
1 **APPROVED** MINUTES OF MEETING
2 CALIFORNIA LAW REVISION COMMISSION
3 MAY 21, 2020

4 A meeting of the California Law Revision Commission was held on May 21,
5 2020. Consistent with Executive Orders N-25-20 and N-29-20, the meeting was
6 held as an online video webinar.

7 Only those members of the public who identified themselves in statements to
8 the Commission are listed as attendees. Other members of the public who attended
9 without identifying themselves are not listed.

10 **Commission:**

11 *Present:* Victor King, Chairperson
12 Crystal Miller-O'Brien, Vice-Chairperson
13 Diane Boyer-Vine, Legislative Counsel
14 Assembly Member Ed Chau
15 David A. Carrillo
16 Ana Cubas
17 Jane McAllister
18 Richard Rubin
19 Richard Simpson

20 *Absent:* Senator Richard D. Roth

21 **Staff:**

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

26 **Other Persons:**

27 John Andersen, Executive Committee, Trusts and Estates Section, California Lawyers
28 Association
29 Rick Brausch, Department of Toxic Substances Control
30 Chris Conley, American Civil Liberties Union of Northern California
31 Ron Kelly
32 Marjorie Murray
33 Nathaniel Sterling

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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 2020-9 and its First Supplement, presenting draft Minutes for the January 30, 2020, meeting.

The Commission approved the Minutes with the changes proposed in the First Supplement.

(Commissioners Boyer-Vine and Rubin abstained.)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director briefed the Commission on the May Revise of the Governor’s Budget for 2020-21.

1 **Commissioner Suggestions**

2 No suggestions were made. But see “Pandemic Response: Possible Action”
3 *infra*.

4 **Handbook of Practices and Procedures**

5 The Commission considered Memorandum 2020-10, proposing an addition to
6 the Commission’s *Handbook of Practices and Procedures*. The Commission approved
7 the addition.

8 *(Commissioners Boyer-Vine and Chau were not present for this decision.)*

9 **Pandemic Response: Possible Action**

10 The Commission considered Memorandum 2020-19 and its First and Second
11 supplements, discussing the possibility of the Commission using its resources to
12 develop and recommend reforms aimed at addressing the present emergency.

13 The Commission made the following decisions:

- 14 • The Commission will dedicate part of its resources to emergency-
15 related reforms.
- 16 • The staff will contact the Legislature to ask about the usefulness of
17 a proposal to temporarily extend statutory sunset dates.
- 18 • In general, the Commission will not work on an emergency-related
19 topic without some guidance from the Legislature on the usefulness
20 of the work.
- 21 • At the next meeting, the Commission will consider the possibility of
22 requesting a narrow expansion of its authority, to include
23 emergency-related reforms in areas that it is currently authorized to
24 study or was previously authorized to study.

25 *(Commissioner Chau was not present for these decisions. Commissioner Rubin voted no.)*

26 On a related matter, the Commission decided to extend both of the deadlines
27 for public comment on its tentative recommendations on Fish and Game Law.
28 Comments on the Commission “Notes” will now be due on January 1, 2021.
29 Comments on the proposed reorganization will be due on January 1, 2022.

30 *(Commissioner Chau was not present for this decision.)*

31 **Meeting Schedule**

32 The Commission considered Memorandum 2020-21, discussing the
33 Commission’s meeting schedule for the remainder of the year. The Commission
34 decided to abandon its current schedule and replace it with a schedule of shorter
35 meetings held on a roughly monthly basis. This monthly schedule would be

1 revisited if the Commission returns to in-person meetings. The staff will
2 informally canvass Commissioners about availability and propose a schedule.

3 *(Commissioner Chau was not present for this decision. Commissioner Rubin voted no.)*

4 2020 LEGISLATIVE PROGRAM

5 The Commission considered Memorandum 2020-11, discussing the
6 Commission's 2020 Legislative Program.

7 This was a purely informational memorandum. No Commission action was
8 required or taken.

9 STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

10 The Commission considered Memorandum 2020-13, discussing the
11 recodification of Chapter 6.5 of Division 20 of the Health and Safety Code.

