I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	STATUS
44-32 (COR)	Judith T. Won Pat, Ed.D	AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.	02/15/13 5:08 P.M.	**2/18/13**	Committee on General Governmental Operations and Cultural Affairs		03/27/13 3:11 p.m.	**Fiscal Note Requested 2/19/13** **Fiscal Note Submitted 2/25/13** **4:44 p.m.**	4/1/13-Passed as substituted and amended on the Floor. 4/2/13-Transmitted to the Governor AN ACT TO AMEND §23111 OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF GOVERNMENT OF GUAM TRAVEL MILEAGE BENEFITS TO SUPPORT OFF-ISLAND MEDICAL REFERRALS AND OFF-ISLAND STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

April 1, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 12:10 DATE 4/2/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 1-32(LS), 4-32(LS), 5-32(LS), 6-32(LS), 7-32(COR), 23-32(COR), 29-32(COR), 31-32(COR), 32-32(COR), 41-32(LS), 43-32(COR), 44-32(COR), 46-32(LS) and 54-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 1, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (14)

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 44-32 (COR), "AN ACT TO *AMEND* §23111 OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF GOVERNMENT OF GUAM TRAVEL MILEAGE BENEFITS TO SUPPORT OFF-ISLAND MEDICAL REFERRALS AND OFF-ISLAND STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES",** was on the 1st day of April, 2013, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 2 day of April, 2013, at 12:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 44-32 (COR)
As substituted by the Committee on General Government Operations and Cultural Affairs; and amended on the Floor.

Introduced by: Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
B. J.F. Cruz
R.J. Respicio
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas

AN ACT TO *AMEND* §23111 OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF GOVERNMENT OF GUAM TRAVEL MILEAGE BENEFITS TO SUPPORT OFF-ISLAND MEDICAL REFERRALS AND OFF-ISLAND STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Medical Referral and Education Mileage Bank Account. §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, is hereby *amended* to read:

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

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

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

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

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

(2) *Accrued* mileage means those miles accrued by the government of Guam, specifically the Department of Administration,

the Guam Legislature, the Unified Judiciary of Guam, and other agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam that use credit cards to purchase airline tickets.

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

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

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

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

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

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

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

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

(5) Guam Legislature, Unified Judiciary of Guam – one hundred percent (100%) of the accrued mileage maintained by these entities *shall* be used to send eligible students to participate at off-

island academic activities, including, but *not* limited to, Mock Trial and National Forensic League competitions.

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

(e) Eligibility.

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

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

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

(2) Patient eligibility *shall* be based upon:

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

Health and Social Services pursuant to the Administrative Adjudication Law process;

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

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

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

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

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

(h) Credit Card Agreement; Accrued Mileage Program. The Guam Legislature, the Unified Judiciary of Guam, and departments, agencies, instrumentalities, autonomous agencies, and public corporations of the

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

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

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

Section 2. Transition and Implementation. The Director of the Department of Administration, the Director of the Department of Public Health and Social Services, and the *Ayuda* Foundation *shall* exercise due diligence to avoid disruption in the processing of travel for medically indigent patients during the period prior to the effective date of this Act. Unused travel mileage earned from credit card purchases, prior to the implementation of this Act, *shall* be reserved for off-island medical referrals and off-island student travel, subject to the rules and regulations promulgated in accordance with §23111(i) of Section 1 of this Act.

Section 3. Effective Date. This Act *shall* be effective no later than 90 days following enactment.

LEGISLATIVE SESSION ATTENDANCE

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

SBill No: 44-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

AN ACT TO AMEND §23111 OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF GOVERNMENT OF GUAM TRAVEL MILEAGE BENEFITS TO SUPPORT OFF-ISLAND MEDICAL REFERRALS AND OFF-ISLAND STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	V				
Senator V. Anthony "Tony" ADA	V				
Senator Frank Blas AGUON Jr.	V				
Vice-Speaker Benjamin J.F. CRUZ	V				
Senator Christopher M. DUENAS	V				
Senator Michael LIMTIACO		I V			
Senator Brant McCREADIE	V				
Senator Thomas "Tommy" MORRISON	V				
Senator Tina Rose MUÑA BARNES	V				
Senator Vicente (ben) Cabrera PANGELINAN		V			
Senator Rory J. RESPICIO	V				
Senator Dennis G. RODRIGUEZ, Jr.		V			
Senator Michael F. Q.SAN NICOLAS	V				
Speaker Judith T. WON PAT, Ed.D.	V				
Senator Aline A. YAMASHITA, Ph.D.	V				
TOTAL	12	3			

CERTIFIED TRUE AND CORRECT:

4/1/13

Clerk of the Legislature

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senatorf@senatorbjcruz.com
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March 25, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules

2013 MAR 27 PM 3:11

RE: Committee Report on Bill No. 44-32 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on General Government Operations and Cultural Affairs (Committee) on Bill No. 44-32 (COR), As Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - ***An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities.***

Committee votes are as follows:

8 TO DO PASS
0 TO NOT PASS
0 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
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COMMITTEE REPORT

ON

Bill No. 44-32 (COR), As Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
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March 25, 2013

MEMORANDUM

TO: **All Members**

FROM: **Vice Speaker Benjamin J.F. Cruz**
Committee on General Government Operations and Cultural Affairs

SUBJECT: **Committee Report on Bill No. 44-32 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 44-32 (COR), As Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - ***An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities.***

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 44-32 (COR)
- Bill No. 44-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 44-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

BENJAMIN J.F. CRUZ
Chairperson

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
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COMMITTEE VOTING SHEET

Bill No. 44-32 (COR), As Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - ***An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities.***

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		3/27/13				
MUÑA BARNES, TINA ROSE Vice-Chairperson		3/27/13				
WON PAT, JUDITH T. Speaker and Ex-Officio Member		3/27/13				
ADA, THOMAS C. Member						
PANGELINAN, C. VICENTE Member						
RESPICIO, RORY J. Member		3/27/13				
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL, F.Q. Member 3/27/13						
AGUON, Jr., FRANK B. Member						
ADA, V. ANTHONY Member		3/27/13				
Morrison, Thomas Member		3/27/13				
McCreadie, Brant Member		2/27/13				
YAMASHITA, ALINE Member						

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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Committee Report Digest

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Wednesday, March 6th, 2013 at 10:00 a.m. in the Public Hearing Room *of I Liheslatura*. Among the items on the agenda was the consideration was Bill No. 44-32 (COR), as Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - ***An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities.***

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on February 26, 2013, and March 1, 2013 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairman
Speaker Judith T. Won Pat, Ed.D.
Senator Aline A. Yamashita, Ph.D.
Senator V. Anthony Ada
Senator Michael Limtiaco
Senator Brant McCreadie
Senator Rory J. Respicio
Senator Dennis G. Rodriguez, Jr.
Senator Michael F.Q. San Nicolas
Senator Thomas Morrison

The public hearing was called to order at 10:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F Cruz announced Bill No. 44-32 (COR) and deferred to Speaker Judith T. Won Pat, Ed.D. as the main sponsor.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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Speaker Won Pat stated that if enacted Bill No. 44-32 (COR) would authorize the use of mileage earned through credit card purchases authorized by the government of Guam to support student travel involving academic, sports and cultural activities. Speaker Won Pat stated that ten million miles of mileage earned through governmental travel has been accrued through the government of Guam's use of credit cards in the purchase of airline tickets. Speaker Won Pat stated that the miles are separate from those required by P.L. 31-117 for medically indigent patients. Speaker Won Pat stated that the unused ten million miles would assist families on Guam that send their children to various academic, sports and cultural activities.

Senator Cruz noted that no one was available to testify, but that Senator Carlotta Leo Guerrero had intended to provide oral testimony in support of the legislation, but had to leave due to the lengthy discussion on Bill No. 45-32 (COR). Senator Cruz thanked his colleagues and members of the panel for their comments then asserted that the record will be open for ten days so that residents may submit their testimonies.

III. Summary of Written Testimonies Submitted

1. Jon Fernandez, Superintendent of Education
   Superintendent Fernandez supports the legislation as participation in off-island events affords our island's public school students the opportunity to interact with other student organizations on higher levels both nationally and internationally. Superintendent Fernandez stated that whether it is for an academic, sports or cultural event, off-island travel definitely strengthens the academic, physical and social development of our students. *(Superintendent Fernandez's written testimony is attached.)*

2. Former Senator Carlotta Leon Guerrero, Executive Director, Ayuda Foundation
   Senator Leon Guerrero supports all efforts to capture as many travel benefits as possible through government purchasing and feels that significant miles can be created for the benefit of other populations with travel needs. Senator Leon Guerrero, however, suggested that I Liheslatura remove language in current law (P.L. 31-117) which mandates that miles generated by government of Guam employee travel be turned over to the Ayuda Foundation to support off-island medical referrals. *(Senator Leon Guerrero's written testimony is attached.)*

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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IV. FINDINGS AND RECOMMENDATION

The Committee on General Government Operations and Cultural Affairs finds that the implementation of the P.L. 31-117, also known as the *Senator Edward J. Cruz Medical Referral Mileage Bank Account Act*, was enacted with the intent to capture airline miles earned through government employee travel and to dedicate these miles to support off-island medical referrals through their donation of miles to the Ayuda Foundation.

