

Mellor

8/2/61

Memorandum No. 24(1961)

Subject: Proposed Budget for 1962-63 Fiscal Year; Revised Budget  
for 1960-61 Fiscal Year

Herewith is submitted a suggested budget for the 1962-63 fiscal year. We have not been able to compute the cost of the state's share of Employees' Retirement contributions, but the suggested budget for the 1962-63 fiscal year will be within the amount allocated by the Department of Finance. for the 1962-63 fiscal year.

The proposed budget provides adequate funds for a continuation of our program at its present level.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

## SUPPORT EXPENDITURE DETAIL

	ACTUAL 1960-61	BUDGETED 1961-62	PROPOSED 1962-63
<b>SALARIES AND WAGES</b>			
Commission Members, 7 (per diem)	\$ 2,560.00	\$ 4,200.00	\$ 4,200.00
Executive Secretary (3/4 time)	11,994.00	12,594.75	13,222.50
Assistant Executive Secretary	14,382.00	15,105.00	15,864.00
Assistant Counsel	5,269.09	---	7,084.00
Junior Counsel	1,168.00	6,490.00	556.00
Senior Legal Stenographer	5,276.00	5,542.00	5,772.00
Senior Legal Typist	---	4,345.00	4,960.00
Intermediate Stenographer	4,046.91	341.00	---
#901-Blanket Position-Intermediate steno-clerk(intermittent)	4,114.48	4,296.00	4,296.00
TOTALS, SALARIES AND WAGES	\$ 48,810.48	\$ 52,913.75	\$ 55,954.50
Salary Saving	(+ 2,490.52)	(- 450.00)	(- 600.00)
	\$ 48,810.48	\$ 52,463.75	\$ 55,354.50
<b>OPERATING EXPENSES</b>			
General Expense (includes Subscriptions)	3,007.53	3,300.00	3,300.00
Rent	---	1,500.00	1,500.00
Printing and Binding	7,795.59	10,050.00	7,000.00
Travel, in-state	6,365.60	7,000.00	7,000.00
Travel, out-of-state	---	400.00	400.00
Telephone and Telegraph			
Exchange Charges	297.02	325.00	325.00
Long Distance Tolls	341.85	300.00	400.00
Postage	907.00	750.00	1,200.00
Research Services and Contractual Services	17,990.49	14,000.00	15,000.00
TOTALS, OPERATING EXPENSES	\$ 36,705.08	\$ 37,625.00	\$ 36,125.00
<b>EQUIPMENT</b>			
Total	244.40	500.00	1,200.00
TOTAL EXPENDITURES (EXCLUDING STATE EMPLOYEES' RETIREMENT SYSTEM)	\$ 85,759.96	\$ 90,588.75	\$ 92,679.50
Contribution to State Employees' Retirement System	(not available)	\$ 3,585.00	(not available)
DEPT. OF FINANCE ALLOCATION - SEE EXHIBIT II, attached (pink)		\$ 94,671.00	\$ 97,562.00

## 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. Because studies 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 1957-1959</u>	<u>Actual 1959-1961</u>	<u>Estimated 1961-1963</u>
Studies . . . . .	12	10	7

A study on Sovereign Immunity is one of the studies scheduled for completion in 1961-1963. Substantial progress will be made on the study of the Uniform Rules of Evidence during 1961-1963.

# NUMBER OF POSITIONS

	<u>1960-61</u> <u>(Filled)</u>	<u>1961-62</u> <u>(auth.)</u>	<u>1962-63</u> <u>(auth.)</u>
Executive Secretary (3/4 time)	.8	.8	.8
Assistant Executive Secretary	1	1	1
Assistant Counsel	1	---	*** 1
Junior Counsel	---	1	---
Senior Legal Stenographer	1	1	1
Senior Legal Typist	---	* 1	* 1
Intermediate Stenographer	** 2	** 1	** 1
	<hr/> 5.8	<hr/> 5.8	<hr/> 5.8

\* This is based on assumption that a pending request to reclassify the full-time intermediate stenographer position to Senior Legal Typist will be approved. If this request is not approved, we will request that the position be reclassified as Senior Legal Stenographer. The funds budgeted would cover either reclassification.

\*\* Includes blanket position for Intermediate Stenographers (intermittent) equal to one full-time position.

\*\*\* This is based on the assumption that the position of Junior Counsel will be reclassified to Assistant Counsel when the present Junior Counsel qualifies as an Assistant Counsel.

