

Meeting

6/28/62

Memorandum No. 35 (1962)

Subject: Budget for the 1963-64 fiscal year.

Attached is the proposed budget for the 1963-64 fiscal year. In some cases, expenditures listed for 1961-62 are estimates rather than the actual amount of the expenditures. Note that the budget proposes to raise the position of Assistant Counsel to Associate Counsel during the 1963-64 fiscal year. Associate Counsel is the appropriate classification for an attorney doing legal work of more than average difficulty. We propose to assign to the Associate Counsel primary responsibility for certain studies and believe that the higher classification is appropriate.

The 1963-64 budget also proposes to establish a new position--Junior Staff Analyst. This position will provide the staff of the Commission with an administrative assistant who can relieve the Executive Secretary and Assistant Counsel of considerable administrative work. See the detailed justification for the new position in the proposed budget (p. 5). Our budget examiner and a representative of the State Personnel Board have approved this position as an appropriate one.

The proposed budget is within the amount allotted to the Commission for the 1963-64 fiscal year. We have carefully considered our printing requirements and research requirements for the 1962-63 and 1963-64 fiscal years, and we believe there are sufficient moneys in the proposed budget to cover those needs.

Please note the revised budget for the 1962-63 fiscal year. The two basic changes here are to provide moneys to employ the administrative assistant immediately and to provide moneys to purchase essential equipment now.

Some Commissioners have questioned whether the compensation paid Commissioners--\$20 per meeting day--was comparable to that paid to members of other State boards and commissions. Attached is some material Senator Cobey received from the Legislative Analyst relating to compensation of Law Revision Commission members.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

SALARIES AND WAGES	Estimated 1961-62	Budgeted 1962-63	Revised** 1962-63	Proposed 1963-64
Commission Members, 7 (per diem)	2,680	4,200	4,000	4,000
Executive Secretary (.8 time)		14,956		15,015
Assistant Executive Secretary		16,824		17,028
Associate Counsel	---	---	---	10,054
Assistant Counsel		7,513		683
Junior Counsel		590		---
Junior Staff Analyst	---	---	2,430	6,096
Administrative Trainee	---	---	2,640	---
Senior Legal Stenographer		6,120		6,120
Senior Legal Typist		5,091		5,349
Intermediate Stenographer		---	---	---
#901 - Blanket (temporary clerical)	3,245*	4,560		5,000
Total, Salaries and Wages		59,854	64,724	69,345
Less Salary Savings		(- 1,573)	(- 1,293)	(- 1,232)
NET, SALARIES AND WAGES		58,281	63,431	68,113
OPERATING EXPENSES				
General Expense (includes subscriptions)	3,850	3,000		3,350
Rent	1,500	1,500		1,500
Printing and Binding	6,406	6,000	4,000	4,500
Travel, in-state	5,101	8,000		6,600
Travel, out-of-state	378	400		400
Telephone and Telegraph				
Exchange Charges	296	325		325
Long Distance Tolls	400	400		400
Postage	1,042	1,200		1,000
Research Services and Contractual				
Services	15,170	15,000	11,000	9,500
TOTAL, OPERATING EXPENSES	34,143	36,125	30,125	27,575
EQUIPMENT				
Total		1,200	2,050	1,000
TOTAL EXPENDITURES (EXCLUDING EMPLOYEES				
RETIREMENT AND HEALTH AND WELFARE)		\$95,606	\$95,606	\$96,688
RECOMMENDED ALLOTMENT BY DEPARTMENT OF FINANCE FOR 1963-64 -- \$96,688				

** Only changes from 1962-63 budget are shown.

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 are presented below in terms of fiscal periods of two years.

	<u>Actual</u> <u>1957-1959</u>	<u>Actual</u> <u>1959-1961</u>	<u>Estimated</u> <u>1961-1963</u>
Studies	12	10	3

A study on Sovereign Immunity is one of the studies upon which a recommendation will be made to the 1963 general session of the Legislature. The Sovereign Immunity study is roughly equivalent to 20 normal studies.

NUMBER OF POSITIONS

	<u>1962-62</u> <u>(filled)</u>	<u>1962-63</u> <u>(auth.)</u>	<u>1962-63</u> <u>(proposed)</u>	<u>1963-64</u> <u>(proposed)</u>
Executive Secretary (.8 time)	.8	.8	.8	.8
Assistant Executive Secretary	1	1	1	1
Associate Counsel	---	---	---	1
Assistant Counsel	---	1	1	---
Junior Counsel	1	---	---	---
Senior Legal Stenographer	1	1	1	1
Senior Legal Typist	1	1	1	1
Temporary Clerical*	1	1	1	1
<u>New Position</u>				
Junior Staff Analyst	---	---	.9	1
	<hr/>	<hr/>	<hr/>	<hr/>
	5.8	5.8	6.7	6.8

* Temporary clerical personnel equal to approximately one full-time employee.

