

1/16/78

Memorandum 78-10

Subject: Compensation of Members of Law Revision Commission

The attached memorandum from Senator Alquist's office requests a statement of the Law Revision Commission's position on Senate Bill 1305, a proposal to provide for a uniform \$50 per meeting day compensation for members of boards and commissions. (The bill includes an amendment to Government Code Section 10302, relating to the Law Revision Commission.) The Commission's own proposal, which Senator Deukmejian has agreed to introduce, calls for \$50 per meeting day plus \$12.50 per hour for preparation time for not exceeding eight hours per meeting.

A copy of Senate Bill 1305 is attached. Also attached is a copy of a letter I wrote to Senator Alquist's office in response to the attached memorandum.

What position does the Commission wish to take on Senate Bill 1305?

Respectfully submitted,

John H. DeMouilly
Executive Secretary

STATE OF CALIFORNIA
LEGISLATURE
STATE CAPITOL BUILDING
AREA CODE 916 445-2000

DISTRICT ADDRESS
177 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95113
AREA CODE 408-281-0311

STATE SENATOR
ALFRED E. ALQUIST

ELEVENTH SENATORIAL DISTRICT
REPRESENTING
SAN BENITO, SANTA CLARA, AND ALAMEDA COUNTIES
IN THE

Senate



January 13, 1978

MEMO TO: Members, California Law Revision Commission
FROM: Vincent Maccarone, Administrative Assistant
RE: Senate Bill 1305 (Compensation of members of
State boards and commissions)

Please review the enclosed bill which proposes an increase
in your "Daily Rate" compensation.

Your support will be necessary for passage, so please notify
me (by mail, if possible) of your position.

I await your swift reply.

Enclosure

CALIFORNIA LAW REVISION COMMISSION

STANFORD LAW SCHOOL

STANFORD, CALIFORNIA 94305

(415) 497-1731



January 16, 1978

Senator Alfred E. Alquist
Attn: Mr. Vincent Maccarone
Administrative Assistant
State Capitol, Room 5031
Sacramento, California 95814

Dear Mr. Maccarone:

You requested a statement of the position of the Law Revision Commission on Senate Bill 1305 (Compensation of Members of State Boards and Commissions). The Commission has not had an opportunity to review the bill. I will bring it to the attention of the Commission at its February 2-3 meeting and will advise you thereafter of the views of the Commission concerning the bill. The estimated cost of Senate Bill 1305 for the Law Revision Commission would be approximately \$3,600 per fiscal year.

You will be interested to know that the Commission some time ago prepared a draft of a bill to increase the compensation for members appointed by the Governor to \$50 for each day's attendance at a meeting of the Commission and, in addition, \$12.50 for each hour actually spent in preparation for a Commission meeting with a limitation that not more than eight hours of preparation time for each meeting shall be so compensated. The proposed amendment is drawn from Section 30314 of the Public Resources Code, which provides the per diem and preparation time compensation for the California Coastal Commission and the regional coastal commissions. Senator George Deukmejian, the Senate member of the Law Revision Commission, has agreed to introduce the bill drafted by the Commission. In connection with the Commission's proposal, I am enclosing background material on the need for the bill.

Sincerely,

John H. DeMouilly
Executive Secretary

JHD:kac
enc.

Introduced by Senator Alquist

January 3, 1978

An act to amend Section 103 of the Business and Professions Code, Section 103 of the Fish and Game Code, Sections 8894, 10302, and 13902 of the Government Code, Section 1152 of the Harbors and Navigation Code, Section 11770 of the Insurance Code, Sections 72, 1179, and 3070 of the Labor Code, Section 68 of the Military and Veterans Code, Section 5088 of the Penal Code, Section 10003 of the Unemployment Insurance Code, Sections 190 and 8552 of the Water Code, and Section 10701 of the Welfare and Institutions Code, relating to compensation of members of state boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as introduced, Alquist. State boards and commissions: compensation.

