

9/16/75

Memorandum 75-59

Subject: Annual Report

Attached to this memorandum is a draft of the Annual Report for the year 1975. The portion of the report relating to unconstitutional and impliedly repealed statutes is covered by the First Supplement to Memorandum 75-59.

Revised Format

We have substantially revised the format of the Annual Report to improve its form and to permit use of our Mag Card Typewriter to compose the printed report. The change in format involves taking the footnotes which describe prior printed reports and legislative action from the "Calendar of Topics for Study" portion of the report and putting the substance in an Appendix to the report. Also, we have added to the listing of the various topics under active consideration a brief statement of the status of each such topic. We believe these revisions make our report much more informative.

We plan to revise the listing of the recommendations to the 1976 Legislature to conform to the decisions made with respect to the recommendations at the October and November meetings. We will adjust the report to reflect the Governor's veto of the eminent domain bills should he veto those bills.

Legislative History Portion

In the past, we have included a detailed listing of the various amendments made to the bills after their introduction in the Legislature. We have not included such a listing in the attached draft. We thus seek to reduce the cost and volume of the report. I doubt that anyone ever went through the detailed listing of the amendments made after the bills were introduced.

Publication of Eminent Domain Law With Official Comments

Should the eminent domain bills be approved by the Governor, the staff plans to work out an arrangement with California Continuing Education of the Bar to publish at their expense the Eminent Domain Law with Official Comments and the Conforming Revisions of Codified Statutes with Official Comments. We do not plan to recompose any of the type. We plan to cut and paste the text of the sections as enacted from the enrolled bill and the official Comments from our recommendation and from the Senate and Assembly Journals. We believe that the resulting report will be most useful for the anticipated CEB program and will provide the Commission (and the purchasers of our bound volumes) with a copy of the statute and official Comments in a convenient form. This will avoid the need to print a major portion of the Assembly and Senate Judiciary Committee reports in our Annual Report. In addition, we will have copies of the law and official Comments to provide out-of-state persons who are interested in our effort. We used the same procedure in publishing "Creditors' Remedies--Selected Legislation" in January 1975 in cooperation with the California Continuing Education of the Bar. However, we underestimated the cost of that report by almost \$1,000 (CEB paid over \$5,200) and had to pay almost \$1,000 from our own budget. We do not plan to make the same mistake on the eminent domain publication.

We are considering revising the recommendation portion of our eminent domain recommendation to conform to the legislation as enacted. Does the Commission have any reaction? We believe this would take relatively little staff time, but would provide interested attorneys, appraisers, and judges with useful background information.

New Topics

The Commission should consider whether it wishes to request authority to study whether the law relating to damage bonds should be revised. As pointed out in the draft of the Recommendation Relating to Undertaking for Costs (Memorandum 75-74), recent decisions cast doubt on the constitutionality of such provisions. We cannot stretch our authority to study governmental liability to cover the damage bond statutes. See Memorandum 75-74. This decision can be made at the time that memorandum is considered.

The Commission has not received any suggestions for new topics that would require new authorization for study. We have received several communications suggesting a review of various provisions of the Evidence Code which the staff proposes to take up when we consider whether and to what extent the Evidence Code should be revised in light of the provisions of the new Federal Rules of Evidence.

We have many topics on our agenda. Were it not for this fact, the staff would recommend that some consideration be given to some means of soliciting from judges and lawyers suggestions for new topics. We should be working on topics that merit study; we think that the topics under active consideration and those new topics authorized by the 1975 Legislature satisfy this test. Does the Commission believe that some means should be used to solicit suggestions for new topics for review at the time we prepare our next Annual Report (October 1976)? We could put a short notice in one of the State Bar publications.

Legislative Action on Commission Recommendations (Cumulative)

I think you will find this portion of the Annual Report (Appendix II) to be of interest. It follows the same format as the last Annual Report but has been brought up-to-date. We will, of course, have to revise it should the Governor veto the eminent domain bills. We include in this Appendix only those recommendations that have been submitted to the Legislature.

Approval for Printing

The staff requests that the Annual Report be approved for printing subject to any revisions needed to reflect Commission decisions on the recommendations it will submit to the 1976 Legislature and the Governor's action on the eminent domain bills. We need to start work on getting this material ready for the printer if we are to have the Annual Report printed in time for use early in 1976.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

STATE OF CALIFORNIA

**CALIFORNIA LAW
REVISION COMMISSION**

Annual Report

December 1975

CALIFORNIA LAW REVISION COMMISSION

Stanford Law School

Stanford, California 94305

CALIFORNIA LAW REVISION COMMISSION

STANFORD LAW SCHOOL
STANFORD, CALIFORNIA 94305
(415) 497-1731

MARC SANDSTROM

Chairman

JOHN M. McLAURIN

Vice Chairman

SENATOR ROBERT S. STEVENS

ASSEMBLYMAN AUSTER McALISTER

JOHN J. BALLEW

JOHN G. MILLER

THOMAS E. STANTON, JR.

RICHARD H. WILLIAMS

GEORGE H. MURPHY

Et Cetera

December 1, 1975

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

In conformity with Government Code Section 10335, the California Law Revision Commission herewith submits this report of its activities during 1975.

This report was printed during the first week of December 1975 so that it would be available in printed form early in January 1976. Accordingly, it does not reflect changes in Commission membership after December 1, 1975.

Respectfully submitted,
MARC SANDSTROM
Chairman

CONTENTS

| | <i>Page</i> |
|---|----------------|
| FUNCTION AND PROCEDURE OF COMMISSION | 5 ^v |
| PERSONNEL OF COMMISSION | 8 |
| SUMMARY OF WORK OF COMMISSION | 9 |
| 1976 LEGISLATIVE PROGRAM | 10 |
| CALENDAR OF TOPICS FOR STUDY | 12 |
| Topics Authorized for Study | 12 |
| Topics Under Active Consideration | 12 |
| Other Topics Authorized for Study..... | 17 |
| Topics Continued on Calendar for Further Study | 18 |
| Topics to Be Removed From Calendar of Topics..... | 18 |
| Topics for Future Consideration | 19 |
| LEGISLATIVE HISTORY OF RECOMMENDATIONS | |
| SUBMITTED TO 1975 LEGISLATIVE SESSION | 20 |
| Resolution Approving Topics for Study | 20 |
| Eminent Domain | 21 |
| Oral Modification of Written Contracts | 22 |
| Payment of Judgments Against Local Public Entities | 22 |
| View by Trier of Fact in a Civil Case | 22 |
| Evidence | 23 |
| Good cause exception to the physician-patient privilege | 23 |
| Admissibility of copies of business records in evidence | 23 |
| Escheat--Travelers Checks, Money Orders, and Similar Written Instruments | 23 |
| Creditors' Remedies | 24 |
| Wage garnishment exemptions | 24 |
| Prejudgment attachment | 24 |
| Partition of Real and Personal Property | 25 |
| REPORT ON STATUTES REPEALED BY IMPLICATION OR HELD UNCONSTITUTIONAL | 26 |
| RECOMMENDATIONS | 27 |

