

Memorandum 80-77

Subject: Study D-300 - Enforcement of Judgments (Approval for Printing of Tentative Recommendation)

The staff has provided you with a draft of the proposed statute on enforcement of judgments, with Comments, and the preliminary portion of the recommendation attached to each portion of the proposed legislation. We will need to put this in the form of a recommendation with a preliminary portion that explains the recommendation, followed by the proposed legislation and Comments. We also will include in the publication (1) a Comment to each of the sections to which a conforming revision is required (with only the full text of those sections that are significantly amended set out) and (2) a Comment to each repealed section.

Many changes have been made in the tentative recommendation distributed in March 1979 in Xerox form. The material produced since then has not been in a form that is easy to review and this may be the reason we have not received any significant number of comments on the material produced since March 1979. The staff believes that we need to produce a tentative recommendation in the form of a printed pamphlet. We can then have the proposed legislation introduced at the 1981 session. Interested persons and organizations can review the package of bills introduced and the printed tentative recommendation. The Commission can consider the comments we receive on the introduced bills and make any needed changes in the bills. We will seek to have the bills enacted as two-year bills.

Assuming that the Commission covers all of the material relating to this recommendation at the September meeting, the staff will face a substantial job in checking and making necessary technical and conforming changes to the material before we can prepare the material for the printer. We could prepare a revised copy of the entire recommendation for consideration by the Commission before it is printed. However, we wonder if the Commission wishes to go over the material again after it has been considered at the September meeting. Perhaps the Commission would want to review particular portions of the proposed legislation rather than the entire statute before it is printed.

The Commission may prefer to review the material in the form of a printed tentative recommendation and to delay that review until we have comments of interested persons and organizations. We expect that persons will be more motivated to review the material if it has been introduced in the form of bills.

We expect that it will take three months from the time we have the material revised until it can be transmitted to the printer. We will need to insert directions to the computer in the copy and the word processing technician who does this may not remain on the staff after December of this year.

Because of the lack of input from interested persons and organizations, the staff believes that the recommendation should be submitted as a tentative recommendation rather than as a recommendation.

Respectfully submitted,

John H. DeMouilly
Executive Secretary