blue Lake* (1993) 18 Cal.App.4th 1745, 1751 n.3, 23 Cal.Rptr.2d 315.

35. See, e.g., *Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 298, 935 P.2d 781, 63 Cal.Rptr.2d 74 (California Supreme Court); *Branches Neighborhood Corp. v. CalAtlantic Group, Inc.* (2018) 26 Cal.App.5th 743, 754, n.5, 237 Cal.Rptr.3d 411 (court of appeal); *Rossetto v. Barross* (2001) 90 Cal.App.4th Supp. 1, 110 Cal.Rptr.2d 255 (appellate division of superior court).

36. See, e.g., *California v. Green* (1970) 399 U.S. 149, 154 n.3 (United States Supreme Court); *S. Cal. Bank v. Zimmerman (In re Hilde)* (9th Cir. 1997) 120 F.3d 950, 953 (federal court of appeals); *Mortgage Electronic Registration Systems v. Robinson* (C.D. Cal. 2014) 45 F.Supp.3d 1207, 1210 (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)* (B.A.P. 9th Cir. 1996) 204 B.R. 976, 978-79 (bankruptcy appellate panel); *In re 3 MB, LLC* (Bankr. E.D. Cal. 2019) 609 B.R. 841, 851-52 (bankruptcy court).

37. It should be noted that the Law Revision Commission should not be cited as the "Law Revision Committee" or as the "Law Review Commission." See, e.g., *Venerable v. City of Sacramento* (E.D. Cal. 2002) 185 F.Supp.2d 1128, 1132 (Law Revision "Committee"); *Ryan v. Garcia* (1994) 27 Cal.App.4th 1006, 1010 n.2, 33 Cal.Rptr.2d 158 (Law "Review" Commission).

Commission materials have been used as direct support for a court's interpretation of a statute,[38] as one of several indicia of legislative intent,[39] to explain the public policy behind a statute,[40] and on occasion to demonstrate (by their silence) the Legislature's intention not to change the law.[41] The Legislature's failure to adopt a Commission recommendation may be used as evidence of legislative intent to reject the proposed rule.[42]

Commission materials are entitled to great weight, but they are not conclusive.[43] While the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every consistent or inconsistent

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38. See, e.g., *People v. Ainsworth* (1988) 45 Cal.3d 984, 1015, 755 P.2d 1017, 248 Cal.Rptr. 568.

39. See, e.g., *Heieck & Moran v. City of Modesto* (1966) 64 Cal.2d 229, 233 n.3, 411 P.2d 105, 49 Cal.Rptr. 377.

40. See, e.g., *Southern Cal. Gas Co. v. Public Utils. Comm'n* (1990) 50 Cal.3d 31, 38 n.8, 784 P.2d 1373, 265 Cal.Rptr. 801; *Altizer v. Highsmith* (2020) 52 Cal.App.5th 331, 338, 265 Cal.Rptr.3d 832.

41. See, e.g., *In re Pikush* (B.A.P. 9th Cir. 1993) 157 B.R. 155, 157-58 (Commission's recommendation "[n]owhere" suggests that statutory revisions would create new exemption for annuities, thus Legislature did not create such exemption when it made those revisions); *State ex rel. State Pub. Works Bd. v. Stevenson* (1970) 5 Cal.App.3d 60, 64-65, 84 Cal.Rptr. 742 (Legislature had no intention of changing existing law where "not a word" in Commission's reports indicated intent to abolish or emasculate well-settled rule).

42. See, e.g., *McWilliams v. City of Long Beach* (2013) 56 Cal.4th 613, 623-24, 300 P.3d 886, 155 Cal.Rptr.3d 817; *Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 935-36, 496 P.2d 480, 101 Cal.Rptr. 568.

43. See, e.g., *Wilson v. County of San Joaquin* (2019) 38 Cal.App.5th 1, 11, 250 Cal.Rptr.3d 56; *Redevelopment Agency v. Metropolitan Theatres Corp.* (1989) 215 Cal.App.3d 808, 812, 263 Cal.Rptr. 637 (Comment does not override clear and unambiguous statute). Commission materials are but one indicium of legislative intent. See, e.g., *Estate of Joseph* (1998) 17 Cal.4th 203, 216, 949 P.2d 472, 70 Cal.Rptr.2d 619. The accuracy of a Comment may also be questioned. See, e.g., *Buzgheia v. Leasco Sierra Grove* (1994) 30 Cal.App.4th 766, 774, 36 Cal.Rptr.2d 144; *In re Thomas* (Bankr. E.D. Cal. 1989) 102 B.R. 199, 202.

case is noted in the Comments,[44] nor can it anticipate judicial conclusions as to the significance of existing case authorities.[45] Hence, failure of the Comment to note every change the recommendation would make in prior law, or to refer to a consistent or inconsistent judicial decision, is not intended to, and should not, influence the construction of a clearly stated statutory provision.[46]

Some types of Commission materials are not properly relied on as evidence of legislative intent. On occasion, courts have cited preliminary Commission materials such as tentative recommendations, correspondence, and staff memoranda and drafts in support of their construction of a statute.[47] While these materials may be indicative of the Commission's intent in proposing the legislation, only the Legislature's intent in adopting

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44. *Cf. People v. Coleman* (1970) 8 Cal.App.3d 722, 731, 87 Cal.Rptr. 554 (Comments make clear intent to reflect existing law even if not all supporting cases are cited).

45. See, e.g., *Arellano v. Moreno* (1973) 33 Cal.App.3d 877, 885, 109 Cal.Rptr. 421 (noting that decisional law cited in Comment was distinguished by the California Supreme Court in a case decided after enactment of the Commission recommendation).

46. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court* (1971) 6 Cal.3d 150, 158-59, 491 P.2d 1, 98 Cal.Rptr. 649. For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973); 1974 Cal. Stat. ch. 227.

47. See, e.g., *Rojas v. Superior Court* (2005) 33 Cal.4th 407, 93 P.3d 260, 15 Cal.Rptr.3d 643 (tentative recommendation, correspondence, and staff memorandum and draft); *Yamaha Corp. v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12-13, 960 P.2d 1031, 78 Cal.Rptr.2d 1 (tentative recommendation). However, in some cases, proposed legislation will be based on a tentative, rather than final, Commission recommendation. See, e.g., *Estate of Archer* (1987) 193 Cal.App.3d 238, 243, 239 Cal.Rptr. 137. In that event, reliance on the tentative recommendation is proper.

See also *Ilkhchooyi v. Best* (1995) 37 Cal.App.4th 395, 406, 45 Cal.Rptr.2d 766 (letter responding to tentative recommendation); D. Henke, California Legal Research Handbook § 3.51 (1971) (background studies).

the legislation is entitled to weight in construing the statute.[48] Unless preliminary Commission materials were before the Legislature during its consideration of the legislation, those materials are not legislative history and are not relevant in determining the Legislature's intention in adopting the legislation.[49]

A Commission study prepared after enactment of a statute that analyzes the statute is not part of the legislative history of the statute.[50] However, documents prepared by or for the Commission may be used by the courts for their analytical value, apart from their role in statutory construction.[51]

Publications

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.[52] Commission materials are also distributed to interest groups, lawyers, law professors, courts, district attorneys, law libraries, and other individuals requesting materials.

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48. *Cf. Rittenhouse v. Superior Court* (1991) 235 Cal.App.3d 1584, 1589, 1 Cal.Rptr.2d 595 (linking Commission's intent and Legislature's intent); *Guthman v. Moss* (1984) 150 Cal.App.3d 501, 508, 198 Cal.Rptr. 54 (determination of Commission's intent used to infer Legislature's intent).

49. The Commission concurs with the opinion of the court in *Juran v. Epstein* (1994) 23 Cal.App.4th 882, 894 n.5, 28 Cal.Rptr.2d 588, that staff memoranda to the Commission should generally not be considered as legislative history.

50. See, e.g., *Duarte v. Chino Community Hosp.* (1999) 72 Cal.App.4th 849, 856 n.3, 85 Cal.Rptr.2d 521.

51. See. e.g., *Sierra Club v. San Joaquin Local Agency Formation Comm'n* (1999) 21 Cal.4th 489, 502-03, 981 P.2d 543, 87 Cal.Rptr.2d 702 (unenacted Commission recommendation useful as "opinion of a learned panel"); *Hall v. Hall* (1990) 222 Cal.App.3d 578, 585, 271 Cal.Rptr. 773 (Commission staff report most detailed analysis of statute available); *W.E.J. v. Superior Court* (1979) 100 Cal.App.3d 303, 309-10, 160 Cal.Rptr. 862 (law review article prepared for Commission provides insight into development of law); *Schonfeld v. City of Vallejo* (1975) 50 Cal.App.3d 401, 407 n.4, 123 Cal.Rptr. 669 (court indebted to many studies of Commission for analytical materials).

52. See Gov't Code § 8291. For limitations on Section 8291, see Gov't Code §§ 9795, 11094-11099.

The Commission's reports, recommendations, and studies are published in hardcover volumes that serve as a permanent record of the Commission's work and are a valuable contribution to the legal literature of California. These volumes are available at many county law libraries and at some other libraries. About half of the hardcover volumes are out of print, but others are available for purchase.[53] Publications that are out of print are available as electronic files.[54]

Electronic Publication and Internet Access

Since 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.[55] Interested persons with Internet access can find the current agenda, meeting minutes, background studies, tentative and final recommendations, staff memoranda, and general background information.

Since 2002, all Commission publications and staff memoranda are available as electronic files. They can be downloaded from the Commission's website.

Electronic Mail

Email commenting on Commission proposals or suggesting issues for study is given the same consideration as letter correspondence. Email to the Commission may be sent to *commission@clrc.ca.gov*.

The Commission distributes the majority of its meeting agendas, staff memoranda, and other written materials electronically, by means of its website and email distribution lists. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

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53. See *Commission Publications*, Appendix 5 *infra*.

54. See "Electronic Publication and Internet Access" *infra*.

55. The URL for the Commission's website is <http://www.clrc.ca.gov>.

MCLE Credit

The Commission is approved by the State Bar of California as a minimum continuing legal education provider. Participants and attendees at Commission meetings may be eligible to receive MCLE credit. To receive credit for participation or attendance at a meeting, a person must register at the meeting. Meeting materials are available free of charge on the Internet[56] or may be purchased in advance from the Commission.

Personnel of Commission[57]

As of December 19, 2020, the following persons were members of the Law Revision Commission:

Legislative Members[58]

Assembly Member Ed Chau
Senator Richard Roth

Legislative Counsel[59]

Cara Jenkins

Diane F. Boyer-Vine, was one of the Commission's longest-serving members. She joined the Commission as Legislative Counsel in 2002 and served for 18 years, retiring from her position as Legislative Counsel on September 30, 2020. The Commission expresses deep gratitude for her dedicated and excellent service to the Commission and to the People of California. In addition to regularly bringing important insights in her work as a Commissioner, Ms. Boyer-Vine also took several steps to help the

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56. See "Electronic Publication and Internet Access" *supra*.

