



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 19 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 113 (COR) entitled: "AN ACT TO ADD § 10105(i) TO TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM'S AUTHORITY TO LEASE REAL PROPERTY" which I have signed into law as Public Law No. 26-28.

This legislation provides for the Port Authority of Guam to enter commercial leases, licenses, or permits for real property and related facilities for Five (5) years. This will allow private business to make appropriate investments in Port property relative to business activities located at the Port.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

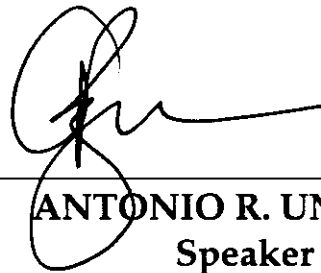
OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
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Date	7/23/01

0355

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

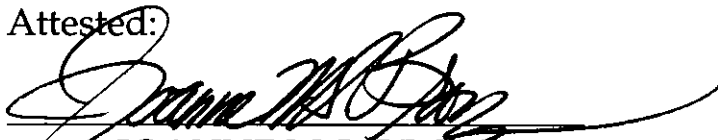
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 113 (COR), "AN ACT TO ADD § 10105(i) TO TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM'S AUTHORITY TO LEASE REAL PROPERTY," was on the 5th day of July, 2001, duly and regularly passed.



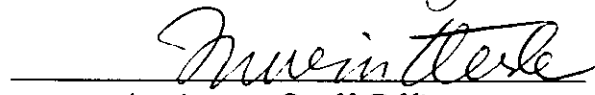
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 9th day of July, 2001,
at 4:50 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 7-19-01

Public Law No. 26-28

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 113 (COR)

As amended.

Introduced by:

F. P. Camacho
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADD § 10105(i) TO TITLE 12 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
PORT AUTHORITY OF GUAM'S AUTHORITY TO
LEASE REAL PROPERTY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that during this prolonged period of economic hardship, Guam must
4 seek ways to encourage investment and help secure Guam's economic future.
5 One (1) prime location for development is the Port Authority of Guam, but

1 the Port Authority is limited in its ability to lease real property. The
2 Authority is unable to enter into new leases for a term or duration beyond
3 thirty (30) days without legislative approval. This limitation impedes the
4 Authority's ability to implement long-term development plans and
5 discourages the commitment by and confidence of tenants to invest in capital
6 improvements on the Authority's property.

7 *I Liheslaturan Guåhan* further finds that the ability to negotiate longer
8 leases may help the Port Authority of Guam collect much-needed revenue.
9 Longer lease terms will benefit both the businesses and the government of
10 Guam.

11 It is the intent of *I Liheslaturan Guåhan* to allow the Board of Directors of
12 the Port Authority of Guam to lease real property for an initial term *not to*
13 *exceed* five (5) years. Any initial lease agreements longer than five (5) years
14 would remain subject to the approval of *I Liheslaturan Guåhan*.

15 **Section 2.** Section 10105(i) is hereby *added* to Article 1, Chapter 10 of
16 Title 12 of the Guam Code Annotated to read as follows:

17 "(i) Notwithstanding any other provision of law, make,
18 negotiate and enter into a commercial lease, or issue a permit or license
19 for the use of its real property and other related facilities for a term *not*
20 *to exceed* five (5) years."

21 **Section 3. Severability.** *If* any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary to
23 law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 7/5/01

VOTING SHEET

Bill No. 113

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S. <u>111</u>		1 1			
CALVO, Eddie B.					✓
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.					✓
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.		1			✓

TOTAL

11 1 _____ _____ 3

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



THE OFFICE OF
Senator Felix P. Camacho
TWENTY-SIXTH GUAM LEGISLATURE

July 5, 2001

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Sais Na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

The Committee on Tourism, Transportation and Economic Development, to which was referred **Bill No. 113 (COR)**, "An act to add to amend Section 10105 of article 1, chapter 10 of Title 12, Guam Code Annotated, relative to the Port Authority of Guam's ability to lease real property," does hereby report back with the recommendation **TO DO PASS**.

