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MINUTES OF MEETING  
CALIFORNIA LAW REVISION COMMISSION  
JUNE 13, 2013  
SACRAMENTO

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A meeting of the California Law Revision Commission was held in Sacramento on June 13, 2013.

**Commission:**

*Present:* Xochitl Carrion, Chairperson  
Judge Patricia Cowett (ret.)  
Taras Kihiczak  
Victor King  
Susan Duncan Lee  
Crystal Miller-O'Brien

*Absent:* Diane Boyer-Vine, Legislative Counsel  
Damian Capozzola, Vice-Chairperson  
Assembly Member Roger Dickinson  
Senator Ted Lieu

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

**Consultants:** None

**Other Persons:**

Thomas Gibson, Department of Fish and Wildlife  
Jessica Golly, Office of Senator Ted Lieu  
Bryan King, Office of Senator Ted Lieu  
Nathan Maguire, Community Associations Institute  
Jacquelyn Paige, AARP  
Theresa Renken, Alzheimer's Association  
Jennifer Wilkerson, State Bar Trusts and Estates Section, Executive Committee



1       Once that citation has been confirmed, and corrected if necessary, the staff  
2 will make the proposed changes to the Handbook of Practices and Procedures  
3 and distribute new copies to the Commissioners.

#### LEGISLATIVE PROGRAM

4       The Commission considered Memorandum 2013-22, reporting on the  
5 Commission's 2013 legislative program. The Commission made the following  
6 decisions:

- 7       • The staff is authorized to seek amendments to SB 752 to parallel  
8 Commission-recommended amendments in SB 745. If those  
9 amendments are made, the staff will present draft Comment  
10 revisions for the amended provisions.
- 11       • The amendment to Civil Code Section 6512, set out on page 4 of  
12 the memorandum, is compatible with the Commission's  
13 recommendation on *Commercial and Industrial Common Interest*  
14 *Developments* (April 2013). The staff should convey that  
15 information to Senator Roth.
- 16       • The amendment to Civil Code Section 6628, set out on page 5 of  
17 the memorandum, is not compatible with the Commission's  
18 recommendation on *Commercial and Industrial Common Interest*  
19 *Developments* (April 2013). The staff should convey that  
20 information to Senator Roth.

#### 21       STUDY H-855 — STATUTORY CLARIFICATION AND SIMPLIFICATION OF CID LAW

22       The Commission considered Memorandum 2013-23 and its First and Second  
23 Supplements, discussing issues relating to the Commission's recommendation on  
24 *Statutory Clarification and Simplification of CID Law (Further Clean-Up Legislation)*.  
25 The Commission made the following decisions (with Commissioner Cowett  
26 abstaining):

#### 27       **Action by a Majority of a Quorum**

28       The Commission approved the following amendment to Civil Code Section  
29 4070 and corresponding Comment, for inclusion in a recommendation:

30               4070. If a provision of this act requires that an action be  
31 approved by a majority of a quorum of the members, the action  
32 shall be approved or ratified by an affirmative vote of a majority of  
33 the votes represented and voting ~~at a duly held meeting at~~ in a duly  
34 held election in which a quorum is ~~present~~ represented, which  
35 affirmative votes also constitute a majority of the required quorum.

1           **Comment.** Section 4070 is amended to make clear that it applies  
2           to any lawfully conducted member election, whether conducted at  
3           a meeting, by mailed ballot pursuant to Sections 5100-5145, or by  
4           any other lawful means.

### 5   **Validity of Operating Rule**

6           The Commission approved the following amendment to Civil Code Section  
7   4350 and corresponding Comment, for inclusion in a recommendation:

8           4350. An operating rule is valid and enforceable only if all of the  
9           following requirements are satisfied:

10          (a) The rule is in writing.

11          (b) The rule is within the authority of the board conferred by  
12          law or by the declaration, articles of incorporation or association, or  
13          bylaws of the association.

14          (c) The rule is not ~~inconsistent~~ in conflict with governing law  
15          and the declaration, articles of incorporation or association, ~~and~~ or  
16          bylaws of the association.

17          (d) The rule is adopted, amended, or repealed in good faith and  
18          in substantial compliance with the requirements of this article.

19          (e) The rule is reasonable.

20           **Comment.** Section 4350 is amended to conform the terminology  
21           used in subdivision (c) to that used in Section 4205.

