



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 2-23-98

Time: 10:40 a.m.

Rec'd by: [Signature]

Print Name: Fred Cruz

FEB 20 1998

Refer to  
Legislative Secretary

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>12:05 p.m.</u>
Date	<u>2-23-98</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 233 (COR), "AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGANA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES.", which I have signed into law today as **Public Law No. 24-137.**

It is noted that there is considerable use of East Agana Bay for the use of motorized watercraft, such as jet skis, and that vehicles are accessing the beach by jumping the curb and driving onto the park and beach areas. This is occurring only in the areas next to specific areas used for jet skis.

This legislation calls for developing a plan to have "on-street" parking on Marine Drive, next to the ocean, from Padre Palomo Beach Park all the way to the public park picnic pavilions bordering the western boundary of the Alupang Tower Condominium on Sundays, from 6:00 a.m. until 6:00 p.m.

The legislation also calls for the construction of a launch area for vehicles to drive onto the beach and launch and retrieve jet skis. Unfortunately, there is no funding for this project in this legislation, and no provision for clearance of such a project with the Guam Seashore Protection Agency and the Army Corps of Engineers. The strip of land between Marine Drive and the water of East Agana Bay is very narrow, and there is little room to provide for a motorized watercraft launch area, should all clearances be available.

00664

It is also noted that this legislation mandates on-street parking in front of businesses that are not involved in motorized watercraft and jet skis, all the way down to Padre Palomo Beach Park. Many of the businesses along this lower stretch are closed on Sundays, and their premises may be used by those seeking water recreation if the street is closed and utilized for water recreation parking. The considerations of the owners of these businesses must be taken into consideration in the development of any on-street parking for water recreation in front of businesses not catering to the water recreation business.

Very truly yours,



Carl T. C. Gutierrez

Attachment 00664

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

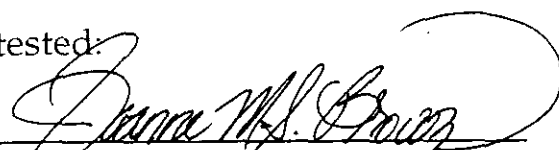
TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 233 (COR), "AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGAÑA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES," was on the 4<sup>th</sup> day of February, 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 10<sup>th</sup> day of February, 1998, at  
3:21 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 2-20-98

Public Law No. 24-137

**TWENTY-FOURTH GUAM LEGISLATURE**  
**1997 (FIRST) Regular Session**

**Bill No. 233 (COR)**

As amended on the Floor.

Introduced by:

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

**AN ACT TO PROVIDE FOR ON-STREET,  
OCEANSIDE PARKING ALONG ROUTE NO. 1,  
EAST AGAÑA BAY, TO FACILITATE JET SKI  
LAUNCHING AND THE EXPANSION OF  
SWIMMING AND OTHER RECREATIONAL  
ACTIVITIES AND FACILITIES.**

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

2           **Section 1. Legislative Findings.**The Guam Legislature finds that  
3 recreational jet ski activities along the beachfront and waters of East Agaña  
4 Bay have increased significantly in the past few years, however, parking in  
5 the immediate vicinity has not improved in tandem with the conspicuous  
6 growth in use of these motorized watercrafts by the public. The prevalent  
7 practice of parking vehicles on the seashore is deemed hazardous to the beach  
8 environment, and the alternative practice of parking on the sidewalks  
9 presents serious hazards to bicyclists and pedestrians. Additionally, the  
10 vehicles used to transport the jet skis must jump the curb in order to get onto  
11 the beach for purposes of launching and/or retrieving jet skis.

12           **Section 2. Legislative Intent.** It is the intent of the Guam  
13 Legislature to provide convenient access to and from the beach by permitting  
14 on-street parking on the seaward side of Route No. 1 in East Agaña, during  
15 the hours that would not impede the routine flow of traffic. It is further the  
16 intent of the Guam Legislature to establish access to the shoreline from Route  
17 No.1 for launching and/or retrieving of jet skis.

