

9/13/82

Memorandum 82-79

Subject: Annual Report for 1981

Attached is a draft of the Annual Report for 1981. The attached draft will be revised to reflect the Commission's decisions as to its 1983 legislative program and priorities for topics for study.

Please mark your suggested editorial revisions on the attached copy. Return the marked copy to the staff at the meeting so your suggestions can be taken into account when the report is prepared for final printing. Please raise any matters that concern you about the Annual Report at the meeting.

We have prepared the Annual Report draft on the assumption that the Commission will not request that any new topics be authorized for study at the request of the Commission by the 1983 Legislature.

The Annual Report draft follows the format of the last Annual Report and for the most part continues the language used in the last Annual Report.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

STATE OF CALIFORNIA

# **CALIFORNIA LAW REVISION COMMISSION**

Annual Report



December 1982

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94306

# THE CALIFORNIA LAW REVISION COMMISSION

## COMMISSION MEMBERS

ROBERT J. BERTON Chairperson	DEBRA S. FRANK Member
BEATRICE P. LAWSON Vice Chairperson	BION M. GREGORY Ex Officio Member
ROSLYN P. CHASAN Member	ALISTER McALISTER Member of the Assembly
JAMES H. DAVIS Member	OMER L. RAINS Member of the Senate
JOHN B. EMERSON Member	DAVID ROSENBERG Member

## COMMISSION STAFF

### Legal

JOHN H. DEMOULLY <i>Executive Secretary</i>	ROBERT J. MURPHY III <i>Staff Counsel</i>
NATHANIEL STERLING <i>Assistant Executive Secretary</i>	STAN G. ULRICH <i>Staff Counsel</i>

### Administrative-Secretarial

JUAN C. ROGERS <i>Administrative Assistant</i>	
VICTORIA V. MATIAS <i>Word Processing Technician</i>	LETA M. SKAUG <i>Word Processing Technician</i>

## NOTE

The Commission's annual reports and its recommendations and studies are published in separate pamphlets which are later bound in permanent volumes. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound. The purpose of this numbering system is to facilitate consecutive pagination of the bound volumes. This pamphlet will appear in Volume 16 of the Commission's *Reports, Recommendations, and Studies* which is scheduled to be published late in 1983.

Cite this pamphlet as *Annual Report, 16 Cal. L. Revision Comm'n Reports 101 (1982)*.

STATE OF CALIFORNIA

# **CALIFORNIA LAW REVISION COMMISSION**

Annual Report



December 1982

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94306

## SUMMARY OF WORK OF COMMISSION

The California Law Revision Commission's major recommendation to the 1983 session proposes the enactment of a new statute governing wills and intestate succession. Other recommendations to the 1983 session deal with such matters as appointment of health care representatives, emancipated minors, missing persons, property subject to division upon marriage dissolution, and liability of marital property for debts and obligations.

In 1982, 10 of 11 bills recommended by the Commission were enacted. A comprehensive statute relating to enforcement of judgments was enacted. The enactment of this statute (and the conforming legislation contained in a separate bill) is the culmination of a seven-year Commission project. Other bills enacted in 1982 dealt with:

- increase in the interest rate on judgments.
- handwritten and oral wills.
- prejudgment attachment.
- authorization of financial institutions to offer accounts payable-on-death to the beneficiary designated by the depositor.
- bonds and undertakings.
- marketable title of real property.
- escheat.

A Joint Resolution relating to federal pensions and benefits as community property also was adopted.

Commission recommendations enacted by the 1982 session affected 1,649 sections of the California statutes: 722 new sections were enacted, 496 sections were amended, and 431 sections were repealed.

During 1983, the Commission plans to devote its attention to perfecting the legislation recommended to the 1983 Legislature and to work on three projects:

- probate law.
- community property law.
- statutes of limitations on felonies

Other topics will be considered to the extent time and resources permit.

## CALIFORNIA LAW REVISION COMMISSION

4000 Middlefield Road, Suite D-2  
Palo Alto, CA 94306  
(415) 494-1335

ROBERT J. BERTON  
Chairperson  
BEATRICE P. LAWSON  
Vice Chairperson  
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JAMES H. DAVIS  
JOHN B. EMERSON  
DEBRA SUE FRANK  
BION M. GREGORY  
ASSEMBLYMAN ALISTER McALISTER  
SENATOR OMER L. RAINS  
DAVID ROSENBERG

December 1, 1982

To: THE HONORABLE EDMUND G. BROWN JR.  
*Governor of California* and  
THE LEGISLATURE OF CALIFORNIA

In conformity with Government Code Section 10335, the California Law Revision Commission herewith submits this report of its activities during 1982.

I am pleased to report that at the 1982 legislative session 10 of 11 bills introduced to implement the Commission's recommendations were enacted.

I would like to give special recognition to Assemblyman Alister McAlister and to Senator Omer L. Rains who carried bills recommended by the Commission in the Legislature.

Respectfully submitted,

Robert J. Berton  
*Chairperson*

# ANNUAL REPORT FOR THE YEAR 1982

## INTRODUCTION

The primary objective of the California Law Revision Commission<sup>1</sup> is to study the statutory and decisional law of this state to discover defects and anachronisms and to recommend legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- (1) Intensively studying complex and sometimes controversial subjects;
- (2) Identifying major policy questions for legislative attention;
- (3) Gathering the views of interested persons and organizations; and
- (4) 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 report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

—A Member of the Senate appointed by the Committee on Rules.

—A Member of the Assembly appointed by the Speaker.

—Seven members appointed by the Governor with the advice and consent of the Senate.

—The Legislative Counsel who is an ex officio member.

The Commission may study only topics that the Legislature by concurrent resolution authorizes it to study. The Commission now has a calendar of 31 topics.<sup>2</sup>

Commission recommendations have resulted in the enactment of legislation affecting 7,563 sections of the California statutes: 3,225 sections have been added, 1,769 sections amended, and 2,569 sections repealed. Of the 146 Commission recommendations submitted to the Legislature, 133 (91%) have been enacted into law either in whole or in substantial part.<sup>3</sup>

The Commission's recommendations and studies are published as pamphlets and later in bound volumes. A list of past publications and information on where and how copies may be obtained may be found at the end of this Report.

<sup>1</sup> See Gov't Code §§ 10300-10340 (statute establishing Law Revision Commission).

<sup>2</sup> See list of topics under "Calendar of Topics for Study" *infra*.

<sup>3</sup> See list of recommendations and legislative action in Appendix I *infra*.

## 1983 LEGISLATIVE PROGRAM

The Commission plans to submit recommendations on the following subjects to the 1983 Legislature:

- (1) Wills and intestate succession.<sup>1</sup>
- (2) Missing persons.<sup>2</sup>
- (3) Emancipated minors.<sup>3</sup>
- (4) Disclaimer of testamentary and other interests.<sup>4</sup>
- (5) Report of assessment of proposed limited conservatee.<sup>5</sup>
- (6) Appointment of health care representative.<sup>6</sup>
- (7) Division of property on dissolution of marriage.<sup>7</sup>
- (8) Liability of marital property for debts and obligations.<sup>8</sup>
- (9) Creditors' remedies (prejudgment attachment, service by registered process server, and other matters).<sup>9</sup>
- (10) Involuntary dismissal for lack of prosecution.<sup>10</sup>
- (11) Nonprobate transfers.<sup>11</sup>

Other recommendations will be submitted if work on them is completed in time to permit their submission to the 1983 Legislature.

<sup>1</sup> See *Recommendations Relating to Probate Law and Procedure*, 16 Cal. L. Revision Comm'n Reports 2001 (1982).

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*

<sup>4</sup> See *id.*

<sup>5</sup> See *id.*

<sup>6</sup> See *Recommendations Relating to Appointment of Health Care Representative* (November 1982), published as Appendix IX to this Report.

<sup>7</sup> See *Recommendation Relating to Division of Joint Tenancy and Tenancy in Common Property on Dissolution of Marriage* (September 1982), published as Appendix VII to this Report.

8. See Recommendation Relating to Liability of Marital Property for Debts and Obligations, 16 Cal. L. Revision Comm'n Reports 901 (1982).

<sup>9</sup> See *Recommendations Relating to Creditors' Remedies* (November 1982), published as Appendix VIII to this Report.

<sup>10</sup> See *Recommendation Relating to Involuntary Dismissal for Lack of Prosecution* (November 1982), published as Appendix X to this Report.

<sup>11</sup> See *Recommendation Relating to Nonprobate Transfers*, 16 Cal. L. Revision Comm'n Reports 2401 (1982).



## MAJOR STUDIES IN PROGRESS

### Probate Code

The 1980 session of the Legislature directed the Commission to make a study of the Probate Code. In response to this directive the Commission has commenced a study of portions of the Uniform Probate Code and the existing California law relating to those portions.

