

II. 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	\$5,696,145
Balance available from prior year	829,455
Total	\$6,525,600
Estimated to be expended in 1962-63 fiscal year	8,239,247
Decrease (20.8 percent)	\$1,713,647

TOTAL RECOMMENDED REDUCTION None

GENERAL SUMMARY

The legislative body of the State of California consists of 40 Senators elected to serve in the California State Senate and 80 Assemblymen elected to serve in the California State Assembly. Their duties, authority, responsibilities, salary, per diem and travel allowances for attendance at regular sessions of the Legislature are set forth in Article IV of the State Constitution, Article I, and Division 4 (Sections 9000 through 10528) of the Government Code. Per diem, travel and other expenses allowed during interim of sessions or upon committee business is set by the Rules Committee of each house. Each house is governed by its own rules and business between the houses is conducted under Joint Rules.

The Legislature meets annually in regular session. The sessions convening in the odd years are general sessions (120 days), those in the even years are budget sessions (30 days). The Governor is empowered to call a special or extraordinary session by proclamation at any time.

There are three official bodies considered as aids to the Legislature whose support costs are budgeted as separate items. These are, the Legislative Counsel Bureau, the California Law Revision Commission and the California Commission on Uniform State Laws. Two other statutory bodies who act as legislative aids and whose expenditures are borne equally by the contingent funds of each house are the Joint Legislative Budget Committee and the Joint Legislative Audit Committee.

ANALYSIS

Items 1-10 of the Budget Bill are appropriated from the General Fund to provide support for the State Legislature. The amount requested in this budget for the fiscal year 1963-64, which includes the budget session year 1964, is \$5,696,145. This sum, plus an amount of \$829,455 which is the total amount available from the contingent funds of both houses from prior years, will provide an amount of \$6,525,600 for expenditure during the fiscal year 1963-64. Comparing these requested and available funds with the estimated expenditure for the current year which covers the general session of 120 days indicates a reduction of 20.8 percent in expenditures. However, it is believed a better comparison may result in aligning these proposed expenditures

Legislature—Continued

with the last budget session year of 1961-62 which reflects an 11.8 percent increase or \$691,764 above the actual expenditures of that year.

We recommend approval of these items as budgeted.

LEGISLATIVE COUNSEL BUREAU

ITEM 11 of the Budget Bill

Budget page 3

**FOR SUPPORT OF THE LEGISLATIVE COUNSEL BUREAU
FROM THE GENERAL FUND**

Amount requested	\$628,099
Estimated to be expended in 1962-63 fiscal year	691,921
Decrease (9.2 percent)	\$63,822

TOTAL RECOMMENDED REDUCTION	None
--	-------------

GENERAL SUMMARY

The Legislative Counsel Bureau was established as an aid to the Legislature in 1913 and derives its general authority and duties from Sections 10200 through 10246 of the Government Code.

The chief of the bureau is the Legislative Counsel of California who is selected by concurrent resolution at the beginning of each regular session.

The Legislative Counsel's principal service to the Legislature is in the preparation and review of proposed legislation as may be requested by individual members. He also provides this service when requested to committees of the Legislature, state agencies, judges of the superior court, district courts of appeal and of the Supreme Court.

His duties also include the codification of existing state laws when the Legislature so acts on his recommendation in these matters. He may also provide, under contracts approved by the Director of Finance, certain services to cities and counties relative to indexing or codifying ordinances. His principal office is in the Capitol Annex in Sacramento and he maintains a temporary office in the State Building in Los Angeles. The authorized staff for the current session is 71.

ANALYSIS

The request for \$628,099 from the General Fund for the support of the bureau during fiscal year 1963-64 represents a decrease of 9.2 percent below the estimated support expenditure for the current year. This decrease is directly related to the reduced workload experienced by the bureau during a budget session of 30 days as opposed to the 120-day General Session in the current year.

In comparing the actual expenditures of this bureau for last budget session (1961-62) with the requested expenditure program, it shows an increase of 15.1 percent or \$82,235 over that year.