The Ayuda Foundation is a non-profit organization that helps to improve the delivery of healthcare services in Guam and throughout Micronesia. Through United Airlines, mileage account members are able to donate a portion of their miles, without having to pay transfer fees, to support off-island medical travel including those authorized through P.L. 31-117. Government of Guam employees that travel off-island through United Airlines are required to deposit their miles earned on travel to the Ayuda Foundation, in accordance with P.L. 31-117.

The Committee finds, however, that the donation of airline miles to the Ayuda Foundation can only be done if the government employee travels with United Airlines, as the airline is the only carrier that has an established relationship with the Ayuda Foundation. The Committee finds that airline miles earned by government employees that travel with other airlines remain with those employees.

In the interest of fairness, the Committee has substituted Bill No. 44-31 (COR) to include additional amendments to §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated. The Committee removed language which mandates employees to deposit airline miles earned on government-funded travel.

Substituted Bill No. 44-32 (COR) further amends §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, and establishes the Senator Edward J. Cruz Off-Island Medical Referral and Education Mileage Program. In summary, the additional amendments contained in Bill No. 44-32 (COR), as Substituted by the Committee, propose the following:

1. That the Guam Legislature, Unified Judiciary of Guam, and all other departments, agencies, instrumentalities, autonomous and semi-autonomous agencies, and public corporations of the government of Guam seek to enter into credit card agreements with a bank, or banks, on Guam, which shall be used to pay for airline tickets for employee travel. Such credit card agreements shall include the earning of travel mileage with participating airlines.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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2. That the Guam legislature, Unified Judiciary of Guam, and all other departments, agencies, instrumentalities, autonomous and semi-autonomous agencies, and public corporations of the government of Guam make available their respective accrued travel mileage to be used specifically to support off-island medical and off-island student travel involving academic, sports, and cultural activities, based on a distribution guideline established in Section 2 of Bill No. 44-32 (COR), as Substituted by the Committee.

3. That the Department of Public Health and Social Services, in collaboration with the Department of Administration, develop rules and regulations, pursuant to the Administrative Adjudication Law, specifically governing the use of accrued travel mileage for off-island medical referrals.

4. That the Department of Education, in collaboration with all departments, agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam, to include the Executive Director of the Guam Legislature and the Administrator of the Courts, develop rules and regulations, pursuant to the Administrative Adjudication Law, specifically governing the use of accrued travel mileage for off-island student travel involving academic, sports, and cultural activities.

5. That, in the event a transfer fee is required to secure off-island travel, as authorized through Bill No. 44-32 (COR), as Substituted by the Committee, such fee shall be borne by the traveler.

6. That the Department of Administration, the Department of Public Health and Social Services, and the Ayuda Foundation, shall exercise due diligence to avoid disruption in the processing of travel for medically indigent patients during the period prior to the effective date of Bill No. 44-32 (COR), as Substituted by the Committee.

7. That unused mileage earned from credit card purchases, prior to the implementation of Bill No. 44-32 (COR), As Substituted by the Committee, shall be reserved for off-island medical referrals and off-island student travel, subject to the rules and regulations promulgated in accordance with the legislation.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 44-32 (COR), as Substituted by the Committee, - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - An act to amend §23111 of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities", does hereby report out said legislation with the recommendation TO Do PASS

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 FEB 15 PM 5:08

Bill No. 14-32 (COR)

Introduced by: Judith T. Won Pat, Ed.D
Aline A. Yamashita, Ph.D.
B.J.F. Cruz
R.J. Respicio

AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the implementation of the government of Guam's mileage program, specifically the *Senator Edward J. Cruz Medical Referral Mileage Bank Account Act* (referenced as "P.L. 31-117"), recognized the difficult financial environment many families on Guam continue to face when a family member requires medical treatment abroad. The use of mileage earned through government travel to help indigent citizens receive medical

treatment, not currently available on Guam, continues to offer much needed hope for patients and their families.

I Liheslatura further finds, however, that approximately Ten Million (10,000,000) miles, which were accrued through government of Guam credit card purchases, remain unused. These miles are separate and apart from those miles required by P.L. 31-117 to be available for travel by medically indigent patients.

It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the use of mileage earned through government of Guam credit card purchases to support student travel involving academic, sports and cultural activities. *I Liheslatura* intends to help provide students in Guam's public schools the means to participate in various academic, sports and cultural activities off island, which will contribute to strengthening their academic, physical and social development.

Section 2. Mileage Accrued Through Use of Credit Card Purchases. §23111(g)(2) of Chapter 23, Division 2, Title 5, Guam Code Annotated, is hereby *amended*, to read:

"(g) Deposit of Mileage.

(1) The Department is hereby authorized to become a member of the travel benefits program as it relates to travel mileage instituted by any and all airlines serving Guam, and shall enter into an agreement with an airline to accrue travel mileage

credits for employees traveling on government and/or federally funded travel.

(2) The Department shall enter into an agreement with a bank on Guam for a credit card to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue mileage~~.~~, which shall be used exclusively for student travel involving academic, sports and cultural activities, as authorized by the Superintendent of Education. Authorized activities include, but shall not be limited to off-island events outlined in P.L. 31-132, including arts and humanities competitions, international cultural festivals and exchanges, the Junior Statesman Foundation, the National Science Fair, the Mock Trial, the Forensic League, and Close Up."

Section 3. Memorandum of Agreement. The Director of the Department of Administration shall establish a Memorandum of Agreement with the Superintendent of Education to effectively administer the provisions of this Act. The terms and conditions of the Memorandum of Agreement shall not be in conflict with the rules and regulations established for the *Senator Edward J. Cruz Medical Referral Mileage Bank Account*, as required by §23111(l) of Chapter 23, Division 2, Title 5, Guam Code Annotated.

Section 4. Unused Mileage. Unused mileage earned from credit card purchases, prior to the implementation of this Act, shall be reserved for student travel, subject to the terms and conditions of the Memorandum of Agreement established in accordance with Section 3 of this Act.

Section 5. Effective Date. This Act shall be effective upon enactment.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 44-32 (COR)
As Substituted by the Committee on General Government Operations and Cultural Affairs.

Introduced by: Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
B.J.F. Cruz
R.J. Respicio

AN ACT TO AMEND §23111 OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT OFF-ISLAND MEDICAL REFERRALS AND OFF-ISLAND STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Medical Referral and Education Mileage Bank Account. §2311 of Chapter 23, Division 2, Title 5, Guam Code Annotated, is hereby *amended*, to read:

"**§ 23111. The Senator Edward J. Cruz Medical Referral and Education Mileage ~~Bank Account Act~~ Program.**

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

(b) Medical Referral and Education Mileage ~~Bank Account~~ Program. There is hereby created within the government of Guam an accrued travel mileage ~~account~~ program for the ~~banking~~ use of travel mileage earned as a result of travel paid by the government of Guam through the use of government of Guam credit cards. This ~~account~~ program shall be known as the Senator Edward J. Cruz Medical Referral and Education Mileage ~~Bank Account~~ Program (MREM~~BA~~P) to be administered by the Department of Administration for all travel conducted by employees of ~~government agencies, instrumentalities, autonomous agencies, public corporations and~~ the Executive B~~b~~ranch~~es~~ of the government of Guam ~~to deposit all accrued travel mileage by virtue of receiving travel authorization payments into the MRMBA~~. The Guam Legislature, Unified Judiciary of Guam, and other agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam that purchase airline tickets through the use of credit cards, shall administer their respective accrued travel mileage program pursuant to the requirements of this Section.

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

Account means the Senator Edward J. Cruz Medical Referral and Education Mileage ~~Bank Account~~ Program established under this Section.

Accrued mileage means those miles accrued by the government of Guam, specifically the Department of Administration, the Guam Legislature, Unified Judiciary of Guam and other agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam that use credit cards to purchase airline tickets ~~an employee and/or consultant traveling on government or federal paid travel in the government account or in the employee's frequent flyer travel benefit program~~.

~~*Department* means the Department of Administration.~~

Employee means all persons employed within the government of Guam, whether classified or unclassified, or full-time, part-time, temporary or limited-term basis; all elected officials, judges, mayors, individual consultants, and members of boards and commissions.

Student means a person enrolled in a Guam Department of Education school.

Travel benefit means a program designed by an airline that awards accrued mileage and benefit programs to its clients.

(d) Requirement. All accrued mileage earned through the use of credit cards for travel by employees of the legislative, judicial and executive branches, including, but not limited to, all government

agencies, instrumentalities, autonomous and semi-autonomous agencies, public corporations, the University of Guam, the Guam Community College, the Guam Visitors Bureau, the Department of Education, all elected officials, individual consultants of the government of Guam, and members of boards and commissions, as well as non-government persons traveling at government of Guam or federal government expense, shall be available to support off-island medical care, and off-island student travel involving academic, sports and cultural activities. ~~,as a condition of receiving local or federal monies under a travel authorization (TA) contractual allotment for travel, or any government of Guam monies, used directly or indirectly for expenses incurred for official government travel, shall donate all mileage accrued to the *Ayuda* Foundation, if the mileage accrued has not already been credited to a government of Guam mileage bank account. The employee shall sign a waiver form donating accrued mileage from any travel benefit on whatever airline into the MRMBA, or directly to the *Ayuda* Foundation as identified in § 23117.~~

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

(1) Department of Administration - Fifty Percent (50%) of the accrued mileage maintained by this entity shall be used to send eligible students to participate at off-island academic activities including, but not limited to, Close-Up and the Junior Statesmen of America, etc. The remaining Fifty Percent (50%) shall be used to support off-island medical referrals pursuant to §23111(f).

