

base salary increases.

The Legislators' Retirement System is administered by the Public Employees' Retirement System at an estimated annual cost of \$30,000 paid by the interest earnings of the Public Employees' Retirement Fund.

**Output and Growth**

During fiscal year 1971-72, the system paid benefits to 90 service and 4 disability retirees. In addition, it paid benefits to 22 beneficiaries of deceased retired members and monthly death benefits to 8 "survivors" of members who died in office. Persons classified as "survivors" are not reflected in Table 2 because PERS treats their allowances as "monthly death benefits" (see Table 1) rather than as annuities. In 1971-72, the system received net earnings of \$76,666 on year-end investment assets having a book value at \$1,747,261. Table 2 summarizes selected items of the system's most recent five-year growth pattern.

**Table 2**  
**Selected Data—Legislators' Retirement System**

<i>Detail</i>	<i>1967-68</i>	<i>1968-69</i>	<i>1969-70</i>	<i>1970-71</i>	<i>1971-72</i>
Active members .....	131	127	130	131	131
Members under social security .....	43	43	47	53	69
Inactive members .....	64	66	59	63	63
Retirees and beneficiaries .....	99	101	105	112	116
Deaths during year .....	2	6	7	5	5
State contribution .....	\$510,000	\$450,000	\$540,000	\$550,000	\$1,036,670
Net interest income .....	\$51,118	\$61,395	\$77,685	\$85,079	\$76,666 <sup>1</sup>
Total benefits paid .....	\$473,182	\$558,232	\$598,690	\$624,327	\$692,085
Investments (book value) as of 6/30 .....	\$873,406	\$960,594	\$1,108,152	\$1,221,401	\$1,747,261

<sup>1</sup> Reflects a loss of \$36,188 under a portfolio management procedure which will produce added income of \$37,500 by 1980.

**JUDICIAL**

Items 17-18 from the General Fund and the Motor Vehicle Account in the State Transportation Fund

Budget p. 5 Program p. I-10

Requested 1973-74 .....	\$10,147,178
Estimated 1972-73 .....	9,820,517
Actual 1971-72 .....	8,611,952
Requested increase \$326,661 (3.3 percent)	
Total recommended augmentation .....	\$289,063

**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

*Analysis page*

1. *New Positions. Augment \$289,063.* Recommend 13 additional positions for workload increases:
  - (a) *Augment \$45,000* to provide two senior attorney II positions and related expenses for the Supreme Court. 10
  - (b) *Augment \$244,063* to provide 11 new positions and reclassify one position for the courts of appeal. 12

**JUDICIAL—Continued**

**GENERAL PROGRAM STATEMENT**

Section 1, Article VI, of the California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, superior, municipal, and justice courts. The Supreme Court and courts of appeal are wholly state supported. Except for the major portion of the superior court judges' salaries and employer contributions to the Judges' Retirement Fund for superior and municipal court judges (which costs are paid by the state), the remaining courts are supported by the counties and by fees and costs collected by the courts.

Section 6, Article VI, of the State Constitution created the Judicial Council and provided for its membership and duties. The objective of the council is to improve the administration of justice by surveying judicial workload and making appropriate recommendations; adopting rules for court administration, practice and procedure not inconsistent with statutory provisions; and performing other duties as prescribed by statute.

The state-supported courts hear appeals alleging errors in procedure or interpretation of law in the trial courts; resolve conflicting interpretations of law between trial courts; interpret the provisions of the State Constitution when appropriate constitutional issues are raised on appeal; hold hearings on and grant or deny writs of habeas corpus, mandamus, etc.; and process other motions and orders authorized by law. The law also provides for appeals from decisions of the justice and municipal courts to the superior court.

The state-supported portion of the court system consists of five courts of appeal, each of which serves a distinct geographic area and hears appeals from superior courts within its district, and a Supreme Court, which is the final arbiter on the interpretation and application of state law except in cases involving the U.S. Constitution and federal laws, in which case the final decision is made by the U.S. Supreme Court.

