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1                                    **APPROVED** MINUTES OF MEETING  
2                                    CALIFORNIA LAW REVISION COMMISSION  
3                                    September 22, 2022

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4            A meeting of the California Law Revision Commission was held on  
5            September 22, 2022. The meeting was held as an online video webinar. Members  
6            of the public are only identified in the Minutes as attendees if they expressly  
7            consented to being identified.

8            **Commission:**

9                    *Present:*        David A. Carrillo, Chairperson  
10                                Amb. (r.) David Huebner, Vice-Chairperson  
11                                Xochitl Carrion  
12                                Cara Jenkins, Legislative Counsel  
13                                Victor King  
14                                Jane McAllister  
15                                Richard Simpson

16                    *Absent:*         Assembly Member Ash Kalra  
17                                Senator Richard D. Roth  
18                                Ana Cubas

19            **Staff:**                Brian Hebert, Executive Director  
20                                Kristin Burford, Staff Counsel  
21                                Steve Cohen, Staff Counsel

22            **Other Persons:**

23                    Elaine Roberts Musser  
24                    Michael Acton  
25                    Kathy Spillar, Feminist Majority

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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.

CLOSED SESSION

The Commission met in closed session, to consider a personnel matter, pursuant to Government Code Section 11126. No final decisions were made.

Commissioner Xochitl Carrion recused herself from the closed session, declaring that the subject matter of the closed session could affect a source of income to her.

MINUTES

The Commission considered Memorandum 2022-41, presenting draft Minutes of the August 18, 2022, meeting. The Commission approved the Minutes without change.

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported that proposed changes to the Commission’s staffing structure have been delayed.

1 **New Topics and Priorities**

2 The Commission considered Memorandum 2022-42, discussing the  
3 Commission's work priorities for 2023. The Commission approved the priorities  
4 set out on page 7 of that memorandum. Specifically, the Commission's priorities  
5 for 2023 will be:

- 6 (1) Complete work on active studies.
- 7 (2) Begin work on the newly assigned studies of antitrust law and the  
8 Equal Rights Amendment.
- 9 (3) Reactivate work on reorganization and clean-up of specified  
10 hazardous material statutes.
- 11 (4) Begin work on the newly assigned study of landlord-tenant  
12 terminology. Work on this topic may be deferred until later in 2023  
13 or until 2024.

14 With respect to the new studies of antitrust law and the Equal Rights  
15 Amendment, the Commission decided that the staff should start work on those  
16 topics by identifying subject matter experts who might be willing to serve as  
17 Commission consultants, with the intention of presenting a slate of candidates  
18 for Commission consideration at its November 2022 meeting. In addition, the  
19 staff should organize expert panel discussions, to be conducted at Commission  
20 meetings, for the first half of 2023.

21 Finally, the Commission approved the new organization used in  
22 Memorandum 2022-42.

23 In next year's memorandum on *New Topics and Priorities*, the staff will (1) use  
24 a more neutral term to describe Exhibit 2, (2) revise Exhibit 2 to remove all but  
25 two of the topics from the list of "Topics that the Commission Might Eventually  
26 Start or Restart" (the civil discovery topic suggested by former Commissioner  
27 Damian Capozzola and the clean-up of civil venue statutes will be retained on the  
28 list), and (3) remove all "carry-over" items from the list in Exhibit 3.

29 **Meeting Schedule**

30 The Commission considered 2022-43, discussing the Commission's meeting  
31 schedule for the remainder of 2022 and 2023. The Commission decided against  
32 meeting in October 2022. The Commission approved the following meeting  
33 schedule for 2023:

1 January 19, 2023, 9:30 a.m. – 12:30 p.m.  
2 February 16, 2023, 9:30 a.m. – 12:30 p.m.  
3 March 16, 2023, 9:30 a.m. – 12:30 p.m.  
4 April 20, 2023, 9:30 a.m. – 12:30 p.m.  
5 May 18, 2023, 9:30 a.m. – 12:30 p.m.  
6 June 22, 2023, 9:30 a.m. – 12:30 p.m.  
7 August 17, 2023, 9:30 a.m. – 3:30 p.m.  
8 October 19, 2023, 9:30 a.m. – 3:30 p.m.  
9 December 21, 2023, 9:30 a.m. – 3:30 p.m.

## 10 **Commissioner Suggestions**

11 Chairperson Carrillo suggested that the Commission address a recent  
12 decision of the California Supreme Court, involving the definition of the term  
13 “fish” in Fish and Game Code Section 45, with respect to its application to the  
14 California Endangered Species Act.

15 The Commission decided that its next recommendation on Fish and Game  
16 Law will include language along the following lines, with the addition of a brief  
17 note about the recent appellate decision on the issue:

18 There is one definition that is likely to be confusing in some  
19 situations. The existing definition of “fish,” which applies to the  
20 entire Fish and Game Code, includes animals that are not  
21 considered fish biologically (i.e., invertebrates and amphibians). It  
22 is not clear whether every use of that term is intended to have the  
23 defined meaning. Notwithstanding that potential source of  
24 confusion, the Commission is not recommending any change to the  
25 application of the definition. Making such a change would require  
26 a determination of legislative intention in hundreds of sections,  
27 which is not practicable in this study.

## 28 2022 LEGISLATIVE PROGRAM

29 The Commission considered Memorandum 2022-44, discussing the  
30 Commission’s 2022 legislative program. No Commission decisions were required  
31 or made.

## 32 STUDY R-100 — FISH AND GAME LAW

33 The Commission considered Memorandum 2022-46, presenting proposed  
34 revision of sections of the Fish and Game Code based on public comment. The  
35 Commission approved all staff recommendations made in the memorandum.

36 The Commission also considered Memorandum 2022-47. No Commission  
37 action was required or taken with regard to that memorandum.

