

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	\$6,892,300
Balance available from prior year	921,000
Total	\$7,813,300
Estimated to be expended in 1964-65 fiscal year	\$9,185,191
Decrease (14.9 percent)	\$1,371,891

TOTAL RECOMMENDED REDUCTION-----None

PROGRAM PLANS AND BUDGET

The legislative program in a budgetary sense is the sum of the annual activities of all the legislators and their staffs and is a continuing and constant function of state government ordinarily varying only in the length and nature of regular or special sessions as well as the depth and nature of interim studies undertaken by committees of the Legislature. The Legislature will convene in a budget session in 1966. The proposed budget thus provides for a year in which there is a short session and, offsetting this, a longer period of interim studies and meetings. An amount of \$6,892,300 has been requested to support this program in fiscal year 1965-66. Additionally, it is estimated there will be a combined amount of \$921,000 available from the contingent funds of both houses for expenditure in fiscal year 1965-66. The resulting grand total considered available for expenditure in the budget year is \$7,813,300.

REVIEW OF LEGISLATIVE ACCOMPLISHMENTS IN 1963-64

The legislative program, as defined above, during this fiscal year encompassed four sessions of the Legislature, a part of which were concurrent. These were the First Extraordinary Session of 1963, the Budget Session of 1964, the First and Second Extraordinary Session of 1964. These sessions covered a period of 136 calendar days. In addition, the continuing interim studies of proposed legislation and public problems were carried on by committees of the Legislature. The expenditure for support of this entire activity amounted to \$7,344,957 compared with a total of \$7,601,489 made available by appropriations in that year.

However, because funds appropriated for this purpose are available without regard to fiscal year and historically the Legislature has carried balances in their contingent funds of an amount which is estimated to be sufficient to support this activity for the succeeding year, such a comparison is not, in itself, a valid indication of increased or decreased levels of expenditure.

ANALYSIS AND RECOMMENDATIONS

We recommend approval 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	\$749,630
Estimated to be expended in 1964-65 fiscal year	775,263
Decrease (3.3 percent)	\$25,633

TOTAL RECOMMENDED REDUCTION	None
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PROGRAM PLANS AND BUDGET

During fiscal year 1965-66 the Legislature's legal representative, the counsel and bureau staff, will provide such services in the functions of Regular (Budget) Session of 1966 and any special sessions that may be quired by individual legislators, legislative committees, state agencies and to judges of the superior and higher courts of the state during the Regular (Budget) Session of 1966 and any special sessions that may be called by the Governor. The Legislative Counsel Bureau has budgeted \$749,630 to support these activities in fiscal year 1965-66.

The bureau may also codify such codes as may be directed by the Legislature.

The bureau, by contract, may provide certain services to cities and counties relative to indexing and codifying ordinances. As these services are reimbursable through contract, no funds are budgeted for this activity.

The bureau will provide reimbursable services to the State Printer in compilation of the codes. An amount of \$20,000 has been estimated as the reimburseable services the bureau will provide in the 1965-66 fiscal year.

REVIEW OF AGENCY ACCOMPLISHMENTS

In fiscal year 1963-64 the Legislative Counsel Bureau provided services on a total of 23,235 requests of which 18,757 were made during the legislative session of 1963-64 and involved 5,109 legislative measures; the remainder of 4,478 requests were serviced during the interim or nonsession period. An amount of \$628,299 was appropriated for support of the bureau in the fiscal year 1963-64 which, together with additional funds made available from the salary increase fund and \$1,500 from the Emergency Fund, provided a total of \$644,550 for expenditure during that fiscal year. Of this sum, \$632,164 was expended with a resultant savings of \$12,386.

The bureau did not provide any contract services to cities and counties in fiscal year 1963-64.

Following the 1963 General Session of the Legislature, the bureau provided the State Printer with \$24,320 of compilation services which were reimbursed in that amount.