Including reimbursements, the total state judicial budget proposed for 1973-74 is \$10,476,550, an increase of \$326,661 or 3.3 percent over estimated current-year expenditures. This expenditure program is proposed to be funded as follows:

<i>Item No.</i>	<i>Amount</i>	<i>Source</i>
17 .....	\$10,123,206	General Fund
18 .....	23,972	Motor Vehicle Fund
	329,372	Reimbursements (federal funds)
Total .....	\$10,476,550	

**ANALYSIS AND RECOMMENDATION**

**I. SUPREME COURT**

**Program Description**

As California's court of final appeal, the Supreme Court is responsible for deciding important questions of law and maintaining uniformity of decisions. Its specific functions and powers include the following:

1. Holds hearings on writs of habeas corpus, mandamus, prohibition, and certiorari.
2. Hears appeals in all cases involving death sentences.
3. Hears appeals from decisions of the courts of appeal in civil and criminal cases involving interpretation of state law.
4. Transfers cases to the courts of appeal to relieve its workload pressures.
5. Hears executive clemency applications of persons who have had two or more felony convictions.
6. Admits qualified applicants to the practice of law.
7. Passes on disciplinary recommendations of the Board of Governors of the State Bar.
8. Appoints counsel for indigent criminal appellants.
9. Provides for the filing of cases and preparation of case records.
10. Ascertains, through its office of "reporter of decisions," that its decisions (and those of the courts of appeal and superior courts deemed of sufficient importance to be published) have been accurately printed. The decisions are published by a private printer.

The Supreme Court, consisting of the Chief Justice and six associate justices, is assisted by a clerk of the court and 70 staff members including attorneys, deputy court clerks, a reporter of decisions and various technical and clerical personnel.

The court's workload is measured by the number of cases and other matters which are filed with it for review and disposition. Table 1 summarizes this workload experience for the most recent five-year period.

**Table 1**  
**California Supreme Court**  
**Summary of Filings**  
**Fiscal Years 1968-69 Through 1973-74**

Detail	Fiscal year					
	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74
Total filings .....	3,322	3,400	3,179	3,238	N/A	N/A
Criminal appeals .....	15	17	38	11	N/A	N/A
Original proceedings						
Civil .....	84	84	108	178	N/A	N/A
Criminal .....	1,349	1,235	835	632	N/A	N/A
Petitions to review cases decided by courts of appeal .....	1,874	2,064	2,198	2,417	2,600	2,800

Source: Annual report of the Judicial Council.

As shown in Table 1, there was an increase of 59 in total filings in 1971-72 over 1970-71, but this is below the 3,322 total filing level of 1968-69. While there has been a continuing decline in criminal original proceedings, this has been more than offset by increases in civil original proceedings and petitions to review decisions of the courts of appeal.

#### Budget Request

To support its operations in the budget year, the Supreme Court is requesting a program expenditure level of \$2,092,523, which represents an increase of \$92,034 or 4.6 percent over estimated current-year expenditures of \$2,000,489. This increase consists of judicial and employee salary increases, added costs for rent and staff benefits such as social security, and

**JUDICIAL—Continued**

normal price increases in operating expenditures. The budget proposes continuation of the court's currently authorized staff of 70 positions, excluding one secretarial position which is proposed to be transferred to the Judicial Council to reflect more accurately the program element under which the services are performed.

**New Attorney Positions Justified**

*We recommend a \$45,000 augmentation to provide two senior attorney II positions and related operating expenses and equipment.*

These two positions were requested by the Supreme Court on a workload basis but were not included in the Governor's Budget. In 1969-70, the court was authorized 31 attorney positions for a caseload including 2,064 petitions for hearings, which averaged 67 petitions per legal position. In the current fiscal year, the number of petitions has increased to an estimated 2,600, which, with the same authorized staffing of 31 attorneys, is the workload equivalent of 84 petitions per attorney. The estimated 2,800 petitions to be filed in 1973-74 will require 33 attorneys on the basis of 85 petitions per legal position, which is two more than currently authorized. Failure to provide the added legal staff will require the court to deny a greater number of petitions or to increase the backlog of such matters. In 1966-67, the court granted hearings to 11.4 percent of the petitions filed, which factor has been reduced to 9.5 percent of filings in 1971-72.

