

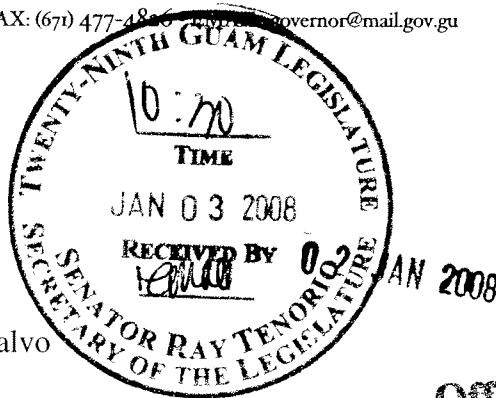


Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor



Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIVED
Rec'd by: [Signature]
Print Name & Initials

Time: 9:00
Date: 1-3-08

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebe Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

29-08-0003
Office of the Speaker
MARK FORBES
Date: 01/02/08
Time: 5:12 PM
Rec'd by: [Signature]
Print Name: [Signature]

Dear Acting Speaker Calvo:

Hafa Adai! Transmitted herewith is Bill No. 137 (EC), "AN ACT TO ADD NEW §§23108.1, 23108.2, 23108.3 AND 23108.4 TO CHAPTER 23; AND TO ADD A NEW SUBPARAGRAPH 13 to §10306 OF CHAPTER 10, ALL OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT TRAVEL LAW, " which I have vetoed.

While Bill No. 137 purports to provide transparency, it fails to recognize that existing travel laws and policies exist among the different government agencies to ensure accountability. Government agency missions sometimes require travel for training or conferences. These agencies prioritize their travel and the expenses associated with the travel. The Budget of Bureau and Management Research and the Department of Administration work closely with the government agencies and periodically issue guidelines to define in greater detail the requirements governing travel expenses.

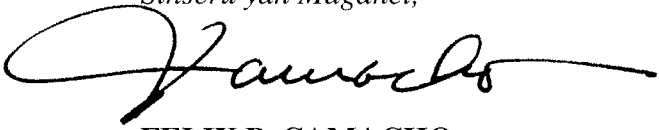
Current statute provides for administrative penalties for non compliance and travel rules have been promulgated to govern travel by government officials regardless of the funding source of travel (i.e. local funds, federal grants, non-governmental organizations) The fines and penalties imposed in Bill No. 137 are therefore redundant and punitive.

Government Travel Form FCN 2-1(REV.1-69) currently requires all elected and appointed officials and all classified and unclassified employees to describe the requested travel on Section 12 of the form and is mandatory for approval as outlined in the Government of Guam Travel Manual. This form is processed prior to departure and at times could be last minute especially emergency travel which makes the notice requirement in Bill No. 137 futile. Public Law 29-02:6:35 already requires the Department of Administration to send monthly reports to the Speaker identifying travelers paid by the general fund for travel in their official capacities.

The Administration remains committed to ensuring outstanding account balances are reconciled, lowering travel administrative costs and enhance profitability from the implementation of recommended best practices recently by the Office of the Public Auditor to the Department of Administration.

There are current procedures in place to achieve the intent of Bill No.137 and make the legislation an unnecessary requirement and added government cost.

Sinseryan Magåhet,

A handwritten signature in black ink, appearing to read 'Felix P. Camacho', written in a cursive style.

FELIX P. CAMACHO

I Maga' Låhen Guahan

Governor of Guam

Attachment: copy attached of vetoed bill

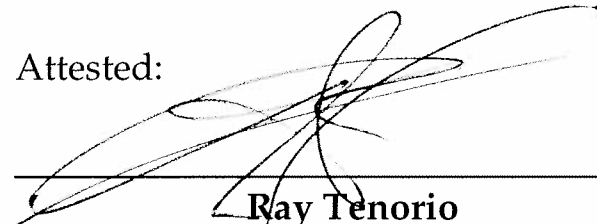
cc: The Honorable Ray Tenorio
Senator and Legislative Secretary

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 137 (EC), "AN ACT TO ADD NEW §§23108.1, 23108.2, 23108.3 AND 23108.4 TO CHAPTER 23; AND TO ADD A NEW SUBPARAGRAPH 13 TO §10306 OF CHAPTER 10, ALL OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT TRAVEL LAW," was on the 20th day of December, 2007, duly and regularly passed.

Attested:



Ray Tenorio
Senator and Secretary of the Legislature



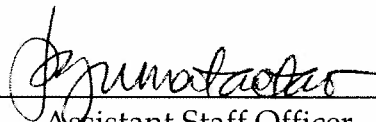
Edward J.B. Calvo
Acting Speaker

This Act was received by *I Maga'lahaen Guåhan* this 21 day of Dec, 2007, at
1150 o'clock 9 .M.

APPROVED:



FELIX P. SAMACHO
I Maga'lahaen Guåhan



Assistant Staff Officer
Maga'lahaen's Office

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 137 (EC)

As amended by the author
and further amended on the Floor.

