

12/27/84

Memorandum 85-2

Subject: Annual Report for 1984

Attached is a draft of the Annual Report covering the year 1984. The draft is the same in substance as the Annual Report of prior years with revisions to bring the report up-to-date.

Note the following matters concerning the draft:

(1) 1987 Legislative Program (page 10). This will be revised to the extent necessary to reflect the Commission's decisions at the January meeting concerning recommendations to the 1985 session. Other portions of the draft will be conformed to those decisions.

(2) Appendices III to XVIII are omitted from the attached draft. The omitted material consists of Commission recommendations and legislative committee reports revising or supplementing official comments. The omitted material is listed in the Table of Contents (page 8).

Respectfully submitted,

John H. DeMouilly
Executive Secretary

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Annual Report



January 1985

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Suite D-2
Palo Alto, California 94303

THE CALIFORNIA LAW REVISION COMMISSION

COMMISSION MEMBERS

EDWIN K. MARZEC
Chairperson

JAMES H. DAVIS
Vice Chairperson

BARRY KEENE
Member of Senate

ALISTER MCALISTER
Member of Assembly

ROGER ARNEBERGH
Member

JOHN B. EMERSON
Member

BION M. GREGORY
Member

ARTHUR K. MARSHALL
Member

DAVID ROSENBERG
Member

ANN E. STODDEN
Member

COMMISSION STAFF

Legal

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Executive Secretary

ROBERT J. MURPHY III
Staff Counsel

NATHANIEL STERLING
Assistant Executive Secretary

STAN G. ULRICH
Staff Counsel

Administrative-Secretarial

JUAN C. ROGERS
Administrative Assistant

EUGENIA AYALA
Word Processing Technician

VICTORIA V. MATIAS
Word Processing Technician

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 18 of the Commission's *Reports, Recommendations, and Studies* which is scheduled to be published late in 1987.

Cite this pamphlet as *Annual Report*, 18 CAL. L. REVISION
COMM'N REPORTS 1 (1986).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Annual Report



January 1985

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Suite D-2
Palo Alto, California 94303

SUMMARY OF WORK OF COMMISSION

Recommendations to 1985 Legislative Session

The California Law Revision Commission plans to submit a number of recommendations to the 1985 session of the Legislature in the fields of probate law and family law.

The probate law recommendations relate to the transfer without probate of certain state registered property, durable powers of attorney, living wills, distribution under a will or trust, and the effect of adoption or out of wedlock birth on rights at death.

The recommendations relating to family law deal with such matters as provision for support if the support obligor dies, dividing jointly owned property upon marriage dissolution, division of employee pension benefit plans, and litigation expenses in family law proceedings.

Other recommendations to the 1985 legislative session deal with protection of mediation communications, recording severance of joint tenancy, abandoned easements, and creditors' remedies.

Recommendations Enacted by 1984 Legislative Session

In 1984, 21 of 25 bills recommended by the Commission were enacted. Statutory forms for durable powers of attorney for health care and for property matters were enacted. Legislation to avoid the need for probate and to reduce the delay and expense of probate was enacted. Other bills enacted in 1984 dealt with:

- Uniform Transfers to Minors Act
- Garnishment of periodic payments from trusts
- Use of affidavit of death to clear title to real property
- Wills and intestate succession
- Spousal support
- Special appearances in family law proceedings
- Liability of earnings of stepparent for child support
- Award of family home to spouse having custody of children
- Reimbursement for educational expenses at dissolution of marriage
- Marital property transmigrations
- Liability of marital property for debts
- Creditors' remedies
- Quiet title and partition judgments
- Dormant mineral rights

- Severance of joint tenancy
- Dismissal of civil actions for lack of prosecution
- Statute of limitations for felonies

Commission recommendations enacted by the 1984 session affected 377 sections of the California statutes: 169 new sections were enacted, 140 sections were amended, and 68 sections were repealed.

Commission Plans for 1985

During 1985, the Commission plans to devote its attention almost exclusively to the preparation of a new Probate Code for introduction at the 1986 legislative session.

CALIFORNIA LAW REVISION COMMISSION

4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303
(415) 494-1335

DAVID ROSENBERG

Chairperson

JAMES H. DAVIS

Vice Chairperson

SENATOR BARRY KEENE

ASSEMBLYMAN ALISTER McALISTER

ROGER ARNEBERGH

JOHN B. EMERSON

BION M. GREGORY

ARTHUR K. MARSHALL

EDWIN K. MARZEC

ANN E. STODDEN

December 20, 1984

To: THE HONORABLE GEORGE DEUKMEJIAN
Governor of California and
THE LEGISLATURE OF CALIFORNIA

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 1984.

I am pleased to report that at the 1984 legislative session 21 of 25 bills introduced to implement the Commission's recommendations were enacted.

A number of members of the Legislature deserve special recognition for their assistance to the Commission:

(1) Senator Robert C. Beverly authored and secured the enactment of legislation to provide funds so that the Commission could continue its law reform work.

(2) Assembly Member Alister McAlister, who serves as the Assembly Member of the Commission, authored 13 of the Commission recommended measures enacted in 1984. The integrity, hard work, and wise counsel of Assembly Member McAlister has contributed significantly to the favorable legislative reaction to Commission recommended measures at the 1984 legislative session and to the overall success of the Commission's law reform activities during the 12 years he has served as a member of the Commission.

Senator Barry Keene, the Senate Member of the Commission, introduced and obtained the enactment in 1984 of three important Commission recommended bills.

(3) Assembly Members Elihu Harris and Byron Sher each introduced two Commission recommended measures that were enacted in 1984.

(4) Assembly Members Gwen Moore and Philip Isenberg each introduced a Commission recommended measure that was enacted in 1984.

(5) Senator William Lockyer introduced a Commission recommended measure that was given interim study during 1984.

Respectfully submitted,

DAVID ROSENBERG
Chairperson

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ANNUAL REPORT FOR THE YEAR 1984

INTRODUCTION

The California Law Revision Commission¹ was created in 1953 (as the permanent successor to the Code Commission) with the responsibility for a continuing substantive review of California statutory and decisional law.² The Commission studies the California law to discover defects and anachronisms and recommends 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 23 topics.³

¹ See Gov't Code §§ 8280-8297 (statute establishing Law Revision Commission).

² See 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954 at 7 (1957).

³ See list of topics under "Calendar of Topics Authorized for Study" set out in Appendix I *infra*.

Commission recommendations have resulted in the enactment of legislation affecting 8,641 sections of the California statutes: 3,726 sections have been added, 2,039 sections amended, and 2,876 sections repealed. Of the 183 Commission recommendations submitted to the Legislature, 166 (91%) have been enacted into law either in whole or in substantial part.⁴

The Commission's recommendations and studies are published as pamphlets and later in hardcover 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.

1985 LEGISLATIVE PROGRAM

The Commission plans to recommend legislation on the following subjects to the 1985 Legislature:

- (1) Living wills.⁵
- (2) Provision for support if support obligor dies.⁶
- (3) Transfer without probate of title to vehicles, undocumented vessels, manufactured homes, mobile homes, and commercial coaches.⁷
- (4) Dividing jointly owned property upon marriage dissolution.⁸
- (5) Creditors' remedies.⁹
- (6) Durable powers of attorney.¹⁰
- (7) Division of employee pension benefit plans.¹¹
- (8) Litigation expenses in family law proceedings.¹²

⁴ See list of recommendation and legislative action in Appendix II *infra*.