Table 2 shows that the slight increase in total actions handled by the Supreme Court in 1971-72 over 1970-71 is still below the level of accomplishment for 1969-70. The major increase in total transactions has been in the category of hearings denied, which has increased from 1,601 denials in 1967-68 to 2,187 in 1971-72.

**Table 2**  
**California Supreme Court**  
**Business Transacted**

Detail	Fiscal years				
	1967-68	1968-69	1969-70	1970-71	1971-72
Total actions.....	4,296	4,124	4,772	4,637	4,673
Appeals .....	124	142	114	127	93
Original proceedings (including habeas corpus)					
Written opinions .....	56	66	91	86	76
Nonwritten opinions .....	1,048	1,180	1,121	911	802
Hearings					
Granted .....	168	158	191	204	230
Denied .....	1,601	1,716	1,873	1,994	2,187
Rehearings					
Granted .....	1	5	0	1	1
Denied .....	66	93	95	87	55
Orders					
Transfers and retransfers .....	452	157	177	169	198
Miscellaneous .....	717	551	997	948	940
Other actions .....	63	56	113	110	91

Source: Annual report of the Judicial Council.

## II. COURTS OF APPEAL

**Program Description**

Each of the five courts of appeal has appellate jurisdiction over all cases filed in the trial courts within its district. Subject to final appeal to the Supreme Court, each has original jurisdiction (i.e., cases may be initiated in these courts without prior adjudication in the superior, municipal and justice courts) over certain criminal matters (writs of habeas corpus) and civil causes (writs of mandamus, prohibition, and administrative review). Mandamus is an order directing performance of a generally affirmative nature, whereas prohibition is usually negative in form. Under procedures adopted in 1969, all original civil appeals are referred to the courts of appeal by the Supreme Court.

**Organization and Workload**

Each court of appeal consists of one or more divisions. Except for one division which has five judges, each division has three or four judges who sit as a single court to hear cases and issue opinions. While the cases are heard and decided en banc (that is, by the full court), the opinions are usually written by one judge with the concurrence of the remaining judges or a majority of them. There may be written dissenting opinions when the decision of the court is not unanimous.

Each judge is assisted by a research attorney and a secretary. Centralized staffs of research attorneys have been provided all appellate districts, except the fifth, to provide an initial screening of matters brought before the courts. This added staffing was authorized in 1970 as a means of handling the increasing workload and improving the efficiency of these courts.

The workload of the courts of appeal, represented by the number of cases filed on a weighted unit basis, is shown in Table 3.

**Table 3**  
**California Courts of Appeal**  
**Filings on a Weighted-Unit Basis**

<i>Filings per district</i>	<i>Fiscal years</i>				
	1969-70	1970-71	1971-72	1972-73	1973-74 <sup>1</sup>
<b>First District</b>					
Weighted units .....	19,172	19,973	22,502	25,900	28,500
Average per judge .....	1,598	1,664	1,875	2,158	2,375
<b>Second District</b>					
Weighted units .....	30,819	33,418	31,473	33,000	34,700
Average per judge .....	1,541	1,671	1,574	1,650	1,375
<b>Third District</b>					
Weighted units .....	6,244	6,196	6,341	7,300	7,700
Average per judge .....	1,561	1,549	1,585	1,825	1,925
<b>Fourth District</b>					
Weighted units .....	11,058	11,253	12,546	13,200	14,500
Average per judge .....	1,229	1,250	1,394	1,467	1,611
<b>Fifth District</b>					
Weighted units .....	3,305	3,751	4,329	4,500	5,000
Average per judge .....	1,102	1,250	1,443	1,500	1,667
<b>Totals all districts</b>					
Weighted units .....	70,598	74,591	77,191	83,900	90,400
Average per judge .....	1,471	1,554	1,608	1,748	1,883

<sup>1</sup> Estimated

Source: Administrative Office of the Courts.

