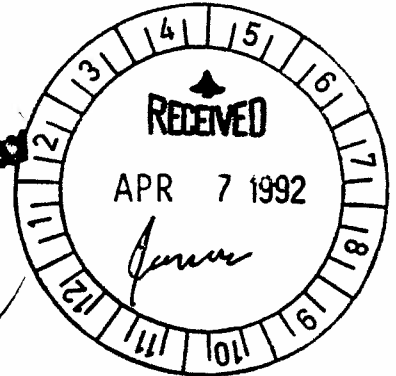




Territory of Guam
Territorion Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

APR 07 1992



The Honorable Joe T. San Agustin
Speaker
Twenty-First Guam Legislature
Agana, Guam 96910

REFER TO
LEGISLATIVE SECRETARY

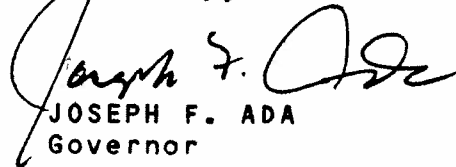
Dear Mr. Speaker:

Enclosed is Substitute Bill 703 which I have signed into law as Public Law 21-101.

The management of the Port Authority of Guam has advised me that it has approved construction of an oceanarium at the Agana Boat Basin. Of course this proposal is subject to the approval of the Legislature. Accordingly, I have instructed Guam Economic Development Authority to work with the Port Authority to determine if the project in Agana will meet the Territory's need for an aquarium.

The feasibility study funded in this Public Law will address the Agana project first. Only if the Agana project is found lacking will the consultants continue the study at the other proposed sites.

Cordially,


JOSEPH F. ADA
Governor

Attachment

210750

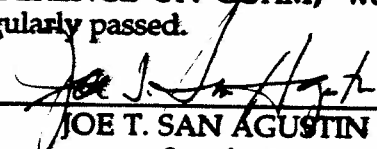


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 703 (LS), "AN ACT TO REPEAL AND REENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO CREATING A GUAM AQUARIUM COUNCIL WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY AND TO APPROPRIATE TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FROM THE TOURIST ATTRACTION FUND TO THE COUNCIL TO CONDUCT A FEASIBILITY STUDY AND SELECT AN AQUARIUM SITE, TO AMEND SECTION 2 OF PUBLIC LAW 20-99 ON EXTENDING THE LIFE OF THE COORDINATING COUNCIL, TO REAPPROPRIATE LAPSED FUNDS FROM THE GOVERNMENT OF GUAM TO THE GUAM POLICE DEPARTMENT TO COMPENSATE A MANAGEMENT ANALYST III, TO APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE TOURIST ATTRACTION FUND TO THE CHAMORRO LANGUAGE COMMISSION TO FUND PUBLIC HEARINGS ON PROPOSED CHAMORRO VILLAGE NAMES, AND TO APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE FIRST SPORTS MEDICINE CONFERENCE ON GUAM," was on the 13th day of March, 1992, duly and regularly passed.



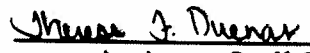
JOE T. SAN AGUSTIN
Speaker

Attested:



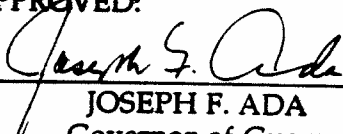
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of March,
1992, at 11:15 o'clock P.M.



Theresa J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: March 31, 1992

Public Law No. 21-101

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 703 (LS)

As substituted by the Committee
on Tourism and Transportation

Introduced by:

J. P. Aguon
C. T. C. Gutierrez
D. L. G. Shimizu

E. P. Arriola
J. G. Bamba
A. C. Blaz
M. Z. Bordallo
D. F. Brooks
H. D. Dierking
E. R. Dueñas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO CREATING A GUAM AQUARIUM COUNCIL WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY AND TO APPROPRIATE TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FROM THE TOURIST ATTRACTION FUND TO THE COUNCIL TO CONDUCT A FEASIBILITY STUDY AND SELECT AN AQUARIUM SITE, TO AMEND SECTION 2 OF PUBLIC LAW

20-99 ON EXTENDING THE LIFE OF THE COORDINATING COUNCIL, TO REAPPROPRIATE LAPSED FUNDS FROM THE GOVERNMENT OF GUAM TO THE GUAM POLICE DEPARTMENT TO COMPENSATE A MANAGEMENT ANALYST III, TO APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE TOURIST ATTRACTION FUND TO THE CHAMORRO LANGUAGE COMMISSION TO FUND PUBLIC HEARINGS ON PROPOSED CHAMORRO VILLAGE NAMES, AND TO APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE FIRST SPORTS MEDICINE CONFERENCE ON GUAM.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that
3 the Territorial Aquarium Advisory Council ("TAAC") has completed its task as
4 mandated by Public Law 20-163 and has recommended legislative
5 appropriation to fund a feasibility study proposal and fee schedule of Two
6 Hundred Seventy-Five Thousand Dollars (\$275,000). The Legislature concurs
7 with the findings of the report that the areas from Fadian in the municipality
8 of Mangilao to Tagachang in the municipality of Yoña encompass choice sites
9 for the aquarium and are in line with the current master planning to keep
10 activities such as the Fadian Aquaculture and Training Facility, the Marine
11 Laboratory, the Territorial Aquarium, and, potentially, a Marine
12 Biotechnology Park along the same stretch of coastline.

13 The Legislature recognizes that, absent an oversight authority, and in
14 order to expedite completion of the feasibility study, there is a need to
15 establish a supervisory body to oversee and administer contracts and the
16 development of the project.

1 It is therefore the intent of the Legislature to approve the report
2 submitted by TAAC and to provide funds necessary to conduct a feasibility
3 study and site selection for the Aquarium.

4 **Section 2.** Sections 1 and 2 of Public Law 20-163 are repealed and
5 reenacted to read:

6 **"Section 1. Creation of Aquarium Council.** There is hereby
7 created within the Guam Economic Development Authority
8 ("GEDA") the Guam Aquarium Council ("GAC") which shall
9 administer and oversee the feasibility study, site selection and
10 development of the Guam Aquarium project. No later than sixty
11 (60) days after the completion of the feasibility study and site
12 selection, GAC shall recommend to the Legislature a permanent
13 supervisory authority.

14 **Section 2.** The Administrator of GEDA shall chair GAC
15 which shall be comprised of ten (10) members, consisting of the
16 chairperson, the President of the Guam Chamber of Commerce,
17 the President of Guam Mayors' Council and the chief executive
18 officers of the following government agencies:

- 19 (a) Guam Visitors Bureau;
20 (b) Department of Parks and Recreation;
21 (c) Department of Commerce;
22 (d) University of Guam Marine Laboratory;
23 (e) Bureau of Planning;
24 (f) Guam Environmental Protection Agency;
25 (g) Division of Aquatic and Wildlife Resources,

1 Department of Agriculture."

2 **Section 3. Appropriation.** Two Hundred Seventy-Five Thousand
3 Dollars (\$275,000) are hereby appropriated from the Tourist Attraction Fund
4 to GEDA to fund the feasibility study and site selection of the proposed Guam
5 Aquarium project. GEDA shall maintain the funds separate and apart from
6 all other GEDA accounts and funds therein shall be disbursed only upon
7 approval by GAC, and upon the creation of a superseding authority, GEDA
8 shall transfer to such authority all accounts, records and materials pertaining
9 to the Guam Aquarium.

10 **Section 4. Transfer of funds.** Unexpended funds appropriated in
11 Section 4 of Public Law 20-163 shall be transferred to the GEDA account
12 established in Section 3 of this Act and shall continue to be available to GAC
13 until expended.

14 **Section 5.** Section 2 of Public Law 20-99 is hereby amended to read:

15 "Section 2. **The Coordinating Commission.** There is hereby
16 established a central policy and coordinating commission to oversee
17 the development of such course of studies for elementary, middle,
18 high school and post secondary levels (the "Commission"). The
19 Commission shall oversee, review and improve the course of studies
20 and coordinate the development of curriculum and the acquisition of
21 materials developed by the professional staff, or procure relevant
22 materials produced by others. The Commission shall hire the
23 necessary staff to identify and review what available information
24 has been published to date and develop a book of readings. The
25 Commission will meet at least once a month or as deemed necessary,

1 for which meetings each member shall receive a stipend of Fifty
2 Dollars (\$50) per meeting, but not to exceed One Hundred Dollars
3 (\$100) per month.

4 The life of the Commission shall not extend beyond December
5 31, 1995 and shall terminate upon completion of its duties as set forth
6 in this Act."

7 **Section 6. Funds not to lapse.** All funds appropriated to the
8 Coordinating Commission established in Public Law 20-99 shall be continuing
9 appropriations and shall continue until expended for the operations and
10 purposes of the Commission.

11 **Section 7. (a) Legislative findings.** The Legislature finds that the
12 Guam Police Department in a recent desk audit of the personnel file of a
13 Management Analyst I discovered that he was inadvertently under-
14 compensated after being reclassified by the Civil Service Commission
15 ("CSC") as a Management Analyst III. The Legislature further finds that the
16 CSC's Memorandum No. 92-153 dated December 27, 1991 recommends a
17 retroactive compensation to the employee between the period February 14,
18 1991 through September 30, 1991. It is the further finding of the Legislature
19 that to correct this discrepancy funding is required to compensate this
20 employee.

