



California Law Revision Commission

Handbook of Practices and Procedures

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HANDBOOK OF COMMISSION PRACTICES AND PROCEDURES

PART 1. PRELIMINARY PROVISIONS

10. Handbook contents¹

(a) This Handbook memorializes some of the Commission’s current practices and procedures.

(b) Some provisions in the Handbook are the result of a formal Commission decision. In those instances, a footnote cites the Minutes for the meeting at which the decision was made.

(c) Some provisions describe informal practices established over time, without formal adoption by the Commission. No citation is provided for these informal practices.

(d) Governing statutes are cited for practices based on statutory requirements.

(e) The staff has discretion to make nonsubstantive revisions of this Handbook as needed without Commission approval.²

15. Handbook is nonregulatory

(a) The provisions of this Handbook are not regulations. They relate primarily to internal matters and do not bind the Commission or the public.

(b) Despite their nonbinding nature, the Commission is strongly encouraged to follow the provisions in this Handbook.

(c) The Commission may waive or change provisions in this Handbook, except for those based on statutory requirements.

20. Handbook is a public document

This Handbook is a public document. It shall be made available on the Commission’s [website](#).

25. Definitions³

For the purposes of this Handbook, the following terms are defined as follows:

(a) “Agency” means the California Law Revision Commission and the Committee on Revision of the Penal Code.

(b) “Background report” means a report prepared for the Commission by a subject matter specialist who is retained as a consultant, or prepared by the Commission staff.

(c) “Bound Volume” means a hardbound book containing an official compilation of the Commission’s final reports, recommendations, and studies submitted to the Legislature over a specified period of time.

¹ Memorandum [2025-48](#), p. 14.

² [Minutes](#) (Aug. 2018), p. 3.

³ Memorandum [2025-48](#), pp. 14-16.

(d) “Calendar of Topics” means the list of studies the Commission is required by Government Code Section 8293 to submit to the Legislature each regular session, including a list of the studies in progress and a list of topics intended for future consideration. The Calendar of Topics forms the basis for the Resolution of Authority as approved by the Legislature.

(e) “Commission bill” means legislation introduced to implement a Commission recommendation.

(f) “Commission Comment” means the Commission explanation for the nature of each proposed statutory revision. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(g) “Discussion draft” means a preliminary version of a Tentative Recommendation, issued for purposes of soliciting comment before formal public comment on a Tentative Recommendation.

(h) “In-person meeting” means a meeting at which all Commissioners attending the meeting are physically present.

(i) “Preprint report or recommendation” means a Commission report or recommendation that, except for possible technical errors, is final as to content, but has not yet been formatted for publication in a Bound Volume.

(j) “Recommendation” means a final Commission report that recommends a specific change to statutory law.

(k) “Report” means a final Commission report that provides information and analysis without recommending any specific change to statutory law.

(l) “Resolution of Authority” means the concurrent resolution of the Legislature granting the Commission authority to study specified topics, as set forth in Government Code Section [8293](#).

(m) “Revised Report or Recommendation” means a substantively amended Commission Report or Recommendation.

(n) “Revised Comment report” means a report that identifies changes made to previous Commission Comments in a Commission Recommendation to correct technical errors or conform to the effect of amendments to a Commission bill.

(o) “Staff” means state employees working for the Commission, and not contractors, consultants, or other persons hired for individual projects by the Commission.

(p) “Teleconference meeting” means a meeting, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.

(q) “Tentative Recommendation or Report” means a recommendation or report that has been tentatively approved by the Commission as a final recommendation or report in a study, subject to revision based on public comment that the Commission finds persuasive received during a specified comment period, or for other reasons the Commission finds persuasive.

PART 2. GENERAL PROVISIONS

CHAPTER 1. MISSION AND AUTHORITY

50. Mission

(a) The Commission studies topics assigned by the Legislature to recommend statutory reforms that improve the law.

(b) Some Commission studies address purely technical reforms, such as error correction and restatement of the law. Others involve substantive policy reforms, or a mixture of both technical and policy reforms.

(c) The Commission's goal is to improve the fairness and efficiency of California law through an open, participatory, and even-handed deliberative process.

(d) The Commission is politically neutral. It strives to develop balanced reforms that accommodate competing policy interests.

55. Authority

(a) The Commission may only study topics authorized by concurrent resolution or statute.⁴

(b) The Commission shall include a Calendar of Topics in each annual report. The Calendar of Topics shall include the authority for any new studies and continue the Commission's existing authority. However, the Commission may remove a topic that is unlikely to receive further study.⁵

(c) At least once per legislative session, the staff shall seek introduction of a Resolution of Authority to authorize the most recent Calendar of Topics.⁶

(d) The Commission has general authority to correct technical and minor substantive defects in the statutes without a specific grant of authority from the Legislature.⁷

60. New topics⁸

(a) Any person or organization may propose a topic for Commission study.

(b) A Commissioner may propose a study topic at any time.

(c) Any person who proposes a new topic for study, including a Commissioner, is encouraged to provide written background that describes with specificity the legal problem or problems proposed to be studied and reformed.

⁴ Gov't Code § [8293](#).

⁵ *Id.*

⁶ Gov't Code § [8293](#); [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), p. 8.

⁷ Gov't Code § [8298](#).

⁸ [Minutes](#) (Sept. 1970), p. 8; revised to reflect current practice.

(d) A proposed topic may be brought to the Commission’s attention at any time, but proposed topics should be considered as a group in an annual staff memorandum entitled “New Topics and Priorities.” This memorandum allows the Commission to prioritize topics for study.

(e) New topics in the Calendar of Topics needing authority for study shall be included in the next proposed Resolution of Authority.⁹

65. Proposed legislation affecting Commission

(a) The staff should notify the Commission when the staff becomes aware of pending legislation directly affecting the Commission.¹⁰

(b) The Executive Director may communicate with the Legislature about the practicability of a potential new study assignment.

70. Deference to prior recommendations

The Commission should not recommend changes to laws enacted on Commission recommendation absent sufficient justification.¹¹

CHAPTER 2. COMMISSIONERS

100. Commissioners

(a) The Commission has ten Commissioners. Seven are appointed by the Governor. One is a member of the Assembly appointed by the Speaker of the Assembly, another is a member of the Senate appointed by the Senate Committee on Rules. The Legislative Counsel is an ex officio Commissioner.¹²

(b) The Commissioners appointed by the Governor serve four-year terms.¹³

(c) If a Commissioner is not reappointed, that Commissioner may serve until replaced¹⁴ or for 60 days after the end of the term,¹⁵ whichever comes sooner.

105. Commissioner ethics¹⁶

(a) Commissioners are considered state employees and are subject to the legal and ethical requirements that govern state employees.

(b) Information about those requirements can be found at the following websites:

(1) [Fair Political Practices Commission](#)

(2) [Ethics Training Course](#)

⁹ See [Section 55](#).

