

Admin.

April 1, 2021

Memorandum 2021-17

Minutes of Meeting on March 25, 2021 (Draft)

The California Law Revision Commission held a meeting on March 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
March 25, 2021

A meeting of the California Law Revision Commission was held on March 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 being identified in the Minutes are listed as attendees.

Commission:

Present: Crystal Miller-O'Brien, Chairperson
Richard Simpson, Vice-Chairperson
David A. Carrillo
Ana Cubas
Jane McAllister
Richard Rubin

Absent: Assembly Member Ed Chau
Cara Jenkins, Legislative Counsel
Victor King
Senator Richard D. Roth

Staff:

Present: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Director
Steve Cohen, Staff Counsel

Absent: Kristin Burford, Staff Counsel

Other Persons:

Wendy Bogdan, Department of Fish and Wildlife
Angela Donlan, Department of Fish and Wildlife
Marjorie Murray, Center for California Homeowner Associations Law
Thomas Suhr, Center for California Homeowner Associations Law

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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 2021-12, presenting draft Minutes for the February 25, 2021, meeting.

The Commission approved the Minutes, without change.

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported that staff attorney Steve Cohen has returned from his cross-assignment as a contract tracer.

Commissioner Suggestions

The Commission decided to postpone consideration of Memorandum 2021-13, discussing a suggestion that the Commission change its citation style for cases in footnotes. That memorandum will be presented again at the April meeting.

2021 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2021-14 and its First and Second Supplements, discussing the Commission’s 2021 Legislative Program. The Commission made the decisions described below.

1 **Assembly Bill 414 (Maienschein) — Statutes Made Obsolete by**
2 **Trial Court Restructuring (Studies J-1405.4 & J-1406.1)**

3 The Second Supplement to Memorandum 2021-14 relates to Assembly Bill
4 414 (Maienschein), which would implement the Commission’s recommendations
5 on *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts and Statutes*
6 *Made Obsolete by Trial Court Restructuring (Part 7): Completion of Studies Under*
7 *Government Code Section 70219.*

8 The Commission approved the conforming revisions shown in the exhibit
9 and inclusion of those conforming revisions in the bill and corresponding
10 recommendations.

11 **Assembly Bill 473 (Chau) & Assembly Bill 474 (Chau) — California Public**
12 **Records Act Clean-Up (Study G-400)**

13 The First Supplement to Memorandum 2021-14 relates to the following bills:

- 14 • Assembly Bill 473 (Chau), which would implement the
15 Commission’s recommendation on *California Public Records Act*
16 *Clean-Up.*
- 17 • Assembly Bill 474 (Chau), which would implement the
18 Commission’s recommendation on *California Public Records Act*
19 *Clean-Up: Conforming Revisions.*

20 The Commission approved the revisions of the proposed legislation and
21 Comments that are described in the supplement.

22 **Senate Bill 315 (Roth) — Revocable Transfer on Death Deed Follow-Up (Study**
23 **L-3032.1)**

24 The Commission approved a Comment for Probate Code Section 5660, as
25 shown on page 2 of Memorandum 2021-14.

26 The Commission decided to postpone consideration of an amendment to
27 change the standard of care for a beneficiary’s duty to give notice to heirs.

28 **Senate Bill 391 (Min) — Emergency-Related Reforms: Common Interest**
29 **Development Meetings (Study X-100)**

30 The Commission acknowledged and corrected a typographical error in
31 Memorandum 2021-14. On page 3, the memorandum erroneously states (with
32 emphasis added):

33 The opposition is based on four main points. All of those points,
34 and possible responses to them, were discussed with the
35 *Committee’s* Chair before the hearing in the Senate Housing
36 Committee on March 18, 2021.

1 The memorandum should have stated (with emphasis added):

2 The opposition is based on four main points. All of those points,
3 and possible responses to them, were discussed with the
4 *Commission's* Chair before the hearing in the Senate Housing
5 Committee on March 18, 2021.

6 The Executive Director made clear that he had briefed the Chair of the Law
7 Revision Commission on the status of Senate Bill 391 (Min); he had not conferred
8 with any member of the Senate Housing Committee regarding that bill.

9 STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT
10 RESTRUCTURING (PART 8)

11 The Commission considered Memorandum 2021-10, discussing whether to
12 revise the statutes governing judicial disqualification along the lines suggested in
13 *Housing Authority of Monterey County v. Jones*, 130 Cal. App. 4th 1029, 30 Cal.
14 Rptr. 3d 679 (2005). The Commission decided not to pursue this matter.

15 STUDY L-3032.5 — STOCK COOPERATIVES AND THE
16 UNIFORM TOD SECURITY REGISTRATION ACT

17 The Commission considered Memorandum 2021-15, which presented a draft
18 of proposed legislation for use in a tentative recommendation. No decisions were
19 required or made.

20 STUDY R-100 — FISH AND GAME LAW

21 The Commission considered Memorandum 2021-16, presenting a
22 methodology for analyzing “Phase One” public comment on the Commission’s
23 tentative recommendation on *Fish and Wildlife Code* (Dec. 2018). The
24 Memorandum also presented analysis of several Phase One comments.

25 The Commission made the following decisions:

- 26 • The proposed methodology for analyzing Phase One comments is
27 approved.
- 28 • The consent recommendations on changes that should or should
29 not be included in a draft recommendation are approved.
- 30 • The proposed change discussed under “Changes That Should
31 Presumptively Be Made” (on page 8 of Memorandum 2021-16) will
32 be presented in the next memorandum in this study as a consent
33 item.

- 1 • The staff will confer with the commenters regarding the two
2 proposed changes discussed under “Further Input Required” (on
3 pages 8-9 of Memorandum 2021-16), before presenting those
4 matters for Commission decision.

APPROVED AS SUBMITTED

Date

APPROVED AS CORRECTED
(for corrections, see Minutes of next meeting)

Chairperson

Executive Director