
1 **APPROVED** MINUTES OF MEETING
2 CALIFORNIA LAW REVISION COMMISSION
3 April 20, 2023

4 A meeting of the California Law Revision Commission was held on April 20,
5 2023. The meeting was held as an online video webinar. Members of the public
6 are only identified in the Minutes as attendees if they expressly consented to
7 being identified.

8 **Commission:**

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

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

19 **Staff:** Brian Hebert, Executive Director
20 Kristin Burford, Staff Counsel
21 Steve Cohen, Staff Counsel
22 Grace Wiley, Law Student Extern

23 **Invited Speaker:** Thomas Greene

24 **Other Persons:**

25 Blue Aldrich, Department of Toxic Substances Control
26 June Barlow
27 Betsy Butler, California Women’s Law Center
28 Nicholas Crain
29 Amir Dezfuli
30 Kaitlyn Harger
31 Tepring Piquado
32 Dan Robbins
33 Aniko Sherry
34 Caleb Williamson
35 Paul Woods

CONTENTS

Approval of Actions Taken.....	2
Minutes	2
Administrative Matters.....	2
Report of Executive Director	2
Commissioner Suggestions.....	3
2023 Legislative Program	3
Study B-750 — Antitrust Law	3
Study E-200 — Recodification of Toxic Substances Statutes.....	3
Study I-100 — Equal Rights Amendment.....	4

1

APPROVAL OF ACTIONS TAKEN

2

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

7

The Commission considered Memorandum 2023-18, presenting draft Minutes of the March 16, 2023, meeting. The Commission approved the Minutes without change.

10

(Commissioner King abstained.)

11

ADMINISTRATIVE MATTERS

12

Report of Executive Director

13

The Executive Director reported on the following matters:

14

- The closed session planned for the April 2023 meeting was postponed until the May 2023 meeting.

15

16

- The June 2023 meeting will begin at 8:30 a.m., to accommodate the participation of an expert in London.

17

18

- Senate Bill 544 (Laird) would amend the Bagley-Keene Open Meeting Act to facilitate teleconference meetings. Senator Laird’s office has requested information about the Commission’s experience with the use of teleconferencing during the COVID-19 pandemic. The staff will prepare a draft response, which will be presented to the Commission at the May 2023 meeting. In preparing the draft response, the staff will be mindful of the

19

20

21

22

23

24

1 restrictions on advocacy contained in Government Code Section
2 8288.

3 In the discussion of SB 544 (Laird), Commissioners made the following
4 points:

- 5 • UC Berkeley Law might be able to host a future Commission
6 meeting, in space that is equipped for a hybrid in-
7 person/teleconference meeting.
- 8 • A newly established “zoom room” in the offices of the Legislative
9 Counsel might also be available to host a hybrid meeting.
- 10 • If the Commission continues to meet mostly through
11 teleconference, the possibility of an annual in-person meeting
12 should be considered.
- 13 • Travel to in-person meetings imposes a significant burden on
14 Commissioners.
- 15 • Meeting in person may preclude the participation of those who are
16 caregivers or cannot easily afford travel costs.

17 **Commissioner Suggestions**

18 The Commission decided that the Chair will send a letter of thanks to Prof.
19 Thomas Greene, for his invaluable assistance in the study of antitrust law.

20 2023 LEGISLATIVE PROGRAM

21 The Commission considered Memorandum 2023-19, discussing the
22 Commission’s 2023 legislative program.

23 No Commission decisions were required or made.

24 STUDY B-750 — ANTITRUST LAW

25 Thomas Greene made a presentation to the Commission on “Internet
26 Platforms.”

27 The Commission also considered Memorandum 2023-16, which provided a
28 status report on the staff’s work on the antitrust study.

29 No Commission decisions were required or made.

30 STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCES STATUTES

31 The Commission considered Memorandum 2023-20, proposing revision of
32 draft legislation that was provisionally approved by the Commission in 2021.
33 The revisions would implement legislative changes made in 2021 and 2022.

1 The Commission approved the proposed revisions.

2 STUDY I-100 — EQUAL RIGHTS AMENDMENT

3 The Commission considered Memorandum 2023-21, discussing the language
4 of California’s anti-discrimination provisions and recent legislative changes to
5 those provisions. The memorandum was presented by Grace Wiley, the
6 Commission’s current law student extern. Commissioners and staff expressed
7 appreciation for the quality and value of her work.

8 The Commission’s discussion touched on the following topics:

- 9 • Recent actions of the California Legislature that focus on expressly
10 clarifying the scope of statutory anti-discrimination protections.
- 11 • Addressing the use of gendered pronouns in the statutes.
- 12 • Being aware of the cultural context behind different terms used in
13 this study and attentive to the changing terminology.
- 14 • Drafting language that provides sufficient detail about the
15 intended scope of protections, while remaining flexible to address
16 future, related matters.

17 No Commission decisions were required or made.