In 1982, upon Commission recommendation, legislation was enacted permitting a will to be upheld as valid if the signature and material provisions of the will are in the handwriting of the testator. See 1982 Cal. Stats. ch. 187. See also *Recommendation Relating to Holographic and Nuncupative Wills*, 16 Cal. L. Revision Comm'n Reports 301 (1982). This legislation also repealed provisions permitting oral wills.

The Commission recommended to the 1981-82 legislative session legislation relating to nonprobate transfers. See *Recommendation Relating to Nonprobate Transfers*, 15 Cal. L. Revision Comm'n Reports 1605 (1980). This recommendation was enacted in part; provisions were enacted authorizing financial institutions to offer accounts payable on death to the beneficiary designated by the depositor. See 1982 Cal. Stats. ch. 269.

The Commission proposes for enactment in 1983 a new, comprehensive statute relating to wills and intestate succession. See *Recommendations Relating to Probate Law and Procedure*, 16 Cal. L. Revision Comm'n Reports 2001 (1982). Recommendations concerning other aspects of probate law and related areas—such as missing persons, emancipated minors, and appointment of a health care representative—will also be submitted to the 1983 legislative session.

The Commission has retained the following expert consultants to assist the Commission in its study of probate law: Professor Paul E. Basye, Hastings College of the Law, Professor Gail B. Bird, Hastings College of the Law, Professor James L. Blawie, University of Santa Clara School of Law, Professor Jesse Dukeminier, U.C.L.A. Law School, Professor Susan F. French, U.C. Davis Law School, and Professor Russell D. Niles, Hastings College of the Law. The Commission is working in close cooperation with the Estate Planning, Trust and Probate Law Section of the State Bar.

### Community Property

Another major topic under active study by the Commission is the law relating to community property. Work on this study has been divided into two phases.

The first phase covers the liability of various kinds of community property and separate property to third-party creditors for debts and tort obligations of either or both spouses. Professor William A. Reppy, Jr., Duke Law School, is the Commission's principal consultant on this phase of the topic. The background study he prepared for the Commission has been

published. See Reppy, *Debt Collection From Married Californians: Problems Caused by Transmutations, Single-Spouse Management, and Invalid Marriage*, 18 San Diego L. Rev. 143 (1980). The Commission's recommendation on this phase of the study will be submitted to the 1983 legislative session. See *Recommendation Relating to Liability of Marital Property for Debts and Obligations*, 16 Cal. L. Revision Comm'n Reports 901 (1982).

The second phase covers the problems in connection with equal management and control of community property, the division of community property upon dissolution of marriage, and related problems. The Commission's consultant, Professor Carol S. Bruch, U.C. Davis Law School, has prepared background studies on this phase of the topic. See Bruch, *The Definition and Division of Marital Property in California: Towards Parity and Simplicity*, 33 Hastings L. J. 769 (1982), and *Management Powers and Duties Under California's Community Property Laws*, to be published in Volume 34 of Hastings Law Journal. Her background studies are now being reviewed by the Commission.

The Commission is working closely with the Property Division Committee of the State Bar Family Law Section. Professor Bruce Wolk, U.C. Davis Law School, serves as a special consultant on the tax aspects of the community property study.

The Commission submitted a recommendation relating to one aspect of this topic to the 1982 Legislature. See *Recommendation Relating to Federal Military and Other Federal Pensions as Community Property*, 16 Cal. L. Revision Comm'n Reports 47 (1982). The joint resolution recommended by the Commission was adopted as Resolution Chapter 44 of the Statutes of 1982.

The Commission has also prepared a *Recommendation Relating to Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage* (September 1982), published as Appendix VII to this Report. The Commission plans to submit this recommendation to the 1983 legislative session.

## 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:

**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.<sup>2</sup>

A comprehensive statute was enacted in 1982 relating to enforcement of judgments. 1982 Cal. Stats. ch. \_\_\_\_\_. The Attachment Law was substantially revised and conforming changes were made in other statutes. 1982 Cal. Stats. chs. \_\_\_\_ (attachment), 497 (conforming changes). See also *Tentative Recommendation Proposing the Enforcement of Judgments Law*, 15 Cal. L. Revision Comm'n Reports 2001 (1980); *Recommendation Relating to Attachment*, 16 Cal. L. Revision Comm'n Reports 701 (1982). The Commission plans to submit additional recommendations relating to creditors' remedies to the 1983 legislative session. See *Recommendations Relating to Creditors' Remedies* (November 1982), published as Appendix IX to this Report; *Recommendation Relating to Liability of Marital Property for Debts and Obligations*, 16 Cal. L. Revision Comm'n Reports 901 (1982).

**Probate Code.** Whether the California Probate Code should be revised, including but not limited to whether California should adopt, in whole or in part, the Uniform Probate Code.<sup>3</sup>

For additional information on this topic, see discussion under "Major Studies in Progress," *supra*.

1. 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 study.
2. Authorized by 1974 Cal. Stats. res. ch. 45. See also 1972 Cal. Stats. res. ch. 27; 1957 Cal. Stats. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 15 (1957).

<sup>1</sup> Authorized by 1980 Cal. Stats. res. ch. 37.

**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.<sup>4</sup>

Professor James L. Blawie, University of Santa Clara School of Law, has prepared an analysis of the areas and problems that might be covered by this study. Professors Paul E. Basye, Hastings College of the Law, Jesse Dukeminier, U.C.L.A. Law School, Susan F. French, U.C. Davis Law School, and Russell D. Niles, Hastings College of the Law, also serve as expert consultants.

As the first phase of this project, the Commission recommended to the Legislature the enactment of legislation to expedite clearing title to land burdened by obsolete interests, such as ancient deeds of trust. See *Recommendation Relating to Marketable Title of Real Property*, 16 Cal. L. Revision Comm'n Reports 401 (1982). The legislation was enacted as Chapter \_\_\_\_ of the Statutes of 1982. The Commission plans to submit additional recommendations dealing with other property interests in the future.

**Possibilities of reverter and powers of termination.** Whether the law relating to possibilities of reverter and powers of termination should be revised.<sup>5</sup>

**Civil Code Section 1464.** Whether Civil Code Section 1464 (relating to covenants running with the land) should be revised or repealed.<sup>6</sup>

**Community property.** Whether the law relating to community property should be revised.<sup>7</sup>

For additional information on this topic, see discussion under "Major Studies in Progress," *supra*.

**Involuntary dismissal for lack of prosecution.** Whether the law relating to involuntary dismissal for lack of prosecution should be revised.<sup>8</sup>

The Commission plans to submit a recommendation to the 1983 legislative session. See *Recommendation Relating to Involuntary Dismissal for Lack of Prosecution* (November 1982), published as Appendix X to this Report.

**Statute of limitations.** Whether the law relating to statutes of limitations applicable to felonies should be revised.<sup>9</sup>

<sup>4</sup> Authorized by 1976 Cal. Stats. res. ch. 30. See also 1975 Cal. Stats. res. ch. 82.

<sup>5</sup> Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 528 (1974).

<sup>6</sup> Authorized by 1978 Cal. Stats. res. ch. 65.

<sup>7</sup> Authorized by 1978 Cal. Stats. res. ch. 65. See also 14 Cal. Revision Comm'n Reports 22 (1978).

<sup>8</sup> Authorized by 1978 Cal. Stats. res. ch. 65. See also 14 Cal. L. Revision Comm'n Reports 23 (1978).

<sup>9</sup> Authorized by 1981 Cal. Stats. ch. 909, § 3.

The Commission has retained Professor Gerald F. Uelman, Loyola Law School, Los Angeles, as a consultant on this topic. Professor Uelman is preparing a background study.

**Child custody, adoption, guardianship, 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.<sup>10</sup>

The Commission plans to submit recommendations on several aspects of this topic to the 1983 Legislature. See *Recommendations Relating to Probate Law and Procedure* (Emancipated Minors; Missing Persons; Report of Assessment of Proposed Limited Conservatee), 16 Cal. L. Revision Comm'n Reports 2001 (1982).

**Rights and disabilities of minors and incompetent persons.** Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.<sup>11</sup>

The Commission plans to submit recommendations on various aspects of this topic to the 1983 Legislature. See *Recommendation Relating to Appointment of Health Care Representative* (November 1982), published as Appendix IX to this Report. See also *Recommendations Relating to Probate Law and Procedure* (Emancipated Minors; Missing Persons; Report of Assessment of Proposed Limited Conservatee), 16 Cal. L. Revision Comm'n Reports 2001 (1982).

