#### APPROVED MINUTES OF MEETING 1 CALIFORNIA LAW REVISION COMMISSION 2 March 16, 2023 3 A meeting of the California Law Revision Commission was held on March 16, 4 2023. The meeting was held as an online video webinar. Members of the public 5 6 are only identified in the Minutes as attendees if they expressly consented to being identified. 7 8 **Commission:** 9 *Present:* David A. Carrillo, Chairperson Amb. (r.) David Huebner, Vice-Chairperson 10 11 **Xochitl Carrion** Cara Jenkins, Legislative Counsel 12 Jane McAllister 13 Richard Simpson 14 Assembly Member Ash Kalra Absent: 15 Senator Richard D. Roth 16 Ana Cubas 17 18 Victor King Staff: Brian Hebert, Executive Director 19 20 Kristin Burford, Staff Counsel Invited Speakers: Dean Erwin Chemerinsky, Berkeley Law 21 Thomas Greene 22 **Other Persons:** 23 Khara Boender 24 Jenn Brice 25 Amir Dezfuli 26 Katie Lindsay, Department of Toxic Substances Control 27 28 Nancy Ostrom, Department of Toxic Substances Control 29 Naomi Padron 30 Tepring Piquado Prof. Barak Richman, Duke Law 31 32 Tracy Rosenberg

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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.

6 MINUTES

The Commission considered Memorandum 2023-13, presenting draft Minutes of the February 16, 2023, meeting. The Commission approved the Minutes without change.

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

### ADMINISTRATIVE MATTERS

# Report of Executive Director

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The Executive Director reported that a closed session will be scheduled for the April 2023 meeting, to discuss applications for the position of Executive Director. The staff will confidentially forward the applications to Commissioners before the meeting. Applications that do not meet minimum requirements will not be forwarded.

## **Commissioner Suggestions**

There were no suggestions from Commissioners.

1	2023 LEGISLATIVE PROGRAM
2	The Commission considered Memorandum 2023-14 and its First Supplement,
3	discussing the Commission's 2023 legislative program.
4	The Commission decided to revise its recommendation on Stock Cooperatives
5	and Revocable Transfer on Death Deeds (Feb. 2022) to conform to the proposed
6	amendment discussed in the First Supplement to Memorandum 2023-14.
7	(Commissioner McAllister was not present when this decision was made.)
8	STUDY B-750 — ANTITRUST LAW
9	Thomas Greene made a presentation to the Commission on "Monopoly and
10	Monopsony."
11	The Commission also considered Memorandum 2023-16, which provided a
12	status report on the staff's work on the antitrust study.
13	No Commission action was required or taken.
14	STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCES STATUTES
15	The Commission considered Memorandum 2023-5, discussing the
16	recodification of toxic substance statutes.
17	No Commission decisions were required or made.
18	STUDY I-100 — EQUAL RIGHTS AMENDMENT
19	The Commission was joined by Dean Erwin Chemerinsky of Berkeley Law.
20	Dean Chemerinsky spoke about the Equal Rights Amendment's status and legal
21	effects.
22	The Commission considered Memorandum 2023-17, discussing the scope of
23	"equality of rights under the law" for the purposes of this study. The
24	Commission's discussion covered a range of topics including:
25 26 27	<ul> <li>Need for an early focus on constitutional provisions and other laws that could be in tension with efforts to advance sex equality (e.g., protections related to religious exercise/expression and</li> </ul>
28	California's Proposition 209).
29 30	<ul> <li>Evaluating whether statutes related to sex discrimination appropriately address pregnancy.</li> </ul>
31	Giving further thought to what the Commission could do to  address the pop-statutory aspects of California law (judicial)

- decisions, common law) noted in the resolution assigning this topic to the Commission.
- Importance of inclusive language in this work.

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- Symbolic value of including a sex equality provision in the law.
  - Need to provide robust explanations and clear language in situations where the Commission's proposal includes sex- or gender-based distinctions.
- The First Supplement to Memorandum 2023-17, providing an update on stakeholder outreach, was strictly informational and was not discussed at the meeting.
- 11 No Commission decisions were required or made.