**JUDICIAL—Continued**

The weighted-unit approach to workload measurement shown in Table 3, which involves the assigning of a weight factor to each court filing based on the complexity of the case and the time normally required to complete it, provides a more meaningful basis for comparing and evaluating workload among the courts of appeal. Both the filings for the last completed fiscal year (1971-72) and the estimated filings for the current and budget years reflect continuing workload increases in these courts. The estimated total filings of 90,400 weighted units in 1973-74 compare to 83,900 units in 1972-73 and 77,191 units in 1971-72. Average workload per individual judge also is increasing to an estimated 1,883 units in 1973-74 compared to 1,748 units in 1972-73 and 1,608 units in 1971-72.

The workload growth reflected in Table 3 has been handled in recent years by the more economical method of increasing the legal research staff and improving operating procedures rather than by creating new judgeships as was done previously.

**Budget Request (Courts of Appeal)**

The courts of appeal propose a budget-year program expenditure level of \$6,933,050, which is an increase of \$162,993 or 2.4 percent over 1972-73 estimated expenditures. The increase consists of judicial and merit salary increases, increases in staff benefits and higher operating costs caused by price increases.

**New Positions Needed—Legal Staff is Less Costly Than New Judgeships**

*We recommend a \$244,063 augmentation to provide the following additional positions with related staff benefits, operating expenses and equipment:*

*First District*

5 senior attorneys I (@ \$17,004) .....	\$85,020
1 research attorney .....	13,992
Reclassify 1 judicial secretary II to senior attorney II....	9,048
1 judicial secretary I.....	7,620

*Second District*

1 senior attorney III .....	21,780
2 senior attorneys II (@ \$17,768) .....	37,536

*Fourth District*

1 research assistant .....	12,084
Staff benefits at 14% .....	26,183
Operating Expenses (rent, equipment, etc.) .....	30,800

Total augmentation .....	\$244,063
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As previously indicated in Table 3, the workload of the courts of appeal has continued to increase from a low of 1,471 weighted units per judge in 1969-70 to an estimated 1,883 weighted units per judge in 1973-74. No new positions are proposed in the Governor's 1973-74 Budget to handle the increasing workload, although the positions we are recommending were

originally requested by the courts for inclusion in the budget. Failure to provide the additional staff will result either in an increase in case backlog and longer delays in the final determination of cases or a request for additional judicial positions. Each new judgeship requires the addition of one secretary and one legal research attorney. The alternative of adding additional judges with related staff and the higher cost of judicial salaries and retirement benefits would substantially exceed the cost of the requested attorney positions.

Prior to the 1969-70 fiscal year, workload increases were met by the appointment of additional judges and related staff. Since that time, workload growth has been handled by adding research attorneys instead of judges. The use of legal positions as centralized legal research staff, combined with procedural changes in the courts, has proved to be a substantially more economical way of responding to the increase in filings.

The accomplishments of the courts of appeal are summarized in Table 4.