The Committee votes are as follows:

 7 **To Pass**
 Not To Pass
 To The Inactive File
 Abstained
 Off-Island
 Not Available

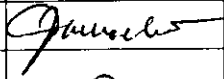

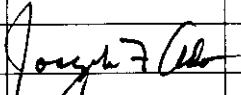
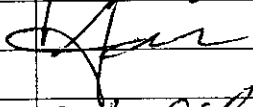

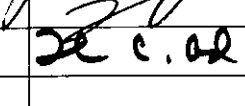
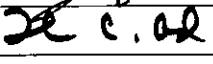
A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,

Felix P. Camacho

VOTING SHEET

BILL 113 (COR)

RECOMMENDATION TO						
COMMITTEE MEMBERS	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Senator Felix Camacho		✓				
Senator Kaleo Moylan						
Speaker Tony Unpingco		✓				
Vice Speaker Larry Kasperbauer						
Senator Joseph Ada		✓				
Senator Mark Forbes		✓				
Senator Eddie Baza Calvo						
Senator Mark Charfauros		✓				
Senator Ben Pangelinan		✓				
Senator Tom Ada		✓				
Senator Lou Leon Guerrero						

COMMITTEE REPORT

ON

BILL NO. 113(COR)

“An act to add to amend Section 10105 of article 1, chapter 10 of Title 12, Guam Code Annotated, relative to the Port Authority of Guam's ability to lease real property.”

COMMITTEE MEMBERS

Chairman: Felix P. Camacho
Vice Chairman: Kaleo Moylan
Ex-Officio Member: Antonio R. Unpingco

Larry Kasperbauer
Joseph Ada
Mark Forbes
Eddie Baza Calvo
Mark Charfauros
Ben Pangelinan
Tom Ada
Lou Leon Guerrero

COMMITTEE REPORT
TOURISM, TRANSPORTATION AND ECONOMIC
DEVELOPMENT

BILL NO. 113(COR)

“An act to add to amend Section 10105 of article 1, chapter 10 of Title 12, Guam Code Annotated, relative to the Port Authority of Guam's ability to lease real property.”

I. PUBLIC HEARING

The Committee on Tourism, Transportation and Economic Development held a public hearing on July 3rd, at 10 a.m. to hear testimony on Bill No. 113(COR), “An act to add to amend Section 10105 of article 1, chapter 10 of Title 12, Guam Code Annotated, relative to the Port Authority of Guam's ability to lease real property.”

The hearing was called to order by Senator Felix P. Camacho, Chairman of the Committee on Tourism, Transportation and Economic Development. Members present included Senator Ben Pangelinan.

Present to testify was Mr. Frank Camacho, General Manager of the Port Authority of Guam.

II. TESTIMONY

Frank Camacho, General Manager, Port Authority of Guam.

Mr. Camacho testified that the Port wholeheartedly supports the bill and thanks the committee for introducing the measure. He said that currently their leases are on a month-to-month basis due to restrictions in 21 GCA Section 60112. He said the current law restricts the Port from entering into fixed-term leases and as a result, tenants are reluctant to make improvements on the leased spaces. He said Bill 113 will attract more businesses to Port properties. Senator Ben Pangelinan questioned the section that allows the leases to be renewed. He said they should not be able to go beyond five years.

III. FINDINGS

The Committee finds that Bill No. 113(COR) will give the Port Authority of Guam the ability to negotiate longer leases and will assist the Port in collecting much-needed revenue. Bill No. 113 also will help encourage investment and help secure Guam's economic future at the Port Authority of Guam.

IV. RECOMMENDATIONS

The Committee on Tourism, Transportation and Economic Development hereby reports out Bill No. 113(COR) with the recommendation ***TO DO PASS***.



MINA · BENTE SAIS NA LIH · SLATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Riforma yan Rinueba,
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

25 JUN 2001

MEMORANDUM

TO: Chairman
Committee on Tourism, Transportation and Economic Development

FROM: Chairman
Committee on Rules, General Governmental Operations, Reorganization
and Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral – Bill No. 113

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

July
7/5/01 *7/5/01*

6
7/5/01, 2001

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 113 (COR)

Introduced by:

F. P. Camacho

F. P. Camacho

AN ACT TO ADD TO AMEND § 10105 OF ARTICLE 1, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM'S ABILITY TO LEASE REAL PROPERTY.

