

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
176-35 (LS)	James C. Moylan	AN ACT TO AMEND CHAPTER 23 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE GOVERNMENT TRAVEL LAW.	7/3/19 2:25 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 17635 (LS)

Introduced by:

James. C. Moylan

**AN ACT TO AMEND CHAPTER 23 OF TITLE 5, GUAM
CODE ANNOTATED, RELATIVE TO MODERNIZING
THE GOVERNMENT TRAVEL LAW.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that travel by government officials and employees in general is vital when it comes to training or pursuing greater opportunities for our island, hence the creation and continuous amendments established over the decades for a *Government Travel Law*. However at the same level with breakthroughs in technology and rising costs associated with travel, stringent policies must be created which mirror those of the private sector, in assuring that government travel is deemed necessary, is justified and is an option on the table when all other options are deemed to be more costly or would not achieve a similar objective.

It is critical to have a policy that does not eliminate travel for needs such as marketing specialists from the Guam Visitor's Bureau, the Guam Economic Development Authority, or the Guam Airport Authority from promoting the island, or training for employees to improve the service climate in the public sector. However, provisions in the present law need to be tightened and holes in the policy plugged from seepage to ensure the government isn't spending more than it should be when it comes to government travel.

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1 Some of the changes being proffered by this legislation include:

2 1. Per Diems should be equal across the board whether the employee is the
3 governor or a rank and file, as the rates per jurisdiction is set by guidelines.
4 Therefore it would be unfair that an official would get more to spend on food
5 during the travel, when that expense is being funded by the taxpayer.

6 2. Employee shall submit their itemized statement of account, inclusive of
7 receipts, thus justifying the per diems provided, as the current law makes it an
8 option. If any employee expends an amount less than their allotted per diem, then
9 the legislation will mandate the return of the funds in a timely manner.

10 3. If an employee spends above their allotted amount, the legislation mandates
11 that a justification and approval be provided before they are reimbursed, which is
12 contrary to the current law.

13 4. The legislation mandates that agencies submit and post “justification
14 statements” to validate the purpose of the travel for officials, employees and board
15 members.

16 5. The legislation mandates that the travel be warranted after all other options
17 for trainings or meetings are exhausted. Such reports shall be posted in the
18 agencies website.

19 6. The legislation eliminates government expending on travel for dependents
20 and limits it for spouses.

21 The legislation further requires the establishing of rules and regulations
22 which would supplement the *Government Travel Law*, by providing provisions on
23 what travel options are justified, what is allowable when it comes overspending or
24 seeking reimbursements when an official hosts a guest, or other processes when it
25 comes to travel. The objective is not to prevent travel in the public sector, but to
26 assure it is within justifiable reasons and costs.

1 **§ 23102. Short Title.**

2 This Chapter may be cited as the *Government Travel Law*.

3 **§ 23103. Persons Authorized to Travel at Government Expense.**

4 The following are authorized to travel at government expense while on official
5 business:

6 (a) Employees;

7 ~~(b) Dependents of employees while traveling incident to recruitment,~~
8 ~~termination, or home leave;~~

9 ~~(be) The spouse of the Governor, of the Speaker of the Legislature, and the~~
10 ~~Chief Justice of the Supreme Court, and spouses of such other employees as may~~
11 ~~be provided by regulation; and~~

12 ~~(cd) Persons rendering service to the government, if approved by the~~
13 ~~Governor, a Government Board or Commission, and the purpose shall be justified~~
14 ~~as a provision in the Rules and Regulations pursuant to § 23109 of this Chapter.~~

15 **§ 23104. Per Diem Allowance.**

16 (a) Prior to departure, the employee *shall* receive an advance per diem
17 allowance equal to the number of days of authorized office travel multiplied by the
18 current per diem allowance rate provided by the Federal government, contained in
19 the Joint Travel Regulations, to its employees for the respective travel destinations
20 when engaged in official business.

