

Admin.

February 24, 2020

## Memorandum 2020-10

**Handbook of Practices and Procedures**

---

The Commission<sup>1</sup> has long maintained an informal *Handbook of Practices and Procedures* to memorialize its decisions about how it operates.<sup>2</sup> A similar handbook was prepared for the Committee on Revision of the Penal Code (“CRPC”).<sup>3</sup>

Because the Commission and the CRPC share a common budget, without formal differentiation, the staff recommended that the following coordination provision be included in the CRPC’s *Handbook*:

**800. California Law Revision Commission**

(a) Before proposing any extraordinary expenditure of funds or other resources, the Chairperson will consult with the Executive Director about the effect of the expenditure on the Law Revision Commission. The Executive Director has sole discretion to require that the expenditure be approved by the Law Revision Commission before it is made.<sup>/fn/</sup> The Law Revision Commission shall not unreasonably withhold its approval.

(b) For the purpose of this section, “extraordinary expenditure of funds or resources” means an expenditure that exceeds the allocation to the Committee provided in the State Budget.

<sup>/fn/</sup> The Executive Director is personally liable for any expenditure in excess of the amount approved in the State Budget. Gov’t Code § 13324 (“Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or

---

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See, e.g., Memorandum 1969-145.

3. See CRPC Memorandum 2020-1.

with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.”).

The purpose of that provision, which was approved by the CRPC along with the rest of its proposed *Handbook*, was to provide a method for making expenditure decisions if the CRPC were to propose spending funds that might otherwise be needed by the Commission.

The staff does not expect that there will be any problems with the allocation of agency resources between the Commission and CRPC, but thought it best to put a process in place before it is needed.

When the provision set out above was proposed to the CRPC, the staff indicated that a reciprocal provision would be proposed to the Commission, for inclusion in its *Handbook*. That is the purpose of this memorandum. **The staff recommends that a provision along the following lines be added to the Commission’s *Handbook of Practices and Procedure*:**

#### **800. Committee on Revision of the Penal Code**

(a) Before proposing any extraordinary expenditure of funds or other resources, the Chairperson will consult with the Executive Director about the effect of the expenditure on the Committee on Revision of the Penal Code. The Executive Director has sole discretion to require that the expenditure be approved by the Committee on Revision of the Penal Code before it is made.<sup>/fn/</sup> The Committee on Revision of the Penal Code shall not unreasonably withhold its approval.

(b) For the purpose of this section, “extraordinary expenditure of funds or resources” means an expenditure that exceeds the allocation to the Committee provided in the State Budget.

<sup>/fn/</sup> The Executive Director is personally liable for any expenditure in excess of the amount approved in the State Budget. Gov’t Code § 13324 (“Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.”).

**Should such a provision be added to the Commission’s *Handbook*?**

Respectfully submitted,

Brian Hebert  
Executive Director