

10/22/75

Memorandum 75-75

Subject: Annual Report

At the last meeting, the Commission requested that the staff revise the Annual Report to provide a summary of the work of the Commission at the beginning of the report and to rearrange the various portions of the report. Attached is a draft of the revised report. We will, of course, have to further revise the report to reflect the recommendations that actually will be submitted to the 1976 session of the Legislature.

If the Commission desires that the summary of the work of the Commission appear immediately after the letter of transmittal, it could be located there. We could print the page containing the summary on gray paper at no increase in the cost of printing. We have organized the report in the attached form because we believe that the introduction provides useful information.

We have arranged the portions of the report generally in the order in which the matters covered are discussed in the summary. Is this arrangement satisfactory?

The Annual Report (including the various recommendations that will be included in the Annual Report) must be approved for printing at the November meeting if it is to be available in printed form about April 1, 1976.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

REVISION COMMISSION

Annual Report

December 1976

Commission on the Revision of the  
Statute Law  
of the United Kingdom



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- II. Legislative Action on Commission Recommendations (Cumulative) [see pages 37-47 infra of this draft]
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- IV. Extract from Report of Assembly Committee on Judiciary on Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 131, 266, and 278
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ANNUAL REPORT FOR THE YEAR 1975

INTRODUCTION

The primary objective of the California Law Revision Commission is to study the statutory and decisional law of this state to discover defects and anachronisms and to recommend legislation to effect needed reforms.

The Commission consists of a Member of the Senate appointed by the Committee on Rules, a Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel is an ex officio nonvoting member of the Commission.

The Commission assists the Legislature in keeping the law up to date by intensively studying complex and controversial subjects, identifying major policy questions for legislative attention, gathering the views of interested persons and organizations, and drafting recommended legislation for legislative consideration. The efforts of the Commission permit the Legislature to determine significant policy questions rather than to concern itself with the technical problems in preparing background studies, working out intricate legal problems, and drafting needed legislation. The Commission thus enables the Legislature to accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's study discloses that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission may study only topics that the Legislature by concurrent resolution authorizes it to study. The Commission now has an agenda of 22 topics, including five new topics added by the Legislature at the 1975 session.

Commission recommendations have resulted in the enactment of legislation affecting 4,057 sections of the California statutes: 1,615 sections have been added, 853 sections amended, and 1,589 sections repealed.

## SUMMARY OF WORK OF COMMISSION

During 1975, the Law Revision Commission was engaged in two principal tasks:

- (1) Presentation of its legislative program to the Legislature.
- (2) Work on various assignments given to the Commission by the Legislature.

At the 1975 session, two resolutions and 21 bills were introduced upon recommendation of the Commission. Both of the resolutions were adopted; 17 of the bills were enacted; one bill was held over to the 1976 session; and three bills were held in committee. The 17 bills enacted in 1975 (which added, amended, or repealed approximately 750 sections) dealt with a wide variety of subjects: A new comprehensive eminent domain law was enacted as were bills relating to evidence; modification of contracts; escheat of amounts payable on travelers checks, money orders, and similar instruments; payment of judgments by local public entities; and out-of-court views by judge or jury.

The Commission plans to submit 11 recommendations to the 1976 session. These recommendations deal with partition of real and personal property, attachment, turnover orders under the claim and delivery law, relocation assistance by private condemners, condemnation for byroads and utility easements, admissibility of duplicates in evidence, transfer of out-of-state trusts to California, undertakings for costs, liquidated damages, oral modification of contracts, and the claims presentation requirement in inverse condemnation actions.

During 1976, the Commission plans to devote the major portion of its time and resources to the study of nonprofit corporation law. Other topics that will be under active study during 1976 include creditors' remedies; condemnation law and procedure; evidence; and child custody, adoption, guardianship, and related matters.

The Commission also has been engaged in a continuing study, made pursuant to Section 10331 of the Government Code, to determine whether any statutes of the state have been held by the Supreme Court of the United States or by the Supreme Court of California to be unconstitutional or to have been impliedly repealed.

During 1975, the Commission held nine separate meetings, consisting of 21 days of working sessions.

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LEGISLATIVE HISTORY OF RECOMMENDATIONS  
SUBMITTED TO 1975 LEGISLATIVE SESSION

Twenty-one bills and two concurrent resolutions were introduced to effectuate the Commission's recommendations during 1975.<sup>1</sup> The concurrent resolutions were adopted, 17 of the bills were enacted, one bill was held over for hearing in 1976, and three bills were not enacted.

Eminent Domain

Eleven bills--Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 131, 266, and 278--were introduced by Assemblyman Alister McAlister to effectuate the Commission's recommendations on this subject. See Recommendation Proposing the Eminent Domain Law, 12 Cal. L. Revision Comm'n Reports 1601 (1974). A number of substantive, technical, and clarifying amendments were made before the bills were enacted. The Assembly Judiciary Committee and the Senate Judiciary Committee adopted special reports revising the official Comments. See Report of Assembly Judiciary on Judiciary on Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 266, and 278, Assembly J. (May 19, 1975) at 5183; Report of Senate Judiciary on Judiciary on Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 266, and 278, Senate J. (Aug. 14, 1975) at 6537.

Assembly Bill 11, which proposed the enactment of a new, comprehensive eminent domain statute, was enacted as Chapter 1275 of the Statutes of 1975. The amendments to the bill are not detailed here because the Commission plans to publish, in cooperation with the California Continuing Education of the Bar, a pamphlet containing the statute as enacted with the official Comments.

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1. The Commission had planned to submit recommendations to the 1975 Legislature relating to inverse condemnation (claims presentation requirement), liquidated damages, prejudgment attachment, and wage garnishment procedure. See Annual Report (December 1974), 12 Cal. L. Revision Comm'n Reports at 512-513 (1974). However, the Commission was unable to prepare these recommendations in time to permit their submission in 1975. The Commission plans to submit two of the recommendations to the 1976 Legislature. See "1976 Legislative Program" infra.

Assembly Bills 266 (state agency condemnation) and 273 (conforming amendments to codified sections) were enacted as Chapters 1239 and 1240 of the Statutes of 1975. A number of substantive, technical, and clarifying amendments were made to the bills before they were enacted. These amendments likewise are not detailed here because they will be included in the pamphlet containing the statute as enacted with official Comments.

Assembly Bills 124, 125, 126, 127, 128, 129, 130, and 131, making conforming changes in special district statutes, were enacted as Chapters 584, 581, 585, 1176, 582, 586, 587, and 1276, respectively, of the Statutes of 1975. A few technical amendments were made before the bills were enacted. For revisions made in the Comments to various sections of these bills, see the extract from the Assembly and Senate Committee Reports set out as Appendix IV and Appendix V to this Report.

#### Oral Modification of Written Contracts

Two bills were introduced by Assemblyman McAlister at the 1975 session to effectuate the recommendation of the Commission on this subject. See Recommendation and Study Relating to Oral Modification of Written Contracts, 13 Cal. L. Revision Comm'n Reports 301 (1976).

Assembly Bill 74, which became Chapter 7 of the Statutes of 1975, was introduced to effectuate the Commission's recommendation concerning Section 2209 of the Commercial Code. The bill was enacted as introduced.

Assembly Bill 75 was introduced to effectuate the Commission's recommendations concerning Section 1698 of the Civil Code. The bill was not enacted. The Commission plans to submit a revised recommendation on this subject to the 1975 Legislature. See Recommendation Relating to Oral Modification of Contracts (November 1975), published as Appendix XV to this Report.

### Payment of Judgments Against Local Public Entities

Senate Bill 607, which became Chapter 285 of the Statutes of 1975, was introduced by Senator Alfred H. Song to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to Payment of Judgments Against Local Public Entities, 12 Cal. L. Revision Comm'n Reports 575 (1974). The bill was enacted as introduced.

### View by Trier of Fact in a Civil Case

Senate Bill 294, which became Chapter 301 of the Statutes of 1975, was introduced by Senator Robert S. Stevens to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to View by Trier of Fact in a Civil Case, 12 Cal. L. Revision Comm'n Reports 587 (1974); Report of Senate Committee on Judiciary on Senate Bill 294, Senate J. (March 13, 1975) at 1852, reprinted as Appendix VI to this Report. Assembly Bill 294 was amended before enactment to revise the language of subdivision (b) of Section 651, which the bill proposed to add to the Code of Civil Procedure.

### Evidence

Two bills relating to evidence were introduced in 1975.

Good cause exception to physician-patient privilege. Assembly Bill 73, which became Chapter 318 of the Statutes of 1975, was introduced by Assemblyman McAlister to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to the Good Cause Exception to the Physician-Patient Privilege, 12 Cal. L. Revision Comm'n Reports 601 (1974); Report of Assembly Committee on Judiciary on Assembly Bill 73, Assembly J. (Feb. 27, 1975) at 1352, reprinted as Appendix VII to this Report. Before enactment, Assembly Bill 73 was amended to revise Section 999 of the Evidence Code to read: "There is no privilege under this article as to a communication relevant to an issue concerning the condition of the patient in a proceeding to

recover damages on account of the conduct of the patient if good cause for disclosure of the communication is shown."

Admissibility of copies of business records in evidence. Assembly Bill 974 was introduced by Assemblyman McAlister to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to Admissibility of Copies of Business Records in Evidence (January 1975), published as Appendix III to this Report. The bill was not enacted.

