

CALIFORNIA COMMISSION ON UNIFORM STATE LAWS

For Support of the California Commission on Uniform State Laws from the General Fund

Item 18, page 3 of the Budget Bill and page 8 of the Budget. The amount requested is \$3,275 for support from the General Fund, an increase of \$500 or 18 percent over the actual and estimated amount of \$2,775 in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
None -----	-----	-----
Budgeted increase for new or expanded service:		
Traveling of members of commission -----	\$500	8
Total -----	\$500	

Recommendations

Amount budgeted -----	\$3,275
Legislative Auditor's recommendation -----	\$2,775
Reduction -----	\$500

Analysis

The Commission on Uniform State Laws in each of the states pays to the National Commission on Uniform State Laws a share of the expenses of that organization based on the population of the state. The amount scheduled to be paid by California was increased to \$750 in the 1947-48 Fiscal Year. No change in this amount is proposed for 1949-50. The total proposed increase of \$500 budgeted for 1949-50 over 1948-49 is for increased traveling expense. The National Commission on Uniform State Laws is at present engaged in the preparation of a proposed revision of the Uniform Negotiable Instruments Law, and it is estimated that the travel of members of the state commission will be increased in order to secure full consideration by interested parties of proposed changes in the law. The proposed budget includes an amount for attendance at the national conference by the commissioners. *We recommend elimination of the additional amount requested for travel as it does not appear to be essential to the functioning of the commission.*

SUPREME COURT OF CALIFORNIA

For Support of the Supreme Court from the General Fund

Item 19, page 3 of the Budget Bill and pages 9 and 10 of the Budget. The amount requested is \$361,817 from the General Fund for support of the Supreme Court. This is a decrease of \$337 or .09 percent under the amount of \$362,154 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages -----	\$2,844	9
Operating expenses -----	—2,100	9
Equipment -----	—1,081	10
Budgeted increase for new or expanded service:		
None -----	-----	-----

Recommendations

Amount budgeted	\$361,817
Legislative Auditor's recommendations	\$354,602
Reduction	\$7,215
The reduction of \$7,215 consists of the following items:	
1 deputy clerk	\$5,475
Special salary adjustments	1,740
Total recommended reduction	\$7,215

Analysis

Salaries and Wages

No new positions are contemplated. Salary and wage costs reflect an over-all increase of \$2,844, going from \$323,016 in 1948-49 to \$325,860 in 1949-50, an advance of .88 percent. Normal salary increments on the presently established 47.5 positions, require \$3,437, while special salary adjustments are scheduled to decline from \$2,333 in 1948-49 to \$1,740 in 1949-50, a reduction of \$593 which operates as an offset item in evaluating the total advance in salary and wage costs.

One position of deputy clerk in San Francisco has been vacant since June 30, 1947, when the former employee retired. This position is still included in the 1949-50 Budget. In view of the fact that the court has continued without this assistance for over a year and a half, it is recommended that this position be deleted from the budget until such time as there is adequately demonstrated the need for additional deputy clerk personnel. The elimination of this position will effect a savings of \$5,475 in expenditures for salaries and wages.

Attention is directed to the item of special salary adjustments totaling \$1,740. This amount represents the difference between the arbitrary allotment of \$1,250 per month per justice allowed by the Department of Finance as the maximum amount to be expended for salaries and wages for employees of the court and the amount of such salaries and wages actually set up in authorized positions.

This procedure is unsound budgetary practice for several reasons. In the first place, such a method disregards the need for specific positions based on supportable work load data. Secondly, the granting of a lump sum, with the difference between actual positions expenditures and the sum granted, always available as special salary adjustments, leads to special salary increases that are not commensurate with the position classification nor with the policy that would be enforced if the positions were civil service—a policy which should be followed even though such positions are exempt.

We see no reason why the courts should not be budgeted according to the same standards set up for other units of State Government. Generally, the court budgets are loosely organized and fluctuations or changes therein are not adequately supported by budgetary justifications.

