

AMENDED IN SENATE APRIL 3, 2001

Senate Concurrent Resolution

No. 13

Introduced by Senator Morrow

February 14, 2001

Senate Concurrent Resolution No. 13—Relative to the California Law Revision Commission.

LEGISLATIVE COUNSEL'S DIGEST

SCR 13, as amended, Morrow. 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. The measure would also delete one topic that the Legislature previously approved for study by the commission and would authorize the study of one new topic.

Fiscal committee: yes.

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

7 WHEREAS, The commission, in its annual report covering its
8 activities for 2000 and 2001, recommends continued study or

1 modification of 19 topics, all of which the Legislature has
2 previously authorized or directed the commission to study; and

3 WHEREAS, The commission, in its annual report covering its
4 activities for 2000 and 2001, recommends removal of one topic,
5 which the Legislature has previously authorized or directed the
6 commission to study and which the commission either has
7 completed study of or found to be no longer appropriate for
8 commission study; and

9 WHEREAS, The commission, in its annual report covering its
10 activities for 2000 and 2001, recommends addition of one new
11 topic to its calendar; now, therefore, be it

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

17 (1) Whether the law should be revised that relates to creditors'
18 remedies, including, but not limited to, attachment, garnishment,
19 execution, repossession of property (including the claim and
20 delivery statute, self-help repossession of property, and the
21 Commercial Code provisions on repossession of property),
22 confession of judgment procedures, default judgment procedures,
23 enforcement of judgments, the right of redemption, procedures
24 under private power of sale in a trust deed or mortgage, possessory
25 and nonpossessory liens, insolvency, and related matters;

26 (2) Whether the California Probate Code should be revised,
27 including, but not limited to, the issue of whether California
28 should adopt, in whole or in part, the Uniform Probate Code, and
29 related matters;

30 (3) Whether the law should be revised that relates to real and
31 personal property including, but not limited to, a marketable title
32 act, covenants, servitudes, conditions, and restrictions on land use
33 or relating to land, powers of termination, escheat of property and
34 the disposition of unclaimed or abandoned property, eminent
35 domain, quiet title actions, abandonment or vacation of public
36 streets and highways, partition, rights and duties attendant upon
37 assignment, subletting, termination, or abandonment of a lease
38 and related matters;

39 (4) Whether the law should be revised that relates to family law,
40 including, but not limited to, community property, the



1 adjudication of child and family civil proceedings, child custody,
2 adoption, guardianship, freedom from parental custody and
3 control, and related matters, including other subjects covered by
4 the Family Code;

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

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

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

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

13 (9) Whether the Evidence Code should be revised;

14 (10) Whether the law relating to arbitration, mediation, and
15 other alternative dispute resolution techniques should be revised;

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

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

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

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

24 (15) Whether the law of contracts should be revised, including
25 the law relating to the effect of electronic communications on the
26 law governing contract formation, the statute of frauds, the parol
27 evidence rule, and related matters;

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

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

(18) 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;

(19) 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 Legislature approves removal of the topic listed below from the calendar of the California Law Revision Commission:

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 for study the California Law Revision Commission the new topic listed below:

Whether the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) and the Mitigation Fee Act (Chapter 5 (commencing with Section 66000) Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1 of Title 7 of the Government Code) should be revised to improve their organization, resolve inconsistencies, ~~fill gaps,~~ clarify and rationalize provisions, ~~codify accepted practices and procedures,~~ and related matters; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Law Revision Commission.