

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
408-37 (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 response to the Attorney General of Guam's petition for a Writ of Certiorari as requested by the Supreme Court of United States.	5/17/24 3:28 p.m.		5/20/24					Addendum 5/20/24

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

Resolution No. 408-37 (COR)

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 response to the Attorney General of Guam's petition for a Writ of Certiorari as requested by the Supreme Court of 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
14 Law 20-134 is not void or otherwise unenforceable, has it been repealed by implication
15 through subsequent changes in Guam law?; and

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

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

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

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

21 **WHEREAS**, on October 31, 2023, the Supreme Court of Guam issued an
22 opinion declaring Public Law 20-134 was repealed by implication by *I Liheslaturan*
23 *Guåhan* (the Guam Legislature); and

24 **WHEREAS**, on January 29, 2024, Attorney General Douglas Moylan filed a
25 Petition for Writ of Certiorari to the Supreme Court of the United States of America

1 (SCOTUS) presenting the question of whether the Supreme Court of Guam’s advisory
2 opinion constitutes a permissible exercise of the “judicial authority” that Congress has
3 vested in that court under 48 U.S.C. § 1424(a)(1); and

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

10 **WHEREAS**, such litigation now requires the execution of a new legal services
11 agreement for counsel in the aforementioned litigation; and

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

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

22 **WHEREAS**, April 19, 2024, Attorney Michael Phillips filed a Waiver on behalf
23 of *I Liheslaturan Guåhan* waiving its right to file a Response to the Petition for Writ of
24 Certiorari unless one is requested by SCOTUS; and

1 **WHEREAS**, notwithstanding *I Liheslaturan Guåhan*'s Waiver, on May 7, 2024,
2 SCOTUS directed the parties to file a response taking a position on the Petition for Writ
3 of Certiorari by June 6, 2024; and

4 **WHEREAS**, on May 13, 2024, Governor Lourdes A. Leon Guerrero filed a
5 Motion to Extend the filing deadline by thirty (30) days to July 8, 2024; and on May
6 14, 2024, SCOTUS granted such request for all Respondents; now therefore, be it

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

11 **RESOLVED**, that the Chairperson of the Committee on Rules of *I Mina'trentai*
12 *Siette na Liheslaturan Guåhan* is authorized to expend no more than Thirty-five
13 Thousand Dollars (\$35,000) for legal fees in this matter from *I Liheslaturan Guåhan*'s
14 Central Operations Fund; and in addition to the sums for the legal fees stated herein, *I*
15 *Liheslaturan Guåhan* further agrees to pay all costs and required publication expenses;
16 and be it further

17 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette na*
18 *Liheslaturan Guåhan* does hereby authorize the Legislative Counsel, or other retained
19 counsel, to file *I Liheslaturan Guåhan*'s Response as directed by SCOTUS to the
20 Petition for Writ of Certiorari; and be it further

21 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
22 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
23 the same be thereafter transmitted to all the members of *I Mina'trentai Siette na*
24 *Liheslaturan Guåhan*; to Mr. Joseph R. San Agustin, Executive Director of *I*

- 1 *Liheslaturan Guáhan*; and to Ms. Agnes Cruz, Chief Fiscal Officer of *I Liheslaturan*
- 2 *Guáhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN ON THE 20TH DAY
OF MAY 2024.**



THERESE M. TERLAJE
Speaker



CHRIS BARNETT
Chairperson, Committee on Rules



AMANDA L. 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. 408-37 (COR) - 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 response to the Attorney General of Guam's petition for a Writ of Certiorari as requested by the Supreme Court of United States."

	INITIAL	DATE	TO ADOPT	TO NOT ADOPT	TO ABSTAIN
Senator Chris Barnett Chairperson	VOTE	5/20/24	✓		
Senator Sabina Flores Perez Vice Chairperson	VOTE	5/20/24	✓		
Speaker Therese M. Terlaje Member	VOTE	5/20/24	✓		
Vice Speaker Tina Rose Muña Barnes Member					
Legislative Secretary Amanda L. Shelton Member					
Senator William A. Parkinson Member					
Senator Roy A. B. Quinata Member	VOTE	5/20/24	✓		
Senator Joe S. San Agustin Member	VOTE	5/20/24	✓		
Senator Dwayne T. D. San Nicolas Member	VOTE	5/20/24	✓		
Senator Joanne M. Brown Minority Member					
Senator Christopher M. Dueñas Minority Member	VOTE	5/20/24	✓		
Senator Thomas J. Fisher Minority Member					
Senator Telo T. Taitague Minority Member	VOTE	5/20/24	✓		
For Sponsor's Office Use Only					
Sponsor Signature: <i>DUB</i>					
Staff Contact Person: <i>Kamarin Nelson</i>					
For COR/Clerk's Office Use Only					
<input checked="" type="checkbox"/> 8 Certified <input type="checkbox"/> Returned					
Name: Joaquin 'Quin' P. Taitague					
Date: May 20, 2024					
Notes:					