18           **Section 3. Department of Public Works to Develop On-Street**  
19 **Parking and Access to Shoreline.**           (a) The Department of Public  
20 Works shall develop a plan for "on-street" parking on the seaward side of  
21 Route No. 1, beginning at the westernmost boundary of the public property in  
22 the Padre Palomo Beach Park area of East Agaña, extending eastward  
23 towards the existing public park picnic pavilions bordering the western  
24 boundary of the Alupang Tower Condominium. On-street parking shall be  
25 allowed on Sundays, from 6:00 a.m. to 6:00 p.m. Said plans shall be

1 coordinated with the Guam Police Department and the Department of Parks  
2 & Recreation.

3 (b) The Department of Public Works, with guidance from the  
4 Department of Parks & Recreation, shall establish access to the shoreline from  
5 Route No. 1, to allow the vehicles of jet-ski operators to drive onto the beach  
6 for purposes of launching and/or retrieving jet skis and to exit back onto  
7 Route No. 1.

8 **Section 4. Implementation.** The Department of Public  
9 Works, in coordination with the Department of Parks & Recreation, shall  
10 within sixty (60) days of enactment, implement the provisions of Section 3 of  
11 this Act.

12 **Section 5. Other Uses.** The Department of Parks & Recreation  
13 shall review the feasibility of further maximizing the recreational use of East  
14 Agaña Bay by providing a dredged swimming area in the vicinity of the  
15 public park pavilions on the east end of the area of interest designated in §3 of  
16 this Act. The Department of Parks & Recreation shall report its findings to the  
17 Governor and to the Guam Legislature within sixty (60) days of enactment of  
18 this Act.

PL 24-197



TWENTY-FOURTH GUAM LEGISLATURE

# Office of the Vice-Speaker

ANTHONY C. BLAZ

January 23, 1998

LEGISLATIVE  
COMMITTEE  
MEMBERSHIP

Chairman  
Finance & Taxation

Vice-Chairman  
Rules,  
Government Reform  
& Federal Affairs

Education

Natural Resources

Health &  
Human Services

Tourism, Economic  
Development & Cultural  
Affairs

Judiciary,  
Public Safety &  
Consumer Protection

Transportation,  
Telecommunications, &  
Micronesian Affairs

MEMBERSHIP

Guam Finance  
Commission

Commission on Self  
Determination

The Honorable Speaker Antonio R. Unpingco  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

VIA: Committee on Rules

Dear Mr. Speaker:

**The Committee on Finance and Taxation, to which was referred Bill No. 233 (COR), "AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGANA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES." herein reports back with the recommendation TO DO PASS.**

Votes of the committee members are as follows:

  9   To Pass

       Not To Pass

       To Place in Inactive File

       Abstained

       Off-Island

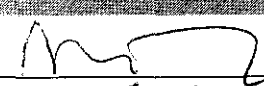
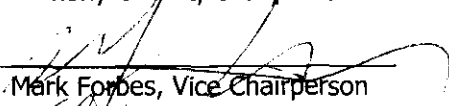

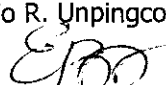
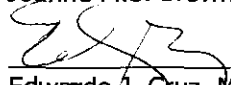
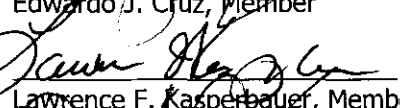
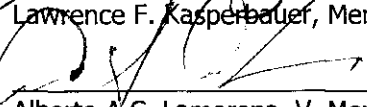
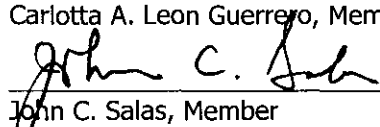
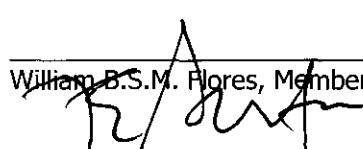
       Not Available

Sincerely,

**Anthony C. Blaz**

*Committee on Finance and Administration*  
*Voting Sheet on*  
*Bill No. 233*

"AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGANA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES."

