



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

**JAN 04 1999**

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

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT  
Received By: [Signature]  
Time: 1:33 pm  
Date: 1-6-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 739 (COR), "AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU FOR THE PURPOSES OF RENOVATING AND UPGRADING THE TWO LOVERS LEAP PARK, AND TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF OPTIMIZING THE DEVELOPMENT OF THE PARK", which was **vetoed** and subsequently overridden by i Liheslatura. This legislation is now designated as **Public Law No. 24-333**.

Very truly yours,

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

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

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

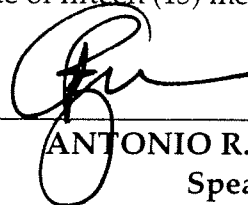
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Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 1-6-99  
Time: 1049  
Received by: [Signature]  
Print Name: Charles D.

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

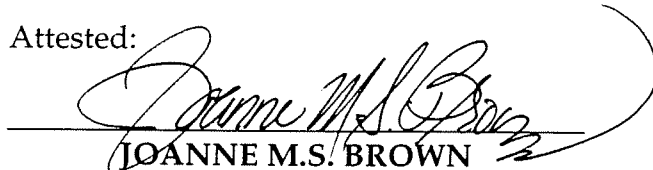
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 739 (COR), "AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU FOR THE PURPOSES OF RENOVATING AND UPGRADING THE TWO LOVERS LEAP PARK, AND TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF OPTIMIZING THE DEVELOPMENT OF THE PARK," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30<sup>th</sup> day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of fifteen (15) members.

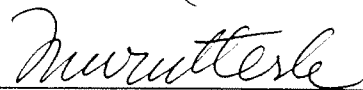


ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 31<sup>st</sup> day of December,  
1998, at 3:10 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

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

**Bill No. 739 (COR)**

As substituted by the Committee on Tourism,  
Economic Development and Cultural Affairs  
and as amended on the Floor.

Introduced by:

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

**AN ACT TO REAPPROPRIATE THE SUM OF ONE  
MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000) FROM THE TOURIST ATTRACTION  
FUND TO THE GUAM VISITORS BUREAU FOR THE  
PURPOSES OF RENOVATING AND UPGRADING  
THE TWO LOVERS LEAP PARK, AND TO  
AUTHORIZE A LAND EXCHANGE FOR THE  
PURPOSE OF OPTIMIZING THE DEVELOPMENT  
OF THE PARK.**

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

2           **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the Two  
3 Lovers Leap Park, known as "Puntan Dos Amantes" is situated in Harmon, and  
4 is Guam's most famous and visited landmark. However, the Park is presently an  
5 unclean, unsafe and unsightly facility, poorly maintained due to inadequate  
6 funds. The large number of visitors to the Park have indicated extreme  
7 disappointment with the condition, appearance and safety of the Park.  
8 Furthermore, *I Liheslaturan Guahan* finds that pursuing this particular project is  
9 worthwhile, beneficial and complimentary to the Fifty-three Million Dollars  
10 (\$53,000,000) being invested in the Tumon redevelopment project. In today's  
11 tourist market it is of the utmost importance that Guam enhances its Island wide  
12 facilities and image to protect Guam's economic lifeline, our tourism industry.

13           The improvement of the Park facilities, maintenance and safety is of a  
14 critical nature and essential to Guam's fragile tourist industry. Additionally, *I*  
15 *Liheslaturan Guahan* finds that over the years, the residents of Guam, as well as  
16 our visiting tourists, have been afforded access to a portion of the Park which is  
17 privately-owned property. *I Liheslaturan Guahan* is of the opinion that the  
18 government of Guam must address the issue of the Park area that involves the  
19 use of privately-owned property.

20           **Section 2. Legislative Intent.**                   It is the intent of *I Liheslaturan*  
21 *Guahan* to provide funding for the improvement of Puntan Dos Amantes, as well  
22 as to establish a policy that will allow the government, as well as the private  
23 parties involved, to jointly utilize the lands at the Park in a complimentary  
24 manner. This policy is intended to provide optimal use and enjoyment of the

1 Park to the residents of Guam and off-Island visitors through Park facility  
2 improvements, enhanced maintenance programs and an improved safety  
3 program.

4       **Section 3. Appropriation Authorized.** The sum of One Million Five  
5 Hundred Thousand Dollars (\$1,500,000), as previously authorized in §24(j) of  
6 Chapter III of Public Law Number 23-128, is hereby re-appropriated from the  
7 Tourist Attraction Fund to the Guam Visitors Bureau for the purposes of  
8 renovating and upgrading the Two Lovers Leap Park. The funds authorized  
9 herein shall be specifically used for the purposes of renovating and upgrading  
10 the Park, and shall *not* be used for any other project of the Guam Visitors Bureau.

11 This appropriation shall *not* validate any agreement entered into by officers of  
12 the government of Guam *prior to* the enactment of this Act.

13       **Section 4. Land Exchange Authorized.** Notwithstanding any other  
14 provision of law, *I Maga'lahaen Guahan* is authorized to exchange, on a value-for-  
15 value basis, a portion of the western sector of Lot Number 10170, a government-  
16 owned land, for approximately a six thousand (6,000) square meter portion of Lot  
17 Number 10163, a privately-owned property. The land portions to be exchanged  
18 are portions adjacent to subject lots, and are delineated in **Exhibit A**.

19       **Section 5. Survey, Appraisal, Mapping and Registration.** The owner  
20 of private property Lot Number 10163 shall, at his expense, cause to be appraised,  
21 surveyed, mapped and registered the portions of Lot Number 10163 and Lot  
22 Number 10170 which are to be exchanged, and shall submit said documentation  
23 to the Director of the Department of Land Management ("DLM") for his review,  
24 approval and recordation. The Director of DLM shall complete the review and  
25 disposition of the land exchange transaction within one hundred twenty (120)

1 days of receipt of the required data and information.

2           **Section 6. Execution of a Memorandum of Understanding.**

*I*

3   *Maga'lahaen Guahan* shall enter into a Memorandum of Understanding ("M.O.U.")  
4 between the government of Guam and the private property owners of Lot  
5 Number 10163 and Lot Number 10116. The M.O.U. shall stipulate the  
6 contributions to be made by the owners of Lot Numbers 10116, 10170 and 10163  
7 for the funding of the maintenance, security and future capital improvements to  
8 the Park. The M.O.U. shall be negotiated and submitted to the Tourism  
9 Committee and approved by *I Liheslaturan Guahan* no later than thirty (30) days  
10 from the date of enactment of this Act. No government monies may be used or  
11 transferred to fund or reimburse the M. O. U. identified in this Act, or any other  
12 M. O. U., to effectuate the maintenance, security or capital improvements to the  
13 Park without approval of *I Liheslaturan Guahan* by statute subsequent to the  
14 enactment of this Act.

15           (a) The M.O.U. shall stipulate that no ceiling or limit shall be  
16 imposed on the contributions made by the owners of Lot Numbers 10116,  
17 10170 and 10163. Any amount exceeding the requirements of the  
18 maintenance and security shall be deposited into the Capital Improvement  
19 Trust Fund for future capital improvements to the Park.

20           (b) Any non-profit entity that is formed pursuant to the M.O.U.  
21 shall exist in perpetuity.

22           (c) The M.O.U. shall stipulate that the increase of any revenues  
23 generated from admission fees and Park commercial activities shall result  
24 in the increase in the percentage of the donation to the Capital  
25 Improvement Trust Fund and to the maintenance and security of the Park.

1           **Section 7. Accountability and Reporting of the Funds.** The Guam  
2 Visitors Bureau and its Board of Directors shall be responsible for the  
3 accountability of the funds re-appropriated in this Act, and shall file a report with  
4 the Speaker of *I Liheslaturan Guahan*, and the Committee on Tourism, Economic  
5 Development and Cultural Affairs upon the completion of the land exchange,  
6 and the renovations and upgrading of the Park.

7           **Section 8.** Notwithstanding any other provision of law, this Act, or any  
8 memorandum of understanding authorized herein, no person shall be charged  
9 a fee to enter into the resulting government of Guam portions of the Park, Lot  
10 Number 10163 and Lot Number 10170.

11           **Section 9.** Every effort shall be made for persons with disabilities to have  
12 an unimpeded and unobstructed view, as does a non-disabled person in areas  
13 with scenic views.

14           **Section 10. Liability Insurance.** All private parties contracting in the  
15 M.O.U. shall maintain liability insurance which shall be a requirement of the  
16 M.O.U. All claims that may arise against the government shall be subject to the  
17 Government Claims Act, Title 5 Guam Code Annotated.

18           **Section 11.** There is hereby created within the government of Guam the  
19 Puntan Dos Amantes Park Capital Improvement Trust Fund ("Fund"). The Fund  
20 shall *not* be commingled with the General Fund and shall be kept in a separate  
21 bank account. The Fund shall be under the control of the Director of  
22 Administration, and expended exclusively for capital improvements to the Park,  
23 subject to the approval of *I Liheslaturan Guahan*.



PHILIPPINE SEA

BEACH  
LINE

LOT 10163

TWO LOVERS  
POINT

1

2

LOT 10116

GOV-GUAM  
LOT 10170

- ① PORTION OF LOT 10163 TO BE EXCHANGED AND CONVEYED TO THE GOVERNMENT OF GUAM.
- ② PORTION OF LOT 10170 TO BE EXCHANGED AND CONVEYED TO THE OWNER OF LOT 10163.

