

mtg

8/13/63

Memorandum No. 63-39

Subject: Budget for the 1964-65 Fiscal Year.

Attached is a proposed budget for the 1964-65 fiscal year. The proposed budget is within the amount allotted to the Commission for the 1964-65 fiscal year by the Department of Finance.

Although the 1964-65 budget does not create any new positions, we believe we will have sufficient funds from salary savings to finance staff promotions when justified.

Please note the revised budget for the 1963-64 fiscal year. The changes made in the budget as approved by the Department of Finance are necessary to reflect changes in personnel and staff promotions and to provide additional moneys for printing and for payment of rent.

You will note that the revised budget for 1963-64 and the proposed budget for 1964-65 will provide substantial funds for printing and binding. We have made a careful and, we believe, realistic estimate of these costs and the amount provided should be sufficient to cover necessary printing. If it is not sufficient, the staff suggests that we do not print the research study and recommendation relating to repeals and adjustments of statutes not affected by the Uniform Rules of Evidence. Although it is desirable to print that study and recommendation, we believe that we should stay within the amount allotted to us by the Department of Finance.

The budget will not provide funds for any significant additional research studies by outside consultants. We will have sufficient funds in the revised 1963-64 budget to pay for the additional study on the URE. We

will have to defer the three sovereign immunity studies we planned to finance from the 1963-64 appropriation. We believe, however, that we will be able to finance one additional study on sovereign immunity with the funds provided in the proposed budget for 1964-65 if we are able to accomplish the necessary printing within the amount budgeted for such printing.

The budget does not provide any funds for work on the Penal Code.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

SUPPORT EXPENDITURE DETAIL

	Actual 1962-63	Budgeted 1963-64	Revised 1963-64	Proposed 1964-65
SALARIES AND WAGES				
Commission members, 7 (per diem)	\$ 2,640	\$ 4,000	\$ 4,000	\$ 4,000
Executive Secretary		18,768	18,768	18,768
Assistant Executive Secretary		17,028	17,028	17,028
Associate Counsel		--	10,737**	11,474
Assistant Counsel		8,604	--	--
Junior Staff Analyst)-53,657	6,096	2,916	6,120
Administrative Trainee		--	2,778	--
Senior Legal Stenographer		6,120	--	
Senior Legal Typist		5,349	--	
Senior Stenographer		--	4,389	4,988
Intermediate Stenographer		--	5,188	5,049
#901 - Blanket (temporary clerical)	5,316	4,788	5,000	5,500
Total Salaries and Wages		70,753	70,804	72,927
Less Salary Savings	*	--	(51)	(1,277)
NET, SALARIES AND WAGES	61,613	70,753	70,753	71,650
OPERATING EXPENSES				
General Expense	2,750	3,350	3,300	3,500
Rent	1,500	1,500	2,500	3,000
Printing and Binding	24,271	4,500	14,200	12,070
Telephone and Telegraph				
Exchange Charges	452	325	460	476
Long Distance Tolls	328	400	315	400
Postage	747	1,000	1,000	1,000
Travel, In-state	7,828	6,600	6,000	8,000
Travel, Out-of-state	152	400	--	400
Research and Contractual Services	5,170	16,200	6,500	6,000
Total, Operating Expenses	43,198	34,275	34,275	34,846
EQUIPMENT				
Total	2,025	700	700	500
TOTAL EXPENDITURES (excluding employees retirement and Health and Welfare)				
	106,836	105,728	105,728	106,996
Cost of Employees Retirement	unknown	4,711	4,711	4,711
Cost of Health and Welfare	unknown	360	360	432
TOTAL EXPENDITURES				
	unknown	110,799	110,799	112,139

RECOMMENDED ALLOTMENT BY DEPARTMENT OF FINANCE FOR 1964-65 - \$ 112,139

* salary savings \$1,819

** one month as Assistant Counsel

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>1959-61</u>	<u>Actual</u> <u>1961-63</u>	<u>Estimated</u> <u>1963-65</u>
Studies	10	3	3

A study on Sovereign Immunity was one of the studies upon which a substantial number of recommendations were made to the 1963 general session of the Legislature. A recommendation on the Uniform Rules of Evidence will be the major recommendation to the 1965 general session of the Legislature.