12 The Commission approved a provisional outline for the reorganization of
13 Chapter 6.5, which was attached to the memorandum as Exhibit pages 3-5. The
14 Commission also consented to the drafting practices discussed on pages 3 and 4 of
15 the memorandum.

16 *(Commissioner Chau was not present for these decisions.)*

17 STUDY EM-560 — EMINENT DOMAIN: PRE-CONDEMNATION ACTIVITIES

18 The Commission considered Memorandum 2020-12, presenting a draft
19 tentative recommendation on compensation of a property owner for losses caused
20 by pre-condemnation activity.

21 The Commission approved the draft as a tentative recommendation to be
22 circulated for public comment, with the following changes:

- 23 • The first sentence of the second paragraph of the Commission
24 Comment on Code of Civil Procedure Section 1250.320 was revised
25 to read: "Subdivision (d) is added to provide that any claim for loss
26 caused by the plaintiff's unreasonable conduct prior to commencing
27 the eminent domain proceeding must be included in the
28 defendant's answer."
- 29 • The first paragraph of the Commission Comment on Code of Civil
30 Procedure Section 1260.230 was revised to refer to "subdivision (d)
31 of Section 1260.230."
- 32 • The deadline for public comment was changed to August 13, 2020.

33 *(Commissioner Chau was not present for these decisions.)*

1 STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION
2 FROM COMMUNICATION SERVICE PROVIDERS

3 The Commission considered Memorandum 2020-20, discussing reactivation of
4 the Commission’s study of government access to customer information from
5 communication service providers. No decisions were made. Work on the study
6 will continue at a future meeting.

7 STUDY J-1405.4 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING
8 (PART 6): REGIONAL JUSTICE FACILITIES ACTS

9 The Commission considered Memorandum 2020-14, which presents and
10 analyzes the comments on the discussion draft on *Trial Court Restructuring Clean-*
11 *Up: Regional Justice Facilities Acts* (Jan. 2020). The Commission directed the staff to
12 prepare a tentative recommendation that proposes to repeal the San Joaquin
13 County Regional Justice Facility Financing Act (Gov’t Code §§ 26290-26293.4), the
14 Orange County Regional Justice Facilities Act (Gov’t Code §§ 26295-26298.58), and
15 the County Regional Justice Facilities Financing Act (Gov’t Code §§ 26299-
16 26299.083) as obsolete. The tentative recommendation should address Humboldt
17 County the same way as the other counties affected by these acts.

18 (*Commissioner Chau was not present for these decisions.*)

19 STUDY J-1406 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING
20 (PART 7): COURT REPORTER COMPENSATION STATUTES

21 The Commission considered Memorandum 2020-15, which provides historical
22 background on California’s court reporter compensation statutes. No Commission
23 action was required or taken.

24 STUDY L-3032.5 — STOCK COOPERATIVES AND THE
25 UNIFORM TOD SECURITY REGISTRATION ACT

26 The Commission considered Memorandum 2020-16, discussing adaptation of
27 the Uniform TOD Security Registration Act (Probate Code Sections 5500-5512) to
28 allow a nonprobate transfer of an owner’s interest in a stock cooperative.

29 In considering how to adapt the Uniform Act for application to stock
30 cooperatives, the Commission decided against making any change to the

1 substance of Penal Code Section 5508(a) (participation by registering entity is
2 voluntary) or (c) (limitation of liability of registering entity).

3 (*Commissioner Chau was not present for these decisions.*)

4 STUDY L-4100 — NONPROBATE TRANSFERS: CREDITOR CLAIMS
5 AND FAMILY PROTECTION

6 The Commission considered Memorandum 2020-17, discussing the possible
7 application of probate family protections to nonprobate transfers.

8 The Commission deferred consideration of the decisions presented in the
9 memorandum and directed the staff to seek comment from stakeholder groups on
10 the need for and practical consequences of extending the application of probate
11 family protections to nonprobate transfers.

12 (*Commissioner Chau was not present for these decisions.*)

13 STUDY L-4130.3 — DISPOSITION OF ESTATE WITHOUT ADMINISTRATION

14 The Commission considered Memorandum 2020-18, presenting a staff draft of
15 a recommendation on *Disposition of Estate Without Administration: Liability*. The
16 Commission approved the draft as a final recommendation.

17 (*Commissioner Chau was not present for this decision.*)