**Escheat; unclaimed property.** Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised.<sup>12</sup>

The Commission's recommendation to the 1983 legislative session relating to wills and intestate succession includes recommended provisions relating to escheat. See *Recommendations Relating to Probate Law and Procedure*, 16 Cal. L. Revision Comm'n Reports 2001 (1982).

### Other Topics Authorized for Study

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

**Prejudgment interest.** Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.<sup>13</sup>

**Class actions.** Whether the law relating to class actions should be revised.<sup>14</sup>

<sup>10</sup> Authorized by 1972 Cal. Stats. res. ch. 27. See also 10 Cal. L. Revision Comm'n Reports 1122 (1971); 1956 Cal. Stats. Res. ch. 42; 1 Cal. L. Revision Comm'n Reports, "1956 Report" at 29 (1957).

<sup>11</sup> Authorized by 1979 Cal. Stats. res. ch. 19. See also 14 Cal. L. Revision Comm'n Reports 217 (1978).

<sup>12</sup> Authorized by 1967 Cal. Stats. res. ch. 81. See also 1956 Cal. Stats. res. ch. 42.

<sup>13</sup> Authorized by 1971 Cal. Stats. res. ch. 75.

<sup>14</sup> Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 524 (1974).

**Offers of compromise.** Whether the law relating to offers of compromise should be revised.<sup>15</sup>

**Discovery in civil cases.** Whether the law relating to discovery in civil cases should be revised.<sup>16</sup>

**Procedure for removal of invalid liens.** Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for payment of attorney fees to the prevailing party.<sup>17</sup>

**Special assessments for public improvements.** Whether the acts governing special assessments for public improvements should be simplified and unified.<sup>18</sup>

### **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 of recommendations not enacted or for the study of additional aspects of the topic or new developments.

**Eminent domain.** Whether the law relating to eminent domain should be revised.<sup>19</sup>

**Quiet title actions.** Whether the law relating to quiet title actions should be revised.<sup>20</sup>

**Abandonment or vacation of streets and highways.** Whether the law relating to the abandonment or vacation of public streets and highways by cities, counties, and the state should be revised.<sup>21</sup>

**Evidence.** Whether the Evidence Code should be revised.<sup>22</sup>

The Commission plans to undertake a study of the differences between the Federal Rules of Evidence and the California Evidence Code when time permits. Professor Jack Friedenthal of the Stanford Law School is the Commission's consultant on this study. The experience under the Evidence Code will be reviewed in the course of the study to determine whether any revisions are needed.

**Arbitration.** Whether the law relating to arbitration should be revised.<sup>23</sup>

**Partition.** Whether the law relating to partition should be revised.<sup>24</sup>

<sup>15</sup> Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Reports 525 (1974).

<sup>16</sup> Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 526 (1974).

<sup>17</sup> Authorized by 1980 Cal. Stats. res. ch. 37.

<sup>18</sup> Authorized by 1980 Cal. Stats. res. ch. 37.

<sup>19</sup> Authorized by 1977 Cal. Stats. res. ch. 17. See also 1965 Cal. Stats. res. ch. 130; 1956 Cal. Stats. res. ch. 42; 4 Cal. L. Revision Comm'n Reports 115 (1963).

<sup>20</sup> Authorized by 1978 Cal. Stats. res. ch. 65. See also 14 Cal. L. Revision Comm'n Reports 22 (1978).

<sup>21</sup> Authorized by 1978 Cal. Stats. res. ch. 65.

<sup>22</sup> Authorized by 1965 Cal. Stats. res. ch. 130.

<sup>23</sup> Authorized by 1968 Cal. Stats. res. ch. 110. See also 8 Cal. L. Revision Comm'n Reports 1325 (1967).

<sup>24</sup> Authorized by 1977 Cal. Stats. res. ch. 17. See also 1959 Cal. Stats. res. ch. 218; 1956 Cal. Stats. res. ch. 42; 1 Cal. L. Revision Comm'n Reports, "1956 Report" at 21 (1957).

**Modification of contracts.** Whether the law relating to modification of contracts should be revised.<sup>25</sup>

**Governmental liability.** Whether the law relating to sovereign or governmental immunity in California should be revised.<sup>26</sup>

**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.<sup>27</sup>

**Lease law.** Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised.<sup>28</sup>

**Liquidated damages.** Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised.<sup>29</sup>

**Parol evidence rule.** Whether the parol evidence rule should be revised.<sup>30</sup>

**Powers of appointment.** Whether the law relating to powers of appointment should be revised.<sup>31</sup>

**Pleadings in civil actions.** Whether the law relating to pleadings in civil actions and proceedings should be revised.<sup>32</sup>

### **Topics for Future Consideration**

The Commission now has a number of major studies on its calendar. Because of the substantial and numerous topics already on its calendar, the Commission does not at this time recommend any additional topics for inclusion on its calendar of topics.

<sup>25</sup> Authorized by 1974 Cal. Stats. res. ch. 45. See also 1957 Cal. Stats. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 21 (1957).

<sup>26</sup> Authorized by 1977 Cal. Stats. res. ch. 17. See also 1957 Cal. Stats. res. ch. 202.

<sup>27</sup> Authorized by 1971 Cal. Stats. res. ch. 74. See also 1970 Cal. Stats. res. ch. 46; 1965 Cal. Stats. res. ch. 130.

<sup>28</sup> Authorized by 1965 Cal. Stats. res. ch. 130. See also 1957 Cal. Stats. res. ch. 202.

<sup>29</sup> Authorized by 1973 Cal. Stats. res. ch. 39. See also 1969 Cal. Stats. res. ch. 224.

<sup>30</sup> Authorized by 1971 Cal. Stats. res. ch. 75. See also 10 Cal. L. Revision Comm'n Reports 1031 (1971).

<sup>31</sup> Authorized by 1979 Cal. Stats. res. ch. 19. See also 1965 Cal. Stats. res. ch. 130; 14 Cal. L. Revision Comm'n Reports 218 (1978).

<sup>32</sup> Authorized by 1980 Cal. Stats. res. ch. 37.

## FUNCTION AND PROCEDURE OF COMMISSION

The principal duties of the Law Revision Commission<sup>1</sup> 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,<sup>2</sup> bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in law as it deems necessary to bring the law of this state into harmony with modern conditions.<sup>3</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>4</sup>

The Commission's work on a recommendation is commenced after a background study has been prepared. In some cases, the study is prepared by a member of the Commission's staff, but some 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. Expert consultants are also retained to advise the Commission at meetings.

The background study is given careful consideration by the Commission and, after making its preliminary decisions on the subject, the Commission ordinarily 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 recommendation, if any, the Commission 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

<sup>1</sup> Gov't Code §§ 10300-10340 (statute establishing Law Revision Commission).

<sup>2</sup> The Commission's Executive Secretary serves as an Associate Member of the National Conference of Commissioners on Uniform State Laws.

<sup>3</sup> See Gov't Code § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. Gov't Code § 10331.

<sup>4</sup> See Gov't Code § 10335. In addition, Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments each 10 years and to recommend any needed revisions. The Commission is also directed by statute to study the topic of the statutes of limitations for felonies. 1981 Cal. Stats. ch. 909, § 3.



recommendation, is published in a pamphlet.<sup>5</sup> In some cases, the background study is published in the pamphlet containing the recommendation.<sup>6</sup>

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>7</sup> to reflect amendments<sup>8</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>9</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>10</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>11</sup>

<sup>5</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>6</sup> Background studies may be published in law reviews. For background studies published in law reviews in 1981 and 1982, see Reppy, *Debt Collection for Married Californians: Problems Caused by Transmutations, Single-Spouse Management, and Invalid Marriage*, 18 San Diego L. Rev. 143 (1982); Bruch, *The Definition and Division of Marital Property in California: Towards Parity and Simplicity*, 33 Hastings L. J. 769 (1982). For a list of background studies published in law reviews prior to 1981, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971), 11 Cal. L. Revision Comm'n Reports 1008 n.5 & 1108 n.5 (1973), and 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976).

<sup>7</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 approving 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, 426 (1973). For an example of such a report, see Appendix III to this Report.

<sup>8</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>9</sup> *E.g.*, *Van Arsdale v. Hollinger*, 68 Cal.2d 245, 249-50, 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>10</sup> See, *e.g.*, *Arellano v. Moreno*, 33 Cal. App.3d 877, 109 Cal. Rptr. 421 (1973).

<sup>11</sup> The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal.3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). See also 1974 Cal. Stats. ch. 227.

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>12</sup> Thus, a large and representative number of interested persons are given an opportunity to study and comment upon the Commission's work before it is considered for enactment by the Legislature.<sup>13</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> See Gov't Code § 10333.

<sup>13</sup> For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A.J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965).