⁵ See *Recommendation Relating to Statutory Forms for Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701, 710, 769-71 (1984).

⁶ See *Recommendation Relating to Provision for Support if Support Obligor Dies* (September 1984), published as Appendix XVI to this Report.

⁷ See *Recommendation Relating to Transfer Without Probate of Certain Property Registered by the State* (November 1984), published as Appendix XVII to this Report.

⁸ See *Recommendation Relating to Dividing Jointly Owned Property Upon Marriage Dissolution* (November 1984), published as Appendix XVIII to this Report.

⁹ The Commission will not publish a recommendation relating to this recommendation. The recommended legislation makes technical and clarifying revisions in the Enforcement of Judgments Law enacted by Chapter 1364 of the Statutes of 1982 upon recommendation of the Law Revision Commission. This recommendation is made pursuant to Resolution Chapter 45 of the Statutes of 1974.

¹⁰ See *Recommendation Relating to Durable Powers of Attorney* (January 1985). This recommendation will be separately published.

¹¹ See *Recommendation Relating to Division of Employee Pension Benefit Plans* (January 1985). This recommendation will be separately published.

¹² See *Recommendation Relating to Litigation Expenses in Family Law Proceedings* (January 1985). This recommendation will be separately published.

- (9) Distribution under a will or trust.¹³
- (10) Protection of mediation communications.¹⁴
- (11) Recording severance of joint tenancy.¹⁵
- (12) Effect of adoption or out of wedlock birth on rights at death.¹⁶
- (13) Abandoned easements.¹⁷

The Commission also recommends that the 1985 Legislature make revisions in the statute relating to the Commission.¹⁸

THE PROBATE CODE STUDY

The Commission is now devoting its time and resources almost exclusively to the study of probate law and procedure.¹⁹ The goal is to submit an entire new Probate Code to the 1986 legislative session. During 1985, the Commission will send drafts of portions of the new code to interested persons and organizations for review and comment.

The Commission is working in close cooperation with the Estate Planning, Trust and Probate Law Section of the State Bar and the Probate and Trust Law Section of the Los Angeles County Bar Association. The views of members of the public and of lawyers, judges, court commissioners, probate referees, and others who work in the probate law field are being sought and

¹³ See *Recommendation Relating to Distribution Under a Will or Trust* (January 1985). This recommendation will be separately published.

¹⁴ See *Recommendation Relating to Protection of Mediation Communications* (January 1985). This recommendation will be separately published.

¹⁵ See *Recommendation Relating to Recording Severance of Joint Tenancy* (January 1985). This recommendation will be separately published.

¹⁶ See *Recommendation Relating to Effect of Adoption or Out of Wedlock Birth on Rights at Death* (January 1985). This recommendation will be separately published. The Commission also recommends the enactment of urgency legislation to provide that a stepchild or fosterchild is not a child for the purposes of a statutory requirement that notice be given to heirs, issue, or children unless the stepchild or fosterchild is an adopted child or unless the person giving the notice has actual knowledge that the child is a child under Section 6408 of the Probate Code.

¹⁷ See *Recommendation Relating to Abandoned Easements* (January 1985).

¹⁸ The Commission recommends that:

(1) Section 8288 of the Government Code be amended to allow the employees of the Commission and members of the Commission appointed by the Governor to advocate the passage by the Legislature or approval by the Governor of legislation recommended by the Commission.

(2) A new provision be added to the statute relating to the Commission providing that the office of a member of the Commission appointed by the Governor becomes vacant if the member is absent for three consecutive regular meetings of the Commission unless the member is excused from attending.

¹⁹ In 1980, the Legislature directed the Commission to make this study. 1980 Cal. Stats. res. ch. 37.

will be taken into account in preparing the new code. A special effort has been made to obtain the suggestions of members of the probate and trust law committees of local bar associations. The California Bankers Association has appointed a special committee to work with the Commission.

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 Jesse Dukeminier, U.C.L.A. Law School, Professor Susan F. French, U.C. Davis School of Law, Professor Edward C. Halbach, Jr., U.C. Berkeley Law School, and Professor Russell D. Niles, Hastings College of the Law.

CALENDAR OF TOPICS FOR STUDY

The Commission's calendar of topics is set out in Appendix I to this Report. Each of these topics has been authorized for Commission study by the Legislature.²⁰ 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.

FUNCTION AND PROCEDURE OF COMMISSION

The principal duties of the Law Revision Commission¹ 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,² 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.³

²⁰ Section 8293 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 topics which the Legislature by concurrent resolution refers to it for study.

¹ Gov't Code §§ 8280-8297 (statute governing Law Revision Commission).

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

³ See Gov't Code § 8289. 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 § 8290.

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.⁴

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

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

⁴ See Gov't Code § 8293. 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.

⁵ 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.

⁶ Background studies may be published in law reviews. For a list of background studies published in law reviews prior to 1983, 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), 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976), 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982), and 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984).

committee reports⁷ to reflect amendments⁸ 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.⁹ 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.¹⁰ 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.¹¹

The pamphlets are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial

⁷ 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.

⁸ 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.

⁹ *E.g.*, *Van Arsdale v. Hollinger*, 68 Cal.2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968). See also *Milligan v. City of Laguna Beach*, 34 Cal.3d 829, 831, 196 Cal. Rptr. 38, 39 (1983) ("To ascertain the legislative intent, courts have resorted to many rules of construction. However, when the legislature has stated the purpose of its enactment in unmistakable terms [e.g., in official comments], we must apply the enactment in accordance with the legislative direction, and all other rules of construction must fall by the wayside. Speculation and reasoning as to legislative purpose must give way to expressed legislative purpose."). The Comments are published by both the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

¹⁰ See, e.g., *Arellano v. Moreno*, 33 Cal. App.3d 877, 109 Cal. Rptr. 421 (1973).

¹¹ 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.

number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.¹² 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.¹³ The annual reports and the recommendations and studies of the Commission are republished in a set of hardcover 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. These volumes are available at most county law libraries and at some other libraries. Some hardcover volumes are out-of-print, but others are available for purchase.¹⁴

PERSONNEL OF COMMISSION

As of December 20, 1984, the membership of the Law Revision Commission was:

	<i>Term Expires</i>
David Rosenberg, Davis, <i>Chairperson</i>	October 1, 1985
James H. Davis, Los Angeles, <i>Vice Chairperson</i>	October 1, 1985
Barry Keene, Petaluma, <i>Senate Member</i>	*
Alister McAlister, Fremont, <i>Assembly Member</i>	*
Roger Arnebergh, Van Nuys, <i>Member</i>	October 1, 1987
John B. Emerson, Los Angeles, <i>Member</i>	October 1, 1985
Arthur K. Marshall, Los Angeles, <i>Member</i>	October 1, 1987
Edwin K. Marzec, Santa Monica, <i>Member</i>	October 1, 1987
Ann E. Stodden, Los Angeles, <i>Member</i>	October 1, 1987
Bion M. Gregory, Sacramento, <i>ex officio Member</i>	†

* 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 January 1984, Governor Deukmejian appointed Roger Arnebergh, Van Nuys, Arthur K. Marshall, Los Angeles, Edwin K. Marzec, Santa Monica, and Ann E. Stodden, Los Angeles to the Commission replacing Debra S. Frank, Beatrice P. Lawson, Roslyn P. Chasan, and Robert J. Berton, respectively, whose terms had expired.

