



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

12 JUL 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 3:55 Date: 7-18-06

Dear Mr. Speaker:

Transmitted herewith is Bill No. 307(EC), "AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A., CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; AND TO CITE THIS ACT AS THE "JUDICIAL EFFICIENCY ACT OF 2006", which I signed into law on July 11, 2006, as Public Law 28-137.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Office of the Speaker

Date: 7/12/06
Time: 4:52 PM
Rec'd by: [Signature]
Print Name: [Signature]
28-06-0941

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

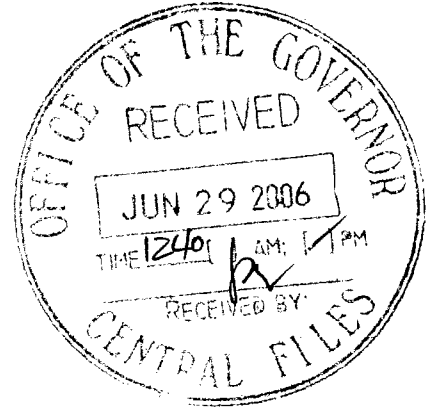


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

June 28, 2006

The Honorable Felix P. Camacho
I Maga'lalen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 182(EC), 256(LS), 268(EC), 278(EC), 295(EC), 296(EC), 308(EC), 309(EC) & 314(EC); and Substitute Bill Nos. 134(EC), 236(EC) & 307(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on June 26, 2006.

Sincerely,

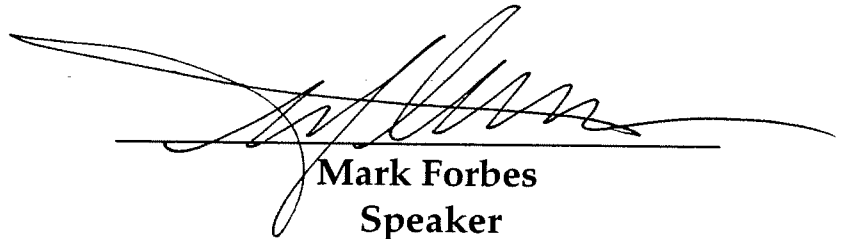

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (12)


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

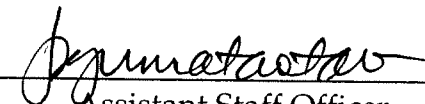
This is to certify that Substitute Bill No. 307 (EC), "AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A., CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES AND JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; AND TO CITE THIS ACT AS THE "JUDICIAL EFFICIENCY ACT OF 2006," was on the 26th day of June, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'laken Guåhan* this 29 day of June, 2006, at
12:40 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'laken Guåhan

Date: 11 July 2006

Public Law No. 28-137

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 307 (EC)

As substituted on the Floor
and amended.

Introduced by:

R. Klitzkie
B. J.F. Cruz
Mark Forbes
A. R. Unpingco
J. A. Lujan
Mike Cruz
Edward J.B. Calvo
A. B. Palacios, Sr.
F. B. Aguon, Jr.
J. M.S. Brown
L. F. Kasperbauer
R. J. Respicio
Ray Tenorio
J. T. Won Pat

**AN ACT TO *REPEAL & RE-ENACT* TITLE 7 G.C.A.,
CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING
THE SUPREME COURT TO ADOPT RULES
GOVERNING THE EFFICIENT DISPATCH OF
SUPERIOR COURT CASES; TO *AMEND* TITLE 4
G.C.A., CHAPTER 4, §4109(a) RELATIVE TO
ELIMINATING ANNUAL LEAVE FOR JUDGES AND
JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH
JUDGES AND JUSTICES; TO *ADD* A NEW TITLE 7
G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE
TO AUTHORIZING THE JUDICIAL COUNCIL TO
INCREASE THE ANNUAL COMPENSATION OF
JUDGES OF THE SUPERIOR COURT; TO PROVIDE
FOR ADJUSTMENT OF THE ANNUAL RATE OF
COMPENSATION FOR JUDGES OF THE SUPERIOR**

COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; AND TO CITE THIS ACT AS THE “JUDICIAL EFFICIENCY ACT OF 2006”.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Rules for Disposition of Cases.** Title 7 G.C.A., Chapter
3 4, §4101(e) is hereby *repealed* and *re-enacted* to read:

4 **“(e) Enactment of Rules on Case Management and**
5 **Disposition.** The Supreme Court shall enact rules governing the
6 efficient dispatch of the Superior Court’s business, including the
7 following:

8 (1) time frames and deadlines for matters taken
9 under submission to provide speedy and efficient disposition
10 of cases;

11 (2) compilation of data and statistics regarding the
12 court and each judge’s performance and publication of the
13 same on the Supreme Court website. Said compilation shall
14 include, but not be limited to, the number of motions filed in
15 cases pending before each judge, the number of motions and
16 trials to the court which each judge has had under
17 submission more than sixty (60) days, and the number of
18 motions and trials to the court each judge has had under
19 submission more than one hundred twenty (120) days
20 prompt and equitable assignment and distribution of cases
21 and workload and time off among the judges;

1 (3) assignment, management, distribution,
2 processing, scheduling and disposition of cases in the
3 Superior Court;

4 (4) whether a referee or hearing officer may hear a
5 case; and

6 (5) any other matters which affect the prompt, fair
7 and just disposition of cases in the Superior Court.”