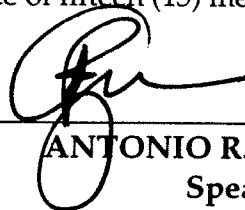
EXHIBIT A



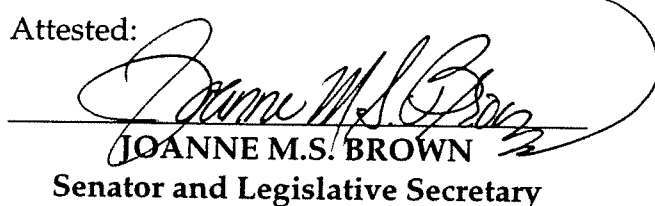
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

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

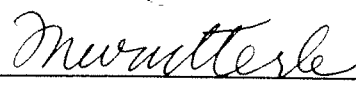
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ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 31<sup>st</sup> day of December,  
1998, at 3:10 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

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

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 739 (COR)**

As substituted by the Committee on Tourism,  
Economic Development and Cultural Affairs  
and as amended on the Floor.

Introduced by:

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J. M.S. Brown  
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Francisco P. Camacho  
M. C. Charfauros  
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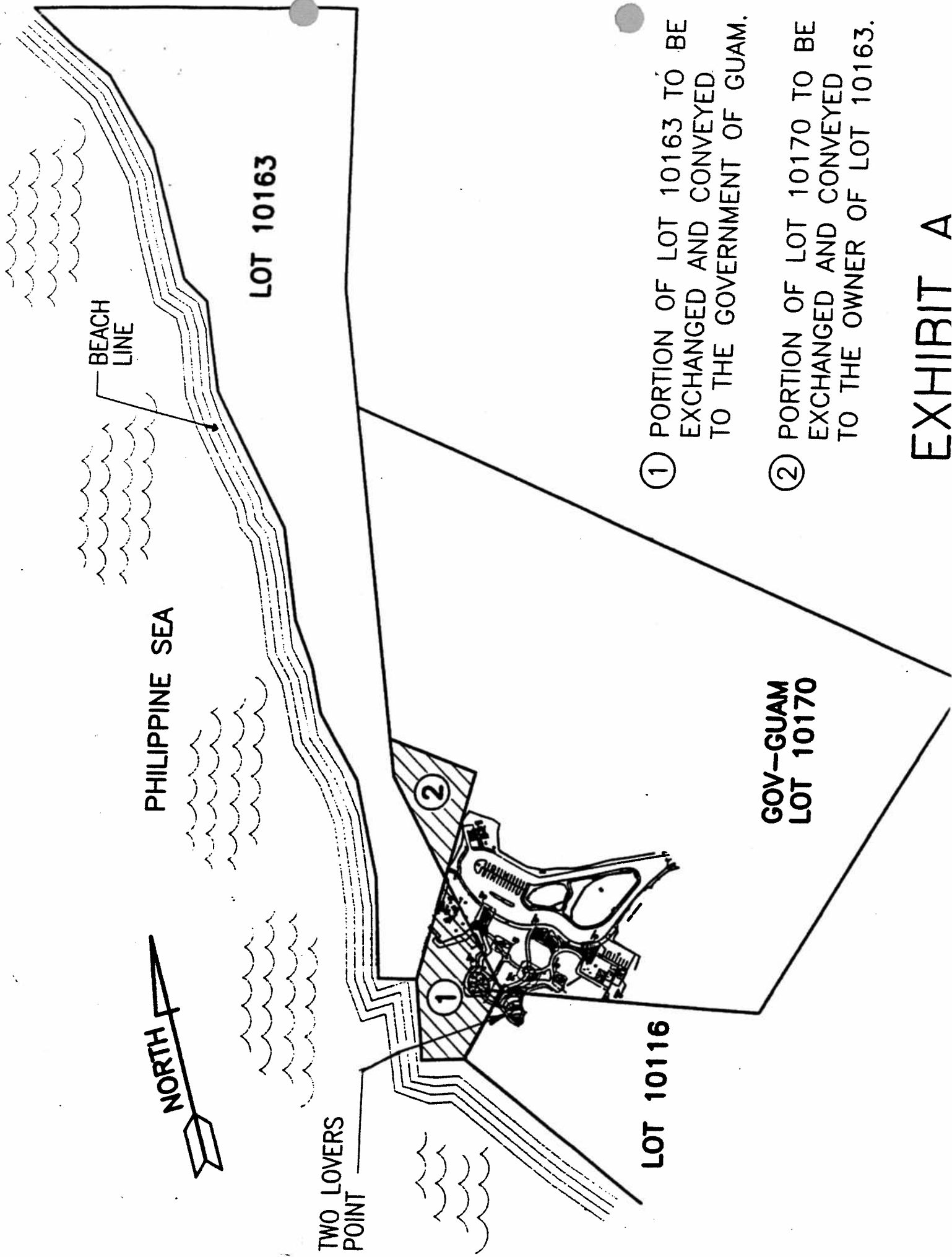
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15 M.O.U. shall maintain liability insurance which shall be a requirement of the  
16 M.O.U. All claims that may arise against the government shall be subject to the  
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19 Puntan Dos Amantes Park Capital Improvement Trust Fund ("Fund"). The Fund  
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22 Administration, and expended exclusively for capital improvements to the Park,  
23 subject to the approval of *I Liheslaturan Guahan*.



① PORTION OF LOT 10163 TO BE EXCHANGED AND CONVEYED TO THE GOVERNMENT OF GUAM.

② PORTION OF LOT 10170 TO BE EXCHANGED AND CONVEYED TO THE OWNER OF LOT 10163.

## EXHIBIT A



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

DEC 28 1998

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

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 739 (COR), "AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU FOR THE PURPOSES OF RENOVATING AND UPGRADING THE TWO LOVERS LEAP PARK, AND TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF OPTIMIZING THE DEVELOPMENT OF THE PARK", which I have vetoed.

This legislation does not effectively provide any funding for the continued development of the Two Lovers Leap Park, or for reimbursement to any party that advanced for the project. The language of this legislation states that funds are "re-appropriated," but the funds have already lapsed. Section 24(j) of Chapter III of Public Law No. 23-128 appropriated \$1.5 Million from the surplus of the Fiscal Year 1997 Tourist Attraction Fund to the Guam Visitors Bureau for the Two Lovers Leap Park. Due to the impossibility of completing the project during Fiscal Year 1997, these funds lapsed at the end of Fiscal Year 1997. The project, however, went forward with funds advanced by other parties.

This legislation states that it "re-appropriates" funds, however, this legislation uses the same source of funding, for the same agency, and for the same purpose, as was previously stated in Public Law No. 23-128. What is "re-appropriated"? If i Liheslatura wishes to make the same amount of funding available for the same purpose previously designated,

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>2:54pm</u>
Date:	<u>12.28.98</u>

Office of the Speaker  
ANTONIO R. UNPINGCO

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

01150




which lapsed, it should so state that the funds are appropriated from a current source.

This legislation requires a land exchange to take place within 120 days, and a Memorandum of Understanding to be executed and forwarded to i Liheslatura for approval within 30 days. This time frame does not take into account that fact that an MOU has already been negotiated, the park itself will be ready to open in January, and the private landowners are ready to maintain and operate the park. It also does not take into account that i Mina'Bente Kuåttro na Liheslaturan Guåhan dies in a few days.

This legislation looks like its main intent is to delay the new operations of the Two Lovers Leap Park indefinitely. It appears to negate an already-negotiated MOU, provides that no action can be taken without a statute being passed by i Mina'Bente Singko na Liheslaturan Guåhan, sometime in the distant future. Meanwhile, our visitor industry desperately needs every advantage possible at this time in order to promote our economy.

This legislation does not help, and definitely hurts, the Guam economy. For this reason, it is vetoed.

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

01150

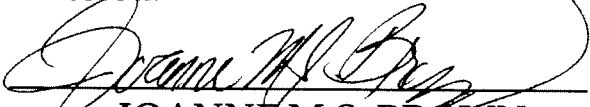
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 739 (COR), "AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU FOR THE PURPOSES OF RENOVATING AND UPGRADING THE TWO LOVERS LEAP PARK, AND TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF OPTIMIZING THE DEVELOPMENT OF THE PARK," was on the 11<sup>th</sup> day of December, 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 16<sup>th</sup> day of December, 1998,  
at 11:10 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'laha's Office

APPROVED:

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

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 739 (COR)**

As substituted by the Committee on Tourism,  
Economic Development and Cultural Affairs  
and as amended on the Floor.

Introduced by:

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

**AN ACT TO REAPPROPRIATE THE SUM OF ONE  
MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000) FROM THE TOURIST ATTRACTION  
FUND TO THE GUAM VISITORS BUREAU FOR THE  
PURPOSES OF RENOVATING AND UPGRADING  
THE TWO LOVERS LEAP PARK, AND TO  
AUTHORIZE A LAND EXCHANGE FOR THE  
PURPOSE OF OPTIMIZING THE DEVELOPMENT  
OF THE PARK.**

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

2           **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the Two  
3 Lovers Leap Park, known as "Puntan Dos Amantes" is situated in Harmon, and  
4 is Guam's most famous and visited landmark. However, the Park is presently an  
5 unclean, unsafe and unsightly facility, poorly maintained due to inadequate  
6 funds. The large number of visitors to the Park have indicated extreme  
7 disappointment with the condition, appearance and safety of the Park.  
8 Furthermore, *I Liheslaturan Guahan* finds that pursuing this particular project is  
9 worthwhile, beneficial and complimentary to the Fifty-three Million Dollars  
10 (\$53,000,000) being invested in the Tumon redevelopment project. In today's  
11 tourist market it is of the utmost importance that Guam enhances its Island wide  
12 facilities and image to protect Guam's economic lifeline, our tourism industry.

