

## REGISLATIVE GEORGEORY

OFFICE OF THE SPEAKER

Date: 2/

Received By: 22

Print Name:

MAY 01 1996

The Honorable Speaker Twenty-Third Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Agana, Guam 96910

Dear Speaker:

Enclosed please find a copy of Bill No. 572 (LS), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN" which I have signed into law today as Public Law 23-89.

This bill puts into effect the rules relative to operation of water skis and other recreational water craft on the eastern side of Guam.

Very truly yours,

Carl T. C. Gutierrez Governor of Guam

Attachment 231105

OFFICE OF THE LEGISLATIVE SECRETARY
ACMICYCLED MAEGT ~LCEIPT
Received (; )
Time 4.57
Date 5/1/96

## TWENTY-THIRD GUAM LEGISLATURE 1996 (SECOND) Regular Session

#### CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 572 (LS), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN," was on the 19th day of April, 1996, duly and regularly passed.

TED S. ŃELSON **Acting Speaker** Attested: JUDITH WON PAT-BORJA Senator and Legislative Secretary This Act was received by the Governor this day of April 1996, at 6.00 o'clock P.M. Governor's Office APPROVED: CARL T. C. GUTIERREZ Governor of Guam

Public Law No. \_\_\_\_ 23-89

## TWENTY-THIRD GUAM LEGISLATURE 1996 (SECOND) Regular Session

Bill No. 572 (LS)

Introduced by:

By request of the Governor in accordance with the Organic Act of Guam.

T. S. Nelson

T. C. Ada

J. P. Aguon

E. Barrett-Anderson

A. C. Blaz

J. S. Brown

F. P. Camacho

M. C. Charfauros

H. A. Cristobal

M. Forbes

A. C. Lamorena V

C. Leon Guerrero

L. Leon Guerrero

S. L. Orsini

V. C. Pangelinan

D. Parkinson

J. T. San Agustin

A. L. G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN.

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

Section 1. (a) Authority for Department of Parks and Recreation to promulgate rules and regulations for the operation of motorized water recreational craft usage. Subsection (f) of Section 26017 of the Government Code authorizes the Department of Parks and Recreation to promulgate rules and regulations providing for formulating a comprehensive plan and policy for the operation of motorized water recreational craft.

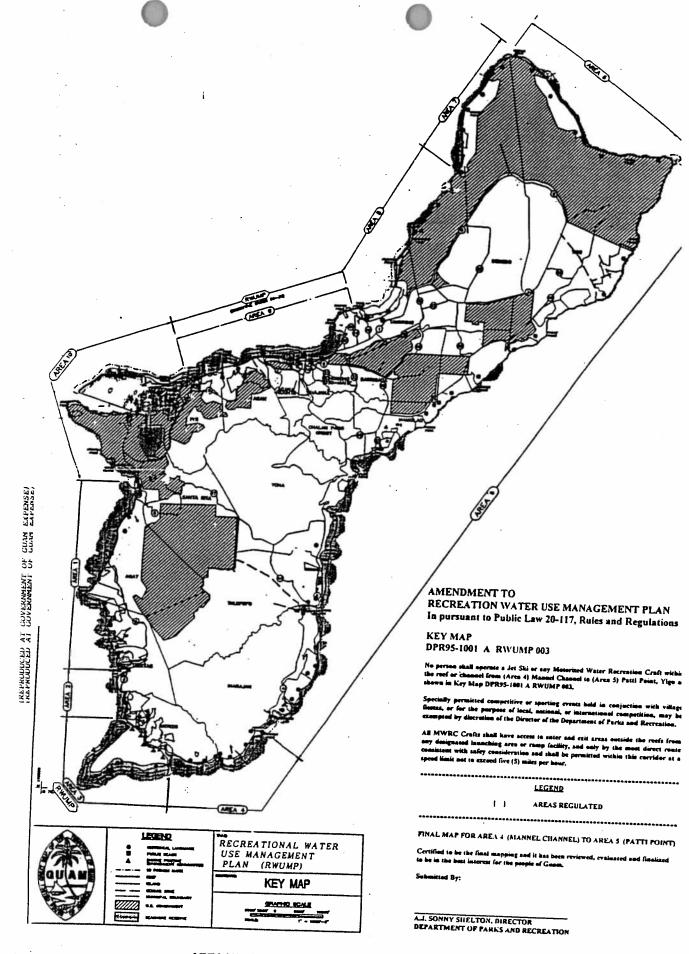
- (b) Submission of rules and regulations in bill form. Public Law 22-96 requires that rules and regulations proposed by a government agency, after submission to the Governor, be transmitted to the Legislature in bill form for the convenience of the Legislature. After the passage of Forty-five (45) calendar days plus Seven (7) legislative days, the rules and regulations are approved.
- (c) Approval of amendment to rules and regulations provided by the Department of Parks and Recreation for Recreational Water Usage Management Plan. The following amendment to rules and regulations for Department of Parks and Recreation is approved:

