

MEMORANDUM 2024-10

Minutes of Meeting on February 15, 2024 (Draft)

The California Law Revision Commission held a meeting on February 15, 2024, by teleconference.¹ The Commissioners and staff participated in the meeting from one of three locations (in Sacramento, Berkeley, and Los Angeles), each of which was publicly noticed and open to public attendees.

A draft of Minutes for the February 15, 2024, 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 for teleconference attendees, the attendee list only includes teleconference attendees who have affirmatively consented to being identified in the Minutes, as part of the teleconference registration process required for those who wish to attend the meeting.

Respectfully submitted,

Sharon Reilly
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.

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

February 15, 2024

A meeting of the California Law Revision Commission was held via teleconference on February 15, 2024. 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 (locations in Berkeley, Los Angeles, and Sacramento).

ATTENDANCE

Commission

Present Amb. (r.) David Huebner, Chairperson
 Maria Bee
 David A. Carrillo
 Ana Cubas
 Cara Jenkins, Legislative Counsel
 Victor King
 Richard Simpson

Absent Xochitl Carrion, Vice-Chairperson
 Assembly Member Ash Kalra
 Senator Richard D. Roth

Staff

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

Other Attendees¹

Rae Beam	Julianna Gesiotto	Dan Robbins
Betsy Butler	Loren Kaye	Robert Singleton
Lusine Chinkejian	Ron Kingston	Kathy Spillar
Amir Dezfuli	Teri Olle	
Cameron Demetre	Whitney Prout	

¹ Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified either when registering to attend via teleconference or by completing the voluntary visitor register at an in-person meeting location.

CONTENTS

APPROVAL OF ACTIONS TAKEN	2
MINUTES	2
ADMINISTRATIVE MATTERS.....	2
Report of the Executive Director	2
Commissioner Suggestions	3
Open Government Laws	3
Meeting Schedule	3
2024 LEGISLATIVE PROGRAM	3
STUDY B-750 — ANTITRUST LAW	3
STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION FROM COMMUNICATION SERVICE PROVIDERS	4
STUDY H-109 — LANDLORD-TENANT TERMINOLOGY	4
STUDY I-100 — EQUAL RIGHTS AMENDMENT	4
STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING: PART 9	5

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 2024-1, presenting draft Minutes of the December 21, 2023, meeting. The Commission approved the Minutes without change.

(Commissioner Carrillo abstained.)

ADMINISTRATIVE MATTERS

Report of the Executive Director

The Executive Director reported on the following matters:

- Update on the status of negotiations with Office of Legislative Counsel for

Information Technology services, including anticipated migration dates at the end of March.

- Update on the challenges and logistics of scheduling Commission meetings under recently enacted SB 544. (2023 Cal. Stat. ch. 216).

Commissioner Suggestions

Commissioner Carrillo requested that the staff look further into the options for conducting remote meetings. Chair Huebner indicated that he had tasked the Executive Director to further explore various options and to report back.

Open Government Laws

The Commission considered Memorandum 2024-2, summarizing “open government” laws applicable to the Commission. No Commission action was required or taken.

Meeting Schedule

The Commission considered Memorandum 2024-3, discussing a proposed meeting schedule for 2024. The Commission approved the proposed schedule.

2024 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2024-4, presenting the Commission’s 2024 legislative program. The memorandum indicates that Assembly Member Kalra, who is also a member of the Commission has agreed to carry the Commission’s Resolution of Authority this year. In addition, the memorandum notes that the staff is doing the following:

- Continuing to work with Assembly Member Kalra’s staff on AB 522 relating to administrative subpoenas. (Study G-300, Government Access to Customer Information from Communications Service Providers).
- Seeking the inclusion of two proposed reforms from the Commission’s Trial Court Restructuring work in a committee bill.
- Seeking minor technical cleanup in the annual Maintenance of the Codes bill relating to the Commission’s recently implemented recodifications of the California Public Records Act and the Carpenter-Presley-Tanner Hazardous Substance Account Act.

No Commission decisions were required or made.

STUDY B-750 — ANTITRUST LAW

The Commission considered Memorandum 2024-5, and its First Supplement, outlining a process for the Commission to hear presentations from the seven Expert Working Groups

on their reports along with a strategy to encourage robust public comment on the issues. Memorandum 2024-5 also provides a written public comment regarding European Competition Law.

Several Commissioners emphasized the need to encourage robust public comment.

No Commission decisions were required or made.

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

The Commission considered Memorandum 2024-7, presenting a status update for this study. No Commission decisions were required or made.

STUDY H-109 — LANDLORD-TENANT TERMINOLOGY

The Commission considered Memorandum 2024-8, presenting a discussion of issues and proposed timeline relating to the study.

The Commission found that adoption of the comprehensive statutory scheme described by the Legislature in the assigned study would not be prudent or practicable, and directed the staff to include an explanation of that finding in a draft report to the Legislature, and to continue work on the remaining directives of the study.

(Commissioner Jenkins was not present when this decision was made.)

STUDY I-100 — EQUAL RIGHTS AMENDMENT

The Commission considered Memorandum 2024-6, discussing next steps in the study.

The staff noted one correction to the memorandum. In the first paragraph under the bold heading on page 3, the second sentence should specify that the prohibition at issue was “likely unconstitutional.”

The Commission discussed the proposed reform approach described in the memorandum. As the memorandum describes, the proposed reform approach would:

- Provide a statutory rule describing the scope of “sex discrimination” or “discrimination on the basis of sex,” as described on page 6.
- Codify such a rule in all codes, likely within “General Provisions,” “Preliminary Provisions,” or similar, as described on pages 7 and 8.
- Draft the rule to be expressly nonexclusive, as indicated on page 8.

The Commission discussed the possibility of a constitutional reform to accomplish similar ends. The Commission also discussed the use of more detailed Commission Comments for statutory reforms in this study (e.g., to highlight the broad scope of the

reform and the relationship between identical provisions codified in different codes).

The Commission discussed legal concerns about including language specifying that the reform is declarative of existing law. Going forward, the staff will look at different drafting approaches to address this issue.

No Commission decisions were required or made.

STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING:
PART 9

The Commission considered Memorandum 2024-9, presenting a draft final recommendation.

The Commission approved the recommendation without change.

(Commissioner Jenkins was not present when this decision was made.)