

LEGISLATURE

ITEMS 1 THROUGH 16 of the Budget Bill

Budget page 7
Budget line No. 67

For Support of the Legislature from the General Fund

Amount requested	\$2,136,642
Estimated to be expended in 1949-50 Fiscal Year.....	1,855,795
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Increase (15.1 percent).....	\$280,847

RECOMMENDATIONS

Amount budgeted	\$2,136,642
Legislative Auditor's Recommendation.....	2,136,642
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Reduction	None

ANALYSIS

The request for the support of the Legislature for 1950-51 shows an increase over 1949-50 due primarily to the fact that the year 1949-50 was a budget session year limited to 30 calendar days, whereas the 1950-51 Budget provides for the 1951 General Session which is limited to 120 calendar days.

Salaries of the Members of the Legislature have been increased in accordance with the Constitutional Amendment of 1949.

We recommend approval in the amount requested.

We again repeat our suggestion that the Legislature can secure economies by reducing the number of congratulatory resolutions, scheduling the printing of committee reports so as to avoid overtime in the printing plant, and improving the procedure for determining the number of copies of reports to be printed.

LEGISLATIVE COUNSEL BUREAU

ITEM 17 of the Budget Bill

Budget page 14
Budget line No. 35

For Support of the Legislative Counsel Bureau From the General Fund

Amount requested	\$303,081
Estimated to be expended in 1949-50 Fiscal Year.....	214,360
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Increase (41.4 percent).....	\$88,721

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages.....	\$64,319	\$46,899	\$17,420	14	53
Operating expenses	10,429	8,236	2,193	14	54
Equipment	14,218	2,267	11,951	14	55
Less:					
Increased Reimbursements	—245	—245	---	14	58
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Total Increase	\$88,721	\$57,157	\$31,564		

RECOMMENDATIONS

Amount budgeted -----	\$303,081
Legislative Auditor's Recommendation -----	281,407
Reduction -----	\$21,674

ANALYSIS

Summary of Reductions	
Salaries and wages -----	\$9,720
Operating expense -----	185
Equipment -----	11,769
Total -----	\$21,674

Request is made for reclassification of 12 positions in the legal staff. These are: Reclassification of two deputy legislative counsel, grade 4 to principal deputy legislative counsel; reclassification of two deputy legislative counsel, grade 3 to grade 4; reclassification of three deputy legislative counsel, grade 2 to grade 3; reclassification of five junior counsel to deputy legislative counsel, grade 2.

This reclassification affects 12 out of 23 legal positions in the Legislative Counsel Bureau and represents an increase in legal salaries and wages amounting to \$8,648, from \$139,633 to \$148,281. We do not recommend approval of this amount for the following reasons:

1. The size of this request is such as to amount to a major change in the bureau when there has been no showing of an increase in work load, responsibilities or requested level of services to justify such wholesale reclassifications.

2. This request and the basis on which it was approved by the Division of Budgets and Accounts illustrates a fundamental deficiency in the procedure for determining classifications, which applies not only in this instance, but for other departments.

The report of the Management Analysis Section of the Division of Budgets and Accounts on which the approval was based, indicates that the request arose originally as a request for salary adjustment for certain positions in the office of the Legislative Counsel. These adjustments were not granted by the State Personnel Board which suggested instead that request be made for reclassifications. The matter of salary adjustment appears, therefore, to have been considered by the State Personnel Board and not recommended, and the request then appeared before the Management Analysis Section for review of the matter from an "organizational standpoint" in order that a budget decision could be made. The report of the Management Analysis Section pertaining to the reclassification of deputy counsel, grade 2 and grade 3 states that "from the standpoint of organizational structure, the proposed reclassifications *would have no appreciable effect and there is, therefore, no objection to the action contemplated* provided the State Personnel Board approves the Legislative Counsel's request." In our opinion, this approach to an analysis of the proposed reclassification fails to give consideration to the upgrading which is apparent in this request. From this point of view, a general upgrading of all positions within one service by reclassification of existing positions would have "no appreciable effect on the organizational structure." Furthermore, the Management Analysis Section gives its

approval of these reclassifications but states, "It is strongly urged, however, that the Budget staff and the State Personnel Board make a careful examination of any future requests of this nature in order to insure that the device of reclassification is not used to obtain more positions at this level in lieu of salary adjustments." In our opinion, the effect of this analysis is to approve the reclassifications with the admonition that it not be done again.