(2) Department of Education, Guam Community College, University of Guam – One Hundred Percent (100%) of the accrued mileage maintained by these entities shall be used to send eligible students to participate at off-island academic activities including, but not limited to, Close-Up and the Junior Statesmen of America, etc.

(3) Guam Power Authority, Guam Waterworks Authority – One Hundred Percent (100%) of the accrued mileage account maintained by these entities shall be used to send eligible students to participate at off-island sports competitions.

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

(5) Guam Legislature, Unified Judiciary of Guam – One Hundred Percent (100%) of the accrued mileage maintained by these entities shall be used to send eligible students to participate at off-island academic activities including, but not limited to, Mock Trial and National Forensic League competitions, etc.

(6) All agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam not mentioned in §23111(d), items (1) through (4), shall use their accrued mileage to send eligible students to participate at off-island academic, sports and cultural activities, as authorized by the Superintendent of Education.

(e) Eligibility.

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

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

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

(2) Patient eligibility shall be based upon:

(A) financial need as identified under the requirements of the Medically Indigent Program or under the requirements of other DPHSS income-based health programs;

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

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

(D) student is enrolled in the Guam Department of Education and is authorized by the Superintendent of Education to participate at an off-island academic, sports or cultural activity.

(f) Authorized Use. Fifty percent (50%) of ~~T~~the accrued mileage account, administered by the Department of Administration, shall be used to send patients off-island, through a certified medical referral for patients, to a destination determined by the patient's duly licensed physician with the concurrence of the Medically Indigent Program Coordinator of the Department of Public Health & Social Services.

(g) Other Travel Benefits. All other travel benefits, including, but not limited to, volume purchase discounts and accrued number of ticket purchases for free flight benefits and promotional travel benefits shall be accrued and used for the purpose of this Program. The Director of Administration shall establish procedures for

management of these benefits and for distribution as requested by the Medically Indigent Program Coordinator of the Department of Public Health & Social Services, or his/her designee.

~~(h) Deposit of Mileage.~~

~~(1) The Department is hereby authorized to become a member of the travel benefits program as it relates to travel mileage instituted by any and all airlines serving Guam, and shall enter into an agreement with an airline to accrue travel mileage credits for employees traveling on government and/or federally funded travel.~~

(~~2~~h) Credit Card Agreement; Accrued Mileage Program. The Guam Legislature, Unified Judiciary of Guam, and ~~D~~departments, agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam shall exercise due diligence and seek to enter into an agreement with a bank(s) on Guam for a credit card(s) to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue travel mileage through a participating airline(s), which shall be used in accordance with the provisions of this Act. Each department, instrumentality, autonomous agency, and public corporation of the government of Guam, shall maintain their respective accrued mileage program which shall be used exclusively to support off-island

medical referrals and off-island student travel involving academic, sports and cultural activities, pursuant to the distribution guidelines set forth in §23111(d), items (1) through (6). The Department of Administration shall be responsible for maintaining an accrued mileage account for all travel under its purview.

~~(3) Employees not using the Department's credit card shall be personally liable to deposit any travel miles accrued directly to the *Ayuda* Foundation via whatever airline website, which has agreed to accept mileage credits on behalf of the *Ayuda* Foundation. The employee shall be required to submit the confirmation copy of the accrued mileage deposit(s) made, and shall be included in the required travel report submitted to the Certifying Officer or equivalent of their respective department within ten (10) days upon their return from off-island funded travel.~~

~~(i) Reporting. The employee traveling on government and/or federally funded travel who does not use the credit card with the Department shall submit a copy of the form evidencing the deposit of mileage into the *Ayuda* Foundation to the Certifying Officer or equivalent of the department or agency, who shall maintain a reporting of all accrued mileage by employees traveling on government and/or federally funded travel. The Certifying Officer or~~

~~equivalent of the department or agency shall submit a monthly report to the Travel Section of the Department of Administration of all accrued mileage. The Travel Section shall reconcile the report with the *Ayuda* Foundation on a monthly basis to ensure that the accrued mileage deposited by the department or agency is correct, and shall submit a quarterly report to *I Liheslaturan Guåhan* to include, but not be limited to, total miles accrued and donated per agency, total miles used for medical purposes, and any balances that remain. An audit shall be conducted of the MRMBA on an annual basis by the Office of Public Accountability, and submitted to *I Liheslaturan Guåhan* no later than September 30.~~

~~(j) Penalties. Any violation of this Section shall result in the following:~~

~~(1) An employee who fails to submit the confirmation copy of transfer of mileage to *Ayuda* evidencing the transfer of mileage pursuant to Subsection (h) of this Section, shall pay the amount equal to the cost the airline mileage program charges for the purchase of miles times the mileage accrued on the completed travel. If the employee fails to submit the confirmation copy, the total amount shall be deducted from the employee's salary for four (4) pay periods or until the total amount is paid in full.~~

~~(2) Any penalties paid shall be retained by the Medically~~

~~Indigent Program to be used for the administration of the MRMBA.~~

~~(k) Indemnification. The government of Guam shall indemnify and hold harmless the participating airline(s) thereof for any loss subject to an agreement, and provided that such loss is not a result of the negligence of the airline(s). *I Maga'lahen Guåhan* is hereby authorized to enter into such an indemnification agreement pursuant to this Section.~~

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

~~(m) Travel Authorization Signatory Exemption. For the purposes of this Section, any accrued mileage used out of the MRMBA for the Wings for Life Program will not be subject to the signatory parties as required with standard government travel authorization requests. Authorized signatories to approve the transfer of accrued mileage to ensure expedited travel shall be the Director of the Department of Public Health and Social Services and the Director of the Department of Administration only.~~

(~~n~~j) Transfer fee. In the event a transfer fee is required to secure off-island travel, as authorized herein, such fee shall be borne by the traveler.

(~~n~~k) Effective Date. This Section shall become effective ~~on October 1, 2011~~no later than ninety (90) days following enactment."

Section 2. Transition and Implementation. The Director of the Department of Administration, the Director of the Department of Public Health and Social Services and the *Ayuda* Foundation shall exercise due diligence to avoid disruption in the processing of travel for medically indigent patients during the period prior to the effective date of this Act. Unused mileage earned from credit card purchases, prior to the implementation of this Act, shall be reserved for off-island medical referrals and off—island student travel, subject to the rules and regulations promulgated in accordance with §23111(i).

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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PUBLIC HEARING SIGN-IN SHEET

Wednesday, March 6, 2013

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 44-32 (COR)

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Timothy Leon Guerrero	Agyda Foundation	Support		✓	473-3003	carbttaguam@yahoo.com
NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS

AYUDA FOUNDATION

Carlotta Leon Guerrero
Executive Director

Written Testimony
Wings for Life Program Update
March 19, 2013

Hafa Adai Mr. Chairman,

Thank you for giving me an opportunity to brief you on the Ayuda Foundation's Wings for Life program and how the government wide transfer of travel miles is affecting the program.

For background information, the Department of Public Health and the Department of Administration are our working partners in the program that uses United Airlines travel miles to move medically indigent patients off island for health-care that is not available on Guam. The travel miles come into the Ayuda Foundation from 2 sources;

- anonymous donations of miles on the United Airlines website for those who wish to donate to a charitable cause (estimate daily hits on website is 6-7 million)
- the miles donated when a Government of Guam employee travels

Of concern to us was the United Airlines view that they are being adversely affected by this program because Gov Guam workers are using other airlines in order to avoid turning their miles over.

United Airlines is the only airline that has put together a travel miles donation program that allows donations of miles that are less than a leg of a journey. It is possible through the United website to donate just 50 miles to Ayuda. We use the donated miles to benefit the poorest members of our community.

As a lawmaker you know that with the implementation of law, over time a track record is created of what's working and what's not and how to fix what's not working. We are at that point now. United believes that the mandatory turn over of miles is causing Gov Guam travelers to make other choices so they can keep the miles for their own family's travel/emergency needs.

We have been advised that if this situation continues it is possible that United Airlines HQ might decide to eliminate the travel miles donation program (that Continental created and United now controls) in order to return themselves to a level playing field with the other airlines serving Guam instead of losing travelers because of it.

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In order to remove the very real risk that United might end the travel miles donation program that they helped create 7 years ago, we suggest removing language in the law that mandates miles generated by Gov Guam worker travel shall be turned over to the Ayuda Foundation.

Miles are generated in 2 ways, one is when a traveler gets on a plane, and the other way is when purchases are made on a credit card that generates travel miles. We support all efforts to capture as many travel benefits as possible through government purchasing and feel that significant miles can be created for the benefit of other populations with travel needs.

In the 7 years that this voluntary program has been in existence, Continental-United Airlines has provided an airline ticket to over 500 patients, plus a caregiver in many cases, so over 1,000 people have been flown off island, free, for needed medical care. We believe this program brings tremendous relief to the General Fund.