"Operation of jet ski or motorized water recreational craft within the reef or channel. No person shall operate a Jet Ski or any Motorized Water Recreational Craft within the reef or channel from (Area 4) Mannel Channel to (Area 5) Pati Point, Yigo as shown in Key Map DPR95-1001 A RWUMP 003.

Specially permitted competitive or sporting events held in conjunction with village fiestas, or for the purpose of local, national, or international competition, may be exempted by discretion of the Director of the Department of Parks and Recreation.

All MWRC Crafts shall have access to enter and exit areas outside the reefs from any designated launching area or ramp facility, and only by the

- 1 most direct route consistent with safety consideration and shall be permitted
- 2 within this corridor at a speed limit not to exceed Five (5) miles per hour.
- 3 A key map is attached."



### 1995 (FIRST) Regular Session

Date:	4/19/96

## **VOTING SHEET**

Bill No	
Resolution No.	
Question:	

NAME	YEAS	NAYS	NOT <u>VOTING/</u> <u>ABSTAINED</u>	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	<b>-</b>			
AGUON, John P.	/			
BARRETT-ANDERSON, Elizabeth	~			
BLAZ, Anthony C.	<i>ن</i>			
BROWN, Joanne S.	~			
CAMACHO, Felix P.	<u></u>			
CHARFAUROS, Mark C	W			
CRISTOBAL, Hope A.	V			
FORBES,~MARK	W			
LAMORENA, Alberto C., V	<u></u>			,
LEON GUERRERO, Carlotta	lu"			
LEON GUERRERO, Lou	<b></b>			
NELSON, Ted S.	·			
ORSINI, Sonny L.	<b></b>			
PANGELINAN, Vicente C	<b></b>			
PARKINSON, Don	V			
SAN AGUSTIN, Joe T.	~			
SANTOS, Angel L. G.	<i></i>			
SANTOS, Francis E.	<b></b>			
UNPINGCO, Antonio R.			•	
WONPAT-BORJA, Judith		and the		

OAN AGOSTIN, JUE 1.			<b>H</b>	l <del>l</del>	
SANTOS, Angel L. G.	W				
SANTOS, Francis E.	-				
UNPINGCO, Antonio R.					
WONPAT-BORJA, Judith			-		_
TOTAL	21	_0		0	
CERTIFIED TRUE AND CORRECT:					
Recording Secretary					





## Senator Vicente C. Pangelinan

Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation 130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

15 April 1996

Speaker Don Parkinson Twenty-Third Gram Legislature 155 Hesler St. Agana, Guam 96910

Dear Speaker Parkinson,

The Committee on Youth, Labor, & Parks and Recreation, to which was referred Bill 572 "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan" wishes to submit its report to the Legislature with its recommendation TO DO PASS. The voting record is as follows:

TO PATT	10
NOT TO BUS	0 ~
ABSTAIN	
TO PLACE IN INACTIVE PILE	0-

Copies of the Committee Report and other pertinent documents are attached. Your er is appreciated. attention to !

Sincerely,

vicente c. pangelinan Chairman

Attachments.

#### Office of



#### Senator Vicente C. Pangelinan Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

12 April 1996

#### **MEMORANDUM**

TO:

Members

Committee on Youth, Labor & Parks and Recreation

FROM:

Sen. Vicente C. Pangelinan

SUBJECT:

Committee Report and Voting Sheet

Transmitted herewith for your information and action is the Committee Report on Bill 572 "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan" as submitted by the Committee.

The narrative report is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Written Testimony
- 3. Evidentiary Materials

Should you have any questions on the narrative report or the accompanying documents, I would be happy to answer any of them. Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members. Your prompt attention and cooperation in this matter is greatly appreciated.

vicente c. pangelinan Chairman

Attachments



## Senator Vicente C. Pangelinan

Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation 130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

#### **COMMITTEE VOTING SHEET**

SUBJECT: Committee Report on Bill 572 "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan.

