



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: Oct. 16, 1998  
Time: 11:20am  
Rec'd by: [Signature]  
Print Name: R. Roberto

**OCT 16 1998**

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1:58 pm</u>
Date	<u>10/16/98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 637 (COR), "AN ACT TO AMEND §§16.30, 16.40 AND 16.50 OF CHAPTER 16 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPLYING THE CHARGE OF CRIMINAL HOMICIDE TO ANOTHER WHICH ARISES FROM THE SALE, DISTRIBUTION OR TRANSFER OF A CONTROLLED SUBSTANCE", which I have signed into law today as **Public Law No. 24-282**.

This legislation specifies that a charge of aggravated murder, murder, and manslaughter may be brought against an individual if someone dies as a result of being given or sold controlled substances. This legislation is being signed with the caveat that certain deficiencies must be corrected.

This legislation had no public input, no written or oral testimony from any source at the public hearing. Also, legislation concerning offenses and penalties for actions concerning controlled substances was passed in Public Law 24-149 (See Article 4 of Chapter 67 of Title 9, Guam Code Annotated). Any new legislation concerning controlled substances needs to be coordinated with these existing laws.

**Loopholes.** This bill, while obviously well-intentioned, has the unfortunate effect of **creating loopholes**. The first loophole is for those who indirectly cause the death of a child by providing or selling controlled substances to the child. The second loophole is for those who either

01059

directly or indirectly cause the death of a person who is exactly 18 years old by providing or selling controlled substances to that 18 year old person. Finally, the bill also has ambiguous language concerning whether or not a health care professional or pharmacist can be charged with any crime causing the death of a person as a result of a controlled substance.

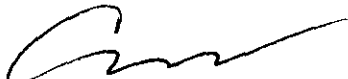
1) **Loophole for directly causing the death of a person exactly 18 years old.** The amendment to §16.30 of Title 9, Guam Code Annotated, specifically states that for a person to be charged with **Aggravated Murder**, that the person must have directly caused the death of a person **under** the age of 18 years. The amendment to §16.40 of Title 9, Guam Code Annotated, specifically states that for a person to be charged with **Murder**, that the person must have directly caused the death of a person who is **over** the age of 18. This leaves a curious gap, where the death of a person who is exactly 18 years of age will be left unpunished, whether the 18 year old's death was caused directly or indirectly from giving or selling them controlled substances. Such a crime could not be charged.

2) **Loophole for indirectly causing the death of a child or the death of a person exactly 18 years old.** The amendment to §16.50 of Title 9, Guam Code Annotated, specifically states that for a person to be charged with **Manslaughter**, that the person must have indirectly or proximately caused the death, such as by accident, to a person who is **over** the age of 18 years. This amendment also leaves a curious gap, where the indirect or proximately caused death, such as by accident, of a person exactly aged 18, or a minor under the age of 18, will be left unpunished. Such a crime could not be charged.

3) **Ambiguous application to illegal acts of health care professionals and pharmacist.** The amendments to all three sections, §§16.30, 16.40, and 16.50 of Title 9, Guam Code Annotated, state that the sections do not apply to health care professionals and pharmacists in the legitimate practice of the healing arts. Does this mean that if a health care professional or pharmacist, who is legitimately practicing the healing arts, yet still **illegally**, either directly or indirectly, causes the death of a person by giving or selling them a controlled substance, that the health care professional or pharmacist cannot be charged with these crimes? The statement that the section **does not apply** to these professionals does not address the legitimate use of controlled substances by these professionals, according to the proper laws applicable to those professions.

The Chief Prosecutor will be happy to work with I Liheslaturan Guåhan to assist in correcting deficiencies in this legislation.

Very truly yours,



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

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

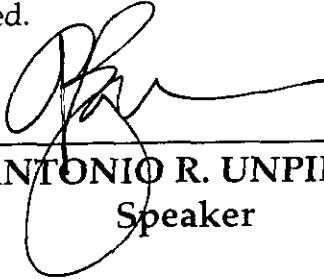
cc:    The Honorable Joanne M. S. Brown  
         Legislative Secretary

01059


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 637 (COR), "AN ACT TO AMEND §§16.30, 16.40 AND 16.50 OF CHAPTER 16 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPLYING THE CHARGE OF CRIMINAL HOMICIDE TO ANOTHER WHICH ARISES FROM THE SALE, DISTRIBUTION OR TRANSFER OF A CONTROLLED SUBSTANCE," was on the 2<sup>nd</sup> day of October, 1998, duly and regularly passed.


  
ANTONIO R. UNPINGCO  
Speaker

Attested:

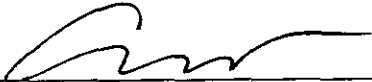
  
JOANNE M.S. BROWN

Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 6<sup>th</sup> day of October, 1998,  
at 2:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 10-16-98

Public Law No. 24-282

**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
**1998 (SECOND) Regular Session**

**Bill No. 637 (COR)**

As substituted by the Subcommittee  
on Codes and Penal Statutes of the  
Committee on Judiciary, Public Safety  
and Consumer Protection and as  
amended on the Floor.