13           The improvement of the Park facilities, maintenance and safety is of a  
14 critical nature and essential to Guam's fragile tourist industry. Additionally, *I*  
15 *Liheslaturan Guahan* finds that over the years, the residents of Guam, as well as  
16 our visiting tourists, have been afforded access to a portion of the Park which is  
17 privately-owned property. *I Liheslaturan Guahan* is of the opinion that the  
18 government of Guam must address the issue of the Park area that involves the  
19 use of privately-owned property.

20           **Section 2. Legislative Intent.**                   It is the intent of *I Liheslaturan*  
21 *Guahan* to provide funding for the improvement of Puntan Dos Amantes, as well  
22 as to establish a policy that will allow the government, as well as the private  
23 parties involved, to jointly utilize the lands at the Park in a complimentary  
24 manner. This policy is intended to provide optimal use and enjoyment of the

1 Park to the residents of Guam and off-Island visitors through Park facility  
2 improvements, enhanced maintenance programs and an improved safety  
3 program.

4       **Section 3. Appropriation Authorized.** The sum of One Million Five  
5 Hundred Thousand Dollars (\$1,500,000), as previously authorized in §24(j) of  
6 Chapter III of Public Law Number 23-128, is hereby re-appropriated from the  
7 Tourist Attraction Fund to the Guam Visitors Bureau for the purposes of  
8 renovating and upgrading the Two Lovers Leap Park. The funds authorized  
9 herein shall be specifically used for the purposes of renovating and upgrading  
10 the Park, and shall *not* be used for any other project of the Guam Visitors Bureau.  
11 This appropriation shall *not* validate any agreement entered into by officers of  
12 the government of Guam *prior to* the enactment of this Act.

13       **Section 4. Land Exchange Authorized.** Notwithstanding any other  
14 provision of law, *I Maga'lahaen Guahan* is authorized to exchange, on a value-for-  
15 value basis, a portion of the western sector of Lot Number 10170, a government-  
16 owned land, for approximately a six thousand (6,000) square meter portion of Lot  
17 Number 10163, a privately-owned property. The land portions to be exchanged  
18 are portions adjacent to subject lots, and are delineated in **Exhibit A**.

19       **Section 5. Survey, Appraisal, Mapping and Registration.** The owner  
20 of private property Lot Number 10163 shall, at his expense, cause to be appraised,  
21 surveyed, mapped and registered the portions of Lot Number 10163 and Lot  
22 Number 10170 which are to be exchanged, and shall submit said documentation  
23 to the Director of the Department of Land Management ("DLM") for his review,  
24 approval and recordation. The Director of DLM shall complete the review and  
25 disposition of the land exchange transaction within one hundred twenty (120)

1 days of receipt of the required data and information.

2 **Section 6. Execution of a Memorandum of Understanding.**

3 *Maga'lahaen Guahan* shall enter into a Memorandum of Understanding ("M.O.U.")  
4 between the government of Guam and the private property owners of Lot  
5 Number 10163 and Lot Number 10116. The M.O.U. shall stipulate the  
6 contributions to be made by the owners of Lot Numbers 10116, 10170 and 10163  
7 for the funding of the maintenance, security and future capital improvements to  
8 the Park. The M.O.U. shall be negotiated and submitted to the Tourism  
9 Committee and approved by *I Liheslaturan Guahan* no later than thirty (30) days  
10 from the date of enactment of this Act. No government monies may be used or  
11 transferred to fund or reimburse the M. O. U. identified in this Act, or any other  
12 M. O. U., to effectuate the maintenance, security or capital improvements to the  
13 Park without approval of *I Liheslaturan Guahan* by statute subsequent to the  
14 enactment of this Act.

15 (a) The M.O.U. shall stipulate that no ceiling or limit shall be  
16 imposed on the contributions made by the owners of Lot Numbers 10116,  
17 10170 and 10163. Any amount exceeding the requirements of the  
18 maintenance and security shall be deposited into the Capital Improvement  
19 Trust Fund for future capital improvements to the Park.

20 (b) Any non-profit entity that is formed pursuant to the M.O.U.  
21 shall exist in perpetuity.

22 (c) The M.O.U. shall stipulate that the increase of any revenues  
23 generated from admission fees and Park commercial activities shall result  
24 in the increase in the percentage of the donation to the Capital  
25 Improvement Trust Fund and to the maintenance and security of the Park.

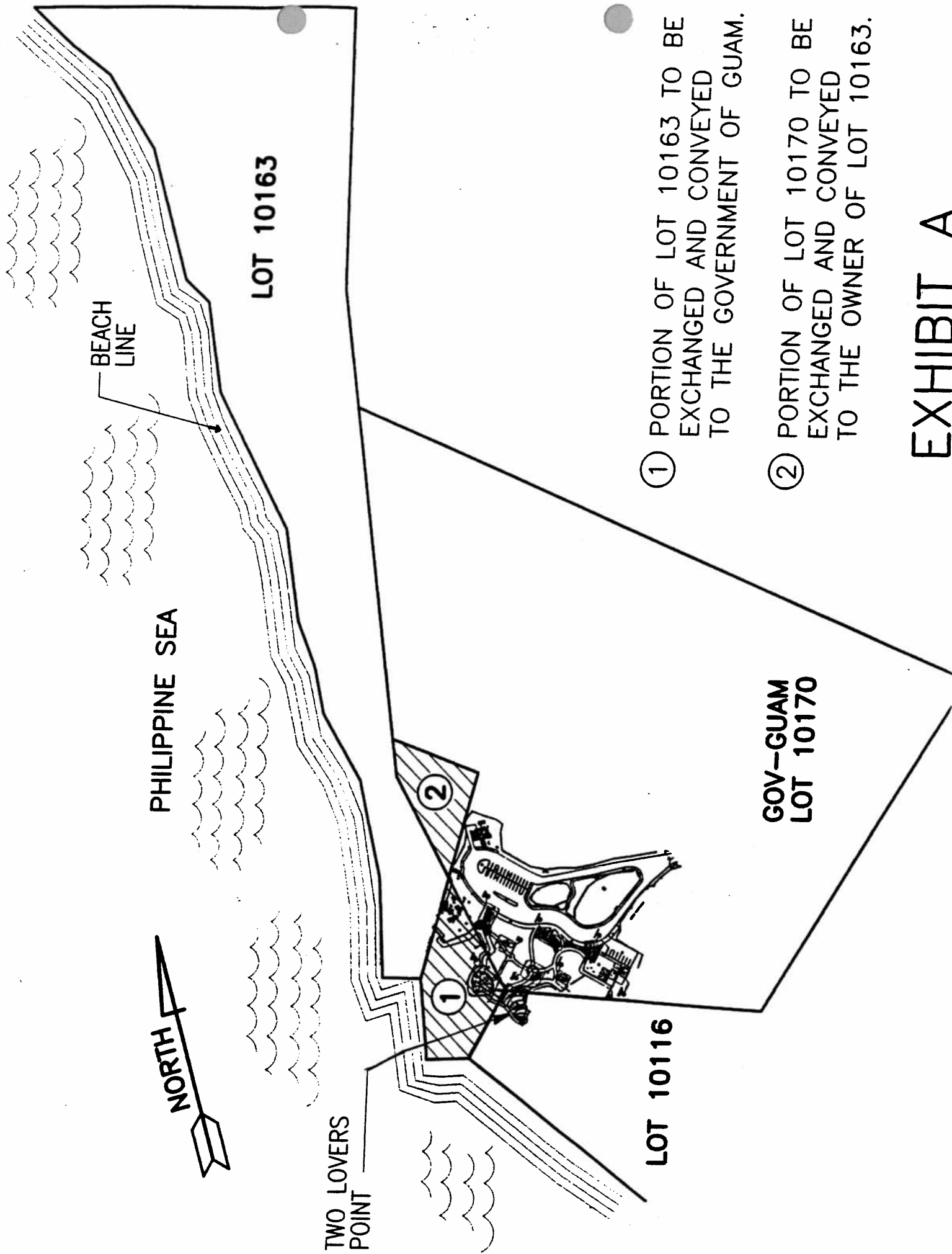
**Section 7. Accountability and Reporting of the Funds.** The Guam Visitors Bureau and its Board of Directors shall be responsible for the accountability of the funds re-appropriated in this Act, and shall file a report with the Speaker of *I Liheslaturan Guahan*, and the Committee on Tourism, Economic Development and Cultural Affairs upon the completion of the land exchange, and the renovations and upgrading of the Park.

**Section 8.** Notwithstanding any other provision of law, this Act, or any memorandum of understanding authorized herein, no person shall be charged a fee to enter into the resulting government of Guam portions of the Park, Lot Number 10163 and Lot Number 10170.