APPENDICES

- I. Current Topics--Prior Publications and Legislative Action [see pages 28-35 infra of this draft]
- II. Legislative Action on Commission Recommendations (Cumulative) [see pages 36-46 infra of this draft]
- III. Recommendation Relating to Admissibility of Copies of Business Records in Evidence (January 1975)
- IV. Extract from Report of Assembly Committee on Judiciary on Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 131, 266, and 278
- V. Extract from Report of Senate Committee on Judiciary on Assembly Bills 11, 124, 125, 126, 127, 128, 129, 130, 131, 266, and 278
- VI. Extract from Report of Senate Committee on Judiciary on Senate Bill 294
- VII. Report of Assembly Committee on Judiciary on Assembly Bill 73
- VIII. Recommendation Relating to Turnover Orders Under the Claim and Delivery Law (June 1975)
- IX. Recommendation Relating to Relocation Assistance by Private Condemnors (October 1975)
- X. Recommendation Relating to Condemnation for Byroads and Utility Easements (October 1975)
- XI. Recommendation Relating to Admissibility of Duplicates in Evidence (October 1975)
- XII. Recommendation Relating to Admissibility of Copies of Business Records in Evidence (November 1975)
- XIII. Recommendation Relating to Liquidated Damages (October 1975)
- XIV. Recommendation Relating to Undertakings for Costs (October 1975)
- XV. Recommendation Relating to Transfer of Out-of-State Trusts to California (November 1975)
- XVI. Recommendation Relating to Oral Modification of Contracts (November 1975)
- XVII. Recommendation Relating to the Claims Presentation Requirement in Inverse Condemnation Actions (November 1975)

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION FOR THE YEAR 1975

FUNCTION AND PROCEDURE OF COMMISSION

The California Law Revision Commission consists of one Member of the Senate, one Member of the Assembly, seven members appointed by the Governor with the advice and consent of the Senate, and the Legislative Counsel who is ex officio a nonvoting member.¹

The principal duties of the Law Revision Commission are to:

(1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.

(2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, bar associations, and other learned bodies, judges, public officials, lawyers, and the public generally.

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

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.³

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

¹ See CAL. GOVT. CODE §§ 10300-10340.

² See CAL. GOVT. CODE § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. CAL. GOVT. CODE § 10331.

³ See CAL. GOVT. CODE § 10335.

considerable background necessary to understand the specific problems under consideration.

The research study includes a discussion of the existing law and the defects therein and suggests possible methods of eliminating those defects. The study is given careful consideration by the Commission and, after making its preliminary decisions on the subject, the Commission distributes a tentative recommendation to the State Bar and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what report and recommendation it will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature, including a draft of any legislation necessary to effectuate its recommendation, is published in a printed pamphlet.⁴ If the research study has not been previously published,⁵ it usually is published in the pamphlet containing the recommendation.

The Commission ordinarily prepares a Comment explaining each section it recommends. These Comments are included in the Commission's report and are frequently revised by legislative committee reports⁶ to reflect amendments⁷ 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.⁸

⁴ 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.

⁵ For a listing of background studies published in law reviews, see 10 CAL. L. REVISION COMM'N REPORTS 1109 n.5 (1971) and 11 CAL. L. REVISION COMM'N REPORTS 1008 n.5 & 1108 n.5 (1973).

⁶ 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, 364, 109 Cal. Rptr. 421, 426 (1973). For examples of such reports, see 10 CAL. L. REVISION COMM'N REPORTS 1132-1146 (1971).

⁷ 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.

⁸ E.g., *Van Arsdale v. Hollinger*, 68 Cal.2d 245, 249-250, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968). The Comments are published by both the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

TO BE REVISED LATER

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.⁹ 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.¹⁰

The pamphlets are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.¹¹ 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 submitted to the Legislature.¹² The annual reports and the recommendations and studies of the Commission are bound in a set of volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state.

Commission recommendations have resulted in the enactment of legislation affecting 3,317 sections of the California statutes: 1,340 sections have been added, 627 sections amended, and 1,350 sections repealed. For a summary of the legislative action on Commission recommendations, see "Legislative Action on Commission Recommendations" *infra*.

to be revised

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

¹⁰ The commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal.3d 150, 158-159, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-654 (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 Cal. Stats. 1974, Ch. 227.

¹¹ See CAL. GOVT. CODE § 10333.

¹² For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMully, *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).

7

PERSONNEL OF COMMISSION

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

| | <i>Term expires</i> |
|---|---------------------|
| Marc Sandstrom, San Diego, <i>Chairman</i> | October 1, 1975 |
| John N. McLaurin, Los Angeles, <i>Vice Chairman</i> | October 1, 1975 |
| Hon. Robert S. Stevens, Los Angeles, <i>Senate Member</i> | * |
| Hon. Alister McAlister, San Jose, <i>Assembly Member</i> | * |
| John J. Balluff, Palos Verdes Estates, <i>Member</i> | October 1, 1975 |
| John D. Miller, Long Beach, <i>Member</i> | October 1, 1977 |
| Thomas E. Stanton, Jr., San Francisco, <i>Member</i> | October 1, 1977 |
| Howard B. Williams, Stanford, <i>Member</i> | October 1, 1977 |
| Vacancy | October 1, 1975 |
| George H. Murphy, Sacramento, <i>ex officio Member</i> | † |

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

In October 1975, _____ was elected Chairman, and _____ was elected Vice Chairman of the Commission. Their terms commence on December 31, 1975.

As of December 1, 1974, the staff of the Commission is:

Legal

John H. DeMouly, *Executive Secretary*
Nathaniel Sterling, *Assistant Executive Secretary*
Stan C. Ulrich, *Staff Counsel*
Robert J. Murphy III, Legal Counsel

Administrative-Secretarial

Anne Johnston, *Administrative Assistant*
Violet S. Harju, *Clerk-Typist*
Christine E. Taylor, Clerk-Typist

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

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

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

8

SUMMARY OF WORK OF COMMISSION

During the past year, the Law Revision Commission was engaged in four principal tasks:

(1) Presentation of its legislative program to the Legislature.¹

(2) Work on various assignments given to the Commission by the Legislature.²

(3) A study, made pursuant to Section 10331 of the Government Code, to determine whether any statutes of the state have been held by the Supreme Court of the United States or by the Supreme Court of California to be unconstitutional or to have been impliedly repealed.³

(4) Consideration of suggestions for new topics to be added to the Commission's calendar of topics.⁴

The Commission held seven two-day meetings and three three-day meetings in 1975.

