

*I Mina' Trentai Dos Na Liheslaturan Guåhan*

**Resolutions Log Sheet**

<b>Resolution No.</b>	<b>Sponsor</b>	<b>Title</b>	<b>Date Intro</b>	<b>Date of Presentation</b>	<b>Date Referred</b>	<b>Committee / Ofc Referred</b>	<b>Date Adopted</b>
<b>358-32 (LS)</b>	T.R. MUÑA BARNES A.A. YAMASHITA, PH.D. J.T. WON PAT, ED.D. B.J.F. CRUZ R.J.RESPICIO, M.F.Q. SAN NICOLAS, BRANT T. MCCREADIE, MIKE LIMTIACO, CHRIS M.DUENAS, FRANK B. AGUON, JR., V. ANTHONY ADA, TOMMY MORRISON	Relative to requesting for Declaratory Judgment from the Supreme Court of Guam as to the ability of I Liheslaturan Guåhan through a duly passed law of Guam to direct the Guam Election Commission to place a measure on the ballot pursuant to Title 3, Chapter 16, Article 4 of the Guam Code Annotated.	04/09/14 2:32 p.m.				<b>4/15/2014</b>



***I Mina'Trentai Dos Na Liheslaturan Guahan***

The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910  
Tel: (671)472-3465 · Fax: (671)472-3524  
[clerks@guamlegislature.org](mailto:clerks@guamlegislature.org) [www.guamlegislature.com](http://www.guamlegislature.com)

**FILE**

April 16, 2014

The Honorable Rory J. Respicio  
Chairman, Committee on Rules, Federal, Foreign,  
& Micronesian Affairs, Human & Natural Resources,  
and Election Reform  
155 Hesler Place  
Hagåtña, Guam 96910

<b>COMMITTEE ON RULES</b>	
<b>Name</b>	<i>Wanted</i>
<b>Date/Time</b>	<b>APR 16 2014</b>

**REF: Resolution No. 358-32 (LS)**

Dear Chairman Respicio,

Transmitted herewith is **Substitute Resolution No. 358-32 (LS),** “ Relative to requesting for a **Declaratory Judgment from the Supreme Court of Guam as to the ability of *I Liheslaturan Guahan* through a duly passed law of Guam to direct the Guam Election Commission to place a measure on the ballot pursuant to Article 4 of Chapter 16, Title 3, Guam Code Annotated,**” which was duly and regularly passed by *I Mina'Trentai Dos Na Liheslaturan Guahan* on April 15, 2014.

Sincerely,

**JUDITH T. WON PAT, Ed.D.**  
Speaker

**ATTESTED:**

**TINA ROSE MUÑA BARNES**  
Legislative Secretary



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FILE

April 16, 2014

**The Honorable Edward J.B. Calvo**  
***I Maga'lahaen Guåhan***  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY JW  
TIME 1:10 DATE 4/16/14

**REF: Resolution No. 358-32 (LS)**

Dear *Maga'lahi* Calvo,

Transmitted herewith is **Substitute Resolution No. 358-32 (LS)**, “**Relative to requesting for a Declaratory Judgment from the Supreme Court of Guam as to the ability of *I Liheslaturan Guåhan* through a duly passed law of Guam to direct the Guam Election Commission to place a measure on the ballot pursuant to Article 4 of Chapter 16, Title 3, Guam Code Annotated,**” which was duly and regularly passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 15, 2014.

Sincerely,

**JUDITH T. WON PAT, Ed.D.**  
**Speaker**

ATTESTED:

**TINA ROSE MUÑA BARNES**  
**Legislative Secretary**

FILE



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RECEIVED

April 16, 2014

APR 16 2014  
SUPREME COURT  
OF GUAM  
1:45 pm

**Hannah Arroyo**  
**Clerk of the Supreme Court of Guam**  
Supreme Court of Guam  
Guam Judicial Center, 3<sup>rd</sup> Fl.  
120 W. O'Brien Dr. Hagatna,  
GU 969 10-5 174

**REF: Resolution No. 358-32 (LS)**

Dear Clerk Arroyo,

Transmitted herewith is **Substitute Resolution No. 358-32 (LS),** "Relative to requesting for a **Declaratory Judgment from the Supreme Court of Guam as to the ability of *I Liheslaturan Guahan* through a duly passed law of Guam to direct the Guam Election Commission to place a measure on the ballot pursuant to Article 4 of Chapter 16, Title 3, Guam Code Annotated,**" which was duly and regularly passed by *I Mina'Trentai Dos Na Liheslaturan Guahan* on April 15, 2014.

