

**MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2015 (FIRST) Regular Session**

**Bill No.** 207-33 (core)

Introduced by:

Brant T. McCreadie 

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**AN ACT TO ADD A NEW § 23103.1 AND TO AMEND  
§§ 23101, 23103, 23104, 23108, 23109, AND 23111 ALL  
OF CHAPTER 23, TITLE 5, GUAM CODE  
ANNOTATED, RELATIVE TO PROHIBITING  
LEGISLATIVE TRAVEL AT GOVERNMENT  
EXPENSE.**

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

**Section 1. Short Title.** This Act *may* be cited as the “Prohibition of  
Legislative Travel at Government Expense Act.”

**Section 2.** 5 GCA § 23101 is *amended* to read:

**“§ 23101. Definitions.**

As used in this Chapter:

(a) Employee means an officer or employee of the Government,  
including the Governor, Lieutenant Governor, ~~members and attaches of the~~  
Legislature and Judges, and excluding members and attaches of the Legislature.

(b) Per Diem Allowance means a daily flat rate of payment in lieu of  
actual lodging and meal expenses.

(c) Travel expenses means necessary expenses incidental to official  
government travel, excluding expenses for lodging and meals.”

**Section 3.** 5 GCA § 23103 is *amended* to read:

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

1 The following are authorized to travel at government expense while on official  
2 business:

3 (a) Employees;

4 (b) Dependents of employees while traveling incident to recruitment,  
5 termination, or home leave;

6 (c) The spouse of the Governor, ~~of the Legislature~~, and the Chief Justice  
7 of the Supreme Court, and spouses of such other employees as may be provided  
8 by regulation; and

9 (d) Persons rendering service to the government."

10 **Section 4.** 5 GCA § 23103.1 is *added* to read:

11 **"§ 23103.1. Members of the Legislature Prohibited from Traveling at**  
12 **Government Expense.**

13 Members of *I Liheslaturan Guåhan* [the Guam Legislature] are prohibited from  
14 receiving government funds from any autonomous, semiautonomous, and non-  
15 autonomous agencies and public corporations of the government of Guam for travel  
16 expenses, per diem allowances, and expenses pursuant to subsection (e) of § 23104  
17 of this Chapter."

18 **Section 5.** 5 GCA § 23104 is *amended* to read:

19 **"§ 23104. Per Diem Allowance.**

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

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

4 (2) If the employee is an Executive Assistant or Special assistant to the  
5 Governor, director or deputy director of any department, or member of the  
6 board of directors or commission of any autonomous agency, authority, line  
7 agency (including the Council of the Arts and Humanities), authority, or public  
8 corporation, the rates are One Hundred and Twenty-five Percent (125%) of the  
9 basic per diem rates.

10 (b) Annually in March, the Governor for the Executive Branch and all  
11 autonomous agencies and public corporations, and the Chief Justice of the Supreme  
12 Court for the Judicial Branch ~~and the Committee on Rules for the Legislative Branch~~  
13 shall establish a policy with regard to advance payment for travel expenses. An  
14 employee may receive an advance allowance for travel expenses.

15 (c) Within ten days following the return from official travel, an employee may  
16 submit an itemized statement of account supported by receipts, an affidavit, or both,  
17 of actual expenses incurred for lodging, meals and travel expenses actually incurred  
18 on official business during the period of official travel. If the advances of the per  
19 diem allowance and travel expenses allowance are less than the employee's actual  
20 authorized expenses then he shall be reimbursed for the amount his actual expenses  
21 exceeded the advance allowances.

22 (d) If the employee does not submit a statement of account, then he shall submit  
23 an itinerary of his official travel within ten days of his return. If the employee does  
24 not submit a statement of account, then he shall not be paid any money in excess of  
25 the advance per diem allowances and travel expense allowance. If the employee

1 received an excessive advance allowance, he shall reimburse the Government the  
2 excessive amount at the time he submits an itinerary.

3 (e) The Governor, the Lieutenant Governor, ~~Senators~~ and Judges may be  
4 reimbursed for expenses incurred in hosting appropriate persons while conducting  
5 official business for the government of Guam. When seeking reimbursement under  
6 this subsection, the official shall submit an itemized statement of account of the  
7 actual expenses incurred and a brief statement of the purpose for the meeting.