## PERSONNEL OF COMMISSION

As of December 1, 1982, the membership of the Law Revision Commission is:

	<i>Term Expires</i>
Robert J. Berton, San Diego, <i>Chairperson</i> .....	October 1, 1983
Beatrice P. Lawson, Los Angeles, <i>Vice Chairperson</i> .....	October 1, 1983
Hon. Omer L. Rains, Ventura, <i>Senate Member</i> .....	*
Hon. Alister McAlister, San Jose, <i>Assembly Member</i> .....	*
Roslyn P. Chasan, Palos Verdes Estates, <i>Member</i> .....	October 1, 1983
James H. Davis, Los Angeles, <i>Member</i> .....	October 1, 1985
John B. Emerson, Los Angeles, <i>Member</i> .....	October 1, 1985
Debra S. Frank, Los Angeles, <i>Member</i> .....	October 1, 1983
David Rosenberg, Davis, <i>Member</i> .....	October 1, 1985

Bion M. Gregory, Sacramento, *ex officio Member* ..... †

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

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

In April 1982, Governor Brown appointed Roslyn P. Chasan, Palos Verdes Estates (replacing Judith Ashmann who had resigned), James H. Davis, Los Angeles (replacing Thomas Loo whose term had expired), John B. Emerson, Los Angeles (replacing George Chinn who had resigned), and Debra S. Frank, Los Angeles (replacing Jean Love whose term had expired).

In December 1981, Jean C. Love was elected Chairperson and Beatrice P. Lawson was elected Vice Chairperson of the Commission for a one-year term commencing December 31, 1981. In May 1982, Robert J. Berton was elected Chairperson of the Commission for a term expiring on December 30, 1982, the unexpired portion of the term of former Chairperson Jean Love.

As of December 1, 1982, the staff of the Commission is:

<i>Legal</i>	
John H. DeMouly <i>Executive Secretary</i>	Robert J. Murphy III <i>Staff Counsel</i>
Nathaniel Sterling <i>Assistant Executive Secretary</i>	Stan G. Ulrich <i>Staff Counsel</i>
 <i>Administrative-Secretarial</i>	
Juan C. Rogers <i>Administrative Assistant</i>	
Victoria V. Matias <i>Word Processing Technician</i>	Leta M. Skaug <i>Word Processing Technician</i>

During 1982, the following Stanford Law School and University of Santa Clara Law School students were employed on a part-time, intermittent basis: Lynn Alison Combs, Robert W. Helm, Diane S. Makar, Betty L. Meshack, and Richard Seim.

## LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED TO 1982 LEGISLATIVE SESSION

The Commission recommended 11 bills for enactment at the 1982 session. Ten of the bills were enacted. The Commission also recommended a concurrent resolution and a joint resolution to the 1982 session. The Legislature adopted both of the resolutions.

### Creditors' Remedies

Four bills relating to creditors' remedies were recommended by the Commission for enactment at the 1982 session.

**Enforcement of judgments.** Assembly Bills 707 and 798 were introduced by Assemblyman Alister McAlister to effectuate the Commission's recommendation on this subject. See *Tentative Recommendation Proposing the Enforcement of Judgments Law*, 15 Cal. L. Revision Comm'n Reports 2001 (1980).

Assembly Bill 707, which proposed enactment of the Enforcement of Judgments Law, was enacted as Chapter \_\_\_\_ of the Statutes of 1982. Assembly Bill 798, making changes in various codes to conform to the new Enforcement of Judgments Law, was enacted as Chapter 497 of the Statutes of 1982. A number of substantive, technical, and clarifying amendments were made before the bills were enacted. These amendments are not listed here because the Commission, in cooperation with California Continuing Education of the Bar, plans to publish the new Enforcement of Judgments Law as enacted.

The Assembly Judiciary Committee and the Senate Judiciary Committee adopted special reports revising the official Comments to Assembly Bills 707 and 798. See *Report of Assembly Committee on Judiciary on Assembly Bills 707 and 798*, Assembly J. (January 18, 1982) at 9356, reprinted as Appendix II to this Report; *Report of Senate Committee on Judiciary on Assembly Bills 707, 798, and 2332*, Senate J. (June 24, 1982) at 11372, reprinted as Appendix III to this Report.

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**Interest rate on judgments.** Senate Bill 203 was introduced by Senator Omer L. Rains to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Interest Rate on Judgments*, 15 Cal. L. Revision Comm'n Reports 7 (1980). The bill, enacted as Chapter 150 of the Statutes of 1982, effectuates the Commission's recommendation that the interest rate on judgments be increased to ten percent. Provisions providing for prejudgment interest in personal injury actions (not recommended by the Commission) were also enacted by this bill.

**Prejudgment attachment** Assembly Bill 2332, which became Chapter \_\_\_\_ of the Statutes of 1982, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Attachment*, 16 Cal. L. Revision Comm'n Reports 701 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bills 707, 798, and 2332*, Senate J. (June 24, 1982) at 11372, reprinted as Appendix III to this Report. A number of

substantive, technical, and clarifying amendments were made before Assembly Bill 2332 was enacted. These amendments are not listed here because the revised attachment law will be included in the book to be published in cooperation with California Continuing Education of the Bar.

#### **Bonds and Undertakings**

Assembly Bills 2750 and 2751 were introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Statutory Bonds and Undertakings*, 16 Cal. L. Revision Comm'n Reports 501 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bills 2750 and 2751*, Senate J. (June 24, 1982) at 11370, reprinted as Appendix IV to this Report.

Assembly Bill 2751, which proposed the consolidation of general procedural rules applicable to all statutory bonds and undertakings in one statute, was enacted after technical amendments were made and became Chapter \_\_\_\_ of the Statutes of 1982.

Assembly Bill 2750, making changes in various codes to conform to the new bond and undertaking law, was enacted after technical and clarifying amendments were made and became Chapter 517 of the Statutes of 1982.

#### **Estate Planning and Probate**

**Nonprobate transfers.** Assembly Bill 325 was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Non-Probate Transfers*, 15 Cal. L. Revision Comm'n Reports 1605 (1980). The bill was not enacted. However, Assembly Bill 2643, which became Chapter 269 of the Statutes of 1982, was introduced by Assemblyman McAlister to enact the substance of a portion of the Commission's recommendation authorizing financial institutions to offer "pay-on-death" accounts to their depositors.

**Holographic and nuncupative wills.** Assembly Bill 2331, which became Chapter 187 of the Statutes of 1982, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Holographic and Nuncupative Wills*, 16 Cal. L. Revision Comm'n Reports 301 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bill 2331*, Senate J. (April 1, 1982) at 8357, reprinted as Appendix V to this Report. The bill was enacted after a number of amendments were made.

#### **Marketable Title of Real Property**

Assembly Bill 2416, which became Chapter \_\_\_\_ of the Statutes of 1982, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation

Relating to Marketable Title of Real Property, 16 Cal. L. Revision Comm'n Reports 401 (1982). See also Report of Senate Committee on Judiciary on Assembly Bill 2416, Senate J. (June 17, 1982) at 11018, reprinted as Appendix VI to this Report. The bill was enacted after a number of amendments were made.

#### **Escheat**

Assembly Bill 2341, which became Chapter 182 of the Statutes of 1982, was introduced by Assemblyman McAlister at the request of the Commission to make a technical amendment to Probate Code Section 231 to make clear that employee trust benefits are to be paid over to the state under the Unclaimed Property Law unless the employee benefit plan contains a provision for forfeiture. Such benefits do not, however, escheat under the Probate Code escheat provisions unless and until the employee benefit plan terminates. Benefits paid to the state under the Unclaimed Property Law will be held by the state to be paid to the person entitled thereto should the person make a claim to the state for such benefits.

#### **Federal Pensions and Benefits Subject to State Marital Property Law**

Assembly Joint Resolution 63, which became Resolution Chapter 44 of the Statutes of 1982, was introduced by Assemblyman McAlister to effectuate the recommendation of the Commission on this subject. See *Recommendation Relating to Federal Military and Other Federal Pensions as Community Property*, 16 Cal. L. Revision Comm'n Reports 47 (1982). This resolution requests that Congress enact legislation providing that federal law does not preempt the state community property law with regard to the division and award of various federal pension and insurance benefits in marital dissolution proceedings.

#### **Resolution Approving Topics for Study**

Assembly Concurrent Resolution 76, introduced by Assemblyman McAlister and adopted as Resolution Chapter 18 of the Statutes of 1982, authorizes the Commission to continue the study of 31 topics previously authorized for study.

## REPORT ON STATUTES REPEALED BY IMPLICATION OR HELD UNCONSTITUTIONAL

Section 10331 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 reviewed the decisions of the United States Supreme Court and of the California Supreme Court published since the Commission's last Annual Report was prepared,<sup>1</sup> and has the following to report:

(1) No decision of the United States Supreme Court or the California Supreme Court holding a statute of this state repealed by implication has been found.

