Date of Hearing: July 6, 2021

ASSEMBLY COMMITTEE ON JUDICIARY
Mark Stone, Chair
ACR 95 (Cunningham and Wicks) – As Introduced June 24, 2021

PROPOSED CONSENT (As Proposed to be Amended)

SUBJECT: CALIFORNIA LAW REVISION COMMISSION: STUDIES: ANTITRUST

KEY ISSUE: SHOULD THE LEGISLATURE GRANT APPROVAL TO THE CALIFORNIA LAW REVISION COMMISSION TO STUDY AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO CALIFORNIA ANTITRUST LAW?

SYNOPSIS

The California Law Revision Commission (CLRC) was created in 1953 and tasked with the responsibility for a continuing substantive review of California statutory and decisional law. The CLRC studies the law in order to discover defects and make related recommendations to the Legislature for needed reforms. Once the CLRC identifies a topic for study, it cannot begin to work on the topic until the Legislature, by concurrent resolution, authorizes the CLRC to conduct the study, as it does once every two-year session. Earlier this year, this Committee heard and passed ACR 24 (Chau), which authorized the CLRC's topics of study. Those included topics that the Legislature has previously authorized it to study, and added one additional study topic: whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal, state, or local government.

This resolution asks the CLRC to study one additional subject – antitrust law in California. In particular, the resolution approves the following antitrust issues for study by the CLRC: (1) Whether the law should be revised to outlaw monopolies by single companies; (2) whether the law should be revised in the context of technology companies so that analysis of antitrust injury in that setting reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and (3) whether the law should be revised in any other fashion such as approvals for mergers and acquisitions to promote and ensure the tangible and intangible benefits of free market competition for Californians. Also, given the breadth and confusion about exceptions to the Cartwright Act (California's main antitrust law) in existing law, the authors have proposed amendments to provide authority to the CLRC to study existing exceptions to the Cartwright Act. The amendments are incorporated into the summary of the resolution and explained in the analysis.

The author writes that the "Cartwright Act was written half a century before the idea of computer networks even existed, and cannot possibly be expected to give government the tools it needs to ensure a fair and competitive modern marketplace. California's antitrust statutes are ripe for modernization and the nonpartisan California Law Revision Commission is the best body to advise the legislature on how to do that." The resolution is supported by public interest groups, labor unions, and consumer attorneys.

SUMMARY: Grants legislative approval to the California Law Review Commission (CLRC) to study the need to broaden California's antitrust laws. Specifically, **this measure**:

1) Makes the following findings:

   a) On June 3, 2019, the House of Representatives' Judiciary Committee's Subcommittee on Antitrust, Commercial and Administrative Law, launched a bipartisan investigation into competition in digital markets which in part concluded: "...we firmly believe that the totality of the evidence produced during this investigation demonstrates the pressing need for legislative action and reform."

   b) The American Antitrust Institute published a policy brief in 2016 finding that "[t]here is a growing consensus that inadequate antitrust policy has contributed to the concentration problem and associated inequality effects."

   c) In February 2017, the director of the Open Markets program at the New America Foundation, stated: "The idea that America has a monopoly problem is now beyond dispute."

   d) Concern about market power concentration has reached even the so-called "Chicago School," leading The Economist magazine's April 15, 2017, headline, about an antitrust conference held there, to read "The University of Chicago worries about a lack of competition. Its economists used to champion big firms, but the mood has shifted."

   e) Federal legislative reforms are being considered. On February 4, Senator Amy Klobuchar introduced a comprehensive bill called the "Competition and Antitrust Law Enforcement Reform Act of 2021" that would make wholesale changes to federal antitrust jurisprudence.

   f) While much of current federal antitrust law is premised upon market concentration leading to a rise in prices, the business models of some technology companies in part relies upon consumers paying with their data, rather than their dollars, such that price alone may no longer be a viable basis upon which to base antitrust analysis and enforcement.

