Study E-100 March 19, 1998

## First Supplement to Memorandum 98-18

## **Environment Code: Division 1 (Rules of Construction and Definitions)**

We received a letter from Robert A. Ryan, Jr., representing the California County Counsels' Association, regarding Divisions 1 and 2 of the proposed Environment Code. This letter is attached.

Respectfully submitted,

Brian Hebert Staff Counsel



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March 17, 1998

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California Law Revision Commission 4000 Middlefield Road, Room D-1 Palo Alto, CA 94303-4739

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Re: Environmental Law Consolidation

Dear Commissioners:

As was previously communicated to you, the California County Counsels' Association (CCA) has created a committee to monitor and comment upon your effort to create an Environment Code. We appreciate the opportunity to review the drafts of Divisions 1 and 2 of this new code. While we continue to be of the opinion that a non-substantive reorganization of the State's environmental laws is neither wise nor necessary, we look forward to a continuing dialog regarding your staff's efforts in this regard.

To that end, while the bulk of the material available appears to conform to the goal of non-substantive changes to existing law, we are concerned regarding the language of Section 4. It is understood that the language of this transition section is, in large part, identical to provisions in the Family Code and the Probate Code. However, the reorganization of the latter Codes accomplished substantive changes.

Absent substantive changes, there is no need to provide a mechanism for complying with the "new law" which includes the act adopting the Environment Code. No process

We understand that Division 3, relating to Air Quality, is to be sent prior to the March 20, 1998, meeting of the Commission to consider this matter. Insofar as we have not yet received that draft, substantive comments, if any, will be made after your March 20 meeting. Additionally, given the volume of the draft of Division 2 and the time period in which it was received, additional comments regarding that draft may be made.

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should change as a result of its adoption nor should acts taken prior to that time need to be grandfathered to remain licit. Frankly, Section 4 assumes that there will be substantive changes to existing law.

Sincerely,

ROBERT A. RYAN, JR.

County Counsel

cc: Ms. Ruth Sorensen