



EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

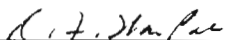
This is to certify that Substitute Bill No. 362, "AN ACT TO AMEND SECTION 81 OF THE CIVIL PROCEDURE CODE TO INCREASE SALARIES OF SUPERIOR COURT JUDGES, TO APPROPRIATE FUNDS TO FINANCE THIS INCREASE, TO APPROPRIATE FUNDS FOR THE DETENTION FACILITY, AND FOR OTHER PURPOSES", returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 23rd day of July 1985, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of 17 members.

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
\_\_\_\_\_  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

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This Act was received by the Governor this 25<sup>th</sup> day of July .  
1985, at 8:30 o'clock A.m.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

Public Law No. 18-9

(Legislative override)

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 362 (LS)  
Substitute by Committee on Federal,  
Foreign, and Legal Affairs

Introduced by:

F. R. Santos  
J. T. San Agustin  
T. S. Nelson

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F. J. Quitugua  
J. P. Aguon  
E. P. Arriola  
J. F. Ada  
M. D. A. Manibusan  
T. V. C. Tanaka  
D. Parkinson  
J. M. Rivera

AN ACT TO AMEND SECTION 81 OF THE CIVIL  
PROCEDURE CODE TO INCREASE SALARIES OF  
SUPERIOR COURT JUDGES, TO APPROPRIATE FUNDS  
TO FINANCE THIS INCREASE, TO APPROPRIATE  
FUNDS FOR THE DETENTION FACILITY, AND FOR  
OTHER PURPOSES.

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

2 Section 1. Section 81 of the Civil Procedure Code is amended to read:

3 "Section 81. Composition of Court. The Superior Court shall  
4 consist of a presiding judge and five (5) additional judges. The  
5 annual salary of the presiding judge shall be Sixty-two Thousand Five  
6 Hundred Dollars (\$62,500) and the annual salary of the other judges  
7 shall be Sixty Thousand Dollars (\$60,000)."

8 Section 2. Section 1 of this Act is effective April 19, 1985.

9 Section 3. Item B.1. of Part XXII of Section 5 of P.L. 17-70 is  
10 amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>TOTAL</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
11 "B. Courts/Ministerial Offices				
12 1. Personnel Services	\$1,559,365			\$1,510,365
13	(62.0 FTE)			(62.0 FTE)"

1           Section 9. Section 17 of Bill 128 passed by the Legislature on June  
2 24, 1985, vetoed by the Governor and overridden by the Legislature is  
3 amended to read:

4           "Section 17. Notwithstanding any law or rule the Board of  
5 Directors of the Port Authority of Guam shall implement employment  
6 reclassification plan A which was developed by Evaluation and Research  
7 Services and submitted to the Board of Directors of the Port Authority  
8 in May of 1985. The Board shall implement the plan on August 1,  
9 1985."

10          Section 10. (a) It is the Legislature's intent to avoid the situation  
11 reflected in Note 4 of the April 30, 1985 Department of Administration  
12 Financial Report which indicates that as of that date Four Million Five  
13 Hundred Forty-three Thousand Three Hundred Thirty-five Dollars  
14 (\$4,543,335.00) has been advanced from the General Fund for local matching  
15 funds which have not been reimbursed from the Federal government.

16          (b) On the effective date of this Act, the Executive Branch of  
17 the government of Guam shall not implement or continue to implement  
18 any federal function or responsibility without the receipt of federal  
19 reimbursement funds for such function or responsibility. This Section  
20 shall expire on September 30, 1985.

21          Section 11. No loan which the legislature has authorized the Governor  
22 to arrange on behalf of the Executive Branch of the the government of  
23 Guam on or before the effective date of this Act can be renegotiated or  
24 refinanced by having any of its terms or conditions changed. This Section  
25 shall expire on September 30, 1985.

26          Section 12. Subsections (m) and (o) of Section 4 of Chapter I of  
27 Public Law 17-70 are repealed.

28          Section 13. Notwithstanding any other provision of law, except for  
29 the Department of Education and the secondary level of the Guam  
30 Community College, no encumbrances or expenditures in any department,  
31 agency or instrumentality of the Executive Branch of the government of  
32 Guam for the fourth quarter of 1985 may exceed the level of encumbrances  
33 or expenditures which were made in the third quarter of fiscal year 1985.

1 Section 4. Section 4 of P.L. 18-4 is amended to read:

2 "Section 4. Six Hundred Forty-four Thousand Six Hundred  
3 Sixty-five Dollars (\$644,665.00) is appropriated from the General Fund  
4 to the Judicial branch to supplement the appropriation made on Section  
5 5, Part XXII, B.6 and 7. (Jury fees/expenses and court appointed  
6 attorneys fees) of P.L. 17-70."

7 Section 5. A new Item G, is added to Part X of Section 5 of P.L.  
8 17-70 to read:

9 "G. For the Temporary

10 Detention Facility

11	1. Personnel Services	\$ 141,565	\$ 141,565
12	2. Operating Expenses	22,780	22,780
13	3. Capital Outlay	47,770	47,770
14	4. Utilities		
15	a. Power	6,000	6,000
16	b. Water	<u>249</u>	<u>249</u>
17	TOTAL	\$ 218,364	\$ 218,364"

18 Section 6. Notwithstanding any other provision of law, The  
19 Department of Corrections is authorized to utilize lapses from appropriations  
20 made to the Department for FY 1985 to pay for overtime accrued by  
21 Departmental personnel and other related activities.

22 Section 7. No funds appropriated by law may be expended to pay  
23 salary and personnel benefits or to pay someone on contract who serves in  
24 an acting capacity in a position to which he or she was appointed by the  
25 Governor and subsequently denied confirmation by the Legislature for any  
26 period of time following the denial of confirmation.

27 Section 8. For a period of one (1) year following denial of  
28 confirmation no funds appropriated by law may be expended to pay salary  
29 and personnel benefits to a person in any unclassified position in the  
30 Executive Branch or to use the services of a person on contract if the  
31 person was appointed by the Governor to a position and subsequently  
32 denied confirmation by the Legislature.

1           Section 14. On or after the effective date of this Act, except for the  
2 recruitment for teachers, instructors, assistant professors and professors at  
3 the Department of Education, Guam Community College and The University  
4 of Guam, no vacancy in any position of employment, including any position  
5 either wholly or partially funded by the Federal government, in any  
6 department, agency or instrumentality of the Executive Branch of the  
7 government of Guam may be filled and, notwithstanding any other provision  
8 of law, any lapsed funds resulting from such vacancies shall be transferred  
9 to the General Fund. Any reorganization in any department, agency or  
10 instrumentality of the Executive Branch of the government of Guam,  
11 whether in progress or initiated after the effective date of this Act, may  
12 only be effectuated after funds which will lapse pursuant to this Section are  
13 transferred to the General Fund and any such reorganization must take into  
14 account the operation of this Section. This Section shall expire on  
15 September 30, 1985.

16           Section 15. Except for the recruitment of teachers, instructors,  
17 assistant professors and professors at the Department of Education, Guam  
18 Community College and the University of Guam, the FTE levels indicated in  
19 parentheses throughout Section 5 of P.L. 17-70 are reduced within each  
20 Part in Section 5 of P.L. 17-70 pertaining to the Executive Branch of the  
21 government of Guam to the actual employment level on the effective date of  
22 this Act of each department, commission, agency, office, bureau or other  
23 entity of the Executive Branch of the government of Guam whose  
24 appropriations are contained within each Part of Section 5 of Public Law  
25 17-70. Any sums appropriated pursuant to Section 5 of Public Law 17-70 in  
26 excess of that needed to fund the reduced FTE levels mandated by this  
27 Section shall revert to the General Fund.

28           Section 16. On or after the effective date of this Act, no person,  
29 partnership, association, organization, or corporation of any type may  
30 enter into a contract to provide professional services to any department,  
31 agency or instrumentality of the Executive Branch of the government of  
32 Guam. This Section shall expire on September 30, 1985.

1           Section 17. A new Chapter IV is added to Title VI of the Government  
2 Code, to read:

3   "Chapter IV

4   Enforcement of Proper Government Spending

5           'Section 6280. (a) It is the intent of the legislature that the  
6 Government of Guam practice fiscal responsibility, and that the  
7 persons who spend the taxpayer's money follow the mandates of law in  
8 expending government funds. Historically, there have been many  
9 instances of government officials in the government of Guam spending  
10 and obligating money without appropriation or contrary to law. Since  
11 the Attorney General is the only officer empowered to bring court  
12 actions to control such illegal spending and the only officer who can  
13 represent the government in recovering such money, and since the  
14 Attorney General is an appointed member of the Governor's cabinet,  
15 laws relating to improper spending of funds by the Executive Branch  
16 have generally not been enforced, and in some instances have been  
17 openly ignored.

18           (b) Any officer, agent, contractor or employee of the Executive  
19 Branch of the government of Guam who is charged with or assumes  
20 responsibility for the certification of availability of funds or the  
21 spending of money belonging to the territory of Guam, including the  
22 Governor and Lt. Governor of Guam, stands in a fiduciary relationship  
23 to the people of Guam in regard to the management of public money.  
24 Any such officer, agent, contractor or employee of the Executive  
25 Branch shall discharge their duties with respect to the management of  
26 public money solely in the interest of the people of the territory of  
27 Guam. Any such officer, agent, contractor or employee shall  
28 discharge his duties with the care, skill, prudence and diligence under  
29 the circumstances then prevailing that a prudent person acting in a like  
30 capacity and familiar with such matters would use in the conduct of an  
31 enterprise of a like character and with like aims.

1 (c) Any taxpayer who is a resident of Guam shall have standing  
2 to sue the government of Guam and any officer, agent, contractor or  
3 employee of the Executive Branch of the government of Guam for the  
4 purpose of enjoining any officer, agent, contractor or employee of the  
5 Executive Branch of the government of Guam from expending money  
6 without proper appropriation, without proper authority, illegally or  
7 contrary to law, and to obtain a personal judgment in the courts of  
8 Guam against such officers, agents, contractors or employees of the  
9 government of Guam and in favor of the government of Guam for the  
10 return to the government of Guam of any money which has been  
11 expended without proper appropriation, without proper authority,  
12 illegally or contrary to law. For purposes of this section, the  
13 Governor and Lt. Governor of Guam are officers of the government of  
14 Guam, and are included within the scope of this section.

15 (d) In the event of any action brought under this section by a  
16 taxpayer and resident of Guam against the government of Guam or any  
17 of the officers, agents, contractors or employees of the government of  
18 Guam, the court may require that a bond be posted by the Plaintiff in  
19 an amount of not less than Twenty-five dollars (\$25.00) nor more than  
20 One Hundred Dollars (\$100.00).

21 (e) The government of Guam, through the Attorney General,  
22 shall be entitled as a matter of right, to intervene in any suit brought  
23 under this section.

24 (f) No suit may be brought under this section unless the  
25 cumulative amount of illegal expenditures alleged, both past and  
26 future, are equal to or exceed One Thousand Dollars (\$1,000.00).

27 (g) As used in this section, the government of Guam includes  
28 but is not limited to the Governor; the Lt. Governor; Office of the  
29 Governor; Government House; line agencies, bureaus, and departments  
30 of the government of Guam; autonomous boards, agencies, and  
31 authorities of the government of Guam; the Guam Visitor's Bureau to  
32 the extent that funds contributed or appropriated by the government  
33 of Guam are involved; and any other instrumentality, agency, bureau,  
34 or department of the government of Guam.

1 (h) There shall be a five (5) year statute of limitations upon  
2 any action brought under this section. Once judgement is obtained,  
3 there shall be no statute of limitations upon the collection of any  
4 judgement obtained against any officer, employee, contractor or agent  
5 of the government of Guam under this section.

6 (i) The Attorney General shall take all steps necessary to collect  
7 any judgement obtained under this section. If no collection on such  
8 judgement is made by the Attorney General within six (6) months of  
9 the date of the judgement, then the taxpayer and resident who  
10 originally obtained the judgement shall have standing to pursue  
11 execution and collection on the judgement on behalf of the government  
12 of Guam, under the supervision of the Superior Court.

13 (j) One half of any salary or remuneration due to any agent,  
14 officer, contractor, or employee of the government of Guam who has a  
15 judgement against him pursuant to this statute shall be deducted from  
16 any pay or other sums due such individual, until the judgement  
17 obtained under this section is fully paid. If any federal law prohibits  
18 the deduction as herein mandated, then the deduction shall be such  
19 lesser amount as allowed by federal law.

20 (k) The Attorney General's Office or the legal counsel for the  
21 government of Guam entity for whom an individual defendant works  
22 may represent individual defendants in any action brought under this  
23 section. In the event that individual defendants who are officers,  
24 agents, contractors or employees of the government of Guam have  
25 private counsel, and are later exonerated of any wrong-doing, then,  
26 and in that event, the government of Guam, or the financially  
27 autonomous government of Guam entity for which the officer or  
28 employee works, shall reimburse the defendants for their legal fees.

29 (l) The court shall award reasonable costs and attorneys fees in  
30 favor of the taxpayer and resident who brings suit under this section,  
31 against any defendants found liable under this section.

32 (m) Compliance with the government of Guam Claims Act shall  
33 not be required as prerequisite for suit under this action.



1           (n) The failure of the government of Guam to bond its  
2 employees, agents, contractor or officers shall not be a defense in any  
3 action brought under this section.

4           (o) The Legislative Counsel or Assistant Legislative Counsel  
5 may, as a part of the Legislative Counsel's duties for the Legislature,  
6 with the concurrence of the Legislature's Committee on Rules,  
7 represent members of the Legislature in bringing suit under this  
8 section, provided that in such case, attorneys fees will not be allowed.

9           (p) At the first hearing before the Superior Court in any action  
10 brought under this section, the court may order an expedited schedule  
11 of discovery and pleading, and an expedited schedule and trial date  
12 for the case, if requested by any party.

13           (q) No action may be brought under this Section except for  
14 expenditures made after the effective date of this Act."

15           Section 18. No funds of an authority, corporation, line agency,  
16 commission or semi-autonomous entity of the Executive Branch of the  
17 government of Guam or of a public corporation shall be expended for  
18 off-island travel for the Governor, Lieutenant Governor or any person not  
19 an employee, member, or member of the governing board or commission of  
20 such entity.