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

18 (g) The provisions of this Chapter shall apply to all government of Guam  
19 employees and board and commission members including, but not limited to those  
20 of the executive, ~~legislative~~ and judicial branches, autonomous agencies, authorities,  
21 and public corporations including, but not limited to the Guam Economic  
22 Development Authority, Guam Election Commission, Government House, Public  
23 Defender Corporation, Guam Visitors Bureau, University of Guam, Public Utility  
24 Agency of Guam, Guam Telephone Authority, Guam Housing and Urban Renewal

1 Authority, Guam Memorial Hospital Authority, Port Authority of Guam, Guam  
2 Housing Corporation, Guam Airport Authority, Guam Power Authority, and  
3 dependents or spouses authorized to accompany the employee on official travel."

4 **Section 6.** 5 GCA § 23108 is *amended* to read:

5 **"§ 23108. Reporting and Accounting.**

6 The Executive, ~~Legislative~~ and Judicial Branches of the government of Guam  
7 shall each have exclusive jurisdiction and control with regard to persons under their  
8 supervision or authority or cognizance authorized to travel at government expense  
9 and in all matters relating to travel of dependents, allowances, provisions for travel  
10 authorization, indirect travel, advancements (including recovery thereof), reporting  
11 and accounting for expenditures, and reimbursements of expenses of such persons.  
12 ~~The members of the Legislature shall account to the Committee on Rules of the~~  
13 ~~Legislature as to their expenditure of travel funds authorized by this Chapter in~~  
14 ~~accordance with legislative rules and regulations."~~

15 **Section 7.** 5 GCA § 23109 is *amended* to read:

16 **"§ 23109. Rules and Regulations.**

17 This Chapter may be implemented by rules and regulations to be issued by the  
18 Governor with regard to the Executive Branch, ~~by rules or resolutions with regard~~  
19 ~~to the Legislature,~~ and by rules of the Judicial Council with regard to the Judicial  
20 Branch."

21 **Section 8.** 5 GCA § 23111 is *amended* to read:

22 **"§ 23111. The Senator Edward J. Cruz Medical Referral and Education**  
23 **Mileage Program.**

24 (a) Title. This Section may be cited and referred to as the "Senator Edward J.  
25 Cruz Medical Referral and Education Mileage Program."

1 (b) Medical Referral and Education Mileage Program. There is  
2 hereby created within the government of Guam and accrued travel  
3 mileage program for the use of travel mileage earned as a result of travel  
4 paid by the government of Guam through the use of government of Guam  
5 credit cards. This program shall be known as the Senator Edward J. Cruz  
6 Medical Referral and Education Mileage Program (MREMP) to be  
7 administered by the Department of Administration for all travel  
8 conducted by employees of the Executive Branch of the government of  
9 Guam. ~~The Guam Legislature, the Unified Judiciary of Guam,~~ and other  
10 agencies, instrumentalities, autonomous agencies, and public  
11 corporations of the government of Guam that purchase airline tickets  
12 through the use of credit cards, shall administer their respective accrued  
13 travel mileage programs pursuant to the requirements of this Section.

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

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

18 (2) Accrued mileage means those miles accrued by the government of  
19 Guam, specifically the Department of Administration, ~~the Guam Legislature,~~  
20 the Unified Judiciary of Guam, and other agencies, instrumentalities,  
21 autonomous agencies, and public corporations of the government of Guam that  
22 use credit cards to purchase airline tickets.

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

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

3 (d) Requirement. All accrued mileage earned through the use of credit cards for  
4 travel by employees of the ~~legislative~~, judicial and executive branches, including,  
5 but not limited to, all government agencies, instrumentalities, autonomous and  
6 semi-autonomous agencies, public corporations, the University of Guam, the  
7 Guam Community College, the Guam Visitors Bureau, the Department of  
8 Education, all elected officials excluding senators, individual consultants of the  
9 government of Guam, and members of boards and commissions, as well as non-  
10 government persons traveling at government of Guam or federal government  
11 expense, shall be available to support off-island medical care, and off-island  
12 student travel involving academic, sports and cultural activities.

