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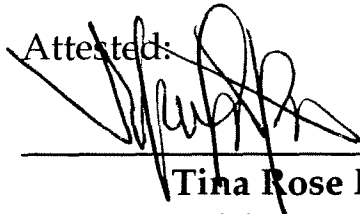
**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

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

This is to certify that **Substitute Bill No. 78 (COR)**, "AN ACT TO *ADOPT* THE PROPOSED AMENDED LEASE RATES FOR OFFICE, WAREHOUSE AND GROUND SPACE, AS WELL AS THE NEWLY ESTABLISHED FEE STRUCTURE FOR TELECOMMUNICATIONS AT THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM (PAG)" was on the 3rd day of April, 2009, duly and regularly passed.

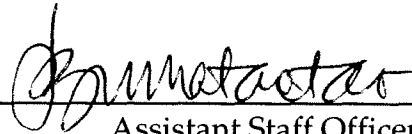


**Judith T. Won Pat, Ed. D.
Speaker**

Attested: 

**Tina Rose Muña Barnes
Senator and Secretary of the Legislature**

This Act was received by *I Maga'lahaen Guåhan* this 6 day of April, 2009, at 4:45 o'clock P.M.



**Assistant Staff Officer
Maga'laha's Office**

APPROVED:

**FELIX P. CAMACHO
*I Maga'lahaen Guåhan***

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 78 (COR)

As substituted by the Committee
on Utilities, Transportation,
PublicWorks and Veterans Affairs,
and amended on the Floor.

Introduced by:

T. C. Ada
F. B. Aguon, Jr.
T. R. Muña Barnes
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith Paulette Guthertz, DPA
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed. D.

AN ACT TO *ADOPT* THE PROPOSED AMENDED LEASE RATES FOR OFFICE, WAREHOUSE AND GROUND SPACE, AS WELL AS THE NEWLY ESTABLISHED FEE STRUCTURE FOR TELECOMMUNICATIONS AT THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM (PAG).

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

2 **Section 1. Legislative Intent.** The Jose D. Leon Guerrero Commercial Port
3 of Guam (PAG) owns interest in various office, warehouse, open yard and

1 telecommunication spaces located at the Jose D. Leon Guerrero Commercial Port
2 of Guam in the municipality of Piti, Island of Guam. The current lease rate fee
3 structure was established in 1988, twenty (20) years ago, and is *not* reflective of
4 the changes in economic conditions and factors that typically impact private sector
5 market lease rents.

6 **Section 2.** Notwithstanding any provision of law, *I Liheslaturan Guåhan*
7 hereby approves the rates for the leasing of Port property, as adopted by the Board
8 of Directors through PAG Resolution 09-02, dated January 22, 2009, and
9 concurred to by Acting Governor Michael W. Cruz, MD, on February 20, 2009.
10 The rates approved by this Act are as follows:

Type of Space	Approved Rate (\$/sf/mo)
Office	1.63
Warehouse	0.76
Open Yard	0.46
Telecom	500-1,000 per month

11 The rates established under this Section *shall* be subject to an additional five
12 percent (5%) per month surcharge to provide additional funding specifically for the
13 Port Police for its operations.

14 **Section 3. Telecommunication Lease Rates.** Telecommunication lease
15 rates will apply to any space used for the mounting *or* installation of
16 telecommunications *or* transmission antennas, structures *or* equipment, including,
17 but *not* limited to, the following:

18 (a) Small roof space. A fee of Five Hundred Dollars (\$500) per
19 month will be assessed to the lessee for the installation and/or mounting of
20 an individual structure and/or equipment that requires a footprint *no greater*
21 *than* six (6) square feet and maximum height of ten (10) feet;

1 (b) Large roof space. A fee of Seven Hundred Fifty Dollars (\$750)
2 per month will be assessed to the lessee for the installation and/or mounting
3 of an individual structure and/or equipment that requires a footprint *greater*
4 *than* six (6) square feet and/or a height *greater than* ten (10) feet;

5 (c) Ground rate. A fee of One Thousand Dollars (\$1000) per
6 month will be assessed to the lessee for the installation and/or mounting of
7 an individual structure and/or equipment that has a height *greater than* four
8 (4) feet; in addition to the ground rate, any and all applicable standard open
9 space rates will also be assessed for the square footage leased for the safe
10 installation of the structure; and

11 (d) Communication closets. A fee of Five Hundred Dollars (\$500)
12 per month will be assessed for indoor space *no greater than* twenty (20)
13 square feet that is occupied by equipment for use in telecommunications. A
14 fee of One Thousand Dollars (\$1000) per month will be assessed for
15 occupied indoor space that is *greater than* twenty (20) square feet.

16 Prior to installation of any telecommunications *or* transmission equipment,
17 all installation plans must be reviewed and approved by the General Manager of
18 the Port Authority of Guam.

19 **Section 4. Setting Facility Lease and Use Rates.** At a minimum, once
20 every three (3) years the Port *shall* conduct assessments of the value of Port real
21 properties and other related facilities. Such assessments *shall* be conducted *no*
22 *later than* the second quarter of the fiscal year commencing on the third fiscal year
23 after enactment of this Act.

24 Prior to the start of the fiscal year next succeeding the property evaluation,
25 the Board of Directors *shall* set lease rates at a ten percent (10%) increase over the
26 previously charged rate, *or* the amount determined by the recent assessment, which

1 ever is greater. The rates set by the Board *shall* be the minimum amount charged
2 by the Port for the leasing and use of Port property.

3 Notwithstanding any other provisions of law, the Port *shall* provide sixty
4 (60) days prior notice to the public and to existing Port tenants of any lease and use
5 rate adjustments. Upon expiration of this notice period and adoption of lease and
6 use rates by the Board of Directors of the Port, the lease and use rates set by the
7 Board *shall* become effective immediately. Changes in lease and use rates *shall*
8 apply to all new leases and use agreements and those existing leases and use
9 agreements subject to adjustment of lease and use rates.

10 **Section 5.** The new Rates *shall* be effective upon enactment of this Act.