8 **Section 2. Elimination of Annual Leave.** Title 4 G.C.A.,
9 Chapter 4, §4109(a) is hereby *amended* to read:

10 “(a) Annual leave shall be granted to employees occupying
11 permanent positions, *except* personnel of the Guam Public School
12 System, the Guam Community College or the University of Guam,
13 who are employed on a school year basis, and judges of the
14 Superior Court and justices of the Supreme Court, in accordance
15 with the following schedule:

16 (1) One-half day (4 hours) for each full bi-weekly pay
17 period in the case of employees with less than five (5) years
18 of service;

19 (2) Three-fourths day (6 hours) for each bi-weekly
20 pay period in the case of employees with more than five (5)
21 years of service, but less than fifteen (15) years of service.

22 (3) One day (8 hours) for each full bi-weekly pay
23 period in the case of employees with fifteen (15) years or
24 more of service.

25 For purposes of this Subsection (a), all elected officials,
26 *except* members of the Guam Education Policy Board, members of
27 *I Liheslaturan Guåhan* and the Consolidated Commission on

1 Utilities shall be deemed employees occupying permanent
2 positions.”

3 **Section 3. Vesting of Annual Leave.** Annual leave accrued by
4 a judge or justice of the Superior or Supreme Courts prior to the effective
5 date of Section 2 shall *not* be forfeited and shall continue to vest with the
6 judge or justice. However, any annual leave accrued by a judge or justice
7 prior to the effective date of Section 2 shall *not* be used or disposed of
8 *except* as provided herein. Annual leave accrued prior to the effective
9 date of Section 2 shall be used or disposed of *only* on the retirement,
10 disability or death of a judge or justice in accordance with Title 4 G.C.A.
11 §8116 or Title 4 G.C.A. Chapter 7, respectively, if appropriate, or by
12 lump sum payment in the case of resignation or removal.

13 **Section 4. Annual Adjustment of Judges’ Compensation.** A new
14 Title 7 G.C.A., Division 1, Chapter 3, §3106.1 is hereby *added* to read:

15 **“§3106.1. Annual Adjustment of Judges’ Compensation.**

16 (a) Annually, prior to May 1, the Judicial Council may,
17 with reference to Title 7 G.C.A. Chapter 4 §4101(e), adjust the
18 annual compensation of the judges of the Superior Court, *except*
19 the Presiding Judge, for the next fiscal year by an amount *not* in
20 excess of four percent (4%) more than the previous fiscal year’s
21 annual rate of compensation.

22 (b) The annual compensation of the Presiding Judge shall
23 be One Thousand Dollars (\$1,000) more than the salary of the
24 judges.

25 (c) Funding for a salary increase shall be included in the
26 Judicial Council’s annual budget request submitted on May 1
27 pursuant to Title 7 G.C.A., Chapter 2, §2102.”

1 **Section 5. One Time Adjustment of Judges' Compensation.**

2 (a) In addition to the increase in compensation provided by
3 enactment of Section 4, the annual rate of compensation of judges
4 of the Superior Court shall be adjusted as follows:

5 (1) the annual rate of compensation of judges, *except*
6 the Presiding Judge, shall increase by Four Thousand Dollars
7 (\$4,000).

8 (2) the annual rate of compensation of the Presiding
9 Judge shall be set in accordance with Title 7 G.C.A., Chapter
10 3 §3106.1(b).

11 (b) The salaries of any public officials that were previously
12 based on the salary of the Presiding Judge or other judges of the
13 Superior Court shall *not* be affected by the enactment hereof and
14 the salaries of said public officials shall *not* change unless changed
15 by law.

16 **Section 6. Effective Dates and Implementation.** Section 2 shall
17 take effect on October 1, 2006. Section 4 shall take effect when the rules
18 authorized by Section 1 herein are enacted. Section 5 shall take effect upon
19 the selection of the Presiding Judge pursuant to Title 4 G.C.A., Chapter 4,
20 §4101(a).

21 **Section 7. Sunset Provision.** Title 7 G.C.A., Division 1, Chapter 3,
22 §3106.1 shall become void and of no effect on October 1, 2010.

23 **Section 8. Short Title.** This Act may be cited as the "Judicial
24 Efficiency Act of 2006".

25 **Section 9.** The enactment hereof shall *not* affect the salary of the
26 Presiding Judge until Section 5 is effective.

1 **Section 10.** The initial implementation of the salary adjustment
2 procedure provided by Title 7 G.C.A., Division 1, Chapter 3, §3106.1 as
3 enacted by Section 4 may be accomplished by the Judicial Council prior to
4 October 1, 2006, instead of May 1, 2006, *if* the Supreme Court has
5 complied with Title 7 G.C.A., Chapter 4, §4101(e) as *added* by Section 1.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 6/26/06

VOTING SHEET

Bill No. 307(EO)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				✓
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL 12 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

May 26, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 307 (EC) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 307 (EC), An Act To Repeal & Re-Enact Title 7 G.C.A., Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

6 TO PASS
0 NOT TO PASS
0 TO REPORT OUT ONLY
0 ABSTAIN
0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,


Bob

Senator Robert Klitzkie, Chairman

Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

May 22, 2006

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 307 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **BILL 307 (EC), An Act To Repeal & Re-Enact Title 7 G.C.A., Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob

Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations,
& Reorganization



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 307 (EC)

An Act To Repeal & Re-Enact Title 7 G.C.A, Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member		5/26/06 ✓				
Senator Adolpho Palacios, Member		✓				
Senator Larry Kasperbauer, Ph. D., Member						
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

Mark Forbes file
6/12/06

MINA 'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Bill No. 307 (EC)

Introduced by:

R. Klitzkie
B. J. F. Cruz
Mark Forbes
A. R. Unpingco
J. A. Lujan
Mike Cruz
Edward J.B. Calvo
A. B. Palacios

AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A, CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; TO ENACT THE JUDICIAL EFFICIENCY ACT OF 2006.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section One. Rules for Disposition of Cases.** Title 7 G.C.A., Chapter 4,
3 §4101(e) is repealed and re-enacted to read:

4 **“(e) Enactment of Rules on Case Management and Disposition.** The Supreme
5 Court shall enact rules governing the efficient dispatch of the Superior Court’s business,
6 including the following:

7 1. time frames and deadlines for matters taken under submission to provide
8 speedy and efficient disposition of cases;

- 1 2. compilation of data and statistics regarding the court and each judge's
2 performance and publication of the same on the Supreme Court website. Said
3 compilation shall include, but not be limited to, the number of motions filed in cases
4 pending before each judge, the number of motions and trials to the court which each
5 judge has had under submission more than sixty (60) days, and the number of motions
6 and trials to the court each judge has had under submission more than one hundred
7 twenty (120) days prompt and equitable assignment and distribution of cases and
8 workload and time off among the judges;
- 9 3. assignment, management, distribution, processing, scheduling and
10 disposition of cases in the Superior Court;
- 11 4. whether a referee or hearing officer may hear a case; and
- 12 5. any other matters which affect the prompt, fair and just disposition of
13 cases in the Superior Court."

14 **Section Two. Elimination of Annual Leave.** Title 4 G.C.A, Chapter 4, §4109(a)
15 is amended to read:

16 “(a) Annual leave shall be granted to employees occupying permanent positions,
17 except personnel of the ~~Department of Education~~ Guam Public School System, the Guam
18 Community College or the University of Guam, who are employed on a school year
19 basis, and judges of the Superior Court and justices of the Supreme Court, in accordance
20 with the following schedule:

- 21 (1) One-half day (4 hours) for each full bi-weekly pay period in the case of
22 employees with less than five (5) days of service;
- 23 (2) Three-fourths days (6 hours) for each bi-weekly pay period in the case of
24 employees with more than five (5) years of service but less than fifteen (15) years of
25 service.
- 26 (3) One (1) day (8 hours) for each full bi-weekly pay period in the case of
27 employees with fifteen (15) years or more service.

28 For purposes of this Subsection (a), all elected officials except members of the
29 Guam Education Policy Board, members of I Liheslaturan Guahan and the Consolidated
30 Commission on Utilities shall be deemed employees occupying permanent positions.”

1 **Section Three. Vesting of Annual Leave.** Annual leave accrued by a judge or
2 justice of the Superior or Supreme Courts prior to the effective date of Section Two shall
3 not be forfeited and shall continue to vest with the judge or justice. However, any annual
4 leave accrued by a judge or justice prior to the effective date of Section Two shall not be
5 used or disposed of except as provided herein. Annual leave accrued prior to the
6 effective date of Section Two shall be used or disposed of only on the retirement,
7 disability or death of a judge or justice in accordance with Title 4 G.C.A. § 8116 or Title
8 4 G.C.A. Chapter 7, respectively, if appropriate, or by lump sum payment in the case of
9 resignation or removal.

10 **Section Four. Annual Adjustment of Judges' Compensation.** A new Title 7
11 G.C.A., Division 1, Chapter 3, §3106.1 is added to read:

12 **“§3106.1. Annual Adjustment of Judges' Compensation.**

13 (a) Annually, prior to May 1, the Judicial Council may, with reference to Title 7
14 G.C.A. Chapter 4 §4101(e), adjust the annual compensation of the judges of the Superior
15 Court, except the Presiding Judge, for the next fiscal year by an amount not in excess of
16 four percent more than the previous fiscal year's annual rate of compensation.

17 (b) The annual compensation of the Presiding Judge shall be one thousand dollars
18 more than the salary of the judges.

19 (c) Funding for a salary increase shall be included in the Judicial Council's annual
20 budget request submitted on May 1 pursuant to Title 7 G.C.A., Chapter 2, §2102.”

21 **Section Five. One Time Adjustment of Judges' Compensation.**

22 (a) In addition to the increase in compensation provided by enactment of Section
23 Four, the annual rate of compensation of judges of the Superior Court shall be adjusted as
24 follows:

25 (1) the annual rate of compensation of judges except the Presiding Judge
26 shall increase by four thousand dollars.

27 (2) the annual rate of compensation of the Presiding Judge shall be set in
28 accordance with Title 7 G.C.A., Chapter 3 §3106.1(b).

29 (b) The salaries of any public officials that were previously based on the salary of
30 the Presiding Judge or other judges of the Superior Court shall not be affected by the

1 enactment hereof and the salaries of said public officials shall not change unless changed
2 by law.

