



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

SEP 15 2009

2009 SEP 16 AM 10:38 AM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 178-30(COR) "AN ACT TO APPROVE PHASE I OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM MASTER PLAN UPDATE 2007 REPORT" which I signed into law on September 11, 2009 as Public Law 30-57.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

30-09-1119

Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 9/15/09
Time: 4:18
Received by: [Signature]

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

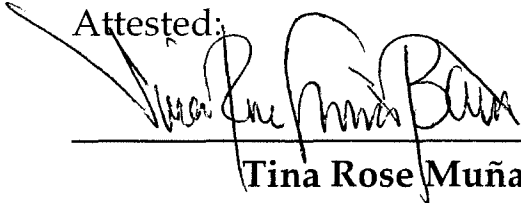
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 178-30 (COR), " AN ACT TO APPROVE PHASE I OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM MASTER PLAN UPDATE 2007 REPORT,"** was on the 11th day of September, 2009, duly and regularly passed.



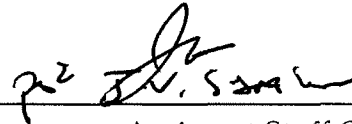
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 11th day of SEP, 2009, at 1:26 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 11 SEPTEMBER 2009

Public Law No. 30-57

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

Bill No. 178-30 (COR)

As amended by the Committee on Utilities,
Transportation, Public Works, and
Veterans Affairs and further amended in
the Committee of the Whole.

Introduced by:

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

**AN ACT TO APPROVE PHASE I OF 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.** On December 13, 2008, *I*
3 *Mina'Bente Nuebi Na Liheslaturan Guåhan* and *I Maga'lahaen Guåhan*, by passage
4 of Public Law 29-125, conditionally approved the Port Master Plan Update 2007
5 Report subject to *I Liheslatura's* subsequent approval of the Financial Feasibility
6 Plan, the Implementation Plan, and the Economic Impact Statement to be

1 submitted by the Board of Directors of the Jose D. Leon Guerrero Commercial
2 Port. Said documents identify viable funding sources, establish a prioritization of
3 construction projects, and classify projects according to whether it is for the Port's
4 organic growth *or* for the expected military build up associated with the proposed
5 relocation of U.S. Marine Corps troops from Okinawa to Guam. Furthermore, the
6 Economic Impact Statement finds that capital improvements to the Port of Guam
7 will provide employment opportunities and lower operating costs through the
8 improvement of overall efficiencies, resulting in minimal increases in costs for
9 residents and businesses.

10 On July 8, 2009, the Board of Directors of the Port of Guam passed a motion
11 to approve and present the Financial Feasibility Plan, the Implementation Plan, and
12 the Economic Impact Statement to *I Liheslaturan Guåhan*. Subsequently, on
13 August 3, 2009, the Port Authority of Guam retransmitted to *I Liheslaturan*
14 *Guåhan* the Financial Feasibility Plan, the Implementation Plan, and the Economic
15 Impact Statement for the Port Master Plan Update 2007 Report as required by
16 Public Law 29-125. Having reviewed these submissions, *I Liheslaturan Guåhan*
17 finds the provided information sufficiently demonstrates that the Port Authority of
18 Guam has the ability, planning and resources to implement the proposed
19 modernization initiatives, and as such, *I Liheslaturan Guåhan* intends to fully
20 approve and endorse First Stage 1-A and Second Stage 1-B of Phase I of the
21 proposed modernization plan of the Jose D. Leon Guerrero Commercial Port.

22 **Section 2. Master Plan Approved.** *I Liheslatura* (the Legislature) hereby
23 endorses and approves the implementation of Phase I, First Stage 1-A (2010-2012)
24 and Second Stage 1-B (2011-2013) of the Jose D. Leon Guerrero Commercial Port
25 Master Plan Update 2007 Report, as supplemented by the Financial Feasibility
26 Plan, Implementation Plan, and Economic Impact Statement resubmitted on
27 August 3, 2009.

1 **Section 3. Port Authority of Guam Borrowing Cap.** The Port Authority
2 of Guam (PAG) *shall not* indebt itself *more than* Fifty-four Million Five Hundred
3 Thousand Dollars (\$54,500,000.00) for the Port Modernization Program without *I*
4 *Liheslatura's* approval, and *shall* use this amount exclusively in the
5 implementation of the portion of this Master Plan which is *not* associated with the
6 transfer of U.S. Marines to Guam in 2014, outlined in Phase I of the Financial
7 Plan.

8 **Section 4.** *If* the Port Authority of Guam is unable to secure *ARRA/TIGER*
9 funding for the financing of the Master Plan by January 2010, it *shall* notify *I*
10 *Liheslatura* of any denial of funding request within thirty (30) days of receipt of
11 notice of such denial and *shall* submit to *I Liheslatura* within ninety (90) days of
12 the date of denial of such *ARRA/TIGER* funding a bill to obtain the approval of an
13 amended Master Plan based on a maximum expenditure level of Fifty-four Million
14 Five Hundred Thousand Dollars (\$54,500,000.00), and which *shall* include the
15 acquisition, either through purchase *or* lease to own, of *at least* two (2) Gantry
16 Cranes. Such cranes *shall* be acquired *no later than* December 31, 2012, pursuant
17 to the Guam Procurement Law and *not* through the use of a Task Order to any
18 existing contract. *If* the PAG secures the *ARRA/TIGER* grant, and the USDA
19 Loan, then Phase I, Stage 1-A and 1-B *shall* include the acquisition of at least two
20 (2) Gantry Cranes and such cranes *shall* be acquired no later than December 31,
21 2012, either through purchase *or* lease to own, pursuant to Guam Procurement Law
22 and *not* through the use of a Task Order to any existing contract. *No* other loan *or*
23 additional rate increase may be requested for funding of the Master Plan by PAG
24 without an executed Capital Recovery Charge agreement, as discussed in Part 3.3.3
25 of the Revised August 3, 2009 Report, and specifically in the Financial Plan.