**Section 9.** Every effort shall be made for persons with disabilities to have an unimpeded and unobstructed view, as does a non-disabled person in areas with scenic views.

**Section 10. Liability Insurance.** All private parties contracting in the M.O.U. shall maintain liability insurance which shall be a requirement of the M.O.U. All claims that may arise against the government shall be subject to the Government Claims Act, Title 5 Guam Code Annotated.

**Section 11.** There is hereby created within the government of Guam the Puntan Dos Amantes Park Capital Improvement Trust Fund ("Fund"). The Fund shall *not* be commingled with the General Fund and shall be kept in a separate bank account. The Fund shall be under the control of the Director of Administration, and expended exclusively for capital improvements to the Park, subject to the approval of *I Liheslaturan Guahan*.



① PORTION OF LOT 10163 TO BE EXCHANGED AND CONVEYED TO THE GOVERNMENT OF GUAM.

② PORTION OF LOT 10170 TO BE EXCHANGED AND CONVEYED TO THE OWNER OF LOT 10163.

## EXHIBIT A



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. 739 (COR), "AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU FOR THE PURPOSES OF RENOVATING AND UPGRADING THE TWO LOVERS LEAP PARK, AND TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF OPTIMIZING THE DEVELOPMENT OF THE PARK," was on the 11<sup>th</sup> day of December, 1998, duly and regularly passed.



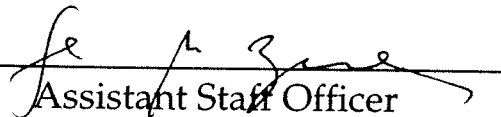
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 16<sup>th</sup> day of December, 1998,  
at 11:10 o'clock A.M.

  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 739 (COR)**

As substituted by the Committee on Tourism,  
Economic Development and Cultural Affairs  
and as amended on the Floor.

Introduced by:

A. C. Lamorena, V  
A. R. Unpingco  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
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V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
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**AN ACT TO REAPPROPRIATE THE SUM OF ONE  
MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000) FROM THE TOURIST ATTRACTION  
FUND TO THE GUAM VISITORS BUREAU FOR THE  
PURPOSES OF RENOVATING AND UPGRADING  
THE TWO LOVERS LEAP PARK, AND TO  
AUTHORIZE A LAND EXCHANGE FOR THE  
PURPOSE OF OPTIMIZING THE DEVELOPMENT  
OF THE PARK.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the Two

Lovers Leap Park, known as “Puntan Dos Amantes” is situated in Harmon, and is Guam’s most famous and visited landmark. However, the Park is presently an unclean, unsafe and unsightly facility, poorly maintained due to inadequate funds. The large number of visitors to the Park have indicated extreme disappointment with the condition, appearance and safety of the Park.

Furthermore, *I Liheslaturan Guahan* finds that pursuing this particular project is worthwhile, beneficial and complimentary to the Fifty-three Million Dollars (\$53,000,000) being invested in the Tumon redevelopment project. In today's tourist market it is of the utmost importance that Guam enhances its Island wide facilities and image to protect Guam's economic lifeline, our tourism industry.

The improvement of the Park facilities, maintenance and safety is of a critical nature and essential to Guam's fragile tourist industry. Additionally, *I Liheslaturan Guahan* finds that over the years, the residents of Guam, as well as our visiting tourists, have been afforded access to a portion of the Park which is privately-owned property. *I Liheslaturan Guahan* is of the opinion that the government of Guam must address the issue of the Park area that involves the use of privately-owned property.

## Section 2. Legislative Intent.

It is the intent of *I Liheslaturan*

*Guahan* to provide funding for the improvement of Puntan Dos Amantes, as well as to establish a policy that will allow the government, as well as the private parties involved, to jointly utilize the lands at the Park in a complimentary manner. This policy is intended to provide optimal use and enjoyment of the

1 Park to the residents of Guam and off-Island visitors through Park facility  
2 improvements, enhanced maintenance programs and an improved safety  
3 program.

4       **Section 3. Appropriation Authorized.** The sum of One Million Five  
5 Hundred Thousand Dollars (\$1,500,000), as previously authorized in §24(j) of  
6 Chapter III of Public Law Number 23-128, is hereby re-appropriated from the  
7 Tourist Attraction Fund to the Guam Visitors Bureau for the purposes of  
8 renovating and upgrading the Two Lovers Leap Park. The funds authorized  
9 herein shall be specifically used for the purposes of renovating and upgrading  
10 the Park, and shall *not* be used for any other project of the Guam Visitors Bureau.  
11 This appropriation shall *not* validate any agreement entered into by officers of  
12 the government of Guam *prior to* the enactment of this Act.

13       **Section 4. Land Exchange Authorized.** Notwithstanding any other  
14 provision of law, *I Maga'lahen Guahan* is authorized to exchange, on a value-for-  
15 value basis, a portion of the western sector of Lot Number 10170, a government-  
16 owned land, for approximately a six thousand (6,000) square meter portion of Lot  
17 Number 10163, a privately-owned property. The land portions to be exchanged  
18 are portions adjacent to subject lots, and are delineated in **Exhibit A**.

19       **Section 5. Survey, Appraisal, Mapping and Registration.** The owner  
20 of private property Lot Number 10163 shall, at his expense, cause to be appraised,  
21 surveyed, mapped and registered the portions of Lot Number 10163 and Lot  
22 Number 10170 which are to be exchanged, and shall submit said documentation  
23 to the Director of the Department of Land Management ("DLM") for his review,  
24 approval and recordation. The Director of DLM shall complete the review and  
25 disposition of the land exchange transaction within one hundred twenty (120)

1 days of receipt of the required data and information.

2       **Section 6. Execution of a Memorandum of Understanding.**       *I*

3       *Maga'lahaen Guahan* shall enter into a Memorandum of Understanding ("M.O.U.")  
4 between the government of Guam and the private property owners of Lot  
5 Number 10163 and Lot Number 10116. The M.O.U. shall stipulate the  
6 contributions to be made by the owners of Lot Numbers 10116, 10170 and 10163  
7 for the funding of the maintenance, security and future capital improvements to  
8 the Park. The M.O.U. shall be negotiated and submitted to the Tourism  
9 Committee and approved by *I Liheslaturan Guahan* no later than thirty (30) days  
10 from the date of enactment of this Act. No government monies may be used or  
11 transferred to fund or reimburse the M. O. U. identified in this Act, or any other  
12 M. O. U., to effectuate the maintenance, security or capital improvements to the  
13 Park without approval of *I Liheslaturan Guahan* by statute subsequent to the  
14 enactment of this Act.

15               (a) The M.O.U. shall stipulate that no ceiling or limit shall be  
16 imposed on the contributions made by the owners of Lot Numbers 10116,  
17 10170 and 10163. Any amount exceeding the requirements of the  
18 maintenance and security shall be deposited into the Capital Improvement  
19 Trust Fund for future capital improvements to the Park.

20               (b) Any non-profit entity that is formed pursuant to the M.O.U.  
21 shall exist in perpetuity.

22               (c) The M.O.U. shall stipulate that the increase of any revenues  
23 generated from admission fees and Park commercial activities shall result  
24 in the increase in the percentage of the donation to the Capital  
25 Improvement Trust Fund and to the maintenance and security of the Park.

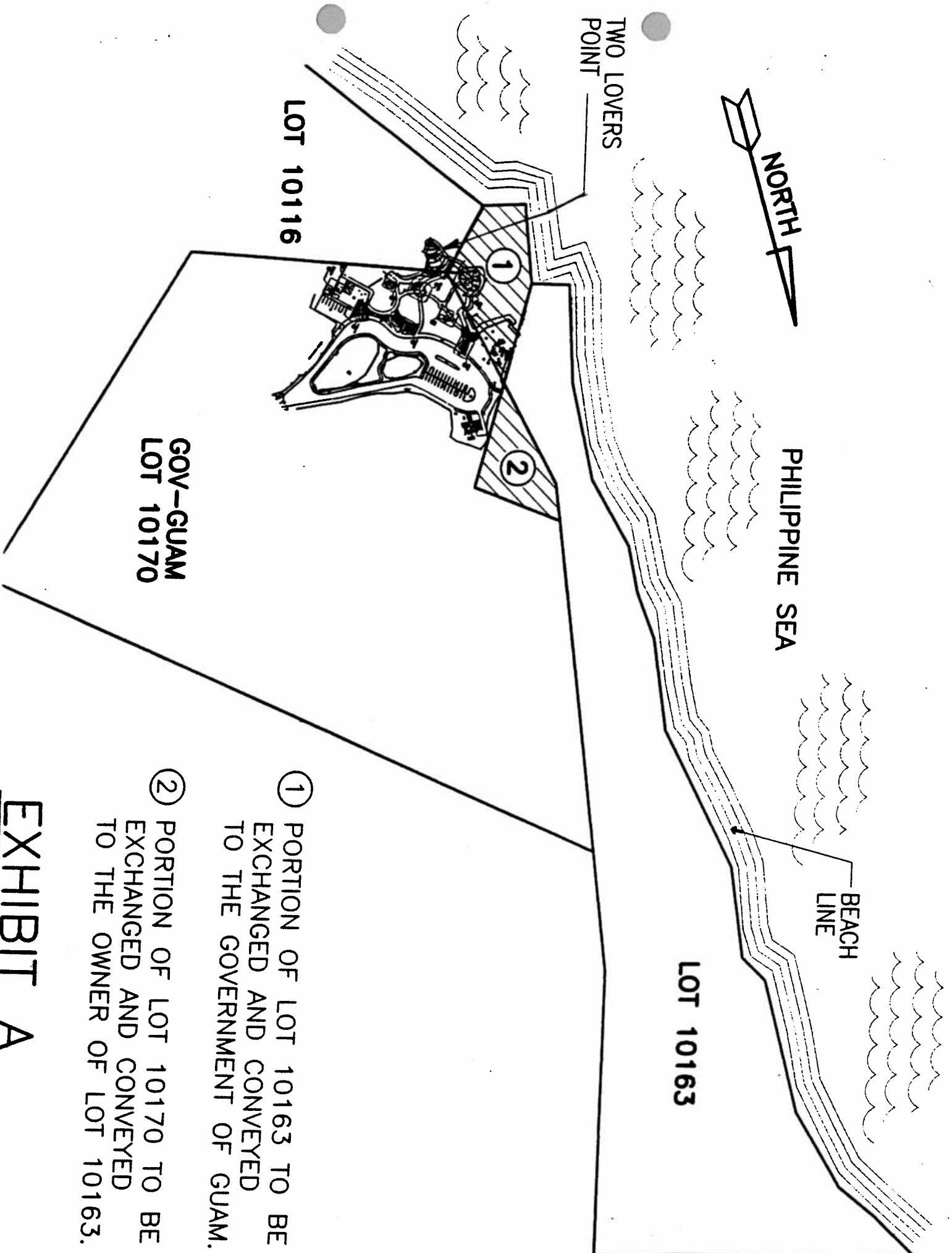
1       **Section 7. Accountability and Reporting of the Funds.** The Guam  
2 Visitors Bureau and its Board of Directors shall be responsible for the  
3 accountability of the funds re-appropriated in this Act, and shall file a report with  
4 the Speaker of *I Liheslaturan Guahan*, and the Committee on Tourism, Economic  
5 Development and Cultural Affairs upon the completion of the land exchange,  
6 and the renovations and upgrading of the Park.

