

10/27/83

Memorandum 83-90

Subject: Annual Report

Attached is a draft of the Annual Report covering the year 1983. 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) 1984 Legislative Program (page 10). This will be revised to the extent necessary to reflect the Commission's decisions at the November meeting concerning recommendations to the 1984 session. Other portions of the draft will be conformed to those decisions.

(2) Personnel of Commission (page 20). The material on this page will be revised to reflect any changes in Commission membership if the changes are effective on or before December 1, 1983. We will report the results of the election of officers.

(3) Appendices II to XVII 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. DeMouly
Executive Secretary

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Annual Report



December 1983

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

SUMMARY OF WORK OF COMMISSION

The California Law Revision Commission plans to submit important recommendations to the 1984 session in the fields of probate law and procedure, family law, and criminal law. Some of the probate law recommendations are designed to reduce the cost and delay of probate. These recommendations relate to independent administration of estates and distribution of estates without administration. Other probate law recommendations relate to wills, intestate succession, creditor's right to reach payments from a trust, requirements for execution of witnessed wills, filing notice of wills, recording affidavit of death, and simultaneous deaths. Recommendations relating to family law deal with such matters as joint tenancy and community property, marital property presumptions and transmutations, disposition of community property, liability of marital property for debts, reimbursement of educational expenses, and liability of stepparent for child support. An important recommendation to the 1984 session proposes the enactment of a new statute of limitations for felonies. Other recommendations deal with dismissal of a civil action for lack of prosecution, quiet title and partition judgments, dormant mineral rights, creditors' remedies, and statutory forms for powers of attorney.

In 1983, 12 of 14 bills recommended by the Commission were enacted. One bill will be acted upon by the Legislature in 1984. A comprehensive statute relating to wills and intestate succession was enacted. This statute is the first phase of the Commission's study and revision of the California Probate Code. Other bills enacted in 1983 dealt with:

- Durable power of attorney for health care decisions
- Missing persons
- Division of marital property
- Limited conservatorship proceedings
- Disclaimer of testamentary and other interests
- Emancipated minors
- Claims against public entities
- Bonds and undertakings
- Nonprobate transfers
- Vacation of public streets
- Creditors' remedies

Commission recommendations enacted by the 1983 session affected 701 sections of the California statutes: 332 new sections were enacted, 130 sections were amended, and 239 sections were repealed.

During 1984, the Commission plans to devote its attention primarily to securing the enactment of legislation recommended to the 1984 Legislature and to the preparation of legislation relating to probate law and procedure and to family law. Other topics will be considered to the extent time and resources permit.

CALIFORNIA LAW REVISION COMMISSION

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December 1, 1983

To: THE HONORABLE GEORGE DEUKMEJIAN
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 1983.

I am pleased to report that at the 1983 legislative session 12 of 14 bills introduced to implement the Commission's recommendations were enacted. Final action on one bill will be taken by the Legislature in 1984.

I would like to give special recognition to Senator Barry Keene and Assemblyman Alister McAlister who serve as the legislative members of the Commission. As the newly appointed Senate Member of the Commission, Senator Keene introduced the Commission recommended bill relating to the durable power of attorney for health care. This important bill was enacted in 1983. Senator Keene also did much to secure passage of Commission recommended measures in the Senate. Assemblyman McAlister was the author of 11 of the Commission recommended measures enacted in 1983.

Respectfully submitted,

DAVID ROSENBERG

Chairperson

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ANNUAL REPORT FOR THE YEAR 1983

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 22 topics.³

Commission recommendations have resulted in the enactment of legislation affecting 8,264 sections of the California statutes: 3,557 sections have been added, 1,899 sections amended, and 2,808 sections repealed. Of the 158 Commission recommendations submitted to the Legislature, 144 (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.

¹ See Gov't Code §§ 10300-10340 (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 for Study" *infra*.

⁴ See list of recommendations and legislative action in Appendix I *infra*.

