

7/11/59
Date of Meeting: Sept. 24-26, 1959

Date of Memo: September 15, 1959

Memorandum No. 2

Subject: Proposed Budget for 1960-61 Fiscal Year.

Attached is budget material for the 1960-61 fiscal year. The first sheet of the attached material presents the budget information in summary form. Detailed information is presented for each budget item on the following pages.

The figures in most categories are substantially the same as those for the current fiscal year. The following general comments may be helpful:

(1) Salary figures for present personnel reflect regular increases for those positions. No new positions are requested. Per diem for commission members is increased based on actual experience at recent meetings.

(2) The item for printing is less than the amount budgeted for 1959-60, but more than the estimated actual expenditures for printing in 1959-60. This reflects the deferring of some printing covered by the budget for 1959-60 to 1960-61 and the following fiscal years.

(3) The item for traveling-in-state is substantially increased. This increase is based on actual experience and on a projection of attendance at recent meetings.

(4) The item for long distance telephone calls is increased to \$450 in view of the fact that this expense, which tends to run higher during a general session year, was \$453 in 1956-57 and \$416 in 1958-59.

(5) The figure for research and contractual services includes an item of \$5,000 to cover assignments by the 1960 session. The budgeted amount for 1960-61 research and contractual services will cover all pending studies assigned to the Commission.

(6) The \$250 item for office equipment covers some of the following items: two four-drawer file cabinets, two two-drawer file cabinets, stool for use with mimeograph machine and a table (to the extent that these can be purchased from the \$250 allowed for equipment in the proposed budget).

Respectfully submitted,

John H. DeMouilly
Executive Secretary

SUPPORT EXPENDITURE DETAIL

	<u>ACTUAL</u> <u>1958-59</u>	<u>BUDGETED</u> <u>1959-60</u>	<u>ESTIMATED</u> <u>1959-60</u>	<u>PROPOSED</u> <u>1960-61</u>
SALARIES AND WAGES				
Commission Members, (7) per diem	\$ 2,280	\$ 2,400	\$ 3,200	\$ 3,200
Executive Secretary (1/2 time)	7,800	--	--	--
Executive Secretary (3/4 time)		11,700	13,188	11,213
Assistant Executive Secretary	5,657	13,050	13,200	13,800
Junior Counsel	5,430	5,703	5,988	6,285
Senior Legal Stenographer	4,267	4,550	4,780	5,022
Intermediate Stenographer Clerk	3,191	3,840	3,825	4,012
Intermediate Stenographer Clerk (Intermittent; 1/2 time)	643	1,750	1,860	1,860
TOTALS, SALARIES AND WAGES	\$29,268	\$ 42,993*	\$46,041	\$ 45,392
OPERATING EXPENSES				
General Expense (includes Subscriptions)	\$ 1,655	\$ 3,300	\$ 3,300	\$ 3,300
Printing and Binding	7,043	26,500	14,110	22,103
Traveling, In-State	4,998	4,500	7,190	7,630
Traveling, Out-of-State	414	400	400	400
Telephone and Telegraph				
Exchange Charges	268	265	287	300
Long Distance Tolls	416	300	300	450
Postage	731	500	750	900
Research Services and Contractual Services	13,900	11,800	8,500	15,000
TOTALS, OPERATING EXPENSES	\$29,425	\$47,565	\$34,837	\$50,083
EQUIPMENT				
Miscellaneous	594	250	250	250
TOTAL EXPENDITURES	\$59,287	\$90,808	\$81,128	\$95,725

* Additional amounts will be available from salary increase fund.

GENERAL ANALYSIS

Objectives

This commission examines the law to discover defects and recommends needed changes, receives proposed changes in law recommended by other bodies, recommends changes in the law necessary to modify or eliminate obsolete or unconstitutional provisions and reports proposed studies to the Legislature.

Program and Performance

The workload of this commission is determined primarily by the number of studies assigned to it by the Legislature. The Commission will not complete its presently assigned topics for study prior to the end of the 1960-61 Fiscal Year and, consequently, will not request the assignment of additional topics by the Legislature at its 1960 session. During the 1960-61 Fiscal Year, the Commission will primarily concentrate its efforts on three major projects, two of which will be completed during 1960-61.

Because studies of the Commission are scheduled for completion just prior to the general session of the Legislature, workload statistics presented below are discussed in terms of fiscal periods of two years.

	<u>Actual</u> <u>1955-1957</u>	<u>Actual</u> <u>1957-59</u>	<u>Estimated</u> <u>1959-1961</u>
Studies Completed	13	12	12

While the number of completed studies will probably not increase during 1959-61, a substantially greater volume of work will be completed during 1959-61 because of the complexity of the projects scheduled for completion during that period. In addition, substantial progress will be made on a major study scheduled for completion in 1961-63.

