



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 17 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

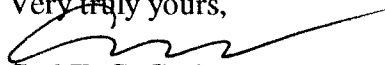
Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 304 (COR) "AN ACT TO AMEND § 73145, TO REPEAL AND REENACT § 73149 AND TO ADD § 62202.1 TO TITLE 5, AND TO REPEAL AND REENACT §8104(p) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, TO APPROPRIATE \$50,000.00 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES," which was signed into law by the Governor as **Public Law No. 26-140**.

This legislation provides for the use of the Customs, Agriculture and Quarantine Inspection Services Charge for building a plant inspection station on Guam. The plant inspection station would be part of the services provided for the bringing in of plants to Guam while providing for the elimination of unwelcome bugs and pests. This type of inspection station would provide for eliminating these unwelcome invaders upon arrival.


This legislation also provides for the Department of Agriculture to utilize the funds that the department collects for agricultural quarantine activities for items necessary to the plant protection activities of the department, and to utilize the funds the department collects for plant nursery activities for the plant nursery. Finally, this legislation provides that Plant Protection and Quarantine Officers are uniformed officers.

Very truly yours,


Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE COUNCIL	
AGRICULTURE AND QUARANTINE	
Received by	
Time	2:00 PM
Date	9/17/02

09135

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 304 (COR), "AN ACT TO AMEND § 73145, TO REPEAL AND REENACT § 73149 AND TO ADD § 62202.1 TO TITLE 5, AND TO REPEAL AND REENACT § 8104(p) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, TO APPROPRIATE \$50,000.00 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES," was on the 4th day of September, 2002, duly and regularly passed.



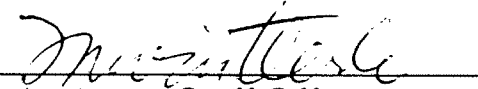
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by I Maga'lahaen Guåhan this 16th day of September, 2002,
at 3:55 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 9-17-02

Public Law No. 26-140

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 304 (COR)

As substituted by the Author
and amended on the Floor.

Introduced by:

M. C. Charfauros
A. L.G. Santos
L. F. Kasperbauer
V. C. Pangelinan
Mark Forbes
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
L. A. Leon Guerrero
K. S. Moylan
A. R. Unpingco
J. T. Won Pat

AN ACT TO AMEND § 73145, TO REPEAL AND REENACT § 73149 AND TO ADD § 62202.1 TO TITLE 5, AND TO REPEAL AND REENACT § 8104(p) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, TO APPROPRIATE \$50,000.00 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the law authorizing the “Customs, Agriculture and Quarantine
4 Inspection Services Charge Established” needs to be utilized for more facilities
5 involved in agricultural inspections of agricultural products arriving at the
6 Airport. While the Section authorizing this charge was repealed in Public
7 Law Number 23-128:14, it was reinstated in Public Law Number 24-14:15,
8 although using different section numbers. It is desirable to reenact this code
9 section with reference to the right section numbers.

10 *I Liheslaturan Guåhan* further finds that daily operations of certain
11 programs within the Department of Agriculture, *specifically* the Plant,
12 Protection and Quarantine and the Plant Nursery Programs, have been
13 seriously crippled due to their inability to directly access funds which the
14 Programs themselves generate through sales and services they provide on a
15 daily basis. The revenue generated by the Plant, Protection and Quarantine
16 Program from import permit, export certificate, inspection and commodity
17 treatment services fees, and the estimated Twenty-five Thousand Dollars
18 (\$25,000.00) annual revenue generated by the Plant Nursery from the sale of
19 vegetables, fruits and other tree seedlings, and grafting, air layering and seed
20 propagation fees are all currently being deposited into the General Fund.

21 Budget constraints, coupled with a reprioritization of Department
22 needs, have resulted in the poor delivery of services to the communities
23 served by the Divisions. Thus, there is a need to create revolving funds for
24 the respective programs to allow them direct access to funds, however

1 meager, they generate. This legislation will ensure that these agricultural
2 programs operate efficiently and, more importantly, deliver the kind and level
3 of service which the public rightfully expects and deserves.

4 **Section 2.** Section 47143 of the Government Code, enacted in Public
5 Law Number 24-14:15, is hereby *renumbered* to Section 73145 of Article 1,
6 Chapter 73, Division 7 of Title 5 of the Guam Code Annotated, and this
7 Section is further *amended* to read as follows:

8 **"Section 73145. Customs, Agriculture and Quarantine**
9 **Inspection Services Charge Established.** Each aircraft landing at
10 the Antonio B. Won Pat International Airport, Guam shall be levied a
11 Customs, Agriculture and Quarantine Inspection services charge
12 reasonably related to the costs incurred by the Customs and Quarantine
13 Agency and the Department of Agriculture in providing, maintaining
14 and operating the service charge facilities, and shall be allocated among
15 air carriers in such a manner reasonably related to the relative demand
16 for such services attributable to each carrier. Each consignment of air
17 and sea cargo, and each passenger landing at a sea port shall also be
18 levied a Customs, Agriculture and Quarantine Inspection services
19 charge, *except* for those passengers which may be exempted under the
20 rules and regulations promulgated pursuant to § 73151.

21 The service charges shall be reasonably related to the costs
22 incurred by the Customs and Quarantine Agency and the Department
23 of Agriculture in providing, maintaining and operating the service
24 charge facilities.

1 Notwithstanding any other provision of law, the establishment,
2 modification or adjustment of any service charge levied pursuant to this
3 Section shall be subject to the provisions of the Administrative
4 Adjudication Law.”

5 **Section 3.** Section 73149 of Article 1, Chapter 73, Division 7 of Title 5 of
6 the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

7 **“Section 73149. Deposit of Customs, Agriculture and**
8 **Quarantine Inspection Services Charge in Customs, Agriculture and**
9 **Quarantine Inspection Services Fund.** Notwithstanding any other
10 provisions of law, all funds received in accordance with this Chapter
11 shall be remitted, within five (5) days of receipt, to the Treasurer of
12 Guam for credit to the Customs, Agriculture and Quarantine Inspection
13 Services Fund, as provided for in § 73152 of this Chapter; *provided,*
14 however, that, upon authorization and certification by the Director of
15 the Customs and Quarantine Agency, the Antonio B. Won Pat
16 International Airport Authority, Guam may deduct from the remittance
17 any actual expenses or charges attributable to the Customs and
18 Quarantine Agency or to the Department of Agriculture incurred in
19 administering or carrying out the purposes of this Act, and any other
20 charges incurred by the Customs and Quarantine Agency or the
21 Department of Agriculture Plant Protection and Quarantine Section at
22 the Antonio B. Won Pat International Airport, Guam.

23 Expenses and encumbrances, *except* those outlined above, of the
24 Customs and Quarantine Agency and the Department of Agriculture, or

1 their agents, incurred in performing their duties and obligations as
2 prescribed in this Chapter shall be paid from the Customs, Agriculture
3 and Quarantine Inspection Services Fund upon appropriation by *I*
4 *Liheslaturan Guåhan*. Any funds appropriated to the Customs and
5 Quarantine Agency or to the Department of Agriculture shall be
6 administered by their respective Director, who shall also be the
7 certifying officer for their respective agency."

8 **Section 4. Plant Protection and Quarantine Revolving Fund**
9 **Established.**

10 (a) There is hereby established a fund to be known as the "Plant
11 Protection and Quarantine Revolving Fund" which shall be maintained
12 separate and apart from any other funds of the government of Guam,
13 and independent records and accounts shall be maintained in
14 connection therewith. All fees collected under the Department of
15 Agriculture's Fee Schedule for agricultural quarantine activities shall be
16 deposited into said Fund. Deposits into the Fund shall include, but are
17 *not* limited to, (i) import permit fees, (ii) export certificate fees, (iii)
18 inspection fees *and* (iv) fees for commodity treatment services.