1984 LEGISLATIVE PROGRAM

The Commission plans to recommend legislation on the following subjects to the 1984 Legislature:

- (1) Liability of marital property for debts.⁵
- (2) Marital property presumptions and transmutations.⁶
- (3) Joint tenancy and community property.⁷
- (4) Disposition of community property.⁸
- (5) Reimbursement of educational expenses.⁹
- (6) Special appearance in family law proceedings.¹⁰
- (7) Liability of stepparent for child support.¹¹
- (8) Statutory forms for durable powers of attorney.¹²
- (9) Independent administration of decedent's estate.¹³
- (10) Distribution of decedent's estate without administration.¹⁴
- (11) Execution of witnessed wills.¹⁵
- (12) Simultaneous deaths.¹⁶
- (13) Notice of will.¹⁷
- (14) Garnishment of amounts payable to trust beneficiary.¹⁸
- (15) Bonds for personal representatives.¹⁹
- (16) Wills and intestate succession.²⁰
- (17) Recording affidavit of death.²¹
- (18) Dismissal for lack of prosecution.²²
- (19) Statutes of limitation for felonies.²³

⁵ See *Recommendation Relating to Liability of Marital Property for Debts*, 17 Cal. L. Revision Comm'n Reports 1 (1984).

⁶ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

⁷ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

⁸ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

⁹ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

¹⁰ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

¹¹ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

¹² See *Recommendation Relating to Statutory Forms For Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984).

¹³ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁴ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁵ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁶ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁷ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁸ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

¹⁹ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

²⁰ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

²¹ See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984).

22. See Revised Recommendation Relating to Dismissal for Lack of Prosecution (June 1983) published as Appendix XII to this Report.

²³ See *Recommendation Relating to Statutes of Limitation for Felonies* (September 1983), published as Appendix XIII to this Report.

- (20) Effect of quiet title and partition judgments.²⁴
- (21) Dormant mineral rights.²⁵
- (22) Creditors' remedies.²⁶
- (23) Awarding temporary use of family home.²⁷
- (24) Rights among cotenants in and out of possession of real property.²⁸

Other recommendations will be submitted if work on them is completed in time to permit their submission to the 1984 session of the Legislature.

MAJOR STUDIES IN PROGRESS

Probate Code

The 1980 session of the Legislature directed the Commission to make a study of the Probate Code. A number of recommendations arising out of this study were submitted to the 1983 Legislature. See the discussion under "Legislative History of Recommendations Submitted to 1983 Legislative Session" *infra*.

The Commission proposes for enactment in 1984 recommendations relating to additional aspects of probate law and related areas—such as independent administration of estates, distribution of estates without administration, execution of witnessed wills, simultaneous deaths, filing notice of will, garnishment of amounts payable from trusts, bonds for personal representatives, recording affidavit of death, and wills and intestate succession. See *Recommendations Relating to Probate Law*, 17 Cal. L. Revision Comm'n Reports 401 (1984). The Commission will also submit a recommendation proposing the enactment of statutory forms for powers of attorney. See *Recommendation Relating to Statutory Forms for Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984).

The Commission has retained the following expert consultants to assist the Commission in its study of probate law: Professor Paul E. Basye, Hastings College of the Law, Professor Gail B. Bird, Hastings College of the Law, Professor James L. Blawie, University of Santa Clara Law School, 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. 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.

²⁴ See *Recommendation Relating to Effect of Quiet Title and Partition Judgments* (September 1983), published as Appendix XIV to this Report.

²⁵ See *Recommendation Relating to Dormant Mineral Rights* (September 1983), published as Appendix XV to this Report.

²⁶ See *Recommendation Relating to Creditors' Remedies* (November 1983), published as Appendix XVI to this Report.

²⁷ See *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

²⁸ See *Recommendation Relating to Rights Among Cotenants In Possession and Out of Possession of Real Property* (September 1983), published as Appendix XVII to this Report.

Family Law

A major topic that has been under active study by the Commission is the law relating to community property. Several recommendations arising out of this study were submitted to the 1983 Legislature. See the discussion under "Legislative History of Recommendations Submitted to 1983 Legislative Session" *infra*. In 1983, the Legislature expanded the scope of this topic to include all aspects of family law.

A recommendation was submitted to the 1983 Legislature relating to the liability of various kinds of community property and separate property to third-party creditors for debts and tort obligations of either or both spouses. See Assembly Bill No. 1460; *Recommendation Relating to Liability of Marital Property for Debts*, 17 Cal. L. Revision Comm'n Reports 1 (1984). Final action on this bill will be taken by the Legislature in 1984.

