

MEMORANDUM 2024-39

**Minutes of Meeting on August 15, 2024 (Draft)**

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The California Law Revision Commission held a meeting on August 15, 2024 in Sacramento.<sup>1</sup> Invited speakers and the public were also able to attend the meeting via Zoom teleconference.

A draft of Minutes for the August 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.<sup>2</sup> 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,

Sarah Huchel  
Staff Counsel

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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**

August 15, 2024

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A meeting of the California Law Revision Commission was held in Sacramento on August 15, 2024.

**ATTENDANCE**

**Commission**

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

*Absent*     Assembly Member Ash Kalra

**Commission Staff**

Steve Cohen, Staff Counsel  
Sarah Huchel, Staff Counsel  
Debora Larrabee, Chief of Administrative Services  
Megan Hayenga, Office Technician

**Antitrust Experts**

Cheryl Johnson, Consultant to Commission  
Prof. Joshua Davis, Working Group 3  
Prof. Peter Carstensen, Working Group 3  
Prof. Douglas Melamed, Working Group 4  
Prof. Barak Orbach, Working Group 4  
Kathleen Foote, Working Group 6

**Invited Speakers**

Economic Liberties Project: Lee Hepner  
California Nurses Association/National Nurses United:  
Carmen Comsti  
Western States Petroleum Association/Pillsbury: Roxane Polidora and  
Lee Brand  
International Center for Law & Economics: Geoffrey A. Manne

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

Blue Aldrich	Mona Masri
Bianca Blomquist	Teri Olle
Lucy Chinkezan	Kyla Powell
Abbey Doyno	Dan Robbins
Eric Enson	Natalie Schuman
Julianna Gesiotto	Robert Singleton
Devon Gray	Heather Starkey
Jaime Huff	Carlia Suba
Laurel Kilgour	Doni Tadesse
Ron Knox	Sarah Wohl
Nadia Mahallati	

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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 either when registering to attend via teleconference or by completing the voluntary visitor register at an in-person meeting location.

## 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 is noted below.

## MINUTES

The Commission considered Memorandum 2024-29, presenting draft Minutes of the June 20, 2024, meeting.

The Commission approved the Minutes without change.

*(Senator Blakespear and Commissioner Cubas were not present when this decision was made.)*

## CLOSED SESSION

The Commission met in closed session to consider personnel matters, pursuant to Government Code Section 11126.

## ADMINISTRATIVE MATTERS

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

Staff Counsel reported from the Executive Director that the Budget Act calls for elimination of vacant positions and 7.95% reductions for the General Fund. Staff discussions with the Department of Finance about the impact of those reductions on the Commission are ongoing.

### **Commissioner Suggestions**

There were no suggestions made by Commissioners.

### **Meeting Schedule**

The Commission considered Memorandum 2024-30, proposing modifications to the format and times for the remaining Commission meetings in 2024.

The Commission approved the modifications proposed in the memorandum without change.

*(Senator Blakespear was not present when this decision was made.)*

## 2024 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2024-31, discussing the Commission's 2024 legislative program.

No Commission decisions were required or made.

### STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

The Commission considered Memorandum 2024-36, discussing a reactivation of the Commission's study relating to nonsubstantive recodification of Toxic Substance Statutes. No Commission decisions were required or made relating to any matter presented by the memorandum.

The Commission also considered the First Supplement to Memorandum 2024-36, presenting a staff draft of recodified provisions that had previously been recommended by a subcommittee of the Commission for inclusion in a tentative recommendation in the study. The Commission provisionally approved the draft for inclusion in a future tentative recommendation, as proposed Chapter 1 of Part 3 of Division 44 of the Health and Safety Code.

The Commission also considered Memorandum 2024-37, presenting a cumulative draft of material previously approved by the Commission for inclusion in a tentative recommendation, as well as proposed revisions and additions to that draft discussed on pages 2-4 of the memorandum. The Commission provisionally approved the incorporation of each of the proposed revisions and additions identified in the memorandum for inclusion in a future tentative recommendation in the study.

*(Senator Blakespear was not present when these decisions were made.)*

### STUDY B-750 — ANTITRUST LAW

The Commission considered the following memoranda:

- Memorandum 2024-32, presenting a status update for this study, and Supplements 1 to 3 thereto.
- Memorandum 2024-33, presenting the expert report on Consumer Welfare Standard.
- Memorandum 2024-34, presenting the expert report on Concerted Action.
- Memorandum 2024-35, presenting the expert report on Enforcement and Exemptions.

The Commission heard presentations from the expert working groups on the reports addressing the Consumer Welfare Standard, Concerted Action, and Enforcement and

Exemptions.

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 2024-38, presenting a status update for this study. No Commission decisions were required or made.

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