

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
376-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND §§ 81109 and 81112 AND ADD A NEW § 81113, ALL OF CHAPTER 81, TITLE 10, GCA, RELATIVE TO AUTHORIZING THE COMMISSION ON POST MORTEM EXAMINATIONS TO ESTABLISH FEES AND TO ESTABLISH A POST-MORTEM EXAMINATIONS FUND.	7/6/20 1:28 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 376-35 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO AMEND §§ 81109 and 81112 AND ADD A
NEW § 81113, ALL OF CHAPTER 81, TITLE 10, GCA,
RELATIVE TO AUTHORIZING THE COMMISSION ON
POST MORTEM EXAMINATIONS TO ESTABLISH
FEES AND TO ESTABLISH A POST-MORTEM
EXAMINATIONS FUND.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that in January 2019, the Commission on Post
Mortem Examination through its Chairperson, the Attorney General of Guam,
requested that legislation be introduced to establish a special fund for the Office of
Post-Mortem Examinations (OCME) and to allow the OCME to charge fees for its
services.

It is the intent of *I Liheslaturan Guåhan* to authorize the Commission on
Post-Mortem Examinations to establish a fee schedule that the Commission may
adjust regularly pursuant to the Administrative Adjudication Act. To the fullest
extent possible, the Commission shall consider hardship of families and strive to
ensure that nonpayment of accrued fees does not limit or delay the release of
human remains to the families for burial. The Commission shall adjust its
processes to facilitate reimbursement of these fees to victims' families by the
Victims Compensation Fund when applicable.

1 It is also the intent of *I Liheslaturan Guåhan* that payment of any fees
2 established by the Commission will be controlled by the OCME and will go
3 towards supporting the operations of the office.

4 **Section 2.** § 81109 of Chapter 81, Title 10, Guam Code Annotated is
5 *amended* to read:

6 “§ 81109. **Rules and Regulations.** Subject to the Administrative
7 Adjudication Act, the Commission may promulgate fees, rules and regulations
8 necessary or appropriate to carry out effectively the provision of this Chapter.”

9 **Section 3.** § 81112 of Chapter 81, Title 10 of the Guam Code Annotated is
10 *amended* to read:

11 “§ 81112. ~~Severability.~~ **Post-Mortem Examinations Fund.**

12 (a) If any provision or application of this Chapter is held invalid, such
13 invalidity shall not affect other provisions or application of the Chapter
14 which can be given effect without the invalid provisions or application, and
15 to this end, the provisions of this Chapter are declared to be severable. There
16 is hereby established a fund to be known as the Post-Mortem Examinations
17 Fund ("Fund") which shall be maintained separate and apart from other
18 funds of the Government of Guam and independent records and accounts
19 shall be maintained in connection therewith. All fees collected by the Office
20 of Post-Mortem Examinations, otherwise referred to as the Office of the
21 Chief Medical Examiner ("OCME"), under this Chapter shall be deposited
22 into the Fund.

23 (b) The Fund shall be used exclusively for the purpose of the
24 administration of the OCME. The Fund shall be examined and reported by
25 the OCME.

26 (c) Transfers and expenditures from the Fund shall not occur without
27 approval of the Commission on Post-Mortem Examinations.”

1 **Section 4.** A new § 81113 is *added* to Chapter 81, Title 10, Guam Code
2 Annotated to read:

3 “**§ 81113. Severability.** If any provision or application of this Chapter is
4 held invalid, such invalidity shall not affect other provisions or application of the
5 Chapter which can be given effect without the invalid provisions or application,
6 and to this end, the provisions of this Chapter are declared to be severable.”