21 Recently, the Governor and Lieutenant Governor have called for cost-
22 cutting to be implemented throughout the departments and agencies of the
23 government of Guam. At the present time, the Legislature finds that these
24 procedures are desirable, and also finds that it is desirable to avoid making
25 large appropriations unless they are of an urgently necessary nature. It is

1 also the finding of the Legislature that the government of Guam has received
2 ample funding for Fiscal Year 1992, and that extra positions have been
3 authorized and yet are not filled. For this reason, the government of Guam
4 has lapsed funds available to reappropriate for the purposes set out in this
5 Section.

6 (b) **Reappropriate from lapsed funds.** Three Thousand Three Hundred
7 Thirty-Eight Dollars and Twenty-Four Cents (\$3,338.24) are reappropriated
8 from the lapsed funds of the government of Guam for Fiscal Year 1992 to the
9 Guam Police Department to compensate the employee affected by the CSC
10 reclassification of his job from a Management Analyst I to Management
11 Analyst III based on CSC Memorandum No. 92-153.

12 **Section 8. Appropriation for Chamorro Language Commission.** Fifty
13 Thousand Dollars (\$50,000) are hereby appropriated from the Tourist
14 Attraction Fund to the Chamorro Language Commission (the "Commission")
15 to fund public hearings in each village during which the following proposed
16 Chamorro village names, namely:

<u>Existing village names:</u>	<u>New names:</u>
17 Asan-Maina	Assan-Ma'ina
18 Barrigada	Barigáda
19 Chalan Pago-Ordot	Chálan Págu-Otdot
20 Dededo	Dedidu
21 Agat	Hágat
22 Agaña	Hagátña
23 Umatac	Humátak
24 Inarajan	Inaláhan

1	Merizo	Malesso'
2	Mangilao	Mangiláo
3	Mongmong-Toto-Maite	Mongmong-To'to-Maite'
4	Piti	Piti
5	Santa Rita	Sânta Rita
6	Sinajaña	Sinahânña
7	Talofofo	Talo'fo'fo
8	Tamuning-Tumon	Tamuneng-Tomhom
9	Agaña Heights	Tutuhan
10	Yigo	Yigu
11	Yoña	Yo'ña,

12 and other relevant issues are to be discussed. The Commission is hereby
 13 instructed to conduct such public hearings at the earliest dates possible, and
 14 the Commission is to report its findings and recommendations to the
 15 Legislature and to the Governor no later than ninety (90) days following the
 16 completion of all public hearings in all villages.

17 **Section 9. Sports Medicine Conference.** Fifty Thousand Dollars
 18 (\$50,000) are hereby appropriated from the General Fund to the Department
 19 of Public Health and Social Services for the First Sports Medicine Conference
 20 on Guam.



SENATOR JOHN PEREZ AGUON
VICE SPEAKER
CHAIRMAN, COMMITTEE ON TOURISM & TRANSPORTATION
21ST GUAM LEGISLATURE

155 Hessler Place, Agana, Guam, U.S.A. • 96910 • (671)472-3435/472-3497 • Telefax: (671)477-8358

March 9, 1992

Honorable Joe T. San Agustin, Speaker
 21st Guam Legislature
 155 Hessler St.
 Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Tourism & Transportation, to which the following was referred, wishes to report its findings and recommendations:

BILL NO. 703: AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.


Bill 703 was substituted by the Committee on Tourism & Transportation. It's title now reads:

BILL NO. 703 as Substituted by the Committee on Tourism & Transportation: AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO CREATING A GUAM AQUARIUM COUNCIL (GAC) WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA) AND TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) FROM THE TOURIST ATTRACTION FUND TO THE COUNCIL FOR THE PURPOSE OF CONDUCTING A FEASIBILITY STUDY AND SITE SELECTION.

The Committee voting records on Bill 703 as substituted by the Committee on Tourism & Transportation is as follows:

TO PASS	<u>12</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
TO PLACE IN THE INACTIVE FILE	<u>0</u>
NOT VOTING	<u>3</u>

The recommendation of the Committee is to do pass. A copy of the voting sheet, report and all pertinent documents are attached for your information.

Sincerely,

 JOHN PEREZ AGUON

Attachments

VOTING SHEET COMMITTEE ON TOURISM & TRANSPORTATION

Bill 703 as substituted by the Committee on Tourism & Transportation: AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO CREATING A GUAM AQUARIUM COUNCIL (GAC) WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA) AND TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) FROM THE TOURIST ATTRACTION FUND TO THE COUNCIL FOR THE PURPOSE OF CONDUCTING A FEASIBILITY STUDY AND SITE SELECTION.

	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	TO PLACE IN INACTIVE FILE
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John P. Aguon
JOHN P. AGUON, Chairman

✓

Carl T. C. Gutierrez
CARL T. C. GUTIERREZ, Vice Chairman

✓

JOE T. SAN AGUSTIN, Speaker

George Bamba
GEORGE BAMBA

✓

Doris F. Brooks
DORIS F. BROOKS

✓

Herminia D. Dierking
HERMINIA D. DIERKING

✓

ERNESTO M. ESPALDON

Pilar C. Lujan
PILAR C. LUJAN

✓

MARILYN D. A. MANIBUSAN

Don Parkinson
DON PARKINSON

✓

Martha C. Ruth
MARTHA C. RUTH

✓ 3/19/92

Francisco R. Santos
FRANCISCO R. SANTOS

✓

David L. Shimizu
DAVID L. SHIMIZU

✓

Thomas V. C. Tanaka
THOMAS V. C. TANAKA

✓

Antonio R. Unpingco
ANTONIO R. UNPINGCO

✓



21st Guam Legislature COMMITTEE ON TOURISM and TRANSPORTATION

COMMITTEE REPORT

BILL 703 - AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.

PUBLIC HEARING:
January 16, 1992

MARK-UP MEETING:
March 3, 1992

VICE SPEAKER JOHN PEREZ AGUON, Chairman

SENATOR CARL T.C. GUTIERREZ, Vice Chairman

Members:

SPEAKER JOE T. SAN AGUSTIN

**SENATOR J. GEORGE BAMBA
SENATOR DORIS F. BROOKS
SENATOR HERMINIA D. DIERKING
SENATOR ERNESTO M. ESPALDON
SENATOR PILAR C. LUJAN
SENATOR MARILYN D.A. MANIBUSAN**

**SENATOR DON PARKINSON
SENATOR MARTHA C. RUTH
SENATOR FRANCISCO R. SANTOS
SENATOR DAVID L.G. SHIMIZU
SENATOR THOMAS V.C. TANAKA
SENATOR ANTONIO R. UNPINGCO**

SEVENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No.: 703

As Substituted by the
Committee on Tourism &
Transportation

Introduced By:

J. P. AGUON
C. T. C. GUTIERREZ
D. L. G. SHIMIZU

AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO CREATING A GUAM AQUARIUM COUNCIL (GAC) WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA) AND TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) FROM THE TOURIST ATTRACTION FUND TO THE COUNCIL FOR THE PURPOSE OF CONDUCTING A FEASIBILITY STUDY AND SITE SELECTION.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that the
3 Territorial Aquarium Advisory Council ("TAAC") has completed its task as
4 mandated by Public Law 20-163 and has recommended legislative
5 appropriation to fund a feasibility study proposal and fee schedule of Two
6 Hundred Seventy Five Thousand Dollars (\$275,000). The Legislature concurs
7 with the findings of the report that the areas from Fadian in the municipality
8 of Mangilao to Tagachang in the municipality of Yona encompasses choice
9 sites for the aquarium and is in line with the current master planning process
10 of keeping activities such as the Fadian Aquaculture and Training Facility, the
11 UOG Marine Laboratory, the Territorial Aquarium and potentially a Marine
12 Biotechnology Park along the same stretch of coastline.

13 The Legislature recognizes that, absent an oversight authority, and in
14 order to expedite completion of the feasibility study, there is a need to
15 establish a supervisory body to oversee and administer contracts and the
16 development of the project.

1 It is therefore the intent of the Legislature to approve the report
2 submitted by TAAC and to provide funds necessary to conduct a feasibility
3 study and site selection for the Aquarium.

4 **Section 2. Sections 1 and 2 of Public Law 20–163 are repealed and re-enacted**
5 **to read:**

6 “Section 1. There is hereby created within the Guam Economic
7 Development Authority (‘GEDA’) the Guam Aquarium Council (‘GAC’)
8 which shall administer and oversee the feasibility study, site selection
9 and development of the Guam Aquarium project. No later than sixty
10 (60) days after the completion of the feasibility study and site selection,
11 GAC shall recommend to the Legislature a permanent supervisory
12 authority.

13 “Section 2. The Administrator of GEDA shall chair GAC which shall be
14 comprised of ten (10) members consisting of the chairperson, the
15 President of the Guam Chamber of Commerce, the President of the
16 Guam Mayors Council and the chief executive officers of the following
17 government agencies:

- 18 (a) Guam Visitors Bureau;
- 19 (b) Department of Parks and Recreation;
- 20 (c) Department of Commerce;
- 21 (d) University of Guam Marine Laboratory;
- 22 (e) Bureau of Planning;
- 23 (f) Guam Environmental Protection Agency;
- 24 (g) Division of Aquatic & Wildlife Resources, Department of
25 Agriculture.”