#### Escheat--Travelers Checks, Money Orders, and Similar Instruments

Assembly Bill 192, which became Chapter 25 of the Statutes of 1975, was introduced by Assemblyman McAlister to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to Escheat of Amounts Payable on Travelers Checks, Money Orders, and Similar Instruments, 12 Cal. L. Revision Comm'n Reports 609 (1974). Assembly Bill 192 was amended before enactment to delete the recommended amendments to Sections 1530 and 1532. Other technical amendments were made.

#### Creditors' Remedies

Two bills were introduced on this subject in 1975.

Wage garnishment exemptions. Assembly Bill 90 was introduced by Assemblyman McAlister to effectuate the Commission's recommendation concerning this subject. See Recommendation Relating to Wage Garnishment Exemptions, 12 Cal. L. Revision Comm'n Reports 901 (1974). The bill was not enacted. It passed the Assembly but was held in the Senate Judiciary Committee.

Prejudgment attachment. Assembly Bill 919, which was introduced by Assemblyman McAlister, was amended to delay the operative date of the new attachment law (Chapter 1516 of the Statutes of 1974) from January 1, 1976, to January 1, 1977, and to continue the operative effect of Chapter 550 of the Statutes of 1972 (which revises the attachment law) from December 31, 1975, to December 31, 1976.

Assembly Bill 919, which became Chapter 200 of the Statutes of 1975, was recommended by the Law Revision Commission. The Commission plans to submit a number of amendments--mostly technical--to the new attachment law for enactment by the 1976 Legislature. The Commission recommended the delay in the operative date of the new attachment law in order to avoid the need for lawyers and others to become familiar with the new law in 1976 and then study it again one year later in 1977 to determine the changes made. Also, the delayed operative date avoided the cost of reprinting revised forms to reflect the amendments that will be proposed at the 1976 session. For the recommendation on this subject to be submitted to the 1976 Legislature, see Recommendation Relating to Revision of the Attachment Law (November 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976).

#### Partition of Real and Personal Property

Assembly Bill 1671 was introduced by Assemblyman McAlister to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to Partition of Real and Personal Property, 13 Cal. L. Revision Comm'n Reports 401 (1976). The bill was pending in the Assembly when the Legislature recessed in September 1975. It will be set for hearing by the Assembly Judiciary Committee when the Legislature meets in 1976.

#### Resolutions Approving Topics for Study

Assembly Concurrent Resolution No. 17, introduced by Assemblyman McAlister and adopted as Resolution Chapter 15 of the Statutes of 1975, authorizes the Commission to continue its study of topics previously authorized for study and to study five new topics (out-of-state trusts, class actions, offers of compromise, discovery in civil actions, and possibilities of reverter and powers of termination). The resolution also approved the removal of one topic (right of nonresident aliens to inherit) from the Commission's calendar of topics.

Assembly Concurrent Resolution No. 86, introduced by Assemblyman McAlister and adopted as Resolution Chapter 82 of the Statutes of 1975, authorizes the Commission to study a new topic and related matters--whether a Marketable Title Act should be enacted in California and the related topics whether the law relating to covenants and servitudes relating to land and the law relating to nominal, remote, and obsolete covenants, conditions, and restrictions on land use should be revised.

## 1976 LEGISLATIVE PROGRAM

The Commission plans to submit the following recommendations to the 1976 Legislature:

(1) Recommendation Relating to Partition of Real and Personal Property (January 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 401 (1976). Assembly Bill 1671 was introduced at the 1975-76 Regular Session to effectuate this recommendation.

(2) Recommendation Relating to Revision of the Attachment Law (November 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976).

(3) Recommendation Relating to Turnover Orders Under the Claim and Delivery Law (June 1975), published as Appendix VIII to this Report.

(4) Recommendation Relating to Relocation Assistance by Private Condemnors (October 1975), published as Appendix IX to this Report.

(5) Recommendation Relating to Condemnation for Byroads and Utility Easements (October 1975), published as Appendix X to this Report.

(6) Recommendation Relating to Transfer of Out-of-State Trusts to California (October 1975), published as Appendix XI to this Report.

(7) Recommendation Relating to Admissibility of Duplicates in Evidence (November 1975), published as Appendix XII to this Report.

(8) Recommendation Relating to Undertakings for Costs (November 1975), published as Appendix XIII to this Report.

(9) Recommendation Relating to Liquidated Damages (November 1975), published as Appendix XIV to this Report.

(10) Recommendation Relating to Oral Modification of Contracts (November 1975), published as Appendix XV to this Report.

(11) Recommendation Relating to the Claims Presentation Requirement in Inverse Condemnation Actions (November 1975), published as Appendix XVI to this Report.

REPORT ON STATUTES REPEALED BY  
IMPLICATION  
OR HELD UNCONSTITUTIONAL

Section 1060 of the Government Code 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 made a study of the decisions of the Supreme Court of the United States and of the Supreme Court of California handed down since the Commission's last Annual Report was prepared.<sup>1</sup> It has the following to report:

(1) No decision of the Supreme Court of the United States holding a statute of this state unconstitutional has been found.<sup>2</sup>

(2) One decision of the Supreme Court of California indicates that a statute of this state has been repealed by implication.<sup>3</sup>

Gould v. Grubb,<sup>4</sup> in holding unconstitutional a charter provision of the City of Santa Monica giving preferential ballot position to incumbents seeking reelection, noted that "the state statutes providing

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1. This study has been carried through 95 S. Ct. 2683 (Aug. 1, 1975) and 15 Cal.3d 321 (Oct. 14, 1975).

2. Faretta v. California, \_\_\_ U.S. \_\_\_, 95 S. Ct. 2525 (1975), reversed a California grand theft conviction where the trial court had refused the defendant's request to represent himself. The Court announced a constitutional right of self-representation. California by statute denies the right of self-representation in capital cases. See Penal Code §§ 686(2), 686.1, 859, 937. Faretta, a noncapital case, did not hold these sections unconstitutional, but that is the clear import of the decision.

Breed v. Jones, \_\_\_ U.S. \_\_\_, 95 S. Ct. 1779 (1975), held on federal habeas corpus that a California juvenile was once placed in jeopardy by a juvenile adjudicatory hearing and could not be later tried as an adult for the same offense. In so doing, however, the Court invalidated no statute.

3. Repeal by implication occurs when a statutory enactment, although making no express reference to a prior statute on the same subject, is clearly inconsistent with the prior statute and cannot be reconciled with it. See 45 Cal. Jur.2d, Statutes §§ 77-79, at 595-598 (1958).

4. 14 Cal.3d 661, 536 P.2d 1337, 122 Cal. Rptr. 377 (1975).

preferential ballot position to incumbents have been repealed" by Government Code Section 89000,<sup>5</sup> which forbids such preference.<sup>6</sup> Preferential ballot position has been afforded to incumbents by Elections Code Sections 10202 (state, district, or county elections) and 22870 (municipal elections). Since these sections are inconsistent with Government Code Section 89000, they are repealed by implication.<sup>7</sup>

(3) Eight decisions of the Supreme Court of California held statutes of this state unconstitutional.<sup>8</sup>

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5. Gould v. Grubb, 14 Cal.3d 661, 667 n.5, 536 P.2d 1337, n.5, 122 Cal. Rptr. 377, 380 n.5 (1975).
  6. Government Code Section 89000 provides: "Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent." This section was enacted as part of the "Political Reform Act of 1974," see Govt. Code § 81000, a statewide initiative measure (Proposition 9) approved at the June 4, 1974, primary election, effective January 7, 1975.
  7. Although Proposition 9 expressly repealed numerous provisions of the Elections Code, Sections 10202 and 22870 were not among them. Thus, the repeal is a repeal by implication. By Chapter \_\_\_ of the Statutes of 1975, Sections 10200 through 10243 are repealed and replaced by new Sections 10200 through 10234 which eliminate incumbent ballot preference for state, district, and county elections and replace it with a rotating alphabetical system or a chance drawing.
  8. Four other California Supreme court decisions imposed constitutional qualifications on the application or administration of state statutes without invalidating any statutory language: Murguia v. Municipal Court, 15 Cal.3d 286, \_\_\_ P.2d \_\_\_, \_\_\_ Cal. Rptr. \_\_\_ (1975) (criminal defendant has constitutional right to raise defense of intentional selective enforcement of penal statutes); United Farm Workers of America v. Superior Court, 14 Cal.3d 902, \_\_\_ P.2d \_\_\_, \_\_\_ Cal. Rptr. \_\_\_ (1975) (temporary restraining order affecting substantial free speech interests may not issue ex parte under Code of Civil Procedure Section 527 unless applicant shows reasonable, good faith effort to afford opposing party or counsel notice and opportunity to be heard); In re Shapiro, 14 Cal.3d 711, 537 P.2d 888, 122 Cal. Rptr. 768 (1975) (due process requires prompt disposition of parole revocation proceedings where California parolee is convicted and imprisoned in another jurisdiction for crime committed while on parole); In re Rodriguez, 14 Cal.3d 639, 537 P.2d 384, 122 Cal. Rptr. 552 (1975) (although life-maximum penalty provision of Penal Code Section 288 was not unconstitutional on its face, its administration by Adult Authority under Indeterminate Sentence Law resulting in 22 years' imprisonment in this case constituted cruel and unusual punishment under California Constitution).

Santa Barbara School District v. Superior Court,<sup>9</sup> held that Education Code Section 1009.6, which provided that "[n]o public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school,"<sup>10</sup> is unconstitutional as applied to school districts manifesting either de jure or de facto racial segregation.