Introduced by:

L. F. Kasperbauer  
J. C. Salas  
W. B.S.M. Flores  
E. J. Cruz  
A. L.G. Santos  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. A. Leon Guerrero  
V. C. Pangelinan  
F. E. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO AMEND §§16.30, 16.40 AND 16.50 OF  
CHAPTER 16 OF TITLE 9 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO APPLYING THE  
CHARGE OF CRIMINAL HOMICIDE TO  
ANOTHER WHICH ARISES FROM THE SALE,  
DISTRIBUTION OR TRANSFER OF A  
CONTROLLED SUBSTANCE.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*

3 finds that illegal drugs are causing the destruction of Guam's families and in  
4 many cases the death of the user. Drug dealers, through motives of greed and  
5 without regard to human life, prey on impressionable human beings,  
6 including children, leaving death and despair in their wake. Often, in the  
7 course of protecting their illegal drug sales trade, drug dealers kill or order to  
8 be killed any individual who may stand in their way. It is the intent of *I*  
9 *Liheslaturan Guahan* to hold these drug dealers responsible for their crimes to  
10 the fullest possible extent of the law.

11           **Section 2.** Section 16.30 of Chapter 16 of Title 9 of the Guam Code  
12 Annotated is hereby *amended* to read as follows:

13                   **"Section 16.30. Aggravated Murder Defined.**

14                   (a) Criminal homicide constitutes aggravated murder  
15 when:

16                           (1) it is committed intentionally with premeditation;

17 or

18                           (2) it is committed during the commission or  
19 attempt to commit any felony defined in Chapters 22, 25, 31,  
20 34, 37, 40 or 58 of this Title; or

21                           (3) death is directly caused by the illegal use of a  
22 Schedule I Controlled Substance, as defined by Chapter 67  
23 of this Title, to a minor child under the age of eighteen (18)  
24 years old (Any person who knowingly or willingly transfers

1 or sells any Schedule I Controlled Substance, as defined by  
2 Chapter 67 of this Title, to a minor child under the age of  
3 eighteen (18) years old in violation of the provisions of  
4 Chapter 67 of this Title, and such controlled substances  
5 directly causes the death of such minor child, is guilty of  
6 aggravated murder. This Section shall *not* apply to health  
7 care professionals and pharmacists in the legitimate practice  
8 of the healing arts.); or

9 (4) it is committed upon the orders of another  
10 person. Such person giving the order is also guilty of  
11 aggravated murder.

12 (b) Aggravated murder is a felony of the first degree, but a  
13 person convicted of aggravated murder shall be sentenced to life  
14 imprisonment notwithstanding any other provision of law; provided,  
15 further, that any person convicted of aggravated murder shall *not* be  
16 eligible for parole, work release, educational programs outside the  
17 confines of prison nor shall his sentence be suspended.”

18 **Section 3.** Section 16.40 of Chapter 16 of Title 9 of the Guam Code  
19 Annotated is hereby *amended* to read as follows:

20 **“Section 16.40. Murder Defined.** (a) Criminal homicide  
21 constitutes murder when:

22 (1) it is committed intentionally or knowingly; or

23 (2) it is committed recklessly under circumstances  
24 manifesting extreme indifference to the value of human life; or

25 (3) death is directly caused by the illegal use of a Schedule

1 I Controlled Substance, defined by Chapter 67 of this Title, to any  
2 person. Any person who knowingly or willingly transfers or sells  
3 any Schedule I Controlled Substance to a person over the age of  
4 eighteen (18) years old in violation of the provisions of Chapter 67  
5 of this Title, and such controlled substance directly causes the  
6 death of such person, is guilty of murder. This Section shall *not*  
7 apply to health care professionals and pharmacists in the  
8 legitimate practice of the healing arts.

9 (b) Murder is a felony of the first degree, but a person convicted  
10 of murder shall be sentenced to life imprisonment notwithstanding any  
11 other provision of law; provided, however, that any person convicted of  
12 murder shall be eligible for parole after serving fifteen (15) years as  
13 provided in §80.72 of this Title and no part of said sentence shall be  
14 suspended; provided, further, that any person convicted of murder shall  
15 also *not* be eligible for work release or educational programs outside the  
16 confines of prison.”

17 **Section 4.** Section 16.50 of Chapter 16 of Title 9 of the Guam Code  
18 Annotated is hereby *amended* to read as follows:

19 **“Section 16.50. Manslaughter Defined and Classified.**

20 (a) Criminal homicide constitutes manslaughter when:

21 (1) it is committed recklessly; or

22 (2) a homicide which would otherwise be murder is  
23 committed under the influence of extreme mental or emotional  
24 disturbance for which there is reasonable explanation or excuse  
25 (The reasonableness of such explanation or excuse shall be



1 determined from the viewpoint of a reasonable person in the  
2 defendant's situation under the circumstances as he believes them  
3 to be. The defendant must prove the reasonableness of such  
4 explanation or excuse by a preponderance of the evidence.); or

5 (3) death is indirectly or proximately caused, such as an  
6 accident, by the illegal use of a Schedule I Controlled Substance, as  
7 defined by Chapter 67 of this Title, to a person under the influence  
8 of such controlled substance. Any person who knowingly or  
9 willingly transfers or sells any Schedule I Controlled Substance to  
10 a person over the age of eighteen (18) years old in violation of the  
11 provisions of Chapter 67 of this Title, and such controlled  
12 substance indirectly or proximately causes the death of such  
13 person, is guilty of manslaughter. This Section shall *not* apply to  
14 health care professionals and pharmacists in the legitimate  
15 practice of the healing arts.

