



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

FEB 16 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Vertical stamp and handwritten mark on the right side of the page.

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 152-30(COR) "AN ACT TO REPEAL AND REENACT §68975, AND TO ADD A NEW §68975.1 TO CHAPTER 68, ARTICLE 11, TITLE 21, GUAM CODE ANNOTRATED, RELATIVE TO THE FARMERS' COOPERATIVE ASSOCIATION OF GUAM" which I signed into law on February 8, 2010 as Public Law 30-92.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

Handwritten notes: 30-10-0167, J, 2/17/10, 4r

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

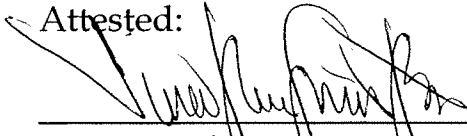
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 152-30 (COR), "AN ACT TO REPEAL AND REENACT §68975, AND TO ADD A NEW §68975.1 TO CHAPTER 68, ARTICLE 11, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE FARMERS' COOPERATIVE ASSOCIATION OF GUAM," was on the 22<sup>nd</sup> day of January, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28<sup>th</sup> day of January 2010, at  
3:24 o'clock P.M.



Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

FEB 08 2010

Date: \_\_\_\_\_

Public Law No. P.L. 30-92

*I MINA'TRENTA NA LIHESLATURAN GUAHAN*  
**2009 (FIRST) Regular Session**

**Bill No. 152-30 (COR)**

As substituted by the Committee on Appropriations,  
Taxation, Banking, Insurance, Retirement and Land,  
and amended on the Floor.

Introduced by:

v. c. pangelinan  
T. R. Muña Barnes  
F. F. Blas, Jr.  
J. V. Espaldon  
T. C. Ada  
F. B. Aguon, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
Judith P. Guthertz, DPA  
Adolpho B. Palacios, Sr.  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND REENACT §68975, AND TO  
ADD A NEW §68975.1 TO CHAPTER 68, ARTICLE 11,  
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO  
THE FARMERS' COOPERATIVE ASSOCIATION OF  
GUAM.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that in recent years, the agricultural industry continues to be confronted with the  
4 tremendous challenge of effectively coordinating the marketing and sales of the  
5 produce, livestock, aquaculture products, and ornamental plants being provided by

1 our local farmers and ranchers. In order to further promote agriculture on our  
2 island, the community must allow our local farmers and ranchers to concentrate on  
3 their respective agricultural activities, thus possibly leading to increased farm and  
4 livestock production to meet existing and future community demands.

5 *I Liheslaturan Guåhan* further finds that many years ago, a Farmers'  
6 Cooperative Association (“Association”) was created, but due to tough economic  
7 conditions it did *not* survive. During its existence, farmers benefited directly from  
8 the distribution and marketing services that were provided by the Association, and  
9 most importantly it enabled the local farmers to focus on their farming activities  
10 while having other individuals address the distribution and marketing of their  
11 product. The Association was granted a lease on Lot Nos. 1361-1-B-R1 and 1361-  
12 1-C New, municipality of *Agana*. When the Association filed for bankruptcy, its  
13 interest in the aforementioned lots was reverted to the government of Guam.

14 *I Liheslaturan Guåhan* further finds that the island is immensely dependent  
15 on importation of food products. The reliance on imported food leaves our people  
16 with a fresh supply of produce for *no more than* ten (10) days. Currently, one  
17 hundred percent (100%) of the beef, eighty-five percent (85%) of fresh vegetables,  
18 and approximately eighty-five percent (85%) of fresh fruits consumed on this  
19 island are imported. While it may be impracticable or unattainable for Guam to  
20 produce one hundred percent (100%) of its food, the risks and costs to society  
21 cannot be ignored. The rising cost of shipping and transportation associated with  
22 the price of oil create a highly inefficient local economy. Comparatively, the  
23 production and consumption of local food keeps money in our community, reduces  
24 the demand for transportation energy, reduces the rate of introduction of invasive  
25 species and decreases the vulnerability to food supply disruptions caused by  
26 natural disasters or worldwide economic events.

1            *I Liheslaturan Guåhan* further finds that to continue to promote and foster  
2 the growth and expansion of the local agriculture industry, the government must  
3 render necessary assistance. But the major responsibility continues to remain in  
4 the hands of the men and women who continue to farm and ranch for their  
5 livelihood. In order to encourage the youth to learn more about agriculture, the  
6 community must prove that the agriculture industry is a viable industry and a very  
7 important aspect of our island’s economy. Therefore, the government should  
8 continue to provide assistance to the island farmers and ranchers and formulate  
9 programs that will include the involvement of the children, the future farmers and  
10 ranchers of Guam.

11            *I Liheslaturan Guåhan* further finds that it is time for bold action to squarely  
12 address Guam's food requirements. It will require the long-term commitment,  
13 dedication, and investment of government, the private sector, the people of Guam  
14 and our local agricultural producers to dramatically shift the direction towards a  
15 more agriculturally sustainable society. As a community and as a people, we must  
16 decide whether we will continue to be dependent on external sources for our basic  
17 needs, or whether we will build, invest, and develop the capacity to become food  
18 independent. It is in the best interest of the people of Guam that we build the  
19 capacity to become food self-sufficient.

20            *I Liheslaturan Guåhan* further finds that in recent years, our island farmers  
21 have coordinated, organized and re-established the Farmer’s Cooperative  
22 Association of Guam, Inc., a not-for-profit corporation which was duly formed and  
23 registered with the Department of Revenue and Taxation on November 9, 2007.

24            *I Liheslaturan Guåhan* further finds that government of Guam land is  
25 available and has been designated for a “Public Market” site. The Farmers’  
26 Cooperative Association of Guam, Inc., a not-for-profit corporation, wishes to  
27 lease property which has been reserved for a “Public Market Site”, specifically Lot

1 No. 10155-1, municipality of *Dededo*, comprising an area of 6.9947 total acres.  
2 Lot No. 10155-1 was returned to the government of Guam under the Guam Excess  
3 Lands Act pursuant to U.S. Public Law 103-339. In the parceling of the basic lot,  
4 Lot No. 10155-1 was designated as a site for a public market. The Farmers'  
5 Cooperative Association of Guam, Inc. intends to construct a facility to  
6 accommodate not only its activities, but to include the relocation of the existing  
7 *Dededo* Flea Market to this site.

8 *I Liheslaturan Guåhan* further finds that the lease of Lot No. 10155-1, which  
9 has been sitting dormant for *more than* a dozen years, should be used for its  
10 intended purpose, which will benefit the people, farmers and ranchers of Guam.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to *repeal* and *re-enact*  
12 §68975 of Chapter 68, Article 11, Title 21, GCA, relative to the re-establishment  
13 of the Farmer's Cooperative Association and to authorize *I Maga'lahren Guåhan* to  
14 enter into a lease agreement with the new Farmers' Cooperative Association of  
15 Guam, Inc., a not-for-profit corporation, for the sole purpose of the creation of a  
16 "Public Market".

17 **Section 2. §68975 of Chapter 68, Article 11, Title 21, Guam Code**  
18 **Annotated, is hereby *repealed* and *re-enacted* to read as follows:**

19 **“§68975. Farmer's Cooperative Association of Guam, Inc.**

20 *I Maga'lahren Guåhan shall* execute all instruments necessary to carry  
21 out the provisions of subsections (a) through (h) of this Section.

