

ANALYSIS OF THE BUDGET BILL

Approximately one-third of the budget is included in the Budget Bill. Authorization for the remaining two-thirds of the budget is provided by existing laws and by Constitution. The Budget Bill contains, in addition to the items of appropriation for most of the state agencies included in the classification *State Operations*, the institutional construction or capital outlay items, as well as a number of local assistance apportionments and a group of budget control sections.

LEGISLATURE

ITEMS 1-16 of the Budget Bill

Budget page 6
Budget line No. 50

FOR SUPPORT OF THE LEGISLATURE FROM THE GENERAL FUND

Amount requested	\$3,975,269
Estimated to be expended in 1955-56 Fiscal Year	3,420,491
Increase (16.2 percent)	\$554,778

RECOMMENDATIONS

Amount budgeted	\$3,975,269
Legislative Auditor's recommendation	3,975,269
Reduction	None

ANALYSIS

The amount of \$3,975,269 requested for the 1956-57 General Session is \$651,160 more than the actual expenditures for the 1954-55 General Session.

A summary of the main categories of expense for the two general sessions is as follows:

	1954-55	1956-57
Salaries and expenses of members and employees.....	\$883,688	\$1,019,100
State Capitol Committee.....	---	1,500
Legislative offices	26,881	34,669
Contributions to retirement.....	32,644	34,000
Contingent expenses from contingent funds.....	1,794,170	2,161,000
Joint printing and mailing expenses.....	586,726	725,000
Totals	\$3,324,109	\$3,975,269

The three categories which show significant change are salaries and expenses of members and employees, contingent expenses, and joint printing and mailing expense. Much of this increase is reflected in a growing number of state-wide problems requiring interim legislative study, including fiscal relationships with local jurisdictions, state organization, water and other resource development and taxation. Major reforms have been accomplished as a result of these studies. We believe that there have also been notable improvements in the methods employed to conduct legislative business. Additional methods for improving the legislative process are being studied by a joint committee established for this purpose.

We recommend approval.

LEGISLATIVE COUNSEL BUREAU

ITEM 17 of the Budget Bill

Budget page 13
Budget line No. 7

FOR SUPPORT OF THE LEGISLATIVE COUNSEL BUREAU FROM THE GENERAL FUND

Amount requested	\$430,180
Estimated to be expended in 1955-56 Fiscal Year	360,583
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Increase (19.3 percent)	\$69,597

Summary of Increase

	Total Increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$49,883	\$49,883	---	13 71
Operating expense	5,149	5,149	---	14 15
Equipment	—935	—935	---	14 23
Decreased reimbursements	15,500	15,500	---	14 28
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Total increase	\$69,597	\$69,597	---	14 30

RECOMMENDATIONS

Amount budgeted	\$430,180
Legislative Auditor's recommendation	430,180
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Reduction	None

ANALYSIS

The Legislative Counsel Bureau provides technical assistance to the Legislature and state officials in drafting legislative measures and gives legal advice, acts as counsel for interim committees, represents the Legislature and legislators in litigation, and furnishes editorial and indexing services to the State Printer on state legal publications.

The amount requested for support of the Legislative Counsel Bureau for the 1956-57 General Session shows an increase of \$69,597 over the current fiscal year. This increase is due mainly to the increase in number of days in a legislative session as compared with the current budget session. When comparing the proposed expenditures for the 1956-57 General Session with the actual expenditures for the last General Session of 1954-55 we find an increase for 1956-57 of \$49,185. This increase is due in part to salary adjustment, an increase in temporary help and slight increases in stenographic and clerical positions. Increases in operating and equipment expense are insignificant. There is no change in the level of service.

We recommend approval of the amount budgeted.

LAW REVISION COMMISSION

ITEM 18 of the Budget Bill

Budget page 15
Budget line No. 7

FOR SUPPORT OF LAW REVISION COMMISSION FROM THE GENERAL FUND

Amount requested	\$49,277
Estimated to be expended in 1955-56 Fiscal Year	48,652
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Increase (1.3 percent)	\$625

Law Revision Commission—Continued

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages-----	\$1,347	\$1,347	--	15 43
Operating expense -----	500	500	--	15 56
Equipment -----	-1,222	-1,222	--	15 59
Total increase -----	\$625	\$625	--	15 61

RECOMMENDATIONS

Amount budgeted -----	\$49,277
Legislative Auditor's recommendation-----	49,277
Reduction -----	None

ANALYSIS

The slight increase of \$625 for the 1956-57 Fiscal Year over the current budget year is due to normal salary adjustment and other significant increases and decreases in items of operating expense and equipment as follows:

	Increase	Decrease
Printing -----	\$5,000	--
Research services -----	--	\$4,500
Office-additional -----	--	1,222

The increase in printing is due to plans the commission has to have printed reports for each study project during the 1956-57 session.