57. See also *Biographies of 2020 Commissioners*, Appendix 4 *infra*.

58. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § 8281.

59. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281.

Commission weather a number of fiscal crises that the state suffered over the last two decades. Most significantly, she agreed to fund the Commission's entire budget out of the funds provided to the Office of Legislative Counsel. If she had not, there is a significant chance the Commission would have been dissolved. That funding arrangement continues today.

Members Appointed by Governor[60]	***Term Expires***
Crystal Miller-O'Brien, Los Angeles *Chairperson*	October 1, 2021
Richard Simpson, Sacramento *Vice-Chairperson*	October 1, 2023
David Carrillo, Berkeley	October 1, 2023
Ana Cubas, Los Angeles	October 1, 2021
Victor King, La Crescenta	October 1, 2023
Jane McAllister, Hilmar	October 1, 2023
Richard Rubin, Mill Valley	October 1, 2021

60. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov't Code § 8281. These Commissioners serve staggered four-year terms. *Id*. The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

The following persons are on the Commission's staff:[61]

Legal

BRIAN HEBERT
Executive Director

BARBARA S. GAAL
Chief Deputy Director

KRISTIN BURFORD
Staff Counsel

STEVE COHEN
Staff Counsel

Administrative-Secretarial

DEBORA LARRABEE
Associate Governmental Program Analyst

Commission Budget

The Commission's operations for the 2020-21 fiscal year, including the operations of the Committee on Revision of the Penal Code, have been funded through a reimbursement from the California Office of Legislative Counsel, in the amount of $1,525,000.

That reimbursement is supplemented by monies budgeted for income generated from the sale of documents to the public, to recover the cost of the documents.

The Commission also receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, LexisNexis, and Thomson Reuters. In addition, the Commission receives some benchbooks from the California Center for Judicial Education and Research (CJER). The Commission also receives a copy of the McGeorge Law Review, annually. The Commission receives additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full

61. The Commission also employs two attorneys who work exclusively for the Committee on Revision of the Penal Code, Thomas Nosewicz and Richard Owen.

access to the law libraries at the University of California, Davis, School of Law and at Stanford Law School. The Commission is grateful for these contributions.

Committee on Revision of the Penal Code

On January 1, 2020, the Committee on Revision of the Penal Code was formed as a part of the California Law Revision Commission.[62]

The Commission provides staffing for that new function, but the membership, authority, and deliberative processes of the two bodies are separate and non-overlapping.[63]

The Committee will describe its activities and recommendations in a separate Annual Report.[64] They are not reported here.

Other Activities

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.[65]

National Conference of Commissioners on Uniform State Laws

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws.[66] Legislative Counsel and Commission member Cara Jenkins is a member of the California Commission on Uniform State Laws and the National Conference. Diane Boyer-Vine served in the same

62. Gov't Code § 8280(b).

63. Gov't Code §§ 8281 (Commission membership), 8281.5 (Committee membership), 8289 (Commission duties), 8290.5 (Committee duties), 8293(a) (Commission authority).

64. Gov't Code § 8293(b).

65. Gov't Code § 8296.

66. Gov't Code § 8289.

capacity in 2020. The Commission's Executive Director, Brian Hebert, is an associate member of the National Conference.

Other Commissioner and Staff Activities

On October 27, 2020, Executive Director Brian Hebert participated in a panel discussion at the UC Davis School of Law on "California State Legislative Externship and Career Opportunities."

Legislative History of Recommendations in the 2020 Legislative Session

In 2020, bills to effectuate eight Commission recommendations were introduced.

Trial Court Restructuring

Assembly Bill 1984 (2020 Cal. Stat. ch. 210) was introduced in 2020 by Assembly Member Brian Maienschein. The bill effectuated the Commission's recommendations on *Trial Court Restructuring Clean-Up: Obsolete "Constable" References, 45 Cal. L. Revision Comm'n Reports 467 (2018); Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees, 46 Cal. L. Revision Comm'n Reports 1 (2019); Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities, 46 Cal. L. Revision Comm'n Reports 25 (2019);* and *Trial Court Restructuring Clean-Up: Obsolete References to Marshals, 46 Cal. L. Revision Comm'n Reports 105 (2019).*

The measure was enacted.

Revocable Transfer on Death Deeds: Follow-up Study

Senate Bill 1305 (2020 Cal. Stat. ch. 238) was introduced in 2020 by Senator Richard Roth. As introduced, the bill would have effectuated the Commission's recommendation on *Revocable Transfer on Death Deeds: Follow-up Study*. However, due to the effects of the COVID-19 pandemic, the bill was amended to remove the Commission's recommendation. As enacted, it made a one-year extension of the sunset date that governs the Revocable Transfer on Death Deeds statute. It is expected that a bill to

effectuate the Commission's recommendation will be introduced in 2021. If enacted, it would take effect before the sunset date operates.

California Public Records Act Clean-Up

California Public Records Act Clean-Up: Conforming Revisions

Assembly Bills 2138 and 2438 were introduced in 2020 by Assembly Member Ed Chau. As introduced, the bills would have effectuated the Commission's recommendations on *California Public Records Act Clean-up* and *California Public Records Act Clean-up: Conforming Revisions*. However, due to the effects of the COVID-19 pandemic, the bills were withdrawn by the author. It is expected that implementing legislation will be introduced in 2021.

Resolution Authorizing Topics for Study

Assembly Concurrent Resolution 173 (2020 Cal. Stat. res. ch. 46) was introduced in 2020 by Assembly Member James Gallagher. The resolution authorized the Commission's continued study of 13 topics previously authorized with an expansion of the scope of one, and the removal of 11 topics previously approved for study.

The resolution was adopted.

Report on Statutes Repealed by Implication or Held Unconstitutional

Government Code Section 8290 provides:

> The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual

Report was prepared,[67] and has the following to report:

- No decision of the United States Supreme Court holding a California state statute unconstitutional or repealed by implication has been found.
- One decision of the California Supreme Court holding a state statute repealed by implication has been found.[68]
- Two decisions of the California Supreme Court holding a state statute unconstitutional have been found.[69]

Recommendations

The Commission respectfully recommends that the Legislature authorize the Commission to continue its study of the topics previously authorized.[70]

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67. This study has been carried through opinions published on or before November 30, 2020.

68. In *Wishnev v. The Northwestern Mutual Life Ins. Co.* (2019) 8 Cal.5th 199, 218, 451 P.3d 777, 254 Cal.Rptr.3d 638, the California Supreme Court held that former Article XX, Section 22 of the California Constitution (now Article XV, Section 1), addressing the charging of interest by lenders, repealed an uncodified provision 1916-2 of Initiative Measure, Stats.1919, p. lxxxiii, § 2, by implication, to the extent the uncodified provision limited the charging of compound interest by lenders that were exempted from the uncodified provision by Article XX, Section 22.

69. In *Patterson v. Padilla* (2019) 8 Cal.5th 220, 451 P.3d 1171, 254 Cal.Rptr.3d 816, the California Supreme Court held that Election Code Sections 6683 and 6684 violate Article II, Section 5(c) of the California Constitution, to the extent the two code sections purport to require someone who is "recognized...throughout the nation or throughout California" as a candidate for the office of President of the United States to file federal income tax returns with the Secretary of State as a necessary condition for appearing on the primary election ballot of a political party that has qualified to participate in that election.

In *People v. Guzman* (2019) 8 Cal.5th 673, 453 P.3d 1130, 256 Cal.Rptr.3d 112, the California Supreme Court held that Penal Code Section 632(d), which renders specified evidence obtained as a result of eavesdropping upon or recording a confidential communication inadmissible, was abrogated by Article I, Section 28(f)(2) of the California Constitution ("Right to Truth in Evidence" provision), to the extent Section 632(d) would require suppression of such evidence in a criminal proceeding.

70. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

In addition, pursuant to the mandate imposed by Government Code Section 8290, the Commission recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent they have been repealed by implication or held unconstitutional, and have not been amended, reformed, or repealed.

APPENDIX 1

STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

(Government Code Sections 8280-8298*)

§ 8280. Creation

8280. (a) There is created in the State Government the California Law Revision Commission.

(b) Commencing January 1, 2020, there exists within the California Law Revision Commission the Committee on Revision of the Penal Code.

(c) For purposes of this article, the following terms have the following meanings:

(1) "Commission" means the California Law Revision Commission.

(2) "Committee" means the Committee on Revision of the Penal Code, unless otherwise specified.

§ 8281. Membership

8281. (a) The commission consists of one Member of the Senate appointed by the Senate Committee on Rules, one Member of the Assembly appointed by the Speaker of the Assembly, and seven members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel is an ex officio member of the commission.

(b) The Members of the Legislature appointed to the commission serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the

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*Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298), 2004 Cal. Stat. ch. 193, § 33 (amending Section 8293), and 2019 Cal. Stat. ch. 25, §§ 2, 3, 5-10, and 12-17 (amending Sections 8280, 8281, 8282, 8283, 8284, 8286, 8287, 8288, 8291, 8292, 8293, 8294, 8295, and 9296) and §§ 4 and 11 (adding Sections 8281.5 and 8290.5). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

participation is not incompatible with their respective public offices as Members of the Legislature. For the purposes of this article, those Members of the Legislature constitute a joint interim investigating committee on the subject of this article and, as a joint interim investigating committee, have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

(c) The members appointed by the Governor shall be appointed for a term of four years. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, the Governor shall appoint a person to the office, who shall hold office for the balance of the unexpired term of the person's predecessor.

Note. The provision in subdivision (c) to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary statutory rule unless specifically excepted).

§ 8281.5. Committee on Revision of the Penal Code

8281.5. (a) The Committee on Revision of the Penal Code consists of one Member of the Senate appointed by the Senate Committee on Rules, one Member of the Assembly appointed by the Speaker of the Assembly, and five members appointed by the Governor.

(b)(1) The Members of the Legislature appointed to the committee serve at the pleasure of the appointing power and shall participate in the activities of the committee to the extent that the participation is not incompatible with their respective public offices as Members of the Legislature.

(2) For purposes of this article, those Members of the Legislature constitute a joint interim investigating committee on the subject of Section 8290.5 and, as a joint interim investigating committee,

have the powers and duties imposed on those committees by the Joint Rules of the Senate and Assembly.

(c)(1) The members appointed by the Governor shall be appointed for a term of four years. The terms of the members first appointed expire as follows:

(A) Three terms expire on January 1, 2022.

(B) Two terms expire on January 1, 2024.