SALARIES AND WAGES

	<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
<u>Commissioners</u> (7) per diem	\$2,560	\$4,200	\$4,200

Comment:

The proposed budget for 1962-63 will provide funds for a three-day meeting every other month. The expenditure for this item in 1959-60 was \$3,320.

# SALARIES AND WAGES

<u>Staff</u>	<u>Actual 1960-61</u>	<u>Budgeted 1961-62</u>	<u>Proposed 1962-63</u>
Executive Secretary (3/4 time)	\$11,994.00	\$12,594.75	\$13,222.50
Assistant Executive Secretary	14,382.00	15,105.00	15,864.00
Assistant Counsel	5,269.09	----	7,084.00
Junior Counsel	1,168.00	6,490.00	556.00
Senior Legal Stenographer	5,276.00	5,542.00	5,772.00
Senior Legal Typist	---	4,345.00	4,960.00
Intermediate Stenographer	4,046.91	341.00	---
#901-Blanket Position-Intermediate stenographer (intermittent)	4,114.48	4,296.00	4,296.00
	<u>\$46,250.48</u>	<u>\$48,713.75</u>	<u>\$51,754.50</u>
Salary Saving	(+2,490.52)	( -450.00)	( -600.00)
	<u>\$46,250.48</u>	<u>\$48,263.75</u>	<u>\$51,154.50</u>

## Comment

The Department of Finance has directed that we budget for merit increase requirements and for a five percent salary increase for the 1962-63 fiscal year. The proposed 1962-63 budget is prepared as so required.

The proposed budget for 1962-63 provides funds to permit reclassification of the Junior Counsel position to Assistant Counsel during the 1962-63 fiscal year.

GENERAL EXPENSE ( INCLUDES SUBSCRIPTIONS)

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
\$3,007.53	\$3,300	\$3,300

RENT

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
---	\$1,500	\$1,500

Comment:

The Department of Finance has entered into a five-year lease (approved by the Law Revision Commission) for the space occupied by the Law Revision Commission at Stanford Law School. The lease provides for a rent of \$1,500 for the 1962-63 fiscal year.



PRINTING AND BINDING

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
\$ 7,795.59	\$ 10,050.00	\$ 7,000.00

Comment:

See Exhibit I, attached (yellow pages) for detailed information concerning the printing program.

TRAVEL, IN-STATE

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
\$6,365.60	\$7,000	\$7,000

Actual  
1960-61

Number of Employees:

Number of man-days of travel:

Cost of Meals and Hotel

Transportation and other expense

Automobile mileage\* (        miles)

*Mileage	Miles	Cost
DeMouilly (staff)		
Harvey (staff)		
Lindow (staff)		

Totals        ————— \$ —————

Comment:

The actual expenditure for this item in 1959-60 was \$6,802.32.

TRAVEL - OUT-OF-STATE

	<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
Executive Secretary or Assistant Executive Secretary to attend annual meeting of National Legislative Conference	---	\$400	\$400

Comment:

In the past this item has been budgeted to permit the Executive Secretary to attend the meeting. It is proposed that the 1962-63 budgeted item permit either the Executive Secretary or Assistant Executive Secretary to attend the meeting.

The budget for 1960-61 included this item but other duties made it impossible for the Executive Secretary to attend the meeting.

TELEPHONE AND TELEGRAPH

	<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
Exchange Charges	\$297.02	\$325	\$325
Long Distance Tolls	341.85	300	400

Comment:

Long Distance Tolls are higher during the fiscal year of the general legislative session.

POSTAGE

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
\$907	\$750	\$1,200

Comment:

The bulk of the mailing of recommendations made to the 1963 Legislature will take place during the 1962-63 fiscal year.

# RESEARCH AND CONTRACTUAL SERVICES

<u>Actual</u> <u>1960-61</u>	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
\$ 17,990.49	\$ 14,000	\$ 15,000

## Comment:

The following is an itemization of budgeted and proposed expenditures:

	<u>Budgeted</u> <u>1961-62</u>	<u>Proposed</u> <u>1962-63</u>
Consultants for studies assigned to Commission	\$ 5,000	\$ 6,000*
Travel Expenses for Consultants	1,500	1,500
Research Contract with Stanford University	7,500	7,500

\*Includes possible renegotiation of two research contracts.