26 **Section 3. Appropriation.** Two Hundred Seventy Five Thousand
27 Dollars (\$275,000) are hereby appropriated from the Tourist Attraction Fund
28 to GEDA to fund the feasibility study and site selection of the proposed Guam

1 Aquarium project. The Legislature hereby approves the selection, made by
2 TAAC, of James M. Montgomery Consultant Engineers, Inc. ("JMM") to
3 conduct the study and site selection. GEDA shall maintain the funds separate
4 and apart from all other GEDA accounts and shall be disbursed only upon
5 approval by GAC and upon the creation of a superseding authority, GEDA
6 shall transfer to such authority all accounts, records and materials pertaining
7 to the Guam Aquarium.

8 **Section 4. Transfer of Funds.** Unexpended funds appropriated in
9 Section 4 of Public Law 20-163 shall be transferred to the GEDA account
10 established in Section 3 of this Act and continue to be available to GAC.

COMMITTEE REPORT
BILLS 703

The Committee on Tourism and Transportation held a public hearing on January 16, 1992 at 9 a. m. in the Legislative Public Hearing Room to receive testimonies on Bill 703.

BILL 703 AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.

Present at the hearing were Senator John Perez Aguon, Chairman, Committee on Tourism & Transportation, Senators Pilar C. Lujan, Doris F. Brooks, Marilyn D. A. Manibusan, Antonio R. Unpingco, Ernesto Espaldon, Thomas V. C. Tanaka, Michael Reidy and Anthony C. Blaz.

Signing in to present testimony on Bill 703 were Charles P. Crisostomo, Administrator GEDA, Peter R. Sgro, Jr., Chairman, Guam Chamber of Commerce & as a resident citizen, Joey Cepeda, GVB Gen Mgr., Pamela Bergman, Planner II, Dept. of Commerce, Barry D. Smith, Extension Coord. Marine Lab UOG, George Viegas, Plant Maintenance UOG, John C. Salas, Exec. Director GHRA and Mayor Raymond Laguana, GVB Board member.

In general, all eight witnesses testifying were supportive of Bill 703 although some of the witnesses raised objections to the moratorium provision in Section 6 of the bill and recommended modification on the language.

Noting that competition for visitors has become very strong throughout the Asian-Pacific region and that Guam needs to develop major attractions to entice visitors to the island, GVB General Manager Joey Cepeda said that the propose aquarium is one attraction that Guam needs immediately so that it may make a difference to the visitor who has yet to decide the destination for his/her vacation. He said that passage and implementation of Bill 703 will immensely benefit the local residents who will learn of the wonders of the ocean that play a large part of their daily lives and would get Guam that much closer to realizing the development of a first-rate attraction with a variety of uses for many users.

Charles P. Crisostomo, testifying in behalf of the Governor, the Lt. Governor and GEDA Board of Directors, urged passage of the bill so that plans to build the worthwhile aquarium project can be finalized. Emphasizing the need of an aquarium as a major attraction to entice visitors to the island, Crisostomo said that the continued growth of the tourism base along with a concerted effort to diversify the island's economy is a long standing goal of the GEDA. He said that by keeping a pulse on the tourism industry and promoting activities conducive to choosing Guam as a final destination Guam will be able to continue to enjoy the benefits the industry provides. Crisostomo added however that the benefits of the tourism industry with the ultimate creation of a Territorial Aquarium are not the only outcome of the passage of the bill. He said that the additional employment, the educational and recreational benefits to the local residents will be of immeasurable value.

Crisostomo's recommendation of placing a moratorium on all land transactions of government-owned property within a half-mile strip from Fadian Point to Tagachang Point was not favorably received by some witnesses and committee members.

John Salas testified that the Guam Hotel & Restaurant Association fully support the intent of Bill 703 and complimented the Committee on Tourism & Transportation for its foresight in adding another major attraction which will provide many benefits to the island residents and visitors.

Speaking in behalf of GHRA, Salas suggested that additional language be included in the bill which clearly establishes the Aquarium's mission whether it will include research interests only, commercial interests only or a combination of both. He said that although it is understood that the facility will need to use the tourism industry as one major element in its supporting foundation, inclusion of the suggested language will provide needed direction when the bill is implemented. He also suggested inclusion of a representative from the Japan Guam Travel Association, whose members will also be directly involved in supporting the commercial operations of the aquarium, in the Territorial Aquarium Advisory Council's composition. He said that GHRA and JGTA's contribution the Territorial Aquarium effort will be invaluable to developing the desired tourist base which will ultimately be needed to support the aquarium's future operations.

Dr. Robert Richmond, Director of UOG Marine Lab and Chairman of the Territorial Advisory Council, echoed the same sentiments as Charles Crisostomo also a member of TAAC. DR.

Richmond also endorsed placing a temporary moratorium in the area from Fadian Point to Tagachang Point as the area contains the top three choices for the aquarium site. He further recommended that the language in Section 6 be modified to allow GovGuam to obtain additional land within the area to preserve its uniqueness for marine related activities. He said that there is no use in pursuing the aquarium project further and investing in a comprehensive study if the site becomes unavailable or incompatible with adjacent activities such as the Fadian Aquaculture and Training Facility, the Marine Lab etc.

Richmond also endorsed the reestablishment of TAAC under GEDA and chaired by the Administrator as the responsibilities have shifted from conceptual planning to overseeing the consultant contracts and the eventual construction/management of the facility.

Peter Sgro, Jr., Chairman of the Guam Chamber of Commerce Board of Directors said the the chamber fully support the bill to establish the aquarium, an attraction which will be beneficial to the tourism industry, the aquaculture industry and the people of the territory. He pointed out that Guam needs to maintain and strengthen its posture as a destination point for tourists and to be competitive with other markets by providing more tourist attractions such as the aquarium. He added that an aquarium will provide the people of Guam with a facility conducive to pleasurable family outings, create new opportunities for educational field trips for the children and marine science research plus complementing Commerce's efforts in the development of an aquaculture industry for Guam.

Sgro reiterated the chamber's position against infringement of the right of private property owner but they are pleased that temporary moratorium provision in the bill is confined to government owned property. He said that the chamber welcomes the inclusion of private sector representation by the selection of the chamber as a member of TAAC. He said that working together with the various Government of Guam Agencies and the Mayors Council, environmental concerns, tourist related concerns and village concerns will be comprehensively addressed, and emphasized the chamber's commitment to work with the Committee and all members of the 21st Guam Legislature as Partners in Progress for Guam.

The Department of Commerce would endorse Bill 703 but for the language in Section 6 placing a moratorium ". . . on land transactions, . . . construction permits within a half-mile wide strip from Fadian Point to Tagachang Point". Director Peter Barcinas said such a language will prevent and block construction permits for the rebuilding/remodeling of the Department's Hatchery facility. The Department recommended modifying the wording of Section 6 to allow for the improvement and upgrading of the Hatchery and to allow GovGuam to obtain additional land within the area in order to preserve it for existing and future marine related activities.

George Viegas, Plant Manager for UOG, supported Bill 703 wholeheartedly but was concerned that the moratorium provision in Section 6 will stop ongoing construction on campus and two other projects in the process of applying for permits for new contracts. he wants to know if the definition of Government property includes

property under an autonomous agency and if so, he recommended amending Section 6 of the bill so as to allow the University of Guam to proceed with its construction projects.

Senator Aguon noted that there are several requesting for exemption from the moratorium and recommended that all those objecting get together and decide on the best approach to handle the situation.

“What I would hate to see if for us to continue working within the given area then find out later that we have to break it down,” Senator Aguon said. “It is important the the government agencies get together especially in a far reaching project such as this.”

Senator Pilar Lujan was concerned with the cost of the project. She told the Chairman, that if the project is to include all kinds of cultural preservation, educational opportunities, research etc. the project will be very, very expensive. She suggested that the Committee consider the commercial aspects of the project and perhaps look into privatization. “While the Government of Guam can perhaps contribute the land for the project,” Senator Lujan said, “the entire operation is going to cost much more”.

She said that she does not think the government alone can see all aspects of the project completed and recommended that, if the bill passes, TAAC look into privatization of the aquarium.

Senator Doris Brooks also supported the concept of an aquarium for Guam and echoed similar concerns as Senator Lujan with respect to the magnitude of the project. She was advised by Lester Carlson of GEDA that they are looking of the size between Sea Life Park and the Waikiki Aquarium in Hawaii and if Guam can get

most of what it asks for, a rough cost estimate of the contractor is around Thirty Million Dollars. Senator Brooks was also concerned with the moratorium provision in the bill, suggesting to the Chairman that perhaps the committee can be provided with a map to specifically show how much Government land is involved.

“Every time we talk of a moratorium it sends shivers to some people and I don't want to send the wrong message,” Senator Brooks said.

Senator Marilyn Manibusan also expressed concern about the moratorium provision in the bill and favors amending it so as not to impede existing contractual arrangements by some government agencies but she does not recommend deleting the section completely. She recommended that the three choices for the aquarium sites be identified by statute and place them under reservation. She said that although she is highly supportive of the bill, she personally will rather see the Guam National Museum up first.

Senator Antonio Unpingco said that he is very excited with the concept of an aquarium for Guam. He agreed with Senator Lujan's and the Chamber of Commerce's position that the project could be a joint venture between the Government of Guam and the private sector and commented that many of the tourist related industries will be interested to join in the project because it is money making.

Senator Michael Reidy, like Senator Unpingco, was also excited about the project because he thinks Guam needs an aquarium as part of the tourism infrastructure and as an educational facility. He wanted to know whether the community has already decided to

develop a public aquarium, publicly finance, or is that still an open decision hoping to develop an incentive for private investment.