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

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3 during this prolonged period of economic hardship, the island must seek ways to
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6 ability to lease real property. The Authority is unable to enter into new leases for a term
7 or duration beyond thirty (30) days without legislative approval. This limitation
8 impedes the Authority's ability to implement long-term development plans and
9 discourages the commitment by and confidence of tenants to invest in capital
10 improvements on the Authority's property.
11 *I Liheslaturan Guåhan* further finds that the ability to negotiate longer leases may help
12 the Port Authority of Guam collect much-needed revenue. Longer lease terms will
13 benefit both the businesses and the government of Guam.
14 It is the intent of *I Liheslaturan Guåhan* to allow the Board of Directors of the Port
15 Authority of Guam to lease real property for an initial term not to exceed five (5)

1 years. Any initial lease agreements longer than five (5) years would remain
2 subject to the approval of *I Liheslaturan Guåhan*.

3
4 **Section 2. A new Subsection (i) is added to Section 10105 of Article 1,**
5 **Chapter 10 of Title 12 of the Guam Code Annotated which is hereby amended**
6 **to read as follows:**

7
8 "Section 10105. Same: Powers. The Board may:

9
10 (i) Notwithstanding any other provision of law make, negotiate and enter into a
11 commercial lease or issue a permit or license for the use of its real property and
12 other related facilities for ~~an initial~~ term not to exceed five (5) years."

13
14
15 **Section 3. Severability.** If any provision of this Law or its application
16 to any person or circumstance is found to be invalid or contrary to law, such
17 invalidity shall *not* affect other provisions or applications of this Law which can
18 be given effect without the invalid provisions or application, and to this end the
19 provisions of this Law are severable.



THE OFFICE OF
Senator Felix P. Camacho
TWENTY-SIXTH GUAM LEGISLATURE

Public Hearing
10:00 a.m. Tuesday, July 3, 2001

AGENDA

- I. Call to Order
- II. Announcement and Introduction of Members
- III. Bill No. 95 An act to repeal and reenact §10111.1 of Article 1 of Chapter 10 of Title 12 of the Guam Code Annotated relative to the Port Authority Police
- IV. Bill No. 113 An act to add to amend Section 10105 of article 1, chapter 10 of Title 12, Guam Code Annotated, relative to the Port Authority of Guam's ability to lease real property
- V. Bill No. 26 relating to the Tourist Attraction Fund and the University of Guam
- VI. Bill No. 38 The Credit Protection Act of 2001
- VII. Bill No 112 QC Legislation
- VIII. Remarks
- IX. Adjournment



Carl T. C. Gutierrez
Governor of Guam

Madeleine Z. Bordallo
Lieutenant Governor

**PORT AUTHORITY OF GUAM
ATURIDAT I PUETTON GUAHAN**

GOVERNMENT OF GUAM
1026 Cabras Highway
Suite 201
Piti, Guam 96925



PORT AUTHORITY OF GUAM

Telephone: (671) 477-5931/35
(671) 477-2683/85
Telex: (721) 6689 PAGGUM
Facsimile: (671) 477-2689

Testimony on Bill Number 113

*"An Act to amend subsection 10105 of Article 1, Chapter 10 of Title 12,
Guam Code Annotated, relative to the Port Authority of Guam's ability to
lease real property"*

By Francisco P. Camacho, General Manager

**Before the Committee on Tourism, Transportation and Economic Development
July 3, 2001**

HABA ADAI CHAIRMAN CAMACHO AND MEMBERS OF THE COMMITTEE.
THANK YOU FOR THE OPPORTUNITY TO TESTIFY THIS MORNING ON BILL
NUMBER 113.

THE PORT WHOLEHEARTEDLY SUPPORTS THIS MEASURE AND THANKS
THE COMMITTEE FOR INTRODUCING IT BEFORE THE 26TH GUAM
LEGISLATURE. SIMILAR MEASURES WERE INTRODUCED IN THE 24TH AND
25TH GUAM LEGISLATURES, BUT NEVER MADE IT TO THE SESSION FLOOR.