Existing law provides for compensation or payment of per diem and expenses, or both, of the members of various boards and commissions.

This bill would revise the amounts of compensation, or per diem and expenses, or both, payable to members of various specified boards and commissions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103 of the Business and
2 Professions Code is amended to read:
3 103. Each member of a board, commission, or
4 committee created in the various chapters of Division 2
5 (commencing at Section 500) and Division 3
6 (commencing at Section 5000), and in Chapter 2

1 (commencing at Section 18600) and Chapter 3
2 (commencing at Section 19000) of Division 8, shall
3 receive the moneys specified in this section when
4 authorized by the respective chapters.

5 Each such member shall receive a per diem of
6 ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for each day
7 actually spent in the discharge of official duties, and he
8 shall be reimbursed for his traveling and other expenses
9 necessarily incurred in the performance of his duties.

10 Such payments in each instance shall be made only
11 from the fund from which the expenses of the agency are
12 paid and shall be subject to the availability of money in
13 that fund.

14 SEC. 2. Section 103 of the Fish and Game Code is
15 amended to read:

16 103. Each of the commissioners shall receive ~~ten~~
17 ~~dollars (\$10)~~ *fifty dollars (\$50)* for each day of actual
18 service performed in carrying out his official duties
19 pursuant to law, but the amount of such compensation
20 shall not exceed for any one commissioner the sum of ~~fifty~~
21 ~~dollars (\$50)~~ *two hundred dollars (\$200)* for any one
22 calendar month. In addition to such compensation the
23 commissioners shall receive their actual and necessary
24 expenses incurred in the performance of their duties.

25 The compensation and expenses provided in this
26 section shall be paid out of the Fish and Game
27 Preservation Fund.

28 SEC. 3. Section 8894 of the Government Code is
29 amended to read:

30 8894. The members of the Seismic Safety Commission
31 shall serve without compensation but shall be paid per
32 diem expenses of *fifty dollars (\$50) for each day's*
33 *attendance at a meeting of the commission*, plus actual
34 necessary travel expenses as determined by the State
35 Board of Control.

36 SEC. 4. Section 10302 of the Government Code is
37 amended to read:

38 10302. The members of the commission shall serve
39 without compensation, except that each member
40 appointed by the Governor shall be paid a per diem of

1 ~~twenty dollars (\$20)~~ *fifty dollars (\$50)* for each day's
2 attendance at a meeting of the commission. In addition,
3 each member shall be allowed actual expenses incurred
4 in the discharge of his duties, including travel expenses.

5 SEC. 5. Section 13902 of the Government Code is
6 amended to read:

7 13902. If the third member is not a state officer acting
8 ex officio, such member shall receive fifty dollars (\$50)
9 for every day of actual attendance at meetings of the
10 board not in excess of ~~eight~~ *four* meetings per month,
11 together with necessary traveling expenses in attending
12 such meetings.

13 SEC. 6. Section 1152 of the Harbors and Navigation
14 Code is amended to read:

15 1152. The members of the board shall receive as
16 compensation for their services such amount as may from
17 time to time be determined by the board not exceeding
18 ~~three hundred dollars (\$300)~~ *five hundred dollars (\$500)*
19 each per month nor in the aggregate for all members of
20 the board during any one month more than the amount
21 of moneys received during that month pursuant to the
22 provisions of Section 1167 of this code. They, and the
23 officers and employees of the board shall be allowed their
24 actual necessary expenses in the performance of their
25 duties.

26 SEC. 7. Section 11770 of the Insurance Code is
27 amended to read:

28 11770. The State Compensation Insurance Fund is
29 continued in existence, to be administered by its board of
30 directors for the purpose of transacting workmen's
31 compensation insurance, and insurance against the
32 expense of defending any suit for serious and willful
33 misconduct, against an employer or his agent, and
34 insurance to employees and other persons of the
35 compensation fixed by the workmen's compensation laws
36 for employees and their dependents. Any appropriation
37 made therefrom or thereto before the effective date of
38 this code shall continue to be available for the purposes
39 for which it was made.

