

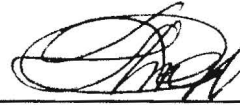
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I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

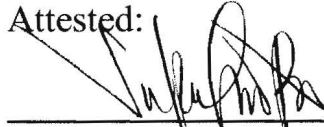
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 398(EC)**, "AN ACT TO **CONDITIONALLY APPROVE THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM MASTER PLAN UPDATE 2007 REPORT**," was on the 13th day of December, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 15 day of Dec., 2008, at 11:25 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 398 (EC)

As amended in the
Committee of the Whole
and further amended.

Introduced by:

James V. Espaldon
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J. F. Cruz
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D

**AN ACT TO *CONDITIONALLY APPROVE* THE JOSE D. LEON
GUERRERO COMMERCIAL PORT OF GUAM MASTER
PLAN UPDATE 2007 REPORT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Jose D. Leon Guerrero Commercial Port of Guam's Master Plan was last
4 updated and approved in 1999. Though the Master Plan has provided the Port with
5 the guidance on the development of its properties, *I Liheslaturan Guåhan* finds that
6 the Master Plan should be updated to meet the growth of our economy and the

1 impact of the proposed relocation of the U. S. Marine Corps troops from Okinawa
2 to Guam.

3 After conducting two (2) public hearings on the update of the Master Plan,
4 the Jose D. Leon Guerrero Commercial Port of Guam Board of Directors approved
5 the Master Plan Update 2007 Report on May 8, 2008. In accordance with Title 5,
6 Guam Code Annotated, Article 2, §1205, a public hearing was held on September
7 4, 2008 by the Bureau of Statistics and Plans, whereby the public was given the
8 opportunity to submit written and oral testimonies on the Master Plan Update 2007
9 Report. On September 18, 2008, the Bureau of Statistics and Plans recommended
10 to *I Maga'lahren Guåhan* to transmit the Jose D. Leon Guerrero Commercial Port
11 of Guam Master Plan Update 2007 Report to *I Mina'Bente Nuebi Na Liheslaturan*
12 *Guåhan* for the final approval and adoption as an official element in Guam's
13 Comprehensive Development Plan.

14 *I Liheslaturan Guåhan* finds that insufficient funds currently exist to
15 implement the Port's Master Plan. The Port has stated it will pursue the financing
16 required to implement this Plan, and will submit a revised Economic Impact Study,
17 a revised Financial Feasibility Study, and an Implementation Plan before any
18 commitment is made by the Port to bind it *or* the government of Guam to the
19 improvement outlined. *I Liheslaturan Guåhan* finds that investment by the private
20 sector is a necessary component to the improvement and development of the
21 facilities at the Jose D. Leon Guerrero Commercial Port of Guam and that such
22 investment is facilitated by leases *or* other land use arrangements for periods
23 beyond five (5) years.

24 *I Liheslaturan Guåhan*, therefore, intends to *conditionally approve* the Jose
25 D. Leon Guerrero Commercial Port Master Plan Update 2007 Report subject to
26 submission and approval of additional information required to be part of a
27 comprehensive Master Plan.

1 **Section 2. Master Plan Conditionally Approved.** The Jose D. Leon
2 Guerrero Commercial Port Master Plan Update 2007 Report is hereby
3 *conditionally approved* by *I Liheslaturan Guåhan*, subject to *I Liheslatura's*
4 subsequent approval of the Financial Feasibility Plan and Economic Impact
5 Assessment to be submitted by the Board of Directors of the Jose D. Leon
6 Guerrero Commercial Port of Guam, and further subject to the submission by the
7 Board, and approval by *I Liheslatura*, of an Implementation Plan that establishes
8 the priorities, identifies viable funding sources and classifies projects according to
9 whether it is for the Port's organic growth *or* for the military build up.

10 **Section 3.** Notwithstanding any provision of the Plan itself, *neither* the
11 passage of this Act *nor* the conditional approval of the Master Plan *shall* be
12 construed to *amend* §10105(i) of Chapter 10, Title 12, Guam Code Annotated.

13 **Section 4.** Notwithstanding any provision of the Plan, *neither* the passage of
14 this Act *nor* the conditional approval of the Jose D. Leon Guerrero Commercial
15 Port of Guam Master Plan Update 2007 Report *shall* be construed to repeal *or*
16 amend any existing law, statute, rule *or* regulation without subsequent and express
17 repeal *or* amendment by *I Liheslatura*.

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