

Assembly Concurrent Resolution

No. 49

Introduced by Assembly Member Evans

March 10, 2009

Assembly Concurrent Resolution No. 49—Relative to the California Law Revision Commission.

LEGISLATIVE COUNSEL'S DIGEST

ACR 49, as introduced, Evans. 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 resolution of the Legislature.

This measure would authorize the commission to study whether specified laws should be revised, and would also authorize the removal of one specific topic from the calendar of the commission.

The measure would require the commission, before commencing work on any project within the calendar of topics the Legislature has authorized or directed the commission to study, to submit a detailed description of the scope of work to the Chairs and Vice Chairs of the Committees on Judiciary of the Senate and the Assembly, and if during the course of the project there is a major change to the scope of work, submit a description of the change.

Fiscal committee: no.

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

1 Legislature, and topics that have been referred to the commission
2 for study by concurrent resolution of the Legislature or by statute;
3 and

4 WHEREAS, The commission, in its annual report covering its
5 activities for 2008 and 2009, recommends continued study of 21
6 topics, all of which the Legislature has previously authorized or
7 directed the commission to study, and further recommends the
8 removal of one previously authorized topic from its calendar; now,
9 therefore, be it

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

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

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

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

37 (4) Whether the law should be revised that relates to family law,
38 including, but not limited to, community property, the adjudication
39 of child and family civil proceedings, child custody, adoption,
40 guardianship, freedom from parental custody and control, and

1 related matters, including other subjects covered by the Family
2 Code.

3 (5) Whether the law relating to discovery in civil cases should
4 be revised.

5 (6) Whether the acts governing special assessments for public
6 improvement should be simplified and unified.

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

9 (8) Whether the Evidence Code should be revised.

10 (9) Whether the law relating to arbitration, mediation, and other
11 alternative dispute resolution techniques should be revised.

12 (10) Whether there should be changes to administrative law.

13 (11) Whether the law relating to the payment and the shifting
14 of attorney's fees between litigants should be revised.

15 (12) Whether the Uniform Unincorporated Nonprofit
16 Association Act, or parts of that uniform act, and related provisions
17 should be adopted in California.

18 (13) Recommendations to be reported pertaining to statutory
19 changes that may be necessitated by court unification.

20 (14) Whether the law of contracts should be revised, including
21 the law relating to the effect of electronic communications on the
22 law governing contract formation, the statute of frauds, the parol
23 evidence rule, and related matters.

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

32 (16) Whether the statutes of limitation for legal malpractice
33 actions should be revised to recognize equitable tolling or other
34 adjustment for the circumstances of simultaneous litigation, and
35 related matters.

36 (17) Whether the law governing disclosure of public records
37 and the law governing protection of privacy in public records
38 should be revised to better coordinate them, including consolidation
39 and clarification of the scope of required disclosure and creation
40 of a single set of disclosure procedures, to provide appropriate

1 enforcement mechanisms, and to ensure that the law governing
2 disclosure of public records adequately treats electronic
3 information, and related matters.

4 (18) Whether the law governing criminal sentences for
5 enhancements relating to weapons or injuries should be revised to
6 simplify and clarify the law and eliminate unnecessary or obsolete
7 provisions.

8 (19) Whether the Subdivision Map Act (Division 2 (commencing
9 with Section 66410) of Title 7 of the Government Code) and the
10 Mitigation Fee Act (Chapter 5 (commencing with Section 66000),
11 Chapter 6 (commencing with Section 66010), Chapter 7
12 (commencing with Section 66012), Chapter 8 (commencing with
13 Section 66016), and Chapter 9 (commencing with Section 66020)
14 of Division 1 of Title 7 of the Government Code) should be revised
15 to improve their organization, resolve inconsistencies, and clarify
16 and rationalize provisions, and related matters.

17 (20) Whether the Uniform Statute and Rule Construction Act
18 (1995) should be adopted in California in whole or part, and related
19 matters.

20 (21) Whether the law governing the place of trial in a civil case
21 should be revised; and be it further

22 *Resolved*, That the Legislature approves removal from the
23 calendar of the California Law Revision Commission the topic
24 listed below:

25 (1) Whether the law relating to offers of compromise should be
26 revised; and be it further

27 *Resolved*, That before commencing work on any project within
28 the calendar of topics the Legislature has authorized or directed
29 the commission to study, the commission shall submit a detailed
30 description of the scope of work to the Chairs and Vice Chairs of
31 the Committees on Judiciary of the Senate and Assembly, and if
32 during the course of the project there is a major change to the scope
33 of work, submit a description of the change; and be it further

34 *Resolved*, That the Chief Clerk of the Assembly transmit a copy
35 of this resolution to the California Law Revision Commission; and
36 be it further

37 *Resolved*, That the Chief Clerk of the Assembly transmit copies
38 of this resolution to the author for appropriate distribution.

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