(For justification of new position, see Salaries and Wages Detail, page 5)

SALARIES AND WAGES	Estimated 1961-62	Budgeted 1962-63	Revised 1962-63	Proposed 1963-64
Commission Members, 7 (per diem)	\$2,680	\$ 4,200	\$4,000	\$ 4,000
Executive Secretary (.8 time)		14,956	14,956	15,015
Assistant Executive Secretary		16,824	16,824	17,028
Associate Counsel	---	---	---	10,054
Assistant Counsel		7,513	7,513	683
Junior Counsel		590	590	---
Junior Staff Analyst	---	---	2,430	6,096
Administrative Trainee	---	---	2,640	---
Senior Legal Stenographer		6,120	6,120	6,120
Senior Legal Typist		5,091	5,091	5,349
Intermediate Stenographer		---	---	---
#901 - Blanket (temporary clerical)	3,245	4,560	4,560	5,000
Total, Salaries and Wages		\$59,854	\$64,724	\$69,345
Less Salary Savings		(- 1,573)	(-1,293)	(- 1,232)
NET, SALARIES AND WAGES		\$58,281	\$63,431	\$68,113

Comment:

The proposed budget for 1963-64 will provide funds for 30 days of meetings.

Budgeted expenditures for 1962-63 and proposed expenditures for 1963-64 cover 80 percent of the salary of the Executive Secretary. For 1961-62 the State paid only 75 percent of the salary for this position.

The proposed budget for 1963-64 provides funds to permit reclassification of the Assistant Counsel position to Associate Counsel during the 1963-64 fiscal year. It is proposed to relieve the proposed Associate Counsel of a number of administrative duties now assigned to the Assistant Counsel. The Associate Counsel will be assigned certain of the Commission studies and will have the primary responsibility for preparing memoranda concerning such studies and for drafting the necessary legislation and recommendations resulting from such studies. It is apparent that the legal work load of the Commission has reached a level where it is necessary that it be divided among the Executive Secretary and two other attorneys who are capable of assuming substantial responsibility for the portions assigned to them.

The proposed budget establishes a new position--Junior Staff Analyst. It is contemplated that the person appointed to this position would relieve the Executive Secretary and Assistant Counsel of certain administrative duties. For example, it is contemplated that the following duties would become the primary responsibility of the Junior Staff Analyst:

(1) Supervision of the Commission's printing program. Duties would involve supervision of law students working under the Stanford Research Contract, handling relations with the State Printing Office, etc. These duties are now performed by the Assistant Counsel, and the proposed appointment will free the Assistant Counsel for legal work.

(2) Initial editing of research studies. A person employed on a one-half time basis under the Stanford Research Contract now does the initial editing of research studies. The proposed appointment will eliminate the need for this existing position and will permit a reduction in the amount of money required for the Stanford Research Contract.

(3) Distribution of Commission publications. In accordance with general policies established by the Commission and its Executive Secretary, the proposed appointee will handle the distribution of Commission publications. This is presently handled by the Executive Secretary.

(4) Perform other administrative duties now performed by the Executive Secretary or Assistant Counsel. Assume primary responsibility for assuring that the clerical staff is efficiently utilized and that work deadlines are met. Make studies and evaluations of existing office procedures, recommend improvements and assist in the installation of new procedures. Assist in the preparation of the budget. On occasion, represent the Commission at conferences, such as conferences held on Retirement and Health and Medical

benefits plans. Make special studies and prepare administrative reports. Prepare the Commission's Annual Report. Assist Executive Secretary on administrative problems and procedures. Prepare manuals of procedures for editing of research studies, clerical procedures and clerical assignments. Recruit and employ clerical personnel. Handle most personnel transactions. Gather and analyze data pertinent to Commission studies.

GENERAL EXPENSE (INCLUDES SUBSCRIPTIONS)

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$3,850	\$3,300	\$3,300	\$3,350

RENT

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$1,500	\$1,500	\$1,500	\$1,500

Comment:

The Department of Finance 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 1963-64 fiscal year.

PRINTING AND BINDING

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$6,406	\$6,000	\$4,000	\$4,500

Comment:

We will have to determine the priority of studies to be printed with funds from 1963-64 budget at the time those funds become available for expenditure. To the extent that the funds for printing are insufficient, we can transfer funds from other categories of operating expenses.

We have encumbered funds in 1960-61 to print the study on the Privileges Article and the Authentication Article of the Uniform Rules of Evidence. See Exhibit I, attached (yellow pages), for detailed information concerning the printing program.

TRAVEL, IN-STATE

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$5,101	\$8,000	\$8,000	\$6,600

Actual
1961-62

Number of employees:

Number of man-days of travel:

Cost of meals and hotel:

Transportation and other expense:

Automobile mileage* (miles)

<u>*Mileage</u>	<u>Miles</u>	<u>Cost</u>
DeMouilly (staff)		
Harvey (staff)		
Smock (staff)		

Totals \$

Comment:

The actual expenditure for in-state travel in 1959-60 was \$6,802.32 and in 1960-61 was \$6,365.60.

