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<th>Resolution No.</th>
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<th>Title</th>
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<th>Committee / Ofc Referred</th>
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| 358-32 (LS)   | 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. | | | | 4/15/2014 |
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

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 Mina’Trentai Dos Na 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
April 16, 2014

The Honorable Edward J.B. Calvo
I Mina'Trentai Dos Na Lihesluran Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

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 Lihesluran 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 Lihesluran Guåhan on April 15, 2014.

Sincerely,

JUDITH T. WON PAT, Ed.D.
Speaker

ATTESTED:

TINA ROSE MUNA BARNES
Legislative Secretary
April 16, 2014

Hannah Arroyo
Clerk of the Supreme Court of Guam
Supreme Court of Guam
Guam Judicial Center, 3rd Fl.
120 W. O’Brien Dr. Hagåtña,
GU 96910-5174

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 Mina’Trentai Dos Na 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
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.

BE IT RESOLVED BY I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN:

WHEREAS, § 4104 of Chapter 4, Article 1 of Title 7, Guam Code Annotated, authorizes I Liheslaturan Guåhan to request for a declaratory judgment from the Supreme Court of Guam as to the interpretation of any law, federal or
local, lying within the jurisdiction of the courts of Guam to decide, and upon any question affecting the powers and duties of \textit{I Liheslaturan Guåhan}, where it is a matter of great public interest and the normal process of law would cause undue delay; specifically, § 4104 provides, \textit{"I Maga’lahi and I Liheslatura May Request Declaratory Judgment. I Maga’lahen Guåhan, in writing, or I Liheslaturan Guåhan, by resolution, may request declaratory judgments from the Supreme Court of Guam as to the interpretation of any law, federal or local, lying within the jurisdiction of the courts of Guam to decide, and upon any question affecting the powers and duties of I Maga’lahi and the operation of the Executive Branch, or I Liheslaturan Guåhan, respectively. The declaratory judgments may be issued only where it is a matter of great public interest and the normal process of law would cause undue delay. Such declaratory judgments shall not be available to private parties. The Supreme Court of Guam shall, pursuant to its rules and procedures, permit interested parties to be heard on the questions presented and shall render its written judgment thereon"}; and

\textbf{WHEREAS}, Article 4 of Chapter 16, Title 3, Guam Code Annotated, provides the mechanism for allowing \textit{I Liheslaturan Guåhan} to submit measures to the people of Guam for a vote; and

\textbf{WHEREAS}, 3 GCA § 16401 states, \textit{"No measure shall be submitted to the voters by I Liheslaturan Guåhan unless it shall have been adopted by a majority of the affirmative votes of all of the Members"}; and

\textbf{WHEREAS}, on or about February 1, 2014, a majority of the Members of \textit{I Liheslaturan Guåhan} voted to adopt Substitute Bill No. 215-32 (COR), which directed the Guam Election Commission to place a specific question before the people of Guam; and
WHEREAS, upon adoption, Substitute Bill No. 215-32 (COR) was transmitted to the Guam Election Commission; and

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

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

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

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

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

WHEREAS, I Liheslaturan Guåhan finds that the Guam Election Commission has clearly indicated that it will not carry out its ministerial duty to place the question presented in Public Law 32-134 on the November 2014 General Election Ballot; and
WHEREAS, I Liheslaturan Guåhan finds that the powers and duties of I Liheslaturan Guåhan are of great public interest; and

WHEREAS, the normal process of law would cause undue delay and I Liheslaturan Guåhan seeks this special judicial determination of 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; now therefore, be it

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

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

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

RESOLVED, that I Mina’Trentai Dos Na Liheslaturan Guåhan authorizes and directs the Speaker to pursue a Declaratory Judgment, on behalf of I Liheslatura, and authorizes the Speaker to do all things necessary in furtherance of
this request for a Declaratory Judgment, including contracting with counsel to pursue this matter; and be it further

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

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

JUDITH T. WON PAT, Ed.D. Speaker

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

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CERTIFIED TRUE AND CORRECT:

[Signature]

Clerk of the Legislature

I = Pass