The position of one senior librarian, costing \$3,216, is requested, Budget page 15, line 35. The agency states that a librarian is needed to properly catalog materials and compile factual information that can be more economically secured by a librarian than by an attorney.

There will be a need for this position when a proper library is available in the Capitol Annex. We approve the position of senior librarian, but recommend making the effective date of the position November 1, 1950, effecting a saving of \$1,072.

The position of deputy legislative counsel, grade 2 (one-half time), costing \$2,148 is requested for the indexing unit, Budget page 15, line 32. This position has been included in temporary help for several years. *We recommend approval of this position.* Legal temporary help has been reduced accordingly.

One law indexer, costing \$3,060, is proposed, Budget page 15, line 34. The agency states this position is needed to prepare tabular material for legislative publications more promptly and to index the opinions of the office.

We recommend approval on the basis that this position will result in a saving in printing costs.

Reclassification of one senior stenographer to supervising stenographer-clerk, grade 1, is proposed at a cost of \$348. *We recommend approval.*

Operating Expenses

Budgeted increase for expanded service amounts to \$2,193, Budget page 15, line 54. Traveling costs are increased \$1,435, or 17.8 percent over 1948-49, the last general session year. Increased travel of \$1,000 is budgeted for Code Commission work. The agency states that more travel is necessary when a controversial code such as public utilities is being prepared. The remaining travel increase of \$435 is needed for an additional deputy from the Los Angeles office to be in Sacramento during the session. *We recommend approval of this increase.* Operating expenses for the law library have increased \$758. *We recommend a reduction of \$185.* This amount is budgeted for advance sheets for the National Reporter System, which in connection with the equipment request, we recommend not be approved.

Equipment

Equipment expenditures are scheduled at \$23,073 for 1950-51. This is an increase of \$14,218 or 160 percent over the amount of \$8,855 estimated to be expended in 1949-50. Library expansion of \$10,129 accounts for 71 percent of the equipment increase.

In 1949-50 a total of \$4,929 was allowed for law books. The request in 1950-51 is an increase of \$10,129 or 205.5 percent.

The major items of expansion are the addition of the National Reporter System, an added set of California Reports, and the addition of

a set of United States Reports for the Los Angeles office, Budget page 15, line 60.

The cost of the National Reporter System is \$8,330. The annual upkeep would be \$414. The greater part of the work of the Legislative Counsel is concerned with legislation and statutory research, and not court practice. It would not seem necessary to have these reports in the office of the Legislative Counsel in addition to the State Law Library, which is conveniently accessible. In the past the Legislative Counsel has used these reports at the State Law Library. *Since this expansion is a matter of convenience only, and we are not recommending any expansion in service which is not absolutely essential, we do not recommend approval of the request.*

The additional set of California Reports costs \$1,298. The Sacramento office now has two sets of these reports. The added set is requested on the basis that it would provide these books within ready access of all the staff. This is an added service that is not essential to the operation of the Legislative Counsel. *We recommend that it not be approved.*

The set of United States Reports for the Los Angeles office costs \$750. In the past, the deputy in the Los Angeles office has used these books in the law library of the Attorney General, which is located in the same building. *We recommend the continued use of this state library and a saving of \$750.*

The bureau requests replacement of the desks, chairs, and tables of the indexing unit to provide uniform metal furniture at a cost of \$1,391. It does not appear that this is essential to the efficient operation of the office. *We do not recommend approval of this amount.*

The total reduction recommended from the equipment schedule is \$11,769.

GENERAL SUMMARY

The Legislative Counsel Bureau was created by statute in 1913. Headquarters is in Sacramento with branch offices in San Francisco and Los Angeles. The principal duty is to assist legislators in the drafting and amendment of bills and to advise them regarding the constitutionality and legal efficacy of proposed or pending measures.

The indexing function consists of preparation during the February recess of a digest of all measures introduced. After the session a Summary Digest and a subject list of all statutes enacted are compiled, and the statutes are edited and marginal notes prepared.

