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1                                    **APPROVED** MINUTES OF MEETING  
2                                    CALIFORNIA LAW REVISION COMMISSION  
3                                    August 18, 2022

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4            A meeting of the California Law Revision Commission was held on August  
5 18, 2022. The meeting was held as an online video webinar. Members of the  
6 public are only identified in the Minutes as attendees if they expressly consented  
7 to being identified.

8            **Commission:**

9                    *Present:*        Richard Simpson, Chairperson  
10                                David A. Carrillo, Vice-Chairperson  
11                                Ana Cubas  
12                                Amb. (r.) David Huebner  
13                                Cara Jenkins, Legislative Counsel  
14                                Victor King  
15                                Jane McAllister

16                    *Absent:*         Assembly Member Ash Kalra  
17                                Senator Richard D. Roth  
18                                Xochitl Carrion

19            **Staff:**                Brian Hebert, Executive Director  
20                                Kristin Burford, Staff Counsel  
21                                Steve Cohen, Staff Counsel

22            **Other Persons:**

23                    John Andersen, Executive Committee, Trusts & Estates Section, California Lawyers  
24                                Association  
25                                Angela Donlan, Department of Fish and Wildlife  
26                                Jon Ivy, Governor's Office of Emergency Services  
27                                Elaine Roberts Musser  
28                                Daniel Ortner, Pacific Legal Foundation  
29                                Ryan Szczepanik, Executive Committee, Trusts & Estates Section, California Lawyers  
30                                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.

CLOSED SESSION

The Commission met in closed session, to consider a personnel matter, pursuant to Government Code Section 11126. No final decisions were made.

MINUTES

The Commission considered Memorandum 2022-31, presenting draft Minutes of the May 12, 2022, meeting. The Commission approved the Minutes without change. (*Commissioner Carrillo abstained.*)

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director explained that the law had recently changed to allow meetings to be entirely remote. The new law will remain in effect through June 30, 2023. In response, the Commission scheduled a meeting for September 22, 2022, to be held by teleconference.

1 **Election of Officers**

2 The Commission considered Memorandum 2022-32, discussing the election of  
3 officers for terms beginning on September 1, 2022.

4 The Commission elected David A. Carrillo to serve as Chairperson and David  
5 Huebner to serve as Vice Chairperson. (*Commissioner Huebner abstained.*)

6 **Use of Subcommittees**

7 The Commission considered Memorandum 2022-33, discussing the possible  
8 use of subcommittees in conducting the Commission's work. The Commission  
9 did not make any change to its current practices. The matter may be revisited  
10 once the Commission has begun work on its new studies in 2023.

11 **2022 LEGISLATIVE PROGRAM**

12 The Commission considered Memorandum 2022-34, discussing the  
13 Commission's 2022 legislative program. No Commission decisions were required  
14 or made.

15 **STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT**  
16 **RESTRUCTURING (PART 9)**

17 The Commission considered Memorandum 2022-36, presenting a staff draft  
18 of a recommendation on the jurisdictional classification of a drug asset forfeiture  
19 proceeding. The Commission approved the draft as a final recommendation.

20 The Commission also considered Memorandum 2022-37, providing updates  
21 on two minor issues relating to trial court restructuring. The Commission  
22 approved the staff's recommendation to include the repeal of Penal Code Section  
23 1463.5 in a future tentative recommendation.

24 The Commission also discussed how to wind up the work on trial court  
25 restructuring. The staff will present this issue in a future memorandum.

26 **STUDY L-4200 — MISCELLANEOUS ESTATE PLANNING TOPICS**

27 The Commission considered Memorandum 2022-40, discussing two  
28 miscellaneous estate planning topics. The Commission decided to discontinue  
29 work on both topics.

1   STUDY R-100 — FISH AND GAME LAW

2         The Commission considered Memorandum 2022-38 and its First Supplement,  
3 presenting proposed revision of the Fish and Game Code. The Commission  
4 approved all staff recommendations made in the memorandum and the  
5 supplement. (*Commissioner Cubas was not present when this decision was made.*)

6         The Commission also considered Memorandum 2022-39. No Commission  
7 action was required or taken with regard to that memorandum.

8   STUDY X-100 — EMERGENCY-RELATED REFORMS

9         The Commission considered Memorandum 2022-35 and its First Supplement,  
10 discussing policy considerations for emergency law and analyzing different  
11 approaches related to non-fiscal emergency powers. The Commission discussed  
12 the following matters:

- 13         • Upcoming work on constitutional issues, including separation of  
14 powers, delegation, and individual rights.  
15         • Rules on fiscal emergencies and the roles of the Governor and  
16 Legislature.  
17         • Searching for information about the practical results under  
18 different emergency law regimes.

19         No Commission decisions were required or made.