### 22   **Notice of Board Meeting**

23           The Commission approved the following amendment to Civil Code Section  
24   4920 and corresponding Comment, for inclusion in a recommendation:

25           4920. (a) Except as provided in subdivision (b), the association  
26           shall give notice of the time and place of a board meeting at least  
27           four days before the meeting.

28           (b)(1) If a board meeting is an emergency meeting held pursuant  
29           to Section 4923, the association is not required to give notice of the  
30           time and place of the meeting.

31           (2) If a nonemergency board meeting is held solely in executive  
32           session, the association shall give notice of the time and place of the  
33           meeting at least two days prior to the meeting.

34           (3) If the association's governing documents require a longer  
35           period of notice than is required by this section, the association  
36           shall comply with the period stated in its governing documents.  
37           For the purposes of this paragraph, a governing document  
38           provision does not apply to notice of an emergency meeting or a  
39           meeting held solely in executive session unless it specifically states  
40           that it applies to those types of meetings.

41           (c) Notice of a board meeting shall be given by general delivery  
42           pursuant to Section 4045.

1 (d) Notice of a board meeting shall contain the agenda for the  
2 meeting.

3 The Commission did not approve a differently worded version of the  
4 amendment (set out in the Exhibit to the Second Supplement to Memorandum  
5 2013-23), which had been added to Senate Bill 745 (Committee on Transportation  
6 and Housing). The staff will request that SB 745 be amended to instead use the  
7 language recommended by the Commission, if it is convenient to do so. If it is  
8 not convenient to make the amendment in SB 745, the staff will request that the  
9 amendment be made in 2014.

### 10 **Emergency Assessment**

11 The Commission reversed a recommendation to amend Civil Code Section  
12 5610, which it had made at its April 2013 meeting.

### 13 **Implementation of Decisions**

14 The decisions noted above will be implemented by revising the Commission's  
15 recommendation on *Statutory Clarification and Simplification of CID Law (Further*  
16 *Clean-Up Legislation)* (April 2013), which has not yet been printed. The staff will  
17 use the revised recommendation in any future communications concerning  
18 SB 745. The staff will present the revised recommendation to the Commission for  
19 approval at a future meeting, before it is printed.

### 20 **STUDY H-858 — COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

21 The Commission considered Memorandum 2013-28, discussing the  
22 Commission's recommendation on *Commercial and Industrial Subdivisions* (April  
23 2013). The Commission revised its recommendation to delete a proposed  
24 amendment to Business and Professions Code Section 11010 and all discussion of  
25 that amendment.

### 26 **STUDY L-750 — UNIFORM ADULT GUARDIANSHIP AND** 27 **PROTECTIVE PROCEEDINGS JURISDICTION ACT**

28 The Commission considered Memorandum 2013-26 and its First, Second, and  
29 Third Supplements, as well as Memorandum 2013-27 and its First Supplement,  
30 all of which relate to the Uniform Adult Guardianship and Protective  
31 Proceedings Jurisdiction Act ("UAGPPJA"). The Commission made the  
32 following decisions regarding the draft attached to Memorandum 2013-26:

1 **Narrative Discussion of Registration and Recognition**

2 The narrative discussion at page 27, lines 7-29, of the draft should be revised  
3 as shown in strikeout and underscore below:

4 If California decides to enact UAGPPJA, however, a different  
5 scenario could also occur: A conservatorship (or comparable  
6 proceeding by another name) could be registered in California  
7 pursuant to the UAGPPJA procedure, and the out-of-state  
8 appointee could then take action in California. ~~Again, that prospect~~  
9 Again, that prospect does not appear to be problematic, at least  
10 in most circumstances. As explained above, a court appointee  
11 acting pursuant to a UAGPPJA registration must comply with the  
12 law of the state of registration.<sup>174</sup> Accordingly, if an out-of-state  
13 appointment was registered in California, the appointee would  
14 have to comply with California law while taking action in  
15 California, and thus would not pose any threat to California  
16 policies.