(2) When a vacancy occurs in any office within the committee filled by appointment by the Governor, the Governor shall appoint a person to the office, who shall hold office for the balance of the unexpired term of the person's predecessor.

(d) Members of the committee shall not be members of the commission.

§ 8282. Compensation and expenses

8282. (a) The members of the commission and committee shall serve without compensation, except that each member appointed by the Governor shall receive one hundred dollars ($100) for each day's attendance at a meeting of the commission or committee.

(b) Each member of the commission and committee shall be allowed actual expenses incurred in the discharge of the member's duties, including travel expenses.

§ 8283. Chairperson

8283. (a) The commission shall select one of its members chairperson. Five members constitute a quorum of the commission.

(b) The Governor shall select one of the committee members to serve as chairperson. Three members constitute a quorum of the committee.

§ 8284. Executive director

8284. The commission may appoint an executive director and fix the director's compensation, in accordance with law.

§ 8285. Employees

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

§ 8286. Assistance of state

8286. The material of the State Library shall be made available to the commission and the committee. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission and committee full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

§ 8287. Assistance of bar

8287. The Board of Trustees of the State Bar shall assist the commission and the committee in any manner the commission or committee may request within the scope of its powers or duties.

§ 8288. Political activities of commissioners and staff

8288. (a) No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor. An employee or member of the commission appointed by the Governor shall not advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in that person's official capacity as an employee or member.

(b) An employee or member of the commission may appear and testify at any legislative committee hearing on legislation to implement a commission recommendation, for the purpose of explaining the recommendation and answering questions posed by the legislative committee members, if the employee or member of the commission does not violate the restrictions described in subdivision (a).

§ 8289. Duties of commission

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

§ 8290. Unconstitutional and impliedly repealed statutes

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

§ 8290.5. Duties of committee

8290.5. (a) The committee shall study and make recommendations on revision of the Penal Code to achieve all of the following objectives:

(1) Simplify and rationalize the substance of criminal law.

(2) Simplify and rationalize criminal procedures.

(3) Establish alternatives to incarceration that will aid in the rehabilitation of offenders.

(4) Improve the system of parole and probation.

(b) In making recommendations pursuant to subdivision (a), the committee may recommend adjustments to the length of sentence terms. In making that recommendation, the committee may consider any factors, including, but not limited to, any of the following:

(1) The protection of the public.

(2) The severity of the offense.

(3) The rate of recidivism.

(4) The availability and success of alternatives to incarceration.

(5) Empirically significant disparities between individuals convicted of an offense and individuals convicted of other similar offenses.

(c) The approval by the commission of any recommendations by the committee is not required.

§ 8291. Submission and distribution of reports

8291. (a) The commission and the committee shall submit their reports, and their recommendations as to revision of the laws, to the Governor and the Legislature.

(b) Notwithstanding Section 9795, the commission and the committee may provide a copy of a recommendation to each member of a legislative committee that is hearing legislation that would implement the recommendation.

Note. Section 8291 is limited by other law governing distribution of state reports. See, e.g., Gov't Code §§ 11094-11099.

§ 8292. Contents of reports

8292. The commission and the committee may, within the limitations imposed by Section 8293, include in their reports the legislative measures proposed by them to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission or the committee with a full and accurate index thereto.

§ 8293. Calendar of topics

8293. (a) The commission shall file a report at each regular session of the Legislature that shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. The commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report that have been or are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic that the Legislature, by concurrent resolution or statute, refers to it for study.

(b) The committee shall prepare an annual report that describes its work in the prior calendar year and its expected work for the subsequent calendar year.

§ 8294. Printing of reports

8294. The commission's and committee's reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission or committee, respectively. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission or committee.

§ 8295. Cooperation with legislative committees

8295. The commission and the committee shall confer and cooperate with any legislative committee on revision of the law and may contract with any other committee for the rendition of service, by either for the other, in the work of revision.

§ 8296. Cooperation with bar and other associations

8296. The commission and the committee may cooperate with any bar association or other learned, professional, or scientific association, institution, or foundation in any manner suitable for the fulfillment of the purposes of this article.

§ 8297. Research contracts

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

§ 8298. Recommendations concerning minor revisions

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

APPENDIX 2

CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below.[1] Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 2020 Cal. Stat. res. ch. 46.

1. Creditors' remedies. Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.[2]

2. Probate Code. Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.[3]

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1. The calendar of topics lists only those topics selected by the Commission for study and authorized by the Legislature. The Commission also studies topics specifically directed to it by concurrent resolution of the Legislature or by statute. See, e.g., 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communication service providers); 2014 Cal. Stat. ch. 243 [SB 406] (recognition of tribal and foreign court money judgments). The Commission may also study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298.

2. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

3. See also 1980 Cal. Stat. res. ch. 37. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

3. Real and personal property. Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant on assignment, subletting, termination, or abandonment of a lease, and related matters.[4]

4. Family law. Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.[5]

5. Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.[6]

6. Evidence. Whether the Evidence Code should be revised.[7]

7. Alternative Dispute Resolution. Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.[8]

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4. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

5. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

7. See also 1965 Cal. Stat. res. ch. 130.

8. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661-62 (2000).

8. Administrative law. Whether there should be changes to administrative law.[9]

9. Trial court unification. Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.[10]

10. Contract law. Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.[11]

11. Place of trial in a civil case. Whether the law governing the place of trial in a civil case should be revised.[12]

12. Fish and Game Code. Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.[13]

13. Toxic substances. Study, report on, and prepare recommended legislation to revise Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law. Such revisions may include, but are not limited to, grouping similar provisions together, reducing the length and complexity of sections, eliminating obsolete or redundant provisions, and correcting technical errors. The recommended revisions shall not make any substantive changes to the law. The commission's

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9. See also 1987 Cal. Stat. res. ch. 47.

10. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

11. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

12. See also 2007 Cal. Stat. res. ch. 100; 38 Cal. L. Revision Comm'n Reports 30 (2008).

13. See also 2012 Cal. Stat. res. ch. 108; 42 Cal. L. Revision Comm'n Reports 361 (2012).

report shall also include a list of substantive issues that the commission identifies in the course of its work, for possible future study.[14]

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14. See also 2018 Cal. Stat. res. ch. 158; 45 Cal. L. Revision Comm'n Reports 500 (2018).

APPENDIX 3

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

Note. The "Action by Legislature" column may include references to relevant legislative history in the Commission's Reports, following the italicized "*See*." These references are to pages in the Commission's bound volumes (e.g., "35:73" refers to bound volume 35, page 73).

Of the 434 recommendations listed below, six did not include proposed reforms (items 13, 19, 371, 400, 409, 430). The Commission did not seek to implement the proposed reforms in two other recommendations (items 382, 383) and several more are still in the legislative process (items 423, 426-429, 431-434).

Of the remaining 417 recommendations, 389 have been enacted or otherwise implemented in whole or in substantial part (over 90%). Some recommendations have not been implemented (items 15, 34, 36, 67, 85, 97, 101, 107, 165, 170, 174, 243, 284, 297, 300, 307, 308, 309, 314, 315, 318, 346, 367, 368, 369, 377, 417, 418).

Recommendation	Action by Legislature
1. *Partial Revision of Education Code*, 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. *Summary Distribution of Small Estates Under Probate Code Sections 640 to 646*, 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. *Fish and Game Code*, 1 Cal. L. Revision Comm'n Reports, Annual Report for 1956, at 13-14 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. *Maximum Period of Confinement in a County Jail*, 1 Cal. L. Revision Comm'n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. *Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions*, 1 Cal. L. Revision Comm'n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. *Taking Instructions to Jury Room*, 1 Cal. L. Revision Comm'n Reports, at C-1 (1957)	Not enacted; but see Code Civ. Proc. § 612.5, enacting substance of this recommendation.

Recommendation	Action by Legislature
7. *The Dead Man Statute*, 1 Cal. L. Revision Comm'n Reports, at D-1 (1957)	Not enacted; but recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. *Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere*, 1 Cal. L. Revision Comm'n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. *The Marital "For and Against" Testimonial Privilege*, 1 Cal. L. Revision Comm'n Reports, at F-1 (1957)	Not enacted; but recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment
10. *Suspension of the Absolute Power of Alienation*, 1 Cal. L. Revision Comm'n Reports, at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. *Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378*, 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. *Judicial Notice of the Law of Foreign Countries*, 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. *Choice of Law Governing Survival of Actions*, 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)	No legislation recommended.
14. *Effective Date of Order Ruling on a Motion for New Trial*, 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. *Retention of Venue for Convenience of Witnesses*, 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)	Not enacted.
16. *Bringing New Parties Into Civil Actions*, 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. *Grand Juries*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501

Recommendation	Action by Legislature
18. *Procedure for Appointing Guardians*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. *Appointment of Administrator in Quiet Title Action*, 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended.
20. *Presentation of Claims Against Public Entities*, 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)
21. *Right of Nonresident Aliens to Inherit*, 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. *Mortgages to Secure Future Advances*, 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. *Doctrine of Worthier Title*, 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. *Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving*, 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted; but see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving.
25. *Time Within Which Motion for New Trial May Be Made*, 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. *Notice to Shareholders of Sale of Corporate Assets*, 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted; but see Corp. Code §§ 1001, 1002, enacting substance of recommendation.
27. *Evidence in Eminent Domain Proceedings*, 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted; but see Evid. Code § 810 *et seq.*, enacting substance of recommendation.
28. *Taking Possession and Passage of Title in Eminent Domain Proceedings*, 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613

Recommendation	Action by Legislature
29. *Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted; but see Gov't Code § 7260 *et seq*., enacting substance of recommendation.
30. *Rescission of Contracts*, 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. *Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings*, 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. *Survival of Actions*, 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. *Arbitration*, 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461
34. *Presentation of Claims Against Public Officers and Employees*, 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961; but see recommendation to 1963 session (item 39 *infra*), which was enacted.
35. *Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere*, 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. *Notice of Alibi in Criminal Actions*, 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted.
37. *Discovery in Eminent Domain Proceedings*, 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. *Tort Liability of Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681 *See 4:211, 219*
39. *Claims, Actions and Judgments Against Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715 *See 4:211, 222*
40. *Insurance Coverage for Public Entities and Public Employees*, 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682 *See 4:212, 223*

Recommendation	Action by Legislature
41. *Defense of Public Employees*, 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683 *See 4:212, 224*
42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer*, 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684 *See 4:212, 224*
44. *Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes*, 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029 *See 4:213*
45. *Evidence Code*, 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299 *See 7:912, 923*
46. *Claims and Actions Against Public Entities and Public Employees*, 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 *See 7:914, 928*
47. *Evidence Code Revisions*, 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650 Balance enacted. 1970 Cal. Stat. ch. 69 *See 8:1315*
48. *Evidence — Agricultural Code Revisions*, 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. *Evidence — Commercial Code Revisions*, 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. *Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property*, 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 *See 8:1318; 9:18*
51. *Vehicle Code Section 17150 and Related Sections*, 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 *See 8:1317*
52. *Additur*, 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 *See 8:1317*