Committee Members	Initial	To Pass	Not to Pass	Abstain	To Place In Inactive File
V.C. Pangelinan					
J. Won Pat-Borja					
T.C. Ada	2				
H. Cristobal	Ale	<u> </u>		alandonomia didini maka maka alandi alandi.	Makin salah Makin salah salah salah salah
E. Barrett-Anderson	EBO		****		
J. Brown	<u> </u>	V	<del></del>		
M. Charfauros	M		AND THE PARTY AN		
C. Leon Guerrero	Cfq	V			<del></del>
L. Leon Guerrero	LPs.	1		<del></del>	
T.S. Nelson					
A. Santos	901				

## COMMITTEE ON YOUTH, LABOR, PARKS & RECREATION COMMITTEE REPORT

on

#### Bill 572

"An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan (RWUMP)"

#### I. OVERVIEW

The Committee on Youth, Labor, Parks & Recreation having jurisdiction over matters relating to the Department of Parks and Recreation conducted a Public Hearing on Bill 572 An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan (RWUMP) on Wednesday, April 3, 1996 in the Public Hearing, Temporary Legislative Building in Agana. Notice was published in the Pacific Daily News. Chairman vicente c. pangelinan presided and the following members were in attendance: Senators Hope Cristobal, Tom Ada, Lou Leon Guerrero, Judith Won Pat-Borja, Mark Charfauros, Joanne Brown, and Ted Nelson.

#### II. SUMMARY OF TESTIMONY

#### A. Written Testimony

No written testimony received.

#### **B.** Oral Testimony

Chairman Pangelinan opened the Public Hearing for oral testimony. Director of the Department of Parks and Recreation, Mr. Sonny Shelton began testimony in support of Bill 572. He indicated that amendments to the RWUMP were a result of various village hearings and the input derived from the community on how best to handle the eastern sea board of the island. He added that areas 4

and 5 of the plan, stretching from the Mannel Channel in Merizo to Padi Point, comprise the eastern sea board and are the focal points of the bill.

Mr. Shelton further stated that the basic amendment to the Bill prohibits the operation of personal water crafts or jet skis in the area with the exception of specially permitted events neld in conjunction with fiestas or local, national or international competition. He cited the recent passage of law prohibiting the use of jet skis in the Pago Bay coupled with this present legislation would in actuality, encompass the entire eastern sea board and prohibit all types of jet ski activities, whether it be commercial or private.

Chairman Pangelinan questioned the clarity on the entity responsible for the placement of anchors or buoys for water craft operations as indicated in the Rules and Regulations of the plan. According to Mr. Shelton, commercial operators in general water areas see the need for buoys to delineate their course resulting in the actual anchoring being the responsibilities of GPD, DPR or the Army Corp of Engineers. However, Bili 572 is specifically for operations in the eastern portion of the island. The placement of markers would not be applicable. Mr. Shelton also added that the bill supports the efforts of the Division of Fish and Wildlife in addressing the natural resources of the Territory.

Sen. Mark Charfauros inquired as to extending the prohibition throughout the island except for the areas where the RWUMP has been established. He indicated that the western sea board area is especially problematic. Unrestricted operations on western side poses potential problems for the area's many fishermen, divers, other individuals using the water and poses dangers to marine life in the area. Mr. Shelton responded that while there is a diminishing number of areas for the operation of personal water crafts, the number of sales have increased. He added that by year's end, the plan for the western sea board will be completed. Mr. Shelton also mentioned that there is a the lack of safety training requirements for first time buyers of water crafts and posed the possibility of implementing a requirement to mimic that of the requirements of a drivers license.

Sen. Hope Cristobal brought forth questions regarding the lack of safety requirements in the management plan. In response, Mr. Shelton indicated that devices such as buoys require the approval of the Army Corp of Engineers. He further added that DPR has exerted a large effort towards safety. Hazardous surf signs, water current signs have been place throughout out public beaches, in addition to the publishing of a water safety calendar and stressed that safety is of extreme importance to the department.

Mr. Roy Brown also testified and stated problems occurring in the Apra Harbor area. The absence and lack of enforcement by police officers and park rangers have led to numerous accidents in the area. According to Mr. Shelton, budgetary constraints as well as the unclear authority of park rangers need clarification. In the Apra Harbor area, he stated for the Committee that the territorial boating safety law applies therefore, the responsibility falls under the jurisdiction of GPD.

Mr. Shelton concluded his testimony indicating his support for the passage of Bill 572 and stated that additional funding sources for personnel to ensure the safety of individuals using Guam's water area would be investigated.

