

10/3/79

Memorandum 79-48

Subject: Handbook of Practices and Procedures

From time to time, the staff prepares an updated version of the Handbook of Practices and Procedures. The purpose of this handbook is to state in a convenient form some of the policy decisions made by the Commission with respect to its practices and procedures.

Mr. Sterling has prepared the attached a draft of the revised Handbook. The draft picks up decisions made since the earlier version was published and makes some nonsubstantive editorial revisions (like replacing "Chairman" with "Chairperson").

We have placed this item on the agenda for the October meeting to provide the Commission with an opportunity to review its practices and procedures and make any changes that are considered desirable. In this connection, the staff suggests the following matters for consideration:

Officers (page 1 of draft). At the last meeting, Commissioner Ashmann suggested that the terms of officers be one rather than two years.

Recognition of service (page 1 of draft). We suggest that the first sentence be revised to read:

The practice of the Commission is to present a plaque containing a gavel to each Chairperson shortly after election. The cost of the plaque is financed by contributions from the other members of the Commission and the legal staff.

We make this suggestion because Howard Willians did not consider it appropriate to have a plaque presented after he left the Commission because many of the members who were then serving did not serve during the time he was Chairperson. The sentence concerning contributions reflects past practice.

Meetings (page 3 of draft). This discussion should conform to the decisions made when Memorandum 79-56 (Schedule for Future Meetings) is discussed at the October meeting.

Also, we suggest that the last paragraph be revised to read:

The Chairperson is authorized to call special meetings. The Chairperson is authorized to change the date, times, and place of a previously scheduled meeting when necessary to improve attendance at the meeting or for other good reason. Notice of the special meeting or rescheduled meeting shall be given to all members of the Commission.

Meeting Agenda (page 3 of draft). We will revise the first sentence to conform to the Commission's decision regarding the days on which meetings ordinarily will be scheduled.

Roll call votes (page 4 of draft). The second sentence of the discussion is obsolete; we have not polled absent members to record a vote during the last 20 years.

Editorial corrections (page 5 of draft). This discussion does not reflect the current practice. The staff routinely makes substantive and technical revisions in preparing all recommendations for printing where necessary to conform to Commission decisions or to correct technical defects. We suggest that the discussion be revised to reflect this practice.

Publication of Commission material in law reviews (page 11 of draft). The first sentence requires that a reasonable effort be made to distribute studies to various law reviews in a fair manner. We would like to delete this sentence. We rarely have more than one law review article to publish in any one year and some years do not publish any in law reviews. The author usually has a law review in which he or she would prefer to have the article published. Our experience has been that some law reviews are not interested in the types of articles we submit. Other law reviews have such a limited circulation that an article published in the review comes to the attention of only relatively few practicing lawyers and judges. In practice, we ordinarily submit articles to the Pacific Law Journal for consideration for publication unless the author prefers to have the article published elsewhere. The Pacific Law Journal has the largest circulation of any law review in the United States and specializes in law reform type articles.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

H A N D B O O K

OF

P R A C T I C E S A N D P R O C E D U R E S

Note. The purpose of this handbook is to state in a convenient form some of the policy decisions made by the California Law Revision Commission with respect to its practices and procedures.

Stanford Law School
Stanford, California 94305

September 1979

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CHAPTER ONEOFFICERS AND MEMBERS OF COMMISSION

OFFICERS

The officers of the Commission are the Chairperson¹ and the Vice Chairperson. The term of office of the Chairperson and Vice Chairperson is two years, commencing on December 31 of each odd-numbered year.² No officer is eligible to succeed himself or herself in the same office in which the officer has served a full term.³ However, an officer who has served for less than a full term may succeed himself or herself in the same office for a full term;⁴ and, where the Chairperson is reelected to office, the incumbent Vice Chairperson is eligible for reelection even though reelection may result in the Vice Chairperson succeeding himself or herself for another full term.⁵

RECOGNITION OF SERVICE

The practice of the Commission has been to present a plaque containing a gavel to each retiring Chairperson.