21           Section 19. Section 9 of Bill 128 passed by the legislature on June 24,  
22 1985, vetoed by the Governor and overridden on July 8, 1985 is amended to  
23 read:

24           "Section 9. Notwithstanding any other provision of law, the sum  
25 of thirty thousand dollars (\$30,000) is appropriated from the Port  
26 Authority Fund to the Guam Council on the Arts and Humanities for  
27 the purpose of funding Guam's participation in the South Pacific  
28 Festival of the Arts. Any sums from this appropriation not used for  
29 this purpose shall revert to the Port Authority Fund."

30           Section 20. Notwithstanding any other provision of law, the sum of  
31 five thousand dollars (\$5,000) is appropriated from the Port Authority Fund  
32 to the Department of Parks and Recreation to fund off-island travel for  
33 fifteen (15) players, two (2) coaches and one (1) manager to compete in an  
34 off-island national baseball tournament.

1           Section 21. Notwithstanding any other provision of law, the sum of  
2 five thousand dollars (\$5,000) is appropriated from the Port Authority Fund  
3 to the Department of Parks and Recreation to fund Southern Little League  
4 for off-island travel to a baseball tournament in Taipei.

5           Section 22. Notwithstanding any other provision of law, the sum of  
6 ten thousand dollars (\$10,000) is appropriated from the Port Authority Fund  
7 to the Department of Parks and Recreation to fund Guam Youth Football  
8 League for equipment.

9           Section 23. 12 GCA §12004 is amended to read:

10           "§12004. General Powers and Duties. The Commission shall have  
11 regulatory oversight supervision of rates as set forth in this Chapter  
12 over each public utility and shall perform the duties and exercise the  
13 powers imposed or conferred upon it by this Chapter. The Commission  
14 in the discharge of any of its duties or the exercise of any of its  
15 powers, except a final determination affecting a public utility, may act  
16 through one or more of its Commissioners designated by the  
17 Commission for this purpose. The Commission shall investigate and  
18 examine any rates and charges charged by any utility, and all records  
19 pertinent thereto. The Commission may seek advice from an  
20 independent utility expert, shall approve, disapprove, increase or  
21 reduce rates for each utility. The Commission shall establish and  
22 modify from time to time, reasonable rates and charges for service,  
23 which as far as Guam Telephone Authority and Guam Power Authority  
24 are concerned shall be at least adequate to cover the full cost of such  
25 service or subject to any contractual agreements of the utilities to the  
26 holders of any bonds and shall increase rates or charges from time to  
27 time as may be necessary pursuant to any contractual obligations.  
28 The utilities shall not, however, enter into any contractual agreements  
29 or obligations which could increase rates and charges as of the  
30 effective date of this Act, prior to the written approval of the  
31 Commission. No money in any utility sinking fund may be released  
32 except for the purpose for which it is dedicated.

1           No rate change may be approved by the Commission unless it is  
2 affirmatively established, by a preponderance of the evidence, that a  
3 rate change is necessary. The Commission shall conduct such  
4 investigation and hearings as to any such rate changes as it deems  
5 necessary. As to the Guam Power Authority, the Commission shall  
6 ensure that rates will, at all times, be sufficient to enable the utility  
7 to meet its financial obligations, operating expenses, debt service and  
8 capital improvement needs. Any rate change shall be considered by  
9 the Commission using standards and financial criteria consistent with  
10 generally accepted rate-making practice of Public Utilities.

11 Section 24. 12 GCA §12015 is amended to read:

12           "§12015. Regulation of Rates. All rates, charges, all  
13 assessments, costs made or charged by any public utility shall be just  
14 and reasonable and shall be filed with the Commission, and no rate,  
15 charge, or assessment cost, shall be established, abandoned, or  
16 modified, departed from or changed without a public hearing and the  
17 prior approval of the Commission. The Commission, upon notice to the  
18 public utility, may suspend the operation of any proposed rate, charge  
19 or assessment cost, or any proposed abandonment or modification  
20 thereof or departure therefrom, and after a public hearing by order  
21 regulate, fix and change all such rates, charges, or assessment costs  
22 so that the same shall be just and reasonable, and may prohibit  
23 rebates and discrimination between localities, or between consumers,  
24 under substantially similar conditions."

25 Section 25. A new Section \_\_\_\_ is added to 12 GCA §12015 to read:

26           "§ \_\_\_\_\_. Financial Autonomy of the Public Utility Agency of  
27 Guam. Before the Public Utility Agency of Guam may raise its rates  
28 for water or sewer, It shall submit to the Public Utility Agency of  
29 Guam an 8 year plan to make the rates for charged by the Public  
30 Utility AGENCY of Guam sufficient to make the Agency self-sufficient  
31 financially. Once the 8 year plan has been approved by the Public  
32 Utility Agency of Guam, it shall be referred to and approved by the  
33 Legislature before the implementation of any rate increases for water  
34 and sewer, notwithstanding any other law."

1           Section 26. A new §1022.1 is added to the Code of Civil Procedure to  
2 read:

3           "§1022.1. Costs and attorneys fees allowed to the Government of  
4 Guam employees in cases against the government of Guam. Costs and  
5 reasonable attorneys fees shall be allowed of course to a government of  
6 Guam employee upon a judgment in the employee's favor in cases  
7 against the government of Guam in which the employee seeks to  
8 enforce plaintiff's employment rights as a government employee,  
9 whether or not plaintiff has ceased to be an employee at the time of  
10 the filing of the action, upon a judgment in plaintiff's favor, in which  
11 the court or jury finds that the employee has been deprived of his or  
12 her rights as an employee of the Government of Guam. This Section  
13 shall be applicable to costs and attorneys fees incurred in any action  
14 filed on or after January 1, 1983."

15           Section 27. Subsection (6) of §1022 of the Code of Civil Procedure is  
16 repealed.



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U.S.A.

RICARDO J. BORDALLO  
GOVERNOR

*Legal*

*7/23/85*

Honorable Carl T.C. Gutierrez  
Speaker, Eighteenth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Careful analysis and study of Bill 362, and thorough discussion of all issues raised therein with my advisors, have led me to arrive at several conclusions.

Bill 362 is plagued with many inconsistencies and problems some of which include an increase in our current deficit. But, one of my greatest concerns is its obvious, senseless persecution of a particular individual.

I cannot understand legislation which insists on punishing a man whose only desire is to serve our island as a strong, honest crime fighter. An individual who is dedicated to justice, but met with extreme injustice. Such legislation undermines our basic Democratic beliefs of freedom and civil liberties, because it is legislation mandated, not through the will of the people as a whole, but through the bias of a powerful few. A few whose duty, ironically, is to serve the people. This duty, I fear, has been forgotten.

I am so sad to see it happen again, and angry that our island community will suffer a great loss if this bill is enacted into law.

Another section which greatly concerns me is §16, which is an absolute prohibition against "persons, partnerships, associations, organizations, or corporations" entering into contracts for professional services with the Executive Branch of the Government of Guam.

First of all, isn't it odd that only the Executive Branch is affected by this section, and not the Judiciary or the Legislature itself? What could possibly be the rationale

*Rec'd Legal Office  
7/23/85  
8:50 a.m.  
Domingo*

behind this? Although the rationale is unclear, the implications are far reaching and devastating. §16 would prohibit the hiring of such professionals as doctors, psychiatrists, attorneys, engineers, etc., etc. These types of individuals are essential to the efficient running of our government as a whole. This means that although the prohibition mentions only the Executive Branch, our entire government and island community, will suffer the consequences. For example, if the Department of Mental Health needs a psychiatrist to assist new patients, or Public Works needs an engineer for new projects, these professionals will be barred from offering their services. Citizens will be the ultimate victims. Incidentally, even a major project like the Veterans' Cemetery will be lost, if we are unable to procure the contractual services of professionals.

It is beyond my comprehension how legislation which obstructs the very ability of the Executive Branch to serve the people of Guam, in even the most simplest things, can be considered legislation for the good of the people. Once again, I fail to see the wisdom here, or service to our community.

Bill 362 also alarms me because of its potential to harm the integrity of GPA. Sections 23, 24, and 25 calls for modification of certain sections of the Public Utilities Commission Act. Pursuant to the provisions of the second refinancing of the 36 million dollar loan, between the Guam Power Authority and the Department of the Interior, the loan agreement states that certain sections of the Public Utilities Commission Act cannot be modified without the express consent of the Secretary of the Interior. If his consent is not sought and he later objects to the modification, a default would result. Therefore, to the extent that these sections would impair the obligation of an already existing contractual agreement, they would be null and void. Not to mention that should a default result, GPA's financial reputation and integrity would be irreparably damaged.

§13 prohibits expenditures in the Executive Branch, in the fourth quarter, from exceeding expenditures in the third quarter. Among the many problems that this section creates is the dilemma it puts the Port Authority in.

On the one hand, the Port Authority is mandated by §9 to implement a reclassification plan, which includes a raise for its employees. However, §13 prohibits greater

expenditure in the fourth quarter than in the third. What does the Legislature want the Port to do? Give its employees a raise, or keep fourth quarter expenditures down? The Legislature must choose between the two, since the Port surely cannot do both.

§13 poses another problem with the Guam Power Authority. GPA's expenditures are governed largely by the consumption of electricity by the rate payers. The higher the consumption, the higher the costs as a result of increased fuel utilization and increased chemical consumption. Additionally, problems on the lines may cause the Authority to utilize overtime in excess expenditures of third quarter. We can anticipate that similar problems will arise in other agencies and departments as well.

Another section [§17], waives our governmental immunity from suit in cases of improper expenditure of money without proper appropriation for Executive Branch employees only. It is interesting to note here how the Executive Branch is once again singled out. However, a more important point is that this section could open up a Pandora's box in terms of numerous lawsuits, and exorbitant costs to the government. In a time when we cannot even afford to pay our teachers their much deserved and needed salaries, this type of legislation is most unwise.

More inconsistencies involving the Port include Section 18 and Section 20.

§18 mandates that one department or agency of the Executive Branch cannot pay for travel expenses of employees of another executive department or agency. Yet, in Sections 20 and 21, a direct contradiction exists since money is appropriated from the Port to pay for off-island travel expenses of baseball teams. These teams have no relation to the Port Authority whatsoever. What is the Port to do? Pay the travel expenses or obey §18. This is highly unclear.

It is also interesting to note here that these appropriations for off-island travel are not only improper, but a big waste of money. Not that our sports programs are not much needed and commendable programs, but that we already have a Sports Travel Fund. This fund was especially created to address all off-island travel sports requests, and currently has a budget of \$20,300.00!! So, dipping into the Port's til for \$10,000.00 is absolutely unnecessary.

As always, I have thoughtfully considered all alternatives and issues, and consulted several advisors before reaching my conclusions. Therefore, pursuant to power of the Executive Office, by virtue of §19 of the Organic Act, I hereby do veto Bill 362.

Sincerely yours,

  
RICARDO J. BORDALLO

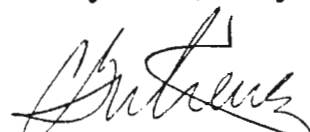
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EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 362, "AN ACT TO AMEND SECTION 81 OF THE CIVIL PROCEDURE CODE TO INCREASE SALARIES OF SUPERIOR COURT JUDGES, TO APPROPRIATE FUNDS TO FINANCE THIS INCREASE, TO APPROPRIATE FUNDS FOR THE DETENTION FACILITY, AND FOR OTHER PURPOSES", was on the 8th day of July 1985, duly and regularly passed.



CARL T. C. GUTIERREZ  
Speaker

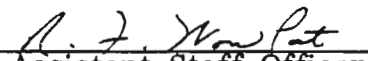
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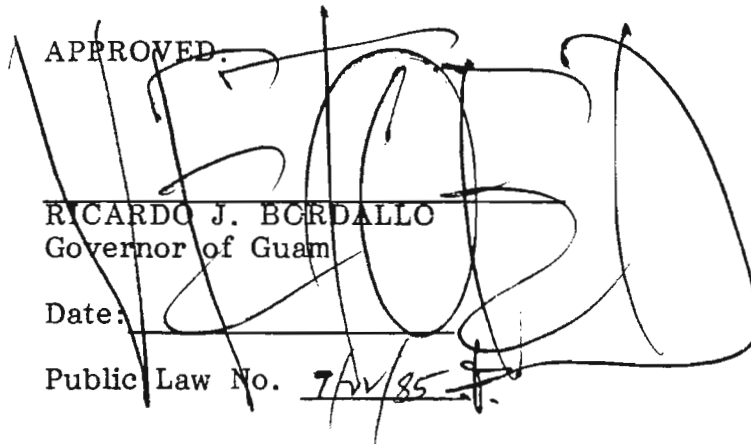
JOHN P. AGUON  
Senator and  
Acting Legislative Secretary

*overridden  
7/23/85*

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This Act was received by the Governor this 10<sup>th</sup> day of July 1985, at 9:43 o'clock a.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:



RICARDO J. BORDALLO  
Governor of Guam

Date:

Public Law No. 72/85

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 362 (LS)  
Substitute by Committee on Federal,  
Foreign, and Legal Affairs

Introduced by:

F. R. Santos  
J. T. San Agustin  
T. S. Nelson

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F. J. Quitugua  
J. P. Aguon  
E. P. Arriola  
J. F. Ada  
M. D. A. Manibusan  
T. V. C. Tanaka  
D. Parkinson  
J. M. Rivera

AN ACT TO AMEND SECTION 81 OF THE CIVIL  
PROCEDURE CODE TO INCREASE SALARIES OF  
SUPERIOR COURT JUDGES, TO APPROPRIATE FUNDS  
TO FINANCE THIS INCREASE, TO APPROPRIATE  
FUNDS FOR THE DETENTION FACILITY, AND FOR  
OTHER PURPOSES.

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

2 Section 1. Section 81 of the Civil Procedure Code is amended to read:

3 "Section 81. Composition of Court. The Superior Court shall  
4 consist of a presiding judge and five (5) additional judges. The  
5 annual salary of the presiding judge shall be Sixty-two Thousand Five  
6 Hundred Dollars (\$62,500) and the annual salary of the other judges  
7 shall be Sixty Thousand Dollars (\$60,000)."