7       **Section 8.** Notwithstanding any other provision of law, this Act, or any  
8 memorandum of understanding authorized herein, no person shall be charged  
9 a fee to enter into the resulting government of Guam portions of the Park, Lot  
10 Number 10163 and Lot Number 10170.

11       **Section 9.** Every effort shall be made for persons with disabilities to have  
12 an unimpeded and unobstructed view, as does a non-disabled person in areas  
13 with scenic views.

14       **Section 10. Liability Insurance.** All private parties contracting in the  
15 M.O.U. shall maintain liability insurance which shall be a requirement of the  
16 M.O.U. All claims that may arise against the government shall be subject to the  
17 Government Claims Act, Title 5 Guam Code Annotated.

18       **Section 11.** There is hereby created within the government of Guam the  
19 Puntan Dos Amantes Park Capital Improvement Trust Fund ("Fund"). The Fund  
20 shall *not* be commingled with the General Fund and shall be kept in a separate  
21 bank account. The Fund shall be under the control of the Director of  
22 Administration, and expended exclusively for capital improvements to the Park,  
23 subject to the approval of *I Liheslaturan Guahan*.



- ① PORTION OF LOT 10163 TO BE EXCHANGED AND CONVEYED TO THE GOVERNMENT OF GUAM.
- ② PORTION OF LOT 10170 TO BE EXCHANGED AND CONVEYED TO THE OWNER OF LOT 10163.

EXHIBIT A



Oficina para i  
Minaotek Guahan

**Chairman  
Committee on**

**Tourism**

**Economic  
Development**

**and**

**Cultural  
Affairs**

**Vice-Chairman  
Committee on**

**Natural  
Resources**



# Alberto "Tony" Cristobal Lamorena V

**Senator  
Twenty-Fourth Guam Legislature**

December 3, 1998

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

Dear Mr. Speaker,

The Committee on Tourism, Economic Development and Cultural Affairs, to which was referred **Bill No. 739, An Act to Reappropriate the Sum of One Million Five Hundred Thousand Dollars (\$1,500,000) from the Tourist Attraction Fund to the Guam Visitors Bureau for the Purposes of Renovating and Upgrading the Two Lovers Leap Park**, has had the same under consideration, and now wishes to report back the same with the recommendation **To Pass, as Substituted by the Committee on Tourism, Economic Development and Cultural Affairs.**

The Committee votes are as follows:

To Pass	<u>6</u>
Not To Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,

ALBERTO C. LAMORENA, V

attachments





**Senator Alberto "Tony" Cristobal Lamorena V**

Chairman

**COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT  
AND CULTURAL AFFAIRS**

Twenty-Fourth Guam Legislature

VOTING SHEET ON

**BILL NO. 739**

AN ACT TO REAPPROPRIATE THE SUM OF ONE  
MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000) FROM THE TOURIST ATTRACTION  
FUND TO THE GUAM VISITORS BUREAU FOR THE  
PURPOSES OF RENOVATING AND UPGRADING THE  
TWO LOVERS LEAP PARK.



**RECOMMENDATION TO PASS AS AMENDED**

Committee Members	Signature	To pass	Not to pass	Abstain	Place in Inactive File
Senator Alberto "Tony" Lamorena Chairperson		✓			
Senator Joanne Brown Vice-Chairperson		✓			
Speaker Antonio Unpingco		✓			
Vice-Speaker Anthony Blaz		✓			
Senator Mark Forbes		✓			
Senator Carlotta Leon Guerrero		✓			
Senator Felix Camacho					
Senator Edwardo Cruz, M.D.		✓			
Senator William Flores					
Senator Mark Charfauros					
TOTAL VOTES:		6	0	0	0

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

Bill No. 739

as Substituted by the Committee on Tourism,  
Economic Development and Cultural Affairs

Introduced by:

A.C. Lamorena, V

---

AN ACT TO REAPPROPRIATE THE SUM OF ONE MILLION FIVE  
HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE  
TOURIST ATTRACTION FUND TO THE GUAM VISITORS  
BUREAU FOR THE PURPOSES OF RENOVATING AND  
UPGRADING THE TWO LOVERS LEAP PARK (THE "PARK") AND  
TO AUTHORIZE A LAND EXCHANGE FOR THE PURPOSE OF  
OPTIMIZING THE DEVELOPMENT OF THE PARK.

1           BE IT ENACTED BY THE PEOPLE OF GUAM:

2           **Section 1. Legislative Findings.** I Mina' Bente Kuattro Na Liheslaturan  
3   Guåhan finds that the Two Lovers Leap Park, known as "Puntan Dos Amantes" is  
4   situated in Harmon, and is Guam's most famous and visited landmark. However, the  
5   Park is presently an unclean, unsafe and unsightly facility, poorly maintained due to  
6   inadequate funds. The large number of visitors to the Park have indicated extreme  
7   disappointment with the condition, appearance and safety of the Park. Furthermore,  
8   I Liheslaturan Guåhan finds that pursuing this particular project is worthwhile,  
9   beneficial, and complimentary to the \$53,000,000 being invested in the Tumon  
10   redevelopment project. In today's tourist market, it is of the utmost importance that  
11   Guam enhances its island wide facilities and image to protect Guam's economic  
12   lifeline, our tourism industry. The improvement of the Park facilities, maintenance, and

1 safety is of a critical nature and essential to Guam's fragile tourist industry.  
2 Additionally, I Liheslaturan Guåhan finds that over the years, the residents of Guam,  
3 as well as our visiting tourist, have been afforded access to a portion of the Park which  
4 is privately-owned property. I Liheslaturan Guåhan is of the opinion that the  
5 Government of Guam must address the issue of the Park area that involves the use of  
6 privately-owned property.

7 **Section 2. Legislative Intent.** It is the intent of I Mina' Bente Kuattro Na  
8 Liheslaturan Guåhan to provide funding for the improvement of Puntan Dos Amantes,  
9 as well as to establish a policy that will allow the Government, as well as the private  
10 parties involved, to jointly utilize the lands at the Park in a complimentary manner. This  
11 policy is intended to provide optimal use and enjoyment of the Park to the residents of  
12 Guam and off-island visitors through Park facility improvements, enhanced  
13 maintenance programs, and an improved safety program.