Thank you for this chance to fight for a program that helps the poorest members of our community at a time when they are afraid, vulnerable and most in need of a helping hand.

Your friend,

Carlotta Leon Guerrero
Executive Director
Ayuda Foundation

Comments on Legislative Bill No. 44-32 (COR)

The bill is seeking to transfer approximately 10 Million in air travel mileage which is separate and apart from those air travel miles identified by P.L. 31-117. Such air miles will be used to fund student travel involving academics, sports and cultural activities as approved by the Superintendent of Education. Because such air travel mileage is earned by the Government of Guam, specific airlines serving Guam may charge a transfer fee for transferring from Government of Guam to each student, resulting in significant fiscal impact to the annual appropriations of the Guam Department of Education. As an example, Delta Airlines charge a fee of $0.01 per mile plus $30.00 transaction fees. Using this as example, the potential fiscal impact could be as low as $70,000, based on the following assumptions:

- Transfer fees used by Delta Airlines are $0.01 per mile plus a $30 transaction fees.
- In a given fiscal year, approximately 500 students will travel to the United States, all using the travel mileage available for GDOE that Delta has agreed to accommodate.
- Approximately 5,500,000 travel air miles will be consumed by these 500 students.
- Each student is a separate transaction fee.

For United Continental, the potential fiscal impact can be as high as $82,500, which is based on a transfer cost $15 per increments of 1,000 air miles for a total Mileage Plus transfer of 5,500,000.

Both airlines do have a limitation of 4 transfer events per account which means that the Department of Administration will need to negotiate with the airlines to allow unlimited transfers under the Government of Guam account.

Both the

Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
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Benita A. Manglona
Director
Anthony C. Blaz
Deputy Director

March 13, 2013

The Honorable Benjamin J.F. Cruz
Vice-Speaker
Chairman, Committee on General Government
Operations and Cultural Affairs
I Mina' trentai Dos Na Liheslaturan Guåhan
Suite 107
155 Hesler St.
Hagatna, Guam 96910

RE: Bill 44-32

Buenas yan Håfa Adai Vice-Speaker Cruz:

Thank you for the opportunity to provide comment on Bill 44-32.

> AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

I understand the intent of Bill 44-32 and agree that the airfare transportation for qualified Guam representatives involved with educational, sporting and cultural activities must be supported. However, DOA has concerns and we are including the following comments.

It appears §23111(g) is a typographical error. The section pertaining to the "Deposit of Mileage" is §23111 (h), Chapter 23, Title 5 GCA.

Section 2. "Mileage Accrued Through Use of Credit Card Purchases." of Bill No. 44-32 reads as follows:

> *"(2) The Department shall enter into an agreement with a bank on Guam for a credit card to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue mileage, which shall be used exclusively for student travel involving academic, sports and cultural activities, as authorized by the Superintendent of Education. Authorized activities include, but shall not be limited to off-island events outlined in P.L. 31-132, including arts and humanities competitions, international cultural festivities and exchanges, the Junior Statesman Foundation, the National Science Fair, the Mock Trial, and the Forensic League, and the Close Up."*

While the intent of Bill 44-32 is honorable, the inclusion of the above Subsection (2) into §23111 will only create further confusion and unnecessary delays in processing any travel requests for both MIP and

Student beneficiaries. There are several important points that must be considered prior to approval of Bill 44-32:

1) The government currently transfers accrued mileage to the *Ayuda Foundation's* "Wings for Life Program" without penalties and fees for transfer of mileage. This agreement was established with Continental Airlines who agreed to waving fees for these transfers because Continental was one of the corporate sponsors of the *Ayuda Foundation.*

   United Airlines has taken over Continental Airlines and may not support the transfer of miles without fees associated with the transfer to any organization not listed on the United Airlines Mileage Donation section of the United Airlines website. Based on United Airlines' current rules

   i. The cost under the United Airlines Mileage is $15.00 per 1,000 miles;
   ii. Minimum transfer is 2,000 miles per account
   iii. Maximum limit for each recipient is 15,000 per calendar year;

The current mileage program is problematic and has many unresolved issues. We highly encourage the legislature to correct the existing mileage program before making any additional provisions to the chapter.

Furthermore, it is my recommendation that rather than amend §23111 (g), Chapter 23, Title 5 GCA, a new subsection, perhaps §23113, be added specifically for the Guam Department of Education (GDOE) that is reflective of *The Senator Edward J.Cruz Medical Referral Mileage Bank Account Act.*

Senseramente,

Benita Manglona

BENITA A. MANGLONA

Attachments:

cc: Senators, 32nd Guam Legislature

BAM/aa

3/6/13

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1. MileagePlus membership and benefits, including the Premier Program, are offered at the discretion of United Airlines and its affiliates, and United has the right to terminate the Program and/or the Premier Program or to change the Program Rules, regulations, benefits, conditions of participation or mileage levels, in whole or in part, at any time, with or without notice, even though changes may affect the value of the mileage or certificates already accumulated.

   1a. United may, among other things, withdraw, limit, modify or cancel any award; increase the mileage, cash required, applicable co-pays or number of certificates required for any award; modify or regulate the transferability of awards or benefits; add an unlimited number of blackout dates; or limit the number of award seats available to any or all destinations. Members, in accumulating mileage or certificates, may not rely upon the continued availability of an award or award level, and members may not be able to obtain all offered awards or use awards to all destinations or on all flights.

2. Participation in the MileagePlus Program (the "Program") is subject to any terms and conditions, rules, regulations, policies and procedures ("Program Rules") that United may, at its discretion, adopt from time to time. United has the sole right to interpret and apply the Program Rules. Any failure to follow Program Rules, United's contract of carriage, United's fare rules, any abuse of Program privileges, any violation of law, rule or regulation, any conduct detrimental to the interests of United, any fraudulent activity or attempted fraudulent activity, or any misrepresentation of any information furnished to United or its affiliates by any member, or anyone else acting on the member's behalf, may result in the termination by United of such member's membership, the loss or cancellation of accrued mileage, certificates, awards or benefits, or both, or the loss of other Program benefits. Terminated members shall not be eligible to participate in any aspect of the Program, and members whose accounts have been terminated shall not be eligible to enroll with new accounts.

3. United reserves the right to audit any and all MileagePlus accounts at any time to ensure compliance with the Program Rules, without notice to the Program member. During the course of an audit or investigation a member's account information may be shared with any third party with whom United has contracted to assist in performing such audit or investigation. In the event that an audit reveals discrepancies or possible violations, United may delay the processing of award redemption requests, cancel any outstanding award redemptions, withhold statements or suspend the MileagePlus account of a member pending completion of the audit. While the account is suspended, the member may continue to accrue miles in the account, but no mileage redemptions or other transactions will be permitted and any outstanding award redemptions will be cancelled. Cancelled award redemptions must be surrendered to United upon United's request. Upon completion of the audit, if a discrepancy or violation has been determined by United, in addition to any other remedies described herein, mileage may be removed from the account of the member to remedy such discrepancy or violation with or without notice to the member.

4. Each member shall be responsible for remaining knowledgeable as to the Program Rules and the amount of mileage in such member's account. United shall attempt to advise active members of

various matters of interest through such means as may be appropriate, such as account summaries, emails, newsletters and its website, but United shall have no liability for any failure to do so. United will not be responsible for correspondence lost or delayed in the mail. Each member shall be responsible for advising United of any change of address, and United shall have no liability for misdirected mail or any consequences thereof. The most current Program Rules may be found on mileageplus.com and this is the final authority on the Program Rules.

5. The accumulation of mileage or certificates and the redemption of awards are subject to specific Program Rules enacted by United. Each member is responsible for reading those materials in order to understand such member's rights and responsibilities under the Program. No mileage, benefits, certificates or awards earned or granted under the Program may be transferred or assigned except as expressly permitted by United in writing or under programs fully authorized and/or sponsored by United.

6. The MileagePlus Program is maintained for the benefit and participation of individual or small business members only. Only individuals and small businesses are eligible for MileagePlus membership, and each individual or small business member may maintain only one account in the Program. Duplicate accounts in the Program will be subject to cancellation and only the applicable credited mileage, excluding any enrollment or other bonus, will be transferred to any remaining account. Only one member may be enrolled per Program account. Program membership account numbers are nontransferable. Only the member named on the account will be entitled access to account information. Account information is United's proprietary information and members may access information only for the purpose of obtaining information about their account. No member may delegate or grant access (via power of attorney, contract, or otherwise) to a third party. Account information may be reproduced for use by the applicable member but must contain copyright and proprietary notices and redistribution in any way requires United's written permission.

7. Accrued mileage and certificates do not constitute property of the member. Neither accrued mileage nor certificates are transferable (i) upon death, (ii) as part of a domestic relations matter, or (iv) otherwise by operation of law.

Prohibition of sale or barter

8. **The sale or barter or attempted sale or barter of any such mileage, certificates, awards or benefits other than as authorized and/or sponsored by United is expressly prohibited. Any mileage, certificates, awards or benefits transferred, assigned or sold in violation of the Program Rules, in addition to exposing the member to the penalties otherwise associated with violations, may be confiscated or canceled. The use of award tickets that have been acquired by purchase, barter or other conduct in violation of Program Rules may result in termination of membership, cancellation of accrued mileage, certificates, awards or benefits, confiscation of the tickets, denial of boarding with respect to the ticket holder, and, at United's discretion, completion of the travel only upon payment of an applicable fare.**

Account activity

9. Any member who has failed to earn mileage for a calendar month may, at United's option, be excluded from receiving newsletters, statements, correspondence or other materials, including notifications of Program changes or special promotions, until the next quarter in which such member earns mileage.