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Anthony C. Blaz, Chairperson	✓			
 Mark Forbes, Vice Chairperson	✓			
 Antonio R. Unpingco, Ex-Officio	✓			
 Elizabeth Barrett-Anderson, Member	✓			
Joanne M.S. Brown, Member				
 Edwardo J. Cruz, Member	✓			
 Lawrence F. Kasperbauer, Member	✗			
 Alberto A.C. Lamorena, V, Member	✓			
Carlotta A. Leon Guerrero, Member				
 John C. Salas, Member	✓			
Thomas C. Ada, Member				
Mark C. Charfauros, Member				
William B.S.M. Flores, Member				
 Francis E. Santos, Member	✓			



## **Committee on Finance and Taxation Report on Substitute Bill No. 233**

"AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGANA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES."

### **PUBLIC NOTICE:**

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 233 was published in the Pacific Daily News on Sunday, September 28, 1997.

### **PUBLIC HEARING:**

The Committee on Finance and Taxation conducted a public hearing on Monday, September 27, 1997 at 4:30 PM in the Legislature's Public Hearing Room to hear testimonies on Bill No. 233.

### **MEMBERS PRESENT:**

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

- Senator Elizabeth Barrett-Anderson
- Senator Edwardo Cruz
- Senator William B.S.M. Flores
- Senator Lawrence Kasperbauer
- Senator Alberto Lamorena, V
- Senator Francis Santos

Other Senators present were:

- Senator Frank B. Aguon, Jr.
- Senator Lou Leon Guerrero
- Senator Vicente C. Pangelinan

### **PROVIDING PUBLIC TESTIMONY ON THE BILL:**

A.J. Sonny Shelton, Director, Department of Parks & Recreation, in his written testimony testified that the Department agrees with the legislative findings as to the significant increase in motorized watercraft usage in East Agana Bay. He stated that the close of one lane on Sundays would not necessarily hamper traffic flow in the area, but there will be costs involved as to establish a mechanism (i.e. signage, placement of traffic cones) that are not established in the bill. Mr. Shelton noted that Section 5 of the bill seems contradictory insofar as dredging a swimming area where watercraft use is present. He suggested that any such dredging efforts should probably be re-directed towards Tumon, where the restricting of motorized watercraft exists already.

. COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature **to do pass Bill 233-** "AN ACT TO PROVIDE FOR ON-STREET, OCEANSIDE PARKING ALONG ROUTE NO. 1, EAST AGANA BAY, TO FACILITATE JET SKI LAUNCHING AND THE EXPANSION OF SWIMMING AND OTHER RECREATIONAL ACTIVITIES AND FACILITIES."



**Carl T.C. Gutierrez**  
Governor

**Madeleine Z. Bordallo**  
Lt. Governor

## DEPARTMENT OF PARKS AND RECREATION

GOVERNMENT OF GUAM  
BUILDING 13-8, TIYAN  
Post Office Box 2950  
Agana, Guam 96932  
Telephone: (671) 475-6296/7  
Facsimile: (671) 472-9626

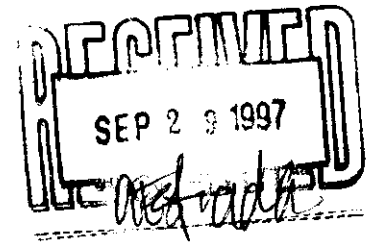


**A.J. Sonny Shelton**  
Director

**Franklin J. Gutierrez**  
Deputy Director

September 29, 1997

**The Honorable Anthony C. Blaz**  
**Chairman, Committee on Finance & Taxation**  
**Office of the Vice-Speaker**  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910



Dear Mr. Chairman:

