

Admin.

December 23, 2021

Memorandum 2022-1

Minutes of Meeting on December 16, 2021 (Draft)

The California Law Revision Commission held a meeting on December 16, 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
December 16, 2021

A meeting of the California Law Revision Commission was held on December 16, 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
Victor King
Jane McAllister

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth
Cara Jenkins, Legislative Counsel

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

Other Persons:

Angela Donlan, Department of Fish and Wildlife
Bianca Blomquist
Mark Lomax

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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 2021-59, presenting draft Minutes of the November 18, 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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- Commissioner Cubas was reappointed to serve another term.

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- The Commission has two vacancies in positions that are appointed by the Governor.

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- The Committee on Revision of the Penal Code released its Annual Report.

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After the Executive Director’s report, the Chair noted that the Executive Director had served in that position for 15 years. He was thanked for his leadership and given a memento to mark the occasion.

19

20

1 **Annual Report**

2 The Commission considered Memorandum 2021-60, presenting a staff draft
3 of the body of the Commission’s 2021-22 Annual Report, and the appendix that
4 contains Commissioner biographies.

5 The Commission approved the report for publication and distribution to the
6 Legislature and the Governor, subject to technical changes, the addition of
7 completed appendices, and any changes that are needed to reflect decisions that
8 the Commission will make in January 2022, regarding its 2022 work priorities.

9 STUDY E-200 – RECODIFICATION OF TOXIC SUBSTANCE STATUTES

10 The Commission considered Memoranda 2021-65 and 2021-66, discussing the
11 2021 legislative changes that affect the Commission’s recommendations on
12 *Hazardous Substance Account Recodification Act* and *Hazardous Substance Account*
13 *Recodification Act: Conforming Revisions*, respectively.

14 For both memoranda, the Commission approved the attached proposed
15 legislation to conform to the 2021 legislative changes. The Commission also
16 decided to update its recommendations accordingly.

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

19 The Commission considered Memorandum 2021-63, which reports that there
20 were no comments on the tentative recommendation on *Statutes Made Obsolete by*
21 *Trial Court Restructuring: Part 8* (Sept. 2021).

22 For the reasons described in that memorandum, the Commission decided not
23 to make further efforts to solicit comments.

24 The Commission directed the staff to prepare a draft of a final
25 recommendation, for consideration at its next meeting. The draft
26 recommendation should take the same approach as the tentative
27 recommendation, including the proposed amendment of Government Code
28 Section 990.2 and the proposed repeal of Government Code Section 26524.

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

3 The Commission considered Memorandum 2021-64, which presents a draft of
4 a tentative recommendation to expressly clarify the jurisdictional classification of
5 a drug asset forfeiture proceeding.

6 The Executive Director orally reported on a discussion he had with the Chair
7 of the Committee on Revision of the Penal Code (Michael Romano) about this
8 project and whether it would interfere with the Committee’s work.

9 After considering that report, hearing comments from Mark Lomax, and
10 discussing various other points, the Commission approved the draft attached to
11 Memorandum 2021-64 as a tentative recommendation, to be posted to the
12 Commission’s website and circulated for comment.

13 STUDY L-3032.5 — STOCK COOPERATIVES
14 AND REVOCABLE TRANSFER ON DEATH DEEDS

15 The Commission considered Memorandum 2021-62 and its First Supplement,
16 discussing the enforcement of an off-record restriction on property that has been
17 transferred by revocable transfer on death deed. The Commission decided to
18 postpone decision on the issues discussed in the memorandum until January, to
19 give further opportunity for input from experts on real property conveyancing.

20 STUDY R-100 — FISH AND GAME LAW

21 The Commission considered Memorandum 2021-57, presenting proposed
22 revisions to the Fish and Game Code. The Commission provisionally approved
23 them for inclusion in a draft recommendation, pending commenter review of the
24 proposed language.

25 The Commission also considered Memorandum 2021-58. No Commission
26 action was required or taken with regard to that memorandum.