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

(3) Two decisions of the California Supreme Court held statutes of this state unconstitutional.<sup>2</sup>

In *People v. Mirmirani*, 30 Cal.3d 375 (1981), the court held that Penal Code Sections 422 and 422.5 which, read together, make it a felony to threaten to commit certain crimes in order to achieve "social or political goals," are unconstitutionally vague in violation of the guarantees of due process.

In *People v. Superior Court (Engert)*, 31 Cal.3d 797 (1982), the court held that subdivision (a) (14) of Penal Code Section 190.2, which imposes the death penalty or life imprisonment on a person found guilty of first degree murder that was "especially heinous, atrocious, or cruel, and manifesting exceptional depravity," was unconstitutionally vague and violative of the Due Process clauses of the Fourteenth Amendment of the United States Constitution, and Article I, Sections 7(a) and 15, of the California Constitution.

<sup>1</sup> This study has been carried through 31 Cal.3d (end) (Advance Sheet No. 21, August 5, 1982) and 102 S. Ct. 2976 (Advance Sheet No. 18, July 15, 1982).

<sup>2</sup> In two decisions, *Hustedt v. Worker's Compensation Appeals Bd.*, 30 Cal.3d 329 (1981), and *Katz v. Worker's Compensation Appeals Bd.*, 30 Cal.3d 353 (1981), the court held that Labor Code Section 4907, granting to the Worker's Compensation Appeals Board disciplinary power over persons appearing before it in a representative capacity, as applied to attorneys is unconstitutional as a violation of the separation of powers doctrine of Article III, Section 3, of the California Constitution.

## 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 10331 of the Government Code, the Commission recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent that those provisions have been held to be unconstitutional.



# APPENDIX I

## LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957)	Enacted. Cal. Stats. 1953, Chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 50 (1957)	Enacted. Cal. Stats. 1955, Ch. 1183
3. <i>Fish and Game Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1957 at 13 (1957); 1 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> , 1 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> , 1 CAL. L. REVISION COMM'N REPORTS at B-1 (1957)	Enacted. Cal. Stats. 1957, Ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 CAL. L. REVISION COMM'N REPORTS at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.4, enacting substance of this recommendation.
7. <i>The Dead Man Statute</i> , 1 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.
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 CAL. L. REVISION COMM'N REPORTS at E-1 (1957)	Enacted. Cal. Stats. 1957, Ch. 490
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 in enactment of Evidence Code. See Comment to EVID. CODE § 970.
10. <i>Suspension of the Absolute Power of Alienation</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. 1959, Ch. 470

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
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. 249
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.
16. <i>Bringing New Parties 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. 501
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 Quiet 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

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
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. But see Cal. Stats. 1972, Ch. 92, enacting substance of a portion of recommendation relating to drunk driving.
25. <i>Time Within Which Motion 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. But see CORP. CODE §§ 1001, 1002, enacting substance of recommendation.
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 et seq. 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 GOVT. CODE § 7260 et seq. 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. 1916
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
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 CAL. L. REVISION COMM'N REPORTS at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i> ) which was enacted.

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 CAL. L. REVISION COMM'N REPORTS at I-1 (1961)	Enacted. Cal. Stats. 1961, Ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at J-1 (1961)	Not enacted.
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 CAL. L. REVISION COMM'N REPORTS 701 (1963); 8 CAL. L. REVISION COMM'N REPORTS 19 (1967)	Enacted. Cal. Stats. 1967, Ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 801 (1963)	Enacted. Cal. Stats. 1963, Ch. 1681
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. 1682
41. <i>Defense of Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963)	Enacted. Cal. Stats. 1963, Ch. 1683
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 CAL. L. REVISION COMM'N REPORTS 1401 (1963); 7 CAL. L. REVISION COMM'N REPORTS 401 (1965)	Enacted. Cal. Stats. 1965, Ch. 1527
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 CAL. L. REVISION COMM'N REPORTS 1501 (1963)	Enacted. Cal. Stats. 1963, Ch. 1684
44. <i>Sovereign Immunity--Amendments and Repeals of Inconsistent Statutes</i> , 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963)	Enacted. Cal. Stats. 1963, Chs. 1685, 1686, 2029
45. <i>Evidence Code</i> , 7 CAL. L. REVISION COMM'N REPORTS 1 (1965)	Enacted. Cal. Stats. 1965, Ch. 299

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 CAL. L. REVISION COMM'N REPORTS 401 (1965)	Enacted. Cal. Stats. 1965, Ch. 653
47. <i>Evidence Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 101 (1967)	Enacted in part. Cal. Stats. 1967, Ch. 650. Balance enacted. Cal. Stats. 1970, Ch. 69
48. <i>Evidence—Agricultural Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 201 (1967)	Enacted. Cal. Stats. 1967, Ch. 222
49. <i>Evidence—Commercial Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 301 (1967)	Enacted. Cal. Stats. 1967, Ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 CAL. L. REVISION COMM'N REPORTS 401 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1385 (1967)	Enacted. Cal. Stats. 1968, Chs. 457, 458
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 CAL. L. REVISION COMM'N REPORTS 501 (1967)	Enacted. Cal. Stats. 1967, Ch. 702
52. <i>Additur</i> , 8 CAL. L. REVISION COMM'N REPORTS 601 (1967)	Enacted. Cal. Stats. 1967, Ch. 72
53. <i>Abandonment or Termination of a Lease</i> , 8 CAL. L. REVISION COMM'N REPORTS 701 (1967); 9 CAL. L. REVISION COMM'N REPORTS 401 (1969); 9 CAL. L. REVISION COMM'N REPORTS 153 (1969)	Enacted. Cal. Stats. 1970, Ch. 60
54. <i>Good Faith Improver of Land Owned by Another</i> , 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. <i>Suit By or Against an Unincorporated Association</i> , 8 CAL. L. REVISION COMM'N REPORTS 901 (1967)	Enacted. Cal. Stats. 1967, Ch. 1384
56. <i>Escheat</i> , 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967)	Enacted. Cal. Stats. 1968, Chs. 247, 356
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967)	Enacted. Cal. Stats. 1968, Ch. 133

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
58. <i>Service of Process on Unincorporated Associations</i> , 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967)	Enacted. Cal. Stats. 1968, Ch. 132
59. <i>Sovereign Immunity—Statute of Limitations</i> , 9 CAL. L. REVISION COMM'N REPORTS 49 (1969); 9 CAL. L. REVISION COMM'N REPORTS 175 (1969)	Enacted. Cal. Stats. 1970, Ch. 104
60. <i>Additur and Remittitur</i> , 9 CAL. L. REVISION COMM'N REPORTS 63 (1969)	Enacted. Cal. Stats. 1969, Ch. 115
61. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 71 (1969)	Enacted. Cal. Stats. 1969, Ch. 114
62. <i>Quasi-Community Property</i> , 9 CAL. L. REVISION COMM'N REPORTS 113 (1969)	Enacted. Cal. Stats. 1970, Ch. 312
63. <i>Arbitration of Just Compensation</i> , 9 CAL. L. REVISION COMM'N REPORTS 123 (1969)	Enacted. Cal. Stats. 1970, Ch. 417
64. <i>Revisions of Evidence Code</i> , 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. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 CAL. L. REVISION COMM'N REPORTS 201 (1969)	Enacted. Cal. Stats. 1969, Ch. 156
66. <i>Powers of Appointment</i> , 9 CAL. L. REVISION COMM'N REPORTS 301 (1969)	Enacted. Cal. Stats. 1969, Chs. 113, 155
67. <i>Evidence Code—Revisions of Privileges Article</i> , 9 CAL. L. REVISION COMM'N REPORTS 501 (1969)	Vetoed. But see Cal. Stats. 1970, Chs. 1396, 1397
68. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 601 (1969)	Enacted. Cal. Stats. 1970, Ch. 618
69. <i>Representations as to the Credit of Third Persons and the Statute of Frauds</i> , 9 CAL. L. REVISION COMM'N REPORTS 701 (1969)	Enacted. Cal. Stats. 1970, Ch. 720
70. <i>Revisions of Governmental Liability Act</i> , 9 CAL. L. REVISION COMM'N REPORTS 801 (1969)	Enacted in part. Cal. Stats. 1970, Chs. 662, 1099