PRESENTLY, ALL OUR LEASES FOR OFFICE AND WAREHOUSE SPACES ARE
ON A MONTH TO MONTH TERM. THE REASON FOR THIS IS THAT 21 G.C.A.
SECTION 60112 REQUIRES THE PORT AUTHORITY TO OBTAIN LEGISLATIVE
APPROVAL BEFORE IT CAN ENTER INTO FIXED TERM LEASES. THE
STATUTE MAKES NO DISTINCTION AS TO THE LEASE TERM IN WHICH IT
APPLIES.

I AM SURE YOU CAN APPRECIATE THE UNCERTAINTY AND LENGTH OF
TIME IT WILL TAKE TO OBTAIN LEGISLATIVE APPROVAL FOR EACH LEASE
ENTERED INTO. THE PORT BELIEVES THAT THE INTENT OF THE CURRENT
STATUTE WAS INTENDED TO APPLY TO LONG TERM LEASES OF
GOVERNMENT LAND. I DO NOT BELIEVE THAT THIS STATUTE WAS
INTENDED TO APPLY TO EVERY SHORT TERM LEASE ENTERED INTO BY
AUTONOMOUS AGENCIES.



Commonwealth Now!

Testimony on Bill Number 113

Page 2

July 3, 2001

THE EFFECT OF THIS STATUTE HAS BEEN TO RESTRICT THE PORT FROM ENTERING INTO FIXED TERM LEASES AND INSTEAD, RESORTING TO MONTH TO MONTH LEASES. AS A RESULT, TENANTS ARE RELUCTANT TO MAKE IMPROVEMENTS ON THE LEASED SPACES. THEY ARE ALSO UNABLE TO PLAN FOR THEIR BUSINESS AT THE PORT WITH ANY DEGREE OF CERTAINTY.

THE PORT BELIEVES THAT THE EXEMPTION PROVIDED IN BILL 113 ENABLING THE PORT TO ENTER INTO LEASES OF UP TO FIVE YEARS IS A PRACTICAL SOLUTION. OUR TENANTS WILL FEEL MORE SECURE IN DOING BUSINESS WITH THE PORT AND WILL BE IN A BETTER POSITION TO MAKE MINOR IMPROVEMENTS TO THEIR LEASE SPACES. WE BELIEVE THAT THIS BILL WILL ALSO ATTRACT MORE BUSINESSES TO AVAILABLE PORT PROPERTIES.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON BILL 113. WE ASK FOR YOUR SUPPORT IN PASSING THIS MEASURE AS SOON A POSSIBLE.

FRANCISCO P. CAMACHO
General Manager

GENERAL TIRE SALE

EA For 2

195/60R14	\$55.00	\$108.00
185/65R14	\$53.00	\$104.00
185/70R14	\$44.00	\$86.00
195/70R14	\$45.00	\$88.00
195/75R14	\$47.50	\$92.00
205/70R14	\$50.00	\$98.00
205/60R15	\$59.95	\$118.00
205/65R15	\$59.95	\$118.00
235/75R15	\$68.00	\$134.00

FREE MOUNTING/BALANCING & ROTATION W/PURCHASE

All tire prices plus disposal fee of three dollars (\$3.00) ea.

GOVERNMENT MEETINGS

▲ Continued from Page 8

special accommodations should call 647-5407.

GOVGUAM RETIREMENT FUND BOARD OF TRUSTEES: 5:30 p.m. June 26, Retirement Fund conference room, Moite. Call 475-8919.

SOUTHERN GUAM SOIL AND WATER CONSERVATION DISTRICT: 7 p.m. June 26, UOG Experiment Station. All interested people welcome. Call 734-3948.

PLANNING COUNCIL: 10 a.m. June 26, Governor's conference room, RUB complex, Adelup. GovGuam emergency response plan; Land Use Task Force; Guam watershed conservation plan; miscellaneous matters. Call 472-9771/0.

ALCOHOL AND BEVERAGE CONTROL BOARD: 5 p.m. June 27, Department of Revenue and Taxation director's conference room, second floor, Building 113-01,

Mariner Ave., Tiyan. Those who need special accommodations should call 475-1790.

GHURA BOARD OF COMMISSIONERS: 5 p.m. June 27, GHURA conference room. Those who need special accommodations should call 477-9851/4 or TTY/TDD 472-3701.