**Table 4**  
**California Courts of Appeal**  
**Business Transacted**

<i>Detail</i>	<i>Fiscal years</i>				
	<i>1967-68</i>	<i>1968-69</i>	<i>1969-70</i>	<i>1970-71</i>	<i>1971-72</i>
Total matters (all causes) .....	13,403	12,808	14,500	15,891	16,482
Appeals .....	3,885	4,386	4,834	5,310	5,492
Original proceedings (writs of habeas corpus, mandamus, prohibition, etc.) ..	2,279	2,674	3,118	3,244	3,223
Motions (miscellaneous) .....	302	324	317	382	396
Orders (miscellaneous) .....	6,134	4,647	5,446	6,090	6,378
Rehearings .....	803	827	785	862	993

Table 4 shows that the courts of appeal handled a total of 16,482 matters in 1971-72, which was a significant increase over the levels of previous years. The largest increase occurred in the number of appeals disposed of, which rose from 4,834 in 1969-70 to 5,492 in 1971-72. On a per-judge basis (excluding assigned judges), the courts disposed of an average of 343.4 matters in 1971-72 compared to 331 in 1970-71 and 302 in 1969-70.

### III. JUDICIAL COUNCIL

#### Program Description

The Judicial Council consists of the Chief Justice as chairman; one other judge of the Supreme Court; five superior, three municipal, and two justice court judges; four members of the State Bar; and one member of each house of the Legislature. The purpose of the council, as set forth in Section 6, Article VI, of the California Constitution is as follows:

“To improve the administration of justice, the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and the Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.”

Section 6 provides that the chairman of the council shall seek to expedite judicial business and equalize the work of judges. He may assign judges from one court to another, but not to a lower court without the

**JUDICIAL—Continued**

consent of the judge. He may also appoint consenting retired judges to temporary judicial duties.

The council appoints the Administrative Director of the Courts who heads the Administrative Office of the Courts. This administrative office provides the staff to carry out the functions of the council.

The Judicial Council engages in the following activities:

1. Conducts continuous statistical surveys of court operations to determine court needs.

2. Publishes an annual report containing recommendations for improvement of court administration and statistical data on court workload and accomplishments.

3. Reports to the Legislature on the need for additional judges in specific courts.

4. Conducts studies relating to changes in statutes or the California Rules of Court to improve court operations and administration.

5. Conducts institutes and workshops for judges as a means of providing continuous education and improvement.

6. Conducts studies and develops recommendations for improvement in the organization of county courts.

7. Administers qualifying examinations to candidates for justice court judgeships.

8. Conducts studies of court and court-related problems utilizing federal funds.

9. Improves workflow of the courts by temporary assignments of active or retired judges to courts having a vacancy or to relieve the caseload burden of the court.

To carry out its program, the Judicial Council employs a staff of 37.7 man-years in the Administrative Office of the Courts in addition to the director of that office.

**Budget Request (Judicial Council)**

The Judicial Council is proposing a total expenditure program of \$1,403,173, which is \$159,274 or 10.2 percent less than estimated expenditures for the current year. The reduction reflects a decrease of \$229,336 in federal reimbursements partially offset by merit salary increases and higher operating costs, including increases in the assignment of judges to equalize workload and reduce the backlog of cases and the appointment of counsel for indigent appellants in criminal matters. In other respects, the request represents continuation of the existing program level for the Judicial Council and its Administrative Office of the Courts.

**IV. COMMISSION ON JUDICIAL QUALIFICATIONS****Program Description**

The Commission on Judicial Qualifications is authorized by Section 8, Article VI, of the State Constitution and consists of nine members: five judges appointed by the Supreme Court, two attorneys appointed by the State Bar, and two public members appointed by the Governor. The commission's duties, set forth in Section 18 of Article VI, include receiving,

investigating, and hearing complaints concerning the qualifications and conduct of the judiciary. It may recommend to the Supreme Court that a judge be retired for disability, censured, or removed from office for any of the causes set forth in Section 18.

During 1972, the commission received 213 complaints concerning the judiciary. Most of these complaints were disposed of as being unfounded or involving matters not within the jurisdiction of the commission. In 64 instances, however, the complaint resulted in a formal inquiry or investigation, 49 of which involved discussions and communication with the accused judge. Two of these investigations resulted in the retirement and resignation of the judges involved, and a third case resulted in a recommendation by the commission to the Supreme Court to remove the judge from office. This matter is currently pending before the Supreme Court.

