

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
366-35 (LS) As substituted; and amended on the Floor	Jose "Pedro" Terlaje Tina Rose Muña Barnes	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> § 4301(a) AND §4302(c)(2), BOTH OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED TO ALLOW CHOICE FOR SUBSCRIBERS THAT PARTICIPATE IN THE GOVERNMENT OF GUAM HEALTH INSURANCE CONTRACT.	6/8/20 2:59 p.m.			6/8/20 Waiver of Public Hearing Requirement			
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	6/1/20	AN ACT TO <i>AMEND</i> §§ 4301(a) AND 4302(c)(9) OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHOICE FOR SUBSCRIBERS THAT PARTICIPATE IN THE GOVERNMENT OF GUAM HEALTH INSURANCE CONTRACT.	6/15/20	6/15/20	6/26/20	35-92	6/26/20	Received: 6/26/20 Mess and Comm. Doc. No. 35GL-20-1928.	

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

June 26, 2020

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

35GL-20-1928
Speaker Tina Rose Muña Barnes

JUN 26 2020

Time 6:34 () AM (X) PM

Received By: Matt

Re: Substitute Bill No. 366-35 (LS) – An Act to Amend §§ 4301(a) and 4302(c)(9) of Article 3, Chapter 4, Title 4, Guam Code Annotated, Relative to Allowing Choice for Subscribers that Participate in the Government of Guam Health Insurance Contract

Dear Madame Speaker:

I am signing Substitute Bill 366-35 (LS) into law because I believe healthcare is a human right, and essential to that right is the ability to choose one's own physician. While this measure provides healthcare choice to GovGuam employees, thousands of our private sector citizens go without the security of a health insurance plan they can trust. If the COVID-19 crisis has taught the world anything, it is that we are only as healthy as our neighbor. For this reason, each of us must responsibly work toward the goal of guaranteeing quality healthcare for every person on Guam. As we pursue this worthwhile goal, our desire to improve healthcare for GovGuam employees must be balanced with our obligation to do right by Guam's tax payers. Doing this means that government employees who wish to choose among health insurance carriers pay for the ability to do so.

For this reason, I am glad that the Legislature made a meaningful attempt at including this principal within the language of the measure I now sign into law.

While some government employees may voluntarily pay more for the right to choose, we must also acknowledge that the cost to government may increase. By passing this measure, the Legislature is acknowledging and ensuring that it will appropriate additional dollars where necessary effective contract year 2022.

To: Speaker Tina Rose Muña Barnes
Fr: Governor of Guam
Date: June 26, 2020
Re: Bill No. 366-35 (LS) nka Public Law 35-92

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Though I maintain some concerns regarding our ability to implement the Legislature's language as drafted, we will work as cooperatively as possible to do so. On behalf of our hardworking GovGuam employees, retirees, their families, and dependents, I greatly appreciate your effort.

Substitute Bill 366-35 (LS) is now *Public Law 35-92*.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Substitute Bill No. 366-35 (LS) *nka Public Law 35-92*

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

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 **Substitute Bill No. 366-35 (LS), "AN ACT TO AMEND §§ 4301(a) AND 4302(c)(9) OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHOICE FOR SUBSCRIBERS THAT PARTICIPATE IN THE GOVERNMENT OF GUAM HEALTH INSURANCE CONTRACT,"** was on the 15th day of June 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 15th day of June,
2020, at 5:01 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/26/2020

Public Law No. 35-92

2020-11023
ROUTED AT CENTRAL FILES
JUN 15 '20 PM 5:01

Elaine Tajalle

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

Bill No. 366-35 (LS)

As substituted; and amended on the Floor.

Introduced by:

Jose "Pedo" Terlaje
Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *AMEND* §§ 4301(a) AND 4302(c)(9) OF
ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO ALLOWING CHOICE
FOR SUBSCRIBERS THAT PARTICIPATE IN THE
GOVERNMENT OF GUAM HEALTH INSURANCE
CONTRACT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 4301(a) of Article 3, Chapter 4, Title 4, Guam Code Annotated,
is hereby *amended* to read:

“(a) *I Maga'håga* (the Governor) is authorized to enter contracts and
reject proposals, with the written concurrence of the Speaker of *I Liheslaturan*

1 *Guåhan* (the Guam Legislature) or the Chief Justice of the Supreme Court of
2 Guam whose consents may be withheld in their sole discretion, with insurance
3 companies, authorized to do business in Guam, for group insurance,
4 including, but not limited to, hospitalization, medical care, life, and accident,
5 for all employees or separate groups of employees, and foster children, of the
6 government of Guam. If the Legislative or Judicial Branches of government
7 elect to enter into separate contracts for their employees as authorized in §
8 4301(c), *I Maga'håga* shall obtain the written concurrence of the Branch
9 electing to remain with the Executive Branch on or before March 1 of each
10 year. Notwithstanding any authority granted in each entity's enabling
11 legislation to procure separate health insurance coverage, all entities in the
12 Executive Branch, including autonomous and semi-autonomous agencies,
13 public corporations and authorities, shall participate in the Government of
14 Guam Group Health Insurance Program. The government shall not be
15 construed as an agent of any insurance company in negotiating or
16 administering this group insurance program. Health benefits provided under
17 this authority may be self-funded and administered by a third party if it is
18 determined to be cost-effective. DOA shall hire an independent auditing firm
19 to verify the participating contract refunds/no refunds reported by the carriers.
20 Such verification shall include validating claims reported by insurance
21 carriers.”

22 **Section 2.** § 4302(c)(9) of Article 3, Chapter 4, Title 4, Guam Code
23 Annotated, is hereby *amended* to read:

24 “(9) The Negotiating Team upon selection and review of the best
25 available proposal by participating healthcare respondent(s)/provider(s),
26 which reflect the most economical and beneficial healthcare insurance
27 proposal plans for government of Guam employees and retirees, and foster

1 children, shall forward the three (3) highest ranking qualified proposals to *I*
2 *Maga'hågan Guåhan* for consideration and selection of the most economical
3 and beneficial health insurance plan, and transmit to *I Liheslaturan Guåhan*
4 for its review no later than July 31, and prior to the annual legislative sessions
5 wherein the upcoming fiscal year budget for the government of Guam is
6 before *I Liheslaturan Guåhan* for consideration. Notwithstanding any other
7 provision of law, rule, or regulation, of the remaining qualifying plans, the
8 employee or retiree may choose one (1) of the remaining qualified plans, and
9 any difference in premiums shall be paid by the employee or retiree at their
10 own cost. Notwithstanding any other provision of law, rule, or regulation, the
11 most economical and beneficial healthcare insurance proposal plan for
12 government of Guam employees and retirees, and foster children, shall be
13 defined as the lowest cost option.”

14 **Section 3. Effective Date.** This Act shall be effective upon enactment, and
15 shall not apply to solicitations, negotiations, or contracts for government of Guam
16 group health insurance for Fiscal Year 2021.

17 **Section 4. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity shall
19 not affect other provisions or applications of this Act that can be given effect without
20 the invalid provision or application, and to this end the provisions of this Act is
21 severable.