In re Lisa R.<sup>11</sup> held that Evidence Code Section 661, which created a presumption that the child of a married woman is a legitimate child of that marriage and allows the presumption to be disputed by a class of persons which does not include the natural father, is an unconstitutional denial of the natural father's right under the due process clause to show that he was the parent of the child.<sup>12</sup>

In the companion cases of People v. Feagley,<sup>13</sup> and People v. Bonneville,<sup>14</sup> the California Supreme Court held unconstitutional the provisions of Welfare and Institutions Code Section 6321, authorizing involuntary commitment of a mentally disordered sex offender upon a three-fourths verdict of the jury, as being in conflict with the equal protection clauses of the United States and California Constitutions and the due process clause and the implied requirement

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9. 13 Cal.3d 315, 530 P.2d 605, 118 Cal. Rptr. 637 (1975).

10. Education Code Section 1009.6 was adopted as an initiative measure at the general election of November 7, 1972. Santa Barbara School Dist. v. Superior Court, 13 Cal.3d 315, 322, 530 P.2d 605, 611, 118 Cal. Rptr. 637, 643 (1975). Any legislative repeal or amendment, therefore, must be resubmitted to the voters. Cal. Const., Art. 4, § 24(c).

11. 13 Cal.3d 636, 532 P.2d 123, 119 Cal. Rptr. 475 (1975).

12. By Chapter \_\_\_ of the Statutes of 1975, operative July 1, 1976, Evidence Code Section 661 is repealed and its rebuttable presumption is revised and re-enacted in new Civil Code Section 7004(a)(1). The unconstitutionally restrictive limitation of Section 661 on the class of persons permitted to establish paternity is considerably broadened in new Civil Code Section 7006 and would include the person claiming to be the natural father in In re Lisa R., 13 Cal.3d 636, 532 P.2d 123, 119 Cal. Rptr. 475 (1975).

13. 14 Cal.3d 338, 535 P.2d 373, 121 Cal. Rptr. 509 (1975).

14. 14 Cal.3d 384, 535 P.2d 404, 121 Cal. Rptr. 540 (1975).

of the California Constitution of a unanimous jury verdict for a criminal conviction.<sup>15</sup> The Feagley case further held that the portions of Welfare and Institutions Code Sections 6316 and 6326 authorizing indefinite confinement in a prison setting of a mentally disordered sex offender were unconstitutional under the cruel and unusual punishment clauses of the United States and California Constitutions.<sup>16</sup>

Beaudreau v. Superior Court<sup>17</sup> held unconstitutional Government Code Sections 947 and 951, the provisions of the California Tort Claims Act which require the filing of an undertaking for costs by the plaintiff upon demand in an action against a public entity (Section 947) or a public employee or former public

15. In a third companion case, People v. Burnick, 14 Cal.3d 306, 535 P.2d 352, 121 Cal. Rptr. 488 (1975), the court held that, in mentally disordered sex offender proceedings, the criminal standard of proof (beyond reasonable doubt) was constitutionally compelled by the due process clauses of the United States and California Constitutions. Accord, People v. Bonneville, 14 Cal.3d 384, 386, 535 P.2d 404, 405, 121 Cal. Rptr. 540, 541 (1975). The court noted that, in such proceedings, Welfare and Institutions Code Section 6321 ("[t]he trial shall be had as provided by law for the trial for civil causes") and Evidence Code Section 115 ("[e]xcept as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence") allow for a burden of proof heavier than the civil standard to be established by judicial decision. By such construction, the court in Burnick was able to sustain the constitutionality of these two sections. See People v. Burnick, 14 Cal.3d at 314, 535 P.2d at 357, 121 Cal. Rptr. at 493.
16. In People v. Feagley, 14 Cal.3d 338, 347-348, 535 P.2d 373, 378-379, 121 Cal. Rptr. 509, 514-515 (1975), the court in dictum cast doubt on the constitutionality of other provisions of the Welfare and Institutions Code which afford various procedural safeguards to a mentally disordered sex offender found amenable to treatment and deny them to those found not amenable to treatment. The court observed that "the most glaring example of legislative discrimination" was in the selective denial of a jury trial, under Section 6318, to those found not amenable to treatment, and that the unconstitutionality of such discrimination is "obvious." 14 Cal.3d at 348, 535 P.2d at 378-379, 121 Cal. Rptr. at 514-515. The court noted that "[t]here are other examples" of such discrimination in Welfare and Institutions Code Sections 6317 (periodic progress reports) and 6327 (hearing to review factual justification for continued confinement). 14 Cal.3d at 348 n.7, 535 P.2d at 378-379 n.7, 121 Cal. Rptr. at 514-515 n.7.
17. 14 Cal.3d 448, 535 P.2d 713, 121 Cal. Rptr. 585 (1975).

employee (Section 951), in that the absence of a statutory provision for a prior hearing on the merits of the plaintiff's claim or on the reasonableness of the amount of the undertaking results in a taking of the plaintiff's property without due process of law.

In re Edgar M.<sup>18</sup> held that the portion of Welfare and Institutions Code Section 558, which provides that a minor's application for a rehearing after proceedings before a juvenile court referee under the Juvenile Court Law shall be "deemed denied" if not acted upon by a judge within the statutory time period, is unconstitutional under Article VI, Section 22, of the California Constitution, which restricts juvenile court referees to the performance of subordinate judicial duties.<sup>19</sup>

Dupuy v. Superior Court<sup>20</sup> carved out an exception to the unqualified California constitutional provision prohibiting issuance of the court's process against the state to prevent collection of any tax,<sup>21</sup> holding that the taxpayer has a federal constitutional right to enjoin a tax sale of his property pending an administrative hearing.<sup>22</sup>

18. 14 Cal.3d 727, 537 P.2d 406, 122 Cal. Rptr. 574 (1975).

19. The court construed Welfare and Institutions Code Section 558 to require that "applications which would be 'deemed denied' under the section's literal wording be instead granted as of right . . . ." 14 Cal.3d at 737, 537 P.2d at 413, 122 Cal. Rptr. at 581. However, the effect of the decision is to render the literal wording of the statute invalid.

20. 15 Cal.3d 23, \_\_\_ P.2d \_\_\_, \_\_\_ Cal. Rptr. \_\_\_ (1975).

21. Cal. Const. Art. XIII, § 32, formerly Art. XIII, § 15. See Dupuy v. Superior Court, 15 Cal.3d 23, 27 n.5, \_\_\_ P.2d \_\_\_, \_\_\_ n.5, \_\_\_ Cal. Rptr. \_\_\_, \_\_\_ n.5 (1975).

22. Since the anti-injunction provision of the California Constitution is "plain and unambiguous," Dupuy v. Superior Court, 15 Cal.3d 23, 35, \_\_\_ P.2d \_\_\_, \_\_\_, \_\_\_ Cal. Rptr. \_\_\_, \_\_\_ (1975)(dissenting opinion), and "must yield to the paramount provisions of the United States Constitution, id. at 31, \_\_\_ P.2d at \_\_\_, \_\_\_ Cal. Rptr. at \_\_\_, the anti-injunction provision is to that extent unconstitutional.

The court further held that seizure of the taxpayer's property could be enjoined upon a showing that seizure would cause irreparable

Skelly v. State Personnel Board,<sup>23</sup> held that the provisions of the State Civil Service Act concerning punitive action against a permanent civil service employee,<sup>24</sup> particularly Government Code Section 19574, violate the due process clause of the United States and California Constitutions since they allow the state to take punitive action by simply "notifying" the employee and afford him no other prior procedural protection to "minimize the risk of error."<sup>25</sup>

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harm to him and that under no circumstances could the government establish its tax claim. Id. at 32, \_\_\_ P.2d at \_\_\_, \_\_\_ Cal. Rptr. at \_\_\_. However, this right does not flow from the federal constitution. Id. at 29, \_\_\_ P.2d at \_\_\_, \_\_\_ Cal. Rptr. at \_\_\_. Rather, the right is based upon a judicially engrafted exception to the anti-injunction provision of the California Constitution. Id. at 34-36, \_\_\_ P.2d at \_\_\_, \_\_\_ Cal. Rptr. at \_\_\_ (dissenting opinion).

23. 15 Cal.3d 194, \_\_\_ P.2d \_\_\_, \_\_\_ Cal. Rptr. \_\_\_ (1975).  
 24. Govt. Code §§ 19570-19588.  
 25. 15 Cal.3d at 215, \_\_\_ P.2d at \_\_\_, \_\_\_ Cal. Rptr. at \_\_\_.

## CALENDAR OF TOPICS FOR STUDY

### Topics Authorized for Study

The Commission has on its calendar of topics the topics listed below. Each of these topics has been authorized for Commission study by the Legislature.<sup>1</sup>

#### Topics Under Active Consideration

During the next year the Commission plans to devote substantially all of its time to consideration of the following topics:

Nonprofit corporations. Whether the law relating to nonprofit corporations should be revised.

The Commission is now engaged in drafting a new comprehensive statute relating to nonprofit corporations. G. Gervaise Davis III has been retained as a consultant to the Commission.

Creditors' remedies. Whether the law relating 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 repossession of property provisions), civil arrest, 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, and related matters should be revised.

The Commission, working with a State Bar committee, is now engaged in drafting a comprehensive statute governing enforcement of judgments. Professor Stefan A. Riesenfeld, Boalt Hall Law School, University of California at Berkeley, and Dean William D. Warren, UCLA Law School, are serving as consultants to the Commission. The Commission plans to submit recommendations relating to attachment and the claim and delivery statute to the 1976 Legis-

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1. For information concerning prior Commission recommendations and studies concerning these topics and the legislative history of legislation introduced to effectuate such recommendations, see "Current Topics-- Prior Publications and Legislative Action," infra.
  2. Section 10335 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topic which the Legislature by concurrent resolution refers to it for such study.

lature. See Recommendation Relating to Revision of the Attachment Law (November 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976); Recommendation Relating to Turnover Orders Under the Claim and Delivery Law (June 1975), published as Appendix VIII to this Report. To a large extent, these recommendations propose technical and clarifying changes, but the attachment recommendation also proposes some significant substantive revisions.