Recommendation	Action by Legislature
53. *Abandonment or Termination of a Lease*, 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 *See 8:1319; 10:1018*
54. *Good Faith Improver of Land Owned by Another*, 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 *See 8:2319; 9:19*
55. *Suit By or Against an Unincorporated Association*, 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 *See 8:1317*
56. *Escheat*, 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 *See 9:16*
57. *Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 *See 9:19*
58. *Service of Process on Unincorporated Associations*, 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132 *See 9:18*
59. *Sovereign Immunity — Statute of Limitations*, 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104 *See 9:98*
60. *Additur and Remittitur*, 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115 *See 9:99*
61. *Fictitious Business Names*, 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114 *See 9:98*
62. *Quasi-Community Property*, 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312 *See 10:1019*
63. *Arbitration of Just Compensation*, 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417 *See 10:1018*
64. *Revisions of Evidence Code*, 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69 See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888 *See 10:1018*

Recommendation	Action by Legislature
65. *Mutuality of Remedies in Suits for Specific Performance*, 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156 *See 9:99*
66. *Powers of Appointment*, 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155 *See 9:98*
67. *Evidence Code — Revisions of Privileges Article*, 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed; but see 1970 Cal. Stat. chs. 1396, 1397 *See 9:98*
68. *Fictitious Business Names*, 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618 *See 10:1019*
69. *Representation as to the Credit of Third Persons and the Statute of Frauds*, 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720 *See 10:1021*
70. *Revisions of Governmental Liability Act*, 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099 *See 10:1020*
71. *"Vesting" of Interests Under Rule Against Perpetuities*, 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45 *See 10:1021*
72. *Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950; see also 1973 Cal. Stat. ch. 828 *See 10:1125*
73. *Wage Garnishment and Related Matters*, 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133; see also 1979 Cal. Stat. ch. 66 *See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024*
74. *Proof of Foreign Official Records*, 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. *Inverse Condemnation — Insurance Coverage*, 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 *See 10:1126*

Recommendation	Action by Legislature
76. *Discharge From Employment Because of Wage Garnishment*, 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 *See 10:1126*
77. *Civil Arrest*, 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 *See 11:1123*
78. *Claim and Delivery Statute*, 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 *See 11:1124*
79. *Unclaimed Property*, 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76 Legislation enacted. 1975 Cal. Stat. ch. 25 *See 11:1124; 12:530; 13:2012*
80. *Enforcement of Sister State Money Judgments*, 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 *See 12:534*
81. *Prejudgment Attachment*, 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516 See also 1975 Cal. Stat. ch. 200 *See 12:530*
82. *Landlord-Tenant Relations*, 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 *See 12:536*
83. *Pleading* (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73
84. *Evidence — Judicial Notice* (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. *Evidence — "Criminal Conduct" Exception*, 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974; see recommendation to 1975 session (item 90 *infra*), which was enacted. *See 12:535*
86. *Erroneously Compelled Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227 *See 12:535*
87. *Liquidated Damages*, 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 1735 (1976); 13 Cal. L. Revision Comm'n Reports 2139 (1976)	Enacted. 1977 Cal. Stat. ch. 198 *See 12:535; 13:1616; 14:13*
88. *Payment of Judgments Against Local Public Entities*, 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285 *See 13:2011*

Recommendation	Action by Legislature
89. *View by Trier of Fact in a Civil Case*, 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301 *See 13:2011*
90. *Good Cause Exception to the Physician-Patient Privilege*, 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318 *See 13:2012*
91. *Improvement Acts*, 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426 *See 12:534*
92. *Condemnation Law and Procedure: Conforming Changes in Special District Statutes*, 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. *The Eminent Domain Law*, 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 *See 13:2010*
94. *Oral Modification of Written Contracts*, 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109 *See 13:2011; 13:1616*
95. *Partition of Real and Personal Property*, 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73 *See 13:2013, 1610*
96. *Revision of the Attachment Law*, 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437 *See 13:1612*
97. *Undertakings for Costs*, 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976; but see recommendation to 1979 session (item 118 *infra*), which was enacted. *See 13:1614*
98. *Service of Process on Unincorporated Associations*, 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 *See 13:1616*
99. *Sister State Money Judgments*, 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 *See 14:12*
100. *Damages in Action for Breach of Lease*, 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 *See 14:13*

Recommendation	Action by Legislature
101. *Admissibility of Copies of Business Records in Evidence*, 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted. *See 13:2012*
102. *Turnover Orders Under the Claim and Delivery Law*, 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 *See 13:1614*
103. *Relocation Assistance by Private Condemnors*, 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 *See 13:1614*
104. *Condemnation for Byroads and Utility Easements*, 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 *See 13:1615*
105. *Transfer of Out-of-State Trusts to California*, 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 *See 13:1615*
106. *Admissibility of Duplicates in Evidence*, 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted in bill not sponsored by Commission. See 1985 Cal. Stat. ch. 100 *For original history, see 13:1615*
107. *Nonprofit Corporation Law*, 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted.; legislation on this subject, not sponsored by Commission, was enacted in 1978. *For original history, see 14:11*
108. *Use of Keepers Pursuant to Writs of Execution*, 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 *See 14:12*
109. *Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors*, 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 *See 14:12*
110. *Review of Resolution of Necessity by Writ of Mandate*, 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286 *See 14:224*
111. *Use of Court Commissioners Under the Attachment Law*, 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151 *See 14:224*

Recommendation	Action by Legislature
112. *Evidence of Market Value of Property*, 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294 Substance of remainder enacted in 1980. See item 123 *infra* *See 14:225*
113. *Psychotherapist-Patient Privilege*, 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) *See 14:225*
114. *Parol Evidence Rule*, 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150 *See 14:224*
115. *Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"* 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273 *See 14:224*
116. *Powers of Appointment* (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. *Ad Valorem Property Taxes in Eminent Domain Proceedings*, 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31 *See 15:1025*
118. *Security for Costs*, 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114 *See 15:1025*
119. *Guardianship-Conservatorship Law*, 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730 *See 15:1024, 1427*
120. *Interest Rate on Judgments*, 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150 *See 15:1427; 16:2025*
121. *Married Women as Sole Traders*, 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123 *See 15:1426*
122. *State Tax Liens*, 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600 *See 15:1427*
123. *Application of Evidence Code Property Valuation Rules in Noncondemnation Cases*, 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 *See 15:1429*

Recommendation	Action by Legislature
124. *Uniform Durable Power of Attorney Act*, 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 *See 16:25*
125. *Probate Homestead*, 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 *See 15:1428*
126. *Effect of New Bankruptcy Law on the Attachment Law*, 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 *See 15:1024*
127. *Confessions of Judgment*, 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 *See 15:1024*
128. *Special Assessment Liens on Property Taken for Public Use*, 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 *See 15:1428*
129. *Assignments for the Benefit of Creditors*, 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 *See 15:1427*
130. *Vacation of Public Streets, Highways, and Service Easements*, 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 *See 15:1429*
131. *Quiet Title Actions*, 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 *See 15:1428*
132. *Agreements for Entry of Paternity and Support Judgments*, 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 *See 15:1426*
133. *Enforcement of Claims and Judgments Against Public Entities*, 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 *See 15:1426*
134. *Uniform Veterans Guardianship Act*, 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 *See 15:1428*
135. *Enforcement of Obligations After Death*, 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 *See 15:1426*
136. *Guardianship-Conservatorship* (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246
137. *Revision of Guardianship-Conservatorship Law*, 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9 *See 16:24*

Recommendation	Action by Legislature
138. *Non-Probate Transfers*, 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts). 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92 Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 *infra*) *See 16:2026; 17:823*
139. *Revision of the Powers of Appointment Statute*, 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63 *See 16:25*
140. *The Enforcement of Judgments Law*, 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364 *See 16:2024*
141. *State Tax Liens* (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. *Assessment Liens on Property Taken for Public Use* (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. *Federal Pensions as Community Property*, 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44 *See 16:2027*
144. *Missing Persons*, 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201 *See 17:822*
145. *Escheat* (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
146. *Emancipated Minors*, 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6 *See 17:823*
147. *Notice in Limited Conservatorship Proceedings*, 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72 *See 17:823*
148. *Disclaimer of Testamentary and Other Interests*, 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17 *See 17:823*
149. *Holographic and Nuncupative Wills*, 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187 *See 16:2026*

Recommendation	Action by Legislature
150. *Marketable Title of Real Property*, 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 *See 16:2026*
151. *Statutory Bonds and Undertakings*, 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 *See 16:2025*
152. *Attachment*, 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 *See 16:2025*
153. *Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage*, 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 *See 17:823*
154. *Creditors' Remedies*, 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 *See 17:824*
155. *Conforming Changes to the Bond and Undertaking Law*, 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 *See 17:825*
156. *Notice of Rejection of Late Claim Against Public Entity*, 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 *See 17:824*
157. *Wills and Intestate Succession*, 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 *See 17:822*
158. *Liability of Marital Property for Debts*, 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 *See 18:20*
159. *Durable Power of Attorney for Health Care Decisions*, 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 *See 17:822*
160. *Marital Property Presumptions and Transmutations*, 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 *See 18:21*
161. *Reimbursement of Educational Expenses*, 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 *See 18:22*
162. *Special Appearance in Family Law Proceedings*, 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 *See 18:21*

Recommendation	Action by Legislature
163. *Liability of Stepparent for Child Support*, 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 *See 18:21*
164. *Awarding Temporary Use of Family Home*, 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463 *See 18:21*
165. *Disposition of Community Property*, 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted. *See 18:22*
166. *Statutes of Limitation for Felonies*, 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270 *See 18:23; 20:2305*
167. *Independent Administration of Decedent's Estate*, 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451 *See 18:19*
168. *Distribution of Estates Without Administration*, 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451 *See 18:19*
169. *Simultaneous Deaths*, 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. See 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 *infra*); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 *infra*) *See 18:20*
170. *Notice of Will*, 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted. *See 18:20*
171. *Garnishment of Amounts Payable to Trust Beneficiary*, 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493 *See 18:19*
172. *Bonds for Personal Representatives*, 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451 *See 18:19*
173. *Recording Affidavits of Death*, 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527 *See 18:20*
174. *Execution of Witnessed Will*, 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted. *See 18:20*
175. *Revision of Wills and Intestate Succession Law*, 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892 *See 18:19*