3 **Section Six. Effective dates and implementation.** Section Two shall take effect
4 on October 1, 2006. Section Four shall take effect when the rules authorized by Section
5 One herein are enacted. Section Five shall take effect upon the selection of the Presiding
6 Judge pursuant to Title 4 G.C.A., Chapter 4, §4101(a).

7 **Section Seven. Sunset Provision.** Title 7 G.C.A., Division 1, Chapter 3,
8 §3106.1 shall become void and of no effect on October 1, 2010.

9 **Section Eight. Short Title.** This act may be cited as the Judicial Efficiency Act of
10 2006.

Findings & recommendations:

The Judicial Efficiency Act of 2006 (Bill No. 307) provides the Unified Judicial Council with the tools necessary for enhancing judicial services to the public.

The committee finds that public testimony provided by Chief Justice F. Philip Carbullido revealed unanimous support for Bill 307 by the Judiciary, as is evident in the testimony outlined below:

Senator Robert Klitzkie (Bob): Chief Justice, I would ask that the witnesses identify themselves, the capacity in which they testify – whether they're for or against the bills. Thank you.

Chief Justice Carbullido (Carbullido): Thank you, Mr. Chairman. For the record, I am Phillip Carbullido, the Chief Justice of Guam, and also with me are Justice Robert J. Torres and our Administrator of the Courts, Perry Taitano -- and for the record, our Director of Policy and Planning, Mr. Dan Tydingco.

I want to thank you for giving us the opportunity to testify in regards to Bills 307, 308, and 309. And if I may just take them in the order in which they are numerically numbered. We provided written testimony and I would like to just summarize it on each bill.

First of all, on Bill No. 307 - this is the Judicial Efficiency Act, is that correct? I don't have the title of the bill in my testimony. For the record, we want to, as I've expressed in my State of the Judiciary Address, thank you for all your efforts in regards to this bill. We've been working on the bill for approximately one year, if I recall. There's been much exchange. We've involved all the judges of the trial court and all the justices in providing their input, and it's the result of that conversation in which this bill is a product of. And so I'm here to testify in favor of Bill 307.

This bill complements the current efforts of the Judiciary in trying to provide time standards regarding cases. That's only one aspect of the bill. This is in furtherance of the Judiciary's efforts towards achieving greater efficiency for delivery of our service to the public. And there are other aspects of the bill which are equally important. And the second aspect has to do with the setting of the methodology that provides an opportunity to increase the salaries of the trial judges. Although the trial judges would like an immediate, higher, greater amount, we understand the limitations of the government and this also is not automatic, Senator Klitzkie. As you know there still needs to be a process in which the Judicial Council examines the productivity of the trial judges and then it gives the Judicial Council the authority to grant an increase up to 4%. And so it provides the vehicle and there are requirements and I think it's a fair provision considering the circumstances. And so I want to thank you for your efforts in relation to Bill 307 and I'm here to testify on behalf of the Judiciary, which includes the seven trial court judges and the 3 justices of the Supreme Court, that we are all in favor of Bill No. 307. Thank you, Mr. Chairman.

Bob: And I think that's something important to have in the record that all of the Supreme and Superior Court justices are in favor of the bill, especially in light of the fact that if this bill becomes law all judges would lose their annual leave. So that's the important thing to have on the record. Thank you, Chief Justice.

Carbullido: Yes, in relation to the annual leave being take away from the justices, we recognize, No. 1, that it is not an isolated action – that the executive and legislative branch, the government and elected leaders – they no longer accrue annual leave. I think the nature of our job is such that policy decision will not be an adverse burden to our judges and justices and that in the spirit of a give and take, in this particular bill, that's something we are willing to do. And so, that's just for the record.

Bob: Thank you very much, Chief Justice.

The committee recommends the passage of Bill 307 to equip the Unified Judicial Council with the means for developing and facilitating increased efficiency in the Superior Court.

Accordingly, the Committee on Judiciary, Governmental Operations, and Reorganization, does hereby submit its finding and recommendation to **DO PASS Bill 307 (EC), AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A., CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; TO ENACT THE JUDICIAL EFFICIENCY ACT OF 2006.**

Summary of testimony:

Chief Justice F. Philip Carbullido, on behalf of all the judges and justices, presented oral and written testimony in support of Bill 307(EC) and highlighted the judiciary's participation in the drafting of the legislation. Carbullido stated that the provisions dealing with time standards run parallel with the court's efforts already in place for providing greater efficiency of judicial services. He further informed the committee of the judiciary's unanimous support for Bill 307 (EC).

I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audreya Punzalan *05/19/2006]

Date: May 12, 2006

Location: Guam Legislature – Session Hall
155 Hesler Street Hagatna, Guam

Called to order by Senator Robert Klitzkie, chairman, at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Joanne Brown

Public hearing agenda: Bill 294 (EC); Bill 307 (EC); Bill 308 (EC); Bill 309 (EC)

Bills 307, 308, & 309 were heard at 9:01am

Bill 307 (EC) - An Act To Repeal & Re-Enact Title 7 G.C.A., Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 (EC) - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 (EC) - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

Testimony:

- **F. Philip Carbuillido**, Chief Justice of Guam, testified in support of Bill 307(EC) at 9:01am.
- **Justice Robert J. Torres** testified in support of Bill 308 at 9:07am
- **Chief Justice Carbuillido** testified on Bill 309 at 9:11am, stating that he takes no position on the legislation.