¹⁰ [Minutes](#) (Oct. 1986), p. 4.

¹¹ [Minutes](#) (Dec. 1971), p. 3.

¹² Gov’t Code § [8281](#).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Gov’t Code § [1774](#).

¹⁶ [Minutes](#) (Aug. 2018), pp. 1-2.

(3) [California Department of Human Resources](#)

110. Commissioner duties

(a) The most important duty of a Commissioner is to attend the Commission's meetings. Attendance is critical to achieving a quorum, which is a prerequisite to taking action at a meeting. Full attendance also improves the Commission's deliberative process by ensuring that a range of views are represented.

(b) Commissioners are presumed to have read all the material to be considered at a meeting.

115. Compensation

When attending a Commission meeting, Commissioners are entitled to statutory per diem and the reimbursement of actual expenses, including travel expenses. Commissioners receive no other compensation for service on the Commission.¹⁷

120. New Commissioners

When a new Commissioner takes office, the Executive Director shall brief the new Commissioner to provide a detailed introduction to the Commission's process and current work. New Commissioners will be provided with a copy of this Handbook and other introductory materials.

123. Commissioner voting

The presiding officer may hold the voting roll open to allow an absent Commissioner to vote on a motion before the end of the meeting.

125. Legislative Commission member voting

(a) To ensure compliance with statutory¹⁸ and Constitutional¹⁹ limitations, the Commission's legislative members may not vote on any matter that implicates the sovereign powers of the State, including, but not limited to, voting on contracts or personnel matters.

(b) Nothing in this section affects the authority of the Commission's legislative members to participate in the development of a law reform recommendation for submission to the Legislature. Such participation includes, but is not limited to, voting on the following matters:

- (1) Approving the Commission's work priorities.
- (2) Requesting new study authority.
- (3) Directing staff work on studies.
- (4) Approving a background report, discussion draft, tentative report or recommendation, or final report or recommendation.

¹⁷ Gov't Code § [8282](#).

¹⁶ Gov't Code § [8281\(b\)](#).

¹⁹ Cal. Const. [art. III, §3](#); [art. IV, § 13](#).

(5) Deciding whether an amendment to a Commission bill is compatible with the Commission's recommendation.

(6) Approving a Revised Comment Report to conform to an amendment to a Commission bill.

CHAPTER 3. OFFICERS

150. Officers

(a) Commission officers are the Chair²⁰ and the Vice Chair. The terms of office are one year.

(b) Commissioners shall elect the Commission officers at the end of the last meeting of the calendar year, and the terms for new new officers are effective immediately.²¹

(c) In case of an officer vacancy, the Commission shall elect an officer to fill the vacancy for the remainder of the vacant term.²²

(d) No officer is eligible to succeed themselves in the same office in which the officer has served a full term.²³ However, an officer who has served less than a full term may succeed themselves in the same office for a full term.²⁴ If the Chair is reelected to office under this provision, the incumbent Vice Chair is eligible for reelection even though reelection may result in the Vice Chair succeeding themselves for another full term.²⁵

(e) Before the terms of the Chair and Vice Chair end, the staff will prepare a memorandum entitled "Election of Officers" for the Commission to consider at an upcoming meeting. This will provide an opportunity for the Commission to elect officers for the coming term.

155. Officer duties

(a) The Chair officiates at Commission meetings. Between meetings, the Chair may consult with the staff about legislative developments or administrative matters. Such consultation includes, but is not limited to, the following:

(1) Provisional approval of an amendment to a Commission bill.

(2) Approval of staff-drafted revisions to a tentative recommendation or report.

(b) If the Chair is unavailable or the office is vacant, the Vice Chair shall perform the Chair's duties.²⁶

²⁰ Gov't Code § [8283](#).

²¹ Memorandum [2025-48](#), p. 3.

²² *Id.*

²³ [Minutes](#) (Jan. 1960), p. 3.

²⁴ [Minutes](#) (Dec. 1960), p. 2.

²⁵ [Minutes](#) (Jan. 1962), p. 2.

²⁶ [Minutes](#) (Jan. 1995), p. 3.

(c) If both the Chair and Vice Chair are absent at any point in a meeting, or are unavailable to take required action between meetings, any Commissioner may act as a temporary Chair until an officer becomes available.²⁷

160. Recognition of service

The Commission will recognize Commissioners' service on the Commission at five and ten years.²⁸

CHAPTER 4. STAFF

200. Executive Director

(a) The Executive Director serves as the administrative head of the Agency and represents the Commission to the Executive Branch and Legislature.

(b) Unless otherwise indicated, any of the acts in this Handbook that may be done by the Executive Director may also be done by a staff member designated by the Executive Director.²⁹

205. Reporting structure

(a) Between meetings, the Executive Director reports to the Chair. At a Commission meeting, the Executive Director reports to the Commission as a body.

(b) The Chief Deputy Director reports to the Executive Director.

(c) Other staff attorneys report to the Chief Deputy Director.

(d) Administrative staff report to the Chief Deputy Director.

210. Personnel action³⁰

(a) The appointment, promotion, or involuntary termination of the Executive Director or Chief Deputy Counsel shall first be approved by the Commission.

(b) The appointment, promotion, or involuntary termination of staff counsel shall first be approved by the Chair. Commission approval is not required.

(c) Except as otherwise provided in this section, the Executive Director is authorized to take all actions with respect to appointments, promotions, terminations, leave, merit and other salary increases, and the like for Commission employees other than the Executive Director. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting with the Executive Director.³¹

²⁷ [Minutes](#) (Feb. 2010), p. 3; [Minutes](#) (June 2007), p. 2; [Minutes](#) (July 1998), pp. 2-3.

²⁸ [Minutes](#) (December 2025); see also Memorandum [2025-48](#), p. 4.

²⁹ [Minutes](#) (May 2005), p. 3; see also Memorandum [2005-15](#), p. 8.

³⁰ [Minutes](#) (Oct. 1971), see also Memorandum [71-74](#), pp. 16-17; [Minutes](#) (Oct. 1965) pp. 4-5.

³¹ Memorandum [2025-48](#), p. 4.

(d) Except as otherwise provided in this section, the Chair is authorized to take all actions with respect to appointments, termination, leave, merit and other salary increases, and similar matters for the Executive Director.

(e) The Chief Deputy Director is authorized to approve leave requests of the Executive Director.

215. Incompatible activities³²

Each employee shall notify the Executive Director of any outside activities that might reasonably be deemed incompatible, inconsistent, or in conflict with the employee's duties to the Commission under either Government Code [Section 19990](#) or the Commission's Incompatible Activities Statement.

PART 3. STUDY PROCESS

250. Commencement of study

(a) Some studies begin with the preparation of a background report by a consultant, but most studies begin with staff doing the necessary background research and analysis.

