

Admin.

April 27, 2023

Memorandum 2023-23

Minutes of Meeting on April 20, 2023 (Draft)

The California Law Revision Commission held a meeting on April 20, 2023, 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
April 20, 2023

A meeting of the California Law Revision Commission was held on April 20, 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.

Commission:

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

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth

Staff: Brian Hebert, Executive Director
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel
Grace Wiley, Law Student Extern

Invited Speaker: Thomas Greene

Other Persons:

Blue Aldrich, Department of Toxic Substances Control
June Barlow
Betsy Butler, California Women’s Law Center
Nicholas Crain
Amir Dezfuli
Kaitlyn Harger
Tepring Piquado
Dan Robbins
Aniko Sherry
Caleb Williamson
Paul Woods

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APPROVAL OF ACTIONS TAKEN

2 Unless otherwise indicated, the Commission decisions noted in these Minutes
3 were approved by all members present at the meeting. If a member who was
4 present at the meeting voted against a particular decision, abstained from voting,
5 or was not present when the decision was made, that fact will be noted below.

6

MINUTES

7 The Commission considered Memorandum 2023-18, presenting draft Minutes
8 of the March 16, 2023, meeting. The Commission approved the Minutes without
9 change.

10 (*Commissioner King abstained.*)

11

ADMINISTRATIVE MATTERS

12 **Report of Executive Director**

13 The Executive Director reported on the following matters:

- 14 • The closed session planned for the April 2023 meeting was
15 postponed until the May 2023 meeting.
- 16 • The June 2023 meeting will begin at 8:30 a.m., to accommodate the
17 participation of an expert in London.
- 18 • Senate Bill 544 (Laird) would amend the Bagley-Keene Open
19 Meeting Act to facilitate teleconference meetings. Senator Laird’s
20 office has requested information about the Commission’s
21 experience with the use of teleconferencing during the COVID-19
22 pandemic. The staff will prepare a draft response, which will be
23 presented to the Commission at the May 2023 meeting. In
24 preparing the draft response, the staff will be mindful of the

1 restrictions on advocacy contained in Government Code Section
2 8288.

3 In the discussion of SB 544 (Laird), Commissioners made the following
4 points:

- 5 • UC Berkeley Law might be able to host a future Commission
6 meeting, in space that is equipped for a hybrid in-
7 person/teleconference meeting.
- 8 • A newly established “zoom room” in the offices of the Legislative
9 Counsel might also be available to host a hybrid meeting.
- 10 • If the Commission continues to meet mostly through
11 teleconference, the possibility of an annual in-person meeting
12 should be considered.
- 13 • Travel to in-person meetings imposes a significant burden on
14 Commissioners.
- 15 • Meeting in person may preclude the participation of those who are
16 caregivers or cannot easily afford travel costs.

17 **Commissioner Suggestions**

18 The Commission decided that the Chair will send a letter of thanks to Prof.
19 Thomas Greene, for his invaluable assistance in the study of antitrust law.

20 2023 LEGISLATIVE PROGRAM

21 The Commission considered Memorandum 2023-19, discussing the
22 Commission’s 2023 legislative program.

23 No Commission decisions were required or made.

24 STUDY B-750 — ANTITRUST LAW

25 Thomas Greene made a presentation to the Commission on “Internet
26 Platforms.”

27 The Commission also considered Memorandum 2023-16, which provided a
28 status report on the staff’s work on the antitrust study.

29 No Commission decisions were required or made.

30 STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCES STATUTES

31 The Commission considered Memorandum 2023-20, proposing revision of
32 draft legislation that was provisionally approved by the Commission in 2021.
33 The revisions would implement legislative changes made in 2021 and 2022.

1 The Commission approved the proposed revisions.

2 STUDY I-100 — EQUAL RIGHTS AMENDMENT

3 The Commission considered Memorandum 2023-21, discussing the language
4 of California’s anti-discrimination provisions and recent legislative changes to
5 those provisions. The memorandum was presented by Grace Wiley, the
6 Commission’s current law student extern. Commissioners and staff expressed
7 appreciation for the quality and value of her work.

8 The Commission’s discussion touched on the following topics:

- 9 • Recent actions of the California Legislature that focus on expressly
10 clarifying the scope of statutory anti-discrimination protections.
- 11 • Addressing the use of gendered pronouns in the statutes.
- 12 • Being aware of the cultural context behind different terms used in
13 this study and attentive to the changing terminology.
- 14 • Drafting language that provides sufficient detail about the
15 intended scope of protections, while remaining flexible to address
16 future, related matters.

17 No Commission decisions were required or made.