13 The following agencies, instrumentalities, and autonomous agencies of the  
14 government of Guam shall use their respective accrued mileage account to support  
15 off-island medical referrals and off-island student travel based on the following  
16 distribution guideline:

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

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

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

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

11 (5) ~~Guam Legislature~~, Unified Judiciary of Guam – one hundred percent  
12 (100%) of the accrued mileage maintained by these entities shall be used to  
13 send eligible students to participate at off-island academic activities, including,  
14 but not limited to, Mock Trial and National Forensic League competitions.

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

20 (e) Eligibility.

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

23 (A) patients under the Medically Indigent Program; patients under  
24 other DPHSS income-based health programs as approved by the Director  
25 of the Department of Public Health and Social Services; and patients with



1 serious medical illness and financial need as determined by the Director  
2 of DPHSS pursuant to the Administrative Adjudication Law.

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

6 (2) Patient eligibility shall be based upon:

7 (A) financial need as identified under the requirements of the  
8 Medically Indigent Program, or under the requirements of other DPHSS  
9 income-based health programs, or by any other needs based requirements  
10 for patients with any medical illness as prescribed by the Director of the  
11 Department of Public Health and Social Services pursuant to the  
12 Administrative Adjudication Law process;

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

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

16 (3) A student who is authorized by the Superintendent of Education to  
17 participate at an off-island academic, sports or cultural activity is also eligible  
18 for participation to receive the mileage benefits.

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

25 (g) Other Travel Benefits. All other travel benefits, including, but not limited to,  
26 volume purchase discounts and accrued number of ticket purchases for free flight

1 benefits and promotional travel benefits shall be accrued and used for the purpose  
2 of this Program. The Director of Administration shall establish procedures for  
3 management of these benefits and for distribution as requested by the Medically  
4 Indigent Program Coordinator of the Department of Public Health and Social  
5 Services, or his/her designee.

6 (h) Credit Card Agreement; Accrued Mileage Program. ~~The Guam Legislature,~~  
7 ~~†The Unified Judiciary of Guam,~~ and departments, agencies, instrumentalities,  
8 autonomous agencies, and public corporations of the government of Guam shall  
9 exercise due diligence and seek to enter into an agreement with a bank(s) on Guam  
10 for a credit card(s) to use as payment for travel for employees traveling on  
11 government and/or federally funded travel, and to accrue travel mileage through a  
12 participating airline(s), which shall be used in accordance with the provisions of  
13 this Act. Each department, instrumentality, autonomous agency, and public  
14 corporation of the government of Guam shall maintain their respective accrued  
15 mileage program, which shall be used exclusively to support off-island medical  
16 referrals and off-island student travel involving academic, sports and cultural  
17 activities, pursuant to the distribution guidelines set forth in items (1) through (6)  
18 of Subsection (d). The Department of Administration shall be responsible for  
19 maintaining an accrued mileage account for all travel under its purview.

20 (i) Rules and Regulations. The Director of the Department of Public Health and  
21 Social Services in collaboration with the Director of the Department of  
22 Administration shall jointly promulgate rules and regulations, specifically for the  
23 use of accrued mileage for off-island medical referrals, within sixty (60) days from  
24 the date of enactment of this Section. The Superintendent of Education shall in  
25 collaboration with the heads of all agencies, departments, instrumentalities,  
26 autonomous agencies, and public corporations of the government of Guam, to

1 include ~~the Executive Director of the Guam Legislature~~ and the Administrator of  
2 the Courts, shall promulgate rules and regulations, specifically for the use of  
3 accrued mileage for off-island student travel involving academic, sports and  
4 cultural activities. These rules and regulations shall be promulgated pursuant to  
5 Article 3, Chapter 9 of Title 5, Guam Code Annotated, the Administrative  
6 Adjudication Act, Rule Making Procedures.

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

10 **Section 9. Effective Date.** This Act shall be effective immediately upon  
11 enactment.

12 **Section 10. Severability.** If any provision of this Law or its application to any  
13 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
14 not affect other provisions or applications of this Law which can be given effect  
15 without the invalid provisions or application, and to this end the provisions of this  
16 Law are severable.