

Memorandum No. 8

One thing which was apparent at the recent Session of the Legislature is that most members of the Legislature know little and understand less about the Law Revision Commission and the purposes for which it exists - at least as we understand those purposes. This lack of knowledge made it difficult, in several situations, for us to communicate effectively with committees about the matters for which we were responsible.

Another thing, related to the first, which was clear was that few, if any, members really understood the matters which we brought before them. The measure of success which we achieved was not due to the fact that we were able to explain what we were trying to do so much as it was to being taken on faith because we were the Commission. Given the time pressures on the members and the complexity of the matters which we brought before them, nothing else could reasonably have been expected.

It seems to me, therefore, that the Commission should begin now to think about how to remedy this situation - i.e., about ways in which we can communicate with at least some members of the Legislature in circumstances where there is a reasonable chance of being heard and understood. To get such a discussion started, I offer the following ideas:

1. Perhaps we should plan to close our books, so to speak, for a Session as early as October 1 of the preceding year so that our report can be printed and given to the members not later than November 1. Senator Cobey remarked at the Senate Judiciary Committee hearing on our agenda resolution that he hoped we would get our reports out well in advance of each Session. I think that at least some members would read our report if it got to them at so early a date.

2. I suggest that the commission's bills be introduced at the earliest possible time. Then, as soon as committee chairmen are designated I suggest that we approach the chairman of each committee to which a commission bill is assigned with a request that he appoint a subcommittee to meet with commission representatives (preferably during January and February) to consider the bill. Perhaps, if this were done in both houses we could persuade the subcommittees of the same committees in both to meet jointly. Finally, I think that we should try to get each bill set for hearing before a committee at the earliest possible date - i.e., as soon as its subcommittee has met. If this procedure is feasible I believe that it would go far both to acquainting a number of the members with the commission generally and to assure a consideration of our bills on their merits.

3. I suggest that the commission consider the possibility of maintaining liaison with interim committees working in the general areas in which its studies fall. I have suggested, for example, in the memoranda on the Inheritance Tax and Fish and Game Code studies that the appropriate interim committees might be told of these assignments and asked for their views about them as well as informed, from time to time, of the progress of the study. This might be done in the case of each study which the Commission undertakes. In the case of the interim Judiciary Committees we might even suggest that each of them appoint a subcommittee with which the commission could maintain liaison because most of our studies will fall in their areas of interest.

There are undoubtedly some disadvantages in this proposed procedure. It would create additional problems of administration in doing our work. I think that there may be some danger that some interim committees would attempt to take over or at least substantially to influence the commission's

work. Against this must be balanced what seems to me to be the considerable advantage of being able to say to a committee during a session that its interim committee was kept informed about a particular study while it was being made.

Respectfully submitted,

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Executive Secretary

JRM:tb