NO. OF POSITIONS

	<u>1958-59</u> <u>(filled)</u>	<u>1959-60</u> <u>(auth.)</u>	<u>1960-61</u> <u>(auth.)</u>
Executive Secretary (1/2 time)	.5	--	--
Executive Secretary (3/4 time)	--	.8	.8
Assistant Executive Secretary	.5	1	1
Junior Counsel	1	1	1
Senior Legal Stenographer	1	1	1
Intermediate Steno-Clerk	1.3*	1.5*	1.5*
	<hr/>	<hr/>	<hr/>
	4.3	5.3	5.3

* Includes position of Intermediate Steno-Clerk (Intermittent; 1/2 time)

SALARIES AND WAGES	Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Estimated 1960-61
Commissioners (7) per diem	\$2,280	\$2,400	\$3,200	\$3,200

Note: The actual attendance of the seven Commissioners at recent meetings is significantly higher than prior experience would indicate. The attendance for the last five meetings is indicated below.

<u>Date of Meeting</u>	<u>Attendance</u>	
August		
28	7	
29	7	
July		
24	6	
25	6	
June		
19	7	
20	6	
May		
15	6	
16	6	
		Average attendance per
April		day of meeting <u>6.4</u>
17	6	
18	7	
<hr/>	<hr/>	
TOTALS 10 days	64	

The Commission has eleven two-day meetings and one three-day meeting during a fiscal year (25 meeting days per fiscal year). Commissioners are entitled to a \$20 per diem per meeting day. The expense of per diem of Commissioners for a fiscal year (based on the recent experience indicated above) can be estimated as follows:

$$\begin{array}{rclclcl}
 25 & & & & & & \\
 \text{(days)} & \times & 6.4 & \times & \$20 & = & \$3,200 \\
 & & \text{(average} & & \text{(per diem)} & & \\
 & & \text{attendance)} & & & &
 \end{array}$$

SALARIES AND WAGES

STAFF	Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Estimated 1960-61
Executive Secretary (1/2 time)	\$ 7,800	---	---	---
Executive Secretary (3/4 time)	---	\$11,700	\$13,188*	\$ 11,213
Asst. Exec. Secretary	\$ 5,657	13,050	13,200	13,800
Junior Counsel	5,430	5,703	5,988	6,285
Senior Legal Steno.	4,267	4,550	4,780	5,022
Intermediate Steno-Clerk	3,191) 5,590	3,825	4,012
Intermediate Steno-Clerk (intermittent, 1/2 time)	643		1,860	1,860
	<hr/>	<hr/>	<hr/>	<hr/>
	\$26,988	\$40,593	\$42,841	\$ 42,192

* Includes \$2,275 to cover cash payment in lieu of vacation for former executive secretary.

Note: The amount indicated as budgeted for 1959-60 does not include the general salary increase granted effective July 1, 1959. Salary figures for positions in the 1960-61 fiscal year reflect regular increases for those positions.

	Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Estimated 1960-61
PRINTING AND BINDING	\$ 7,043	\$26,500	\$14,110	\$ 22,103

Note: The budgeted amount for 1959-60 was based on the assumption that the Commission would complete a substantially greater number of studies during the 1959-60 fiscal year than now appears to be possible. See attached Estimated Cost of Printing Studies during 1959-60 and 1960-61 Fiscal Years.

ESTIMATED COST OF PRINTING STUDIES PRESENTLY

ASSIGNED TO COMMISSION DURING

FISCAL YEARS 1959-1960 and 1960-1961

Study No.	Subject	Estimated 1959-60	Estimated 1960-61
12	Instructions to Jury Room		(included in annual report)
23	Rescission of Contracts	\$ 800	
26	Escheat (estimated 70 pages)		\$ 985
29	Post-conviction Sanity Hearings (36 pages)		543
32	Arbitration (estimated 400 pages)	5,275	
34	Uniform Rules of Evidence		
	Privilege (235 pages)	3,120	
	Extrinsic Policies; and authentication of writings (estimated at 200 pages)		2,675
	Divisions I through IV (estimated at 200 pages)		2,675
36	Condemnation Law and Procedures (estimated 1000 pages)		13,075
40	Notice of Alibi (28 pages)	440	
43	Separate Trial on Insanity (28 pages)		440
46	Arson (60 pages)		855
	Annual Report (estimated 35 pages)	530	530

Estimated Cost of Printing (Contd.)

