clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, December 4, 2020 3:20 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: OoG-Override of Bill 215-35 (COR), now as Public Law 35-111.pdf; OoG-Override of Bill 167-35 (COR), now Public Law 35-110.pdf

12/04/20	2:55 PM	12/04/20	Override of Bill No. 167-35 (COR), now known as Public Law No. 35-110.	Office of the Governor of Guam	35GL-20-2482
12/04/20	2:55 PM	12/04/20	Override of Bill No. 215-35 (COR), now known as Public Law. 35-111.	Office of the Governor of Guam	35GL-20-2483

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

December 4, 2020

35GL-20-2483
Speaker Tina Rose Muña Barnes

DEC 0 4 2020
Time 2:55 ( )AM (•)PM
Received By: alos

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: OVERRIDE of Bill No. 215-35 (COR) *nka* Public Law No. 35-111 – *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*

Dear Madame Speaker:

Enclosed is Bill No. 215-35 (COR) – 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 which is ***now known as Public Law No. 35-111***.

Senseremente,

SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Override of Bill No. 215-35 (COR) *nka* P.L. No. 35-111

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 215-35 (COR), "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,"** was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 1st day of December 2020, to pass said bill notwithstanding the veto of *I Maga'hågan Guåhan* by a vote of fourteen (14) members.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:35 o'clock P.m.

Assistant Staff Officer
Maga'hågan's Office

Public Law No. 35-111

Jessica Cruz
RCVD AT CENTRAL FILES
DEC 1 '20 PM4:35
2020-12249

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.

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
Régine Biscoe Lee
Tina Rose Muña Barnes
Telena Cruz Nelson
Amanda L. Shelton
Jose "Pedo" Terlaje
Mary Camacho Torres

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.