(b) At the commencement of a new study and as appropriate, the staff shall reach out to groups and individuals anticipated to have an interest and expertise in the study subject and invite their participation. Interested parties are encouraged to add themselves to the Commission's electronic notice list for the study. The staff shall provide the Commission with a list of the groups and individuals invited to participate.³³

(c) When commencing a new study that is part of the Calendar of Topics authorized by concurrent resolution, the Executive Director shall submit a detailed description of the scope of work to the Chairs and Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study. If during the course of the project there is a major change to the scope of work, the Executive Director shall submit a description of the change to those groups. In recent years, this requirement has been included as a condition in the Commission's Resolution of Authority.³⁴

255. Staff memoranda

(a) Staff shall prepare memoranda that provide background information, the results of legal research and analysis, public comments, and draft legislation.

³² [Minutes](#) (Feb. 2013), p. 3.

³³ [Minutes](#) (Oct. 2014), p. 3.

³⁴ See, e.g., [2016 Cal. Stat. res. ch. 150](#) (ACR 148, Chau).

(b) Each staff memorandum shall include a footnote on the first page that any comments received will be a part of the public record and may be considered at a public meeting.³⁵

(c) The Commission shall consider these memoranda and address the matters discussed in the memoranda or that come up during discussion of the memoranda.

(d) The staff shall present these memoranda orally at the Commission's meetings, making sure that all decision points are presented for Commission action. In presenting a memorandum, the staff will presume that the Commissioners are familiar with its content.

260. Tentative recommendation or report

(a) The staff will prepare a draft tentative recommendation or report after the Commission has made provisional decisions about the study's final determination. A tentative recommendation or report shall include:

(1) A one page summary of the presented problem, and if a tentative recommendation, the proposed solution.

(2) A narrative explanation of the problem and any proposed solution.

(3) If a tentative recommendation, draft legislation to implement the proposed reform and an official Comment for every section of the proposed legislation.

(b) Following Commission approval, a tentative recommendation or report shall be released to the public for review and comment for the period specified in the recommendation or report.

(c) A notice on the cover of a tentative recommendation or report shall state that any comments received will be a part of the public record and may be considered at a public meeting.

265. Public comment

(a) The Commission welcomes public comment at all stages of its study process.

(b) Comments can be submitted in a formal letter, by email, or by oral testimony at a meeting.

(c) The Commission shall consider all public comment on a tentative report or recommendation and decide whether to make any changes as a result.

(d) If the changes made to a tentative report or recommendation are significant, the Commission may decide to release a Revised Tentative Report or Recommendation (titled Revised Report or Revised Recommendation) and conduct a further round of public comment.

270. Final Recommendation or report

(a) After the Commission has considered all public comment on a tentative recommendation or report and has reached the end of deliberation, the staff shall

³⁵ [Minutes](#) (Feb. 2010), pp. 3-4; [Minutes](#) (May 2005), p. 3; see also Memorandum [2010-1](#), p. 6; Memorandum [2005-15](#), pp. 3-4.

prepare a draft of a final recommendation or report for the Commission's consideration. A final recommendation or report contains the same content as a tentative recommendation or report, except that it does not invite public comment.

(b) When the Commission approves a staff draft as its final recommendation or report, the recommendation or report shall be prepared for publication and distribution.

(c) Occasionally, when time is of the essence, the Commission may approve a final recommendation or report subject to minor changes that have not yet been drafted. The staff shall draft the changes, subject to final approval by the Chair.

275. Prefatory note³⁶

Each final recommendation shall include a prefatory note stating:

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent Annual Report.

277. Commission Comments³⁷

(a) Each code section proposed to be added, amended, or repealed by a final recommendation is followed by a Commission Comment briefly explaining the nature of the proposed revision of the section. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(b) When a Commission bill is enacted, the Comments to revised code sections are submitted to legal publishers who thereafter publish the Comments, with attribution to the Commission, immediately below the published revision of the code section.

280. Dissents

Dissenting votes of Commissioners on all or part of a recommendation or report are not reported in the report. However, any vote against approving a recommendation or report will be recorded in the Minutes for the meeting at which the recommendation or report was approved. In addition, the Commission's Annual Report states that "occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission."³⁸

³⁶ [Minutes](#) (July 2002), p. 3.

³⁷ Memorandum [2025-48](#), p. 16.

³⁸ [Minutes](#) (Aug. 1960), p. 6. See also [Minutes](#) (July 1960), p. 4.

285. Recommendation and Report distribution³⁹

The staff shall provide copies of recommendations and reports as required by statute.⁴⁰ Members of the Legislature may be sent a printed copy of a final recommendation or report upon request.

PART 4. MEETINGS

CHAPTER 1. SCHEDULING

300. Meeting dates and locations

(a) Commission meetings shall be scheduled to occur approximately once every two months, or more frequently as required. During the legislative session, meetings shall be scheduled to accommodate the schedule of the Commission's legislative members.⁴¹

(b) Best efforts shall be made to limit the duration of meetings to a single day, but the staff may propose multi-day meetings if the workload requires it.

(c) The Commission shall meet in hearing rooms that facilitate remote participation by electronic means.⁴²

(d) The staff shall present a memorandum proposing a meeting schedule for the next year in the second half of each calendar year. The Commission will decide whether to approve the proposed schedule, with or without changes.

305. Special and rescheduled meetings

The Chair is authorized to call a special meeting and to change the date, times, and place of a previously scheduled meeting when necessary. Notice of a special or rescheduled meeting shall be given immediately on the website and to the subscription list.⁴³

CHAPTER 2. PUBLIC PARTICIPATION

350. Open meetings

Meetings of the Commission are open to the public and are subject to the provisions of the Bagley-Keene Open Meeting Act.⁴⁴ Any person may attend as an

³⁹ Memorandum [2025-48](#), p. 16.

⁴⁰ See Gov't Code § [9795](#).

⁴¹ [Minutes](#) (Nov. 1996), p. 3; [Minutes](#) (Sept. 1995), p. 3; Memorandum [2025-48](#), p. 6.

⁴² [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), p. 3.

⁴³ Notice of special meetings is also governed by the Bagley-Keene Open Meeting Act. See e.g., Gov't Code §§ [11125.3](#), [11125.4](#), [11125.5](#).

⁴⁴ Gov't Code §§ [11120-11132](#).

observer and may address the Commission or participate in the discussion as authorized by the Chair.⁴⁵

355. Commissioner identification

Commissioners and staff shall be identified with a name plate or other form of identification so that members of the public are able to identify Commissioners and staff at meetings.⁴⁶

360. Teleconference meetings

(a) The Commission views itself as an advisory body for the purposes of the teleconferencing authority provided by Government Code Section [11123.5](#). The Commission reserves the right to meet via teleconference as the Commission deems appropriate and in conformance with the requirements of the Bagley-Keene Open Meeting Act.⁴⁷

(b) The staff shall consult with the Commission to determine whether particular meetings should be conducted in person or via teleconference.