Senator Aguon responded that nothing is final at this point, the bill is to provide a feasibility study not only in the selection of sites but the details of the entire operation of the aquarium.

Senator Anthony Blaz also supported the project and recommended that after the feasibility study is completed, it should be let out to the private sector and perhaps some developer or private corporation will come in and finance the project. He said that there are hundreds of acres of government land between Fadian Point and Tagachang Point and he will not support the acquisition of private land to add to the moratorium on government property.

Senator Aguon informed Senator Blaz that he removed the private land originally recommended in the bill.

Senator Thomas Tanaka said that he echoed a lot of the remarks of his colleagues and thinks that there is a lot of opportunity in the aquarium project for a joint venture between the private sector and the government.

Before concluding the hearing, Senator Aguon reminded those concerned about the temporary moratorium in the bill, he said especially the department directors; leaders of Guam, to get together and figure out the best approach to resolve the situation.

There being no further witnesses, the hearing was adjourned.

MARK-UP MEETING

The Committee on Tourism and Transportation held a mark-up meeting in the Legislative Public Hearing Room on Tuesday, March 3, 1992 at 1:30 p. m. to discuss Bill 703. Present were Committee Chairman Senator John Perez Aguon and Committee member Senator Martha C. Ruth.

DISCUSSION AND RECOMMENDATIONS

Chairman Aguon opened the meeting to everyone present in the room and welcomed anyone who wish to participate to join the Committee. He invited Mayor Tony Babauta of Agat to join them at the Committee table.

Senator Aguon explained that for purposes of information, the Committee has had a public hearing on Bill 703 (referred to as the Territorial Aquarium Bill) and each of the witnesses that testified was very supportive of establishing an aquarium in this territory.

The Chairman explained that, while there were no **opposition** to the bill, whatsoever, some concerns were raised subsequent to the hearing, so he wrote letters to individuals and organizations that may have some kind of input in the matter to submit their concern to the committee. He further explained that the mark-up meeting is for the committee to look at the bill in its final stage and make a decision to recommend to the full Legislature.

Senator Aguon thanked Senator Ruth for joining him and said that he would like to think that the absence of the other committee members meant that they are all supporting the bill, or he will like to assume that because he intends to report out the bill in the next session.

Senator Aguon pointed out to Senator Ruth and Mayor Babauta that the major concern raised in the bill was on the subject of the moratorium on both private and government lands as it relates to the three choice sites and recommended by the Territorial Aquarium Advisory Council (TAAC). He informed the Mayor and the Senator that the University of Guam and the Department of Commerce questioned the moratorium provision because they have certain activities that may be in conflict with some of the recommended sites. As a result he requested all the agencies to get together and come up with one recommendation.

He recommended that rather than mandating that there should be a moratorium in place, leave it up to TAAC to be consulted when a formal permit is to be requested within any one of the given sites. He said that he feels the Executive Branch should be given the flexibility to have TAAC further review it.

Senator Ruth agreed with Senator Aguon's recommendation because the bill places the moratorium on the land within Fadian Point and Tagachang Point.

Senator Ruth wanted to know the difference between the \$275,000 appropriation contained in Bill 703 for a feasibility study and the recommendations and draft request for proposals submitted by TAAC in fulfillment of Public Law 20-163, "Isn't that a study in itself?", the Senator asked. Senator Ruth was referring to the language in Section 4 of the bill which may be interpreted as "funding one study to study another" and nothing that says to bring the project up to the architectural and design stage.

Chairman Aguon agreed that there is an error in the language in Section 4 of the bill because the Title reflects up to the architectural and design stage but it is not so specified in Section 4. He directed staff to change the language in the bill to reflect Senator Ruth's concerns.

Senator Ruth recommended that Section 2 of the bill should specify how many will comprise the TAAC, because although it says "the chief executive officers, or their representatives," it doesn't say how many from the Chamber of Commerces, and while she applauded the joint effort between the public sector and the private sector, she doesn't think it should be a free for all either.

She said that the bill should say how many representatives the chamber will have on the panel and perhaps one each from the designated agencies of the government and the Mayors Council. Senator Aguon agreed with this recommendation.

Senator Ruth also expressed concern whether decisions made in the council by representatives of the chief executive officers will be binding on the part of the government, in other words, she asked: "Would the representatives' votes have the force and effect of the chief executive officers in their absence?"

Senator Aguon agreed that it should be limited to the executive officers and not their representatives.

RECOMMENDATIONS

The Committee recommended Substitute Bill 703 to reflect all the concerns raised at its meeting and passage of the bill as substituted.



GUAM ECONOMIC DEVELOPMENT AUTHORITY

GEDA

ATURIDAD INADILANTON IKUNUMIHA GUAHAN

February 12, 1992

COPY

The Honorable John Perez Aguon
 Vice-Speaker
 Chairman, Committee on Tourism & Transportation
 21st Guam Legislature
 133 Hessler Place
 Agana, Guam

Hafa Adai Senador Aguon:

During the public hearing on Bill 703, conducted January 16, 1992, tremendous support for the idea of a Territorial Aquarium was heard. Supporting testimony came from the Hotel and Restaurant Association, Chamber of Commerce, University of Guam Marine Lab, Department of Commerce, Guam Visitors Bureau, Mayor's Council and the Guam Economic Development Authority. The overwhelming consensus garnered from the hearing was one of total and enthusiastic support in favor of the development of Territorial Aquarium.

There was some concern however regarding Section 6 of Bill 703. This section dealt with a Moratorium on Government-owned property located within the Fadian Point to Tagachang Point area. Concern was voiced from the Department of Commerce and the University of Guam Plant Management Department. Their concerns arose due to the language of Section 6 which would prohibit, in the case of the Department of Commerce, from rebuilding their Fadian Hatchery which was damaged during Typhoon Yuri. In order to accomplish the rebuilding of the hatchery, a building permit would need to be issued, an action prohibited with the language of the Moratorium as presented at the hearing. UOG Plant Management is in the process of overseeing the construction of a new RFK Library and Micronesian Area Research Center. This ongoing development again would be impacted by the Moratorium included in Bill 703 as written.

After consultations with Peter Barcinas, Director of the Department of Commerce, George Viegas, Plant Manager, UOG and the Territorial Aquarium Advisory Committee Chair, Dr. Valerie Paul, a fully endorsed revision to the wording of Section 6 was agreed upon. The recommended new language reads as follows:

Section 6. Moratorium. Upon the effective date of this Act, a temporary moratorium ("Moratorium") shall be placed upon the issuance of all leases, land exchanges, sales and any other transfer or disposition of Government-owned property located within a one-half mile from the coastline along Fadian Point to Tagachang Point.

GEDA

It is therefore the consensus of the Territorial Aquarium Advisory Committee that this revision replace the language as presented during the public hearing on January 16, 1992.

If I can be of any other assistance to you in this or any other matter, please do not hesitate to contact me.

Sincerely,



Charles P. Crisostomo
Administrator

UNIVERSITY OF HAWAII

Pacific Biomedical Research Center

February 23, 1992

FAX MESSAGE

To: Vice Speaker John Perez Aguon
Via: Bill Phillips
Fax: 671-477-8358
From: Dr. Robert Richmond
Fax: 808-599-4817
Subject: Bill 703 regarding the Territorial Aquarium

Dear Senator Aguon,

Thank you for your letter of February 4, regarding the mark-up of Bill 703. In the original Bill, which I reviewed, and wrote the position for the committee, I discussed several options with Lester Carlson, and my successor, Dr. Valerie Paul who assumed the Directorship of the Marine Lab on October 1 (we rotate the position every three years, thankfully). I expected some revision of the moratorium portion, but felt the interested parties needed to have a chance to express their concerns. The bottom line for the progress of the aquarium is to select and lock in the site as soon as possible. While the committee narrowed down the selection to a few of the best choices, we felt the final decision needed to be made with the input of professionals in the field. My major concern is that while the selection is being made, the choice will be sold, leased or zoned away for an incompatible use. Fadian is probably the best site, and fits in with a larger plan of zoning the stretch from Fadian to Tagachan as marine resource development and preservation.

Perhaps the best modification of the Bill is to allow present GovGuam operations to continue as planned (these still have to pass agency review, and all of the relevant GovGuam agencies sit on the TAAC), but to have the moratorium restrict granting variances or leases to private firms until the site is chosen, and a comparability assessment is performed. There's no use in spending 30-35 million dollars on a facility that can't function due to adjacent activities. With the history of spot zoning, TLUC variances, and sedimentation wiping out large tracts of reef, we need to keep related land-uses together in the planning stage to avoid future conflicts and the necessity of Government condemnations.

I am on research sabbatical at the Pacific Biomedical Research Center until June 10, and will be back on Guam March 8-15 and again in May. I will contact your office each trip, and am in contact with Lester Carlson (GEDA) and Dr. Valerie Paul at the Marine Lab each time something comes up regarding the Aquarium. Val, Lester and Chuck Crisostomo are the best contacts in my absence. Please don't hesitate to contact me here if I can help. I will continue to support this project to the best of my ability as long as it takes to make it a reality.

