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1                                    **APPROVED** MINUTES OF MEETING  
2                                    CALIFORNIA LAW REVISION COMMISSION  
3                                    November 17, 2022

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4            A meeting of the California Law Revision Commission was held on  
5 November 17, 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                            Ana Cubas  
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                            Xochitl Carrion

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

22    **Other Persons:**

23            Wendy Bogdan, Department of Fish and Wildlife  
24            Daniel Bromberg, California Constitution Center  
25            Michael Burns  
26            George Cavinta  
27            Kat DeBurgh  
28            Amanda DeLaby, Department of Fish and Wildlife  
29            Pat Garofalo  
30            Edward Howard  
31            Cheryl Johnson  
32            Gurpreet Kaur  
33            Elaine Roberts Musser  
34            Tepring Piquado  
35            Laura Quinonez  
36            Dan Robbins, Uniform Law Commission  
37            Jennifer Roe  
38            Meagan Subers

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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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CLOSED SESSION

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

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MINUTES

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The Commission considered Memorandum 2022-48, presenting draft Minutes of the September 22, 2022, 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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- Proposed changes to the Commission’s staffing structure continue to be delayed.

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- There is no need for a meeting in December.

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**Commissioner Suggestions**

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There were no suggestions from Commissioners.

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2022 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2022-49, discussing the Commission’s 2022 legislative program. The Commission approved the new and revised Comments presented in the memorandum.

*(Commissioner Carrillo was not present when this decision was made.)*

STUDY B-750 — ANTITRUST LAW

The Commission considered Memorandum 2022-50 and its First and Second Supplements, introducing the study of antitrust law.

The Commission decided to address the topic holistically, rather than segmenting it into a series of subtopics for the purposes of making reform recommendations.

*(Commissioners Carrillo and Jenkins were not present when this decision was made.)*

The staff explained how it intends to conduct the staff work for the study. The work will begin with both of the following steps:

- A series of educational sessions will be scheduled, to provide background information on different issue areas. Those sessions will consist of expert presentations, conducted by teleconference. They will either be integrated into already-scheduled Commission meetings or scheduled as separate standalone meetings.
- The staff will form small working groups, consisting of experts on different issues that are relevant to the study. Those working groups will prepare reports for the Commission that summarize the state of the law, perceived problems, and possible reforms. The discussion of reforms will be objective, noting the advantages and disadvantages of possible reforms, without advocating for a particular result. The working groups will include experts with different perspectives on antitrust policy.

STUDY I-100 — EQUAL RIGHTS AMENDMENT

The Commission considered Memorandum 2022-51, introducing the study of the Equal Rights Amendment. The staff explained how it intends to conduct the staff work for the study.

The work will begin by focusing on the possibility of codifying the effect of the Equal Rights Amendment in California law. Once that first stage of work is complete, the Commission will begin a broad search for defects in California law that involve discrimination on the basis of sex. The staff intends to work with a

1 range of experts in conducting the study. In particular, it will be helpful to have  
2 subject matter consultants who are expert in different areas of the law, to assist in  
3 identifying defects that may require reform.

4 No Commission decisions were required or made.

5 STUDY R-100 — FISH AND GAME LAW

6 The Commission considered Memorandum 2022-54 and its First Supplement,  
7 presenting a staff draft recommendation on technical revision of the Fish and  
8 Game Code. The Commission did not approve the draft recommendation,  
9 instead directing the staff to prepare a new draft for consideration at the January  
10 2023 meeting. The new draft will include the proposed revisions recommended  
11 by the staff in the First Supplement to Memorandum 2022-54.

12 *(Commissioners Carrillo, Cubas, and Jenkins were not present when this decision*  
13 *was made.)*

14 STUDY X-100 — EMERGENCY-RELATED REFORMS

15 The Commission considered Memoranda 2022-52 and 2022-53.

16 Memorandum 2022-52 presents a white paper prepared by the California  
17 Constitution Center (“Center”) analyzing constitutional issues related to the  
18 Governor’s powers. Center Senior Fellow Daniel H. Bromberg presented the  
19 white paper and responded to questions.

20 Memorandum 2022-53 analyzes different approaches in emergency laws  
21 related to the termination of a state of emergency.

22 No Commission decisions were required or made.

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