

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

Bill No. 301 (EC) / ~~(LS)~~

Introduced by:

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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3 §4101(e) is repealed and re-enacted to read: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.