In the intersession periods the staff works on the code program and furnishes legal services to legislative committees.

CALIFORNIA CODE COMMISSION

ITEM 18 of the Budget Bill

Budget page 16
Budget line No. 25

For Support of the California Code Commission from the General Fund

Amount requested -----	\$33,085
Estimated to be expended in 1949-50 Fiscal Year -----	30,790
Increase (7.3 percent) -----	\$2,245

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages -----					
Operating Expenses -----	\$2,245	\$2,245	---	16	38
Equipment -----					
Total Increases -----	\$2,245	\$2,245			

RECOMMENDATIONS

Amount budgeted -----	\$33,035
Legislative Auditor's Recommendation -----	\$33,035
Reduction -----	None

ANALYSIS

The increase of \$2,245 or 7.3 percent over the estimated expenditure of 1949-50 is due to increases in travel and an effort to complete two new codes for submission to the 1951 Session. The Legislative Counsel Bureau states that more travel is needed because of the controversial nature of the new Public Utilities Code and Financial Code. We recommend approval of this increase.

GENERAL SUMMARY

The California Code Commission was created in 1929, consisting of nine members appointed by the Governor. They serve without compensation but are allowed expenses. The Legislative Counsel is secretary of the commission.

The commission is directed to revise all laws of the State. This includes the codification, consolidation, and revision of all state statutes.

The codification program now in process for presentation to the 1951 General Session of the Legislature consists of completion of the now partially enacted Government Code, and Streets and Highways Code, additions to the Water Code, and the new Financial Code, and Public Utilities Code. The commission expects to complete all codification work in time for the 1953 Session of the Legislature.

No personnel are employed directly by the Code Commission. The work of the commission is done by personnel of the office of the Legislative Counsel, and the Legislative Counsel Bureau is reimbursed by the sum of \$32,505 for this service.

COMMISSION ON UNIFORM STATE LAWS

ITEM 19 of the Budget Bill

Budget page 17
Budget line No. 24

For Support of the Commission on Uniform State Laws From the General Fund

Amount requested -----	\$3,275
Estimated to be expended in 1949-50 Fiscal Year -----	3,275
Increase -----	None

RECOMMENDATIONS

Amount budgeted	\$3,275
Legislative Auditor's Recommendation	3,275
Reduction	None

ANALYSIS

Major expense of this agency is for travel of the commissioners to the meetings of the national conference. In 1948-49 these were held in Washington and St. Louis. For 1950-51 the sum of \$2,500 is budgeted for this expense.

GENERAL SUMMARY

Commission on Uniform State Laws was created in 1927 and consists of three members of the Bar appointed by the Governor for terms of four years. The Legislative Counsel is an ex officio nonvoting member.

The members of the commission attend the meetings of the National Conference of Commissioners on Uniform State Laws. It is their duty to promote uniformity in state laws where it is desirable and practical. The State contributes \$750 annually to the support of the national commission.

California has enacted 29 uniform state laws.

SUPREME COURT

ITEM 20 of the Budget Bill

Budget page 18
Budget line No. 11

For Support of the Supreme Court From the General Fund

Amount requested	\$360,573
Estimated to be expended in 1949-50 Fiscal Year	360,045
Increase (0.15 percent)	\$528

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages	—\$166	—\$166	---	18	26
Operating Expenses	1,075	575	\$500	18	27
Equipment	—381	—381	---	18	28
Total Increase	\$528	—\$28	\$500		

RECOMMENDATIONS

Amount budgeted	\$360,573
Legislative Auditor's Recommendation	355,173
Reduction	\$5,400

ANALYSIS

We recommend elimination of the position of one research attorney, senior grade, effecting a saving of \$5,400. This will still allow two research attorneys for each Supreme Court Justice, plus a chief research attorney, and a research assistant librarian, a total staff of 16 lawyers. We believe this to be sufficient based on the experience of other courts.

There are 17 authorized research attorneys whose total salaries amount to \$98,700 in 1950-51. This represents \$14,100 per justice for research assistance and is equivalent to 2.4 assistants for each justice.

