



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

DEC 28 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Bill No. 762 (LS), "AN ACT TO ADD §3216(i) TO ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO DEATH REGISTRATION", which I have signed into law today as **Public Law No. 24-320**.

This legislation allows a certificate of death to be issued by either a court or by the Medical Examiner where a body cannot be found because the person is missing at sea. Current law provides for deaths occurring in waters within 3 miles of Guam, however, does not provide for those outside this 3 mile limit. The exact location is frequently hard to determine.

The procedure of allowing the Medical Examiner to make a presumptive declaration of death has been followed successfully in other jurisdictions, although this procedure is not followed in all jurisdictions. It appears that the registrar of vital statistics issues a presumptive death certificate upon order of a court in the Model Vital Statistics Act, and the Medical Examiner does not play a role in this determination.

Very truly yours,

Carl T. C. Gutierrez
I Maga'lahan Guåhan
Governor of Guam

11197

OFFICE OF THE LEGISLATIVE SECRETARY	
BILL NO. 762 (LS)	
DATE: 12/28/98	
TIME: 2:54 pm	
BY: [Signature]	
DATE: 12-28-98	

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 12/28/98
Time: 11:52
Rec'd by: [Signature]
Print Name: [Signature]

Committee on Health and Human Services

Mina'Bente Kuattro Na Liheslaturan Guahan

155 Hesler Street

Agana, Guam 96910

Tel: (671) 472-3581 • Fax: (671) 472-3582

November 29, 1998

Honorable Antonio R. Unpingco
Speaker
Twenty Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules, Government Reform and Federal Affairs

Dear Mr. Speaker:

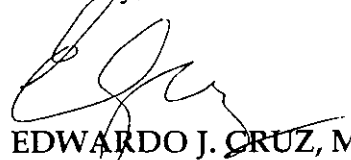
The Committee on Health and Human Services, to which was referred Bill No. 762 (LS), "AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION," has had the same under consideration and now wishes to report back the same with the recommendation to do pass as amended by the Committee.

The Committee votes are as follows:

8 To Do Pass
 Not to Pass
 Abstain
 Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

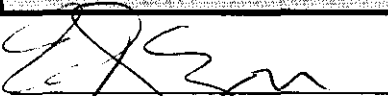

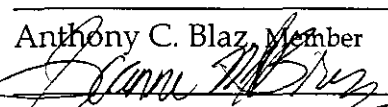
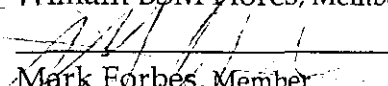
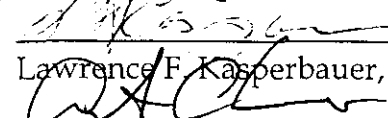
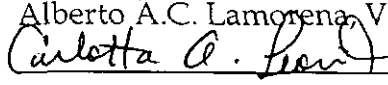
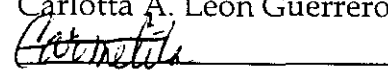
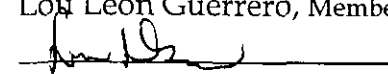


EDUARDO J. CRUZ, MD
Chairperson.

Enclosure:

Committee Health and Human Services
Vote Sheet on
Bill No. 762 (LS)

AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION. [As amended by the Committee on Health and Human Services.]

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Eduardo J. Cruz, MD, Chairperson	✓			
 John Camacho Salas, Vice Chairperson	✓			
Antonio R. Unpingco, Speaker & Ex-Officio				
Frank Blas Aguon, Jr., Member				
Anthony C. Blaz, Member				
 Joanne M.S. Brown, Member	✓			
Felix P. Camacho, Member				
Mark C. Charfauros, Member				
William BSM Flores, Member				
 Mark Forbes, Member	✓			
 Lawrence F. Kasperbauer, Member	X			
Alberto A.C. Lamorena, V, Member				
 Carlotta A. Leon Guerrero, Member	✓			
 Lou Leon Guerrero, Member				
 Francis E. Santos, Member	✓			

Committee on Health and Human Services
Report on
Bill No. 762 (LS)

AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION. [As amended by the Committee on Health and Human Services.]

Introduced by Senators
E. J. Cruz, J. C. Salas, Felix P. Camacho and L. F. Kasperbauer.

PUBLIC HEARING:

The Committee on Health and Human Services, to which was referred Bill No. 762 (LS), "AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION," conducted a public hearing on Wednesday, October 28 1998 at 8:45 a.m. at the Legislative Public Hearing Room.

MEMBERS PRESENT:

Senator Edwardo J. Cruz, Chairperson of the Committee on Health and Human Services convened the hearing at 10:00 a.m. Committee members and other Senators present were: John C. Salas, Vice-Chairperson, Frank B. Aguon, Jr., and Judith P. Won Pat.