**Condemnation law and procedure.** Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings.

A new, comprehensive eminent domain statute--the Eminent Domain Law--was enacted by the 1975 Legislature upon Commission recommendation. The Commission plans to submit recommendations concerning several aspects of eminent domain law to the 1976 Legislature. See Recommendation Relating to Relocation Assistance by Private Sponsors (October 1975), published as Appendix IX to this Report; Recommendation Relating to Condemnation For Easements and Utility Easements (October 1975), published as Appendix X to this Report. The Commission also plans to study the provisions of the Evidence Code relating to evidence in eminent domain and inverse condemnation actions and is making a study to determine whether any additional changes in other statutes are needed to conform to the new Eminent Domain Law.

**Evidence.** Whether the Evidence Code should be revised.

The Commission plans to submit a recommendation relating to the Evidence Code to the 1976 Legislature. See Recommendation Relating to Admissibility of Duplicates in Evidence (November 1975), published as Appendix XII to this Report. The Commission has also undertaken a study of the differences between the newly adopted Federal Rules of Evidence and the California Evidence Code. Professor Jack Friedenthal of the Stanford Law School is the Commission's consultant on this study.

**Partition procedures.** Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales.

A recommendation relating to this topic was published in January 1975, and Assembly Bill 1671 was introduced at the 1975-76 Regular Session to effectuate the recommendation. See Recommendation Relating to Partition of Real and Personal Property (January 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 401 (1976). The bill will be considered by the 1976 session of the Legislature. The Commission has reviewed various comments it has received concerning the recommendation and will propose a number of revisions in the proposed legislation at the 1976 session. Garrett H. Elmore is serving as the Commission's consultant.

**Liquidated damages.** Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised.

A recommendation relating to liquidated damages was submitted to the 1974 Legislative session but was not enacted. The Commission has reviewed its prior recommendation and plans to submit a new recommendation to the 1976 Legislature. See Recommendation Relating to Liquidated Damages (November 1975), published as Appendix XIV to this Report.

**Modification of contracts.** Whether the law relating to modification of contracts should be revised.

A recommendation relating to modification of contracts was submitted to the 1975 Legislature. See Recommendation and Study Relating to Oral Modification of Written Contracts (January 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 301 (1976). Two bills were introduced to effectuate

the Commission's recommendation. One bill--relating to Commercial Code Section 2209--was enacted as Chapter 7 of the Statutes of 1975. The other bill --relating to Civil Code Section 1698--was not enacted. The Commission has reviewed its prior recommendation and plans to submit a new recommendation relating to Civil Code Section 1698 to the 1976 Legislature. See Recommendation Relating to Oral Modification of Contracts (November 1975), published as Appendix XV to this Report.

Transfer of out-of-state trusts to California. Whether the law relating to transfer of out-of-state trusts to California should be revised.

The Commission plans to submit a recommendation on this topic to the 1976 Legislature. See Recommendation Relating to Transfer of Out-of-State Trusts to California (October 1975), published as Appendix XI to this Report.

Governmental liability. Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised.

In Beaudreau v. Superior Court, 14 Cal.3d 448, 535 P.2d 713, 121 Cal. App. 433 (1975), the California Supreme Court held unconstitutional the cost bond provisions of the California Tort Claims Act. This decision also casts doubt on other cost bond statutes. The Commission has reviewed the various statutory provisions that might be affected by the Beaudreau decision and plans to submit a recommendation to the 1976 Legislature. See Recommendation Relating to Undertakings for Costs (November 1975), published as Appendix XIII to this Report.

Inverse condemnation. Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised.

The Commission plans to submit to the 1976 Legislature a recommendation relating to the claims filing requirement as applied to inverse condemnation actions. See Recommendation Relating to the Claims Presentation Requirement in Inverse Condemnation Actions (November 1975), published as Appendix XVI to this Report.

Child custody and related matters. Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised.

The Commission plans to conduct work on this new, major study during 1976. Professor Brigitte M. Rosenblum, Law School, University of California at Davis, has been retained as a consultant. She has prepared two background studies--one relating to child custody and the other to adoption. See Rosenblum, The Multiplicity of Child Custody Proceedings--Problems of California Law, 23 Stan. L. Rev. 703 (1975); (note to adoption study). The background studies do not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation.

#### Other Topics Authorized for Study

The Commission has not yet begun the preparation of a recommendation on the topics listed below.

Parol evidence rule. Whether the parol evidence rule should be revised.

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.

Class actions. Whether the law relating to class actions should be revised.

Offers of compromise. Whether the law relating to offers of compromise should be revised.

Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.

Possibilities of reverter and powers of termination. Whether the law relating to possibilities of reverter and powers of termination should be revised.

Marketable Title Act and related matters. Whether a Marketable Title Act should be enacted in California and whether the law relating to covenants and servitudes relating to land, and the law relating to nominal, remote, and obsolete covenants, conditions, and restrictions on land use should be revised.

#### Topics Continued on Calendar for Further Study

On the following topics, studies and recommendations relating to the topic, or one or more aspects of the topic, have been made. The topics are continued on the Commission's calendar for further study or recommendations not enacted or for the study of additional aspects of the topic or new developments.

**Arbitration.** Whether the law relating to arbitration should be revised.

**Eminent domain property.** Whether the law relating to the purchase of property and the title, claims of unclaimed or abandoned property should be revised.

**Lease law.** Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised.

**Unincorporated associations.** Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised.

#### Topics for Future Consideration

The Commission now has a number of major studies on its calendar. During the next year, studies under active consideration will include nonprofit corporations; creditors' remedies; child custody, adoption, and guardianship; and evidence. Because of the substantial and numerous topics already on its calendar (six of which were added by the 1975 Legislature), the Commission does not at this time recommend any additional topics for inclusion on its calendar of topics.

## FUNCTION AND PROCEDURE OF CALIFORNIA

The California Law Revision Commission consists of one Member of the Senate, one Member of the Assembly, seven members appointed by the Governor with the advice and consent of the Senate, and the Legislative Counsel who is ex officio non-voting member.<sup>1</sup>

The principal duties of the Law Revision Commission are to:

(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 Uniform State Laws, bar associations, and other learned bodies, judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in the law as it deems necessary to bring the law of this state into harmony with modern conditions.<sup>2</sup>

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. The Commission may study only topics which the Legislature, by concurrent resolution, authorizes it to study.<sup>3</sup>

Each of the Commission's recommendations is based on a research study of the subject matter concerned. In some cases, the study is prepared by a member of the Commission's staff, but the majority of the studies are undertaken by specialists in the fields of law involved who are retained as research consultants to the Commission. This procedure not only provides the Commission with invaluable expert assistance but is economical as well because the attorneys and law professors who serve as research consultants have already acquired the considerable background necessary to understand the specific problems under consideration.

The research study includes a discussion of the existing law and the defects therein and suggests possible methods of eliminating those defects. The study is given careful consideration by the Commission and, after making its preliminary decisions on the subject, the Commission distributes a tentative recommendation to the State Bar and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what report and recommendation it will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature, including a draft of any legislation necessary to effectuate its recommendation, is published in a printed

<sup>1</sup> See CAL. GOV'T. CODE §§ 10300-10310.

<sup>2</sup> See CAL. GOV'T. CODE § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by application or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. CAL. GOV'T. CODE § 10331.

<sup>3</sup> See CAL. GOV'T. CODE § 10335.

pamphlet.<sup>4</sup> If the research study has not been previously published,<sup>5</sup> it usually is published in the pamphlet containing the recommendation.

The Commission ordinarily prepares a Comment explaining each section it recommends. These Comments are included in the Commission's report and are frequently revised by legislative committee reports<sup>6</sup> to reflect amendments<sup>7</sup> made after the recommended legislation has been introduced in the Legislature. The Comment often indicates the derivation of the section and explains its purpose, its relation to other sections, and potential problems in its meaning or application. The Comments are written as if the legislation were enacted since their primary purpose is to explain the statute to those who will have occasion to use it after it is in effect. They are entitled to substantial weight in construing the statutory provisions.<sup>8</sup>

However, while the Commission endeavors in the Comment to explain any changes in the law made by the section, the Commission does not claim that every inconsistent case is noted in the Comment, nor can it anticipate judicial conclusions as to the significance of existing case authorities.<sup>9</sup> Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.<sup>10</sup>

The pamphlets are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.<sup>11</sup> Thus, a large and representative number of interested persons are given an opportunity to study and comment upon the Commission's

<sup>4</sup> 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.

<sup>5</sup> For a listing of background studies published in law reviews, see 10 CAL. L. REVISION COMMISSION REPORTS 1105 n.5 (1971) and 11 CAL. L. REVISION COMMISSION REPORTS 1008 n.5 & 1108 n.5 (1973).

<sup>6</sup> Special reports are adopted by legislative committees that consider bills recommended by the Commission. These reports, which are printed in the legislative journal, state that the Comments to the various sections of the bill contained in the Commission's recommendation reflect the intent of the committee in opposing the bill except to the extent that new or revised Comments are set out in the committee report itself. For a description of the legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App.3d 877, 884, 109 Cal. Rptr. 421, 425 (1973). For examples of such reports, see 10 CAL. L. REVISION COMMISSION REPORTS 1132-1138 (1971).

