

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
54-37 (COR)	Committee on Rules	RELATIVE TO AUTHORIZING THE LEGISLATIVE COUNSEL OR OTHER RETAINED COUNSEL, TO FILE AN <i>AMICUS CURIAE</i> BRIEF BEFORE THE SUPREME COURT OF GUAM AFFIRMING THE GUAM LEGISLATURE'S POSITION RELATIVE TO ITS AUTHORITY TO ENACT LEGISLATION.	3/9/23 5:07 p.m.		3/16/23					Adopted in the Committee on Rules Meeting 3/16/23.

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Resolution No. 54-37 (COR)

Introduced by:

Committee on Rules

RELATIVE TO AUTHORIZING THE LEGISLATIVE COUNSEL OR OTHER RETAINED COUNSEL, TO FILE AN *AMICUS CURIAE* BRIEF BEFORE THE SUPREME COURT OF GUAM AFFIRMING THE GUAM LEGISLATURE'S POSITION RELATIVE TO ITS AUTHORITY TO ENACT LEGISLATION.

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

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

8 **WHEREAS**, Governor Leon Guerrero posed the following questions 1) whether
9 Public Law 20-134 is void forever, such that it cannot be revived following the reversal
10 of *Roe v. Wade*; 2) whether the Organic Act of Guam, as it existed in 1990, authorized
11 the Guam Legislature to pass an unconstitutional law, or the Guam Legislature acted
12 *ultra vires* in passing Public Law 20-134; and 3) To the extent Public Law 20-134 is
13 not void or otherwise unenforceable, has it been repealed by implication through
14 subsequent changes in Guam law?; and

15 **WHEREAS**, on February 18, 2023, the Supreme Court of Guam issued an Order
16 stating the questions raised by Governor Leon Guerrero concern the power of the

1 Legislature and when it may legislate. See, Order, at page 3, *In Re: Request of Lourdes*
2 *A. Leon Guerrero, I Maga'hågan Guåhan, Relative to the Validity and Enforceability*
3 *of Public Law No. 20-134*, (Supreme Court Case No. CRQ23-001-February 18, 2023);
4 and

5 **WHEREAS**, the Guam Supreme Court declined to answer Governor Leon
6 Guerrero's first question stating that the Attorney General has moved to seek the
7 dissolution of the permanent injunction issued by the District Court of Guam and the
8 District Court would provide an answer to the Governor's first question; and

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

14 **WHEREAS**, on March 8, 2023, the Supreme Court extended the time for *I*
15 *Liheslatura* to file its brief to March 31, 2023; and

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

20 **WHEREAS**, responding to such litigation exceeds the scope of *I Liheslaturan*
21 *Guåhan's* existing contract with Legislative Counsel for legal services; and

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

24 **WHEREAS**, the Committee on Rules of *I Mina'trentai Siette na Liheslaturan*
25 *Guåhan* does hereby, on behalf of *I Liheslaturan Guåhan* intends to file its brief in
26 response to Governor Leon Guerrero's second question, specifically, "whether the
27 Organic Act of Guam, as it existed in 1990, authorized the Guam Legislature to pass an

1 unconstitutional law, or the Guam Legislature acted *ultra vires* in passing Public Law
2 20-134”; now therefore, be it

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

7 **RESOLVED**, that at least forty-eight (48) hours before the brief is due to be filed
8 in the Guam Supreme Court, retained legal counsel shall submit a draft of the brief
9 prepared on behalf of *I Liheslaturan Guåhan* to the members of the Committee on Rules
10 for review and approval by the Chair of the Committee on Rules of *I Mina'trentai Siette*
11 *na Liheslaturan Guåhan*; and be it further

12 **RESOLVED**, the Committee on Rules, through its Chair, shall communicate its
13 approval or recommended changes to legal counsel at least twenty-four (24) hours prior
14 to the date the brief is due to ensure legal counsel is able to meet the Guam Supreme
15 Court’s filing deadline; and be it further

16 **RESOLVED**, that the sum of no more than Twelve Thousand Five Hundred
17 Dollars (\$12,500.00) may be expended from *I Liheslaturan Guåhan*’s Central
18 Operations Fund for this matter. Any expenditure greater than Twelve Thousand Five
19 Hundred Dollars (\$12,500.00) shall require the approval of the Committee on Rules by
20 Resolution; and be it further

21 **RESOLVED**, the Committee on Rules of *I Mina'trentai Siette na Liheslaturan*
22 *Guåhan* does hereby, authorize the Legislative Legal Counsel, or other retained counsel,
23 to file an amicus or respondent’s brief in response to question two (2) and any related
24 filing before the Supreme Court of Guam affirming the Guam Legislature’s position
25 relative to its authority to enact legislation; and be it further

26 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
27 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, Acting 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 16TH DAY
OF MARCH 2023.**



THERESE M. TERLAJE
Speaker



CHRIS BARNETT
Chairperson, Committee on Rules



CHRIS BARNETT
Acting Legislative Secretary