APPROVED MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
FEBRUARY 8, 2018
Sacramento

A meeting of the California Law Revision Commission was held in Sacramento on February 8, 2018.

Commission:

Present:  Thomas Hallinan, Chairperson
           Jane McAllister, Vice-Chairperson
           Diane F. Boyer-Vine, Legislative Counsel
           Victor King
           Susan Duncan Lee
           Crystal Miller-O’Brien

Absent:   Assembly Member Ed Chau
           Senator Richard D. Roth

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

Other Persons:

           Matthew Cremins, Office of Assembly Member Chau
           Robert Flack
           David G. Knitter, Executive Committee, Trusts and Estates Section of the California Lawyers Association
           Joseph V. A. Partansky

CONTENTS

Approval of Actions Taken........................................................................................................2
Minutes of December 1, 2017, Commission Meeting...............................................................2
Administrative Matters ...........................................................................................................2
           Report of Executive Director .........................................................................................2
           Commissioner Suggestions ............................................................................................2
2018 Legislative Program.........................................................................................................3
Study G-400 — California Public Records Act Clean-Up ........................................................3
Study J-1405 — Statutes Made Obsolete by Trial Court Restructuring: Part 6 .......................5
Study L-4100 — Nonprobate Transfers: Creditor Claims and Family Protections .................5
Study R-100 — Fish and Game Law.......................................................................................5
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 OF DECEMBER 1, 2017, COMMISSION MEETING

Memorandum 2018-1 presented a draft of the Minutes of the December 1, 2017, meeting. The Commission approved the Minutes, without change. (Commissioner Boyer-Vine was not present for this decision.)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported on the following matters:

- The Governor has not yet filled the Commission’s two vacancies.
- The Commission will not have law student externs for the Spring term.

The Executive Director also shared the sad news that former Commissioner Edmund Regalia recently passed away. Mr. Regalia served on the Commission from 2002 to 2008 and was the Chair from 2005-2006. The Executive Director noted Mr. Regalia’s considerable professional accomplishments, acute intelligence, general fair-mindedness, and consistently good nature. He will be missed.

Finally, the Commission approved the staff’s suggestion that only a single set of meeting materials be brought to future meetings, for the purpose of public inspection. (Commissioner Boyer-Vine was not present for this decision.)

Commissioner Suggestions

The Commission considered Memorandum 2018-2, which discussed a possible new topic of study suggested by Commissioner Miller-O’Brien. The Commission decided to defer action on that suggestion and consider it in connection with the New Topics and Priorities memorandum that will be prepared later in 2018. (Commissioner Boyer-Vine was not present for this decision.)
Open Government Laws

The Commission considered Memorandum 2018-3, summarizing “open government” laws applicable to the Commission. No Commission action was required or taken.

2018 Legislative Program

The Commission considered Memorandum 2018-4 and its First Supplement, discussing the Commission’s 2018 Legislative Program.

The Commission discussed the California Land Title Association’s opposition to AB 1739 (Chau) (which would implement the Commission’s recommendation on Revocable Transfer on Death Deed: Recordation (April 2017)). The Commission decided that amendments to narrow or eliminate the retroactive effect of the proposed law would be inconsistent with the full purpose of the Commission’s recommendation, but that such amendments could be accepted if the Legislature were to decide to make them. A narrowing amendment, which would limit the retroactive effect of the law to deeds executed by transferors who had not yet died, would be preferable to an amendment that would entirely eliminate the retroactive effect of the proposed law.

The Executive Director reported that no Legislator had agreed to introduce a bill to implement the Commission’s recommendation on Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct (Dec. 2017).

Study G-400 — California Public Records Act Clean-Up

Unless otherwise specified, all of the statutory references below are to the Government Code.

Current Version of California Public Records Act

The Commission considered Memorandum 2018-8, presenting the current version of the California Public Records Act (“CPRA”).

No Commission action was required or taken.

Current Version of Tentative Outline

The Commission considered Memorandum 2018-9, presenting a tentative outline for the Commission’s proposed recodification of the CPRA.

No Commission action was required or taken.
Cumulative Draft of Material Previously Reviewed

The Commission considered Memorandum 2018-10, presenting the current version of Parts 1 and 2 of the proposed recodification.

No Commission action was required or taken.

Part 3. Inspection Procedures

The Commission considered Memorandum 2018-11, and its First Supplement, presenting a draft of “Part 3. Procedures” of the proposed recodification. The Commission made the following decisions relating to that draft:

Heading of Proposed Division 10

The heading of Division 10 of the proposed recodification should be “Access to Public Records.”

Heading of Proposed Chapter 1 of Part 2

The heading of Chapter 1 of Part 2 of the proposed recodification should be “Chapter 1. Right of Access to Public Records.”

Recodification of First Sentence of Existing Section 6253(a)

The first sentence of existing Section 6253(a) should be recodified in Part 3 of the proposed recodification, in close proximity to the rest of the substance of Section 6253. Conforming changes should be made to reflect the relocation of this material.

Heading of Proposed Part 3

The heading of Part 3 of the proposed recodification should be “Part 3. Procedures.”

Recodification of Definition of “Unusual Circumstances”

The definition of “unusual circumstances” in the fifth sentence of existing Section 6253(c) should be recodified in close proximity to the rest of the substance of Section 6253(c).

Recodification of Definitions of “Enterprise System” and “System of Record”

The definitions of “enterprise system” (existing Section 6270.5(c)(1)) and “system of record” (existing Section 6270.5(c)(2)) should be recodified in close proximity to the rest of the substance of Section 6270.5.
STUDY J-1405 — STATUTES MADE OBSOLETE BY
TRIAL COURT RESTRUCTURING: PART 6

The Commission considered Memorandum 2018-5, which provides background information on trial court restructuring, describes the Commission’s prior work in this area, and presents an overview of the remaining projects. As in the past, the Commission authorized the staff to (1) determine which projects to prioritize and (2) work on multiple projects simultaneously.

STUDY L-4100 — NONPROBATE TRANSFERS:
CREDITOR CLAIMS AND FAMILY PROTECTIONS

The Commission considered Memorandum 2018-6, discussing the Commission’s study of the liability of nonprobate transfers for creditor claims and family protections.

The Commission directed the staff to seek comment from stakeholders, as described on pages 5 and 6 of the memorandum, for discussion at the Commission’s next meeting.

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2018-7, presenting components of the staff’s analysis of the funding and expenditure provisions in the Fish and Game Code.

The Commission directed the staff to prepare a “discussion draft” comprised of the materials presented in Memorandum 2017-45, 2017-59, and 2018-7. The discussion draft should be distributed to interested persons and groups with a request that they review the draft and comment on its content.