

*I MINA'TRENTA NA LIHESLATURAN GUÅHAN*  
*2010 (SECOND) Regular Session*

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Bill No. 442-30 (COR)

T.C. Ada

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**AN ACT AUTHORIZING EXTENSION OF LEASE BETWEEN THE PORT AUTHORITY OF GUAM AND CEMENTON MICRONESIA, LLC FOR A TERM OF UP TO TWENTY (20) YEARS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that investment by the private sector is a necessary component to the improvement  
4 and development of the Port Authority of Guam (Port). Certain Port-dependent or  
5 marine commercial activities require significant private capital investments and  
6 long term leases for the purpose of recouping such investments. Allowing long  
7 term leases that will result in the creation of new jobs and other economic activities  
8 beneficial for the island. *I Liheslaturan Guåhan* therefore intends to authorize the  
9 Port to enter into a specific long-term lease agreement for the use and development  
10 of Parcel 3-1 at the Port Authority of Guam.

11 *I Liheslaturan Guåhan* further finds that in May 2008, in response to the  
12 Port's Notice of Land Availability, Cementon Micronesia, LLC submitted a  
13 proposal expressing interest in developing Parcel 3-1 for the importation and  
14 distribution of cement and cement related products. The Port and Cementon  
15 Micronesia, LLC thereafter entered into a lease for the construction and operation

1 of a cement terminal facility. The initial estimated investment to construct such  
2 facility is twelve million dollars (\$12,000,000).

3 The current lease term is for a period of five (5) years, pursuant to 12 GCA  
4 §10105(i), commencing on December 1, 2009. The lease term also provides an  
5 option for three (3) additional terms of five (5) years each, subject to legislative  
6 approval.

7 *I Liheslaturan Guåhan* further finds that the Port and the island of Guam  
8 would benefit from the development of a cement terminal facility and that the use  
9 of Parcel 3-1 as a cement terminal facility is consistent with the Port Master Plan  
10 and the Port Modernization Update Report 2007. Such development would be  
11 enhanced by legislative approval of the extension of the term of the lease resulting  
12 in a total period of up to twenty years. *I Liheslaturan Guåhan* therefore intends to  
13 approve the extension of the term of the lease for a total of up to twenty years,  
14 commencing December 1, 2009.

15 **Section 2. Term of Lease.** Notwithstanding any other provision of law,  
16 the Legislature hereby approves the extension of the term of the lease between the  
17 Port Authority of Guam and Cementon Micronesia, LLC for a total period of up to  
18 twenty years, commencing December 1, 2009, subject to execution by the  
19 Governor, attestation by the Lieutenant Governor and approval as to form by the  
20 Attorney General of Guam pursuant to 21 GCA § 60114 (c).

21 **Section 3. Severability.** If any provision of this law or its application to  
22 any person or circumstance is found to be invalid or contrary to law, such  
23 invalidity shall not affect other provisions or applications of this law which can be  
24 given effect without the invalid provisions or application, and to this end the  
25 provisions of this law are severable.