A suitably framed certificate is awarded to members upon completion of their service on the Commission in substantially the following form:⁶

 CALIFORNIA LAW REVISION COMMISSION

RECOGNITION OF DISTINGUISHED SERVICE AS MEMBER

presented to

HOWARD R. WILLIAMS

In recognition of distinguished service as a member of the
California Law Revision Commission
1971-1979

Chairperson 1977-1979
Vice Chairperson 1975-1977

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1. Cf. Gov't Code § 10303 (the commission shall select one of its members chairman).
 2. Minutes, November 1965.
 3. Minutes, January 1960.
 4. Minutes, December 1960.
 5. Minutes, January 1962.
 6. Minutes, February 1978.

MATERIALS AND SUPPLIES

Binders for Commission materials. Some members of the Commission use binders to keep Commission material in a convenient form. Upon request to the Commission's office at Stanford, a member of the Commission will be provided with the binders necessary for this purpose.⁷

Credit cards. Members of the Commission are provided PSA credit cards for use in connection with official business of the Commission.⁸

ADMINISTRATIVE SERVICES

Claims. Travel claims for members appointed by the Governor should be submitted to the Commission's office. The member submits the necessary information on a simple form that may be obtained from the Commission's office; the formal travel expense claims will be completed by the Commission's Administrative Assistant and returned to the member to be signed.

7. Statement of existing practice.

8. Statement of existing practice.

CHAPTER TWOMEETINGS AND PROCEDURE

MEETINGS

Regular meetings normally are scheduled for one Thursday and Friday of each month; meetings are held on Saturday if necessary to maintain the work schedule.¹ The meetings are ordinarily scheduled as follows:

Thursday - 7:00 p.m. to 10:00 p.m.

Friday - 9:00 a.m. to 5:00 p.m.

Saturday - 9:00 a.m. to 12:00 noon (if held)

Regular meetings are ordinarily scheduled for each month except August.² Regular meetings are ordinarily held in San Francisco and Los Angeles alternately.³

The Chairperson is authorized to call both regular and special meetings. Notice of a special meeting shall be given to all members of the Commission. At a special meeting, no matter may be acted upon except as provided in the call.⁴

MEETING AGENDA⁵

Subjects that are of interest to persons who attend meetings as observers should be scheduled for Thursday evening or Friday rather than Saturday so that the meeting on Saturday can be cancelled if the agenda is completed on Friday. The staff is to schedule no more work for any particular meeting than can reasonably be considered at the meeting. Commissioners are presumed to have read all the material to be considered at the meeting and the staff is to make its presentations on this assumption.

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1. Minutes, April 1973.
 2. Statement of existing practice.
 3. Statement of existing practice.
 4. Minutes, November 1957.
 5. Minutes, January 1969. See also Minutes, June 1968. Revised to reflect practice of meeting on Thursday evening rather than Saturday.

CONDUCT OF MEETING

Quorum. Four voting members of the Commission constitute a quorum and must be present before the Commission may attend to any business.⁶ Any action may be taken by a majority of those present if a quorum is present, but any final recommendation to the Legislature must be approved by a minimum of four affirmative votes.⁷ The Chairperson is authorized to determine that less than four voting members constitutes a quorum for the purposes of a particular meeting and members attending the meeting are entitled to per diem and travel expenses but no final action shall be taken at such meeting.⁸

Roll call votes. A roll call vote shall be taken on any matter at the request of any voting member of the Commission.⁹ An absent member may be polled and the member's vote incorporated in the roll call on such matter only if the member was present during a previous discussion on the subject matter at the meeting of the Commission.¹⁰ Votes are not recorded in the Minutes unless a voting member requests that the vote on a particular matter be so recorded; on rare occasions, a member will request that the Minutes reflect that the member voted against the action taken by the Commission.¹¹

Committees. The Commission has disapproved the use of standing subcommittees to initially review studies on the Commission's agenda and to submit their recommendations to the Commission.¹²

Research consultants. Research consultants are requested to attend meetings from time to time.¹³

Open meetings. Meetings of the Commission are open to the public and persons so requesting are permitted to attend as observers but are not permitted to participate in the discussion except as authorized by