Recommendation	Action by Legislature
176. *Uniform Transfers to Minors Act*, 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243 *See 18:19*
177. *Statutory Forms for Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) *See 18:18*
178. *Vacation of Streets* (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. *Effect of Death of Support Obligor*, 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 *infra*) *See 18:21*
180. *Dismissal for Lack of Prosecution*, 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 *See 18:23*
181. *Severance of Joint Tenancy*, 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 *See 18:23*
182. *Quiet Title and Partition Judgments*, 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 *See 18:22*
183. *Dormant Mineral Rights*, 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 *See 18:22*
184. *Creditors' Remedies*, 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 *See 18:23*
185. *Rights Among Cotenants*, 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 *See 18:23*
186. *Provision for Support if Support Obligor Dies*, 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 *See 18:217*
187. *Transfer of State Registered Property Without Probate*, 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 *See 18:216*
188. *Dividing Jointly Owned Property Upon Marriage Dissolution*, 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 *See 18:217*

Recommendation	Action by Legislature
189. *Probate Law* (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. *Creditors' Remedies* (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. *Uniform Transfers to Minors Act* (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. *Protection of Mediation Communications*, 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 *See 18:218*
193. *Recording Severance of Joint Tenancy*, 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157 *See 18:217*
194. *Abandoned Easements*, 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157 *See 18:217*
195. *Distribution Under a Will or Trust*, 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982 *See 18:216*
196. *Effect of Adoption or Out of Wedlock Birth on Rights at Death*, 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982 *See 18:216*
197. *Durable Powers of Attorney*, 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403 *See 18:216*
198. *Litigation Expenses in Family Law Proceedings*, 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362 *See 18:217*
199. *Civil Code Sections 4800.1 and 4800.2*, 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted (*Application of Civil Code §§ 4800.1 and 4800.2*). 1986 Cal. Stat. ch. 49 *See 18:1717*
200. *The Trust Law*, 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820 *See 18:1718*
201. *Disposition of Estate Without Administration*, 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783 *See 18:1717*
202. *Small Estate Set-Aside*, 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783 *See 18:1717*

Recommendation	Action by Legislature
203. *Proration of Estate Taxes*, 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783 *See 18:1717*
204. *Notice in Guardianship and Conservatorship*, 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:516*
205. *Preliminary Provisions and Definitions*, 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:516*
206. *Technical Revisions in the Trust Law*, 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128 *See 19:517*
207. *Supervised Administration*, 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:516*
208. *Independent Administration*, 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:517*
209. *Creditor Claims Against Decedent's Estate*, 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:517*
210. *Notice in Probate Proceedings*, 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:517*
211. *Marital Deduction Gifts*, 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:517*
212. *Estates of Missing Persons*, 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 *See 19:517*
213. *Public Guardians and Administrators*, 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
214. *Inventory and Appraisal*, 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
215. *Opening Estate Administration*, 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
216. *Abatement*, 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
217. *Accounts*, 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*

Recommendation	Action by Legislature
218. *Litigation Involving Decedents*, 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
219. *Rules of Procedure in Probate*, 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
220. *Distribution and Discharge*, 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
221. *Nondomiciliary Decedents*, 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
222. *Interest and Income During Administration*, 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 *See 19:1167*
223. *Authority of the Law Revision Commission*, 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
224. *1988 Probate Cleanup Bill*, see 19 Cal. L. Revision Comm'n Reports 1167, 1191–1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113
225. *Creditors' Remedies*, 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416 *See 20:201*
226. *No Contest Clauses*, 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544 *See 20:201*
227. *120-Hour Survival Requirement*, 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544 *See 20:201*
228. *Compensation of Attorneys and Personal Representatives*, 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 *See 20:2218*
229. *Multiple-Party Accounts*, 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397 *See 20:202*
230. *Notice to Creditors*, 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544 Balance enacted. 1990 Cal. Stat. ch. 140 *See 20:201*
231. *1989 Probate Cleanup Bill*, see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990)	Enacted. 1989 Cal. Stat. ch. 21

Recommendation	Action by Legislature
232. *Bonds of Guardians and Conservators*, 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
233. *Brokers' Commissions on Probate Sales*, 20 Cal. L. Revision Comm'n Reports 237-42 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. *Commercial Real Property Leases*, 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982 *See 20:202*
235. *Trustees' Fees*, 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79 *See 20:2218*
236. *Springing Powers of Attorney*, 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986 *See 20:2220*
237. *Uniform Statutory Form Powers of Attorney Act*, 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986 *See 20:2220*
238. *Disposition of Small Estate by Public Administrator*, 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324 *See 20:2220*
239. *Court-Authorized Medical Treatment*, 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
240. *Survival Requirement for Beneficiary of Statutory Will*, 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
241. *Execution or Modification of Lease Without Court Order*, 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
242. *Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding*, 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
243. *Repeal of Probate Code Section 6402.5 (In-Law Inheritance)*, 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted. *See 20:2220*
244. *Access to Decedent's Safe Deposit Box*, 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 20:2219; 21:20*

Recommendation	Action by Legislature
245. *Priority of Conservator or Guardian for Appointment as Administrator*, 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
246. *New Probate Code*, 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 *See 20:2218*
247. *Notice in Probate Where Address Unknown*, 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
248. *Jurisdiction of Superior Court in Trust Matters*, 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 *See 20:2219*
249. *Uniform Management of Institutional Funds Act*, 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 *See 20:2220*
250. *Remedies for Breach of Assignment or Sublease Covenant*, 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 *See 21:22*
251. *Use Restrictions*, 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 *See 21:22*
252. *Uniform Statutory Rule Against Perpetuities*, 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 *See 21:21*
253. *Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care*, 20 Cal. L. Revision Comm'n Reports 2605 (1990)	Enacted. 1991 Cal. Stat. ch. 896 *See 21:22*
254. *Recognition of Agent's Authority Under Statutory Form Power of Attorney*, 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
255. *Debts That Are Contingent, Disputed, or Not Due*, 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
256. *Remedies of Creditor Where Personal Representative Fails to Give Notice*, 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*

Recommendation	Action by Legislature
257. *Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)*, 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
258. *Disposition of Small Estate Without Probate*, 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
259. *Right of Surviving Spouse to Dispose of Community Property*, 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
260. *Litigation Involving Decedents*, 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
261. *Compensation in Guardianship and Conservatorship Proceedings*, 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 *See 22:853*
262. *Recognition of Trustees' Powers*, 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
263. *Gifts in View of Impending Death*, 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
264. *TOD Beneficiary Designation for Vehicles and Certain Other State Registered Property*, 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
265. *1991 General Probate Bill* (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 *See 21:20*
266. *1991 Probate Urgency Clean-up Bill*, see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 *See 21:21*
267. *Application of Marketable Title Statute to Executory Interests*, 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 *See 21:21*

Recommendation	Action by Legislature
268. *Relocation of Powers of Appointment Statute*, 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 *See 22:853*
269. *Miscellaneous Creditors' Remedies*, 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 *See 22:853*
270. *Nonprobate Transfers of Community Property*, 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 *See 22:852*
271. *Notice of Trustees' Fees*, 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
272. *Nonprobate Transfer to Trustee Named in Will*, 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
273. *Preliminary Distribution Without Court Supervision*, 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
274. *Transfer of Conservatorship Property to Trust*, 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 *See 22:853*
275. *Family Code*, 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 *See 22:851*
276. *Standing To Sue for Wrongful Death*, 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
277. *1992 General Probate Bill* (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 *See 22:852*
278. *Special Needs Trust for Disabled Minor or Incompetent Person*, 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355 *See 22:853*
279. *1994 Family Code*, 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219 *See 23:922*
280. *Family Code: Child Custody*, 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219 *See 23:922*

Recommendation	Action by Legislature
281. *Family Code: Reorganization of Domestic Violence Provisions*, 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219 *See 23:922*
282. *Deposit of Estate Planning Documents with Attorney*, 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519 *See 23:923*
283. *Parent and Child Relationship for Intestate Succession*, 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529 *See 23:923*
284. *Effect of Joint Tenancy Title on Marital Property*, 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted. *See 24:568*
285. *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994); *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm'n Reports 627 (1994)	Not enacted; Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36). *See 24:568; 28:707*
286. *Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 111 (1994); *1995 Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307 *See 24:567*
287. *Orders To Show Cause and Temporary Restraining Orders*, 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587 *See 24:567*
288. *Family Code Technical Amendments*. See 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061 *See 24:567; 26:132*
289. *Debtor-Creditor Relations*, 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196 *See 25:636, 707*
290. *Administrative Adjudication by State Agencies*, 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938 *See 25:636, 711*

Recommendation	Action by Legislature
291. *Uniform Prudent Investor Act*, 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 *See 25:636, 673*
292. *Power of Attorney Law Technical Amendments*. See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 *See 25:637*
293. *Statute of Limitations in Trust Matters: Probate Code Section 16460*, 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 *See 26:132*
294. *Inheritance From or Through Child Born Out of Wedlock*, 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 *See 26:132*
295. *Collecting Small Estate Without Administration*, 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 *See 26:132*
296. *Repeal of Civil Code Section 1464: The First Rule in Spencer's Case*, 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 *See 28:706*
297. *Homestead Exemption*, 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted. *See 26:133*
298. *Tolling Statute of Limitations When Defendant Is Out of State*, 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 *See 27:555, 623*
299. *Administrative Adjudication Technical Amendments*, 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 *See 26:132*
300. *Unfair Competition Litigation*, 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted. *See 27:555*
301. *Administrative Adjudication by Quasi-Public Entities*, 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 *See 27:554, 593*
302. *Marketable Title: Enforceability of Land Use Restrictions*, 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 *See 28:706*
303. *Attachment by Undersecured Creditors*, 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 *See 27:554*

Recommendation	Action by Legislature
304. *Ethical Standards for Administrative Law Judges*, 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 *See 28:706*
305. *Best Evidence Rule*, 26 Cal. L. Revision Comm'n Reports 369 (1996)	Enacted. 1998 Cal. Stat. ch. 100 *See 28:706*
306. *Mediation Confidentiality*, 26 Cal. L. Revision Comm'n Reports 407 (1996)	Enacted. 1997 Cal. Stat. ch. 772 *See 27:554, 595*
307. *Judicial Review of Agency Action*, 27 Cal. L. Revision Comm'n Reports 1 (1997)	Not enacted. *See 28:708*
308. *Inheritance by Foster Child or Stepchild*, 27 Cal. L. Revision Comm'n Reports 625 (1997)	Not enacted. *See 28:721*
309. *Business Judgment Rule*, 28 Cal. L. Revision Comm'n Reports 1 (1998)	Not enacted. *See 28:708*
310. *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998)	Enacted. 1998 Cal. Stat. ch. 931 *See 28:707*
311. *Response to Demand for Production of Documents in Discovery*, 28 Cal. L. Revision Comm'n Reports 561 (1998)	Enacted. 1998 Cal. Stat. ch. 932 *See 28:708*
312. *Uniform TOD Security Registration Act*, 28 Cal. L. Revision Comm'n Reports 577 (1998)	Enacted. 1998 Cal. Stat. ch. 242 *See 28:707*
313. *Effect of Dissolution of Marriage on Nonprobate Transfers*, 28 Cal. L. Revision Comm'n Reports 599 (1998)	Enacted. 2001 Cal. Stat. ch. 417 *See 31:26*
314. *Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations*, 28 Cal. L. Revision Comm'n Reports 625 (1998)	Vetoed. *See 29:605*
315. *Administrative Rulemaking: Advisory Interpretations*, 28 Cal. L. Revision Comm'n Reports 657 (1998)	Vetoed. *See 29:605*
316. *Health Care Decisions for Adults Without Decisionmaking Capacity*, 29 Cal. L. Revision Comm'n Reports 1 (1999)	Enacted. 1999 Cal. Stat. ch. 658 *See 29:604*

