

Items 14-15**Legislators' Retirement Fund****California Commission on Uniform State Laws—Continued**

on Uniform State Laws but did not make an appropriation to cover California's proportionate share which was revised to \$2,300. For the current year the commission transferred \$400 of unexpended in-state travel appropriations to cover the difference in its contribution. Out-of-state travel expenses for California commissioners to attend the national conference constitute the largest expenditure (\$2,675) in the commission's budget.

We recommend approval as budgeted.

CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND**ITEM 14 of the Budget Bill****Budget page 7****FOR STATE'S CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND FROM THE GENERAL FUND**

| | |
|---|-----------|
| Amount requested | \$120,000 |
| Estimated to be expended in 1959-60 fiscal year | 152,000 |
| Decrease (21.1 percent) | \$32,000 |

TOTAL RECOMMENDED REDUCTION **None**

ANALYSIS

The 1959-60 appropriation of \$152,000 contained \$16,229 to cover the deficit for 1958-59. Mortality experience in the months following that request has been favorable to the fund. The 1960-61 budget has been drafted on the basis of a probability that there will be a carryover of \$27,259 from 1959-60 to 1960-61. Hence, the fluctuations in appropriations requested do not reflect a radical change in demand on the system.

We recommend approval as submitted.

SUPREME COURT**ITEM 15 of the Budget Bill****Budget page 8****FOR SUPPORT OF THE SUPREME COURT FROM THE GENERAL FUND**

| | |
|---|-----------|
| Amount requested | \$798,121 |
| Estimated to be expended in 1959-60 fiscal year | 796,418 |
| Increase (0.2 percent) | \$1,703 |

TOTAL RECOMMENDED REDUCTION **None**

ANALYSIS

Expenditures for support of the Supreme Court will remain on practically the same level in 1960-61 as in 1959-60. There will be important changes in the pattern of support. It is proposed to reduce the number of authorized attorney positions from 26 to 25, and to add two positions: a research assistant for Sacramento and a legal secretary for the clerk's office in San Francisco.

In addition to performing legal research, the assistant will relieve the deputy clerk in Sacramento. The legal secretary is stated to be the first increase in the clerk's staff in over a decade. In the 10 years ending June 30, 1958, the filings in that office have increased 56 percent.

Supreme Court—Continued

An increase of \$19,488 in operating expenses consists entirely of higher rental for expanded quarters in the new State Building Annex in San Francisco. Equipment for the new quarters is budgeted for 1959-60, and the decrease of \$47,319 in that category practically balances the increases in salaries and operating expenses.

We recommend approval as budgeted.

JUDICIAL COUNCIL

ITEM 16 of the Budget Bill

Budget page 9

FOR SUPPORT OF THE JUDICIAL COUNCIL FROM THE
GENERAL FUND

| | |
|---|-----------|
| Amount requested | \$217,051 |
| Estimated to be expended in 1959-60 fiscal year | 203,887 |
| Increase (6.5 percent) | \$13,164 |

TOTAL RECOMMENDED REDUCTION None

ANALYSIS

A staff increase of 1.5 positions is recommended. This consists of a full time legal secretary, and increasing one statistical clerk's position from half time to full time. These reflect the growing research program of the Judicial Council. *We recommend approval of these additional positions.*

Among the studies reported by the Judicial Council in its *Seventeenth Biennial Report* (January 5, 1959) are the following: Rules on Appeal; effectiveness of pretrial conferences initiated in 1957; and standardization of legal forms in superior courts. Since then it has undertaken a major study of personal injury litigation in relation to the establishment of a State Automobile Accident Commission. It has also been requested by the Legislature to formulate a plan for emergency criminal courts during a period of disaster.

The principal increase in operating expenses is for rental of larger quarters in the new State Office Building Annex in San Francisco. This is counterbalanced by a decrease in the equipment request. Equipment needs have been reviewed on the spot with the Judicial Council's staff.

We recommend approval of this budget as submitted.

Judicial Counsel

EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES

ITEM 17 of the Budget Bill

Budget page 9

FOR ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL
FROM THE GENERAL FUND

| | |
|---|----------|
| Amount requested | \$50,000 |
| Estimated to be expended in 1959-60 fiscal year | 45,000 |
| Increase (11.1 percent) | \$5,000 |

TOTAL RECOMMENDED REDUCTION None

Extra Compensation and Expenses of Assigned Judges—Continued

ANALYSIS

The State pays over half the compensation of all superior court judges, the proportion being determined by the population of the county. When the chairman of the Judicial Council assigns a municipal or justice court judge to sit on a superior bench, the State must pay its proportion of the salary of the judge while he is acting as a member of the superior court. Likewise, the chairman of the Judicial Council may assign justices and judges to sit in the Supreme Court and district courts of appeal. The extra compensation and expenses of justices and judges so assigned are likewise covered in this budget item.

The increase in this item is reasonable in a year during which it is unlikely that new superior court judgeships will be created to relieve the pressure in the larger counties.

We recommend approval of this item as budgeted.

**District Courts of Appeal
FIRST APPELLATE DISTRICT**

ITEM 18 of the Budget Bill

Budget page 10

**FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, FIRST
APPELLATE DISTRICT, FROM THE GENERAL FUND**

| | |
|---|-----------|
| Amount requested | \$343,896 |
| Estimated to be expended in 1959-60 fiscal year | 333,546 |

| | |
|------------------------|----------|
| Increase (3.1 percent) | \$10,350 |
|------------------------|----------|

| | |
|-----------------------------|---------|
| TOTAL RECOMMENDED REDUCTION | \$1,000 |
|-----------------------------|---------|

Summary of Recommended Reductions

| | Amount | Page | Line |
|----------------|---------|------|------|
| Temporary help | \$1,000 | 10 | 59 |

ANALYSIS

The workload in a district court of appeal is roughly proportional to the number of cases tried within its district. The 1959 Legislature increased the number of superior judgeships within the First Appellate District from 66 to 73. It is proposed to supply a judge or judges *pro tem* to handle the increasing number of writs, and to furnish as aides one legal research assistant and one senior legal secretary at a cost of \$11,340.