Thank you for your invitation of September 25, 1997, received by this department late Friday to provide comment on Bill 233. While the time frame for analysis has been extremely short, our preliminary review is as follows;

We agree with the legislative findings insofar as its reference to significant increase in the use of motorized watercraft in the East Agana Bay. This increase may be due in part, to prohibition of motorized watercraft operation in other areas. From this department's perspective, the closure of one lane of traffic on Sundays should not extraordinarily hamper traffic flow in the area. However, the implementation of closure of the lane, whether by erection of permanent signage, the placement of traffic cones on Sundays, or a combination of the two, will entail costs to the government. These costs are not addressed by the bill. Additionally, the establishment of shoreline access for launching and retrieving will entail construction costs for concrete ramps, curb aprons, vehicle barriers to delineate the ramps, and other associated features. Again, the bill provides no funding for these costs.

Considering the recent budget cuts recently implemented by the Legislature, conformance to Section 4 by this department or Department of Public Works seems doubtful at best. The bill should therefore contain an appropriation for implementation with surplus to revert to the funding source.

Of greater concern for safety's sake is Section 5 of the bill which seems contradictory to the legislative findings of increased motorized watercraft use in the area. While swimming does certainly occur in the area, the implementation of improved access for motorized watercraft will dramatically increase such usage and thereby create increased potential user conflict possibilities between jetskis and swimmers. Our recommendation would be for dredging efforts to be redirected to Tumon Bay where prohibition of operation of motorized watercraft already exists thus preventing potential user conflict.

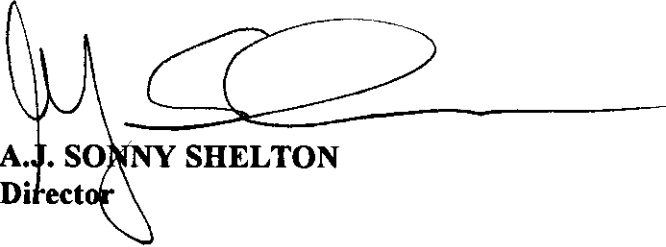


*The Way Forward!*

Letter to Vice-Speaker A.C. Blaz  
Chairman, Committee on Finance & Taxation  
re: Bill 233 - Sept. 29, 1997 - Page Two

As always, please feel free to call on us at the Department of Parks and Recreation for further information.

Sincerely,



A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a large loop.

**A.J. SONNY SHELTON**  
**Director**

BBMR-17

**FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 233 Date Received 4/25/97  
 Amendatory Bill YES  NO  Date Reviewed 4/30/97  
 Department/Agency Affected: Department of Public Works  
 Department/Agency Head: Mr. Sabino P. Flores, Acting Director  
 Total FY appropriation to Date: \$24,674,938

Bill Title (Preamble): An Act to Provide for On-Street Oceanside Parking Along Route No. 1, East Agana Bay, to Facilitate Jet Ski Launching and the Expansion of Swimming and Other Recreational Activities and Facilities.

Change in Law: n/a  
 Bill's Impact on Present Program Funding:  
 Increase  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
<u>Infrastructure &amp; Utilities</u>	<u>-0-</u>		<u>-0-</u>

**ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>see comments</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMOUNT REQUIRED n/a

AGENCY/PERSON/DATE CONTACTED: Dept. of Public Works/ Mr. Sabino Flores, Acting Director/ 4/29/97

**ESTIMATED POTENTIAL MULTI-YEAR REVENUES**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>n/a</u>					
OTHER						
TOTAL						

ANALYST Frank Lizama DATE 5/06/97 DIRECTOR JOSEPH E. RIVERA DATE JUL 10 1997  
 Acting Director

Footnotes: The Departments of Public Works and Parks and Recreation will not be able to provide feasibility studies and plans within sixty (60) days, as required in the bill, due to departmental shortfalls in this fiscal year. Such studies and plans will require thorough site review and testing, and design model analysis to determine the feasibility of expanding the recreational facilities and parking amenities in East Agana Bay.