TESTIMONY:

Appearing before the Committee was Mr. Ron Rivera representing families of children who have drowned in and around the waters of Guam. At the outset, Mr. Rivera Camacho testified that he fully supports the passage and enactment of Bill No. 762. Mr. Rivera also share the tragic experience the families are currently experiencing. After a brief discussion and there being no other witnesses, the Chairperson adjourned the Committee's hearing on Bill No. 762.

FINDINGS AND PROFILE ON BILL NO, 762 (LS):

Brief Title:	"Presumptive Death."
Date Introduced:	Friday, October 2, 1998.
Main Sponsors:	Senators E. J. Cruz, J. C. Salas and Felix P. Camacho.
Committee Referral:	From the Committee on Rules, Government Reform and Federal Affairs to the Committee on Health on Human Services.

Public Hearing: Wednesday, October 28, 1998, at the Legislative Public Hearing Room.

Official Title: AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION.

Co-sponsor(s): Senator(s) L. F. Kasperbauer.

Recommendation: To do pass as amended by the Committee on Health and Human Services.

Overview

The legislation *adds* a new Subsection (i) to §3216, Article 2, Chapter 3, Division 1, Part 1 of Title 10 of the Guam Code Annotated. The proposed Subsection (i) provides that when a death is presumed to have occurred in and around the waters of Guam and the body cannot be located, and after an official search and rescue attempt has been made (by the Guam Fire Department Search and Rescue Unit or the U.S. Coast Guard,) a death certificate may be prepared by the Territorial Registrar upon receipt of an order from a court of competent jurisdiction, or the Medical Examiner, which shall include the finding of facts required to complete the death certificate. Furthermore, the death certificate shall be marked "presumptive" and shall show the date of registration and identify the court, or the Medical Examiner, and the date of decree."

RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the public hearing, does hereby recommend to the *I Liheslaturan Guahan* that Bill No. 762 (LS), "AN ACT TO ADD A NEW SUBSECTION (i), TO §3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION, be passed as amended.

3 surfers missing off Ritidian

■ **Rescue effort:** Search called off due to bad weather; officials warn public against going into ocean

By DANA WILLIAMS

Daily News Staff

Rescuers were looking for a man and two boys last night who were reported missing near Ritidian Point.

By 10 p.m., a surfboard and two body boards had been found, but none of the missing people could be located, Coast Guard Ens. Jeff Harry said.

"We have an unconfirmed report that one body has been sighted under the water," Harry said. He said the report was called in by Andersen Air Force Base security guards.

Fire Department Battalion Chief Chris Gyulavics-Reyes said rescuers from Guam Fire Department received a call at about 6 p.m. reporting that three boys on a body board were lost over the reef at Urunao Beach.

Harry said the missing people are aged 13, 14 and 20.

Fire Department land and sea rescue units were sent to the scene. A Navy helicopter also was launched to help in the search, Navy Lt. Kelly Merrell said.

Harry said the helicopter turned back because of mechanical problems.

Later, the fire department had to suspend the search because of bad weather.

"The seas are 10 to 14 feet out there," Harry said. He said the search was scheduled to resume at first light today.

Harry said the rough seas left by Super typhoon Wilda have created hazardous conditions around the island.

"Even though the danger of the typhoon has passed, please don't go in the water at this time," Harry said.



Rescue: Search for surfers will resume at first light today

□ Continued from Page 1

Rescue units from the Guam Fire Department arrived at the scene to search for the three missing surfers. The rescue crews were assisted by conservation officers, Guam police, Air Force personnel, a Navy helicopter and volunteers.

They searched by air, land and sea for hours, but the fire boat

had to be sent back at about 9 p.m. because the seas were too rough. The helicopter also was sent back because of mechanical problems.

Although the boat and helicopter stopped searching, fire rescue personnel continued to comb the beach area through the night, searching for the missing surfers.

At about 6:30 a.m., the fire boat and motorized water skis

Although the boat and helicopter stopped searching, fire rescue personnel continued to comb the beach area through the night, searching for the missing surfers.

returned to search inside the reef. An hour later, the Navy helicopter returned for an air search. The helicopter searched for two

hours and left.

At 6:32 p.m. yesterday, after a 24-hour search of the beach and jungle area, the fire department

suspended its search for the missing boy and man. The search will resume at first light today.

Search continues for 2 still missing

By BERNADETTE STERNE

Daily News Staff

The mother of a boy who is lost at sea spent Wednesday night and Thursday morning praying for the safe return of her son.

On Thursday afternoon, her prayers were interrupted with wails as she broke down and mourned for her missing son.

Family, friends and rescue crews gathered at the beach area south of Ritidian Point to search for the boy and his two companions, who were lost in the rough seas while body boarding Wednesday evening.