¹² See Gov't Code § 8291.

¹³ For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouilly, *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).

¹⁴ See "Publications of the California Law Revision Commission" *infra*.

In January 1984, James H. Davis was elected Vice Chairperson to succeed David Rosenberg who became Chairperson upon the expiration of Debra Frank's term. Their one-year terms terminate December 30, 1984.

In September 1984, Edwin K. Marzec was elected Chairperson and James H. Davis was re-elected Vice-Chairperson. Their one-year terms commence December 31, 1984.

As of December 20, 1984, the staff of the Commission was:

Legal

John H. DeMouly
Executive Secretary
Nathaniel Sterling
Assistant Executive Secretary

Robert J. Murphy III
Staff Counsel
Stan G. Ulrich
Staff Counsel

Administrative-Secretarial

Juan C. Rogers
Administrative Assistant

Eugenia Ayala
Word Processing Technician

Victoria V. Matias
Word Processing Technician

During 1984, the following Stanford Law School and University of Santa Clara Law School students were employed as part-time, intermittent legal assistants: Susan M. Ahlrichs, Steven L. Levine, and Robert A. Shives, Jr.

LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED TO 1984 LEGISLATIVE SESSION

The Commission recommended 25 bills and one concurrent resolution for enactment at the 1984 session. The concurrent resolution was adopted and 21 of the bills were enacted.¹

Estate Planning and Probate

Ten bills relating to estate planning, probate, and related matters were recommended by the Commission for enactment at the 1984 session.

Statutory forms for durable powers of attorney. Senate Bills 1365 and 1367, which became Chapters 312 and 602, respectively, of the Statutes of 1984, were introduced by Senator Barry Keene to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Statutory Forms for Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984). See also *Report of Assembly Committee on Judiciary on Senate Bill 1365*, Assembly J. (May 22, 1984) at 15519, reprinted

¹ In addition, legislation was enacted that renumbered the Government Code Sections relating to the Law Revision Commission with a few technical revisions. 1984 Cal. Stats. ch. 1335 (Senate Bill 1891).

as Appendix III to this Report. The bills were enacted after amendments were made.

Administration of decedents' estates. Assembly Bill 2270, which became Chapter 451 of the Statutes of 1984, was introduced by Assembly Member Alister McAlister to effectuate three Commission recommendations. See *Recommendation Relating to Independent Administration of Decedent's Estate*, 17 Cal. L. Revision Comm'n Reports 405 (1984); *Recommendation Relating to Distribution of Estates Without Administration*, 17 Cal. L. Revision Comm'n Reports 421 (1984); *Recommendation Relating to Bonds for Personal Representatives*, 17 Cal. L. Revision Comm'n Reports 483 (1984). See also *Report of Senate Committee on Judiciary on Assembly Bill 2270*, Senate J. (June 14, 1984) at 11803, reprinted as Appendix VII to this Report. The bill was enacted after amendments were made.

Wills and intestate succession. Assembly Bill 2290, which became Chapter 892 of the Statutes of 1984, was introduced by Assembly Member McAlister to make substantive, technical, and clarifying revisions to legislation relating to wills and intestate succession enacted upon Commission recommendation at the 1983 session. See *Recommendation Relating to Revision of Wills and Intestate Succession Law*, 17 Cal. L. Revision Comm'n Reports 537 (1984). See also *Communication of Law Revision Commission Concerning Assembly Bill 2290*, reprinted as Appendix XII to this Report and noted in the Senate Journal for July 3, 1984 at page 17814. This bill was enacted after a number of substantive, technical, and clarifying amendments were made.

Uniform Transfers to Minors Act. Assembly Bill 2492, which became Chapter 243 of the Statutes of 1984, was introduced by Assembly Member Byron Sher to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Uniform Transfers to Minors Act*, 17 Cal. L. Revision Comm'n Reports 601 (1984). See also *Report of Senate Committee on Judiciary on Assembly Bill 2492*, Senate J. (June 14, 1984) at 11794, reprinted as Appendix XIV to this Report. The bill was enacted after amendments were made.

Garnishment of payments from trusts. Assembly Bill 2282, which became Chapter 493 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Garnishment of Amounts Payable to Trust Beneficiary*, 17 Cal. L. Revision Comm'n Reports 471

(1984). See also *Communication of Law Revision Commission Concerning Assembly Bill 2282*, reprinted as Appendix XI to this Report and noted in the Senate Journal for July 3, 1984 at page 17814. The bill was enacted after amendments were made.

Affidavits of death. Assembly Bill 2255, which became Chapter 527 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Recording Affidavits of Death*, 17 Cal. L. Revision Comm'n Reports 493 (1984). The bill was enacted after amendments were made.

Notice of will. Assembly Bill 2272 was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Notice of Will*, 17 Cal. L. Revision Comm'n Reports 461 (1984). The bill passed the Assembly but was defeated when it failed to receive enough favorable votes by the Senate Committee on Judiciary.

Simultaneous deaths. Assembly Bill 2288 was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Simultaneous Deaths*, 17 Cal. L. Revision Comm'n Reports 443 (1984). The bill was not enacted as it failed to receive enough favorable votes by the Assembly Committee on Judiciary.

Execution of witnessed wills. Assembly Bill 2294 was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Execution of Witnessed Wills*, 17 Cal. L. Revision Comm'n Reports 509 (1984). The bill passed the Assembly but was defeated when it failed to receive enough favorable votes by the Senate Committee on Judiciary.

Family Law

Eight bills relating to family law were recommended by the Commission for enactment at the 1984 session.

Liability of marital property for debts. Assembly Bill 1460, which became Chapter 1671 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Liability of Marital Property for Debts*, 17 Cal. L. Revision Comm'n Reports 1 (1984). See also *Communication of Law Revision Commission Concerning*

Assembly Bill 1460, reprinted as Appendix VI to this Report and noted in the Senate Journal for August 30, 1984 at 20411. This bill was enacted after amendments were made.

Special appearance in family law proceedings. Assembly Bill 2286, which became Chapter 156 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Special Appearance in Family Law Proceedings*, 17 Cal. L. Revision Comm'n Reports 243 (1984). The bill was enacted as introduced.

Liability of stepparent for child support. Assembly Bill 3472, which became Chapter 249 of the Statutes of 1984, was introduced by Assembly Member Elihu Harris to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Liability of Stepparent for Child Support*, 17 Cal. L. Revision Comm'n Reports 251 (1984). See also *Report of Senate Committee on Judiciary on Assembly Bill 3472*, Senate J. (June 14, 1984) at 11806, reprinted as Appendix XV to this Report. The bill was enacted after amendments were made.

Awarding use of family home. Assembly Bill 2739, which became Chapter 463 of the Statutes of 1984, was introduced by Assembly Member Phillip Isenberg to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Awarding Temporary Use of Family Home*, 17 Cal. L. Revision Comm'n Reports 261 (1984). The bill was enacted after amendments were made.

Marital property presumptions. Assembly Bill 2274, which became Chapter 1733 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Marital Property Presumptions and Transmutations*, 17 Cal. L. Revision Comm'n Reports 205 (1984). See also *Communication of Law Revision Commission Concerning Assembly Bill 2274*, reprinted as Appendix VIII to this Report and noted in the Senate Journal for August 30, 1984, at page 20411. The bill was enacted after amendments were made.