Since the positions scheduled are budgeted for the full salary contemplated to be paid, we recommend deletion of the item of special salary adjustments in the amount of \$1,740 effecting a further saving in salaries and wages.

Operating Expenses

Operating expenses are scheduled to decline from \$27,150 for 1948-49 to \$25,050 for 1949-50, a reduction of \$2,100 or 7.7 percent.

The decline in operating expenses is traceable to reductions of \$1,500 each for expenses for referee service and for library. The latter item is now scheduled at \$500 and is to cover cost of cleaning, oiling and repairing leather bound volumes.

Equipment

Equipment costs are forecast at \$10,907 for 1949-50, a decline of \$1,081 or 9 percent under the 1948-49 figure of \$11,988.

The major portion of equipment expenditures is for additional items totaling \$10,439, of which \$9,500 is for the law library, and covers books, periodicals, and reviews required to keep the library current. This is the same amount as was scheduled for 1948-49.

JUDICIAL COUNCIL

For Support of the Judicial Council from the General Fund

Item 20, page 3 of the Budget Bill and pages 11 and 12 of the Budget. The amount requested is \$77,404 from the General Fund for support of the Judicial Council. This is an increase of \$4,032 or 5.49 percent over the amount of \$73,372 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages-----	\$3,300	11
Operating expense -----	1,050	11
Equipment -----	-318	11
Total -----	\$4,032	
Budgeted increase for new or expanded service:		
None -----		

Recommendations

Amount budgeted -----	\$77,404
Legislative Auditor's recommendations-----	75,080
Reduction -----	\$2,324

The recommended reductions consists of the following items:

Special salary adjustments-----	\$1,410
Automobile operating expense-----	300
Traveling expense -----	500
Office desk -----	114
Total recommended reduction-----	\$2,324

Analysis

Salaries and Wages

No new positions are scheduled. Salary and wage costs reflect an over-all increase of \$3,300, going from \$61,272 in 1948-49 to \$64,572 for 1949-50, an advance of 5.4 percent.

Normal salary adjustments on the presently established 12.5 positions require \$3,450, while special salary adjustments are scheduled to decline from \$1,560 in 1948-49 to \$1,410 for 1949-50, a reduction of \$150 which operates as an offset item in evaluating the total advance in salary and wage costs.

We again direct attention to this item of special salary adjustments in the amount of \$1,410. This amount represents merely a cushion in the salary and wage category and should be eliminated. The present positions are already budgeted to include normal salary adjustments.

The mere fact that these positions are exempt, should not be the basis of variation from the accepted pattern set up for comparable civil service positions both as to pay range and the amount and frequency of salary adjustments. Such, however, has not been the case.

As an example, we point to one particular position of research assistant that was set up on July 1, 1948, at a salary of \$300 per month. There was a proposed increase to \$325 on November 1, 1948, and in the 1949-50 Budget this same position was scheduled at \$5,160 or \$430 per month. Obviously an increase of \$150 per month in a \$300 position in one year's time is entirely at variance with accepted standards for merit salary adjustments.

We therefore recommend deletion of the item of special salary adjustments in the amount of \$1,410.

We also suggest that the Department of Finance exercise the same degree of budgetary control over this budget, and the courts generally, that it does with appropriations made to other agencies of State Government.

Operating Expenses

Operating expenses are scheduled to advance from \$10,600 in 1948-49 to \$11,650 in 1949-50, an increase of \$1,050 or 9.9 percent.

Substantial gains are scheduled in traveling and automobile operation. Traveling is scheduled at \$5,000 for 1949-50, an increase of \$900 or 21.9 percent over the 1948-49 figure of \$4,100. Automobile operating expense reflects an advance from \$1,050 in 1948-49 to \$1,500 in 1949-50, an increase of \$450 or 42.8 percent.

Under the budget instructions of the Department of Finance, both of these categories of expenditure should remain unchanged in the absence of unusual circumstances. No new positions are budgeted and in the absence of any justification supporting the request, we recommend a reduction of \$300 in automobile operation expense and a \$500 reduction in traveling expense, effecting a total reduction of \$800 in operating expense. This will allow \$4,500 for traveling expense and \$1,200 for automobile operation, both of which are above the 1948-49 levels of \$4,100 and \$1,050, respectively.