16 (b) Manslaughter is a felony of the first degree.”

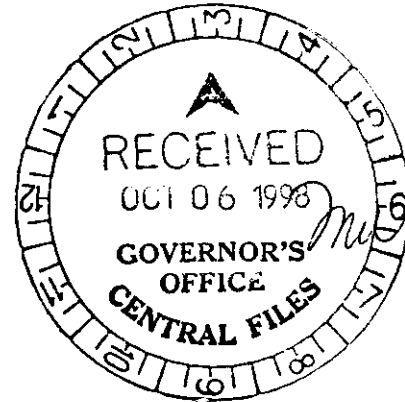


**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
TWENTY-FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

October 6, 1998

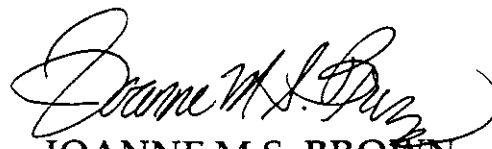
Honorable Carl T.C. Gutierrez  
*I Maga'lahen Guahan*  
Office of *I Maga'lahi*  
*Hagåtña*, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 182 (COR), 535 (COR), 597 (COR), 601 (COR), 637 (COR), 672 (COR) and Bill Nos. 447 (COR), 474 (COR), 565 (LS), and 644 (COR) which were passed by *I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN* on October 2, 1998.

Sincerely,

  
JOANNE M.S. BROWN  
Legislative Secretary

Enclosure: (10)

# I MINA' BENTE KUATTRO NA LIHESLA TURAN GUAHAN

1998 (SECOND) Regular Session

Date: 11/19/98

## VOTING SHEET

S Bill No. 637  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, Frank B., Jr.	✓			
<del>BARRETT-ANDERSON, Elizabeth</del>				
BLAZ, Anthony C.	✓			
BROWN, Joanne M. S.	✓			
CAMACHO, Felix P.	✓			
CAMACHO, Francisco P.	✓			
CHARFAUROS, Mark C.	✓			
CRUZ, Edwardo J.	✓			
FLORES, William B.S.M.	✓			
FORBES, Mark	✓			
KASPERBAUER, Lawrence F.	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta A.	✓			
LEON GUERRERO, Lou	✓			
PANGELINAN, Vicente C.	✓			
SALAS, John C.	✓			
SANTOS, Angel L.G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WON PAT, Judith T.	✓			

TOTAL

20

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Clerk of the Legislature



**MINA' BENTE KUATTRO NA LIHESLATURAN GUÅHAN**  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910

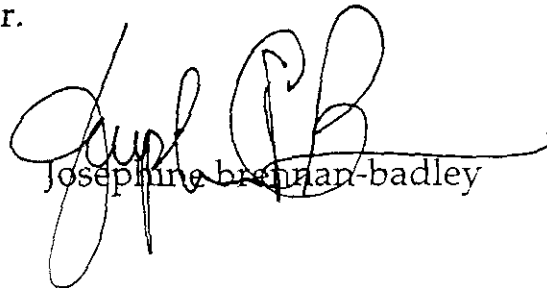
July 28, 1998

Date

Memorandum

To: Senator L.F. KASPERBAUER  
From: Clerk of the Legislature  
Subject: Report on Bill 637

Pursuant to §7.04 of Rule VII of the 24<sup>th</sup> Standing Rules, I am herewith serving you a copy of the Committee Report on Bill 637, for which you are the prime sponsor.

  
Josephine Brennan-Badley

Attachment

AC ENCLOSURE RECEIPT  
For signature of \_\_\_\_\_  
Time: 6:45 A.M.  
Date: 7/29/98

# I Mina' Bente Kuattro Na Liheslaturan Guahan



Subcommittee on Codes and Penal Statutes  
of the Committee on Judiciary, Public Safety and Consumer Protection  
*Senator Mark Forbes, Chairman*

**JUL 27 1998**

Speaker Antonio R. Unpingco  
I Mina' Bente Kuattro Na Liheslaturan Guahan  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Subcommittee on Codes and Penal Statutes of the Committee on Judiciary, Public Safety and Consumer Protection, to which Bill No. 637 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 637** (as substituted) "An act to amend §§ 16.30, 16.40 and 16.50 of Chapter 16 of Title 9, Guam Code Annotated relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly causes the death of another person."