NUMBER OF POSITIONS

	<u>1962-63</u> <u>(filled)</u>	<u>1963-64</u> <u>(authorized)</u>	<u>1963-64</u> <u>(proposed)</u>	<u>1964-65</u> <u>(proposed)</u>
Executive Secretary	.8	1	1	1
Assistant Executive Secretary	1	1	1	1
Associate Counsel			1	1
Assistant Counsel	1	1		
Junior Staff Analyst	.4	1	.5	1
Administrative Trainee	.5		.5	
Senior Legal Stenographer	1	1		
Senior Legal Typist	1	1		
Senior Stenographer			1	1
Intermediate Stenographer			1	1
#901 - Blanket Temporary*	1	1	1	1
	<u>6.7</u>	<u>7</u>	<u>7</u>	<u>7</u>

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

SALARIES AND WAGES

	Actual <u>1962-63</u>	Budgeted <u>1963-64</u>	Revised <u>1963-64</u>	Proposed <u>1964-65</u>
Commission members, 7 (per diem)	\$ 2,640	\$ 4,000	\$ 4,000	\$ 4,000
Executive Secretary)		18,768	18,768	18,768
Assistant Executive Secretary)		17,028	17,028	17,028
Associate Counsel)		--	10,737*	11,474
Assistant Counsel)		8,604	--	--
Junior Staff Analyst)	-53,657	6,096	2,916	6,120
Administrative Trainee)		--	2,778	--
Senior Legal Stenographer)		6,120	--	
Senior Legal Typist)		5,349	--	
Senior Stenographer)		--	4,389	4,988
Intermediate Stenographer)		--	5,188	5,049
#901 - Blanket (temporary clerical)	5,316	4,788	5,000	5,500
Total Salaries and Wages		<u>70,753</u>	<u>70,804</u>	<u>72,927</u>
Less Salary Savings	*	--	(51)	(1,277)
NET, SALARIES AND WAGES	61,613	<u>70,753</u>	<u>70,753</u>	<u>71,650</u>

* salary savings \$1,819

** one month as Assistant Counsel

Comment:

The proposed budget for 1964-65 will provide funds for 30 days of meetings.

Justified staff promotions will be financed from salary savings.

GENERAL EXPENSE (INCLUDES SUBSCRIPTIONS)

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$2,750	\$3,350	\$3,300	\$3,500

RENT

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$ 1,500	\$ 1,500	\$ 2,500	\$ 3,000

Comment:

We need funds to cover rent for adequate quarters. We plan to negotiate a lease based on amounts provided in revised 1963-64 budget and in 1964-65 budget as soon as the revision of the 1963-64 budget is approved by the Department of Finance and Stanford has determined the space to be allotted to the Commission. Although Stanford has not requested an increase in rent, we believe that a more realistic rent will be of assistance to us in our effort to secure adequate quarters. We now occupy approximately 1550 square feet of space. Based on this amount of space, the revised budget for 1963-64 would result in us paying approximately 13.5 cents per square foot per month and the proposed budget for 1964-65 would result in us paying approximately 16.3 cents per square foot per month. Rent covers janitorial service, protective service, heat, light, maintenance, etc.

PRINTING AND BINDING

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$24,271	\$4,500	\$14,200	\$12,070

Comment:

We have revised the 1963-64 budget to provide additional funds for printing. This amount, together with the amount provided in the 1964-65 budget, will, we believe, be sufficient to cover necessary printing for the 1965 legislative session. See Exhibits I, II and III (yellow sheets) for more detail on printing requirements.

TELEPHONE AND TELEGRAPH

	<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
Exchange Charges	\$452	\$325	\$460	\$476
Long Distance Tolls	328	400	315	400

POSTAGE

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$748	\$1,000	\$1,000	\$1,000

TRAVEL, IN-STATE

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$7,828	\$6,600	\$6,000	\$8,000

Actual
1962-63

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>
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DeMouilly (staff)

Harvey (staff)

Smock (staff)

Totals

\$

Comment:

The actual expenditure for in-state travel in 1959-60 was \$6,802.32, in 1960-61 was \$6,365.60 and in 1961-62 was \$5,318.

TRAVEL, OUT-OF-STATE

	<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
Representative of Commission to attend annual meeting of National Legislative Conference	\$152	\$400	--	\$400

Comment:

We have eliminated this item in the revised 1963-64 budget in order to obtain additional money for printing.

RESEARCH AND CONTRACTUAL SERVICES

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$ 5,170	\$ 16,200	\$ 6,500	\$ 5,000

Comment:

The following is an itemization of budgeted and proposed expenditures:

	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
Consultants for studies assigned to Commission	\$ 10,000*	\$ 2,500	\$ 3,000
Travel Expenses for Consultants	1,200	1,000	500
Research Contract with Stanford University	5,000	3,000**	2,500
	<u>16,200</u>	<u>6,500</u>	<u>6,000</u>

*Includes funds for three additional studies on sovereign immunity.