8 Section 2. Section 1 of this Act is effective April 19, 1985.

9 Section 3. Item B.1. of Part XXII of Section 5 of P.L. 17-70 is  
10 amended to read:

	General	Other	Federal	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>TOTAL</u>
11				
12				
13	"B. Courts/Ministerial Offices			
14	1. Personnel Services	\$1,559,365		\$1,510,365
15		(62.0 FTE)		(62.0 FTE)"

1 Section 4. Section 4 of P.L. 18-4 is amended to read:

2 "Section 4. Six Hundred Forty-four Thousand Six Hundred  
3 Sixty-five Dollars (\$644,665.00) is appropriated from the General Fund  
4 to the Judicial branch to supplement the appropriation made on Section  
5 5, Part XXII, B.6 and 7. (Jury fees/expenses and court appointed  
6 attorneys fees) of P.L. 17-70."

7 Section 5. A new Item G, is added to Part X of Section 5 of P.L.  
8 17-70 to read:

9 "G. For the Temporary  
10 Detention Facility

11	1. Personnel Services	\$ 141,565	\$ 141,565
12	2. Operating Expenses	22,780	22,780
13	3. Capital Outlay	47,770	47,770
14	4. Utilities		
15	a. Power	6,000	6,000
16	b. Water	<u>249</u>	<u>249</u>
17	TOTAL	\$ 218,364	\$ 218,364"

18 Section 6. Notwithstanding any other provision of law, The  
19 Department of Corrections is authorized to utilize lapses from appropriations  
20 made to the Department for FY 1985 to pay for overtime accrued by  
21 Departmental personnel and other related activities.

22 Section 7. No funds appropriated by law may be expended to pay  
23 salary and personnel benefits or to pay someone on contract who serves in  
24 an acting capacity in a position to which he or she was appointed by the  
25 Governor and subsequently denied confirmation by the Legislature for any  
26 period of time following the denial of confirmation.

27 Section 8. For a period of one (1) year following denial of  
28 confirmation no funds appropriated by law may be expended to pay salary  
29 and personnel benefits to a person in any unclassified position in the  
30 Executive Branch or to use the services of a person on contract if the  
31 person was appointed by the Governor to a position and subsequently  
32 denied confirmation by the Legislature.

1           Section 9. Section 17 of Bill 128 passed by the Legislature on June  
2 24, 1985, vetoed by the Governor and overridden by the Legislature is  
3 amended to read:

4           "Section 17. Notwithstanding any law or rule the Board of  
5 Directors of the Port Authority of Guam shall implement employment  
6 reclassification plan A which was developed by Evaluation and Research  
7 Services and submitted to the Board of Directors of the Port Authority  
8 in May of 1985. The Board shall implement the plan on August 1,  
9 1985."

10          Section 10. (a) It is the Legislature's intent to avoid the situation  
11 reflected in Note 4 of the April 30, 1985 Department of Administration  
12 Financial Report which indicates that as of that date Four Million Five  
13 Hundred Forty-three Thousand Three Hundred Thirty-five Dollars  
14 (\$4,543,335.00) has been advanced from the General Fund for local matching  
15 funds which have not been reimbursed from the Federal government.

16           (b) On the effective date of this Act, the Executive Branch of  
17 the government of Guam shall not implement or continue to implement  
18 any federal function or responsibility without the receipt of federal  
19 reimbursement funds for such function or responsibility. This Section  
20 shall expire on September 30, 1985.

21          Section 11. No loan which the legislature has authorized the Governor  
22 to arrange on behalf of the Executive Branch of the the government of  
23 Guam on or before the effective date of this Act can be renegotiated or  
24 refinanced by having any of its terms or conditions changed. This Section  
25 shall expire on September 30, 1985.

26          Section 12. Subsections (m) and (o) of Section 4 of Chapter I of  
27 Public Law 17-70 are repealed.

28          Section 13. Notwithstanding any other provision of law, except for  
29 the Department of Education and the secondary level of the Guam  
30 Community College, no encumbrances or expenditures in any department,  
31 agency or instrumentality of the Executive Branch of the government of  
32 Guam for the fourth quarter of 1985 may exceed the level of encumbrances  
33 or expenditures which were made in the third quarter of fiscal year 1985.

1           Section 14. On or after the effective date of this Act, except for the  
2 recruitment for teachers, instructors, assistant professors and professors at  
3 the Department of Education, Guam Community College and The University  
4 of Guam, no vacancy in any position of employment, including any position  
5 either wholly or partially funded by the Federal government, in any  
6 department, agency or instrumentality of the Executive Branch of the  
7 government of Guam may be filled and, notwithstanding any other provision  
8 of law, any lapsed funds resulting from such vacancies shall be transferred  
9 to the General Fund. Any reorganization in any department, agency or  
10 instrumentality of the Executive Branch of the government of Guam,  
11 whether in progress or initiated after the effective date of this Act, may  
12 only be effectuated after funds which will lapse pursuant to this Section are  
13 transferred to the General Fund and any such reorganization must take into  
14 account the operation of this Section. This Section shall expire on  
15 September 30, 1985.

16           Section 15. Except for the recruitment of teachers, instructors,  
17 assistant professors and professors at the Department of Education, Guam  
18 Community College and the University of Guam, the FTE levels indicated in  
19 parentheses throughout Section 5 of P.L. 17-70 are reduced within each  
20 Part in Section 5 of P.L. 17-70 pertaining to the Executive Branch of the  
21 government of Guam to the actual employment level on the effective date of  
22 this Act of each department, commission, agency, office, bureau or other  
23 entity of the Executive Branch of the government of Guam whose  
24 appropriations are contained within each Part of Section 5 of Public Law  
25 17-70. Any sums appropriated pursuant to Section 5 of Public Law 17-70 in  
26 excess of that needed to fund the reduced FTE levels mandated by this  
27 Section shall revert to the General Fund.

28           Section 16. On or after the effective date of this Act, no person,  
29 partnership, association, organization, or corporation of any type may  
30 enter into a contract to provide professional services to any department,  
31 agency or instrumentality of the Executive Branch of the government of  
32 Guam. This Section shall expire on September 30, 1985.

1           Section 17. A new Chapter IV is added to Title VI of the Government  
2 Code, to read:

3   "Chapter IV

4   Enforcement of Proper Government Spending

5           'Section 6280. (a) It is the intent of the legislature that the  
6 Government of Guam practice fiscal responsibility, and that the  
7 persons who spend the taxpayer's money follow the mandates of law in  
8 expending government funds. Historically, there have been many  
9 instances of government officials in the government of Guam spending  
10 and obligating money without appropriation or contrary to law. Since  
11 the Attorney General is the only officer empowered to bring court  
12 actions to control such illegal spending and the only officer who can  
13 represent the government in recovering such money, and since the  
14 Attorney General is an appointed member of the Governor's cabinet,  
15 laws relating to improper spending of funds by the Executive Branch  
16 have generally not been enforced, and in some instances have been  
17 openly ignored.

18           (b) Any officer, agent, contractor or employee of the Executive  
19 Branch of the government of Guam who is charged with or assumes  
20 responsibility for the certification of availability of funds or the  
21 spending of money belonging to the territory of Guam, including the  
22 Governor and Lt. Governor of Guam, stands in a fiduciary relationship  
23 to the people of Guam in regard to the management of public money.  
24 Any such officer, agent, contractor or employee of the Executive  
25 Branch shall discharge their duties with respect to the management of  
26 public money solely in the interest of the people of the territory of  
27 Guam. Any such officer, agent, contractor or employee shall  
28 discharge his duties with the care, skill, prudence and diligence under  
29 the circumstances then prevailing that a prudent person acting in a like  
30 capacity and familiar with such matters would use in the conduct of an  
31 enterprise of a like character and with like aims.

1           (c) Any taxpayer who is a resident of Guam shall have standing  
2 to sue the government of Guam and any officer, agent, contractor or  
3 employee of the Executive Branch of the government of Guam for the  
4 purpose of enjoining any officer, agent, contractor or employee of the  
5 Executive Branch of the government of Guam from expending money  
6 without proper appropriation, without proper authority, illegally or  
7 contrary to law, and to obtain a personal judgment in the courts of  
8 Guam against such officers, agents, contractors or employees of the  
9 government of Guam and in favor of the government of Guam for the  
10 return to the government of Guam of any money which has been  
11 expended without proper appropriation, without proper authority,  
12 illegally or contrary to law. For purposes of this section, the  
13 Governor and Lt. Governor of Guam are officers of the government of  
14 Guam, and are included within the scope of this section.

15           (d) In the event of any action brought under this section by a  
16 taxpayer and resident of Guam against the government of Guam or any  
17 of the officers, agents, contractors or employees of the government of  
18 Guam, the court may require that a bond be posted by the Plaintiff in  
19 an amount of not less than Twenty-five dollars (\$25.00) nor more than  
20 One Hundred Dollars (\$100.00).

21           (e) The government of Guam, through the Attorney General,  
22 shall be entitled as a matter of right, to intervene in any suit brought  
23 under this section.

24           (f) No suit may be brought under this section unless the  
25 cumulative amount of illegal expenditures alleged, both past and  
26 future, are equal to or exceed One Thousand Dollars (\$1,000.00).

27           (g) As used in this section, the government of Guam includes  
28 but is not limited to the Governor; the Lt. Governor; Office of the  
29 Governor; Government House; line agencies, bureaus, and departments  
30 of the government of Guam; autonomous boards, agencies, and  
31 authorities of the government of Guam; the Guam Visitor's Bureau to  
32 the extent that funds contributed or appropriated by the government  
33 of Guam are involved; and any other instrumentality, agency, bureau,  
34 or department of the government of Guam.

1 (h) There shall be a five (5) year statute of limitations upon  
2 any action brought under this section. Once judgement is obtained,  
3 there shall be no statute of limitations upon the collection of any  
4 judgement obtained against any officer, employee, contractor or agent  
5 of the government of Guam under this section.

6 (i) The Attorney General shall take all steps necessary to collect  
7 any judgement obtained under this section. If no collection on such  
8 judgement is made by the Attorney General within six (6) months of  
9 the date of the judgement, then the taxpayer and resident who  
10 originally obtained the judgement shall have standing to pursue  
11 execution and collection on the judgement on behalf of the government  
12 of Guam, under the supervision of the Superior Court.

13 (j) One half of any salary or remuneration due to any agent,  
14 officer, contractor, or employee of the government of Guam who has a  
15 judgement against him pursuant to this statute shall be deducted from  
16 any pay or other sums due such individual, until the judgement  
17 obtained under this section is fully paid. If any federal law prohibits  
18 the deduction as herein mandated, then the deduction shall be such  
19 lesser amount as allowed by federal law.

20 (k) The Attorney General's Office or the legal counsel for the  
21 government of Guam entity for whom an individual defendant works  
22 may represent individual defendants in any action brought under this  
23 section. In the event that individual defendants who are officers,  
24 agents, contractors or employees of the government of Guam have  
25 private counsel, and are later exonerated of any wrong-doing, then,  
26 and in that event, the government of Guam, or the financially  
27 autonomous government of Guam entity for which the officer or  
28 employee works, shall reimburse the defendants for their legal fees.

29 (l) The court shall award reasonable costs and attorneys fees in  
30 favor of the taxpayer and resident who brings suit under this section,  
31 against any defendants found liable under this section.

32 (m) Compliance with the government of Guam Claims Act shall  
33 not be required as prerequisite for suit under this action.



1           (n) The failure of the government of Guam to bond its  
2 employees, agents, contractor or officers shall not be a defense in any  
3 action brought under this section.

4           (o) The Legislative Counsel or Assistant Legislative Counsel  
5 may, as a part of the Legislative Counsel's duties for the Legislature,  
6 with the concurrence of the Legislature's Committee on Rules,  
7 represent members of the Legislature in bringing suit under this  
8 section, provided that in such case, attorneys fees will not be allowed.

9           (p) At the first hearing before the Superior Court in any action  
10 brought under this section, the court may order an expedited schedule  
11 of discovery and pleading, and an expedited schedule and trial date  
12 for the case, if requested by any party.

13           (q) No action may be brought under this Section except for  
14 expenditures made after the effective date of this Act."

15           Section 18. No funds of an authority, corporation, line agency,  
16 commission or semi-autonomous entity of the Executive Branch of the  
17 government of Guam or of a public corporation shall be expended for  
18 off-island travel for the Governor, Lieutenant Governor or any person not  
19 an employee, member, or member of the governing board or commission of  
20 such entity.

21           Section 19. Section 9 of Bill 128 passed by the legislature on June 24,  
22 1985, vetoed by the Governor and overridden on July 8, 1985 is amended to  
23 read:

24           "Section 9. Notwithstanding any other provision of law, the sum  
25 of thirty thousand dollars (\$30,000) is appropriated from the Port  
26 Authority Fund to the Guam Council on the Arts and Humanities for  
27 the purpose of funding Guam's participation in the South Pacific  
28 Festival of the Arts. Any sums from this appropriation not used for  
29 this purpose shall revert to the Port Authority Fund."

30           Section 20. Notwithstanding any other provision of law, the sum of  
31 five thousand dollars (\$5,000) is appropriated from the Port Authority Fund  
32 to the Department of Parks and Recreation to fund off-island travel for  
33 fifteen (15) players, two (2) coaches and one (1) manager to compete in an  
34 off-island national baseball tournament.

1           Section 21. Notwithstanding any other provision of law, the sum of  
2 five thousand dollars (\$5,000) is appropriated from the Port Authority Fund  
3 to the Department of Parks and Recreation to fund Southern Little League  
4 for off-island travel to a baseball tournament in Taipei.

5           Section 22. Notwithstanding any other provision of law, the sum of  
6 ten thousand dollars (\$10,000) is appropriated from the Port Authority Fund  
7 to the Department of Parks and Recreation to fund Guam Youth Football  
8 League for equipment.