Equipment

Equipment costs are scheduled at \$1,182, which represents a decline of \$318 or 21.2 percent under 1948-49 expenditures. Replacement items account for \$234 while \$948 is scheduled for additional equipment.

Included in the additional items is \$600 for volumes to keep the library current. An additional \$348 is to cover added office files and a desk at \$114.

In the absence of additional positions and no budget justification, we question the need for an additional office desk and recommend deletion of \$114 in the equipment schedule.

Substantial sums are spent each year by various agencies to keep law libraries current. In many cases these agencies are situated relatively close to each other. For example, in San Francisco the Public Utilities Commission, Judicial Council, the Supreme Court, and the First District Court of Appeal, are all located in the same building. Each has a separate library requiring duplicate additions yearly. It would appear desirable to analyze the desirability of maintaining one library for all of the agencies at one location, thus minimizing duplications in purchases.

Extra Compensation and Expenses of Assigned Judges

Item 21, page 3 of the Budget Bill and page 13 of the Budget. The amount requested is \$20,000 from the General Fund in order to compensate judges for the extra expenses entailed by virtue of their assignment to courts other than those in which they regularly sit. This is an increase of \$2,000 or 11.1 percent over the amount of \$18,000 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages-----	\$1,000	12
Operating expenses-----	1,000	12
Budgeted increase for new or expanded service:		
None-----	-----	-----

Recommendations

Amount budgeted-----	\$20,000
Legislative Auditor's recommendations-----	20,000
Reduction-----	None

Analysis

While \$15,000 was budgeted for this function for 1948-49, it was found that the amount was insufficient, thus necessitating an additional allotment from the emergency fund in the amount of \$3,000.

It is now proposed to further increase the amount for 1949-50 in the sum of an additional \$2,000, made up of an increase of \$1,000 in salaries and wages, and a like increase in traveling expense. While it is indicated that the amount requested is somewhat in excess of requirements, nevertheless no reduction is recommended in view of the fact that the extent of the expenditure is limited by the terms of the appropriation to apply only to costs of transfers.

DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT

For Support of the First Appellate District at San Francisco from the General Fund

Item 22, page 3 of the Budget Bill and page 13 of the Budget. The amount requested is \$179,216 from the General Fund for the support of the District Court of Appeal, First Appellate District. This is an increase

of \$2,778 or 1.57 percent over the amount of \$176,438 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages -----	\$1,678	13
Operating expenses -----	500	13
Equipment -----	600	13
Total -----	\$2,778	
Budgeted increase for new or expanded service:		
None -----		

Recommendations

Amount budgeted -----	\$179,216
Legislative Auditor's recommendations -----	\$179,216
Reduction -----	None

Analysis

Salaries and Wages

Salaries and wages for the presently authorized 24 positions are scheduled to advance from \$167,138 in 1948-49 to \$168,816 in 1949-50. This is an increase of \$1,678 or 1 percent. Normal salary adjustments account for \$454 of this increase while the remainder of \$1,224 is attributable to reclassifications of three presently existing positions.

The three reclassifications are:

2 legal research associate (reclassification of 2 legal research assistants) -----	\$1,032
1 research assistant (reclassification of one legal research aid) --	192
Total -----	\$1,224

No new positions are contemplated.

Operating Expenses

Expenditures in this category are scheduled to advance \$500 or 8.6 percent, going from \$5,800 in 1948-49 to \$6,300 in 1949-50. Office expense accounts for \$400 of the increase, the remaining \$100 being an increase for accounting services rendered by the Department of Finance.

An increase of \$400 or 19 percent in office operating expense is apparently excessive in the light of Department of Finance budget instructions that a 5 percent factor would be allowable. Some savings on this item should result.

Equipment

Equipment costs are forecasted at \$4,100 for 1949-50. This reflects an increase of \$600 or 17.1 percent over 1948-49 equipment outlay of \$3,500. The entire expenditure is for additional items of equipment, \$600 being for office equipment and \$3,500 for library items, the latter primarily for law books to keep the library current.