   g) New York State is considering legislation that would fundamentally rewrite its antitrust laws. The legislative findings in the proposed act in part state that "The legislature hereby finds and declares that there is great concern for the growing accumulation of power in the hands of large corporations … It is time to update, expand and clarify our laws …"

   h) California should be uniquely sensitive to the threat of market concentration because much of early state history was shaped by monopoly power wielded by the "Big Four" of Huntington, Crocker, Stanford, and Hopkins, who, through the Central Pacific Railroad, acted as monopolistic gatekeepers for businesses that needed to bring goods to market. California therefore should not depend on federal laws or federal enforcement to protect its citizens from monopolistic anticompetitive behavior.

   i) No California statute deals expressly with monopolization or attempted monopolization by one giant company.

   j) California's primary antitrust statute, the Cartwright Act, unlike Section 2 of the federal Sherman Antitrust Act of 1890, does not apply to monopoly conduct of single powerful

companies and for the same reason does not address mergers and also contains statutory exemptions that lessen its impact.

k) While arguably such claims may be brought under California's Unfair Competition Law or California's Unfair Practices Act, neither expressly addresses monopolization and foundational issues such as what is needed for standing to bring such claims and the damages available are unsettled.

l) The CLRC is authorized to study topics that have been referred to the commission for study by concurrent resolution of the Legislature or by statute.

2) Resolves that the Legislature approves for study by the CLRC the following new topics:

a) Whether the law should be revised to outlaw monopolies by single companies as outlawed by Section 2 of the Sherman Act, as proposed in New York State's "Twenty-First Century Anti-Trust Act" and in the "Competition and Antitrust Law Enforcement Reform Act of 2021" introduced in the United States Senate, or as outlawed in other jurisdictions;

b) Whether the law should be revised in the context of technology companies so that analysis of antitrust injury in that setting reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and

c) Whether the law should be revised in any other fashion such as approvals for mergers and acquisitions and any limitation of existing statutory exemptions to the state's antitrust laws to promote and ensure the tangible and intangible benefits of free market competition for Californians.

3) Resolves that, before commencing work on the project, the CLRC submit a detailed description of the scope of work to the chairs and vice chairs of the Assembly and Senate Committees on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study, and if during the course of the project there is a major change to the scope of work, the CLRC submit a description of the change.

EXISTING LAW:

1) Creates the CLRC. Requires the CLRC, as provided, to:

a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reform;

b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies;

c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law; and

d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions. (Government Code Sections 8280, 8289.)

2) Authorizes the CLRC to study topics approved by concurrent resolution of the Legislature. (Government Code Section 8293.)

3) Prohibits an employee or member of the CLRC, with respect to any proposed legislation concerning matters assigned to the CLRC for study, to advocate for the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature, unless requested to do so by the committee or its chairperson. (Government Code Section 8288.)

4) Prohibits, under the Cartwright Act, restraints on competition by, among other things, defining "a trust" as a combination of capital, skill or acts by two or more persons for any of the following purposes:

   a) To create or carry out restrictions in trade or commerce.

   b) To limit or reduce the production, or increase the price of merchandise or of any commodity.

   c) To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce, or any commodity.

   d) To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use, or consumption in this State.

   e) To make, enter into, execute, or carry out any contracts, obligations, or agreements of any kind or description, by which they do all or any combination of any of the following:

      i) Bind themselves not to sell, dispose of, or transport any article or any commodity or any article of trade, use, merchandise, commerce, or consumption below a common standard figure, or fixed value.

      ii) Agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure.

      iii) Establish or settle the price of any article, commodity, or transportation between them or themselves and others, so as directly or indirectly to preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity.

      iv) Agree to pool, combine, or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. (Business & Professions Code Section 16720.)

5) Provides, with limited exceptions, that every trust is unlawful, against public policy and void. (Business & Professions Code Section 16726.)