- **Justice Robert J. Torres** testified on Bill 309 at 9:17am, stating that he takes no position on the legislation.

Bill 294 (EC) - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel, was heard at 9:38am.

- **Joe T. San Agustin**, chairman of the Retirement Fund, testified in favor of Bill 294 at 9:38am. (Paula Blas, acting director of the Government of Guam Retirement Fund, accompanied Joe T. San Agustin, but did not present official testimony).

- **Nerissa Bretania-Schaffer**, resident of Santa Rita, testified on Bill 294 at 10:17am

The chairman adjourned the public hearing at 10:23am.



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

PUBLIC HEARING AGENDA

Friday, March 12, 2006
Session Hall
9:00am

Bill 294 - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel.

Bill 307 - An Act To Repeal & Re-Enact Title 7 G.C.A, Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

For more information, please visit www.bobsoffice.org/judiciary.
Written testimony can be submitted via e-mail to
judiciary@bobsoffice.org.

Declaration Under Penalty of Perjury of Audreya Punzalan

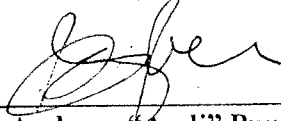
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on May 5, 2006 & May 8, 2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on May 10, 2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on May 5, 2006, May 8, 2006, & May 10, 2006.
- 7.) I e-mailed notice to Speaker Forbes on May 5, 2006, May 8, 2006, & May 10, 2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature (www.guamlegislature.com), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on May 5, 2006, May 8, 2006, & May 10, 2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were received from Senator Calvo's email address and the notices were resent accordingly.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, Governmental Operations, and Reorganization, on May 5, 2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on May 19, 2006 on Guam by



Audreya "Audi" Punzalan

APPENDIX A: NOTICE OF PUBLIC HEARING



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

NOTICE OF PUBLIC HEARING

A public hearing will be held from Friday, March 12, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

9:00am

Bill 294 - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel.

Bill 307 - An Act To Repeal & Re-Enact Title 7 G.C.A, Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

For more information, please visit www.bobsoffice.org/judiciary

*Written testimony can be submitted via e-mail to judiciary@bobsoffice.org

For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.

APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@guam.net Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News – Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com ABC 14 News – John Anderson, News Director, jontalk@k57.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstone@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstone@ite.net Hit Radio 100 – Trina San Agustin, News Director, news@hitradio100.com</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
 Speaker Mark Forbes, Ex-Officio
 Senator Jesse A. Lujan, Member
 Senator Larry Kasperbauer, Ph.D., Member
 Senator Ray Tenorio, Member
 Senator Benjamin J.F. Cruz, Member
 Senator Adolpho B. Palacios, Sr., Member

bob@bobsoffice.org
speakerforbes@yahoo.com
jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com



Judiciary of Guam

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / 477-3184



F. PHILIP CARBULLIDO
CHIEF JUSTICE

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

Testimony

By

The Honorable F. Philip Carbullido
Chief Justice
Judiciary of Guam

Public Hearing on Bill 307
Committee on Judiciary
Friday, May 12, 2006
Hagatna, Guam

Hafa Adai Mr. Chairman and Committee Members:

On behalf of all the judges and justices, I am pleased to submit testimony in support of Bill 307.

For nearly a year, the judiciary has worked closely with the Judiciary Committee Chairman, Senator Robert Klitzkie, on this legislation.

We share the mutual goals of making the island judiciary more efficient and responsive to litigants and the bar. The time standards sought in this legislation for the proper dispatch and disposition of cases brought before the courts run parallel to our current efforts to implement standards which we are developing with the assistance of the National Center for State Courts. This legislation will complement and reinforce our initiative.

Further, all the trial court judges are appreciative and supportive of the salary increase methodology included in this legislation. While the judges would like an immediate larger increase, they understand the financial limitations of the government. Given that judges have not had their pay adjusted in nearly 15 years, the opportunity for an annual salary adjustment is long overdue. I want to express my gratitude to the Committee Chairman and the co-sponsors of the bill for their recognition of the hard work of our trial judges and the need for fair remuneration.

We hope for expedited passage of this measure. Si Yu'us Ma'ase.

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 307(EC)**

Bill Title (Preamble): AN ACT TO REPEAL & RE-ENACT TITLE 7 GCA, CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 GCA, CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7GCA, CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 GCA, CHAPTER 3, DIVISION 1, §3106.1; TO ENACT THE JUDICIAL EFFICIENCY ACT OF 2006.

Department/Agency Appropriation Information

Dept./Agency Affected: Unified Judiciary		Dept./Agency Head: F. Philip Carbuillido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:		\$20,195,091
Department's Other Fund (specify): _____ appropriation(s) to date:		\$0
Total Department/Agency Appropriation(s) to date:		\$20,195,091

Fund Source Information of Proposed Appropriation

	General Fund:	Other (specify):	Total:
FY 2006 Adopted Revenues	\$435,092,898	\$0	\$435,092,898
FY Appro. to P.L. 28-68	(\$435,092,898)	\$0	(\$435,092,898)
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year 07	For Remainder of Current FY (if applicable)	Second Year 08	Third Year 09	Fourth Year 10	Fifth Year
General Fund	\$54,000	\$0	\$31,200	\$32,448	\$33,746	NA
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$54,000	\$0	\$31,200	\$32,448	\$33,746	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
- Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: John AB Pangellinan Date: May 22, 2006

Director:  Date: _____
Carlos P. Bordallo

MAY 23 2006

Footnotes: 1. See attached pages for comments.