¹ See "Legislative History of Recommendations Submitted to 1975 Legislature" *infra*.

² See discussion on following pages.

³ See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

⁴ See "Topics for Future Consideration" *infra*.

1976 LEGISLATIVE PROGRAM

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

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

(2) Recommendation Relating to Wage Garnishment Procedure (April 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 601 (1976).

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

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

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

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

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

(8) Recommendation Relating to Admissibility of Copies of Business Records in Evidence (October 1975), published as Appendix XII to this Report.

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

(10) Recommendation Relating to Undertakings for Costs (October 1975), published as Appendix XIV to this Report.

(11) Recommendation Relating to Transfer of Out-of-State Trusts to California (November 1975), published as Appendix XV to this Report.

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

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

CALENDAR OF TOPICS FOR STUDY

Topics Authorized for Study

The Commission has on its calendar of topics the topics listed below.¹ Each of these topics has been authorized for Commission study by the Legislature.²

Topics Under Active Consideration

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

Nonprofit corporations. Whether the law relating to nonprofit corporations should be revised. [Authorized by Cal. Stats. 1970, Res. Ch. 54, at 3547; see also 9 Cal. L. Revision Comm'n Reports 107 (1969).]

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

Creditors' remedies. Whether the law relating to creditors' remedies including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters should be revised. [Authorized by Cal. Stats. 1972, Res. Ch. 27. See also Cal. Stats. 1957, Res. Ch. 202, at 4589; see also 1 Cal. L. Revision Comm'n Reports, 1957 Report at 15 (1957).]

The Commission, working with a State Bar committee, is now engaged in drafting a comprehensive statute governing enforcement of judgments. Professor Stefan A. Riesenfeld, Boalt Hall Law School, University of California at Berkeley, and Dean William D. Warren, UCLA Law School, are serving as

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

consultants to the Commission. The Commission plans to submit recommendations relating to attachment and the claim and delivery statute to the 1976 Legislature. See Recommendation Relating to Turnover Orders Under the Claim and Delivery Law (June 1975), published as Appendix VIII to this Report; Recommendation Relating to Revision of the Attachment Law (October 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976). To a large extent, these recommendations propose technical and clarifying changes, but the attachment recommendation also proposes some significant substantive revisions. The Commission also plans to submit to the 1976 Legislature a recommendation proposing a new, comprehensive statute governing wage garnishment procedure. See Recommendation Relating to Wage Garnishment Procedure (April 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 601 (1976).

Condemnation law and procedure. Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings. [Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289; see also Cal. Stats. 1956, Res. Ch. 42, at 263; 4 Cal. L. Revision Comm'n Reports 115 (1963).]

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

Evidence. Whether the Evidence Code should be revised.
[Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289.]

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

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

[Authorized by Cal. Stats. 1959, Res. Ch. 218, at 5792; see also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 Cal. L. Revision Comm'n Reports, 1956 Report at 21 (1957).]

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

Liquidated damages. Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised. [Authorized by Cal. Stats. 1969, Res. Ch. 224, at 3888.]

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

Modification of contracts. Whether the law relating to modification of contracts should be revised. [Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589; see also 1 Cal. L. Revision Comm'n Reports, 1957 Report at 21 (1957).]

A recommendation relating to modification of contracts was submitted to the 1975 Legislature. See Recommendation and Study Relating to Oral Modification of Written Contracts (January 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 301 (1976). Two bills were introduced to effectuate the Commission's recommendation. One bill--relating to Commercial Code Section 2209--was enacted as Chapter 7 of the Statutes of 1975. The other bill--relating to Civil Code Section 1698--was not enacted. The Commission has reviewed its prior recommendation and plans to submit a new recommendation relating to Civil Code Section 1698 to the 1976 Legislature. See Recommendation Relating to Oral Modification of Contracts (November 1975), published as Appendix XVI to this Report.

Transfer of out-of-state trusts to California. Whether the law relating to transfer of out-of-state trusts to California should be revised. [Authorized by Cal. Stats. 1975, Res. Ch. 15, at 0000; see also 12 Cal. L. Revision Comm'n Reports 523 (1974).]

The Commission plans to submit a recommendation on this topic to the 1976 Legislature. See Recommendation Relating to Transfer of Out-of-State

Trusts to California (November 1975), published as Appendix XV to this Report.

Governmental liability. Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised. [Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589.]

In Beaudreau v. Superior Court, 14 Cal.3d 448, 535 P.2d 713, 121 Cal. Rptr. 585 (1975), the California Supreme Court held unconstitutional the cost bond provisions of the California Tort Claims Act. This decision also casts doubt on other cost bond statutes. The Commission has reviewed the various statutory provisions that might be affected by the Beaudreau decision and plans to submit a recommendation to the 1976 Legislature. See Recommendation Relating to Undertakings for Costs (October 1975), published as Appendix XIV to this Report.

Inverse condemnation. Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised. [Authorized by Cal. Stats. 1970, Res. Ch. 46, at 3541; see also Cal. Stats. 1965, Res. Ch. 130, at 5289.]

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

Child custody and related matters. Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised. [Authorized by Cal. Stats. 1972, Res. Ch. 27. See 10 Cal. L. Revision Comm'n Reports 1122 (1971). See also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 Cal. L. Revision Comm'n Reports 1956 Report at 29 (1957).]

The Commission plans to commence work on this new, major study during 1976. Professor Brigitte M. Bodenheimer, Law School, University of California at Davis, has been retained as a consultant. She has prepared two background studies--one relating to child custody and the other to adoption. See Bodenheimer, The Multiplicity of Child Custody Proceedings--Problems of California Law, 23 Stan. L. Rev. 703 (1971); [cite to adoption study]. The background studies do not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation.

Other Topics Authorized for Study

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

Parol evidence rule. Whether the parol evidence rule should be revised. [Authorized by Cal. Stats. 1971, Res. Ch. 75; see also 10 Cal. L. Revision Comm'n Reports 1031 (1971).]

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised. [Authorized by Cal. Stats. 1971, Res. Ch. 75.]