6) Creates, under the Unfair Competition Law, a civil penalty for unfair competition, defined to include any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. (Business & Professions Code Section 17200 *et seq.*)

7) Prohibits, under the Unfair Practices Act, acts which injure competition, including sales below cost, locality discrimination, and secret rebates or unearned discounts. (Business & Professions Code Section 17000 *et seq.*)

8) Provides, under the federal Sherman Act, that every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is illegal. (15 U.S.C. Section 1.)

FISCAL EFFECT: As currently in print this resolution is keyed fiscal.

COMMENTS: The California Law Revision Commission was created in 1953 and tasked with the responsibility for a continuing substantive review of California statutory and decisional law. The CLRC studies the law in order to discover defects and make related recommendations to the Legislature for needed reforms. Once the CLRC identifies a topic for study, it cannot begin to work on the topic until the Legislature, by concurrent resolution, authorizes the CLRC to conduct the study, as it does once every two-year session. Earlier this year, this Committee heard and passed ACR 24 (Chau), which authorized the CLRC's topics of study.

This resolution asks the CLRC to study one additional subject – antitrust law in California. In particular, the resolution approves the following antitrust issues for study by the CLRC: (1) Whether the law should be revised to outlaw monopolies by single companies; (2) whether the law should be revised in the context of technology companies so that analysis of antitrust injury in that setting reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and (3) whether the law should be revised in any other fashion such as approvals for mergers and acquisitions to promote and ensure the tangible and intangible benefits of free market competition for Californians.

The authors explain the measure as follows:

> California's historic progressive reform movement culminating in 1911 election elevating Hiram Johnson the Governor's office and enacting the initiative, referenda, recall, and women's suffrage was in reaction to California's economy and politics being dominated by the monopolistic railroads. Yet, curiously, Californians antitrust statute, the Cartwright Act (Business & Professions Code section 16700, et seq.), contains loophole. Unlike Section 2 of the Sherman Act and the laws of most states, the Cartwright Act does not include a prohibition on monopolistic behavior by a single companies. States as diverse as Alabama, Colorado, the District of Columbia, Florida, Illinois, Louisiana, Oklahoma, Texas, and many more have passed laws protecting their citizens from single business monopoly power. California appears to be an outlier. . . .
>
> Moreover, there is a broad, national consensus that our antitrust laws need review and, in both state legislatures and academia, such review is actively occurring . . .
>
> This bill directs the law revision to study whether California should consider amending its antitrust laws to include prohibitions on monopolistic behavior. By starting with the

Commission any subsequent legislation will be informed by expert opinion, research, and an open stakeholder and comment process.

Pending ACR 24 (Chau) is the Legislature's vehicle to approve the CLRC's study topics going forward. ACR 24 (Chau), which passed this Committee and the Assembly earlier this year and is now being considered by the Senate, grants legislative approval to the CLRC to continue its study of 13 designated topics that the Legislature previously authorized or directed the CLRC to study, including the Probate Code, family law, civil discovery, and contract law. In addition, ACR 24 adds one additional area of study, based in part on the COVID restrictions, as well as other emergency situations, such as those caused by wildfires: Whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal government, a state of emergency proclaimed by the Governor, or a local emergency proclaimed by a local governing body or official.

Federal antitrust laws. The core federal antitrust laws are the Sherman Act of 1890, and, added in 1914, the Federal Trade Commission Act and the Clayton Act, as they have been updated, amended, and interpreted over the years. The Sherman Act prohibits "[e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce," though case law has limited that to only those restraints in trade that are unreasonable. (15 U.S.C. Section 1; s*ee, e.g., Am. Needle, Inc. v. NFL* (2010) 560 U.S. 183, 196.) Additionally, no person may "monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce," though again this is limited to unreasonable restraints. (15 U.S.C. Section 2; *see, e.g., Standard Oil Co. v. U.S.* (1911) 221 U.S. 31.)

The Federal Trade Commission Act created the Federal Trade Commission (FTC) to, among other things, prevent entities "from using unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce." (15 U.S.C. Section 45.)