Spousal support including insurance. Assembly Bill 781, which became Chapter 19 of the Statutes of 1984, was introduced by Assembly Member McAlister. This bill enacted a portion of a Commission recommendation, previously introduced but not enacted, giving the court in a marital dissolution proceeding the flexibility to consider whether maintaining life insurance is

appropriate in the circumstances of the particular case. See *Recommendation Relating to Effect of Death of Support Obligor*, 17 Cal. L. Revision Comm'n Reports 897 (1984). For a legislative history of the earlier measure, see 17 Cal. L. Revision Comm'n Reports 824 (1984). As enacted, Assembly Bill 781 does not change the rule that the support order terminates when the support obligor dies. See letter to Senate Committee on Judiciary relating to Assembly Bill 781, Senate J. (February 9, 1984) at 7784, reprinted as Appendix V to this Report.

Reimbursement of educational expenses. Assembly Bill 3000, which became Chapter 1661 of the Statutes of 1984, was introduced by Assembly Member Harris to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Reimbursement of Educational Expenses*, 17 Cal. L. Revision Comm'n Reports 229 (1984). The bill was enacted after amendments were made.

Disposition of community property. Senate Bill 1392 was introduced by Senator Bill Lockyer to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Disposition of Community Property*, 17 Cal. L. Revision Comm'n Reports 269 (1984). The bill was retained in the Senate Committee on Judiciary. It was the subject of interim study by the Senate Judiciary Committee.

Real Property Law

Four bills relating to real property law and related matters were recommended by the Commission for enactment at the 1984 session.

Quiet title and partition judgments. Assembly Bill 810, which became Chapter 20 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Effect of Quiet Title and Partition Judgment*, 17 Cal. L. Revision Comm'n Reports 947 (1984). The bill was enacted as introduced.

Dormant mineral rights. Assembly Bill 2278, which became Chapter 240 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Dormant Mineral Rights*, 17 Cal. L. Revision Comm'n Reports 957 (1984). See also *Report of Senate Committee on Judiciary on Assembly Bill 2278*, Senate J. (June 14, 1984) at 11793, reprinted

as Appendix X to this Report. The bill was enacted after amendments were made.

Rights among cotenants. Assembly Bill 2343, which became Chapter 241 of the Statutes of 1984, was introduced by Assembly Member Gwen Moore to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Rights Among Cotenants In Possession and Out of Possession of Real Property*, 17 Cal. L. Revision Comm'n Reports 1023 (1984). The bill was enacted after amendments were made.

Severance of joint tenancy. Assembly Bill 2276, which became Chapter 519 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Severance of Joint Tenancy*, 17 Cal. L. Revision Comm'n Reports 941 (1984). See also *Communication of Law Revision Commission Concerning Assembly Bill 2276*, reprinted as Appendix IX to this Report and noted in the Assembly Journal for July 3, 1984, at 17814. The bill was enacted after amendments were made.

Creditors' Remedies

Assembly Bill 2295, which became Chapter 538 of the Statutes of 1984, was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Creditors' Remedies*, 17 Cal. L. Revision Comm'n Reports 975 (1984). See also *Communication of Law Revision Commission Concerning Assembly Bill 2295*, reprinted as Appendix XIII to this Report and noted in the Assembly Journal for July 3, 1984, at 17814. This bill was enacted after amendments were made.

Dismissal for Lack of Prosecution

Senate Bill 1366, which became Chapter 1705 of the Statutes of 1984, was introduced by Senator Keene to effectuate the Commission's recommendation on this subject. See *Revised Recommendation Relating to Dismissal for Lack of Prosecution*, 17 Cal. L. Revision Comm'n Reports 905 (1984). See also *Communication of Law Revision Commission Concerning Senate Bill 1366*, reprinted as Appendix IV to this Report and noted in the Assembly Journal for August 30, 1984, at page 20411. The bill was enacted after amendments were made.

Statutes of Limitation for Felonies

Assembly Bill 2764, which became Chapter 1270 of the Statutes of 1984, was introduced by Assembly Member Sher to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Statutes of Limitation for Felonies*, 17 Cal. L. Revision Comm'n Reports 401 (1984). The bill was enacted after amendments were made.

Resolution Approving Topics for Study

Assembly Concurrent Resolution 102, introduced by Assembly Member McAlister and adopted as Resolution Chapter 42 of the Statutes of 1984, continues the Commission's authority to study topics previously authorized and directs the Commission to study the new topic whether the law on injunctions and related matters should be revised.

REPORT ON STATUTES REPEALED BY IMPLICATION OR HELD UNCONSTITUTIONAL

Section 8290 of the Government Code provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the State or the Supreme Court of the United States.

Pursuant to this directive, the Commission has made a study of the decisions of the Supreme Court of the United States and of the Supreme Court of California handed down since the Commission's last Annual Report was prepared¹ and has the following to report:

(1) One decision of the United States Supreme Court holding a statute of this state unconstitutional has been found.

In *Southland Corp. v. Keating*, 104 S.Ct. 852 (1984), the court held Corporations Code Section 31512 in the Franchise Investment Law unconstitutional under the Supremacy Clause of the United States Constitution because it conflicts with Section 2 of the Federal Arbitration Act. The conflict arises because Section 31512, as interpreted by the California Supreme Court in *Keating v. Superior Court*, 31 Cal.3d 584, 645 P.2d 1192, 183 Cal. Rptr. 360 (1982), requires judicial consideration of claims under the Franchise Investment Law, whereas the Federal Arbitration

¹ This study has been carried through 36 Cal.3d 926 (Advance Sheet No. 27, October 2, 1984) and 104 S.Ct. 3593 (Advance Sheet No. 18, July 15, 1984).

Act mandates the validity of a contract provision requiring arbitration.

(2) 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.

(3) No decision of the California Supreme Court holding statutes of this state unconstitutional has been found.

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 Authorized for Study" set out as Appendix I to this Report).

Pursuant to the mandate imposed by Section 8290 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 unconstitutional.

APPENDIX I

CALENDAR OF 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.

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. (Authorized by 1983 Cal. Stats. res. ch. 40. See also 1974 Cal. Stats. res. ch. 45; 1972 Cal. Stats. res. ch. 27; 1957 Cal. Stats. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 15 (1957).)

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. (Authorized by 1980 Cal. Stats. res. ch. 37.)

Real and personal property. Whether the law relating to real and personal property (including, but not limited to, a Marketable Title Act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon termination or abandonment of a lease, powers of appointment, and related matters) should be revised. (Authorized by 1983 Cal. Stats. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic.)

Family law. Whether the law relating to family law (including, but not limited to, community property) should be revised. (Authorized by 1983 Cal. Stats. res. ch. 40. See also 1978 Cal. Stats. res. ch. 65; 16 Cal. L. Revision Comm'n Reports 2019 (1982); 14 Cal. L. Revision Comm'n Reports 22 (1978).)

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised. (Authorized by 1971 Cal. Stats. res. ch. 75.)

Class actions. Whether the law relating to class actions should be revised. (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. (Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 525 (1974).)

Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised. (Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 526 (1974).)

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 attorneys fees to the prevailing party. (Authorized by 1980 Cal. Stats. res. ch. 37.)

Special assessment liens for public improvements. Whether acts governing special assessments for public improvements should be simplified and unified. (Authorized by 1980 Cal. Stats. res. ch. 37.)