10. Any member who fails at any time to engage in account activity for a period of eighteen (18) consecutive months is subject to termination of such member's membership and/or forfeiture of all accrued mileage as of the last day of the 18th month. Activity includes (without limitation) earning flight miles on United or earning or redeeming miles with a MileagePlus partner (as defined in Rule 12), redeeming miles for award travel, buying miles or transferring miles.

11. "Account Activity", for purposes of these rules, shall be deemed to occur when a member accrues mileage in such member's account in any manner as outlined and set forth in these Rules, or as otherwise approved by United, or when the member redeems any MileagePlus or partner award by the use of mileage in the member's account. In cases where mileage is for any reason removed from an account, as for example the redemption of an award, and there is a subsequent cancellation of the award or removal of miles and a return of the miles to the member's account, the cancellation of the award or removal and return of the mileage to the account shall not qualify as "Account Activity."

Partners

12. The MileagePlus Program "partners" include airlines, rental car companies, hotels or other entities who offer products or services as awards in the Program and who permit the accrual of mileage to members who utilize their products or services. The partners are independent entities, and United is not responsible for the nature or quality of products or services provided by those partners, nor for any solicitation efforts by those partners. Mileage accrual offered to Program members for utilizing a partner's product or service can vary based upon the type of membership and details on specific partner offers are as published.

13. United shall have no liability for partner withdrawals from the Program or for award changes or cancellations caused by partner withdrawals, discontinued United or partner service, or award or mileage accrual cancellations for any other reason. United may change the amount of mileage required for partner offers or awards or impose other restrictions upon the use of partner offers or awards, with or without notice.

14. Routing and destinations for award travel on airline partners are determined by our individual travel partners.

15. By participating in the MileagePlus Program, members understand and acknowledge that their names, addresses and other account information may be shared with some or all MileagePlus partners and that they may receive promotional materials, mailings and emails from United and its partners. A member may, however, opt-out of receiving any such materials by advising United (via the MileagePlus Service Center in writing or by accessing such member's account profile information at mileageplus.com and changing the profile to indicate their desire to be excluded from any such partner mailings or communications.

Mileage accrual

16. Miles will be accrued in such member's MileagePlus account only when the member avails themselves of the means of accrual recognized under the Program. Members may not accrue mileage for the utilization of services by anyone other than themselves, whether air transportation or otherwise, except to the extent that mileage may be earned for purchases made through authorized debit or credit cards or as expressly allowed under the applicable MileagePlus partner's offer.

    16a. United, in its sole discretion, may permit MileagePlus individual members to credit mileage earned for flights on other airlines to their individual MileagePlus accounts, and other airlines or entities may, by agreement with United, permit their program members to credit to their accounts mileage earned for flights on United. In such cases, unless otherwise expressly provided, such mileage may be credited in only one frequent flyer or loyalty program.

17. Members must supply a PIN and/or password when conducting certain transactions in writing, by phone or on the Internet for security or other purposes. A PIN and/or password may be required to make reservations, redeem miles, change address and other services. Members are responsible for maintaining the confidentiality of their PIN and password, as applicable. United is not responsible for stolen PINs or passwords and will not re-credit miles for redemptions using the member's PIN or password.

18. Mileage can be accrued only after the member's official enrollment date, and can be applied only to the member's account.

    18a. In the case of air travel, mileage will be credited only for flights actually flown by the member. Such mileage will be credited in accordance with the terms and conditions of the Program in effect at the time of travel, not at the time that air travel is purchased, booked or reserved. Mileage credit will not be awarded for flight cancellations. United expressly reserves the right to establish additional means of accruing mileage, to delete or modify any or all of the means currently recognized or to exclude specific types of transactions or tickets from the accumulation of mileage, in each case, with or without notice.

19. Mileage for air travel may be accrued only for paid travel on regularly scheduled flights.

20. If United or any MileagePlus partner improperly denies a member an accrual or benefit, liability will be limited to the equivalent of that accrual or benefit.

21. Class-of-service bonus miles, if any, will be credited according to the fare paid, not the cabin flown, and will not be credited on any upgrade.

22. Air mileage will not be credited for award travel, including tickets issued as MileagePlus awards and tickets purchased using a combination of miles and money; on travel industry or reduced tickets; consolidation tickets; or on tickets which are issued subject to any accumulation of MileagePlus credit. In addition, some fares or tickets, including those sold over the Internet, at United's discretion, may be excluded from eligibility for mileage accrual.

23. Car and hotel mileage will be credited only for qualifying published rates, and not for special promotional accommodations, rentals or tickets, industry discounts, group rates or special promotional rates. For hotel and car rental mileage accrual, consecutive night stays or consecutive car rentals at the same hotel/car rental agency will be considered as one stay/rental, regardless of the number of check-ins or rentals.

24. Only the member associated with the MileagePlus account number which is used with partner transactions may receive mileage credit for partner services.

25. United reserves the right to make bonus miles and promotional offers by United or MileagePlus partners selectively available to certain members at any time, based on flight activity, geographic locations, Program participation, or other factors determined at United's sole discretion.

26. United will, in most cases, credit its members' accounts with accrued mileage. However, each member shall have the responsibility to ensure that such member's mileage is properly credited. Where a member contends that mileage has been earned but not credited, or in cases where United deems verification is required, United reserves the right to require proof of accrual from the member, including but not limited to copies of ticket coupons for flights claimed to have been flown or copies of receipts or similar documentation verifying any transactions claimed to have been performed. Any claims for mileage by the member and proof of accrual must be received by United within twelve months after the date such mileage was claimed to be earned. Certain partners may have valid retro-credit claim periods that differ. Please check mileageplus.com for details.

    26a. Each member shall have the responsibility to notify United of any erroneous or fraudulent mileage deduction from such member's account within twelve (12) months of the date of the deduction. United will review such member's claim and reserves the right to require proof, documentation or certification from such member during the review. Crediting back to such member's account the miles claimed to be erroneously deducted will be determined by United in its sole discretion after review and United's decision will be considered final.

Mileage expiration

27. Mileage accrued in a member's account shall be maintained in the account until it is redeemed for an award or until it expires, whichever occurs first.

28. Mileage accrued shall only be subject to expiration on the last day of the eighteen (18) months after the last account activity in the member's account. Activity includes flying, using your MileagePlus credit card and more (see rule 10). In cases where mileage is for any reason removed from an account, such as for the redemption of awards, and later returned, the return of the mileage to the account shall not count as account activity.

Award redemption

29. The awards available to be redeemed and the amount of mileage necessary to redeem each award will be set by United and published to the members. United shall establish the process for award redemption, but redemption shall basically mean the exchange of mileage in a member's account for a specified award.

30. Awards may, at the request of the member, be issued by MileagePlus in the name of the member or in the name and for the use of any other person. Such awards will be issued only after a member validates their account via use of PIN, password or other security measures that United has in place at the time of the award request.

31. Mileage earned in two or more different accounts may not be combined to redeem any award.

32. Travel on MileagePlus award tickets will be subject to the tariff, contract of carriage, ticket terms, and re-accommodation policies of the carrier on which travel is scheduled.

    32a. Redemptions of any non-air awards will be subject to the additional terms and conditions associated with redemption of the applicable award, including any terms or conditions established by the partner that is providing any such non-air award.

33. After an award ticket is issued, a service charge may be imposed for each change requested by the member that necessitates the reissuance of the ticket. See award ticket fee chart for applicable fees.

    33a. After any award, other than an air award, is issued, a service charge may be imposed for each change requested by the member, which necessitates the reissuance, adjustment or cancellation of the award.

34. Award tickets, awards and certificates may be subject to applicable departure taxes, federal inspection fees, passenger facility charges and other fees, charges or taxes, and the person utilizing the award is responsible for the payment of any such items that may apply.

35. Any valid unused award ticket or certificate may be returned to MileagePlus for a service charge. The mileage used to redeem the award will be credited to the member's account and be subject to expiration (see rules 10 and 28). When a reservation is made or non-air award is redeemed but then is subsequently cancelled or returned in accordance with the Program's applicable rules at that time, recrediting of the member's award miles taken in connection therewith will be subject to a service charge. Any return of mileage to the account shall not constitute account activity. For purposes of clarification, some award tickets may not be eligible for recredit of miles and will so state.

36. The award structure is subject to modification, cancellation or limitation at United's discretion, with or without notice. The amount of mileage required to redeem any award may be substantially increased, any award may be withdrawn, and restrictions on any award or its redemption may be imposed at any time.

    36a.The accumulation of mileage does not entitle Program members to any vested rights with respect to any awards or the Program. Awards for air travel shall be valid only to destinations served both at the time of the issuance of the award ticket and at the time of departure, and neither United nor its partners shall be liable for schedule changes that result in the cancellation of service to any destination. If a member fails to comply with any published award rules for air travel, at United's sole discretion, such member may be accommodated on a different flight than originally selected, seated in a lower class of service, denied ticketing or boarding, or be subject to other action as provided herein, and such member will not be entitled to compensation in connection with any such action.

