
1 **APPROVED** MINUTES OF MEETING
2 CALIFORNIA LAW REVISION COMMISSION
3 September 23, 2021

4 A meeting of the California Law Revision Commission was held on
5 September 23, 2021. Consistent with Executive Order N-08-21, the meeting was
6 held as an online video webinar.

7 Only those members of the public who expressly consented to being
8 identified in the Minutes are listed as attendees.

9 **Commission:**

10 *Present:* Richard Simpson, Chairperson
11 David A. Carrillo, Vice-Chairperson
12 Ana Cubas
13 Cara Jenkins, Legislative Counsel
14 Victor King
15 Jane McAllister
16 Crystal Miller-O'Brien
17 Richard Rubin

18 *Absent:* Assembly Member Ed Chau
19 Senator Richard D. Roth

20 **Staff:**

21 *Present:* Brian Hebert, Executive Director
22 Barbara Gaal, Chief Deputy Director
23 Steve Cohen, Staff Counsel

24 **Other Persons:**

25 Lucinda Calvo
26 Shaila Nathu
27 Julie Oltmann, Department of Fish and Wildlife
28 Elizabeth Potter, California Assembly
29 Sandy Uribe, California Assembly

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APPROVAL OF ACTIONS TAKEN

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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.

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MINUTES

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The Commission considered Memorandum 2021-41, presenting draft Minutes of the August 26, 2021, meeting. The Commission approved the Minutes without change.

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ADMINISTRATIVE MATTERS

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Report of Executive Director

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The Executive Director reported on the following matters:

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- Chief Deputy Director Gaal will be unable to attend the October meeting.

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- The Commission’s Office Technician has resigned.

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- Assembly Bill 361 (Rivas) has been signed by the Governor. The bill takes immediate effect. It suspends statutory obstacles to holding teleconference meetings without a physical location. The new law will sunset on January 31, 2022.

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- The staff is nearing completion of two routine external audits of its practices. The Department of General Services is auditing the Commission’s procurement practices. The State Personnel Board is auditing the Commission’s personnel practices.

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2021 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2021-42, discussing the Commission’s 2021 legislative program. No Commission action was required or taken.

The Commission also considered the First Supplement to Memorandum 2021-42, relating to Assembly Bill 473 (Chau) and Assembly Bill 474 (Chau), which would recodify the California Public Records Act and make conforming revisions throughout the codes. Subject to the Governor’s approval of those bills, the Commission approved the two reports attached to the supplement, for publication as appendices to the Commission’s next *Annual Report*.

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

The Commission considered Memorandum 2021-44, presenting a draft of a tentative recommendation that would require a state agency to notify a customer when using an administrative subpoena to obtain the customer’s records from a communications service provider.

The Commission approved the attached draft as a tentative recommendation, to be posted to the Commission’s website and broadly circulated for comment, with a public comment deadline of February 14, 2022.

STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT
RESTRUCTURING (PART 8)

The Commission considered Memorandum 2021-43, which presents a draft of a tentative recommendation that would implement the Commission’s decisions in the latest phase of its work on statutes made obsolete by trial court restructuring.

The Commission approved the attached draft as a tentative recommendation, to be posted to the Commission’s website and broadly circulated for comment, with a public comment deadline of December 3, 2021.

1 STUDY R-100 — FISH AND GAME LAW

2 The Commission considered Memorandum 2021-45. The Commission
3 approved all staff recommendations made in that memorandum, after
4 incorporating the following revisions:

- 5 • An erroneous reference to Fish and Wildlife Code Section 4032
6 was corrected to refer instead to Section 4302.
- 7 • An erroneous staff recommendation to replace “shall” with
8 “must” in Section 4302 was replaced with a corrected
9 recommendation to leave “shall” unchanged in that section.

10 *(Commissioner Carrillo voted “No” on the revised staff recommendation listed in the*
11 *second bullet point above.)*

12 The Commission also considered Memorandum 2021-46. No Commission
13 action was required or taken with regard to that memorandum.