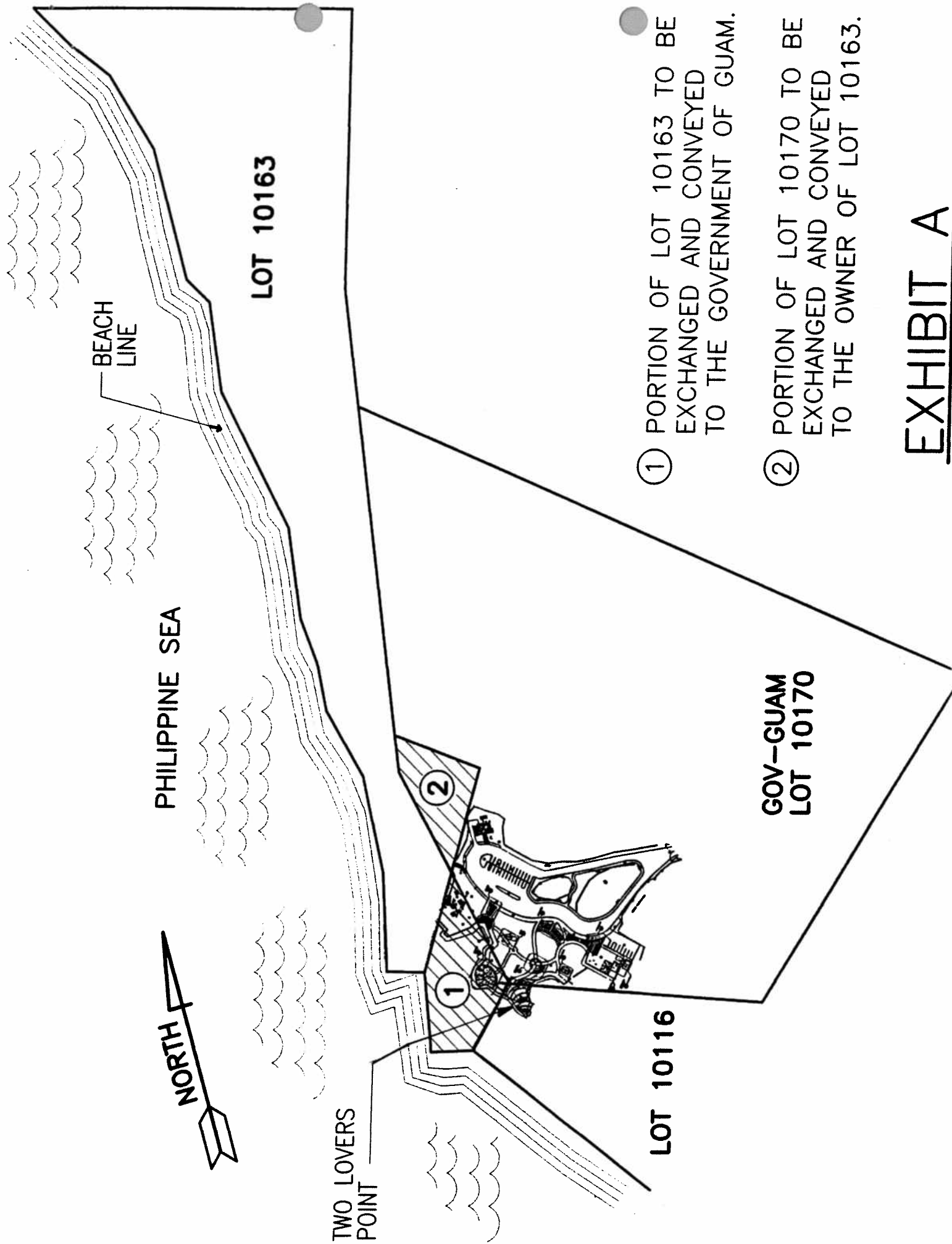
14 **Section 3. Appropriation Authorized.** The sum of One Million Five  
15 Hundred Thousand Dollars (\$1,500,000), as previously authorized in §24(j), Chapter  
16 III of Public Law 23-128 are hereby reappropriated from the Tourist Attraction Fund  
17 to the Guam Visitors Bureau for the purposes of renovating and upgrading the Two  
18 Lovers Leap Park. The funds authorized herein, shall be specifically used for the  
19 purposes of renovating and upgrading the Park, and shall not be used for any other  
20 project of the Guam Visitors Bureau.

21 **Section 4. Land Exchange Authorized.** The Governor of Guam is authorized  
22 to exchange, on a value-for-value basis, a portion of the western sector of Lot No.  
23 10170, a government-owned land, for approximately a 6,000 Square Meter portion of  
24 Lot No. 10163, a privately-owned property. The land portions to be exchanged are  
25 portions adjacent to subject lots, and are delineated in Exhibit A.

1           **Section 5. Survey, Appraisal, Mapping and Registration.** The owner of  
2 private property Lot No. 10163 shall, at his expense, cause to be appraised, surveyed,  
3 mapped, and registered the portions of Lot No. 10163 and Lot No. 10170 which are to  
4 be exchanged, and shall submit said documentation to the Director of the Department  
5 of Land Management (DLM) for his review, approval, and recordation. The Director  
6 of DLM shall complete the review and disposition of the land exchange transaction  
7 within one hundred twenty (120) days of receipt of the required data and information.

8           **Section 6. Execution of a Memorandum of Understanding.** The Governor  
9 of Guam shall enter into a Memorandum of Understanding (M.O.U) between the  
10 Government of Guam and the private property owners of Lot No. 10163 and Lot No.  
11 10116. The M.O.U. shall stipulate the contributions to be made by the owners of Lot  
12 Nos. 10116, 10170, and 10163 for the funding of the maintenance, security and future  
13 capital improvements to the Park. The Memorandum of Understanding shall be  
14 negotiated and effectuated no later than thirty (30) days from the date of Enactment of  
15 this Act. The funds reappropriated in this Act, shall not be released until such time that  
16 the M.O.U. has been reviewed by the Tourism Committee.

17           **Section 7. Accountability and Reporting of the Funds.** The Guam Visitors  
18 Bureau and its Board of Directors shall be responsible for the accountability of the  
19 funds reappropriated in this Act, and shall file a report with the Speaker of the  
20 Liheslaturan Guåhan, and the Committee on Tourism, Economic Development and  
21 Cultural Affairs upon the completion of the land exchange, and the renovations and  
22 upgrading of the Park.



① PORTION OF LOT 10163 TO BE EXCHANGED AND CONVEYED TO THE GOVERNMENT OF GUAM.

② PORTION OF LOT 10170 TO BE EXCHANGED AND CONVEYED TO THE OWNER OF LOT 10163.

## EXHIBIT A

**COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT  
AND CULTURAL AFFAIRS**

Twenty-Fourth Guam Legislature  
155 Hesler Street Agana, Guam 96910

**COMMITTEE REPORT**

**ON**

**BILL NO. 739**

**An Act to Reappropriate the Sum of One Million Five Hundred  
Thousand Dollars (\$1,500,000) from the Tourist Attraction Fund to  
the Guam Visitors Bureau for the Purposes of Renovating and  
Upgrading the Two Lovers Leap Park**

**COMMITTEE MEMBERS**

**Chairman:** Senator Alberto C. Lamorena, V

**Vice Chairperson:** Senator Joanne M.S. Brown

Senator Anthony C. Blaz

Senator Edward J. Cruz, MD

Senator Felix P. Camacho

Senator William B.S.M. Flores

Senator Mark C. Charfauros

Senator Mark Forbes

Senator Carlotta A. Leon Guerrero

**COMMITTEE REPORT  
ON  
BILL NO. 739**

**An Act to Reappropriate the Sum of One Million Five Hundred  
Thousand Dollars (\$1,500,000) from the Tourist Attraction Fund to  
the Guam Visitors Bureau for the Purposes of Renovating and  
Upgrading the Two Lovers Leap Park**

**INTRODUCTION**

The Committee on Tourism, Economic Development and Cultural Affairs reconvened the Public Hearing 9:28 a.m. Tuesday, September 29, 1998 in the Public Hearing Room of the Liheslaturan Guåhan Temporary Bldg., in Hagåtña.

**Committee Members Present:** Senator Alberto C. Lamorena, V., Chairman  
Senator Eduardo J. Cruz

**Other Senators Present:** Senator Tom C. Ada  
Senator Francis E. Santos  
Senator Francisco P. Camacho  
Senator Frank B. Aguon, Jr.

**Government Officials:** Ms. Theresa Cruz-Paulino,  
Acting General Manager, GVB  
Mr. Bruce Kloppenburg, Vice Chairman  
Guam Beautification Task Force  
Mr. Dean Gillham, Member  
Guam Beautification Task Force

**Others:** Former Governor Paul M. Calvo  
Private Citizen  
Atty. Ed Calvo

## SUMMARY OF TESTIMONY

**Ms. Theresa Cruz-Paulino**, Acting General Manager for GVB, provided the committee with oral testimony in support of Bill No. 739. Ms. Paulino-Cruz stated that because of the funds appropriated previously has reverted back to the TAF, GVB utilized funds from its operations budget to commence the renovations at the park. Basically, GVB is in support of the bill and urges the committee to favorably consider passage of the bill.

**Mr. Bruce Kloppenburg**, Vice Chairman for the Guam Beautification Task Force, provided the committee with oral testimony in support of Bill No. 739. Mr. Kloppenburg informed the committee that he is fairly new to the project since he just joined the Guam Beautification Task Force. However, he is doing his best to catch up from where his predecessor left off. Mr. Kloppenburg continued that when pursuing the implementation of the renovations to the Two Lover's Leap Park, the Beatification Task Force was notified by the Department of Administration that the funding for the renovation was no longer available. Therefore, approximately \$750,000 from GVB's operations budget was utilized, with the understanding that legislation to replenish the funds would be forwarded to the Legislature. Mr. Kloppenburg concluded that the renovation of the park are now underway and that completion is expected by the end of the year.

**Mr. Dean Gillham**, Member of the Guam Beautification Task Force, also provided testimony in support of Bill No. 739. On a separate issue, Mr. Gillham informed that committee that he is the owner of a portion of the property within the confined of the park. Mr. Gillham continued that at a later date, he will be approaching the legislature for assistance with respect to a land use exchange, or an out right land exchange.