Injunctions. Whether the law on injunctions and related matters should be revised. (Authorized by 1984 Cal. Stats. res. ch. 42.)

Involuntary dismissal for lack of prosecution. Whether the law relating to involuntary dismissal for lack of prosecution should be revised. (Authorized by 1978 Cal. Stats. res. ch. 85. See also 14 Cal. L. Revision Comm'n Reports 23 (1978).)

Statutes of limitation for felonies. Whether the law relating to statutes of limitations applicable to felonies should be revised. (Authorized by 1981 Cal. Stats. ch. 909, § 3.)

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

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. (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).)

Evidence. Whether the Evidence Code should be revised. (Authorized by 1965 Cal. Stats. res. ch. 130.)

Arbitration. Whether the law relating to arbitration should be revised. (Authorized by 1968 Cal. Stats. res. ch. 110. See also 8 Cal. L. Revision Comm'n Reports 1325 (1967).)

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

Governmental liability. Whether the law relating to sovereign or governmental immunity in California should be revised. (Authorized by 1977 Cal. Stats. res. ch. 17. See also 1957 Cal. Stats. res. ch. 202.)

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. (Authorized by 1971 Cal. Stats. res. ch. 74. See also 1970 Cal. Stats. res. ch. 46; 1965 Cal. Stats. res. ch. 130.)

Liquidated damages. Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised. (Authorized by 1973 Cal. Stats. res. ch. 39. See also 1969 Cal. Stats. res. ch. 224.)

Parol evidence rule. Whether the parol evidence rule should be revised. (Authorized by 1971 Cal. Stats. res. ch. 75. See also 10 Cal. L. Revision Comm'n Reports 1031 (1971).)

Pleadings in civil actions. Whether the law relating to pleadings in civil actions and proceedings should be revised. (Authorized by 1980 Cal. Stats. res. ch. 37.)

APPENDIX II

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

LEGISLATIVE ACTION

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. 1955 Cal. Stats. 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. 1955 Cal. Stats. 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. 1957 Cal. Stats. 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. 1957 Cal. Stats. 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. 1957 Cal. Stats. 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. 1957 Cal. Stats. 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.

Recommendation	Action by Legislature
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. 1959 Cal. Stats. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 CAL. L. REVISION COMM'N REPORTS at H-1 (1957)	Enacted. 1957 Cal. Stats. 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. 1957 Cal. Stats. 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. 1959 Cal. Stats. 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. 1957 Cal. Stats. ch. 1498
17. <i>Grand Juries</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 20 (1959)	Enacted. 1959 Cal. Stats. ch. 301
18. <i>Procedure for Appointing Guardians</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 21 (1959)	Enacted. 1959 Cal. Stats. 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. 1959 Cal. Stats. chs. 1715, 1724, 1725, 1726, 1727, 1728; CAL. CONST., ART. XI, § 10 (1960)

Recommendation	Action by Legislature
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. 1974 Cal. Stats. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 CAL. L. REVISION COMM'N REPORTS at C-1 (1959)	Enacted. 1959 Cal. Stats. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 CAL. L. REVISION COMM'N REPORTS at D-1 (1959)	Enacted. 1959 Cal. Stats. 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 1972 Cal. Stats. 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. 1959 Cal. Stats. 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. 1961 Cal. Stats. 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. 1961 Cal. Stats. 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. 1961 Cal. Stats. ch. 1616

Recommendation	Action by Legislature
32. <i>Survival of Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at F-1 (1961)	Enacted. 1961 Cal. Stats. ch. 657
33. <i>Arbitration</i> , 3 CAL. L. REVISION COMM'N REPORTS at G-1 (1961)	Enacted. 1961 Cal. Stats. 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.
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. 1961 Cal. Stats. 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. 1967 Cal. Stats. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 801 (1963)	Enacted. 1963 Cal. Stats., 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. 1963 Cal. Stats. ch. 1715
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1201 (1963)	Enacted. 1963 Cal. Stats. ch. 1682
41. <i>Defense of Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963)	Enacted. 1963 Cal. Stats. 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. 1965 Cal. Stats. ch. 1527

Recommendation	Action by Legislature
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. 1963 Cal. Stats. ch. 1684
44. <i>Sovereign Immunity—Amendments and Repeals of Inconsistent Statutes</i> , 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963)	Enacted. 1963 Cal. Stats. chs. 1685, 1686, 2029
45. <i>Evidence Code</i> , 7 CAL. L. REVISION COMM'N REPORTS 1 (1965)	Enacted. 1965 Cal. Stats. ch. 299
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 CAL. L. REVISION COMM'N REPORTS 401 (1965)	Enacted. 1965 Cal. Stats. ch. 653
47. <i>Evidence Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 101 (1967)	Enacted in part. 1967 Cal. Stats. ch. 650. Balance enacted. 1970 Cal. Stats. ch. 69.
48. <i>Evidence—Agricultural Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 201 (1967)	Enacted. 1967 Cal. Stats. ch. 262
49. <i>Evidence—Commercial Code Revisions</i> , 8 CAL. L. REVISION COMM'N REPORTS 301 (1967)	Enacted. 1967 Cal. Stats. 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. 1968 Cal. Stats. chs. 457, 458
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 CAL. L. REVISION COMM'N REPORTS 501 (1967)	Enacted. 1967 Cal. Stats. ch. 702
52. <i>Additur</i> , 8 CAL. L. REVISION COMM'N REPORTS 601 (1967)	Enacted. 1967 Cal. Stats. 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. 1970 Cal. Stats. ch. 89

Recommendation	Action by Legislature
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. 1968 Cal. Stats. ch. 150
55. <i>Suit By or Against an Unincorporated Association</i> , 8 CAL. L. REVISION COMM'N REPORTS 901 (1967)	Enacted. 1967 Cal. Stats. ch. 1324
56. <i>Escheat</i> , 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967)	Enacted. 1968 Cal. Stats. 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. 1968 Cal. Stats. ch. 133
58. <i>Service of Process on Unincorporated Associations</i> , 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967)	Enacted. 1968 Cal. Stats. 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. 1970 Cal. Stats. ch. 104
60. <i>Additur and Remittitur</i> , 9 CAL. L. REVISION COMM'N REPORTS 63 (1969)	Enacted. 1969 Cal. Stats. ch. 115
61. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 71 (1969)	Enacted. 1969 Cal. Stats. ch. 114
62. <i>Quasi-Community Property</i> , 9 CAL. L. REVISION COMM'N REPORTS 113 (1969)	Enacted. 1970 Cal. Stats. ch. 312
63. <i>Arbitration of Just Compensation</i> , 9 CAL. L. REVISION COMM'N REPORTS 123 (1969)	Enacted. 1970 Cal. Stats. ch. 417
64. <i>Revisions of Evidence Code</i> , 9 CAL. L. REVISION COMM'N REPORTS 137 (1969)	Enacted in part. 1970 Cal. Stats. ch. 69. See also 1970 Cal. Stats. chs. 1396, 1397
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 CAL. L. REVISION COMM'N REPORTS 201 (1969)	Enacted. 1969 Cal. Stats. ch. 156