In the federal courts each justice is allowed \$6,500 for a secretary and a law clerk, except the chief judge of a circuit or district court having five or more judges, in which case the aggregate salaries of research assistants do not exceed \$9,000.

In 1948-49 the court disposed of 261 cases. Research costs were \$378 per case. In comparison, the three district courts of appeal having research staffs had a research cost of \$75.73 per case disposed of.

During 1949-50 the position of reporter of decisions was vacated and the duties assigned to the chief research attorney. The court does not contemplate filling this position but has continued to include it as an authorized position, setting up a sum in salary savings to cover the amount not spent. The former clerk to the reporter has been reclassified assistant reporter of decisions. It is unsound budgetary procedure to continue to include authorized positions when they are not intended to be filled. Should the reporter of decisions be needed at some future time, it can be justified on the basis of increased work load.

Operating expenses show a \$500 increase due to expanded service. This sum is budgeted to cover travel expense of the Chief Justice to the annual Conference of Chief Justices. We recommend approval.

GENERAL SUMMARY

The Supreme Court consists of the Chief Justice and six associates, elected at large for 12-year terms. Government Code, Section 1060, provides that the justices shall reside at and keep their offices in Sacramento. However, the court at present maintains its main office in San Francisco. Four annual sessions held in San Francisco cover 33 percent of the filings. Five annual sessions held in Los Angeles cover 56 percent of the filings. Two sessions in Sacramento cover 11 percent of filings. The cost to the State for this service amounts to \$6,500 annually in travel expense. Two regular court conferences are held each week to consider applications for original writs, petitions for hearing after decisions of the District Court of Appeal, and petitions for rehearing.

Filings and Hearings

The court can influence its case load through power to transfer certain cases to the district courts. Over half of the total filings, hearings, and rehearings are so transferred. Total filings, petitions for hearings and rehearings have remained relatively constant since 1945 as shown in the following tabulation:

	1945-46	1946-47	1947-48	1948-49
Filings -----	581	669	596	565
Petitions for hearings and rehearings -----	475	470	547	600
Total -----	1,056	1,139	1,143	1,165
Less transfers to district court -----	—380	—553	—466	—410
Net total -----	676	586	677	755

The combined salary of justices is \$113,000 annually. Total salaries of clerk and seven deputies is \$50,560 annually. Positions are exempt from civil service. Offices are maintained in Los Angeles, Sacramento, and San Francisco.

Up to 1949 the chief deputy clerk handled the bookkeeping. It was then contracted with the Department of Finance for \$3,000 a year, relieving the chief deputy for court duties.

Additional library equipment is requested at a cost of \$9,500. This is an increase of \$2,405 or 33.9 percent over 1948-49. In connection with this expenditure, we have recommended that a study be made by the Judicial Council on the possible saving that would result from consolidation, or partial consolidation, of the three court libraries in the State Building at San Francisco.

JUDICIAL COUNCIL

ITEM 21 of the Budget Bill

Budget page 19
Budget line No. 39

For Support of the Judicial Council From the General Fund

Amount requested	\$81,476
Estimated to be expended in 1949-50 Fiscal Year	75,508
Increase (7.9 percent)	\$5,968

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages	\$3,000	\$3,000	---	19	48
Operating Expenses	3,150	2,150	\$1,000	19	49
Equipment	—182	—182	---	19	50
Total Increase	\$5,968	\$4,968	\$1,000		

RECOMMENDATIONS

Amount budgeted	\$81,476
Legislative Auditor's Recommendation	80,476
Reduction	\$1,000

ANALYSIS

Salaries and wages for the 12.5 positions authorized for the Judicial Council are scheduled to increase from \$62,676 in 1949-50 to \$65,676 in 1950-51. This increase is due to normal salary adjustments.

Operating expenses are scheduled to increase \$3,150 or 27 percent in 1950-51 over the amount of \$11,650 estimated to be spent in 1949-50.

Travel expense has increased \$1,000 or 20 percent over the amount of \$5,000 estimated to be spent in 1949-50. This is an expanded service. No new positions are to be added requiring an increase in travel. The total research projects undertaken by the council should not increase. We recommend a reduction of \$1,000 to the 1949-50 amount.