17 The proposed legislation seeks to ensure that the appointee is  
18 made aware of that requirement and agrees to comply with it. To  
19 register in California, the appointee would have to file not only the  
20 registration documents required by UAGPPJA (certified copies of  
21 the conservatorship order and letters of office), but also a cover  
22 sheet to be developed by the Judicial Council, which would inform  
23 the appointee that the appointee is subject to California law while  
24 acting in the state, is required to comply with that law in every  
25 respect, including, but not limited to, all applicable procedures, and  
26 is not authorized to take any action prohibited by California law.<sup>174A</sup>  
27 Below that statement would be a signature box, in which the  
28 appointee attests to those matters, reducing the likelihood that an  
29 appointee would overlook the need to follow California law.<sup>174B</sup>

30 It is possible, however, that someone might try to use the  
31 registration process as a means of avoiding the more complicated  
32 and costly transfer process when relocating a conservatee to  
33 California. UAGPPJA does not seem to preclude use of the  
34 registration procedure in those circumstances.

35 The Commission believes, however, that if a conservator-  
36 conservatee relationship is relocated to California, it should be  
37 officially transferred to California and subjected to the safeguards  
38 of the transfer process. For that reason, the registration of an out-of-  
39 state conservatorship in California should only be effective while  
40 the conservatee resides in another jurisdiction. If the conservatee  
41 moves to California, the conservator should no longer be able to  
42 take action in California pursuant to the registration, and should  
43 have to seek a transfer of the court proceeding to California. The  
44 Commission tentatively proposes to modify UAGPPJA's  
45 registration procedure to achieve that result<sup>175</sup> and ensure that the  
46 conservator and third parties are informed of this limitation.<sup>175A</sup>  
47

1 174. See *supra* note 171 & accompanying text.  
2 174A. See proposed Prob. Code § 2023 & Comment *infra*; see also  
3 proposed Prob. Code §§ 2011-2013 *infra*.  
4 174B. See proposed Prob. Code § 2023 *infra*.  
5 175. See proposed Prob. Code § 2014 & Comment *infra*.  
6 175A. See proposed Prob. Code §§ 2015, 2023 *infra*.

7 **Emergency Jurisdiction (Proposed Prob. Code § 1994; Proposed Amendment to**  
8 **Prob. Code § 2250)**

9 Proposed Probate Code Section 1994 is satisfactory as is, but the proposed  
10 amendment of Probate Code Section 2250 should be removed from the  
11 Commission's proposal (leaving the existing code provision intact).

12 **Appropriate Forum (Proposed Prob. Code § 1996)**

13 Proposed Probate Code Section 1996 should be revised as follows:

14 **§ 1996. Appropriate forum [UAGPPJA § 206]**

15 1996. (a) A court of this state having jurisdiction under Section  
16 1993 to appoint a conservator may decline to exercise its  
17 jurisdiction if it determines at any time that a court of another state  
18 is a more appropriate forum.

19 (b) If a court of this state declines to exercise its jurisdiction  
20 under subdivision (a), it shall either dismiss or stay the proceeding.  
21 The court's order dismissing or staying the proceeding shall be in a  
22 record and shall expressly state that the court declines to exercise  
23 its jurisdiction because a court of another state is a more  
24 appropriate forum. The court may impose any condition the court  
25 considers just and proper, including the condition that a petition  
26 for the appointment of a conservator of the person, conservator of  
27 the estate, or conservator of the person and estate be filed promptly  
28 in another state.

29 (c) In determining whether it is an appropriate forum, the court  
30 shall consider all relevant factors, including all of the following:

31 (1) Any expressed preference of the proposed conservatee.

32 (2) Whether abuse, neglect, or exploitation of the proposed  
33 conservatee has occurred or is likely to occur and which state could  
34 best protect the proposed conservatee from the abuse, neglect, or  
35 exploitation.

36 (3) The length of time the proposed conservatee was physically  
37 present in or was a legal resident of this or another state.

38 (4) The location of the proposed conservatee's family, friends,  
39 and other persons required to be notified of the conservatorship  
40 proceeding.

41 ~~(4)~~ (5) The distance of the proposed conservatee from the court  
42 in each state.

1           (5) (6) The financial circumstances of the estate of the proposed  
2 conservatee.

3           (6) (7) The nature and location of the evidence.

4           (7) (8) The ability of the court in each state to decide the issue  
5 expeditiously and the procedures necessary to present evidence.

6           (8) (9) The familiarity of the court of each state with the facts  
7 and issues in the proceeding.

8           (9) (10) If an appointment were made, the court's ability to  
9 monitor the conduct of the conservator.