Class actions. Whether the law relating to class actions should be revised. [Authorized by Cal. Stats. 1975, Res. Ch. 15, at 0000; 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 Cal. Stats. 1975, Res. Ch. 15, at 0000; 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 Cal. Stats. 1975, Res. Ch. 15, at 0000; see also 12 Cal. L. Revision Comm'n Reports 526 (1974).]

Possibilities of reverter and powers of termination. Whether the law relating to possibilities of reverter and powers of termination should be revised. [Authorized by Cal. Stats. 1975, Res. Ch. 15, at 0000; see also 12 Cal. L. Revision Comm'n Reports 528 (1974).]

Marketable Title Act and related matters. Whether a Marketable Title Act should be enacted in California and whether the law relating to covenants and servitudes relating to land, and the law relating to nominal, remote, and obsolete covenants, conditions, and restrictions on land use should be revised. [Authorized by Cal. Stats. 1975, Res. Ch. 82, at 0000.]

Topics Continued on Calendar for Further Study

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

Arbitration. Whether the law relating to arbitration should be revised. [Authorized by Cal. Stats. 1968, Res. Ch. 110, at 3103; see also 8 Cal. L. Revision Comm'n Reports 1325 (1967).]

Lease law. Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised. [Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.]

Unincorporated associations. Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised. [Authorized by Cal. Stats. 1966, Res. Ch. 9, at 241; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.]

Topic to Be Removed From Calendar of Topics

Recommendations have been made on the following topic, and the recommended legislation has been enacted. Because of its nature, this topic does not need to be continued on the Commission's calendar for further study.³

³ Some of the topics upon which studies and recommendations have been made are nevertheless retained on the Commission's calendar for further study of recommendations not enacted or for the study of additional aspects of the topic or new developments. See this Report *supra*.

Escheat; unclaimed property. Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised.⁴

Topics for Future Consideration

During the next few years, the Commission plans to devote its attention primarily to three major studies: (1) nonprofit corporations, (2) creditors' remedies, and (3) child custody, adoption, guardianship, and related matters. Because of the limited resources available to the Commission and the substantial and numerous topics already on its calendar (six of which were added by the 1975 Legislature), the Commission does not recommend any additional topics for inclusion on its calendar of topics.

⁴ Authorized by Cal. Stats. 1967, Res. Ch. 81, at 4502; see also Cal. Stats. 1956, Res. Ch. 42, at 263.

See *Recommendation Relating to Escheat*, 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 16-18 (1969). Most of the recommended legislation was enacted. See Cal. Stats. 1968, Ch. 247 (escheat of decedent's estate) and Ch. 356 (unclaimed property act).

See also *Recommendation Relating to Unclaimed Property*, 11 CAL. L. REVISION COMM'N REPORTS 401 (1973). For a legislative history of this recommendation, see this Report *infra*. The recommended legislation was not enacted.

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

Checks, Money Orders, and Similar Instruments, 12 Cal. L. Revision Comm'n Reports 613 (1974). For a legislative history of this recommendation, see this Report *infra*. The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 25.

LEGISLATIVE HISTORY OF RECOMMENDATIONS
SUBMITTED TO 1975 LEGISLATIVE SESSION

Twenty-one bills and two concurrent resolutions were introduced to effectuate the Commission's recommendations during 1975.¹ The concurrent resolutions were adopted, 17 of the bills were enacted, one bill was held over for hearing in 1976, and three bills were not enacted.

Resolution Approving Topics for Study

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

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

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

Eminent Domain

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

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

Assembly Bills 266 (state agency condemnation) and 278 (conforming amendments to codified sections) were enacted as Chapters ____ and ____ of the Statutes of 1975. A number of substantive, technical, and clarifying amendments were made to the bills before they were enacted. These amendments likewise are not detailed here because they also will be included in the pamphlet containing the statute as enacted with official Comments.

Assembly Bills 124, 125, 126, 127, 128, 129, 130, and 131, making conforming changes in special district statutes, were enacted as Chapters ____, ____, ____, ____, ____, and ____ of the Statutes of 1975. For revisions made in the Comments to various sections of these bills, see the extract from

the Assembly and Senate Committee Reports set out as Appendix IV and Appendix V to this Report.

Oral Modification of Written Contracts

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

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

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

Payment of Judgments Against Local Public Entities

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

View by Trier of Fact in a Civil Case

Senate Bill 294, which became Chapter 301 of the Statutes of 1975, was introduced by Senator Robert S. Stevens to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to View by Trier of Fact in a Civil Case, 12 Cal. L. Revision Comm'n Reports 587 (1974); Report

of Senate Committee on Judiciary on Senate Bill 294, Senate J. (March 13, 1975)
at 1852, reprinted as Appendix IV to this Report. Assembly Bill 294 was amended before enactment to revise the language of subdivision (b) of Section 651, which the bill proposed to add to the Code of Civil Procedure.

Evidence

Two bills relating to evidence were introduced in 1975.

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

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

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

Assembly Bill 192, which became Chapter 25 of the Statutes of 1975, was introduced by Assemblyman McAlister to effectuate the recommendation of the

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

Creditors' Remedies

Two bills were introduced on this subject in 1975.

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

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

Assembly Bill 919, which became Chapter 200 of the Statutes of 1975, was recommended by the Law Revision Commission. The Commission plans to submit a number of amendments--mostly technical--to the new attachment law for enactment by the 1976 Legislature. The Commission recommended the delay in the operative date of the new attachment law in order to avoid the need for lawyers and others to become familiar with the new law in 1976 and then study it again one year later in 1977 to determine the changes made. Also, the delayed operative date avoided the cost of reprinting revised forms to reflect

the amendments that will be proposed at the 1976 session. For the recommendation on this subject to be submitted to the 1976 Legislature, see Recommendation Relating to Revision of the Attachment Law (October 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 801 (1976).

Partition of Real and Personal Property

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

**REPORT ON STATUTES REPEALED BY
IMPLICATION
OR HELD UNCONSTITUTIONAL**

Section 10331 of the Government Code provides:

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

Pursuant to this directive the Commission has made a study of the decisions of the Supreme Court of the United States and of the Supreme Court of California handed down since the Commission's last Annual Report was prepared.¹ It has the following to report:

TO BE REVISED
LATER

SEE FIRST SUPPLEMENT
TO MEMORANDUM 75-59

RECOMMENDATIONS

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized for study (see "Calendar of Topics for Study," *supra*) to remove from its calendar of topics the topic listed under "Topics to Be Removed From Calendar of Topics" *supra*.

Pursuant to the mandate imposed by Section 10391 of the Government Code, the Commission recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent that those provisions have been held to be unconstitutional.

