

Admin.

September 15, 2020

Memorandum 2020-51

Minutes of Meeting on September 10, 2020 (Draft)

The California Law Revision Commission held a meeting on September 10, 2020, by teleconference.¹ 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.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.² As a means of observing that rule, the Commission is only listing attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

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.

2. Govt' Code § 11124.

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DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
September 10, 2020

A meeting of the California Law Revision Commission was held on September 10, 2020. Consistent with Executive Orders N-25-20 and N-29-20, the meeting was held as an online video webinar.

Only those members of the public who expressly consented to inclusion in the Minutes are listed as attendees.

Commission:

- Present:* Crystal Miller-O'Brien, Chairperson
Richard Simpson, Vice-Chairperson
Diane Boyer-Vine, Legislative Counsel
David A. Carrillo
Ana Cubas
Victor King
Jane McAllister
Richard Rubin

- Absent:* Assembly Member Ed Chau
Senator Richard D. Roth

- Staff:** Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Director
Kristin Burford, Staff Counsel

Other Persons:

- Michael Amster
Tom Freeley, California Association of Community Managers
Marjorie Murray, Center for California Homeowner Association Law
Elaine Roberts Musser
Steve Linke
Aniko Sherry
Ann Stanaway
Tom Surh, Center for California Homeowner Association Law

CONTENTS

Approval of Actions Taken.....	2
Minutes	2
Administrative Matters.....	2
Report of Executive Director	2
Commissioner Suggestions.....	2
2020 Legislative Program	3
Study E-200 — Recodification of Toxic Substance Statutes	3
Study Em-560 — Eminent Domain: Pre-Condemnation Activities	3
Study G-300 — State and Local Agency Access to Customer Information from Communication Service Providers.....	3
Study J-1406 — Statutes Made Obsolete by Trial Court Restructuring (Part 6): Regional Justice Facilities Acts	4
Study X-100 — Emergency-Related Reforms	4

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APPROVAL OF ACTIONS TAKEN

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

MINUTES

The Commission considered Memorandum 2020-42 and its First Supplement, presenting draft Minutes for the August 13, 2020, meeting.

The Commission approved the Minutes, with the revision set out in the First Supplement.

(Commissioner Miller-O’Brien was not present when this decision was made.)

ADMINISTRATIVE MATTERS

Report of Executive Director

On the occasion of her pending retirement as California’s Legislative Counsel, the Executive Director recognized Diane Boyer Vine for over 18 years of service as a member of the Law Revision Commission. He conveyed the staff’s best wishes, admiration, and gratitude. The Commission shared the same sentiments.

Commissioner Suggestions

No suggestions were made.

1 **Election of Officers**

2 The Commission considered Memorandum 2020-41, discussing the election of
3 officers for 2020-21. The Commission elected Crystal Miller-O'Brien to serve as
4 Chair and Richard Simpson to serve as Vice-Chair.

5 (*Commissioner Miller-O'Brien abstained.*)

6 2020 LEGISLATIVE PROGRAM

7 The Commission considered Memorandum 2020-43, which discusses the
8 Commission's 2020 Legislative Program.

9 No Commission decisions were required or made.

10 STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

11 The Commission considered Memorandum 2020-47, discussing public
12 comment on a tentative recommendation on the *Hazardous Substance Account*
13 *Recodification Act*.

14 No Commission decisions were required or made.

15 STUDY EM-560 — EMINENT DOMAIN: PRE-CONDEMNATION ACTIVITIES

16 The Commission considered Memorandum 2020-44, presenting a draft of a
17 final recommendation relating to the statutory procedure for compensating a
18 property owner for pre-condemnation harm pursuant to Code of Civil Procedure
19 Section 1245.060.

20 The Commission approved the draft as a final recommendation, for
21 publication and distribution to the Legislature and Governor.

22 (*Commissioner Miller-O'Brien abstained.*)

23 STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION
24 FROM COMMUNICATION SERVICE PROVIDERS

25 The Commission considered Memorandum 2020-36, which discusses the
26 meaning of "interception," as that term is used in the federal and state wiretap
27 statutes. The Commission decided against conducting a study of the topic.