## LEGISLATIVE ACTION

Recommendation	Action by Legislature
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 CAL. L. REVISION COMM'N REPORTS 901 (1969)	Enacted. Cal. Stats. 1970, Ch. 45
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 CAL. L. REVISION COMM'N REPORTS 501 (1971)	Enacted. Cal. Stats. 1971, Chs. 244, 950. See also Cal. Stats. 1973, Ch. 828
73. <i>Wage Garnishment and Related Matters</i> , 10 CAL. L. REVISION COMM'N REPORTS 701 (1971); 11 CAL. L. REVISION COMM'N REPORTS 101 (1973); 12 CAL. L. REVISION COMM'N REPORTS 901 (1974); 13 CAL. L. REVISION COMM'N REPORTS 601 (1976); 13 CAL. L. REVISION COMM'N REPORTS 1703 (1976); 14 CAL. L. REVISION COMM'N REPORTS 261 (1978)	Enacted in part. Cal. Stats. 1978, Ch. 1133. See also Cal. Stats. 1979, Ch. 66
74. <i>Proof of Foreign Official Records</i> , 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971)	Enacted. Cal. Stats. 1970, Ch. 41
75. <i>Inverse Condemnation—Insurance Coverage</i> , 10 CAL. L. REVISION COMM'N REPORTS 1061 (1971)	Enacted. Cal. Stats. 1971, Ch. 140
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971)	Enacted. Cal. Stats. 1971, Ch. 1607
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. 526
79. <i>Unclaimed Property</i> , 11 CAL. L. REVISION COMM'N REPORTS 401 (1973); 12 CAL. L. REVISION COMM'N REPORTS 609 (1974)	Proposed resolution enacted. Cal. Stats. 1973, Res. Ch. 76. Legislation enacted. Cal. Stats. 1975, 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.

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
82. <i>Landlord-Tenant Relations</i> , 11 CAL. L. REVISION COMM'N REPORTS 981 (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 1975 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
87. <i>Liquidated Damages</i> , 11 CAL. L. REVISION COMM'N REPORTS 1201 (1973); 13 CAL. L. REVISION COMM'N REPORTS 2139 (1976); 13 CAL. L. REVISION COMM'N REPORTS 1735 (1976)	Enacted. Cal. Stats. 1977, Ch. 196
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 CAL. L. REVISION COMM'N REPORTS 575 (1974)	Enacted. Cal. Stats. 1975, Ch. 285
89. <i>View by Trier of Fact in a Civil Case</i> , 12 CAL. L. REVISION COMM'N REPORTS 587 (1974)	Enacted. Cal. Stats. 1975, Ch. 301
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 CAL. L. REVISION COMM'N REPORTS 601 (1974)	Enacted. Cal. Stats. 1975, Ch. 318
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 1601 (1974)	Enacted. Cal. Stats. 1975, Chs. 1236, 1240, 1275
93. <i>Eminent Domain—Conforming Changes in Special District Statutes</i> , 12 CAL. L. REVISION COMM'N REPORTS 1101 (1974); 12 CAL. L. REVISION COMM'N REPORTS 2004 (1974)	Enacted. Cal. Stats. 1975, Chs. 581, 582, 584, 585, 586, 587, 1176, 1276



# LEGISLATIVE ACTION

Recommendation	Action by Legislature
94. <i>Oral Modification of Written Contracts</i> , 13 CAL. L. REVISION COMM'N REPORTS 301 (1976); 13 CAL. L. REVISION COMM'N REPORTS 4129 (1976)	Enacted. Cal. Stats. 1975, Ch. 7; Cal. Stats. 1976, Ch. 109.
95. <i>Partition of Real and Personal Property</i> , 13 CAL. L. REVISION COMM'N REPORTS 401 (1976)	Enacted. Cal. Stats. 1976, Ch. 73
96. <i>Revision of the Attachment Law</i> , 13 CAL. L. REVISION COMM'N REPORTS 801 (1976)	Enacted. Cal. Stats. 1976, Ch. 437
97. <i>Undertakings for Costs</i> , 13 CAL. L. REVISION COMM'N REPORTS 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i> ) which was enacted.
98. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 CAL. L. REVISION COMM'N REPORTS 2051 (1976)	Not enacted.
99. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 CAL. L. REVISION COMM'N REPORTS 2079 (1976)	Enacted. Cal. Stats. 1976, Ch. 145
100. <i>Relocation Assistance by Private Condemnors</i> , 13 CAL. L. REVISION COMM'N REPORTS 2085 (1976)	Enacted. Cal. Stats. 1976, Ch. 143
101. <i>Condemnation for Byroads and Utility Easements</i> , 13 CAL. L. REVISION COMM'N REPORTS 2091 (1976)	Enacted in part (utility easements). Cal. Stats. 1976, Ch. 994
102. <i>Transfer of Out-of-State Trusts to California</i> , 13 CAL. L. REVISION COMM'N REPORTS 2101 (1976)	Enacted. Cal. Stats. 1976, Ch. 144
103. <i>Admissibility of Duplicates in Evidence</i> , 13 CAL. L. REVISION COMM'N REPORTS 2115 (1976)	Not enacted. But see Cal. Stats. 1977, Ch. 706, enacting substance of recommendation in modified form.
104. <i>Service of Process on Unincorporated Associations</i> , 13 CAL. L. REVISION COMM'N REPORTS 1657 (1976)	Enacted. Cal. Stats. 1976, Ch. 888
105. <i>Sister State Money Judgments</i> , 13 CAL. L. REVISION COMM'N REPORTS 1669 (1976)	Enacted. Cal. Stats. 1977, Ch. 232
106. <i>Damages in Action for Breach of Lease</i> , 13 CAL. L. REVISION COMM'N REPORTS 1679 (1976)	Enacted. Cal. Stats. 1977, Ch. 49

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
107. <i>Nonprofit Corporation Law</i> , 13 CAL. L. REVISION COMM'N REPORTS, 2201 (1976)	Not enacted. Legislation on this subject, not recommended by the Commission, was enacted in 1978.
108. <i>Use of Keepers Pursuant to Writ of Execution</i> , 14 CAL. L. REVISION COMM'N REPORTS 49 (1978)	Enacted. Cal. Stats. 1977, Ch. 155
109. <i>Attachment Law—Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 CAL. L. REVISION COMM'N REPORTS 61 (1978)	Enacted. Cal. Stats. 1977, Ch. 400
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 CAL. L. REVISION COMM'N REPORTS 83 (1978)	Enacted. Cal. Stats. 1978, Ch. 266
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 CAL. L. REVISION COMM'N REPORTS 93 (1978)	Enacted. Cal. Stats. 1978, Ch. 151
112. <i>Evidence of Market Value of Property</i> , 14 CAL. L. REVISION COMM'N REPORTS 105 (1978)	Enacted in part. Cal. Stats. 1978, Ch. 294. Substance of remainder enacted in 1980. See item 127 <i>infra</i> .
113. <i>Psychotherapist-Patient Privilege</i> , 14 CAL. L. REVISION COMM'N REPORTS 127 (1978); 15 CAL. L. REVISION COMM'N REPORTS 1307 (1980)	Vetoed 1978.
114. <i>Parol Evidence Rule</i> , 14 CAL. L. REVISION COMM'N REPORTS 143 (1978)	Enacted. Cal. Stats. 1978, Ch. 150
115. <i>Attachment Law—Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action"</i> , 14 CAL. L. REVISION COMM'N REPORTS 341 (1978)	Enacted. Cal. Stats. 1978, Ch. 273
116. <i>Powers of Appointment</i> (technical changes), 14 CAL. L. REVISION COMM'N REPORTS 257 (1978)	Enacted. Cal. Stats. 1978, Ch. 265
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 CAL. L. REVISION COMM'N REPORTS 291 (1978)	Enacted. Cal. Stats. 1979, Ch. 31
118. <i>Security for Costs</i> , 14 CAL. L. REVISION COMM'N REPORTS 319 (1978)	Enacted. Cal. Stats. 1980, Ch. 114