(c) Commissioners may attend in-person Commission meetings via teleconference in compliance with the Bagley-Keene Open Meeting Act when Commissioners are unable to attend in person. Commissioners should notify staff at least two days in advance of the meeting to comply with the public notice requirement in Government Code Section [11123.5](#).⁴⁸

365. Written comments generally⁴⁹

A written communication to the Commission relevant to matters currently under consideration may be attached as an exhibit to a staff memorandum. In general, the memorandum will discuss the points made in the written comments. However, there may be situations in which a written communication is provided without analysis (e.g., the communication is received shortly before a meeting or has a plain meaning that does not require discussion).

⁴⁵ [Minutes](#) (Feb. 1960), p. 2; see also Gov't Code § [11125.7](#).

⁴⁶ [Minutes](#) (May 9 & 15, 1996), p. 3.

⁴⁷ [Minutes](#) (May 2024). See also Gov't Code § [11123.5](#) as amended by [2025 Cal. Stat. ch. 222](#) (SB 470, Laird) § 2; this expires on January 1, 2030.

⁴⁸ [Minutes](#) (June 2024), p. 3; Gov't Code § [11123.5](#)(d) states “[t]he state body shall provide notice to the public at least 24 hours before the meeting that identifies any Commissioner who will participate remotely by posting the notice on its internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (f).”

⁴⁹ [Minutes](#) (Feb. 2010), p. 4; [Minutes](#) (May 2005), p. 3; [Minutes](#) (March 2005), pp. 2-3; see also Memorandum [2010-1](#), pp. 6-7; Memorandum [2005-15](#), pp. 4-6.

370. Types of written comments

(a) The Commission does not ordinarily receive confidential communications. The notice on the cover of a Commission tentative recommendation or report should state that any comments received will be a part of the public record and may be considered at a public meeting.⁵⁰

(b) Although the Commission encourages persons to identify themselves and their affiliations, a communication to the Commission may be submitted anonymously. The Commission may take the anonymity of the author into account in evaluating an anonymous communication. The identity of a source may be helpful in assessing the merits of an idea or how much weight it should be given.⁵¹

(c) A communication that is off-topic, defamatory, obscene, invasive of personal privacy or confidentiality, or that is similarly inappropriate for republication shall not be reproduced as an exhibit to a memorandum unless it is redacted to eliminate the inappropriate material. Any redaction shall be clearly indicated.

(d) Email transmission details, such as time of transmission, email addresses of recipients, and personal contact information, shall be omitted when presenting an email communication. This type of omission need not be noted.

(e) A communication that is not reproduced as an exhibit may be summarized in a staff memorandum.

375. Communication to individual Commissioner⁵²

(a) Written communication addressed to the Chair or an individual Commissioner regarding a Commission study and received by the staff shall be treated in the same manner as a communication to the Commission as a whole. Communications related to a topic under study shall be treated as any other public comment. Staff shall respond to communications related to other business of the Commission.

(b) If the Chair or an individual Commissioner receives a written or oral communication from an interested person regarding a Commission study, it is recommended that the Chair or individual Commissioner inform the staff of the substance of the communication and, if possible, provide a copy of the communication to the staff.

(c) Email to Commissioners may be sent to <commission@clrc.ca.gov>.

⁵⁰ [Minutes](#) (Feb. 2010), pp. 3-4; [Minutes](#) (May 2005), p. 3; see also Memorandum [2010-1](#), p. 6; Memorandum [2005-15](#), pp. 3-4.

⁵¹ [Minutes](#) (May 2005), p. 3.

⁵² [Minutes](#) (May 2005), p. 3; see also Memorandum [2005-15](#); Memorandum [87-39](#).

380. Electronic communications⁵³

(a) Commissioners and the staff may use text messaging or social media to send or receive a message that relates to the routine conduct of the Commission’s business, such as meeting information and directions.⁵⁴

(b) The staff shall only use an official account to send or receive messages relating to the the Commission’s business. In exigent circumstances, if the staff uses a personal account for such a purpose, the staff shall forward a copy of the message to an official account.

(c) If a Commissioner uses a personal account to send or receive an email message that relates to the conduct of the Commission’s business, the Commissioner shall store the message in a location that is used exclusively for that purpose. However, emails to or from Commission staff do not need to be stored. If a Commissioner receives an email or other electronic communication that relates to the Commission’s business that is not from the staff, the Commissioner should forward that communication to the Executive Director as soon as possible for retention. This section does not apply to Commission members who are legislators.⁵⁵

(d) For the purposes of this section, “official account” means an email account within the domain “clrc.ca.gov.” “Personal account” means any email account that is not an official account.

(e) The Commission’s annual memorandum discussing “Open Government Laws” shall reiterate these practices.⁵⁶

CHAPTER 3. MEETING MATERIALS

400. Agenda⁵⁷

(a) The staff shall prepare and release a tentative agenda as soon as possible before a meeting date, followed by a final agenda no later than 10 days before the meeting date.

(b) The staff shall schedule no more work for any particular meeting than can reasonably be considered at the meeting.⁵⁸

(c) At the meeting, the Chair may change the order of items on the agenda as necessary, except for special order items designated to be heard at a specific time.

(d) The staff may schedule a special order of business to consider a topic.

⁵³ [Minutes](#) (Sept. 2017), p. 3; [Minutes](#) (Aug. 2017), p. 4; see also Memorandum [2017-40](#), pp. 2-3; Memorandum [2025-48](#), pp. 8-9.

⁵⁴ Memorandum [2025-48](#), p. 8.

⁵⁵ [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), pp. 6-7; Memorandum [2025-48](#), pp. 8-9.

⁵⁶ [Minutes](#) (Feb. 2010), p. 4.

⁵⁷ [Minutes](#) (June 1968), pp. 2-4.

⁵⁸ [Minutes](#) (Jan. 1969), p. 2.

405. Staff memoranda

(a) Ordinarily, the staff will prepare one or more memoranda for each item on the meeting agenda.⁵⁹

(b) When beneficial, the staff may prepare supplements to the memoranda listed on an agenda. Supplements provide a way to provide further information, including public comment, or to segment a lengthy discussion.⁶⁰

410. Staff-produced material

(a) All staff-produced meeting materials shall be posted to the Commission's website and the staff shall notify Commissioners and subscribers, pursuant to Section 655(c).

(b) The staff shall bring one complete set of the staff-produced meeting materials to each meeting. This set of materials will be made available for public inspection at the meeting.⁶¹

(c) In preparing meeting materials, the staff should indicate changes to a former draft of proposed legislative language or text of a Commission recommendation by some appropriate means. This may be done by written description or by the use of strikeout and underscore.⁶²

(d) The staff will attempt to post meeting materials on the Commission website no fewer than 10 days before a meeting.⁶³

415. Material received at meeting

Written public comment received at a meeting shall be attached to a memorandum and posted on the Commission's website after the meeting.

