

*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
<b>215-35 (COR)</b>	Telo T. Taitague Louise B. Muña Kelly Marsh (Taitano), PhD William M. Castro	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.					10/17/19	

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telen Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
**35<sup>TH</sup> GUAM LEGISLATURE**

October 17, 2019

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Senator Régine Biscoe Lee  
Chair, Committee on Rules

**Re:** Fiscal Notes

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*Buenas yan Håfa adai.*

Attached, please find the fiscal notes for the following bills:

**Bill No. 137-35 (COR)**  
**Bill No. 200-35 (COR)**  
**Bill No. 215-35 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research  
Fiscal Note of 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.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of the Attorney General	Dept./Agency Head: Leevin Taitano Camacho, Attorney General of Guam
Department's General Fund (GF) appropriation(s) to date:	15,015,134
Department's Other Fund (Specify) appropriation(s) to date:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$15,015,134</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund	Total:
FY 2019 Unreserved Fund Balance		\$0	\$0
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2020 Appro. (P.L. 35-36)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes /X/ No  
If no, what is the additional amount required? /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No  
/X/ Requested agency comments not received by due date Office of the Attorney General / / Other:

Analyst: <u>Raymond R. Rieta</u> Raymond Rieta, BMA II	Date: <u>10/16/19</u>	Director: <u>Lester L. Carson, Jr.</u> Lester L. Carson, Jr., Director	Date: <b>OCT 17 2019</b>
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Footnotes: 1/ See attached comments.

**Bureau of Budget & Management Research**  
**Comments on Bill No. 215-35 (COR)**

Bill No. 215-35 amends the tort liabilities for government of Guam line agencies from not more than \$100,000 to \$200,000 in an action for wrongful death, and from \$300,000 to \$500,000 in any other tort action. The legislative intent of raising these limitations is to account for inflation, increased court awards and the needs of the victims of the torts. In accordance with 5 GCA, Chapter 6, Article 4 § 6402 in reference to the Government Claims Fund, "in the event funds are insufficient to fully pay a claim, the claim shall be paid pro rata until the total claim is paid in full". Utilizing 5-years of the Government Claims Fund Expenditure data from FY2015 - FY2019, FY2016 is the only year where the full appropriation was expended (reference table below). It should be noted that P.L. 35-36 appropriates \$250,000 to the Government Claims Fund in FY20.

If enacted, the Bill may potentially increase the financial obligation to the Government Claims Fund via the proposed 100% increase in tort liabilities for wrongful death and the proposed 67% increase in tort liabilities for any other tort action. Any charges obligated to the Government Claims Fund are dependent on such claims being adjudicated and awarded. Absent additional information from the Attorney General's Office regarding pending cases to be adjudicated for such claims, the Bureau is unable to determine an approximate financial impact at this time.

**Government Claims Fund**

<b>Year</b>	<b>Appropriation</b>	<b>Expenditures</b>	<b>Percentage Spent</b>
<b>2015</b>	\$212,500	\$73,586	34.63%
<b>2016</b>	\$200,000	\$200,000	100.00%
<b>2017</b>	\$250,000	\$164,709	65.88%
<b>2018</b>	\$250,000	\$216,068	86.43%
<b>2019</b>	\$250,000	\$104,514	41.81%
Average			<b>65.75%</b>