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
119. <i>Guardianship-Conservatorship Law</i> , 14 CAL. L. REVISION COMM'N REPORTS 501 (1978); 15 CAL. L. REVISION COMM'N REPORTS 451 (1980)	Enacted. Cal. Stats. 1979, Chs. 165, 726, 730
120. <i>Effect of New Bankruptcy Law on The Attachment Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 1043 (1980)	Enacted. Cal. Stats. 1979, Ch. 77
121. <i>Confessions of Judgment</i> , 15 CAL. L. REVISION COMM'N REPORTS 1053 (1980)	Enacted. Cal. Stats. 1979, Ch. 566
122. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 CAL. L. REVISION COMM'N REPORTS 1101 (1980)	Enacted. Cal. Stats. 1980, Ch. 122
123. <i>Assignments for the Benefit of Creditors</i> , 15 CAL. L. REVISION COMM'N REPORTS 1117 (1980)	Enacted. Cal. Stats. 1980, Ch. 135
124. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 CAL. L. REVISION COMM'N REPORTS 1137 (1980)	Enacted. Cal. Stats. 1980, Ch. 1050
125. <i>Quiet Title Actions</i> , 15 CAL. L. REVISION COMM'N REPORTS 1187 (1980)	Enacted. Cal. Stats. 1980, Ch. 44
126. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 CAL. L. REVISION COMM'N REPORTS 1237 (1980)	Enacted. Cal. Stats. 1980, Ch. 682
127. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 CAL. L. REVISION COMM'N REPORTS 301 (1980)	Enacted. Cal. Stats. 1980, Ch. 361
128. <i>Probate Homestead</i> , 15 CAL. L. REVISION COMM'N REPORTS 401 (1980)	Enacted. Cal. Stats. 1980, Ch. 119
129. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 CAL. L. REVISION COMM'N REPORTS 1257 (1980)	Enacted. Cal. Stats. 1980, Ch. 215
130. <i>Uniform Veterans Guardianship Act</i> , 15 CAL. L. REVISION COMM'N REPORTS 1289 (1980)	Enacted. Cal. Stats. 1980, Ch. 89

# LEGISLATIVE ACTION

Recommendation	Action by Legislature
131. <i>Enforcement of Obligations After Death</i> , 15 CAL. L. REVISION COMM'N REPORTS 1327 (1980)	Enacted. Cal. Stats. 1980, Ch. 124
132. <i>Interest Rate on Judgments</i> , 15 CAL. L. REVISION COMM'N REPORTS 7 (1980)	Enacted. Cal. Stats. 1982, Ch. 150
133. <i>Married Women as Sole Traders</i> , 15 CAL. L. REVISION COMM'N REPORTS 21 (1980)	Enacted. Cal. Stats. 1980, Ch. 123
134. <i>State Tax Liens</i> , 15 CAL. L. REVISION COMM'N REPORTS 29 (1980)	Enacted. Cal. Stats. 1980, Ch. 600 See also Cal. Stats. 1981, Ch. 217.
135. <u>Guardianship-Conservatorship</u> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. Cal. Stats. 1980, Ch. 246
136. <i>Revision of Guardianship-Conservatorship Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 1463 (1980)	Enacted. Cal. Stats. 1981, Ch. 9
137. <i>Enforcement of Judgments Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 2001 (1980)	Enacted. Cal. Stats. 1982, Chs. ___, 497
138. <i>Uniform Durable Power of Attorney Act</i> , 15 CAL. L. REVISION COMM'N REPORTS 351 (1980)	Enacted. Cal. Stats. 1981, Ch. 511
139. <i>Nonprobate Transfers</i> , 15 CAL. L. REVISION COMM'N REPORTS 1605 (1980)	Enacted in part (pay-on-death accounts). Cal. Stats. 1982, Ch. 269
140. <i>Revision of the Powers of Appointment Statute</i> , 15 CAL. L. REVISION COMM'N REPORTS 1667 (1980)	Enacted. Cal. Stats. 1981, Ch. 63
141. <u>State Tax Liens</u> (technical change) 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. Cal. Stats. 1981, Ch. 177
142. <u>Assessment Liens on Property Taken for Public Use</u> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. Cal. Stats. 1981, Ch. 139
143. <u>Federal Pensions as Community Property</u> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. Cal. Stats. 1982, Res. Ch. 44

144. Holographic and Nuncupative Wills,  
16 Cal. L. Revision Comm'n Reports  
301 (1982) Enacted. Cal. Stats. 1982, Ch. 187
145. Marketable Title of Real Property,  
16 Cal. L. Revision Comm'n Reports  
401 (1982) Enacted. Cal. Stats. 1982, Ch. \_\_\_\_
146. Statutory Bonds and Undertakings,  
16 Cal. L. Revision Comm'n Reports  
501 (1982) Enacted. Cal. Stats. 1982, Chs. \_\_\_\_,  
\_\_\_\_
147. Attachment, 16 Cal. L. Revision  
Comm'n Reports 701 (1982) Enacted. Cal. Stats. 1982, Ch. \_\_\_\_
148. Escheat (technical change), 16 Cal.  
L. Revision Comm'n Reports \_\_\_\_ (1982) Enacted. Cal. Stats. 1982, Ch. 187

A P P E N D I X    I I

REPORT OF  
ASSEMBLY COMMITTEE ON JUDICIARY  
ON ASSEMBLY BILLS 707 AND 798

[Extract from Assembly Journal for January 18, 1982 (1981-82 Regular Session)]

A P P E N D I X    I I I

REPORT OF  
SENATE COMMITTEE ON JUDICIARY  
ON ASSEMBLY BILLS 707, 798, AND 2332

[Extract from Senate Journal for June 24, 1982 (1981-82 Regular Session)]

A P P E N D I X    I V

REPORT OF  
SENATE COMMITTEE ON JUDICIARY  
ON ASSEMBLY BILLS 2750 AND 2751

[Extract from Senate Journal for June 24, 1982 (1981-82 Regular Session)]

A P P E N D I X    V

REPORT OF  
SENATE COMMITTEE ON JUDICIARY  
ON ASSEMBLY BILL 2331

[Extract from Senate Journal for April 1, 1982 (1981-82 Regular Session)]

A P P E N D I X    V I

REPORT OF  
SENATE COMMITTEE ON JUDICIARY  
ON ASSEMBLY BILL 2416

[Extract from Senate Journal for June 17, 1982 (1981-82 Regular Session)]

A P P E N D I X   V I I

Recommendation Relating to

Division of Joint Tenancy and Tenancy in Common  
property at Dissolution of Marriage

September 1982

A P P E N D I X   V I I I

Recommendation Relating to

Creditors' Remedies

Amount to be Secured by Attachment  
Execution of Writs by Registered Process Servers  
Technical Amendments

September 1982



A P P E N D I X    I X

Recommendation Relating to  
Appointment of Health Care Representative

November 1982

A P P E N D I X      X

Recommendation Relating to  
Involuntary Dismissal for Lack of Prosecution

November 1982

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1956 Annual Report  
1957 Annual Report

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- Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions**
- Taking Instructions to the Jury Room**
- The Dead Man Statute**
- Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere**
- The Marital "For and Against" Testimonial Privilege**
- Suspension of the Absolute Power of Alienation**
- Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378**
- Judicial Notice of the Law of Foreign Countries**
- Choice of Law Governing Survival of Actions**
- The Effective Date of an Order Ruling on a Motion for New Trial**
- Retention of Venue for Convenience of Witnesses**
- Bringing New Parties into Civil Actions**

## **VOLUME 2 (1959)**

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1958 Annual Report

1959 Annual Report

### **Recommendation and Study Relating to:**

- The Presentation of Claims Against Public Entities**
- The Right of Nonresident Aliens to Inherit**
- Mortgages to Secure Future Advances**
- The Doctrine of Worthier Title**
- Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving**
- Time Within Which Motion for New Trial May Be Made**
- Notice to Shareholders of Sale of Corporate Assets**

## **VOLUME 3 (1961)**

[Out of Print]

1960 Annual Report

1961 Annual Report

### **Recommendation and Study Relating to:**

- Evidence in Eminent Domain Proceedings**
- Taking Possession and Passage of Title in Eminent Domain Proceedings**
- The Reimbursement for Moving Expenses When Property is Acquired for Public Use**
- Rescission of Contracts**
- The Right to Counsel and the Separation of the Delinquent From the Nondelinquent Minor in Juvenile Court Proceedings**
- Survival of Actions**

## PUBLICATIONS

Arbitration  
The Presentation of Claims Against Public Officers and Employees  
Inter Vivos Marital Property Rights in Property Acquired While  
Domiciled Elsewhere  
Notice of Alibi in Criminal Actions

### VOLUME 4 (1963)

[Out of Print]

1962 Annual Report  
1963 Annual Report  
1964 Annual Report  
Recommendation and Study Relating to Condemnation Law and Procedure:  
Number 4—Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.]  
Recommendations 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 [out of print]  
Tentative Recommendation and A Study Relating to the Uniform Rules of Evidence (Article VIII. Hearsay Evidence)

### VOLUME 5 (1963)

[Out of Print]

A Study Relating to Sovereign Immunity

### VOLUME 6 (1964)

[Out of Print]

Tentative Recommendations and Studies Relating to the Uniform Rules of Evidence:  
Article I ~~(General Provisions)~~  
Article II ~~(Judicial Notice)~~  
Burden of Producing Evidence, Burden of Proof, and Presumptions (replacing URE Article III)  
Article IV (Witnesses)  
Article V (Privileges)  
Article VI (Extrinsic Policies Affecting Admissibility)  
Article VII (Expert and Other Opinion Testimony)  
Article VIII (Hearsay Evidence) (same as publication in Volume 4)  
Article IX (Authentication and Content of Writings)