<sup>7</sup> Many of the amendments made after the recommended legislation has been introduced are made upon recommendation of the Commission to deal with matters brought to the Commission's attention after its recommendation was printed. In some cases, however, an amendment may be made that the Commission believes is not desirable and does not recommend.

<sup>8</sup> *E.g.*, *Van Arsdale v. Helinger*, 63 Cal.3d 245, 249-250, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968). The Comments are published by both the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

<sup>9</sup> See, *e.g.*, *Arellano v. Moreno*, 33 Cal. App.3d 877, 109 Cal. Rptr. 421 (1973).

<sup>10</sup> The commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal.3d 150, 158-159, 491 P.2d 115-16, 95 Cal. Rptr. 649, 653-654 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Proactively Ordered Disclosure of Privileged Information*, 11 CAL. L. REVISION COMMISSION REPORTS 1163 (1973). See also Cal. Stats. 1974, Ch. 227.

<sup>11</sup> See CAL. GOVT. CODE § 10335.

work before it is submitted to the Legislature.<sup>12</sup> The annual reports and the recommendations and studies of the Commission are bound in a set of volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state.

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<sup>12</sup> For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMeilly, *Fact Finding for Legislation: A Case Study*, 80 A.B.A.J. 285 (1954). The procedure followed in preparing the Evidence Code is described in 7 CAL. L. REVISION COMMISSION REPORTS 3 (1965).

## PERSONNEL OF COMMISSION

As of December 1, 1975, the membership of the Law Revision Commission is:

	<i>Term expires</i>
Marc Sandstrom, San Diego, <i>Chairman</i>	October 1, 1975
John G. McLaurin, Los Angeles, <i>Vice Chairman</i>	October 1, 1975
Hon. Robert S. Gonsalves, Los Angeles, <i>Assembly Member</i>	
Hon. Albert W. Galater, San Diego, <i>Assembly Member</i>	
John J. Ealbert, Peter Meyer & Co., <i>Member</i>	October 1, 1976
John D. Miller, Long Beach, <i>Member</i>	October 1, 1977
Thomas R. Stanton, Los Angeles, <i>Member</i>	October 1, 1977
Howard R. Williams, Stockton, <i>Member</i>	October 1, 1977
VACANCY	October 1, 1979
George H. Murphy, Sacramento, <i>Legislative Member</i>	

\* The legislative members of the Commission serve at the pleasure of the appointing power.

† The Legislative Counsel is *ex officio* a nonvoting member of the Commission.

In February 1975, Noble E. Gregory resigned from the Commission.

In October 1975, John N. McLaurin was elected Chairman, and Howard R. Williams was elected Vice Chairman of the Commission. Their terms commence on December 31, 1975.

As of December 1, 1975, the staff of the Commission is:

### *Legal*

John H. DeLoevilly, *Executive Secretary*  
Nathaniel Steing, *Assistant Executive Secretary*  
Stan C. Ulrich, *Staff Counsel*  
Robert J. Murphy III, *Legal Council*

### *Administrative Secretarial*

Anne Johnson, *Administrative Assistant*  
Violet S. Hays, *Clerk Typist*  
Christine K. Taylor, *Clerk-Typist*

Jeanne Friedersma, who has served as a part-time member of the Commission's legal staff since May 1966, worked full time from September 1974 to June 1975; at that time, she decided to continue on the staff on a part-time basis only. Robert J. Murphy III was appointed in June 1975 to the full-time position.

## RECOMMENDATIONS

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized for study (see "Calendar of Topics for Study" supra).

Pursuant to the mandate imposed by Section 16831 of the Government Code, the Commission recommends the repeal of the provisions referred to in its "Report on Codes Repealed by Implication or Held Unconstitutional," supra, to the extent that those provisions have been held to be unconstitutional.

## APPENDIX I

### CURRENT TOPICS--PRIOR PUBLICATIONS AND LEGISLATIVE ACTION

#### Arbitration

47 Authorized by Cal. Stats. 1963, Reg. Ch. 10, at 3103; see also 8 CAL. L. REVISION COMM'N REPORTS 135 (1967).

This is a preliminary study; the present California arbitration law was enacted in 1963 upon Commission recommendation. See *Recommendation and Study Relating to Arbitration*, 3 CAL. L. REVISION COMM'N REPORTS at C-4 (1961). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 15 (1963); see also Cal. Stats. 1961, Ch. 451.

#### Child Custody and Related Matters

47 Authorized by Cal. Stats. 1972, Reg. Ch. 27, Sec. 19; CAL. L. REVISION COMM'N REPORTS 1122 (1971); see also Cal. Stats. 1972, Reg. Ch. 42, at 263; 1 CAL. L. REVISION COMM'N REPORTS, 1968 Report at 29 (1967).

Background studies on two aspects of this topic have been prepared by the Commission's consultant, Professor Brigitte M. Bodenheimer, Law School, University of California at Davis. See Bodenheimer, The Multiplicity of Child Custody Proceedings--Problems of California Law, 23 Stan. L. Rev. 703 (1971); [cite to adoption study]. The studies do not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation.

#### Condemnation Law and Procedure

47 Authorized by Cal. Stats. 1967, Reg. Ch. 136, at 8952; see also Cal. Stats. 1956, Reg. Ch. 42, at 263; 4 CAL. L. REVISION COMM'N REPORTS 117 (1963).

See *Recommendation and Study Relating to Evidence in Eminent Domain Proceedings, Recommendation and Study Relating to Filing Possession and Passage of Title in Eminent Domain Proceedings, Recommendation and Study Relating to the Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 CAL. L. REVISION COMM'N REPORTS at A-1, B-1, and C-1 (1951). For a legislative history of these recommendations, see 3 CAL. L. REVISION COMM'N REPORTS, Legislative History of 1-3 (1951). See also Cal. Stats. 1951, Ch. 1612 (tax apportionment) and Ch. 1615 (taking possession and passage of title). The substance of two of these recommendations was incorporated in legislation enacted in 1955, Cal. Stats. 1955, Ch. 1151 (evidence in eminent domain proceedings); Ch. 1649 and Ch. 1650 (reimbursement for moving expenses).

See also *Recommendation and Study Relating to Condemnation Law and Procedure: Number 4--Discovery in Eminent Domain Proceedings*, 4 CAL. L. REVISION COMM'N REPORTS 161 (1963). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 213 (1963). See also *Recommendation Relating to Discovery in Eminent Domain Proceedings*, 8 CAL. L. REVISION COMM'N REPORTS 19 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1318 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1194 (exchange of valuation data).

See also *Recommendation Relating to Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 CAL. L. REVISION COMM'N REPORTS 1351 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 18 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 133.

See also Recommendation Relating to Arbitration of Just Compensation, 8 CAL. L. REVISION COMM'N REPORTS 123 (1968). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1973). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 411.

See also Recommendation Relating to Condemnation Law and Procedure:

Conforming Changes in Improvement Laws, 12 Cal. L. Revision Comm'n Reports 1001 (1974). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 534 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 426.

See also Recommendation Proposing the Eminent Domain Law, 12 Cal. L. Revision Comm'n Reports 1501 (1974). For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1975, Chs. 581, 582, 584, 585, 586, 587, 1176, 1239, 1240, 1275, 1276.

The Commission plans to submit two recommendations to the 1976 Legislature. See Recommendation Relating to Relocation Assistance by Private Condemners (October 1975), published as Appendix IX to this Report; Recommendation Relating to Condemnees for Easements and Utility Easements (October 1975), published as Appendix X to this Report.

### Creditors' Remedies

¶ Authenticated by Cal. Stats. 1972, Res. Ch. 22. See also Cal. Stats. 1957, Res. Ch. 922, at 4569; see also 1 CAL. L. REVISION COMM'N REPORTS, 1957 Report at 11 (1957).

See Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1125-1157 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 1677.

See also Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1014 (1973). The recommended legislation was not enacted. The Commission submitted a revised recommendation to the 1973 Legislature. See Recommendation Relating to Wage Garnishment and Related Matters, 11 CAL. L. REVISION COMM'N REPORTS 101 (1973). For a legislative history

of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1123 (1973); 12 Cal. L. Revision Comm'n Reports 530 n.1 (1974). The recommended legislation was not

enacted. The Commission submitted a revised recommendation to the 1975 Legislature. See Recommendation Relating to Wage Garnishment Exemptions, 12 Cal. L. Revision Comm'n Reports 901 (1975). For a legislative history of this recommendation, see this Report passim. The recommended legislation was not enacted. See also Recommendation Relating to Wage Garnishment Procedure (April 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 601 (1976).

See also Recommendation and Study Relating to Civil Service, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1123 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 21.

See also Recommendation and Study Relating to the Court and Delivery Statute, 11 CAL. L. REVISION COMM'N REPORTS 391 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1124 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 202.

The Commission plans to submit a follow-up recommendation to the 1976 Legislature. See Recommendation Relating to Turnover Orders Under the Claim and Delivery Law (June 1975), published as Appendix VIII to this Report.

See also Recommendation Relating to Prejudgment Attachment, 11 CAL. L. REVISION COMM'N REPORTS 701 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 530 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 1516.

The Commission plans to submit a recommendation for technical revisions in the attachment law to the 1976 Legislature. See Recommendation Relating to Revision of the Attachment Law (November 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976).

See also Recommendation Relating to Enforcement of Sister State Money Judgments, 11 CAL. L. REVISION COMM'N REPORTS 451 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 534 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 211.