**Former Governor Paul M. Calvo** appeared before the committee as the Chairman of Calvo Enterprises, owner of Pepsi Cola Bottling Company and owner of a portion of Two Lover's Leap Park. Governor Calvo stated that for the last 20-30 years, island residents and tourist have utilized the park at no cost to them. Governor Calvo continued that the government has not maintained the park as a result of the lack of funds to upkeep the park. Governor Calvo further informed that committee that he has invested approximately \$1.7 million on his project at the park, at that upon completion of his project, he would have invested close to \$2 million. Governor Calvo



concluded that upon completion of the project there will be an admission fee of anywhere between \$1.50-\$3.00 per person, with 50% being set aside for continued maintenance of the park, and 50% for future capital improvements.

**Atty. Ed Calvo** provided the committee with oral testimony on his role as Attorney representing the Calvo project. Attorney Calvo informed the members of the committee that he has been working on this project for the last 2-3 years. Since that time, the park remained unclean, and lacked the maintenance as a tourist site. Now with the implementation of the renovation project, island residents and tourist can appreciate the park when the project is completed. Attorney Calvo continued that prior to the renovation of the park, tourist would still go to the park, look out at the point and then leave. Majority of the tourist, if not all would leave disappointed with the condition of the park. Attorney Calvo concluded that he will be working on the Memorandum of Understanding between the private property owners and the government of Guam.

Testimony was submitted by Mr. David B. Tydingco, President of the Guam Hotel and Restaurant Association. In his testimony, Mr. Tydingco stated that the GHRA was in support of the passage of Bill No. 739. Mr. Tydingco stated further that the renovation of the park is long over due and badly needed, and that a large percentage of the visitors coming to Guam in the past have visited Two Lovers Point. Mr. Tydingco requested the committee's continued support to fund the completion of the project.

Testimony was also submitted by Mr. Toyohito Yoneyama, President of the Japan Guam Travel Association. In his testimony, Mr. Yoneyama announced JGTA's support for the passage of Bill No. 739. Mr. Yoneyama stated further that this legislation would be a catapult for increased business from Japan, as well as glorify Guam's most beloved legend. With the improvement of Two Lover's Point, Guam will have a golden token to show the world the beauty of its island and its culture. Mr. Yoneyama continued that the Two Lover's Point is one of the most popular points on Guam and a "must see" for the Japanese tourist. A renovation of the park would enable all the members of JGTA to converge on a special marketing plan to present Two Lover's Point as an attractive destination for families. Mr. Yoneyama concluded by stating that JGTA is confident that Bill No. 739 will become law for the people of Guam to benefit from this project.

## COMMITTEE FINDINGS

The committee finds that “Puntan Dos Amantes” is Guam’s most famous and visited landmark. A large number of visitors to the Park have indicated extreme disappointment with the condition, appearance and safety of the Park. In today’s tourist market, it is of the utmost importance that Guam enhances its island wide facilities and image to protect Guam’s economic lifeline, our tourism industry. The improvement of the Park facilities, maintenance, and safety is of a critical nature and essential to Guam’s fragile tourist industry. Additionally, the committee finds that over the years, the residents of Guam, as well as our visiting tourist, have been afforded access to a portion of the Park which is privately-owned property. The committee recommends also that the Government of Guam address the issue of the Park area that involves the use of privately-owned property.

## COMMITTEE RECOMMENDATIONS

The Committee on Tourism, Economic Development and Cultural Affairs hereby reports out Bill No. 739 to the Twenty-Fourth Guam Legislature with the recommendation **To Pass, as Substituted by the Committee on Tourism, Economic Development and Cultural Affairs.**

received  
12-2-98 5:04pm

**MEMORANDUM OF UNDERSTANDING**  
**PUNTAN DOS AMANTES**

THIS MEMORANDUM OF UNDERSTANDING made this 2nd day of December, 1998 by and between **CALVO ENTERPRISES, INC.** ("Calvo"), and **THE DEPARTMENT OF PARKS AND RECREATION, GOVERNMENT OF GUAM** and **THE GOVERNOR'S BEAUTIFICATION TASK FORCE** (collectively the "Government").

Puntan Dos Amantes Park is a park facility situated in Harmon, Guam (the "Park").

The Park is probably Guam's most famous and visited landmark; however, the Park is presently a sparse, unclean, unsafe and unsightly facility, not very well maintained, favored only by spectacular views.

Notwithstanding the large numbers of visitors to the Park, tour agents and companies, as well as local visitors, have generally indicated extreme disappointment with the condition and appearance of the Park.

In today's fragile tourist market and the continuing crisis in the Asian economics, it is of critical importance that Guam improve and enhance its facilities and image to help avoid stagnation, or even decline, in our tourism industry.

The Government and GVB have identified the Park as a critical site to improve and maintain in an effort to improve and enhance Guam's image for tourists and residents alike.

The Park is made up of three separate property interests: the Government (largest portion of the Park), Calvo wholly owned subsidiary (the Park outlook, portion of Lot 10116-R1), and the northwest cliffline, portion of Lot 10163-1 owned by Dean Gillham ("Gillham"). Enclosed is a copy of a map of a portion of the Park showing the three respective property interests.

The parties agree that it is in their mutual best interest to improve and renovate the Park; thus, each party plans to improve its portion of the Park in a cooperative effort.

The parties have agreed on a comprehensive Park renovation plan.

The parties understand and realize that it is of utmost importance that once the Park is improved that it be maintained to the highest standard possible.

The parties feel that it is in their mutual best interest to establish an independent entity to assure that there be sufficient funding to operate and maintain the Park.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the parties agree as follows:

1. Government Capital Improvements.

The

Government shall fund up to \$1.5 million dollars for the initial renovation and improvements to the Park (the initial plan is attached hereto), including the following features:

- Entry/Arrival Gate
- Signage and street/landscape furniture
- Sidewalk system
- Bridge over natural rock cavity and hardscape
- Comprehensive lighting
- Reninstall Two Lovers' statue
- Landscaping, irrigation and drainage system
- Interpretative center and restrooms
- Vendors open structure facilities
- Water tank for fire protection system
- Rest/rain shelters
- Parking lot additions and improvements
- Bell plaza (situated on a portion of Salas-

Gillham property)

2. Calvo Capital Improvements.

Calvo shall

undertake the improvement of its portion of the existing outlook point in the Park and will charge an admission fee for entry and use thereof. It is intended that the Calvo improvements to said portion of the Park shall be undertaken during the Government's renovation and improvement project.

3. **Non-Profit Entity.** To maintain and operate the Park the parties shall form a non-profit entity with a six (6) person board of directors comprised of the following: Two (2) representatives of Calvo, two (2) representatives of the Beautification Task Force, a representative of the Department of Parks and Recreation, and a representative of the Guam Visitors Bureau; provided, upon Gillham's entering into this Memorandum of Understanding and commencing commercial activity on his portion of the Park, Gillham shall replace one (1) Calvo member on the board of directors. The non-profit entity shall be formed by the parties no later than sixty (60) days from the date hereof. The sole purpose of this entity shall be to collect and apply funds exclusively for the maintenance and operation of the Park. After the first year the board of directors shall establish an annual budget for Park maintenance and operation. Each annual budget must be unanimously agreed to by the board of directors.

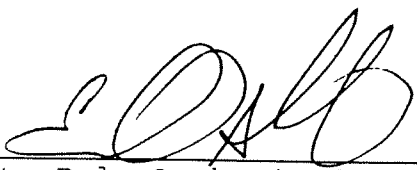
4. **Funding.** The non-profit entity shall be funded in part from a portion of the revenues generated by (a) admission to the portion of the Park outlook point owned by Calvo (Section 2 above), and (b) other sources (Government funding, third party contributions and/or private donations). After the first \$1.50 of each admission charge for entry unto Calvo's portion of the Park outlook point, Calvo shall donate to the non-profit entity twenty-five percent (25%) to fifty percent (50%) of the excess over the

first \$1.50 of each admission fee collected to meet the maintenance and operation budget of the Park (Section 3 above). It is understood and agreed that upon the commencement of any commercial activity in the Park by a third party, including Gillham ("third party"), Calvo's funding requirements hereunder shall be reduced by the corresponding contributions to Park maintenance and operation by third party, as such contribution(s) maybe unanimously approved by the non-profit entity board of directors. The funding for Park maintenance and operations by the Government, private donations, Calvo and third party shall be segregated and maintained in separate accounts all in the name of the non-profit entity. The non-profit entity shall utilize the Government funding and private donations for maintenance and operations prior to the Calvo and third party contributions being utilized. The Calvo and third party funding requirements shall have a total "ceiling" or limit equal to the annual operating and maintenance budget set by the board of directors each year. Once the Calvo's or third party's portion of the ceiling or limit is reached then the Calvo and third party funding, as the case may be, shall cease until the respective balances drop below \$50,000.00. Thereafter, the funding requirements of Calvo and/or third party, as the case may be, shall resume until the respective portion of the ceiling or limit is reached. Notwithstanding any other provision herein, it is understood and agreed that the funding by Calvo and third party


hereunder shall be solely from admission fees and Park commercial activity revenue, respectively.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the day and year first written.

CALVO ENTERPRISES, INC.