Finally, the Clayton Act addresses anticompetitive concerns that were not covered by the Sherman Act, including mergers and acquisitions that "may be substantially to lessen competition, or to tend to create a monopoly." (15 U.S.C. Section 18.) That act also bans discriminatory prices and services. (15 U.S.C. Section 13.)

California's antitrust laws. The Cartwright Act (Business & Professions Code Section 16700 *et seq*.), California's main antitrust law, makes unlawful a "trust," defined as a combination of capital, skill, or acts by two or more persons, firms, partnerships, corporations, or associations of persons to restrict trade, limit production, increase or fix prices, or prevent competition. The Cartwright Act is broad in scope, and its plain language embraces every type of business. (*Cianci v. Superior Court* (1985) 40 Cal.3d 903, 917-18.) There was no express congressional intent in the Sherman Act to preempt and supplant state legislation; and the nature of the subject matter does not call for such preemption. The Cartwright Act is a state act which operates in furtherance of the purpose and intent of the federal antitrust legislation, not in contravention of it. (*R. E. Spriggs Co. v. Adolph Coors Co.* (1974) 37 Cal.App.3d 653, 666.) By the definition of trust under the Cartwright Act, it does not apply to only one single company, which is powerful enough to create a monopoly all by itself. California is one of only a handful of states today that does not specifically prohibit monopolies in its antitrust law. Additionally, it does not cover mergers and acquisitions.

The purpose of California's Unfair Practices Act (UPA) (Business and Professions Code Section 17000 *et seq.*) likewise is to "safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented." (Business & Professions Code Section 17001.) It provides, among other things:

> It is unlawful for any person engaged in the production, manufacture, distribution or sale of any article or product of general use or consumption, with intent to destroy the competition of any regular established dealer in such article or product, or to prevent the competition of any person who in good faith, intends and attempts to become such dealer, to create locality discriminations. (Business & Professions Code Section 17040.)

The UPA chiefly prohibits selling articles below cost, or giving them away, for the purpose of injuring competitors and destroying competition, and also prohibits rebates or special privileges to purchasers that have these purposes or tendencies. (1 *Witkin* Sum. Cal. Law Contracts Section 623.)

Additionally, the Unfair Competition Law (UCL) (Business & Professions Code Section 17200 *et seq.*) generally prohibits unfair competition, defined to include any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Originally designed to protect against business loss to another business, it has been "extended to the entire consuming public the protection once afforded only to business competitors." (*Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 109.)

The anticompetitive problem that this resolutions calls on the CLRC to study. The power of the few big technology companies – in particular Apple, Amazon, Facebook, and Google – to control much of internet commerce, social media, and consumer data has been a growing concern in California and across the nation:

> America's tech companies have grown so big that they now compete and control the levers in marketplaces that they themselves operate. . . .
>
> "It's not just their sheer size but also their lengthy tentacles in different marketplaces that gives these companies unfair advantages," says [Consumer Reports]'s Sharma. "They often get to set market rules in those marketplaces that benefit their own businesses and shape markets in unprecedented ways."
>
> Amazon, for example, sells its own products alongside those from the retailers that rely on its platform, potentially using sales info gathered from the platform to identify ripe opportunities. Apple booted Fortnite from its App Store for developing an in-app purchasing system that shut Apple out of the transactions, ultimately lowering the price of the game. And Google takes a cut from the sale, purchase, and placement of an enormous swath of the ads that now appear online. . . .
>
> And the larger those companies get, the bigger the advantages. (Allen St. John, *How Stronger Antitrust Rules for Big Tech Could Help Consumers,* Consumer Reports (March 12, 2021).)

As Elizabeth Warren stated during her presidential campaign: "Today's big tech companies have too much power – too much power over our economy, our society, and our democracy."

(*Available at* https://2020.elizabethwarren.com/toolkit/break-up-big-tech.) Critics have called for stronger antitrust tools and enforcement to rebalance economic power.

Congress is currently reviewing federal antitrust laws and other states, such as New York, are reviewing their own antitrust laws to see if improvements in the law can help limit the power of the largest technology companies.

In support of the bill, one of the measure's authors, Assemblymember Cunningham, writes that the "Cartwright Act was written half a century before the idea of computer networks even existed, and cannot possibly be expected to give government the tools it needs to ensure a fair and competitive modern marketplace. California's antitrust statues are ripe for modernization and the nonpartisan California Law Revision Commission is the best body to advise the legislature on how to do that."

Assemblymember Wicks adds that "the accumulation of power among California's tech giants is snowballing, and 20th Century antitrust laws are ill equipped to take on these monopolies. As we emerge from the pandemic, we need to do all we can do to allow small businesses to compete, and make sure that such a great deal of power doesn't fall into so few hands. As our country's largest economy and hub of innovation, it's critical that California join Congress and other state governments in their efforts to revamp antitrust laws."

Proposed CLRC study. This resolution gives the CLRC the authority to study the following possible changes to California antitrust laws to see if the law can be enhanced to better protect Californians from the rapid growth in the power of big technology companies:

- Whether the law should be revised to outlaw monopolies by single companies;
- Whether the law should be revised in the context of technology companies so that analysis of antitrust injury in that setting reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and
- Whether the law should be revised in any other fashion such as approvals for mergers and acquisitions to promote and ensure the tangible and intangible benefits of free market competition for Californians.

As discussed above, current California law does not cover single company monopolies or mergers and acquisitions to achieve market dominance and restrain commerce. This measure would direct the CLRC to study whether expanding our current law would better protect consumers. The complexity of the legal issues involved in state and federal antitrust law, and the ability of stakeholder involvement throughout the process, make the CLRC an ideal choice to conduct such a study.

The dismissal last week of action by the FTC against Facebook for failing to support monopolizations claims (*FTC v. Facebook* (2021) U.S. Dist. LEXIS 119540; the case can still be refiled) raises real questions about the need for federal antitrust law, in addition to California antitrust law, to be reviewed and possible updated, but that is beyond the scope of this measure and beyond the jurisdiction of the Legislature.

Proposed amendment to review existing exceptions to the Cartwright Act. While the Cartwright Act is the state's main antitrust law to protect the public, existing law creates some exceptions to that act that appear unnecessarily broad, unreasonably vague, and generally problematic. For

example, the Public Resources Code Section 14529.7 provides, in part, with respect to beverage container recycling:

> Any action to increase recycling taken by the department, or by any person or entity, affecting scrap values, the quantities of materials being recycled, or the method of invoicing the sale of beverages pursuant to this division is not a violation of the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code) and the Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code).

This statute deals with actions of the department to "increase the collection, processing, and recycling" and declares that "an action [for this purpose] . . . taken by *the department* [emphasis added]" is not a violation of the Cartwright Act. This seems unnecessary because the Cartwright Act applies to every type of business (See *Cianci v. Superior Court, supra*) but not any type of government entity. Thus, it is not a violation of the Cartwright Act for an individual to conspire with a government official in an attempt to influence government action, although such conspiracies certainly may violate other laws. (*See Blank v. Kirwan* (1985) 39 Cal.3d 311, 320.)

But the language also applies to "an action [for this purpose] . . . taken . . . by *any person or entity,* affecting scrap values [etc.]" and declares that such an action is not a violation of the Cartwright Act. What is meant by "an action to increase the collection, processing, and recycling"? And what actions "by any person or entity affecting scrap values" -- including presumably anticompetitive behavior -- would be exempt from the state's main antitrust law because of this broad language? This provision would seem to allow manufacturers, distributers, or retail stores to agree among themselves on a certain price for their products, as long as they determined that setting a standard price was "an action to increase the collection, processing, and recycling." Presumably that type of anti-competitive behavior is something that the Legislature would not want to allow. The language also could prove ineffective in actually shielding businesses from liability for their anti-competitive behavior under the federal equivalent of the Cartwright Act, the Sherman Act, which does not have a similar exemption. The broad exemption similarly exists in Public Resources Code Section 15016 (rechargeable batteries).