9           Section 23. 12 GCA §12004 is amended to read:

10           "§12004. General Powers and Duties. The Commission shall have  
11 regulatory oversight supervision of rates as set forth in this Chapter  
12 over each public utility and shall perform the duties and exercise the  
13 powers imposed or conferred upon it by this Chapter. The Commission  
14 in the discharge of any of its duties or the exercise of any of its  
15 powers, except a final determination affecting a public utility, may act  
16 through one or more of its Commissioners designated by the  
17 Commission for this purpose. The Commission shall investigate and  
18 examine any rates and charges charged by any utility, and all records  
19 pertinent thereto. The Commission may seek advice from an  
20 independent utility expert, shall approve, disapprove, increase or  
21 reduce rates for each utility. The Commission shall establish and  
22 modify from time to time, reasonable rates and charges for service,  
23 which as far as Guam Telephone Authority and Guam Power Authority  
24 are concerned shall be at least adequate to cover the full cost of such  
25 service or subject to any contractual agreements of the utilities to the  
26 holders of any bonds and shall increase rates or charges from time to  
27 time as may be necessary pursuant to any contractual obligations.  
28 The utilities shall not, however, enter into any contractual agreements  
29 or obligations which could increase rates and charges as of the  
30 effective date of this Act, prior to the written approval of the  
31 Commission. No money in any utility sinking fund may be released  
32 except for the purpose for which it is dedicated.

1 No rate change may be approved by the Commission unless it is  
2 affirmatively established, by a preponderance of the evidence, that a  
3 rate change is necessary. The Commission shall conduct such  
4 investigation and hearings as to any such rate changes as it deems  
5 necessary. As to the Guam Power Authority, the Commission shall  
6 ensure that rates will, at all times, be sufficient to enable the utility  
7 to meet its financial obligations, operating expenses, debt service and  
8 capital improvement needs. Any rate change shall be considered by  
9 the Commission using standards and financial criteria consistent with  
10 generally accepted rate-making practice of Public Utilities.

11 Section 24. 12 GCA §12015 is amended to read:

12 "§12015. Regulation of Rates. All rates, charges, all  
13 assessments, costs made or charged by any public utility shall be just  
14 and reasonable and shall be filed with the Commission, and no rate,  
15 charge, or assessment cost, shall be established, abandoned, or  
16 modified, departed from or changed without a public hearing and the  
17 prior approval of the Commission. The Commission, upon notice to the  
18 public utility, may suspend the operation of any proposed rate, charge  
19 or assessment cost, or any proposed abandonment or modification  
20 thereof or departure therefrom, and after a public hearing by order  
21 regulate, fix and change all such rates, charges, or assessment costs  
22 so that the same shall be just and reasonable, and may prohibit  
23 rebates and discrimination between localities, or between consumers,  
24 under substantially similar conditions."

25 Section 25. A new Section \_\_\_\_ is added to 12 GCA §12015 to read:

26 "§ \_\_\_\_\_. Financial Autonomy of the Public Utility Agency of  
27 Guam. Before the Public Utility Agency of Guam may raise its rates  
28 for water or sewer, It shall submit to the Public Utility Agency of  
29 Guam an 8 year plan to make the rates for charged by the Public  
30 Utility AGENCY of Guam sufficient to make the Agency self-sufficient  
31 financially. Once the 8 year plan has been approved by the Public  
32 Utility Agency of Guam, it shall be referred to and approved by the  
33 Legislature before the implementation of any rate increases for water  
34 and sewer, notwithstanding any other law."

1           Section 26. A new §1022.1 is added to the Code of Civil Procedure to  
2 read:

3           "§1022.1. Costs and attorneys fees allowed to the Government of  
4 Guam employees in cases against the government of Guam. Costs and  
5 reasonable attorneys fees shall be allowed of course to a government of  
6 Guam employee upon a judgment in the employee's favor in cases  
7 against the government of Guam in which the employee seeks to  
8 enforce plaintiff's employment rights as a government employee,  
9 whether or not plaintiff has ceased to be an employee at the time of  
10 the filing of the action, upon a judgment in plaintiff's favor, in which  
11 the court or jury finds that the employee has been deprived of his or  
12 her rights as an employee of the Government of Guam. This Section  
13 shall be applicable to costs and attorneys fees incurred in any action  
14 filed on or after January 1, 1983."

15           Section 27. Subsection (6) of §1022 of the Code of Civil Procedure is  
16 repealed.

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 362

DATE: 7/8/85

Resolution No.: \_\_\_\_\_

QUESTION: Amendment

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola				✓
J. G. M. Bamba	✓			
F. F. Blas <sup>AA</sup>	✓			
H. D. Dierking <sup>+</sup>	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan	✓		HH	
M. D. A. Manibusan <sup>+</sup>	✓			
<del>XXXXXXXXXX</del>				
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka				✓
A. R. Unpingco <sup>+</sup>	✓			

18

2



# Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam U.S.A. 96910

SENATOR F. R. SANTOS

Chairman, Committee on Federal,  
Foreign and Legal Affairs

July 8, 1985

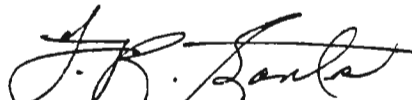
The Honorable Carl T.C. Gutierrez  
Speaker, 18th Guam Legislature  
P. O. Box CB-1  
Agana, Guam 96910

Dear Speaker Gutierrez;

The Committee on Federal, Foreign and Legal Affairs  
recommends that Bill No. 362, as substituted, by the Committee  
be passed. Votes of the Committee are as follow:

To do pass	<u>7</u>
To not pass	<u>0</u>
Abstain	<u>0</u>
Off-island	<u>✓</u>

Sincerely,

  
F. R. SANTOS

Attachments



# Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam U.S.A. 96910

SENATOR F. R. SANTOS  
Chairman, Committee on Federal,  
Foreign and Legal Affairs

SUBSTITUTE BILL NO. 362

## VOTE SHEET

<u>MEMBER</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAIN</u>	<u>COMMENTS</u>
 CHAIRMAN FRANK R. SANTOS	✓			
 SENATOR JOE T. SAN AGUSTIN VICE CHAIRMAN	✓			
 SENATOR JOSEPH F. ADA	✓			
 SENATOR JOHN P. AGUON	✓			
SENATOR ELIZABETH P. ARRIOLA				
 SENATOR MARILYN MANIBUSAN	✓			
 SENATOR TED S. NELSON	✓			
 SENATOR FRANKLIN J. QUITUGUA	✓			
SENATOR THOMAS V.C. TANAKA				

Committee Report  
on  
SUBSTITUTE BILL NO. 362

AN ACT TO AMEND SECTION 81 OF THE CIVIL PROCEDURE CODE TO INCREASE SALARIES OF SUPERIOR COURT JUDGES AND TO APPROPRIATE FUNDS TO FINANCE THIS INCREASE FOR FISCAL YEAR 1985.

Committee Chairman F.R. Santos convened the public hearing on Bill No. 362 at 9:00 a.m. on June 24, 1985 at the Legislative Conference Room. Committee members in attendance were Senators Joe T. San Agustin, Joseph Ada and Marilyn Manibusan.

Legislative History

In the State of the Judiciary Address delivered before the Legislature on April 8, 1985, Presiding Judge Paul Abbate alluded to the need for legislation to bring the judicial salaries up to comparability. The last salary adjustment for the Superior Court Judges was made in January 1981.

Bill No. 362, an act to increase salaries of Superior Court Judges, was introduced by Senator Frank Santos on April 23, 1985. The Committee on Federal, Foreign and Legal Affairs held a public hearing on June 24, 1985.

Purpose of Bill

The main purpose of Bill No. 362 is to elevate the salaries of the Superior Court Judges to a level comparable with other jurisdictions and, further, to make careers in the courts of Guam attractive for experienced practicing Attorneys, also to provide some financial security for a Judge and his family. At the present time, there are five Superior Court Judges and one presiding Judge of the Superior Court.



### Analysis

Section 1. of the Bill proposes to change the salary of the Presiding Judge from \$45,838 per annum to \$60,000 per annum, and to increase the salaries of the five Superior Court Judges from \$44,338 to \$57,500 or approximately 35% increase.

Section 2. this act is to become effective April 19, 1985.

Section 3. appropriates funds to finance the increase for fiscal year 1985. The amount needed to cover the increase to September 30, 1985 is approximately \$49,142.

On November 1984 Survey of Judicial Salaries published by the National Center for State Courts shows that salaries for Judges in U.S. Flag Territories, including American Samoa higher than in Guam, with one exception Puerto Rico. The Chief Judges receives \$44,600 per annum while the Associate Justice is compensated at \$44,000 (see attached Table 1).

### Budgetary Impact

The budgetary impact of Bill No. 362 is as follows:

For FY 1985.....	\$ 49,142.00
For FY 1986.....	\$106,474.00

It is also proposed that funding for the proposed increase be derived from a percentage of the court generated revenue.

### Testimony

Appearing before the Committee was Presiding Judge Paul J. Abbate. Judge Abbate submitted a testimony, on behalf of himself and all the other Judges, in support of Bill No. 362 (Attachment 1).

TABLE I  
COMPARATIVE SALARIES  
(ANALYSIS)

American Samoa	Chief Justice	\$ 73,006.00
American Samoa	Associate Justices	70,026.00
Republic of Belau	Chief Justice	40,000.00
	Trial Judges	35,000.00
Guam	Presiding Judges of the Superior Court	45,838.00
	Judges Superior Court	44,338.00
Commonwealth of Northern Marianas	Chief Justice	50,000.00
	Associate Justices	44,000.00
Puerto Rico	Presiding Judge	44,600.00
	Associate Judges	44,000.00
Virgin Islands	Presiding Judge	59,950.00
	Associate Judges	57,200.00
Median salary for general Trial Court Judges		55,378.00

PROPOSED SALARY INCREASE  
for  
SUPERIOR COURT JUDGES

Table 2  
(ANALYSIS)

Projected from February 4, 1985  
to September 30, 1985

	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
<u>PRESIDING JUDGE, Superior Court</u>			
From \$45,838 to \$60,000			
\$6.81/hr. x 80 hrs. = \$544.80/Pay Period			
\$544.80/Pay Period x 17 Periods =	\$ 9,262		
\$9,262 x .12106% for Retirement =		\$1,122	\$10,384
<u>FIVE (5) JUDGES, Superior Court</u>			
From \$44,338 to \$57,500			
\$6.33/hr. x 80 hrs. = \$506.40/Pay Period			
\$506.40/Pay Period x 17 Periods =			
\$8,609 x 5 Judges =	\$43,045		
\$43,045 x .12106% =		\$5,212	\$48,257
	\$52,307	\$6,334	\$58,641
T O T A L	\$52,307	\$6,334	\$58,641

Separate letters concurring with the testimony presented by Judge Abbate were submitted by Judge B.J. Cruz (Attachment 2), Judge Siguenza (Attachment 3), Judge Weeks (Attachment 4). and Judge Diaz (Attachment 5).

Mr. Richard A. Pipes, Vice President of the Guam Bar Association, submitted a Resolution adopted by the Board of Directors recommending that the Judicial salaries be no less than \$60,000 per annum (Attachment 6).

A Resolution, from the Guam Territorial Law Library, urging the Legislature to pass legislation increasing the salaries of Judges was submitted by Library President Howard Trapp and Secretary Timothy A. Stewart (Attachment 7).

Judge Abbate stated in his testimony that the Superior Court Judges are in support of Bill No. 362. He stated that "in his State of Judiciary Address one of the items he proposed was the increase of judicial salaries. He stated at the present time Guam's judicial salary structure is low compared to most of the states, the Commonwealth of the Northern Marianas and the Republic of Belau. He also stated compensation should be commensurated with judicial responsibilities, attract and retain successful and experience practioners to the bench.

Testimony opposing Bill No. 362 - none.

#### Summary

The Committee finds that elevating the Judicial salaries for the Superior Court Judges is long overdue. The last salary adjustment was made in January of 1981.

To attract experienced practicing Attorneys to a career on the bench, the Committee finds that the compensation for Judges should reflect the education required and the level of responsibility.

Equally important the salary of Judges in the Superior Court should be comparable with other jurisdiction for retention purposes.

Recommendations

1. The Committee recommends to the Legislature that the annual compensation for the Presiding Judge of the Superior Court of Guam be increased to \$60,000, and the salaries of Judges in the Superior Court be set at \$57,500 per annum.

2. That the amount included in Section 4 of the Bill be appropriated to cover the increase, and for other purposes.

3. Substitute Bill No. 362 be effective April 19, 1985.

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 362 (LS)  
Substitute by Committee on Federal,  
Foreign, and Legal Affairs

Introduced by:

→ F. R. Santos

AN ACT TO AMEND SECTION 81 OF THE CIVIL  
PROCEDURE CODE TO INCREASE SALARIES OF  
SUPERIOR COURT JUDGES, TO APPROPRIATE FUNDS  
TO FINANCE THIS INCREASE, TO APPROPRIATE  
FUNDS FOR THE TEMPORARY DETENTION FACILITY,  
~~AND TO ALLOW THE BOARD OF EDUCATION TO SET  
THE SALARY OF THE DIRECTOR OF EDUCATION.~~

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

2 Section 1. Section 81 of the Civil Procedure Code is amended to read:

3 "Section 81. Composition of Court. The Superior Court shall  
4 consist of a presiding judge and five (5) additional judges. The  
5 annual salary of the presiding judge shall be [Forty-five Thousand  
6 Dollars (\$45,000)] Sixty-two Thousand Five Hundred Dollars (\$62,500)  
7 and the annual salary of the other judges shall be [Forty-three  
8 Thousand Five Hundred Dollars (\$43,500)] Sixty Thousand Dollars  
9 (\$60,000)."

10 Section 2. Section 1 of this Act is effective April 19, 1985.

11 Section 3. Item B.1. of Part XXII of Section 5 of P.L. 17-70 is  
12 amended to read:

	General	Other	Federal	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>TOTAL</u>
13				
14				
15	"B. Courts/Ministerial Offices			
16	1. Personnel Services	[\$1,510,223]		[\$1,510,223]
17		<u>\$1,559,365</u>		<u>\$1,510,365</u>
18		(62.0 FTE)		(62.0 FTE)"

19 Section 4. Section 4 of P.L. 18-1 is amended to read:

20 "Section 4. [Six Hundred Ninety Three Thousand Eight Hundred  
21 and Seven Dolars (\$693,807.00)] Six Hundred Forty-four Thousand Six

1 Hundred Sixty-five Dollars (\$644,665.00) is appropriated from the  
 2 General Fund to the Judicial branch to supplement the appropriation  
 3 made on Section 5, Part XXII, B.6 and 7. (Jury fees/expenses and  
 4 court appointed attorneys fees) of P.L. 17-70."