HISTORIC PRESERVATION REVIEW BOARD AND GUAM PRESERVATION TRUST: 5 p.m. June 27, GPT conference room, Building 13-8, Tiyan. Public invited. Call 475-6290/1.

GOVERNOR'S EDUCATIONAL TASK FORCE FOR CAPITAL FACILITIES: Rescheduled meeting 10 a.m. June 28, Governor's conference room, RUB complex, Adelup. Finance committee report; properties (land) committee report; structural design/construction committee report; projections committee report. Call 472-9771/0.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m. June 28, CSC conference room,

490 Chalan Palasyo, Agaña Heights. Old, new, general business; executive session. Call 475-1300/01.

WORKFORCE INVESTMENT BOARD: 10 a.m. June 28, Governor's conference room, RUB Complex, Adelup. Those who need special accommodations should call 647-7161.

GUAM LAND USE COMMISSION: 1:30 p.m. June 28, Department of Land Management's conference room, third floor, Room 320, One Stop Building, Anigua. Conditional use permit for Kim Jin Sook; conditional use permit for Arlene T. Paulino; zone change for William C. and Rose Hightower. Call 475-5259.

CONTRACTORS LICENSE BOARD: 10 a.m. June 28, board conference room. Call 646-7262.

GYB BOARD OF DIRECTORS: 4 p.m. June 28, GVB's main conference room, Iuman. Those who need special accommodations should call 646-5278/9.

CHAMORRO LAND TRUST COMMISSION: 9 a.m. June 28, Building 907, Central Ave., Tiyan. Those who need special accommodations should call 475-4251.

GIAA BOARD OF DIRECTORS: 10 a.m. June 28, terminal's conference room 3, Tamuning. Parking available on ground floor. Those who need special accommodations should call 646-0300.

WORKERS COMPENSATION COMMISSION: 2 p.m. June 28, Department of Labor director's conference room, 110 C St., Tiyan. Agenda copies available of commission's office, upon prior request only. Call 475-0151/2.

PORT AUTHORITY OF GUAM BOARD OF DIRECTORS: 10 a.m. June 29, board conference room, Cobras Island, Piti. Agenda copies available. Those who need special accommodations should call Simeron Delos Santos, 477-5931, ext. 430, or pager 720-6056.

COMMITTEE ON TOURISM, TRANSPORTATION AND ECONOMIC DEVELOPMENT: Public hearing 10 a.m. July 3, 1 Liheslaturan Guahan public hearing room, Hagåtña. Bills no. 95, 113, 26, 38, 112. Those who need special accommodations should call Bernadette Meno, 472-3544.

July 4: Independence Day holiday. No meetings are scheduled.

MAYORS COUNCIL OF GUAM: 10 a.m. July 5, council's conference room, RUB complex, Adelup.

COMMITTEE ON TOURISM, TRANSPORTATION AND ECONOMIC DEVELOPMENT: Public hearing on testimony on Guam Mass Transit Authority rules and regulations, GEDA e-commerce rules and regulations and confirmation hearing of Christopher S. Murphy to GEDA board of directors, 10 a.m. July 6, 1 Liheslaturan Guahan public hearing room, Hagåtña. Those who need special accommodations should call Bernadette Meno, 472-3544.

CONTRACTORS LICENSE BOARD: 10 a.m. July 12, 26, board conference room. Call 646-7262.

Pacific Daily News, Tuesday, June 26, 2001 guampdn.com

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MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 113 (COR)

Introduced by:

F. P. Camacho



**AN ACT TO ADD TO AMEND § 10105 OF ARTICLE
1, CHAPTER 10 OF TITLE 12, GUAM CODE
ANNOTATED, RELATIVE TO THE PORT
AUTHORITY OF GUAM'S ABILITY TO LEASE
REAL PROPERTY.**

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

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4 **Section 2. A new Subsection (i) is added to Section 10105 of Article 1,**
5 **Chapter 10 of Title 12 of the Guam Code Annotated which is hereby amended**
6 **to read as follows:**

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8 “Section 10105. Same: Powers. The Board may:

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10 (i) Notwithstanding any other provision of law make, negotiate and enter into a
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14

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