

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
RESOLUTION STATUS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
465-34 (COR)	FRANK B. AGUON, JR.	RELATIVE TO AMENDING SUBSECTIONS (a) AND (b), OF RULE 6.01 OF I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN OTDEN AREKLAMENTO, THE 34th GUAM LEGISLATURE STANDING RULES, TO REQUIRE COMPLIANCE WITH 3 GCA § 16311, AS AMENDED, IN ORDER TO PROVIDE FOR AN ADVISORY REFERENDUM WHEREBY THE VOTERS OF GUAM ARE TO SYMBOLICALLY EXPRESS THEIR APPROVAL OR DISAPPROVAL OF ANY TAX INCREASE PROPOSED BY THE LEGISLATURE AND TO FURTHER PROVIDE THAT ANY SUCH TAX INCREASE SHALL TAKE EFFECT ONLY AFTER NINETY (90) CALENDAR DAYS HAVE ELAPSED FROM THE DATE OF THE GENERAL ELECTION AT WHICH THE VOTERS SO EXPRESSED THEIR VIEWS ON SAID TAX INCREASE.	7/2/18 8:10 a.m.							

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

Resolution No. 465 -34 (COR)

Introduced by:

FRANK B. AGUON, JR.



RELATIVE TO AMENDING SUBSECTIONS (a) AND (b), OF RULE 6.01 OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN OTDEN AREKLAMENTO*, THE 34th GUAM LEGISLATURE STANDING RULES, TO REQUIRE COMPLIANCE WITH 3 GCA § 16311, AS AMENDED, IN ORDER TO PROVIDE FOR AN ADVISORY REFERENDUM WHEREBY THE VOTERS OF GUAM ARE TO SYMBOLICALLY EXPRESS THEIR APPROVAL OR DISAPPROVAL OF ANY TAX INCREASE PROPOSED BY THE LEGISLATURE AND TO FURTHER PROVIDE THAT ANY SUCH TAX INCREASE SHALL TAKE EFFECT ONLY AFTER NINETY (90) CALENDAR DAYS HAVE ELAPSED FROM THE DATE OF THE GENERAL ELECTION AT WHICH THE VOTERS SO EXPRESSED THEIR VIEWS ON SAID TAX INCREASE.

2018 JUL -2 AM 8:10



BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*:

WHEREAS, *I Liheslaturan Guåhan* finds that the Attorney General of Guam has opined that because establishing taxes and fees are essential to the operation of government, they are beyond the authority of the Legislature to delegate. See Opinion Memorandum of Attorney General of Guam Elizabeth Barrett-Anderson to Régine B. Lee, Legislative Secretary, 34th Guam Legislature 34GL-LEG 18-1427, at 2 (Jan. 19, 2018). Nevertheless, *I Liheslatura* finds that this should not preclude the Legislature from affording the people of Guam the opportunity to express their opinions on any local tax increases it proposes. Therefore, it is the intent of *I*

Liheslatura to create a mechanism, in the form of an advisory opinion, whereby 1) the voters of Guam will be able to symbolically express their approval or disapproval of any local tax increase proposed by the Legislature, and 2) the effectiveness of any such tax increase will be delayed until ninety (90) days have elapsed since the date of the general election at which the voters expressed their symbolic approval or disapproval of the same; now therefore, be it

RESOLVED, that the Committee on Rules of *I Mina'Trentai Kuattro Na Liheslaturan Guåhan* hereby *amends* subsection (a) of Standing Rule 6.01, as follows:

“(a) One Subject Matter. No bill introduced, considered or passed by *I Liheslaturan Guåhan* (the Guam Legislature), or any of its Members, shall contain more than one (1) subject matter, and *shall not* contain unrelated subjects or pertain to multiple projects, *except* for one (1) annual budget bill and one (1) supplement to the annual budget bill per fiscal year; *except* that, the succeeding Guam Legislature may, on the year it commences, introduce, consider and pass, one (1) supplement to the annual budget bill for that fiscal year, whose subject and contents may be exempted from this Section (See also 2 GCA § 2108(a)).

Upon receipt of a bill introduced by a member of *I Liheslaturan Guåhan*, the Chairperson of the Committee on Rules may seek advice from legal counsel, to include the compliance of the bill with 2 G.C.A. § 2108, 3 GCA § 16311, and subsection (b)(3) of this Rule. The Chairperson of the Committee on Rules *shall not* accept and *shall* return to the prime sponsor any bill which, on introduction or on reporting out by Committee, violates this Section, as determined by the Chairperson of the Committee on Rules.

