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**MINA' BENTE NUEBI NA LIHESLATURAN GUAHAN
2008 (SECOND) Regular Session**

Bill No. 398 (ec)

Introduced by:

J. V. Espaldon 

**AN ACT TO ADOPT THE JOSE D. LEON GUERRERO
COMMERCIAL PORT OF GUAM MASTER PLAN
UPDATE 2007 REPORT AND TO AMEND SECTION
10105 OF CHAPTER 10, TITLE 12, GUAM CODE
ANNOTATED, RELATIVE TO THE JOSE D. LEON
GUERRERO COMMERCIAL PORT'S AUTHORITY TO
LEASE REAL PROPERTY UP TO TWENTY (20) YEAR.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Port Authority of Guam's Master Plan was last updated and
4 approved in 1999. Though the Master Plan has provided the Port with the
5 guidance on the development of its properties, *I Liheslaturan Guåhan* finds
6 that the master plan should be updated to meet the growth of our economy
7 and the impact of the proposed relocation of the U. S. Marine Corps troops
8 from Okinawa to Guam.

9 After conducting two (2) public hearings on the update of the Master
10 Plan, the Port Authority of Guam Board of Directors approved the Master
11 Plan Update 2007 Report on May 8, 2008. In accordance with Title 5,
12 Guam Code Annotated, Article 2, Section 1205, a public hearing was held
13 on September 4, 2008 by the Bureau of Statistics and Plans whereby the
14 public was given the opportunity to submit written and oral testimonies on
15 the Master Plan Update 2007 Report. On September 18, 2008, Bureau of
16 Statistics and Plans recommended to the *I Maga'lahaen Guåhan* to transmit

1 the Jose D. Leon Guerrero Commercial Master Plan Update 2007 Report to
2 the *I Mina'Bente Nuebi Na Liheslaturan Guåhan* for the final approval and
3 adoption as an official element in Guam's Comprehensive Development
4 Plan.

5 *I Liheslaturan Guåhan* finds investment by the private sector is a
6 necessary component to the improvement and development of the facilities
7 at the Jose D. Leon Guerrero Commercial Port of Guam and that such
8 investment is often hampered by the Port's inability to independently
9 negotiate or enter into leases or other land use arrangements for periods
10 beyond five (5) years. This limitation discourages long-term commitments
11 to invest in the Port's development of its property and structures. Providing
12 the Port with the ability to negotiate and enter into leases of longer terms
13 will benefit the Port, and in turn, the entire island.

14 *I Liheslaturan Guåhan* therefore intends to approve the Jose D. Leon
15 Guerrero Commercial Port Master Plan Update 2007 Report and grant the
16 Port the ability to enter into long term commitments for the use and
17 development of Port properties.

Section 2. Master Plan Adoption. The Jose D. Leon Guerrero
Commercial Port Master Plan Update 2007 Report is approved and adopted
by *I Liheslaturan Guåhan*.

18 **Section 3. Amendment of Section 10105(i) of Chapter 10 of Title**
19 **12 of the Guam Code Annotated.** Section 10105(i) of Chapter 10, Title
20 12 of Guam Code Annotated is hereby amended to read:

21 (i) Notwithstanding any other provision of law, make, negotiate,
22 and enter into a commercial lease, or issue a permit or license for the
23 use of its real property and other related facilities for a term not to
24 exceed twenty (20) years.

1 **Section 4. Severability.** If any provision of this law or its
2 application to any person or circumstance is found to be invalid or contrary
3 to law, such invalidity shall not affect other provisions or applications of this
4 law which can be given effect without the invalid provisions or application,
5 and to this end the provisions of this law are severable.