The Commission plans to submit for enactment at the 1984 session recommendations relating to other aspects of family law—such as joint tenancy and community property, marital property presumptions and transmutations, disposition of community property, reimbursement of educational expenses, special appearance in family law proceedings, and liability of stepparent for child support. Recommendations on these aspects of family law may be found in the Commission's *Recommendations Relating to Family Law*, 17 Cal. L. Revision Comm'n Reports 201 (1984).

The Commission is working closely with the Property Division Committee of the State Bar Family Law Section. Professor William A. Reppy, Jr., Duke Law School, is the Commission's principal consultant on this topic. Professor Bruce Wolk, U.C. Davis Law School, serves as a special consultant on the tax aspects of the family law study.

Statutes of Limitation for Felonies

The Commission was directed by the 1981 Legislature to study whether the law relating to statutes of limitation for felonies should be revised. The Commission retained Professor Gerald F. Uelmen, Loyola Law School, Los Angeles, as a consultant on this topic. Professor Uelmen prepared a background study for the Commission. See *Making Sense Out of California's Criminal Statute of Limitations*, 15 Pac. L.J. 47 (1983). The Commission plans to submit its recommendation on this topic to the 1984 Legislature. See *Recommendation Relating to Statutes of Limitation for Felonies* (September 1983), published as Appendix XIII to this Report.

CALENDAR OF TOPICS FOR STUDY

Topics Authorized for Study

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

Topics Under Active Consideration

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

Creditors' remedies. Whether the law relating to creditors' remedies (including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters) should be revised.²

The Commission plans to submit a recommendation on this topic to the 1984 legislative session. See *Recommendation Relating to Creditors' Remedies* (November 1983), published as Appendix XVI to this Report.

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.³

The Commission plans to submit a number of recommendations on this topic to the 1984 legislative session. For additional information on this topic, see discussion under "Major Studies in Progress" *supra*.

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 related 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.⁴

¹ Section 10335 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topics which the Legislature by concurrent resolution refers to it for study.

² 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).

³ Authorized by 1980 Cal. Stats. res. ch. 37.

⁴ Authorized by 1983 Cal. Stats. res. ch. 40. In 1983, the Legislature consolidated previously authorized aspects of real and personal property law into one topic.

The Commission plans to submit several recommendations on this topic to the 1984 legislative session. See *Recommendation Relating to Effect of Quiet Title and Partition Judgments* (September 1983), published as Appendix XIV to this Report; *Recommendation Relating to Dormant Mineral Rights* (September 1983), published as Appendix XV to this Report; *Recommendation Relating to Rights Among Cotenants In Possession and Out of Possession of Real Property* (September 1983), published as Appendix XVII to this Report.

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

Family law. Whether the law relating to family law (including, but not limited to, community property) should be revised.⁵

The Commission plans to submit a number of recommendations on this topic to the 1984 legislative session. For additional information on this topic, see "Major Studies in Progress" *supra*.

Involuntary dismissal for lack of prosecution. Whether the law relating to involuntary dismissal for lack of prosecution should be revised.⁶

The Commission plans to submit a recommendation on this subject to the 1984 legislative session. See Revised Recommendation Relating to Dismissal for Lack of Prosecution (June 1983), published as Appendix XII to this Report.

Statutes of limitation for felonies. Whether the law relating to statutes of limitation applicable to felonies should be revised.⁷

The Commission plans to submit a recommendation on this topic to the 1984 legislative session. See *Recommendation Relating to Statutes of Limitation for Felonies* (September 1983), published as Appendix XIII to this Report.

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

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.⁸

The Commission plans to submit a recommendation on this topic to the 1984 legislative session. See *Recommendation Relating to Statutory Forms For Durable Powers of Attorney*, 17 Cal. L. Revision Comm'n Reports 701 (1984).

⁵ 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).

⁶ Authorized by 1978 Cal. Stats. res. ch. 65. See also 14 Cal. L. Revision Comm'n Reports 23 (1978).

⁷ Authorized by 1981 Cal. Stats. ch. 909, § 3.

⁸ Authorized by 1979 Cal. Stats. res. ch. 19. See also 14 Cal. L. Revision Comm'n Reports 217 (1978).

Other Topics Authorized for Study

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

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.⁹

Class actions. Whether the law relating to class actions should be revised.¹⁰

Offers of compromise. Whether the law relating to offers of compromise should be revised.¹¹

Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.¹²

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.¹³

Special assessment liens for public improvements. Whether acts governing special assessments for public improvements should be simplified and unified.¹⁴

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.