19 (b) The Plant Protection and Quarantine Revolving Fund shall
20 be used *exclusively* for agricultural quarantine purposes, including, but
21 *not* limited to, the purchasing of necessary capital equipment or
22 uniforms for Plant Protection and Quarantine Officers, a uniform
23 allowance procedure for which is hereby expressly authorized. The

1 certifying officer for the Fund shall be the Director of the Department of
2 Agriculture.

3 **Section 5. Appropriation for Plant Inspection Station.** There is
4 hereby appropriated from the Customs, Agriculture and Quarantine
5 Inspection Services Fund the sum of Fifty Thousand Dollars (\$50,000.00) to the
6 Department of Agriculture Plant Protection and Quarantine Section. Said
7 appropriation shall be used towards the completion of the establishment of a
8 Federally-certified plant inspection station on Guam which is expected to
9 further Guam's economic development and diversification.

10 **Section 6. Plant Protection and Quarantine Officers as Uniformed**
11 **Officers for Retirement Purposes.** Section 8104(p) of Article 1, Chapter 8
12 of Title 4 of the Guam Code Annotated is hereby *repealed and reenacted* to read
13 as follows:

14 "(p) 'Uniformed Personnel' means Guam Police Department
15 Officers, Guam Fire Department Firemen, Customs and Quarantine
16 Officers in the Customs and Quarantine Agency, Conservation Officers
17 and Plant Protection and Quarantine Officers of the Department of
18 Agriculture, Territorial Park Patrol Officers of the Department of Parks
19 and Recreation, Corrections Officers of the Department of Corrections,
20 Airport Police Officers and Security Personnel at the Antonio B. Won
21 Pat International Airport Authority, Guam; Jose D. Leon Guerrero
22 Commercial Port Security personnel; Marshals of the Supreme Court of
23 Guam and the Superior Court of Guam; and Firefighters of the Antonio
24 B. Won Pat International Airport Authority, Guam. In all matters

1 involving the uniformed personnel at the Antonio B. Won Pat
2 International Airport Authority, Guam, the Jose D. Leon Guerrero
3 Commercial Port or the Department of Parks and Recreation, the
4 Supreme Court of Guam and the Superior Court of Guam Marshals, and
5 the Guam Police Department shall have concurrent jurisdiction with
6 such personnel."

7 **Section 7. Plant Nursery Revolving Fund Established.** Section
8 62202.1 is hereby *added* to Article 2, Chapter 62, Division 6 of Title 5 of the
9 Guam Code Annotated to read as follows:

10 "Section 62202.1. (a) Notwithstanding any other
11 provisions of law, there is hereby established the 'Plant Nursery
12 Revolving Fund' which shall be maintained separate and apart
13 from any other funds of the government of Guam, and
14 independent records and accounts shall be maintained in
15 connection therewith. All fees collected under the Department of
16 Agriculture's Fee Schedule for plant nursery services and activities
17 shall be deposited into said Fund. Deposits shall include, but are
18 *not* limited to, proceeds from the sale of vegetable, fruit and other
19 tree seedlings, and fees for grafting, air layering and seed
20 propagation services provided to farmers and interested parties.

21 (b) The Plant Nursery Revolving Fund shall be used
22 *exclusively* for plant nursery expenditures, including, but *not*
23 limited to, the purchasing of nursery stocks, materials and
24 supplies for grafting, air layering and seed propagation services

1 provided to farmers and interested parties. The certifying officer
2 for the Fund shall be the Director of the Department of
3 Agriculture.”

4 **Section 8. Severability.** *If* any provision of this Law or its
5 application to any person or circumstance is found to be invalid or contrary to
6 law, such invalidity shall *not* affect other provisions or applications of this
7 Law which can be given effect without the invalid provisions or application,
8 and to this end, the provisions of this Law are severable.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 304 (COR), "AN ACT TO AMEND § 73145, TO REPEAL AND REENACT § 73149 AND TO ADD § 62202.1 TO TITLE 5, AND TO REPEAL AND REENACT § 8104(p) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, TO APPROPRIATE \$50,000.00 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES," was on the 4th day of September, 2002, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahaen Guåhan* this 16th day of September, 2002,
at 7:55 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

SBill No. 304 (COR)

Resolution No. _____

Question: _____

26-140

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6
9/4/02

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 304 (COR)

As substituted by the Author
and amended on the Floor.

*

Introduced by:

M. C. Charfauros
A. L.G. Santos
L. F. Kasperbauer
V. C. Pangelinan
Mark Forbes
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
L. A. Leon Guerrero
K. S. Moylan
A. R. Unpingco
J. T. Won Pat

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the law authorizing the “Customs, Agriculture and Quarantine
4 Inspection Services Charge Established” needs to be utilized for more facilities
5 involved in agricultural inspections of agricultural products arriving at the
6 Airport. While the Section authorizing this charge was repealed in Public
7 Law Number 23-128:14, it was reinstated in Public Law Number 24-14:15,
8 although using different section numbers. It is desirable to reenact this code
9 section with reference to the right section numbers.

10 *I Liheslaturan Guåhan* further finds that daily operations of certain
11 programs within the Department of Agriculture, *specifically* the Plant,
12 Protection and Quarantine and the Plant Nursery Programs, have been
13 seriously crippled due to their inability to directly access funds which the
14 Programs themselves generate through sales and services they provide on a
15 daily basis. The revenue generated by the Plant, Protection and Quarantine
16 Program from import permit, export certificate, inspection and commodity
17 treatment services fees, and the estimated Twenty-five Thousand Dollars
18 (\$25,000.00) annual revenue generated by the Plant Nursery from the sale of
19 vegetables, fruits and other tree seedlings, and grafting, air layering and seed
20 propagation fees are all currently being deposited into the General Fund.

21 Budget constraints, coupled with a reprioritization of department needs,
22 have resulted in the poor delivery of services to the communities served by
23 the divisions. Thus, there is a need to create revolving funds for the
24 respective programs to allow them direct access to funds, however meager,

1 they generate. The legislation will ensure that these agricultural programs
2 operate efficiently and, more importantly, deliver the kind and level of service
3 which the public rightfully expects and deserves.

4 **Section 2.** Section 47143 of the Government Code, enacted in Public
5 Law Number 24-14:15, is hereby *renumbered* to Section 73145 of Article 1,
6 Chapter 73, Division 7 of Title 5 of the Guam Code Annotated, and this
7 Section is further *amended* to read as follows:

8 **"Section 73145. Customs, Agriculture and Quarantine**
9 **Inspection Services Charge Established.** Each aircraft landing at
10 the Antonio B. Won Pat International Airport, Guam (Airport) shall be
11 levied a Customs, Agriculture and Quarantine Inspection services
12 charge reasonably related to the costs incurred by the Customs and
13 Quarantine Agency and the Department of Agriculture in providing,
14 maintaining and operating the service charge facilities, and shall be
15 allocated among air carriers in such a manner reasonably related to the
16 relative demand for such services attributable to each carrier. Each
17 consignment of air and sea cargo, and each passenger landing at a sea
18 port shall also be levied a Customs, Agriculture and Quarantine
19 Inspection services charge, *except* for those passengers which may be
20 exempted under the rules and regulations promulgated pursuant to §
21 73151.

