

STANDING COMMITTEE REPORT NO. 18-66

RE: C.B. No. 18-28 (J&GO)

SUBJECT: FSM SUPREME COURT JUSTICES' SALARIES

DECEMBER 02, 2013

The Honorable Dohsis Halbert  
Speaker, Eighteenth Congress  
Federated States of Micronesia  
Second Regular Session, 2013

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations, to which was referred C.B. No. 18-28, entitled:

"A BILL FOR AN ACT TO AMEND SECTION 108 OF TITLE 4 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENED BY PUBLIC LAW NO. 15-14, TO INCREASE THE SALARIES OF THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of this bill is expressed in its title.

Your Committee on Judiciary & Governmental Operations held a public hearing on October 2, 2013. Representatives of the National Judiciary were present in support of C.B. No. 18-28.

Your Committee notes that under the current law, the salary of the Chief Justice of the FSM Supreme Court is \$45,000 per annum and the salaries of Associate Justices are \$43,000 per annum. On May 27, 2013, Congress received a communication from Chief Justice Yinug regarding the resignation of Senior Associate Justice Yamase. The underlying reason for Justice Yamase's resignation was dissatisfaction with his current salary and his ability to receive more money taking a position in a different country. That communication from Chief Justice Yinug stated that

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the salaries for FSM Justices were below those of comparable positions elsewhere in the Pacific region.

On July 16, 2013, your Committee on Judiciary & Governmental Operations Chairman wrote back to Chief Justice Yinug requesting information on the salaries of Justices in the Pacific region. On August 14, 2013, the Chief Justice responded with that information.

According to the August 14, 2013 letter, the Associate Justices of the Supreme Court of the Republic of Palau make \$80,000 per year and the Chief Justice makes \$90,000 per annum. The Associate Justices of the High Court of the Republic of the Marshall Islands make \$60,000 per annum, while the Chief Justice makes \$70,000 per annum. The Associate Justices of the Supreme Court of the Commonwealth of the Northern Mariana Islands make \$126,000 per annum and the Chief Justice makes \$130,000. The judges of the Supreme Court in Guam make in excess of \$100,000.

Your Committee notes that the salaries for FSM Supreme Court Justices appear to fall well below that of our neighbours. It is extremely important that FSM is able to attract and retain experienced, well-regarded jurists to sit on our highest Court. Individuals of this calibre are naturally situated to command higher salaries in other governments or in private practice than the amount currently being offered. Therefore, your Committee is in support of C.B. No. 18-28 and the need to increase the salaries of FSM Supreme Court Justices.

Your Committee further notes that the initial salaries for the Chief Justice and Associate Justices under Title 4, Section 108 were \$40,000 and \$38,000 respectively. In 2007 this was raised to the current level of \$45,000 and \$43,000 respectively. Your Committee finds that maintaining the \$2,000 'gap' between the salaries of the Chief Justice and Associate Justices is equitable, and thus further recommends that the Associate Justices' salaries be raised to \$58,000.

Your Committee would like to offer the following amendments to C.B 18-28 as follows:

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1. Page 1, line 9, delete "50,000" and insert "58,000" in lieu thereof.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 18-28 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading in the form attached hereto.

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Respectfully submitted,

/s/ Wesley W. Simina  
Wesley W. Simina, chairman

/s/ Berney Martin  
Berney Martin, vice chairman

/s/ Tiwiter Aritos  
Tiwiter Aritos, member

Yosiwo P. George, member

/s/ Dohsis Halbert  
Dohsis Halbert, member

/s/ Bonsiano F. Nethon  
Bonsiano F. Nethon, member

/s/ Isaac V. Figir  
Isaac V. Figir, member