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I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) REGULAR SESSION

Bill No. 137 (EC)

Introduced by:

v.c. pangelinan



2007 JUN 19 PM 2:5



AN ACT TO ADD A NEW §23108.1, §23108.2, §23108.3,  
AND §23108.4 TO CHAPTER 23 OF TITLE 5 AND ADD  
A NEW SUBPARAGRAPH 13 TO §10306 OF CHAPTER  
10 OF TITLE 5 ALL OF GUAM CODE ANNOTATED  
RELATIVE TO GOVERNMENT TRAVEL LAW.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds  
3 that government sponsored and paid travel is often granted on a purely  
4 discretionary basis which increases the cost of running the government  
5 unnecessarily. It is the intention of the Legislature to implement reporting  
6 requirements for government travel to require more accountability. *I*  
7 *Liheslatura* also finds that it is critical for more scrutiny to ensure that  
8 government paid travel is really necessary and that it is in line with good  
9 public policy at all times.

10 *I Liheslatura* further finds that to ensure transparency and open  
11 government, information on all authorized travel paid for by public funds  
12 could and should be readily available to the people of Guam.

13 Therefore, it is the intent of *I Liheslaturan Guahan* to mandate that all  
14 elected officials and officials occupying positions requiring Legislative  
15 confirmation, traveling at government of Guam expense or paid trips by non-

1 government entities in their official capacity, report to the Speaker of *I*  
2 *Liheslatura* an accounting of all travel related costs incurred. In addition to  
3 submitting a report to the Legislature, information on the official's  
4 government paid travel shall be posted on their respective websites.

5 **Section 2.** A new Section 23108.1 is hereby added to Chapter 23 of Title  
6 5 Guam Code Annotated to read:

7 "**§23108.1 Reporting to *I Liheslatura*.** All elected officials and individuals  
8 occupying positions requiring confirmation by the Legislature traveling at  
9 government expense including federal funds and revenue funds generated by  
10 all government entities and agencies, travel paid by non-government entities  
11 for the officials in their capacity as a government official, shall submit a report  
12 to the Speaker of *I Liheslaturan Guahan* no later than ten (10) days prior to  
13 departure which shall include, but not be limited to:

- 14 (1) Name and title of traveling government official;
- 15 (2) Nature and purpose of travel;
- 16 (3) Name of individual(s) and/or organization(s) official will be  
17 meeting with;
- 18 (4) Names of Individuals traveling with official;
- 19 (5) Breakdown of all costs associated with government of Guam paid  
20 travel and source of funding;
- 21 (6) Transportation costs and source of funding;
- 22 (7) Departure date and return date; and
- 23 (8) Number of days for authorized per diem and total per diem  
24 allowance and source of funding.

1 Any other government employee traveling with the individual shall also  
2 submit a report with the same information enumerated above. In the  
3 event that other costs are incurred using government funds associated  
4 with the trip, a supplemental report should also be provided detailing  
5 such expenditure to the Speaker of *I Liheslatura* no later than ten (10)  
6 days after arrival."

7 **Section 3.** A new Section 23108.2 is hereby added to Chapter 23 of Title  
8 5 Guam Code Annotated to read:

9 "**§23108.2. Provisions for Government Travel Forms.** All government of  
10 Guam travel forms shall have the following inserted:

11 "Guam law requires that all approved travel for elected officials and  
12 individuals confirmed by the Legislature paid with government funds  
13 including federal funds and revenue funds generated by all government  
14 entities and agencies, travel paid by non-government entities for the official in  
15 his capacity as a government official shall be reported to *I Liheslatura* ten (10)  
16 days prior to departure. Failure to submit a report will be subject to a fine."

17 **Section 4.** A new Section 23108.3 is hereby added to Chapter 23 of  
18 Title 5 Guam Code Annotated to read:

19 "**§23108.3. Penalty.** Any public official who fails to submit a travel report to *I*  
20 *Liheslatura* pursuant to 5 GCA §23108.1 shall be penalized as follows:

- 21 (a) Two Hundred Fifty Dollars (\$250) will be assessed for not submitting  
22 a report after the deadline
- 23 (b) Thereafter, Ten Dollars (\$10) will be assessed on a daily basis until a  
24 report shall have been transmitted to *I Liheslatura*.

1 All fines assessed and collected under this Section shall be deposited into the  
2 Rainy Day Fund as established by 5GCA §22901”

3 **Section 5.** A new Section 23108.4 is hereby added to Chapter 23 of Title  
4 5 Guam Code Annotated to read:

5 “§23108.4. **Individuals May File Claims for Non-compliance.** Any person  
6 may file with the Attorney General of Guam for the imposition of a fine  
7 pursuant to 5GCA §23108.3 if there is reason to believe that a travel report  
8 was not filed in a timely manner. The individual responsible for reporting  
9 non-compliance by any public official shall be entitled to half of the assessed  
10 fines.”

11 **Section 6. Rules and Procedures for Filing Claims for Non-**  
12 **Compliance.** The Attorney General of Guam shall establish rules and  
13 procedures for individuals who wish to file a claim against any public  
14 official’s non-compliance of travel reporting as outlined in this Act. The  
15 procedures shall also include but not be limited to payment arrangements for  
16 individuals entitled to half the assessed fees for their effort to ensure public  
17 officials are in compliance with government travel reporting requirements.

18 **Section 7.** A new Subparagraph 13 is hereby added to §10306 of  
19 Chapter 10 of Title 5 GCA to read:

20 “13. Elected officials and individuals confirmed by the Legislature  
21 traveling on approved government paid travel or travel paid by non-  
22 government entities for the official in his capacity as a government official,  
23 shall provide information 10 (days) prior to departure including but not  
24 limited to purpose of travel; breakdown of all costs associated with

1 government of Guam paid travel; transportation costs; departure date and  
2 return date; and number of days for authorized per diem and total per diem  
3 allowance.”

4       **Section 8. Effective Date.** This Act shall become effective immediately  
5 after it has been signed into law.

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