5 Section 5. A new Item G, is added to Part X of Section 5 of P.L.  
 6 17-70 to read:

7 "G. For the Temporary  
 8 Detention Facility

(77e) 033

9	<u>1. Personnel Services</u>	<u>\$ 141,565</u>	<u>\$ 141,565</u>
10	<u>2. Operating Expenses</u>	<u>22,780</u>	<u>22,780</u>
11	<u>3. Capital Outlay</u>	<u>47,770</u>	<u>47,770</u>
12	<u>4. Utilities</u>		
13	<u>a. Power</u>	<u>6,000</u>	<u>6,000</u>
14	<u>b. Water</u>	<u>249</u>	<u>249</u>
15	<u>TOTAL</u>	<u>\$ 218,364</u>	<u>\$ 218,364"</u>

16 Section 6. Notwithstanding any other provision of law, The  
 17 Department of Corrections is authorized to utilize lapses from appropriations  
 18 made to the Department for FY 1985 to pay for overtime accrued by  
 19 Departmental pesonnel and other related activities.

Sect 7  
 Sect 6

# Survey Survey Survey Survey Survey

# of Judicial Salaries

Published by the National Center for State Courts

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November 1984

Volume 10 Number 2

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## Judicial Salary Summary

Since the last issue of the *Survey of Judicial Salaries* (May 1984), twenty-five states, the District of Columbia, and the federal judicial system have reported changes in salaries paid their judges. Another eight increases are scheduled.

In the fourteen states in which judges also received raises the previous year, the increases ranged from two per cent in Kentucky and Montana to approximately thirty per cent in Missouri. The median pay raise for these judges was six percent. Judges in the state of Washington received

their first increase in four years.

As of November 30, 1984, the salaries of associate justices of the highest courts ranged from \$44,431 to \$88,818, with an average (mean) of \$62,753. The median salary was \$62,350. The current salary range for intermediate appellate court justices is \$46,300 to \$83,268, with a mean of \$62,368 and a median of \$62,850. General trial court judges are paid between \$39,932 and \$73,620. Their mean salary is \$55,378 and the median is \$54,250.

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## Judicial Salary Setting

The National Center for State Courts gathers information quarterly on the salaries of state court judges and state court administrators through a survey of state court administrators. They are asked to report current salary figures and to note any pending or future changes. The information is fully presented in the semiannual publication of this survey, and updated in the interim in the NCSC publication *State Court Journal* in the winter and summer issues. This issue of the *Survey of Judicial Salaries* reports salaries as of November 30, 1984.

The determination of appropriate salary levels for positions in any field involves a complexity of factors. The state judiciary is no exception. General guidelines usually suggest that a salary reflect the level of responsibility a job entails and the condition of the "marketplace." It is commonly agreed that competitive salaries, or other forms of compensation, attract the "best" applicants. In the case of judgeships, as with many other jobs, not all forms of compensation are measurable. These are the intrinsic benefits such as status, honor, and satisfaction in public service. Still other forms are measurable but difficult to compare. Here we refer to retirement plans; disability and death benefits; insurance plans; vacation, holiday, and sick leave provisions; travel and library allowances; and other fringe benefits. The point to be made here is that salary is but one form of compensation; it must be weighed

with other benefits that may offset salary differentials. Such benefits are discussed by Timothy Pyne in *Judicial Retirement Plans* (Chicago: American Judicature Society, 1981) and by Larry C. Berkson and Susan B. Carbon, in "Compensation and Benefits of Trial Court Judges: 1980," *State Court Journal*, vol. 5, no. 2 (Spring 1981).

Judicial salaries are set by state legislatures, some with the recommendations of a judicial compensation commission. (See Marilyn McCoy Roberts, *Judicial Compensation Commissions*, published in Williamsburg, Va., by the National Center for State Courts in 1979.) The salary-setting process requires some kind of comparison among similar positions. Some states use positions in the executive branch as comparison points. Others make comparisons with similar judicial positions in other states.

In comparing salaries it is important to keep in mind that positions within a similar category of "judge" may vary from jurisdiction to jurisdiction with regard to responsibilities and workload, and that the salary of the occupant of a given position may also be affected by a person's longevity in that position. Local supplements to state base salaries in some states create another difficulty in comparing across jurisdictions. Furthermore, the cost of living varies within and between states. Thus the same salary will not purchase equivalent goods and services in different localities.

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# Salaries

## Courts of Appellate and General Jurisdictions and State Court Administrators

### Abbreviations

**AC** Appellate Court  
**AJ** Associate Judge, Justice  
**App** Appellate  
**Asst** Assistant  
**CA** Court of Appeals  
**CC** Circuit Court  
**Ch** Chancellor  
**Cir** Circuit  
**CJ** Chief Justice, Judge  
**Co** County  
**Comm** Commissioner  
**Comp** Compensation  
**CP** Court of Common Pleas  
**Cr** Criminal  
**CSA** Court of Special Appeals  
**DC** District Court  
**DCA** District Court of Appeals  
**Gen Sess Ct** General Sessions Court  
**J** Judge  
**JC** Justice Courts  
**P** Presiding or President  
**SC** Superior Court  
**SCA** State Court Administrator  
**SpecJ** Special Judge  
**Sup** Supreme  
**Supp** Supplement

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
<b>Alabama</b>	<b>64,350</b>	<b>63,800</b>	<b>59,688</b>	CCivA <b>62,700</b> CCrA <b>62,700</b> PJ <b>63,250</b>	State CC <b>52,800</b> Local supps 1,2(X) to <b>21,120</b>
<b>Alaska</b>	81,648 to 93,084	81,648 to 93,084	79,648	CA 76,188	SC 73,620 to 86,504 depending on location and cost of living differentials
<b>Arizona*</b>	57,500	57,500	<b>56,175</b>	CA 55,500	SC 53,000 Comm. 45,050, set by Presiding Judge, not to exceed 85% salary of SC Judge
<b>Arkansas</b>	<b>59,240</b>	<b>54,410</b>	<b>41,843</b>	CJ <b>53,484</b> AJ <b>52,557</b>	CC <b>50,703</b> ChC <b>50,703</b>
<b>California</b>	<b>89,286</b>	<b>88,818</b>	<b>83,268</b>	CA <b>83,268</b>	SC <b>72,763</b>
<b>Colorado</b>	<b>65,500</b>	<b>63,000</b>	<b>58,500</b>	CA CJ <b>61,000</b> AJ <b>58,500</b>	DC <b>54,000</b>
<b>Connecticut*</b>	<b>67,400</b>	<b>61,800</b>	<b>64,700</b> SCA is also a SupCt AJ	AC <b>59,000</b>	SC <b>56,200</b>
<b>Delaware</b>	<b>68,000</b>	<b>62,200</b>	<b>48,000</b>		SC PJ <b>64,100</b> AJ <b>58,600</b>
<b>Florida*</b>	67,588	67,588	48,514	DCA 60,994	CC 58,247
<b>Georgia</b>	<b>63,700</b>	<b>63,700</b>	<b>50,697</b>	<b>63,210</b>	SC <b>54,500</b> Local supps to 19,052
<b>Hawaii</b>	56,430	53,460	50,490	CJ 53,460 AJ 51,975	CC 50,490
<b>Idaho</b>	47,300	47,300	<b>50,000</b>	CA 46,300	DC 45,300
<b>Illinois</b>	75,000	75,000	70,000	AC 70,000	CCJ 65,500 AJ 60,500
<b>Indiana*</b>	47,244 Subsistence allowance 3,000	47,244 3,000	Ex Dir-St. Ct. Administration <b>50,284</b>	CA 47,244 Subsistence allowance 3,000	CC, SC 39,932 to 42,182
<b>Iowa</b>	<b>66,200</b>	<b>60,900</b>	<b>48,600</b>	CA CJ <b>59,100</b> J <b>57,800</b>	DC CJ <b>56,500</b> AJ <b>54,000</b>

**NOTE: Boldface** figures indicate changes since last survey.

\*See page 7 for pending or future changes.

# Salaries

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
<b>Kansas</b>	60,782	59,143	51,417	CA CJ 58,588 J 57,032	Dist J designated as Adm J 52,002 Dist J 51,417 A Dist J 49,080 A Dist J designated as Adm J 49,665 Dist Magistrate Judge 22,203
<b>Kentucky*</b>	58,976	57,797	46,748	CJ 56,027 J 55,438	CC 53,079
<b>Louisiana</b>	66,566	66,566	60,169	CA 63,367	DC base 60,169
<b>Maine*</b>	46,514	44,431	43,186		SCCJ 44,236 SCJ 43,736
<b>Maryland</b>	69,800	68,200	60,800	CSA CJ 67,100 AJ 65,400	CC CJ 63,300 CC AJ 63,300
<b>Massachusetts</b>	65,000	62,500	62,500	AC CJ 62,500 AJ 62,500	SC CJ 62,500 AJ 60,000
<b>Michigan</b>	74,000	74,000 Comm. 28,710 to 63,684	65,814	CA 71,040	CC 40,700 Local supps 10,950 to 27,380 Recorders Court (Detroit) 68,080
<b>Minnesota*</b>	70,000	65,000	45,500 to 54,000	CA CJ 62,500 J 60,000	DC 55,000
<b>Mississippi</b>	CJ 60,000 PJ 59,500	59,000	51,000		CC 51,000 ChC 51,000
<b>Missouri</b>	75,000	72,500 Comm. 72,500	57,500	CA 67,500	CC J 62,500 AJ 49,500 to 55,000
<b>Montana</b>	50,151	48,923	33,440		DC 47,693
<b>Nebraska*</b>	55,930	55,930	45,000		DC 51,735
<b>Nevada</b>	61,500	61,500	35,650		DC 56,000
<b>New Hampshire</b>	57,025	54,896	53,571		SC CJ 54,896 AJ 53,460
<b>New Jersey</b>	80,000	78,000	Ad Dir Ct 75,000 JAd Dir limited to judicial salary	SC App Div 75,000	SC assignment judges 73,000 SC 70,000
<b>New Mexico</b>	58,500	57,500	50,400	CA CJ 55,650 AJ 54,600	DC 51,765

# Salaries

## Courts of Appellate and General Jurisdictions and State Court Administrators

### Abbreviations

**AC** Appellate Court  
**AJ** Associate Judge, Justice  
**App** Appellate  
**Asst** Assistant  
**CA** Court of Appeals  
**CC** Circuit Court  
**Ch** Chancellor  
**Cir** Circuit  
**CJ** Chief Justice, Judge  
**Co** County  
**Comm** Commissioner  
**Comp** Compensation  
**CP** Court of Common Pleas  
**Cr** Criminal  
**CSA** Court of Special Appeals  
**DC** District Court  
**DCA** District Court of Appeals  
**Gen Sess Ct** General Sessions Court  
**J** Judge  
**JC** Justice Courts  
**P** Presiding or President  
**SC** Superior Court  
**SCA** State Court Administrator  
**SpecJ** Special Judge  
**Sup** Supreme  
**Supp** Supplement

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
<b>New York</b>	84,263	80,892	76,151	App Div Sup Ct 1,2,3,4th Depts PJ 74,151 AJ 69,657 App Terms Sup Ct 1,2,9,10,11,12th Dist 67,163	SC 1st through 12th Judicial Districts 65,163
<b>North Carolina</b>	<b>67,248†</b>	<b>65,856†</b>	<b>58,848</b>	CA CJ <b>63,744†</b> AJ <b>62,352†</b>	SC Senior J <b>57,192†</b>  J <b>55,368†</b>
	† plus 4.8% after 5 yrs. and 9.6% after 10 yrs.				
<b>North Dakota</b>	55,400	53,900	48,508		DCPJ 51,800 50,600
<b>Ohio</b>	72,000	68,000	<b>65,042</b>	CA 64,000	CC Pleas 55,500 to 60,500
<b>Oklahoma</b>	61,776	59,136	55,440	CA 55,440	DC Dist. J 49,280 A Dist. J Pop. over 30,000 44,352 10,000 to 30,000 39,424 under 10,000 36,960 Spec J (lawyer and nonlawyer) 36,960
<b>Oregon</b>	54,637	53,308	48,360	CA CJ 53,308 AJ 52,039 Tax Court 49,967	CC 48,356
<b>Pennsylvania</b>	79,000	76,500	60,000	SC & Commonwealth Ct. PJ 76,000 AJ 74,500	CP PJ 65,000 to 67,500 depending on number of judges and population J 65,000
<b>Rhode Island</b>	60,000 to 72,000 Based on longevity	56,500 to 67,800	46,359 to 56,317		SC PJ 55,250 to 66,300 AJ 52,000 to 62,400 Based on longevity
<b>South Carolina</b>	<b>76,240</b>	<b>72,428</b>	<b>51,580</b>	CA CJ <b>71,893</b> J <b>68,807</b>	CC <b>68,807</b>
<b>South Dakota</b>	<b>54,677</b>	<b>52,677</b>	<b>48,057</b>		PCirJ <b>50,140</b> CirJ <b>49,140</b> Law trained magistrate up to <b>33,099</b> Magistrate (part time) up to <b>14,208</b>
<b>Tennessee</b>	68,175	65,650	63,125	PJ 64,135 AJ 63,125	CC 60,600 ChC 60,600 CrC 60,600 Equity C 60,600

NOTE: **Boldface** figures indicate changes since last survey.

\*See page 7 for pending or future changes.

# Salaries

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
<b>Texas</b>	77,000 CCrA 77,000	76,500 CCrA 76,500	54,500	CA CJ 69,300 AJ 68,850 Local supps to salary 1,000 less than SupCJ	DC state salary 54,500 Local supps up to salary 1,000 less than CAJ
<b>Utah</b>	53,500	53,000	48,000		DC 48,000
<b>Vermont</b>	51,350	49,000	46,600		AdJ 49,000 SCoJ and DCJ 46,600 Asst J 53.30 per day
<b>Virginia</b>	72,006 plus 4,000 in lieu of travel expenses	67,540	62,780		CC 62,780
<b>Washington</b>	66,000	66,000	57,000	CA 63,000	SC 60,000 ProTemJ 144 per day ProTemAtty 240 per day
<b>West Virginia</b>	55,000	55,000	51,000		CC 50,000
<b>Wisconsin</b>	75,500	68,000	64,000	64,000	CC 60,000
<b>Wyoming</b>	63,500	63,500	36,440		DC 61,000
<b>District of Columbia</b>	72,860 DC Court of Appeals	72,360	68,400 ExecOff of DC Courts		SC CJ 68,900 AJ 68,400
<b>Federal System</b>	104,700	100,600	AdDirCt 76,000	CA 80,400	DC 76,000
<b>American Samoa</b>	73,006	70,026	20,177		Handled by CJ or AJ
<b>Guam</b>			36,838		PJ 45,838 J 44,338
<b>Puerto Rico</b>	44,600	44,000	39,000		SC 38,000 DC 32,000
<b>Virgin Islands</b>			42,800		Territorial Ct. PJ 59,950 AJ 57,200

# Judicial Salaries in Appellate and Trial Courts

This table lists salaries paid to associate justices for the highest court and intermediate appellate court, and state-paid salaries of general trial court judges. In states where localities may supplement state-paid salaries, these supplements added to the basic salary are shown in parentheses immediately below the first figure. Salary ranges, based on cost-of-living differences, length of service, or other factors, are also indicated. The bold-face figures in parentheses immediately following salaries indicate the state's ranking (high to low) in salaries paid to judges at each level.

