

Memorandum 88-78

Subject: Authority of Commission to Study Minor and Technical Matters

At the September meeting the Commission reviewed letters from persons suggesting that the Commission propose legislation to cure various minor or technical problems in the codes in areas the Commission is not currently authorized to study.

The staff noted that because of the frequency with which the Commission receives suggestions for minor statutory revisions to correct technical and other problems, it may be appropriate to seek permanent legislative authority to study and make recommendations concerning these minor matters.

The Commission asked the staff to obtain Commissioner Gregory's views on this possibility. The staff has spoken with Commissioner Gregory, who believes that such authority for the Commission would be useful. He does not know how the Legislature would react to the proposal, but suggests that if legislators are concerned about the Commission getting into inappropriate areas, we could limit the authority to a five-year trial period to see how it works.

A provision could be added to the Commission's enabling statute along the following lines:

Gov't Code § 8298 (added). Minor and technical revisions

8298. The commission may study and recommend revisions to correct minor or technical defects in the statutes of the state, without prior concurrent resolution of the Legislature referring the matter to it for study.

The explanation in the Annual Report of this addition to the Commission's enabling statute would point out that:

As a general rule, the Law Revision Commission may study only matters referred to it by concurrent resolution of the Legislature. Government Code § 8293. However, the Commission frequently receives letters pointing out technical and minor substantive defects in the statutes that could and should be easily and simply cured with no significant commitment of Commission resources. The Commission should be authorized to recommend such obvious changes to the Legislature without the added time and expense involved in

obtaining a prior concurrent resolution of the Legislature authorizing a Commission study of the matter. The authority of the Commission to study and make recommendations to the Legislature without prior concurrent resolution would be limited to correction of minor or technical defects.

Respectfully submitted,

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