

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
364-37 (COR)	Committee on Rules	Relative to authorizing the Legislative Counsel, or other retained Counsel, to represent <i>I Mina'trentai Siette Na Liheslaturan Guåhan</i> in the United States Supreme Court and to file a waiver of its right to file a response to the Attorney General of Guam's petition for Writ of Certiorari unless one is requested by the Supreme Court of the United States.	4/2/24 3:07 p.m.		4/12/24 3:04 p.m.					

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Resolution No. 364-37 (COR)

As amended; and further amended
by the Committee on Rules.

Introduced by:

Committee on Rules

Relative to authorizing the Legislative Counsel, or other retained Counsel, to represent *I Mina'trentai Siette Na Liheslaturan Guåhan* in the United States Supreme Court and to file a waiver of its right to file a response to the Attorney General of Guam's petition for Writ of Certiorari unless one is requested by the Supreme Court of the United States.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS**, on January 23, 2023, the Honorable Lourdes A. Leon Guerrero, *I*
4 *Maga'hågan Guåhan*, filed a Request for Declaratory Judgment in the Supreme Court
5 of Guam relative to the Validity and Enforceability of Public Law No. 20-134 (*In Re:*
6 *Request of Lourdes A. Leon Guerrero, I Maga'hågan Guåhan, Relative to the Validity*
7 *and Enforceability of Public Law No. 20-134*, Supreme Court Case No. CRQ23-001);
8 and

9 **WHEREAS**, Governor Leon Guerrero posed the following questions: (1)
10 whether Public Law 20-134 is void forever, such that it cannot be revived following the
11 reversal of *Roe v. Wade*; (2) whether the Organic Act of Guam, as it existed in 1990,
12 authorized the Guam Legislature to pass an unconstitutional law, or the Guam
13 Legislature acted *ultra vires* in passing Public Law 20-134; and (3) to the extent Public

1 Law 20-134 is not void or otherwise unenforceable, has it been repealed by implication
2 through subsequent changes in Guam law?; and

3 **WHEREAS**, on February 18, 2023, the Supreme Court of Guam issued an Order
4 stating the questions raised by Governor Leon Guerrero concern the power of the
5 Legislature and when it may legislate. (see Order, on page 3, *In Re: Request of Lourdes*
6 *A. Leon Guerrero, I Maga'hågan Guåhan, Relative to the Validity and Enforceability*
7 *of Public Law No. 20-134* - Supreme Court Case No. CRQ23-001-February 18, 2023);
8 and

9 **WHEREAS**, the Guam Supreme Court declined to answer Governor Leon
10 Guerrero's first question stating that the Attorney General of Guam has moved to seek
11 the dissolution of the permanent injunction issued by the U.S. District Court of Guam
12 and the U.S. District Court would provide an answer to the Governor's first question;
13 and

14 **WHEREAS**, the Guam Supreme Court invited the Legislature to participate in
15 the matter as a Respondent in response to Governor Leon Guerrero's second and third
16 questions and required the Legislature to file its brief, if it chose to file one, no later
17 than March 17, 2023, with oral arguments scheduled for April 25, 2023 at 10:30 a.m.;
18 and

19 **WHEREAS**, Section 1423(a) of Title 48 of the United States Code specifically
20 provides "The legislative power of Guam shall extend to all rightful subjects of
21 legislation not inconsistent with the provisions of this Act and the laws of the United
22 States applicable to Guam."; and

23 **WHEREAS**, on October 31, 2023, the Supreme Court of Guam issued an
24 opinion declaring Public Law 20-134 was repealed by implication by the Guam
25 Legislature; and

1 **WHEREAS**, on January 29, 2024, Attorney General of Guam Douglas Moylan
2 filed a Petition for Writ of Certiorari to the Supreme Court of the United States of
3 America (SCOTUS) presenting the question of whether the Supreme Court of Guam’s
4 advisory opinion constitutes a permissible exercise of the “judicial authority” that the
5 U.S. Congress has vested in that court under 48 U.S.C. § 1424(a)(1); and

6 **WHEREAS**, responding to such litigation exceeds the scope of *I Liheslaturan*
7 *Guåhan*’s existing contract with Legislative Counsel for legal services, as well as the
8 contract for services for the underlying Guam Supreme Court case of *In Re: Request of*
9 *Lourdes A. Leon Guerrero, I Maga'hågan Guåhan, Relative to the Validity and*
10 *Enforceability of Public Law No. 20-134*, (Supreme Court Case No. CRQ23-001-
11 February 18, 2023); and

12 **WHEREAS**, such litigation now requires the execution of a new legal services
13 agreement for counsel on the aforementioned litigation; and

14 **WHEREAS**, SCOTUS, through its clerk’s office, invited *I Liheslaturan Guåhan*
15 to file a response representing *I Liheslaturan Guåhan*’s position on Attorney General
16 Moylan’s Petition for Writ of Certiorari; and