Recommendation	Action by Legislature
66. <i>Powers of Appointment</i> , 9 CAL. L. REVISION COMM'N REPORTS 301 (1969)	Enacted. 1969 Cal. Stats. chs. 113, 155
67. <i>Evidence Code—Revisions of Privileges Article</i> , 9 CAL. L. REVISION COMM'N REPORTS 501 (1969)	Vetoed. But see 1970 Cal. Stats. chs. 1396, 1397
68. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 601 (1969)	Enacted. 1970 Cal. Stats. ch. 618
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 CAL. L. REVISION COMM'N REPORTS 701 (1969)	Enacted. 1970 Cal. Stats. ch. 720
70. <i>Revisions of Governmental Liability Act</i> , 9 CAL. L. REVISION COMM'N REPORTS 801 (1969)	Enacted in part. 1970 Cal. Stats. chs. 662, 1099
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 CAL. L. REVISION COMM'N REPORTS 901 (1969)	Enacted. 1970 Cal. Stats. 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. 1971 Cal. Stats. chs. 244, 950. See also 1973 Cal. Stats. 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 251 (1978)	Enacted in part. 1978 Cal. Stats. ch. 1133. See also 1979 Cal. Stats. ch. 66
74. <i>Proof of Foreign Official Records</i> , 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971)	Enacted. 1970 Cal. Stats. ch. 41
75. <i>Inverse Condemnation—Insurance Coverage</i> , 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971)	Enacted. 1971 Cal. Stats. ch. 140
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971)	Enacted. 1971 Cal. Stats. ch. 1607

Recommendation	Action by Legislature
77. <i>Civil Arrest</i> , 11 CAL. L. REVISION COMM'N REPORTS 1 (1973)	Enacted. 1973 Cal. Stats. ch. 20
78. <i>Claim and Delivery Statute</i> , 11 CAL. L. REVISION COMM'N REPORTS 301 (1973)	Enacted. 1973 Cal. Stats. 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. 1973 Cal. Stats. res. ch. 76. Legislation enacted. 1975 Cal. Stats. ch. 25.
80. <i>Enforcement of Sister State Money Judgments</i> , 11 CAL. L. REVISION COMM'N REPORTS 451 (1973)	Enacted. 1974 Cal. Stats. ch. 211
81. <i>Prejudgment Attachment</i> , 11 CAL. L. REVISION COMM'N REPORTS 701 (1973)	Enacted. 1974 Cal. Stats. ch. 1516. See also 1975 Cal. Stats. ch. 200.
82. <i>Landlord-Tenant Relations</i> , 11 CAL. L. REVISION COMM'N REPORTS 951 (1973)	Enacted. 1974 Cal. Stats. chs. 331, 332
83. <i>Pleading</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973)	Enacted. 1972 Cal. Stats. ch. 73
84. <i>Evidence—Judicial Notice</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1025 (1973)	Enacted. 1972 Cal. Stats. 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. 1974 Cal. Stats. 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. 1977 Cal. Stats. ch. 198
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 CAL. L. REVISION COMM'N REPORTS 575 (1974)	Enacted. 1975 Cal. Stats. ch. 285
89. <i>View by Trier of Fact in a Civil Case</i> , 12 CAL. L. REVISION COMM'N REPORTS 587 (1974)	Enacted. 1975 Cal. Stats. ch. 301

Recommendation	Action by Legislature
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 CAL. L. REVISION COMM'N REPORTS 601 (1974)	Enacted. 1975 Cal. Stats. ch. 318
91. <i>Improvement Acts</i> , 12 CAL. L. REVISION COMM'N REPORTS 1001 (1974)	Enacted. 1974 Cal. Stats. ch. 426
92. <i>The Eminent Domain Law</i> , 12 CAL. L. REVISION COMM'N REPORTS 1601 (1974)	Enacted. 1975 Cal. Stats. chs. 1239, 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. 1975 Cal. Stats. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
94. <i>Oral Modification of Written Contracts</i> , 13 CAL. L. REVISION COMM'N REPORTS 301 (1976); 13 CAL. L. REVISION COMM'N REPORTS 2129 (1976)	Enacted. 1975 Cal. Stats. ch. 7; 1976 Cal. Stats. ch. 109
95. <i>Partition of Real and Personal Property</i> , 13 CAL. L. REVISION COMM'N REPORTS 401 (1976)	Enacted. 1976 Cal. Stats. ch. 73
96. <i>Revision of the Attachment Law</i> , 13 CAL. L. REVISION COMM'N REPORTS 801 (1976)	Enacted. 1976 Cal. Stats. 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. 1976 Cal. Stats. ch. 145
100. <i>Relocation Assistance by Private Condemnors</i> , 13 CAL. L. REVISION COMM'N REPORTS 2085 (1976)	Enacted. 1976 Cal. Stats. 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). 1976 Cal. Stats. ch. 994

Recommendation	Action by Legislature
102. <i>Transfer of Out-of-State Trusts to California</i> , 13 CAL. L. REVISION COMM'N REPORTS 2101 (1976)	Enacted. 1976 Cal. Stats. ch. 144
103. <i>Admissibility of Duplicates in Evidence</i> , 13 CAL. L. REVISION COMM'N REPORTS 2115 (1976)	Not enacted. But see 1977 Cal. Stats. ch. 708, 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. 1976 Cal. Stats. ch. 888
105. <i>Sister State Money Judgments</i> , 13 CAL. L. REVISION COMM'N REPORTS 1669 (1976)	Enacted. 1977 Cal. Stats. ch. 232
106. <i>Damages in Action for Breach of Lease</i> , 13 CAL. L. REVISION COMM'N REPORTS 1679 (1976)	Enacted. 1977 Cal. Stats. ch. 49
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. 1977 Cal. Stats. 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. 1977 Cal. Stats. ch. 499
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 CAL. L. REVISION COMM'N REPORTS 83 (1978)	Enacted. 1978 Cal. Stats. ch. 286
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 CAL. L. REVISION COMM'N REPORTS 93 (1978)	Enacted. 1978 Cal. Stats. ch. 151
112. <i>Evidence of Market Value of Property</i> , 14 CAL. L. REVISION COMM'N REPORTS 105 (1978)	Enacted in part. 1978 Cal. Stats. 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.

Recommendation	Action by Legislature
114. <i>Parole Evidence Rule</i> , 14 CAL. L. REVISION COMM'N REPORTS 143 (1978)	Enacted. 1978 Cal. Stats. 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 241 (1978)	Enacted. 1978 Cal. Stats. ch. 273
116. <i>Powers of Appointment</i> (technical changes), 14 CAL. L. REVISION COMM'N REPORTS 257 (1978)	Enacted. 1978 Cal. Stats. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 CAL. L. REVISION COMM'N REPORTS 291 (1978)	Enacted. 1979 Cal. Stats. ch. 31
118. <i>Security for Costs</i> , 14 CAL. L. REVISION COMM'N REPORTS 319 (1978)	Enacted. 1980 Cal. Stats. ch. 114
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. 1979 Cal. Stats. chs. 163, 726, 730
120. <i>Effect of New Bankruptcy Law on The Attachment Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 1043 (1980)	Enacted. 1979 Cal. Stats. ch. 77
121. <i>Confessions of Judgment</i> , 15 CAL. L. REVISION COMM'N REPORTS 1053 (1980)	Enacted. 1979 Cal. Stats. ch. 568
122. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 CAL. L. REVISION COMM'N REPORTS 1101 (1980)	Enacted. 1980 Cal. Stats. ch. 122
123. <i>Assignments for the Benefit of Creditors</i> , 15 CAL. L. REVISION COMM'N REPORTS 1117 (1980)	Enacted. 1980 Cal. Stats. ch. 135
124. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 CAL. L. REVISION COMM'N REPORTS 1137 (1980)	Enacted. 1980 Cal. Stats. ch. 1050
125. <i>Quiet Title Actions</i> , 15 CAL. L. REVISION COMM'N REPORTS 1187 (1980)	Enacted. 1980 Cal. Stats. ch. 44