The voting record is as follows:

<b>TO PASS</b>	<u>4</u>
<b>NOT TO PASS</b>	<u>0</u>
<b>ABSTAIN</b>	<u>0</u>
<b>TO PLACE IN INACTIVE FILE</b>	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.

  
**MARK FORBES**

Attachments

# I Mina' Bente Kuattro Na Liheslaturan Guåhan



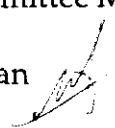
Subcommittee on Codes and Penal Statutes  
of the Committee on Judiciary, Public Safety and Consumer Protection  

---

*Senator Mark Forbes, Chairman*

## MEMORANDUM

**TO:** Subcommittee Members

**FROM:** Chairman 

**SUBJECT:** Committee Report- BILL NO. 637 (as substituted) "An act to amend §§ 16.30, 16.40 and 16.50 of Chapter 16 of Title 9, Guam Code Annotated relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly causes the death of another person."

Transmitted herewith for your information and action is the report on Bill No. 637 (as substituted) from the Subcommittee on Codes and Penal Statutes of the Committee on Judiciary, Public Safety and Consumer Protection.

This memorandum is accompanied by the following:

1. Subcommittee Voting Sheet
2. Committee Report
3. Bill No. 637 (as substituted)
4. Public Hearing Sign-in Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

**MARK FORBES**



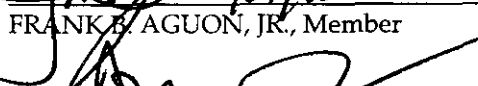
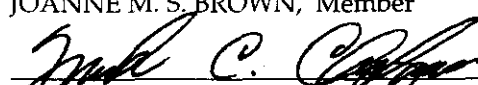
Attachments

**Subcommittee on Codes and Penal Statutes  
of the Committee on Judiciary, Public Safety and Consumer Protection**

**I Mina' Bente Kuáttro Na Liheslaturan Guahan**

**Voting Record**

Bill No. 637 (as substituted) "An act to amend §§ 16.30, 16.40 and 16.50 of Chapter 16 of Title 9, Guam Code Annotated relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly causes the death of another person."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
 FRANK E. AGUON, JR., Member	✓			
 ANTHONY C. BLAZ, Member	✓			
JOANNE M. S. BROWN, Member				
 MARK C. CHARFAUROS, Member	✓			
EDUARDO J. CRUZ, Member				

**I Mina' Bente Kuattro Na Liheslaturan Guahan**

**Subcommittee on Codes and Penal Statutes**  
**of the**  
**Committee on Judiciary, Public Safety and Consumer Protection**

**Senator Mark Forbes, Chairman**

**Committee Report**  
**on**

**BILL NO. 637 (as substituted)**

**"An act to amend §§ 16.30, 16.40 and 16.50 of Chapter 16 of Title 9, Guam Code Annotated relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly causes the death of another person."**



## **I. OVERVIEW**

The Subcommittee on Codes and Penal Statutes of the Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Monday, June 29, 1998 at 9:00 a.m. at I Liheslaturan Guahan. Public Notice of the hearing was announced in the June 27<sup>th</sup>, and 28<sup>th</sup>, 1998 issues of the Pacific Daily News.

Senators in attendance were:

Senator Mark Forbes, Chairman

Senator Edwardo Cruz

Senator Larry Kasperbauer

Senator John Salas

Senator Frank Aguon

## **II. SUMMARY OF TESTIMONY**

There were no individuals appearing before the Subcommittee to present testimony on Bill 637. No written testimony was submitted on the bill.

## **III. FINDINGS AND RECOMMENDATIONS**

The Subcommittee on Codes and Penal Statutes of the Committee on Judiciary, Public Safety and Consumer Protection finds that the use of harmful illicit drugs such as crystal methamphetamine "ice" is growing at an alarming rate. Such drugs have been responsible for the direct death of many users as well as incidental deaths (such as accidents and crimes wherein the perpetrator is a user). The Sub-committee further finds that those individuals who proliferate such drugs into our community should be held accountable under the severest criminal penalties available under public law should such drugs cause the death of another person. The Sub-committee further finds that such penalties should apply to the transfer of all drugs listed in Schedule I of the Controlled Substances Schedules (high potential for abuse and no legitimate medical uses) and references to Schedule I should be included in a substitute version of the bill.

Accordingly, the Subcommittee on Codes and Penal Statutes of the Committee on Judiciary, Public Safety and Consumer Protection, to which Bill No. 637 was referred does hereby submit its findings and recommendations to I Mina' Bente Kuattro Na Liheslaturan Guahan **TO DO PASS BILL NO. 637** (as substituted) "An act to amend §§ 16.30, 16.40 and 16.50 of Chapter 16 of Title 9, Guam Code Annotated relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly causes the death of another person."