** We have already entered into a contract for \$1,000 of this amount.

The funds provided for 1963-64 will permit us to enter into a contract previously authorized by the Commission for an additional study in connection with the URE in the amount of \$2,500. The funds provided in 1964-65 will permit us to enter into a contract for a study on sovereign immunity (\$2,500) and to pay a consultant on the URE for attending meetings (\$500).

EQUIPMENT

<u>Actual</u> <u>1962-63</u>	<u>Budgeted</u> <u>1963-64</u>	<u>Revised</u> <u>1963-64</u>	<u>Proposed</u> <u>1964-65</u>
\$ 2,025	\$ 700	\$ 700	\$ 500

Comment:

The following is a partial list of additional needed equipment:

<u>Item</u>	<u>Approximate Cost</u>
1 - Dictating Machine, electronic, tape media	\$ 239
2 - Transcribing Units for Dictating Machines	70
1 - Mobilestand for Dictating Machine	21
1 - Desk, leg base, metal, flat top, 60" x 34"	175

We do not have adequate equipment for temporary clerical personnel. In addition, much of the office furniture we now use is on loan from Stanford. We plan to replace some of this furniture now on loan with part of the money provided in the 1964-65 budget. The major expenditure for equipment during 1964-65 is for a Dictating Machine and for transcribing units for the machine we plan to purchase and a machine we now have.

EXHIBIT I

Estimated Cost of Printing - 1965 Session

	<u>Printed Pages</u>		<u>Total</u>	<u>Cost</u> *	<u>Encumbered</u>	<u>Balance</u>
	<u>Study</u>	<u>Recommendation</u>				
Privileges	250	60	310	\$ 7,750	\$ 4,300 ⁴	\$3,450
Authentication	45	20	65	1,625	600 ⁵	1,025
General Provisions	40	20	60	1,500	400 ⁶	1,100
Extrinsic Policies	70	20	90	2,250		2,250
Witnesses	60	20	80	2,000		2,000
Presumptions	75	30	105	2,625	1,000 ⁷	1,625
Judicial Notice	35	15	50	1,250		1,250
Expert Witness	30	20	50	1,250		1,250
Repeals and Adjustments	185	70	255	6,375		6,375
Revised Evidence Code	--	--	300	5,000		5,000 ¹
1964 Annual Report	--	--	50	900		900 ²
Volume 4	--	--	--		3,400 ⁸	--
1965 Annual Report	--	--	30	400 ³		400 ³
TOTAL						\$26,625

* Cost computed on basis of \$25 per printed page.

¹ This estimate is based on the assumption that the bill will be preprinted. This should save about \$2,500.

² Type saved from 1963 Report will reduce cost by about \$250. Use of Journal type should also result in substantial savings. These savings are reflected in the estimate.

³ Type saved from 1964 Report should reduce cost by \$350--otherwise would cost \$750.

⁴ Estimate 17 (59-60) for \$3200 (already paid) and Estimate 24 (62-63).

⁵ Estimate 27 (59-60) for \$600 (already paid).

⁶ Estimate 26 (62-63).

⁷ Estimate 25 (62-63).

⁸ Estimate 20 (61-62).

EXHIBIT II

Actual Cost of Printing - 1963 Session

	<u>Pages</u>	<u>Total Cost</u>	<u>Cost/page</u>
Sovereign Immunity Study	568	\$ 16,687	\$ 29.38*
Sovereign Immunity Recommendation #1	86	1,913	22.23**
Sovereign Immunity Recommendation #2	93	1,571	16.89**
Sovereign Immunity Recommendation #3	13	376	28.90**
Sovereign Immunity Recommendation #4	21	576	27.45**
Sovereign Immunity Recommendation #5	8	306	38.27**
Sovereign Immunity Recommendation #6	7	274	39.21**
Sovereign Immunity Recommendation #7	11	289	26.29
Discovery	53	1,488	28.07
1963 Annual Report	18	456	25.31
URE - Hearsay	272	5,978	21.98***
	TOTAL	\$29,914	

* Many tables and footnotes.

** Used type for preprinted bill and this substantially reduced the cost.

*** Type set four years ago--cost has increased since then.

EXHIBIT III

Additional Information Concerning Printing
Program

Funds have been encumbered to print the following studies:

	Study	Printed Pages Recommendation	Total	Estimated Cost	Encumbered
Arson	42	6	48	\$ 1,200	\$ 800 ^a
Bail	134	50	184	4,600	2,400 ^b
Personal Injury Damages	30	6	36	900	450 ^c

We have made no arrangements to print the following:

Bound Volume No. 6

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

^a Estimate 30 (59-60) for \$800. (This study is set in type and we have been billed \$800 for work to date.)

^b Estimate 8 (61-62) for \$2400.

^c Estimate 9 (61-62) for \$450.

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)