Sincerely yours,

Bob Richmond
Robert H. Richmond
Associate Professor

16 JAN 1992

BBMR-F7

Bill No. 703
 Amendatory Bill YES NO

Date Received 1/15/92
 Date Reviewed 1/15/92

Department/Agency Affected: Guam Economic Development Authority
 Department/Agency Head: Charles Crisostomo
 Total FY Appropriation to Date: N/A

000641

Bill Title (preamble): An Act to repeal and re-enact Sections 1 and 2 of Public Law 20-163 relative to the Territorial Aquarium Advisory Council (TAAC) to designate the Council as interim supervisory authority for the Territorial Aquarium Project, to appropriate Two Hundred Seventy Five Thousand Dollars (\$275,000) to the Guam Economic Development Authority to fund the project up to the architectural and design stage, to place a temporary moratorium on land transactions and major construction permits in the area from Eadian Point to Tanager Point and to task TAAC to determine the structure, composition and duties of a permanent supervisory aquarium authority and submit its recommendation to the Legislature.

Change in Law: To repeal and reenact Sections 1 and 2 of Public Law 20-163

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 (For Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Autonomous/Semi-Autonomous	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (For Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ 1/
 AGENCY/PERSON/DATE CONTACTED: N/A

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST Angela Flores DATE 1/15/92 DIRECTOR GIOVANNI T. SCABELLURI DATE 1/16/92

FOOTNOTES: Based on the language of the law, it is unclear whether the study proposal of JMM has undergone the procurement procedures, as no provision is included waiving such provisions. Additionally, information on the sufficiency of the proposed funding, is not available.



SENATOR JOHN PEREZ AGUON
VICE SPEAKER
CHAIRMAN, COMMITTEE ON TOURISM & TRANSPORTATION
21ST GUAM LEGISLATURE

155 Hessler Place, Agana, Guam, U.S.A. • 96910 • (671)472-3435/472-3497 • Telefax: (671)477-8358

January 6, 1992

Giovanni T. Sgambelluri, Director
Bureau of Budget & Management Research
P. O. Box 2950
Agana, Guam 96910

Dear Mr. Sgambelluri:

Hafa adai. The Legislative Committee on Tourism and Transportation will be conducting a public hearing on Thursday, January 16, 1992 at 9 a. m. in the Legislative Public Hearing Room of the Pacific Arcade building, 155 Hessler Place Agana, to receive testimonies on the following:

1. BILL 700 AN ACT TO APPROPRIATE \$32,144 FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU TO AUTHORIZE RETROACTIVE SALARY ADJUSTMENTS OF CERTAIN OF ITS EMPLOYEES.
2. BILL 703 AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.
3. TO CONSIDER THE REAPPOINTMENT OF JULIE LUJAN TORRES TO SERVE AS A MEMBER OF THE PORT AUTHORITY OF GUAM BOARD OF DIRECTORS.

I am requesting that your office provide my committee with a fiscal note and any comment(s) you may have no later than 8 a. m. January 16, 1992. Copies of the bills are enclosed for your convenience.

Please contact my special assistant Jack Guerrero should you have any questions.

Sincerely Yours,

JOHN PEREZ AGUON

Enclosures



DEPARTMENT OF
COMMERCE
DIPATTAMENTON I KUMETSIO



January 13, 1992

DC-EDP-027-92A

Honorable Senator John Perez Aguon, Vice Speaker
Chairman, Committee on Tourism & Transportation
21st Guam Legislature
155 Hessler Place, Pacific Arcade Building
Agana, Guam 96910

Dear Senator Aguon,

The Department of Commerce would like to testify in favor of Bill 703. Although the wording in section 6 that recommends,

"a Moratorium be placed upon the issuance of all leases, land exchanges, sales, construction permits and any other transfer, disposition or development of Government-owned property within a one half mile wide strip from Fadian Point to Tagachang Point",

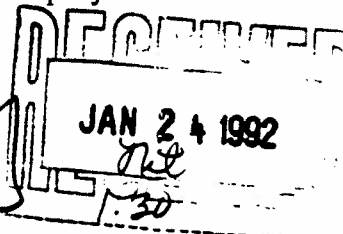
such wording would prevent and block construction permits for the rebuilding/remodeling of the Department's Hatchery facility. Due to the severe damage the Hatchery suffered from typhoon Yuri, a construction permit will be applied for in the near future. Although we are in agreement with placing a temporary Moratorium within a one half mile wide strip from Fadian Point to Tagachang Point, the Department of Commerce cannot support blocking progress of the Hatchery. Therefore, we recommend modifying the wording of this section to allow for improvements and upgrading of the Hatchery.

In addition, the Department of Commerce would also endorse modifying Section 6 to allow GovGuam to obtain additional land within the area from Fadian Point to Tagachan Point, in order to preserve and protect this valuable marine area for existing and future marine related activities.

At this time, the Department of Commerce would like to express its gratitude to the sponsoring legislators for their efforts and support of the aquarium project.

Sincerely yours,


Peter Barenas, Director
Department of Commerce


JAN 24 1992
1:30

cc: Charles P. Crisostomo
Administrator, GEDA



Commonwealth Now!



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

MARINE LABORATORY
UOG Station, Mangilao, Guam 96923
Tel: (671) 734-2421; Fax: (671) 734-6767

10 JAN 1992

January 10, 1992

Honorable Senator John P. Aguon, Chair
Committee on Tourism and Transportation
21st Guam Legislature

Dear Chairman Aguon and Committee Members,

As Chair of the existing Territorial Aquarium Advisory Committee (TAAC), I would like to testify in favor of Bill 703, regarding the funding of the proposal by James M. Montgomery Consulting Engineers, Inc. (JMM), for a comprehensive conceptual analysis for the proposed Territorial Aquarium. After careful consideration and extensive discussion, it was the recommendation of the TAAC that the proposal be accepted as presented, and funded in-full.

The TAAC was established under Public Law 20-163 on May 10, 1990. Since that time, we have been meeting regularly, with the ultimate goal of establishing a Territorial Aquarium for Guam. This project has received universal support from local leaders, educators, businessmen and the community, as it will provide a must-see attraction for Guam's tourists, as well as an unrivaled educational and recreational opportunity for the local community and the region.

The Committee submitted a report to the Twentieth Guam Legislature in November, 1990, as stipulated in the enabling legislation. Included in that report was a draft request for proposals to see the project through to fruition. Following legislative acceptance of the report, the TAAC continued its activities by advertising the request for proposals, and evaluating the responses for consultant services. James M. Montgomery Inc. was selected as the top firm among the applicants. The acceptance of the attached proposal and fee schedule for \$275,000 to bring the project up to the architectural and engineering design stage, represents the recommendation of the Committee for the next step needed to establish an aquarium on Guam.

As the Chair, I can say that the committee members worked diligently to see things progress to this present stage. At this point, further progress requires professionals in the area of aquarium development. After careful review of JMM Inc.'s credentials, experience, and fee proposal, we are convinced that this group has the capabilities and has identified the critical

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issues which need to be addressed to make the aquarium a fiscal and physical reality. We feel the scope of work is complete, and the costs reasonable. While JMM Inc. has included several stop points with the respective cost allocations, the committee feels strongly that the full package is needed to accomplish the task of building the aquarium. Of the initial \$50,000 appropriation to the TAAC, over \$49,800 remains, as the work load and expenses to this point have been handled by the respective GovGuam agencies.

I also endorse the temporary moratorium on leases, variances, land transactions and major construction permits for the area from Fadian Point to Tagachan Point, as this is the area that contains the top three choices for the aquarium site. This area was chosen after careful consideration of 14 potential sites, and is in line with the present Master Planning process of keeping activities such as the Fadian Aquaculture and Training Facility, the UOG Marine Laboratory, the Territorial Aquarium, and potentially a Marine Biotechnology Park in the same stretch of coastline. There is no use in pursuing the aquarium project further, and investing in a comprehensive study if the site becomes unavailable or incompatible with adjacent activities. I would, however, suggest the wording of this section be modified to still allow GovGuam to obtain additional land within this area, as there are instances where it would benefit the intent of this bill if the Government can continue efforts to save this unique area for marine related activities.

The re-establishment of the Territorial Aquarium Advisory Committee under GEDA is appropriate as the responsibilities have now shifted from conceptual planning to overseeing the consultant contracts and the eventual construction/management of the facility. I also support the choice of the Director of GEDA to chair this group, with its new responsibilities.

In summary, I strongly support Bill 703, and wish to express my gratitude to the sponsoring legislators and members of the TAAC for bringing this valuable project closer to reality.

Respectfully Submitted,

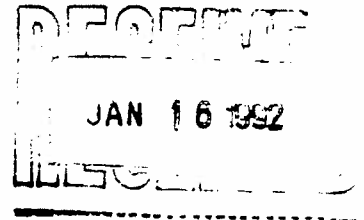

Robert H. Richmond, Ph.D.
Chair, Territorial Aquarium
Advisory Committee



Guam Visitors Bureau
Setbision Bisitan Guahan

January 16, 1992

Senator John P. Aguon
Chairman, Committee on Tourism
& Transportation
21st Guam Legislature
155 Hesler Place
Agana, Guam 96910



Dear Mr. Chairman:


Thank you for seeking the Guam Visitors Bureau's position on Bill No. 703.

In my capacity as General Manager of the Guam Visitors Bureau, I know only too well that Guam needs to develop major attractions to entice visitors to our island. Competition for visitors has become very strong throughout the Asian-Pacific region to the point that sun, sea and shopping are no longer reasons enough to choose a destination. As such, the proposed aquarium is one attraction that Guam needs immediately so that it may make a difference to that visitor who has yet to decide the destination for his/her vacation.