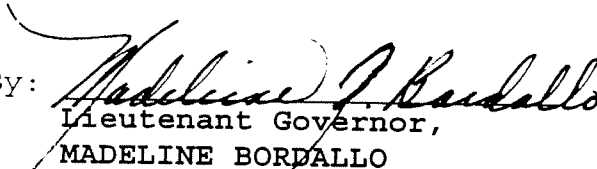
By:   
Its Duly Authorized  
Representative

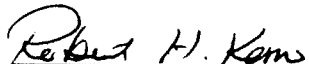
THE DEPARTMENT OF PARKS AND  
RECREATION  
GOVERNMENT OF GUAM

By:  Acting Director  
DPR.  
Its Duly Authorized  
Representative

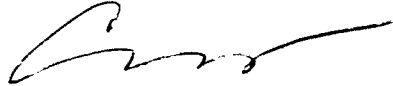
Approved as to Form

GOVERNOR'S BEAUTIFICATION  
TASK FORCE

By:   
Lieutenant Governor,  
MADELINE BORDALLO

  
Attorney General of Guam  
Robert Kono

Approved

  
CARL TC GUTIERREZ  
Governor of Guam





Guam Visitors Bureau  
*Setbision Bisitan Guahan*

15 September 1998

To: Hon. Blas, Jr. Lamorena <sup>12/2</sup>  
Office  
From: Regina GVB

HONORABLE ALBERTO A.C. LAMORENA, V.  
Senator and Chairman, Committee on  
Tourism, Economic Development & Cultural Affairs  
24th Guam Legislature  
Suite 314, Union Bank Building  
194 Herman Cortez Avenue  
Hagåtña, Guam 96910

Dear Chairman Lamorena:

*Håfa Adai from the Guam Visitors Bureau!* Thank you for this opportunity to present testimony on

**Bill No. 739** (An Act to Reappropriate the Sum of One Million Five Hundred Thousand Dollars (\$1,500,000) from the Tourist Attraction Fund to the Guam Visitors Bureau for the purposes of Renovating and Upgrading the Two Lovers Leap Park.)

With the Bureau's mission to improve and develop Guam, we believe that the renovation and upgrading of Two Lovers Point is a necessity in making this popular park a more clean and beautiful attraction. Furthermore, with the heightened competition we now face due to the Asian economic crisis, we must continue to enhance the tourism product we call Guam.

The Guam Visitors Bureau supports the intent of this measure and recognizes that this project falls within the authorized use of the Tourist Attraction Fund (TAF). We also feel that the upgrade and renovation of this project is needed not only for community enjoyment but in attracting additional visitors to our island.

Once again, Mr. Chairman, we extend our appreciation for this opportunity to testify on Bill 739 and stand committed in making Guam a better place to live and visit.

Respectfully submitted,

JIMMY DEE  
Chairman of the Board

THERESA CRUZ-PAULINO  
Acting General Manager



**GUAM HOTEL & RESTAURANT ASSOCIATION**

SUITE 106 HENGE PLAZA • P. O. BOX 8565 • TAMUNING, GUAM 96931 • TEL: 671 649 1447 • FAX: 671 649 8565

September 29, 1998

Honorable Alberto "Tony" Lamorena V  
Chairman  
Committee on Tourism, Economic Development & Cultural Affairs  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Hafa Adai Mr. Chairman:

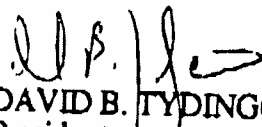
Thank you for the opportunity given to the Guam Hotel & to Restaurant Association to provide written testimony in support of Bill No. 739: An Act to Re-appropriate the Sum of One Million Five Hundred Thousand Dollars (\$1,500,000) from the Tourist Attraction Fund to GVB for the purposes of renovating and upgrading Two Lovers Leap Park.

Funding for the Two Lovers Leap renovation, authorized by previous legislation, lapsed due to delays in the initiation of the project. The renovation has since been initiated based on interim funding provided by the Guam Visitors Bureau.

Notwithstanding those delays, the renovation of the Two Lovers Leap Park is long over due and badly needed. A large percentage of visitors coming to Guam in the past have visited Two Lovers Point. This site is considered one of Guam's major natural attractions.

On behalf of the Guam Hotel & Restaurant Association, we extend our appreciation for your support of the Two Lovers Park Renovation and request your continued support to fund the completion of the project.

Senscramente,

  
DAVID B. TYDINGCO  
President

JGTA

Japan Guam Travel Association

C/O RYC TOURS GUAM INC.

3F, 4F, Tumon Trade Center

144 Fajita Road, San Vitores Rd., Tumon, Guam 96911

September 29, 1998

Sen. Alberto C. Lamorena V  
Chairman, Committee on Tourism, Economic Development, and Cultural Affairs  
Twenty-fourth Guam Legislature  
Suite 314, Union Bank Building  
194 Herman Cortez Ave., Agana, Guam 96910

Dear Sen. Lamorena:

Hafa Adai! Thank you for your continued support of the Japan Guam Travel Association (JGTA) and the advancement of Guam's Visitor Industry. Your insight for a sound and stable Visitor Industry is evident in your effort to improve the attractiveness of Guam through Bill No. 739. We praise your hard work and look forward to your continued support.

We have learned of the public hearing of Bill No. 739, which is scheduled for today, September 29, 1998. Briefly Bill 739 states:

Bill No. 739. An act to re-appropriate the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the Tourist Attraction Fund to the Guam Visitor's Bureau for the purposes of Renovating and Upgrading the Two Lovers' Point Park.

On behalf of JGTA, we would like to announce our support of Bill No. 739. This important legislation would be a catapult for increased business from Japan, as well as glorify Guam's most beloved legend. As with any other destination in the world, culture plays an important role in attracting the interest of visitors. With the improvement of Two Lovers' Point, Guam will have a golden token to show the world the beauty of its island and its culture.

We regard Two Lovers Point as one of the most popular vista points on Guam and a "must see" for Japanese Tourists. In the past, inappropriate Infrastructure, Public Restroom Facilities, Vendor Facilities, and Public Safety considerations plagued the Two Lovers' Point as a dirty, unsafe, and unrepresentative of Guam's rich culture. A Renovation and Upgrading Project of Two Lover's Point would enable all the members of JGTA to converge on a special marketing plan to present Two Lovers' Point as an attractive destination for Families, Honeymooners, and the General Public alike. In this context, this proposition poses tremendous business opportunities and raises the possibility for increased revenue for the Government of Guam.

As such, and with our full support, we are optimistic that Bill No. 739 will soon become law and enable the people of Guam to benefit from this project. The livelihood of the whole island rests on Bill No. 739 and the ability of Guam's Government and Business Leaders to work together to strengthen the Visitor Industry and the Island Economy.

Sincerely,



Toyohito Yoneyama  
President



**Senator Alberto "Tony" Cristobal Lamorena V**

## Chairman

## COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT AND CULTURAL AFFAIRS

**Twenty-Fourth Guam Legislature**

## PUBLIC HEARING

9:28 a.m. September 29, 1998

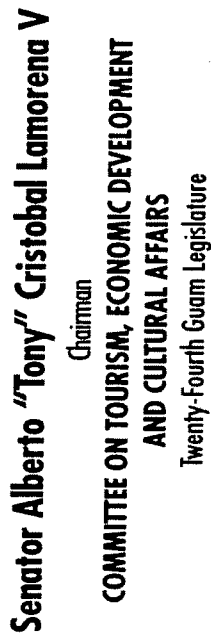
## Public Hearing Room

Guam Legislature Temporary Bldg., Hagatna

**BILL NO. 739**

# WITNESS SIGN-IN SHEET

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**Senator Alberto "Tony" Cristobal Lamorena V**

## Chairman

**COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT  
AND CULTURAL AFFAIRS**

## Twenty-Fourth Guam Legislature

## PUBLIC HEARING

9:28 a.m. September 29, 1998

Public Hearing Room

Guam Legislature Temporary Bldg., Hagatna



**BILL NO. 739**

# WITNESS SIGN-IN SHEET

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# I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN

1998 (SECOND) Regular Session

Date: 12/30/98

## VOTING SHEET

Bill No. 739

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
<del>BARRETT-ANDERSON, Elizabeth</del>					
BLAZ, Anthony C.		✓			
BROWN, Joanne M. S. 1	✓				
CAMACHO, Felix P.	✓				
CAMACHO, Francisco P. 111		✓			
CHARFAUROS, Mark C. 11	✓				
CRUZ, Eduardo J. 11	✓				
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. 111		✓			
WON PAT, Judith T. 111		✓			

TOTAL

15 4 \_\_\_\_\_ 1

CERTIFIED TRUE AND CORRECT:

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

\* 3 Passes = No vote  
EA = Excused Absence

# I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN

1998 (SECOND) Regular Session

Date: 12/11/98

## VOTING SHEET

Bill No. 739

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BARRETT-ANDERSON, Elizabeth					
BLAZ, Anthony C.	✓				
BROWN, Joanne M. S. 11	✓				
CAMACHO, Felix P.				✓	
CAMACHO, Francisco P. 11	✓				
CHARFAUROS, Mark C.					✓
CRUZ, Eduardo J. 11	✓				
FLORES, William B.S.M.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F. 1	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
LEON GUERRERO, Lou 1	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANTOS, Angel L.G.					EA
SANTOS, Francis E.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T. 11		✓			

TOTAL

15 1 0 1 3

CERTIFIED TRUE AND CORRECT:

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

\* 3 Passes = No vote  
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