#### III. FINDINGS & RECOMMENDATIONS

The Committee on Youth, Labor, Parks and Recreation having heard public testimony regarding Bill 572 "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan" wishes to submit the Committee Report. With the recommendations voiced during the public hearing largely concentrating on the completion of the management plan for western sea board of the island, and the findings indicating the amendment to the rules and regulations of the Recreational Water Use Management Plan would in effect largely promote safety and the preservation of the natural water resources, the Committee further recommends **TO DO PASS** Bill 572.

## **COMMITTEE ON RULES**



Twenty-Third Guam Legislature 155 Hesler St., Agana, Guam 96910



March 25, 1996

#### **MEMORANDUM**

TO:

Chairman,

Committee on Youth, Labor & Parks and

Recreation

FROM:

Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 572

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

SONNY LUJAN ORSINI

Attachment:

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11

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#### TWENTY-THIRD GUAM LEGISLATURE 1996 (SECOND) Regular Session

Bill No. <u>572</u>

Introduced by:

by request of the Governor in accordance with the Organic

Act of Guam.

AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN.

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

2 (a) Authority for Department of Parks and Recreation to promulgate rules and regulations for the 3

4 operation of motorized water recreational craft

Subsection (f) of Section 26017 of the Government Code authorizes the 5

Department of Parks and Recreation to promulgate rules or regulations

providing for formulating a comprehensive plan and policy for the

8 operation of motorized water recreational craft.

9 (b) Submission of rules and regulations in bill form.

Public Law 22-96 requires that rules and regulations proposed by a

government agency, after submission to the Governor, be transmitted to

the Legislature in bill form for the convenience of the Legislature. After 12

the passage of Forty-five (45) calendar days plus Seven (7) legislative 13

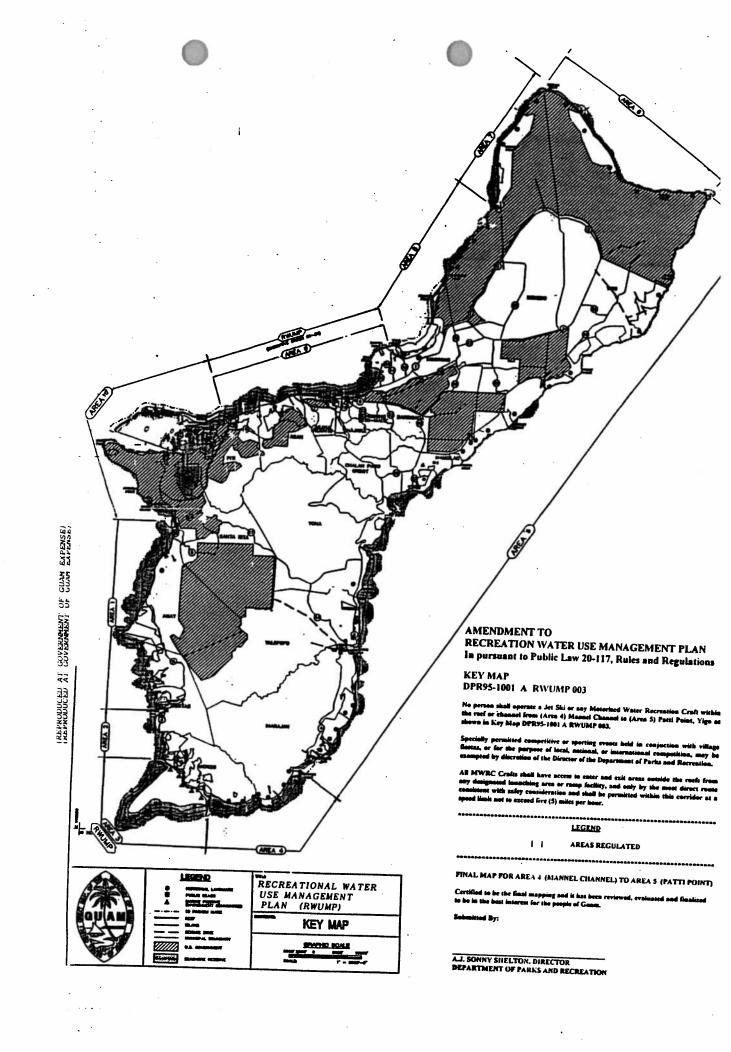
days, the rules and regulations are approved.