The development of this project will also be of immense benefit to our local residents who will learn of the wonders of the ocean that plays so much of a part in our daily lives. The research which may be performed at such a facility will earn Guam, once again, a reputation for being one of the premier sites for studying marine environments. In fact, imagine what may have been possible for this summer's international conference if such a facility were in place!

The passage and implementation of Bill No. 700 would get Guam that much closer to realizing the development of a first-rate attraction with a variety of uses for many users. I urge the Legislature's support for this measure.

Sincerely,



JOEY B. CEPEDA
General Manager

P.O. Box 3520, Agana, Guam, 96910
1270 North Marine Drive, Suite 201-205 Upper Tumon, GU 96911 • (671) 646-5278/9 • Cable: GUAMTOUR • Fax: (671) 646-8961



000640



GUAM ECONOMIC DEVELOPMENT AUTHORITY

ATURIDAD INADILANTON IKUNUMIHA GUAHAN

GEDA

January 10, 1992

JAN 15 1992

Senator John P. Aguon
Chairman
Committee on Tourism and Transportation
21st Guam Legislature

Hafa Adai Senator Aguon and members of the Committee on Tourism and Transportation. I am Charles P. Crisostomo, Administrator of the Guam Economic Development Authority.

I would like to thank the Committee on Tourism and Transportation for the opportunity to submit testimony on Bill 703, an Act to repeal and re-enact sections 1 and 3 of Public Law 20-163 relative to the Territorial Aquarium Advisory Council and to provide for a comprehensive conceptual analysis for the proposed Territorial Aquarium. My testimony today in support of Bill 703 is presented on behalf of the Governor, Lt. Governor and the Guam Economic Development Authority Board of Directors.

The continued growth of our tourism base along with a concerted effort to diversify our economy is a long standing goal of the Guam Economic Development Authority. GEDA has, since it's inception, participated actively in the Territorial Aquarium Advisory Council and has expended much time and effort in pursuing the realization of a Territorial Aquarium. By keeping a pulse on the tourism industry and promoting activities conducive to choosing Guam as a final destination Guam will be able to continue to enjoy the benefits our tourism industry provides.

This concept is not new. As far back as 1980 the government had a vision of a Territorial Aquarium, one that would blend the excitement of a Sea Life Park with the research and educational ability of the University of Guam Marine Laboratory. With such a project the opportunity to both educate the public and showcase our natural marine life could be achieved. Currently our education system does little, due to a lack of facilities, to educate our youngsters on the beauty and the fragility of our marine environment. An increased awareness and understanding of our ocean neighbors might help to invite preservation and appreciation of ocean resources. We could inform our children of the disastrous ramifications of "cloroxing and dynamiting" our coral reefs and the time necessary for the reef and its associated ecosystem to recover if we had such an educational tool as a Territorial Aquarium.

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GUAM ECONOMIC DEVELOPMENT AUTHORITY

GEDA

ATURIDAD INADILANTON IKUNUMIHA GUAHAN

The benefits to the tourism industry with the ultimate creation of a Territorial Aquarium however are not the only outcome of the passage of this legislation. The additional employment, educational and recreational benefits to our own local residents will be of immeasurable value.

The Territorial Aquarium Advisory Council has requested that a moratorium on all leases, land exchanges, sales, construction permits and any other transfer, disposition or development of Government-owned property within a one-half mile strip from Fadian Point to Tagachang Point. I am in support of this moratorium as a way to positively assure the perserving of this property for the future possible site of the Aquarium. The only other site not identified in the moratorium, yet still in the running for the Aquarium site, is the Old Guam Memorial Hospital Point property. The Old GMH site is currently in the process of a re-development study with the Aquarium as a definite possibility.

I regret that I am unable to attend this Public Hearing on Bill 703 but would like to urge the passage of this bill so that we may finalize plans to build this very worthwhile project.

Thank you.

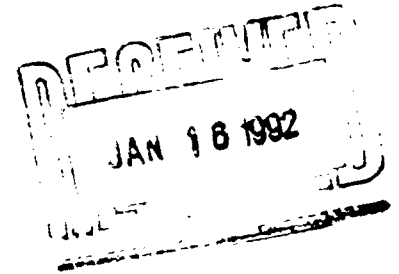
Sincerely,

Charles P. Crisostomo
Administrator



GUAM HOTEL & RESTAURANT ASSOCIATION
148 Apaka Street, Yigo, Guam USA 96929 Tel. (671) 637-2297 Fax (671) 637-2297

January 16, 1992



Honorable John Perez Aguon, Chairman
Committee on Tourism and Transportation
Twenty-first Guam Legislature
155 Hesler Place
Agana, Guam 96910

Dear Senator Aguon:

The Guam Hotel & Restaurant Association Board of Directors has reviewed Bill 703 and expresses its sentiments on this proposed legislation.

The GHRA fully supports the intent of Bill 703 in its refinement of the Territorial Aquarium Advisory Council and authorization of administrative mechanisms needed to make this organization a viable entity with a quantifiable and beneficial product, a Territorial Aquarium.

The Committee on Tourism and Transportation is to be complimented for its foresight adding yet another major attraction which will provide many benefits to our island's residents and visitors. It is indeed rather astonishing to note that Guam is located at the junction of the most magnificent of ocean bodies in the world; i.e., the Pacific, Indian and Philippine Oceans, yet has very few attractions beyond recreational interests which allow people to directly observe, explore, and study this most significant of natural resources.

While GHRA supports the overall intent of Bill 703, we wish to make some suggestions for inclusion in this legislation which may serve to strengthen its implementation in the future.

- ***Include a section in Bill 703 which clearly states the legislature's intent for a Territorial Aquarium.***

The bill's elements in Section 1 implies a strong research interest through "...the Fadian Aquaculture and Training Facility, The UOG Marine Laboratory, the Territorial Aquarium, and potentially a Marine Biotechnology Park...". There is no mention of legislative intent these facilities will be designed to serve commercial interests as well. We suggest

Giba
GUAM

000636



DEPARTMENT OF PARKS AND RECREATION

GOVERNMENT OF GUAM
490 CHALAN PALASYO ROAD
Agana Heights, Guam 96919
Telephone: (671) 477-9620/1



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lt. Governor

ANTHONY C. MARIANO
Director

DENNIS M. ZERMENO
Deputy Director

JAN 22 1992
7:15
3:00 p.m.

JAN 17 1992

The Honorable John P. Aguon
Chairman, Committee on Tourism and
Transportation
Twentieth-First Guam Legislature
155 Hessler Place
Agana, GU 96910

Dear Senator Aguon:

I am testifying on Bill No. 703, an act to repeal and re-enact sections 1 and 2 of Public Law 20-163 relative to the Territorial Aquarium Advisory Council (TAAC), to designate the Council as interim Supervisory Authority for the Territorial Aquarium project, to appropriate two hundred seventy-five thousand dollars (\$275,000) to the Guam Economic Development Authority to fund the project up to the architectural and design stage, to place a temporary moratorium on land transactions and major construction permits in the area from Fadian Point to Tagachang Point and to task TAAC to determine the structure, composition and duties of a permanent Supervisory Aquarium Authority and submit its recommendation to the Legislature.

The TAAC was established under Public Law 20-163 on May 10, 1990. Since that time, the TAAC has progressed to the point of selecting a consultant, the firm of James M. Montgomery, Inc. Thus, the recommendations of the TAAC are contained in Bill No. 703 to fund the feasibility study and the moratorium on government of Guam lands from Fadian Point to Tagachang Point as this area contains the top three choices for the aquarium site.

Therefore, we recommend passage of Bill No. 703.

Sincerely,

ANTHONY C. MARIANO
Director

COMMONWEALTH NOW!

000666

SIGN IN SHEET COMMITTEE ON TOURISM & TRANSPORTATION

BILL 703

AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.

DATE: THURSDAY, JANUARY 16, 1992

NAME	POSITION/ TITLE	DEPARTMENT	TESTIMONY ORAL/WRITTEN	IN FAVOR/ OPPOSED
Charles P.	GL ...	✓	
Peter K. SIKO, JR	Chairman	Guam Chamber of Commerce	✓	Favor
Peter K. SIKO, JR	Resident of Guam		✓	Favor
...	Gen. Mgr.	GU B	✓	Favor
Pamela ...	Planner II	Dept of Commerce	✓	Favor
John C. Salas	Exec. Dir.	Guam Hotel & Rest. Assoc	✓ ✓	Favor
Barbara ...	EXTENSION COORDINATOR	MARINE LABORATORY UOG	✓	Favor
...	✓	Favor
George J. ...	Plant Manager	UOIG	✓	Favor

NOTICE OF PUBLIC HEARING
21ST GUAM LEGISLATURE
Committee on Tourism
and Transportation
SENATOR JOHN PEREZ AGUON

9 AM, Thursday, January 16, 1992, at the
Legislative Public Hearing Room, Pacific
Arcade Building, 155 Hesler Street, Agana
to hear the following:

•TO CONSIDER THE REAPPOINTMENT OF JULIE
LUJAN TORRES TO SERVE AS A MEMBER OF
THE PORT AUTHORITY OF GUAM BOARD OF
DIRECTORS TO EXPIRE ON SEPTEMBER 12,
1994.

•BILL 700- AN ACT TO APPROPRIATE \$32,144
FROM THE TOURIST ATTRACTION FUND TO
THE GUAM VISITORS BUREAU TO AUTHORIZE
RETROACTIVE SALARY ADJUSTMENTS OF
CERTAIN OF ITS EMPLOYEES.