### Escheat; unclaimed property

Ⓕ Authorized by Cal. Stats. 1967, Res. Ch. 51, at 4592; see also Cal. Stats. 1966, Res. Ch. 42, at 263.

See Recommendation Relating to Escheat, 5 CAL. L. REVISION COMM'N REPORTS 1001 (1957). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 16-18 (1969). Most of the recommended legislation was enacted. See Cal. Stats. 1968, Ch. 247 (escheat of decedent's estate) and Ch. 356 (unclaimed property act).

See also *Recommendation Relating to Unclaimed Property*, 11 CAL. L. REVISION COMMISSION REPORTS 90 (1973). For a legislative history of this recommendation, see this Report *infra*. The recommended legislation was not enacted.

See also *Recommendation Relating to Escheat of Amounts Payable on Travelers*

Checks, Money Orders, and Similar Instruments, 12 Cal. L. Revision Comm'n

Reports 613 (1974). For a legislative history of this recommendation, see

this Report *infra*. The recommended legislation was enacted. See Cal.

Stats. 1975, Ch. 25.

### Evidence

Authorized by Cal. Stats. 1965, Ch. 130, p. 52-9.

See *Recommendation Relating to Evidence Code Sections 7* CAL. L. REVISION COMMISSION REPORTS 1 (1971). A series of tentative recommendations and research studies relating to the Uniform Rules of Evidence was published and distributed for comment prior to the publication of the recommended proposal. *The Evidence Code Section 7* CAL. L. REVISION COMMISSION REPORTS 41, 101, 231, 371, 401, 551, 591, 691, and 791 (1974). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMMISSION REPORTS 412-414 (1971). See also *Final Report on Official Comments, 7 CAL. L. REVISION COMMISSION REPORTS 1101* (1974). See also Cal. Stats. 1975, Ch. 197 (Evidence Code).

See also *Recommendation Relating to the Evidence Code, Number 1 - Evidence Code Revision Section 2 - Confidential Child Abuse - Number 2 - Confidential Child Abuse* CAL. L. REVISION COMMISSION REPORTS 101, 201, 301 (1967). For a legislative history of these recommendations, see 5 CAL. L. REVISION COMMISSION REPORTS 101 (1967). See also Cal. Stats. 1967, Ch. 130 (Evidence Code reformed), Ch. 136 (Amendment 143), and 1968, Ch. 105 (Amendment 144) revisions.

See also *Recommendation Relating to the Evidence Code, Number 3 - Revision of the Privilege Against Self-Incrimination* CAL. L. REVISION COMMISSION REPORTS 101 (1967). For a legislative history of this recommendation, see 5 CAL. L. REVISION COMMISSION REPORTS 101 (1967).

See also *Recommendation Relating to the Evidence Code, Number 5 - Revision of the Evidence Code* CAL. L. REVISION COMMISSION REPORTS 31 (1967). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMMISSION REPORTS 191 (1971). Some of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 66 (insanity), Ch. 102 (psychiatric inpatient privilege).

See also report concerning *Proof of Parental Official Records*, 10 CAL. L. REVISION COMMISSION REPORTS 102 (1971), and Cal. Stats. 1974, Ch. 41.

See also *Recommendation Relating to Privileged Information*, reprinted in 11 CAL. L. REVISION COMMISSION REPORTS 1163

(1973). For a legislative history of this recommendation, see 12 Cal. L.

Revision Comm'n Reports 535 (1974). The recommended legislation was enacted.

See Cal. Stats. 1974, Ch. 227.

See also *Recommendation Relating to Evidence Code Section 993 - The "Crucial Contact" Exception to the Physician-Patient Privilege*, 11 CAL. L. REVISION COMMISSION REPORTS 1147 (1973). For a legislative history of this recommendation, see

12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation

was not enacted. A revised recommendation was submitted to the 1975 Legis-

lature. See Recommendation Relating to the Good Cause Exception to the

Physician-Patient Privilege, 12 Cal. L. Revision Comm'n Reports 601 (1974).

For a legislative history of this recommendation, see this Report *infra*.

The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 318.

See also Recommendation Relating to View by Trial of Fact in a Civil Case, 12 Cal. L. Revision Comm'n Reports 587 (1974). For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 301.

See also Recommendation Relating to Admissibility of Copies of Business Records in Evidence (January 1975), published as Appendix XIII to this Report. For a legislative history of this recommendation, see this Report supra. The recommended legislation was not enacted.

The Commission plans to submit a recommendation to the 1976 Legislature. See Recommendation Relating to Admissibility of Duplicates in Evidence (November 1975), published as Appendix XII to this Report.

This topic is under continuing study to determine whether any substantive technical or clarifying changes are needed in the Business Code and whether changes are needed in other codes to conform them to the Evidence Code. See 10 CAL. L. REVISION COMM'N REPORTS 305 (1974). See also CAL. STOS, PG. 2, CH. 794 (judicial notices--technical amendments).

### Governmental Liability

☞ Authorized by Cal. Stats. 1977, Res. Ch. 202, at 4559.

See Recommendation Relating to Sovereign Immunity: Number 1--Tort Liability of Public Entities and Public Employees; Number 2--Claims, Actions and Judgments Against Public Entities and Public Employees; Number 3--Insurance Coverage for Public Entities and Public Employees; Number 4--Defense of Public Employees; Number 5--Liability of Public Entities for Ownership and Operation of Motor Vehicles; Number 6--Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers; Number 7--Amendments and Repeals of Inconsistent Special Statutes, 4 CAL. L. REVISION COMM'N REPORTS 801, 104, 174, 199, 140, 190, and 100 (1973). For a legislative history of these recommendations, see 4 CAL. L. REVISION COMM'N REPORTS 211-213 (1973). See also Actions Relating to Sovereign Immunity, 3 CAL. L. REVISION COMM'N REPORTS 1 (1970). See also Cal. Stats. 1969, Ch. 1481 (tort liability of public entities and public employees), Ch. 1713 (claims, actions and judgments against public entities and public employees), Ch. 1692 (insurance coverage for public entities and public employees), Ch. 1693 (defense of public employees), Ch. 1691 (workmen's compensation benefits for persons assisting law enforcement or fire control officers), Ch. 1694 (amendments and repeals of inconsistent special statutes), Ch. 1695 (amendments and repeals of inconsistent special statutes), Ch. 2039 (amendments and repeals of inconsistent special statutes).

See also Recommendation Relating to Sovereign Immunity: Number 8--Revisions of the Governmental Liability Act, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMM'N REPORTS 814 (1966). See also Cal. Stats. 1968, Ch. 675 (claims and actions against public entities and public employees), Ch. 1527 (liability of public entities for ownership and operation of motor vehicles).

See also Recommendation Relating to Sovereign Immunity: Number 9--Statute of Limitations in Actions Against Public Entities and Public Employees, 9 CAL. L. REVISION COMM'N REPORTS 43 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 95 (1969). See also Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees, 8 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also Recommendation Relating to Sovereign Immunity: Number 10--Revisions of the Governmental Liability Act, 9 CAL. L. REVISION COMM'N REPORTS 501 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1099 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 632 (entry to make tests) and Ch. 1029 (liability for use of pesticides, liability for damages from tests).

See also Recommendation Relating to Payment of Judgments Against Local Public Entities, 12 Cal. Revision Comm'n Reports 575 (1974). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 285.

See also Recommendation Relating to Undertakings for Costs (November 1975), published as Appendix XIII to this Report. This recommendation will be submitted to the 1976 Legislature.

### Inverse Condemnation

☞ Authorized by Cal. Stats. 1970, Res. Ch. 46, at 1541; see also Cal. Stats. 1965, Res. Ch. 159, at 1139.

See Recommendation Relating to Inverse Condemnation Insurance Coverage, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1127 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 100.

See also Recommendation Relating to Sovereign Immunity Number 10--Revisions of the Governmental Liability Act, 9 CAL. L. REVISION COMM'N REPORTS 601 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1299 (liability for use of pesticides, liability for damages from tests). See also Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees, 9 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 135.

See also Recommendation Relating to Payment of Judgments Against Local Public

Entities, 12 Cal. L. Revision Comm'n Reports 575 (1974). For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 285.

See also Recommendation Relating to the Claims Presentation Requirement in Inverse Condemnation (November 1975), published as Appendix XVI to this Report. This recommendation will be submitted to the 1976 Legislature.

See also Van Alstyne, California Inverse Condemnation Law, 10 CAL. L. REVISION COMM'N REPORTS 1 (1971).

### Lease Law

☞ Authorized by Cal. Stats. 1965, Res. Ch. 130, at 6389; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.

See Recommendation and Study Relating to Abandonment or Termination of a Lease, 8 CAL. L. REVISION COMM'N REPORTS 701 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1319 (1967).

See also Recommendation Relating to Real Property Leases, 9 CAL. L. REVISION COMM'N REPORTS 301 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 93 (1969).

See also Recommendation Relating to Real Property Leases, 9 CAL. L. REVISION COMM'N REPORTS 153 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 37.

See also Recommendations Relating to Landlord-Tenant Relations, 11 CAL. L. REVISION COMM'N REPORTS 951 (1973). This report contains two recommendations:

*Abandonment of Leased Real Property and Personal Property Left on Premises  
Vacated by Tenant.* For a legislative history of these recommendations, see 22

Cal. L. Revision Comm'n Reports 436 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Chs. 231, 234.

#### Liquidated Damages

Authorized by Cal. Stats. 1969, Res. Ch. 224, at 5806.