EQUIPMENT	Actual 1960-61	Budgeted 1961-62	Proposed 1962-63
	\$ 244.40	\$ 500.00	\$ 1,200.00

Comment:

The following is a detailed list of the equipment included in the proposed 1962-63 budget:

2 - File, 5-drawer, metal, legal size . . . . .	\$ 276.00
1 - Desk, typewriter, 60" x 34" . . . . .	220.00
1 - Desk, metal, 60" x 34" . . . . .	220.00
1 - Chair, posture, no arm, steno . . . . .	49.00
1 - Typewriter, used, manual . . . . .	100.00
1 - Table, Typewriter, 24" x 50" x 26-1/2" . . . . .	73.00
1 - Stenorette Dictating Machine . . . . .	219.50
Miscellaneous . . . . .	<u>42.50</u>
Total	\$1,200.00

We do not have adequate equipment for temporary clerical personnel. The equipment listed above will provide one work space, fully equipped, for a temporary stenographer.

We do not have adequate equipment for personnel working for the Commission under the Stanford Research Contract. The equipment listed above will provide one work space, fully equipped, for the legal editor (one-half time position) who works for the Commission under the Stanford Research Contract. Presently this person uses inadequate equipment on loan from Stanford.

## EXHIBIT I

### ALLOCATION OF FUNDS FOR PRINTING AND BINDING

The following tabulation indicates those studies for which printing funds have been allocated. Printing of the Hearsay Evidence study is covered by moneys from the 1958-59 budget. Some studies will be printed with funds already encumbered under the 1959-60 or 1960-61 budgets; funds are provided for printing other studies under the 1961-62 budget or under the proposed 1962-63 budget. The proposed expenditures for 1961-62 and 1962-63 are, in most cases, estimates made without having received a completed study. As a result, it will be necessary to adjust the amounts allocated to various studies and, if the studies are not as voluminous as anticipated, it may be possible to print additional studies for which an allocation has not yet been made.



Study No.	Subject	Funds Encumbered			Proposed Expenditures	
		1958-59:	1959-60:	1960-61:	1961-62:	1962-63
14	Instructions to Jury Room	:	:	:	:	1,000
26	Escheat	:	:	:	:	:
27	Putative Spouse	:	:	:	:	:
29	Post-Conviction Sanity Hearings	:	565	:	:	:
30	Custody Jurisdiction	:	:	:	:	:
34(L)	Uniform Rules of Evidence	:	:	:	:	:
	Hearsay	3,450	:	:	:	:
	Privilege	:	3,200	:	:	:
	Authentication	:	600	:	:	:
	Other portions	:	:	:	2,500	:
35(L)	Habeas Corpus	:	:	:	:	:
36(L)	Condemnation	:	:	:	:	:
	Pretrial Conferences and Discovery	:	1,220	:	:	:
	Incidental Business Losses	:	300*	:	:	:
	Allocation of Awards	:	1,220	:	:	:
	Other Portions	:	:	:	:	1,000
39	Attachment, Garnishment, etc.	:	:	:	:	:
41	Small Claims Court Law	:	:	:	:	:
42	Trespassing Improver	800	:	:	:	:
43	Separate Trial-Issue of Insanity	:	730	:	:	:
44	Suit in Common Name	:	:	:	:	:

\* Estimated

Study No.	Subject	Funds Encumbered 1958-59:1959-60:1960-61:	Proposed Expenditures 1961-62:1962-63
45	Mutuality re Specific Performance		
46	Arson	800	
47	Modification - Contract in Writing		
49	Rights of Unlicensed Contractor		
50	Rights of Lessor		
51	Ex Parte Divorce		
52(L)	Sovereign Immunity	3,650	2,050
53(L)	Personal Injury Damages Separate Property		2,000
57(L)	Bail		2,500
59	Service by Publication		
60	Representation of Credit		
61	Election of Remedies		
1962	Annual Report	550	
1963	Annual Report		1,000
	Bound Volume No. 3	3,000	1,000
	Bound Volume No. 4		4,000

EXHIBIT II  
EXPENDITURE PROJECTIONS  
1961-62 AND 1962-63 FISCAL YEARS

Agency LAW REVISION COMMISSION

State Operations XXX Capital Outlay \_\_\_\_\_ Local Assistance \_\_\_\_\_

Item	1961-62	1962-63
Appropriations:		
Budget Act of 1961:		
Item No. 11	\$91,802	\$91,802
Special Appropriations:		
Retirement	3,585	3,585
Merit Salary Increases, Including Retirement	-	2,175
Workload Needs, Including Retirement		
Effect of 1961 Legislation	_____	_____
Subtotal	\$95,387	\$97,562
Adjustment:		
Improved Productivity and Increased Efficiency Reserved for Employee Salary Increase	<u>-716</u>	<u>-1,432</u>
Net Total Allocation	\$94,671	\$96,130