22 The service charges shall be reasonably related to the costs
23 incurred by the Customs and Quarantine Agency and the Department

1 of Agriculture in providing, maintaining and operating the service
2 charge facilities.

3 Notwithstanding any other provision of law, the establishment,
4 modification or adjustment of any service charge levied pursuant to this
5 Section shall be subject to the provisions of the Administrative
6 Adjudication Law."

7 **Section 3.** Section 73149 of Article 1, Chapter 73, Division 7 of Title 5 of
8 the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

9 **"Section 73149. Deposit of Customs, Agriculture and**
10 **Quarantine Inspection Services Charge in Customs, Agriculture and**
11 **Quarantine Inspection Services Fund.** Notwithstanding any other
12 provisions of law, all funds received in accordance with this Chapter
13 shall be remitted, within five (5) days of receipt, to the Treasurer of
14 Guam for credit to the Customs, Agriculture and Quarantine Inspection
15 Services Fund as provided for in § 73152 of this Chapter; *provided,*
16 however, that, upon authorization and certification by the Director of
17 the Customs and Quarantine Agency, the Antonio B. Won Pat
18 International Airport Authority, Guam may deduct from the remittance
19 any actual expenses or charges attributable to the Customs and
20 Quarantine Agency or the Department of Agriculture incurred in
21 administering or carrying out the purposes of this Act, and any other
22 charges incurred by the Customs and Quarantine Agency or the
23 Department of Agriculture Plant Protection and Quarantine Section at
24 the Antonio B. Won Pat International Airport, Guam.

1 Expenses and encumbrances, *except* those outlined above, of the
2 Customs and Quarantine Agency and the Department of Agriculture, or
3 their agents, incurred in performing their duties and obligations as
4 prescribed in this Chapter shall be paid from the Customs, Agriculture
5 and Quarantine Inspection Services Fund upon appropriation by *I*
6 *Liheslaturan Guåhan*. Any funds appropriated to the Customs and
7 Quarantine Agency or to the Department of Agriculture shall be
8 administered by their respective Director, who shall also be the
9 Certifying Officer for their respective agency."

10 **Section 4. Plant Protection and Quarantine Revolving Fund**
11 **Established.**

12 (a) There is hereby established a fund to be known as the "Plant
13 Protection and Quarantine Revolving Fund" which shall be maintained
14 separate and apart from any other funds of the government of Guam,
15 and independent records and accounts shall be maintained in
16 connection therewith. All fees collected under the Department of
17 Agriculture's Fee Schedule for agricultural quarantine activities shall be
18 deposited into said Fund. Deposits into the fund shall include, but are
19 *not* limited to, (i) import permit fees, (ii) export certificate fees, (iii)
20 inspection fees, and (iv) fees for commodity treatment services.

21 (b) The Plant Protection and Quarantine Revolving Fund shall
22 be used *exclusively* for agricultural quarantine purposes including, but
23 *not* limited to, the purchasing of necessary capital equipment or
24 uniforms for Plant Protection and Quarantine Officers, a uniform

1 allowance procedure for which is hereby expressly authorized. The
2 certifying officer for the fund shall be the Director of Agriculture.

3 **Section 5. Appropriation for Plant Inspection Station.** There is
4 hereby appropriated from the Customs, Agriculture and Quarantine
5 Inspection Services Fund the sum of Fifty Thousand Dollars (\$50,000.00) to the
6 Department of Agriculture Plant Protection and Quarantine Section. Said
7 appropriation shall be used towards the completion of the establishment of a
8 Federally-certified plant inspection station on Guam which is expected to
9 further Guam's economic development and diversification.

10 **Section 6. Plant Protection and Quarantine Officers as Uniformed**
11 **Officers for Retirement Purposes.** Section 8104(p) of Article 1, Chapter 8
12 of Title 4 of the Guam Code Annotated is hereby *repealed and reenacted* to read
13 as follows:

14 “(p) ‘Uniformed Personnel’ means Guam Police Department
15 Officers, Guam Fire Department Firemen, Customs and Quarantine
16 Officers in the Customs and Quarantine Agency, Conservation Officers
17 and Plant Protection and Quarantine Officers of the Department of
18 Agriculture, Territorial Park Patrol Officers of the Department of Parks
19 and Recreation, Corrections Officers of the Department of Corrections,
20 Airport Police Officers and Security Personnel at the Antonio B. Won
21 Pat International Airport Authority, Guam, Jose D. Leon Guerrero
22 Commercial Port Security personnel; Marshals of the Supreme Court
23 and Superior Court; and Firefighters of the Antonio B. Won Pat
24 International Airport Authority, Guam. In all matters involving the

1 uniformed personnel at the Antonio B. Won Pat International Airport
2 Authority, Guam, the Jose D. Leon Guerrero Commercial Port or the
3 Department of Parks and Recreation, the Supreme and Superior Court
4 Marshals, and the Guam Police Department shall have concurrent
5 jurisdiction with such personnel.”

6 **Section 7. Plant Nursery Revolving Fund Established.** Section
7 62202.1 is hereby *added* to Article 2, Chapter 62, Division 6 of Title 5 of the
8 Guam Code Annotated to read as follows:

9 “Section 62202.1. (a) Notwithstanding any other
10 provisions of law, there is hereby established the ‘Plant Nursery
11 Revolving Fund’ which shall be maintained separate and apart
12 from any other funds of the government of Guam, and
13 independent records and accounts shall be maintained in
14 connection therewith. All fees collected under the Department of
15 Agriculture’s Fee Schedule for plant nursery services and activities
16 shall be deposited into said Fund. Deposits shall include, but are
17 *not* limited to, proceeds from the sale of vegetable, fruit and other
18 tree seedlings, and fees for grafting, air layering and seed
19 propagation services provided to farmers and interested parties.

20 (b) The Plant Nursery Revolving Fund shall be used
21 *exclusively* for plant nursery expenditures including, but *not*
22 limited to, the purchasing of nursery stocks, materials and
23 supplies for grafting, air layering and seed propagation services

1 provided to farmers and interested parties. The certifying officer
2 for the Fund shall be the Director of Agriculture.”

3 **Section 8. Severability.** *If* any provision of this Law or its
4 application to any person or circumstance is found to be invalid or contrary to
5 law, such invalidity shall *not* affect other provisions or applications of this
6 Law which can be given effect without the invalid provisions or application,
7 and to this end, the provisions of this Law are severable.

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

August 14, 2002

Honorable Antonio R. Unpingco
Speaker
Mina'Bente Sais Na Liheslaturan Guåhan
Hagåtña, Guam 96910

VIA: Chairperson, Committee on Rules, General Government Operations,
Reorganization and Reform and Federal, Foreign and General Affairs

Dear Mr. Speaker:

304 CDK G

The Committee on Ways and Means, to which was referred Bill No. ~~328 (LS)~~ "AN ACT TO AMEND CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO AMEND THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

<u>7</u>	To Do Pass
<u>0</u>	Not to Pass
<u>0</u>	To Report Out
<u>0</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Thank you,


KALEO S. MOYLAN
Chairperson

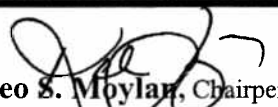
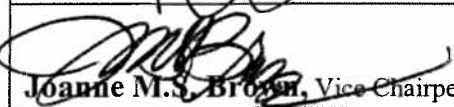

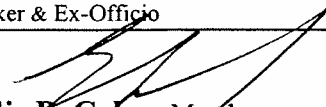
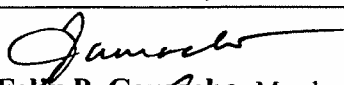
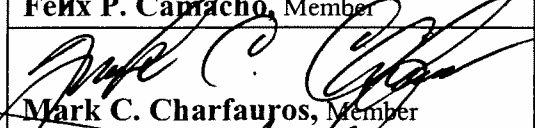

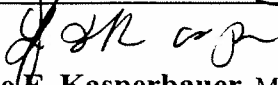

Committee on Ways and Means

Vote Sheet on

Bill No. 304 (COR)

As substituted by the Author

AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES.

COMMITTEE MEMBER	TO DO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
 Kaleo S. Moylan, Chairperson	✓				
 Joanne M.S. Brown, Vice Chairperson	✓				
 Antonio R. Unpingco, Speaker & Ex-Officio	✓				
 Eddie B. Calvo, Member	✓				
 Felix P. Carricho, Member	✓				
 Mark C. Charfauros, Member	✓				
 Mark Forbes, Member	✓				
 Lawrence F. Kasperbauer, Member	✓				
 Vicente C. Pangelinan, Member	✓				

***Committee on Ways and Means
Report On***

Bill No. 304(COR)

As substituted by the Author.

AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES.

PUBLIC HEARING:

The Committee on Ways and Means, to which was referred Bill No. 304 (COR) “AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES,” conducted a public hearing on Wednesday, May 29, 2002, at the Guam Legislature Session Hall. Senator Kaleo S. Moylan, Chairperson of the Committee on Ways and Means, convened the hearing at 9:30 a.m. In attendance were Senators Tom C. Ada, Vicente C. Pangelinan and Lou A. Leon Guerrero.

TESTIMONY:

Appearing before the Committee was Mr. John Quinata, representing the Customs and Quarantine Agency. Mr. Quinata testified that the agency supports and passage and enactment of Bill No. 304. According to Mr. Quinata, the law authorizing the “Customs, Agriculture and Quarantine Inspection Charge Established” needs to be utilized for more facilities involved in agricultural inspections of agricultural products arriving at the airport. In closing, he urged members of the Committee to act favorably on the legislation. There being no further witnesses, the Chair adjourned the hearing on Bill No 304 (COR).

PROFILE, FINDINGS AND RECOMMENDATION

Brief Title: “Customs, Agriculture and Quarantine Inspection Services Charge.”

Date Introduced: Tuesday, April 2, 2002.

Main Sponsor: Senator M. C. Charfauros.

Committee Referral: Monday, May 6, 2002, from the Committee on Rules, Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs to the Committee on Ways and Means.

Public Hearing: Wednesday, May 29, 2002, 9:30 a.m. at the Legislative Session Hall.

Official Title: AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES.

Fiscal Note: Pursuant to the provisions of Chapter 9, Title 2 of the Guam Code Annotated, a request for a fiscal note on Bill No. 304 (COR) was made to BBMR on Tuesday, May 21, 2002.

A Closer Look and Findings

A closer look reveals that the law authorizing the “Customs, Agriculture and Quarantine Inspection Charge Established” needs to be utilized for more facilities involved in agricultural inspections of agricultural products arriving at the airport. *I Liheslaturan Guåhan* finds that while the Section authorizing this charge was repealed in Public Law No. 23-128:14, it was reinstated in Public Law No. 24-14:15, although using different section numbers. It is desirable to reenact this code section with reference to the right section numbers.

Furthermore, *I Liheslaturan Guåhan* finds that daily operations of certain programs within the Department of Agriculture, specifically, the Plant, Protection and Quarantine and the Plant Nursery programs, have been seriously crippled due to their inability to directly access funds which the programs, themselves, generate through sales and services they provide on a daily basis. The revenue generated by the Plant, Protection and Quarantine Program from import permit, export certificate, inspection and commodity treatment services fees and the estimated \$25,000 annual revenue generated by the Plant Nursery from the sale of vegetable, fruit and other tree seedlings, and grafting, air layering and seed propagation fees are all currently being deposited into the General Fund.

Budget constraints, coupled with a re-prioritization of department needs, have resulted in the poor delivery of service to the communities served by the divisions. Thus, there is a need to create revolving funds for the respective programs to allow them direct access to funds, however meager, they generate.

The legislation will ensure that these agricultural programs operate efficiently and, more importantly, deliver the kind and level of service which the public rightfully expects and deserves.

Section Analysis

Section 1. Legislative Findings and Intent.

Section 2. Section 2 renumbers §47143 of the Government Code, enacted in Public Law No. 24-14:15, is renumbered to be §73145 of Title 5 of the Guam Code Annotated and further amends §73145. A closer look at Section 2 of the act reveals the Customs, Agriculture and Quarantine Inspection Services Charge Established. This Section provides that each aircraft landing at the A.B. Won Pat International Air Terminal shall be levied a Customs, Agriculture and Quarantine Inspection services charge reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities, and shall be allocated among air carriers in such a manner reasonably related to the relative demand for such services attributable to each carrier.

It further provides that the service charges shall be reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities.

Section 3. This Section repeals and reenacts the Deposit of Customs, Agriculture and Quarantine Inspection Services Charge in Customs, Agriculture and Quarantine Inspection Services Fund. It provides that the all funds received in accordance with this Chapter shall be remitted, within five (5) days of receipt, to the Treasurer of Guam for credit to the Customs, Agriculture and Quarantine Inspection Services Fund as provided for in §73152 of this Chapter.

Section 4. Plant Protection and Quarantine Revolving Fund Established. This Section establishes a fund known as the "Plant Protection and Quarantine Revolving Fund." This fund is to be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. All fees collected under the Department of Agriculture's Fee Schedule for agricultural quarantine activities shall be deposited into said Fund.

Furthermore, the Plant Protection and Quarantine Revolving Fund shall be used *exclusively* for agricultural quarantine purposes including, but not limited to, the purchasing of necessary capital equipment or uniforms for Plant Protection and Quarantine Officers, a uniform allowance procedure for which is hereby expressly authorized. The certifying officer for the fund shall be the Director of Agriculture.

Section 5. Appropriation for Plant Inspection Station. There is hereby appropriated from the Customs, Agriculture and Quarantine Inspection Services Fund the sum of fifty-thousand Dollars (\$50,000.00) to the Department of Agriculture Plant Protection and Quarantine Section.

Section 6. This Section pertains to the Plant Protection and Quarantine Officers as Uniformed Officers for Retirement Purposes.

Section 7. Plant Nursery Revolving Fund Established. Section 7 establishes a "Plant Nursery Revolving Fund" which shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. All fees collected under the Department of Agriculture's Fee Schedule for plant nursery services and activities, shall be deposited into said Fund.

Section 8. Severability.

RECOMMENDATION:

The Committee on Ways and Means, to which was referred Bill No. 304 (COR), "AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES," recommends that the legislation, as substituted, be passed by *I Liheslaturan Guåhan*.

2nd Edy
8/14
Discussion
8/21/02

3rd
8/21/02

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 304 (COR)

As substituted by the Author.

Introduced by:

1. M. C. Charfauros
2. ALGS
3. *J. Kosyba*
4. VCP
5. M. Farber

AN ACT TO *AMEND* CHAPTER 73 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO *AMEND* THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE, AND TO APPROPRIATE \$50,000 FROM THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES FUND FOR THE ESTABLISHMENT OF A PLANT INSPECTION STATION ON GUAM, AND FOR OTHER PURPOSES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the law authorizing the “Customs, Agriculture and Quarantine Inspection
4 Charge Established” needs to be utilized for more facilities involved in agricultural
5 inspections of agricultural products arriving at the airport. While the section
6 authorizing this charge was repealed in Public Law No. 23-128:14, it was reinstated in
7 Public Law No. 24-14:15, although using different section numbers. It is desirable to
8 reenact this code section with reference to the right section numbers.

9 *I Liheslaturan Guåhan* further finds that daily operations of certain programs
10 within the Department of Agriculture, specifically, the Plant, Protection and

I MINA'BENTE SAIS NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 304

MCC

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

- sponsors: 1) MCC
2) ALGS
3) LFK
4) VCP
5) M Barber

(Below only for Clerk of Legislature's use and processing))

Date 8/21, 2002

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 Quarantine and the Plant Nursery programs, have been seriously crippled due to their
2 inability to directly access funds which the programs, themselves, generate through
3 sales and services they provide on a daily basis. The revenue generated by the Plant,
4 Protection and Quarantine Program from import permit, export certificate, inspection
5 and commodity treatment services fees and the estimated \$25,000 annual revenue
6 generated by the Plant Nursery from the sale of vegetable, fruit and other tree
7 seedlings, and grafting, air layering and seed propagation fees are all currently being
8 deposited into the General Fund. Budget constraints, coupled with a re-prioritization
9 of department needs, have resulted in the poor delivery of service to the communities
10 served by the divisions. Thus, there is a need to create revolving funds for the
11 respective programs to allow them direct access to funds, however meager, they
12 generate. The legislation will ensure that these agricultural programs operate
13 efficiently and, more importantly, deliver the kind and level of service which the
14 public rightfully expects and deserves.

15 **Section 2.** Section 47143 of the Government Code, enacted in Public Law
16 No. 24-14:15, *is renumbered* to be Section 73145 of Title 5 of the Guam Code
17 Annotated and is further *amended* to read as follows:

18 **“Section 73145. Customs, Agriculture and Quarantine Inspection**
19 **Services Charge Established.** Each aircraft landing at the A.B. Won Pat
20 International Air Terminal shall be levied a Customs, Agriculture and
21 Quarantine Inspection services charge reasonably related to the costs incurred
22 by the Customs and Quarantine Agency and the Department of Agriculture in
23 providing, maintaining and operating the service charge facilities, and shall be
24 allocated among air carriers in such a manner reasonably related to the relative
25 demand for such services attributable to each carrier. Each consignment of air
26 and sea cargo and each passenger landing at a sea port shall also be levied a

1 Customs, Agriculture and Quarantine Inspection services charge, except for
2 those passengers which may be exempted under the rules and regulations
3 promulgated pursuant to [~~§47147~~] §73151. The service charges shall be
4 reasonably related to the costs incurred by the Customs and Quarantine Agency
5 and the Department of Agriculture in providing, maintaining and operating the
6 service charge facilities.

7 Notwithstanding any other provision of law, the establishment,
8 modification or adjustment of any service charge levied pursuant to this Section
9 shall be subject to the provisions of the Administrative Adjudication Law.”

10 **Section 3.** Section 73149 of Title 5 of the Guam Code Annotated is hereby
11 *repealed and reenacted* to read as follows:

12 **“Section 73149. Deposit of Customs, Agriculture and Quarantine**
13 **Inspection Services Charge in Customs, Agriculture and Quarantine**
14 **Inspection Services Fund.** Notwithstanding any other provision of
15 law, all funds received in accordance with this Chapter shall be remitted, within
16 five (5) days of receipt, to the Treasurer of Guam for credit to the Customs,
17 Agriculture and Quarantine Inspection Services Fund as provided for in §73152
18 of this Chapter; provided, however, that, upon authorization and certification by
19 the Director of Customs and Quarantine, the Guam International Airport
20 Authority (GIAA) may deduct from the remittance any actual expenses or
21 charges attributable to the Customs and Quarantine Agency or the Department
22 of Agriculture incurred in administering or carrying out the purposes of this act
23 and any other charges incurred by the Customs and Quarantine Agency or the
24 Department of Agriculture Plant Protection and Quarantine Section at the
25 ~Airport. Expenses and encumbrances, except those outlined above, of the
26 Customs and Quarantine Agency and the Department of Agriculture, or their

1 agents, incurred in performing their duties and obligations as prescribed in this
2 Chapter shall be paid from the Customs, Agriculture and Quarantine Inspection
3 Services Fund upon appropriation by the Legislature. Any funds appropriated
4 to the Customs and Quarantine Agency or the Department of Agriculture shall
5 be administered by the respective Director, who shall also be the Certifying
6 Officer for their respective agency.”

7 **Section 4. Plant Protection and Quarantine Revolving Fund Established.**

8 (a) There is hereby established a fund to be known as the “Plant Protection
9 and Quarantine Revolving Fund” which shall be maintained separate and apart from
10 any other funds of the government of Guam, and independent records and accounts
11 shall be maintained in connection therewith. All fees collected under the Department
12 of Agriculture’s Fee Schedule for agricultural quarantine activities shall be deposited
13 into said Fund. Deposits into the fund shall include, but are not limited to, (i) import
14 permit fees, (ii) export certificate fees, (iii) inspection fees, and (iv) fees for
15 commodity treatment services.

16 (b) The Plant Protection and Quarantine Revolving Fund shall be used
17 *exclusively* for agricultural quarantine purposes including, but not limited to, the
18 purchasing of necessary capital equipment or uniforms for Plant Protection and
19 Quarantine Officers, a uniform allowance procedure for which is hereby expressly
20 authorized. The certifying officer for the fund shall be the Director of Agriculture.

21 **Section 5. Appropriation for Plant Inspection Station.** There is hereby
22 appropriated from the Customs, Agriculture and Quarantine Inspection Services Fund
23 the sum of Fifty Thousand Dollars (\$50,000.00) to the Department of Agriculture
24 Plant Protection and Quarantine Section. Said appropriation shall be used towards the
25 completion of the establishment of a federally-certified plant inspection station on

1 Guam which is expected to further Guam's economic development and
2 diversification.

3 **Section 6. Plant Protection and Quarantine Officers as Uniformed**
4 **Officers for Retirement Purposes.** Section 8104(p) of Title 4 of the Guam Code
5 Annotated is hereby *repealed and reenacted* to read as follows:

6 “(p) *Uniformed Personnel* means Guam Police Department
7 Officers, Guam Fire Department Firemen, Customs and Quarantine Officers in
8 the ~~[Department of]~~ Customs and Quarantine Agency, Conservation Officers
9 and Plant Protection and Quarantine Officers of the Department of Agriculture,
10 Territorial Park Patrol Officers of the Department of Parks and Recreation,
11 Corrections Officers of the Department of Corrections, Airport Police Officers
12 and Security Personnel at the ~~[A.]~~ Antonio B. Won Pat International Airport,
13 Guam, and ~~[Port Authority of Guam]~~ Jose D. Leon Guerrero Commercial Port
14 Security personnel; Marshals of the Supreme Court and Superior Court; and
15 Firefighters of the ~~[A.]~~ Antonio B. Won Pat [Guam] International Airport
16 Authority, Guam. In all matters involving the ~~security officers~~ uniformed
17 personnel at ~~of~~ the ~~[A.]~~ Antonio B. Won Pat [Guam] International Airport,
18 Guam, the ~~[Port Authority of Guam]~~ Jose D. Leon Guerrero Commercial Port
19 or the Department of Parks and Recreation, the Supreme and Superior Court
20 Marshals, and the Guam Police Department shall have concurrent jurisdiction
21 with such personnel forces.”

22 **Section 7. Plant Nursery Revolving Fund Established.** Section
23 62202.1 is hereby *added* to Article 2, Division 6, Chapter 62 of Title 5 of the Guam
24 Code Annotated to read as follows:

25 “**Section 62202.1.** (a) Notwithstanding any other provision of
26 law, there is hereby established the “Plant Nursery Revolving Fund” which

1 shall be maintained separate and apart from any other funds of the government
2 of Guam, and independent records and accounts shall be maintained in
3 connection therewith. All fees collected under the Department of Agriculture's
4 Fee Schedule for plant nursery services and activities, shall be deposited into
5 said Fund. Deposits shall include, but are not limited to, proceeds from the sale
6 of vegetable, fruit and other tree seedlings, and fees for grafting, air layering
7 and seed propagation services provided to farmers and interested parties.

8 (b) The Plant Nursery Revolving Fund shall be used *exclusively* for
9 plant nursery expenditures including, but not limited to, the purchasing of
10 nursery stocks, materials and supplies for grafting, air layering and seed
11 propagation services provided to farmers and interested parties. The certifying
12 officer for the Fund shall be the Director of Agriculture."

13 **Section 8. Severability.** *If* any provision of this Law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such invalidity
15 shall *not* affect other provisions or applications of this Law which can be given effect
16 without the invalid provisions or application, and to this end, the provisions of this
17 Law are severable.



MINA ' BENTE SAIS NA LIHESLATURAN GUAHAN

Kumitchan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinuepa,
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gebil
Kabistyon Mayura*

06 MAY 2002

MEMORANDUM

TO: Chairman
Committee on Ways and Means

FROM: Chairman
Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral - Bill No. 304 (COR)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment


GUAM LEGISLATURE	
OFFICE OF SENATOR KALEO S. MOYLAN	
ACKNOWLEDGEMENT RECEIPT	
Date: <u>5/6/02</u>	Time: <u>4:40pm</u>
Received by: <u>[Signature]</u>	

17002

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 304 (CORL)

Introduced by:

M. C. Charfauros 

AN ACT TO AMEND CHAPTER 73 OF TITLE 5,
GUAM CODE ANNOTATED TO REINSTATE THE
CUSTOMS, AGRICULTURE AND QUARANTINE
INSPECTION SERVICES CHARGE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the law authorizing the “Customs, Agriculture and Quarantine Inspection Charge Established” has effectively been repealed by P. L. 23-128:14. There is a need to reinstate this law to ensure that the charges are, in fact, collected and are not commingled with the General Fund.

Section 2. §73145, 5GCA is hereby repealed and reenacted to read as follows:

§73145. Customs, Agriculture and Quarantine Inspection Services Charge Established. Each aircraft landing at the A.B. Won Pat International Air Terminal shall be levied a Customs, Agriculture and Quarantine Inspection services charge

reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities, and shall be allocated among air carriers in such a manner reasonably related to the relative demand for such services attributable to each carrier. Each consignment of air and sea cargo and each passenger landing at a sea port shall also be levied a Customs, Agriculture and Quarantine Inspection services charge, except for those passengers which may be exempted under the rules and regulations promulgated pursuant to §73151. The service charges shall be reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating customs, agriculture and quarantine services.

Notwithstanding any other provision of law, the establishment, modification or adjustment of any service charged levied pursuant to this Section shall be subject to the provisions of the Administrative Adjudication Law.

Section 3. §73149, 5GCA is hereby repealed and reenacted to read as follows:

§73149. Deposit of Customs, Agriculture and Quarantine Inspection Services Charge in Customs, Agriculture and Quarantine Inspection Services Fund. Notwithstanding any other provision of law, all funds received in accordance with this Chapter shall be remitted, within five (5) days of receipt, to the Treasurer of Guam for credit to the Customs, Agriculture and Quarantine Inspection Services Fund as provided for in §73152 of this Chapter; provided, however, that the Guam International Airport Authority (GIAA) shall be allowed to deduct from the remittance any actual expenses or charges attributable to the Customs and Quarantine Agency or the Department of Agriculture incurred in administering or carrying out the purposes of this act and any other charges incurred by the Customs and Quarantine Agency at

the Airport. Expenses and encumbrances, except those outlined above, of the Customs and Quarantine Agency and the Department of Agriculture, and/or their agents incurred in performing their duties and obligations as prescribed in this Chapter shall be paid from the Customs, Agriculture and Quarantine Inspection Services Fund upon appropriation by the Legislature. Any funds appropriated to the Department of Agriculture or the Customs and Quarantine Agency shall be administered by the respective Director, who shall also be the Certifying Officer for their respective agency.

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

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina' Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

May 21, 2002

The Honorable Carl T.C. Gutierrez
Maga'lahaen Guåhan
R. J. Bordallo Governor's Complex
Agana, Guam 96932

Re: Committee Public Hearing: Wednesday, May 29, 2002

Dear Governor Gutierrez:

This is to inform you that immediately after our discussion on the FY 2003 "Revenue Estimate" Hearing, the Committee on Ways and Means will conduct a public hearing on the following measures:

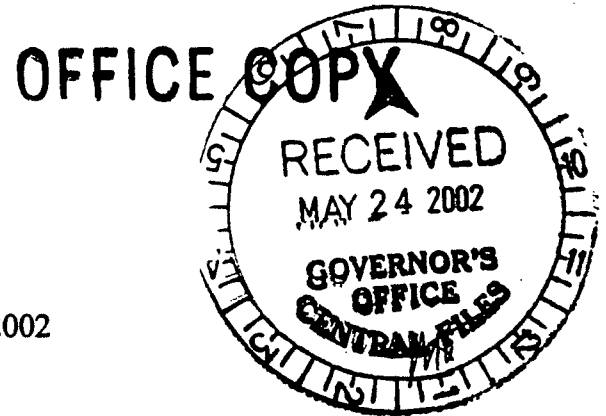
Bill No. 192 (LS), AN ACT TO APPROPRIATE \$2 MILLION TO THE GUAM VISITORS BUREAU FOR IMMEDIATE JAPAN MARKETING.

Bill No. 229 (LS), AN ACT TO AMEND ITEMS (e) AND (I) OF SECTION 51102 OF CHAPTER 51 OF TITLE 12, GUAM CODE ANNOTATED AND SECTION 5 OF PUBLIC LAW 26-58 REGARDING TECHNICAL CORRECTIONS AND OTHER CHANGES AND TO APPROPRIATE THE SUM OF \$225,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR POLICE VEHICLES.

Bill No. 235 (LS), AN ACT TO AMEND §3114 TO TITLE 16, §57103 TO TITLE 10, §4121 TO TITLE 4, AND §1107 TO TITLE 17, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT THE MONTH AND THE YEAR AN INDIVIDUAL TURNS THE LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES BE PROMINENTLY DISPLAYED ON ALL IDENTIFICATION CARDS ISSUED BY THE GOVERNMENT OF GUAM TO INDIVIDUALS UNDER SUCH LEGAL AGE AT THE TIME THE IDENTIFICATION IS ISSUED.

Bill No. 258 (COR), AN ACT RELATIVE TO ASSISTING MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE STATIONED ON GUAM IN THE ACQUISITION OF A GUAM DRIVER'S LICENSE THROUGH ADDING A NEW SUBSECTION (C)(1.) TO §§3101.C OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED.

Bill No. 304 (COR), AN ACT TO AMEND CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED TO REINSTATE THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE.