Introduced by:

v. c. pangelinan
J. T. Won Pat
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Edward J.B. Calvo
J. V. Espaldon
Mark Forbes
Judith Paulette Guthertz
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
David L.G. Shimizu
Ray Tenorio

AN ACT TO *ADD* NEW §§23108.1, 23108.2, 23108.3 AND 23108.4 TO CHAPTER 23; AND TO *ADD* A NEW SUBPARAGRAPH 13 TO §10306 OF CHAPTER 10, ALL OF TITLE 5 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 Guåhan* 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 *I Liheslatura* to implement reporting
6 requirements for government travel to require more accountability. *I Liheslatura*

1 also finds that it is critical for more scrutiny to ensure that government paid travel
2 is really necessary and that it is in line with good public policy at all times.

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

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate that all
7 elected officials and officials occupying positions requiring Legislative
8 confirmation, traveling at government of Guam expense *or* paid trips by non-
9 government entities in their official capacity, report to the Speaker of *I Liheslatura*
10 an accounting of all travel related costs incurred. In addition to submitting a report
11 to *I Liheslatura*, information on the official's government paid travel *shall* be
12 posted on their respective websites.

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

15 **“§23108.1 Reporting to *I Liheslatura*.** All elected officials,
16 members of all government Boards and Commissions, and individuals occupying
17 positions requiring confirmation by *I Liheslatura* traveling at government expense,
18 including, federal funds and revenue funds generated by all government entities
19 and agencies, travel paid by non-government entities for the officials in their
20 capacity as a government official, *shall* submit a report to the Speaker of *I*
21 *Liheslaturan Guåhan* *no later than* five (5) working days prior to departure which
22 *shall* include, but not be limited to:

- 23 (a) name and title of traveling government official;
24 (b) nature and purpose of travel;
25 (c) name of individual(s) and/or organization(s) official will be
26 meeting with;
27 (d) names of individuals traveling with official;

- 1 (e) breakdown of all costs associated with government of Guam
- 2 paid travel and source of funding;
- 3 (f) transportation costs and source of funding;
- 4 (g) departure date and return date; and
- 5 (h) number of days for authorized per diem and total per diem
- 6 allowance and source of funding.

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

13 The Speaker of *I Liheslatura shall* provide the Director of
14 Administration, the Attorney General, and the governmental entity
15 responsible for the travel with a report of any violation of the reporting
16 requirements of this Section. The Director of Administration and the
17 Attorney General *shall* be responsible for imposing the penalty set forth in
18 §23108.3. ”

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

21 “**§23108.2. Provisions for Government Travel Forms.** All
22 government of Guam travel forms shall have the following inserted:

23 “Guam law requires that all approved travel for government officials
24 delineated by Title 5 GCA §23108.1 paid with government funds, including,
25 federal funds and revenue funds generated by all government entities and
26 agencies, travel paid by non-government entities for the official in his
27 capacity as a government official *shall* be reported to *I Liheslatura* five (5)

1 days prior to departure. Failure to submit a report will be subject to a fine.”

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

4 “**§23108.3. Penalty.** Any public official who fails to submit a travel
5 report to *I Liheslatura* pursuant to Title 5 GCA §23108.1 *shall* be penalized
6 as follows:

7 (a) A single fine of Two Hundred Fifty Dollars (\$250) per each trip
8 *shall* be assessed for submission of travel reports after the deadline;
9 and

10 (b) Thereafter, Ten Dollars (\$10) will be assessed on a daily basis
11 until a report *shall* have been transmitted to *I Liheslatura*.

12 Fines imposed *shall* be equally shared by the approving authority and
13 traveler. Non-compliance of provisions herein may also subject the approving
14 authority and traveler to an automatic deduction from his/her government of Guam
15 paycheck until a report *shall* have been submitted pursuant to Title 5 GCA
16 §23108.1.

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

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

21 “**§23108.4. Individuals May File Claims for Non-compliance.** Any
22 person may file with the Attorney General of Guam for the imposition of a
23 fine pursuant to Title 5 GCA §23108.3 *if* there is reason to believe that a
24 travel report was not filed in a timely manner. The individual responsible
25 for reporting non-compliance by any public official *shall* be entitled to half
26 of the assessed fines.”

1 **Section 6. Rules and Procedures for Filing Claims for Non-Compliance.**

2 The Attorney General of Guam *shall* establish rules and procedures for
3 individuals who wish to file a claim against any public official’s non-
4 compliance of travel reporting as outlined in this Act. The procedures *shall*
5 also include, but not be limited to, payment arrangements for individuals
6 entitled to half the assessed fees for their effort to ensure public officials are
7 in compliance with government travel reporting requirements.

8 **Section 7.** A new Subparagraph 13 is hereby *added* to §10306 of Chapter
9 10 of Title 5 GCA to read:

10 “13. Elected officials, government Board and Commission members,
11 and individuals confirmed by *I Liheslatura* traveling on approved
12 government paid travel *or* travel paid by non-government entities for the
13 official in his capacity as a government official, *shall* provide information
14 five (5) working days prior to departure, including, but not limited to,
15 purpose of travel; breakdown of all costs associated with government of
16 Guam paid travel; transportation costs; departure date and return date; and
17 number of days for authorized per diem and total per diem allowance.”

18 **Section 8. Effective Date.** This Act *shall* become effective sixty (60)
19 calendar days after it has been enacted into law.

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