

Admin.

September 24, 2021

## Memorandum 2021-47

**Minutes of Meeting on September 23, 2021 (Draft)**

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The California Law Revision Commission held a meeting on September 23, 2021, by teleconference.<sup>1</sup> A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.<sup>2</sup> As a means of observing that rule, the Commission is only listing attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

Respectfully submitted,

Brian Hebert  
Executive Director

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov't Code § 11124.



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***DRAFT* MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
**September 23, 2021**

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A meeting of the California Law Revision Commission was held on September 23, 2021. Consistent with Executive Order N-08-21, the meeting was held as an online video webinar.

Only those members of the public who expressly consented to being identified in the Minutes are listed as attendees.

**Commission:**

- Present:* Richard Simpson, Chairperson  
David A. Carrillo, Vice-Chairperson  
Ana Cubas  
Cara Jenkins, Legislative Counsel  
Victor King  
Jane McAllister  
Crystal Miller-O'Brien  
Richard Rubin

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

**Staff:**

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

**Other Persons:**

- Lucinda Calvo  
Shaila Nathu  
Julie Oltmann, Department of Fish and Wildlife  
Elizabeth Potter, California Assembly  
Sandy Uribe, California Assembly

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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 2021-41, presenting draft Minutes of the August 26, 2021, meeting. The Commission approved the Minutes without change.

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported on the following matters:

- Chief Deputy Director Gaal will be unable to attend the October meeting.
- The Commission’s Office Technician has resigned.
- Assembly Bill 361 (Rivas) has been signed by the Governor. The bill takes immediate effect. It suspends statutory obstacles to holding teleconference meetings without a physical location. The new law will sunset on January 31, 2022.
- The staff is nearing completion of two routine external audits of its practices. The Department of General Services is auditing the Commission’s procurement practices. The State Personnel Board is auditing the Commission’s personnel practices.

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2021 LEGISLATIVE PROGRAM

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The Commission considered Memorandum 2021-42, discussing the Commission's 2021 legislative program. No Commission action was required or taken.

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The Commission also considered the First Supplement to Memorandum 2021-42, relating to Assembly Bill 473 (Chau) and Assembly Bill 474 (Chau), which would recodify the California Public Records Act and make conforming revisions throughout the codes. Subject to the Governor's approval of those bills, the Commission approved the two reports attached to the supplement, for publication as appendices to the Commission's next *Annual Report*.

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STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION

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FROM COMMUNICATION SERVICE PROVIDERS

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The Commission considered Memorandum 2021-44, presenting a draft of a tentative recommendation that would require a state agency to notify a customer when using an administrative subpoena to obtain the customer's records from a communications service provider.

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The Commission approved the attached draft as a tentative recommendation, to be posted to the Commission's website and broadly circulated for comment, with a public comment deadline of February 14, 2022.

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STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT

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RESTRUCTURING (PART 8)

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The Commission considered Memorandum 2021-43, which presents a draft of a tentative recommendation that would implement the Commission's decisions in the latest phase of its work on statutes made obsolete by trial court restructuring.

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The Commission approved the attached draft as a tentative recommendation, to be posted to the Commission's website and broadly circulated for comment, with a public comment deadline of December 3, 2021.

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