Recommendation	Action by Legislature
126. <i>Agreements for Entry of Paternity and Support judgments</i> , 15 CAL. L. REVISION COMM'N REPORTS 1237 (1980)	Enacted. 1980 Cal. Stats. 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. 1980 Cal. Stats. ch. 381
128. <i>Probate Homestead</i> , 15 CAL. L. REVISION COMM'N REPORTS 401 (1980)	Enacted. 1980 Cal. Stats. ch. 119
129. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 CAL. L. REVISION COMM'N REPORTS 1257 (1980)	Enacted. 1980 Cal. Stats. ch. 215
130. <i>Uniform Veterans Guardianship Act</i> , 15 CAL. L. REVISION COMM'N REPORTS 1289 (1980)	Enacted. 1980 Cal. Stats. ch. 89
131. <i>Enforcement of Obligations After Death</i> , 15 CAL. L. REVISION COMM'N REPORTS 1327 (1980)	Enacted. 1980 Cal. Stats. ch. 124
132. <i>Interest Rate on Judgments</i> , 15 CAL. L. REVISION COMM'N REPORTS 7 (1980)	Enacted. 1982 Cal. Stats. ch. 150
133. <i>Married Women as Sole Traders</i> , 15 CAL. L. REVISION COMM'N REPORTS 21 (1980)	Enacted. 1980 Cal. Stats. ch. 123
134. <i>State Tax Liens</i> , 15 CAL. L. REVISION COMM'N REPORTS 29 (1980)	Enacted. 1980 Cal. Stats. ch. 600
135. <i>Guardianship-Conservatorship</i> (technical change), 15 CAL. L. REVISION COMM'N REPORTS 1247 (1980)	Enacted. 1980 Cal. Stats. ch. 246
136. <i>Revision of Guardianship-Conservatorship Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 1463 (1980)	Enacted. 1981 Cal. Stats. ch. 9
137. <i>Enforcement of Judgments Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 2001 (1980)	Enacted. 1982 Cal. Stats. chs. 497, 1364
138. <i>Uniform Durable Power of Attorney Act</i> , 15 CAL. L. REVISION COMM'N REPORTS 331 (1980)	Enacted. 1981 Cal. Stats. ch. 511

Recommendation	Action by Legislature
139. <i>Non-Probate Transfers</i> , 15 CAL. L. REVISION COMM'N REPORTS 1605 (1980); 16 CAL. L. REVISION COMM'N REPORTS 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stats. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stats. ch. 92.
140. <i>Revision of the Powers of Appointment Statute</i> , 15 CAL. L. REVISION COMM'N REPORTS 1667 (1980)	Enacted. 1981 Cal. Stats. ch. 63
141. <i>State Tax Liens</i> (technical change), 16 CAL. L. REVISION COMM'N REPORTS 24 (1982)	Enacted. 1981 Cal. Stats. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 CAL. L. REVISION COMM'N REPORTS 25 (1982)	Enacted. 1981 Cal. Stats. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 CAL. L. REVISION COMM'N REPORTS 47 (1982)	Proposed resolution adopted. 1982 Cal. Stats. res. ch. 44
144. <i>Holographic and Nuncupative Wills</i> , 16 CAL. L. REVISION COMM'N REPORTS 301 (1982)	Enacted. 1982 Cal. Stats. ch. 187
145. <i>Marketable Title of Real Property</i> , 16 CAL. L. REVISION COMM'N REPORTS 401 (1982)	Enacted. 1982 Cal. Stats. ch. 1268
146. <i>Statutory Bonds and Undertakings</i> , 16 CAL. L. REVISION COMM'N REPORTS 501 (1982)	Enacted. 1982 Cal. Stats. chs. 517, 998
147. <i>Attachment</i> , 16 CAL. L. REVISION COMM'N REPORTS 701 (1982)	Enacted. 1982 Cal. Stats. ch. 1198
148. <i>Escheat</i> (technical change), 16 CAL. L. REVISION COMM'N REPORTS 124 (1982)	Enacted. 1982 Cal. Stats. ch. 182
149. <i>Missing Persons</i> , 16 CAL. L. REVISION COMM'N REPORTS 105 (1982)	Enacted. 1983 Cal. Stats. ch. 201
150. <i>Emancipated Minors</i> , 16 CAL. L. REVISION COMM'N REPORTS 183 (1982)	Enacted. 1983 Cal. Stats. ch. 6
151. <i>Notice in Limited Conservatorship Proceedings</i> , 16 CAL. L. REVISION COMM'N REPORTS 199 (1982)	Enacted. 1983 Cal. Stats. ch. 72
152. <i>Disclaimer of Testamentary and Other Interests</i> , 16 CAL. L. REVISION COMM'N REPORTS 207 (1982)	Enacted. 1983 Cal. Stats. ch. 17

Recommendation	Action by Legislature
153. <i>Wills and Intestate Succession</i> , 16 CAL. L. REVISION COMM'N REPORTS 2301 (1982)	Enacted. 1983 Cal. Stats. ch. 842
154. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 CAL. L. REVISION COMM'N REPORTS 2165 (1982)	Enacted. 1983 Cal. Stats. ch. 342
155. <i>Creditors' Remedies</i> , 16 CAL. L. REVISION COMM'N REPORTS 2175 (1982)	Enacted. 1983 Cal. Stats. ch. 155
156. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 CAL. L. REVISION COMM'N REPORTS 2239 (1982)	Enacted. 1983 Cal. Stats. ch. 18
157. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 CAL. L. REVISION COMM'N REPORTS 2251 (1982)	Enacted. 1983 Cal. Stats. ch. 107
158. <i>Liability of Marital Property for Debts</i> , 17 CAL. L. REVISION COMM'N REPORTS 1 (1984)	Enacted. 1984 Cal. Stats. ch. 1671
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 16 CAL. L. REVISION COMM'N REPORTS 101 (1984)	Enacted. 1983 Cal. Stats. ch. 1204
160. <i>Effect of Death of Support Obligor</i> , 17 CAL. L. REVISION COMM'N REPORTS 897 (1984)	Enacted. 1984 Cal. Stats. ch. 19
161. <i>Vacation of Streets</i> (technical change), 17 CAL. L. REVISION COMM'N REPORTS 825 (1984)	Enacted. 1983 Cal. Stats. ch. 52
162. <i>Marital Property Presumptions and Transmutations</i> , 17 CAL. L. REVISION COMM'N REPORTS 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stats. ch. 1733
163. <i>Reimbursement of Educational Expenses</i> , 17 CAL. L. REVISION COMM'N REPORTS 229 (1984)	Enacted. 1984 Cal. Stats. ch. 1661
164. <i>Special Appearance in Family Law Proceedings</i> , 17 CAL. L. REVISION COMM'N REPORTS 243 (1984)	Enacted. 1984 Cal. Stats. ch. 156