17 **WHEREAS**, on March 13, 2024, Attorney Michael F. Phillips, counsel for *I*
18 *Liheslaturan Guåhan*, who appeared as a respondent in the underlying matter before
19 the Guam Supreme Court, filed a motion to extend the time for filing a response to
20 Attorney General Moylan’s Petition for Writ of Certiorari in order to obtain permission
21 from *I Liheslaturan Guåhan* and to preserve *I Liheslaturan Guåhan*’s right to
22 participate in this matter before SCOTUS should it choose to do so when or if required
23 by SCOTUS; and

24 **WHEREAS**, SCOTUS granted *I Liheslaturan Guåhan*’s motion for an extension
25 up through and including May 13, 2024, in which to file a response representing *I*

1 *Liheslaturan Guåhan*'s position on Attorney General Moylan's Petition for Writ of
2 Certiorari; and

3 **WHEREAS**, the Committee on Rules of *I Mina'trentai Siette na Liheslaturan*
4 *Guåhan* does hereby, on behalf of *I Liheslaturan Guåhan*, intend to file a Waiver stating
5 that *I Liheslaturan Guåhan* is waiving its right to file a Response to the Petition for Writ
6 of Certiorari unless one is requested by SCOTUS; and

7 **WHEREAS**, the filing of a Waiver stating that *I Liheslaturan Guåhan* is waiving
8 its right to file a Response to the Petition for Writ of Certiorari, unless one is requested
9 by SCOTUS, is not intended to abrogate, diminish, or otherwise waive *I Liheslaturan*
10 *Guåhan*'s ability to file an amicus or a brief on the merits if invited by SCOTUS subject
11 to approval by a separate Resolution by the Committee on Rules; now therefore, be it

12 **RESOLVED**, that the Chairperson of the Committee on Rules of *I Mina'trentai*
13 *Siette na Liheslaturan Guåhan* is authorized to retain, on behalf of *I Liheslaturan*
14 *Guåhan*, such legal counsel as he may deem necessary and appropriate to represent the
15 interests of *I Liheslaturan Guåhan* in the aforementioned litigation; and be it further


16 **RESOLVED**, that a reasonable sum of no more than Two Thousand Five
17 Hundred Dollars (\$2,500) be expended from *I Liheslaturan Guåhan*'s Central
18 Operations Fund for legal fees and costs in this matter for filing the Waiver; and be it
19 further

20 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette na*
21 *Liheslaturan Guåhan* does hereby authorize the Legislative Legal Counsel, or other
22 retained counsel, to file a Waiver, no later than April 19, 2024, stating that *I*
23 *Liheslaturan Guåhan* is waiving its right to file a Response to the Petition for Writ of
24 Certiorari unless one is requested by SCOTUS; and be it further

25 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
26 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of

1 the same be thereafter transmitted to all the members of *I Mina'trentai Siette na*
2 *Liheslaturan Guåhan*; to Mr. Joseph R. San Agustin, Executive Director of *I*
3 *Liheslaturan Guåhan*; and to Ms. Agnes Cruz, Chief Fiscal Officer of *I Liheslaturan*
4 *Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE 12TH DAY
OF APRIL 2024.**



THERESE M. TERLAJE
Speaker



CHRIS BARNETT
Chairperson, Committee on Rules



AMANDA SHELTON
Legislative Secretary



COMMITTEE ON RULES

Chris Barnett, Chairperson, Committee on Rules

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

COMMITTEE VOTE SHEET

Resolution No. 364-37 (COR) As amended and further amended by the Committee on Rules. - Committee on Rules. - "RELATIVE TO AUTHORIZING THE LEGISLATIVE COUNSEL OR OTHER RETAINED COUNSEL, TO REPRESENT *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUAHAN* IN THE UNITED STATES SUPREME COURT AND TO FILE A WAIVER OF ITS RIGHT TO FILE A RESPONSE TO THE ATTORNEY GENERAL'S PETITION FOR WRIT OF CERTIORARI UNLESS ONE IS REQUESTED BY THE SUPREME COURT OF THE UNITED STATES."

	INITIAL	DATE	TO ADOPT	TO NOT ADOPT	TO ABSTAIN
Senator Chris Barnett Chairperson	VOTE	4/12/24	✓		
Senator Sabina Flores Perez Vice Chairperson	VOTE	4/12/24	✓		
Speaker Therese M. Terlaje Member	VOTE	4/12/24	✓		
Vice Speaker Tina Rose Muña Barnes Member					
Legislative Secretary Amanda L. Shelton Member					
Senator William A. Parkinson Member	VOTE	4/12/24	✓		
Senator Roy A. B. Quinata Member	VOTE	4/12/24	✓		
Senator Joe S. San Agustin Member					
Senator Dwayne T. D. San Nicolas Member					
Senator Joanne Brown Minority Member	VOTE	4/12/24	✓		
Senator Christopher M. Dueñas Minority Member					
Senator Thomas J. Fisher Minority Member					
Senator Telo T. Taitague Minority Member	VOTE	4/12/24	✓		
For Sponsor's Office Use Only					
Sponsor Signature: <i>DUS</i>					
Staff Contact Person: Kamarin Nelson					
For COR/Clerk's Office Use Only					
___ 7 ___ Certified _____ Returned					
Name: Zada Hernandez					
Date: April 12, 2024 at 3:04 p.m.					
Notes:					