See Recommendation and Study Relating to Liquidated Damages, 11 Cal. L. Revision Comm'n Reports 1101 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation was not enacted.

See also Recommendation Relating to Liquidated Damages (November 1975), published as Appendix XIV to this Report. This recommendation will be submitted to the 1976 Legislature.

#### Modification of Contracts

Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589; see also 1 Cal. L. Revision Comm'n Reports, 1957 Report at 21 (1957).

See Recommendation and Study Relating to Oral Modification of Written Contracts (January 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 301 (1976). For a legislative history of this recommendation, see this Report *supra*. One of the two legislative measures recommended was enacted. See Cal. Stats. 1975, Ch. 7.

The Commission plans to submit a revised recommendation to the 1976 Legislature. See Recommendation Relating to Oral Modification of Contracts (November 1975), published as Appendix XV to this Report.

#### Nonprofit Corporations

Authorized by Cal. Stats. 1970, Res. Ch. 54, at 3547; see also 9 Cal. L. Revision Comm'n Reports 107 (1969).

### Parol Evidence Rule

Authorized by Cal. Stats. 1971, Res. Ch. 75; see also 10 Cal. L. Revision Comm'n Reports 1031 (1971).

### Partition Proceedings

Authorized by Cal. Stats. 1958, Res. Ch. 20, at 5742; see also Cal. Stats. 1958, Res. Ch. 43, at 583, 1 CAL. L. REVISION COMMISSION REPORTS 1367 (1957).

See *Recommendation relative to Partition Proceedings (January 1973)*, to be republished in 23 CAL. L. REVISION COMMISSION REPORTS 101 (1974).

For a legislative history of this recommendation, see this Report supra.

The recommended legislation will be considered by the 1976 Legislature.

### Prudential Interest

Authorized by Cal. Stats. 1972, Res. Ch. 75.

### Unincorporated Associations

Authorized by Cal. Stats. 1963, Res. Ch. 9, at 141; see also Cal. Stats. 1957, Res. Ch. 202, at 4599.

See *Recommendation and Study Relating to Suit by or Against an Unincorporated Association*, 3 CAL. L. REVISION COMMISSION REPORTS 201 (1967). For a legislative history of this recommendation, see 3 CAL. L. REVISION COMMISSION REPORTS 1517 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1334.

See also *Recommendation Relative to Service of Process on Unincorporated Associations*, 3 CAL. L. REVISION COMMISSION REPORTS 1693 (1967). For a legislative history of this recommendation, see 3 CAL. L. REVISION COMMISSION REPORTS 18-19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 132.

APPENDIX III

LEGISLATIVE ACTION ON COMMISSION  
RECOMMENDATIONS

(Cumulative)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , I CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957)	Enacted. Cal. Stats. 1955, Chs. 792, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 619 to 646</i> , I CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 56 (1957)	Enacted. Cal. Stats. 1955, Ch. 1183
3. <i>Fish and Game Code</i> , I CAL. L. REVISION COMM'N REPORTS, Annual Report for 1957 at 15 (1957); I CAL. L. REVISION COMM'N REPORTS, Annual Report for 1956 at 13 (1957)	Enacted. Cal. Stats. 1957, Ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , I CAL. L. REVISION COMM'N REPORTS at A-1 (1957)	Enacted. Cal. Stats. 1957, Ch. 139
5. <i>Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions</i> , I CAL. L. REVISION COMM'N REPORTS at E-1 (1957)	Enacted. Cal. Stats. 1957, Ch. 640
6. <i>Taking Instructions to Jury Room</i> , I CAL. L. REVISION COMM'N REPORTS at C-1 (1957)	Not enacted. But see Cal. Stats. 1975, Ch. 461, enacting substance of this recommendation.
7. <i>The Dead Man Statute</i> , I CAL. L. REVISION COMM'N REPORTS at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID. CODE § 1261.

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| 8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Abroad</i> , 1 CAL. L. REVISION COMM'N REPORTS at E-1 (1957)  | Enacted. Cal. Stats. 1957, Ch. 480   |
| 9. <i>The Marital "For and Against" Testimonial Privilege</i> , 1 CAL. L. REVISION COMM'N REPORTS at F-1 (1957)   | Not enacted. But recommendation accomplished by enactment of Evidence Code. See Comment to Evid. Code § 970. |
| 10. <i>Suppression of the Absolute Power of Attornment</i> , 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. Cal. Stats. 1958, Ch. 470   |
| 11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 CAL. L. REVISION COMM'N REPORTS at H-1 (1957)  | Enacted. Cal. Stats. 1957, Ch. 102   |
| 12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 CAL. L. REVISION COMM'N REPORTS at I-1 (1957)  | Enacted. Cal. Stats. 1957, Ch. 240   |
| 13. <i>Choice of Law Governing Survival of Actions</i> , 1 CAL. L. REVISION COMM'N REPORTS at J-1 (1957)  | No legislation recommended.  |
| 14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 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. Cal. Stats. 1959, Ch. 468   |
| 15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 CAL. L. REVISION COMM'N REPORTS at L-1 (1957)  | Not enacted.   |

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| 16. <i>Bringing New Facts into Civil Actions</i> , 1 CAL. L. REVISION COMM'N REPORTS at M-1 (1957)  | Enacted. Cal. Stats. 1957, Ch. 1498   |
| 17. <i>Grand Juries</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 20 (1959)  | Enacted. Cal. Stats. 1959, Ch. 301  |
| 18. <i>Procedure for Appointing Guardians</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 21 (1959)  | Enacted. Cal. Stats. 1959, Ch. 500  |
| 19. <i>Appointment of Administrator in Quasi Title Action</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 29 (1959)                          | No legislation recommended.   |
| 20. <i>Presentation of Claims Against Public Entities</i> , 2 CAL. L. REVISION COMM'N REPORTS at A-1 (1959)   | Enacted. Cal. Stats. 1959, Chs. 1715, 1724, 1725, 1726, 1727, 1728; CAL. CONST., Art. XI, § 10 (1960)                             |
| 21. <i>Right of Nonresident Aliens to Inherit</i> , 2 CAL. L. REVISION COMM'N REPORTS at B-1 (1959); 11 CAL. L. REVISION COMM'N REPORTS 421 (1973)              | Enacted. Cal. Stats. 1974, Ch. 425.   |
| 22. <i>Mortgages to Secure Future Advances</i> , 2 CAL. L. REVISION COMM'N REPORTS at C-1 (1959)  | Enacted. Cal. Stats. 1959, Ch. 528  |
| 23. <i>Doctrine of Worthier Title</i> , 2 CAL. L. REVISION COMM'N REPORTS at D-1 (1959)   | Enacted. Cal. Stats. 1959, Ch. 122  |
| 24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 CAL. L. REVISION COMM'N REPORTS at E-1 (1959) | Not enacted. <u>But see</u> Cal. Stats. 1972, Ch. 92 enacting substance of a portion of recommendation relating to drunk driving. |

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| 25. <i>Time Within Which Action for New Trial May be Made</i> , 2 CAL. L. REVISION COMM'N REPORTS at F-1 (1959)   | Enacted. Cal. Stats. 1959, Ch. 469   |
| 26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 CAL. L. REVISION COMM'N REPORTS at G-1 (1959)   | Not enacted.   |
| 27. <i>Evidence in Eminent Domain Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at A-1 (1961)   | Not enacted. But see EVID. CODE § 810 <i>et seq.</i> enacting substance of recommendation. |
| 28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at B-1 (1961)                                 | Enacted. Cal. Stats. 1961, Chs. 1612, 1613   |
| 29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 CAL. L. REVISION COMM'N REPORTS at C-1 (1961)                           | Not enacted. But see GOV. CODE § 7260 <i>et seq.</i> enacting substance of recommendation. |
| 30. <i>Rescission of Contracts</i> , 3 CAL. L. REVISION COMM'N REPORTS at D-1 (1961)  | Enacted. Cal. Stats. 1961, Ch. 589   |
| 31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at E-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 1616  |
| 32. <i>Survival of Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at F-1 (1961)  | Enacted. Cal. Stats. 1961, Ch. 657   |
| 33. <i>Arbitration</i> , 3 CAL. L. REVISION COMM'N REPORTS at G-1 (1961)  | Enacted. Cal. Stats. 1961, Ch. 461   |

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| 34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 CAL. L. REVISION COMM'N REPORTS at 143 (1961)                     | Not enacted 1961. See recommendation to 1963 session (item 29 <i>infra</i> ) which was enacted. |
| 35. <i>Inter Vivos Marital Property Rights in Property Acquired While Married Elsewhere</i> , 3 CAL. L. REVISION COMM'N REPORTS at 141 (1961) | Enacted. Cal. Stats. 1961, Ch. 183  |
| 36. <i>Notice of Pendency of Original Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at 141 (1961)   | Not enacted.  |
| 37. <i>Discovery in Circuit Court Proceedings</i> , 4 CAL. L. REVISION COMM'N REPORTS 701 (1963); 3 CAL. L. REVISION COMM'N REPORTS 19 (1967) | Enacted. Cal. Stats. 1967, Ch. 1194   |
| 38. <i>Joint Liability of Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 801 (1963)                             | Enacted. Cal. Stats. 1963, Ch. 1631   |
| 39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1001 (1963)         | Enacted. Cal. Stats. 1963, Ch. 1715   |
| 40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1201 (1963)                        | Enacted. Cal. Stats. 1963, Ch. 1692   |
| 41. <i>Defense of Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963)  | Enacted. Cal. Stats. 1963, Ch. 1683   |

