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OPINION	:	No. 84-305
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of	:	<u>JUNE 15, 1984</u>
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The COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY has requested an opinion on the following question:

Does the Commission on California State Government Organization and Economy have authority to conduct studies and investigations of the administration and management of the courts in the judicial branch of state government?

CONCLUSION

The Commission on California State Government Organization and Economy has no authority to conduct studies and investigations on the administration and management of the courts in the judicial branch of state government except as they relate to the examination of present laws pertaining to continuing or permanent appropriations of public funds or the methods used in administering such laws.

ANALYSIS

We are asked whether the Commission on California State Government Organization and Economy (popularly referred to as "California's Little Hoover Commission" and hereinafter referred to simply as the "Commission") has authority to conduct studies and investigations of the judicial branch of state government. More specifically the question is whether the Commission has authority to investigate the administration and management of the state courts and the efficiency and economy concerns associated therewith. No investigation of the decisions made by the courts in particular cases is contemplated by the question.

The Commission is created by section 8501¹ which provides in part as follows:

"There is in the state government a Commission on California State Government Organization and Economy, hereafter in this chapter referred to as the "commission." The commission shall be comprised of thirteen members as follows:

"(a) Nine members of the public, appointed for terms of four years pursuant to the provisions of this section. Not more than five of such members shall be registered as members of the same political party, and none shall hold public office in the executive branch of the state government.

".....

"(b) Five members shall be appointed by the Governor; . . .

"(c) Two members of the public shall be appointed by the Committee on Rules of the Senate; . . .

"(d) Two members of the public shall be appointed by the Speaker of the Assembly; . . .

"(e) Two Members of the Senate of the State of California appointed by the Committee on Rules of the Senate; . . .

"(f) Two Members of the Assembly of the State of California appointed by the Speaker of the Assembly. . . ."

¹ All section references are to the Government Code unless otherwise indicated.

The legislative purpose in creating the commission is set forth in section 8521 as follows:

"It is the purpose of the Legislature in creating the commission, to secure assistance for the Governor and itself in promoting economy, efficiency, and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities of the executive branch of the state departments, government, and in making the operation of all state agencies, and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives, by any or all of the following means:

"(a) By adopting methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.

"(b) By eliminating duplication and over- lapping of services, activities, and functions and time-consuming or wasteful practices.

"(c) By consolidating services, activities, and functions of a similar nature.

"(d) By abolishing services, activities, and functions not necessary to the efficient conduct of government.

"(e) By the elimination of unnecessary state departments and agencies, the creation of necessary new state departments and agencies, the reorganization of existing state departments and agencies, and the transfer of functions and responsibilities among state departments and agencies.

"(f) By defining or redefining the duties and responsibilities of state officers.

"(g) By revising present provisions for continuing or permanent appropriations of state funds of whatever purpose by eliminating any such existing provisions, and by adopting new provisions."

The powers of the Commission are set forth in section 8522 as follows:

"The commission, on its own motion, may, for the purpose of making reports and recommendations to assist the Legislature in respect to the matters listed in Section 8521, examine in detail the structure, organization,

operation, and functions of every department, agency, and instrumentality in the executive branch of the state government, and all provisions of law and regulations pertaining thereto, and may examine all present provisions of law pertaining to continuing or permanent appropriations of public funds and the methods used in administering such provisions. The commission may make such recommendations to the Governor and to the Legislature at such time, or times as the commission deems necessary."

The answer to the question presented turns upon the construction of section 8522. Our research has revealed no cases which have interpreted this statute. We therefore turn to the rules of statutory construction to guide our efforts. The applicable rules were summarized in *Moyer v. Workmen's Comp. Appeals Bd.* (1973) 10 Cal.3d 222, 230 as follows:

"We begin with the fundamental rule that a court should ascertain the intent of the Legislature so as to effectuate the purpose of the law. In determining such intent the court turns first to the words themselves for the answer. We are required to give effect to statutes according to the usual, ordinary import of the language employed in framing them. If possible, significance should be given to every word, phrase, sentence and part of an act in pursuance of the legislative purpose; a construction making some words surplusage is to be avoided. When used in a statute words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear. Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole." (Citations and quotations omitted.)

Two separate powers are granted to the Commission by section 8522 in the following language:

(1) "The commission . . . may . . . examine in detail the structure, organization, operation, and functions of every department, agency, and instrumentality *in the executive branch of the state government*, and all provisions of law and regulations pertaining thereto" (Emphasis added.)

(2) "The commission . . . may examine all present provisions of law pertaining to continuing or permanent appropriations of public funds and the methods used in administering such provisions."

It is clear that the units of government which may be examined under the first mentioned power are limited to those in the executive branch. The second mentioned power has no such limitation. We therefore conclude that the Commission has no authority to conduct studies and investigations of the administration and management of the courts in the judicial branch of state government except as they relate to the examination of laws pertaining to continuing or permanent appropriations of public funds or the methods used in administering such laws.²

The declared purpose of the Legislature in creating the Commission as set forth in section 8521, *supra*, was "to secure assistance for the Governor and itself in promoting economy, efficiency, and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities *of the executive branch* of state government . . ." Thus the focus of the Commission's activities was intended to be the executive branch of state government and the courts would become involved in Commission investigations, if at all, only incidentally in the course of an investigation of laws on continuing appropriations.

² In 63 Ops.Cal.Atty.Gen. 777 (1980) and 64 Ops.Cal.Atty.Gen. 809, 811 (1981) we discussed at some length the nature and definition of a continuing appropriation. No attempt has been made to examine all current laws pertaining to continuing appropriations which might involve the courts. It is noted that Penal Code sections 1463 et seq. (fines and their disposition), 1206.8 (surcharges on fines) and 1464 (penalty assessments) involve the courts in the initial collection of these monies. Some of these monies are continuously appropriated to a particular purpose by statute while others are simply made available for future appropriation. (Cf. Pen. Code, §§ 1462(f)(2) & 13520.) Most of these laws require the courts to place such funds in the county treasury on their collection so the courts are not involved in the somewhat complex statutory provisions (see 65 Ops.Cal.Atty.Gen. 618 (1982)) relating to their distribution.