Bill No. 328 (LS), AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ARCHITECTURAL AND ENGINEERING DESIGN OF AN UNDERWATER WALL IN TALOFOFO BAY AND A SEAWALL IN INARAJAN BAY IN ORDER TO PREVENT FURTHER EROSION AT BOTH LOCATIONS.

As these measures directly affect the government of Guam, the Committee encourages your participation and input at this hearing. The Committee would appreciate receiving fifteen (15) copies of your Administration's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

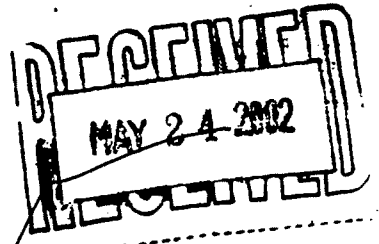
Sincerely,



KALEO S. MOYLAN

Enclosures:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature



OFFICE COPY

May 21, 2002

Mr. Paul D. Leon Guerrero
Director
Bureau of Budget and Management Research
R. J. Bordallo Governor's Complex
Hagåtña, Guam 96932

Re: Request for Fiscal Note

Dear Mr. Leon Guerrero:

Please find attached copies of Bill Nos. 192, 229, 235, 328 (LS), and Bill Nos. 258 and 304 (COR), have been scheduled for public hearing on Wednesday, May 29, 2002. Pursuant to the provisions of Chapter 9, of Title 2 of the Guam Code Annotated, a fiscal note is being requested.

As these measures affect the government of Guam, the Committee encourages your participation and input at this hearing. The Committee would appreciate receiving fifteen (15) copies of BBMR's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,


KALEO S. MOYLAN

Attachments:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guahan
Twenty-Sixth Guam Legislature

May 22, 2002

Mr. John Quinata
Director
Department of Customs and Quarantine
Tiyán, Guam 96921



OFFICE COPY

Re: Committee Public Hearing: Wednesday, May 29, 2002

Dear Mr. Quinata:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Wednesday, May 29, 2002 commencing at 9:30 a.m. in the Legislative Session Hall. As Bill No. 304 directly impacts your department, the Committee would appreciate receiving fifteen (15) copies of your position statement and or documents relating to the subject matter prior to the start of the hearing.

A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,


KALEO S. MOYLAN

Enclosures:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

May 28, 2002

MEMORANDUM

To: All Members, Committee on Ways and Means

From The Chairperson,

Subject: Reminder Notice Committee Public Hearing, Wednesday, May 29, 2002

This is to inform you that the Committee on Ways and Means will conduct a Public Hearing on Wednesday, May 29, 2002, at 9:30 a.m., in the Legislative Session Hall. A copy of the legislation and hearing Agenda is attached for your review.

Thank you for your time and I look forward to your attendance and participation.



KALEO S. MOYLAN

Attachment:

cc: All Senators
Clerk of Legislature
Protocol
Media

Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Legislative Public Hearing

9:30 a.m., Wednesday, May 29, 2002

A G E N D A

I. Call to Order:

II. Announcement & Introduction of Members:

III. Revenue 2003 Discussion:

- (a) Revenue Tracking –FY 2002.
- (b) Revenue Estimate – FY 2003.
- (c) Other, Financial Information.

IV. Legislative Measures:

Bill No. 192 (LS), AN ACT TO APPROPRIATE \$2 MILLION TO THE GUAM VISITORS BUREAU FOR IMMEDIATE JAPAN MARKETING.

Bill No. 229 (LS), AN ACT TO *AMEND* ITEMS (e) AND (l) OF SECTION 51102 OF CHAPTER 51 OF TITLE 12, GUAM CODE ANNOTATED AND SECTION 5 OF PUBLIC LAW 26-58 REGARDING TECHNICAL CORRECTIONS AND OTHER CHANGES AND TO APPROPRIATE THE SUM OF \$225,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR POLICE VEHICLES.

Bill No. 235 (LS), AN ACT TO AMEND §3114 TO TITLE 16, §57103 TO TITLE 10, §4121 TO TITLE 4, AND §1107 TO TITLE 17, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT THE MONTH AND THE YEAR AN INDIVIDUAL TURNS THE LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES BE PROMINENTLY DISPLAYED ON ALL IDENTIFICATION CARDS ISSUED BY THE GOVERNMENT OF GUAM TO INDIVIDUALS UNDER SUCH LEGAL AGE AT THE TIME THE IDENTIFICATION IS ISSUED.

Bill No. 258 (COR), AN ACT RELATIVE TO ASSISTING MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE STATIONED ON GUAM IN THE ACQUISITION OF A GUAM DRIVER'S LICENSE THROUGH ADDING A NEW SUBSECTION (C)(1.) TO §§3101.C OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED.

The Hearing will take place at the Guam Legislature's Session Hall.
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the
Office of Senator Kaleo S. Moylan at 472-3342.

Bill No. 279 (COR), AN ACT RELATIVE TO SUPPORTING OUR ISLAND'S YOUTH IN THEIR PARTICIPATION IN POSITIVE SOCIAL GATHERINGS BY AUTHORIZING BUSINESS ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES TO HOST SOCIAL EVENTS FOR PERSONS UNDER NINETEEN YEARS OF AGE WITH ADEQUATE SUPERVISION AND CONTROL MEASURES BY ADDING A NEW SUBSECTION 25308.1(a) TO SECTION 25308.1 OF THE GOVERNMENT CODE OF GUAM.

Bill No. 304 (COR), AN ACT TO AMEND CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED TO REINSTATE THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE.

Bill No. 328 (LS), AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ARCHITECTURAL AND ENGINEERING DESIGN OF AN UNDERWATER WALL IN TALOFOFO BAY AND A SEAWALL IN INARAJAN BAY IN ORDER TO PREVENT FURTHER EROSION AT BOTH LOCATIONS.

V. Remarks and Requests:

VI. Adjournment:

To: Marianas Variety May 21, 2002

ATTN; Joy

Fax: 648-2007 . Tel: 649-4950

From: James Castro; Tel: 472-3342/3

Sub.: Ad Size 1/8 Page (2 col x 5) Please run ad for Thursday, May 23 and Tuesday, May 28, 2002 editions.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

Senator Kaleo S. Moylan, Chairman

Committee on Ways and Means

Public Hearing

9:30 a.m., Wednesday, May 29, 2002

A G E N D A

9:30 a.m. at the Legislative Session Hall to discuss "Revenue Estimates" for Fiscal Year 2003. And **Bill No. 192 (LS)**, AN ACT TO APPROPRIATE \$2 MILLION TO THE GUAM VISITORS BUREAU FOR IMMEDIATE JAPAN MARKETING. **Bill No. 229 (LS)**, AN ACT TO AMEND ITEMS (e) AND (l) OF SECTION 51102 OF CHAPTER 51 OF TITLE 12, GUAM CODE ANNOTATED AND SECTION 5 OF PUBLIC LAW 26-58 REGARDING TECHNICAL CORRECTIONS AND OTHER CHANGES AND TO APPROPRIATE THE SUM OF \$225,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR POLICE VEHICLES. **Bill No. 235 (LS)**, AN ACT TO AMEND §3114 TO TITLE 16, §57103 TO TITLE 10, §4121 TO TITLE 4, AND §1107 TO TITLE 17, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT THE MONTH AND THE YEAR AN INDIVIDUAL TURNS THE LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES BE PROMINENTLY DISPLAYED ON ALL IDENTIFICATION CARDS ISSUED BY THE GOVERNMENT OF GUAM TO INDIVIDUALS UNDER SUCH LEGAL AGE AT THE TIME THE IDENTIFICATION IS ISSUED. **Bill No. 258 (COR)**, AN ACT RELATIVE TO ASSISTING MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE STATIONED ON GUAM IN THE ACQUISITION OF A GUAM DRIVER'S LICENSE THROUGH ADDING A NEW SUBSECTION (C)(1.) TO §§3101.C OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED. **Bill No. 304 (COR)**, AN ACT TO AMEND CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED TO REINSTATE THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE. **Bill No. 328 (LS)**, AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ARCHITECTURAL AND ENGINEERING DESIGN OF AN UNDERWATER WALL IN TALOFOFO BAY AND A SEAWALL IN INARAJAN BAY IN ORDER TO PREVENT FURTHER EROSION AT BOTH LOCATIONS.