Recommendation	Action by Legislature
165. <i>Liability of Stepparent for Child Support</i> , 17 CAL. L. REVISION COMM'N REPORTS 251 (1984)	Enacted. 1984 Cal. Stats. ch. 249
166. <i>Awarding Temporary Use of Family Home</i> , 17 CAL. L. REVISION COMM'N REPORTS 261 (1984)	Enacted. 1984 Cal. Stats. ch. 463
167. <i>Disposition of Community Property</i> , 17 CAL. L. REVISION COMM'N REPORTS 269 (1984)	Not enacted.
168. <i>Statutes of Limitation for Felonies</i> , 17 CAL. L. REVISION COMM'N REPORTS 301 (1984)	Enacted. 1984 Cal. Stats. ch. 1270
169. <i>Independent Administration of Decedent's Estate</i> , 17 CAL. L. REVISION COMM'N REPORTS 405 (1984)	Enacted. 1984 Cal. Stats. ch. 451
170. <i>Distribution of Estates Without Administration</i> , 17 CAL. L. REVISION COMM'N REPORTS 421 (1984)	Enacted. 1984 Cal. Stats. ch. 451
171. <i>Simultaneous Deaths</i> , 17 CAL. L. REVISION COMM'N REPORTS 443 (1984)	Not enacted.
172. <i>Notice of Will</i> , 17 CAL. L. REVISION COMM'N REPORTS 461 (1984)	Not enacted.
173. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 CAL. L. REVISION COMM'N REPORTS 471 (1984)	Enacted. 1984 Cal. Stats. ch. 493
174. <i>Bonds for Personal Representatives</i> , 17 CAL. L. REVISION COMM'N REPORTS 483 (1984)	Enacted. 1984 Cal. Stats. ch. 451
175. <i>Recording Affidavits of Death</i> , 17 CAL. L. REVISION COMM'N REPORTS 493 (1984)	Enacted. 1984 Cal. Stats. ch. 527
176. <i>Execution of Witnessed Will</i> , 17 CAL. L. REVISION COMM'N REPORTS 509 (1984)	Not enacted.
177. <i>Revision of Wills and Intestate Succession Law</i> , 17 CAL. L. REVISION COMM'N REPORTS 537 (1984)	Enacted. 1984 Cal. Stats. ch. 892

Recommendation	Action by Legislature
178. <i>Uniform Transfers to Minors Act</i> , 17 CAL. L. REVISION COMM'N REPORTS 601 (1984)	Enacted. 1984 Cal. Stats. ch. 243
179. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 CAL. L. REVISION COMM'N REPORTS 701 (1984)	Enacted. 1984 Cal. Stats. chs. 312, 602
180. <i>Dismissal for Lack of Prosecution</i> , 17 CAL. L. REVISION COMM'N REPORTS 905 (1984)	Enacted. 1984 Cal. Stats. ch. 1705
181. <i>Severance of Joint Tenancy</i> , 17 CAL. L. REVISION COMM'N REPORTS 941 (1984)	Enacted. 1984 Cal. Stats. ch. 519
182. <i>Quiet Title and Partition Judgments</i> , 17 CAL. L. REVISION COMM'N REPORTS 947 (1984)	Enacted. 1984 Cal. Stats. ch. 20
183. <i>Dormant Mineral Rights</i> , 17 CAL. L. REVISION COMM'N REPORTS 957 (1984)	Enacted. 1984 Cal. Stats. ch. 240
184. <i>Creditors' Remedies</i> , 17 CAL. L. REVISION COMM'N REPORTS 975 (1984)	Enacted. 1984 Cal. Stats. ch. 538
185. <i>Rights Among Cotenants</i> , 17 CAL. L. REVISION COMM'N REPORTS 1023 (1984)	Enacted. 1984 Cal. Stats. ch. 241

APPENDICES III - XVIII

Appendices III-XV (reprints of extracts from Assembly and Senate Journals of reports on bills submitted to 1984 session) and XVI-XVIII (recommendations already approved for submission to 1985 legislative session) are not included in this draft but will appear at this point in the printed 1984 Annual Report. See Table of Contents, page 8 supra, for list of Appendices.

PUBLICATIONS OF THE CALIFORNIA LAW REVISION COMMISSION

The California Law Revision Commission's annual reports and its recommendations and studies are published in separate pamphlets which are later bound in hard cover volumes.

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VOLUME 1 (1957)

[Out of Print]

1955 Annual Report

1956 Annual Report

1957 Annual Report

Recommendation and Study Relating to:

The Maximum Period of Confinement in a County Jail

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)

[Out of Print]

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

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)

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 the 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 the 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
Annual Report (December 1969) includes the 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
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 the 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 the 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 the following recommendations:
Service of Process on Unincorporated Associations
Sister State Money Judgments
Damages in Action for Breach of Lease
Wage Garnishment
Liquidated Damages
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 the 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 the 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 price.]

Part I

Annual Report (December 1979) includes the 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

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

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
- Uniform Durable Power of Attorney Act
- Probate Homestead

Part II

Annual Report (December 1980) includes the following recommendation:

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

Recommendation Relating to:

- Probate and Estate Planning: Non-Probate Transfers; Revision of the Powers of Appointment Statute

Tentative Recommendation Proposing the Enforcement of Judgments Law

VOLUME 16 (1982)

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

Dismissal for Lack of Prosecution

Conforming Changes to the Bond and Undertaking Law

Notice of Rejection of Late Claim Against Public Entity

Recommendation Relating to:

Holographic and Nuncupative Wills

Marketable Title of Real Property

Statutory Bonds and Undertakings

Attachment

Probate Law and Procedure: Missing Persons; Nonprobate Transfers; Emancipated

Minors; Notice in Limited Conservatorship Proceedings; Disclaimer of

Testamentary and Other Interests

1982 Creditors' Remedies Legislation [out of print]

Tentative Recommendation Relating to Wills and Intestate Succession

VOLUME 17 (1984)

Annual Report (1983) includes the following recommendations:

Effect of Death of Support Obligor

Dismissal for Lack of Prosecution

Statutes of Limitation for Felonies

Effect of Quiet Title and Partition Judgments

Dormant Mineral Rights

Creditors' Remedies—Levy on Joint Deposit Accounts; Issuance of Earnings

Withholding Orders by Registered Process Servers; Protection of Declared

Homestead After Owner's Death; Jurisdiction of Condominium Assessment

Lien Enforcement; Technical Amendments

Rights Among Cotenants in Possession and Out of Possession of Real Property

Severance of Joint Tenancy

Recommendations Relating to:

Liability of Marital Property for Debts

Durable Power of Attorney for Health Care Decisions

Family Law: Marital Property Presumptions and Transmutations; Disposition of

Community Property; Reimbursement of Educational Expenses; Special

Appearance in Family Law Proceedings; Liability of Stepparent for Child

Support; Awarding Temporary Use of Family Home

Probate Law: Independent Administration of Decedent's Estates; Distribution of

Estates Without Administration; Execution of Witnessed Wills; Simultaneous

Deaths; Notice of Will; Garnishment of Amounts Payable to Trust Beneficiary;

Bonds for Personal Representatives; Revision of Wills and Intestate Succession

Law; Recording Affidavit of Death; Uniform Transfers to Minors Act

Statutory Forms For Durable Powers of Attorney

Uniform Transfers to Minors Act

VOLUME 18 (1986)

[Volume expected to be available September 1987]

Annual Report (1984) includes the following recommendations:

Provision for Support if Support Obligor Dies

Transfer Without Probate of Certain Property Registered by the State

Dividing Jointly Owned Property Upon Marriage Dissolution