Recommendation	Action by Legislature
317. *Uniform Principal and Income Act*, 29 Cal. L. Revision Comm'n Reports 245 (1999)	Enacted. 1999 Cal. Stat. ch. 145 *See 29:604*
318. *Admissibility, Discoverability, and Confidentiality of Settlement Negotiations*, 29 Cal. L. Revision Comm'n Reports 345 (1999)	Not enacted. *See 30:676*
319. *Air Resources Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 409 (1999)	Enacted. 2000 Cal. Stat. ch. 890 *See 30:676*
320. *Administrative Rulemaking*, 29 Cal. L. Revision Comm'n Reports 459 (1999)	Enacted. 2000 Cal. Stat. ch. 1060 *See 30:676*
321. *Trial Court Unification Follow-Up*, 29 Cal. L. Revision Comm'n Reports 657 (1999)	Enacted. 1999 Cal. Stat. ch. 344 *See 29:604*
322. *Enforcement of Judgments Under the Family Code: Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 695 (1999)	Enacted. 2000 Cal. Stat. ch. 808 *See 30:675*
323. *Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822*, 29 Cal. L. Revision Comm'n Reports 733 (1999)	Enacted. 2000 Cal. Stat. ch. 948 *See 30:676*
324. *Alternate Distributee for Unclaimed Distribution*, 29 Cal. L. Revision Comm'n Reports 743 (1999)	Enacted. 2000 Cal. Stat. ch. 17 *See 30:675*
325. *Jurisdictional Classification of Good Faith Improver Claims*, 30 Cal. L. Revision Comm'n Reports 281 (2000)	Enacted. 2000 Cal. Stat. ch. 688 *See 30:675*
326. *Authority to Appoint Receivers*, 30 Cal. L. Revision Comm'n Reports 291 (2000)	Enacted. 2001 Cal. Stat. ch. 44 *See 31:25*
327. *Stay of Mechanic's Lien Enforcement Pending Arbitration*, 30 Cal. L. Revision Comm'n Reports 307 (2000); 31 Cal. L. Revision Comm'n Reports 333 (2002)	2000 Recommendation enacted. 2003 Cal. Stat. ch. 113 *See 33:641*
328. *Trout Affidavit*, 30 Cal. L. Revision Comm'n Reports 319 (2000)	Enacted. 2000 Cal. Stat. ch. 167 *See 30:675*
329. *Expired Pilot Projects*, 30 Cal. L. Revision Comm'n Reports 327 (2000)	Enacted. 2001 Cal. Stat. ch. 115 *See 31:25*

Recommendation	Action by Legislature
330. *Law Library Board of Trustees*, 30 Cal. L. Revision Comm'n Reports 429 (2000)	Enacted. 2001 Cal. Stat. ch. 52 *See 31:25*
331. *Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases*, 30 Cal. L. Revision Comm'n Reports 443 (2000)	Enacted. 2001 Cal. Stat. ch. 812 *See 31:27*
332. *Civil Procedure: Technical Corrections*, 30 Cal. L. Revision Comm'n Reports 479 (2000)	Enacted. 2001 Cal. Stat. ch. 44 *See 31:25*
333. *Improving Access to Rulemaking Information Under the Administrative Procedure Act*, 30 Cal. L. Revision Comm'n Reports 517 (2000)	Enacted. 2000 Cal. Stat. ch. 1060 *See 30:676*
334. *Administrative Rulemaking Cleanup*, 30 Cal. L. Revision Comm'n Reports 533 (2000)	Enacted. 2001 Cal. Stat. ch. 59 *See 31:25*
335. *Rulemaking Under Penal Code Section 5058*, 30 Cal. L. Revision Comm'n Reports 545 (2000)	Enacted. 2001 Cal. Stat. ch. 141 *See 31:26*
336. *Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain*, 30 Cal. L. Revision Comm'n Reports 567 (2000)	Enacted. 2001 Cal. Stat. ch. 428 *See 31:26*
337. *Estate Planning During Marital Dissolution*, 30 Cal. L. Revision Comm'n Reports 603 (2000)	Enacted. 2001 Cal. Stat. ch. 417 *See 31:26*
338. *Health Care Decisions Law: Miscellaneous Revisions*, 30 Cal. L. Revision Comm'n Reports 621 (2000)	Enacted. 2001 Cal. Stat. ch. 230 *See 31:26*
339. *Evidence of Prejudgment Deposit Appraisal in Eminent Domain*, 31 Cal. L. Revision Comm'n Reports 109 (2001)	Enacted. 2002 Cal. Stat. ch. 293 *See 32:601*
340. *Debtor-Creditor Law: Technical Revisions*, 31 Cal. L. Revision Comm'n Reports 123 (2001)	Enacted. 2002 Cal. Stat. ch. 68 *See 32:600*
341. *Municipal Bankruptcy*, 31 Cal. L. Revision Comm'n Reports 143 (2001)	Enacted. 2002 Cal. Stat. ch. 94 *See 32:600*

Recommendation	Action by Legislature
342. *Rules of Construction for Trusts and Other Instruments*, 31 Cal. L. Revision Comm'n Reports 167 (2001)	Enacted. 2002 Cal. Stat. ch. 138 *See 32:601*
343. *Cases in Which Court Reporter Is Required*, 31 Cal. L. Revision Comm'n Reports 223 (2001)	Enacted. 2002 Cal. Stat. ch. 71 *See 32:600*
344. *Electronic Communications and Evidentiary Privileges*, 31 Cal. L. Revision Comm'n Reports 245 (2001)	Enacted. 2002 Cal. Stat. ch. 72 *See 32:600*
345. *Administrative Rulemaking Refinements*, 31 Cal. L. Revision Comm'n Reports 259 (2001)	Enacted. 2002 Cal. Stat. ch. 389 *See 32:601*
346. *The Double Liability Problem in Home Improvement Contracts*, 31 Cal. L. Revision Comm'n Reports 281 (2001)	Not enacted. *See 32:602*
347. *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm'n Reports 1 (2002)	Enacted. 2002 Cal. Stat. ch. 784 (statutory revision); 2002 Cal. Stat. res. ch. 88 (proposed constitutional amendment) *See 32:601*
348. *Common Interest Developments: Organization of Davis-Stirling Common Interest Development Act,* 33 Cal. L. Revision Comm'n Reports 1 (2003).	Enacted. 2003 Cal. Stat. ch. 557 *See 33:645*
349. *Common Interest Developments: Association Rulemaking and Decisionmaking,* 33 Cal. L. Revision Comm'n Reports 81 (2003).	Enacted in part. 2003 Cal. Stat. ch. 557 *See 33:645*
350. *Exemptions from Enforcement of Money Judgments: Second Decennial Review,* 33 Cal. L. Revision Comm'n Reports 113 (2003).	Enacted. 2003 Cal. Stat. ch. 379
351. *Probate Code Technical Corrections,* 33 Cal. L. Revision Comm'n Reports 145 (2003).	Enacted. 2003 Cal. Stat. ch. 32
352. *Statutes Made Obsolete by Trial Court Restructuring: Part 2,* 33 Cal. L. Revision Comm'n Reports 169 (2003).	Enacted. 2003 Cal. Stat. ch. 149 *See 33:643*
353. *Obsolete Reporting Requirements,* 33 Cal. L. Revision Comm'n Reports 267 (2003)	Enacted. 2004 Cal. Stat. ch. 193

Recommendation	Action by Legislature
354. *Authority of Court Commissioner,* 33 Cal. L. Revision Comm'n Reports 673 (2003)	Enacted. 2004 Cal. Stat. ch. 49
355. *Alternative Dispute Resolution in Common Interest Developments*, 33 Cal. L. Revision Comm'n Reports 689 (2003)	Enacted. 2004 Cal. Stat. ch. 754 *See 34:81*
356. *Unincorporated Associations*, 33 Cal. L. Revision Comm'n Reports 729 (2003)	Enacted. 2004 Cal. Stat. ch. 178 *See 34:71*
357. *Civil Discovery: Nonsubstantive Reform*, 33 Cal. L. Revision Comm'n Reports 789 (2003)	Enacted. 2004 Cal. Stat. ch. 182 *See 34:75*
358. *Common Interest Development Law: Architectural Review and Decisionmaking*, 34 Cal. L. Revision Comm'n Reports 107 (2004)	Enacted. 2004 Cal. Stat. ch. 346 *See 34:77*
359. *Preemption of CID Architectural Restrictions*, 34 Cal. L. Revision Comm'n Reports 117 (2004)	Enacted. 2005 Cal. Stat. ch. 37 *See 35:30*
360. *Obsolete Cross-References to Former Code of Civil Procedure Section 383*, 34 Cal. L. Revision Comm'n Reports 127 (2004)	Enacted. 2005 Cal. Stat. ch. 37 *See 35:30*
361. *Civil Discovery: Statutory Clarification and Minor Substantive Improvements*, 34 Cal. L. Revision Comm'n Reports 137 (2004)	Enacted. 2005 Cal. Stat. ch. 294 *See 35:77*
362. *Civil Discovery: Correction of Obsolete Cross-References*, 34 Cal. L. Revision Comm'n Reports 161 (2004)	Enacted. 2005 Cal. Stat. ch. 294 *See 35:77*
363. *Ownership of Amounts Withdrawn from Joint Account*, 34 Cal. L. Revision Comm'n Reports 199 (2004)	Enacted. 2012 Cal. Stat. ch. 235 *See 42:361*
364. *Emergency Rulemaking Under the Administrative Procedure Act*, 34 Cal. L. Revision Comm'n Reports 221 (2004)	Enacted. 2006 Cal. Stat. ch. 713 *See 36:31*
365. *Unincorporated Association Governance*, 34 Cal. L. Revision Comm'n Reports 231 (2004)	Enacted. 2005 Cal. Stat. ch. 116 *See 35:73*