Research services amounting to \$10,500 are as follows:

Stanford Agenda Contract -----	\$2,500
Research Consultants -----	8,000

Some of the topics being considered for study are:

A study to determine whether Probate Code Sections 259, 259.1 and 259.2 pertain to the rights of nonresidents to inherit property in this State, should be revised.

A study to determine whether the provisions of the Penal Code and the Vehicle Code relating to the theft of motor vehicles should be revised and consolidated to eliminate existing overlapping provisions.

A study to determine whether the provisions of the Civil Code relating to rescission of contracts should be revised to provide one uniform procedure for rescinding contracts and achieving the return of consideration given.

A study to determine whether the law should be clarified as to whether the Code of Civil Procedure or the Probate Code governs confirmation of private partition sales and whether the provisions of the codes should differ.

A study to determine whether the law should be revised to provide a uniform procedure for fixing bail promptly in the case of a felony arrest made without a warrant.

The commission expects to complete, during the current fiscal year, studies of the following topics:

Topic No. 1: A study to determine whether the sections of the Civil Code prohibiting the suspension of the absolute power of alienation should be repealed.

Law Revision Commission—Continued

Topic No. 2: A study to determine whether the courts of this State should be required or authorized to take judicial notice of the law of foreign countries.

Topic No. 3: A study to determine whether the Dead Man statutes should be repealed or, if not, whether the rule with respect to waiver of the statute by the taking of a deposition should be clarified.

Topic No. 4: A study to determine whether California should continue to follow the rule that survival of actions arising outside California is governed by California law.

Topic No. 5: A study to determine whether Section 201.5 of the Probate Code should be revised.

Topic No. 6: A study to determine whether Section 660 of the Code of Civil Procedure should be amended to specify the effective date of an order granting a new trial.

Topic No. 7: A study to determine whether, when the defendant moves to change the place of trial of an action, the plaintiff should in all cases be permitted to oppose the motion on the ground of the convenience of witnesses.

Topic No. 8: California inheritance and gift tax laws and the federal estate and gift tax laws, and on the basis thereof to determine what might be done in order to bring the California laws into closer accord with the federal.

Topic No. 9: Fish and Game Code and to prepare a proposed revision of such code, which would eliminate obsolete, superseded, ambiguous, anachronistic, and other defective provisions of such code.

The above topics were approved by the 1955 Session of the Legislature. We recommend approval of the amount budgeted.

COMMISSION ON UNIFORM STATE LAWS

ITEM 19 of the Budget Bill

Budget page 16
Budget line No. 8

FOR SUPPORT OF COMMISSION ON UNIFORM STATE LAWS FROM THE GENERAL FUND

Amount requested	\$4,650
Estimated to be expended in 1955-56 Fiscal Year	4,650
Increase	None

RECOMMENDATIONS

Amount budgeted	\$4,650
Legislative Auditor's recommendation	4,650
Reduction	None

ANALYSIS

The California Commission on Uniform State Laws consists of a chairman and two members, all appointed by the Governor. The Legislative Counsel is an ex officio member. The budget request of \$4,650 is the same as estimated expenditures for 1955-56.

Uniform State Laws—Continued

The budget request provides funds in the amount of \$1,900 as California's contribution to the National Conference of Commissioners on Uniform State Laws as provided in Section 10407 of the Government Code. Out-of-state travel amounts to \$2,000.

Uniform laws proposed by the commission and adopted by the 1955 Session of the Legislature include the Uniform Single Publication Act (Ch. 867), the Uniform Supervision of Trustees for Charitable Purposes Act (Ch. 1820), and the Uniform Civil Liability and Support Act (Ch. 835). The commission's next program of uniform acts will be submitted to the 1957 Session of the Legislature.

It is our understanding that the main concern of the commission at present is the adoption of the Uniform Commercial Code by the various states.

We recommend approval of the amount requested.

CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND

ITEM 20 of the Budget Bill

Budget page 16
Budget line No. 67

FOR SUPPORT OF STATE'S CONTRIBUTION TO THE LEGISLATORS' RETIREMENT FUND FROM THE GENERAL FUND

Amount requested	\$50,000
Estimated to be expended in 1955-56 Fiscal Year.....	70,000
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Decrease (28.6 percent)	\$20,000

RECOMMENDATIONS

Amount budgeted	\$50,000
Legislative Auditor's recommendation.....	50,000
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Reduction	None

ANALYSIS

Section 9358 of the Government Code provides that the State shall contribute annually to the Legislators' Retirement Fund an amount, estimated by the Board of Administration, State Employees' Retirement System, equal to so much of the benefits to be paid from the fund during that year as is not provided by the accumulated contributions of the members.

We recommend approval of the amount requested as the estimate of that which will be required under the law.

SUPREME COURT

ITEM 21 of the Budget Bill

Budget page 17
Budget line No. 6

FOR SUPPORT OF SUPREME COURT FROM THE GENERAL FUND

Amount requested	\$585,373
Estimated to be expended in 1955-56 Fiscal Year.....	519,929
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Increase (12.6 percent)	\$65,444