**24th Guam Legislature**  
**Committee on Rules, Government**  
**Reform and Federal Affairs**  
**Senator Mark Forbes, Chairman**

---



**JUN 24 1998**

**MEMORANDUM**

**TO:** Chairman  
Subcommittee on Codes and Penal Statutes of the Committee on Judiciary,  
Public Safety and Consumer Protection

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

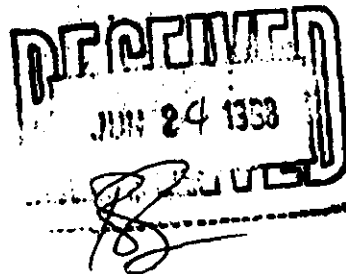
**SUBJECT:** Referral- Bill No. 637

The above Bill is referred to your Subcommittee 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





FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill No.: 637 (COR)  
Amendatory Bill: Yes

Date Received: June 30, 1998  
Date Reviewed: July 16, 1998

Department/Agency Affected: Department of Law  
Department/Agency Head: Gus Diaz  
Total FY Appropriation to Date: \$ 6,362,136

Bill Title (preamble): AN ACT TO AMEND SECTIONS 16.30, 16.40, AND 16.50 OF CHAPTER 16 OF TITLE 9, GUAM CODE ANNOTATED RELATIVE TO APPLYING THE CHARGES OF CRIMINAL HOMICIDE TO PERSONS WHO THROUGH THE ILLEGAL SALE, DISTRIBUTION OR TRANSFER OF A CONTROLLED SUBSTANCE DIRECTLY OR INDIRECTLY CAUSE THE DEATH OF ANOTHER PERSON.

Change in Law: Amends Sections 16.30, 16.40, and 16.50 of Chapter 16 Title 9 of the Guam Code Annotated.

Bill's Impact on Present Program Funding:  
Increase: See attached Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change \_\_\_\_\_  
Bill is for:  
Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
N/A	See attached comments.		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A IF NO, ADD'L AMOUNT REQUIRED: \_\_\_\_\_  
AGENCY/PERSON/DATE CONTACTED: See attached comments.

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Carlos P. Bordallo DATE 7/16/98 DIRECTOR Joseph E. Rivera DATE JUL 17 1998  
87117

**General Fund Appropriation Status**

Fiscal Year 1998 general fund adopted revenues available for appropriation, as adopted in Public Law 24-59, is \$353,292,790 (includes \$7,600,000 Autonomous Agency Fund, \$7,000,000 Use Tax \$3,200,000 & Custom & Immigration Reimbursement ). The current appropriation level against the General Fund up to P.L. 24-205 and continuing appropriations for debt service total \$390,353,559. This leaves a fiscal year budgetary shortfall of (\$37,060,769). Additionally, the prospects of collecting the \$7,600,000 Autonomous Agency Fund and the \$7,000,000 Use Tax is not likely to be realized. As such, the budgetary shortfall may increase by another \$14,000,000 adding to the budgetary shorfall.

Fiscal Year 1998 Revenues (P.L. 24-59)	\$353,292,790
Less: Appropriation to date	<u>390,353,559</u>
Revenue available for appropriation	<u>(37,060,769)</u>

# Teen leads volunteer effort in nursing home

DEAR ABBY: This is in response to the letter urging people to volunteer in nursing homes. I am 14 years old and an eighth-grader at St. Agnes School in Concord, Calif. Not only can adults volunteer, but teen-agers can also volunteer and bring smiles to senior citizens. I would like to share my experience at our local nursing home.

When I was elected president of the Student Council, one of my goals was to establish an Adopt-a-Senior Program at my school. This would consist of students sharing their time and talents with the elderly. I wanted to make a difference in the lives of others.

During the summer, the vice president of the student body and I visited a number of nursing homes. These nursing homes were interested because a project like this had never been done on a long-term basis. When permission slips went home with students, the re-

sponse was overwhelming: 28 eighth-graders signed up to participate. As a result, we adopted 14 seniors — two students per senior.



Dear Abby

sponse was overwhelming: 28 eighth-graders signed up to participate. As a result, we adopted 14 seniors — two students per senior.

The initial visit with the seniors was special and memorable. Each of us brought a small gift to share with them. We sang songs to break the ice, and soon some of the seniors joined in! We all became friends quickly and formed special bonds.

We now visit the seniors twice a month. During our visits, we sing songs, play bingo, present magic shows and perform skits. Some of the seniors even

dance the "Hokey Pokey" with us! One of them told us that we made life worth living. The number of seniors joining our program grows with every visit. At our last visit, we had more than 30 seniors.

For major holidays, such as Halloween, Thanksgiving, Christmas and Easter, the St. Agnes students made decorations for the seniors at the home — 172 in all. A few eighth-graders delivered the decorations room to room. The residents were happy to see us, and many of them invited us into their rooms to chat. During our Easter delivery, we saw many of the Halloween decorations still hanging on their walls! It has been a heartwarming experience to see how appreciative these seniors are.

Abby, these patients have found a special place in our hearts. The first time we visited, they all looked the same to us; however, now we know each one by his or her name — not

as a "group." Many of them have a great sense of humor. We'll always remember the lessons they have taught us.

