

**MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2012 (SECOND) Regular Session**

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Bill No. 408-31 (Cor)

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO ESTABLISH THE OFFICE OF VITAL
STATISTICS REVOLVING FUND, BY AMENDING §3227 OF
CHAPTER 3, AND ADDING A NEW §3227.1 TO CHAPTER 3,
OF ARTICLE 2, TITLE 10, GUAM CODE ANNOTATED.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the Office of Vital Statistics under the Department of Public Health and Social
4 Services is currently responsible for issuing birth, marriage, and death certificates.
5 *I Liheslaturan* also finds that the funds generated from the services provided by the
6 Office of Vital Statistics are deposited into the General Fund of the government of
7 Guam. The Department of Public Health and Social Services is unable to realize
8 the benefits of any of the money collected for their services which are required to
9 fund the costs of operations.

10 *I Liheslaturan* finds that the Office of Vital Statistics is underfunded and
11 understaffed. Members of the staff who have retired from the Office of Vital
12 Statistics have not been replaced over the years, and currently, it is staffed by only
13 the territorial registrar and two (2) vital statistics clerks who serve the needs of the
14 entire population of Guam.

15 *I Liheslaturan* also finds that the Office of Vital Statistics is burdened with
16 using an antiquated computer system to manage their files. The staff currently

1 hand count records to retrieve data causing the staff to become frustrated and
2 overworked and the process to obtain these certificates unnecessarily long.

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

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

13 **“§ 3227. Fees for Copies.**

14 (a) The Director shall, by regulation, establish fees for certified copies of
15 certificates or records issued; for the search of the files or records when no copy or
16 information is available; for processing a change of name by court order and other
17 means; for amending records; and for filing a delayed certificate of birth or
18 marriage.

19 (b) Fees collected under this section by the Office of Vital Statistics shall be
20 deposited in the Office of Vital Statistics Revolving Fund, for expenditure as
21 provided pursuant to §3227.1 of this Chapter [~~General Fund of the government of~~
22 ~~Guam according to procedures established by law governing collections].”~~

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

1 **“§3227.1. Office of Vital Statistics Revolving Fund.**

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

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

17 (2) Any and all collections deposited into and/or expenditures from the
18 Fund *shall* be reported to *I Maga’lahan Guåhan* and the Speaker of *I*
19 *Liheslaturan Guåhan*.

20 (b) Independent Records and Accounts. The Fund shall be maintained
21 separate and apart from all other government funds; have an independent records
22 and accounts concerning the Fund; and audited by the Public Internal Auditor or
23 the Department of Interior for each fiscal year and shall provide *I Maga’lahan*

1 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of the audited
2 report.

3 (c) Deposits. All monies collected for products and services rendered by
4 the Office of Vital Statistics *shall be* accounted for and deposited into the Fund and
5 *shall be* available to pay for the expenses of the Office of Vital Statistics.

6 (d) Application. All monies deposited in the Fund *shall be* available to be
7 used to pay for the expenses of the Office of Vital Statistics. The Fund may also
8 be used for the following expenses:

9 (1) payment(s) for contractual services;

10 (2) payment(s) for supplies;

11 (3) payment(s) for any other expenses, which if remains unpaid may result
12 in an emergency situation as approved by the Director; and

13 (4) Personnel.

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

17 (f) The Administrator of the Office of Vital Statistics, via the Director,
18 *shall, by no later than* the 20th day of each month, submit a financial report
19 relative to the status and activities of the Fund. The monthly report *shall be*
20 submitted, via the Office of *I Maga'lahan Guåhan*, to the Speaker of *I*
21 *Liheslaturan Guåhan*, and the Chairpersons of the Committee on Finance, and the

1 Committee on Health of *I Liheslaturan Guåhan*. The report *shall*, at a minimum,
2 contain:

- 3 (1) all expenditures and encumbrances (monthly and year to date);
- 4 (2) funds received and source(s);
- 5 (3) status of accounts receivable for outstanding debts and/or delinquent
6 payment obligations owed to the Community Health Center(s); and
- 7 (4) any and all other pertinent information relative to the Fund.

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

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

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

1 **Section 6. Effective Date.** This Act shall become immediately effective
2 upon enactment.