
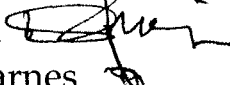





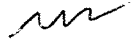


MINA'BENTE NUEBE NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Resolution No. 125 (LS)

Introduced by:

J. Won Pat 
D. Shimizu 
T. Muna Barnes 
B. J. Cruz 
J. Guthertz 
A. Palacios 
V. C. Pangelinan 
R. Respicio 

Relative to amending Section 15.01 and 15.02 of the Standing Rules of I Mina'b ente Nuebe na Liheslaturan Guåhan to conform to the Organic Act of Guam and the fundamentals of democracy.

BE IT RESOLVED BY I LIHESLATURAN GUÅHAN:

WHEREAS, the Organic Act of Guam provides in §1423b that the quorum of the legislature shall consist of a *simple majority* of its members.

This quorum requirement is the same for all acts of the legislature, including selection of officers, adoption of standing rules, and passing of a bill.

WHEREAS, §1423b of the Organic Act *expressly* requires that any rules or procedures adopted by the legislature be consistent with the Organic Act.

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§1423b. *Selection and Qualification of Members; Officers; Rules; Quorum.*

*The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, **determine its rules and procedure, not inconsistent with this chapter**, and keep a journal. The quorum of the legislature shall consist of a simple majority of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays. (emphasis added); and*

WHEREAS, the Organic Act requires a super majority vote by the Legislature **only** for an override of a veto pursuant to 48 USC §1423i; and

WHEREAS, Rules which can be adopted by a majority vote can be repealed or annulled by the same vote, even a rule which provides that no rule can be repealed or amended without a vote greater than a majority.

State of Missouri v. Reichmann (1911), 239 Mo. 81, 142 S.W. 304;

Richardson v. Union Congregational Soc of Francestown (1877), 58 N.H.

187. Commonwealth ex rel. Fox v. Chace (1961), 403 Pa. 117, 168 A.2d 569; and

WHEREAS, a majority being authorized in the first instance to pass a rule not only can pass it, but can at any time thereafter annul the same rule, even where the rule to be repealed or annulled provides that no rule can be repealed or amended without a vote greater than a majority. Witherspoon v.

State 138 Miss. 310; McCormick v. Board of Education of Hobs Municipal School Dist. No. 16 103 So. 134; now therefore be it

RESOLVED, that Section 15.01 and 15.02 of the Standing Rules be amended to read:

Section 15.01. A Standing Rule may be suspended for more than one (1) Legislative Day, amended or repealed by a ~~resolution adopted by ten (10)~~ a majority vote of the members present (a quorum being present. Upon passage of a Legislative Resolution amending the Standing Rules, the Clerk of the Legislature shall distribute the engrossed version of the Standing Rules amendment to all Senators and to the Legislative Counsel.; and be it further

Section 15.02. The operation of any Rule, may be temporarily suspended by an affirmative vote of ~~ten (10)~~ a majority vote of the members present (a quorum being present) ~~Members~~, or it may be suspended, waived or modified for that Legislative Day or subsequent Legislative Days by ~~ten (10)~~ eight (8) affirmative votes.

RESOLVED, that the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Felix P. Camacho, I

DULY AND REGULARLY ADOPTED ON THE ___ DAY OF ___,
2008.

Speaker

Senator and Legislative Secretary