

MEMORANDUM 2023-41

Report on the August 17, 2023, Subcommittee Meeting

The California Law Revision Commission¹ planned to hold a meeting on August 17, 2023, but did not achieve a quorum. Consequently, those present operated as a subcommittee. They were Chair David Carrillo, Vice-Chair David Huebner, Cara Jenkins, and Richard Simpson. The items on the agenda were treated as described below.

Administrative Matters

The following items were tabled without discussion. They will be presented again for consideration at the October 19, 2023, meeting:

Minutes of June 22, 2023 Meeting (Draft)

Memorandum 2023-32

Election of Officers

Memorandum 2023-34

Meeting Schedule

Memorandum 2023-35

Legislative Program

The subcommittee discussed Memorandum 2023-36. The subcommittee voted to recommend that the Comment revisions described on pages 2 and 3 of the recommendation be made. Consistent with that recommendation, the staff will prepare a complete set of revised Comments for the Commission's consideration at the October 19, 2023, meeting.

Antitrust Law

The subcommittee discussed Memorandum 2023-37 but took no action.

Recodification of Toxic Substance Statutes

The subcommittee discussed Memoranda 2023-38 and 2023-39.

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.

Memorandum 2023-38 will be presented again, without change, at a future meeting.

The subcommittee voted to recommend that the draft attached to Memorandum 2023-39 be approved for inclusion in a tentative recommendation. **The Commission should consider whether to take that action.**

Equal Rights Amendment

The subcommittee considered Memorandum 2023-40 and its First Supplement. In connection with that memorandum, the subcommittee discussed the relationship between constitutional doctrines related to religion and the Commission's study of sex equality, ways in which the Commission's recommendation might address that relationship, and broader questions about the overall scope and purpose of the study.

Those memoranda will be presented again at the October 19, 2023, meeting.

The subcommittee also heard a presentation on Equality and Reproductive Rights, by Professor Mary Ziegler of the University of California Davis Law School.

Commissioners who were not present at the meeting may wish to watch the video of the subcommittee's discussion and Professor Ziegler's presentation.²

Respectfully submitted,

Brian Hebert
Executive Director

² Links to view the video can be found at http://clrc.ca.gov/Menu1_meetings/video.html. The discussion of the memorandum begins in Part 1 of the recording, at 41:42. Professor Ziegler's presentation is Part 2.