6. Minutes, April 1963.

7. Minutes, March 1959; Minutes, April 1963; Minutes, February 1966.

8. Minutes, January 1958; Minutes, April 1963.

9. Minutes, November 1965.

10. Minutes, July 1957.

11. Statement of existing practice.

12. Minutes, January 1960; Minutes, May 1960.

13. Statement of existing practice.

the Chairperson.¹⁴ The agenda for each meeting is sent to a selected group of persons who normally attend the meetings as observers¹⁵ and to anyone else who requests a copy of the agenda.¹⁶

Termination of deliberations. The Chairperson should terminate prolonged deliberations on any matter by either bringing it to a vote when appropriate or referring the matter to the staff either for further research or redrafting.¹⁷

REPORTS AND RECOMMENDATIONS

Listing of members approving report. The printed reports of the Commission are dated as of the month in which the Commission approves their printing and the names of the members of the Commission at the time of such approval are listed in the letter of transmittal.¹⁸

Dissents. Dissenting votes of Commission members on all or part of a recommendation of the Commission are not reported in the recommendation. Rather, a statement is included in the Annual Report of the Commission stating in substance that "occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission."¹⁹

Editorial, technical, and conforming revisions. After the Commission has approved a recommendation, the staff is authorized to make editorial revisions therein with respect to such matters as punctuation, the elimination of minor unnecessary words, revisions needed for consistency, the capitalization or noncapitalization of letters, and the like without further consultation with the Commission.²⁰ The staff usually is given broader authorization to make substantive and technical revisions in preparing specific material for printing where necessary to conform to Commission decisions or to correct technical defects.²¹ Members of the Commission may submit suggested editorial revisions to the staff for consideration in preparing material for publication.²²

14. Minutes, February 1960.

15. Statement of existing practice.

16. Statement of existing practice.

17. Minutes, March 1959.

18. Minutes, October 1960.

19. Minutes, August 1960. See also Minutes, July 1960.

20. Minutes, August 1954.

21. Statement of existing practice.

22. Statement of existing practice.

CHAPTER THREERELATIONSHIP WITH LEGISLATURE

INTRODUCTION OF BILLS

Commission bills are introduced by the legislative members of the Commission¹ or by other legislators selected by the Executive Secretary after consulting with the Legislative members of the Commission.² Both of the legislative members normally are listed as authors of Commission bills unless one of the members does not wish to be so listed.³ The Commission is not adverse to allowing other members of the Legislature to be coauthors of its bills.⁴ Ordinarily, Commission bills will be introduced in the form in which they are published by the Commission and later amended to reflect changes which the Commission believes desirable.⁵

INTERIM COMMITTEES

The Commission is agreeable to proposals of interim committees that the Commission present its legislative program to the interim committee prior to the legislative session.⁶

CONTACTING INDIVIDUAL MEMBERS OF LEGISLATURE⁷

The Commission has considered whether and under what procedure the Executive Secretary should contact individual members of the Legislature to explain Commission bills. A member of the Legislature should not be contacted unless the member has raised questions about the Commission's bills in committee or otherwise and it seems likely that the member does not fully understand the Commission's recommendation or the reasons for

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1. Minutes, January 1959.
 2. Statement of existing practice.
 3. Minutes, March 1962.
 4. Minutes, January 1959.
 5. Minutes, January 1959.
 6. Minutes, October 1959.
 7. Minutes, January 1971.

it. If it appears desirable, the Executive Secretary should contact the member to answer such questions as the member may have about the bill and otherwise explain it.

ACCEPTANCE OF AMENDMENTS AFTER INTRODUCTION IN LEGISLATURE

Whenever possible after Commission recommended legislation has been introduced in the Legislature, the Commission (or, if time does not permit, the Chairperson) should be given an opportunity to review amendments to be made to the bills except for amendments made by a legislative member on the member's own initiative.⁸

The legislative member of the Commission carrying the bill and the Executive Secretary are authorized to agree to an amendment proposed in the course of a legislative committee hearing on a Commission bill so long as the amendment does not depart from the basic policy of the Commission with respect to the particular bill.⁹

REQUEST FOR AUTHORITY TO CONTINUE EXISTING STUDIES¹⁰

Each session a concurrent resolution is submitted to authorize continuance of existing studies and any new studies the Commission desires to undertake and to drop previously authorized studies from the Commission's agenda.