While the amount requested is commensurate with past expenditures, nevertheless some detail of the items and justification therefore should be presented as a part of an orderly budget process. This, the agency has not only failed to do, but has stated that it is unable to do. It is difficult to reconcile a request for \$4,100 with the agency's statement that they are

“unable to give any detail of possible expenditures for property and equipment as this allotment is used largely for the purchase of law books for the justices and their libraries.”

We again direct attention to the matter of \$3,500 to be expended primarily for law books. The Supreme Court request for this same item totals \$9,500, and the Judicial Council similarly requests \$600, making a total of \$13,600 for additional library items for these three agencies all located practically adjacent to each other.

A consolidation of library facilities in situations such as this would undoubtedly result in substantial savings by reducing duplicate purchases annually in order to keep separate libraries current.

DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT

For Support of the Second Appellate District at Los Angeles from the General Fund

Item 23, page 3 of the Budget Bill and page 14 of the Budget. The amount requested is \$269,422 from the General Fund for support of the District Court of Appeal, Second Appellate District. This is an increase of \$8,432 or 3.2 percent over the amount of \$260,990 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages -----	\$9,467	14
Operating expense -----	450	14
Equipment -----	-1,485	14
Total -----	\$8,432	
Budgeted increase for new or expanded service:		
None -----	-----	-----

Recommendations

Amount budgeted -----	\$269,422
Legislative Auditor's recommendations -----	\$264,262

Reduction ----- \$5,160

This reduction consists of the deletion of one proposed new position of deputy clerk.

Analysis

Salaries and Wages

Salary and wage costs reflect an over-all increase of \$9,467 or 3.8 percent, going from \$249,060 in 1948-49 to \$258,527 for 1949-50. Normal salary increments on the presently established 35 positions require \$4,307. The remaining \$5,160 in increased salary costs is reflected in one proposed new position of deputy clerk. Present staffing provides for one clerk and two deputies.

We recommend deletion of the proposed new position of deputy clerk effecting a savings of \$5,160 in salaries and wages.

Staffing requirements should not be predicated upon any arbitrary theory as to the number of employees needed for any particular division or function. This however appears to be the approach in justifying the present request since the request is supported by a statement by the court which we quote in part as follows: “The district courts are set on the

theory there should be a deputy for each division. We have three divisions, we should have three deputies.”

Staffing levels should of necessity be guided primarily by workload involved. No work load data has been submitted by the agency to justify any personnel additions.

The activity of the court may in a measure be evaluated by the number of filings made in the court. An examination of this factor discloses that the number of filings in 1947-48 declined to 414. This figure has been exceeded considerably in other fiscal periods as follows: 468 filings in 1940-41, 441 filings in 1941-42, 419 filings in 1945-46, and 481 filings in 1947-48. In all of these periods the staffing complement provided for the same number of clerks as in the current Budget under consideration exclusive of the proposed new position, thus amply demonstrating the ability of the court to handle an increased volume of activity without the proposed new positions.

Further it should be noted that six additional technical positions, two legal secretaries and four research attorneys, were allowed in the 1948-49 Budget, although there has been submitted no figures showing any comparable increase in work load. It would thus be indicated that the court has excessive staffing from an over-all standpoint.

Operating Expenses

Operating expenses are scheduled to increase \$450, going from \$4,900 to \$5,350 an advance of 9.18 percent, and represent only nominal increases.

Equipment

Equipment costs are forecast at \$5,545 for 1949-50, a decline of \$1,485 or 21.12 percent below the 1948-49 figure of \$7,030. The major portion of equipment outlay is for additional items totaling \$5,030, of which \$830 is for additional office equipment and \$4,200 is for additional library equipment consisting largely of books and periodicals to keep the library current. The expenditure for additional library equipment is \$200 above the 1948-49 figure.

