

Memorandum 2010-60

**Common Interest Development: Statutory Clarification
and Simplification of CID Law (Next Steps)**

The staff has now completed analyzing and presenting public comment on the Commission's tentative recommendation on *Statutory Clarification and Simplification of CID Law* (Feb. 2010). See Memoranda 2010-29, 2010-36, 2010-46, 2010-47, 2010-48, 2010-49, 2010-57, 2010-58, 2010-59, and their various supplements.

The staff would like to express its sincere appreciation for the enormous time and effort expended in the preparation of the comments. Those who submitted comments should be commended for their important voluntary contributions to the Commission's process. Many of the comments led directly to significant improvements in the proposed law. Even those comments that did not affect the content of the proposed law were still very helpful in identifying problems for possible future study.

It is possible that the Commission will be able to complete its review of all of the comments at its upcoming December 2010 meeting. If so, the staff will prepare a draft of a final recommendation, incorporating all of the Commission's decisions, for review and approval at the February 2011 meeting.

If the Commission is not able to complete its review of the comments at its December 2010 meeting, the remaining issues will be put over to the February 2011 meeting. Again, the staff would prepare a draft of a final recommendation, for review and approval at the February 2011 meeting. The draft would reflect all of the decisions made through the December 2010 meeting, along with provisional implementation of any staff recommended changes that remain unreviewed at that time. The staff hopes the Commission could make any necessary final adjustments to the draft at the February 2011 meeting and approve it for submission to the Legislature.

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

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

As discussed before, the hope is to have a draft of the proposed law ready for legislative introduction in 2011. The bill could then proceed as a two-year bill, with ample time for analysis in each house and resolution of any late-arising stakeholder concerns.

This should be workable even if the Commission has not finalized the language of the draft. The great majority of issues should have been resolved by the end of the year (if not all of them), and the staff could submit a draft that incorporates all of the decisions made through the December meeting. If necessary, the bill could be amended to address any further changes that the Commission decides to make at the February 2011 meeting. Because the bill would be on a two-year track, that delay in finalizing the language should not cause any significant problems.

The staff recommends that the process described above be followed. The staff would prepare a draft of the proposed law that includes all decisions made through the December meeting and submit it to the Legislative Counsel for preparation of a bill. The staff would locate an appropriate author for the bill, being careful to explain the process discussed here. A bill could then be introduced in January 2011, using the provisional draft, subject to any amendments required to implement decisions made in February 2011.

Should the staff proceed in that way?

Respectfully submitted,

Brian Hebert
Executive Secretary