ANALYSIS AND RECOMMENDATIONS

Due to the cyclic nature of the workload of this legislative aid that corresponds directly with the length of the regular annual sessions of the Legislature, it has been customary to compare the budget year request with the prior actual year encompassing a similar type regular

Legislative Counsel Bureau—Continued

session. In this instance, the Budget Session of 1963-64 is used for this comparison. Thus, the increase is \$117,466, or 18.6 percent, above the total support expenditures for the 1963-64 fiscal year. Of this increase, 90 percent is in the category of personal services, primarily in salary and wage increases for the current staff and salaries for the six new positions requested in the budget year (\$44,154) for anticipated increases in workload. Increases in binding costs, in state travel, and differences in reimbursable costs account for 7.7 percent, or \$9,023 of this increase, and the remainder of the increase is in equipment and costs required to provide work stations for three positions.

We recommend approval 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	\$121,869
Estimated to be expended in 1964-65 fiscal year	118,747
Increase (2.6 percent)	\$3,122

TOTAL RECOMMENDED REDUCTION	None
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PROGRAM PLANS AND BUDGET

The commission's program for 1965-66 is to continue the study of the 26 topics dealing with specific segments of the law as assigned or approved by the Legislature. These studies include examination of the common law and statutes of the state for the purpose of discovering defects and anachronisms. The commission does not intend to request additional studies at this session.

For this program in the 1965-66 fiscal year \$121,869 is requested. The total increased costs of the budget year program over the current year to maintain the same level of service and to improve service total \$9,392. The major items of increase are: (1) salary increases and upgrading within the staff costing \$2,092, (2) an increase of \$2,200 in contractual services without which the professional legal staff of three would be overburdened with basic law research in the numerous areas covered by the topic list, (3) an increase in rental costs of \$3,000, and (4) the proposed acquisition of a stencil reproducing machine at \$2,000 which will result in savings over the current operation both in funds, and more particularly, the time of the clerical staff of three. These increases were offset, in part, by reductions amounting to a total of \$6,270 in various line item expenditures of operating expense, and equipment.

The commission also considers suggestions and proposed law changes from the various segments of the legal profession and the judiciary as well as the public. No specific funds have been requested or budgeted for this activity.

The commission will recommend changes of state law not found in harmony with modern conditions. If the changes recommended involve

Law Revision Commission—Continued

a significant amount of workload, the commission will place it on its list for approval by the Legislature before committing its staff to such a task; thus, no funds are budgeted for this subactivity. The commission will also recommend repeal of all statutes held unconstitutional by the U.S. Supreme Court or the Supreme Court of California. This function, while important and necessary, involves only a small fraction of the overall budget of the commission. Specific funds are not budgeted for its execution.

REVIEW OF AGENCY ACCOMPLISHMENTS

Because fiscal year 1963-64 encompassed a budget session, which precluded consideration of the usual type of legislation recommended by the commission, and because historically, the commission has scheduled its workload deadlines to coincide with the convening of the general sessions of the Legislature, no concrete measures of program accomplishment can be reported. However, the commission and staff have been engaged in the comprehensive and detailed study of eminent domain proceedings which will be presented to this general session. These studies involved not only a thorough review of the current law and its application, but federal and other states' laws as well. From this research flows a number of staff documents which are not only reviewed by the commission members but are used to canvass opinions of eminent legal practitioners skilled in the specific area under discussion as well as by members of the judiciary for the same purpose. A sum of \$110,799 was appropriated for the support of the commission and its staff in fiscal year 1963-64. An additional amount of \$2,484 was made available to the commission from funds appropriated for salary increase and OASDI payments; thus, the total available for support was \$113,283 of which \$111,275 was expended, indicating a saving of \$2,008.

ANALYSIS AND RECOMMENDATIONS

We have reviewed the proposed expenditures for the budget year and recommend approval as budgeted.

