

ITEM ANALYSIS OF THE BUDGET BILL

LEGISLATURE

ITEMS 1-10 of the Budget Bill

Budget page 1

**FOR SUPPORT OF THE LEGISLATURE
FROM THE GENERAL FUND**

Amount requested -----	\$11,935,437
Balance available from prior year -----	443,109
Total -----	\$12,378,546
Estimated to be expended in 1965-66 fiscal year -----	\$11,404,297
Increase (8.5 percent) -----	\$974,249
TOTAL RECOMMENDED REDUCTION -----	None

GENERAL PROGRAM STATEMENT

The Legislature meets annually in regular sessions as provided in the State Constitution, with a general session to consider any legislative matters scheduled in odd-numbered years and a session confined to consideration of the budget and related fiscal affairs in even-numbered years. In addition there may be special sessions which may or may not run concurrently with other sessions of the Legislature. General sessions are constitutionally limited to 120 days and budget sessions to 30 days. In recent years there have been a number of special sessions in addition to the regular sessions. For example, during calendar 1965 two special sessions were held in addition to the regular general session. In calendar 1964 two special sessions were held in addition to the regular budget session. The first of these ran concurrently with the budget session.

In addition to the expanded session activity described above there has also been an expansion of related interim legislative activity and of staff support.

ANALYSIS AND RECOMMENDATION

The requested appropriation to support the legislative program for fiscal year 1966-67, a 120-day general session year, is \$11,935,437. In addition there is \$443,109 available in the Senate Contingent Fund for expenditure in the budget year. The requested appropriation together with the amount reported available from the prior year exceeds the most recent actual expenditure year, also a general session year, by \$1,700,143 or 15.9 percent.

It should be noted that funds appropriated to the contingent funds are available without regard to fiscal year of appropriation and are available for expenditure beyond the end of the year in which budgeted. The Legislature has generally followed the policy of carrying balances in its contingent funds sufficient to partially support its activities for the year following the budget year.

We recommend approval as budgeted.

LEGISLATIVE COUNSEL BUREAU

ITEM 11 of the Budget Bill

Budget page 3

FOR SUPPORT OF LEGISLATIVE COUNSEL BUREAU
FROM THE GENERAL FUND

Amount requested -----	\$994,305
Estimated to be expended in 1965-66 fiscal year -----	793,326
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Increase (25.3 percent) -----	\$200,979
TOTAL RECOMMENDED REDUCTION -----	None

GENERAL PROGRAM STATEMENT

This bureau performs legal services for the Legislature. It also provides services related to the preparation of proposed legislation for other state officials and is responsible for the indexing of state laws. Workload varies with the yearly sessions of the Legislature, being lowest during the budget session years and peaking during the general session years. Services rendered during the interim to committees and members of the Legislature are a growing and significant workload factor.

The services rendered by the bureau are divided into two programs: the legal assistance program, which is the major workload function, and the indexing program, which is minor by comparison but essentially different in that the lawyer-client relationship does not exist.

ANALYSIS AND RECOMMENDATIONS

Legal Assistance Program

This program encompasses all the legal services rendered to the Legislature and members and includes drafting legislation and amendments; appending a digest to each bill and revising such digest as may be required by amendments; providing legal staff services to committees of the Legislature and members in an effort to insure that the legislation enacted by the Legislature is nonambiguous, without conflict, and is concise and clear in its meaning and intent.

The program for fiscal year 1966-67, a general session year, is to continue to provide these essential legal services to the Legislature at the same level as in prior years. The program costs for this year are estimated at approximately \$966,053.

It is estimated that the bureau will service approximately 34,000 legislative requests in the biennium running from July 1, 1966, through June 30, 1968, an increase of 7,305 over the current biennium. To accommodate this increase the bureau is requesting five new legal positions at the junior counsel level as well as two supporting clerical positions which will increase the total legal assistance program positions to 40 and the supporting staff to 27. In addition three man-years of temporary help are requested for use during the general session to augment the 15 man-years of temporary help currently authorized for that purpose.

A total of 10 new positions were authorized in the budget for the current year (8 legal, 2 clerical). Three of the legal positions were a continuation of those established administratively in midfiscal 1964-65 and of the remaining five, three were authorized for establishment at

Legislative Counsel Bureau—Continued

midyear to accommodate the added workload occasioned by passage of ACR 157 of the 1965 session which was implemented by a change in the joint rules requiring each bill as amended to carry a digest reflecting the changes required by the amendment. The bureau has serviced 2,035 legislative requests as of December 1, 1965, of the current fiscal year.