•BILL 703- AN ACT TO REPEAL AND RE-ENACT
SECTIONS 1 AND 2 OF PUBLIC LAW 20-163
RELATIVE TO THE TERRITORIAL AQUARIUM
ADVISORY COUNCIL (TAAC), TO DESIGNATE
THE COUNCIL AS INTERIM SUPERVISORY
AUTHORITY FOR THE TERRITORIAL
AQUARIUM PROJECT, TO APPROPRIATE TWO
HUNDRED SEVENTY FIVE THOUSAND
DOLLARS (\$275,000) TO THE GUAM ECONOMIC
DEVELOPMENT AUTHORITY TO FUND THE
PROJECT UP TO THE ARCHITECTURAL AND
DESIGN STAGE, TO PLACE A TEMPORARY
MORATORIUM ON LAND TRANSACTIONS AND
MAJOR CONSTRUCTION PERMITS IN THE
AREA FROM FADIAN POINT TO TAGACHANG
POINT AND TO TASK TAAC TO DETERMINE
THE STRUCTURE, COMPOSITION AND DUTIES
OF A PERMANENT SUPERVISORY AQUARIUM
AUTHORITY AND SUBMIT ITS
RECOMMENDATION TO THE LEGISLATURE.

The public is invited to express their views.



SENATOR JOHN PEREZ AGUON
VICE SPEAKER
CHAIRMAN, COMMITTEE ON TOURISM & TRANSPORTATION
21ST GUAM LEGISLATURE

155 Hessler Place, Agana, Guam, U.S.A. • 96910 • (671)472-3435/472-3497 • Telefax: (671)477-8358

January 6, 1992

Honorable Joseph F. Ada
Governor of Guam
P. O. Box 2950
Agana, Guam 96910

Dear Governor Ada:

Hafa adai! Please be advised that the Committee on Tourism and Transportation has scheduled a public hearing for 9 a. m. Thursday, January 16, 1992, in the Legislative Public Hearing Room of the Pacific Arcade building, 155 Hessler Place Agana, on the following:

1. BILL 700 AN ACT TO APPROPRIATE \$32,144 FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU TO AUTHORIZE RETROACTIVE SALARY ADJUSTMENTS OF CERTAIN OF ITS EMPLOYEES.
2. BILL 703 AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.
3. TO CONSIDER THE REAPPOINTMENT OF JULIE LUJAN TORRES TO SERVE AS A MEMBER OF THE PORT AUTHORITY OF GUAM BOARD OF DIRECTORS.

I welcome your testimony if you have a statement to make on the above subjects. Please bring copies of any written testimony you might have to the hearing.

Sincerely Yours,


JOHN PEREZ AGUON

Anthony Mariano
Director
Department of Parks & Recreation

Dr. Robert Kenmond
UOG Marine Laboratory

Peter Leon Guerrero
Director, Bureau of Planning

Rufo Lujan
Division of Aquatic & Wildlife Resources
Department of Agriculture

Joey Cepeda
General Manager
Guam Visitors Bureau

Peter P. Ada
Chairman of the Board
Guam Visitors Bureau

Fred Castro
Administrator
Guam Environmental Protection Agency

Manfred Pieper
General Manager
Hilton International Guam

John C. Salas
Executive Director
Guam Hotel & Restaurant Association

Peter Barcinas
Director
Department of Commerce

Charles Crisostomo
Administrator
Guam Economic Development Agency

Anthony Leon Guerrero
Chairman
Guam Economic Development Agency

Peter R. Sgro, Jr.
Chairman
Guam Chamber of Commerce

Eloise Baza
President
Guam Chamber of Commerce

David Tydingco
General Manager
Port Authority of Guam

Phil Flores
Chairman of the Board
Port Authority of Guam

Julie Lujan Torres
Board of Directors
Port Authority of Guam



SENATOR JOHN PEREZ AGUON
VICE SPEAKER
CHAIRMAN, COMMITTEE ON TOURISM & TRANSPORTATION
21ST GUAM LEGISLATURE

155 Hessler Place, Agana, Guam, U.S.A. • 96910 • (671)472-3435/472-3497 • Telefax: (671)477-8358

January 6, 1992

MEMORANDUM

TO: Members, Committee on Tourism & Transportation
FROM: Chairman, Committee on Tourism & Transportation
SUBJECT: Public Hearing

Please be advised that I have scheduled a public hearing for 9 a. m. Thursday, January 16, 1992, in the Legislative Public Hearing Room of the Pacific Arcade building, 155 Hessler Place Agana, on the following:

1. BILL 700 AN ACT TO APPROPRIATE \$32,144 FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU TO AUTHORIZE RETROACTIVE SALARY ADJUSTMENTS OF CERTAIN OF ITS EMPLOYEES.
2. BILL 703 AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.
3. TO CONSIDER THE REAPPOINTMENT OF JULIE LUJAN TORRES TO SERVE AS A MEMBER OF THE PORT AUTHORITY OF GUAM BOARD OF DIRECTORS.

Copies of the bills and Ms. Torres' pertinent biographical data are available upon request.

Your presence and participation at the hearing will be sincerely appreciated.


JOHN PEREZ AGUON

c: All Senators
Media



SENATOR JOHN PEREZ AGUON

VICE SPEAKER

CHAIRMAN, COMMITTEE ON TOURISM & TRANSPORTATION
21ST GUAM LEGISLATURE

155 Hessler Place, Agana, Guam, U.S.A. • 96910 • (671)472-3435/472-3497 • Telefax: (671)477-8358

January 6, 1992

MEMORANDUM

TO: Executive Director
FROM: Chairman, Committee on Tourism & Tourism
SUBJECT: Public Hearing

Please be advised that I have scheduled a public hearing for 9 a. m. Thursday, January 16, 1992, in the Legislative Public Hearing Room of the Pacific Arcade building, 155 Hessler Place Agana, on the following:

1. BILL 700 AN ACT TO APPROPRIATE \$32,144 FROM THE TOURIST ATTRACTION FUND TO THE GUAM VISITORS BUREAU TO AUTHORIZE RETROACTIVE SALARY ADJUSTMENTS OF CERTAIN OF ITS EMPLOYEES.
2. BILL 703 AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.
3. TO CONSIDER THE REAPPOINTMENT OF JULIE LUJAN TORRES TO SERVE AS A MEMBER OF THE PORT AUTHORITY OF GUAM BOARD OF DIRECTORS.

Please make all appropriate arrangements with the sound technician, maintenance, security and protocol.

A handwritten signature in black ink, appearing to read 'John Perez Aguon'.

JOHN PEREZ AGUON

c: Sound Technician
Maintenance
Security
Protocol



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

January 7, 1992

MEMORANDUM

TO: Chairperson, Committee on Tourism
and Transportation

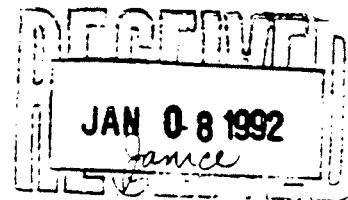
FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill Nos. 700 & 703

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

HERMINIA D. DIERKING

Enclosures



SEVENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No.: 703

Introduced By:

J. P. AGUON
C. T. C. GUTIERREZ
D. L. G. SHIMIZU

AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that the
3 Territorial Aquarium Advisory Council ("TAAC") has completed its task as
4 mandated by Public Law 20-163 and has recommended legislative approval
5 of the feasibility study proposal and fee schedule of Two Hundred Seventy
6 Five Thousand Dollars (\$275,000) submitted by James M. Montgomery
7 Consultant Engineers, Inc. ("JMM") to bring the proposed Territorial
8 Aquarium project up to the architectural and engineering design stage.

9 The Legislature further finds that the area from Fadian Point to
10 Tagachang Point contains the top three choices for the aquarium site and is in
11 line with the current master planning process of keeping activities such as the

1 Fadian Aquaculture and Training Facility, the UOG Marine Laboratory, the
2 Territorial Aquarium and potentially a Marine Biotechnology Park along the
3 same stretch of coastline.

4 The Legislature recognizes that, absent an appropriate oversight
5 authority, and in order to expedite completion of the feasibility study, there is
6 a need to authorize an interim supervisory body to oversee the consultant
7 contracts and progress of the project.

8 It is therefore the intent of the Legislature to approve the selection and
9 funds necessary for JMM to conduct the site selection and feasibility study for
10 the Territorial Aquarium, to create an interim body to oversee the project and
11 to place a temporary moratorium on land which may be utilized for the
12 Territorial Aquarium.

13 **Section 2. Sections 1 and 2 of Public Law 20-163 are repealed and re-**
14 **enacted to read:**

15 "There is hereby created within the Guam Economic
16 Development Authority ('GEDA') the Territorial Aquarium Advisory
17 Council ('TAAC'), which shall be the Interim Supervisory Authority to
18 oversee the consultant contracts and progress of the feasibility study
19 and site selection of the Territorial Aquarium project. The
20 Administrator of GEDA shall chair TAAC which shall be comprised of
21 the chief executive officers, or their representatives, of the Guam
22 Chamber of Commerce and the following government agencies:

- 23 (a) Guam Visitors Bureau;
24 (b) Department of Parks and Recreation;
25 (c) Department of Commerce;
26 (d) University of Guam Marine Laboratory;
27 (e) Bureau of Planning;
28 (f) Guam Environmental Protection Agency;

1 (g) Division of Aquatic & Wildlife Resources, Department of
2 Agriculture; and

3 (h) Guam Mayors Council.”