10 No other revisions of the proposed statutory text should be made at this time.

11         The Commission is open to further input on the concept of allowing an  
12 interested person to raise the issue of conservatorship jurisdiction without  
13 having to file a conservatorship petition. In particular, it would be helpful to hear  
14 specifically which, if any, aspects of a conservatorship petition would be  
15 unnecessary to a California court (and could therefore be omitted) in  
16 determining whether to relinquish conservatorship jurisdiction over a person  
17 whose "home state" is California.

#### 18 **Transfer of a Conservatorship (Proposed Prob. Code §§ 2001, 2002)**

19         To be consistent with proposed Probate Code Section 2002(a)(1) and (e),  
20 proposed Probate Code Section 2001 should be revised along the following lines:

#### 21         **§ 2001. Transfer of conservatorship to another state [UAGPPJA §** 22           **301]**

23           2001. (a) A conservator appointed in this state may petition the  
24 court to transfer the conservatorship to another state.

25           (b) Notice of a hearing on a petition under subdivision (a) must  
26 be given to the persons that would be entitled to notice of a hearing  
27 on a petition in this state for the appointment of a conservator.

28           (c) The court shall hold a hearing on a petition filed pursuant to  
29 subdivision (a).

30           (d) The court shall issue an order provisionally granting a  
31 petition to transfer a conservatorship of the person, and shall direct  
32 the conservator of the person to petition for a acceptance of the  
33 conservatorship ~~of the person~~ in the other state, if the court is  
34 satisfied that the conservatorship ~~of the person~~ will be accepted by  
35 the court in the other state and the court finds all of the following:

36           (1) The conservatee is physically present in or is reasonably  
37 expected to move permanently to the other state.

38           (2) An objection to the transfer has not been made or, if an  
39 objection has been made, the court determines that the transfer  
40 would not be contrary to the interests of the conservatee.

41           (3) Plans for care and services for the conservatee in the other  
42 state are reasonable and sufficient.



1 (e) The court shall issue a provisional order granting a petition  
2 to transfer a conservatorship of the estate, and shall direct the  
3 conservator of the estate to petition for a acceptance of the  
4 conservatorship of the estate in the other state, if the court is  
5 satisfied that the conservatorship will be accepted by the court of  
6 the other state and the court finds all of the following:

7 (1) The conservatee is physically present in or is reasonably  
8 expected to move permanently to the other state, or the conservatee  
9 has a significant connection to the other state considering the  
10 factors in subdivision (b) of Section 1991.

11 (2) An objection to the transfer has not been made or, if an  
12 objection has been made, the court determines that the transfer  
13 would not be contrary to the interests of the conservatee.

14 (3) Adequate arrangements will be made for management of the  
15 conservatee's property.

16 (f) The court shall issue a provisional order granting a petition  
17 to transfer a conservatorship of the person and estate, and shall  
18 direct the conservator to petition for a ~~similar~~ acceptance of the  
19 conservatorship in the other state, if the requirements of  
20 subdivision (d) and the requirements of subdivision (e) are both  
21 satisfied.

22 (g) The court shall issue a final order confirming the transfer  
23 and terminating the conservatorship upon its receipt of both of the  
24 following:

25 (1) A provisional order accepting the proceeding from the court  
26 to which the proceeding is to be transferred which is issued under  
27 provisions similar to Section 2002.

28 (2) The documents required to terminate a conservatorship in  
29 this state, including, but not limited to, any required accounting.

### 30 **Notice of Intent to Register (Proposed Prob. Code §§ 2011-2013)**

31 The Commission considered whether to require a conservator to notify  
32 interested persons, as well as the court supervising a conservatorship, of an  
33 intent to register the conservatorship. The Commission decided to stick with  
34 UAGPPJA's approach on this point (i.e., the conservator must notify the court  
35 but not interested persons). The Commission welcomes further input on this  
36 matter.

### 37 **Time Limit on the Effectiveness of a Conservatorship Registration**

38 The Commission considered whether there should be a 120-day time limit on  
39 the effectiveness of a conservatorship registration. The Commission decided not  
40 to include any time limit in its tentative recommendation.

