

## Assembly Concurrent Resolution No. 17

### RESOLUTION CHAPTER 81

Assembly Concurrent Resolution No. 17—Relative to the California Law Revision Commission.

[Filed with Secretary of State August 23, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

ACR 17, Wayne. California Law Revision Commission: studies.

Under existing law, the California Law Revision Commission is required to study, and is limited to studying, those topics approved for its study by concurrent resolution of the Legislature.

This measure would grant approval to the commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study, would delete 5 topics that previously were approved by the Legislature for study by the commission, and would authorize the study of 4 new topics.

WHEREAS, The California Law Revision Commission is authorized to study only topics set forth in the calendar contained in its report to the Governor and the Legislature that are thereafter approved for study by concurrent resolution of the Legislature, and topics that have been referred to the commission for study by concurrent resolution of the Legislature; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and 1999, recommends continued study of 16 topics, all of which the Legislature has previously authorized or directed the commission to study; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and 1999, recommends removal of five topics, all of which the Legislature has previously authorized or directed the commission to study and which the commission either has completed study of or found to be no longer appropriate for commission study; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and 1999, recommends addition of four new topics to its calendar; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature approves for continued study by the California Law Revision Commission the topics listed below, all of which the Legislature has previously authorized or directed the commission to study:

(1) Whether the law should be revised that relates 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 provisions on repossession of property), 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, insolvency, and related matters;

(2) Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code;

(3) Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters;

(4) Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code;

(5) Whether the law relating to offers of compromise should be revised;

(6) Whether the law relating to discovery in civil cases should be revised;

(7) Whether the acts governing special assessments for public improvement should be simplified and unified;

(8) Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised;

(9) Whether the Evidence Code should be revised;

(10) Whether the law relating to arbitration should be revised;

(11) Whether there should be changes to administrative law;

(12) Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised;

(13) Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California;

(14) Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification;

(15) Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law



governing contract formation, the statute of frauds, the parole evidence rule, and related matters;

(16) Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes; and be it further

*Resolved*, That the Legislature approves removal of the topics listed below from the calendar of the California Law Revision Commission:

(1) Whether the law relating to class actions should be revised;

(2) Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for the payment of attorneys' fees to the prevailing party;

(3) Whether the law governing unfair competition litigation under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code should be revised to clarify the scope of the chapter and to resolve procedural problems in litigation under the chapter, including the res judicata and collateral estoppel effect on the public of a judgment between the parties to the litigation, and related matters;

(4) Whether the requirement of paragraph (2) of subdivision (b) of Section 800 of the Corporations Code that the plaintiff in a shareholder's derivative action must allege the plaintiff's efforts to secure board action or the reasons for not making the effort, the standard under Section 309 of the Corporations Code for protection of a director from liability for a good faith business judgment, and related provisions, should be revised;

(5) Whether Section 351 of the Code of Civil Procedure, relating to tolling statutes of limitations while the defendant is out of state, and related matters, should be revised; and be it further

*Resolved*, That the Legislature approves for study by the California Law Revision Commission the new topics listed below:

(1) Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within them, and to determine to what extent they should be subject to regulation;

(2) Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters;

(3) Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and



clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law governing disclosure of public records adequately treats electronic information, and related matters;

(4) Whether the law governing criminal sentencing should be revised, nonsubstantively, to reorganize and clarify the sentencing procedure statutes in order to make them more logical and understandable; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Law Revision Commission.

