

Admin.

November 22, 2021

Memorandum 2021-59

Minutes of Meeting on November 18, 2021 (Draft)

The California Law Revision Commission held a meeting on November 18, 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
November 18, 2021

A meeting of the California Law Revision Commission was held on November 18, 2021. Consistent with Government Code Section 11133, 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
Richard Rubin

- Absent:* Assembly Member Ash Kalra
Senator Richard D. Roth

Staff:

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

Other Persons:

- John Andersen, Executive Committee, Trusts and Estates Section, California Lawyers Association
Mark Lomax
Melissa Miller-Henson, Fish and Game Commission
Shaila Nathu

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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 2021-52, presenting draft Minutes of the October 22, 2021, meeting. The Commission approved the Minutes without change. (*Commissioner Miller-O'Brien was not present when this decision was made.*)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported on the following matters:

- The Commission and its staff applauded and thanked outgoing Commissioners Crystal Miller-O'Brien and Richard Rubin for their service to the Commission and the People of California.
- The Committee on Revision of the Penal Code released a report on the death penalty and approved its 2021 annual report and recommendations.

Meeting Schedule

The Commission considered Memorandum 2021-53, presenting a possible meeting schedule for 2022. The Commission approved the following dates for teleconference meetings in 2022, with the understanding that the schedule may need to be revisited if there are changes to open meeting law or public health conditions:

1	January 20, 2022	9:30-12:30
2	February 17, 2022	9:30-12:30
3	March 17, 2022	9:30-12:30
4	April 14, 2022	9:30-12:30
5	May 12, 2022	9:30-12:30
6	June 9, 2022	9:30-12:30
7	July 14, 2022	9:30-12:30
8	August 18, 2022	9:30-12:30
9	September 22, 2022	9:30-12:30
10	October 20, 2022	9:30-12:30
11	November 17, 2022	9:30-12:30
12	December 15, 2022	9:30-12:30

13 (*Commissioner Miller-O'Brien was not present when this decision was made.*)

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

15 The Commission considered Memorandum 2021-54, discussing follow-up
16 legislation relating to the recodification of the California Public Records Act. No
17 Commission action was required or taken.

18 STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT
19 RESTRUCTURING (PART 9)

20 The Commission considered Memorandum 2021-56, which discusses whether
21 to propose legislation to expressly clarify the jurisdictional classification of a
22 drug asset forfeiture proceeding.

23 The Commission asked the staff to do the following for its next meeting:

- 24 (1) Prepare a draft of a tentative recommendation to implement the
25 suggestion from attorney Mark Lomax.
- 26 (2) Formally solicit input from the Chair of the Committee on
27 Revision of the Penal Code regarding whether the Commission
28 should go forward with this project.
- 29 (3) Report back to the Commission (orally or in writing) about what
30 position the Committee Chair takes.

31 STUDY L-3032.5 — STOCK COOPERATIVES
32 AND REVOCABLE TRANSFER ON DEATH DEEDS

33 The Commission considered Memorandum 2021-55 and its First Supplement,
34 discussing a staff draft recommendation on *Transfer on Death Registration of*
35 *Interest in Stock Cooperative* and related issues. The Commission did not approve

1 the draft as a final recommendation. Instead, the staff will do further work on the
2 question of whether the recordation rule in Probate Code Section 5652(b) is
3 operationally necessary.

4 The Commission decided that the application of Probate Code Section 21134
5 to a revocable transfer on death deed will not be addressed in this study. Instead,
6 the Commission will conduct a separate study of that issue and of a related
7 matter, the source of the alternative pecuniary gift that is provided under that
8 section.
