

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN**  
**2018 (SECOND) Regular Session**  
**LEGISLATIVE SESSION VOTING RECORD**

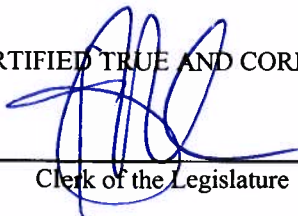
Resolution No. 311-34 (COR)

Speaker Antonio R. Unpingco Legislative Session Hall  
 May 23, 2018

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. ADA	✓					
Senator FRANK B. AGUON, JR.		✓				
Senator William M. CASTRO		✓				
Speaker Benjamin J.F. CRUZ	✓					
Senator James V. ESPALDON	✓					
Senator Fernando Barcinas ESTEVES		✓				
Senator Régine Biscoe LEE		✓				
Senator Tommy MORRISON		✓				
Senator Louise B. MUÑA		✓				
Senator Telena Cruz NELSON					✓	✓
Senator Dennis G. RODRIGUEZ, JR.		✓				
Senator Joe S. SAN AGUSTIN		✓				
Senator Michael F.Q. SAN NICOLAS	✓					
Vice Speaker Therese M. TERLAJE		✓				
Senator Mary Camacho TORRES		III ✓				

<b>TOTAL:</b>	<b>4</b>	<b>10</b>			<b>1</b>	<b>1</b>
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 Clerk of the Legislature

I = Pass

***I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN***  
**2017 (FIRST) Regular Session**

**Resolution No. 311-34 (COR)**

\*

Introduced by:

Michael F.Q. San Nicolas

**Relative to respectfully petitioning the United States Congress, pursuant to 48 USC § 1423k, to enact legislation amending the Organic Act of Guam to include a provision of Guam Public Law 24-222 that any provision enacted and administered under the authority of the Government of Guam that establishes a locally enacted tax or increases a locally enacted tax must be ratified by a majority of votes cast in a General Election, with allowances for a state of emergency if so ratified by a two-thirds (2/3) vote of the Guam Legislature.**

**BE IT RESOLVED BY *I LIHESLATURAN GUÁHAN*:**

**WHEREAS**, in the Twenty-fourth (24<sup>th</sup>) Guam Legislature, Speaker Mark Forbes introduced Bill No. 539, which was enacted as Public Law 24-222 on August 4, 1998, requiring that locally enacted and administered tax increases and the issuance of a General Obligation Bond in an amount of greater than Twenty-five Million Dollars (\$25,000,000) shall go into effect only with the approval of the voters of Guam in a referendum held during a General Election (Exhibit 1); and

**WHEREAS**, Public Law 34-44, which increases the local liquid fuel tax rates by Four Cents (\$0.04) per gallon on all classes of liquid fuel subject to the tax, waived the requirement that a referendum be held to ratify the tax increase (Exhibit 2); and

1           **WHEREAS**, the enactment of Public Law 34-44 is not consistent with Public  
2 Law 24-222, which requires voter ratification, and further demonstrates that Public Law  
3 24-222 does not conclusively prevent the Government of Guam from increasing local  
4 taxes without ratification by the people of Guam; and

5           **WHEREAS**, when public laws expressly mandate the involvement of the  
6 electorate with their vote on specific matters of law, such laws must be respected and  
7 the people must be afforded the opportunity to vote; and

8           **WHEREAS**, the Government of Guam does not have a locally enacted  
9 constitution and, instead, operates under the Organic Act of Guam, and the enactment  
10 of an amendment to the Organic Act of Guam requiring voter approval for the  
11 establishment of a new or increase of an existing local tax would prevent any future  
12 circumvention of the peoples' authority in that matter, consistent with duly enacted local  
13 public law; now therefore, be it

14           **RESOLVED**, that *I Mina'Trentai Kuattro Na Liheslaturan Guåhan* does hereby,  
15 on behalf of the people of Guam, respectfully petition the United States Congress,  
16 pursuant to 48 USC § 1423k, to enact legislation amending the Organic Act of Guam  
17 to include a provision of Guam Public Law 24-222 that any provision enacted and  
18 administered under the authority of the Government of Guam that establishes a locally  
19 enacted tax or increases a locally enacted tax must be ratified by a majority of votes cast  
20 in a General Election, with allowances for a state of emergency if so ratified by a two-  
21 thirds (2/3) vote of the Guam Legislature; and be it further

22           **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the  
23 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable  
24 Mike Pence, Vice President, and President of the United States Senate; to the Honorable  
25 Paul Ryan, Speaker of the United States House of Representatives; to the Honorable  
26 Madeleine Z. Bordallo, Guam Delegate to the United States House of Representatives;

1 to the Honorable Mark Forbes, Speaker of the Twenty-eighth (28<sup>th</sup>) and Twenty-ninth  
2 (29<sup>th</sup>) Guam Legislatures; and to the Honorable Edward J.B. Calvo, *I Maga'låhen*  
3 *Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN* ON THE DAY OF MAY 2018.**

---

**BENJAMIN J.F. CRUZ**  
Speaker

---

**RÉGINE BISCOE LEE**  
Legislative Secretary