Comments to Bill no. 307 (EC):

Bill no. 307 (EC) proposes to enact the Judicial Efficiency Act of 2006 which entails the following:

1. Rules for dispositions of cases
2. Elimination of annual leave
3. Vesting of annual leave
4. The annual adjustment of judges' compensation
5. One Time adjustment of judges' compensation
6. Implementation Date
7. The sunset provision of Title 7 GCA, Division 1, Chapter 3, §3106.1 effective October 1, 2010.

Rules for the Disposition of cases

Section 1 of this proposed bill requires the court to enact administrative rules governing Superior Court's business such as:

- Timeliness in the disposition of cases.
- Compilation of data and statistics regarding the performance of judges and their respective courts.
- The management of court cases
- The matter which may affect the promptness and fairness in the disposition of cases.

The above requirements for the disposition of cases may require additional personnel and resources to implement. The cost of additional personnel and other resources cannot be determined at this time until at such time the Supreme Court completes a review of the administrative processes needed to implement such program.

Elimination of Annual Leave

Section 2 proposes to correct the title of the school system from the Department of Education to Guam Public School System and to eliminate the annual leaves of judges of the Superior Court and justices of the Supreme Court.

There is no fiscal impact on the title correction for the school system.

The elimination of annual leave of judges and justices will reflect no fiscal impact presently when coupled with Section 3 of this proposed bills. Such elimination prospectively will eliminate the accrual of annual leave which will reduce the court's liability to only those already recognized. Because there is no pay out now, there is no immediate fiscal impact to the General Fund other than the reduced liability.



Vesting of Annual Leave

Section 3 proposes to maintain accrued annual leave hours that have already been recognized as earned by the judges and justices. The payout of such accrued leave, as proposed under this bill, will be made only upon retirement, disability, death, resignation or removal. Because this liability has already been recognized, there is no immediate fiscal impact to the General Fund.

Annual Adjustment of Compensation to Judges

Section 4 proposes a new Title 7 GCA, Chapter 4, §3106.1, which is to increase the annual judges and justices by 4% each year at the discretion of the Judicial Council. Assuming the Judicial Council approves the salary increase annually, the fiscal impact to the General Fund is approximately \$25K to \$30K each new fiscal year for salary and benefits. This estimate is based on the following assumptions:

- There are six judges
- The average compensation per judge is \$100K
- The increase will take place in FY 2007.

Based on the current judicial budget for FY 2006, the fiscal impact to the General Fund is nominal.

One Time Adjustment of Compensation to Judges

Section 5 proposes a one time increase of salary to all judges except the Presiding Judge of \$4,000. The Presiding Judge's annual rate of compensation shall be set in accordance with Title 7 GCA, Chapter 3, §3106.1(b).

The fiscal impact to this proposed salary increase is \$24K, which would take place in FY 2007.

Implementation Date

Section 6 of this bill proposes the implementation of the Judiciary Efficiency Act of 2006 on October 1, 2006. Therefore any fiscal impact identified above will take place in this time period.

Sunset Provision of §3106.1

Section 7 proposes to eliminate the annual compensation of judges on October 1, 2010.

2nd
6/12/06

accepted & dismissed
6/15/06

3rd
6/15/06

**MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session**

Bill No. 307 (EC)

Introduced by:
As substituted on the floor

R. Klitzkie
B. J. F. Cruz
Mark Forbes
A. R. Unpingco
J. A. Lujan
Mike Cruz
Edward J.B. Calvo
A. B. Palacios

AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A, CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; TO ENACT THE JUDICIAL EFFICIENCY ACT OF 2006.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section One. Rules for Disposition of Cases. Title 7 G.C.A., Chapter 4,
3 §4101(e) is repealed and re-enacted to read:

4 “(e) Enactment of Rules on Case Management and Disposition. The Supreme
5 Court shall enact rules governing the efficient dispatch of the Superior Court’s business,
6 including the following:

- 7 1. time frames and deadlines for matters taken under submission to provide**
8 speedy and efficient disposition of cases;

1 2. compilation of data and statistics regarding the court and each judge's
2 performance and publication of the same on the Supreme Court website. Said
3 compilation shall include, but not be limited to, the number of motions filed in cases
4 pending before each judge, the number of motions and trials to the court which each
5 judge has had under submission more than sixty (60) days, and the number of motions
6 and trials to the court each judge has had under submission more than one hundred
7 twenty (120) days prompt and equitable assignment and distribution of cases and
8 workload and time off among the judges;

9 3. assignment, management, distribution, processing, scheduling and
10 disposition of cases in the Superior Court;

11 4. whether a referee or hearing officer may hear a case; and

12 5. any other matters which affect the prompt, fair and just disposition of
13 cases in the Superior Court.”

14 **Section Two. Elimination of Annual Leave.** Title 4 G.C.A, Chapter 4, §4109(a)
15 is amended to read:

16 “(a) Annual leave shall be granted to employees occupying permanent positions,
17 except personnel of the ~~Department of Education~~ Guam Public School System, the Guam
18 Community College or the University of Guam, who are employed on a school year
19 basis, and judges of the Superior Court and justices of the Supreme Court, in accordance
20 with the following schedule:

21 (1) One-half day (4 hours) for each full bi-weekly pay period in the case of
22 employees with less than five (5) days of service;

23 (2) Three-fourths days (6 hours) for each bi-weekly pay period in the case of
24 employees with more than five (5) years of service but less than fifteen (15) years of
25 service.

