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

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

This is to certify that **Substitute Bill No. 408-31 (COR), "AN ACT TO *AMEND* §3227 AND *ADD* A NEW §3227.1 OF ARTICLE 2, CHAPTER 3 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF VITAL STATISTICS REVOLVING FUND",** was on the 27th day of April, 2012, 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 27th day of Apr., 2012, at 2:00 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 UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 408-31 (COR)
As substituted by the Committee on Health & Human Services, Economic Development, Senior Citizens & Election Reform; and amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §3227 AND *ADD* A NEW §3227.1 OF ARTICLE 2, CHAPTER 3 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF VITAL STATISTICS REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Vital Statistics under the Department of Public Health and Social Services is currently responsible for issuing birth, marriage, and death certificates. *I Liheslaturan* also finds that the funds generated from the services provided by the Office of Vital Statistics are deposited into the General Fund of the government of

Guam. The Department of Public Health and Social Services is unable to realize the benefits of any of the money collected for their services which are required to fund the costs of operations.

I Liheslaturan Guåhan finds that the Office of Vital Statistics is underfunded and understaffed. Members of the staff who have retired from the Office of Vital Statistics have *not* been replaced over the years, and currently, it is staffed by only the Territorial Registrar and two (2) Vital Statistics Clerks who serve the needs of the entire population of Guam.

I Liheslaturan Guåhan also finds that the Office of Vital Statistics is burdened with using an antiquated computer system to manage their files. The staff currently hand count records to retrieve data, causing the staff to become frustrated and overworked, and the process to obtain these certificates unnecessarily long.

Therefore, it is the intent of this Act to allow the fees generated by the Office of Vital Statistics to remain with this vital program, and to authorize that the funds *shall* be utilized by the Office of Vital Statistics to support and enhance its programs. This is accomplished by creating an Office of Vital Statistics Revolving Fund. This revolving fund *shall* fund additional staff for the office, and make possible the ability to upgrade to a fully automated computer system, as well as ensure the continued maintenance of this system. This will facilitate a more efficient service, with the critically needed ability to accommodate more clients on a timely basis.

Section 2. §3227 of Article 2, Chapter 3 of Title 10, Guam Code Annotated, is hereby *amended* to read:

"**§ 3227. Fees for Copies.**

(a) The Director *shall*, by regulation, establish fees for certified copies of certificates or records issued; for the search of the files or records

when no copy or information is available; for processing a change of name by court order and other means; for amending records; and for filing a delayed certificate of birth or marriage.

(b) Fees collected under this Section by the Office of Vital Statistics *shall* be deposited in the Office of Vital Statistics Revolving Fund, for expenditure as provided pursuant to §3227.1 of this Chapter."

Section 3. A new §3227.1 is hereby *added* to Article 2, Chapter 3 of Title 10, Guam Code Annotated, to read:

"**§ 3227.1. Office of Vital Statistics Revolving Fund.**

(a) There is hereby established an Office of Vital Statistics Revolving Fund (Fund) to be maintained by the Territorial Registrar, Office of Vital Statistics, of the Department of Public Health & Social Services. The Fund *shall* be established and maintained in a bank account separate and apart from the General Fund or any other bank account(s) of the government of Guam, and *shall not* be co-mingled with, or a part of, the General Fund. All funds due or accruing to the account from whatever source(s), as provided or authorized pursuant to applicable law, inclusive of any interest, *shall* be deposited in the Fund in its entirety immediately upon receipt by the government of Guam. The Fund *shall not* be subject to the transfer authority of *I Maga'lahen Guåhan.* It is further provided that:

(1) The Territorial Registrar of the Office of Vital Statistics, of the Department of Public Health & Social Services *shall* report monthly and maintain full compliance with all financial reporting requirements of the government of Guam pursuant to applicable law; and

(2) Any and all collections deposited into and/or expenditures from the Fund *shall* be reported to *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan*.

(b) Independent Records and Accounts. The Fund *shall* be maintained separate and apart from all other government funds; have an independent records and accounts concerning the Fund; and audited by the Public Internal Auditor or the Department of Interior for each fiscal year and shall provide *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of the audited report.

(c) Deposits / Continuing Appropriation. All monies collected for products and services rendered by the Office of Vital Statistics *shall be* accounted for and deposited into the Fund and *shall* be available to pay for the expenses of the Office of Vital Statistics. All monies in the Fund are hereby deemed appropriated on a continuing basis and *shall not* lapse, and *shall not* be subject to appropriation constraints in order to be expended.

(d) Application. All monies deposited in the Fund *shall be* available to be expended and *shall* be used *solely* in support of the functions of and to pay the expenses of the Office of Vital Statistics. The Fund may also be used for, but is *not* limited to, the following expenses which *shall* be directly and solely applicable to the functions and operations of the Office of Vital Statistics:

(1) payment(s) for procurement and maintenance of contractual services for equipment and/or technology support, for the direct use and exclusive benefit of the Office of Vital Statistics;

(2) payment(s) for supplies;

(3) payment(s) for any other expenses, which if remains unpaid may result in an emergency situation within the Office of Vital Statistics, as approved by the Director;

(4) additional personnel, as may be necessary to supplement and address the staffing requirements of the Office of Vital Statistics; provided, *however*, that all authorized personnel positions, regardless of whether the position(s) is currently filled or vacant, which are budgeted for in the FY 2012 Budget Appropriation for the Executive Branch with monies from the General Fund, any Special Fund and/or Federal funds, *shall* continue to be paid from these funding sources, and *not* from the Fund;

(5) procurement, upgrade and/or maintenance of computer system(s); and

(6) payment(s) for burials arranged by the Director pursuant to §3231 of this Chapter 3, and §4503 of Chapter 4A Title 10, Guam Code Annotated.

(e) The Director *shall* submit an annual spending plan for the Fund in accordance with and at the same time as the Bureau of Budget and Management Research budget call.

(f) The Territorial Registrar of the Office of Vital Statistics, via the Director, *shall*, by *no later than* the 20th day of each month, submit a financial report relative to the status and activities of the Fund. The monthly report *shall* be submitted, via the Office of *I Maga'lahen Guåhan*, to the Speaker of *I Liheslaturan Guåhan*, and the Chairpersons of the Committee on Finance, and the Committee on Health of *I Liheslaturan Guåhan*. The report *shall*, at a minimum, contain:

(1) all expenditures and encumbrances (monthly and year to date);

(2) funds received and source(s);

(3) status of accounts receivable for outstanding debts and/or delinquent payment obligations owed to the Office of Vital Statistics; and

(4) any and all other pertinent information relative to the Fund.

(g) The Office of Vital Statistics Revolving Fund *shall* be included in the government of Guam annual audit review and report."

Section 4. Review and Adoption of Updated Fee Schedule. Within one hundred twenty (120) days of the enactment of this Act, the Director of the Department of Public Health & Social Services, in conjunction with the Office of Vital Statistics, *shall* review and amend the fee schedules of the Office of Vital Statistics, as needed, so as to provide for fee schedules realistically reflective of the cost of doing business; and as provided pursuant to Article 3 [Rule-Making Procedures], Chapter 9 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated [Government Operations].

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

Section 6. Effective Date. This Act *shall* become effective upon its enactment.