

8/30/76

First Supplement to Memorandum 76-77

Subject: Schedule for Consideration of Topics

Attached is a letter from Francis Kerner indicating his interest in any revision of the law relating to agricultural cooperatives and advising that he can furnish the Commission with the names of counsel in this state who are actively engaged in representing agricultural cooperatives. He indicates his interest in participating in any study of agricultural cooperatives.

Also attached is a copy of a letter I wrote in reply.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

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PETER H. BEHR
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August 19, 1976

Mr. John H. DeMouilly, Executive Secretary
California Law Revision Commission
Stanford Law School
Stanford, CA. 94305

Dear Mr. DeMouilly:

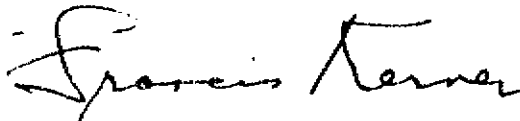
Carl Howard, Esq. of our office has referred to me your letter of May 27, 1976 respecting the proposed new General Nonprofit Corporation Law together with the tentative recommendation.

Because of my interest in agricultural cooperatives in this state for over 30 years and my active participation in Practising Law Institute programs covering such organizations as well as my being an active member of the Legal, Tax and Accounting Committee of the National Council of Farmer Cooperatives, I am intensely interested in the comments made in the tentative recommendation beginning on page 65, wherein cooperative corporations are discussed.

I should, indeed, be most interested in any developments in receiving copies of any material relevant to developments in the law with which I am concerned. I should also be pleased to participate in any formulations in the above reference. Although the "cooperative bar" is limited in number, I am able to furnish you with names of counsel in this state who are actively engaged in representing agricultural cooperatives.

I should add that the agricultural cooperatives of California carry on annually business of a dollar volume greater than such cooperatives in any other state. Their importance is most significant in a state in which agriculture is the leading industry.

Sincerely,



Francis Kerner

FK:jm

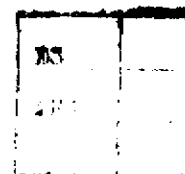


EXHIBIT II

August 26, 1970

Francis Garner, Esq.
Garner, Colangelo & Lalay
660 Market Street
San Francisco, California 94104

Dear Mr. Garner:

I appreciate receiving your letter indicating your interest in any revision of the law relating to agricultural cooperatives and advising that you can furnish the Commission with the names of counsel in this state who are actively engaged in representing agricultural cooperatives. I will bring your letter to the attention of the Commission.

The Commission has not decided whether it will request authority from the Legislature to study the law relating to cooperative corporations. As the Commission's tentative recommendation indicates, the Commission strongly believes that there is an urgent need for such a study—not only to avoid the need to continue to refer to the repealed General Corporation Law but also to determine whether any improvements can be made in the substance of the law. We have sought the advice of the State Bar Committee on Corporations as to the best method for conducting such a study, but no decision has been made whether the study should be made by the Law Revision Commission or some other group. Hopefully, some consensus can be reached on this matter soon so the study can be started as soon as possible. I will advise you when a decision has been made on this matter.

Sincerely,

John H. DeMully
Executive Secretary

JND:kp