TRAVEL - OUT-OF-STATE

	Actual <u>1961-62</u>	Budgeted <u>1962-63</u>	Revised <u>1962-63</u>	Proposed <u>1963-64</u>
Representative of Commission to attend annual meeting of National Legislative Conference	\$378	\$400	\$400	\$400

Comment:

In the past this item has been budgeted to permit the Executive Secretary or Assistant Executive Secretary to attend the meeting.

TELEPHONE AND TELEGRAPH

	<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
Exchange Charges	\$296	\$325	\$325	\$325
Long Distance Tolls	400	400	400	400

POSTAGE

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$1,042	\$1,200	\$1,200	\$1,000

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>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
\$15,170	\$15,000	\$11,000	\$ 9,500

Comment:

The following is an itemization of budgeted and proposed expenditures:

	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
Consultants for studies assigned to Commission	\$ 6,000	\$ 2,000	\$ 3,500
Travel Expenses for Consultants	1,500	1,500	1,000
Research Contract with Stanford University	7,500*	7,500*	5,000

*We have already entered into this contract.

EQUIPMENT

<u>Actual</u> <u>1961-62</u>	<u>Budgeted</u> <u>1962-63</u>	<u>Revised</u> <u>1962-63</u>	<u>Proposed</u> <u>1963-64</u>
Unknown	\$1,200	\$2,050	\$1,000

Comment:

The following is a detailed list of needed equipment. To the extent funds are available in 1963-64, we will purchase this equipment in an order of priority to be determined at that time.

<u>Item</u>	<u>Approximate</u> <u>Cost</u>
1 - File, 5-drawer, metal, legal size	\$ 138
1 - Desk, typewriter, metal, 60" x 34"	220
1 - Desk, metal, 60" x 34"	220
1 - Chair, posture, no arm, steno	49
1 - Typewriter, used, manual	100
1 - File, 2-drawer, metal, legal size	90
1 - Table, typewriter, metal, 24" x 50" x 26-1/2"	73
Miscellaneous	<u>110</u>
Total . . .	\$1,000

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

Also, we do not have adequate equipment for personnel working for the Commission under the Stanford Research Contract. The equipment listed above would provide one work space, fully equipped, for the legal editor who works for the Commission under the Stanford Research Contract. This person now uses inadequate equipment on loan from Stanford. The Junior Staff Analyst will replace the legal editor and will use this equipment.

EXHIBIT I

PRINTING PROGRAM

(Recommendations to 1963 Legislature excluded)

Funds have been encumbered to print the following studies:

<u>Study No.</u>	<u>Subject</u>	<u>Amount Encumbered</u>	<u>Fiscal Year</u>
34(L)	Uniform Rules of Evidence		
	Privileges Article*	3,200	1959-60
	Authentication Article	600	1959-60
46	Arson*	800	1959-60
52(L)	Sovereign Immunity	3,650	1960-61
53(L)	Personal Injury Damages as Separate Property	450	1961-62
57(L)	Bail	2,400	1961-62
	Bound Volume No. 4	3,400	1961-62

* Indicates that study set in type by Printer

We have made no arrangements to print the following:

1963 Annual Report

1964 Annual Report

1965 Annual Report

Study No. 14 - Instructions to Jury Room

Study No. 26 - Escheat

Study No. 27 - Putative Spouse

Study No. 29 - Post Conviction Sanity Hearings (\$565 encumbered for printing
this study reverted on June 30, 1962) (Study will be
printed in a Law Review)

Study No. 30 - Custody Jurisdiction

Study No. 34(L) - Uniform Rules of Evidence (certain portions only)

Study No. 35(L) - Habeas Corpus

Study No. 36(L) - Condemnation (any additional portions)(about \$1,800 of funds previously encumbered for printing of additional portions of this study reverted on June 30, 1962)

Study No. 39 - Attachment, Garnishment, etc.

Study No. 41 - Small Claims Court Law.

Study No. 42 - Trespassing Improver (we had this set in type but funds reverted long ago because we did not print the study)

Study No. 43 - Separate Trial - Issue of Insanity (\$730 encumbered for printing this study reverted on June 30, 1962)
(Study will be printed in a Law Review)

Study No. 44 - Suit in Common Name

Study No. 45 - Mutuality re Specific Performance

Study No. 47 - Modification-Contract in Writing

Study No. 49 - Rights of Unlicensed Contractor

Study No. 50 - Rights of Lessor

Study No. 51 - Ex Parte Divorce (Funds encumbered to print this study reverted,

Study No. 59 - Service by Publication

Study No. 60 - Representation of Credit

Study No. 61 - Election of Remedies

Study No. 62 - Vehicle Code Section 17150 (probably will combine with Study No. 53(L) which is already covered by printing estimate)