We recommend approval of this program as budgeted.

Indexing Program

This program includes the indexing of all bills introduced, the compilation and editing of all state-published codes and the statutes. These functions are performed by six positions of the permanent staff (one legal and five technical), assisted by such temporary help as may be required during the peak workload periods occasioned by the legislative sessions. The compilation and editing of state codes performed under this program are reimbursable services rendered to the State Printer.

The only firm program costs which may be broken out of the budget are those of salaries and wages and reimbursements. In fiscal 1966-67 the estimated salaries and wages are \$47,252 and reimbursement is \$19,000, thus this program will cost \$28,252 plus those portions of operating expense and equipment which may be charged to the program.

As a result of the legislative sessions of fiscal year 1964-65 approximately 2,075 bills were enacted into law and were chaptered. While this is a gross figure, no other more significant measure relating to the workload of this unit is available.

Staffing for this program has remained at its current level since fiscal year 1958-59.

We recommend approval of the item as budgeted.

LAW REVISION COMMISSION

ITEM 12 of the Budget Bill

Budget page 4

FOR SUPPORT OF LAW REVISION COMMISSION FROM THE GENERAL FUND

Amount requested -----	\$151,092
Estimated to be expended in 1965-66 fiscal year -----	125,257
Increase (20.6 percent) -----	\$25,835

TOTAL RECOMMENDED REDUCTION ----- None

GENERAL PROGRAM STATEMENT

This commission was created to review the common and statute law of the state and court decisions and recommend to the Legislature the elimination of obsolete and inconsistent provisions and substantive improvements in the law.

The commission's growth in staff and expenditures since fiscal year 1961-62 through the current year has been from 5.9 positions to an estimated seven positions and from \$89,338 to an estimated \$125,257.

Law Revision Commission—Continued

Of this increased cost, \$34,962 or 96.7 percent is due to increases in personal service costs resulting from the additional 1.1 positions, salary increases granted by the Legislature and merit salary increases.

We project the estimated cost of the commission for fiscal year 1967-68 as \$158,647 and for 1968-69 as \$166,579. It is understood the special consultant position initially requested in the budget year will not be required beyond the fiscal year 1968-69.

ANALYSIS AND RECOMMENDATIONS

The objective of the program of this 10 member commission is that of aiding the Legislature in maintaining the laws of the state as viable and appropriate to the changing complexion and needs of our society. This objective is accomplished with the assistance of a legal staff of three positions supported by one technical position, two clerical positions and one man-year of temporary help.

The Legislature on its own initiative or as recommended to it by the commission establishes topics (the commission agenda) of existing state law for analysis, review and revision and thus controls the workload of the commission. It should be noted that the commission's achievements are geared to the general session years of the Legislature when revision of general state law may be considered. Thus the commission endeavors to complete the study, review and revision of agenda topics just prior to the convening of each general session. To this extent, then, the workload varies between revision tasks accomplished during the budget session years and the presentation period during general session years.

There are now 30 topics on the commission agenda. In the budget year it is proposed that the regular staff complete at least six topics for presentation to the Legislature at the 1967 General Session. In addition it is proposed to commence work upon the topic of condemnation law and procedure including inverse condemnation law in order to make recommendations for revision of those laws at the 1969 General Session. This is to be accomplished by a consultant with special competence in this field of law.

To support this program the commission is requesting a total of \$151,092, an increase of \$25,335 over the estimated expenditures for the current year. Approximately \$21,379 of this increase results from the commission's request for a special consultant position at the assistant executive secretary level to accomplish the task of recommended revision of condemnation law and procedure as well as inverse condemnation previously mentioned. The commission intends to abolish this special consultant position when the task has been accomplished and not later than June 30, 1969. *Approval is recommended on the basis that the position is required to meet the desire of the Legislature to consider a revision of condemnation law not later than the General Session of 1969.*

The commission's accomplishments over the past two bienniums reflect the revision, presentation and passage of the statutes relating

Law Revision Commission—Continued

to sovereign immunity in the period 1961-63 and the revision and passage of the Evidence Code in the period 1963-65.

