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1                                    **APPROVED** MINUTES OF MEETING  
2                                    CALIFORNIA LAW REVISION COMMISSION  
3                                    October 15, 2020

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4            A meeting of the California Law Revision Commission was held on October  
5 15, 2020. Consistent with Executive Orders N-25-20 and N-29-20, the meeting  
6 was held as an online video webinar.

7            Only those members of the public who expressly consented to inclusion in  
8 the Minutes are listed as attendees.

9            **Commission:**

10            *Present:*            Crystal Miller-O'Brien, Chairperson  
11                                    Richard Simpson, Vice-Chairperson  
12                                    David A. Carrillo  
13                                    Ana Cubas  
14                                    Victor King  
15                                    Jane McAllister  
16                                    Richard Rubin

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

19            **Staff:**                    Brian Hebert, Executive Director  
20                                    Barbara Gaal, Chief Deputy Director  
21                                    Kristin Burford, Staff Counsel

22            **Other Persons:**

23            Michael Amster  
24            Linda Brown  
25            Assistant Head Deputy District Attorney Mark J. Burnley, Los Angeles  
26            Richard Calhoun, Coalition of Elder and Dependent Adult Rights (CEDAR)  
27            Alex Graves, Association of Independent California Colleges and Universities  
28                                    (AICCU)  
29            Melissa Rowlett



1 received in 2020, proposed work priorities for 2021, and proposed changes to the  
2 Commission's resolution of authority.

3 The Commission approved the following work priorities for 2021, as  
4 recommended by the staff:

- 5 • Manage the 2021 legislative program as described on pages 40-41  
6 of Memorandum 2020-52.
- 7 • Continue to work on any of the candidates for the 2021 legislative  
8 program that are not completed in time for introduction in 2021.
- 9 • Continue the study on recodification of toxic substance statutes.
- 10 • Continue the study of state and local agency access to customer  
11 information from communications service providers.
- 12 • Continue the study on fish and game law.
- 13 • Continue the study on trial court restructuring.
- 14 • Continue the study on use of the Uniform TOD Security  
15 Registration Act to transfer a share of ownership in a stock  
16 cooperative.
- 17 • Possibly begin a modest new study, on a low priority basis, such  
18 as the study on transfer of use-restricted property at death or the  
19 study on presumptively disqualified fiduciaries.
- 20 • Study one or more technical or minor substantive issues on a low-  
21 priority basis, if time permits (probably as a student project).

22 The Commission also asked the staff to prepare two memoranda for  
23 consideration at a future meeting:

- 24 (1) A memorandum that discusses the Commission's existing scope of  
25 authority, the process of obtaining additional authority, and  
26 related matters.
- 27 (2) A memorandum that further explores the possibility of studying  
28 the State Authorization Reciprocity Agreement ("SARA") or other  
29 means of promoting reciprocity between California and other  
30 states with regard to online learning at institutions of higher  
31 education. The memorandum should include proposed language  
32 on this point for possible inclusion in next year's resolution on the  
33 Commission's Calendar of Topics.

#### 34 2020 LEGISLATIVE PROGRAM

35 The Commission considered Memorandum 2020-53, which discusses the  
36 Commission's 2020 Legislative Program.

37 The staff noted that the Executive Director had made an error in drafting  
38 Assembly Concurrent Resolution 173 (Gallagher), which led to the unintended

1 deletion of the Commission’s authority to prepare a nonsubstantive  
2 recodification of the California Public Records Act. As the Commission has  
3 completed its work under that authority, with the exception of minor technical  
4 adjustments that could be made pursuant to Government Code Section 8298, the  
5 Commission decided against taking any step to reintroduce the deleted  
6 authority.

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

9 The Commission considered Memorandum 2020-54 and its First and Second  
10 Supplements, and Memorandum 2020-55, which discuss the following aspects of  
11 government access to electronic communications, respectively:

- 12 (1) Minimizing the interception of privileged communications.  
13 (2) Use of an administrative subpoena.

14 The Commission made the decisions stated below.

15 **Minimizing the Interception of Privileged Communications**

16 The Commission will continue to work on this topic. As an aid to that study,  
17 the staff will request that the Los Angeles District Attorney’s office provide a  
18 written description of the process that it follows to minimize the interception of  
19 privileged electronic communications.

20 **Use of an Administrative Subpoena**

21 The Commission will continue to work on this topic.

22 STUDY J-1406.1 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING  
23 (PART 7): COMPLETION OF STUDIES UNDER GOVERNMENT CODE SECTION 70219

24 The Commission considered Memorandum 2020-46, which presents a draft  
25 recommendation on *Trial Court Restructuring Clean-Up: Completion of Studies*  
26 *Under Government Code Section 70219*. The Commission decided to make the  
27 following revision to that draft:

28 Footnote 14 should include a citation to CLRC Memorandum  
29 2010-40, which explains that the enactment of legislation on  
30 expedited jury trials followed from the study of jurisdictional limits  
31 that the Judicial Council and the Commission conducted pursuant  
32 to Government Code Section 70219.

1 Subject to that revision, the Commission approved the draft as a final  
2 recommendation, for publication and submission to the Legislature and the  
3 Governor.

4 STUDY L-3032.5 — STOCK COOPERATIVES AND THE  
5 UNIFORM TOD SECURITY REGISTRATION ACT

6 The Commission considered Memorandum 2020-56, which discusses the  
7 adaptation of the Uniform TOD Security Registration Act (Probate Code Sections  
8 5500-5512) to allow a nonprobate transfer of an owner's interest in a stock  
9 cooperative.

10 The Commission decided that the proposed law should parallel the revocable  
11 transfer on death deed statute, on the following points:

- 12 • The proposed law should require the use of a mandatory statutory  
13 form that would be limited to a single type of transfer — equal  
14 division between named beneficiaries with no lineal descent in the  
15 event that a beneficiary predeceases the transferor.
- 16 • The proposed law should provide two ways to revoke a transfer  
17 on death designation for an interest in a stock cooperative, either  
18 the execution of a statutory form or the execution of a subsequent  
19 designation for the same property.
- 20 • The proposed law should require that a transferor have the  
21 capacity to contract, rather than testamentary capacity.