**Budget Request**

The \$47,804 requested for this function in 1973-74 is an increase of \$1,572 over estimated current-year expenditures. The amount requested is to continue the previously authorized program and expenditure level adjusted for merit salary increases and the higher cost of social security payments.

**Judicial**  
**SALARIES OF SUPERIOR COURT JUDGES**

Item 19 from the General Fund                      Budget p. L-7    Program p. I-15

Requested 1973-74 .....	\$13,031,961
Estimated 1972-73.....	12,832,593
Actual 1971-72 .....	11,543,230
Requested increase \$199,368 (1.6 percent)	
Total recommended reduction .....	None

**GENERAL PROGRAM STATEMENT**

Under the provisions of Government Code Section 28206, the state and the counties share the salary cost of each superior court judge in the following proportions determined by county population.

<i>County population</i>	<i>State share</i>	<i>County share</i>	<i>Total salary</i>
250,000 or more.....	\$26,893	\$9,500	\$36,393
40,000 to 250,000 .....	28,893	7,500	36,393
40,000 or less .....	30,893	5,500	36,393

**ANALYSIS AND RECOMMENDATIONS**

The \$13,031,961 requested in this item is the state's share of the salaries of the 477 superior court judges authorized for 1973-74. The increase of \$199,368 or 1.6 percent primarily represents the full-year cost of six additional judgeships authorized in the 1972 legislative session. The current superior court judicial salary is \$36,393, which results from an increase of 3.74 percent effective September 1, 1972, as authorized by Government

**SALARIES OF SUPERIOR COURT JUDGES—Continued**

Code Section 68203.

An automatic salary increase provision for municipal, superior and appellate court judges was originally enacted in 1964 and provided for a quadrennial adjustment commencing on September 1, 1968, and each four years thereafter. This increase was to be based on the rise in California per capita income for the four calendar years prior to the year in which the increase was granted. The first such adjustment was made on September 1, 1968, and totaled 22.289 percent. In 1969, the quadrennial increase provision was changed to an annual adjustment based on the prior calendar year's increase in the California Consumer Price Index.

Funds for the automatic increase, effective September 1, 1973, are provided in Item 89, which contains \$600,000 for this purpose.

Table 1 compares judicial salary increases to state civil service salary increases beginning with the year prior to implementation of the first automatic increase for judicial salaries.

**Table 1**  
**Salary Increases for Judges and State**  
**Civil Service Employees**

Year	Judges			Civil Service	
	Superior court	Municipal court	Percentage increase	Year	Percentage increase
1967 .....	\$25,000	\$23,000		1967-68	5.1%
9/1/68 .....	30,572	28,126	22.289 <sup>1</sup>	1968-69	5.7
9/1/69 .....	31,816	29,270	4.069	1969-70	5.6
9/1/70 .....	33,407	30,734	5.0	1970-71	5.2
9/1/71 .....	35,080	32,273	5.04	1971-72	—
9/1/72 .....	36,393 <sup>2</sup>	33,481	3.74	1972-73	7.5 <sup>2</sup>

<sup>1</sup> Initial quadrennial increase.

<sup>2</sup> Does not include special 7.5 percent additional increase for custody employees of the Departments of Corrections and Youth Authority which would increase the overall average to 7.9 percent.

Table 1 shows that since enactment of the annual increase provision the percentages of increase in judicial salaries have approximated those extended to civil service employees, except for 1971 when no general salary adjustment was provided. This discrepancy was partially rectified by a 7.9 percent overall salary increase for state employees in 1972 compared to the 5.04 percent and 3.74 percent increases provided judges in 1971 and 1972, respectively.