The primary reductions which cause the decrease in expenditures under those in the current year are: salaries and wages, down \$40,011 (11 positions of temporary help); state contribution to Retirement Fund down \$9,834 (reflecting position reduction); in-state travel down \$8,000. These reductions are offset by an increase of \$7,832 in the line item on subscription, books and binding.

We recommend this budget item be approved as budgeted.

LAW REVISION COMMISSION

ITEM 12 of the Budget Bill

Budget page 4

FOR SUPPORT OF THE LAW REVISION COMMISSION
FROM THE GENERAL FUND

Amount requested -----	\$106,831
Estimated to be expended in 1962-63 fiscal year -----	111,165
Decrease (3.9 percent) -----	\$4,334
TOTAL RECOMMENDED REDUCTION -----	None

GENERAL SUMMARY

This 10-member commission is the successor to the original California Code Commission which was established in 1929. The authority, duties and responsibilities of the present commission are set forth in Sections 10300 through 10340 of the Government Code.

Serving as commission members are: The Legislative Counsel, an ex officio nonvoting member; one member from each house serving at the pleasure of the appointing power; and seven members appointed by the Governor to four-year terms. The commission selects one of its members as chairman.

Under the authority of Sections 10304 and 10305 of the Government Code, the commission has appointed an executive secretary and staff of five.

At present, by agreement with Stanford University and the commission's executive secretary is employed three-fourths time by the commission and one-fourth time by Stanford University. The executive secretary and the six-member staff are housed in rental space on the Stanford University campus.

The commission's major and continuing workload stems from the calendar of topics approved for study by concurrent resolutions of the Legislature which, in turn, is derived from the commission's annual report to the Legislature in which topics are suggested for study.

Foremost among the commission's other responsibilities is the continuous review of the common law and statutes of the State and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

ANALYSIS

Although the commission has requested \$106,831 from the General Fund for total support for the budget year, which results in a reduction of 3.9 percent or \$4,334 under the estimated expenditures for the current year, it is noted that the commission did increase its level of service over that which was budgeted by establishing a new position of administrative trainee during the current year. Further, an allocation from the Emergency Fund for \$13,180 was required to defray the unusual printing costs associated with its study of sovereign immunity. The additional cost of this latter estimated expenditure coupled with partial offsetting savings increased the total estimated expenditures for the current year by approximately \$10,000 or 10 percent over the amount budgeted, including salary increases. Using this estimated expenditure data as a base, and omitting the Emergency Fund alloca-

Law Revision Commission—Continued

tion, it appears that the requested amount actually reflects a 9-percent increase over the budgeted expenditure for 1962-63 rather than a 3.9-percent decrease below the estimated expenditures for this period.

This 9-percent increase is made up of two factors. The so-called uncontrollable factors are those of salary increases and merit increases and increases in the State's contribution to retirement and health and welfare. These account for approximately 64 percent of the increase. The controllable factors of operating expenses and equipment plus the new requested position of junior staff analyst account for the remainder of the increase.

We have reviewed the justification for the new position and discussed it with the commission's executive secretary and recommend that it be approved.

The commission staff of seven now occupies approximately 800 square feet of austere but adequate space in the basement of Crothers Hall on the Stanford University campus. The majority of the furnishings are provided by the university. It is understood this location is of a temporary nature due to the remodeling of the Law School. It is believed reasonable to anticipate that the current rental fee of \$125 per month (500 square feet at 25 cents per square foot) now paid the university will be increased should the commission be returned to its former location in the remodeled Law School Building.

The in-state travel costs reflect the activity of the commission which has been meeting monthly alternating between Los Angeles and San Francisco.

Increases in contractual services are due to the agenda of unfinished studies remaining on the commission's current agenda, now numbering 28. Time will permit the completion of only a fraction of these assigned studies and we are advised that a single major urgent study, if assigned by the Legislature, may necessitate deferring these items until 1965-66.

We recommend approval of this item as budgeted.