The last column indicates the date of the last salary change for highest, intermediate appellate, or general trial court judges for each state court system.

The mean average, median, and range for each level of court is shown following Wyoming. For the highest and the general trial courts these averages are based on figures for the 50 states. For intermediate appellate courts the average is that of the 35 states that have such courts. All averages and rankings are based on the lowest salary of the range or on salaries without supplements.

Salary information on special and limited jurisdiction state courts is available by contacting:

Jeanne A. Ito  
Director, Survey of Judicial Salaries  
National Center for State Courts  
300 Newport Avenue  
Williamsburg, VA 23185  
804/253-2000

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	63,800 (21)	62,700 (18)	52,800 (31) (73,920)	10-1-84
Alaska	81,648 (2) to 93,084	76,188 (2)	73,620 (1) to 86,504	1-1-83
Arizona	57,500 (34)*	55,500 (27)	53,000 (30)	1-1-83
Arkansas	54,410 (40)	52,557 (31)	50,703 (37)	7-1-84
California	88,818 (1)	83,268 (1)	72,763 (2)	7-1-84
Colorado	63,000 (24)	58,500 (24)	54,000 (25)*	7-1-84
Connecticut	61,800 (27)	59,000 (23)	56,200 (19)	7-1-84
Delaware	62,200 (26)		58,600 (17)	7-1-84
Florida	67,588 (14)	60,994 (21)	58,247 (18)	10-1-83
Georgia	63,700 (22)	63,210 (15)	54,500 (24)* (73,552)	7-1-84
Hawaii	53,460 (42)	51,975 (33)	50,490 (39)	7-1-82
Idaho	47,300 (48)	46,300 (35)	45,300 (47)	7-1-82
Illinois	75,000 (7)	70,000 (6)	60,500 (12) to 65,500	7-1-83
Indiana	47,244 (49) (50,244)	47,244 (34) (50,244)	39,932 (50) to 42,182	10-1-82
Iowa	60,900 (29)	57,800 (25)	54,000 (25)*	7-1-84
Kansas	59,143 (30)	57,032 (26)	51,417 (35)	8-1-84
Kentucky	57,797 (33)	55,438 (29)	53,079 (29)	7-1-84
Louisiana	66,566 (16)	63,367 (14)	60,169 (13)	9-1-81
Maine	44,431 (50)		43,736 (48)	9-23-83
Maryland	68,200 (11)	65,400 (11)	63,300 (7)	7-1-84
Massachusetts	62,500 (25)	62,500 (19)	60,000 (14)*	1-1-83
Michigan	74,000 (8)	71,040 (5)	40,700 (49) (68,080)	1-1-84
Minnesota	65,000 (20)	60,000 (22)	55,000 (23)	7-1-83
Mississippi	59,000 (32)		51,000 (36)	1-1-84
Missouri	72,500 (9)	67,500 (10)	62,500 (9)	6-13-84
Montana	48,923 (47)		47,693 (45)	7-1-84
Nebraska	55,930 (37)		51,735 (34)	1-1-84
Nevada	61,500 (28)		56,000 (20)	1-1-83
New Hampshire	54,896 (39)		53,460 (28)	6-7-84
New Jersey	78,000 (4)	75,000 (3)	70,000 (3)	1-19-82
New Mexico	57,500 (34)*	54,600 (30)	51,765 (33)	7-2-84
New York	80,892 (3)	69,657 (7)	65,163 (5)	7-22-82
North Carolina	65,856 (18)	62,352 (20)	55,368 (22)	7-1-84
North Dakota	53,900 (41)		50,600 (38)	7-1-82
Ohio	68,000 (12)	64,000 (12)*	55,500 (21) to 60,500	1-1-84
Oklahoma	59,136 (31)	55,440 (28)	49,280 (41)	7-1-82
Oregon	53,308 (43)	52,039 (32)	48,356 (43)	1-1-83
Pennsylvania	76,500 (5)	74,500 (4)	65,000 (6)	12-1-83
Rhode Island	56,500 (36) to 67,800		52,000 (32) to 62,400	1-8-84
South Carolina	72,428 (10)	68,807 (9)	68,807 (4)	6-17-84
South Dakota	52,677 (45)		49,140 (42)	7-1-84
Tennessee	65,650 (19)	63,125 (16)	60,600 (11)	7-1-83
Texas	76,500 (5)	68,850 (8)	54,500 (24)*	9-1-84
Utah	53,000 (44)		48,000 (44)	7-1-84
Vermont	49,000 (46)		46,600 (46)	7-1-84
Virginia	67,540 (15)		62,780 (8)	7-1-84
Washington	66,000 (17)	63,000 (17)	60,000 (14)*	7-1-84
West Virginia	55,000 (38)		50,000 (40)	7-1-84
Wisconsin	68,000 (12)	64,000 (12)*	60,000 (14)*	8-1-84
Wyoming	63,500 (23)		61,000 (10)	1-1-82
Mean Average	62,753	62,368	55,378	
Median	62,350	62,850	54,250	
Range	44,431 to 88,818	46,300 to 83,268	39,932 to 73,620	
District of Columbia	72,360		68,400	1-8-84
Federal System	100,600	80,400	76,000	1-1-84
American Samoa	70,026			7-15-81
Guam			44,338	10-1-83
Puerto Rico	44,000		32,000 to 38,000	10-1-83
Virgin Islands			57,200	10-1-82

\*Tie rank

## Future Salaries and Pending Legislation

**Arizona:** Effective January 1, 1985: Supreme Court justices 67,500; Court of Appeals judges 65,500; Superior Court judges 62,500.

**Connecticut:** Effective July 1, 1985. Supreme Court chief justice 72,000, associate justices 65,500; Appellate Court judges 62,500; Superior Court judges 59,600; chief court administrator 68,600.

**Florida:** Effective January 1, 1985: Supreme Court justices 74,347; District Courts of Appeal judges 67,093; Circuit Court judges 64,072.

**Indiana:** Effective January 1, 1985: Supreme Court chief justice and associate justices 60,000; Court of Appeals judges 55,000; Circuit and Superior Court judges 50,000.

**Kentucky:** Effective July 1, 1985: Supreme Court chief justice 60,745, justices 59,531; Court of Appeals chief judge 57,708, judges 57,101; Circuit Court judges 54,671.

**Maine:** Effective July 1, 1985: Supreme Judicial Court chief justice 61,698, associate justices 58,760; Superior Court chief justice 60,733, associate justices 57,841; effective July 1, 1986: Supreme Judicial Court chief justice 68,485, associate justices 65,244; Superior Court chief justice 66,806, associate justices 63,625; effective July 1, 1987: Supreme Judicial Court chief justice 75,333, associate justices 71,746; Superior Court chief justice 72,151, associate justices 68,715; effective July 1, 1988: Supreme Judicial Court chief justice 81,165, associate justices 77,300; Superior Court chief justice 76,755, associate justices 73,100.

**Minnesota:** Effective January 1, 1985: Supreme Court chief justice 73,700, associate justices 68,400; Court of Appeals chief judge 65,800, judges 63,100; District Court judges 60,500.

**Nebraska:** Effective January 1, 1985: Supreme Court chief justice and associate justices 58,727; District Court judges 54,322.

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**The National Center for State Courts**  
300 Newport Avenue  
Williamsburg, Virginia 23185

# National Center for State Courts

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

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HON PAUL J ABBATE  
PRESIDING JUDGE/SUPERIOR COURT  
110 WEST O'BRIEN DRIVE

FIGURE 2

Interstate variations are wide, however. A state trial judge in Indiana now earns an average of \$41,057, for example, while his counterpart in Alaska receives an average of \$80,700. (See Figure 2.)

Whatever their salaries, particular features of their incomes are especially rankling to some present and former judges. For Judge Enslin, it is the 1983 law requiring federal judges to pay into the Social Security system.

"It's a catastrophe," he said, noting that since January 1 he has been making such payments at a rate of \$2,500 a year. "One of the few—if any—perquisites of being a federal judge was a retirement system to which we didn't have to pay in," he said, adding that "\$2,500 a year is half of one of my kids' college educations."

For other judges, death benefits are the biggest issue. While the compensation and tenure clauses of the Constitution guarantee federal judges a full, lifetime salary whether they are on active status, senior status, or fully retired, it is up to Congress to provide for their families after death. Federal judges received no death benefits until Congress provided them after the highly publicized death of the poverty-stricken wife of Supreme Court Justice Felix Frankfurter in the mid-1950s. Many judges are still dissatisfied.

"I've been on the bench for 32 years," said Judge Williams. "If I died, my wife would get \$11,000 a year." These death benefits, called survivor's annuities, also led former Judge Mulligan to resign from his Second Circuit seat three years ago.

"I got scared," recalled Mr. Mulligan. "I was widely quoted as saying, 'I can live on it but I can't die on it,'" he said, referring to his compensation as a judge. While death benefits are "a little bit more" now than then, Mr. Mulligan said that had he died in 1981, his wife "would have gotten about \$8,400 a year."

State judges are frequently concerned about retirement benefits,

## Salaries of State Judges

	Highest Court	Interm Appx Court	General Trial Court
Alabama*	\$58,000	\$57,000	\$48,000 (\$67,200)
Alaska	81,648 to 94,440	76,100	73,620 to 87,780
Arizona*	57,500	55,500	53,000
Arkansas	54,410	52,500	50,703
California	81,859	76,700	67,063
Colorado	63,000	58,500	54,000
Connecticut	61,800	59,000	56,200
Delaware	59,000		55,500
Florida	67,500	60,000	58,247
Georgia	63,700	63,200	54,500 (73,552)
Hawaii	53,460	51,900	50,490
Idaho	47,300	46,300	45,300
Illinois	75,000	70,000	60,500 to 65,500
Indiana*	47,244 (50,244)	47,244 (50,244)	39,932 to 42,182
Iowa	60,900	57,800	54,000
Kansas	52,864	50,000	48,969
Kentucky	56,664	54,350	52,038
Louisiana	66,566	63,360	60,169
Maine*	44,431		43,736
Maryland	68,200	65,400	63,300
Massachusetts	62,500	62,500	60,000
Michigan	74,000	71,000	40,700 (68,080)
Minnesota*	65,000	60,000	55,000
Mississippi	59,000		51,000
Missouri	55,726	52,000	50,269
Montana	48,923		47,693
Nebraska*	55,930		51,735
Nevada	61,500		56,000
New Hampshire	51,789		50,434
New Jersey	78,000	75,000	70,000
New Mexico	57,500	54,000	51,765
New York	80,892	69,650	65,163
North Carolina	59,868	56,670	50,328
North Dakota	53,900		50,600
Ohio	68,000	64,000	55,500 to 60,500
Oklahoma	59,136	55,440	49,280
Oregon	53,308	52,000	48,356
Pennsylvania	76,500	74,500	65,000
Rhode Island	56,500 to 67,800		52,000 to 62,400
South Carolina	63,128	63,128	63,128
South Dakota	52,677		49,140
Tennessee	65,650	63,125	60,600
Texas*	74,300	66,870	52,900
Utah	53,000		48,000
Vermont	47,350		45,050
Virginia	67,540		62,780
Washington	66,000	63,000	60,000
West Virginia	55,000		50,000
Wisconsin	68,000	64,000	60,000
Wyoming	63,500		61,000
District of Columbia	69,570		65,790

\*States in which laws raising judges' salaries have been passed but are not yet in effect.

Source: National Center for State Courts.

STATE BY STATE. This chart lists the current salaries of three categories of state judges: associate justices of the highest court, associate justices of the intermediate appellate court, and judges of the trial court of general jurisdiction. In those states in which localities augment their judges' basic state-paid salaries, the sum of the state salary and the maximum local supplement is noted in parentheses.





Chambers of  
Paul J. Abbate  
Presiding Judge

Superior Court of Guam  
Judiciary Building  
Agana, Guam 96910  
Telephone 472-6318

May 9, 1985

Senator Frank R. Santos  
Acting Chairman, Committee on Ways and Means  
18th Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Mr. Chairman:

On behalf of the Superior Court of Guam I want to thank you for giving us the opportunity to give our testimony in support of Bill 362 "An Act to Amend Section 81 of the Civil Procedure Code to Increase Salaries of Superior Court Judges and to Appropriate Funds to Finance this Increase for Fiscal Year 1985."

When I delivered my State of the Judiciary Address before this body, one of the items that I proposed for legislation was the increase of judicial salaries. At the present time, Guam's judicial salary structure is low compared with most of the states, the Commonwealth of the Northern Marianas and the Republic of Belau. I had also mentioned that my urging that the salaries of judges of the Superior Court be increased stems not from a pecuniary gain but from a recognition that there are three goals of judicial compensation. First, compensation should be commensurate with judicial responsibilities, second, compensation should attract and retain successful and experienced practitioners to the bench, third, provide security for the judge and his family.

The passing of Bill 362 would elevate the salaries of the Superior Court judges to a level of compensation that is comparable with other jurisdictions. The National Center for State Courts publishes a survey of judges salaries in all the states and territories of the U.S. The November 1984 publication of the Center reports a mean salary of \$55,378 for general trial court judges. It also indicates a median pay raise for these judges of six percent over the previous year. Compared with a national mean of \$55,378, the proposed compensation of \$60,000 as per Bill No. 362 is certainly in line when it is taken into account that the cost of living in Guam is substantially above the average for the U.S. mainland.