CHAPTER 4. DECISIONMAKING

450. Quorum

(a) Five Commissioners constitute a quorum.⁶⁴

(b) If a quorum is established at any time during a Commission meeting, the Commission may thereafter act for the duration of the meeting notwithstanding the absence of any Commissioner who was part of the quorum.⁶⁵

(c) If a quorum is not established at a meeting, Commissioners present may act as a subcommittee and no final action may be taken.⁶⁶ Decisions of a Commission

⁵⁹ The exceptions are for items that are limited to oral discussion (e.g., Executive Director's Report).

⁶⁰ Gov't Code § [1125](#).

⁶¹ [Minutes](#) (Feb. 2018), p. 2.

⁶² [Minutes](#) (Oct. 1987), p. 3.

⁶³ [Minutes](#) (December 2025); Memorandum [2025-48](#), p. 9.

⁶⁴ Gov't Code § [8283](#)(a).

⁶⁵ [Minutes](#) (Jan. 1993), pp. 2-3; Memorandum [2025-48](#), pp. 10-11.

⁶⁶ [Minutes](#) (Jan. 1993), pp. 2-3; [Minutes](#) (April 1987), p. 4; [Minutes](#) (April 1963), p. 6.

subcommittee may be ratified by the Commission when a quorum is attained, whether at the same meeting or a later meeting.⁶⁷

(d) The Commission may establish a quorum by teleconference in accordance with the Bagley-Keene Open Meetings Act, which the Commission follows.⁶⁸

455. Approval of actions

(a) Commission actions must be preceded by a motion approved by the Commission.⁶⁹

(b) Approving a motion requires an affirmative vote of a majority of the Commissioners voting.⁷⁰

(c) Any motion must be approved by the affirmative votes of at least three Commissioners.⁷¹

(d) A final report or recommendation must be approved by the affirmative votes of at least five Commissioners.

(e) The Chair, or other Commissioner acting as Chair, may make motions, second motions, and vote on motions in the same manner as Commissioners generally, without vacating the chair temporarily.⁷²

(f) Actions at an in-person meeting may be taken by unanimous consent. If the staff asks whether a certain action should be taken, the Chair can ask the Commission whether anyone objects. If no Commissioner objects after having been given an opportunity to do so, the action is deemed approved by unanimous consent of those present.⁷³

(g) All votes taken during a teleconference meeting shall be by rollcall.⁷⁴

(h) The Commission may give the staff informal instructions or guidance without taking formal action.

(i) The Chair may hold the voting roll open to allow an absent Commissioner to vote on a motion before the end of the meeting.⁷⁵

460. Termination of deliberations

The Chair should terminate prolonged deliberations on any matter either by bringing it to a vote when appropriate or by referring the matter to the staff for further research or redrafting.⁷⁶

⁶⁷ See, e.g., [Minutes](#) (Feb. 1997), pp. 2-3; [Minutes](#) (May 9 & 15, 1996), p. 2.

⁶⁸ See [Minutes](#) (June 1999), pp. 3-4; Gov't Code § [11123](#); Memorandum [2025-48](#), pp. 10-11.

⁶⁹ [Minutes](#) (April 1987); [Minutes](#) (Jan. 1985), p. 2; Memorandum [2025-48](#), pp. 10-11.

⁷⁰ Memorandum [2025-48](#), pp. 10-11.

⁷¹ [Minutes](#) (Jan. 1993), p. 2; [Minutes](#) (Feb. 1966), p. 2; [Minutes](#) (April 1963), p. 6; [Minutes](#) (March 1959), p. 4; Memorandum [2025-48](#), pp. 10-11.

⁷² [Minutes](#) (May 1994), p. 3.

⁷³ [Minutes](#) (June 2024), pp. 3-4; Memorandum [2024-22](#), pp. 3-4.

⁷⁴ Gov't Code § [11123\(b\)\(1\)\(D\)](#).

⁷⁵ Memorandum [2025-48](#), pp. 10-11.

⁷⁶ [Minutes](#) (March 1959), p. 4.

CHAPTER 5. RECORD

505. Meeting recordings

(a) The staff shall make an electronic recording of each meeting and post a link on the Commission's website.

(b) The recordings are public records.⁷⁷

510. Minutes

(a) The staff shall prepare draft Minutes for each meeting.

(b) The Minutes shall reflect each Commissioner's vote on each action taken. If a Commissioner abstained from voting or was not present when a vote was taken, the Minutes shall reflect that fact.⁷⁸

(c) The Minutes generally do not describe oral statements made at a meeting.⁷⁹

(d) At each meeting, the Commission shall decide whether to approve the draft Minutes of the prior meeting, with or without changes. After draft Minutes are approved, the staff shall prepare the final Minutes, including any changes approved by the Commission, for posting to the Commission's website.

PART 5. LEGISLATIVE PROCESS

550. Identifying potential authors

(a) After a final recommendation has been approved, the Executive Director shall identify legislators or legislative committees that might be interested in introducing a bill to implement the recommendation. In identifying potential authors, the Executive Director may consult with legislative staff.

(b) The Executive Director shall contact potential authors and provide a copy of the recommendation, explain its background and purpose, and answer any questions about the recommendation or the Commission's process.

555. Introduction of Commission bill⁸⁰

Although a Commission bill will generally be introduced using the precise statutory text that was recommended by the Commission, any of the following changes to the Commission's recommended language may be made before introduction:

(a) Technical changes proposed by the Office of the Legislative Counsel. These may be made at the staff's discretion.

(b) Unrelated content may be included at the discretion of the author. This is especially common when a Commission recommendation is part of an omnibus bill.

⁷⁷ [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), p. 7.

⁷⁸ [Minutes](#) (April 2015), p. 3; see also Memorandum [2015-8](#), p. 7.

⁷⁹ Exceptions include matters that involve oral reports (e.g., the Executive Director's Report).

⁸⁰ [Minutes](#) (Jan. 1959), p. 5; revised to reflect current practice.

(c) The staff may make a technical correction or other minor change that appears to be proper. Such a change shall be approved in the same way as an amendment to a Commission bill.

560. Amendment of Commission bill⁸¹

(a) The author of a Commission bill has unlimited authority to decide whether to amend a Commission bill. However, the Commission shall request that the author consult with the Executive Director before doing so.

(b) If a proposed amendment is nonsubstantive, the Executive Director may approve the amendment without first consulting either the Commission or its Chair.

(c) If a proposed amendment is substantive, the Executive Director shall take the following steps:

(1) If time permits, the Executive Director shall brief the Commission on the proposed amendment at its next meeting, before the amendment is made.

(2) If the author proposes to make a substantive amendment before the Commission's next scheduled meeting, the Executive Director shall consult with the Chair before the amendment is made. If the amendment is made, the Executive Director shall consult with the full Commission at the next scheduled meeting.