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.¹⁵

Evidence. Whether the Evidence Code should be revised.¹⁶

Arbitration. Whether the law relating to arbitration should be revised.¹⁷

⁹ Authorized by 1971 Cal. Stats. res. ch. 75.

¹⁰ Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 524 (1974).

¹¹ Authorized by 1975 Cal. Stats. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 525 (1974).

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

¹³ Authorized by 1980 Cal. Stats. res. ch. 37.

¹⁴ Authorized by 1980 Cal. Stats. res. ch. 37.

¹⁵ 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).

¹⁶ Authorized by 1965 Cal. Stats. res. ch. 130.

¹⁷ 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.¹⁸

Governmental liability. Whether the law relating to sovereign or governmental immunity in California should be revised.¹⁹

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.²⁰

Liquidated damages. Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised.²¹

Parol evidence rule. Whether the parol evidence rule should be revised.²²

Pleadings in civil actions. Whether the law relating to pleadings in civil actions and proceedings should be revised.²³

Topics for Future Consideration

The Commission now has a number of major studies on its calendar. The topics authorized for study were expanded by the 1983 Legislature to cover all aspects of family law and to cover the broad topic of real and personal property. 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.

¹⁸ 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).

¹⁹ Authorized by 1977 Cal. Stats. res. ch. 17. See also 1957 Cal. Stats. res. ch. 202.

²⁰ Authorized by 1971 Cal. Stats. res. ch. 74. See also 1970 Cal. Stats. res. ch. 46; 1965 Cal. Stats. res. ch. 130.

²¹ Authorized by 1973 Cal. Stats. res. ch. 39. See also 1969 Cal. Stats. res. ch. 224.

²² Authorized by 1971 Cal. Stats. res. ch. 75. See also 10 Cal. L. Revision Comm'n Reports 1031 (1971).

²³ Authorized by 1980 Cal. Stats. res. ch. 37.

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

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

¹ Gov't Code §§ 10300-10340 (statute establishing 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 § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. Gov't Code § 10331.

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

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 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

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 background studies published in law reviews in 1983, see Sterling, *Joint Tenancy and Community Property in California*, 14 Pac. L.J. 927 (1983); Uelmen, *Making Sense Out of California's Criminal Statute of Limitations*, 15 Pac. L.J. 47 (1983). 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 n.5 & 1108 n.5 (1973), 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976), and 16 Cal. L. Revision Comm'n Reports 2021 n.5 (1982).

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). The Comments are published by both the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

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 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

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.

¹² See Gov't Code § 10333.

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

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

PERSONNEL OF COMMISSION

As of December 1, 1983, the membership of the Law Revision Commission is:

	<i>Term Expires</i>
David Rosenberg, Davis, <u>Chairperson</u>	October 1, 1985
Debra S. Frank, Los Angeles, <u>Vice Chairperson</u>	October 1, 1983
Hon. Barry Keene, Petaluma, <u>Senate Member</u>	*
Hon. Alister McAlister, Fremont, <u>Assembly Member</u> ...	*
Robert J. Berton, San Diego, <u>Member</u>	October 1, 1983
Roslyn P. Chasan, Palos Verdes Estates, <u>Member</u>	October 1, 1983
James H. Davis, Los Angeles, <u>Member</u>	October 1, 1985
John B. Emerson, Los Angeles, <u>Member</u>	October 1, 1985
Beatrice P. Lawson, Los Angeles, <u>Member</u>	October 1, 1983
Bion M. Gregory, Sacramento, <u>ex officio Member</u>	†

* 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 March 1983, Senator Barry Keene was appointed by the Senate Rules Committee to serve as the Senate Member of the Law Revision Commission.

[Results of election of officers.]

As of December 1, 1983, the staff of the Commission is:

Legal

John H. DeMouly <i>Executive Secretary</i>	Robert J. Murphy III <i>Staff Counsel</i>
Nathaniel Sterling <i>Assistant Executive Secretary</i>	Stan G. Ulrich <i>Staff Counsel</i>

Administrative-Secretarial

Juan C. Rogers
Administrative Assistant

Victoria V. Matias <i>Word Processing Technician</i>	<i>Word Processing Technician</i>
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During 1983, the follow Stanford Law School and University of Santa Clara Law School students were employed as part-time, intermittent legal assistants: Susan M. Ahlrichs, Adele P. Athenour, Robert G.P. Cruz, Steven Levine, Diane S. Makar, and Robert Shives.

LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED TO 1983 LEGISLATIVE SESSION

The Commission recommended 14 bills and one concurrent resolution for enactment at the 1983 session. The concurrent resolution was adopted and 12 of the bills were enacted.

Estate Planning and Probate

Seven bills relating to estate planning, probate, and related matters were recommended by the Commission for enactment at the 1983 session.

Durable power of attorney for health care decisions. Senate Bill 762, which became Chapter 1204 of the Statutes of 1983, was introduced by Senator Barry Keene to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Durable Power of Attorney for Health Care Decisions*, 17 Cal. L. Revision Comm'n Reports 101 (1984). See also *Report of Assembly Committee on Judiciary on Senate Bill 762*, Assembly J. (September 15, 1983) at 9579, reprinted as Appendix X to this Report. The bill was enacted after numerous substantive, technical, and clarifying amendments were made.

Wills and intestate succession. Assembly Bills 25 and 68 were introduced by Assemblyman Alister McAlister to effectuate the Commission's recommendation on this subject. See *Tentative Recommendation Relating to Wills and Intestate Succession*, 16 Cal. L. Revision Comm'n Reports 2301 (1982).

Assembly Bill 68 was amended into Assembly Bill 25, and Assembly Bill 25 then was enacted as Chapter 842 of the Statutes of 1983. A number of substantive, technical, and clarifying amendments were made before Assembly Bill 25 was enacted. The Senate Judiciary Committee adopted a special report revising the official comments to Assembly Bill 25. See *Report of Senate Committee on Judiciary on Assembly Bills 25 and 68*, Senate J. (July 14, 1983) at 4867, reprinted as Appendix VIII to this Report.

Missing persons. Assembly Bill 24, which became Chapter 201 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Missing Persons*, 16 Cal. L. Revision Comm'n Reports 105 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bill 24*, Senate J. (May 26, 1983) at 3027, reprinted as Appendix III to this Report. The bill was enacted after a number of amendments were made.

Limited conservatorship proceedings. Assembly Bill 27, which became Chapter 72 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Notice in Limited Conservatorship Proceedings*, 16 Cal. L. Revision Comm'n Reports 199 (1982). The bill was enacted as introduced.

Disclaimers. Assembly Bill 28, which became Chapter 17 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Disclaimer of Testamentary and Other Interests*, 16 Cal. L. Revision Comm'n Reports 207 (1982). The bill was enacted after technical amendments were made.

Emancipated minors. Assembly Bill 29, which became Chapter 6 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Emancipated Minors*, 16 Cal. L. Revision Comm'n Reports 183 (1982). The bill was enacted as introduced.

Nonprobate transfers. Assembly Bill 53, which became Chapter 92 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation relating to this subject. See *Recommendation Relating to Nonprobate Transfers*, 16 Cal. L. Revision Comm'n Reports 129 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bill 53*, Senate J. (June 6, 1983) at 3245, reprinted as Appendix VI to this Report. The bill was enacted after it was amended so that it applied only to credit unions and industrial loan companies.

Family Law

Three bills relating to family law were recommended by the Commission for enactment at the 1983 session.

Division of marital property. Assembly Bill 26, which became Chapter 342 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See *Recommendation Relating to Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage*, 16 Cal. L. Revision Comm'n Reports 2165 (1982). After its introduction, numerous substantive amendments were made to this bill based on the Commission's continuing study of its initial recommendations. The Commission's revised recommendations accompanying this bill are outlined in *Report of Senate Committee on Judiciary on Assembly Bill 26*, Senate J. (July 14, 1983) at 4865, reprinted as Appendix VII to this Report.

Liability of marital property for debts. Assembly Bill 1460 was introduced by Assemblyman 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). The Legislature has not taken final action on this bill as it was still pending in the Assembly Committee on Judiciary at the close of the 1983 session. Final legislative action will be taken in 1984.

Support after death of support obligor. Assembly Bill 835 was introduced by Assemblyman McAlister to effectuate the Commission's recommendation relating to this subject. See *Recommendation Relating to Effect of Death of Support Obligor*

(May 1983), published as Appendix XI to this Report. The bill passed the Assembly but was defeated when it failed to receive enough favorable votes by the Senate Committee on Judiciary.

