I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

2020 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Vetoed Bill No. 215-35 (COR) Notwithstanding the veto of *I Maga'hågan Guåhan*, should the Bill be overridden?	**Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 1, 2020**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓	I				
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓	I				
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	✓	I				

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
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
215-35 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor	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.	10/7/19 8:43 a.m.	11/20/19	Committee on General Government Operations, Appropriations, and Housing	8/7/20 9:00 a.m.	10/12/20 10:31 a.m. As amended by the Committee on General Government Operations, Appropriations, and Housing	10/17/19	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED	NOTES
10/12/20	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.	10/19/20	10/19/20	10/30/20	10/30/20	Received: 10/30/20 Mess and Comm. Doc. No. 35GL-20-2399.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

October 30, 2020

35GL-20-2399
Speaker Tina Rose Muña Barnes

OCT 30 2020
Time 6:41 (pm)
Received By:

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **(VETOED) 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**

Dear Madame Speaker:

Bill No. 215-35 seeks to increase the recovery cap on the government's liability for tort claims, a 100% increase on the limits on wrongful death damages, and a 67% increase on the limits in any other tort action. Since the last adjustment to this cap in 1983, our government has broadened the regulatory and service activities it has made available to the public. While protecting our citizens and providing avenues to recovery for legitimate claims is important, it is vital to our continued ability to provide these important services that reasonable limitations on liability continue to apply, particularly with regard to health care services provided during the COVID-19 pandemic. Unless substantial funding is made available to support Bill No. 215-35, an increase of potential liability of hundreds of thousands of dollars, would gravely disrupt our government's ability to provide important services and threaten the continued viability of critical programs. For these reasons, I must veto this bill.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure: VETOED Bill No. 215-35 (COR)

cc via email: *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 on the 19th day of October 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 19th day of October, 2020, at 5:37 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:_____

Public Law No._____

2020-11978
Jessica Cruz

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.