1 **Good Faith Reliance on Registration (Proposed Prob. Code § 2015)**

2 Proposed Probate Code Section 2015 should be revised as follows:

3 **§ 2015. Good faith reliance on registration**

4 2015. (a) A third person who acts in good faith reliance on a  
5 conservatorship order registered under this article is not liable to  
6 any person for so acting if all of the following requirements are  
7 satisfied:

8 (1) The conservator presents to the third person a file-stamped  
9 copy of the registration documents required by Section 2011, 2012,  
10 or 2013, including, but not limited to, the certified copy of the  
11 conservatorship order.

12 (2) Each of the registration documents, including, but not  
13 limited to, the conservatorship order and the file-stamped cover  
14 sheet, appears on its face to be valid.

15 (3) The conservator presents to the third person a form  
16 approved by the Judicial Council, in which the conservator attests  
17 that the conservatee does not reside in this state and the  
18 conservator promises to promptly notify the third person if the  
19 conservatee becomes a resident of this state. The form shall also  
20 prominently state that the registration is effective only while the  
21 conservatee resides in another jurisdiction and does not authorize  
22 the conservator to take any action while the conservatee is residing  
23 in this state.

24 (4) The third person has not received any actual notice that the  
25 conservatee is residing in this state.

26 (b) Nothing in this section is intended to create an implication  
27 that a third person is liable for acting in reliance on a  
28 conservatorship order registered under this article under  
29 circumstances where the requirements of subdivision (a) are not  
30 satisfied. Nothing in this section affects any immunity that may  
31 otherwise exist apart from this section.

32 **Court Rules and Forms (Proposed Prob. Code § 2023)**

33 Proposed Probate Code Section 2023 should be revised as follows:

34 **§ 2023. Court rules and forms**

35 2023. (a) On or before January 1, 2016, the Judicial Council shall  
36 develop court rules and forms as necessary for the implementation  
37 of this chapter.

38 (b) The materials developed pursuant to this section shall  
39 include, but not be limited to, both of the following:

40 (1) A cover sheet for registration of a conservatorship under  
41 Section 2011, 2012, or 2013. The cover sheet shall explain that a  
42 proceeding may not be registered under Section 2011, 2012, or 2013  
43 if the proceeding relates to a minor. The cover sheet shall further  
44 explain that a proceeding in which a person is subjected to

1 involuntary mental health care may not be registered under Section  
2 2011, 2012, or 2013. The cover sheet shall require the conservator to  
3 initial each of these explanations. The cover sheet shall also include  
4 a prominent statement that the conservator of a conservatorship  
5 registered under Section 2011, 2012, or 2013 is subject to the law of  
6 this state while acting in this state, is required to comply with that  
7 law in every respect, including, but not limited to, all applicable  
8 procedures, and is not authorized to take any action prohibited by  
9 the law of this state. In addition, the cover sheet shall prominently  
10 state that the registration is effective only while the conservatee  
11 resides in another jurisdiction and does not authorize the  
12 conservator to take any action while the conservatee is residing in  
13 this state. Directly beneath ~~this statement~~ these statements, the  
14 cover sheet shall include a signature box in which the ~~conservatee~~  
15 conservator attests to these matters.

16 (2) The form required by paragraph (3) of subdivision (a) of  
17 Section 2015. If the Judicial Council deems it advisable, this form  
18 may be included in the civil cover sheet developed under  
19 paragraph (1).

20 **Filing Fee for Registering a Conservatorship (Proposed Amendment of Both**  
21 **Versions of Gov't Code § 70626)**

22 The proposed amendment of Government Code Section 70626 (both versions)  
23 should be removed from the Commission's proposal and replaced with the  
24 following new provision:

25 **Gov't Code § 70662 (added). Registration under California**  
26 **Conservatorship Jurisdiction Act**

27 70662. The fee for registering a conservatorship under Article 4  
28 (commencing with Section 2011) of Chapter 8 of Part 3 of Division 4  
29 of the Probate Code is thirty dollars (\$30). Subject to subdivision  
30 (b), amounts collected shall be distributed to the Trial Court Trust  
31 Fund under Section 68085.1.

32 (b) From the operative date of this section to June 30, 2017,  
33 inclusive, ten dollars (\$10) of each fee collected pursuant to  
34 subdivision (b) shall be used by the Judicial Council for the  
35 expenses of the Judicial Council in implementing and  
36 administering the civil representation pilot program under Section  
37 68651.