Claims Against Public Entities

Assembly Bill 30, which became Chapter 107 of the Statutes of 1983, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation relating to this subject. See *Recommendation Relating to Notice of Rejection of Late Claim Against Public Entity*, 16 Cal. L. Revision Comm'n Reports 2251 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bill 30*, Senate J. (April 7, 1983) at 1126, reprinted as Appendix II to this Report. The bill was enacted after technical amendments were made.

Creditors' Remedies

Assembly Bill 99, which became Chapter 155 of the Statutes of 1983, was introduced by Assemblyman McAlister to make substantive, technical, and clarifying revisions to legislation relating to enforcement of judgments and prejudgment attachment enacted upon Commission recommendation at the 1982 session. See *Recommendation Relating to Creditors' Remedies*, 16 Cal. L. Revision Comm'n Reports 2175 (1982). See also *Report of Senate Committee on Judiciary on Assembly Bill 99*, Senate J. (May 26, 1983) at 3029, reprinted as Appendix IV to this Report; letters clarifying intent of Assembly Bill 99, Senate J. (June 20, 1983) at 3802, and Assembly J. (June 22, 1983) at 6077, both reprinted as Appendix V to this Report. The bill was enacted after a number of substantive, technical, and clarifying amendments were made.

Vacation of Public Streets

Assembly Bill 69, which became Chapter 52 of the Statutes of 1983, was introduced by Assemblyman McAlister at the request of the Commission to:

(1) Amend Streets and Highways Code Section 8313 to provide that submission of a report of a proposed vacation of a street, highway, or public service easement comply with applicable law governing a general or master plan.

(2) Amend Streets and Highways Code Section 8333 to authorize the legislative body of a local agency to summarily vacate a public service easement if it has been superseded by relocation and there is no other public facility located within the easement.

Bonds and Undertakings

Assembly Bill 31, which became Chapter 18 of the Statutes of 1983, was introduced to make technical amendments and restore provisions chaptered out of legislation enacted upon Commission recommendation at the 1982 session relating to bonds and undertakings. See *Recommendation Relating to Conforming Changes to the Bond and Undertaking Law*, 16 Cal. L. Revision Comm'n Reports 2239 (1982). The bill was enacted after technical amendments were made.

Resolution Approving Topics for Study

Assembly Concurrent Resolution 2, introduced by Assemblyman McAlister and adopted as Resolution Chapter 40 of the Statutes of 1983, continues the Commission's authority to study topics previously authorized and gives the Commission authority to study family law and the law relating to real and personal property. This new authorization expands former authority to study specific aspects of the new topics.

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 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 *Kolender v. Lawson*, 103 S.Ct. 1855 (1983), the court held the vagrancy statute (Penal Code Section 647(e)) unconstitutional on its face under the Due Process clause of the Fourteenth Amendment of the United States Constitution for failure to clarify the requirement that a suspect provide "credible and reliable identification."

(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) Four decisions of the California Supreme Court held statutes of this state unconstitutional.

In *People v. Roder*, 33 Cal.3d 491 (1983), the court held that Penal Code Section 496 prescribed a mandatory presumption of guilty knowledge on the part of dealers in second-hand goods, and was thus unconstitutional by virtue of relieving the prosecution of its burden of proving every element of the offense beyond a reasonable doubt. However, the court held that the presumption of Section 496 should not be struck down in its entirety; in order to preserve its constitutionality, the presumption should be construed as a legislatively prescribed permissive inference, on which a jury should be instructed in an appropriate case.

In *American Bank & Trust Co. v. Community Hospital*, 33 Cal.3d 674 (1983), the court held unconstitutional the provision of the Medical Injury Compensation Reform Act (Code of Civil Procedure Section 667.7) that permits a judgment for periodic payment of future damages to be awarded against a provider of health care services on the grounds that it violates state and

¹ This study has been carried through 34 Cal.3d 529 (Advance Sheet No. 25, September 20, 1983) and 103 S. Ct. 3574 (Advance Sheet No. 18A, August 1, 1983).

federal equal protection guarantees, insofar as the provision applies to judgments against hospitals.

In *In re Reed*, 33 Cal.3d 914 (1983), the court held Penal Code Section 290 unconstitutional as cruel or unusual punishment under Section 17 of Article 1 of the California Constitution insofar as the statute requires registration of persons convicted of soliciting "lewd or dissolute conduct" under Penal Code Section 647(a).