Sincerely,

**JUDITH T. WON PAT, Ed.D.**  
Speaker

ATTESTED:

**TINA ROSE MUÑA BARNES**  
Legislative Secretary

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

**Resolution No. 358-32 (LS)**

As substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.  
B. J.F. Cruz  
R. J. Respicio  
Michael F. Q. San Nicolas  
Brant T. McCreddie  
Michael T. Limtiaco  
Chris M. Dueñas  
FRANK B. AGUON, JR.  
V. Anthony Ada  
Tommy Morrison  
T. C. Ada  
Vicente (ben) C. Pangelinan  
Dennis G. Rodriguez, Jr.

**Relative to requesting for a Declaratory Judgment from the Supreme Court of Guam as to the ability of *I Liheslaturan Guåhan* through a duly passed law of Guam to direct the Guam Election Commission to place a measure on the ballot pursuant to Article 4 of Chapter 16, Title 3, Guam Code Annotated.**

1        **BE IT RESOLVED BY *I MINA'TRENTAI DOS NA LIHESLATURAN***  
2        ***GUÅHAN*:**  
3        **WHEREAS, § 4104 of Chapter 4, Article 1 of Title 7, Guam Code**  
4        **Annotated, authorizes *I Liheslaturan Guåhan* to request for a declaratory judgment**  
5        **from the Supreme Court of Guam as to the interpretation of any law, federal or**

1 local, lying within the jurisdiction of the courts of Guam to decide, and upon any  
2 question affecting the powers and duties of *I Liheslaturan Guåhan*, where it is a  
3 matter of great public interest and the normal process of law would cause undue  
4 delay; specifically, § 4104 provides, “*I Maga’lahi* and *I Liheslatura* May Request  
5 Declaratory Judgment. *I Maga’lahen Guåhan*, in writing, or *I Liheslaturan*  
6 *Guåhan*, by resolution, may request declaratory judgments from the Supreme  
7 Court of Guam as to the interpretation of any law, federal or local, lying within the  
8 jurisdiction of the courts of Guam to decide, and upon any question affecting the  
9 powers and duties of *I Maga’lahi* and the operation of the Executive Branch, or *I*  
10 *Liheslaturan Guåhan*, respectively. The declaratory judgments may be issued only  
11 where it is a matter of great public interest and the normal process of law would  
12 cause undue delay. Such declaratory judgments *shall not* be available to private  
13 parties. The Supreme Court of Guam *shall*, pursuant to its rules and procedures,  
14 permit interested parties to be heard on the questions presented and *shall* render its  
15 written judgment thereon”; and

16 **WHEREAS**, Article 4 of Chapter 16, Title 3, Guam Code Annotated,  
17 provides the mechanism for allowing *I Liheslaturan Guåhan* to submit measures to  
18 the people of Guam for a vote; and

19 **WHEREAS**, 3 GCA § 16401 states, “No measure shall be submitted to the  
20 voters by *I Liheslaturan Guåhan* unless it shall have been adopted by a majority of  
21 the affirmative votes of all of the Members”; and

22 **WHEREAS**, on or about February 1, 2014, a majority of the Members of *I*  
23 *Liheslaturan Guåhan* voted to adopt Substitute Bill No. 215-32 (COR), which  
24 directed the Guam Election Commission to place a specific question before the  
25 people of Guam; and

1           **WHEREAS**, upon adoption, Substitute Bill No. 215-32 (COR) was  
2 transmitted to the Guam Election Commission; and

3           **WHEREAS**, simultaneously, consistent with the practice of prior  
4 Legislatures, Substitute Bill No. 215-32 (COR) was transmitted to *I Maga'lahi* (the  
5 Governor) and eventually was given a public law number; and

6           **WHEREAS**, Substitute Bill No. 215-32 (COR) became Public Law 32-134  
7 on or about February 16, 2014; and

8           **WHEREAS**, on or about March 6, 2014, the Guam Election Commission  
9 Board of Commissioners decided that they would not place the question proffered  
10 by *I Liheslaturan Guåhan* on the November 2014 General Election Ballot; and