RECOMMENDATIONS FOR CHANGES IN LAWS ENACTED UPON COMMISSION RECOMMENDATION

The Commission has established that, as a matter of policy, unless there is a good reason for doing so, the Commission will not recommend to the Legislature changes in laws that have been enacted upon Commission recommendation.¹¹

8. Minutes, February 1965.

9. Statement of existing practice.

10. Statement of existing practice. This procedure is required by the Commission's enabling statute.

11. Minutes, December 1971.

CHAPTER FOURRELATIONSHIP WITH STATE BAR

A copy of each study prepared by a research consultant is sent to each member of any special State Bar committee appointed to consider a Commission study as soon as the research study is approved by the Commission.¹ Later, a copy of the Commission's tentative recommendation and proposed statute is sent to the State Bar.² If no special State Bar committee has been appointed, copies of the study and the tentative recommendation are sent to the State Bar for distribution to the appropriate bar committee.³ When time permits, the Commission will postpone the printing of its recommendations and studies until it receives and considers the views of the State Bar.⁴

The Chairperson and members of the staff sometimes meet with representatives of State Bar committees to discuss informally Commission recommendations when requested to do so by the State Bar committee.⁵

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1. Minutes, March 1957.
 2. Minutes, March 1957.
 3. Statement of existing practice.
 4. Minutes, September 1956.
 5. Statement of existing practice.

CHAPTER FIVERELATIONSHIP WITH RESEARCH CONSULTANTS

COMPENSATION OF RESEARCH CONSULTANTS

Compensation of research consultants is on a modest scale, as paid in connection with public service rather than at regular professional rates.¹ Payment is made in a lump sum (rather than on an hourly basis) under a contract made with the consultant.² Partial payments may be made for portions of a research study that have been completed.³

FORM AND CONTENTS OF CONSULTANT'S STUDY⁴

Generally speaking, a consultant's study should cover the history and present state of the California law and the law of all or representative other states relating to the problem. It should also include a statement and an objective discussion of the policy considerations which the consultant believes are relevant to the problem. At least with respect to the principal cases discussed in the study, the facts should be stated and, where possible, the pertinent parts of the opinion should be quoted. The study should include the consultant's recommendation with respect to the position to be taken by the Commission and a draft of such proposed legislation as would be necessary to give effect to such recommendation.

If views expressed in a consultant's study are not in agreement with the final recommendation of the Commission on the subject, the consultant may be asked to review pertinent parts of the study. The consultant is not required, however, to conform the study to the views of the Commission, nor are any portions of the study eliminated when the study is published merely because they are inconsistent with the final

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1. Minutes, June 1955.
 2. Minutes, June 1955.
 3. Statement of existing practice.
 4. Minutes, June 1955.

action of the Commission.⁵ Whenever possible, the consultant's study is published in a California law review and may be republished in the Commission's recommendation.⁶ In some cases, a study may be published only in the Commission's recommendation.⁷ Studies are printed with a note explaining that the views expressed are not necessarily the views of the Commission.⁸

REPORT ON STATUS OF RESEARCH STUDIES

The Executive Secretary is to submit for Commission review approximately every six months the status of each research study being prepared by an outside research consultant.⁹

COPIES OF PRINTED REPORTS

All research consultants are given 25 copies of their printed studies and requests for additional copies will be entertained by the Commission.¹⁰

CERTIFICATES FOR CONSULTANTS

It is the practice of the Commission to present a certificate of distinguished service to consultants who satisfactorily complete their work for the Commission.¹¹

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5. Minutes, August 1960.
 6. Statement of existing practice.
 7. Statement of existing practice.
 8. Statement of existing practice. See also Minutes, March 1961.
 9. Minutes, April 1971.
 10. Minutes, May 1956.
 11. Statement of existing practice.

CHAPTER SIXPRINTING AND DISTRIBUTION POLICIES

SENDING RESEARCH CONSULTANT'S STUDY TO PRINTER

The Executive Secretary determines when a research consultant's study should be sent to the printer for preparation of copy to be used to prepare camera-ready copy.¹ However, no pamphlet containing the recommendation of the Commission and the consultant's study is printed without prior authorization from the Commission.

PUBLICATION OF COMMISSION MATERIAL IN LAW REVIEWS

A reasonable effort is made to distribute studies to various law reviews in a fair manner.² A letter should be obtained from the law review stating that the Commission itself may republish the article in its pamphlet containing its recommendation to the Legislature.

Studies may be published in law reviews if they are accompanied by the substance of the following note:

This Article was prepared to provide the California Law Revision Commission with background information to assist the Commission in its study of this subject. The opinions, conclusions, and recommendations contained in this Article do not necessarily represent or reflect the opinions, conclusions, or recommendations of the Law Revision Commission.

No tentative recommendation may be published in a law review unless Commission permission is first obtained.³ If a tentative recommendation is published in a law review or otherwise distributed, it should be accompanied by the substance of the following note.⁴

This tentative recommendation is published here so that interested persons will be advised of the Commission's tentative conclusions and can make their views known to the Commission. Any comments sent to the Commission will be considered when the Commission determines what recommendation it will make to the California Legislature.

1. Minutes, March 1960, revised to reflect changes in printing procedures.
2. Minutes, June 1966.
3. Minutes, December 1965.
4. Minutes, June 1966.

The Commission often substantially revises tentative recommendations as a result of the comments it receives. Hence, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

NUMBER OF COPIES PRINTED

Ordinarily 1,600 copies of each Annual Report and each recommendation and study are printed.⁵ The State Printer holds 500 of these copies (unbound) for incorporation into the bound volume of Commission reports, recommendations, and studies.⁶ Five hundred copies of the bound volume are printed. In some cases, more copies may be printed.

DISTRIBUTION

Bound volumes. A copy of the bound volume is sent to each of the following:⁷

- Library of Congress
- Libraries of the U.S. Supreme Court
- California State Library
- Libraries of the California Supreme Court
- Libraries of the several district courts of appeal
- Libraries of the Judicial Council
- California county law libraries on the Commission's mailing list
- California law school libraries on the Commission's mailing list (exchange law reviews for Commission publications)
- California Continuing Education of the Bar
- Members of the Law Revision Commission (past and present)
- The Department of Justice (four offices)
- The Governor
- The Legislative Counsel
- West Publishing Company
- Bancroft-Whitney Publishing Company
- Libraries of the State Bar of California

Distribution to private law firms or to out-of-state libraries is not made.⁸ Distribution is made on an exchange basis with the New York Law Revision Commission and with similar agencies in a few other states.⁹

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5. Statement of existing practice.
 6. Minutes, August 1956.
 7. Minutes, August 1957.
 8. Minutes, May 1959.
 9. Statement of existing practice.

Copies of the bound volume also are sent to certain other persons and agencies at the discretion of the Executive Secretary.

Distribution to the members of the Legislature is not made automatically. Each legislative member of the Commission sends a letter to the legislators of the member's house reporting the availability of the bound volume and offering to send a copy upon request.

Printed recommendation and study pamphlets. Copies of all free material printed by the Commission are ordinarily sent to approximately 700 addresses, including the following:¹⁰

Members of the Legislature who indicate they want a copy
Heads of all state departments who indicate they want a copy
California State Bar
Special State Bar committees (if any)
Members of the Stanford Law School Faculty who indicate they want a copy
Law reviews published at California law schools
Legal newspapers published in California
Other persons and agencies on the Commission's mailing list not included above

When persons who are on the Commission's mailing list leave office, their successors are given the opportunity to be placed on the list.¹¹

Unpublished studies. The Executive Secretary may send a copy of an unpublished study of the Commission to a person requesting it.¹² A "warning note" is included on the study indicating that the study is not a recommendation of the Commission and that no part of the study may be published without prior written consent of the Commission.¹³

