

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
47-36 (LS)	Therese M. Terlaje Tina Rose Muña Barnes Amanda L. Shelton Telena Cruz Nelson Sabina Flores Perez Joe S. San Agustin Clynton E. Ridgell Jose "Pedro" Terlaje Christopher M. Dueñas Frank Blas Jr. V. Anthony Ada Telo T. Taitague Joanne Brown James C. Moylan	Relative to authorizing <i>I Liheslaturan Guåhan</i> to be represented in Guam Supreme Court Case No. CRQ20-002 and assert the validity of the provisions of the <i>Islan Guåhan Emergency Health Powers Act</i> at issue, and ultimately, preserve the Legislature's power granted by the Organic Act to enact law necessary to protect the health, safety, and general well-being of the people of Guam.	3/24/21 4:00 p.m.		3/26/21					

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Resolution No. 47-36 (LS)

Introduced by:

Therese M. Terlaje
Tina Rose Muña Barnes
Amanda L. Shelton
Telena Cruz Nelson
Sabina Flores Perez
Joe S. San Agustin
Clynton E. Ridgell
Jose "Pedo" Terlaje
Christopher M. Duenas
Frank F. Blas, Jr.
V. Anthony Ada
Telo T. Taitague
Joanne Brown
James C. Moylan
Mary Camacho Torres

Relative to authorizing *I Liheslaturan Guåhan* to be represented in Guam Supreme Court Case No. CRQ20-002 and assert the validity of the provisions of the *Islan Guåhan Emergency Health Powers Act* at issue, and ultimately, preserve the Legislature's power granted by the Organic Act of Guam to enact laws necessary to protect the health, safety, and general well-being of the people of Guam.

1 **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS**, the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan*
4 *Guåhan*, filed a Request for Declaratory Judgment with the Supreme Court of Guam
5 on December 24, 2020, now known as *In re: Request of Lourdes A. Leon Guerrero*,

1 *I Maga'hågan Guåhan, Relative to the Power of the Executive Branch to Establish,*
2 *Maintain, and Operate Quarantine Facilities in Guam and to Promulgate*
3 *Quarantine and Sanitation Regulations for the Protection of Guam Against the*
4 *Importation and Spread of Disease, Guam Supreme Court Case No. CRQ20-002;*
5 and

6 **WHEREAS**, initially, the Governor petitioned the Supreme Court of Guam
7 to interpret provisions of the *Islan Guåhan Emergency Health Powers Act*, 10 GCA
8 Chapter 19, with respect to the Guam Department of Public Health and Social
9 Services' powers to develop and implement isolation and quarantine policy and
10 statutory procedural requirements. *See Order & Scheduling Order, Dec. 31, 2020;*
11 and

12 **WHEREAS**, in the Governor's Reply Brief, the Governor raised a new
13 argument that the Legislature exceeded its powers by passing Sections 19604 and
14 19605 of the *Islan Guåhan Emergency Health Powers Act* because they are "in direct
15 and irreconcilable conflict with" the Organic Act of Guam under 48 U.S.C. §
16 1421g(a), which grants the Governor quarantine authority. *See Second Order &*
17 *Scheduling Order, Feb. 9, 2021; and*

18 **WHEREAS**, in its Second Order & Scheduling Order (Second Order), which
19 the Legislature received notice of on March 18, 2021, the Supreme Court of Guam
20 exercised its discretion to review the Governor's new argument; and

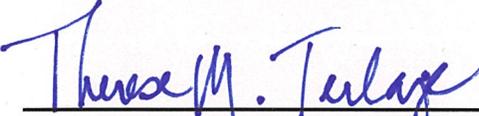
21 **WHEREAS**, the Supreme Court further stated that the Legislature is typically
22 a party to declaratory judgment actions involving separation of powers issues
23 between the Executive and Legislative branches and the organicity of statutes, and
24 invited the Legislature and other interested parties to respond to the Governor's new
25 argument; and

1 **WHEREAS**, *I Liheslatura* finds that the need to protect its lawmaking
2 authority as a co-equal branch of government is vital, especially during the COVID-
3 19 pandemic; now therefore, be it

4 **RESOLVED**, *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on
5 behalf of the people of Guam, authorize its representation in Guam Supreme Court
6 Case No. CRQ20-002 to assert the validity of the provisions of the *Islan Guåhan*
7 *Emergency Health Powers Act* at issue, and ultimately, preserve the Legislature's
8 power granted by the Organic Act of Guam to enact laws necessary to protect the
9 health, safety, and general well-being of the people of Guam; and be it further

10 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
11 the adoption hereof, and that copies of the same be thereafter transmitted to all
12 Members of *I Mina'trentai Sais Na Liheslaturan Guåhan*; and to Mr. Carlo J.
13 Branch, Executive Director of *I Liheslaturan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE 26TH DAY OF MARCH 2021.



THERESE M. TERLAJE
Speaker



AMANDA L. SHELTON
Legislative Secretary