I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

2020 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 215-35 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **Guam Congress Building** **October 19, 2020**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telena Cruz NELSON						✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	14					1
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 215-35 (COR)
As amended by the Committee on General
Government Operations, Appropriations, and Housing;
and further amended on the Floor.

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Introduced by: Telo T. Taitague
Louise B. Muña
Kelly Marsh (Taitano), PhD
William M. Castro
Therese M. Terlaje
James C. Moylan
Joe S. San Agustin
Sabina Flores Perez
Clynton E. Ridgell

AN ACT TO *AMEND* § 6301(b) OF ARTICLE 3, CHAPTER 6, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MAXIMUM LIMITS OF GOVERNMENTAL LIABILITY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the "Medical Malpractice Reform Act of 1975" was enacted by Public Law 13-116 on December 24, 1975, which limited claims against the government of Guam to Thirty-five Thousand Dollars ($35,000) in an action for wrongful death, and not more than One Hundred Thousand Dollars ($100,000) in any other tort action. The Government Claims Act was later repealed and re-enacted by the Seventeenth (17th) Guam Legislature through Public Law 17-29 on November 9, 1983. Public Law 17-29 increased the limits on claims against the government of Guam by sixty-five

percent (65%) or One Hundred Thousand Dollars ($100,000) in an action for wrongful death, and by sixty-seven percent (67%) or Three Hundred Thousand Dollars ($300,000) in any other tort action. Historically, "The tort limitations [were] raised to take into account inflation, increased court awards and the needs of the victims of the torts." 5 GCA § 6301, Comment GC § 6500.13.

I Liheslatura also finds that the current limits of governmental liability have not been adjusted for nearly forty (40) years and the limits fail to adequately recognize that the cost of health insurance, legal defense and court fees, and other goods and services have continued to increase.

Consistent with the actions of its predecessors, it is, therefore, the intent of *I Liheslaturan Guåhan* to account for inflation and increase the current limits on claims against the government of Guam to Two Hundred Thousand Dollars ($200,000) for wrongful death, and Five Hundred Thousand Dollars ($500,000) in any other tort action.

Section 2. § 6301(b) of Article 3, Chapter 6, Division 1, Title 5, Guam Code Annotated, is *amended* to read:

> "(b) The government of Guam, in the case of line agencies, shall be liable in tort for not more than Two Hundred Thousand Dollars ($200,000) in an action for wrongful death, nor for more than Five Hundred Thousand Dollars ($500,000) in any other tort action."

Section 3. Effective Date. This Act shall be effective upon enactment, and the provisions of this Act shall be given retroactive application to any claim which has accrued, is pending, or on appeal at the time of enactment which is not otherwise time barred by the applicable statute of limitations.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without

the invalid provision or application, and to this end the provisions of this Act are severable.