22 *I Maga'lahren Guåhan* is hereby authorized to lease to the Farmers'  
23 Cooperative Association of Guam, Inc., ('Association') a not-for-profit  
24 corporation, the following tract of government-owned land:

25 (a) Lot No. 10155-1 (6.9947± acres), municipality of  
26 *Dededo* or other suitable property.

1           (b) The Government *shall* lease to the Association for the  
2 sum of One Dollar (\$1.00) per annum lots cited in subsection (a) for  
3 twenty-five (25) years with an option to renew for another twenty-five  
4 (25) years. The Association may subject the property and its  
5 improvements to a leasehold mortgage.

6           (c) The use of the leasehold *shall be limited* to those  
7 activities consistent with the mission and purpose of lessee, as  
8 detailed in its governing documents, and for the activities authorized  
9 herein.

10          (d) Notwithstanding any other laws to the contrary, the lease  
11 by the government of Guam to the Association of Lot No. 10155-1,  
12 containing an area of 6.9947± total acres in the municipality of  
13 *Dededo*, and improvements thereon, *shall* be executed by *I Maga'lahi*  
14 and the duly authorized representative of the Association and *shall*  
15 require the concurrence of *I Liheslaturan Guåhan*.

16          (e) The leasehold is *not* assignable *nor may* it be sublet  
17 without *I Liheslaturan Guåhan's* approval.

18          (f) Any change in the tax status of the lessee *shall* require an  
19 immediate renegotiation of the lease. *If* such change *shall* be to a for-  
20 profit entity, the rate of the lease *shall be no less than* ten percent  
21 (10%) of the actual market value of the property.

22          (g) The lease *shall* contain a provision granting the Mayor of  
23 *Dededo*, through a memorandum of agreement, access to and use of  
24 the lease premises for the activities authorized in Title 21, GCA,  
25 Chapter 68, Article 9, §68901(b), with the exception that the approval  
26 by the Department of Land Management *shall no longer* be required  
27 for the issuance of the permits pursuant to §68901(b).

1                   (h) The lease *shall* include a provision requiring that after the  
2 initial seven (7) years of the term, ten percent (10%) of the lessee's  
3 annual retained earnings for the previous year from other than the sale  
4 of produce *shall* thereafter be remitted to the account of the Ancestral  
5 Land Bank and increased five percent (5%) every five (5) years  
6 thereafter for the remaining term of the lease to a maximum of fifty  
7 percent (50%).

8                   **§68975.1. Government Support for the Establishment of a**  
9 **Farmers' Cooperative Association of Guam.** To maximize the  
10 opportunities for success of the Association, *I Liheslaturan Guåhan* directs  
11 the Association to seek the technical expertise available in our local  
12 community as part of the authorization to lease, and designates the  
13 University of Guam's College of Natural and Applied Sciences as the lead  
14 government entity in identifying the necessary support for the establishment  
15 of the Association, which will be directed and administered by the island's  
16 local farmers. The University of Guam's College of Natural and Applied  
17 Sciences may assist the facilitation of meetings and dialog among all  
18 pertinent government entities that will support the successful establishment  
19 and long-term operation of the Association that will concentrate on the  
20 marketing of local agricultural products and in the provision of other  
21 necessary services to our island farmers.

22                   (a) The Association shall seek support from the College of Natural  
23 and Applied Sciences (CNAS) of the University of Guam for the following  
24 services:

- 25                   (1) render professional and technical advice in ways to  
26                   enhance farming activities on Guam;



- 1 (2) provide periodic and current information on its research
- 2 activities which it deems may be beneficial to the
- 3 Association;
- 4 (3) share any information that may assist the Association in
- 5 its operation and marketing activities;
- 6 (4) marketing expertise and guidance;
- 7 (5) advice on enhanced business practices, and ways to
- 8 identify and capitalize on existing and potential
- 9 agricultural markets, both local and off-island; and
- 10 (6) other services it provides that may be beneficial to the
- 11 Association.

12 (b) The Association, through a Memorandum of Understanding,  
13 *shall* seek support from the School of Business and Public Administration  
14 (SBPA), more specifically, the Small Business Development Center (SBDC)  
15 of the University of Guam, for business counseling and training to the  
16 Association's members.

17 All efforts *shall* be coordinated by the College of Natural and Applied  
18 Sciences so as *not* to duplicate the University of Guam's services.

19 (c) The Association *shall* seek support from the Department of  
20 Agriculture for the following services:

- 21 (1) professional and technical expertise and advice to the
- 22 Association in its farming activities;
- 23 (2) conduct periodic assessments of the market demands and
- 24 conditions for certain agricultural products and share
- 25 such information with the Association and its members;

- 1 (3) provide logistical support, to include, but *not limited to*,  
2 farming equipment and related services, if available, to  
3 the Association and its members;
- 4 (4) make accessible and available its farmers loan program  
5 to the Association and its members, in conformance with  
6 established guidelines and requirements;
- 7 (5) provide business, marketing and distribution expertise to  
8 the Association; and
- 9 (6) other services it provides that may be beneficial to the  
10 Association.

11 (d) The Association *shall* seek support from the Guam Economic  
12 Development Authority for the following services:

- 13 (1) direct application and use of the Authority's Qualifying  
14 Certificate Program, in accordance with established  
15 program rules and guidelines;
- 16 (2) assistance with appropriate agency business and  
17 agricultural loan programs; and
- 18 (3) other services it provides that *may* be beneficial to the  
19 Association.

20 These entities *shall* provide such services and general assistance to the  
21 Association as a Guam non-profit organization. This assistance will  
22 promote the successful establishment of the Association for the benefit of  
23 our local farmers and the growth of the island's traditional industry. For  
24 services and support beyond this, the Association is encouraged to work  
25 with the entities (UOG's CNAS, SBPA and SBDC, and the Guam  
26 Department of Agriculture) to apply for grants to fund these efforts or hire  
27 needed expertise beyond the resources currently available.

1            Nothing herein shall limit the rights of the Association from seeking  
2            assistance and technical expertise from any other organizations in the  
3            furtherance of its goals and objectives.”

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

# I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 1/22/10

## VOTING SHEET

Bill No. 152-30 (COR)

Resolution No. \_\_\_\_\_


Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.			E		
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

13      \_\_\_\_\_      1      \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Office of

The People

# Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 15, 2010

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker  
I Mina'trenta na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules *RR*

**RE: Committee Report on Bill No. 152-30 (LS), As Substituted** *Cor*

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 152-30 (LS), As Substituted, "An act to repeal and reenact section 68975 article 11, title 21 Guam Code Annotated relative to Farmer's Cooperative Association of Guam" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land. *Cor*

Committee votes are as follows:

- 6 TO PASS
- \_\_\_\_\_ NOT TO PASS
- \_\_\_\_\_ TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

*Si Yu'us Ma'ase,*

*ben c. pangelinan*  
Senator

Clerk of the Legislature

ACKNOWLEDGEMENT RECEIVED

Received by: *Re*

Time: *1:50 PM*

Date: *1-19-10*

COMMITTEE  
REPORT  
ON

BILL NO. <sup>(COR)</sup> 152-30 (~~LS~~)<sup>em</sup>, As Substituted  
“AN ACT TO REPEAL AND REENACT  
SECTION 68975 ARTICLE 11, TITLE 21  
GUAM CODE ANNOTATED RELATIVE  
TO FARMER’S COOPERATIVE  
ASSOCIATION OF GUAM”