Attachment (1)

In addition to comparing salaries of U.S. district court judges with those of the Superior Court judges on Guam, the compensation received by judges in Micronesia and in other U.S. territories constitute a reasonable basis of comparison. In American Samoa the Chief Justice receives a salary of \$73,006 while the associate justices receive \$70,026. In the Virgin Islands the Presiding Judge of the territorial court is remunerated at the level of \$59,950, while the associate justices receive \$57,200.

On Saipan the chief justice receives a salary of \$50,000 and associate judges receive \$44,000. Republic of Belau chief justice receives \$40,000 and trial judges receive \$35,000 plus fringe benefits, i.e., free housing, free utilities and free round-trip air fare every two years for home leave.

Considering the compensation offered to the judges in these comparable jurisdictions, the proposed salary levels of \$62,500 for Presiding Judge and \$60,000 for the judges of the Superior Court of Guam is certainly reasonable.

Significantly, while neither being able to or attempting to equal the income potential of the leading lawyers on our island, the proposed salary scale will make it possible for some of the best legal minds on our island to consider serving on the bench. Under the present conditions our best and brightest are asked to make an unreasonable sacrifice by accepting a position in this most critical area to ensure an effective judicial system.

Available statistics indicate that in 1982 the median income for partners in U.S. law firms of six partners or more was \$96,443. Taking into account fringe benefits which are paid out of the gross professional income, the net cash salary at the median level was \$80,369.

In 1981, the American Bar Association recommended "the salaries of justices of the highest courts of the States should be at least equal to the salaries paid to judges of the United States Courts of Appeal, and the salaries of State trial judges of courts of general jurisdiction should be at least equal the salaries paid to judges of the United States District courts." It is noteworthy to mention that this has been supported by a number of national judicial organizations and states undertaking judicial salary studies are considering adopting or have adopted this standard.

The duties and responsibilities of federal and territorial court judges are comparable, yet their salaries are not equitable. At present, judges of the U.S. district courts earn \$73,000. The present salary of the judges of the Superior

Court of Guam is \$45,838 or almost 37 percent below the established salary of U.S. district court judges. Increasing the compensation to \$60,000 still leaves the territorial court's compensation 18 percent below the compensation of U.S. district court judges, but it will at least significantly reduce the current gross inequity.

During the last year alone, 28 states and territories have increased the level of compensation of the judges of their courts to bring them more in line with both the cost of living and to come closer to bridging the gap between the remuneration of their judges and those in other jurisdictions and attorneys in private practice.

We are proud--as should be the Government of Guam, the Legislature and the people of the Territory--of the dedication shown by the judges of the Superior Court. Like professionals serving in the other branches of government, judges must be and are prepared to forego the financial rewards that result from a successful private practice. While economic reward should certainly not be the primary objective for public service, neither should the judicial salary structure serve as an unwarranted deterrent to attracting highly qualified individuals who might otherwise consider judicial office, but for the burden of substantial personal income losses.

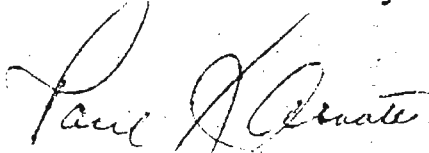
Judges are expected to have a dedication to public service. They should not and do not pursue personal economic interest. Rather they have a deep concern for the exercise of an independent and dispassionate judgment in criminal and civil cases. Yet, it is unreasonable to expect this dedication to the judicial system when potential compensation for services is eroded to the point where their personal and family concerns become a distraction to the fulfillment of their duties.

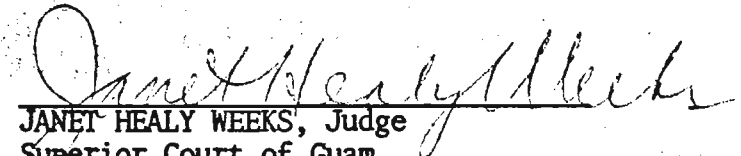
If our request for salary increase for judges is approved, we would like to recommend that funding for this proposed increase be derived from a percentage of the portion of court generated revenue being presently diverted to the Territorial Law Library. The amount needed between April 19 and September 30 of this fiscal year is \$49,142.

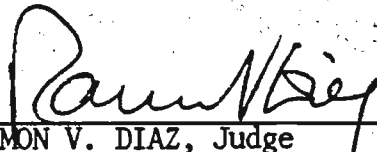
For fiscal year 1986, we will need the amount of \$106,474 to cover our judges' pay increase. We further recommend that the funds needed next fiscal year be included in the Court's Fiscal Year 1986 operational budget.

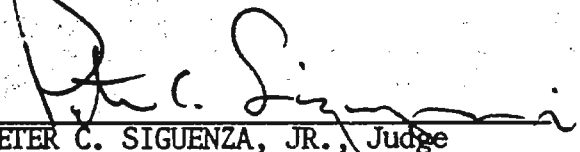
In closing, I would like to once again express our appreciation and thanks to the Guam Legislature for giving the Judiciary Branch the support we need in all of

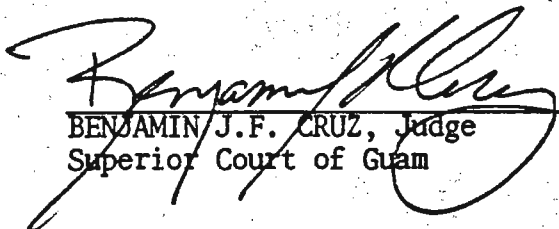
our endeavors. On behalf of the other judges of the Superior Court we are confident that Bill 362 will merit the approval of this Legislature because we both share the belief that our island, like our nation, embraces the concept of equal justice under the law. The best way to ensure this equal justice is through fairness, including fairness and just reward to those who dedicate themselves to the administration of justice.

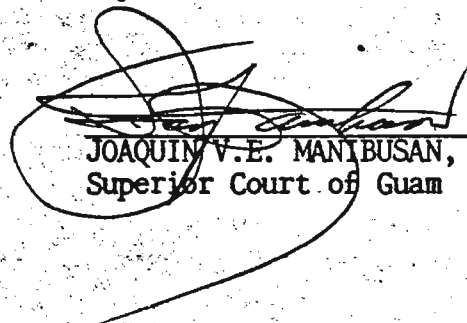
  
\_\_\_\_\_  
PAUL J. ABBATE, Presiding Judge  
Superior Court of Guam

  
\_\_\_\_\_  
JANET HEALY WEEKS, Judge  
Superior Court of Guam

  
\_\_\_\_\_  
RAMON V. DIAZ, Judge  
Superior Court of Guam

  
\_\_\_\_\_  
PETER C. SIGUENZA, JR., Judge  
Superior Court of Guam

  
\_\_\_\_\_  
BENJAMIN J.F. CRUZ, Judge  
Superior Court of Guam

  
\_\_\_\_\_  
JOAQUIN V.E. MANIBUSAN, Judge  
Superior Court of Guam

cc: Speaker Carl T.C. Gutierrez  
Senator Francisco R. Santos,  
Chairman, Committee on Federal,  
Foreign & Legal Affairs



Superior Court of Guam

Judiciary Building  
110 West O'Brien Drive  
Agana, Guam 96910

Chambers of  
Benjamin J. F. Cruz  
Judge

June 24, 1985

Senator Francisco R. Santos  
Chairman  
Committee in Federal, Foreign & Legal Affairs  
Eighteenth Guam Legislature  
Legislative Hall  
Agana, Guam

Dear Senator Santos,

I am writing to acknowledge receipt of your June 19, 1985 letter inviting me to present testimony on Bill 362.

I am pleased to inform you that all the Judges of the Superior Court of Guam submitted a joint letter, dated May 9, 1985, expositing the rationale for our support of Bill 362.

The Honorable Presiding Judge Paul J. Abbate will personally appear to represent all the Judges and I hereby concur in the testimony he will be presenting today.

I want to personally express my sincerest Si Yuus Maase for your support and concern for preserving and improving the integrity of the judicial system.

Sincerely,

Benjamin J.F. Cruz

SUPERIOR COURT OF GUAM

Pres. Judge Paul J. Abbate  
Judge Janet H. Weeks  
Judge Joaquin V.E. Manibusan  
Judge Ramon V. Diaz  
Judge Peter C. Siguenza, Jr.  
Judge Benjamin J. F. Cruz

Robert E. Leon Guerrero  
Administrative Director  
of the Courts



Tel: 472-8961 - 68  
472-8956 - 59

Judiciary Building  
110 West O'Brien Drive  
Agana, Guam 96910

HAND DELIVERED

June 14, 1985

The Honorable Francisco R. Santos  
Chairman, Committee on Federal, Foreign  
and Legal Affairs  
18th Guam Legislature  
P. O. Box CB-1  
Agana, Guam 96910

Dear Senator Santos:

Thank you for inviting me to testify regarding  
Bill 362.

I will not be able to attend personally; however,  
I wish to inform you and the members of your Committee  
that I support the bill.

My reasons have already been detailed in a letter  
to the legislature submitted by all the Superior Court  
judges.

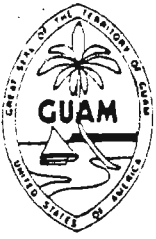
Once again, thank you.

Respectfully,

A handwritten signature in dark ink, appearing to read "Peter C. Siguenza, Jr.", written over a horizontal line.

PETER C. SIGUENZA, JR.  
Judge, Superior Court of Guam

PCS/fbp



Superior Court of Guam

Judiciary Building  
110 West O'Brien Drive  
Agana, Guam 96910

Chambers of  
Janet Healy Weeks  
Judge

June 21, 1985

Senator F.R. Santos, Chairman  
Committee on Federal, Foreign  
and Legal Affairs  
Eighteenth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Senator Santos:

Thank you for advising me of the hearing of the proposed  
raise in Judicial salaries.

Inasmuch as I have joined in the letter sent earlier by all  
the judges on the subject of the need for such legislation, I  
would have no further comment at this time.

Yours very truly,

JANET HEALY WEEKS



Superior Court of Guam

Judiciary Building

110 West O'Brien Drive

Agana, Guam 96910

Chambers of  
Ramon H. Diaz  
Judge

June 24, 1985

Senator Frank R. Santos  
18th Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Senator:

I wish to acknowledge herewith and thank you for your letter soliciting my comments on the proposed Judiciary Act.

My comments thereto have been adequately expressed in a letter which all of us judges had heretofore sent to you. I simply want to take this opportunity to state that, among others, I believe that placing all employees of the Judiciary, without exception in the classified service, will go a long way towards improving the Judiciary.

Very truly yours,

  
RAMON V. DIAZ



CARBULLIDO & PIPES

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A LAW CORPORATION  
SUITE 300, MALAYAN HOUSE · P. O. BOX 3370  
316 HERNAN CORTES AVENUE  
AGANA, GUAM 96910

F. PHILIP CARBULLIDO  
RICHARD A. PIPES \*  
\*A LAW CORPORATION  
RONALD P. MORONI

TELEPHONE (671) 472-2693 / 4  
CABLE "BENGOSHI"  
TELEX 7216362

June 24, 1985

HAND DELIVER

Honorable Franklin R. Santos  
Chairman, Committee on Federal,  
Foreign and Legal Affairs  
Eighteenth Guam Legislature  
Agana, Guam 96910

RE: Bill No. 362

Dear Senator Santos:

In my position as Vice President of the Guam Bar Association I am pleased to submit a copy of the Resolution adopted by the Board of Governors which endorses and recommends an increase in the salaries of judges for the Superior Court of Guam to not less than \$60,000.00 per annum and other matters.

If you have any questions or desire any further information, please feel free to contact me.

Sincerely yours,



RICHARD A. PIPES

RAP/cpb  
Encl.

cc: Honorable Paul J. Abbate  
Honorable Janet H. Weeks  
Honorable Ramon V. Diaz  
Honorable Peter C. Siguenza, Jr.  
Honorable Benjamin J. F. Cruz  
Honorable Joaquin V. E. Manibusan  
Territorial Law Library

**Guam Bar Association**

141 San Ramon Road  
Agana, Guam 96910  
477-7623

RESOLUTION


Resolved by the Board of Governors of the Guam Bar Association:

1. The Guam Bar Association reaffirms its support of competitive Judicial salaries of not less than \$60,000.00 per year per Judge.
2. The Guam Bar Association reaffirms its committment to the Guam Territorial Law Library and opposes any reduction in its funding or assets.
3. The Guam Bar Association suggests that the funding for any increase in Judicial salaries for the balance of the fiscal year come from sources other than the Guam Territorial Law Library, possibly from the Judicial Building Fund.
4. The President is instructed to send a copy of this resolution to Senator Frank Santos Chairman of Foreign and Legal Affairs Eighteenth Guam Legislature, the Territorial Law Library, and presiding Judge Paul J. Abbate.

DULY AND REGULARLY ADOPTED this 15th day of April, 1985.

  
\_\_\_\_\_  
RUTH HALL  
President

ATTEST:

  
\_\_\_\_\_  
ERIC D. MILLER  
Secretary

EDM/arv

GUAM TERRITORIAL LAW LIBRARY

141 San Ramon Road  
Agana, Guam 96910  
477-7623

RECEIVED

MAY 23 1985

DARLENE WEINGARTH  
Territorial Law Librarian

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Judge Paul J. Abbate, ~~XXXXXX~~  
Magdalena Taitano, ~~XXXXXX~~  
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Richard G. Opper, Esq., Member at large  
Ruth Hall, Esq., Treasurer  
Judge Cristobal C. Duenas, Vice President  
Timothy A. Stewart, Esq., Secretary  
Suzanne K. Morrigan, Esq.