APPENDIX I
CURRENT TOPICS--PRIOR PUBLICATIONS
AND LEGISLATIVE ACTION

Arbitration

Ⓢ Authorized by Cal. Stats. 1963, Res. Ch. 110, at 3103; see also 8 CAL. L. REVISION COMM'N REPORTS 1325 (1967).

This is a supplemental study; the present California arbitration law was enacted in 1961 upon Commission recommendation. See *Recommendation and Study Relating to Arbitration*, 5 CAL. L. REVISION COMM'N REPORTS at G-1 (1961). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 15 (1963). See also Cal. Stats. 1961, Ch. 461.

Child Custody and Related Matters

Ⓢ Authorized by Cal. Stats. 1973, Res. Ch. 27, Sec. 10 CAL. L. REVISION COMM'N REPORTS 1122 (1971). See also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 CAL. L. REVISION COMM'N REPORTS, 1956 Report at 29 (1957).

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

Condemnation Law and Procedure

Ⓢ Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5229; see also Cal. Stats. 1956, Res. Ch. 42, at 263; 4 CAL. L. REVISION COMM'N REPORTS 113 (1963).

See *Recommendation and Study Relating to Evidence in Eminent Domain Proceedings; Recommendation and Study Relating to Taking Possession and Passage of Title in Eminent Domain Proceedings; Recommendation and Study Relating to the Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 CAL. L. REVISION COMM'N REPORTS at A-1, B-1, and C-1 (1961). For a legislative history of these recommendations, see 3 CAL. L. REVISION COMM'N REPORTS, Legislative History at 1-5 (1961). See also Cal. Stats. 1961, Ch. 1612 (tax apportionment) and Ch. 1613 (taking possession and passage of title). The substance of two of these recommendations was incorporated in legislation enacted in 1963. Cal. Stats. 1963, Ch. 1151 (evidence in eminent domain proceedings); Ch. 1649 and Ch. 1850 (reimbursement for moving expenses).

See also *Recommendation and Study Relating to Condemnation Law and Procedure: Number 4--Discovery in Eminent Domain Proceedings*, 4 CAL. L. REVISION COMM'N REPORTS 701 (1963). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 213 (1963). See also *Recommendation Relating to Discovery in Eminent Domain Proceedings*, 8 CAL. L. REVISION COMM'N REPORTS 19 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1318 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1104 (exchange of valuation data).

See also *Recommendation Relating to Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 133.

See also Recommendation Relating to Abolition of Joint Compensation, 9 CAL. L. REVISION COMM'N REPORTS 143 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1970). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 417.

See also Recommendation Relating to Condemnation Law and Procedure:

Conforming Changes in Improvement Acts, 12 CAL. L. REVISION COMM'N REPORTS 1001 (1974). For a legislative history of this recommendation, see 12 CAL. L. REVISION COMM'N REPORTS 534 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 426.

See also Recommendation Proposing the Eminent Domain Law, 12 CAL. L. REVISION COMM'N REPORTS 1601 (1974). For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1975, Chs. _____, _____, _____, _____.

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

Creditors' Remedies

⌘ Authorized by Cal. Stats. 1972, Res. Ch. 27. See also Cal. Stats. 1967, Res. Ch. 202, at 4389; see also 1 CAL. L. REVISION COMM'N REPORTS, 1957 Report at 15 (1957).

See Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1126-1127 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 1607.

See also Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973). The recommended legislation was not enacted. The Commission submitted a revised recommendation to the 1973 Legislature. See Recommendation Relating to Wage Garnishment and Related Matters, 11 CAL. L. REVISION COMM'N REPORTS 101 (1973). For a legislative history

of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1123 (1973); 12 CAL. L. REVISION COMM'N REPORTS 530 n.1 (1974). The recommended legislation was not

enacted. The Commission submitted a revised recommendation to the 1975 Legislature. See Recommendation Relating to Wage Garnishment Exemptions, 12 Cal. L. Revision Comm'n Reports 901 (1974). For a legislative history of this recommendation, see this Report supra. The recommended legislation was not enacted. The Commission plans to submit a revised recommendation to the 1976 Legislature. See Recommendation Relating to Wage Garnishment Procedure (April 1975), to be reprinted in 13 Cal. L. Revision Comm'n Reports 601 (1976).

See also Recommendation and Study Relating to Civil Service, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1123 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 50.

See also Recommendation Relating to the Claim and Delivery Statute, 11 CAL. L. REVISION COMM'N REPORTS 301 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1124 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 526.

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

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

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

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

Evidence

Authorized by Cal. Stats. 1965, Res. Ch. 130, at 3749.

See *Recommendation Proposing an Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1965). A series of tentative recommendations and research studies relating to the Uniform Rules of Evidence was published and distributed for comment prior to the preparation of the recommendation proposing the Evidence Code. See 6 CAL. L. REVISION COMM'N REPORTS at 1, 101, 201, 301, 701, 801, 901, 1001, and *Appendix* (1964). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMM'N REPORTS 912-914 (1965). See also *Evidence Code With Official Comments*, 7 CAL. L. REVISION COMM'N REPORTS 1001 (1965). See also Cal. Stats. 1963, Ch. 259 (Evidence Code).

See also *Recommendation Relating to the Evidence Code, Number 1—Evidence Code Revisions, Number 2—Agricultural Code Revisions, Number 3—Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101, 201, 301 (1967). For a legislative history of these recommendations, see 8 CAL. L. REVISION COMM'N REPORTS 1313 (1967). See also Cal. Stats. 1967, Ch. 659 (Evidence Code revisions), Ch. 282 (Agricultural Code revisions), Ch. 703 (Commercial Code revisions).

See also *Recommendation Relating to the Evidence Code, Number 4—Revision of the Privileges Article*, 9 CAL. L. REVISION COMM'N REPORTS 501 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969).

See also *Recommendation Relating to the Evidence Code, Number 5—Revisions of the Evidence Code*, 9 CAL. L. REVISION COMM'N REPORTS 157 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). Some of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 69 (res ipsa loquitur), Ch. 1391 (psychotherapist-patient privilege).

See also report concerning *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971) and Cal. Stats. 1970, Ch. 41.

See also *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1163

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

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

See Cal. Stats. 1974, Ch. 227.

See also *Recommendation Relating to Evidence Code Section 990—The "Criminal Conduct" Exception to the Physician-Patient Privilege*, 11 CAL. L. REVISION COMM'N REPORTS 1147 (1973). For a legislative history of this recommendation, see

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

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

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

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

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

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

See also *Recommendation Relating to View by Trier of Fact in a Civil Case*,

12 Cal. L. Revision Comm'n Reports 587 (1974). For a legislative history

of this recommendation, see this Report supra. The recommended legislation

was enacted. See Cal. Stats. 1975, Ch. 301.