SALE OF COMMISSION PUBLICATIONS

The Commission has a liberal policy on distribution of its free printed pamphlets and distributes them upon request.¹⁴ However, where it is necessary that a charge be made for the Commission's publications,

10. Minutes, December 1956.

11. Minutes, August 1957.

12. Minutes, February 1960.

13. Minutes, February 1960.

14. Statement of existing practice. See Minutes, December 1956.

arrangements for the sale are made with the Documents and Publications Section of the Department of General Services.¹⁵

COOPERATION WITH CONTINUING EDUCATION OF THE BAR¹⁶

The Commission has published several publications in cooperation with the California Continuing Education of the Bar (CEB). These publications have been published primarily for CEB use in connection with programs designed to instruct lawyers concerning major legislative enactments which have resulted from Commission recommendations. The cost of the publication has been paid entirely or substantially by CEB and CEB handles the sale and distribution of the publication. The Commission receives about 600 copies (500 for the bound volume) for its own use in its continuing study of the new legislation.

15. Minutes, August 1962.

16. Statement of existing practice.

CHAPTER SEVENDELEGATION OF AUTHORITY CONCERNING PERSONNEL AND FISCAL MATTERSPERSONNEL AND FISCAL MATTERS GENERALLY¹

Both the Chairperson and the Executive Secretary are authorized to sign on behalf of the Commission the necessary documents giving one or more Commissioners and employees authority to sign personnel and financial documents. (As of July 1979, the Chairperson, Executive Secretary, and Assistant Executive Secretary are authorized to sign all such documents; the Administrative Assistant is authorized to sign personnel documents and certain other documents.)

The Executive Secretary is authorized to determine the particular types of documents that the Assistant Executive Secretary and other Commission employees will as a matter of practice sign.

PERSONNEL MATTERS²

Appointments, promotions to higher level positions, and involuntary terminations of persons to or from positions as Executive Secretary, Assistant Executive Secretary, and other full-time attorney positions on the Commission staff shall first be approved by the Commission. In the case of an appointment of a person to a full-time attorney position (other than Executive Secretary or Assistant Executive Secretary), the approval of the Chairperson, or the Vice Chairperson in case of the unavailability of the Chairperson, shall be obtained before the appointment is made but Commission approval is not necessary. It is understood, however, that whenever feasible the Commission or as many of the individual members thereof as is feasible shall be given an opportunity to meet and interview the persons being considered for appointment to a full-time attorney position before an appointment is made.

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1. Minutes, October 1965.
 2. Minutes, October 1965; Minutes, October 1971.

The Executive Secretary is authorized to take all actions, other than those specified in the first paragraph of this section, with respect to appointment, promotions, terminations, leave, merit increases, other salary increases, and the like, for Commission employees other than the Executive Secretary. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting with the Executive Secretary. It is understood that no such action shall be taken over the objection of the employee involved unless the Chairperson or the Commission first indicates approval of the action proposed to be taken by the Executive Secretary.

The Chairperson, and the Vice Chairperson in case of the unavailability of the Chairperson, is authorized to take all actions, other than those specified in the first paragraph of this section, with respect to appointment, termination, leave, merit increases, and other salary increases, and similar matters for the position of Executive Secretary. The Assistant Executive Secretary, and in the Assistant Executive Secretary's absence the Administrative Assistant, is authorized to approve sick leave and vacation leave requests of the Executive Secretary.

OUT-OF-STATE TRAVEL³

The Chairperson, and the Vice Chairperson in case of the unavailability of the Chairperson, is authorized to approve requests for authorization by the Department of Finance and the Governor of unbudgeted out-of-state travel by members of the Commission or its staff. (Requests for budgeted out-of-state travel are presented for approval by the Department of Finance and Governor and by submission of the necessary document by the Executive Secretary.)