26 (3) One (1) day (8 hours) for each full bi-weekly pay period in the case of
27 employees with fifteen (15) years or more service.

28 For purposes of this Subsection (a), all elected officials except members of the
29 Guam Education Policy Board, members of I Liheslaturan Guahan and the Consolidated
30 Commission on Utilities shall be deemed employees occupying permanent positions.”

1 **Section Three. Vesting of Annual Leave.** Annual leave accrued by a judge or
2 justice of the Superior or Supreme Courts prior to the effective date of Section Two shall
3 not be forfeited and shall continue to vest with the judge or justice. However, any annual
4 leave accrued by a judge or justice prior to the effective date of Section Two shall not be
5 used or disposed of except as provided herein. Annual leave accrued prior to the
6 effective date of Section Two shall be used or disposed of only on the retirement,
7 disability or death of a judge or justice in accordance with Title 4 G.C.A. § 8116 or Title
8 4 G.C.A. Chapter 7, respectively, if appropriate, or by lump sum payment in the case of
9 resignation or removal.

10 **Section Four. Annual Adjustment of Judges' Compensation.** A new Title 7
11 G.C.A., Division 1, Chapter 3, §3106.1 is added to read:

12 **“§3106.1. Annual Adjustment of Judges' Compensation.**

13 (a) Annually, prior to May 1, the Judicial Council may, with reference to Title 7
14 G.C.A. Chapter 4 §4101(e), adjust the annual compensation of the judges of the Superior
15 Court, except the Presiding Judge, for the next fiscal year by an amount not in excess of
16 four percent more than the previous fiscal year's annual rate of compensation.

17 (b) The annual compensation of the Presiding Judge shall be one thousand dollars
18 more than the salary of the judges.

19 (c) Funding for a salary increase shall be included in the Judicial Council's annual
20 budget request submitted on May 1 pursuant to Title 7 G.C.A., Chapter 2, §2102.”

21 **Section Five. One Time Adjustment of Judges' Compensation.**

22 (a) In addition to the increase in compensation provided by enactment of Section
23 Four, the annual rate of compensation of judges of the Superior Court shall be adjusted as
24 follows:

25 (1) the annual rate of compensation of judges except the Presiding Judge
26 shall increase by four thousand dollars.

27 (2) the annual rate of compensation of the Presiding Judge shall be set in
28 accordance with Title 7 G.C.A., Chapter 3 §3106.1(b).

29 (b) The salaries of any public officials that were previously based on the salary of
30 the Presiding Judge or other judges of the Superior Court shall not be affected by the

1 enactment hereof and the salaries of said public officials shall not change unless changed
2 by law.

3 **Section Six. Effective dates and implementation.** Section Two shall take effect
4 on October 1, 2006. Section Four shall take effect when the rules authorized by Section
5 One herein are enacted. Section Five shall take effect upon the selection of the Presiding
6 Judge pursuant to Title 4 G.C.A., Chapter 4, §4101(a).

7 **Section Seven. Sunset Provision.** Title 7 G.C.A., Division 1, Chapter 3,
8 §3106.1 shall become void and of no effect on October 1, 2010.

9 **Section Eight. Short Title.** This act may be cited as the Judicial Efficiency Act of
10 2006.

11 **Section Nine.** The enactment hereof shall not affect the salary of the Presiding
12 Judge until Section Five is effective.

13 **Section Ten.** The initial implementation of the salary adjustment procedure
14 provided by Title 7 G.C.A., Division 1, Chapter 3, §3106.1 as enacted by Section Four
15 may be accomplished by the Judicial Council prior to October 1, 2006, instead of May
16 1, 2006, if the Supreme Court has complied with Title 7 G.C.A., Chapter 4, §4101(e) as
17 added by Section One.

MINA 'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Bill No. 307 (EC) / ~~(ES)~~

Introduced by:

R. Klitzkie

B. J. F. Cruz

Mark Forbes

A. Longoria

J. A. LuJan

Mike Ortiz

Eddy Calvo

Robt. B. Wilson

AN ACT TO REPEAL & RE-ENACT TITLE 7 G.C.A., CHAPTER 4, §4101(e) RELATIVE TO AUTHORIZING THE SUPREME COURT TO ADOPT RULES GOVERNING THE EFFICIENT DISPATCH OF SUPERIOR COURT CASES; TO AMEND TITLE 4 G.C.A., CHAPTER 4, §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES; TO VEST EARNED ANNUAL LEAVE WITH JUDGES & JUSTICES; TO ADD A NEW TITLE 7 G.C.A., CHAPTER 3, DIVISION 1, §3106.1 RELATIVE TO AUTHORIZING THE JUDICIAL COUNCIL TO INCREASE THE ANNUAL COMPENSATION OF JUDGES OF THE SUPERIOR COURT; TO PROVIDE FOR ADJUSTMENT OF THE ANNUAL RATE OF COMPENSATION FOR JUDGES OF THE SUPERIOR COURT; TO ESTABLISH EFFECTIVE DATES FOR IMPLEMENTATION; TO ENACT A SUNSET PROVISION FOR TITLE 7 G.C.A., CHAPTER 3, DIVISION 1 §3106.1; TO ENACT THE JUDICIAL EFFICIENCY ACT OF 2006.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section One. Rules for Disposition of Cases.** Title 7 G.C.A., Chapter 4,
3 §4101(e) is repealed and re-enacted to read:

4 **“(e) Enactment of Rules on Case Management and Disposition.** The Supreme
5 Court shall enact rules governing the efficient dispatch of the Superior Court’s business,
6 including the following:

7 1. time frames and deadlines for matters taken under submission to provide
8 speedy and efficient disposition of cases;

1 2. compilation of data and statistics regarding the court and each judge’s
2 performance and publication of the same on the Supreme Court website. Said
3 compilation shall include, but not be limited to, the number of motions filed in cases
4 pending before each judge, the number of motions and trials to the court which each
5 judge has had under submission more than sixty (60) days, and the number of motions
6 and trials to the court each judge has had under submission more than one hundred
7 twenty (120) days prompt and equitable assignment and distribution of cases and
8 workload and time off among the judges;

9 3. assignment, management, distribution, processing, scheduling and
10 disposition of cases in the Superior Court;

11 4. whether a referee or hearing officer may hear a case; and

12 5. any other matters which affect the prompt, fair and just disposition of
13 cases in the Superior Court.”

14 **Section Two. Elimination of Annual Leave.** Title 4 G.C.A, Chapter 4, §4109(a)
15 is amended to read:

16 “ (a) Annual leave shall be granted to employees occupying permanent positions,
17 except personnel of the ~~Department of Education~~ Guam Public School System, the Guam
18 Community College or the University of Guam, who are employed on a school year
19 basis, and judges of the Superior Court and justices of the Supreme Court, in accordance
20 with the following schedule:

21 (1) One-half day (4 hours) for each full bi-weekly pay period in the case of
22 employees with less than five (5) days of service;

23 (2) Three-fourths days (6 hours) for each bi-weekly pay period in the case of
24 employees with more than five (5) years of service but less than fifteen (15) years of
25 service.

26 (3) One (1) day (8 hours) for each full bi-weekly pay period in the case of
27 employees with fifteen (15) years or more service.

28 For purposes of this Subsection (a), all elected officials except members of the
29 Guam Education Policy Board, members of I Liheslaturan Guahan and the Consolidated
30 Commission on Utilities shall be deemed employees occupying permanent positions.”

1 **Section Three. Vesting of Annual Leave.** Annual leave accrued by a judge or
2 justice of the Superior or Supreme Courts prior to the effective date of Section Two shall
3 not be forfeited and shall continue to vest with the judge or justice. However, any annual
4 leave accrued by a judge or justice prior to the effective date of Section Two shall not be
5 used or disposed of except as provided herein. Annual leave accrued prior to the
6 effective date of Section Two shall be used or disposed of only on the retirement,
7 disability or death of a judge or justice in accordance with Title 4 G.C.A. § 8116 or Title
8 4 G.C.A. Chapter 7, respectively, if appropriate, or by lump sum payment in the case of
9 resignation or removal.

10 **Section Four. Annual Adjustment of Judges' Compensation.** A new Title 7
11 G.C.A., Division 1, Chapter 3, §3106.1 is added to read:

12 **“§3106.1. Annual Adjustment of Judges' Compensation.**

13 (a) Annually, prior to May 1, the Judicial Council may, with reference to Title 7
14 G.C.A. Chapter 4 §4101(e), adjust the annual compensation of the judges of the Superior
15 Court, except the Presiding Judge, for the next fiscal year by an amount not in excess of
16 four percent more than the previous fiscal year's annual rate of compensation.

17 (b) The annual compensation of the Presiding Judge shall be one thousand dollars
18 more than the salary of the judges.

19 (c) Funding for a salary increase shall be included in the Judicial Council's annual
20 budget request submitted on May 1 pursuant to Title 7 G.C.A., Chapter 2, §2102.”

21 **Section Five. One Time Adjustment of Judges' Compensation.**

22 (a) In addition to the increase in compensation provided by enactment of Section
23 Four, the annual rate of compensation of judges of the Superior Court shall be adjusted as
24 follows:

25 (1) the annual rate of compensation of judges except the Presiding Judge
26 shall increase by four thousand dollars.

27 (2) the annual rate of compensation of the Presiding Judge shall be set in
28 accordance with Title 7 G.C.A., Chapter 3 §3106.1(b).

29 (b) The salaries of any public officials that were previously based on the salary of
30 the Presiding Judge or other judges of the Superior Court shall not be affected by the

1 enactment hereof and the salaries of said public officials shall not change unless changed
2 by law.

3 **Section Six. Effective dates and implementation.** Section Two shall take effect
4 on October 1, 2006. Section Four shall take effect when the rules authorized by Section
5 One herein are enacted. Section Five shall take effect upon the selection of the Presiding
6 Judge pursuant to Title 4 G.C.A., Chapter 4, §4101(a).

7 **Section Seven. Sunset Provision.** Title 7 G.C.A., Division 1, Chapter 3,
8 §3106.1 shall become void and of no effect on October 1, 2010.

9 **Section Eight. Short Title.** This act may be cited as the Judicial Efficiency Act of
10 2006.