See also Recommendation Relating to Admissibility of Copies of Business Records in Evidence (January 1975), published as Appendix III to this

Report. For a legislative history of this recommendation, see this Report supra. The recommended legislation was not enacted. The Commission plans to submit a revised recommendation to the 1976 Legislature. See Recommendation Relating to Admissibility of Copies of Business Records in Evidence (November 1975), published as Appendix XII to this Report.

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

This topic is under continuing study to determine whether any substantive, technical, or clarifying changes are needed in the Evidence Code and whether changes are needed in other codes to conform them to the Evidence Code. See 10 CAL. L. REVISION COMM'N REPORTS 1015 (1971). See also Cal. Stats. 1972, Ch. 764 (judicial notice--technical amendment).

Governmental Liability

☞ Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *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*, 4 CAL. L. REVISION COMM'N REPORTS 801, 1001, 1201, 1301, 1401, 1501, and 1601 (1963). For a legislative history of these recommendations, see 4 CAL. L. REVISION COMM'N REPORTS 211-213 (1963). See also *A Study Relating to Sovereign Immunity*, 5 CAL. L. REVISION COMM'N REPORTS 1 (1963). See also Cal. Stats. 1963, Ch. 1681 (tort liability of public entities and public employees), Ch. 1713 (claims, actions and judgments against public entities and public employees), Ch. 1682 (insurance coverage for public entities and public employees), Ch. 1683 (defense of public employees), Ch. 1684 (workmen's compensation benefits for persons assisting law enforcement or fire control officers), Ch. 1685 (amendments and repeals of inconsistent special statutes), Ch. 1686 (amendments and repeals of inconsistent special statutes), Ch. 2029 (amendments and repeals of inconsistent special statutes).

See also *Recommendation Relating to Sovereign Immunity: Number 8--Revisions of the Governmental Liability Act*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMM'N REPORTS 914 (1965). See also Cal. Stats. 1965, Ch. 653 (claims and actions against public entities and public employees), Ch. 1527 (liability of public entities for ownership and operation of motor vehicles).

See also *Recommendation Relating to Sovereign Immunity: Number 9--Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 49 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also *Recommendation Relating to Sovereign Immunity: Number 10--Revisions of the Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests).

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

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

Inverse Condemnation

☞ Authorized by Cal. Stats. 1970, Res. Ch. 36, at 3541; see also Cal. Stats. 1965, Res. Ch. 130, at 5389.

See *Recommendation Relating to Inverse Condemnation: Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1125 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 140.

See also *Recommendation Relating to Sovereign Immunity: Number 10--Revisions of the Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also *Recommendation Relating to Payment of Judgments Against Local Public*

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

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

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

Lease Law

☞ Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.

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

See also *Recommendation Relating to Real Property Leases*, 9 CAL. L. REVISION COMM'N REPORTS 461 (1968). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969).

See also *Recommendation Relating to Real Property Leases*, 9 CAL. L. REVISION COMM'N REPORTS 153 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 89.

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

*Abandonment of Leased Real Property and Personal Property Left on Premises
Vacated by Tenant* For a legislative history of these recommendations, see 12

Cal. L. Revision Comm'n Reports 536 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Chs. 331, 332.

Liquidated Damages

Authorized by Cal. Stats. 1960, Res. Ch. 224, at 3888.

See Recommendation and Study Relating to Liquidated Damages, 11 Cal. L. Revision Comm'n Reports 1201 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation was not enacted.

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

Modification of Contracts

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

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

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

Nonprofit Corporations

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

Parol Evidence Rule

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

Partition Procedures

Ⓢ Authorized by Cal. Stats. 1959, Res. Ch. 211, at 5792; see also Cal. Stats. 1956, Res. Ch. 42, at 250; 1 CAL. L. REVISION COMM'N REPORTS, 1956 Report at 21 (1957).

See *Recommendation Relating to Partition Procedure* (January 1973), to be reprinted in 13 CAL. L. REVISION COMM'N REPORTS 401 (1976).

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

The recommended legislation will be considered by the 1976 Legislature.

Prajudgment Interest

Authorized by Cal. Stats. 1971, Res. Ch. 75.

Unincorporated Associations

Ⓢ Authorized by Cal. Stats. 1966, Res. Ch. 9, at 241; see also Cal. Stats. 1957, Res. Ch. 202, at 4569.

See *Recommendation and Study Relating to Suit by or Against an Unincorporated Association*, 8 CAL. L. REVISION COMM'N REPORTS 901 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1317 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1324.

See also *Recommendation Relating to Service of Process on Unincorporated Associations*, 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 18-19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 132.

APPENDIX II

LEGISLATIVE ACTION ON COMMISSION
RECOMMENDATIONS

(Cumulative)

| Recommendation | Action by Legislature |
|---|---|
| 1. <i>Partial Revision of Education Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957) | Enacted. Cal. Stats. 1955, Chs. 799, 877 |
| 2. <i>Summary Distribution of Small Estates Under Probate Code Sections 630 to 646</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 50 (1957) | Enacted. Cal. Stats. 1955, Ch. 1183 |
| 3. <i>Fish and Game Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1957 at 13 (1957); 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1956 at 13 (1957) | Enacted. Cal. Stats. 1957, Ch. 456 |
| 4. <i>Maximum Period of Confinement in a County Jail</i> , 1 CAL. L. REVISION COMM'N REPORTS at A-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 139 |
| 5. <i>Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions</i> , 1 CAL. L. REVISION COMM'N REPORTS at B-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 540 |
| 6. <i>Taking Instructions to Jury Room</i> , 1 CAL. L. REVISION COMM'N REPORTS at C-1 (1957) | Not enacted. But see Cal. Stats. 1975, Ch. 461, 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. |

- | | |
|---|--|
| <p>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)</p> | <p>Enacted. Cal. Stats. 1957, Ch. 490</p> |
| <p>9. <i>The Marital "For and Against" Testimonial Privilege</i>, 1 CAL. L. REVISION COMM'N REPORTS at F-1 (1957)</p> | <p>Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID CODE § 570.</p> |
| <p>10. <i>Suspension of the Absolute Power of Attachment</i>, 2 CAL. L. REVISION COMM'N REPORTS at G-1 (1957); 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 16 (1959)</p> | <p>Enacted. Cal. Stats. 1959, Ch. 470</p> |
| <p>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)</p> | <p>Enacted. Cal. Stats. 1957, Ch. 102</p> |
| <p>12. <i>Judicial Notice of the Law of Foreign Countries</i>, 1 CAL. L. REVISION COMM'N REPORTS at I-1 (1957)</p> | <p>Enacted. Cal. Stats. 1957, Ch. 249</p> |
| <p>13. <i>Choice of Law Governing Survival of Actions</i>, 1 CAL. L. REVISION COMM'N REPORTS at J-1 (1957)</p> | <p>No legislation recommended.</p> |
| <p>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)</p> | <p>Enacted. Cal. Stats. 1959, Ch. 468</p> |
| <p>15. <i>Retention of Venue for Convenience of Witnesses</i>, 1 CAL. L. REVISION COMM'N REPORTS at L-1 (1957)</p> | <p>Not enacted.</p> |

