I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
334-38 (COR) As amended on the Floor.	V. Anthony Ada Chris Barnett Frank F. Blas, Jr. Vincent A.V. Borja Shelly V. Calvo Christopher M. Dueñas Eulogio Shawn Gumataotao Sabrina Salas Matanane Telo T. Taitague Therese M. Terlaje	AN ACT TO *REPEAL AND REENACT* CHAPTER 14, DIVISION 4, CHAPTER 12, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO UPDATING INVASIVE SPECIES FEES AND COLLECTION AND ADMINISTRATIVE PROVISIONS.	6/16/26 3:07 p.m.	6/19/26	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 6/19/26 Waiver: 6/25/26	6/29/26 9:00 a.m.	8/24/26	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES
9/28/26	AN ACT TO *REPEAL* AND *REENACT* CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO UPDATING INVASIVE SPECIES FEES AND COLLECTION AND ADMINISTRATIVE PROVISIONS.	10/16/26	10/19/26	10/30/26	38-161	10/31/26	Received: 11/5/26 Mess and Comm. Doc. No. 38GL-26-3149

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

38GL-26-3149
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.
NOV 05 2026
Time: 9:32 am
Received:

October 30, 2026

THE HON. FRANK BLAS, JR., *Speaker*
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 334-38 (COR), "AN ACT TO *REPEAL* AND *REENACT* CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO UPDATING INVASIVE SPECIES FEES AND COLLECTION AND ADMINISTRATIVE PROVISIONS."

Håfa Adai Mr. Speaker,

While I support the intent of Bill No. 334-38 (COR), I have serious concerns about the Legislature's decision to amend administrative rules and regulations directly through legislation. The proposed changes to the Invasive Species Inspection Fees should have been considered through the formal rulemaking process established by Guam law, consistent with the Department of Agriculture's rulemaking authority under 5 GCA § 60108.

The separation of powers doctrine recognizes that each branch of government has its own responsibilities and authority. The Organic Act of Guam establishes the respective powers of the Executive, Legislative, and Judicial Branches. The Legislature is responsible for enacting laws, while the Executive Branch is responsible for administering and implementing those laws, including adopting regulations under authority delegated by statute.

Guam law establishes a process for the Department of Agriculture to develop and adopt regulations within its statutory authority. That process provides an orderly means of evaluating proposed changes and ensuring that the Department can properly administer and enforce them.

Although the Legislature retains the authority to enact laws and amend existing statutes, I am concerned that directly amending administrative regulations through legislation bypasses the rulemaking process established by law. The Legislature has already provided the Department of Agriculture with authority to develop regulations governing matters such as quarantine and pest control. That authority should be respected, and proposed regulatory changes should ordinarily proceed through the established administrative process.

The Legislature's well-intentioned effort to strengthen Guam's protection against invasive species should not come at the expense of sound administrative procedures or respect for the responsibilities of the Executive Branch. Following the established rulemaking process would allow the Department to evaluate the proposed fees, consider their practical effects, and ensure that the resulting regulations are legally sound and enforceable.

Accordingly, I direct the Guam Department of Agriculture to review the proposed changes contained in Bill No. 334-38 (COR) and, where appropriate and consistent with applicable law, initiate the formal rulemaking process. This will help ensure that Guam's invasive species inspection fees are properly established and support the Department's mission to protect our island's agriculture, natural resources, and environment.

Bill No. 334-38 (COR) will lapse into law without my signature as ***Public Law No. 38-161.***

Senseramente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 334-38 (COR) nka P.L. 38-161
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

38GL-26-3149
Messages and Communications
RECEIVED
COMMITTEE ON RULES
November 5, 2026
2:00 p.m.
Marie Crisostomo

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 334-38 (COR), "AN ACT TO *REPEAL* AND *REENACT* CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO UPDATING INVASIVE SPECIES FEES AND COLLECTION AND ADMINISTRATIVE PROVISIONS,"** was on the 16th day of October 2026, duly and regularly passed.