Please share this letter with "Grieving in Orange, Texas" so she will know that we understand how she feels. Someday we will all grow old and become dependent on others. — KELLY A. McQUIRK, CONCORD, CALIF.

DEAR KELLY: Congratulations for conceiving such a worthwhile project. The other eighth-graders also deserve credit for helping you to accomplish your goal.

I know that "Grieving" will be pleased to see your letter, and I hope it will spur other teen-agers into action.

Send questions to Dear Abby, P.O. Box 69440, Los Angeles, Calif. 90069, for personal reply please enclose a self-addressed stamped envelope.



## Notice of Public Hearing

Senator Mark Forbes, Chairman

Committee on Rules, Government Reform and Federal Affairs

MONDAY JUNE 29, 1998

At 9:00am, the Committee on Rules, Government Reform & Federal Affairs will hear the following bills:

Bill No. 551 "An act to add a new Article 3 to Chapter 10 of Title 5, Guam Code Annotated relative to the dissemination of public records and information on magnetic media and via the internet."

Bill No. 604 "An act to establish the Guam Highway Patrol as a permanent division within the Guam Police Department and to mandate manpower levels for the division."

Bill No. 606 "An act to establish a Division of Municipal Police, otherwise designated the Division of Municipal Sheriffs, as a permanent division within the Guam Police Department in order to increase police presence in Guam's villages on a permanent basis and help further protect our people against crime."

Bill No. 610 "An act to empower Guam's mayors and establish a municipal government in Guam capable of directly providing efficient service to the people of Guam at the community level."

Bill No. 634 "An act to add a new §2109 and §2110 to Chapter 2, Title 4 Guam Code Annotated relative to prohibiting lame duck incumbents from hiring new unclassified employees following the loss of an election and to add new §6227 and §6228 to Chapter 6 of Title 4, Guam Code Annotated relative to prohibiting salary increases to unclassified employees following the loss of an election or the decision not seek reelection by an incumbent elected official."

At 11:00am, the Subcommittee on Codes and Penal Statutes will hear the following bills:

Bill No. 676 "An act to provide for mandatory life imprisonment for persons convicted of certain felonies."

Bill No. 677 "An act to amend §80.70(a) 9GCA, amend §80.72(a) 9GCA relative to the elimination of parole eligibility for offenders sentenced to a term of imprisonment for the commission of a violent crime."

Bill No. 631 "An act to amend §3344 of Chapter 3 of Title 16 GCA and to add a new §3344.1 to Chapter 3 16GCA, relative to requiring the mandatory usage of safety belts on all school buses operated by the government of Guam."

Bill No. 678 "An act to place before the people of Guam as an initiative a proposal to provide for mandatory life imprisonment for persons convicted of certain felonies and to eliminate parole eligibility for offenders sentenced to a term of imprisonment for the commission of a violent crime."

Bill No. 637 "An act to amend §16.30, §16.40 and §16.50 of Chapter 16 of 9GCA relative to applying the charges of criminal homicide to persons who through the illegal sale, distribution or transfer of a controlled substance directly or indirectly cause the death of another person."

At 6:00pm, the Committee on Rules, Government Reform and Federal Affairs will hear the following bill:

Bill No. 609 "An act to establish incentive programs for early retirement for govGuam employees as part of a general reorganization effort in the government of Guam."

Hearing will take place in the Conference Room  
Office of Senator Mark Forbes, I Liheslaturan Guåhan  
Hagåtña, Guam

The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Forbes at 472-3512.

## BRIDGE

North		90-27 40	
♠	J 8	♠	7 6 5
♥	K J 6 5	♥	Q 7 6 4
♦	Q 7 6 4	♦	A K Q
♣	A K Q		
West		East	
♠	K Q 10 9 5 4	♠	7 6 2
♥	A 3	♥	7 2
♦	A 5	♦	J 10 9 8
♣	10 6 5	♣	8 4 3 2
South			
♠	A 3		
♥	Q 10 9 8 4		
♦	K 3 2		
♣	J 9 7		
Vulnerable: Both			
Dealer: West			
South		East	
♠	1 4	♠	Pass
♥	Pass	♥	All pass
♦	Pass	♦	Pass
♣	Pass	♣	Pass
Opening lead: ♠ K			

## The eyes have it

One of the pictures in this year's cat calendar has three white cats. One has two blue-colored eyes; one has a left blue eye and right yellow eye; the third has a left yellow eye and a right blue eye. Very strange — though no doubt some geneticist could explain it easily enough.

In bridge, the good players keep their eyes open, regardless of their color. They look at each card as it is played. They also keep their ears open, listening closely to the bidding.

In this deal, how do you plan the play in four hearts after West leads the spade king?

Your three-heat advance after partner's takeout double shows some 9-11 points.

Start by checking losers. With one in spades and one in hearts, you must avoid losing two diamond tricks.

In particular when an opponent has bid, once the dummy appears, check the points. Here, there are 16 in the dummy and you have 10. That leaves only 14 for the opponents, yet West opened the bidding. So, he must have the diamond ace. Just hope that it is a singleton or doubleton. If West has ace-third of diamonds, you have no chance against best defense.