Given the breadth and confusion about existing exceptions to the Cartwright Act, the authors have agreed to provide authority to the CLRC to study the existing exceptions to the Cartwright Act. The following amendments would allow for that:

On Page 3, Lines 4-11:

> WHEREAS, California's primary antitrust statute, the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), unlike Section 2 of the federal Sherman Antitrust Act of 1890 (Sections 1 to 7, inclusive, of Title 15 of the United States Code; hereafter the Sherman Act), does not apply to monopoly conduct of single powerful companies and for the same reason does not address mergers ***and also contains statutory exemptions that lessen its impact***; and

On Page 4, Lines 1-4:

> (3) Whether the law should be revised in any other fashion such as approvals for mergers and acquisitions ***and any limitation of existing statutory exemptions to the state's antitrust laws***

to promote and ensure the tangible and intangible benefits of free market competition for Californians; and be it further

Electronic Frontier Foundation supports the bill if amended to add an additional clause. Writing about the need to reign in Big Tech, the Electronic Frontiers Foundation (EFF) states:

> If we wish to return power and control over the internet to end-users and the startups they launch, lawmakers must move forward to begin establishing a framework of competition policy for the technology sector. We urge California to move in step with other states and federal lawmakers to deliver a better future for small businesses, end-users, and innovation. ACR 95 is a necessary step for California to act on this important issue . . .

EFF states that it would support this resolution if the following language were added:

> The internet ecosystem must not continue to be controlled by a few private hands or it will lose its ability to be a force for decentralized power.

ARGUMENTS IN SUPPORT: In support of the resolution, six labor unions write:

> Labor has been a leading national voice seeking effective enforcement of federal antitrust laws and principles, especially regarding Amazon. . . .
>
> States, too, are taking action to protect their own citizens based on their own laws. New York State is considering legislation that would fundamentally rewrite its antitrust laws because, as the bill's findings observe, "there is great concern for the growing accumulation of power in the hands of large corporations … It is time to update, expand and clarify our laws[.]" The District of Columbia's Attorney General has filed an antitrust lawsuit against Amazon based in part on its monopoly power violating D.C. law. Other states are weighing similar suits.
>
> But, unlike the antitrust laws in D.C. most other states, California's antitrust statute – the
>
> Cartwright Act – does not permit antitrust suits against a single company based on a company's vast size and power alone. California's law requires a conspiracy between separate actors to permit an antitrust case.
>
> Whether California's Attorney General should, as is currently the case, be unable to offer to Californians the same antitrust protections afforded the citizens of D.C. and many other states is indisputably a question of importance to every California worker, business, and consumer. We therefore support [ACR] 95 which sensibly tasks California's expert Law Revision Commission with studying and reporting to the Legislature whether state antitrust law reforms are required to protect workers, consumers, and tomorrow's innovators.

Foundation for Fairness in Commerce and the Consumer Federation of California add:

> California should be uniquely sensitive to the threat of market concentration because much of our state's early history was shaped by monopoly power wielded by the Central Pacific Railroad, which acted as a monopolistic gatekeeper between consumers and businesses, to the detriment of California's mid-sized, small, and emerging enterprises.
>
> [ACR 95] does not propose changing California's antitrust laws. It merely directs the California Law Revision Commission to study and offer its views about such laws. The

Commission assists the Legislature in keeping California law up to date by intensively studying complex subjects, identifying major policy questions for legislative attention, gathering the views of interested persons and organizations, and drafting recommended legislation for legislative consideration.

REGISTERED SUPPORT / OPPOSITION:

Support

American Economic Liberties Project
California Conference of Machinists
California Labor Federation
California Teamsters Public Affairs Council
Center or Public Interest Law
Consumer Attorneys of California
Consumer Federation of California
Consumer Watchdog
Electronic Frontier Foundation (if amended)
Foundation for Fairness in Commerce
UFCW Western States Council
United Steelworkers District 12

Opposition

None on file

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