The People

# Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 15, 2010

## MEMORANDUM

**To:** All Members  
Committee on Appropriations, Taxation, Banking, Insurance,  
Retirement, and Land

**From:** Senator vicente "ben" c. pangelinan  
Committee Chairperson

**Subject:** Committee Report on Bill No. 152-30 (LS), As Substituted <sup>(COR) epm</sup>

Transmitted herewith for your consideration is the Committee Report on Bill No. 152-30 (LS) As Substituted, "An act to repeal and reenact section 68975 article 11, title 21 Guam Code Annotated relative to Farmer's Cooperative Association of Guam" sponsored by Senator vicente "ben" c. pangelinan

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Bill No. 152-30 (LS), As Substituted
- Copy of Bill No. 152-30 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 152-30 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

*Si Yu'us Ma'ase,*

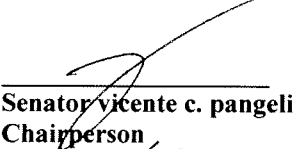
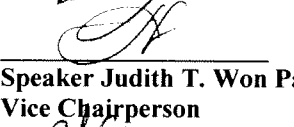
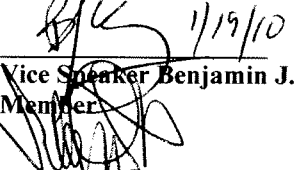
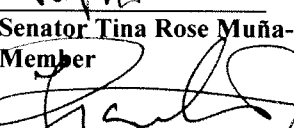
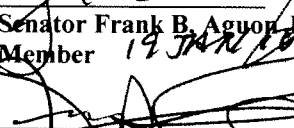
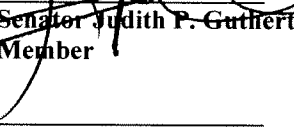

ben c. pangelinan  
Senator

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Insurance, Retirement,  
and Land

(COR) *ESP*  
**Bill No.152-30 (ES), As Substituted:**  
**“An act to repeal and reenact section 68975 article 11, title 21 Guam Code  
 Annotated relative to Farmer’s Cooperative Association of Guam”**

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D Vice Chairperson	✓				
 Vice Speaker Benjamin J.F. Cruz Member	✓				
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Aguon Jr. Member					
 Senator Judith P. Gutierrez Member					
Senator James V. Espaldon Member					
Senator Telo T. Taitague Member					
 Senator Frank Blas, Jr. Member	✓				





Office of

The People

# Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

## Committee Report

Bill No.152 (LS) As Substituted: "An act to repeal and reenact Section 68975 Article 11, Title 21, Guam Code Annotated relative to Farmer's Cooperative Association of Guam"

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

### I. OVERVIEW

The Committee on Appropriation, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on July 7, 2009 at 1:00pm in *I Liheslatura's* Public Hearing Room.

#### **Public Notice Requirements**

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on June 30 (5-Day Notice), and again on July 4 (48 Hour Notice).

#### **(a) Committee Members and Senators Present**

Senator vicente "ben" pangelinan, Chairman  
Senator Tina Muña-Barnes, member  
Senator Telo Taitague, member  
Senator Adolpho B. Palacios, Sr.

#### **(b) Appearing before the Committee**

Tom Camacho  
Ben Gumataotao  
Larry Ramirez  
Ernest T. Chargualaf  
Eddie Benavente  
Anthony J.P. Ada  
John Borja  
Roland Quitugua  
Benny San Nicolas  
Bernardo F. Gines  
Andrew Benavente  
Peggy Denney  
Ernest Wusstig  
Joseph D. Torres  
Manny Duenas  
Bill McDonald  
Joey Leon Guerrero

**(c) Written Testimony Submitted**

Andrew Benavente

**II. COMMITTEE PROCEEDINGS**

**(a) Bill Sponsor Summary**

Senator ben pangelinan: We have with us this afternoon that signed up to testify Andrew Benavente the vice mayor of Dededo, Peggy Jenney has signed up Mr. Ernest Wusstig and Mr. San Nicholas and we will begin with this panel then we will call the other that signed-up. We will start with the vice mayor of Dededo if you don't mine please.

**(b) Testimony**

**1. Andrew Benavente**

Andrew Benavente: Good afternoon

Senator ben pangelinan: Good afternoon sir, before you start Mr. Mayor just allow me very briefly the bill is to reenact the Farmer's Cooperative Association and to support it providing some in statues cooperative language between Farmer's Association of Guam and of course the different department and agencies and division of the government that deal with farming and support of those farming activities in addition to that of course is the bill would set aside a parcel of property in the village of Dededo over on the intersection of Sana Monica and Marine Core Drive property for the development of a Farmer's Cooperative facility. For the record I also want to state that when we were drafting this bill we had begun working with Senator Rory Respicio also and when we were getting ready to introduce the bill unfortunately was off island and so he didn't get an opportunity to put his name on cause I didn't want to sign for him but he c.c.ed and when we get the appropriate time he wishes to be a co-sponsor and we will accommodate him when we make that. I know that some of you have been talking to him and he has been very supportive and so it's just a timing issue having his name not appear on this bill so I just wanted to state that for the record. So we will go ahead and proceed then with the vice mayor.

Andrew Benavente: Good afternoon Senator Taitague, Senator ben pangelinan, Senator Palacios, and Senator Tina Barnes. Thank you all for coming here to hear this Bill No.152 thank you so much. On behalf of the municipality of Dededo and the municipal planning counsel we are in support of the Bill No.152 as mayor and vice mayor of Dededo. We know that Bill 152 will allow the Farmer's Cooperative Association of Guam incorporated Farmer's Co-op to operate in a facility that will be assessable to all farmers on Guam. At this time farmers must drive around the island to distribute their goods with the farmers having a place to call home this venue will not only be accessible to them but to their customers as to a one stop facility to get fresh fruits, vegetables, fish, and fresh live stocks for

the consumption. We believe in saying it taste better if it was harvest or caught within an eight mile radius from where you consume it. In other words the fresher the better. At this time the Farmer's Co-op is currently has situated themselves at Dededo municipal planning building at the Dededo old fire station. The partnership between the municipality and the farmers has been assessed to our growing community farmers have conducted workshops, training, and others interested in the industry. Lot No. 10155-1 located at the corner of West Santa Monica Avenue and Marine Core Drive in the municipality of Dededo the parcel of 6.9 acres and this has been identified as public market site on the Guam maps. Farmer's Co-op intends to construct facilities as commentated but to include the relocation of an existing Dededo flea market at this site. The Farmer's Co-op will operate seven days a week the flea market operation will be restricted on Saturdays and Sundays only. On the past several accidence and currently location have unfortunately resulted in the death of two individuals along this busy roadway. The current flea market is located between two major roadways. People must park across the street and many of them do not use the designated cross walk available for their safety. By joining forces and collaborating as a team the property of this safely designs was the sale of the distributor of produce and live stock can occur daily. The flea market operation with the sale of the other items such as food, clothing, local artifacts, and whole trades be only limited to weekends. The Farmer's Co-op being the main occupant of the property will be located at the center of the property having all necessary utilities in their operation. The flea market will surround their operation on weekends because the size of the parcel their will be designated parking for customer within the same property. By the current flea market location can be utilize by the Guam transit as a park and ride lot by implementing a park and ride on Guam as well definitely reduce the traffic congestion that currently have on all roadways traveling to our Northern village. We believe that this Bill No.152 will definitely be a win-win and the Farmer's Co-op will finally have a home and relocation of the Dededo flea market to a safe location on the park ride lot of Guam Mass Transit to eliminate the traffic congestion on our roadways. I thank you at this time Senator pangelinan and Senator Taitague and Senator Barnes and Senator Palacios for being here.