"We are hoping and praying," Fire Chief C.C. Sanchez said. "We are praying to God that we do find them."

Volunteer searchers found 13-year-old Wayne J. Cruz at about 2 a.m. yesterday after his body washed up on shore.

Guam Police spokeswoman Elizabeth Gray said rescue crews still are searching for the boy's brother, 20-year-old Jeffrey J. Cruz, and their friend, 15-year-old Duane Palacios. Fire personnel said Palacios is 14.

Sanchez said the brothers and their friend were out on the reef with two plastic foam body boards shortly before 6 p.m. Wednesday when they started to struggle with the 10- to 14-foot-high waves.

A family member was watching the three, but briefly turned around. When he looked back toward the reef, he saw them waving and struggling, Sanchez said. The man then ran and found someone with a cellular phone and called 911.



Terry Troxell/Daily News Staff

Top, Family members line the beach off Ritidian Point as the fire department rescue team searches for two missing surfers.

Right, The Fire Department Rescue Team pulls the boat on to Ritidian Beach after hours of searching inside the reef.



Only one body board was found Wednesday night.

"The strap that was attached to the board had snapped," Sanchez said.

□ See RESCUE, Page 4

Rough seas hamper search effort

■ **Waiting:** Families of the lost surfers keep vigil nearby, praying that boys will be found

By JOHN E. SCANLAN
Pacific Sunday News

Rescue personnel fought strong waves yesterday while searching for Jeffrey J. Cruz and Duane Palacios off Urunao Beach near Ritidian Point.

Cruz along with his younger brother, Wayne, and Palacios, their friend, are believed to have drowned while body boarding Wednesday. Volunteer searchers found the body of 13-year-old Wayne Cruz at 2 a.m. Thursday when it washed up on shore.

While rescuers searched the area, the Cruz and Palacios families waited nearby, praying that their loved ones will be found.

"In these wave conditions, a body can easily get caught in a crevice at the bottom of the reef," said Fire Specialist Jim Borja. He is part of the 10-man unit from the fire department's rescue section which is coordinating the search for 20-year-old Cruz and Palacios.

Fire officials say Palacios is 14. Police say the teen is 15.

Nine men from the Guam Police Department's Special Enforcement Amphibious Section unit are helping in the search.

Borja pointed out that the strong waves are hitting the outside of the reef and creating a downward force. "That's strong enough to easily prevent a body

"These waters are like a whirlpool right now and we can't send divers out to do a more complete search until the conditions improve."

— PAUL TERLAJE
*Guam Fire Department
captain who is directing the
search operation*

from floating up to the surface," he said.

Fire Capt. Paul Terlaje, who is directing the search operation, said rough sea conditions are hindering the search.

"These waters are like a whirlpool right now and we can't send divers out to do a more complete search until the conditions improve," he said.

While the rescuers wait for better conditions to dive, they are combing the surface of the water and nearby beaches for any clues signaling the surfers' whereabouts.

"The jet skis and the other water craft are searching from Urunao to Tarague past the Castro's property," Terlaje said.

The captain added that if the surfers aren't pinned under the reef, he hopes their bodies will



Norman Taruc/Pacific Sunday News

Members of the Guam Fire Department Search and Rescue team rush to help an officer returning from a sweep of the Urunao Beach area yesterday. The search for two surfers — Jeffrey J. Cruz, 20, and Duane Palacios, believed to be either 14 or 15 — continues.

soon wash ashore somewhere in the area that's being searched. "Right now that's all we can hope for," he said.

Terlaje noted that the search will continue until Wednesday. "In these situations it's our policy to search for seven days," he said.

Mona Ignacio Cruz yesterday spoke on behalf of her sister-in-

law, Doris Cruz. She said Doris Cruz has been out at Ritidian Point since her sons were lost Wednesday night.

"This is very hard on us all. We're praying that everything will work out," she said.

The family spokeswoman noted that many of their relatives are coming out to the site to be

with the boys' mother and give support where they can.

Reflecting on this tragedy, Terlaje stressed that teen-agers and adults must be careful about ocean conditions before they enter the water.

"And be sure to listen to warnings. They can save your life," he asserted.

Families ask for help in searching for youths

By RYAN FLYNN
Daily News Staff

Mike Del Castillo's eyes glanced at the crashing waves and distant horizon near Rittidian Point yesterday as search and rescue workers scurried across the water on motorized water skis, past Del Castillo and out of sight.

Del Castillo spoke in a hushed, calm tone, with a message for any island resident with a boat and extra time on their hands: Please help search the waters for Jeffrey J. Cruz and Dwayne Palacios.

Cruz, 20, Palacios, 15, and Cruz's brother, Wayne, 13, were body boarding Wednesday in rough waters off Urnuao Beach near Rittidian Point.

