

Commission to propose legislative changes to public notice law

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The [California Law Revision Commission](#), a state body that is responsible for studying California law to identify defects and anachronisms and recommending legislative reforms to the Legislature, has recently been focusing its efforts on the law governing the publication of public notices. It is in the process of preparing a proposal to update the law and will circulate the proposal for public comment sometime at the end of this month.

The Legislature asked the Commission to study whether the law governing public notices needs to be amended to reflect changes made over a decade ago when the Legislature shifted the operation of the trial courts from the counties to the state - a process known as trial court unification. Specifically, the Commission found that the use of the term "Judicial District" in existing law is an anachronism. Judicial Districts have ceased to exist except for the purpose of publishing certain public notices since unification occurred.

The Commission has held hearings in Sacramento for several months to hear testimony from the public while it considers how to revise the judicial district notice publication statutes to ensure that the provisions effectively achieve public notice.

CNPA staff testified at each hearing to ensure that whatever the Commission recommends, it includes: 1.) A requirement that these notices continue to be published in a newspaper of general circulation; 2.) An emphasis on local notice, i.e., the geographical designation the Commission chooses for replacing Judicial Districts should require the same hyper local notice as Judicial Districts; and 3.) The status of newspapers that are currently adjudicated for Judicial Districts should be recognized going forward as being adjudicated for the new geographical designation proposed by the Commission.

The Commission, when it first began to study the issue, made a deliberate decision that it was not going to consider the broader question of whether public notices should be posted online.

At its most recent meeting on September 5, in Los Angeles, the Commission adopted a [Draft Tentative Recommendation](#) (DTR) prepared by its staff that is in line with the three CNPA objectives described above.

The DTR approved by the Commission proposed to replace the term "Judicial District" in statutes that require publication of notices in these geographic designations with the term "Publication District." Commissioners, after discussing the proposed change in terminology, decided that the term "Public Notice Districts" would be more descriptive.

The DTR also would propose that the Legislature add new Government Code Section 6086 to ensure that the transition to public notice districts would not disrupt the status of a newspaper of general circulation in a former Judicial District.

Also, Commission staff cautioned it will be difficult to identify the boundaries for public notice districts since neither the courts nor any government agency possess any of the Judicial District maps that existed when the trial court unification process began. The Commission proposes to place the function of creating and maintaining maps of the new public notice districts with the Judicial Council.

The next phase of the Commission's process is the circulation of the Tentative Recommendation for public comment, which is scheduled to be released in the next few weeks. The public will then have 30 days to submit comments before the Commission next meets on October 30 in Davis.

Once the Commission adopts the recommendation, it will ask a Senator or Assembly member to author a bill that includes the proposed legislative language in the recommendation.

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