

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
194-36 (COR)	Clynton E. Ridgell	AN ACT TO AMEND § 14101 OF CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND TO <i>REPEAL AND REENACT</i> § 14102 OF CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE GUAM INVASIVE SPECIES INSPECTION FEE AND ITS ASSESSMENT.	9/9/21 9:15 a.m.						

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 194-36 (COR)

Introduced by:

Clynton E. Ridgell 

AN ACT TO AMEND § 14101 OF CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND TO REPEAL AND REENACT § 14102 OF CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE GUAM INVASIVE SPECIES INSPECTION FEE AND ITS ASSESSMENT.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Invasive Species Inspection Fee was established under Public Law 31-43
4 with the intention of collecting over \$2 million dollars to fund much needed services
5 of the Department of Agriculture's Biosecurity Division. Since the fee had begun
6 being collected, however, it has accumulated an average of \$600,000 dollars in
7 revenue. This meant that services intended to help address invasive species in Guam
8 and protect endemic flora and fauna have been severely underfunded.

9 *I Liheslaturan Guåhan* further finds that the fee's collection process has room
10 for simplification to assist shipping companies and the Department in tracking the
11 costs. Charging flat rates on imported goods instead of charging by weight allows
12 for easier accountability for the fees and allows the Department to collect the
13 revenues necessary for its operations. Furthermore, the current fee has exempted

1 several materials that may be carriers of invasive species and that must also be
2 addressed.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to to update the Invasive
4 Species Protection Fee in the manner as supported by the Port Authority of Guam
5 Users Group and the Invasive Species Council by charging flat rates on all containers
6 and passenger motor vehicles entering Guam and to additionally assess all materials
7 and goods that may be carriers of invasive species.

8 **Section 2.** § 14101 of Chapter 14, Division 4, Title 8, Guam Administrative
9 Rules and Regulations, is *amended* to read:

10 **“14101. Fee Established.** The Department of Agriculture establishes a fee for
11 the inspection, quarantine, eradication and management of invasive species
12 [~~contained in any marine commercial shipments, foreign or domestic,~~] that are
13 brought into Guam. The fee shall be paid by [~~the person responsible for paying the~~
14 ~~freight charges to~~] the transportation company, who shall [~~collect the fee and~~]
15 forward the payment to the Department of Agriculture, Biosecurity Division.;
16 [~~provided that the transportation company shall not be liable for any fee that is not~~
17 ~~paid by the person responsible for paying the freight charges to the transportation~~
18 ~~company.~~]

19 **Section 3.** § 14102 of Chapter 14, Division 4, Title 8, Guam Administrative
20 Rules and Regulations, is *repealed* and *reenacted* to read:

21 **“§ 14102. — Fee Assessment.** ~~The fee shall be assessed and collected on the~~
22 ~~net weight of imported freight computed on the basis of 75 cents for every one~~
23 ~~thousand pounds of freight brought into Guam, or part thereof. Exempted from this~~
24 ~~assessment is bulk sand and quarried product freight, cement bulk freight, coal bulk~~
25 ~~freight, or liquid bulk freight. All fees collected shall be deposited into the Guam~~
26 ~~Invasive Species Inspection Fee Fund and expended as mandated in Public Law 31-~~
27 ~~43.”~~

1 “§ 14102. Fee Assessments. The following fees shall be assessed and
2 collected on the items described herein:

3 (1) Seventy-five cents (\$.75) shall be computed on each one
4 thousand pounds of bulk sand, quarried product, or cement bulk freight or
5 part, thereof;

6 (2) A flat rate of Twenty-six Dollars (\$26.00) per each twenty-foot
7 equivalent unit (TEU); and

8 (3) A flat rate of Two Dollars (\$2.00) on each Revenue Ton, as
9 defined by the Port Authority of Guam tariff, of break bulk or cargo that is not
10 in a container.

11 Exempted from these assessments is coal bulk freight or liquid bulk freight.

12 All fees collected shall be deposited into the Guam Invasive Species Inspection Fee
13 Fund and expended as mandated in Public Law 31-43.”

14 **Section 4. Severability.** If any provision of this Act or its application to any
15 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
16 *not* affect other provisions or applications of this Act that can be given effect without
17 the invalid provision or application, and to this end the provisions of this Act are
18 severable.