Wayne Cruz's body washed up onto the shoreline at 2 a.m. Thursday morning. Jeffrey Cruz and Palacios have not been found.

As members of the Cruz and Palacios families remain camped out not far from the beach, Doris Cruz, the mother of Jeffrey and Wayne, has asked Del Castillo, a cousin of the family, to act as family spokesman for both families.

Del Castillo has been asked to tell a story of hope and a shared tragedy of the two families. Both mothers believe their children are on the one body board that has not yet been found. Del Castillo said that only two body boards — not three — were found by rescuers.

"The remaining body board represents hope. Their vigil, he said, is a reminder of a special unity between the families. Emilia Palacios and Doris Cruz have faith that their boys are alive. "The mothers are feeling that the hope is still there — that (the boys) are clinging to the body board," said Del Castillo, who himself has been at the beach for two days and will remain, he

said, until the search is over. "It is like time is standing still for us right now," he said. "The most important thing is finding Del Castillo said the family

— MIKE DEL CASTILLO family member

had nothing but praise for the search and rescue teams, and the members of the community who have helped out in the search. Fire Chief C. Sanchez said yesterday that the department has

asked the Coast Guard to put out a broadcast to all boaters to be on in the late afternoon and begin again this morning.

As young and old from both families sat behind Del Castillo in the sand, he explained that the shared faith and pain is what is keeping everyone so determined and strong. "Both families can share in the same experience. They feel more comforted. They want to feel it together."

"Hopefully," said Del Castillo, "this whole thing will soon be in the past."

He said two fire and rescue boats have been involved in the search, and are covering a 15-mile radius northwest of the site. Depending on the fuel capacity, he added, they were planning to

the location.

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Mike Del Castillo speaks on behalf of the Cruz and Palacios families, whose sons are still missing at sea. He has asked people with boats and motorized water skis to help join the search near Rittidian Point.

Nonnan Linn/Daily News Staff

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I Mina' Bante Kuattro Na Liheslaturan Guahan

Kumitean Areklamento, Refotman Gubetnamento Siha, yan Asunton Fidirat

Senator Mark Forbes, Chairman

OCT 19 1998

RECEIVED 10-126
24TH GUAM LEGISLATURE
COM. HEALTH & HUMAN SVCS.
DATE 10/19 By: MF

MEMORANDUM

TO: Chairman
Committee on Health and Human Services

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 762

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

CC - ESC
RC
JC



Twenty-Fourth Guam Legislature
Senator Edwardo J. Cruz, MD

Chairperson, Committee on Health and Human Services
155 Hesler Street, Agana, Guam 96910 • Tel: 472-3581 • Fax: 472-3582

Public Hearing
Wednesday, October 28, 1998
8:30 a.m., Legislative Public Hearing Room

Agenda

BILL 411(LS): AN ACT AUTHORIZING PRIVATE CITIZENS TO ISSUE CITATIONS WHEN A VIOLATION OF THE LAW HAS BEEN COMMITTED IN THEIR PRESENCE. THIS ACT WILL AUTHORIZE PROVISION OF, AND FUNDING FOR, TRAINING THAT WILL EMPOWER PRIVATE CITIZENS WISHING TO HELP ENFORCE THE LAW FOR THE PUBLIC WELFARE, AND COME TO THE AID OF PERSONS WITH DISABILITIES. IT WILL ALSO AUTHORIZE BIDDING FOR SELECTING ENTITIES TO PROVIDE TRAINING, AND ENTITIES SOLELY TO ISSUE CITATIONS. THIS ACT WILL REPEAL AND REENACT CHAPTER 41, ARTICLE 3, SECTION 2, "DEFINITIONS," AND SECTION 4, "COMMUNITY SERVICES FOR PERSONS WITH DISABILITIES SYSTEM," P.L. 24-16 (ENABLING LEGISLATION FOR THE NEWLY CREATED DEPARTMENT OF INTEGRATED SERVICES FOR INDIVIDUALS WITH DISABILITIES-DISID), OF TITLE 17.

BILL 762(LS): AN ACT TO ADD A NEW SUBSECTION (1), TO SECTION 3216, ARTICLE 2, CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO DEATH REGISTRATION.

BILL 771(COR): AN ACT TO AMEND SECTION (a) OF ARTICLE 3, CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW NUMBER 24-154 RELATIVE TO CHILDREN'S CERTIFICATES OF HEALTH AND THEIR VACCINATION AND IMMUNIZATION.

BILL 777: AN ACT TO PROVIDE FOR NURSING PAY GRADE ADJUSTMENT AND TO CITE THE ACT AS "THE NURSES PAY GRADE ADJUSTMENT ACT OF 1998".

The Committee welcomes your attendance and input in the form of written and/or oral testimony during the hearing. Thank you for your attention on this matter, and if you should need any special accommodations or questions please contact Angela or Rose at 472-3581.