RESEARCH CONTRACTS AND LEASES

The Executive Secretary is authorized to sign on behalf of the Commission all leases and contracts previously approved by the Commission.⁴

The Executive Secretary is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and the like.⁵

3. Minutes, October 1965.

4. Minutes, July 1964.

5. Statement of Existing practice.

CHAPTER EIGHTEVALUATION OF SUGGESTED TOPICSPROCEDURES FOR DETERMINATION OF NEW TOPICS¹

The decision as to which new topics will be requested for authorization at a particular legislative session ordinarily is made at one meeting during the year. Considering the various possible new topics at one meeting each year gives the Commission an overall view of all the possible new topics when a decision is made as to the new topics to be requested for authorization at a particular session.

A topic may be brought to the Commission's attention when the suggestion is received, but those topics that appear to be suitable for study should be written up for possible inclusion in the Annual Report and a determination whether to request authority to study the topics is considered at the time the Annual Report is approved for printing.

1. Minutes, September 1970.

CHAPTER NINE
CONFLICTS OF INTEREST¹

Government Code § 87100

87100. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Government Code § 87101

87101. Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Government Code § 87103 (as amended 1979 Cal. Stats. ch. ___)

87103. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty

1. Selected provisions of the Fair Political Practices Act are set out in this chapter. As of September 1979, the Commission's request for an exemption from the requirement that members of the Commission adopt an agency conflict of interest code and file financial disclosure statements is under submission to the Fair Political Practices Commission.

dollars (\$250) or more in value provided to, received by or promised to the public official within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, by any business entity controlled by the public official or by a trust in which he has a substantial interest. A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than fifty percent of the ownership interest in the entity. A public official has a substantial interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

Government Code § 87300

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

Government Code § 87302 (as amended 1979 Cal. Stats. ch. ___)

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(b) Requirements that each designated employee file annual statements and a statement upon leaving office disclosing reportable investments, interests in real property and income. The Conflict of Interest Code shall set forth for each position or category of positions enumerated under subsection (a) of this section the specific types of investments, interests in real property and income which are reportable and

the manner of reporting each item. An investment, interest in real property or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his position. The manner of reporting reportable items shall be substantially equivalent to the requirements of Article 2 of this chapter. The first statement filed under this section by a designated employee shall disclose any reportable investments and interests in real property. Statements shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code. Thereafter, new civil service designated employees shall file statements within 30 days after assuming office. All other new designated employees shall file statements not more than 10 days after assuming office or, if subject to State Senate confirmation, 10 days after being appointed or nominated. Every person who leaves an office shall file, within 30 days of leaving the office a statement disclosing reportable investments, interests in real property and income. The provisions of the Conflict of Interest Code adopted under this subsection shall not be applicable to any designated employee who is covered by Article 2 of this chapter.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making or participating in the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not legally be acted upon or decided without his participation.

GOVERNMENT CODE SECTIONS 10300-10340*

relating to the

CALIFORNIA LAW REVISION COMMISSION

Article 1. General

10300. There is created in the State Government the California Law Revision Commission.

10301. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio nonvoting member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, said Members of the Legislature shall constitute a joint interim investigating committee on the subject of this chapter and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any such office filled by appointment by the Governor, he shall appoint a person to such office, who shall hold office for the balance of the unexpired term of his predecessor.

10302. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

* Added by Section 2, Chapter 1445 of the Statutes of 1953 and amended by Section 1, Chapter 61 of the Statutes of 1960 (1st Ex. Sess.), Section 110, Chapter 371 of the Statutes of 1965, and Section 1, Chapter 228 of the Statutes of 1973.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

10303. The commission shall select one of its members chairman.

10304. The commission may appoint an executive secretary and fix his compensation, in accordance with law.

10305. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

10306. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all person connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

10307. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

10308. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 10335, advocate the passage or defeat of any such legislation by the Legislature or the approval or veto of any such legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairman. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his official capacity as such employee or member.

Article 2. Duties

10330. The commission shall, within the limitations imposed by Section 10335 of this code:

(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 reforms.

(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.

(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.

10331. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the State or the Supreme Court of the United States.

10333. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

10334. The commission may, within the limitations imposed by Section 10335 of this code, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

10335. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for such study.

10336. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office

under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

10337. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any such committee for the rendition of service, by either for the other, in the work of revision.

10338. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this chapter.

10340. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.