We recommend approval as budgeted.

COMMISSION ON UNIFORM STATE LAWS

ITEM 13 of the Budget Bill

Budget page 6

FOR SUPPORT OF THE COMMISSION ON UNIFORM STATE LAWS FROM THE GENERAL FUND

Amount requested -----	\$10,050
Estimated to be expended in 1965-66 fiscal year -----	10,050
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Increase -----	None
TOTAL RECOMMENDED REDUCTION -----	None

GENERAL PROGRAM STATEMENT

This seven-member commission participates in developing and promoting the adoption of uniform codes of law as a member of the National Conference of Commissions on Uniform State Laws.

ANALYSIS AND RECOMMENDATIONS

The commission's program points to the introduction of legislation by the legislative members of the commission incorporating uniform state laws developed by the national organization with the assistance of outstanding legal talent in specialized areas.

The general pattern of the program is cyclic in nature with introduction and presentation of uniform laws occurring during each general session, followed almost invariably by reference of such legislation to study during the succeeding interim and reintroduction at the next succeeding general session if the interim study supports its need.

The \$10,050 support requested for fiscal year 1966-67 is at the same level as in the current year and the major category of support, a \$6,500 contribution to the national conference, remains at the same figure as for the past two years.

Since fiscal year 1961-62 the support of the commission, other than the contribution to the national organization has increased from a low of \$1,747 in 1961-62 to \$2,307 in 1964-65. These support costs are now budgeted at an estimated \$3,550 in fiscal years 1965-66 and 1966-67. The state's contribution to the national organization budget is based upon a population formula related to the 1960 census and the adjustment reflecting that census was made in 1964 from \$2,300 to \$6,500. On the assumption that the national organization may adjust the contribution upwards and assuming year-to-year price increases we project the cost of this small agency at \$11,000 in fiscal year 1968-69.

During the recent general session of 1965 the commission sponsored 11 bills of which 10 (SB 1035-1044) were sent to appropriate committees for study during the interim and one (SB 1271), Chapter 1640 Statutes of 1965, was enacted as the Uniform Testamentary Additions to Trusts Act.

We recommend approval as budgeted.

Legislators' Retirement Fund

Items 14-15

CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND

ITEM 14 of the Budget Bill

Budget page 6

FOR STATE'S CONTRIBUTION TO THE LEGISLATORS' RETIREMENT FUND FROM THE GENERAL FUND

Amount requested	\$370,000
Estimated to be expended in 1965-66 fiscal year	360,000
Increase (2.7 percent)	\$10,000

TOTAL RECOMMENDED REDUCTION	None
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ANALYSIS AND RECOMMENDATION

Section 9358 of the Government Code provides that "the state shall contribute annually to the Legislators' Retirement Fund, an amount as estimated by the Board of Administration (of the State Employees' Retirement System), equal to so much of the benefits to be paid from the fund during the year as is not provided by the accumulated contributions of the members receiving such benefits."

The 1965-66 budget proposes to continue the present program of retirement benefits for retired legislators and those constitutional officers who elected to be members of the Legislators' Retirement System.

The Legislators' Fund is administered by one position in the State Employees' Retirement System. The sum of \$370,000, which is \$10,000 or 2.7 percent more than was appropriated for the current fiscal year, is proposed for appropriation to the Legislators' Retirement Fund for the 1966-67 fiscal year. After the payment of benefits during the budget year it is estimated there will be an accumulated surplus in the fund of \$656,786 on June 30, 1967.

We recommend approval as budgeted.

SUPREME COURT

ITEM 15 of the Budget Bill

Budget page 8

FOR SUPPORT OF THE SUPREME COURT FROM THE GENERAL FUND

Amount requested	\$1,245,131
Estimated to be expended in 1965-66 fiscal year	1,223,919
Increase (1.7 percent)	\$21,212

TOTAL RECOMMENDED REDUCTION	None
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GENERAL PROGRAM STATEMENT

The Supreme Court is the state's highest court of appeal. It consists of the chief justice and six associate justices who are assisted by a currently authorized staff of 71 positions. The court holds its sessions in San Francisco, Los Angeles and Sacramento. Headquarters are in San Francisco. Staff is assigned 61 to San Francisco, two to Los Angeles, and one to Sacramento.

We classify all activity of the Supreme Court into two programs—administration and judicial.