

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 200-35 (COR) As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and substituted and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 4, 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 Telen 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:	13				2	2
	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. 200-35 (COR)

As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and substituted and further amended on the Floor.

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Introduced by:

Régine Biscoe Lee
Mary Camacho Torres
Tina Rose Muña Barnes

AN ACT TO AMEND §§ 9107(b), 9109(c)(20), 9110(a) AND (e), AND 9115(m); AND TO ADD NEW §§ 9146 AND 9108(e), ALL OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO UPDATING GUAM'S THIRTY (30)-YEAR OLD RATES FOR WORKER'S COMPENSATION AND AUTHORIZING ALTERNATIVE MEDICAL FACILITIES FOR INJURED EMPLOYEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. Worker's compensation programs are a product of the late 1800s and early 1900s. They are built on the principle that society benefits when workers injured on the job have access to benefits of medical treatment and financial compensation without regard to fault, while employers, in exchange, receive liability protection in the form of elimination of negligence cause of actions that would otherwise be brought against them in costly court cases. *I Liheslaturan Guåhan* finds that this protection for both workers and employers remains good public policy because it provides a certain extent of stability and predictability when dealing with the unfortunate reality that workplace injuries

1 do occur; however, for this principle to be purposeful, the compensation afforded
2 must be meaningful.

3 *I Liheslaturan Guåhan* finds that while the latest update to weekly
4 compensation rates across the fifty (50) states was made three (3) *years* ago, in 2016,
5 Guam’s last rate adjustment occurred more than three (3) *decades* ago, in 1989.
6 Then-Senator Elizabeth P. Arriola’s Bill No. 97 in the Nineteenth (19th) Guam
7 Legislature, enacted as Public Law 19-35 on December 30, 1988, amended certain
8 sections of the Government Code relative to worker’s compensation, and the
9 relevant provisions of this public law became effective in 1989. The minimum and
10 maximum weekly compensation rates were set between one hundred fifty dollars
11 (\$150) and two hundred fifty dollars (\$250); and, the maximum compensation for
12 serious disfigurement was set at ten thousand dollars (\$10,000). In cases where an
13 injury resulted in death, the maximum award for funeral expenses was set at three
14 thousand six hundred dollars (\$3,600); and, in computing death benefits for the
15 individual’s family, the average weekly wages of the deceased was limited to the
16 range of two hundred twenty-five dollars (\$225) to three hundred seventy-five
17 dollars (\$375). And, if a worker’s injury resulted in temporary injury, permanent
18 injury, or death, the total amount of benefits an individual or his or her survivors
19 could receive was capped at one hundred thousand dollars (\$100,000).

20 It is, therefore, the intent of *I Liheslaturan Guåhan* to breathe meaning back
21 into the purpose of the workers’ compensation program by updating compensation
22 rates and the corresponding lifetime maximum payout, for injury, disfigurement, and
23 death benefits based on a reasonable measure of standard inflation.

24 **Section 2.** § 9107(b) of Chapter 9, Title 22, Guam Code Annotated, is
25 hereby *amended* to read:

26 “(b)(1) Compensation for disability *shall not* exceed Five
27 Hundred Twenty Dollars (\$520) per week on the effective date of this Act,

1 which *shall* increase to One Thousand Eleven Dollars (\$1,011) per week
2 effective October 1, 2021.

3 (2) If the employee’s average weekly wages, as computed under §
4 9111, are less than the amount equivalent to sixty-six and two-thirds (66-2/3)
5 per centum of the prevailing minimum wage per week, he or she *shall* receive
6 as compensation for permanent total disability not less than the amount
7 equivalent to sixty-six and two-thirds (66-2/3) per centum of the prevailing
8 minimum wage per week.

9 (3) The Bureau of Budget and Management Research (BBMR) *shall*
10 transmit to *I Liheslaturan Guåhan* a fiscal note relative to each of the rate
11 increases pursuant to Subsection (b)(1) of this Section, which *shall* indicate
12 the effect upon the revenues or the expenditure of any funds of the government
13 of Guam. Such fiscal notes *shall* be transmitted to *I Liheslaturan Guåhan*
14 within six (6) months of the effective date of each rate increase.”