(d) When considering a proposed amendment to a Commission bill, the Commission or Chair may take one of the following positions:

(1) Approve the proposed amendment. If the amendment is made, the Commission may revise its recommendation to include the amendment.

(2) Do not approve the amendment, but find that it is compatible with the Commission's recommendation. If the amendment is made, the Commission will take no position on the amendment. However, to avoid confusion in the record, the Commission may revise its Comments to conform to the amendment.

(3) Disapprove the amendment as incompatible with the Commission's recommendation. The Commission will take no position on the merits of the amendment, but will make clear that the amendment is not based on the Commission's recommendation.

565. Staff assistance to author

(a) The staff shall offer technical assistance to a Commission bill's author by answering questions and drafting explanatory background materials. The staff shall not advocate for passage or defeat of the Commission bill.⁸²

(b) In accordance with legislative policy committee deadlines, the staff shall send an explanatory letter and a copy of the final recommendation (including any Revised Comment Report) to each member of each policy committee scheduled to hear the Commission bill. The letter shall not advocate for passage or defeat of the bill.⁸³

⁸¹ [Minutes](#) (Dec. 2010), p. 2; [Minutes](#) (Sept. 1987), p. 3; see also Memorandum [2010-51](#), p. 3.

⁸² Gov't Code § [8288](#).

⁸³ Gov't Code § [8288](#).

(c) Staff or a Commission consultant may appear as a witness at any policy committee hearing of a Commission bill. The staff's or Commission consultant's testimony shall be limited to explaining the Commission's recommendation and answering questions. The staff or Commission consultant shall not advocate for passage or defeat of the Commission bill.

(d) The staff may send letters to, or appear before, an appropriations committee that is hearing a Commission bill if requested by the author or the appropriations committee, or if the staff determines that the bill involves an important fiscal issue related to the Commission.

(e) The staff shall send an explanatory letter and a copy of the final recommendation (including any Revised Comment Report) to the Governor after a Commission bill has passed the Legislature. The letter shall not advocate for approval or veto of the bill.

570. Staff contacts with Legislature or Governor's Office⁸⁴

(a) Except as otherwise authorized by this Handbook, the staff should not contact a member of the Legislature, the Governor, or their staff about a pending Commission bill or a bill that impacts Commission work.

(b) Such contact is permitted if a person in the Legislature or the Governor's Office contacts a Commissioner or the staff for clarification about a Commission bill or a bill that impacts the Commission's work. The Executive Director or the staff designated by the Executive Director may answer questions about the bill and otherwise explain it. Care must be taken not to advocate or appear to be advocating for enactment of the Commission bill or a bill that impacts Commission work.

575. New legislators

The staff should send a letter to and attempt to meet with new legislators to provide background on the Commission and its function. The staff should explain that the Legislature sets the Commission's agenda and that the Commission provides a resource legislators should consider using where there are issues appropriate for Commission study. The staff should provide a brief overview explaining how the Commission operates and offer to provide additional information.⁸⁵

PART 6. OTHER REPORTS AND ADMINISTRATIVE DETAILS

⁸⁴ [Minutes](#) (Feb. 2010), p. 2; [Minutes](#) (May 2005), pp. 3-4; [Minutes](#) (Jan. 1971), p. 4; see also Memorandum [2010-1](#), pp. 7-8; Memorandum [2005-15](#), pp. 6-7; Memorandum [2025-48](#), p. 17.

⁸⁵ [Minutes](#) (Nov. 1994), p. 4.

CHAPTER 1. ANNUAL REPORT

605. Annual Report

(a) The Commission staff shall prepare an Annual Report and present it for the Commission's approval at the last scheduled Commission meeting of each calendar year.

(b) The Annual Report summarizes the Commission's recent and current work, provides background information about the Commission and Commissioners, reports on Commission bills, identifies any United States or California Supreme Court decisions holding a California statute unconstitutional or repealed by implication, and sets forth in appendices its governing statute and current Calendar of Topics authorized for study.

(c) The Annual Report may also include appendices containing Revised Comment Reports made to conform to amended Commission bills.

(d) The Annual Report shall state that "occasionally one or more Commissioners of the Commission may not join in all or part of a report submitted to the Legislature by the Commission."⁸⁶

610. Calendar of Topics⁸⁷

The staff shall prepare and present for the Commission's approval a memorandum on the Calendar of Topics for the upcoming year not later than the last scheduled Commission meeting of each year.

615. Special Reports⁸⁸

(a) At the discretion of the Executive Director, the staff may prepare special reports to provide the public with useful information, in a convenient form, about laws that were enacted on the Commission's recommendation.

(b) Such reports will be posted to the Commission's website. The Executive Director shall decide whether the report should also be included in a bound volume or distributed by other means.

CHAPTER 3. PUBLICATION

650. Website⁸⁹

(a) The Commission shall maintain a website at www.clrc.ca.gov containing information on past and present Commission work.

⁸⁶ [Minutes](#) (Aug. 1960), p. 6. See also [Minutes](#) (July 1960), p. 4.

⁸⁷ Memorandum [2025-48](#), p. 17.

⁸⁸ [Minutes](#) (Feb. 2010), p. 2; [Minutes](#) (March 1960); see also Memorandum [2010-1](#), pp. 1-3 & Attachments.

⁸⁹ [Minutes](#) (Feb. 2010), p. 4; current practice.

(b) Information about the Commission and on its current studies, agendas, Commission bills, minutes, and tentative and final reports and recommendations and shall be kept current on the website.

(c) Commissioners may, as an individual choice, provide their direct email or business website addresses for linking from the Commission website. The Commission may provide Commissioners' biographical information on the website if a Commissioner consents.⁹⁰

655. Electronic notice lists

(a) The staff shall maintain an electronic notice list for each of its active study topics, meeting agendas, and press releases.

(b) Members of the public may subscribe or unsubscribe to any of the Commission's electronic notice lists through the Commission's website.

(c) Electronic notice shall be sent to persons on the related electronic notice list when relevant items are uploaded to the Commission's website. The email shall include a link to the new material.⁹¹

(d) An individual shall only be required to provide an email address to subscribe to an electronic notice list. These email addresses shall not be used for any other purpose by Commissioners or the staff.⁹²

665. Mailing list privacy

If a person requests disclosure of an electronic notice list maintained by the Commission, the Commission must balance the policies of the Public Records Act requiring disclosure⁹³ against the policies of the Information Practices Act requiring protection of personal information.⁹⁴ The Commission (or the staff, as appropriate in the circumstances) should make this determination on a case-by-case basis, evaluating the specific circumstances of each particular request.⁹⁵

CHAPTER 4. REVISION OF RECOMMENDATIONS AND REPORTS

705. Revisions to conform recommendation to bill amendments

(a) The Commission may revise its recommendation to conform to an amendment made to a bill implementing a Commission recommendation. This may reflect Commission approval of the amendment or to avoid confusion in the historical record.