SUPERIOR COURT  
OF GUAM  
Judge Abbate's  
Chamber

A RESOLUTION URGING THE LEGISLATURE TO PASS  
LEGISLATION INCREASING THE SALARIES OF JUDGES  
OF THE SUPERIOR COURT OF GUAM.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TERRITORIAL LAW  
LIBRARY:

WHEREAS, the present salaries of the Judges of the Superior  
Court of Guam are the lowest for trial judges in the United States  
and Micronesia; and

WHEREAS, the present salaries of the Judges of the Superior  
Court of Guam are no longer competitive with those received by  
attorneys practicing in the jurisdiction; and

WHEREAS, it is important that the respect of the community for  
these public servants be reflected in their compensation; and


WHEREAS, the Legislature is considering various proposals to  
increase judicial compensation; now, therefore, be it

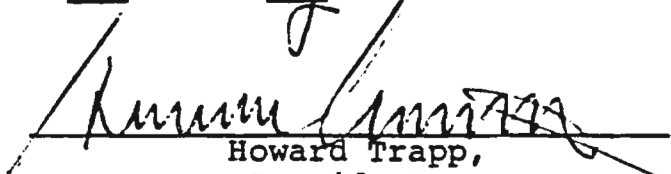
RESOLVED, that the Board of Trustees of the Territorial Law  
Library requests the Board of Governors of the Guam Bar Association  
to actively seek and support passage of legislation increasing  
judicial salaries; and be it further

RESOLVED, that the Board of Trustees of the Territorial Law  
Library urges the Legislature to pass legislation increasing the  
salaries of Judges of the Superior Court of Guam; and be it further

RESOLVED, that the President certify to and the Secretary attest  
the adoption hereof and that copies of the same be thereafter  
transmitted to the Honorable Francisco R. Santos, Chairman of the  
Committee on Federal, Foreign and Legal Affairs; to Ruth Hall,  
President of the Guam Bar Association and to the members of the  
Judicial Council.

Duly and regularly adopted this <sup>22<sup>ND</sup></sup> day of May, 1985.

  
\_\_\_\_\_  
Timothy A. Stewart,  
Secretary

  
\_\_\_\_\_  
Howard Trapp,  
President



From the desk of  
Paul J. Abbate, Presiding Judge  
Superior Court of Guam

February 6, 1985

Senator Frank R. Santos  
Eighteenth Guam Legislature  
Agana, Guam 96910

Dear Frank,

Enclosed is a draft of a bill on  
the increase of Judges' salaries.

Thank you for your assistance  
on this matter.

Sincerely,

PAUL J. ABBATE

Enclosure

EIGHTEENTH GUAM LEGISLATURE  
1985 (First) Regular Session

BILL NO. \_\_\_\_\_

Introduced by:

Committee on Federal, Foreign  
and Legal Affairs

AN ACT TO AMEND SECTION 81 OF THE  
CIVIL PROCEDURE CODE OF GUAM  
RELATIVE TO SUPERIOR COURT  
JUDGES' SALARIES

Section 1. Section 81 of the Civil Procedure Code of Guam  
is hereby amended to read as follows:

"81. Composition of Court.

The Superior Court shall consist of a presiding judge  
and five (5) additional judges. The annual salary of the  
presiding judge shall be Sixty Thousand Dollars (\$60,000) and  
the annual salary for the other judges shall be Fifty-Seven  
Thousand Five Hundred Dollars (\$57,500).

PROPOSED SALARY INCREASE  
for  
SUPERIOR COURT JUDGES

Projected from February 4, 1985  
to September 30, 1985

	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
<u>PRESIDING JUDGE, Superior Court</u>			
From \$45,838 to \$60,000			
\$6.81/hr. x 80 hrs. = \$544.80/Pay Period			
\$544.80/Pay Period x 17 Periods =	\$ 9,262		
\$9,262 x .12106% for Retirement =		\$1,122	\$10,384
 <u>FIVE (5) JUDGES, Superior Court</u>			
From \$44,338 to \$57,500			
\$6.33/hr. x 80 hrs. = \$506.40/Pay Period			
\$506.40/Pay Period x 17 Periods =			
\$8,609 x 5 Judges =	\$43,045		
\$43,045 x .12106% =		\$5,212	\$48,257
	\$52,307	\$6,334	\$58,641
T O T A L	<u>\$52,307</u>	<u>\$6,334</u>	<u>\$58,641</u>

JUDICIARY

Table 3  
COMPENSATION OF JUDGES OF APPELLATE COURTS  
AND MAJOR TRIAL COURTS

State or other jurisdiction	Court of last resort	Appellate courts		Major trial courts
		Salary	Salary	
Alabama	Supreme Court	\$58,000(a)	Court of Criminal Appeals	Circuit courts
Alaska	Supreme Court	81,648(d)	Court of Civil Appeals	Superior courts
Arizona	Supreme Court	67,500	Court of Appeals	Superior courts
Arkansas	Supreme Court	\$4,410(a)	Court of Appeals	Chancery courts
California	Supreme Court	77,226(a)	Courts of Appeal	Circuit courts
Colorado	Supreme Court	55,600(a)	Court of Appeals	Superior courts
Connecticut	Supreme Court	65,500(a,b)	Appellate Court	District Court
Delaware	Supreme Court	56,600(a)	—	Superior courts
Florida	Supreme Court	67,548	District Court of Appeals	Circuit courts
Georgia	Supreme Court	57,680	Court of Appeals	Superior courts
Hawaii	Supreme Court	\$3,460(a)	Intermediate Appellate Court	Circuit courts
Idaho	Supreme Court	47,300	Court of Appeals	District courts
Illinois	Supreme Court	75,000	Appellate Court	Circuit courts
Indiana	Supreme Court	47,244(e)	Court of Appeals	Circuit courts
Iowa	Supreme Court	57,100(a)	Court of Appeals	Superior courts
Kansas	Supreme Court	52,864(a)	Court of Appeals	District courts
Kentucky	Supreme Court	57,264(a)	Court of Appeals	Circuit courts
Louisiana	Supreme Court	66,546	Court of Appeals	District courts
Maine	Supreme Judicial Court	44,431(a)	—	Superior Court
Maryland	Court of Appeals	62,500(a)	Court of Special Appeals	Circuit courts
Massachusetts	Supreme Judicial Court	62,500(a)	Appellate Court	Trial Court
Michigan	Supreme Court	74,000	Court of Appeals	Circuit courts
Minnesota	Supreme Court	65,000(a)	Court of Appeals	Recorder's Court (District)
Mississippi	Supreme Court	58,000(a)	—	District courts
Missouri	Supreme Court	52,080(a)	Court of Appeals	Chancery courts
Montana	Supreme Court	48,923(a)	—	Circuit courts
Nebraska	Supreme Court	55,930	—	Circuit courts
Nevada	Supreme Court	61,500	—	District courts
New Hampshire	Supreme Court	\$1,789(a)	—	District courts
New Jersey	Supreme Court	78,000(a)	Appellate division of Superior Court	Superior Court
New Mexico	Supreme Court	55,000(a)	Court of Appeals	District courts
New York	Court of Appeals	80,892(a)	Appellate divisions of Supreme Court	Supreme Court
North Carolina	Supreme Court	59,868 (a,k)	Court of Appeals	Superior Court
North Dakota	Supreme Court	53,900(a)	—	District courts
Ohio	Supreme Court	68,000(a)	Court of Appeals	Courts of common pleas
Oklahoma	Supreme Court	59,136(a)	Court of Appeals	District Court
Oregon	Court of Criminal Appeals	59,136(a)	—	—
Oregon	Supreme Court	53,308 (a)	Court of Appeals	Circuit courts
Pennsylvania	Supreme Court	76,500(a)	Tax Court	—
Rhode Island	Supreme Court	(A,B)	Superior Court	Courts of common pleas
South Carolina	Supreme Court	63,128(a)	Constitutional Court	Superior Court
South Dakota	Supreme Court	48,755(a)	—	Circuit Court
Tennessee	Supreme Court	65,630(a)	Court of Appeals	Circuit courts
Tennessee	Supreme Court	65,630(a)	Court of Criminal Appeals	Chancery courts
Texas	Supreme Court	74,300(a)	Court of Civil Appeals	Circuit courts
Texas	Court of Criminal Appeals	74,300(a)	—	Criminal courts
Utah	Supreme Court	50,000(a)	—	District courts
Vermont	Supreme Court	47,350(a)	—	Superior courts
Virginia	Supreme Court	61,400(a)	—	District courts
Washington	Supreme Court	51,500	Court of Appeals	Circuit courts
West Virginia	Supreme Court of Appeals	49,000	—	Superior courts
Wisconsin	Supreme Court	57,447 (a)	Court of Appeals	Circuit courts
Wisconsin	Supreme Court	63,500	—	District courts
Dist. of Col.	Court of Appeals	69,570(a)	—	Superior Court
American Samoa	High Court	70,026(a)	—	(a)
Puerto Rico	Supreme Court	36,000(a)	—	Superior Court
Virgin Islands	—	—	—	District Court
Virgin Islands	—	—	—	Territorial Court

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Alab  
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Iowa  
of  
Kan  
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Source: The Book of the States (1984)

## JUDICIARY

Source: National Center for State Courts, Survey of Judicial Salaries. Note: Compensation is shown according to most recent legislation, even though laws may not yet have taken effect.

(a) These jurisdictions pay additional amounts to chief justices or presiding judges of court of last resort.

Alabama, Texas, District of Columbia—\$500.

Arizona—\$4,850.

California—\$4,828.

Colorado—\$3,336.

Connecticut—\$6,500.

Delaware, Puerto Rico—\$600.

Hawaii—\$2,970.

Iowa, Minnesota—\$5,000.

Kansas—\$2,782.

Kentucky—\$1,168.

Maine—\$2,083.

Maryland, North Dakota, Utah—\$1,500.

Massachusetts, Missouri, Pennsylvania—\$2,500.

Mississippi—chief justice, \$2,000; presiding judges, \$1,000.

Montana—\$1,228.

New Hampshire—\$2,008.

New Jersey, South Dakota—\$2,000.

New Mexico—\$1,000.

New York—\$3,371.

North Carolina—\$1,260.

Ohio—\$4,000.

Oklahoma—\$2,640.

Oregon—\$1,339.

Rhode Island—see note (a).

South Carolina—\$8,123.

Tennessee—\$2,525.

Vermont—\$2,300.

Virginia—\$2,600 (plus \$4,000 in lieu of travel expenses).

Wisconsin—\$7,525.

American Samoa—\$2,880.

(b) Additional amounts paid to various judges.

Alabama—presiding judge, \$500.

Arizona—chief judge, \$927.

Colorado—chief judge, \$1,112.

Connecticut—state court administrator who is also an associate judge of Supreme Court, \$3,100.

Delaware—presiding judge, \$500.

Hawaii—chief judge, \$1,485.

Illinois—chief judge, \$5,000.

Iowa—chief judge of court of appeals, \$1,200; chief judge of district court, \$2,300.

Kansas—chief judge, \$1,113.

Kentucky—chief judge, \$584.

Maryland—chief judge of court of special appeals, \$1,500.

Massachusetts—chief judge of superior court, \$2,500.

Missouri—chief judge, \$2,500.

Missouri—chief judge see note (i).

New Hampshire—chief judge of superior court, \$1,355.

New Mexico—chief judge, \$1,000.

New York—presiding judge of appellate division of Supreme Court, \$4,494.

North Carolina—chief judge of court of appeals.

\$1,272; senior judge of superior court, \$1,566.

North Dakota—presiding judge, \$1,200.

Oregon—chief judge, \$1,269.

Pennsylvania—presiding judges of superior court and commonwealth court, \$1,500; presiding judges of court of common pleas, amount varies depending on number of judges and population.

Rhode Island—presiding judge of superior court, see note (a).

South Dakota—presiding circuit judge, \$1,000.

Tennessee—presiding judge of intermediate appeals court, \$1,010.

Texas—chief judge, \$450.

Vermont—administrative judges of superior and district courts, \$2,300.

District of Columbia—chief judge of superior court, \$500.

Virgin Islands—presiding judge of territorial court, \$2,750.

(c) Plus local supplements, if any. In Texas, for court of appeals, supplements to salary \$1,000 less than salary for Supreme Court justice; for district court, salary to \$1,000 less than salary of court of appeals judge.

(d) Salaries range from \$81,648 to \$93,084 for Supreme Court justices and \$73,620 to \$86,308 for superior court judges, depending on location and cost-of-living differential.

(e) Plus \$3,000 subsistence allowance.

(f) Salaries range from \$39,932 to \$42,182.

(g) Salary varies according to designation: district judge designated administrative judge, \$49,326; district judge, \$48,969; associate district judge, \$46,743; district magistrate judge, \$21,146; associate district judge designated as administrative judge, \$47,300.

(h) Base figure.

(i) Salaries range from \$34,230 to \$40,350, chief judges' salary, \$46,980.

(j) Assignment judges receive \$73,000.

(k) Plus 4.8 percent after five years and 9.6 percent after 10 years.

(l) Salaries range from \$55,500 to \$60,500.

(m) District judges, \$49,280. Associate district judges paid on basis of population ranges: over 30,000—\$44,352; 10,000 to 30,000—\$39,424; under 10,000—\$36,940.

(n) Salary varies depending on longevity: associate judges of Supreme Court—\$50,070 to \$40,084; chief judge of Supreme Court—\$51,379 to \$61,654; associate judges of superior court—\$47,451 to \$56,941; presiding judge of superior court—\$48,740 to \$58,512.

(o) General trial court responsibilities handled by the chief justice or associate judges of the High Court.



EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 362(LS)

Introduced by:

F. R. Santos

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AN ACT TO AMEND SECTION 81 OF THE CIVIL  
PROCEDURE CODE TO INCREASE SALARIES OF  
SUPERIOR COURT JUDGES AND TO APPROPRIATE  
FUNDS TO FINANCE THIS INCREASE FOR FISCAL  
YEAR 1985.

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

2 Section 1. Section 81 of the Civil Procedure Code is amended to read:

3 "Section 81. Composition of Court. The Superior Court shall  
4 consist of a presiding judge and five (5) additional judges. The annual  
5 salary of the presiding judge shall be [Forty-five Thousand Dollars  
6 (\$45,000)] Sixty-two Thousand Five Hundred Dollars (\$62,500) and the  
7 annual salary of the other judges shall be [Forty-three Thousand Five  
8 Hundred Dollars (\$43,500)] Sixty Thousand Dollars (\$60,000)."

9 Section 2. Section 1 of this Act is effective April 19, 1985.

10 Section 3. The sum of Forty-nine Thousand One Hundred Forty-two  
11 Dollars (\$49,142) is appropriated from lapsed funds of the Superior Court  
12 of Guam to pay for increases in Superior Court Judges' salaries pursuant to  
13 Section 1 of this Act, from the period of April 19, 1985 to September 30,  
14 1985.



APR 23 '85

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