

Admin.

May 19, 2022

Memorandum 2022-31

Minutes of Meeting on May 12, 2022 (Draft)

The California Law Revision Commission held a meeting on May 12, 2022, by teleconference.¹ 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.² As a means of observing that rule, the Commission is only listing teleconference 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

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). 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
May 12, 2022

A meeting of the California Law Revision Commission was held on May 12, 2022. The meeting was held in a hybrid format, including both in-person and teleconference participation. Members of the public who attended by teleconference are only identified in the Minutes as attendees if they expressly consented to being identified.

Commission:

Present: Richard Simpson, Chairperson
Xochitl Carrion
Ana Cubas
Amb. (r.) David Huebner
Cara Jenkins, Legislative Counsel
Jane McAllister

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth
David A. Carrillo, Vice-Chairperson
Victor King

Staff: Brian Hebert, Executive Director
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel

Other Persons:

David Bess, Department of Fish and Wildlife
Clark Blanchard, Department of Fish and Wildlife
Wendy Bogdan, Department of Fish and Wildlife
Kimberly Delfino
Angela Donlan, Department of Fish and Wildlife
Jennifer Fearing
Patrick Foy, Department of Fish and Wildlife
Mark Hennelly, California Waterfowl Association
Frederick Hull, Mountain Lion Foundation
Mikaila Kruse, Office of Senator Richard Roth
Elaine Roberts Musser
Sarah Poss, Governor’s Office of Emergency Services
Savannah Tapia, Governor’s Office of Emergency Services
Valerie Termini, Department of Fish and Wildlife

CONTENTS

1	Approval of Actions Taken.....	2
2	Minutes	2
3	Administrative Matters.....	2
4	Report of Executive Director	2
5	Meeting Schedule	2
6	2022 Legislative Program	3
7	Study R-100 — Fish and Game Law	3
8	Study X-100 — Emergency-Related Reforms.....	3

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 2022-24, presenting draft Minutes of the March 17, 2022, meeting. The Commission approved the Minutes without change. (*Commissioner Carrion was not present when the decision was made.*)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director explained that the meeting would be held in a hybrid format, with both in-person and remote participation. Commissioners Carrion and McAllister would participate remotely, to accommodate a temporary disability.

The Executive Director introduced new Commission employee, Megan Hayenga.

Meeting Schedule

The Commission considered Memorandum 2022-25, discussing the Commission’s meeting schedule for 2022.

The Commission decided to delete all of its scheduled meeting dates, except for August 18, 2022, and November 17, 2022. The Commission retained December 15, 2022, as a possible meeting date, if needed.

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2022 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2022-26, discussing the Commission’s 2022 legislative program. No Commission decisions were required or made.

On the suggestion of Commissioner Cubas, the staff will investigate the possible use of subcommittees in conducting future studies. Commissioner Cubas volunteered to serve on a subcommittee, if one is formed for work on the study that is proposed in Senate Concurrent Resolution 92 (Leyva).

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2022-28, presenting proposed revision of the Fish and Game Code. The Commission approved the staff recommendation made in the memorandum.

The Commission also considered Memorandum 2022-29. No Commission action was required or taken with regard to that memorandum.

The Commission also considered Memorandum 2022-30 and its First through Fifth Supplements, discussing whether the Commission should continue to work on making organizational improvements to the Fish and Game Code. The Commission decided to discontinue that work. The staff will prepare a draft of a report explaining that decision, for consideration at a future meeting.

STUDY X-100 — EMERGENCY-RELATED REFORMS

The Commission considered Memorandum 2022-27, which discusses a proposed method and structure for drafting an informational report on emergency law. While no Commission decisions were required or made, individual Commissioners suggested that the report address the following issues:

- Ensuring that emergencies are declared only in emergency situations.
- Spending during an emergency.
- Distinguishing between rules that are discretionary and mandatory.
- Discussing the apparent rationale behind different policy approaches.