11           **WHEREAS**, on or about March 7, 2014, the Speaker of the Guam  
12 Legislature received a letter from the Guam Election Commission Chairman  
13 indicating that the Guam Election Commission would not be placing any question  
14 on the ballot as directed by *I Liheslaturan Guåhan* because “[t]he GEC believes  
15 that Bill 215-32 (COR) presents a delegation of legislative law making authority  
16 not permitted by Guam law”; and

17           **WHEREAS**, consistent with the requirements of 3 GCA, Chapter 16,  
18 Article 5, §§16501, 16502 and 16503, the Speaker of *I Liheslaturan Guåhan*  
19 appointed Members of *I Liheslaturan Guåhan* to draft arguments in favor of and in  
20 opposition to the question presented and submitted those arguments to the Guam  
21 Election Commission in a timely manner; and

22           **WHEREAS**, *I Liheslaturan Guåhan* finds that the Guam Election  
23 Commission has clearly indicated that it will not carry out its ministerial duty to  
24 place the question presented in Public Law 32-134 on the November 2014 General  
25 Election Ballot; and

1           **WHEREAS**, *I Liheslaturan Guåhan* finds that the powers and duties of *I*  
2 *Liheslaturan Guåhan* are of great public interest; and

3           **WHEREAS**, the normal process of law would cause undue delay and *I*  
4 *Liheslaturan Guåhan* seeks this special judicial determination of the ability of *I*  
5 *Liheslaturan Guåhan* through a duly passed law of Guam to direct the Guam  
6 Election Commission to place a measure on the ballot pursuant to Article 4 of  
7 Chapter 16, Title 3, Guam Code Annotated; now therefore, be it

8           **RESOLVED**, that *I Mina'Trentai Dos Na Liheslaturan Guåhan* does  
9 hereby request for a Declaratory Judgment from the Supreme Court of Guam,  
10 relative to the ability of *I Liheslaturan Guåhan* to submit legislative submissions  
11 pursuant to 3 GCA, Chapter 16, Article 4, notwithstanding the lack of reference to  
12 legislative submissions in the Organic Act; and more particularly the interpretation  
13 and application of 3 GCA, Chapter 16, Article 4 in this regard; and be it further

14           **RESOLVED**, that *I Mina'Trentai Dos Na Liheslaturan Guåhan* does hereby  
15 further request that this issue be submitted to the Supreme Court of Guam in a  
16 timely fashion so that if it is determined that Public Law 32-134 is Organic the  
17 question posed therein may be placed on the November 2014 General Election  
18 Ballot; and be it further

19           **RESOLVED**, that *I Mina'Trentai Dos Na Liheslaturan Guåhan* also seeks  
20 an Order from the Supreme Court of Guam directing the Guam Election  
21 Commission to carry out the mandate of Public Law 32-134 by placing the  
22 question posed therein on the November 2014 General Election Ballot; and be it  
23 further

24           **RESOLVED**, that *I Mina'Trentai Dos Na Liheslaturan Guåhan* authorizes  
25 and directs the Speaker to pursue a Declaratory Judgment, on behalf of *I*  
26 *Liheslatura*, and authorizes the Speaker to do all things necessary in furtherance of



1 this request for a Declaratory Judgment, including contracting with counsel to  
2 pursue this matter; and be it further

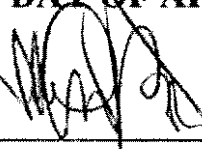
3 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to  
4 the adoption hereof, and that copies of the same be thereafter transmitted to the  
5 Chairperson, Committee on Rules of *I Mina'Trentai Dos Na Liheslaturan Guåhan*;  
6 to the Clerk of the Supreme Court of Guam; and to the Honorable Edward J.B.  
7 Calvo, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN* ON THE 15<sup>TH</sup> DAY OF APRIL 2014.**



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**JUDITH T. WON PAT, Ed.D.**  
Speaker



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**TINA R. MUNA BARNES**  
Legislative Secretary

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Resolution No. 358-32 (LS)

Speaker Antonio R. Unipingo Legislative Session Hall  
April 15, 2014

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

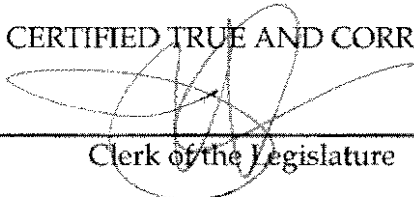
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass