

MEMORANDUM 2024-1

**Minutes of Meeting on December 21, 2023 (Draft)**

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The California Law Revision Commission held a meeting on December 21, 2023, by zoom teleconference.<sup>1</sup> Staff and other attendees were able to join the meeting at Office of Legislative Counsel's zoom-connected conference room.

A draft of Minutes for the December 21, 2023, 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,

Sharon Reilly  
Executive Director

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<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](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.

<sup>2</sup> Gov't Code § 11124.

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***DRAFT* MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**

December 21, 2023

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A meeting of the California Law Revision Commission was held via zoom teleconference on December 21, 2023. Invited presenters and other attendees could participate in the meeting by joining the zoom teleconference either from their individual location or at a zoom-connected conference room in Sacramento.

**ATTENDANCE**

**Commission**

*Present*    Amb. (r.) David Huebner, Chairperson  
                  Xochitl Carrion, Vice-Chairperson  
                  Maria Bee  
                  Ana Cubas  
                  Cara Jenkins, Legislative Counsel  
                  Victor King  
                  Richard Simpson

*Absent*     David A. Carrillo  
                  Assembly Member Ash Kalra  
                  Senator Richard D. Roth

**Staff, Invited Presenters, and Assistants**

Sharon Reilly, Executive Director  
Kristin Burford, Chief Deputy Director  
Steve Cohen, Staff Counsel  
Sarah Huchel, Staff Counsel  
Debora Larrabee, Chief of Administrative Services  
Megan Hayenga, Office Technician

Dan Robbins, Uniform Law Commission Immediate Past President  
Prof. Daniel Crane, University of Michigan Law School

**Other Attendees<sup>1</sup>**

Blue Aldrich  
Rae Beam  
Lucy Chinkezian

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<sup>1</sup> Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified.

Amir Dezfuli  
Julianna Gesiotto  
Lee Hepner  
Loren Kaye  
Ron Kingston  
Sarah Porter  
Tracy Rosenberg  
Robert Singleton

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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 2023-45, presenting draft Minutes of the October 19, 2023, meeting. The Commission approved the Minutes without change. (*Commissioners Bee and Jenkins abstained*).

## ADMINISTRATIVE MATTERS

### **Report of the Executive Director**

The Executive Director reported on the following matters:

- Sarah Huchel has joined the Commission as staff counsel.
- The facilities move to 925 L Street is complete.
- The staff is working with the Office of Legislative Counsel on a quote for IT services that would replace the current arrangement with UC Davis School of Law.
- The staff is monitoring the State Budget in view of a Budget Letter alerting Executive Branch agencies of the current deficit in the State Budget.
- The staff anticipates that there will be public comment today.

### **Commissioner Suggestions**

There were no suggestions made by Commissioners.

### **Meeting Schedule**

The Commission considered Memorandum 2023-46, discussing a proposed meeting schedule for 2024.

The Commission approved the schedule.

### **New Topics**

The Commission considered Memorandum 2023-47 and its First and Second Supplements, presenting the material for the Commission's annual consideration of new topics suggestions and work priorities.

During the meeting, the Commission received further comments from two individuals whose written suggestions were attached to and discussed in the memorandum: Sarah Porter (regarding access to old investigatory records under the California Public Records Act) and Rajesh Sinha (regarding the calculation of child support obligations).

The Commission approved the work priorities for 2024 described on pages 15-16 of Memorandum 2023-47.

### **Annual Report**

The Commission considered Memorandum 2023-48, presenting a staff draft of the body of the Commission's 2023-24 Annual Report, an appendix containing a supplemental report relating to two prior Commission recommendations, and an appendix containing Commissioner biographies.

The Commission approved the report and appendices for publication and distribution to the Legislature and the Governor, after the staff makes technical changes, finalizes and adds all remaining appendices to the report, and adds the following Commissioner activity:

On November 8, 2023, Commissioner Jenkins participated as a guest speaker in a Loyola Law School class, “Government Lawyering: The Intersection of Law & Politics,” to discuss the role of the Office of Legislative Counsel in the legislative process.

#### STUDY B-750 — ANTITRUST LAW

Dan Robbins, Immediate Past President of the Uniform Law Commission, and Prof. Daniel Crane, of University of Michigan School of Law, presented on the draft Uniform Antitrust Pre-Merger Notification Act. The Second Supplement to Memorandum 2023-49 provides the PowerPoint presentation used by Prof. Crane, who served as Reporter for the Uniform Act. The First Supplement to Memorandum 2023-49 includes a comment letter about the Uniform Act from certain stakeholder groups.

The Commission also considered Memorandum 2023-49, which provides a status update for this topic. The memorandum includes, as attachments, a copy of the draft Uniform Act, biographies for the presenters, and a comment letter related to European competition law. No Commission decisions were required or made.

The Commission received public comment from Mr. Lee Hepner, a representative of the group that provided the comment letter that was included in the First Supplement to Memorandum 2023-49.

#### STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION FROM COMMUNICATION SERVICE PROVIDERS

The Commission considered Memorandum 2023-50, presenting a status update for this study. No Commission decisions were required or made.

#### STUDY H-109 — LANDLORD-TENANT TERMINOLOGY

The Commission considered Memorandum 2023-51 and its First and Second Supplements, presenting a proposed study plan.

The Commission approved the presented study plan. The Commission also discussed and the staff will explore possibilities for securing an extern to assist with study-related research.