No bill, amended bill, or substitute bill shall be entertained on the Floor with non- germane items, *except* as allowed in this Section. The Speaker *shall* rule on the germaneness of any item of any bill challenged by a Member; and if the Speaker

rules that an item is non- germane to the bill's primary subject matter, *unless* the Speaker is overruled by the body as described elsewhere in these Rules, the item *shall* be removed prior to the final vote on the bill.

(1) Germaneness of Substitute Bills and Amendments. A substitute bill must relate to the same subject as the original bill, *except* as otherwise provided in these Rules. When a substitute bill containing non-germane matters is up for discussion, or when a non-germane amendment is offered from the Floor and is challenged by the Speaker *sua sponte*, or by any Member, and if the Presiding Officer holds that the proposed matter, or amendment being proposed for discussion, violates these Rules as to germaneness, then the non-germane matter or amendment *shall* be out of order and *may not* be discussed or considered, *unless* the Body, with a vote of eight (8) members, overrules the decision of the Presiding Officer in the manner provided for by these Rules.

A challenge to germaneness may be made even if the matter or amendment was earlier accepted for discussion without a challenge to its germaneness. Even if a non- germane amendment is approved, subsequent amendments must be germane to the main subject matter of the bill, and objections to germaneness *shall not* be deemed waived. If a non-germane matter or amendment is *not* challenged, or if a decision of the Presiding Officer that an amendment or matter is not germane is overruled, then eight (8) votes *shall* be required to adopt it whether or not germane, and the germaneness challenge *shall* be deemed disposed of. A challenge to germaneness may be made at any time prior to Third Reading, but *may not* be made on Third Reading.

A decision of the Presiding Officer that an amendment or matter is germane may also be challenged, and if the challenge is successful, such amendment or matter *shall not* be considered by the Body.

(i) All bills introduced by a Member or a Committee *shall* be given a public hearing *no more than* one hundred eighty (180) working days after the date of the bill's introduction. If the Committee to which the bill has been referred does not hold a public hearing within the one hundred eighty (180) working day timeline, the Committee Chairperson *shall* give a reason in writing to the prime sponsor for not holding a public hearing.”; and be it further

RESOLVED, that the Committee on Rules of *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* hereby *amends* subsection (b) of Standing Rule 6.01, as follows:

“(b) Debt to be Considered for Limited Purposes and advisory referenda.

(1) All bills that authorize public indebtedness shall only be considered for the following purposes:

(A) land, infrastructure, building projects, and any capital improvement project pursuant to a master plan adopted by *I Liheslaturan Guåhan* or through the Administrative Adjudication Law process by an agency or instrumentality of the Government of Guam; and/or

(B) refinancing of existing debt which results in savings to the Government of Guam of not less than two percent (2%) of the present discounted value of the existing debt schedule, amortized over the same duration of the existing debt obligation.

(2) No bill shall be introduced or considered which authorizes public debt to fund the operations of any agency, instrumentality, or public corporation.

(3) A bill to increase real property tax, liquid fuel tax, business privilege tax or any other locally enacted and administered tax shall provide that the tax increase shall be effective only after ninety (90) calendar days have elapsed from the date of

the general election in which the voters of Guam symbolically expressed their approval or disapproval of said tax increase.

(3)-(4) The Chairperson of the Committee on Rules shall not accept and shall return to the prime sponsor any bill which, on introduction or on reporting out by Committee, violates this Section, as determined by the Chairperson of the Committee on Rules. The Chairperson of the Committee on Rules is hereby authorized to waive this subsection (b) if an executive order declares an official state of emergency relative to a situation requiring debt.”; and be it further

RESOLVED, that the Speaker and the Legislative Secretary attest the adoption hereof, and that copies of the same be thereafter transmitted to Acting Executive Director Agnes A. Cruz and all members of *I Mina'Trentai Kuáttro Na Liheslaturan Guáhan*.

DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN ON THE ____th DAY OF JULY 2018.

BENJAMIN J.F. CRUZ
Speaker

REGINE BISCOE LEE
Chairperson, Committee on Rules

REGINE BISCOE LEE
Legislative Secretary