37. Upgrades will not be allowed on special promotional accommodations, rentals or tickets; industry discounts; consolidation tickets; group rates or special promotional rates.

International membership

38. Participation in the MileagePlus Program may be prohibited or restricted in some countries. Nothing in these Rules should be read to override or circumvent any such foreign laws.

Small Business Network Members

39. Each member of the Program that is not an individual shall be subject to each of the rules set forth above. In addition:

    39a. Each such member shall be a business that (i) is duly organized and validly existing in the United States under the laws of the jurisdiction of its organization, and (ii) is enrolled in the MileagePlus small business network ("Small Business Network").

    39b. Each Small Business Network member is responsible for ensuring that participation in the Program complies with the applicable policies and practices of such small business. Any act of a Small Business Network member's owners, directors, officers, employees, agents or contractors shall be deemed to be an act of such member.

    39c. Notwithstanding the prohibition in Rule 6 above regarding delegating or granting access to third parties, Small Business Network members may participate in the Program by means of an authorized representative of the business. The authorized representative of the business shall be the individual designated by the member as its primary contact. By participating in the Program, each member represents that the individual designated as its authorized representative has been duly appointed and authorized as such and that the authorized representative of the business is at least eighteen (18) years of age. Each member shall be responsible for ensuring they record and maintain account information in such manner so as to comply with the policies and practices of their business. Requests for changes to a member's account, such as a change of the authorized

representative, will not be honored without the member satisfying established requirements for account validation.

39d. In addition to the restrictions in Rule 7 above, none of accrued mileage, certificates or awards are transferable as part of a transfer of or assignment by a business.

39e. A Small Business Network member providing mileage awards to its employees for employee recognition or incentive purposes, as opposed to wages or compensation for services, shall not constitute a violation of Rule 8 above.

39f. Small Business Network members are not eligible to accrue mileage for flight activity.

39g. Miles may not be accrued by the Small Business Network member's account and any individual member account(s) (including any member account of such Small Business Network member's owners, directors, officers, employees, agents or contractors) for the same qualifying account activity, except as expressly allowed under the applicable MileagePlus partner's offer.

Find United on:

Business Services | Cargo | Careers | unitedcontinentalholdings.com | United Hub
Contract of Carriage | Lengthy Tarmac Delay Plan | Our United Customer Commitment | Legal Information | Privacy Policy | Site Map | Search united.com | Travel Agents
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DRAFT

DEPARTMENT OF EDUCATION
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JON J. P. FERNANDEZ
Superintendent of Education

March 6, 2013

Honorable Speaker Judith T. Won Pat, Ed.D.
Speaker, I Mina' Trentai Dos Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

RE: BILL No. 44-32 – An Act to Amend §23111(g)(2) of Chapter 23, Division 2, Title 5, GCA, Relative to Authorizing the use of mileage Earner Through Credit Card Purchases Authorized by the Government of Guam, to Support Student Travel Involving Academic, Sports and Cultural Activities.

Dear Speaker Won Pat,

Hafa Adai and thank you for the opportunity to provide written testimony in support of Bill No. 44-32, which authorizes the use of mileage earned through credit card purchases authorized by the Government of Guam to support student travel.

Participation in off-island events affords our island's public school students the opportunity to interact with other student organizations on higher levels both nationally and internationally. Whether it is for an academic, sports or cultural event, off-island travel definitely strengthens the academic, physical and social development of our students.

Currently, the Guam Department of Education must allocate funding for travel from an already constricted budget or utilize funds raised by students through extra-curricular activities to make off-island event participation a reality. Events involving organizations such Close Up, JROTC, the Forensic League, the Junior Statesmen Foundation, Mock Trial, the National Science Fair and others will greatly benefit as a result of this bill becoming law. I speak on behalf of the Guam Education Board, the Department and most importantly the students in support of the passage of Bill No. 44-32.

In closing, I applaud your continued efforts to expand the horizon for our students. I look forward to working in cooperation with this committee to continually improve the educational system for our future generations.

In event you have any questions please feel free to contact to contact me at 475-0457 or 300-1547.

Senseramente,

JON J. P. FERNANDEZ

COMMITTEE ON RULES

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155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2013 FEB 25 PM 4:44

February 25, 2013

Memorandum

To: **Reanne Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 21-32 (COR), 40-32(COR), 41-32(COR), and 44-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 8

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note Waiver on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

FEB 25 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 44-32 (COR)

AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS, AND CULTURAL ACTIVITIES.

Department/Agency Appropriation Information		
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon Fernandez, Superintendent of	
Department's General Fund (GF) appropriation(s) to date:		184,627,406
Department's Other Fund (Specify) appropriation(s) to date: TEFF and HFF		31,535,708
Total Department/Agency Appropriation(s) to date:		$216,163,114

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance[1]		$0	$0
FY 2013 Adopted Revenues	$0	$0	$0
FY 2013 Appro. (P.L. 31-233)	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	$0	$184,627,406	$0	$0	$0	$0
(Specify Special Fund)	$0	($82,500)	$0	$0	$0	$0
Total	$0	$184,544,906	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /x / Yes / / No
If no, what is the additional amount required? $ _____ /x / N/A
3. Does the Bill establish a new program/agency? / / Yes /x / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x / No
Is there a federal mandate to establish the program/agency? / / Yes /x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x / Yes / / No
/ / Requested agency comments not received as of the due date /x / Other: insufficient time due deadline

Analyst: _____ Date: 2/20/13 Director: _____ Date: FEB 25 2013
John AB Pangelinan John A. Rios, Director

Footnotes:
See attached comments.

COMMITTEE ON RULES

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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 18, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 44-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **44-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan.*

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
44-32 (COR)	Judith T. Won Pat, Ed.D	AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.	02/15/13 5:08 P.M.	**2/18/13**	Committee on General Governmental Operations and Cultural Affairs			

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

February 26, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – March 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, March 6, 2013, beginning at 10:00AM in *I Liheslatura's Public Hearing Room*** with the following agenda:

Bill No. 45-32 (LS) - B.T. McCreadie / R.J. Respicio - An act to add §5004.1 of Chapter 5, Title 5, Guam Code Annotated, relative to allowing the Guam Memorial Hospital to obtain professional services in accordance with industry practice.

Bill No. 31-32 (COR) - V.A. Ada - An act to add a new §5132 to Chapter 5 of 5GCA relative to retention of procurement related email messages.

Bill No. 32-32 (COR) - V.A. Ada - An act to add a new (e) to §5008 of Chapter 5 of 5GCA relative to prohibiting government of Guam branches, departments, agencies and instrumentalities from excluding local businesses from the procurement process.

Bill No. 44-32 (COR) - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - An act to amend §23111(g)(2) of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support student travel involving academic, sports and cultural activities.

Bill No. 46-32 (LS) - T.R. Muña Barnes - An act to amend a subsection (c) and subsections (h) of Article 1, Chapter 10, Title 5, Guam Code Annotated relative to the Right of Inspection.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

March 1, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – March 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, March 6, 2013, beginning at 10:00AM in *I Liheslatura's Public Hearing Room*** with the following agenda:

Bill No. 45-32 (LS) - B.T. McCreadie / R.J. Respicio - An act to add §5004.1 of Chapter 5, Title 5, Guam Code Annotated, relative to allowing the Guam Memorial Hospital to obtain professional services in accordance with industry practice.

Bill No. 31-32 (COR) - V.A. Ada - An act to add a new §5132 to Chapter 5 of 5GCA relative to retention of procurement related email messages.

Bill No. 32-32 (COR) - V.A. Ada - An act to add a new (e) to §5008 of Chapter 5 of 5GCA relative to prohibiting government of Guam branches, departments, agencies and instrumentalities from excluding local businesses from the procurement process.

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Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520

Gmail by Google

Mike Lidia <mike.lidia@senatorbjcruz.com>

First Notice of Public Hearing – Five Day Notice – March 6, 2013 (Attachment Included)