In *People v. Dillon*, 34 Cal.3d 441 (1983), the court held that the punishment of the defendant by a sentence to life imprisonment as a first degree murderer by operation of the felony murder rule (Penal Code Section 189) under the circumstances of the case was a violation of Section 17 of Article 1 of the California Constitution prohibiting cruel or unusual punishment.

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" *supra*).

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

APPENDIX I
LEGISLATIVE ACTION ON COMMISSION
RECOMMENDATIONS

(Cumulative)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957)	Enacted. 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.

LEGISLATIVE ACTION

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. 501
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)

LEGISLATIVE ACTION

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 <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. 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 <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. 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

LEGISLATIVE ACTION

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

LEGISLATIVE ACTION

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

LEGISLATIVE ACTION

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

LEGISLATIVE ACTION

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 261 (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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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
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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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
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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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
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 1687 (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. 135
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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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.
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. 165, 726, 730
120. <i>Effect of New Bankruptcy Law on The Attachment Law</i> , 15 CAL. L. REVISION COMM'N REPORTS 1043 (1980)	Enacted. 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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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
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

LEGISLATIVE ACTION

Recommendation	Action by Legislature
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 351 (1980)	Enacted. 1981 Cal. Stats. ch. 511
139. <i>Non-Probate Transfers</i> , 15 CAL. L. REVISION COMM'N REPORTS 1605 (1980); <u>16 Cal. L. Revision Comm'n Reports 129</u> (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stats. ch. 269 ; (credit union 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

Recommendation	Action by Legislature
149. <u>Missing Persons</u> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stats. ch. 201
150. <u>Emancipated Minors</u> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stats. ch. 6
151. <u>Notice in Limited Conservatorship Proceedings</u> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stats. ch. 72
152. <u>Disclaimer of Testamentary and Other Interests</u> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stats. ch. 17
153. <u>Wills and Intestate Succession</u> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stats. ch. 842
154. <u>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</u> , 16 Cal. L. Revision Comm'n Reports 2165 (1982)	Enacted. 1983 Cal. Stats. ch. 342
155. <u>Creditors' Remedies</u> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stats. ch. 155
156. <u>Conforming Changes to the Bond and Undertaking Law</u> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stats. ch. 18
157. <u>Notice of Rejection of Late Claim Against Public Entity</u> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stats. ch. 107
158. <u>Liability of Marital Property for Debts</u> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Assembly Bill 1460 introduced at the 1983 legislative session to effectuate this recommendation. The bill will be acted upon by the Legislature in 1984.
159. <u>Durable Power of Attorney for Health Care Decisions</u> , 16 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stats. ch. 1204
160. <u>Effect of Death of Support Obligor</u> (June 1983), published as Appendix XI to this report.	Not enacted.
161. <u>Vacation of Streets</u> (technical change), see "Legislative History of Recommendations Submitted to 1983 Legislative Session" in this Report.	Enacted. 1983 Cal. Stats. ch. 52

A P P E N D I C E S I I - X V I I

Appendices II-X (reprints of extracts from Assembly and Senate Journals of reports on bills submitted to 1983 session) and XI-XVII (various recommendations to 1983 and 1984 legislative sessions) are not included in this draft but will appear at this point of the printed 1983 Annual Report.

PUBLICATIONS OF THE CALIFORNIA LAW REVISION COMMISSION

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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

PUBLICATIONS

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

PUBLICATIONS

- 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

PUBLICATIONS

- 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

PUBLICATIONS

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

PUBLICATIONS

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

PUBLICATIONS

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)

[Volume expected to be available September 1985]

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--Technical and Substantive Changes
- Rights of Cotenants In Possession and Out of Possession of Real Property

Recommendations Relating to:

- Liability of Marital Property for Debts
- Durable Power of Attorney for Health Care Decisions
- Family Law: Joint Tenancy and Community Property; 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 Estate; Distribution of Decedent's Estate Without Administration; Execution of Witnessed Wills; Simultaneous Deaths; Notice of will; Garnishment of Amounts Payable to Trust Beneficiary; Bonds for Personal Representative; Wills and Intestate Succession--Technical and Substantive Changes; Recording Affidavit of Death
- Statutory Forms For Durable Powers of Attorney