Printing expense has increased \$2,100 due to printing the biennial report.

Equipment costs amount to \$1,000, which is a reduction of \$182 from 1949-50 estimated expenditure.

GENERAL SUMMARY

The Judicial Council was created by constitutional amendment in 1926. It consists of 11 members of various state courts appointed by the Chief Justice for two year terms. Members receive no compensation but are allowed expenses. The council conducts a continuous program of research in judicial administration and compiles statistics showing the volume of business in all courts.

Expenditures for 1949-50 total \$75,508. This is higher than the amount spent by any other state. New York state ranks next highest with budgeted expenditures of \$45,000 in 1949-50.

The permanent research staff accounts for the higher costs of the California council. Other states make greater use of bar association committees, and law school research.

Research projects now include traffic court survey, juvenile court procedure, pre-trial procedures, and extraordinary writs.

Court statistics are compiled from monthly tabulations submitted by court clerks. Both the Attorney General and Judicial Council collect criminal statistics on felony cases in superior courts. A comparison of the figures from these two sources shows such variation that it is difficult to attach much significance to them.

The Bureau of Statistics of the Department of Justice has contemplated the addition of a Criminal Courts Section to collect data of all criminal cases passing through the courts. The possibility of duplication between this program and the Judicial Council statistical program has prevented its approval. *Coordination between these two statistical agencies should enable the Bureau of Statistics to obtain the data they desire from the courts and provide the Judicial Council with the mechanical equipment, available in the bureau, that would make possible improved statistical reporting of the operation of the courts.* We recommend that the Judicial Council make a study of the desirability of coordinating their statistical program with the Bureau of Statistics.

A total of \$13,300 is budgeted in 1950-51 by the Supreme Court, First District Court of Appeal and Judicial Council for additions to law libraries. These agencies are located in the State Building, San Francisco; the two courts occupy the same floor. Each has a separate library requiring duplicate additions yearly. These three libraries serve 44 Justices and research attorneys at a cost of \$309 per man in 1949-50. The three law libraries of the Attorney General, serving 59 attorneys, cost \$205 per man.

We recommend again that the Judicial Council study the matter of duplicate law library facilities in the State Building in San Francisco, with the view to effecting consolidations and economies in acquisitions and annual maintenance of such facilities.

Judicial Council
EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES

ITEM 22 of the Budget Bill

Budget page 20
Budget line No. 8

For Additional Support of the Judicial Council From the General Fund

Amount requested	\$20,000
Estimated to be expended in 1949-50 Fiscal Year.....	24,131
Decrease (17.1 percent)	\$4,131

RECOMMENDATIONS

Amount budgeted	\$20,000
Legislative Auditor's Recommendation.....	20,000
Reduction	None

ANALYSIS

The Legislature added 19 judges to 14 superior court benches in 1949 at an annual cost to the State of \$109,250. This increase of 10 percent in the number of superior court judges without a corresponding increase in number of cases should decrease the need for assignments.

There are now 22 percent more judges in superior courts than there were in 1946. Filings in superior courts reached a peak in 1945-46 and have since shown a gradual decline. Filings in 1948-49 were 2.3 percent below 1945-46.

GENERAL SUMMARY

The Constitution provides that the Judicial Council shall equalize the work of the judges and expedite judicial business. This provision for assignment of judges between the courts constitutes the means for integrating the entire system of superior courts into a single system.

During the 1948-49 Fiscal Year 681 assignments were issued covering all courts. Of this number 334 were customary annual interchange assignments between judges of neighboring counties to meet emergency situations as they might arise throughout the year. A total of 347 assignments were made to equalize and expedite the work. There still exists great inequality in the number of cases disposed of by superior court judges. An extreme example in 1947-48 was one judge who disposed of six cases per year, and one who handled 1,882.

Assignment of judges to different courts provides a procedure to equalize the work of superior court judges. The average number of dispositions per judge for the entire State for the 1948-49 Fiscal Year was 1,035. The Senate Judiciary Committee adopted 1,100 dispositions per judge as a standard before recommending additional superior court judges at the 1949 General Session. If all 203 judges handled 1,084 dispositions per year, the superior courts would dispose of all cases filed.