⁹⁰ [Minutes](#) (May 2001), p. 3; [Minutes](#) (May 1996), p. 3; see also Memorandum [2001-22](#), p. 1; Memorandum [2025-48](#), pp. 12-13.

⁹¹ [Memorandum](#) 2025-48, p. 13.

⁹² [Memorandum](#) 2025-48, p. 13.

⁹³ Gov't Code § [7921.000](#).

⁹⁴ Civ. Code §§ [1798-1798.78](#).

⁹⁵ [Minutes](#) (July 2002), pp. 3-4.

(b) If the recommendation or report is in pre-print form, such revisions can be made in the recommendation or report itself.

(c) If the recommendation or report has already been printed in a Bound Volume, and the Commission only wishes to revise its Comments, it may do so in a Revised Comment Report, which will be printed as an appendix to the next Annual Report.

(d) If the recommendation or report has already been printed in a Bound Volume and the Commission wishes to revise more than just the Comments, it may approve and print a Revised Recommendation or Revised Report that supersedes the initial recommendation or report. A Revised Recommendation or Report shall be distributed in the same way as any other recommendation or report.

710. Revision to correct error or conform to Commission policy

When preparing a final recommendation or report for publication, the staff may make any revisions necessary to conform to the Commission’s policy decisions or to correct technical defects. Commissioners may submit suggested editorial revisions to the staff for consideration.⁹⁶

CHAPTER 5. BOUND VOLUMES⁹⁷

750. Content

Each Commission recommendation, report, and Annual Report shall be published in a hardbound volume of the Commission’s REPORTS, RECOMMENDATIONS, AND STUDIES.

755. Frequency

(a) Bound volumes are published as necessary and in accordance with the volume of Commission recommendations, reports, Annual Reports, and budgetary constraints.

(b) The Executive Director shall determine when material should be printed. However, no recommendation or report shall be printed or distributed unless the contents have first been approved for printing and distribution by the Commission.⁹⁸

760. Distribution

(a) The Executive Director shall determine the number of bound volumes to order.

(b) Complimentary copies of Bound Volumes may be sent to a limited number of government officials, legal publishers, and others. Bound volumes may be sent to

⁹⁶ [Minutes](#) (Oct. 1979), p. 7; revised to reflect current practice.

⁹⁷ [Minutes](#) (Feb. 2010), p. 2; see also Memorandum [2010-1](#), p. 10.

⁹⁸ [Minutes](#) (Feb. 2010), p. 2; Minutes (March 1960); see also Memorandum [2010-1](#), pp. 9-10 & Attachments.

current Commissioners of the Commission and to Commissioners whose tenure is covered in the volume.⁹⁹

(c) Copies of Bound Volumes may be available for purchase through the Commission’s website.

(d) Bound volumes are distributed to legal depository libraries by the Office of State Publishing under the Library Distribution Act.¹⁰⁰

PART 7. COOPERATION WITH OTHER ENTITIES

800. Committee on Revision of the Penal Code

(a) Before proposing any extraordinary expenditure of funds or other resources, the Chair shall 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.¹⁰¹ 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.

805. Legislative committees

By statute, the Commission is required to confer and cooperate with any legislative committee on revision of the law.¹⁰² In practice, this typically means that the staff will provide what assistance it can in response to legislative inquiries. The staff shall make clear that any assistance it provides is informal and does not represent any position of the Commission as an entity.

810. State Bar, California Lawyers Association, and other associations

(a) The State Bar is required to “assist the commission in any manner the commission may request within the scope of its powers or duties.”¹⁰³ The staff presumes that this obligation now extends to the California Lawyers Association (“CLA”).

⁹⁹ For the current Publication Distribution Policy, see Appendix D.

¹⁰⁰ Gov’t Code §§ [14900 – 14912](#).

¹⁰¹ 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.”).

¹⁰² Gov’t Code § [8295](#).

¹⁰³ Gov’t Code § [8287](#).

(b) The Commission may cooperate with the State Bar or any other “learned, professional, or scientific association, institution or foundation” in any manner suitable for the fulfillment of the Commission’s duties.¹⁰⁴

(c) The Commission may solicit input on its studies from relevant sections of the CLA and other organizations. The staff may request those groups to provide written comment on Commission materials and to attend Commission meetings.

815. Legal publishers¹⁰⁵

(a) Shortly after the end of each year’s legislative session, the Commission shall provide legal publishers electronic copies of all Commission recommendations and final Comments for Commission bills enacted that year. These are used by the publishers to prepare annotations for affected code sections.

820. Law reviews

(a) A background report may be published in a law review if it is accompanied by the substance of the following note:

This article was prepared to provide the California Law Revision Commission with background information to assist the Commission in its study of this subject. The opinions, conclusions, and recommendations contained in this article are entirely those of the author and do not necessarily represent or reflect the opinions, conclusions, or recommendations of the Law Revision Commission.

(b) A tentative recommendation or report may not be published in a law review unless Commission permission is first obtained.¹⁰⁶ If a tentative recommendation or report is published in a law review or otherwise distributed, it should be accompanied by the substance of the following note:¹⁰⁷

The purpose of this tentative recommendation or report is to solicit public comment on the Commission’s tentative conclusions. A comment submitted to the Commission will be considered at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation or report as it is to advise the Commission that you believe revisions should be made to it.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation or report is not necessarily the recommendation the Commission will submit to the Legislature.

⁸⁹ Gov’t Code § [8296](#).

¹⁰⁵ Memorandum [2025-48](#), pp. 17-18.

¹⁰⁶ [Minutes](#) (Dec. 1965), p. 6.

¹⁰⁷ [Minutes](#) (June 1966) p. 3; current practice.

(c) A letter should be obtained from a law review publishing a Commission study or tentative recommendation or report recognizing that the Commission itself may republish the article in a Commission Bound Volume.

825. Tribal consultation policy¹⁰⁸

Consistent with the Governor's Executive Order B-10-11,¹⁰⁹ the Commission shall take all practicable steps to encourage early and frequent communication and consultation with California Native American Tribes, including all of the following:

(a) Before the Commission begins a new study, it shall send notice to Tribes explaining the scope and nature of the study, inviting consultation regarding the study, and offering to add Tribes to the electronic notice list for materials prepared as part of the study. This notice shall be sent by the Commission's Chair or Executive Director.

(b) If an official of a Tribe wishes to address the Commission at one of its public meetings, the Commission shall set aside time for that purpose.

(c) The Executive Director shall be available for consultation with representatives of Tribes on their request.

PART 8. CONSULTANTS

850. Meeting attendance

Consultants are requested to attend Commission meetings when appropriate.

855. Compensation

(a) Compensation of consultants is on a modest scale, as paid in connection with public service rather than at regular professional rates.¹¹⁰ Payment shall be made in a lump sum rather than on an hourly basis under a contract made with the consultant.¹¹¹ Partial payments may be made for completed portions of a research report.

(b) Consultants may be reimbursed for travel expenses when attending Commission meetings.