Senator ben pangelinan: Thank you very much Mr. Vice mayor. We will go ahead and have Bernie and then Mr. San Nicolas.

### **Panel Comments and Questions**

None

### **2. Bernardo Gines**

Bernardo F. Gines: Good afternoon and hafa adai all the members of this office body. I am Bernardo F. Gines knows as Bernie. I am an architect by profession license in the P.I., retired DPW building official, and engineer Gov. Guam. Please allow me to be afforded to testify in favor of this bill 152 for the life and safety welfare for this particular lot is much better than the original or the present. So, it's under the testimony of our vice mayor I agree to that and it will be a very much progress for Dededo only and the same time for the entire island. So, without further do I like to thank the office body Chairman pangelinan, Tina

Muña Barnes the Secretary our good friend Senator Adolpho Palacios and Senator Taitague. Thank you very much and good afternoon.

Senator ben pangelinan: Good afternoon thank you and si yu'os ma'ase Mr. Gines. Mr. San Nicolas.

### **Panel Comments and Questions**

None

### **3. Benny San Nicolas**

Benny San Nicolas: Thank you Senator Pangelinan. Good afternoon Senator Taitague, Senator Palacios, and Senator Barnes. For the record my name is Benny San Nicolas and I'm a farmer from Inarahan and I'm also the chairman for the Southern Soil and Water Conservation District board and I'm also president of Guam Association for Soil and Water Conservation District board which represents the Northern Soil Conservation and the Southern Soil and Water Conservation District board. I'm here today in support of this bill 152. One of the missions of the Farmer's Co-op is to help the farmers of Guam and one of the most challenging endeavors is marketing and this area that the Farmer's Co-op identified and with this legislation would really enhance the marketing efforts for the farmers of Guam. The other challenge that we encounter as farmers in Guam is the expensive feeds and the fertilizers and things that we need to import to farm is also one of the mission of the Farmer's Co-op is to see how they can address that to lower that price. So, having this kind of legislation supporting the Farmer's Co-op in reality is supporting the farmers of Guam. So I thank all of you Senators for hearing this bill and having this bill heard and I'm here again in support of bill 152 and I ask for your favorable support of passage of this bill. Thank you very much.

Senator ben pangelinan: Thank you very much Mr. San Nicolas. Mr. Wusstig.

### **Panel Comments and Questions**

None

### **4. Ernest Wusstig**

Ernest Wusstig: Good afternoon Senators. Thank you very much Senator pangelinan Senator Taitague, Senator Palacios, and Senator Tina Muña Barnes thank you very much for considering the Farmer's Co-op and thank you very much for trying to find a home for the farmers. Of course I am 100 percent in support of this bill 152. You know as being a farmer as far as I can remember. 5 years old I remember my dad saying lets go weed the beans. So while he was pulling the grass I was pulling the beans for sure I got spanking so how can I forget agriculture. And you know in a few days in a couple of weeks I will be 61 years old and my whole life I have been dedicated to agriculture. I saw agriculture throughout the entire nation in the main land. I seen those thousands and thousands of acres of agriculture

I've seen all kinds of organizations back in the U.S. when farmers get together they can do a lot things. So, coming back to Guam after being gone 23 years I struggle and I'm still struggling right now as a matter of fact I am still struggling selling my corn along the side of the road and when other farmers we get together we talk about having a co-op. I really start looking that if we do have a co-op with all of this Federal grants that they have I've been looking at all of those Federal grants Federal help. This is the right time to do it the right time to do the co-op especially with the military coming in. there will be military and their support and of course our 170,00 population its going to be well over 200,000 people on Guam. So, by having a co-op we can get grant to do value added because I as one farmer will try to get a grant to try to do it by myself is almost impossible but when a group of farmers are doing it grant comes in. As a mater of fact we do have grant already in place that the university is working with us. As a matter of fact the co-op is up and running already as far as doing our homework to try succeeds. Last night I attended a session we hired an attorney and the attorney is directing us also in legal matters about the co-op. So we're doing all of this the right way. We're taking one thing at a time one step at a time. We're not trying to put everything together and say there you go we have a co-op. It doesn't work that way. You have to understand the business of it and I see the business is a big opportunity. Let's say for example watermelon season everybody got watermelon but if we do have a value added we can that watermelon and make watermelon juice and then we don't have to import watermelon juice from the mainland. As a matter of fact we can export our watermelon to Japan. We can have a lot of value added; we can pickle okra and send it to Japan. Within this co-op we get this land now we have the opportunity to get grant to get the building and also all for the value added. I know it well be a win-win situation for the island of Guam so we can show case our island and be proud of it. Like many other destination that I'm sure you when through and seen a lot of their produce and that's what they do showcase what they have and the tourist keep coming back. If we start showcasing and start busing the tourist to the co-op side that's a win-win situation for our island. Most importantly like I was saying in the beginning I'm still selling corn on the side of the road and one day my wife says Ernie why don't we find a home for our crop instead of you being our there everyday seven days a week and that was about two years ago think the only way we can do this is we all have to work together in Guam and it's a blessing that we have a good senator that is willing to take this on and find a home for the farmers. Like I said we're business orientated we're going to make this thing work we'll watch it make sure it doesn't get bloated it doesn't become a bureaucrat or cost more to operate and give us less for our produce. We're watching it and going to watch it closely and make sure it works. I'm getting older and I don't have anytime to make mistake every day you make mistake is a day you miss in life so we got to do it right and I thank you Senator ben pangelinan. I have one thing I thought I wasn't going to bring it up but I'm going to bring it up. Ten years and that's nice and it should be renegotiated but when your getting a grant when your getting a 3 million dollar grant for example you need a longer term. I don't think they will entertain you with a ten year lease. If we can get 50 years that'll be real nice. There are a million things to say but there are a lot of things for other people that would like to say also all I know is that I'm going to put all my eggs in this basket because I know it will work. You build a home and produce will come once the people of Guam once the farmers of Guam that they have a home for their produce they will produce it and we are not scared of the challenge because there are ways to do value added and we're not going to tell the farmers oh you can only grow this much cucumber that much

water melon, no. If a farmer is willing to grow a million lb of this we will find a way to market that because the market is there. We have buyer, it's all up to us now. So give us a chance to prove our self. I thank you very much Senator ben pangelinan.