42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 CAL. L. REVISION COMM'N REPORTS 1431 (1962); 7 CAL. L. REVISION COMM'N REPORTS 491 (1964) Enacted. Cal. Stats. 1965, Ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Civil Control*, 4 CAL. L. REVISION COMM'N REPORTS 1501 (1962) Enacted. Cal. Stats. 1963, Ch. 1684
44. *Sovereign Immunity - Amendments and Reppeals of Inconsistent Statutes*, 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963) Enacted. Cal. Stats. 1963, Chs. 1635, 1636, 2029
45. *Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1963) Enacted. Cal. Stats. 1965, Ch. 289
46. *Claims and Actions Against Public Entities and Public Employees*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1955) Enacted. Cal. Stats. 1965, Ch. 653
47. *Evidence Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967) Enacted in part: Cal. Stats. 1967, Ch. 650; balance enacted: Cal. Stats. 1976, Ch. 69
48. *Evidence--Agricultural Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 231 (1967) Enacted. Cal. Stats. 1967, Ch. 262
49. *Evidence--Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 301 (1967) Enacted. Cal. Stats. 1967, 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 1335 (1967) Enacted. Cal. Stats. 1968, Chs. 457, 458

51. *Vehicle Code Section 17150 and Related Sections*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967) Enacted. Cal. Stats. 1967, Ch. 702
52. *Abolition*, 8 CAL. L. REVISION COMM'N REPORTS 601 (1967) Enacted. Cal. Stats. 1967, Ch. 72
53. *Abandonment or Termination of a Lease*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967); 8 CAL. L. REVISION COMM'N REPORTS 491 (1968); 8 CAL. L. REVISION COMM'N REPORTS 155 (1968) Enacted. Cal. Stats. 1970, Ch. 68
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. Cal. Stats. 1968, Ch. 150
55. *Suit By or Against an Unincorporated Association*, 8 CAL. L. REVISION COMM'N REPORTS 901 (1967) Enacted. Cal. Stats. 1967, Ch. 1324
56. *Escheat*, 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967) Enacted. Cal. Stats. 1968, Chs. 247, 356
57. *Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967) Enacted. Cal. Stats. 1968, Ch. 133
58. *Service of Process on Unincorporated Associations*, 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967) Enacted. Cal. Stats. 1968, Ch. 132

59. *Sovereign Immunity--  
Statute of Limitations*, 9  
CAL. L. REVISION COMM'N  
REPORTS 43 (1969); 9 CAL.  
L. REVISION COMM'N RE-  
PORTS 175 (1969) Vetoed 1969. Enacted:  
Cal. Stats. 1970, Ch. 104
60. *Admiralty and Maritime*, 9  
CAL. L. REVISION COMM'N  
REPORTS 63 (1969) Enacted. Cal. Stats. 1969,  
Ch. 115
61. *Fictitious Business Names*,  
9 CAL. L. REVISION  
COMM'N REPORTS 71  
(1969) Enacted. Cal. Stats. 1969,  
Ch. 113
62. *Quasi-Community Prop-  
erty*, 9 CAL. L. REVISION  
COMM'N REPORTS 173  
(1969) Enacted. Cal. Stats. 1970,  
Ch. 312
63. *Arbitration of Just Com-  
pensation*, 9 CAL. L. REVI-  
SION COMM'N REPORTS  
123 (1969) Enacted. Cal. Stats. 1970,  
Ch. 417
64. *Revisions of Evidence  
Code*, 9 CAL. L. REVISION  
COMM'N REPORTS 137  
(1969) Enacted in part: Cal.  
Stats. 1970, Ch. 69; see  
also Cal. Stats. 1970, Chs.  
1396, 1397
65. *Mutuality of Remedies in  
Suits for Specific Perform-  
ance*, 9 CAL. L. REVISION  
COMM'N REPORTS 201  
(1969) Enacted. Cal. Stats. 1969,  
Ch. 156
66. *Powers of Appointment*, 9  
CAL. L. REVISION COMM'N  
REPORTS 301 (1969) Enacted. Cal. Stats. 1969,  
Chs. 113, 155
67. *Evidence Code--Revi-  
sions of Privileges Article*,  
9 CAL. L. REVISION  
COMM'N REPORTS 301  
(1969) Vetoed. But see Cal.  
Stats. 1970, Chs. 1396,  
1397
68. *Fictitious Business Names*,  
9 CAL. L. REVISION  
COMM'N REPORTS 601  
(1969) Enacted. Cal. Stats. 1970,  
Ch. 618

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69. *Representations as to the Credit of Third Persons and the Statute of Frauds*, 9 CAL. L. REVISION COMM'N REPORTS 701 (1969) Enacted. Cal. Stats. 1970, Ch. 720
70. *Revisions of Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969) Enacted in part: Cal. Stats. 1970, Chs. 682, 1099
71. *"Vesting" of Interests Under Title Against Perpetuities*, 9 CAL. L. REVISION COMM'N REPORTS 101 (1969) Enacted. Cal. Stats. 1970, Ch. 45
72. *Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 CAL. L. REVISION COMM'N REPORTS 501 (1971) Enacted: Cal. Stats. 1971, Chs. 244, 950; see also Cal. Stats. 1973, Ch. S28
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) Not enacted.
74. *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971) Enacted. Cal. Stats. 1970, Ch. 41
75. *Inverse Condemnation--Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971) Enacted. Cal. Stats. 1971, Ch. 140
76. *Discharge From Employment Because of Wage Garnishment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971) Enacted. Cal. Stats. 1971, Ch. 1607

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| 77. <i>Civil Arrest</i> , 11 CAL. L. REVISION COMM'N REPORTS 1 (1973)  | Enacted. Cal. Stats. 1973, Ch. 20   |
| 78. <i>Claim and Delivery Statute</i> , 11 CAL. L. REVISION COMM'N REPORTS 301 (1973)  | Enacted. Cal. Stats. 1973, Ch. 326  |
| 79. <i>Unclaimed Property</i> , 11 CAL. L. REVISION COMM'N REPORTS 401 (1973); 12 CAL. L. REVISION COMM'N REPORTS 607 (1974) | Proposed resolution enacted Cal. Stats. 1973, Res. Ch. 76. Legislation enacted. Cal. Stats. 1973, Ch. 25. |
| 80. <i>Enforcement of Sister State Money Judgments</i> , 11 CAL. L. REVISION COMM'N REPORTS 451 (1973)                       | Enacted. Cal. Stats. 1974, Ch. 211  |
| 81. <i>Prejudgment Attachment</i> , 11 CAL. L. REVISION COMM'N REPORTS 701 (1973)  | Enacted. Cal. Stats. 1974, Ch. 1516. See also Cal. Stats. 1975, Ch. 200                                   |
| 82. <i>Landlord-Tenant Relations</i> , 11 CAL. L. REVISION COMM'N REPORTS 951 (1973)   | Enacted. Cal. Stats. 1974, Chs. 331, 332  |
| 83. <i>Pleading</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973)                                       | Enacted. Cal. Stats. 1972, Ch. 73   |
| 84. <i>Evidence--Judicial Notice</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1025 (1973)                      | Enacted. Cal. Stats. 1972, Ch. 764  |
| 85. <i>Evidence--"Criminal Conduct" Exception</i> , 11 CAL. L. REVISION COMM'N REPORTS 1147 (1973)                           | Not enacted 1974. See recommendation to 1973 session (item 90 <i>infra</i> ) which was enacted.           |
| 86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 CAL. L. REVISION COMM'N REPORTS 1163 (1973)       | Enacted. Cal. Stats. 1974, Ch. 227  |

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| 87. <i>Liquidated Damages</i> , 11 CAL. L. REVISION COMM'N REPORTS 1201 (1973)  | Not enacted. But new recommendation will be submitted to 1976 session.                                |
| 88. <i>Payment of Judgments Against Local Public Utilities</i> , 12 CAL. L. REVISION COMM'N REPORTS 575 (1974)  | Enacted. Cal. Stats. 1975, Ch. 285  |
| 89. <i>View by Jury of Fact in a Civil Case</i> , 12 CAL. L. REVISION COMM'N REPORTS 587 (1974)   | Enacted. Cal. Stats. 1975, Ch. 301  |
| 90. <i>Cost Cause Exception to the Physician-Patient Privilege</i> , 12 CAL. L. REVISION COMM'N REPORTS 601 (1974)  | Enacted. Cal. Stats. 1975, Ch. 518  |
| 91. <i>Improvement Acts</i> , 12 CAL. L. REVISION COMM'N REPORTS 1001 (1974)  | Enacted. Cal. Stats. 1974, Ch. 426  |
| 92. <i>The Eminent Domain Law</i> , 12 CAL. L. REVISION COMM'N REPORTS 1501 (1974)  | Enacted. Cal. Stats. 1975, Chs. 1239, 1240, and 1275  |
| 93. <u>Eminent Domain--</u><br><u>Forming Changes in</u><br><u>Special District Stat-</u><br><u>utes</u> , 12 Cal. L. Re-<br>vision Comm'n Reports<br>1101 (1974); 12 Cal. L.<br>Revision Comm'n Reports<br>2004 (1974) | Enacted. Cal. Stats. 1975,<br>Chs. 581, 582, 584, 585,<br>586, 587, 1176, and 1276                    |
| 94. <i>Oral Modification of Written Contracts</i> , 13 CAL. L. REVISION COMM'N REPORTS 301 (1976)   | Enacted in part. Cal. Stats. 1975, Ch. 7. A new recommendation will be submitted to the 1976 session. |