

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 97, "An Act to amend Title XV of, and to enact a new Title XLIV to, the Government Code of Guam, relative to the separation of the Commercial Port and Department of Commerce, and for other purposes", was on the 26th day of June, 1963, duly and regularly passed.

A. B. WON PAT
Speaker

ATTESTED:

V. B. BANBA
Legislative Secretary

This Act was received by the Governor this 28th day
of June 1963 at _____ o'clock _____ M.

RUDOLPH G. SABLAN
Acting Secretary of Guam

APPROVED:

July 9, 1963

MANUEL F. L. GUERRERO
Governor of Guam

P.L. 7-48

DATED: _____

Bill No. 97

Substitute bill by Committee on
Agriculture and Commerce

AN ACT TO AMEND TITLE XV OF, AND TO ENACT A NEW
TITLE XLIV TO, THE GOVERNMENT CODE OF GUAM, RELATIVE
TO THE SEPARATION OF THE COMMERCIAL PORT AND DEPART-
MENT OF COMMERCE, AND FOR OTHER PURPOSES.

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

2 Section 1. The title of Title XV, Government Code of Guam, is
3 hereby amended to read as follows:

4 "Commercial Port of Guam"

5 Section 2. Section 14000 of Chapter 1, Title XV, Government Code
6 of Guam, is hereby amended to read as follows:

7 "Section 14000. Separate instrumentality. The
8 Commercial Port of Guam is a separate instrumentality
9 within the government of Guam. All property, facilities,
10 equipment, supplies, records and files pertaining to and
11 used in connection with the operation, protection and
12 administration of the Commercial Port of Guam are transferred
13 and assigned to said instrumentality. All personnel used in
14 the administration, protection and operation of the Commercial
15 Port are also transferred and assigned to said instrumentality."

16 Section 3. Section 14001 of Chapter 1, Title XV, Government Code
17 of Guam, is repealed in its entirety and a new Section 14001 is hereby
18 enacted to read as follows:

19 "Section 14001. Commercial Port Manager. The Commercial
20 Port Manager is the head of the Commercial Port of Guam and
21 is appointed by the Governor with the consent of the Legislature."

22 Section 4. Subsection (c) of Section 14002, Government Code of
23 Guam, is hereby amended to read as follows:

24 "(c) All monies received by the Commercial Port of
25 Guam from whatever source derived shall be deposited in

1 said Commercial Port of Guam Fund. All debts, liabilities
2 and obligations, capital expenditures, and operating expenses
3 of the said Commercial Port, including the payment of any
4 claims arising from its operation, shall be paid from said
5 fund. The Commercial Port Manager is hereby authorized to
6 settle and pay any and all cargo and property damage claims
7 arising out of the operations of the Commercial Port of Guam,
8 up to and including the value of \$25.00. Where the claim is
9 greater than \$25.00, in value, the Commercial Port Manager is
10 hereby authorized, subject to the legal review and approval of
11 the Attorney General of Guam, to settle and pay any and all
12 cargo and property damage claims arising out of the operations
13 of the Commercial Port of Guam; provided, however, that such
14 claims must be presented to the Commercial Port of Guam within
15 one year after the accrual thereof in order to be paid as
16 provided herein."

17 Section 5. Subsection (d) of Section 14002, Government Code of
18 Guam, is hereby amended to read as follows:

19 "(d) The Commercial Port Manager shall render monthly
20 to the Governor a statement reflecting the financial condition
21 of the Commercial Port of Guam Fund and a financial statement
22 of operations of said Commercial Port for the period covered.
23 The Director of Finance shall periodically audit the accounts
24 and records of said Commercial Port of Guam Fund and render
25 a report thereon to the Governor."

26 Section 6. Subsection (e) of Section 14002, Government Code of
27 Guam, is hereby repealed, and a new Subsection (e) is hereby enacted to read
28 as follows:

29 "(e) The Commercial Port of Guam shall be a nonprofit,
30 self-supporting agency; rates charged for its services shall
31 be reviewed not less than once a year and, if necessary,
32 adjusted to accomplish this result."

1 Section 7. A new Title XLIV is hereby enacted to the Government
2 Code of Guam to read as follows:

3 "TITLE XLIV

4 Department of Commerce

5 CHAPTER I

6 Administration

7 Section 47050. Duties of Department. The Department
8 of Commerce shall have the following duties:

9 (a) To investigate, study and undertake ways
10 and means of promoting and encouraging the prosperous
11 development and protection of the legitimate interest
12 and welfare of Guam business, industry and commerce.

13 (b) To promote and encourage the expansion and
14 development of markets for the products of Guam.

15 (c) To promote and encourage the location and
16 development of new business in Guam as well as the
17 maintenance and expansion of existing business, with
18 particular emphasis on encouraging the tourist industry.

19 (d) To investigate and study conditions affecting
20 Guam business, industry and commerce and in connection
21 therewith, compile, collect, develop and periodically
22 or otherwise make available, scientific indices and
23 other information relating to current business conditions.

24 (e) To compile periodically a census of business
25 and industry in Guam and to analyze and publish this
26 information in such form as to be most valuable to the
27 business and industry of Guam.

28 (f) To carry out such other duties as may be
29 assigned."

30 Section 8. Section 14100 of the Government Code of Guam is hereby
31 amended to read as follows:

32 "Section 14100. Harbor Regulation. The Commercial

1 Port Manager shall make periodic surveys of the use,
2 supervision, control and management of the shores, shore
3 waters, navigable streams, harbors, harbor and waterfront
4 improvements, ports, docks, wharves, quays, bulkheads and
5 landings belonging to or controlled by the territory of
6 Guam and the shipping using the same. The Commercial Port
7 Manager shall fix and regulate from time to time rates for
8 services rendered in mooring or berthing vessels, charges
9 for the use of moorings or berths belonging to or controlled
10 by the territory of Guam, rates or charges for the services
11 of pilots, wharfage or demurrage, rents or charges for
12 warehouse space, office, office space, storage of freight,
13 goods, wares and merchandise, use of equipment belonging
14 to or controlled by the territory of Guam, and other charges
15 including toll or tonnage charges on freight passing over or
16 across wharves, docks, quays, bulkheads or landings."

17 Section 9. Section 14101 of the Government Code of Guam is hereby
18 amended to read as follows:

19 "Section 14101. Rules and Regulations. The Commercial
20 Port Manager shall make and may alter, amend and repeal
21 rules, regulations, fees and rates as required to carry out
22 the purposes of this chapter, which, after approval and
23 promulgation by the Governor as executive order, shall have
24 the force and effect of law. Provided, however, that nothing
25 in this chapter shall be construed to alter, amend or repeal
26 any rules, regulations, fees and rates in force and effect
27 on the effective date hereof; and provided further, that
28 such rules, regulations, fees, or rates may be made, altered,
29 amended, or repealed by the Commercial Port Manager only upon
30 the basis of evidence taken at public hearing. Public notice
31 of such hearing shall be published at least twice in a news-
32 paper of general circulation in Guam, not more than thirty (30)

1 nor less than ten (10) days prior to the scheduled date
2 for such hearing, and by such other method as the Commercial
3 Port Manager may prescribed."

4 Section 10. Section 14102 of the Government Code of Guam is hereby
5 amended to read as follows:

6 "Section 14102. Hearing. For the purpose of conducting
7 any hearing as required by this chapter, the Commercial Port
8 Manager is empowered to subpoena witnesses, books and records,
9 administer oaths, and examine evidence and hear testimony.
10 The Commercial Port Manager is empowered to certify to the
11 District Court of Guam for contempt and such certifications
12 and all subsequent proceedings and penalties for contempt
13 before the Commercial Port Manager shall be in accordance
14 with Section 24138, Government Code of Guam."

15 Section 11. Chapter 3, Title XV, Government Code of Guam, is hereby
16 renumbered Chapter 2, Title XLIV, Government Code of Guam, and Sections 14200,
17 14201, 14202, 14203, 14204, 14205, 14206, 14207, 14208, 14209, 14210, 14211,
18 14212, 14213, 14214, 14215, 14216, 14217, 14218, 14219, 14220, 14221, 14222,
19 14223, 14224, 14225, 14226, 14227, 14228, 14229, 14230, 14231, 14232, 14233,
20 14234, and 14235 of said Chapter are hereby renumbered Sections 47100, 47101,
21 47102, 47103, 47104, 47105, 47106, 47107, 47108, 47109, 47110, 47111, 47112,
22 47113, 47114, 47115, 47116, 47117, 47118, 47119, 47120, 47121, 47122, 47123,
23 47124, 47125, 47126, 47127, 47128, 47129, 47130, 47131, 47132, 47133, 47134,
24 47135, and 47136, respectively.

25 Section 12. Chapter 4, Title XV, Government Code of Guam, is hereby
26 renumbered Chapter 3, Title XLIV, Government Code of Guam, and Sections 14300,
27 14300.1, 14301, 14302, 14303, 14304, 14304.1, 14305, 14306, 14307, 14308,
28 14309, 14310, and 14311 of said Chapter are hereby renumbered Sections 47200,
29 47201, 47202, 47203, 47204, 47205, 47206, 47207, 47208, 47209, 47210, 47211,
30 47212, and 47213, respectively.

31 Section 13. Effective date. This Act shall take effect July 1,
32 1963.

33 Section 14. This Act is an urgency measure.