15 (c) Approval of amendment to rules and regulations

by the Department of Parks and Recreation for 16 provided

17 Recreational Water Usage Management Plan. The following

- 1 amendment to rules and regulations for Department of Parks and
- 2 Recreation are approved:
- 3 "Operation of jet ski or motorized water recreational craft
- 4 within the reef or channel. No person shall operate a Jet Ski or
- 5 any Motorized Water Recreational Craft within the reef or channel from
- 6 (Area 4) Mannel Channel to (Area 5) Patti Point, Yigo as shown in Key
- 7 Map DPR95-1001 A RWUMP 003.
- 8 Specially permitted competitive or sporting events held in
- 9 conjunction with village fiestas, or for the purpose of local, national, or
- 10 international competition, may be exempted by discretion of the
- 11 Director of the Department of Parks and Recreation.
- All MWRC Crafts shall have access to enter and exit areas outside
- 13 the reefs from any designated launching area or ramp facility, and only
- 14 by the most direct route consistent with safety consideration and shall
- 15 be permitted within this corridor at a speed limit not to exceed Five (5)
- 16 miles per hour.
- 17 A key map is attached."





#### BURE OF BUDGET & MANAGEMENT I EARCH OFFICE OF THE GOVERNOR, Post Office 80x 2950, Againa, Guarn 96910

CARL T.C. GUTIERREZ GOVERNOR

MADELEINE Z. BORDALLO

APR 08 1996

JOSEPH E. RIVERA DIRECTOR

FRANCES J. BALAJADIA DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 572 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill No. 572 is an act to amend the rules and regulations promulgated under the Recreational Water Usage Management Plan for the Department of Parks and Recreation relative to the operation of a jet ski or motorized water recreational craft within the reef or channel from Mannel Channel to Patti Point, Yigo.

intent of the proposed legislation is administrative in nature will not impact on the General Fund.

OSEPH E. RIVERA

Acting





#### **WITNESS SIGN-UP SHEET**

for

Bill No. 572 "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan."

#### 3 April 1996

NAME	SIGNATURE	AGENCY	FOR/AGAINST	WRITTEN Testimony	ORAL Testimony
SONNY SHELTON		DPR			Y

# Sunday Brunch at

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#### otice of Public Hearing

Committee on Youth, Labor & Parks and Recreation

9 am, Wednesday, Apr. 3, 1996 Public Hearing Room

Guam Legislature Temporary Building 155 Hessler Street, Agana, GU

#### **AGENDA**

Bill No. 370 An act to repeal subsection (e) of §44017.1, to amend §44018 and §44019, and to add new §44019.1 and §44019.2 to Title XL of the Government Code relative to the Collection and allocation of the Manpower Development Fund.

Bill No. 502 An act to add a new Chapter 58 to 18 GCA to safeguard the individual's right to work in the Territory of Guam.

Bill No. 572 An act to amend rules and regulations for the Dept. of Parks and Recreation relative to the Recreational Water Use Management Plan (RWUMP).

hairman? Sen, ben c. pangelinan invites the Public to attende "MANMA KOMBIBADA Y PUPBLEKO"

#### YOUR COMPLETE ON

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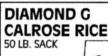


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THIGHS 30 LB. CS.

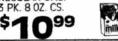




PHOENIX BRAND THAI JASMINE RICE

50 LB. SACK

REAL FRESH MILK







CHORIZOS









**NESTEA** 



U.S. MONFORT SHORT RIBS

U.S. PORK CHOP FAMILY BAG











U.S. MONFORT BEEF POT ROAST

BEST FOODS MAYONNAISE

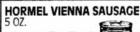
FAMILY BAG



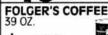
















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## BUREA OF BUDGET & MANAGEMENT SEARCH

OFFICE OF THE GOVERNOR, Post Office Box 2950, Agana, Guam 96910

CARL T.C. GUTIERREZ GOVERNOR

MADELEINE Z. BORDALLO IT.GOVERNOR APR 08 1996

JOSEPH E. RIVERA DIRECTOR

FRANCES J. BALAJADIA
DEPUTY DIRECTOR

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The intent of the proposed legislation is administrative in nature and will not impact on the General Fund.

OOSEPH E. RIVERA Acting







APR 1 5 1996

## TWENTY-THIRD GUAM LEGISLATURE 1996 (SECOND) Regular Session

Bill No. 572(L,S)

Introduced by:

4

by request of the Governor in accordance with the Organic Act of Guam.

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