

Assembly Bill No. 2049

Passed the Assembly August 11, 1998

Chief Clerk of the Assembly

Passed the Senate August 6, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to amend Section 861.1 of the Code of Civil Procedure, relating to validating proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2049, Firestone. Validating proceedings.

Existing law permits a public agency, or, where the public agency fails to act, any interested person, to bring an action in the superior court to determine the validity of certain government actions or obligations. Jurisdiction in these matters is established by publication of a summons in a newspaper of general circulation designated by the court, in the county where the action is pending, within the boundaries of the public agency, and in other counties as ordered by the court.

Existing law sets forth the contents of the summons and requires that the summons contain a notice to all persons interested in the matter to appear and answer the complaint not later than the date specified in the summons.

This bill would revise the notice contained in the summons to inform persons interested in the matter that they may contest the legality or validity of the matter by appearing and filing a written answer to the complaint, as specified. This bill would also require the summons to contain a detailed summary of the matter the public agency or other person seeks to validate, and would require the summons to state that persons who contest the legality or validity of the matter will not be subject to punitive action.

The people of the State of California do enact as follows:

SECTION 1. Section 861.1 of the Code of Civil Procedure is amended to read:

861.1. The summons shall be directed to “all persons interested in the matter of [specifying the matter],” and shall contain a notice to all persons interested in the



matter that they may contest the legality or validity of the matter by appearing and filing a written answer to the complaint not later than the date specified in the summons, which date shall be 10 or more days after the completion of publication of the summons. The summons shall provide a detailed summary of the matter the public agency or other person seeks to validate. The summons shall also state that persons who contest the legality or validity of the matter will not be subject to punitive action, such as wage garnishment or seizure of their real or personal property. Except as otherwise specified in this section the summons shall be in the form prescribed in Section 412.20.



Approved _____, 1998

Governor