38 **Comment.** Section 70662 is added to specify the fee for  
39 registering a conservatorship order from another jurisdiction under  
40 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
41 *seq.*).

1 **Conforming Revisions**

2 The following conforming revisions should be added to the Commission's  
3 proposal:

4 **Code Civ. Proc. § 1913 (amended). Effect of judicial record of**  
5 **sister state**

6 1913. (a) Subject to subdivision (b), the effect of a judicial record  
7 of a sister state is the same in this state as in the state where it was  
8 made, except that it can only be enforced in this state by an action  
9 or special proceeding.

10 (b) The authority of a guardian, conservator, or committee, or of  
11 a personal representative, does not extend beyond the jurisdiction  
12 of the government under which that person was invested with  
13 authority, except to the extent expressly authorized by Article 4  
14 (commencing with Section 2011) of Chapter 8 of Part 2 of Division 4  
15 of the Probate Code or another statute.

16 **Comment.** Section 1913 is amended to reflect the enactment of  
17 the California Conservatorship Jurisdiction Act (Prob. Code § 1980  
18 *et seq.*).

19 **Prob. Code § 2352 (amended). Residence of ward or conservatee**

20 2352. (a) The guardian may establish the residence of the ward  
21 at any place within this state without the permission of the court.  
22 The guardian shall select the least restrictive appropriate residence  
23 that is available and necessary to meet the needs of the ward, and  
24 that is in the best interests of the ward.

25 (b) The conservator may establish the residence of the  
26 conservatee at any place within this state without the permission of  
27 the court. The conservator shall select the least restrictive  
28 appropriate residence, as described in Section 2352.5, that is  
29 available and necessary to meet the needs of the conservatee, and  
30 that is in the best interests of the conservatee.

31 (c) If permission of the court is first obtained, a guardian or  
32 conservator may establish the residence of a ward or conservatee at  
33 a place not within this state. Notice of the hearing on the petition to  
34 establish the residence of the ward or conservatee out of state,  
35 together with a copy of the petition, shall be given in the manner  
36 required by subdivision (a) of Section 1460 to all persons entitled to  
37 notice under subdivision (b) of Section 1511 or subdivision (b) of  
38 Section 1822.

39 (d)(1) An order under subdivision (c) relating to a ward shall  
40 require the guardian ~~or conservator~~ either to return the ward ~~or~~  
41 ~~conservatee~~ to this state, or to cause a guardianship ~~or~~  
42 ~~conservatorship~~ proceeding or its equivalent to be commenced in  
43 the place of the new residence, when the ward ~~or conservatee~~ has  
44 resided in the place of new residence for a period of four months or  
45 a longer or shorter period specified in the order.

1           (2) An order under subdivision (c) relating to a conservatee  
2 shall require the conservator to do one of the following when the  
3 conservatee has resided in the other state for a period of four  
4 months or a longer or shorter period specified in the order:

5           (A) Return the conservatee to this state.

6           (B) Petition for transfer of the conservatorship to the other state  
7 under Article 3 (commencing with Section 2001) of Chapter 8 of  
8 Part 3 and corresponding law of the other state.

9           (C) Cause a conservatorship proceeding or its equivalent to be  
10 commenced in the other state.

11           (e)(1) The guardian or conservator shall file a notice of change of  
12 residence with the court within 30 days of the date of the change.  
13 The guardian or conservator shall include in the notice of change of  
14 residence a declaration stating that the ward's or conservatee's  
15 change of residence is consistent with the standard described in  
16 subdivision (b).

17           (2) The guardian or conservator shall mail a copy of the notice  
18 to all persons entitled to notice under subdivision (b) of Section  
19 1511 or subdivision (b) of Section 1822 and shall file proof of service  
20 of the notice with the court. The court may, for good cause, waive  
21 the mailing requirement pursuant to this paragraph in order to  
22 prevent harm to the conservatee or ward.

23           (3) If the guardian or conservator proposes to remove the ward  
24 or conservatee from his or her personal residence, except as  
25 provided by subdivision (c), the guardian or conservator shall mail  
26 a notice of his or her intention to change the residence of the ward  
27 or conservatee to all persons entitled to notice under subdivision  
28 (b) of Section 1511 and subdivision (b) of Section 1822. In the  
29 absence of an emergency, that notice shall be mailed at least 15  
30 days before the proposed removal of the ward or conservatee from  
31 his or her personal residence. If the notice is served less than 15  
32 days prior to the proposed removal of the ward or conservatee, the  
33 guardian or conservatee shall set forth the basis for the emergency  
34 in the notice. The guardian or conservator shall file proof of service  
35 of that notice with the court.