Senator ben pangelinan: Thank you very much. Miss Jenney

### **Panel Comments and Questions**

None

### **5. Peggy Denney**

Peggy Denney: Good afternoon Senators. Even though I'm the program administrator for I Recycle Program I am also on the Farmer's Co-op board as an environmental consultant so I can promote recycling and a variety of other things. Then I also have a part time position as an extension associate with the University of Guam Cooperative Extension Service Agriculture and Natural Resources. In that capacity I work Bob Barber who could not be here today because he is in the states trying to finish up his doctorate and I will be assisting him within his responsibilities with the small minority producer grant that the co-op has obtained and these duties are going to include working with the farmers in conjunction with GHRA the Micronesian Chief Association to promote the use of local produce. We want to promote a variety of conservation measures in order to protect and enhance Guam's soil and surface and ground water. One of the things that I was involved in that seven farmer were very cooperative with was the GTA phonebook round up where we collected 35,000 phonebooks but just as the contest was on its way then Guam's Transport and Warehouse had to pull out because the economy and they could no longer accept them. So, we took those phonebooks from 25 schools to seven farmers and they were put out in areas on their fields where they will break down and provide organic matter for the soils. This is the type of thing that we want to tie in and expand. We promote locally grown produce I really like the phrase model grown here not flown here although I'm not sure it only applies to produce but I think it's very appropriate and so this is something that I'm really excited about. My degree is in agriculture and I really feel this is something that we need to promote and we enhance the local market and we enhance peoples health by eating locally grown produce and the farmers co-op is going to be very stick about pesticide use and working with the farmers so that they all been trained they all received the core training, someone else will probably address that but I just wanted to address those few points because I think this is very important and I think its going to be awesome. Thank you so much.

### **Panel Comments and Questions**

Senator ben pangelinan: Thank you very much Miss Jenney. Just to clarify Mr. Wusstig the ten year lease I think there was some revisions and we originally had a 25 year lease renewable for another 25 and the 10 year was suppose to be for a dollar and then the cost of the lease after the first ten years will be renegotiated and it wasn't intended to just be a ten year lease its self. I don't know what happened there.

Senator Barnes: I was just going to bring that up speaker pangelinan when we were going through the revisions and the editing back and forth the 25 years that was stated because its language that was used in other properties that we leased out. So, I think that is important that be kept in also that those provisions were in there.

Senator ben pangelinan: So we noted that. Thank you for bring that up. Any other questions for the panel? If not thank you very much gentlemen. We'll now call on Mr. Manny Duenas, Mr. Joseph Torres, Tom Camacho, Bill MacDonald, and we have one more chair for Mayor Gumataotao. Will go ahead and defer to the mayor Mr. Mayor will defer to you and have you start.

## **6. Ben Gumataotao**

Ben Gumataotao: Good afternoon former speaker pangelinan and Tina Barnes, Senator Taitague, Senator Palacios. For the record I'm Mayor Ben. Gumataotao from Piti. I'm in favor of this bill 152. First of all let's realize how we survive this world. It's very important to help the farmers to grow and produce all this vegetables, fruits and live stock. The important part about having this product even if you get all kinds of fruits from outside than having it here that we grow here, the value of that is different the nutritional value of that product is different. Once you put the fruits in the refrigerator it diminishes the value vitamin and nutrients in your body. I deal with this because I'm a cook in the Navy and I buy my fruits and vegetables fresh from the farm instead of going to the market. So we need this to support this idea of having the Farmer's Co-op and when you mention about the ten years I was hoping that you have it 25 or 50 years because in the mind of this Co-op why just ten years. Why just ten years? It makes you feel like oh gosh that's just temporary even if it's for permanent but it's just the idea that it'll strengthen their mind hoping it is more permanent. Going back to this economy wise its better if we could grow as much as we could to export it'll help us on Guam and the people are healthier if you have that fruits and vegetables right here on Guam that's ready to eat instead of having it to or three days later by putting it in frigid air. That's very important and we like to be healthy and especially being diabetic I eat a lot of fruits and vegetables because that is what's required to maintain a good health. So hopefully that you'll give all the consideration not only to improve this but look some more improvement. I thank you very much.

Senator ben pangelinan: Thank you very much Mr. Mayor. We'll go ahead and have Mr. Torres.

## **Panel Comments and Questions**

None

## **7. Joseph Torres**

Joseph Torres: Thank you Mr. Chair and members of the committee. My name is Joseph Torres deputy director of the Department of Agriculture I was affirm in our decision but however something did come up and draws something to our decision. Bill 152 is a bill

that is a long time over due. We been trying our best with the former Co-op and we have not been successful at it and it's really a pleasure to hear that they have been on their own very successful. We are in support of the bill don't get me wrong. However, there are some issues within the bill it has been brought to my attention that the land proposed for the site is Ancestral Land and not Chamorro Land Trust. Now you have legal issues in that area that would be an objection if this bill for this organization is to succeed is to clarify and put in proper perspective the actual land itself but I've never seen any bill with 8 legislative findings I think its great. I think you guys did you homework, great. In all of those 8 legislative findings it emphasizes the people, the farmers, and ranchers. The department of Agriculture is in support of that. We are here in support of natural resources but there's a couple areas for clarity please, on page 3 line number 3 of the bill also on page three line 22. On line number 3 it begins with 6.9947 total acres. Down on line 22 it refers to square meters. There is a huge difference between acres vs. meters in this case please. Two: we are not in privy the mission of Farmer's Cooperative it is our heartfelt feelings that is does support the people, the farmers, and the ranchers. This is just our opinion that at one time at one time it was designated as the Peoples Market. I remember when I first arrived on Guam in the 70's it was down here near the cemetery along the cliff line it was called the Farmers Market and it was transferred over to where the village is now and under a make shift shack and what not booted out the mayors office area and it is what is today a showcase of Guam and the pride of the people. However, that again in itself is the Peoples Market every time we turn around we see the Peoples Market. In the findings I'm going to have to stand fast that it is the people, the ranchers, and the farmers and I encourage the Co-op to leave it at that, Farmer's Co-op and I encourage to change that to Farmer's Co-op not People Market because when you want to emphasize your issue that identity how many public markets are on Guam on a weekend and on a week day? That the emphasis that I want to get across you the panel and the members of the Co-op. and then when we go on to page five number 20 item 20 farming equipment, service... etc. to the associate members farm loans to the associate members. Ladies and gentlemen and everybody in this room that program is only as good as funded and it has not been funded since the dissolution of the original program. That requires additional funding; hopefully you can come up with a separate appropriation for these particular programs. We are a firm believer that for every farmer we can put out there we can at least employ two people here on Guam. SO, the resource can convert to a revenue generate. We are also a firm believer that fresh is best and even at the department agriculture some of you had the privilege to attend our May Fest we are encouraging organically grown produce through that area and we have done that successfully. Once again the Department of Agriculture supports the bill in its intent and that is it to provide land for people who took time out to organize themselves one more time for the benefit of the farmers and ranchers to reintroduce and get these produce back into the market where they do belong. However, it is the Department of Agriculture concern as much as we want to be a very strong partner and collaborative partner in this venture in their success we lack the funds and resources to go with the loan and go with the other programs necessary for these small and beginning farmers to succeed. We ask the legislature to consider a direct appropriation for those programs maybe we can redesign the programs and channel it elsewhere. In closing please address the importance of the title of the land whether it is Ancestral or whether it's Chamorro Land Trust because they both have different missions. Chamorro Ancestry Lands are for those people who will never get back their lands, Chamorro Land Trust of course we



understand what that does. Once again I want to personally thank Senator pangelinan, Senator Barnes, Senator Blas, Senator Espaldon, Senator Palacios, and Senator Telo for being here but for also for these Senators for having the fortitude to do what is politically right, that is to support the growth and the reintroduction of support to the Farmer's Co-op. I want to thank you very much.

Senator ben pangelinan: Thank you very much and thank you for your comments and insight Mr. Torres. Mr. Duenas.