34 messages

Mike Lidia <mike.lidia@senatorbjcruz.com> Tue, Feb 26, 2013 at 2:30 PM

To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, therese.hart.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, Adonis Mendiola <adonis.mendiola@gmail.com>, AJ Balajada <albert.balajadia@gpd.guam.gov>, Aline Yamashita <aline4families@gmail.com>, Amanda Lawson <alawson@visitguam.org>, Andy Arceo <andy.arceo@gmail.com>, Angel Sablan <anghet@hotmail.com>, Anisia Terlaje <anisiaterlaje@hotmail.com>, Annette Donner <annette.donner@fe.navy.mil>, Anthony Tamayo <anthony.tamayo@guam.gov>, Antone Aguon <afaguon@gmail.com>, Art Perez <aperez@gpagwa.com>, Arthur Clark <arthur.clark@guam.gov>, Arthur San Agustin <arthur.sanagustin@dphss.guam.gov>, Barry Mead <bigb@guam.net>, Ben Servino <benito.servino@disid.guam.gov>, Benita Manglona <bmanglonacpa@gmail.com>, Bernadette Artero <bernieartero@yahoo.com>, Bernadette Stern-Meno <bmeno@portguam.com>, Bertha Taijeron <bertha.taijeron@dphss.guam.gov>, Bryan Cruz <bcruz@guamattorneygeneral.com>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Carlene Okiyama <carlene.okiyama@guam.gov>, Carmelita Santos <carmelita.santos@clb.guam.gov>, Catherine Cruz Norton <catherine.norton@fe.navy.mil>, Cathy Gogue <cathy.gogue@gmail.com>, Charlyne Guerrero <charlyne.guerrero@epa.guam.gov>, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Christine Camacho <christine.camacho@gmail.com>, Chuck Ada <chuck.ada@ghs.guam.gov>, "Col. Ralph Sgambelluri" <rsgamby@yahoo.com>, Coleen Perez <coleen.perez@fe.navy.mil>, CPT Kenneth Ola <kenneth.ola@us.army.mil>, Dave Camacho <davidvcamacho@gmail.com>, David Camacho <ancestrallandsguam@yahoo.com>, Dong Choe <dong.choe@guam.gov>, "Dr. Anita Enriquez" <abe@uguam.uog.edu>, "Dr. Aurelio Espinola" <cme.guam@gmail.com>, "Dr. Helen Whippy" <hwhippy@uguam.uog.edu>, "Dr. Larry Lizama" <larry.lizama@gmha.org>, "Dr. Mary Okada" <mary.okada@guamcc.edu>, "Dr. Paul Pineda" <ppineda.spcs@gmail.com>, "Dr. Robert Underwood" <anacletus2010@gmail.com>, Ed Cruz <ed.cruz@bit.guam.gov>, Ed Ordonez <eduardo.ordonez@clb.guam.gov>, Eric Palacios <eric.palacios@guam.gov>, Evert Arevalo <evert.arevalo@guam.gov>, Felix Pangelinan <frpangelinan@portguam.com>, Ferdinand Soriano <ferdinand.soriano@cqa.guam.gov>, Florence Blas <florencesgro@gmail.com>, Francis Santos <fsantos@staywellguam.com>, Frank Pangelinan <frankpangelinan08@yahoo.com>, Franklin Arriola <franklin.arriola@guam.gov>, Gener Deliquina <gfdeliquina@yahoo.com>, General Benny Paulino <benny.m.paulino@us.army.mil>, Gerald Perez <geap43@yahoo.com>, Geri Castillo <geraldine.castillo@guam.gov>, Gerry Cruz <gerry.cruz@epa.guam.gov>, Heidi Ballendorf <heidi@guamwaterworks.org>, Henry Taitano <henry.taitano@guam.gov>, "Hinson, Carrie K MSgt USAF" <carrie.hinson@andersen.af.mil>, Ivan Quinata <ivan.quinata@epa.guam.gov>, Jack Casey <jackwcasey@yahoo.com>, Jackie Balbas <jacqueline.balbas@caha.guam.gov>, James Canto <james.canto@guam.gov>, James Casey <jimcasey352@yahoo.com>, Jayne Flores <jayne.flores@guamcc.edu>, Jesse Alig <jesse.alig@guam.gov>, Jim McDonald <jim.mcdonald@ghs.guam.gov>, Joann Camacho <fljoann@hotmail.com>, Joanne Brown <j.msbrown@yahoo.com>, Joaquin Flores <jflores@gpagwa.com>, Joe Cameron <jacam57@ite.net>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, John Benavente <gpagm@ite.net>, John Camacho <jpcamacho@revtax.gov.gu>, Jose San Agustin <tankaila@hotmail.com>, Joseph Cameron <joseph.cameron@dca.guam.gov>, Josephine Torres <josephine.torres@dpw.guam.gov>, Josette Javelosa <jjavelosa@portguam.com>, judiguthertz@pticom.com, Karl Pangelinan <kpangelinan@guameda.net>, Kelly Basilia <kelly.basilia@guam.gov>, law@guamattorneygeneral.com, Leah Beth Oligario Naholowaa <lbnaholowaa@yahoo.com>, Leila Uong <leila.uong@guam.gov>, Leo Casil <leo.casil@dphss.guam.gov>, Linda DeNorcey <jilinda@teleguam.net>, "Lt Jodie K. 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Cruz" <senadotbjcruz@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Rory Respicio <roryforguam@gmail.com>, Senator Sam Mabini <senatorsam@senatormabini.com>, Senator Tina Muna-Barnes <tinamunabarnes@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Senator Tony Ada <senatortonyada@guamlegislature.org>, Sherrill Gardner <sherrill.gardner.ctr@fe.navy.mil>, Simeon Palomo <simeon.palomo@dca.guam.gov>, Siva Kapurran <sivakgu@yahoo.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Steve Guerrero <stephen.guerrero@bbmr.guam.gov>, Taryn Walker <taryn.walker@guam.gov>, Telo Taitague <sentelo@gmail.com>, Terry Cuabo <terry.cuabo@bsp.guam.gov>, Thelma Hechanova <Thelma.Hechanova.ctr@fe.navy.mil>, Theresa Cepeda <theresa.cepeda@fe.navy.mil>, Tina Garcia <cgarcia@investguam.com>, Tommy Morrison <morrison671@gmail.com>, Tony Lamorena

<alberto.lamorena@csc.guam.gov>, troy.torres@guam.gov, Vice Mayor Allan Ungacta <vicemayor_allan.ungacta@yahoo.com>, Vice Mayor Louise Rivera <tatuhamo@eccomm.com>, Vice Mayor Robert Hoffman <vicemayor@gmail.com>, Vincent Leon Guerrero <vincent.leonguerrero@guam.gov>, Wilfred Aflague <wilfred.aflague@mail.dmhsa.guam.gov>, William Knight <william.knight@fe.navy.mil>, sgrarmes@guamlegislature.org, Adam Bearce <adam@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, office@senatorada.org, "Senator Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, ""Michael T. Limtiaco"" <mike@mikelimtiaco.com>, Tommy Morrison <tommy@senatormorrison.com>
Cc: Charissa Tenorio <charissatenorio@gmail.com>, Chris Carillo <chris.carillo@senatorbjcruz.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>

February 26, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – March 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, March 6, 2013, beginning at 10:00AM in *I Liheslatura's Public Hearing Room*** with the following agenda:

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Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz
477-2520

02262013 B.J. Cruz First Notice of Public Hearing for 03062013.doc
128K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Tue, Feb 26, 2013 at 2:30 PM
To: mike.lidia@senatorbjcruz.com

Delivery to the following recipient failed permanently:

miki.leonguerrero@bsp.guam.gov

Technical details of permanent failure:
Google tried to deliver your message, but it was rejected by the server for the recipient domain bsp.guam.gov by aspmx.l.google.com. [173.194.75.27].

The error that the other server returned was:
550 5.2.1 The email account that you tried to reach is disabled. pm1si10455730vcb.12 - gsmtp

----- Original message -----

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Received: by 10.220.230.202 with HTTP; Mon, 25 Feb 2013 20:30:51 -0800 (PST)
X-Originating-IP: [202.128.4.44]
Date: Tue, 26 Feb 2013 14:30:51 +1000
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=?windows-1252?Q?=96_March_6=2C_2013_=28Attachment_Included=29?=
From: Mike Lidia <mike.lidia@senatorbjcruz.com>
To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>,
Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>,
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Mike Lidia <mike.lidia@senatorbjcruz.com>

Second Notice of Public Hearing – Two Day Notice – March 6, 2013 (Attachment Included)

36 messages

Mike Lidia <mike.lidia@senatorbjcruz.com> Fri, Mar 1, 2013 at 8:17 AM

To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, therese.hart.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, ""Michael F. Q. San Nicolas"" <responsibleguam@gmail.com>, ""Michael T. Limtiaco"" <mike@mikelimtiaco.com>, ""Thomas (Tommy) Morrison"" <tommy@senatormorrison.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. 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March 1, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – March 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, March 6, 2013, beginning at 10:00AM in *I Liheslatura's Public Hearing Room*** with the following agenda:

Bill No. 45-32 (LS) - B.T. McCreadie / R.J. Respicio - An act to add §5004.1 of Chapter 5, Title 5, Guam Code Annotated, relative to allowing the Guam Memorial Hospital to obtain professional services in accordance with industry practice.

Bill No. 31-32 (COR) - V.A. Ada - An act to add a new §5132 to Chapter 5 of 5GCA relative to retention of procurement related email messages.

Bill No. 32-32 (COR) - V.A. Ada - An act to add a new (e) to §5008 of Chapter 5 of 5GCA relative to prohibiting government of Guam branches, departments, agencies and instrumentalities from excluding local businesses from the procurement process.

Bill No. 44-32 (COR) - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - An act to amend §23111(g)(2) of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support student travel involving academic, sports and cultural activities.

Bill No. 46-32 (LS) - T.R. Muña Barnes - An act to amend a subsection (c) and subsections (h) of Article 1, Chapter 10, Title 5, Guam Code Annotated relative to the Right of Inspection.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz
477-2520

03012013 B.J. Cruz Second Notice of Public Hearing for 03062013.doc
128K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Fri, Mar 1, 2013 at 8:17 AM
To: mike.lidia@senatorbjcruz.com

Delivery to the following recipient failed permanently:

gerry.cruz@epa.guam.gov

Technical details of permanent failure:
Google tried to deliver your message, but it was rejected by the server for the recipient domain epa.guam.gov by aspmx.l.google.com. [173.194.71.27].