40 The board of directors of the State Compensation

1 Insurance Fund is composed of the Director of Industrial
2 Relations, who is chairman thereof, and four members
3 who shall be appointed by the Governor. The term of
4 office of the members of the board, other than that of the
5 director, shall be four years and they shall hold office until
6 the appointment and qualification of their successors.
7 The terms of the first four members so appointed shall
8 expire as follows: one on January 15, 1946; one each on
9 January 15, 1947, January 15, 1948, and January 15, 1949.
10 Each member shall receive his actual and necessary
11 traveling expenses incurred in the performance of his
12 duty as a member and, except the Director of Industrial
13 Relations, ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for
14 each day of his actual attendance at meetings of the
15 board. In order to qualify for membership on the board,
16 each member other than the director shall have been a
17 policyholder or the employee of a policyholder in the
18 State Compensation Insurance Fund for one year prior to
19 his appointment, and must continue in such status during
20 the period of his membership.

21 SEC. 8. Section 72 of the Labor Code is amended to
22 read:

23 72. One of the members of the Industrial Welfare
24 Commission may be appointed Chief of the Division of
25 Labor Standards Enforcement. The members of the
26 commission, other than the member who is appointed
27 Chief of the Division of Labor Standards Enforcement,
28 shall receive ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)*
29 for each day's actual attendance at meetings of the
30 commission and shall receive their actual and necessary
31 expenses incurred in the performance of their duties.

32 SEC. 9. Section 1179 of the Labor Code is amended to
33 read:

34 1179. The members of the wage board shall be
35 allowed ~~fifteen dollars (\$15)~~ *fifty dollars (\$50)* per diem
36 and necessary traveling expenses while engaged in such
37 conferences. The commission shall make rules governing
38 the number and selection of the members and the mode
39 of procedure of the wage board, and shall exercise
40 exclusive jurisdiction over all questions as to the validity

1 of the procedure and of the recommendations thereof.
2 SEC. 10. Section 3070 of the Labor Code is amended
3 to read:

4 3070. The Governor shall appoint a California
5 Apprenticeship Council, composed of six representatives
6 each from employer and employee organizations,
7 respectively, geographically selected, and of two
8 representatives of the general public. The Director of
9 Industrial Relations and the Superintendent of Public
10 Instruction, or his permanent and best qualified
11 designee, and the Chancellor of the California
12 Community Colleges, or his permanent and best
13 qualified designee, shall also be members of the
14 California Apprenticeship Council. The chairman shall
15 be elected by vote of the California Apprenticeship
16 Council. The terms of office of the members of the
17 California Apprenticeship Council first appointed shall
18 expire as designated by the Governor at the time of
19 making the appointment: Two representatives each of
20 employers, employees, and the public representative
21 shall serve until January 15, 1941. Two representatives
22 each of the employers and employees shall serve until
23 January 15, 1942. Thereafter each member shall serve for
24 a term of two years. Any member appointed to fill a
25 vacancy occurring prior to the expiration of the term of
26 his predecessor shall be appointed for the remainder of
27 said term. Each member of the council shall receive the
28 sum of ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for
29 each day of his actual attendance at meetings of the
30 council, for each day of his actual attendance at hearings
31 by the council or a committee thereof pursuant to Section
32 3082, and for each day of his actual attendance at
33 meetings of other committees established by the council
34 and approved by the Director of Industrial Relations,
35 together with his actual and necessary traveling expenses
36 incurred in connection therewith.

37 The terms of the five additional members provided by
38 the amendment of this section at the 1955 Regular Session
39 shall expire, as designated by the Governor at the time of
40 making the appointment, as follows: One additional

1 representative each of employers, employees, and the
2 additional public representative shall serve until January
3 15, 1957; and one additional representative each of
4 employers and employees shall serve until January 15,
5 1958.