The Hearing will take place at the Guam Legislature Session Hall located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

James,

Pls. check your ad & fax back to 648-2007.

Thanks,
Rosa

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN



Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Public Hearing
9:30 a.m., Wednesday, May 29, 2002

AGENDA

"Revenue Estimates" for Fiscal Year 2003. Followed by Bill No. 192 (LS), AN ACT TO APPROPRIATE \$2 MILLION TO THE GUAM VISITORS BUREAU FOR IMMEDIATE APACAN MARKETING. Bill No. 229 (LS), AN ACT TO AMEND ITEMS (c) AND (1) OF SECTION 51102 OF CHAPTER 51 OF TITLE 12, GUAM CODE ANNOTATED AND SECTION 5 OF PUBLIC LAW 26-58 REGARDING TECHNICAL CORRECTIONS AND OTHER CHANGES AND TO APPROPRIATE THE SUM OF \$225,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR POLICE VEHICLES. Bill No. 235 (LS), AN ACT TO AMEND §3114 TO TITLE 16, §57103 TO TITLE 10, §412, TO TITLE 4, AND §1107 TO TITLE 17, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT THE MONTH AND THE YEAR AN INDIVIDUAL TURNS THE LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES BE PROMINENTLY DISPLAYED ON ALL IDENTIFICATION CARDS ISSUED BY THE GOVERNMENT OF GUAM TO INDIVIDUALS UNDER SUCH LEGAL AGE AT THE TIME THE IDENTIFICATION IS ISSUED. Bill No. 258 (COR), AN ACT RELATIVE TO ASSISTING MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE STATIONED ON GUAM IN THE ACQUISITION OF A GUAM DRIVER'S LICENSE THROUGH ADDING A NEW SUBSECTION (CX1) TO §3101.C OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED. Bill No. 304 (COR), AN ACT TO AMEND CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED TO REINSTATE THE CUSTOMS, AGRICULTURE AND QUARANTINE INSPECTION SERVICES CHARGE. Bill No. 328 (LS), AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ARCHITECTURAL AND ENGINEERING DESIGN OF AN UNDERWATER WALL IN TALOFORO BAY AND A SEAWALL IN INARAJAN BAY IN ORDER TO PREVENT FURTHER EROSION AT BOTH LOCATIONS.

The hearing will take place at the Guam Legislature Session Hall located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

Attn: James

From: Rosa

Marianas Variety

Committee on Ways and Means

Attendance Sheet
Wednesday, May 29, 2002

Bill No. 304 (COR)

AN ACT TO AMEND CHAPTER 73 OF TITLE 5, GUAM CODE
ANNOTATED TO REINSTATE THE CUSTOMS, AGRICULTURE
AND QUARANTINE INSPECTION SERVICES CHARGE.

	Present	Absent	Off-Island	Excused
Kaleo S. Moylan,	✓	_____	_____	_____
Joanne M.S. Brown	_____	_____	_____	_____
Antonio R. Unpingco	_____	_____	_____	_____
Felix P. Camacho	_____	_____	_____	_____
Mark C. Charfauros	_____	_____	_____	_____
Mark Forbes	_____	_____	_____	_____
Lawrence F. Kasperbauer	_____	_____	_____	_____
Vicente C. Pangelinan	_____	_____	_____	_____

	Present	Absent	Off-Island	Excused
Joseph F. Ada	_____	_____	_____	_____
Thomas C. Ada	✓	_____	_____	_____
Frank B. Aguon, Jr.	_____	_____	_____	_____
Eddie B. Calvo	_____	_____	_____	_____
Lou Leon Guerrero	✓	_____	_____	_____
Angel L.G. Santos	_____	_____	_____	_____
Judith T. Won Pat	_____	_____	_____	_____

Attending Staff

Bertha Duenas _____ ✓	James P. Castro _____ <i>[Signature]</i>	Tom Morrison _____
Henry Cruz _____	Paul Borja _____	Faith Mendiola _____
Fred M. Castro _____	Josie Mendiola _____ ✓	John Dela Rosa _____
Jackie Suzuki _____	Briana San Nicolas _____	

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 304 (COR)

Introduced by:

M. C. Charfauros 

AN ACT TO AMEND CHAPTER 73 OF TITLE 5,
GUAM CODE ANNOTATED TO REINSTATE THE
CUSTOMS, AGRICULTURE AND QUARANTINE
INSPECTION SERVICES CHARGE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the law authorizing the “Customs, Agriculture and Quarantine Inspection Charge Established” has effectively been repealed by P. L. 23-128:14. There is a need to reinstate this law to ensure that the charges are, in fact, collected and are not commingled with the General Fund.

Section 2. §73145, 5GCA is hereby repealed and reenacted to read as follows:

§73145. Customs, Agriculture and Quarantine Inspection Services Charge Established. Each aircraft landing at the A.B. Won Pat International Air Terminal shall be levied a Customs, Agriculture and Quarantine Inspection services charge

reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities, and shall be allocated among air carriers in such a manner reasonably related to the relative demand for such services attributable to each carrier. Each consignment of air and sea cargo and each passenger landing at a sea port shall also be levied a Customs, Agriculture and Quarantine Inspection services charge, except for those passengers which may be exempted under the rules and regulations promulgated pursuant to §73151. The service charges shall be reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating customs, agriculture and quarantine services.

Notwithstanding any other provision of law, the establishment, modification or adjustment of any service charged levied pursuant to this Section shall be subject to the provisions of the Administrative Adjudication Law.

Section 3. §73149, 5GCA is hereby repealed and reenacted to read as follows:

§73149. Deposit of Customs, Agriculture and Quarantine Inspection Services Charge in Customs, Agriculture and Quarantine Inspection Services Fund. Notwithstanding any other provision of law, all funds received in accordance with this Chapter shall be remitted, within five (5) days of receipt, to the Treasurer of Guam for credit to the Customs, Agriculture and Quarantine Inspection Services Fund as provided for in §73152 of this Chapter; provided, however, that the Guam International Airport Authority (GIAA) shall be allowed to deduct from the remittance any actual expenses or charges attributable to the Customs and Quarantine Agency or the Department of Agriculture incurred in administering or carrying out the purposes of this act and any other charges incurred by the Customs and Quarantine Agency at

the Airport. Expenses and encumbrances, except those outlined above, of the Customs and Quarantine Agency and the Department of Agriculture, and/or their agents incurred in performing their duties and obligations as prescribed in this Chapter shall be paid from the Customs, Agriculture and Quarantine Inspection Services Fund upon appropriation by the Legislature. Any funds appropriated to the Department of Agriculture or the Customs and Quarantine Agency shall be administered by the respective Director, who shall also be the Certifying Officer for their respective agency.

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