### **Panel Comments and Questions**

None

#### **8. Manny Duenas**

Manny Duenas: Thank you Senators. I don't have a written testimony but I do have some comments but first of all my name is Manny Duenas, president of the Guam Fisherman's Co-op Association and we been around for 32 years and still going strong and we are hoping one day we will join forces with our brothers and become the sister of the Guam Produce Association for Guam. I'm also a farmer and I'm very happy to say this legislation is much needed. I do have some concern about this legislation and it was brought up by Mr. Wusstig regarding the ten year. Think that having to deal with the Co-op issues I think that twenty five years is a good start. I'm really concern with the issue of renegotiation, who's going to renegotiate when your talking about administration that not favorable to farming and rather see a hotel or condominium built. I don't know what you're going to renegotiate. I think maybe also a cap on the amount of level because fees to be charged the first ten years is nice but all of the sudden it going to market value and they say that land is worth twenty thousand a month, your killing your own Co-op. I don't understand the concept behind that. Those are the issues I have with the ten year lease, renegotiation and those issues, bottom lines it financing. I'm really happy for the farmers that there going to get a grant because fishermen don't get grants we have to get our own finance. The second item I would like to bring up is also a qualifying certificate under GEDCA. That has to have more teeth than just saying GEDCA you have to do this because I been dealing with hotels of the last 15, 16, 17 years and believe me they don't give a hoot about qualifying certificates requirements they buy from wholesale guy, their buying local so if their going to buy produce you going to have to force them to buy produce. Like I said the farmers need that help it is true there is a market out there the bottom line is the buyers the purchasing manager their the ones that call the shots. The other issue also you have a buy local program for government Guam. You contract it the government contract it all its schools out for privatizing cafeterias but their not buying form local farmers under that requirement. The priority suppose to be given to local producers first then they get to out-source else where but you got a cafeteria operation that has there own wholesale so they don't need to show a farmers they don't need to see Manny Duenas, they don't need to see Tom Camacho or anybody else for that matter because they don't bring there own produce. Those are the things you have to look at if you're really serious about helping the farmers, that's what they need. Farm leases and I know its not apart of the subject of the bill again the farm leases you

have with a lot of people island their building their homes and building homes for there kids on it, instead of planting and maybe these leases should be under the Farmer's Co-op that if your going to get lease then your going to you have to show production and the Farmer's Co-op has to certify you. So, that you're not giving ten acres of land for nothing and you have some production and the Farmer's Co-op could be the clearing house to prove these people are actually producing something. Your going to have to remember the black market side cause your going to have the Farmer's Co-op doing its job and marketing is tough but the other side you have to black market with these fee government land or leases that are going to sell watermelon on the side for twenty cents a lbs they still have a job, they don't have to pay for anything because everything else is free. Those are the issues. Also you have the Northern land use proposal right now in the books; a lot of it is taking away farming land so you got to be careful too by Kosison Management Program. Those are the issues, a lot of the land in the Northern side is now designated residential and commercial, hardly any farming areas. So, those are the issues that you really have to look closely to make this viable. You can't depend on the South especially when were going to have a land fill in the South because who wants to buy a watermelon 20 feet away from the new land fill? Nobody. Those are the issues that you have to look at in the total picture and we need stronger laws regarding farmers because I'm a farmer I grow up in Inarahan my farms in Inarahan but every year I suffer from thievery people get onto my farm steal my animals, they steal people watermelons, they steal their bananas and nothings happen. You call the police they do a report but you lose money on that. So, those are the things you have to have stronger laws to protect the farmers and their livelihood because this is not a game of a joke either and I know this is a separate issue from the legislation but I this is the only time I have a chance to speak through this body. I have a lot of ideas and a lot of experience regarding farming and the Fisherman's Co-op but I'm saying this is the right step. I wish you could of have put some of that money in that bond bill into this project that way the farmers don't have to struggle like I do to put up a building, a butler building and they can get an A and A grant or some other grant to put in the equipment and they can do the slaughterhouse and all that nice stuff, I dream of that everyday. They need that support and this is the right step and again I commend you and I support this on behalf of the Fisherman's Co-op and as a farmer myself. Thank you very much.

Senator ben pangelinan: Thank you very much Mr. Duenas Mr. Camacho

### **Panel Comments and Questions**

None

### **9. Tom Camacho**

Tom Camacho: Mr. Chairman, Senator Taitague, Senator Palacios, Senator Tina Muña Barnes. For the record my name is Tom Camacho I'm the immediate past president of the Farmer's Co-op. It's been a very long time and as the prior speakers before me it has been a thirty year struggle. I come from a family of farmers and not only for subsistence but for survival and going back to the intent of the bill and I think it's right on the money. We do need a place to call home with the help of the Dededo mayor and the municipal counsel we

have been using their building for almost a year in a half and it has taken us awhile to get where we are today. In 2008 the Co-op did write a grant for technical assistance to develop this cooperative. It was for one hundred and seventy five thousand dollar through U.S.D.A. development we were successful. Are intent was not to take all the money for ourselves but we actually spread it out through the community and the University of Guam who has a huge chunk, almost 96,000 dollars of this grant, to help us and guide us in the right direction that we need to go. There's a lot of support behind us professionally as well as the long term farmers Mr. Wusstig, Bernardo, Watson, Frank Cruz, and I think it's about time that we get the ball rolling and my hats off to you Senator for taking the initiative. As your intent says its time for bold action and I think you hit the hammer.

Senator ben pangelinan: Thank you very much Mr. Camacho. Mr. McDonald

### **Panel Comments and Questions**

None

### **10. Bill McDonald**

Bill McDonald: Thank you very much Senator pangelinan, Senator Telo Taitague, Senator Tina Muña Barnes. As heard from our previous speakers we tried to get this going for so many years. What were doing right now is step by step and one of the things that tom came up with the group that lets teach the farmers first instead of telling them to come to us right away. We want to be able to work with them. The grant that we got 175,000 dollars, that is to help us get going and get us in the right direction from technical advice to our legal aspect to even our computer we have those on board and we even went out. One of our biggest customers right now is the Hotel and Restaurant Association. We worked with GCC, their culinary section over there. So, where looking for specific clients that were looking at. Were taken this as a team effort and were trying to work with them. Like I said we're taking it one step at a time and the biggest step that we need to take right now is this bill 152. The vision of the Co-op is the farmers is stay at their fields, concentrate on planting, and harvesting their field and let the Co-op do their marketing. Like I said thank you very much. For the people that testified for this bill thanks.

Senator ben pangelinan: Thank you very much Mr. McDonald. Any questions?

### **Panel Comments and Questions**

Senator Barnes: Speaker I just wanted to note that some of the concerns that were brought up to the protections and protocols to put in place for the farmers assuring if those protocols are not put in place for the farmers to be certified, then is it happening today? Some are going through the slip of the crack and the black marketers. Do you see all that happening today as we speak?

Manny Duenas: I see a lot of government landless especially up North where the farmers supposedly planting and they got two houses on the lot. I'm not the certifying agency

or the responsibly person. It's obvious and blatant but its back yard farmers that suppose to be producing something, again being Department of Agriculture being in charge of the program and going to each lot saying we tested your soil your good for planting pineapple, we tested your soil your good for planting, we tested your soil your good for planted coconut, so we want you to plant *x amount* of trees and that's what should be done. That's what's need to be protected. That's why USDA came to be. It's not only to protect the consumer but to also protect the industry itself to continue to grow because that's why backyard slaughtering will still continue.