Merit and statutory salary increases amount to just under \$9,000. An increase in temporary clerical help from 0.3 to 0.5 of a position accounts for another \$1,000 increase. The justification offered is for vacation relief and temporary replacements for persons on military leave. In view of the fact that there are two or more persons in every category except that of janitor, an increase for this purpose appears unnecessary.

The only major increase in operating expense is for rent. Equipment is primarily to furnish offices for the two proposed positions.

We recommend approval of the item with the deletion of \$1,000 for temporary help.

**District Courts of Appeal
SECOND APPELLATE DISTRICT**

ITEM 19 of the Budget Bill

Budget page 11

**FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, SECOND
APPELLATE DISTRICT, FROM THE GENERAL FUND**

| | |
|---|----------------|
| Amount requested | \$473,558 |
| Estimated to be expended in 1959-60 fiscal year | 454,377 |
| Increase (4.2 percent) | \$19,181 |
| TOTAL RECOMMENDED REDUCTION | \$2,073 |

Summary of Recommended Reductions

| | <i>Amount</i> | <i>Budget Page</i> | <i>Line</i> |
|--|---------------|------------------------|-------------|
| Furnishings for additional office space..... | \$2,073 | 11 | 72 |

ANALYSIS

At the present time a justice *pro tem*, three secretaries and two research assistants are housed in three offices assigned to the Supreme Court. For a few weeks each year they have had to move out to make way for the Supreme Court staff. The District Court of Appeal reports that it has requested separate space for these individuals, and associated equipment in the amount of \$2,073. We have been informed that the only tentative allocation of additional space is based on the possibility of creating a fourth division of the appellate court in Los Angeles.

Until the Department of Finance indicates its intention to make separate space available for these six individuals, we cannot recommend this portion of the equipment request.

We recommend approval of this budget with the deletion of \$2,073 for equipment.

**District Courts of Appeal
THIRD APPELLATE DISTRICT**

ITEM 20 of the Budget Bill

Budget page 12

**FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, THIRD
APPELLATE DISTRICT, FROM THE GENERAL FUND**

| | |
|---|--------------|
| Amount requested | \$178,602 |
| Estimated to be expended in 1959-60 fiscal year | 173,771 |
| Increase (2.8 percent) | \$4,831 |
| TOTAL RECOMMENDED REDUCTION | \$873 |

Summary of Recommended Reductions

| | <i>Amount</i> | <i>Budget Page</i> | <i>Line</i> |
|----------------------|---------------|------------------------|-------------|
| Temporary help | \$873 | 12 | 63 |

ANALYSIS

The principal increase proposed in this budget is \$4,957 in salaries, of which statutory and merit increases account for \$4,084. Temporary help for 1959-1960 was budgeted at \$1,078, but \$873 was diverted to salary increases. In view of the fact that no evidence has been adduced of a substantial workload increase in the budget year, we recommend deletion of \$873, retaining temporary help on the current level.

An augmentation from the Emergency Fund of \$1,575 during 1959-60 was granted by the Department of Finance. Attorney's fees in

Third Appellate District—Continued

criminal appeals by indigents account for \$1,275 of the augmentation. The \$300 balance was for appeal record binders.

We recommend approval of this item with the deletion of \$873 for temporary help.

**District Courts of Appeal
FOURTH APPELLATE DISTRICT**

ITEM 21 of the Budget Bill

Budget page 13

**FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, FOURTH
APPELLATE DISTRICT, FROM THE GENERAL FUND**

| | |
|---|-----------|
| Amount requested | \$255,326 |
| Estimated to be expended in 1959-60 fiscal year | 234,305 |
| <hr/> | |
| Increase (9.0 percent) | \$21,021 |

TOTAL RECOMMENDED REDUCTION None

ANALYSIS

The Fourth District Court of Appeal sits during a part of the year at Fresno. During the 1960-61 fiscal year it will move into quarters in the new State building there. Major one-time expenses included in this budget are:

| | |
|-------------------|----------|
| Moving | \$1,800 |
| Library | 5,036 |
| Furnishings | 8,073 |
| <hr/> | |
| Total | \$14,909 |

We recommend approval of the budget as submitted.

GOVERNOR

ITEM 22 of the Budget Bill

Budget page 15

FOR SUPPORT OF GOVERNOR FROM THE GENERAL FUND

| | |
|---|-----------|
| Amount requested | \$602,057 |
| Estimated to be expended in 1959-60 fiscal year | \$602,407 |
| <hr/> | |
| Decrease (0.1 percent) | \$350 |

TOTAL RECOMMENDED REDUCTION None

ANALYSIS

The Governor's budget maintains the existing level of activity for his office. Increases in expenditures, which are due to salary adjustments and purchase of an automobile, are partly balanced by decreases in operating expenses. Budget requests for the Offices of Consumer Counsel and Co-ordinator of Atomic Energy Development and Radiation Protection, which were established in the Governor's office by the 1959 Legislature, will appear as separate budget items in the 1960-61 fiscal year. If the Co-ordinator of Atomic Energy Development and Radiation Protection and his staff were included in the Governor's 1960-61 budget as in his 1959-60 budget, the salaries and wages item in the Governor's office would actually show an increase of \$17,281 or 3.8 percent.

We recommend approval of this request.