Recommendation	Action by Legislature
366. *Nonprofit Association Tort Liability*, 34 Cal. L. Revision Comm'n Reports 257 (2004)	Enacted. 2005 Cal. Stat. ch. 116 *See 35:73*
367. *Waiver of Privilege by Disclosure*, 34 Cal. L. Revision Comm'n Reports 265 (2004)	Not enacted. *See 36:31 n. 62*
368. *Financial Privacy*, 34 Cal. L. Revision Comm'n Reports 401 (2004)	Not enacted. *See 36:31 n. 62*
369. *Common Interest Development Ombudsperson*, 35 Cal. L. Revision Comm'n Reports 123 (2005)	Vetoed. *See 36:31 n. 62*
370. *Enforcement of Judgments Under the Family Code*, 35 Cal. L. Revision Comm'n Reports 161 (2005)	Enacted. 2006 Cal. Stat. ch. 86 *See 36:31*
371. *Oral Argument in Civil Procedure*, 35 Cal. L. Revision Comm'n Reports 181 (2005)	No legislation recommended.
372. *Technical and Minor Substantive Statutory Corrections*, 35 Cal. L. Revision Comm'n Reports 219 (2006)	Enacted. 2007 Cal. Stat. ch. 263 *See 37:28, 37:71*
373. *Revocable Transfer on Death (TOD) Deed, 36 Cal. L. Revision Comm'n Reports 103 (2006).*	Not enacted in 2007-08. *See 38:28, n. 66* Enacted. 2015 Cal. Stat. ch. 293 *See 44:522*
374. *Time Limits for Discovery in an Unlawful Detainer Case*, 36 Cal. L. Revision Comm'n Reports 271 (2006).	Enacted. 2007 Cal. Stat. ch. 113 *See 37:28*
375. *Statutes Made Obsolete by Trial Court Restructuring: Part 3*, 36 Cal. L. Revision Comm'n Reports 305 (2006).	Enacted. 2007 Cal. Stat. ch. 43 *See 37:29*
376. *Deposition in Out-of-State Litigation*, 37 Cal. L. Revision Comm'n Reports 99 (2007).	Enacted. 2008 Cal. Stat. ch. 231 *See 38:29, 38:77*
377. *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 37 Cal. L. Revision Comm'n Reports 149 (2007).	Not enacted. But see 2012 Cal. Stat. ch. 470 (item 395 *infra*) *See 38:28 n. 66*
378. *Statutes Made Obsolete by Trial Court Restructuring: Part 4*, 37 Cal. L. Revision Comm'n Reports 171 (2007).	Enacted. 2008 Cal. Stat. ch. 56 *See 38:29*

Recommendation	Action by Legislature
379. *Trial Court Restructuring: Transfer of Case Based on Lack of Jurisdiction, 37 Cal. L. Revision Comm'n Reports 195 (2007).*	Enacted. 2008 Cal. Stat. ch. 56 *See 38:29*
380. *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).	Enacted. 2009 Cal. Stat. ch. 88 *See 39:27, 39:71*
381. *Revision of No Contest Clause Statute*, 37 Cal. L. Revision Comm'n Reports 359 (2007).	Enacted. 2008 Cal. Stat. ch. 174 *See 38:29, 38:75*
382. *Miscellaneous Hearsay Exceptions: Present Sense Impression*, 37 Cal. L. Revision Comm'n Reports 407 (2007).	Enactment not sought. *See 38:28 n. 65*
383. *Miscellaneous Hearsay Exceptions: Forfeiture by Wrongdoing*, 37 Cal. L. Revision Comm'n Reports 443 (2007).	Enactment not sought. *See 38:28 n. 65* But see 2010 Cal. Stat. ch. 537, enacting a similar amendment of Evid. C. § 240.
384. *Mechanics Lien Law*, 37 Cal. L. Revision Comm'n Reports 527 (2007).	Enacted. 2010 Cal. Stat. ch. 697 *See 39:27, 40:28, 40:49*
385. *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm'n Reports 107 (2007).	Enacted. 2009 Cal. Stat. ch. 348, 2010 Cal. Stat. ch. 620 *See 39:27, 40:28, 40:45*
386. *Attorney-Client Privilege After Client's Death*, 38 Cal. L. Revision Comm'n Reports 163 (2008).	Enacted. 2009 Cal. Stat. ch. 8 *See 39:27*
387. *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm'n Reports 203 (2008).	Enacted. 2009 Cal. Stat. ch. 348 *See 39:27*
388. *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217 (2009).	Enacted. 2010 Cal. Stat. ch. 178, 2010 Cal. Stat. ch. 711 *See 40:27, 40:43, 40:107*
389. *Marketable Record Title: Notice of Option,* 39 Cal. L. Revision Comm'n Reports 99 (2009).	Enacted. 2011 Cal. Stat. ch. 46 *See 41:28*
390. *Statutes Made Obsolete by Trial Court Restructuring: Part 5,* 39 Cal. L. Revision Comm'n Reports 109 (2009).	Enacted. 2010 Cal. Stat. ch. 212 *See 40:28, 42:360*

Recommendation	Action by Legislature
391. *Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1),* 39 Cal. L. Revision Comm'n Reports 157 (2009).	Enacted. 2012 Cal. Stat. ch. 470 *See 42:360*
392. *Obsolete Cross-References to Former Code of Civil Procedure Section 116.780(d),* 39 Cal. L. Revision Comm'n Reports 223 (2009).	Enacted. 2011 Cal. Stat. ch. 308 *See 41:28*
393. *Statutory Clarification and Simplification of CID Law*, 40 Cal. L. Revision Comm'n Reports 235 (2010).	Enacted. 2012 Cal. Stat. ch. 180 *See 42:360*
394. *Mechanics Lien Law: Clean-Up Legislation*, 41 Cal. L. Revision Comm'n Reports 103 (2011).	Enacted. 2011 Cal. Stat. ch. 44 *See 41:28*
395. *Nonsubstantive Reorganization of Deadly Weapon Statutes: Clean-Up Legislation*, 41 Cal. L. Revision Comm'n Reports 135 (2011).	Enacted. 2011 Cal. Stat. ch. 285; see also 2012 Cal. Stat. ch. 162, §§ 12-14, 203, 207; 2013 Cal. Stat. ch. 76, §§ 145.5, 145.7, 147.3, 147.5, 153.5; 2013 Cal. Stat. ch. 291, § 2 *See 41:28, 43:279*
396. *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 41 Cal. L. Revision Comm'n Reports 265 (2011).	Enacted. 2012 Cal. Stat. ch. 470 *See 42:360*
397. *Statutory Cross-References to "Tort Claims Act,"* 41 Cal. L. Revision Comm'n Reports 285 (2011).	Enacted. 2012 Cal. Stat. ch. 759 *See 42:360-61*
398. *Trial Court Restructuring: Writ Jurisdiction in a Small Claims Case*, 41 Cal. L. Revision Comm'n Reports 315 (2011).	Enacted. 2012 Cal. Stat. ch. 470 *See 42:360*
399. *Commercial and Industrial Common Interest Developments*, 42 Cal. L. Revision Comm'n Reports 1 (2012).	Enacted. 2013 Cal. Stat. ch. 605 *See 43:279-80*
400. *Charter Schools and the Government Claims Act*, 42 Cal. L. Revision Comm'n Reports 225 (2012).	No legislation recommended.

Recommendation	Action by Legislature
401. *Third Decennial Review of Exemptions from Enforcement of Money Judgments*, 42 Cal. L. Revision Comm'n Reports 297 (2012).	Enacted. 2013 Cal. Stat. ch. 15 *See 43:279*
402. *Statutory Clarification and Simplification of CID Law: Clean-Up Legislation*, 42 Cal. L. Revision Comm'n Reports 311 (2012).	Enacted. 2013 Cal. Stat. ch. 183 *See 43:279*
403. *Commercial and Industrial Subdivisions*, 43 Cal. L. Revision Comm'n Reports 1 (2013).	Enacted. 2013 Cal. Stat. ch. 605 *See 43:279-80*
404. *Statutory Clarification and Simplification of CID Law: Further Clean-Up Legislation*, 43 Cal. L. Revision Comm'n Reports 23 (2013).	Enacted. 2013 Cal. Stat. ch. 183 *See 43:279*
405. *Technical and Minor Substantive Statutory Corrections*, 43 Cal. L. Revision Comm'n Reports 35 (2013).	Enacted. 2014 Cal. Stat. ch. 913 *See 44:27*
406. *Deadly Weapons: Minor Clean-Up Issues*, 43 Cal. L. Revision Comm'n Reports 63 (2013).	Enacted. 2014 Cal. Stat. ch. 103 *See 44:27*
407. *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act*, 43 Cal. L. Revision Comm'n Reports 93 (2013).	Enacted. 2014 Cal. Stat. ch. 553 *See 44:27, 44:77*
408. *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)*, 44 Cal. L. Revision Comm'n Reports 115 (2015).	Enacted. 2015 Cal. Stat. ch. 154 *See 44:522; 44:571*
409. *State and Local Agency Access to Electronic Communications: Constitutional and Statutory Requirements*, 44 Cal. L. Revision Comm'n Reports 229 (2015).	No legislation recommended.
410. *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2)*, 44 Cal. L. Revision Comm'n Reports 349 (2015).	Enacted. 2016 Cal. Stat. ch. 546 *See 44:782*
411. *Trial Court Unification: Publication of Legal Notice*, 44 Cal. L. Revision Comm'n Reports 385 (2015).	Enacted. 2016 Cal. Stat. ch. 703 *See 44:782*

Recommendation	Action by Legislature
412. *Deadly Weapons: Minor Clean-Up Issues (Part 2)*, 44 Cal. L. Revision Comm'n Reports 471 (2015).	Enacted. 2018 Cal. Stat. ch. 185 *See 45:500*
413. *Recognition of Tribal and Foreign Court Money Judgments*, 44 Cal. L. Revision Comm'n Reports 611 (2016).	Enacted. 2017 Cal. Stat. ch. 168 *See 45:310*
414. *Government Interruption of Communication Service*, 44 Cal. L. Revision Comm'n Reports 681 (2016).	Enacted. 2017 Cal. Stat. ch. 322 *See 45:310*
415. *Mechanics Liens in Common Interest Developments,* 44 Cal. L. Revision Comm'n Reports 739 (2016).	Enacted. 2017 Cal. Stat. ch. 144 *See 45:310*
416. *Revocable Transfer on Death Deed: Recordation,* 45 Cal. L. Revision Comm'n Reports 1 (2017).	Enacted. 2018 Cal. Stat. ch. 65 *See 45:499*
417. *Homestead Exemption: Dwelling,* 45 Cal. L. Revision Comm'n Reports 11 (2017).	No legislation introduced.
418. *Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct,* 45 Cal. L. Revision Comm'n Reports 19 (2017).	No legislation introduced.
419. *Disposition of Estate Without Administration: Dollar Amounts,* 45 Cal. L. Revision Comm'n Reports 413 (2018).	Enacted. 2019 Cal. Stat. ch. 122 *See 46:739*
420. *Disposition of Estate Without Administration: Interest Rate,* 45 Cal. L. Revision Comm'n Reports 445 (2018).	Enacted. 2019 Cal. Stat. ch. 122 *See 46:739*
421. *Trial Court Restructuring Clean-Up: Obsolete "Constable" References,* 45 Cal. L. Revision Comm'n Reports 467 (2018).	Enacted. 2020 Cal. Stat. ch. 210 *See 47:249*
422. *Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees,* 46 Cal. L. Revision Comm'n Reports 1 (2019).	Enacted. 2020 Cal. Stat. ch. 210 *See 47:249*
423. *Nonprobate Transfers: Liability of a Surviving Spouse Under Probate Code Sections 13550 and 13551,* 46 Cal. L. Revision Comm'n Reports 11 (2019).	Legislation pending.