After winning with the spade ace, play a trump. Let's assume West finis with his ace, cashes the spade queen, and exits with his final trump. (If West ducks the heart ace, or if you think he started with the singleton ace, you might go for an endplay: Cash two or three of dummy's clubs, then lead a trump to West's ace, hoping he has only spades and diamonds left.) Now you play a diamond to dummy's queen, then duck a diamond on the way back. West's ace dropping onto the table is a sight for watchful eyes!

By Phillip Alder  
Copyright 1998 by NEA, Inc.

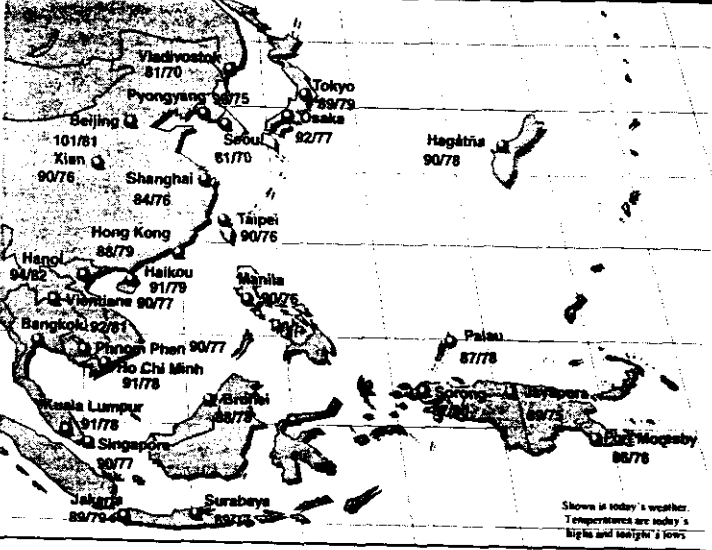
# ALMANAC

For an updated weather forecast call 711, 477-2991, 477-5992, or listen to NOAA weather radio WXM85 on VHF frequency 162.40 MHz (channel 2). National Weather Service Guam Homepage: <http://www.nws.noaa.gov/pr/guam>

## 5-Day forecast for Guam

Today	UV Index today	Tonight	Monday	Tuesday	Wednesday	Thursday
Partly sunny and breezy with the chance of showers. Moderate seas; surf 4-6 feet.	<b>4-7</b> The higher the UV index number, the greater the need for eye and skin protection. <b>Comfort Index</b> <b>4-7</b> Rating on a scale of 1-10, where 1 is least comfortable and 10 is most comfortable for today, based upon temperature, wind and humidity.	Partly cloudy; a shower or two possible. Moderate seas; surf 4-6 feet.	Partly sunny and warm with the chance for a shower or two. Moderate seas; surf 4-6 feet.	Clouds and limited sun with showers and a gusty wind. Moderate seas; surf 5-7 feet.	Mixed clouds and sun; breezy with the chance for showers. Moderate seas; surf 4-6 feet.	Clouds and intervals of sun, breezy; a good chance of showers. Moderate seas; surf 4-6 feet.
High 90 Winds E 12-25		Low 78 Winds E 8-16	High 90, Low 78 Winds E 12-25	High 88, Low 76 Winds NE 15-30	High 88, Low 78 Winds E 15-25	High 88, Low 78 Winds E 12-22

### Pacific forecast for today



### Forecast from yesterday



### World cities

City	Today		Monday		City	Today		Monday				
	Hi	Lo	Hi	Lo		Hi	Lo	Hi	Lo			
Rikitsuan	64	49	pc	86	53	pc	88	73	pc	90	76	pc
Baghdad	118	76	s	111	78	sh	68	50	pc	71	52	pc
Berlin	72	54	pc	84	77	pc	78	64	pc	72	61	pc
Bermuda	88	77	pc	84	77	pc	114	79	s	110	82	pc
Copenhagen	69	49	pc	85	52	pc	90	68	s	88	69	pc
Jerusalem	87	61	s	86	63	pc	64	49	s	60	45	sh
Kiwaia	119	83	r	115	86	pc	88	63	s	90	66	pc
London	66	54	pc	70	52	pc	82	64	pc	87	63	sh
Wairua	94	66	s	92	68	pc	66	63	pc	76	63	pc
Mexico City	78	59	c	80	59	s	79	55	sh	71	55	pc
Moscow	75	59	pc	78	64	pc						

### Micronesia

City	Today		Monday		City	Today		Monday				
	Hi	Lo	Hi	Lo		Hi	Lo	Hi	Lo			
Bikini	87	78	sh	89	80	pc	87	78	pc	88	79	pc
Chuuk	85	74	r	89	76	pc	90	78	sh	88	76	pc
Kiritimati	89	79	pc	89	80	pc	87	74	pc	88	76	pc
Kosrae	88	79	pc	88	80	c	84	75	pc	84	77	pc
Kwajalein	87	78	sh	88	80	pc	89	76	pc	89	77	pc
Majuro	87	78	sh	87	79	c	87	78	s	88	80	pc
Nagoru	91	74	pc	91	76	pc						

Weather: W=sunny, pc=partly cloudy, c=cloudy, sh=showers, r=thundershowers, rain, if snow flurries, or snow, ice.