21 ~~(1) If the employee is the Governor, Lieutenant Governor, a member~~
22 ~~of the Legislature, a Judge, or a Mayor or Vice Mayor, the rates are One~~
23 ~~Hundred Thirty Percent (130%) of the basic per diem rates;~~

24 ~~(2) If the employee is an Executive Assistant or Special assistant to~~
25 ~~the Governor, director or deputy director of any department, or member of~~
26 ~~the board of directors or commission of any autonomous agency, authority,~~
27 ~~line agency (including the Council of the Arts and Humanities), authority, or~~

1 ~~public corporation, the rates are One Hundred and Twenty five Percent~~
2 ~~(125%) of the basic per diem rates.~~

3 (b) Annually in March, the Governor for the Executive Branch and all
4 autonomous agencies and public corporations, the Chief Justice of the Supreme
5 Court for the Judicial Branch and the Committee on Rules for the Legislative
6 Branch *shall* establish a policy with regard to advance payment for travel expenses.
7 An employee *may* receive an advance allowance for travel expenses.

8 (c) Within ten days following the return from official travel, an employee
9 *shall* may submit an itemized statement of account supported by receipts, an
10 affidavit, or both, of actual expenses incurred for lodging, meals and travel
11 expenses actually incurred on official business during the period of official travel.
12 Failure to submit the statement of account shall result in the employee's
13 suspension from future travel at the expense of the Government. If the advances of
14 the per diem allowance and travel expenses allowance are less than the employee's
15 actual authorized expenses then, if approved by their Department Head, a
16 Government Board or a Commission, they shall be reimbursed for the amount their
17 his actual expenses exceeded the advance allowances. The Governor, Justices of
18 the Superior and Supreme Court and Members of the Guam Legislature shall be
19 exempted from submitting an approved authorization for expenses exceeding their
20 per diem and travel allowances, pursuant to this subsection. The justification on
21 the allowable purposes to exceed the per diem and travel allowances shall be
22 provided pursuant to the Rules and Regulations established in § 23109 of this
23 Chapter.

24 ~~(d) If the employee does not submit a statement of account, then he shall~~
25 ~~submit an itinerary of his official travel within ten days of his return.~~ If the
26 employee does not submit a statement of account as authorized pursuant to §
27 23104(c), then they shall not be paid any money in excess of the advance per diem

1 allowances and travel expense allowance. If the employee received an excessive
2 advance allowance, they *shall* reimburse the Government, within ten (10) working
3 days following the return from official travel, the excessive amount at the time
4 they submit an itinerary. Failure to reimburse the Government *shall* result in the
5 employee's suspension from future travel at the expense of the Government.

6 (e) The Governor, the Lieutenant Governor, Senators and Judges *may* be
7 reimbursed for expenses incurred in hosting appropriate persons while conducting
8 official business for the government of Guam. When seeking reimbursement under
9 this subsection, the official *shall* submit an itemized statement of account of the
10 actual expenses incurred and a brief statement of the purpose for the meeting. The
11 allowable purposes in hosting appropriate persons that would qualify for a
12 reimbursement, as well as limitations, *shall* be provided pursuant to the Rules and
13 Regulations established in § 23109 of this Chapter.

14 (f) The Director of Administration *shall* annually in March, in accordance
15 with the Administrative Adjudication Law, establish a schedule of allowances for
16 expenses of employees sent off-island for training for more than 30 days. The
17 provisions of subsections (a) through (e) of this Section shall not apply to an
18 employee who is off-island receiving training for more than 30 days. Such an
19 employee shall receive prior to departure the allowance for his expenses according
20 to the schedule established by the Director of Administration. No report of actual
21 expenses shall be required of a person who spends more than 30 days off-island
22 receiving training. Such an employee shall not be entitled to reimbursement for
23 actual expenses incurred even if they are greater than his allowance.

24 (g) The provisions of this Chapter shall apply to all government of Guam
25 employees and board and commission members including, but not limited to those
26 of the executive, legislative and judicial branches, autonomous agencies,
27 authorities, and public corporations including, but not limited to the Guam

1 Economic Development Authority, Guam Election Commission, Government
2 House, Public Defender Corporation, Guam Visitors Bureau, University of Guam,
3 Public Utility Agency of Guam, ~~Guam Telephone Authority~~, Guam Housing and
4 Urban Renewal Authority, Guam Memorial Hospital Authority, Port Authority of
5 Guam, Guam Housing Corporation, Guam Airport Authority, Guam Power
6 Authority, and ~~dependents~~ or spouses authorized to accompany the employee on
7 official travel.

8 **§ 23105. Mileage Allowance.**

9 Persons authorized to travel at government expense shall, in accordance with
10 regulations and whenever such mode of transportation is authorized or approved as
11 more advantageous to the government, be paid in lieu of transportation a maximum
12 personal vehicle mileage allowance rate equal to the mileage reimbursement rate
13 provided by the Federal government, contained in the Federal Travel Regulations,
14 to its employees for the use of personal vehicles when engaged on official
15 business.