Senator Barnes: Si yu'os ma'ase Mr. Duenas. Thanks Speaker.

Senator ben pangelinan: Thank you very much. We'll dismiss the panel and call up our next panel of witnesses. We have Mayor Ernest Chargualaf, Mr. Eddie Benavente, Anthony Ada, John Borja, and we'll go ahead and call up Roland Quitugua. We'll just go in the order the witness were called. Mayor your next.

### **11. Ernest Chargualaf**

Ernest Chargualaf: Thank you Senator pangelinan, Senator Telo Taitague, Senator Tina Muña Barnes. For the record I'm Ernest Chargualaf the Merizo mayor. I was asked by one of the supporters here to show up in support if this. While I'm at it I'm also supporting my farmers because I do have farmers in my village. As a young man I was never much for farming because I was a fisherman but I've always been farming because my father was a farmer, he was the Mayor but he was also farming on the side. I'm in support of this; give the farmers everything they need because we're in completion with the import. Like they said "grown here not flown here" I remember Mr. Quitugua, in Saipan saying we have all this food but where does it come from? Why doesn't it come from our land, from our soil? Well it's about time we give our farmers that opportunity to have a venue to off load their produce so that they can concentrate on growing it so it can meet the demands of the island. I hope the association will take care of itself and its members. I just want to say I'm here in support of this bill and thank you for allowing me to testify.

Senator ben pangelinan: Si yu'os ma'ase Mr. Mayor. Mr. Benavente? Mr. Borja?

### **Panel Comments and Questions**

None

### **12. John Borja**

John Borja: Thank you Mr. Chairman, Senator Taitague, Senator Muña Barnes. My name is John C. Borja I'm the Agriculture Development Service Division Chief for the Department of Agriculture. This bill 152 is a positive step forward and is good because what's good in it is that its awareness an eye-opener, that yes now we're paying attention to the farmers. The number one economy for Guam is tourism, so what if they stop coming but this is an awareness that yes we now have a home for the farmers and that we are looking

forward to support the farmers and we at the department stand by the farmers and certify those who want to be farmers as well as certify those activities. It's also a plus because this bill accommodates all the producers and it will minimize the monopoly out there and having to have the challenges faced by farmers individually to try and market the produce with a fluctuating price index that some prices are thirty years ago. As prior speakers it is good to have a home for the farmers. Thank you again Mr. Chairman because this is a positive step forward for the farming community and support for the farmers. Thank you.

Senator Ben Pangelinan: Thank you Mr. Borja. Mr. Quitugua.

### **Panel Comments and Questions**

None

### **13. Roland Quitugua**

Roland Quitugua: Thank you Senator Pangelinan, Senator Taitague, Senator Tina Muña Barnes. My name is Roland Quitugua and I'm chairman of the Northern Soil and Water Conservation District. I like to testify in support of bill 152. I also want to thank you guys for doing your part in growing agriculture especially now days with our economy Mr. Borja alluded to. The times are hard for a lot of people and so when times get hard people have a tendency to turn to the land, they depend a lot more on it. For you guys to sponsor such a bill just shows you're doing your part helping the people especially the grass roots, for that I commend you. As far as the lot in question and I think it is very important that it is not only the Co-op involved in looking for an area to be suitable for what they see are the different needs and the different services they can service the public with but they've gone and touched and reached and are working with mayors. They're working with many different institutes and organizations, so it just goes to show the big and far reaching impact such an organization has. I also like to say that with regards to farmers and getting this lot so that Farmer's Co-op can actually get up off its feet and move forward. We're actually talking about producing local produce. We're actually talking about growing agriculture and of course something that is dear and close to my heart, reducing invasive species because if we produce it locally that means we don't have to bring it in that not only is it fresher but you reduce the chances of bringing in invasive species. You know we're trying to fix things with the Chamorro Land Trust, the University, the Department of Agriculture are working on going out there and certifying those things exactly. So, if we were trying to fix that, if we were trying to get to a state of the Chamorro Land Trust where the true agriculture are producing and were saying hey you have to show your producing. Well where are they going to market their produce? So, this is why I think that it's very important and is very timely. We need to move something like this and I like to thank you for planting the seed and now let's make the farmers do their job. Thank you.

Senator Ben Pangelinan: Thank you very much Mr. Quitugua. Mr. Benavente.

### **Panel Comments and Questions**

None

#### **14. Ed Benavente**

Ed Benavente: Buenas tades Mr. Speaker, Honorable Senators. Ed Benavente Ancestral Lands, Executive Director. We just found out yesterday and we found out that this particular property in question is under our inventory. I don't know what the intent was in designating this particular lot and that's why we're here. We're here to ask why you Senator as chair of the lands that over see my agency, understood during the budget hearings you were asking questions regarding the status of these trust lands and are these trust lands being facilitated to insure the original land owners who will never get their lands back will be provided some dividends from whatever leases comes out from these trust lands. I'm shock, I'm here totally shocked. You know Senators I do not want to pit original land owners and farmers. So, I bet you so of the original land owners are farmers themselves or vice versa. So, before this issue escalates any further to something like that what is the intent of the bill with regards to the designation of that particular lot.

Senator ben pangelinan: We the intent of the bill is pretty clear. When we reviewed the property maps we were looking at available properties and we saw that this property as designated on the maps that were returned had a designation of a public market. So we moved forward on that designation to allow the development of that lot as we saw in the maps for the development of a public market

Ed Benavente: Understood but just about everything from BRACK to 10-339 all these lands were designated for public purpose but you guys set a different policy thereafter subsequent to the conveyance of these properties and decided of the wisdom of the leaders at that time we out these trust lands we least it out the highest and best use and the dividends go to the original land owners who will never see their lands. So, like Mr. Wusstig said he wants to put the eggs in the basket, why are we taking eggs away from the basket that belongs to someone else.

Senator ben pangelinan: Because I think for me it's the designation of trying to determine the public good and the public use and I think in putting the properties into the basket I believe the legislature reserves the authority to take an egg out of the basket. We're not taking all the eggs out we're taking one egg out, if you want to out it that way and designating it for a public purpose in what we saw in our review originally was an intended use of that property

Ed Benavente: As I said, all the lands that came back were intended for public purposes but you guys set a different direction for these inventories under the Ancestral Land and you saw it fit to divided it into returning lands that are possibly given back to the original land owners and whatever trust lands we have left.

Senator ben pangelinan: And this is not one of those lands that can be given back to the original land owners, was not designated to be given back to the original land owners and we are now presenting to the legislature sponsors of this bill you know that policy changed to

regards to one specific lot. That is the intention. I don't disagree with you, it will be a change in policy in regards to this one specific piece of property for the legislature to make a decision on.

Ed Benavente: The commission feels once we start taking the eggs out of the basket, obviously some other none profit organization will probably do the same thing and take it again from the original land owners. That's why I'm saying lets not make this escalate.

Senator ben pangelinan: this is not taking any land that is schedule to be returned the original land owners.

Ed Benavente: its reducing the possibility of future dividends that may go to the original land owners that will never get there lands back. We're reducing the inventory. It that the direction, you direction. How far are we going to reduce the inventory?

Senator ben pangelinan: It would depend on what the legislature makes a decision on Mr. Benavente.

Ed Benavente: So, what promises do we have for the original land owners that will never see their lands?

