

Admin.

February 15, 2018

Memorandum 2018-12

Minutes of Meeting on February 8, 2018 (Draft)

The California Law Revision Commission¹ held a meeting on February 8, 2018. A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

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DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
FEBRUARY 8, 2018
Sacramento

A meeting of the California Law Revision Commission was held in Sacramento on February 8, 2018.

Commission:

Present: Thomas Hallinan, Chairperson
Jane McAllister, Vice-Chairperson
Diane F. Boyer-Vine, Legislative Counsel
Susan Duncan Lee
Victor King
Crystal Miller-O'Brien

Absent: Assembly Member Ed Chau
Senator Richard D. Roth

Staff:

Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Counsel
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel

Other Persons:

Matthew Cremins, Office of Assembly Member Chau
Robert Flack
David G. Knitter, Executive Committee, Trusts and Estates Section of the California Lawyers Association
Joseph V. A. Partansky

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1 APPROVAL OF ACTIONS TAKEN

2 Unless otherwise indicated, the Commission decisions noted in these Minutes
3 were approved by all members present at the meeting. If a member who was
4 present at the meeting voted against a particular decision, abstained from voting,
5 or was not present when the decision was made, that fact will be noted below.

6 MINUTES OF DECEMBER 1, 2017, COMMISSION MEETING

7 Memorandum 2018-1 presented a draft of the Minutes of the December 1,
8 2017, meeting. The Commission approved the Minutes, without change.
9 (*Commissioner Boyer-Vine was not present for this decision.*)

10 ADMINISTRATIVE MATTERS

11 **Report of Executive Director**

12 The Executive Director reported on the following matters:

- 13 • The Governor has not yet filled the Commission's two vacancies.
14 • The Commission will not have law student externs for the Spring
15 term.

16 The Executive Director also shared the sad news that former Commissioner
17 Edmund Regalia recently passed away. Mr. Regalia served on the Commission
18 from 2002 to 2008 and was the Chair from 2005-2006. The Executive Director
19 noted Mr. Regalia's considerable professional accomplishments, acute
20 intelligence, general fair-mindedness, and consistently good nature. He will be
21 missed.

22 Finally, the Commission approved the staff's suggestion that only a single set
23 of meeting materials be brought to future meetings, for the purpose of public
24 inspection. (*Commissioner Boyer-Vine was not present for this decision.*)

25 **Commissioner Suggestions**

26 The Commission considered Memorandum 2018-2, which discussed a
27 possible new topic of study suggested by Commissioner Miller-O'Brien. The
28 Commission decided to defer action on that suggestion and consider it in
29 connection with the New Topics and Priorities memorandum that will be
30 prepared later in 2018. (*Commissioner Boyer-Vine was not present for this decision.*)

1 **Open Government Laws**

2 The Commission considered Memorandum 2018-3, summarizing “open
3 government” laws applicable to the Commission. No Commission action was
4 required or taken.

5 2018 LEGISLATIVE PROGRAM

6 The Commission considered Memorandum 2018-4 and its First Supplement,
7 discussing the Commission’s 2018 Legislative Program.

8 The Commission discussed the California Land Title Association’s opposition
9 to AB 1739 (Chau) (which would implement the Commission’s recommendation
10 on *Revocable Transfer on Death Deed: Recordation* (April 2017)). The Commission
11 decided that amendments to narrow or eliminate the retroactive effect of the
12 proposed law would be inconsistent with the full purpose of the Commission’s
13 recommendation, but that such amendments could be accepted if the Legislature
14 were to decide to make them. A narrowing amendment, which would limit the
15 retroactive effect of the law to deeds executed by transferors who had not yet
16 died, would be preferable to an amendment that would entirely eliminate the
17 retroactive effect of the proposed law.

18 STUDY G-400 — CALIFORNIA PUBLIC RECORDS ACT CLEAN-UP

19 Unless otherwise specified, all of the statutory references below are to the
20 Government Code.

21 **Current Version of California Public Records Act**

22 The Commission considered Memorandum 2018-8, presenting the current
23 version of the California Public Records Act (“CPRA”).

24 No Commission action was required or taken.

25 **Current Version of Tentative Outline**

26 The Commission considered Memorandum 2018-9, presenting a tentative
27 outline for the Commission’s proposed recodification of the CPRA.

28 No Commission action was required or taken.

29 **Cumulative Draft of Material Previously Reviewed**

30 The Commission considered Memorandum 2018-10, presenting the current
31 version of Parts 1 and 2 of the proposed recodification.

1 No Commission action was required or taken.

2 **Part 3. Inspection Procedures**

3 The Commission considered Memorandum 2018-11, and its First Supplement,
4 presenting a draft of “Part 3. Procedures” of the proposed recodification. The
5 Commission made the following decisions relating to that draft:

6 *Heading of Proposed Division 10*

7 The heading of Division 10 of the proposed recodification should be “Access
8 to Public Records.”

9 *Heading of Proposed Chapter 1 of Part 2*

10 The heading of Chapter 1 of Part 2 of the proposed recodification should be
11 “Chapter 1. Right of Access to Public Records.”

12 *Recodification of First Sentence of Existing Section 6253(a)*

13 The first sentence of existing Section 6253(a) should be recodified in Part 3 of
14 the proposed recodification, in close proximity to the rest of the substance of
15 Section 6253. Conforming changes should be made to reflect the relocation of this
16 material.

17 *Heading of Proposed Part 3*

18 The heading of Part 3 of the proposed recodification should be “Part 3.
19 Procedures.”

20 *Recodification of Definition of “Unusual Circumstances”*

21 The definition of “unusual circumstances” in the fifth sentence of existing
22 Section 6253(c) should be recodified in close proximity to the rest of the
23 substance of Section 6253(c).

24 *Recodification of Definitions of “Enterprise System” and “System of Record”*

25 The definitions of “enterprise system” (existing Section 6270.5(c)(1)) and
26 “system of record” (existing Section 6270.5(c)(2)) should be recodified in close
27 proximity to the rest of the substance of Section 6270.5.

