

Admin.

October 26, 2021

Memorandum 2021-52

Minutes of Meeting on October 22, 2021 (Draft)

The California Law Revision Commission held a meeting on October 22, 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
October 22, 2021

A meeting of the California Law Revision Commission was held on October 22, 2021. Consistent with Executive Order N-08-21, 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: Richard Simpson, Chairperson
David A. Carrillo, Vice-Chairperson
Ana Cubas
Cara Jenkins, Legislative Counsel
Victor King
Jane McAllister
Crystal Miller-O'Brien

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth
Richard Rubin

Staff:

Present: Brian Hebert, Executive Director

Other Persons:

John Anderson, Executive Committee, Trusts and Estates Section, California
Lawyers Association
Angela Donlan, Department of Fish and Wildlife
Melissa Miller-Henson, Fish and Game Commission
DeAnne Parker, Executive Committee, Trusts and Estates Section, California
Lawyers Association
Johanna Riggle Segesser
Ryan Szczepanik, Executive Committee, Trusts and Estates Section, California
Lawyers Association

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APPROVAL OF ACTIONS TAKEN

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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.

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MINUTES

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The Commission considered Memorandum 2021-47, presenting draft Minutes of the September 23, 2021, meeting. The Commission approved the Minutes without change.

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ADMINISTRATIVE MATTERS

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Report of Executive Director

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The Executive Director reported on the following matters:

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- Assembly Member Ash Kalra has been appointed as the Commission’s member from the Assembly, replacing Assembly Member Ed Chau. In response to this information, the Commission decided that the Chair will send a letter to Assembly Member Chau expressing the Commission’s thanks for his excellent service as a member of the Commission. (*Commissioner King was not present when this decision was made.*)

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- The State has promulgated a new Telework Policy, which encourages the use of telework where appropriate. The staff is working to implement the policy. It is expected that most staff work will be done remotely, even after the pandemic has abated.

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- Seven bills to implement recommendations of the Committee on Revision of the Penal Code were enacted.

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2021 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2021-48, discussing the Commission’s 2021 legislative program. All of the Commission-recommended bills introduced in 2021 were enacted. No Commission action was required or taken in connection with this memorandum.

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

The Commission considered Memorandum 2021-51, discussing public comment on the tentative recommendation on *Transfer on Death Registration of Interest in Stock Cooperative* (April 2021).

The Commission directed the staff to prepare a draft of a final recommendation to implement the changes proposed in the memorandum, consistent with the draft attached to the memorandum.

In addition, the staff will consider whether a provision should be added to make clear that a gift made by a revocable transfer on death deed is a “specific gift” for the purposes of the Probate Code. That idea relates to the question of whether it is sufficiently clear that Probate Code Section 21134 applies to a revocable transfer on death deed.

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2021-49, discussing public comments on the tentative recommendation on *Fish and Wildlife Code* (December 2018). The Commission approved all of the staff recommendations made in the memorandum. (*Commissioner King was not present when that decision was made.*)

The Commission also considered Memorandum 2021-50, presenting a cumulative draft of the provisional decisions made earlier in this phase of the study. No Commission action was required or taken with regard to that memorandum.