

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 556, "AN ACT TO TRANSFER AUTHORITY FOR GUAM'S PUBLIC HARBORS, SMALL BOAT MARINAS AND FACILITIES FROM THE DEPARTMENT OF PARKS AND RECREATION TO THE PORT AUTHORITY OF GUAM," was on the 14th day of September 1984, duly and regularly passed.


JOE T. SAN AGUSTIN
Acting Speaker


Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 20th day of September 1984, at 10:40 o'clock A.m.


Assistant Staff Officer
Governor's Office

APPROVED:


EDWARD D. REYES, Acting
Governor of Guam

Date: Oct 2, 1984 Time: 9:12 AM

Public Law No. 17-71

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

• Bill No. 556
Substitute by Committee on Youth,
Human Resources, Senior Citizens
and Cultural Affairs

Introduced by:

E. T. Charfauros
E. P. Arriola
T. S. Nelson

AN ACT TO TRANSFER AUTHORITY FOR GUAM'S
PUBLIC HARBORS, SMALL BOAT MARINAS AND
FACILITIES FROM THE DEPARTMENT OF PARKS AND
RECREATION TO THE PORT AUTHORITY OF GUAM.

1 WHEREAS, Guam presently has a shortage of small craft facilities which
2 discourages the development of marine resources, small boat fishing and
3 recreational boating; and

4 —WHEREAS, the ratio of registered boats per thousand people on the
5 island is increasing and is predicted to more than double by the year 2000;
6 and

7 WHEREAS, it is the intent of the Legislature to supply more small craft
8 facilities, thereby encouraging local people to develop fishing resources,
9 charter boat activities for tourists and to enhance recreational activities for
10 residents of Guam; and

11 WHEREAS, the Port Authority of Guam has expertise in the area of
12 managing harbors, ship docking, and implementing harbor safety; and

13 WHEREAS, the port Authority of Guam is also financially able to take
14 on additional responsibilities in the development of marine resources; and

15 WHEREAS, it is the intent of the Legislature to have the Port
16 Authority of Guam apply its successful management techniques, as
17 evidenced by its operation of the Commercial Port, to the long neglected
18 areas of development, construction and operation of small craft facilities to
19 serve the aforementioned needs of small, commercial and recreational boaters
20 on Guam; now, therefore

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

2 Section 1. Subsection (c) of Section 14000 of the Government Code
3 (12 GCA §10101(c)) is amended to read:

4 "(c) 'Port facilities' means channels, waterways, basins,
5 seawalls, docks, piers, land areas, utilities, warehouses, cargo
6 handling machinery and equipment, tugboats, barges, fire boats and
7 other works, properties, structures or other facilities necessary for
8 the development or operation of the Port of Guam and recreational
9 boating facilities of Guam."

10 Section 2. Subsection (d) of Section 14000 of the Government Code
11 (12 GCA §10101(d)) is amended to read:

12 "(d) 'Port' means the Civil Port, small boat marinas, and all
13 related facilities of the Territory of Guam located on Cabras Island,
14 Apra Harbor, Agana Boat Basin, and all other Government of Guam
15 small boat marinas."

16 Section 3. Section 14001 of the Government Code (12 GCA §10102) is
17 amended to read:

18 "(a) There is hereby established the Port Authority of Guam as
19 a public corporation and autonomous instrumentality of the Government
20 of Guam, which shall provide for the needs of ocean commerce,
21 shipping, recreational and commercial boating, and navigation of the
22 Territory of Guam. The Authority shall have perpetual succession
23 unless sooner terminated by law and shall adopt a seal and sue or be
24 sued in its own Corporate name."

25 Section 4. Subsection (f) of Section 14003 of the Government Code (12
26 GCA §10104(f)) is amended to read:

27 "(f) In accordance with law, control, manage and have
28 jurisdiction over all Government of Guam lands within the boundaries
29 of Cabras Island and Drydock Island and seaward therefrom to the
30 limits of the Glass Breakwater and all areas designated as small boat
31 basins or recreational boating facilities, including submerged lands
32 except for the following:

1 1. those facilities under the control and jurisdiction of
2 departments or agencies of the United States Government;
3 and

4 2. all seashore properties and facilities which fall under the
5 Territorial Parks System and boat launching ramps under the
6 jurisdiction of the Department of Parks and Recreation."

7 Section 5. A new Subsection (h) is added to Section 14004 of the
8 Government Code (12 GCA §10105(h)) to read:

9 "(h) Rules and regulations previously promulgated under the
10 authority of the Department of Parks and Recreation concerning small
11 boat basins and recreational boating facilities are to remain in effect
12 unless or until the Board promulgates additional or different rules and
13 regulations pursuant to Subsection (g) of this Section. All references
14 and rules and regulations pertaining to persons in or duties of the
15 Department of Parks and Recreation in regard to small boat basins and
16 recreational boating facilities shall be considered as pertaining to the
17 General Manager or his designee and the duties of the Port Authority
18 of Guam until or unless the Board amends or promulgates additional or
19 different rules and regulations pursuant to Subsection (g) of this
20 Section."

21 Section 6. Transition to the Port Authority of Guam.

22 (a) Upon the transfer of functions from the Department of Parks
23 and Recreation to the Port Authority of Guam, all personnel affected
24 shall be given the opportunity to transfer to the Port Authority of
25 Guam by accepting appointment there. Personnel shall be transferred
26 in the same pay range and step they hold in the Department of Parks
27 and Recreation.

28 (b) Upon the transfer of functions from the Department of Parks
29 and Recreation to the Port Authority of Guam all assets of the Agana
30 Marina shall be transferred to the Port Authority of Guam.

31 Section 7. Public Law 10-160 is repealed.

32 Section 8. This Act shall become effective thirty (30) days after
33 enactment into law.

1 Section 9. Title 1 Guam Code Annotated §101 is amended by adding a
2 new subsection (c) to read:

3 "(c) Titles of the Guam Code Annotated published by the
4 Compiler of Laws shall be the official publication of the codified laws of
5 the territory of Guam. On the title page of each title, the Compiler of
6 Laws shall indicate the last date on which new public laws were
7 included in that title of the Guam Code Annotated. Titles so published
8 shall be prima facie evidence of the laws of Guam in effect on the date
9 indicated on the title page; provided, however, that if a variance not
10 authorized by this Chapter is found in a published Title, then the
11 public law, as signed by the Governor, last adding, repealing or
12 amending the appropriate statutory matter shall be the correct law of
13 Guam and the Compiler shall make the necessary corrections to the
14 Guam Code Annotated."

15 Section 10. Title 1 Guam Code Annotated §101 is amended by adding a
16 new Subsection (d) to read:

17 "(d) Following publication of any title of the Guam Code
18 Annotated which has not been enacted as positive law by the
19 Legislature, such Title shall be the official publication of the laws so
20 codified and may be amended, repealed, or added to by the Legislature
21 by reference to its title and section number in the Guam Code
22 Annotated only."