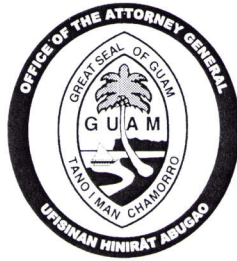


Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

June 20, 2011

ATTORNEY GENERAL OPINION

Ref. DOA 11-0397

TO: Director, Department of Administration

FROM: Attorney General of Guam

SUBJECT: **Legality of Section 2 of P.L. 30-227; Legislative Final Approval of Group Health Care Contract**

On December 30, 2010 Public Law 30-227, the Healthcare Insurance Transparency Act of 2010, became law. The law added subsections (1), (2) and (3) to 4 GCA §4302 (c). Subsection (2) states:

(2) The negotiating team upon selection and review of the best available proposals by participating healthcare respondents/providers which reflect the most economical and beneficial healthcare insurance proposal plan for Government of Guam employees and retirees, shall forward the accepted proposals to *I Maga'lahen Guåhan* for consideration, and to *I Liheslaturan Guåhan* for final approval no later than July 31, and prior to the annual Legislative Sessions wherein the upcoming Fiscal Year Budget for the Government of Guam is before *I Liheslaturan Guåhan* for consideration; ...

In your April 28, 2011 memorandum to the Attorney General, you ask:

1. Based on current language of Section 2, P.L. 30-227, when the accepted proposals are submitted to the Governor for consideration does he still have the authority to reject proposals if final approval is now with the Guam Legislature?
2. Based on the current language of Section 2, P.L. 30-227, if final approval of proposals is now with the Guam Legislature, who will sign the health insurance contract, the Governor of Guam or the Speaker of the Guam Legislature?
3. Are the requirements of section 2, P.L. 30-227 an encroachment of the executive functions of the Governor of Guam?