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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 **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'lahen Guåhan* this 11th day of Sep, 2009, at 1825 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. On December 13, 2008, *I Mina'Bente Nuebi Na Liheslaturan Guåhan* and *I Maga'lahen Guåhan*, by passage of Public Law 29-125, conditionally approved the Port Master Plan Update 2007 Report subject to *I Liheslatura's* subsequent approval of the Financial Feasibility Plan, the Implementation Plan, and the Economic Impact Statement to be

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

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

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

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

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