6 SEC. 11. Section 68 of the Military and Veterans Code
7 is amended to read:

8 68. Each member of the board shall receive for each
9 day's attendance at each meeting of the board a per diem
10 of ~~twenty dollars (\$20)~~ *fifty dollars (\$50)* and shall
11 receive the same per diem for each day spent on official
12 duties assigned by the board. In addition, each member
13 shall be reimbursed for his necessary traveling and other
14 expenses incurred in the performance of his official
15 duties.

16 SEC. 12. Section 5088 of the Penal Code is amended
17 to read:

18 5088. The members of the Correctional Industries
19 Commission other than the chairman shall receive a per
20 diem of ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for
21 each day they are engaged in the official business of the
22 commission, including time spent in traveling, for not
23 more than 20 days in each fiscal year. All members,
24 including the chairman, shall also receive their actual and
25 necessary expenses of travel incurred in attending
26 meetings of the commission and in making investigations,
27 either as a commission or individually as members of the
28 commission at the request of the chairman.

29 SEC. 13. Section 10003 of the Unemployment
30 Insurance Code is amended to read:

31 10003. The members of the board shall serve without
32 compensation, except that each member shall be paid a
33 per diem allowance of ~~twenty-five dollars (\$25)~~ *fifty*
34 *dollars (\$50)* for each day's attendance at a meeting of the
35 board, not to exceed six days in any month. The members
36 of the board shall also receive their actual and necessary
37 traveling expenses incurred in the course of their duties.

38 SEC. 14. Section 190 of the Water Code is amended to
39 read:

40 190. Whenever the State of California is specifically

1 invited by federal law to participate in any interstate
2 commission to plan for the regional development of
3 water and related resources, the Governor shall appoint
4 each California member of such commission. The
5 appointment of each such member shall be subject to
6 confirmation by the Senate, and the member appointed
7 shall serve at the pleasure of the Governor.

8 The provisions of this section shall also apply to the
9 Western States Water Council established by the
10 Western Governors' Conference at its meeting in
11 Portland, Oregon, in June 1965.

12 Each member appointed by the Governor to the
13 Western States Water Council shall receive the actual
14 and necessary expenses incurred by him in the
15 performance of his duties as a member, including travel
16 expenses. Additionally, each such member, except
17 persons who are officers or employees of the state, shall
18 receive a compensation of ~~twenty-five dollars (\$25)~~ *fifty*
19 *dollars (\$50)* for each day such member is engaged in the
20 performance of his duties as a member. Such expenses
21 and compensation shall be paid from the budget of the
22 Department of Water Resources.

23 The provisions of this section do not in any manner
24 affect the provisions of Section 123 which provide for
25 state administration of interstate compacts relative to the
26 distribution and use of the waters of any interstate
27 streams or bodies of water.

28 SEC. 15. Section 8552 of the Water Code is amended
29 to read:

30 8552. Each member of the board shall receive the
31 necessary expenses incurred by him in the performance
32 of his duties, and each member of the board that is
33 neither eligible for nor receives any salary or other
34 compensation for time spent attending meetings of the
35 board shall receive fifty dollars (\$50) for each day
36 attending the meetings of the board, but such per diem
37 shall not exceed ~~two thousand dollars (\$2,000)~~ *three*
38 *thousand dollars (\$3,000)* in any one year.

39 In addition to the amounts above provided, any
40 member of the board traveling outside the state pursuant

1 to authorization of the board, and the approval of the
2 Governor and Director of Finance as provided by Section
3 11032 of the Government Code, while so engaged shall
4 receive such per diem and his necessary expenses.

5 SEC. 16. Section 10701 of the Welfare and Institutions
6 Code is amended to read:

7 10701. The members of the board shall serve without
8 compensation, except that each member shall be paid a
9 per diem of ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)*
10 for each day's attendance at a meeting of the board, not
11 to exceed six days in any month. The members of the
12 board shall also receive their actual and necessary
13 traveling expenses incurred in the course of their duties.

O