February 23, 2023

Admin.

#### Memorandum 2023-13

#### Minutes of Meeting on February 16, 2023 (Draft)

The California Law Revision Commission held a meeting on February 16, 2023, 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 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

<sup>1.</sup> 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.

<sup>2.</sup> Gov't Code § 11124.

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# **DRAFT** MINUTES OF MEETING CALIFORNIA LAW REVISION COMMISSION February 16, 2023

A meeting of the California Law Revision Commission was held on February 16, 2023. The meeting was held as an online video webinar. Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified.

### 8 **Commission**:

9 10 11 12 13 14 15 16	Present:	David A. Carrillo, Chairperson Amb. (r.) David Huebner, Vice-Chairperson Xochitl Carrion Ana Cubas Cara Jenkins, Legislative Counsel Victor King Jane McAllister Richard Simpson
17 18	Absent:	Assembly Member Ash Kalra Senator Richard D. Roth
19	Staff:	Brian Hebert, Executive Director
20	otain	Kristin Burford, Staff Counsel
21		Steve Cohen, Staff Counsel
22	Invited Speakers:	Prof. Cary Franklin, Faculty Director of Williams Institute at
23	-	UCLA School of Law
24		Thomas Greene
25		Dean Brad Sears, Executive Director of Williams Institute at
26		UCLA School of Law
27	<b>Other Persons:</b>	
28	Michael Acton	
29	Sahil Alim	
30	Amir Dezfuli	
31	0	epartment of Fish and Wildlife
32	Kathleen Foote	
33	Prof. Richard Gilb	pert
34	Lee Hepner	

- 35 Cheryl Johnson
- 36 Prof. Christopher Leslie
- 37 Prof. Roger Noll
- 38 Prof. Dan Robbins

### 1 Tracy Rosenberg

2 David Woodsmall, Department of Fish and Wildlife

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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.

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# MINUTES

9 The Commission considered Memorandum 2023-8, presenting draft Minutes 10 of the January 19, 2023, meeting. The Commission approved the Minutes without 11 change.

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# ADMINISTRATIVE MATTERS

13 **Report of Executive Director** 

The Executive Director reported that it will be financially feasible to hire an Executive Director one month before the retirement of the current Executive Director. This will provide an overlap period, to ease the transition. With that determination made, the staff will start advertising for recruitment of the position.

## 19 **Commissioner Suggestions**

20 There were no suggestions from Commissioners.

1	2023 LEGISLATIVE PROGRAM			
2	The Commission considered Memorandum 2023-9, discussing the			
3	Commission's 2023 legislative program.			
4	No Commission action was required or taken.			
5	Study B-750 — Antitrust Law			
6	Thomas Greene made a presentation to the Commission on "The Consumer			
7	Welfare Standard and Antitrust Injury."			
8	The Commission also considered Memorandum 2023-11, which provided a			
9	status report on the staff's work on the antitrust study.			
10	No Commission action was required or taken.			
11	STUDY I-100 — EQUAL RIGHTS AMENDMENT			
12	The Commission was joined by Dean Brad Sears and Professor Cary Franklin			
13	of the Williams Institute at UCLA School of Law. Dean Sears and Professor			
14	Franklin provided information about sexual orientation and gender identity			
15	discrimination and the legal history of sex discrimination.			
16	The Commission considered Memorandum 2023-10, discussing the scope of			
17	"sex" for the purposes of this study. The Commission decided that the term			
18	"sex" should be understood broadly to encompass the different issues described			
19	in the memorandum, consistent with federal discrimination law.			
20	The Commission also considered the first supplement to Memorandum 2023-			
21	10, providing an update on stakeholder outreach. No Commission decisions			
22	were required or made with respect to the supplemental memorandum.			
23	Study R-100 — Fish and Game Law			
24	The Commission considered Memorandum 2023-12, presenting a staff draft			
25	of the narrative part of a recommendation on Fish and Game Law: Technical			
26	Revisions and Minor Substantive Improvements (Part 3), along with additions and			
27	changes to the proposed legislation that was approved at the January meeting.			
28	The Commission approved the narrative and changes to the proposed			
29	legislation and approved a final recommendation that incorporates those			
30	decisions, for publication and submission to the Governor and the Legislature.			