<u>Subject</u>	<u>Estimated 1959-60</u>	<u>Estimated 1960-61</u>
Bound Volume		
Binding (500 copies)	\$ 3,000	
Printing History (12 pages)	156	
Printing Index (estimated 18 pages)	360	
Misc. Printing (8 pages)	104	
Office Forms	300	\$ 300
Misc. Office Printing	<u>25</u>	<u>25</u>
TOTALS	\$14,110	\$22,103

NOTE: These estimates were determined using the following estimates supplied by the State Printer:

Binding 500 copies of bound volume of report - \$6.00 per copy.

Printing Index for bound volume (500 copies) - \$20.00 per printed page.

Printing Reports - 2,500 copies - \$13.00 per printed page.

Binding Printed Report (2,000 copies) - \$75.00 per report.

Where copy is now available in typewritten form, this formula (supplied by the State Printer) was used to convert typewritten pages to printed pages:
 3 double-spaced typewritten pages (29 lines per page) = 2 printed pages
 (6 inches by 9 inches).

Estimated Cost of Printing (Contd.)

The following studies which will actually be printed in 1959-60 will be paid for from the printing appropriations made in prior fiscal years:

<u>Study No.</u>	<u>Subject</u>	<u>Cost Estimate of State Printer</u>
33	Survival of Tort Actions	\$ 525
34	Uniform Rules of Evidence	
	Hearsay	3,450
38	Inter Vivos Rights	506
42	Trespassing Improvers	800
44	Suit in Common Name	319
48)		
54)	Juvenile Court Proceedings	600
49	Unlicensed Contractors	500
51	Support after Divorce	<u>590</u>
	Total	\$7,290

The following studies now on the current agenda of the Commission are not covered by the requested appropriation for printing for the fiscal year 1960-61 or prior fiscal years:

Partition Law and Procedures

Putative Spouse

Custody Jurisdiction

Habeas Corpus-Post Conviction Procedures

Attachment, garnishment and Execution

Small Claims Court Law

Mutuality re Specific Performance

Estimated Cost of Printing (Contd.)

Modification of Contracts

Rights of Lessor Upon Abandonment by Lessee

Sovereign Immunity

Additur

Bail

Service by Publication

Representation Relating to Credit of Third Person

Election of Remedies Where Different Defendants are Involved

TRAVEL, IN-STATE

Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Proposed 1960-61
\$4,998	\$4,500	\$7,190	\$7,630

Note: Based on the actual experience for the months of April, May, June, July and August 1959, the estimated expense for meals and lodging for the seven Commissioners for the fiscal year 1959-60 is \$3,000. This is computed as follows:

$$\begin{array}{rcccccc}
 25 & & x & & 6.4 & & x & & \$19 & & = & & \$3,040 \\
 \text{(number of meeting} & & & & \text{(average} & & & & \text{(allowance)} & & & & \\
 \text{days)} & & & & \text{attendance)} & & & & & & & &
 \end{array}$$

The estimate for the fiscal year 1960-61 is also \$3,000.

The estimated expense of meals, lodging and incidental expenses for the three staff members for the fiscal year 1960-61 (based on the assumption that approximately one-half of the meetings of the Commission will be held in southern California) is \$780. For the fiscal year 1959-60, this expense is estimated at \$600 on the assumption that only about three or four meetings will be held in southern California during the 1959-60 fiscal year.

In addition to the expense of meals, lodging and incidental expenses of the staff in attendance upon meetings of the Commission, these expenses in connection with other activities (such as meetings with state bar committees, with Commission consultants and in attendance upon the legislative session) was about \$330 for the fiscal year 1958-59 (31 days) and is estimated at \$350 for the fiscal year 1960-61. For the fiscal year 1959-60, this item is estimated at \$330.

The actual expense of "transportation and other expense" and "automobile mileage" during the 1958-59 fiscal year was \$2,872. Because of the 12.5 percent estimated increase in expense of auto mileage over the cost per mile

during the 1958-59 fiscal year and because of the larger staff, greater attendance by Commission members at meetings, larger volume of Commission work and attendance by the staff upon the legislative session, it is estimated that during the 1960-61 fiscal year the total for these items will be \$3,500. For the 1959-60 fiscal year, these items are estimated at \$2,800, because attendance of staff upon the legislative session will not be required during that fiscal year.