860. Statement of scope of background report

(a) The Commission considers it important that there be a clear understanding concerning the scope of the background report so that it includes an adequate discussion of those matters that the Commission believes are in need of study. For this reason, a statement of the scope of the report is prepared by the staff in cooperation with the Commission's consultant. The statement identifies those

¹⁰⁸ [Minutes](#) (Sept. 2016), p. 3; Memorandum [2016-42](#).

¹⁰⁹ Available at <https://archive.gov.ca.gov/archive/gov39/2011/09/19/news17223/index.html>.

¹¹⁰ [Minutes](#) (June 1955), p. 5.

¹¹¹ *Id.*

aspects of the topic to be studied that are considered by the Commission to be of particular importance. Where appropriate, the statement may indicate uniform or model acts or statutes of other jurisdictions that are to be considered in the background report. The statement is intended to ensure that the background study includes an adequate discussion of the matters that are described in the statement, but is not intended to restrict the consultant in any way.

(b) In some cases, the Commission may invite the consultant to meet with the Commission before commencing work on the background report to discuss the scope and methodology of the study. This will enable the Commission to gain additional understanding of the subject matter and ensure that the background study will address all of the matters the Commission believes would be useful in considering the topic.

865. Form and content of background report

(a) The consultant is completely free to determine the form and content of the background report, but the background study should include an adequate discussion of the specific matters that the statement of the scope of the study indicates should be discussed in the background report and such other matters as the consultant believes should be considered in the background report. The background report ordinarily is prepared in the form of one or more law review articles.

(b) A background report is most useful to the Commission if it includes the following:

(1) An identification of the specific problems that may require legislative action.

(2) A discussion of existing California decisional and statutory law with respect to each such problem and, where the consultant considers it useful, a discussion of uniform and model acts, statutes of other jurisdictions, and other material.

(3) The alternative methods by which each problem might be solved, the advantages and disadvantages of each alternative, and the consultant's recommendations as to which alternative is best. The consultant is completely free to make any recommendations the consultant considers appropriate or desirable.

(c) If views expressed in a consultant's report are not in agreement with the final recommendation of the Commission on the subject, the consultant may be asked to review pertinent parts of the study. The consultant is not required, however, to conform the study to the views of the Commission, nor are any portions of the report eliminated when the report is published merely because they are inconsistent with the final action of the Commission.¹¹²

(d) Whenever possible, a consultant's report should be published in a California law review or other publication and may be republished by the Commission. In some cases, a report may be published only in the Commission's reports. Reports are printed with a note explaining that the views expressed are not necessarily the views of the Commission.

¹¹² [Minutes](#) (Aug. 1960), p. 3.

870. Presentations by consultant to other persons or groups¹¹³

If a consultant makes any presentation of a background report and recommendations to any person, or legislative or other group, the consultant shall make clear at the time the presentation is made that:

(a) The consultant's recommendations are not recommendations of the Commission and do not represent the views or recommendations of the Commission.

(b) The Commission may or may not make recommendations on the particular matter and, if the Commission does make recommendations, those recommendations will be made in the Commission's printed report to the Legislature.

875. Involvement of consultant in litigation¹¹⁴

A consultant is free to continue professional activities in an area related to the subject for which the consultant was hired to advise the Commission, including involvement in litigation. However, if the consultant becomes involved in litigation on the side of a party or as amicus curiae, the consultant shall do the following:

(a) Advise the Commission of involvement in the litigation.

(b) When the person's status as a Commission consultant becomes known to the parties litigant or the court, make clear that the consultant's views do not represent the views or recommendations of the Commission and that the Commission's recommendations, if any, will be made in the Commission's printed report to the Legislature.

880. Advisers to commission consultant¹¹⁵

Although the Commission encourages consultants to seek the views of other experts and interested persons in the course of preparing a background study, the Commission does not approve the consultant setting up an advisory committee or similar named group on behalf of the Commission.

885. Additional funding of consultant reports

A consultant retained by the Commission to prepare a background report may seek grants or funding from foundations or other sources for the purpose of preparing the report, but no grant or funding shall be accepted by the consultant without the prior approval of the Commission, which approval shall be set out in the Minutes of the meeting at which the approval was given.¹¹⁶

¹¹³ [Minutes](#) (Jan. 1990), pp. 2-3; [Minutes](#) (Jan. 1982), pp. 3-4. For further discussion of this matter, see Memorandum [90-02](#); Memorandum [89-74](#).

¹¹⁴ [Minutes](#) (Jan. 1990), p. 2; see Memorandum [90-02](#), p. 2.

¹¹⁵ [Minutes](#) (Jan. 1990), p. 2.

¹¹⁶ [Minutes](#) (Sept. 1987).

890. Report on status of research studies

Periodically, the Executive Director shall submit for Commission review the status of each research report being prepared by an outside research consultant.¹¹⁷

PART 9. GENERAL ADMINISTRATION

CHAPTER 1. SIGNATURE AUTHORITY

900. Contracts and leases

(a) The Executive Director is authorized to sign on behalf of the Commission all leases and contracts previously approved by the Commission.¹¹⁸

(b) The Executive Director is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and similar items.

905. Personnel and financial documents¹¹⁹

(a) The Chair, Executive Director, and Chief Deputy Director are authorized to sign all personnel and financial documents.

(b) The Executive Director shall determine the particular types of documents that the Chief Deputy Director and other Commission staff can sign.

(c) The Chair and the Executive Director are authorized to sign any documents that must be executed to allow a Commissioner or Commission staff to sign personnel or financial documents.

CHAPTER 2. TRAVEL

950. Travel claims

(a) The staff is responsible for overseeing the travel claim process.

(b) To make a claim, a Commissioner must first complete a staff-provided worksheet and submit it to the staff. All required information must be provided and specified receipts must be attached. If required information or receipts are missing, reimbursement may be delayed or limited.

(c) From the worksheet information, the staff prepares the formal travel claim and sends it to the Commissioner for signature. The claim is then returned to the Commission office for final approval and submission to the State Controller for payment.

(d) Current information concerning travel expense regulations and claims is sent to Commissioners periodically or on request. Questions about travel claims or the procedure should be directed to the responsible staff member.

¹¹⁷ [Minutes](#) (April 1971), pp. 3-4; revised to reflect current practice.

¹¹⁸ [Minutes](#) (July 1964), p. 2.

¹¹⁹ [Minutes](#) (Feb. 2010), p. 2; see also Memorandum [2010-1](#), p. 10; [Minutes](#) (Oct. 1965), p 3.

955. Out-of-state travel ¹²⁰

The Chair is authorized to approve requests for authorization by the Department of Finance and the Governor of unbudgeted out-of-state travel by the staff. The Executive Director shall submit requests for budgeted out-of-state travel for approval by the Department of Finance and Governor.

¹²⁰ [Minutes](#) (Oct. 1965), p. 5.