The major item of additional equipment consists of a request for two electric typewriters at a cost of \$678. One such machine is now in use and the acquisition of two more will give one machine for each of the three divisions of the court. These machines will be used to write the final draft of opinions requiring as many as twelve copies. Present practice has been to make two runs on regular typewriters, and proofread each run, an obvious waste of time. While these machines are listed as additional items of equipment it appears that in operation they will actually be replacements for a similar number of regular typewriters. The machines so replaced should be assigned to another agency in lieu of additional equipment purchases, since there is no indication that the present typewriters are no longer useable.

DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT

For Support of the Third Appellate District at Sacramento from the General Fund

Item 24, page 3 of the Budget Bill and page 15 of the Budget. The amount requested is \$93,741 from the General Fund for support of the District Court of Appeal, Third Appellate District. This is an increase of \$452 or 0.48 percent over the amount \$93,289 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages-----	\$535	15
Operating expense-----	55	15
Equipment-----	-138	15
Total -----	\$452	--
Budgeted increase for new or expanded service:		
None-----	---	---

Recommendations

Amount budgeted-----	\$93,741
Legislative Auditor's recommendations-----	\$93,741
Reduction -----	None

Analysis

Salaries and Wages

No new positions are contemplated. Salary and wage costs reflect an increase of \$535 or .6 percent due solely to normal adjustments in salary levels of three of the 13 existing positions.

Operating Expenses

Operating expenses of \$2,310 reflect a nominal change of only \$55 representing an increase of 2.4 percent over the 1948-49 figure of \$2,255.

Equipment

Equipment expenditures are forecasted at \$2,357 for 1949-50. This reflects a slight decline of \$138 or 5.5 percent under the 1948-49 figure of \$2,495.

Office replacement items constitute \$357 of the total, while additional library items make up the remaining \$2,000. The latter amount is the same as estimated for 1948-49.

DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT

For Support of the Fourth Appellate District of San Diego from the General Fund

Item 25, page 3 of the Budget Bill and page 16 of the Budget. The amount requested is \$99,365 from the General Fund for support of the District Court of Appeal, Fourth Appellate District. This is a decrease

of \$12,578 or 11.23 percent under the amount of \$111,943 estimated to be expended in the 1948-49 Fiscal Year.

<i>Item of increase</i>	<i>Amount</i>	<i>Budget page</i>
Budgeted increase based on work load, price increase, or salary adjustment at existing level of service:		
Salaries and wages-----	\$312	16
Operating expense-----	—13,258	16
Equipment-----	368	16
Total-----	—\$12,578	
Budgeted increase for new or expanded service:		
None-----		

Recommendations

Amount budgeted-----	\$99,365
Legislative Auditor's recommendations-----	\$99,365
Reduction-----	None

Analysis

Salaries and Wages

No new positions are contemplated. Salary and wage costs are scheduled to advance \$312 or .38 percent, going from \$80,226 in 1948-49 to \$80,538 in 1949-50. Normal salary adjustments for three of the presently authorized 11 positions account for the entire amount of the nominal increase in salaries.

Operating Expenses

A substantial decrease in budgeted operating expense accounts for practically the entire reduction in this budget. A decrease of \$13,258 or 46.29 percent in operating expense results primarily from the elimination of the item of rent for building space which in 1948-49 was scheduled at \$13,900. The elimination of this item is really a paper transaction only since the rental for the quarters used by the court, and by other state agencies when the court is not in session, is to be paid by the Department of Finance in 1949-50. The elimination of the rental factor results in a forecasted \$16,015 for 1949-50 operating expense as compared to \$29,273 for 1948-49. Nominal increases in other items of operating expense total \$642.

Equipment

Equipment costs are scheduled at \$2,812 which represent an advance of \$368 or 15 percent over the 1948-49 figure of \$2,444. Additional items of equipment total \$2,521 of which \$1,906 is for additional books and periodicals to keep the library current, while the remaining \$555 is for additional office equipment. The latter item covers shelving and book-cases due to normal expansion.

GOVERNOR

For Support of the Governor's Office from the General Fund

Item 26, page 3 of the Budget Bill and pages 18 and 19 of the Budget. The amount requested is \$236,594. This is an increase of \$7,731 or 3