15 **Section 3.** § 9109(c)(20) of Chapter 9, Title 22, Guam Code Annotated, is
16 *amended* to read:

17 “(20) Disfigurement. The Commissioner *shall* award proper and
18 equitable compensation for serious, permanent disfigurement of the face,
19 head, or other parts of the body that are customarily visible in the course of
20 employment, not to exceed Twenty-five Thousand Dollars (\$25,000).”

21 **Section 4.** § 9110(a) and (e) of Chapter 9, Title 22, Guam Code Annotated,
22 *are amended* to read:

23 “(a) Reasonable funeral expenses not exceeding Seven Thousand
24 Four Hundred Thirty-five Dollars (\$7,435).”

25 “(e) In computing death benefits, the average weekly wages of the
26 deceased *shall* be considered to have been not more than Seven Hundred

1 Seventy-five Dollars (\$775) per week nor less than Four Hundred Sixty-five
2 Dollars (\$465) per week.”

3 **Section 5.** § 9115(m) of Chapter 9, Title 22, Guam Code Annotated, is
4 *amended* to read:

5 “(m) The total compensation, excluding medical services and
6 supplies, payable under this Title for any injury or death shall in no event
7 exceed the sum of Two Hundred Six Thousand Five Hundred Seventy Dollars
8 (\$206,570). In cases of disability compensable under § 9109(c)(21), the total
9 compensation for such disability, and for any temporary partial disability
10 sustained in addition therein, *shall not* exceed in the aggregate the sum of Two
11 Hundred Six Thousand Five Hundred Seventy Dollars (\$206,570).”

12 **Section 6.** A new § 9146 is hereby *added* to Chapter 9 of Title 22, Guam
13 Code Annotated, to read:

14 **“§ 9146. Automatic Adjustments to Rates.**

15 Rates and amounts in §§ 9107(b)(1), 9109(c)(20), 9110(a), 9110(e),
16 and 9115(m) of this Chapter *shall* automatically adjust to amounts equivalent
17 to the per centum change in any increase to the minimum wage.”

18 **Section 7.** A new § 9108(e) is hereby *added* to Chapter 9 of Title 22, Guam
19 Code Annotated, to read:

20 “(e) When an employee of the government of Guam suffers an injury
21 as defined in § 9103(m) of this Chapter, his or her department head or other
22 supervisor *shall* send him or her to the emergency room or an urgent care
23 facility at the Guam Memorial Hospital, or any private hospital operating in
24 Guam, for such examination and treatment as are made necessary by such
25 injury, and *shall* furnish to the hospital such information or certification as the
26 hospital requires.”

1 **Section 8. Effective Date.** This Act *shall* apply to claims filed one hundred
2 twenty (120) days after enactment.

3 **Section 9. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
5 *not* affect other provisions or applications of this Act that can be given effect without
6 the invalid provision or application, and to this end the provisions of this Act are
7 severable.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
FLOOR AMENDMENT

SBill No. 200-35 (COR)

RBL
Senator Proposing Amendment

LINES 25-26 PAGE 2

To amend the Bill to read:

“**Section 2.** § 9107(b) of Chapter 9, Title 22, Guam Code Annotated, is hereby amended to read:

“(2) If the employee’s average weekly wages, as computed under § 9111, are less than ~~One Hundred Fifty Dollars (\$150.00)~~ the amount equivalent to twenty (20) hours times sixty-six and two-thirds (66-2/3) per centum of the prevailing minimum wage (20 hours x 66.75% x Minimum Wage), per week, he or she shall receive as compensation for permanent total disability not less than ~~One Hundred Fifty Dollars (\$150.00)~~ the amount equivalent to twenty (20) hours times sixty-six and two-thirds (66-2/3) per centum of the prevailing minimum wage (20 hours x 66.75% x Minimum Wage), per week.”

(Below only for Clerk of Legislature's use and processing)

Date: 2/4/20 Floor Amendment No. 6
AMENDMENT PASSED: Votes For: 11 Votes Against: 2 Failed: _____ Withdrawn: _____
APPROVED AS TO FORM PASSED: RBL. Concur (initial): 2

Engrossment Staff AUTHOR OF AMENDMENT Clerk of Legislature