To the estimated amount for the fiscal year 1959-60, there must be added a non-recurring item estimated at \$460 to cover moving expenses (\$300) and per diem (\$160) in connection with the employment of the new assistant secretary

	<u>Actual</u> <u>1958-59</u>
Number of Employees	10
Number of man-days of travel	180
Cost of Meals and Hotel	\$2,127
Transportation and other expense	2,286
Automobile mileage* (7559 miles)	<u>586</u>
Total	\$4,999

* Mileage	Miles	Cost
Babbage	1,798	\$ 142
Lindow (staff)	272	24
McDonough (staff)	2,289	186
Stanton	2,880	205
Thurman	<u>320</u>	<u>29</u>
Totals	7,559	\$ 586

TRAVEL - OUT-OF-STATE

	<u>Actual</u> 1958-59	<u>Estimated</u> 1959-60	<u>Estimated</u> 1960-61
Executive Secretary	\$414	\$400	\$400
to attend annual meeting			
of National Legislative			
Conference during 1960-61			
Fiscal Year			

	<u>Actual</u> 1958-59
McDonough	
Number of days 4	
Meals and Hotel	\$ 30.00
Transportation and other expenses	168.10
Stanton	
Number of days 2	
Meals and Hotel	40.00
Transportation	<u>176.00</u>
Total	\$ 414.10

TELEPHONE AND TELEGRAPH	Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Estimated 1960-61
Exchange Charges	\$268	\$265	\$287	\$300
Long Distance Tolls	416	300	300	450

Note: The actual exchange charges for the fiscal year 1959-60, based on extension of the monthly exchange charge now in effect, will amount to \$287.

Past experience shows a continuing increase in the exchange charge as follows:

1957-58 (Actual)	1958-59 (Actual)	1959-60 (Actual-extended)
\$ 232	\$ 268	\$ 287

For this reason, \$300 is the estimated amount for this expense during the 1960-61 fiscal year.

The past experience shows a substantially greater long distance tolls expense during the fiscal year (1958-59) of the general legislative session.

1956-57 (Actual)	1957-58 (Actual)	1958-59 (Actual)	1959-60 (budgeted)
#453	\$ 252	\$ 416	\$ 300

This item is substantially greater during the year of the general legislative session because of the necessity of immediate action on the part of the Commission with reference to its pending legislation. Very often this action must be taken between meetings by telephone. Based on the experience during the 1958-59 fiscal year (last year in which a general legislative session was held), the amount of \$450 has been estimated as the amount of this expense during the 1960-61 fiscal year (a year in which the general legislative session will be held). The expense during the 1961 session will be greater than the expense during the 1959 session because it is anticipated that the Commission will have a larger and more complex legislative program at the 1961 session.

POSTAGE	Actual 1958-59	Budgeted 1959-60	Estimated 1959-60	Proposed 1960-61
	\$731	\$500	\$750	\$900

Note: The actual expense for postage during the 1958-59 fiscal year was \$731. It is anticipated that this expense will be somewhat higher during the 1960-61 fiscal year because during that fiscal year the Commission will be completing several substantial projects of wide-spread interest.

RESEARCH AND CONTRACTUAL SERVICES

1958-59 Actual	1959-60 Budgeted	1959-60 Estimated	1960-61 Proposed
\$13,900	\$ 11,800	\$ 8,500	\$ 15,000

Note: The amount of \$11,800 budget for the 1959-60 fiscal year was based on \$5,000 for studies that might be assigned by the legislature (none were so assigned) and \$6,800 to cover the cost of the condemnation research contract. However, funds from the 1958-59 appropriation were able to cover \$1,300 of the \$6,800 cost of the condemnation research contract, leaving only \$5,500 to be covered by the 1959-60 appropriation. The \$8,500 estimated expenditures for 1959-60 includes \$5,500 for the condemnation study and \$3,000 for a Stanford Research Contract. The \$3,000 Stanford Research Contract has not yet been approved by the Department of Finance.

The proposed expenditures for the 1960-61 fiscal year include the following:

Consultants for studies assigned by legislature	\$5,000
Consultants for studies already assigned	
21 - Partition Law and Procedures	\$1,000
26 - Escheat	1,000
34 - Uniform Rules of Evidence (study to determine existing laws needing adjustment)	3,000
47 - Modification of Contracts	1,000
60 - Representation relating to credit of third person	1,000
Research Contract with Stanford University	<u>3,000</u>
Total	\$15,000

Research contracts made in the past with Stanford University covered the periods indicated and were for the amounts indicated:

<u>Fiscal year</u>	<u>Amount</u>
1954-55	\$ 3,000
1955-56	2,000
1956-57	2,500
1957-58	2,500
1958-59	2,250
1959-60	<u>none*</u>

* The Commission is requesting approval of a \$3,000 research contract with Stanford University for the 1959-60 Fiscal Year.