### Tides

Apra Harbor	
First low	9:31 a.m. 2:17 p.m. 10:21 a.m. 2:01 p.m.
First high	4:41 a.m. 1:41 p.m. 5:34 a.m. 1:41 p.m.
Second low	11:26 a.m. 2:41 p.m. 11:26 a.m. 2:41 p.m.
Second high	4:38 a.m. 0:11 p.m. 5:18 p.m. 0:11 p.m.

### Sunrise/Sunset

Sunrise today	5:57 a.m.
Sunset today	6:51 p.m.
Sunrise tomorrow	5:58 a.m.
Sunset tomorrow	6:51 p.m.

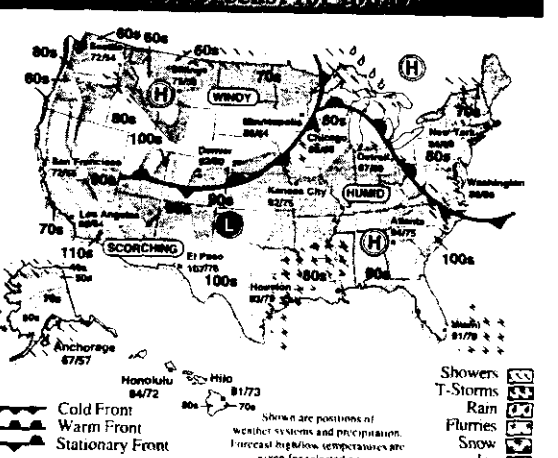
### Rainfall

Yesterday	0.06"
Month to date	4.15"
Year to date	10.89"

### Moon phases



### Forecast for today



### GOVERNMENT MEETINGS

**Monday**  
**COMMITTEE ON RULES, GOVERNMENT REFORM & FEDERAL AFFAIRS:** 9 a.m., Sen. Mark Forbes' conference room, 1 Lhasantaran Guahan. Bills 551, 604, 606, 610, 634, 6 p.m., Bill no. 609. Subcommittee on Codes & Penal Statutes public hearing 11 a.m., on Bills 676, 677, 631, 678, 637. For special accommodations call 472-3512.

**Tuesday**  
**COMMISSION ON DECOLONIZATION:** 2 p.m., Governor's conference room, Adelp. For more information call 475-9222.

**SOUTHERN GUAM SOIL & CONSERVATION DISTRICT:** Monthly meeting 7 p.m., Agri community center. For more information call Miched Flores, 734-3948.

**DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES:** Public hearing 9 to noon, Room 160, Department of Public Health, Mangla. Medicaid Assistance Program and Medically Indigent Program proposal to increase reimbursement

rates for services by private providers across the board. Copies of the proposed MAP and MIP reimbursement are available at the Division of Public Welfare, Bureau of Health Care Financing office, 2nd floor, Room 236, Department of Public Health. For special accommodations call Alyssa Urcongo, 735-7276.

**PORT AUTHORITY OF GUAM BOARD OF DIRECTORS:** 10 a.m., board conference room, Cabras Island, Piti. Agenda copies available. For special accommodations call Simen Delos Santos, 477-5931, ext. 430, or pager 720-6056.

**PUBLIC UTILITIES COMMISSION:** Noon, Suite 400, GOC Building. CPA regulatory matters - TECF order. For special accommodations call Marissa Leon Guzman, 472-8848.

**LAND USE COMMISSION:** Meeting continuation 1:30 p.m., Department of Land Management conference room, 3rd floor, Room 320, One Stop Building, Arigao. Tentative

▲ See Government meetings. Page 7

### READER INFORMATION

The Pacific Daily News, a member of the Gannett group of newspapers, is published daily at 238 Archbishop F.L. Flores St., Agaña, Territory of Guam, USA, P.O. Box DN, Agaña, Guam 96932. Entered as Periodicals Postage Paid at the U.S. Post Office, Agaña, Guam, under Act of Congress of March 3, 1979. POSTMASTER: Send address changes to: The Pacific Daily News, P.O. Box DN, Agaña, Guam 96932. USPS 230-980.

**Guam rates, every 4 weeks**  
 Daily & Sunday: By carrier \$13.50. By Motor R.: \$14.50  
 Sunday Only: By carrier \$2.84. By Motor R.: \$3.12.

**Off-island rates, every 4 weeks**  
 First Class mail to U.S. mainland:  
 Daily & Sunday: \$66.55  
 Surface mail to U.S. mainland:  
 Daily & Sunday: \$24.20

Other rates available on request  
 The publisher reserves the right to change subscription rates during the term upon 28 days notice. The notice may be by mail to the subscriber, by notice contained in the paper itself or otherwise. Subscription rate changes may be implemented by changing the duration of the subscription. All subscriptions must be prepaid.