Frank F. Blas, Jr.
Speaker

Attested:

Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 19th day of October, 2026, at 4:53 o'clock P .M.

Jomichael C. Quinata
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:

Public Law No. 38-161

2026-26657
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Jomichael C. Quinata
Date: 10-19-26 Time: 4:53 PM

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 334-38 (COR)
As amended on the Floor.

Introduced by: V. Anthony Ada
Chris Barnett
Frank F. Blas, Jr.
Vincent A.V. Borja
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Sabrina Salas Matanane
Telo T. Taitague
Therese M. Terlaje
Jesse A. Lujan
Tina Rose Muña-Barnes
William A. Parkinson
Sabina Flores Perez
Joe S. San Agustin

AN ACT TO *REPEAL* AND *REENACT* CHAPTER 14, DIVISION 4, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO UPDATING INVASIVE SPECIES FEES AND COLLECTION AND ADMINISTRATIVE PROVISIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 14, Division 4, Title 8 Guam Administrative Rules and Regulations, is *repealed* and *reenacted* to read as follows:

"**DIVISION 4**

INVASIVE SPECIES INSPECTION FEE

CHAPTER 14

INVASIVE SPECIES INSPECTION FEE

§ 14101. Definitions.
§ 14102. Fee Established.
§ 14103. Fee Assessment.
§ 14104. Failure to Pay or Remit Assessed Fee.

§ 14101. Definitions.

As used in this Chapter:

(a) "Entity" means a person other than an individual (Definition reference: 18 GCA CH. 17 The Guam Uniform Limited Cooperative Association Act § 17102. Definitions)

(b) "Transshipment container" means a container discharged from one vessel, stored in a secure bonded container yard, and transported through another vessel.

(c) "Empties container" means an unladen shipping container being returned or repositioned to be used to load and transport cargo.

(d) "Break bulk cargo" is defined as cargo that is not containerized, but which is otherwise packaged or bundled. (Reference: Code of Federal Regulations; eCFR 149.1 Definitions)

§ 14102. Fee Established.

The Department of Agriculture establishes a fee for the inspection, quarantine, eradication, and management of invasive species brought into Guam. The fee shall be paid by the entities responsible for paying the freight charges to the transportation company, who shall collect the fee and forward the payment to the Department of Agriculture, Biosecurity Division, provided that the carrier company shall not be liable for any fee that is not paid by the entities responsible for the paying the freight charges to the carrier company. For purposes of this Chapter, a "carrier company" is

defined as a company that arranges the transport of cargo from point of origin to a final destination with shipping companies, and may be a shipping company.

§ 14103. Fee Assessments.

(a) The following fees shall be assessed and collected on the items described herein on a per voyage basis:

(1) Seventy-five cents ($0.75) on each one thousand (1,000) pounds of bulk sand, quarried product, or cement bulk freight or part thereof;

(2) Twenty-six Dollars ($26.00) per each twenty-foot (20 ft) equivalent unit (TEU);

(3) Two Dollars ($2.00) on each revenue ton, as defined by the Port Authority of Guam tariff, of break bulk or cargo that is not in a container.

(b) Coal bulk freight and liquid bulk freight shall be exempt from fees under this Section.

(c) Transshipment container and empty container shall be exempt from fees under this Section.

(d) Transshipment of breakbulk cargo shall be exempt from fees under this Section.

(e) All fees collected shall be deposited into the Guam Invasive Species Inspection Fee Fund and expended as mandated in Public Law 31-043.

§ 14104. Failure to Pay or Remit Assessed Fee.

The following fees shall be imposed for failure to pay, bill, or remit the Guam Invasive Species Inspection Fee provided for above:

(a) A entity responsible for paying the freight charges to the carrier company who fails to pay the fee; or

(b) A carrier company that fails to:

(1) Remit the fee to the Department of Agriculture within Forty-five (45) calendar days of the invoice billing date to the entities

responsible for paying the freight charges to the carrier company, shall pay two times the amount of the fee or Fifty Dollars ($50), whichever is higher."