Recommendation	Action by Legislature
424. *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities*, 46 Cal. L. Revision Comm'n Reports 25 (2019).	Enacted. 2020 Cal. Stat. ch. 210 *See 47:249*
425. *Trial Court Restructuring Clean-Up: Obsolete References to Marshals*, 46 Cal. L. Revision Comm'n Reports 105 (2019).	Enacted. 2020 Cal. Stat. ch. 210 *See 47:249*
426. *Revocable Transfer on Death Deed: Follow-Up Study*, 46 Cal. L. Revision Comm'n Reports 135 (2019).	Legislation pending. *See 47:249*
427. *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n Reports 207 (2019).	Legislation pending. *See 47:250*
428. *California Public Records Act Clean-Up: Conforming Revisions*, 46 Cal. L. Revision Comm'n Reports 563 (2019).	Legislation pending. *See 47:250*
429. *Disposition of Estate Without Administration: Liability of Transferee*, 47 Cal. L. Revision Comm'n Reports 1 (2020).	Legislation pending.
430. *Pending Sunset Dates*, 47 Cal. L. Revision Comm'n Reports 35 (2020).	No legislation recommended.
431. *Eminent Domain: Pre-Condemnation Activities*, 47 Cal. L. Revision Comm'n Reports 101 (2020).	Legislation pending.
432. *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts*, 47 Cal. L. Revision Comm'n Reports 117 (2020).	Legislation pending.
433. *Statutes Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under Government Code Section 70219*, 47 Cal. L. Revision Comm'n Reports 187 (2020).	Legislation pending.
434. *Emergency-Related Reforms: Common Interest Development Meetings*, 47 Cal. L. Revision Comm'n Reports 209 (2020).	Legislation pending.

APPENDIX 4

BIOGRAPHIES OF 2020 COMMISSIONERS

Crystal Miller-O'Brien, of Los Angeles, presently serves as the Chairperson of the Commission. She has been general counsel for Medical Management Consultants, Inc., since 2006, and was previously an associate with the law firm of Anderson McPharlin and Connors LLP from 2005 to 2006, an associate with the law firm of Robie and Matthai PC from 2003 to 2004, an associate with the law firm of Bullivant Houser Bailey PC from 2002 to 2003, and a judicial clerk for the Honorable Faith Ireland of the Washington State Supreme Court from 2001 to 2002. She also served on the board of directors of the Conference of California Bar Associations from 2009 to 2012, and is a member of Corporate Counsel Women of Color, the Black Women Lawyers Association of Los Angeles, and the National Association of Women Business Owners. Commissioner Miller-O'Brien received a Juris Doctor degree and a Joint Certificate in Alternative Dispute Resolution from Willamette University College of Law.

Richard Simpson, of Sacramento, presently serves as the Vice-Chairperson of the Commission. He was chief of staff for the Office of Senator Hertzberg in 2019, and was previously deputy chief of staff and education advisor for the Office of the Assembly Speaker from 1999 to 2016, legislative secretary for the Office of Governor Gray Davis from 1998 to 1999, deputy chief of staff for the Office of Assembly Speaker Villaraigosa in 1998, a legislative advocate for the California Teachers Association from 1996 to 1998, staff director for the Senate Education Committee from 1995 to 1996, education advisor for the Office of the Assembly Speaker Willie Brown, Jr. from 1991 to 1994, senior consultant for the Assembly Education Committee from 1984 to 1991, and consultant for the Senate Office of Research from 1978 to 1984. He is a member of the Commission on Judicial Performance, and served as a member of the Sacramento County Board of Education from 1990 to 2002. Commissioner Simpson received a Master of Public Policy degree from the University of California, Berkeley.

Diane Boyer-Vine, of Sacramento, served as Legislative Counsel for the State of California beginning in 2002, and retired from that position in 2020. She was previously a deputy and thereafter a chief deputy in the Legislative Counsel's office from 1988 to 2002, and before that an associate with the law firm of Martorana and Stockman. She also serves as a member of the California Commission on Uniform State Laws. Commissioner Boyer-Vine received a Juris Doctor degree from the University of California, Davis School of Law.

David A. Carrillo, of Berkeley, has been executive director and lecturer in residence at the California Constitution Center, University of California, Berkeley School of Law since 2012. He was previously a deputy attorney general for the California Department of Justice from 2001 to 2003 and from 2007 to 2012, a deputy city attorney for the City of San Francisco from 2003 to 2007, a litigation associate in private practice from 1999 to 2000, and a deputy district attorney for Contra Costa County from 1995 to 1998. Commissioner Carrillo received a Bachelor of Arts degree, a Juris Doctor degree, a Master of Laws degree, and a Doctor of the Science of Jurisprudence degree from the University of California, Berkeley School of Law.

Assembly Member Ed Chau, of Monterey Park, has been a member of the Assembly since 2012. He was previously a general law practitioner in the Law Office of Edwin Chau, a small business owner for over 20 years, an engineer for IBM, and a programmer for Unisys Corporation. He has also previously served as a board member of the Montebello Unified School District, where he acted as Board President three times, and has served as Judge Pro Tem for the Los Angeles Superior Court. Commissioner Chau received a Juris Doctor degree from Southwestern University.

Ana Cubas, of Los Angeles, has been an adjunct professor with the Los Angeles Community College District since 2017. She was previously government affairs manager at Vanir Construction Management from 2016 to 2017, and chief of staff for District 14 of the City of Los Angeles from 2009 to 2012. She is a member of

the United States Green Building Council, and the California Hispanic Chambers of Commerce. Commissioner Cubas received a Master of Arts degree in Public Affairs and Urban/Regional Planning from Princeton University, and a Master of Business Administration degree from the University of Southern California.

Cara Jenkins, of Sacramento, was appointed Legislative Counsel for the State of California on December 7, 2020. She was previously a deputy in the Legislative Counsel's office from 2010 to 2020, an associate at a private law firm in Sacramento, an intern at the Sacramento City Attorney's office and the California Department of Justice, and a manager in corporate communications at DST Output. She also serves as a member of the California Commission on Uniform State Laws. Commissioner Jenkins received a Juris Doctor degree from the University of the Pacific, McGeorge School of Law.

Victor King, of La Crescenta, has been university legal counsel for California State University, Los Angeles, since 2002. He was previously a partner with the law firm of Lewis Brisbois Bisgaard and Smith LLP from 2001 to 2002, an associate with the law firm of Lewis Brisbois Bisgaard and Smith LLP from 1999 to 2001, an associate with the law firm of Bottum and Feliton from 1996 to 1999, and an associate with the law firm of Ochoa and Sillas from 1991 to 1995. He was also a trustee of the Glendale Community College District from 1997 to 2009. Commissioner King received a Juris Doctor degree from the University of Michigan Law School.

Jane McAllister, of Hilmar, has been a partner with McAllister and McAllister, Inc., since 1996. She was previously an associate attorney with Damrell, Nelson, Schrimp, Pallios, Pacher and Silva from 1988 to 1996. She has also served as a court-ordered arbitrator for Merced County, and is a member of the Stanislaus County Estate Planning Council. Commissioner McAllister received a Juris Doctor degree from Humphreys College School of Law.

Senator Richard Roth, of Riverside, has been a member of the Senate since 2012. He previously was a managing partner in the

law firm of Roth Carney APC, engaged in the practice of labor and employment law with other Riverside-based firms for over 30 years, an attorney with the National Labor Relations Board, an adjunct instructor at the University of California at Riverside's Anderson School of Management and in the University's extension division, a Legal Advisor to the Airlift/Tanker Association, and a Lawyer Representative to the Ninth Circuit Court of Appeals Judicial Conference. He has also served in the United States Air Force, and was a member of the JAG Corps, including service in the Pentagon as Mobilization Assistant to the Judge Advocate General of the U.S. Air Force, retiring with the rank of major general. He has also previously served as Chairman of the Board for the Greater Riverside Chambers of Commerce, president of the Monday Morning Group, vice-chairperson of the Parkview Community Hospital Board, and trustee of the March Field Museum. He is a member of the Raincross Club, the Riverside Community Hospital Advisory Board, the Thomas W. Wathen Foundation Board (Flabob Airport), the Riverside County Bar Association Board of Directors, the Path of Life Ministries Advisory Board, the Air Force Judge Advocate General's School Foundation Board, and the La Sierra University Foundation Board, and a past member of the Riverside Public Library Foundation Board, and the Riverside Art Museum Board. Commissioner Roth received a Juris Doctor degree from Emory University.

Richard Rubin, of Mill Valley, has been a contributing columnist on the Fox and Hounds media site since 2015, and for the Marin Independent Journal since 1998. Presently a non-practicing attorney, he previously founded the San Francisco firm Richard Rubin & Associates in 1984 where he was president until 2019, was an adjunct professor at the University of San Francisco's Fromm Institute from 2004 to 2012, and a legislative assistant in Washington, D.C., for Senator John Tunney (D-CA) from 1970 to 1973, and for Senator Harrison Williams (D-NJ) from 1966 to 1970. He has chaired the California Commonwealth Club Board of Governors, served as a Vice President on the California State Bar Board for nine years, and chaired both the

Berkeley Repertory Theater and the San Francisco Self Help for the Elderly Boards. Commissioner Rubin received a Juris Doctor degree from George Washington Law School, and a Master of Arts degree in international affairs from Columbia University.

APPENDIX 5

COMMISSION PUBLICATIONS

From 1955 until 2009, the California Law Revision Commission's annual reports, recommendations, and studies were published in separate pamphlets, which were later bound in a small edition of hard-cover volumes. Beginning with the Commission's 2009-2010 Annual Report, the printing of separate pamphlets was generally discontinued. As a general rule, only the hard-cover volumes are now published. (The Commission may occasionally publish a separate report for ease of reference.)

All Commission publications may be downloaded from the Commission's website at *www.clrc.ca.gov*.