COMMISSION ON UNIFORM STATE LAWS

ITEM 13 of the Budget Bill

Budget page 5

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

Amount requested	\$10,050
Estimated to be expended in 1964-65 fiscal year	10,050

Increase	None
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TOTAL RECOMMENDED REDUCTION	None
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PROGRAM PLANS AND BUDGET

This seven member commission's program for 1965-66 includes participation in the National Conference of Commissions on Uniform State Laws and promotion of uniformity in state laws, if desirable and prac-

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

tical for this state by recommending at general sessions passage of various uniform acts sponsored by the national conference.

An amount of \$10,050 has been requested to support the commission in the budget year. Of this amount, \$6,500 is for the support of the national body and \$3,300 for travel.

REVIEW OF AGENCY ACCOMPLISHMENTS

In 1962-63 six bills (SB 1367 through 1372) embodying uniform laws were presented to the 1963 General Session of the Legislature. None of these was enacted and all were transferred to interim committee study. Consequently, the commission's major activity during 1963-64 was to continue to press for their favorable consideration together with continued participation in the National Conference of Commissions on Uniform State Laws. Total expenditures amounted to \$4,595 compared with a budget appropriation of \$5,850.

ANALYSIS AND RECOMMENDATION

The amount requested for support of the commission is the same as budgeted for the current year. *We recommend approval.*

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	\$360,000
Estimated to be expended in 1964-65 fiscal year	350,000
Increase (2.8 percent)	\$10,000

TOTAL RECOMMENDED REDUCTION	None
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PROGRAM PLANS AND BUDGET

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 \$360,000 is proposed for appropriation to the Legislators' Retirement Fund for the 1965-66 fiscal year. After the payment of benefits during the budget year it is estimated there will be an accumulated surplus in the fund of \$632,351 on June 30, 1966.

REVIEW OF ACCOMPLISHMENTS

During the 1963-64 fiscal year a total of 63 retired legislators, constitutional officers or their survivors received a total of \$309,605 in

Legislators' Retirement Fund—Continued

retirement allowances or death benefits. It is estimated that a total of 71 persons will receive comparable benefits during the 1965-66 fiscal year at a total cost of \$368,280.

ANALYSIS AND RECOMMENDATIONS

The budget proposes \$360,000 for the 1965-66 fiscal year which is an increase of \$10,000 or 2.8 percent above that which is available for the current fiscal year. This amount appears reasonable to provide for the estimated increase in number of retired members.

We recommend approval of the amount budgeted.

SUPREME COURT

ITEM 15 of the Budget Bill

Budget page 7

**FOR SUPPORT OF SUPREME COURT
FROM THE GENERAL FUND**

Amount requested	\$1,175,177
Estimated to be expended in 1964-65 fiscal year	1,135,097
Increase (3.5 percent)	\$40,080

TOTAL RECOMMENDED REDUCTION None

PROGRAM PLANS AND BUDGET

The Supreme Court is the state court of highest appeal. It consists of a chief justice and six associate justices appointed by the Governor and an authorized staff of 70.5 man-year positions. Sessions of the court are held in San Francisco, Los Angeles and Sacramento.

The Supreme Court exercises the jurisdiction bestowed upon it by the Constitution through the following programs:

1. It hears appeals from the superior courts in matters of equity, real property, taxation, probate and in criminal cases wherein the death penalty has been imposed as judgment. It may grant petitions for the rehearing of appeals previously heard before it. It may and does transfer matters to the district courts and from the district courts to itself for hearing.

No budget year projection of workload anticipated under this program has been published by the court and no specific portions of the budget request are allocated to the program. The same statement holds true for the following four programs:

2. The court issues writs of habeas corpus, mandamus, prohibition and certiorari and such other writs as may be necessary to the exercise of its jurisdiction.

3. It hears and disposes of such motions as are presented to it.

4. It admits attorneys to the practice of the law.

5. It considers executive clemency applications to the Governor where the applicant has been twice convicted of felony.

The Supreme Court proposes to maintain the current level of service during the budget year.

The court proposes a total expenditure for the budget year 1965-66 in the sum of \$1,175,177 covering all programs. This is an increase of