

Admin.

March 4, 2021

Memorandum 2021-12

Minutes of Meeting on February 25, 2021 (Draft)

The California Law Revision Commission held a meeting on February 25, 2021, 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. Gov't Code § 11124.

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DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
February 25, 2021

A meeting of the California Law Revision Commission was held on February 25, 2021. 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
David A. Carrillo
Ana Cubas
Cara Jenkins, Legislative Counsel
Victor King
Jane McAllister

Absent: Assembly Member Ed Chau
Senator Richard D. Roth
Richard Rubin

Staff:

Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Director
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel
Debora Larrabee, Administrative Analyst

Other Persons:

Michael Amster
David Bess, Department of Fish and Wildlife
Wendy Bogdan, Department of Fish and Wildlife
Angela Donlan, Department of Fish and Wildlife
Corrina Gomez
Krystal Lyons, Superior Court of San Bernardino
Gary McBride, County of San Bernardino
Julie Oltmann, Department of Fish and Wildlife
Christy Simons
Michael Yuan

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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 2021-1, presenting draft Minutes for the December 17, 2020, meeting.

The Commission approved the Minutes, without change.

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported on the following matters:

- Former Executive Secretary Nathaniel Sterling has made another generous gift to the University of California Davis Law School, to fund law student work with the Commission. The Commission expressed appreciation for his continued support.
- The staff will soon begin recruitment of an office assistant, in anticipation that its offices will be able to reopen soon.
- Recruitment will also begin soon to fill two attorney positions that are included in the Governor’s 2021-22 proposed State Budget. Those positions would be assigned to the Committee on Revision of the Penal Code. Any offers made would be contingent on the positions being included in the final approved budget.

1 **Commissioner Suggestions**

2 The Commission considered Memorandum 2021-2, discussing a
3 Commissioner suggestion that the Commission change its citation style for cases
4 in footnotes, to place the year of decision immediately after the case name and
5 omit spaces within the abbreviation for the relevant case reporter. The
6 Commission directed the staff to present the issue again at the March 2021
7 meeting, along with further information about the style practices of the
8 Legislative Counsel and the Committee on Revision of the Penal Code.

9 **Open Government Laws**

10 The Commission considered Memorandum 2021-3, summarizing “open
11 government” laws applicable to the Commission. No Commission action was
12 required or taken.

13 **2021 LEGISLATIVE PROGRAM**

14 The Commission considered Memorandum 2021-4, discussing the
15 Commission’s 2021 Legislative Program. No Commission action was required or
16 taken.

17 **STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES**

18 The Commission considered Memoranda 2021-6 and 2021-7, presenting draft
19 final recommendations for the recodification of Chapter 6.8 of Division 20 of the
20 Health and Safety Code and the associated conforming revisions. All of the
21 matters discussed in these memoranda were proposed consent. The Commission
22 approved the drafts without change as final recommendations. (*Commissioner*
23 *Jenkins was not present when these decisions were made.*)

24 The Commission also considered Memorandum 2021-8. No Commission
25 action was required or taken.

26 **STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING**
27 **(PART 8): JUDICIAL BENEFITS**

28 The Commission considered Memorandum 2021-9 and its First Supplement,
29 which discuss whether to revise Government Code Sections 53200.3, 53214.5,
30 69894.3, and 69894.4 to remove material made obsolete by trial court
31 restructuring. The Commission made the following decisions:

- 1 • The staff should seek further input from the Superior Court of Los
2 Angeles County regarding Section 69894.4. The Commission
3 would like to know more about the court’s position and its
4 reasoning. It would be helpful to have a court representative
5 attend the next Commission meeting on this subject. The staff
6 should try to arrange this.
- 7 • To help determine the intended scope of Sections 69894.3 and
8 69894.4 (i.e., whether those sections were intended to apply solely
9 to Los Angeles County, or also to other counties with populations
10 over 2,000,000), the staff should contact State Archives and request
11 legislative history materials relating to those sections.
- 12 • The parts of Section 69894.3 that relate to benefits of judges and
13 jurors do not appear to be obsolete due to trial court restructuring.

14 The Commission started to discuss the parts of Section 69894.3 that relate to
15 court employees and transfer rights, but it did not make any decisions about how
16 to handle those parts for purposes of a tentative recommendation. Due to time
17 constraints, the Commission did not discuss Section 53200.3 or Section 53214.5.

18 The Commissioners had many questions about the issues raised in
19 Memorandum 2021-9 and its First Supplement. The staff should make further
20 efforts to obtain stakeholder input on those issues.

21 *(Commissioner Jenkins was not present when these decisions were made.)*

22 STUDY L-3032.5 — STOCK COOPERATIVES AND THE
23 UNIFORM TOD SECURITY REGISTRATION ACT

24 The Commission considered Memorandum 2021-5, which discusses the
25 development of a statute to allow for the nonprobate transfer of an owner’s
26 interest in a stock cooperative. The Commission made the following decisions:

- 27 • The proposed law will include contest provisions similar to
28 Probate Code Sections 5690-5696.
- 29 • The proposed law will take the same approach to conflicting
30 instruments that is taken in Probate Code Section 5660.
- 31 • The proposed law will require that a transfer on death registration
32 of an interest in a stock cooperative be recorded.
- 33 • The proposed law will take the same approach to joint tenancy
34 and community property with a right of survivorship that is taken
35 in Probate Code Section 5664.
- 36 • The proposed law will include provisions on spousal consent to a
37 transfer of community property, similar to Probate Code Sections
38 5666 and 5668.