PUBLICATIONS

**VOLUME 7 (1965)**

[Out of Print]

1965 Annual Report  
1966 Annual Report  
Evidence Code with Official Comments [out of print]  
Recommendation Proposing an Evidence Code [out of print]  
Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees

**VOLUME 8 (1967)**

Annual Report (December 1966) includes the following recommendation:  
Discovery in Eminent Domain Proceedings  
Annual Report (December 1967) includes following recommendations:  
Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding  
Improvements Made in Good Faith Upon Land Owned by Another  
Damages for Personal Injuries to a Married Person as Separate or Community Property  
Service of Process on Unincorporated Associations  
Recommendation and Study Relating to:  
Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property  
Vehicle Code Section 17150 and Related Sections  
Additur  
Abandonment or Termination of a Lease  
The Good Faith Improver of Land Owned by Another  
Suit By or Against An Unincorporated Association  
Recommendation Relating to the Evidence Code:  
Number 1—Evidence Code Revisions  
Number 2—Agricultural Code Revisions  
Number 3—Commercial Code Revisions  
Recommendation Relating to Escheat  
Tentative Recommendation and A Study Relating to Condemnation Law and Procedure: Number 1—Possession Prior to Final Judgment and Related Problems

**VOLUME 9 (1969)**

[Out of Print]

Annual Report (December 1968) includes following recommendations:  
Recommendation Relating to Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees  
Recommendation Relating to Additur and Remittitur  
Recommendation Relating to Fictitious Business Names

## PUBLICATIONS

- Annual Report (December 1969) includes following recommendations:
- Recommendation Relating to Quasi-Community Property
  - Recommendation Relating to Arbitration of Just Compensation
  - Recommendation Relating to the Evidence Code: Number 5—Revisions of the Evidence Code
  - Recommendation Relating to Real Property Leases
  - Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees
- Recommendation and Study Relating to:
- Mutuality of Remedies in Suits for Specific Performance
  - Powers of Appointment
  - Fictitious Business Names
  - Representations as to the Credit of Third Persons and the Statute of Frauds
  - The "Vesting" of Interests Under the Rule Against Perpetuities
- Recommendation Relating to:
- Real Property Leases
  - The Evidence Code: Number 4—Revision of the Privileges Article
  - Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act

## VOLUME 10 (1971)

- Annual Report (December 1970) includes the following recommendation:
- Recommendation Relating to Inverse Condemnation: Insurance Coverage
- Annual Report (December 1971) includes the following recommendation:
- Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment
- California Inverse Condemnation Law [out of print]
- Recommendation and Study Relating to Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions
- Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law [out of print]

## VOLUME 11 (1973)

- Annual Report (December 1972)
- Annual Report (December 1973) includes the following recommendations:
- Evidence Code Section 999—The "Criminal Conduct" Exception to the Physician-Patient Privilege
  - Erroneously Ordered Disclosure of Privileged Information
- Recommendation and Study Relating to:
- Civil Arrest
  - Inheritance Rights of Nonresident Aliens
  - Liquidated Damages

## **PUBLICATIONS**

**Recommendation Relating to:**  
Wage Garnishment and Related Matters  
The Claim and Delivery Statute  
Unclaimed Property  
Enforcement of Sister State Money Judgments  
Prejudgment Attachment  
Landlord-Tenant Relations  
**Tentative Recommendation Relating to:**  
Prejudgment Attachment

### **VOLUME 12 (1974)**

**Annual Report (December 1974) includes following recommendations:**  
Payment of Judgments Against Local Public Entities  
View by Trier of Fact in a Civil Case  
The Good Cause Exception to the Physician-Patient Privilege  
Escheat of Amounts Payable on Travelers Checks, Money Orders, and  
Similar Instruments  
**Recommendation Proposing the Eminent Domain Law**  
**Recommendation Relating to Condemnation Law and Procedure:**  
Conforming Changes in Improvement Acts  
**Recommendation Relating to Wage Garnishment Exemptions**  
**Tentative Recommendations Relating to Condemnation Law and Procedure:**  
The Eminent Domain Law  
Condemnation Authority of State Agencies  
Conforming Changes in Special District Statutes

### **VOLUME 13 (1976)**

**Annual Report (December 1975) includes following recommendations:**  
Admissibility of Copies of Business Records in Evidence  
Turnover Orders Under the Claim and Delivery Law  
Relocation Assistance by Private Condemnors  
Condemnation for Byroads and Utility Easements  
Transfer of Out-of-State Trusts to California  
Admissibility of Duplicates in Evidence  
Oral Modification of Contracts  
Liquidated Damages  
**Annual Report (December 1976) includes following recommendations:**  
Service of Process on Unincorporated Associations  
Sister State Money Judgments  
Damages in Action for Breach of Lease  
Wage Garnishment  
Liquidated Damages



## **PUBLICATIONS**

**Selected Legislation Relating to Creditors' Remedies [out of print]**  
**Eminent Domain Law with Conforming Changes in Codified Sections and Official Comments [out of print]**  
**Recommendation and Study Relating to Oral Modification of Written Contracts**  
**Recommendation Relating to:**  
    **Partition of Real and Personal Property**  
    **Wage Garnishment Procedure**  
    **Revision of the Attachment Law**  
    **Undertakings for Costs**  
    **Nonprofit Corporation Law**

### **VOLUME 14 (1978)**

**Annual Report (December 1977) includes following recommendations:**  
    **Use of Keepers Pursuant to Writs of Execution**  
    **Attachment Law—Effect of Bankruptcy Proceedings; Effect of General Assignments for Benefit of Creditors**  
    **Review of Resolution of Necessity by Writ of Mandate**  
    **Use of Court Commissioners Under the Attachment Law**  
    **Evidence of Market Value of Property**  
    **Psychotherapist-Patient Privilege**  
    **Parol Evidence Rule**  
**Annual Report (December 1978) includes following recommendations:**  
    **Technical Revisions in the Attachment Law: Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action"**  
    **Ad Valorem Property Taxes in Eminent Domain Proceedings**  
    **Security for Costs**  
**Recommendation Relating to Guardianship-Conservatorship Law**

### **VOLUME 15 (1980)**

[This volume is published in two parts; each part is considered a separate volume in determining the sale price.]

**Annual Report (December 1979) includes following recommendations:**  
    **Effect of New Bankruptcy Law on the Attachment Law**  
    **Confessions of Judgment**  
    **Special Assessment Liens on Property Taken for Public Use**  
    **Assignments for the Benefit of Creditors**  
    **Vacation of Public Streets, Highways, and Service Easements**  
    **Quiet Title Actions**  
    **Agreements for Entry of Paternity and Support Judgments**  
    **Enforcement of Claims and Judgments Against Public Entities**  
    **Uniform Veterans Guardianship Act**  
    **Psychotherapist-Patient Privilege**  
    **Enforcement of Obligations After Death**

## PUBLICATIONS

Annual Report (December 1980) includes following recommendation:

Revision of the Guardianship-Conservatorship Law: Appointment of Successor Guardian or Conservator; Support of Conservatee Spouse from Community Property; Appealable Orders

Guardianship-Conservatorship Law with Official Comments [out of print]

Tentative Recommendation Proposing the Enforcement of Judgments Law  
Recommendation Relating to:

Enforcement of Judgments: Interest Rate on Judgments; Married Women as Sole Traders; State Tax Liens

Application of Evidence Code Property Valuation Rules in Noncondemnation Cases

Durable Power of Attorney

Probate Homestead

Estate Planning and Probate: Nonprobate Transfers; Revision of Powers of Appointment Statute

## VOLUME 16 (1982)

[Volume expected to be available December 1983]

Annual Report (December 1981) includes the following recommendation:

Federal Military and Other Federal Pensions as Community Property

Annual Report (December 1982) includes the following recommendations:

Division of Joint Tenancy and Tenancy in Common Property at

Dissolution of Marriage

Creditors' Remedies: Amount Secured by Attachment; Execution of

Writs by Registered Process Servers; Technical Amendments

Appointment of a Health Care Representative

Involuntary Dismissal for Lack of Prosecution

Recommendation Relating to:

Holographic and Nuncupative Wills

Marketable Title of Real Property

Statutory Bonds and Undertakings

Attachment

Nonprobate Transfers

Liability of Marital Property for Debts and Obligations

Probate Law and Procedure: Wills and Intestate Succession;

Report of Assessment of Proposed Limited Conservatee;

Emancipated Minors; Disclaimer of Testamentary and

Nontestamentary Interests; Missing Persons

1982 Creditors' Remedies Legislation [out of print]