**CONTRIBUTIONS TO JUDGES' RETIREMENT FUND**

Item 20 from the General Fund                      Budget p. L-7    Program p. I-16

Requested 1973-74 .....	\$394,039
Estimated 1972-73.....	420,000
Requested decrease \$5,961 (-1.4 percent)	
Total recommended reduction .....	None

**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

*Analysis  
page*

1. Uniform Cost-of-Living Factor. Recommend legislation to standardize retired judges' annual cost-of-living adjustments consistent with PERS. 17

**ANALYSIS AND RECOMMENDATIONS**

The state annually contributes to the Judges' Retirement Fund an amount equal to 8 percent (the same amount is contributed by the judges) of the salaries of the judges in all courts, except the justice courts, under the provisions of Section 75101 of the Government Code. This code section constitutes a continuing appropriation which will total \$2,660,121 in fiscal year 1973-74. In addition, the state is required under Section 75107 of the Government Code to appropriate funds to cover deficiencies in this fund arising from any disparity between benefit disbursements and fund revenues, which are derived from the 8 percent member-state contributions and a special \$3 filing fee on specified civil matters. The deficiency in this fund is estimated at \$420,000 in the current year and \$394,039 in the budget year.

Chapter 582, Statutes of 1972 (SB 275), will partially alleviate the continuing deficit condition of this fund. Chapter 582 excludes from participation in the deferred retirement provisions of this retirement system judges who accept any lucrative office under the United States and thereby forfeit their offices under Section 28, Article VI of the California Constitution. The effect of Chapter 582 is to remove the retirement eligibility of an average of 2.4 judges per annum who leave the state bench to accept a federal office and who, over their normal life expectancies, would receive an estimated combined total of \$274,913 in benefits from the Judges' Retirement Fund.

**Standardize Retirees' Cost-of-Living Adjustment**

*We recommend that cost-of-living adjustments be limited to the 2 percent annual adjustment applicable to the Public Employees' Retirement System.*

Retirement benefits under the Judges' Retirement Fund are based on the incumbents' salaries, which are adjusted annually on September 1, based on the prior calendar-year increase in the California Consumer Price Index. This formula which is applied automatically under Government Code Section 68203, required a 5.04 percent increase in 1971 and a 3.74 percent increase on September 1, 1972. By contrast, the increase for retirees under the Public Employees' Retirement System is limited to 2

**CONTRIBUTIONS TO JUDGES' RETIREMENT FUND—Continued**

percent per annum, compounded. The adjustment is applied to the original base salary, and there is a two-year waiting period before the initial increase can be given. The 1971 judges' salary increase of 5 percent cost the retirement fund approximately \$323,993 in added benefits, whereas a 2 percent adjustment would have cost \$129,597 for a savings of \$194,396.

The question of whether such savings would commence with respect to judicial retirements occurring after enactment or whether it would affect only new judges joining the system after the effective date of the act would require legal determination.

We support the concept of a uniform cost-of-living adjustment in all retirement systems to which the state contributes and would accordingly recommend that the adjustment in retired judges' benefits be made comparable to the cost-of-living adjustments provided under the Public Employees' Retirement System.

**GOVERNOR'S OFFICE**

Items 21-25 from the General Fund

Budget p. 7 Program p. I-18

Requested 1973-74 .....	\$2,545,884
Estimated 1972-73.....	2,051,567
Actual 1971-72 .....	1,693,722
Requested increase \$494,317 (24.0 percent)	
Total recommended reduction .....	None

**GENERAL PROGRAM STATEMENT**

The California Constitution vests the supreme executive power of the state in the Governor and assigns him responsibility for seeing that the law is faithfully executed. He is invested with broad powers, among which are the following:

1. To plan, organize, reorganize and direct the activities of state agencies and to appoint various state officers and members of boards and commissions.
2. To prepare and present to the Legislature the annual State Budget outlining programs and the means by which they are to be financed.
3. To report to the Legislature on the condition of the state and make proposals for legislation.
4. To approve or veto legislation adopted by the Legislature.
5. To act as required with reference to other responsibilities such as granting pardons to convicted criminals and commanding the state militia.

The Governor's Budget request consists of five elements as shown in Table 1.