16 **§ 23106. Indirect Travel & Dependents.**

17 Indirect travel, and travel for dependents when accompanying employees on
18 official business ~~other than travel provided under § 23103(b) of this Chapter~~ may
19 be authorized in accordance with regulations, provided that any such travel is not
20 at any additional expense to the government.

21 **§ 23107. Advancements.**

22 **[Repealed.]**

23 **§ 23108. Reporting and Accounting.**

24 The Executive, Legislative and Judicial Branches of the government of
25 Guam *shall* each have exclusive jurisdiction and control with regard to persons
26 under their supervision or authority or cognizance authorized to travel at

1 government expense and in all matters relating to ~~travel of dependents~~, allowances,
2 provisions for travel authorization, indirect travel, advancements (including
3 recovery thereof), reporting and accounting for expenditures, and reimbursements
4 of expenses of such persons. The members of the Legislature shall account to the
5 Committee on Rules of the Legislature as to their expenditure of travel funds
6 authorized by this Chapter in accordance with legislative rules and regulations.

7 **§ 23109. Rules and Regulations.**

8 This Chapter ~~shall~~ ~~may~~ be supplemented ~~implemented~~ by rules and regulations to
9 be issued by the Governor with regard to the Executive Branch, by rules or
10 resolutions with regard to the Legislature, and by rules of the Judicial Council with
11 regard to the Judicial Branch. The Rules and Regulations shall also consist of
12 purposes of travel on government expenses.

13 **§ 23110. Limitation on Use of Travel Funds.**

14 **[Repealed.]**

15 **§ 23111. The Senator Edward J. Cruz Medical Referral and**
16 **Education Mileage Program.**

17 (a) Title. This Section may be cited and referred to as the “Senator Edward J.
18 Cruz Medical Referral and Education Mileage Program.”

19 (b) Medical Referral and Education Mileage Program. There is hereby
20 created within the government of Guam and accrued travel mileage program for
21 the use of travel mileage earned as a result of all purchases made by the
22 government of Guam through the use of government of Guam credit card
23 purchases. This program shall be known as the Senator Edward J. Cruz Medical
24 Referral and Education Mileage Program (MREMP) to be administered by the
25 Department of Administration for all travel conducted by employees of the
26 Executive Branch of the government of Guam, The Guam Legislature, the Unified
27 Judiciary of Guam, and other agencies, instrumentalities, autonomous agencies,

1 and public corporations of the government of Guam that purchase airline tickets
2 through the use of credit cards, shall administer their respective accrued travel
3 mileage programs pursuant to the requirements of this Section.

4 (c) Definitions. For the purposes of this Section the following words and
5 phrases are defined to mean:

6 (1) Account means the Senator Edward J. Cruz Medical Referral and
7 Education Mileage Program established under this Section.

8 (2) Accrued mileage means those miles accrued by the government of
9 Guam, specifically the Department of Administration, the Guam Legislature,
10 the Unified Judiciary of Guam, and other agencies, instrumentalities,
11 autonomous agencies, and public corporations of the government of Guam
12 that use credit cards to purchase airline tickets.

13 (3) Employee means all persons employed within the government of
14 Guam, whether classified, unclassified, full-time, part-time, temporary, or on
15 a limited-term basis; all elected officials, judges, mayors, individual
16 consultants, and members of boards and commissions.

17 (4) Travel benefit means a program designed by an airline that awards
18 accrued mileage and benefit programs to its clients.

19 (d) Requirement. All accrued mileage earned through the use of credit cards
20 for travel by employees of the legislative, judicial and executive branches,
21 including, but not limited to, all government agencies, instrumentalities,
22 autonomous and semi-autonomous agencies, public corporations, the University of
23 Guam, the Guam Community College, the Guam Visitors Bureau, the Department
24 of Education, all elected officials, individual consultants of the government of
25 Guam, and members of boards and commissions, as well as non-government
26 persons traveling at government of Guam or federal government expense, shall be
27 available to support off-island medical care, and off-island student travel involving

1 academic, sports and cultural activities. The following agencies, instrumentalities,
2 and autonomous agencies of the government of Guam shall use their respective
3 accrued mileage account to support off-island medical referrals and off-island
4 student travel based on the following distribution guideline:

5 (1) Department of Administration - fifty percent (50%) of the accrued
6 mileage maintained by this entity shall be used to send eligible students to
7 participate at off-island academic activities, including, but not limited to,
8 Close-Up and the Junior Statesmen of America. The remaining fifty percent
9 (50%) shall be used to support off-island medical referrals pursuant to
10 Subsection (f).