4 **Section 3. Recommendation.** TAAC shall recommend to the Legislature
5 the structure, composition, eligibility criteria and duties of a permanent
6 supervisory authority no later than sixty (60) days after the completion of the
7 JMM feasibility study and site selection.

8 **Section 4. Appropriation.** Two Hundred Seventy Five Thousand
9 Dollars (\$275,000) are hereby appropriated from the Tourist Attraction Fund
10 to GEDA to fund the feasibility study of the Territorial Aquarium project as
11 proposed by James M. Montgomery Consultant Engineers, Inc., (“JMM”),
12 and recommended by TAAC, which recommendation is hereby accepted,
13 contingent upon the following conditions:

14 (a) that GEDA maintain the funds separate and apart from all other
15 GEDA accounts;

16 (b) that the funds shall be disbursed only upon approval by TAAC; and

17 (c) upon the creation of a superceding authority, GEDA shall transfer to
18 such authority all accounts, records and materials pertaining to the
19 Territorial Aquarium.

20 **Section 5. Transfer of Funds.** Funds appropriated in Section 4 of Public
21 Law 20-163 shall be transferred to the GEDA account established in Section 4
22 (a) of this act and continue to be available to TAAC.

23 **Section 6. Moratorium.** Upon the effective date of this Act, a temporary
24 moratorium (“Moratorium”) shall be placed upon the issuance of all leases,
25 land exchanges, sales, construction permits and any other transfer,
26 disposition or development of Government-owned property within a one-
27 half mile wide strip from Fadian Point to Tagachang Point.

28 **Section 7. Lifting of Moratorium.** Upon selection and approval by the

1 Legislature of t. Final site for the Territorial Aquarium, the Moratorium
2 shall be lifted except that the Moratorium shall remain in effect on land
3 specified for the Territorial Aquarium project for any activities not directly
4 connected to the Territorial Aquarium project.

January 15, 1992

PROPOSED GUAM TERRITORIAL AQUARIUM


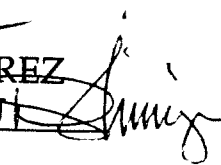
CHRONOLOGY

1. MAY 1, 1990 _ 20TH GUAM LEGISLATURE PASSED BILL 999 – AN ACT TO ESTABLISH AN ADVISORY COUNCIL TO STUDY THE ESTABLISHMENT OF A TERRITORIAL AQUARIUM AND TO APPROPRIATE FIFTY THOUSAND DOLLARS THERETO.
2. MAY 10, 1990 _ BILL 999 ENACTED INTO PUBLIC LAW 20-163 CREATING THE TERRITORIAL ADVISORY COUNCIL (TAAC) TO INVESTIGATE THE "VARIOUS WAYS AND MEANS NECESSARY TO CREATE A FACILITY THAT WILL SERVE AS A TOURIST ATTRACTION, TEACHING TOOL, RESEARCH FACILITY AND INFORMATION, ENTERTAINMENT AND CULTURAL PRESERVATION SITE."
3. OCTOBER 31, 1990 _ TAAC REPORTED ITS FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE IN THE FORM OF A REPORT AND DRAFT REQUEST FOR PROPOSALS. RFPs WERE ISSUED ON APRIL 4, 1991, AND SIX RESPONSES WERE RECEIVED BY THE DEADLINE, MAY 15, 1991. OF THOSE, JMM CONSULTING ENGINEERS, INC. WAS SELECTED AS THE BEST.
4. NOVEMBER 22, 1991 _ TAAC TRANSMITTED TO THE SPEAKER A COPY OF THE CONSULTING ENGINEER'S PROPOSAL FOR A FEASIBILITY STUDY OF THE PROPOSED TERRITORIAL AQUARIUM AND THE FEE SCHEDULE FOR \$275,000 TO BRING THE PROJECT UP TO THE ARCHITECTURAL AND ENGINEERING DESIGN STAGE AND RECOMMENDED THAT THE PROPOSAL BE ACCEPTED AS PRESENTED AND FUNDED IN FULL.
5. JANUARY 7, 1992 _ BILL 703, ONE OF THE BILLS WE ARE HEARING TODAY, WAS INTRODUCED.

JAN 07 '92

Bill No.: 703 (LS)

Introduced By:

 J. P. AGUON
C. T. C. GUTIERREZ
D. L. G. SHIMIZU 

AN ACT TO REPEAL AND RE-ENACT SECTIONS 1 AND 2 OF PUBLIC LAW 20-163 RELATIVE TO THE TERRITORIAL AQUARIUM ADVISORY COUNCIL (TAAC), TO DESIGNATE THE COUNCIL AS INTERIM SUPERVISORY AUTHORITY FOR THE TERRITORIAL AQUARIUM PROJECT, TO APPROPRIATE TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) TO THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO FUND THE PROJECT UP TO THE ARCHITECTURAL AND DESIGN STAGE, TO PLACE A TEMPORARY MORATORIUM ON LAND TRANSACTIONS AND MAJOR CONSTRUCTION PERMITS IN THE AREA FROM FADIAN POINT TO TAGACHANG POINT AND TO TASK TAAC TO DETERMINE THE STRUCTURE, COMPOSITION AND DUTIES OF A PERMANENT SUPERVISORY AQUARIUM AUTHORITY AND SUBMIT ITS RECOMMENDATION TO THE LEGISLATURE.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that the
3 Territorial Aquarium Advisory Council ("TAAC") has completed its task as
4 mandated by Public Law 20-163 and has recommended legislative approval
5 of the feasibility study proposal and fee schedule of Two Hundred Seventy
6 Five Thousand Dollars (\$275,000) submitted by James M. Montgomery
7 Consultant Engineers, Inc. ("JMM") to bring the proposed Territorial
8 Aquarium project up to the architectural and engineering design stage.

9 The Legislature further finds that the area from Fadian Point to
10 Tagachang Point contains the top three choices for the aquarium site and is in
11 line with the current master planning process of keeping activities such as the

1 Fadian Aquaculture and Training Facility, the UOG Marine Laboratory, the
2 Territorial Aquarium and potentially a Marine Biotechnology Park along the
3 same stretch of coastline.

4 The Legislature recognizes that, absent an appropriate oversight
5 authority, and in order to expedite completion of the feasibility study, there is
6 a need to authorize an interim supervisory body to oversee the consultant
7 contracts and progress of the project.

8 It is therefore the intent of the Legislature to approve the selection and
9 funds necessary for JMM to conduct the site selection and feasibility study for
10 the Territorial Aquarium, to create an interim body to oversee the project and
11 to place a temporary moratorium on land which may be utilized for the
12 Territorial Aquarium.

13 **Section 2. Sections 1 and 2 of Public Law 20-163 are repealed and re-**
14 **enacted to read:**

15 "There is hereby created within the Guam Economic
16 Development Authority ('GEDA') the Territorial Aquarium Advisory
17 Council ('TAAC'), which shall be the Interim Supervisory Authority to
18 oversee the consultant contracts and progress of the feasibility study
19 and site selection of the Territorial Aquarium project. The
20 Administrator of GEDA shall chair TAAC which shall be comprised of
21 the chief executive officers, or their representatives, of the Guam
22 Chamber of Commerce and the following government agencies:

- 23 (a) Guam Visitors Bureau;
- 24 (b) Department of Parks and Recreation;
- 25 (c) Department of Commerce;
- 26 (d) University of Guam Marine Laboratory;
- 27 (e) Bureau of Planning;
- 28 (f) Guam Environmental Protection Agency;

1 (g) Division of Aquatic & Wildlife Resources, Department of
2 Agriculture; and

3 (h) Guam Mayors Council.”

4 **Section 3. Recommendation.** TAAC shall recommend to the Legislature
5 the structure, composition, eligibility criteria and duties of a permanent
6 supervisory authority no later than sixty (60) days after the completion of the
7 JMM feasibility study and site selection.

8 **Section 4. Appropriation.** Two Hundred Seventy Five Thousand
9 Dollars (\$275,000) are hereby appropriated from the Tourist Attraction Fund
10 to GEDA to fund the feasibility study of the Territorial Aquarium project as
11 proposed by James M. Montgomery Consultant Engineers, Inc., (“JMM”),
12 and recommended by TAAC, which recommendation is hereby accepted,
13 contingent upon the following conditions:

14 (a) that GEDA maintain the funds separate and apart from all other
15 GEDA accounts;

16 (b) that the funds shall be disbursed only upon approval by TAAC; and

17 (c) upon the creation of a superceding authority, GEDA shall transfer to
18 such authority all accounts, records and materials pertaining to the
19 Territorial Aquarium.

20 **Section 5. Transfer of Funds.** Funds appropriated in Section 4 of Public
21 Law 20–163 shall be transferred to the GEDA account established in Section 4
22 (a) of this act and continue to be available to TAAC.

23 **Section 6. Moratorium.** Upon the effective date of this Act, a temporary
24 moratorium (“Moratorium”) shall be placed upon the issuance of all leases,
25 land exchanges, sales, construction permits and any other transfer,
26 disposition or development of Government-owned property within a one-
27 half mile wide strip from Fadian Point to Tagachang Point.

28 **Section 7. Lifting of Moratorium.** Upon selection and approval by the

1 Legislature of the final site for the Territorial Aquarium, the Moratorium
2 shall be lifted except that the Moratorium shall remain in effect on land
3 specified for the Territorial Aquarium project for any activities not directly
4 connected to the Territorial Aquarium project.