

*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	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				



COPY

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
Thirty-Fifth Guam Legislature

RCVD AT CENTRAL FILE  
OCT 19 '20 PM 5:37

October 19, 2020

Jessica Cruz

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 2-35 (LS), 151-35 (COR), 165-35 (COR), 167-35 (COR), 215-35 (COR), 287-35 (COR), 298-35 (COR), 306-35 (COR), 369-35 (COR), 372-35 (COR), and 378-35 (LS); and Substitute Bill Nos. 90-35 (COR), and 360-35 (COR)**, which were passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on October 19, 2020.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

Enclosure (13)



***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 19<sup>th</sup> day of October 2020, duly and regularly passed.



**Tina Rose Muña Barnes**  
**Speaker**

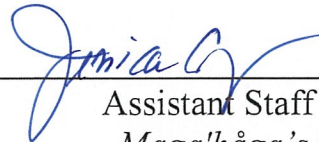
Attested:



**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 19<sup>th</sup> day of October, 2020, at 5:36 o'clock P.M.



**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***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  
Telen Cruz Nelson  
Amanda L. Shelton  
Jose “Pedro” 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

1 more than One Hundred Thousand Dollars (\$100,000) in any other tort action. The  
2 Government Claims Act was later repealed and re-enacted by the Seventeenth (17<sup>th</sup>)  
3 Guam Legislature through Public Law 17-29 on November 9, 1983. Public Law 17-  
4 29 increased the limits on claims against the government of Guam by sixty-five  
5 percent (65%) or One Hundred Thousand Dollars (\$100,000) in an action for  
6 wrongful death, and by sixty-seven percent (67%) or Three Hundred Thousand  
7 Dollars (\$300,000) in any other tort action. Historically, "The tort limitations [were]  
8 raised to take into account inflation, increased court awards and the needs of the  
9 victims of the torts." 5 GCA § 6301, Comment GC § 6500.13.

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

14 Consistent with the actions of its predecessors, it is, therefore, the intent of *I*  
15 *Liheslaturan Guåhan* to account for inflation and increase the current limits on  
16 claims against the government of Guam to Two Hundred Thousand Dollars  
17 (\$200,000) for wrongful death, and Five Hundred Thousand Dollars (\$500,000) in  
18 any other tort action.

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

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

25 **Section 3. Effective Date.** This Act shall be effective upon enactment, and  
26 the provisions of this Act shall be given retroactive application to any claim which

1 has accrued, is pending, or on appeal at the time of enactment which is not otherwise  
2 time barred by the applicable statute of limitations.

3       **Section 4. 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.