A meeting of the California Law Revision Commission was held in Sacramento on May 30, 2019.

**Commission:**

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

*Absent:* Assembly Member Ed Chau  
Senator Richard D. Roth

**Staff:**

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

**Other Persons:**

Rick Brausch, Department of Toxic Substances Control  
Mason Brawley, Executive Committee of the Trusts and Estates Section, California Lawyers Association  
Brett Morris, California Lawyers Association
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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 2019-26, presenting draft Minutes for the April 4, 2019, meeting.

The Commission approved the Minutes without change. (Commissioner Boyer-Vine was not present when this decision was made.)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported on the following matters:

- There have been no appointments to fill the Commission’s existing vacancies.
- Memorandum 2019-29 was removed from the agenda.
- Video live-streaming will be attempted at the Commission’s July 26, 2019, meeting. The Commission decided to hold that meeting in Sacramento. (Commissioner Boyer-Vine was not present when this decision was made.)
- The closed session planned for the May meeting was postponed until the July 26, 2019, meeting.
Commissioner Suggestions

No Commissioner suggestions were made.

2019 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2019-27, discussing the Commission’s 2019 Legislative Program. No Commission decisions were required or made.

STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

Cumulative Draft

The Commission considered Memorandum 2019-33, presenting a cumulative draft of the material that the Commission has considered to date.

The Commission decided that issues raised at the meeting by Commissioner McAllister will be discussed in the next memorandum that presents a cumulative draft.

Chapter 3 and Chapter 4 of Part 2

The Commission considered Memorandum 2019-34, presenting a draft of Chapters 3 and 4 of Part 2 of the proposed new Division 45 of the Health and Safety Code.

The Commission provisionally added the restatement of Health and Safety Code Section 25358.1 to the list of substantive issues for possible future study, as described in the Staff Note on page 3 of the proposed legislation.

The Commission provisionally approved the inclusion of the material contained in the proposed legislation in a future tentative recommendation.

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

The Commission considered Memorandum 2019-31 and its First Supplement, presenting a draft of a tentative recommendation to recodify the California Public Records Act (“CPRA”) in a more user-friendly manner, without substantive change. Subject to the following decisions, and approval of their implementation by the Chair and/or Vice-Chair, the Commission approved that draft as a tentative recommendation, to be broadly circulated for comment:
• The title of Article 2 of Chapter 3 of Part 2 of proposed new Division 10 of Title 1 of the Government Code should be “Social Security Numbers and Related Matters.”

• In the continuation of the CPRA index, proposed Section 7930.100 should refer to the constitutional right of privacy (Cal. Const. art. I, § 1). The preliminary part (narrative portion) of the tentative recommendation should mention this matter.

• When the Commission next considers new topics and priorities, the staff should raise the possibility of reviewing the codes for additional provisions to include in the CPRA index.

• The operative date of the proposed recodification should be July 1, 2021.

• The conforming revisions for the proposed recodification will be in a separate tentative recommendation.

• The staff should make the revisions listed in the First Supplement to Memorandum 2019-31.

(Commissioner Boyer-Vine was not present for the discussion of this study.)

STUDY J-1405 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING (PART 6): COURT FACILITIES

The Commission considered Memorandum 2019-36, which presents and analyzes the comments on the tentative recommendation on Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities.

The Commission discussed the concerns relating to the proposed amendment of Government Code Section 76101.5 in the tentative recommendation. The Commission decided not to include that amendment in its final recommendation. The Commission will revisit the matter at a later time.

The Commission also discussed the Comment for the proposed amendment of Government Code Section 70624 in the tentative recommendation. The Commission decided to revise that Comment as follows:

Comment. Section 70624 is amended to add a sunset clause, which is intended to afford time for resolution of issues relating to closure of the Courthouse Construction Fund for San Bernardino County.

(Commissioners Hallinan and King voted against that decision.)

The draft recommendation attached to Memorandum 2019-36 already incorporates both of the revisions described above. The Commission approved
that draft as a final recommendation, for publication and submission to the
Governor and the Legislature.

STUDY L-3032.1 — REVOCABLE TRANSFER ON DEATH DEED: FOLLOW-UP STUDY

The Commission considered Memorandum 2019-28 and its First Supplement,
presenting a staff draft of a tentative recommendation regarding revocable
transfer on death deeds (“RTODD”). Subject to the following decisions, and
approval of their implementation by the Chair, the Commission approved that
draft as a tentative recommendation, to be broadly circulated for comment:

• The proposed law should include a provision that requires a
beneficiary of an RTODD to provide notice to the transferor’s
heirs, along the lines of the language that was set out on page 3 of
Memorandum 2019-18. The beneficiary should also be required to
record an affidavit that affirms having given the required notice.
The 120-day periods used in the proposed amendment to Probate
Code Section 5652 and in existing Probate Code Section 5694
should begin running at the time of that affidavit’s recordation.

• Language to make proposed new Probate Code Section 5676
mandatory was approved as drafted.

• Proposed new Probate Code Section 5676 was revised to include
language drawn from proposed Probate Code Section 5678(f).

• Proposed Probate Code Section 5678 was revised to include
language along the following lines: “For the purposes of Section
11420, any reimbursement under this section shall be deemed an
expense of administration.” (Commissioner Miller-O’Brien voted
against this decision.)

(Commissioner Boyer-Vine was not present for the discussion of this study.)

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

The Commission considered Memorandum 2019-30, presenting a draft
recommendation to reform Probate Code Sections 13550 and 13551, which
impose liability on a surviving spouse for a decedent’s debts.
The Commission approved the draft as a final recommendation, for
publication and submission to the Governor and the Legislature.

(Commissioners Boyer-Vine and Hallinan were not present when this decision was
made.)
STUDY T-100 — TECHNICAL AND MINOR SUBSTANTIVE CORRECTIONS

The Commission considered Memorandum 2019-37, discussing public comment on the possible obsolescence of provisions of the California Salmon Marketing and Development Act. The Commission decided to table study of that matter without further action. (Commissioners Boyer-Vine and Hallinan were not present when this decision was made.)