11 (2) Department of Education, Guam Community College, University
12 of Guam – one hundred percent (100%) of the accrued mileage maintained
13 by these entities shall be used to send eligible students to participate at off-
14 island academic activities, including, but not limited to, Close-Up and the
15 Junior Statesmen of America.

16 (3) Guam Power Authority, Guam Waterworks Authority – one
17 hundred percent (100%) of the accrued mileage account maintained by these
18 entities shall be used to send eligible students to participate at off-island
19 sports competitions.

20 (4) Antonio B. Won Pat Guam International Airport Authority, Guam
21 Visitors Bureau, Jose D. Leon Guerrero Port Authority of Guam – one
22 hundred percent (100%) of the accrued mileage maintained by this entity
23 shall be used to send eligible students to participate at off-island cultural
24 activities, including, but not limited to, arts and humanities competitions and
25 international cultural festivals and exchanges.

26 (5) Guam Legislature, Unified Judiciary of Guam – one hundred
27 percent (100%) of the accrued mileage maintained by these entities shall be

1 used to send eligible students to participate at off island academic activities,
2 including, but not limited to, Mock Trial and National Forensic League
3 competitions.

4 (6) All agencies, instrumentalities, autonomous agencies, and public
5 corporations of the government of Guam not mentioned in items (1) through
6 (4) of this Subsection shall use their accrued mileage to send eligible
7 students to participate at off-island academic, sports and cultural activities,
8 as authorized by the Superintendent of Education.

9 (e) Eligibility.

10 (1) The following persons are eligible for participation to receive the
11 mileage for off-island medical care:

12 (A) patients under the Medically Indigent Program; patients
13 under other DPHSS income-based health programs as approved by the
14 Director of the Department of Public Health and Social Services; and
15 patients with serious medical illness and financial need as determined
16 by the Director of DPHSS pursuant to the Administrative
17 Adjudication Law.

18 (B) all health care staff (physicians, nurses, technicians)
19 providing direct care to the patient being transported, as approved by
20 the Medical Director of the Guam Memorial Hospital Authority, or
21 his/her designee.

22 (2) Patient eligibility shall be based upon:

23 (A) financial need as identified under the requirements of the
24 Medically Indigent Program, or under the requirements of other
25 DPHSS income-based health programs, or by any other needs based
26 requirements for patients with any medical illness as prescribed by the

1 Director of the Department of Public Health and Social Services
2 pursuant to the Administrative Adjudication Law process;

3 (B) lack of availability of required medical services on Guam;

4 and

5 (C) urgency and severity of illness, as documented by an
6 attending physician.

7 (3) A GDOE student who is authorized by a committee established by
8 the Superintendent of Education to participate at an off-island academic,
9 sports or cultural activity is also eligible for participation to receive the
10 mileage benefits.

11 (f) Authorized Use. Fifty percent (50%) of the accrued mileage account,
12 administered by the Department of Administration, shall be used to send patients
13 off-island, through a certified medical referral for patients, to a destination
14 determined by the patient's duly licensed physician with the concurrence of the
15 Medically Indigent Program Coordinator of the Department of Public Health and
16 Social Services.

17 (g) Other Travel Benefits. All other travel benefits, including, but not limited
18 to, volume purchase discounts and accrued number of ticket purchases for free
19 flight benefits and promotional travel benefits shall be accrued and used for the
20 purpose of this Program. The Director of Administration shall establish procedures
21 for management of these benefits and for distribution as requested by the
22 Medically Indigent Program Coordinator of the Department of Public Health and
23 Social Services, or his/her designee.

24 (h) Credit Card Agreement; Accrued Mileage Program. The Guam
25 Legislature, the Unified Judiciary of Guam, and departments, agencies,
26 instrumentalities, autonomous agencies, and public corporations of the government
27 of Guam shall exercise due diligence and seek to enter into an agreement with a

1 bank(s) on Guam for a credit card(s) to use as payment for travel for employees
2 traveling on government and/or federally funded travel, and to accrue travel
3 mileage through a participating airline(s), which shall be used in accordance with
4 the provisions of this Act. Each department, instrumentality, autonomous agency,
5 and public corporation of the government of Guam shall maintain their respective
6 accrued mileage program, which shall be used exclusively to support off-island
7 medical referrals and off-island student travel involving academic, sports and
8 cultural activities, pursuant to the distribution guidelines set forth in items (1)
9 through (6) of Subsection (d). The Department of Administration shall be
10 responsible for maintaining an accrued mileage account for all travel under its
11 purview.