The error that the other server returned was:
550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
550-5.1.1 unnecessary spaces. Learn more at
550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 p2si4083372lby.38 - gsmtp

----- Original message -----

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h=mime-version:x-received:x-originating-ip:date:message-id:subject
:from:to:content-type:x-gm-message-state;
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X-Received: by 10.112.26.202 with SMTP id n10mr4379133lbg.15.1362089838267;
Thu, 28 Feb 2013 14:17:18 -0800 (PST)
Received: by 10.112.17.194 with HTTP; Thu, 28 Feb 2013 14:17:17 -0800 (PST)
X-Originating-IP: [114.142.204.179]
Date: Fri, 1 Mar 2013 08:17:17 +1000
Message-ID: <CAFRf6VZsZXCdSq_1jzvhvvTuD0xMgAWKOzTy0LHkbOxZ8OKuGw@mail.gmail.com>
Subject: =?windows-1252?Q?Second_Notice_of_Public_Hearing_=96_Two_Day_Notice_?=
=?windows-1252?Q?=96_March_6=2C_2013_=28Attachment_Included=29?=
From: Mike Lidia <mike.lidia@senatorbjcruz.com>
To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>,
Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>,
KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com,
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thebigshow@k57.com, therese.hart.writer@gmail.com,
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SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting
Web Address: www.senatorbjcruz.com

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The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

PUBLIC HEARING AGENDA

Wednesday, March 6, 2013 – 10:00AM
I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 45-32 (LS) - B.T. McCreadie / R.J. Respicio - An act to add §5004.1 of Chapter 5, Title 5, Guam Code Annotated, relative to allowing the Guam Memorial Hospital to obtain professional services in accordance with industry practice.

Bill No. 31-32 (COR) - V.A. Ada - An act to add a new §5132 to Chapter 5 of 5GCA relative to retention of procurement related email messages.

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Bill No. 44-32 (COR) - J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. / B.J.F. Cruz / R.J. Respicio - An act to amend §23111(g)(2) of Chapter 23, Division 2, Title 5, Guam Code Annotated, relative to authorizing the use of mileage earned through credit card purchases authorized by the government of Guam, to support student travel involving academic, sports and cultural activities.

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COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2013 FEB 25 PM 4:44

February 25, 2013

Memorandum

To: **Reanne Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 21-32 (COR), 40-32(COR), 41-32(COR), and 44-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 8

If you do not receive legible copies of all the pages, please call back as soon as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note Waiver on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FEB 25 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 44-32 (COR)

AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS, AND CULTURAL ACTIVITIES.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon Fernandez, Superintendent of
Department's General Fund (GF) appropriation(s) to date:	184,627,406
Department's Other Fund (Specify) appropriation(s) to date: TEFF and HFF	31,535,708
Total Department/Agency Appropriation(s) to date:	$216,163,114

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance[1]		$0	$0
FY 2013 Adopted Revenues	$0	$0	$0
FY 2013 Appro. (P.L. 31-233)	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	$0	$184,627,406	$0	$0	$0	$0
(Specify Special Fund)	$0	($82,500)	$0	$0	$0	$0
Total	$0	$184,544,906	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x / No
   If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /x / Yes / / No
   If no, what is the additional amount required? $ _____ /x / N/A
3. Does the Bill establish a new program/agency? / / Yes /x / No
   If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x / No
   Is there a federal mandate to establish the program/agency? / / Yes /x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x / Yes / / No
   / / Requested agency comments not received as of the due date /x / Other: insufficient time due deadline

Analyst: John AB Pangelinan Date: 2/20/13 Director: John A. Rios, Director Date: FEB 25 2013

Footnotes:
See attached comments.

Comments on Legislative Bill No. 44-32 (COR)

The bill is seeking to transfer approximately 10 Million in air travel mileage which is separate and apart from those air travel miles identified by P.L. 31-117. Such air miles will be used to fund student travel involving academics, sports and cultural activities as approved by the Superintendent of Education. Because such air travel mileage is earned by the Government of Guam, specific airlines serving Guam may charge a transfer fee for transferring from Government of Guam to each student, resulting in significant fiscal impact to the annual appropriations of the Guam Department of Education. As an example, Delta Airlines charge a fee of $0.01 per mile plus $30.00 transaction fees. Using this as example, the potential fiscal impact could be as low as $70,000, based on the following assumptions:

- Transfer fees used by Delta Airlines are $0.01 per mile plus a $30 transaction fees.
- In a given fiscal year, approximately 500 students will travel to the United States, all using the travel mileage available for GDOE that Delta has agreed to accommodate.
- Approximately 5,500,000 travel air miles will be consumed by these 500 students.
- Each student is a separate transaction fee.

For United Continental, the potential fiscal impact can be as high as $82,500, which is based on a transfer cost $15 per increments of 1,000 air miles for a total Mileage Plus transfer of 5,500,000.

Both airlines do have a limitation of 4 transfer events per account which means that the Department of Administration will need to negotiate with the airlines to allow unlimited transfers under the Government of Guam account.

Both the

COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

February 19, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 43-32 through 44-32 (COR) and Bill Nos. 45-32 through 47-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill No. 43-32 (COR) – B..J.F. Cruz - AN ACT TO ADD A NEW (b) (1) AND (2) TO § 67.801; AND TO ADD A NEW § 67.802 AND § 67.803 TO ARTICLE 8 OF CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR THE POSSESSION, MANUFACTURING, SELLING, OR DISTRIBUTION OF ANY SYNTHETIC CANNABINOID OR SALVIA DIVINORUM.

Bill No. 44-32 (COR) - Judith T. Won Pat, Ed.D - AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

Bill No. 45-32 (LS) - Brant T. McCreadie - AN ACT TO ADD §5004.1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE GUAM MEMORIAL HOSPITAL TO OBTAIN PROFESSIONAL SERVICES IN ACCORDANCE WITH INDUSTRY PRACTICE.

Bill No. 46-32 (LS) - T.R. Muna Barnes - AN ACT TO AMEND A SUBSECTION (c) AND SUBSECTION (h) OF ARTICLE 1,
CHAPTER 10, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE RIGHT OF INSPECTION

Bill No. 47-32 (LS) - V.C. Pangelinan - AN ACT TO ADD A NEW SECTION 8103.1 TO ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, TO COMPLY WITH INTERNAL REVENUE CODE REQUIREMENTS APPLICABLE TO THE GOVERNMENT OF GUAM RETIREMENT FUND

COMMITTEE ON RULES

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MINORITY LEADER

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Aline Yamashita
Member

February 18, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 44-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **44-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan.*

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 FEB 15 PM 5:08

Bill No. 44-32 (COR)

Introduced by: Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
B.J.F. Cruz
R.J. Respicio

AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS AND CULTURAL ACTIVITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the implementation of the government of Guam's mileage program, specifically the *Senator Edward J. Cruz Medical Referral Mileage Bank Account Act* (referenced as "P.L. 31-117"), recognized the difficult financial environment many families on Guam continue to face when a family member requires medical treatment abroad. The use of mileage earned through government travel to help indigent citizens receive medical

treatment, not currently available on Guam, continues to offer much needed hope for patients and their families.

I Liheslatura further finds, however, that approximately Ten Million (10,000,000) miles, which were accrued through government of Guam credit card purchases, remain unused. These miles are separate and apart from those miles required by P.L. 31-117 to be available for travel by medically indigent patients.

It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the use of mileage earned through government of Guam credit card purchases to support student travel involving academic, sports and cultural activities. *I Liheslatura* intends to help provide students in Guam's public schools the means to participate in various academic, sports and cultural activities off island, which will contribute to strengthening their academic, physical and social development.

Section 2. Mileage Accrued Through Use of Credit Card Purchases. §23111(g)(2) of Chapter 23, Division 2, Title 5, Guam Code Annotated, is hereby *amended*, to read:

"(g) Deposit of Mileage.

(1) The Department is hereby authorized to become a member of the travel benefits program as it relates to travel mileage instituted by any and all airlines serving Guam, and shall enter into an agreement with an airline to accrue travel mileage

credits for employees traveling on government and/or federally funded travel.

(2) The Department shall enter into an agreement with a bank on Guam for a credit card to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue mileage~~.~~, which shall be used exclusively for student travel involving academic, sports and cultural activities, as authorized by the Superintendent of Education. Authorized activities include, but shall not be limited to off-island events outlined in P.L. 31-132, including arts and humanities competitions, international cultural festivals and exchanges, the Junior Statesman Foundation, the National Science Fair, the Mock Trial, the Forensic League, and Close Up."

Section 3. Memorandum of Agreement. The Director of the Department of Administration shall establish a Memorandum of Agreement with the Superintendent of Education to effectively administer the provisions of this Act. The terms and conditions of the Memorandum of Agreement shall not be in conflict with the rules and regulations established for the *Senator Edward J. Cruz Medical Referral Mileage Bank Account*, as required by §23111(l) of Chapter 23, Division 2, Title 5, Guam Code Annotated.

Section 4. Unused Mileage. Unused mileage earned from credit card purchases, prior to the implementation of this Act, shall be reserved for student travel, subject to the terms and conditions of the Memorandum of Agreement established in accordance with Section 3 of this Act.

Section 5. Effective Date. This Act shall be effective upon enactment.