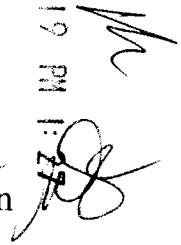


I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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Bill No. 446-31(COR)

Introduced by:

M. Silva Taijeron

**AN ACT TO AMEND SECTIONS 23103 AND 23104, AND TO
ADD A NEW SECTION 23110, ALL OF CHAPTER 23, TITLE 5
OF THE GUAM CODE ANNOTATED RELATIVE TO THE
GOVERNMENT TRAVEL LAW.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that
3 off-island travel for individuals who conduct business on behalf of the government of
4 Guam is commonly paid for by using public funds. There are instances in which it is
5 absolutely necessary to have the physical presence of an individual when conducting
6 official business for the government. The importance of this necessity cannot be
7 understated and, as a result, there is contained in local statute an entire chapter that
8 specifically addresses government travel law.

9 *I Liheslaturan Guåhan* further finds that, although government travel is
10 justifiable in many situations, the current government of Guam travel law is very
11 generous with respect to who may travel as well as the per diem allowance afforded
12 to individuals traveling at government expense. Some examples of the generosity of
13 the travel law include the ability of a government employee's spouse to receive
14 authorization for government-funded travel and the non-uniform per diem allowance
15 rates received by different employees throughout the government.

1 *I Liheslaturan Guåhan* further finds that the debt of the government of Guam
2 has increased considerably over time. Recent and current General Fund revenue
3 amounts have been insufficient and inadequate to support the operations of the
4 government of Guam. Thus, the government’s ability to provide essential services to
5 the public has been impaired especially in the areas of education, health and public
6 safety. It is the intent of *I Liheslaturan Guåhan* to make changes to the current
7 government of Guam travel law to fall in line with the government of Guam’s cost-
8 cutting plan and assist in improving our island’s financial situation.

9 **Section 2.** § 23103, Chapter 23, Title 5 of the Guam Code Annotated is hereby
10 *amended* to read:

11 **“§ 23102. Persons Authorized to Travel at Government Expense.**

12 The following are authorized to travel at government expense
13 while on official business:

- 14 (a) Employees;
- 15 (b) ~~Dependents of employees while traveling incident to~~
16 ~~recruitment, termination, or home leave;~~
- 17 (e) The spouse of the Governor, ~~of the Speaker of the~~
18 ~~Legislature, and the Presiding Judge of the Superior Court,~~
19 ~~and spouses of such other employees as may be provided by~~
20 ~~regulation; and~~
- 21 ~~(d)~~(c) Persons rendering service to the government.”

22 **Section 3.** § 23104, Chapter 23, Title 5 of the Guam Code Annotated is hereby
23 *amended* to read:

24 **“§ 23104. Per Diem Allowance.**

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

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

11 ~~(2) If the employee is an Executive Assistant or Special~~
12 ~~assistant to the Governor, director or deputy director of any~~
13 ~~department, or member of the board of directors or commission of~~
14 ~~any autonomous agency, authority, line agency (including the~~
15 ~~Council of the Arts and Humanities), authority, or public~~
16 ~~corporation, the rates are One Hundred and Twenty-five Percent~~
17 ~~(125%) of the basic per diem rates.~~

18 (b) Annually in March, the Governor for the Executive Branch and
19 all autonomous agencies and public corporations, the Presiding Judge of
20 the Superior Court for the Judicial Branch and the Committee on Rules
21 for the Legislative Branch shall establish a policy with regard to advance
22 payment for travel expenses. An employee may receive an advance
23 allowance for travel expenses.

24 (c) Within ten days following the return from official travel, an
25 employee may submit an itemized statement of account supported by

1 receipts, an affidavit, or both, of actual expenses incurred for lodging,
2 meals and travel expenses actually incurred on official business during
3 the period of official travel. If the advances of the per diem allowance
4 and travel expenses allowance are less than the employee's actual
5 authorized expenses then he shall be reimbursed for the amount his
6 actual expenses exceeded the advance allowances.

7 (d) If the employee does not submit a statement of account, then
8 he shall submit an itinerary of his official travel within ten days of his
9 return. If the employee does not submit a statement of account, then he
10 shall not be paid any money in excess of the advance per diem
11 allowances and travel expense allowance. If the employee received an
12 excessive advance allowance, he shall reimburse the Government the
13 excessive amount at the time he submits an itinerary.

14 (e) The Governor, the Lieutenant Governor, Senators and Judges
15 may be reimbursed for expenses incurred in hosting appropriate persons
16 while conducting official business for the government of Guam. When
17 seeking reimbursement under this subsection, the official shall submit an
18 itemized statement of account of the actual expenses incurred and a brief
19 statement of the purpose for the meeting.

20 (f) The Director of Administration shall annually in March, in
21 accordance with the Administrative Adjudication Law, establish a
22 schedule of allowances for expenses of employees sent off-island for
23 training for more than 30 days. The provisions of subsections (a) through
24 (e) of this Section shall not apply to an employee who is off-island
25 receiving training for more than 30 days. Such an employee shall receive

1 prior to departure the allowance for his expenses according to the
2 schedule established by the Director of Administration. No report of
3 actual expenses shall be required of a person who spends more than 30
4 days off-island receiving training. Such an employee shall not be entitled
5 to reimbursement for actual expenses incurred even if they are greater
6 than his allowance.

7 (g) The provisions of this Chapter shall apply to all government of
8 Guam employees and board and commission members including, but not
9 limited to those of the executive, legislative and judicial branches,
10 autonomous agencies, authorities, and public corporations ~~including, but~~
11 ~~not limited to the Guam Economic Development Authority, Guam~~
12 ~~Election Commission, Government House, Public Defender Corporation,~~
13 ~~Guam Visitors Bureau, University of Guam, Public Utility Agency of~~
14 ~~Guam, Guam Telephone Authority, Guam Housing and Urban Renewal~~
15 ~~Authority, Guam Memorial Hospital Authority, Port Authority of Guam,~~
16 ~~Guam Housing Corporation, Guam Airport Authority, Guam Power~~
17 ~~Authority, and dependents or spouses authorized to accompany the~~
18 ~~employee on official travel.”~~

19 **Section 4.** A new § 23110 is hereby *added* to Chapter 23, Title 5 of the Guam
20 Code Annotated to read:

21 **“§ 23110. Limitation on Use of Travel Funds.**

22 No funds allotted to any government of Guam entity shall be
23 expended for off-island travel for any individual not an employee or
24 member of the governing board or commission of said entity.”

1 **Section 5. Enactment.** The provisions of this Act shall become effective
2 immediately upon enactment.

3 **Section 6. Severability.** *If* any provision of this Law or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 *not* affect other provisions or applications of this Law which can be given effect
6 without the invalid provisions or application, and to this end the provisions of this
7 Law are severable.