

Admin.

August 24, 2022

## Memorandum 2022-41

**Minutes of Meeting on August 18, 2022 (Draft)**

---

The California Law Revision Commission held a meeting on August 18, 2022, by teleconference.<sup>1</sup> 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.<sup>2</sup> As a means of observing that rule, the Commission is only listing teleconference 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](http://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.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

---

**DRAFT MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
August 18, 2022

---

A meeting of the California Law Revision Commission was held on August 18, 2022. The meeting was held as an online video webinar. Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified.

**Commission:**

*Present:* Richard Simpson, Chairperson  
David A. Carrillo, Vice-Chairperson  
Ana Cubas  
Amb. (r.) David Huebner  
Cara Jenkins, Legislative Counsel  
Victor King  
Jane McAllister

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

**Staff:** Brian Hebert, Executive Director  
Kristin Burford, Staff Counsel  
Steve Cohen, Staff Counsel

**Other Persons:**

John Andersen, Executive Committee, Trusts & Estates Section, California Lawyers Association  
Angela Donlan, Department of Fish and Wildlife  
Jon Ivy, Governor’s Office of Emergency Services  
Elaine Roberts Musser  
Daniel Ortner, Pacific Legal Foundation  
Ryan Szczepanik, Executive Committee, Trusts & Estates Section, California Lawyers Association

CONTENTS

1	Approval of Actions Taken.....	2
2	Closed Session.....	2
3	Minutes .....	2
4	Administrative Matters.....	2
5	Report of Executive Director .....	2
6	Election of Officers .....	3
7	Use of Subcommittees.....	3
8	2022 Legislative Program .....	3
9	Study J-1408 — Statutes Made Obsolete by Trial Court Restructuring (Part 9).....	3
10	Study L-4200 — Miscellaneous Estate Planning Topics .....	3
11	Study R-100 — Fish and Game Law .....	4
12	Study X-100 — Emergency-Related Reforms.....	4

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.

CLOSED SESSION

The Commission met in closed session, to consider a personnel matter, pursuant to Government Code Section 11126. No final decisions were made.

MINUTES

The Commission considered Memorandum 2022-31, presenting draft Minutes of the May 12, 2022, meeting. The Commission approved the Minutes without change. (*Commissioner Carrillo abstained.*)

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director explained that the law had recently changed to allow meetings to be entirely remote. The new law will remain in effect through June 30, 2023. In response, the Commission scheduled a meeting for September 22, 2022, to be held by teleconference.

1 **Election of Officers**

2 The Commission considered Memorandum 2022-32, discussing the election of  
3 officers for terms beginning on September 1, 2022.

4 The Commission elected David A. Carrillo to serve as Chairperson and David  
5 Huebner to serve as Vice Chairperson. (*Commissioner Huebner abstained.*)

6 **Use of Subcommittees**

7 The Commission considered Memorandum 2022-33, discussing the possible  
8 use of subcommittees in conducting the Commission's work. The Commission  
9 did not make any change to its current practices. The matter may be revisited  
10 once the Commission has begun work on its new studies in 2023.

11 **2022 LEGISLATIVE PROGRAM**

12 The Commission considered Memorandum 2022-34, discussing the  
13 Commission's 2022 legislative program. No Commission decisions were required  
14 or made.

15 **STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT**  
16 **RESTRUCTURING (PART 9)**

17 The Commission considered Memorandum 2022-36, presenting a staff draft  
18 of a recommendation on the jurisdictional classification of a drug asset forfeiture  
19 proceeding. The Commission approved the draft as a final recommendation.

20 The Commission also considered Memorandum 2022-37, providing updates  
21 on two minor issues relating to trial court restructuring. The Commission  
22 approved the staff's recommendation to include the repeal of Penal Code Section  
23 1463.5 in a future tentative recommendation.

24 The Commission also discussed how to wind up the work on trial court  
25 restructuring. The staff will present this issue in a future memorandum.

26 **STUDY L-4200 — MISCELLANEOUS ESTATE PLANNING TOPICS**

27 The Commission considered Memorandum 2022-40, discussing two  
28 miscellaneous estate planning topics. The Commission decided to discontinue  
29 work on both topics.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2022-38 and its First Supplement, presenting proposed revision of the Fish and Game Code. The Commission approved all staff recommendations made in the memorandum and the supplement. (*Commissioner Cubas was not present when this decision was made.*)

The Commission also considered Memorandum 2022-39. No Commission action was required or taken with regard to that memorandum.

STUDY X-100 — EMERGENCY-RELATED REFORMS

The Commission considered Memorandum 2022-35 and its First Supplement, discussing policy considerations for emergency law and analyzing different approaches related to non-fiscal emergency powers. The Commission discussed the following matters:

- Upcoming work on constitutional issues, including separation of powers, delegation, and individual rights.
- Rules on fiscal emergencies and the roles of the Governor and Legislature.
- Searching for information about the practical results under different emergency law regimes.

No Commission decisions were required or made.

---