- | | |
|---|---|
| 16. <i>Bringing New Parties Into Civil Actions</i> , 1 CAL. L. REVISION COMM'N REPORTS at M-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 1498 |
| 17. <i>Grand Juries</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 23 (1959) | Enacted. Cal. Stats. 1959, Ch. 571 |
| 18. <i>Procedure for Appointing Guardians</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 21 (1959) | Enacted. Cal. Stats. 1959, Ch. 500 |
| 19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 29 (1959) | No legislation recommended. |
| 20. <i>Presentation of Claims Against Public Entities</i> , 2 CAL. L. REVISION COMM'N REPORTS at A-1 (1959) | Enacted. Cal. Stats. 1959, Chs. 1715, 1724, 1725, 1726, 1727, 1728; CAL. CONST., Art. XI, § 10 (1960) |
| 21. <i>Right of Nonresident Aliens to Inherit</i> , 2 CAL. L. REVISION COMM'N REPORTS at B-1 (1959); 11 CAL. L. REVISION COMM'N REPORTS 421 (1973) | Enacted. Cal. Stats. 1974, Ch. 425. |
| 22. <i>Mortgages to Secure Future Advances</i> , 2 CAL. L. REVISION COMM'N REPORTS at C-1 (1959) | Enacted. Cal. Stats. 1959, Ch. 528 |
| 23. <i>Doctrine of Worthier Title</i> , 2 CAL. L. REVISION COMM'N REPORTS at D-1 (1959) | Enacted. Cal. Stats. 1959, Ch. 122 |
| 24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 CAL. L. REVISION COMM'N REPORTS at E-1 (1959) | Not enacted. |

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

- | | |
|---|---|
| 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 L-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 636 |
| 36. <i>Notice of Alibi in Criminal Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at J-1 (1961) | Not enacted. |
| 37. <i>Discovery in Eminent Domain Proceedings</i> 6 CAL. L. REVISION COMM'N REPORTS 701 (1963); 8 CAL. L. REVISION COMM'N REPORTS 19 (1967) | Enacted. Cal. Stats. 1967, Ch. 1194 |
| 38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 801 (1963) | Enacted. Cal. Stats. 1963, Ch. 1681 |
| 39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1001 (1963) | Enacted. Cal. Stats. 1963, Ch. 1715 |
| 40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1201 (1963) | Enacted. Cal. Stats. 1963, Ch. 1682 |
| 41. <i>Defense of Public Employees</i> , 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963) | Enacted. Cal. Stats. 1963, Ch. 1683 |

42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 CAL. L. REVISION COMM'N REPORTS 1401 (1963); 7 CAL. L. REVISION COMM'N REPORTS 401 (1965)
- Enacted. Cal. Stats. 1965, Ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Department Officers*, 4 CAL. L. REVISION COMM'N REPORTS 1501 (1963)
- Enacted. Cal. Stats. 1963, Ch. 1684
44. *Sovereign Immunities - Amendments and Repeals of Inconsistent Statutes*, 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963)
- Enacted. Cal. Stats. 1963, Chs. 1885, 1886, 2029
45. *Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1965)
- Enacted. Cal. Stats. 1965, Ch. 299
46. *Claims and Actions Against Public Entities and Public Employees*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965)
- Enacted. Cal. Stats. 1965, Ch. 653
47. *Evidence Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967)
- Enacted in part: Cal. Stats. 1967, Ch. 650; balance enacted: Cal. Stats. 1970, Ch. 69
48. *Evidence--Agricultural Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 201 (1967)
- Enacted. Cal. Stats. 1967, Ch. 262
49. *Evidence--Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 301 (1967)
- Enacted. Cal. Stats. 1967, Ch. 703
50. *Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property*, 8 CAL. L. REVISION COMM'N REPORTS 401 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1385 (1967)
- Enacted. Cal. Stats. 1968, Chs. 457, 458

- | | |
|---|--|
| 51. <i>Vehicle Code Section 1715d and Related Sections</i> , 8 CAL. L. REVISION COMM'N REPORTS 501 (1967) | Enacted. Cal. Stats. 1967, Ch. 702 |
| 52. <i>Additur</i> , 8 CAL. L. REVISION COMM'N REPORTS 601 (1967) | Enacted. Cal. Stats. 1967, Ch. 72 |
| 53. <i>Abandonment or Termination of a Lease</i> , 8 CAL. L. REVISION COMM'N REPORTS 701 (1967); 9 CAL. L. REVISION COMM'N REPORTS 491 (1968); 9 CAL. L. REVISION COMM'N REPORTS 153 (1969) | Enacted. Cal. Stats. 1970, Ch. 89 |
| 54. <i>Good Faith Improver of Land Owned by Another</i> , 8 CAL. L. REVISION COMM'N REPORTS 801 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1373 (1967) | Enacted. Cal. Stats. 1968, Ch. 150 |
| 55. <i>Suit By or Against an Unincorporated Association</i> , 8 CAL. L. REVISION COMM'N REPORTS 901 (1967) | Enacted. Cal. Stats. 1967, Ch. 1324 |
| 56. <i>Escheat</i> , 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967) | Enacted. Cal. Stats. 1968, Chs. 247, 356 |
| 57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967) | Enacted. Cal. Stats. 1968, Ch. 133 |
| 58. <i>Service of Process on Unincorporated Associations</i> , 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967) | Enacted. Cal. Stats. 1968, Ch. 132 |