COMMISSION ON UNIFORM STATE LAWS

ITEM 13 of the Budget Bill

Budget page 5

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

Amount requested	\$5,850
Estimated to be expended in 1962-63 fiscal year	5,850

Increase	None
----------	------

TOTAL RECOMMENDED REDUCTION	None
-----------------------------	------

GENERAL SUMMARY

This seven-member commission established in 1927 derives its legal basis from Sections 10400 through 10433 of the Government Code.

The membership is composed of one Member of the Senate and one Member of the Assembly, four members appointed by the Governor for four-year terms and the Legislative Counsel as an ex officio nonvoting

Item 14**Legislator's Retirement Fund****Commission on Uniform State Laws—Continued**

member. All must be members in good standing of the California Bar Association. The chairman and secretary of the commission are chosen from the membership; no staff is authorized.

The law provides for mandatory meetings of the commission and attendance at the National Conference of Commissions on Uniform State Laws by not less than one of the members.

The major responsibility of the commission is the promotion of uniformity in state laws when uniformity is deemed desirable and practicable to this State by recommending the passage of various uniform acts sponsored by the national conference.

ANALYSIS

The amount requested from the General Fund for the support of the commission continues its activities at the current level.

We recommend approval of this item 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	\$315,000
Estimated to be expended in 1962-63 fiscal year	160,000
Increase 96.7 percent)	\$155,000

TOTAL RECOMMENDED REDUCTION	None
--	-------------

GENERAL SUMMARY

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, equal to so much of the benefits to be paid from the fund during that year as is not provided by the accumulated contributions of the members receiving such benefits."

ANALYSIS

The budget proposes \$315,000 for the 1963-64 fiscal year which is an increase of \$155,000, or 96.7 percent, above that which is available for the current fiscal year.

The 1961 Legislature liberalized many provisions of the Legislators' Retirement System including reducing the minimum age of retirement from age 63 to age 60 and increasing the retirement allowances for members of the Legislature having more than 15 years service. The funds appropriated for the 1962-63 fiscal year have been found to be inadequate because of an estimated increase in new retirements and additional deaths, therefore there is a deficiency of \$50,000 in the current year which will be funded by an increase in the normal appropriation required for the budget year.

Taking into account that \$50,000 of the proposed appropriation will be used for the current year, the level of the appropriation for the

Supreme Court

Item 15

Contribution to Legislator's Retirement Fund—Continued

budget year needs is increased by \$105,000 over that amount appropriated for the current fiscal year based on revised estimates of the cost of statutory allowances and benefits.

We recommend approval of the item 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	\$1,008,918
Estimated to be expended in 1962-63 fiscal year	954,240
Increase (5.7 percent)	\$53,678

TOTAL RECOMMENDED REDUCTION

None

GENERAL SUMMARY

The California Supreme Court is the highest court of appeal in the State. It consists of a Chief Justice and six associate justices assisted by a supporting clerical and research staff of 58 positions.

The Supreme Court is headquartered in San Francisco but holds sessions in Sacramento and in Los Angeles.

This court hears appeals in cases of equity, in cases at law involving title or possession of real estate, in taxation and probate matters and in death penalty cases. It has jurisdiction to review all cases decided by the five district courts of appeal and to issue writs of habeas corpus, mandamus, prohibition and certiorari. This court is the body which admits qualified applicants to the practice of law in California. It considers all executive clemency applications submitted to the Governor where the applicant has suffered two or more felony convictions. It is the current practice of the court to transfer to the district courts of appeal all appeals which are not within or closely allied to its exclusive jurisdiction.

ANALYSIS

Expenditures proposed for the Supreme Court for fiscal year 1963-1964 total \$1,008,918 which is an increase of \$53,678, or 5.7 percent, over estimated expenditures for the current year.

The work of the Supreme Court and the five district courts of appeal is integrated to the extent that it may be considered a single effort to dispose of appeals from the judgments or orders made by the trial courts of the State.

Statistics published by the Judicial Council show that the volume of business of the combined appellate courts has increased between fiscal year 1950-1951 and fiscal year 1960-1961 as follows:

Filings	65.21 percent
Dispositions	51.13 percent

The increase in matters presented to these courts through the years has been met by increasing the number of justices in the district courts