36           (f) This section does not apply where the court has made an  
37 order under Section 2351 pursuant to which the conservatee retains  
38 the right to establish his or her own residence.

39           (g) As used in this section, "guardian" or "conservator"  
40 includes a proposed guardian or proposed conservator and "ward"  
41 or "conservatee" includes a proposed ward or proposed  
42 conservatee.

43           (h) This section does not apply to a person with developmental  
44 disabilities for whom the Director of the Department of  
45 Developmental Services or a regional center, established pursuant  
46 to Chapter 5 (commencing with Section 4620) of Division 4.5 of the  
47 Welfare and Institutions Code, acts as the conservator.



1                   STUDY M-301 — DEADLY WEAPONS: MINOR CLEAN-UP ISSUES

2           The Commission considered Memorandum 2013-24, which presented a staff  
3 draft tentative recommendation on *Deadly Weapons: Minor Clean-Up Issues*. The  
4 Commission approved the draft as a tentative recommendation, to be posted to  
5 the Commission’s website and circulated for comment.

6                   STUDY R-100 — FISH AND GAME LAW

7           The Commission considered Memorandum 2013-30, Memorandum 2013-31,  
8 Memorandum 2013-32, and Memorandum 2013-33, discussing the Commission’s  
9 study of fish and game law. The Commission made the following decisions  
10 relating to the content of the proposed Fish and Wildlife Code:

11   **Translation of Reports**

12           The staff will prepare a revised version of proposed Fish and Wildlife Code  
13 Section 50, which includes language authorizing the Department of Fish and  
14 Wildlife to translate statements and reports into languages other than English, at  
15 its discretion.

16   **Rulemaking Factors**

17           Proposed Fish and Wildlife Code Section 560 should be revised so that it  
18 applies to proposed Fish and Wildlife Code Section 565.

19   **Spotted Fawns and Spike Bucks**

20           Proposed Fish and Wildlife Code Section 575 should be revised so that it  
21 more clearly prohibits the adoption of a regulation permitting the taking of  
22 spotted fawns and spike bucks.

23   **Rulemaking Cross-References**

24           Proposed Fish and Wildlife Code Section 575(b)-(c) should be deleted.

25   **General Law Governing State Departments**

26           Proposed Fish and Wildlife Code Section 1030 should not be deleted.

27   **Purchase of Insurance**

28           Proposed Fish and Wildlife Code Sections 1600 and 1605 should not be  
29 changed.

1 **Terminology**

2 Throughout the proposed Fish and Wildlife Code, the term “fish and game  
3 warden” should be replaced with “wildlife officer.”

4 Proposed Fish and Wildlife Code Section 1255 should be revised to replace  
5 the term “fish and game” with “fish and wildlife” and replace the term  
6 “sportsmen’s show” with “hunting or sport fishing show.”

7 **Agreement with Private Entity**

8 The last sentence of proposed Fish and Wildlife Code Section 1310 should be  
9 revised to read: “The authority to enter into agreements under this section shall  
10 include, but not be limited to, the authority to secure donations, memberships,  
11 corporate and individual sponsorships, and marketing and licensing  
12 agreements.”

13 **Fish and Wildlife Districts**

14 The Commission approved the staff’s recommendations that (1) Fish and  
15 Wildlife Districts be named after the sections that describe them, and (2) the law  
16 should expressly permit reference to districts by their former names. The staff  
17 will prepare a revised draft of the district provisions consistent with those  
18 decisions.

19 **Content of Enforcement Division**

20 The proposed division on law enforcement should include:

- 21 • Provisions governing law enforcement personnel.  
22 • Provisions governing general law enforcement procedures.  
23 • General penalty provisions.

24 Provisions prescribing a penalty for violation of a specific provision will be  
25 located with the provision to which it relates.

APPROVED AS SUBMITTED

\_\_\_\_\_  
Date

APPROVED AS CORRECTED  
(for corrections, see Minutes of next meeting)

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Executive Director