- | | |
|--|--|
| 59. <i>Sovereign Immunity-- Statute of Limitations</i> , 9 CAL. L. REVISION COMM'N REPORTS 49 (1969); 9 CAL. L. REVISION COMM'N RE- PORTS 175 (1969) | Vetoed 1969. Enacted: Cal. Stats. 1970, Ch. 104 |
| 60. <i>Additor and Permittitor</i> , 9 CAL. L. REVISION COMM'N REPORTS 53 (1969) | Enacted. Cal. Stats. 1969, Ch. 115 |
| 61. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 71 (1969) | Enacted. Cal. Stats. 1969, Ch. 114 |
| 62. <i>Quasi-Community Prop- erty</i> , 9 CAL. L. REVISION COMM'N REPORTS 113 (1969) | Enacted. Cal. Stats. 1970, Ch. 312 |
| 63. <i>Arbitration of Just Com- pensation</i> , 9 CAL. L. REVI- SION COMM'N REPORTS 123 (1969) | Enacted. Cal. Stats. 1970, Ch. 417 |
| 64. <i>Revisions of Evidence Code</i> , 9 CAL. L. REVISION COMM'N REPORTS 137 (1969) | Enacted in part: Cal. Stats. 1970, Ch. 69; see also Cal. Stats. 1970, Chs. 1396, 1397 |
| 65. <i>Mutuality of Remedies in Suits for Specific Perform- ance</i> , 9 CAL. L. REVISION COMM'N REPORTS 301 (1969) | Enacted. Cal. Stats. 1969, Ch. 156 |
| 66. <i>Powers of Appointment</i> , 9 CAL. L. REVISION COMM'N REPORTS 301 (1969) | Enacted. Cal. Stats. 1969, Chs. 113, 155 |
| 67. <i>Evidence Code--Revi- sions of Privileges Article</i> , 9 CAL. L. REVISION COMM'N REPORTS 301 (1969) | Vetoed. But see Cal. Stats. 1970, Chs. 1396, 1397 |
| 68. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 601 (1969) | Enacted. Cal. Stats. 1970, Ch. 618 |

69. *Representations as to the Credit of Third Persons and the Statute of Frauds*, 9 CAL. L. REVISION COMM'N REPORTS 701 (1969)
Enacted. Cal. Stats. 1970, Ch. 720
70. *Revisions of Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 101 (1969)
Enacted in part: Cal. Stats. 1970, Chs. 662, 1099
71. *"Vesting" of Interests Under Rule Against Perpetuities*, 9 CAL. L. REVISION COMM'N REPORTS 901 (1969)
Enacted. Cal. Stats. 1970, Ch. 45
72. *Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 CAL. L. REVISION COMM'N REPORTS 501 (1971)
Enacted. Cal. Stats. 1971, Chs. 244, 950; see also Cal. Stats. 1973, Ch. 828
73. *Wage Garnishment and Related Matters*, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971); 11 CAL. L. REVISION COMM'N REPORTS 101 (1973); 12 CAL. L. REVISION COMM'N REPORTS 901 (1974); 13 CAL. L. REVISION COMM'N REPORTS 601 (1976)
Not enacted 1972, 1974, 1975. But new recommendation will be submitted to 1976 session.
74. *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971)
Enacted. Cal. Stats. 1970, Ch. 41
75. *Inverse Condemnation—Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971)
Enacted. Cal. Stats. 1971, Ch. 140
76. *Discharge From Employment Because of Wage Garnishment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971)
Enacted. Cal. Stats. 1971, Ch. 1607

- | | |
|--|--|
| 77. <i>Civil Arrest</i> , 11 CAL. L. REVISION COMM'N REPORTS 1 (1973) | Enacted. Cal. Stats. 1973, Ch. 20 |
| 78. <i>Claim and Delivery Statute</i> , 11 CAL. L. REVISION COMM'N REPORTS 301 (1973) | Enacted. Cal. Stats. 1973, Ch. 326 |
| 79. <i>Unclaimed Property</i> , 11 CAL. L. REVISION COMM'N REPORTS 401 (1973); 12 CAL. L. REVISION COMM'N REPORTS 600 (1974) | Proposed resolution enacted. Cal. Stats. 1973, Pos. Ch. 76. Legislation enacted. Cal. Stats. 1975, Ch. 55. |
| 80. <i>Enforcement of Sister State Money Judgments</i> , 11 CAL. L. REVISION COMM'N REPORTS 461 (1973) | Enacted. Cal. Stats. 1974, Ch. 211 |
| 81. <i>Prejudgment Attachment</i> , 11 CAL. L. REVISION COMM'N REPORTS 701 (1973) | Enacted. Cal. Stats. 1974, Ch. 1516 |
| 82. <i>Landlord-Tenant Relations</i> , 11 CAL. L. REVISION COMM'N REPORTS 951 (1973) | Enacted. Cal. Stats. 1974, Chs. 331, 332 |
| 83. <i>Pleading</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973) | Enacted. Cal. Stats. 1972, Ch. 73 |
| 84. <i>Evidence—Judicial Notice</i> (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1025 (1973) | Enacted. Cal. Stats. 1972, Ch. 764 |
| 85. <i>Evidence—"Criminal Conduct" Exception</i> , 11 CAL. L. REVISION COMM'N REPORTS 1147 (1973) | Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i>) which was enacted. |
| 86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 CAL. L. REVISION COMM'N REPORTS 1163 (1973) | Enacted. Cal. Stats. 1974, Ch. 227 |

- | | |
|--|--|
| 87. <i>Liquidated Damages</i> , 11 CAL. L. REVISION COMM'N REPORTS 1201 (1973) | Not enacted. But new recommendation will be submitted to 1976 session. |
| 88. <i>Payment of Judgments Against Local Public Entities</i> , 12 CAL. L. REVISION COMM'N REPORTS 375 (1974) | Enacted. Cal. Stats. 1975, Ch. 286 |
| 89. <i>View by Trier of Fact in a Civil Case</i> , 12 CAL. L. REVISION COMM'N REPORTS 587 (1974) | Enacted. Cal. Stats. 1975, Ch. 301 |
| 90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 CAL. L. REVISION COMM'N REPORTS 601 (1974) | Enacted. Cal. Stats. 1975, Ch. 316 |
| 91. <i>Escheat of Amounts Payable on Travelers Checks, Money Orders, and Similar Instruments</i> , 12 CAL. L. REVISION COMM'N REPORTS 609 (1974) | Enacted. Cal. Stats. 1975, Ch. 25 |
| 92. <i>Improvement Acts</i> , 12 CAL. L. REVISION COMM'N REPORTS 1001 (1974) | Enacted. Cal. Stats. 1974, Ch. 426 |
| 93. <i>The Eminent Domain Law</i> , 12 CAL. L. REVISION COMM'N REPORTS 1601 (1974) | Enacted. Cal. Stats. 1975, Ch. |
| 94. <i>Oral Modification of Written Contracts</i> , 13 CAL. L. REVISION COMM'N REPORTS 301 (1976) | Enacted. Cal. Stats. 1975, Ch. 7 |

46