12 (i) Rules and Regulations. The Director of the Department of Public Health
13 and Social Services in collaboration with the Director of the Department of
14 Administration shall jointly promulgate rules and regulations, specifically for the
15 use of accrued mileage for off-island medical referrals, within sixty (60) days from
16 the date of enactment of this Section. The Superintendent of Education shall in
17 collaboration with the heads of all agencies, departments, instrumentalities,
18 autonomous agencies, and public corporations of the government of Guam, to
19 include the Executive Director of the Guam Legislature and the Administrator of
20 the Courts, shall promulgate rules and regulations, specifically for the use of
21 accrued mileage for off-island student travel involving academic, sports and
22 cultural activities. These rules and regulations shall be promulgated pursuant to
23 Article 3, Chapter 9 of Title 5, Guam Code Annotated, the Administrative
24 Adjudication Act, Rule Making Procedures.

25 (j) Transfer fee or other related fees and taxes. In the event a transfer fee or
26 other related fees and taxes is required to secure off-island travel, as authorized
27 herein, such fee(s) shall be borne by the traveler.

1 § 23112. ~~Non-Employee~~ Travel Justification Reports To Be Submitted and
2 Posted.

3 (a) In the event that an agency expends funds for travel for a person who is a
4 non-employee of such agency, such as a board or commission member, or a
5 consultant, and is not exempt, the agency head *shall* prepare, submit to the
6 Department of Administration, and publish on the agency's website, a
7 "justification statement". The justification statement *shall* include the reason(s)
8 why a person, other than an agency employee, was required to travel at the
9 agency's expense. For the purposes of this Section, non-employee means any
10 person who is not listed on the staffing pattern of the agency at the time travel
11 commenced. All reports ~~required to be posted~~ pursuant to this Section *shall be*
12 submitted and posted within ~~ten~~ thirty (130) days following the return of the
13 traveler.

14 (b) Any employee of an agency who expends government funds for official
15 travel shall prepare, submit to both their agency head, and the Department of
16 Administration, if they are an employee of the Executive Branch, the Committee
17 on Rules, if they are an employee of the Legislature, or to the Judicial Council, if
18 they are an employee of the Judicial Branch, a "justification statement". The
19 justification statement shall include the reason(s) why a person was required to
20 travel at the government's expense. This statement shall also be published in the
21 agency's website. For the purposes of this Section, an employee means any person
22 who is listed on the staffing pattern of the agency at the time travel commenced.
23 All reports pursuant to this Section shall be submitted and posted within ten (10)
24 days following the return of the traveler. For purposes of this subsection, the
25 Governor, any Member of the Guam Legislature and Justices of the Supreme and
26 Superior court shall submit their statements directly to the Department of
27 Administration.

1 **§ 23113. Justification for Travel.**

2 (a) Prior to the approval for any government travel that consists of training,
3 the Department Head, Government Board, or Commission, shall determine
4 whether that training can be conducted through an online course, a webinar or
5 other means that would reduce the government's expenses. If no such options
6 exist, the Department Head shall submit that statement along with the approval
7 documents for the travel. The statement shall be published on the agency's
8 website within five (5) days of submittal.

9 (b) Prior to the approval for any government travel that consists of a
10 meeting, the Department Head, Government Board, or Commission, shall
11 determine whether that meeting can be conducted through an online platform,
12 telecommunications or other means that would reduce the government's expenses.
13 If no such options exist, the Department Head shall submit that statement along
14 with the approval documents for the travel. The statement shall be published on
15 the agency's website within five (5) days of submittal.

16 **Section 3. Severability.** If any provision of this Act or its application to
17 any person or circumstance is found to be invalid or contrary to law, such
18 invalidity *shall not* affect other provisions or applications of this Act that can be
19 given effect without the invalid provision or application, and to this end the
20 provisions of this Act are severable.

21 **Section 4. Effective Date.** The Act *shall* become effective upon enactment.