


I MINA'TRENTAI SINGKO NA I LIHESLATURAN GUÅHAN
2019 (FIRST) REGULAR SESSION

Bill No. 255-35(COR)

Introduced By:

Jose "Pedo" Terkaje
Tina Rose Muña Barnes



**AN ACT TO REPEAL AND REENACT § 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.**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

4 “(a) ~~*I Maga’lahi-I Maga’Håga*~~ (the Governor) is authorized to enter contracts
5 and reject proposals, with the written concurrence of the Speaker of *I Liheslaturan*
6 *Guåhan* (the Guam Legislature) or the Chief Justice of the Supreme Court of Guam
7 whose consents may be withheld in their sole discretion, with ~~one~~(1) The top (2) ~~or~~
8 ~~more~~ insurance companies, authorized to do business in Guam, for group insurance,
9 including, but *not* limited to, hospitalization, medical care, life, and accident, for all
10 employees or separate groups of employees, and foster children, of the government
11 of Guam. If the Legislative or Judicial Branches of government elect to enter into
12 separate contracts for their employees as authorized in § 4301(c), ~~*I Maga’lahi-I*~~

1 Maga'Håga shall obtain the written concurrence of the Branch electing to remain
2 with the Executive Branch before the group insurance contract is entered into or a
3 proposal rejected. The government shall not be construed as an agent of any
4 insurance company in negotiating or administering this group insurance program.
5 Health benefits provided under this authority may be self-funded and administered
6 by a third party if it is determined to be cost-effective. ~~No government funds shall~~
7 ~~be authorized or expended and no contract shall be executed with any healthcare~~
8 ~~respondent/provider for group insurance for all employees or separate groups of~~
9 ~~employees, and foster children, of the government of Guam, whose proposal does~~
10 ~~not represent the most economical and beneficial healthcare insurance proposal plan,~~
11 ~~as defined in § 4302(c)(2) of this Article, as determined by the negotiating team, as~~
12 ~~defined in § 4302(e) of this Article.”~~

13 **Section 2.** Subsection 4302(c)(2) of Article 3, Chapter 4, Title 4, Guam Code
14 Annotated, is hereby *amended* to read:

15 “(2) The negotiating team upon selection and review of the single best
16 available proposals by participating healthcare respondent(s)/provider(s), which
17 reflect ~~shall~~ be the most economical and beneficial healthcare insurance proposal
18 plans for government of Guam employees and retirees, and foster children, shall
19 forward ~~said~~ the best two proposals to ~~I Maga'lahi~~ I Maga' Håga Guåhan for
20 consideration, and to I Liheslaturan Guåhan for ~~its review~~ final approval no later
21 than July 31, and prior to the annual legislative sessions wherein the upcoming fiscal
22 year budget for the government of Guam is before I Liheslaturan Guåhan for
23 consideration. ~~Notwithstanding any other provision of law, rule, or regulation, the~~
24 ~~most economical and beneficial healthcare insurance proposal plan for government~~
25 ~~of Guam employees and retirees, and foster children, shall be defined as the lowest~~
26 ~~cost option of either the exclusive or non-exclusive proposal.~~

1 ~~The negotiating team shall forward only the single most economical and~~
2 ~~beneficial healthcare insurance proposal plan for government of Guam employees~~
3 ~~and retirees, and foster children, to I Maga'låhen Guåhan, and shall not forward~~
4 ~~both an exclusive and a non-exclusive proposal to I Maga'låhen Guåhan."~~

5 **Section 3. Effective Date.** This Act *shall* become effective upon enactment.

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

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