Senator ben pangelinan: Mr. Benavente it's the same. We look at some of the leases to argue what's the best use for the property. Is the best use for the property to keep it in the land bank and lease it for 20 cents a square meter for fifty years? It that the best use or the best use putting it out to the public to be used that could generate the economic activity also and support some the livelihood of some of the industry of the farming association here on Guam.

Ed Benavente: But how would that benefit the original land owner after we give you that parcel.

Senator ben pangelinan: It doesn't

Ed Benavente: It doesn't, that's what I'm saying.

Senator ben pangelinan: That's right.

Ed Benavente: So I report back to the original land owners that their getting zero money for that particular parcel. Is that my report back?

Senator ben pangelinan: You could say that. If the legislature decides to bill that would be the action of this legislature. It is that simple

Ed Benavente: I hope as leaders remain consistent, that prior policies stay and be respected as it is. If the prior leaders of the past decided that these inventories will be used

for that purpose for the families that will never get their lands back such as the families in Tiyan runway. Then so be it, let it happen for that. That's my point

Senator ben pangelinan: I understand and that policy was put into place legislative body and action by this body and the body in terms in looking at other public benefit and uses and public good decides there may be an overwhelming policy that it wishes to put into place, we would decide that. If it's contrary to prior established policy then I think we would make it very clear to all members of this body on when they vote on this bill.

Ed Benavente: I was hoping in the good nature of their wisdom in the past would reflect amongst the leaders today and not try and amend those wishes of the past leaders that have made that direction move forward as it is.

Senator ben pangelinan: Mr. Benavente I understand and I certainly appreciate your position in defending that policy.

Ed Benavente: I have to defend it. I mean I was out there in the trenches

Senator ben pangelinan: And I understand that and I certainly agree with your presentation here. There's no negative that I take your presentation on with regards to what's this bodies considering. I take is as you are chartered to protecting that and you will make it very clear in terms of what the consequence of this action would be. I will make it very clear to all members of this body what that consequence might be. So we all know if we vote one way or another that depending on our vote, we will be changing a policy with the designation of this one piece of property and that will be the consequences that then the possible lease rental on this property that could be generated will not be available to the original land owners who have not been returned and can not be returned to make them whole. So we know that would be the consequences and we will make that very clear to all the members of this body

Ed Benavente: I hope so Mr. Speaker

Senator ben pangelinan: Yes

### **Panel Comments and Questions**

None

### **15. Tony Ada**

Tony Ada: Hi Senator pangelinan, Senator Taitague, Senator Tina Muña Barnes. I'm Tony Ada I'm with the Ancestry Land Commission board and I'm here to speak on this bill today. As I look around the room, we are all friend. Ernest Chargualaf who has a piece of property down in Malesso, we plan to grow tangerines. Roland you help my dad identify those little worms that are curled up in the banana trees at his house. So I got a copy of this bill yesterday after it was delivered. So I did some quick calling around, read the bill. I don't



have a written testimony but I intend to submit one I ask why this particular property designated public market. I called Mr. Mike Cruz at GEDA and he had mention exactly what their motive was the military was getting ready to give the property back and there asked the government Guam what is your public use and for every parcel come back they tagged something on it. So way back I guess this was tagged public market and there was a public market. It used to be down in Chamorro village, Agana, and went back then broke apart. The bill says that it went bankrupt in that we see that the farmers have it hard and they need Mr. McDonald said a home for a physical presence. There organization is back together again somebody mentioned in 2007 and their meeting at the old Dededo fire department. Just a little foot note I wasn't a commissioner yet but we know the fire department took a piece of property from Ancestral Land so the fire department can establish it new fire station and that came from us.

Senator ben pangelinan: Did you testify against that.

Ed Benavente: Yes

Tony Ada: So we're sitting here faced with another piece that's gone.

Senator ben pangelinan: This is not the first time

Ed Benavente: This is the third time

Tony Ada: So, it begged the question. If their taking property out of Ancestral that we're trying to extinguish this pain that our original land owners have. You know we have several pains going on and for our culture to move forward we need to get rid of those pains and put it to rest right. This Loyalty Act is very close and it might just happen. Once my dad and everybody else dad gets compensated, that pain goes away. Are culture our society our people there no more sore in the heart, it gone we talk about decolonization we talk about reunification and now we're talking about Ancestral Lands. That a pain I hoping in my life time we take care of that pain and put into place a mechanism that will survive me and it moves forward. Ancestral land owners that got their land back, even though I wasn't there they thank me directly, for what we do. The overall feeling Ancestral Land owners that got their property are quietly went away but what I'm hearing they will not forget, and what to stay unified till the last owner has been taken care of. I know some people complain that it's a small percentage of our people. Why do we care for those people, we care because we want to correct a wrong, we want to heal that pain, we want to become stronger. When ever I talk to people that hasn't been given their land back, in their mind they gave up already. It's a sore that stays with them and generation to generation, right. For example my mother in law keeps talking about that piece they took up there in Fina. Right up to the very end, I got a video if you want to see it, just about when she was ready to die I asked her keep going after it. That's something that is put on our shoulders. What defines us is how we respect and honor our ancestors. For us to keep going after it, means something. If she said forget it, ok I'll be doing something else but we need to keep that in mind. Somebody mentioned a win-win. It's going to be a win for the farmers it's going to be a win for the people of Guam. I purpose a win-win-win, let's put a third in win there, what about the ancestral land owners.

You can't forget them, were already of some of the encounters were having. Somebody mentioned what we're doing is problematic, I don't think it problematic. To me a problem is something that can be solved. We go and look at this one place, I haven't seen the map. If that's what it's designated as and the Farmer's Cooperative had seized the opportunity back then, there probably wouldn't be any resistance right now. Of us the opportunity was there the window closed and moved to Ancestral Lands to take care of this longer standing pain of original land owners. I support about having a cooperative, we have talked about it in the Chamorro summit, we talked about becoming self sustaining, we talked why we see Pacific don't finance here on our selves. They market to us, we can do that. We talked about what we can do. I have to disagree about the location. I made some notations, the old Dededo Flea Market. So, getting back to the fire station, do we get that back now. No, the mayor's office has it now. The proposal now again to consolidate over there, my natural question is if the legislature decides its going to prioritize over ancestral land owners, I'm going to ask what about the flea market side. We need that third win; we can't reduce the inventory more. There's so many things working to reduce that inventory and we're not don't yet taking care of every ancestral land owner.

Tom Camacho: In my defense, back in January 2008 we did send an official letter to your office, to Mr. Benavente attention regarding this particular property. Even prior to that in our discussion with Chamorro Land Trust Commission under Joe Borja's purview. We did sit with Joe and he did identify this property as well. So it's not something their not aware of and not something we're trying to hind in the bushes and we did make an attempt to speak with the Commission via letter, official letter of the Farmer's Co-op and we never got a reply.

Ed Benavente: Because it was forward to GEDA which is the agent for these trusts lands. So in your meeting with the GEDA board what was the result of that meeting regarding that issue?

Tom Camacho: and I can't answer that because I didn't attend that meeting

Ed Benavente: But you did attend a regarding this particular lot

Tom Camacho: Recently yes but what my letter addressed to you was more than a year ago.

Ed Benavente: Well it was forwarded to our agent that handles the inventory

Tom Camacho: I just wanted to clear that up. I'm not here to create any heartache for anybody

Senator ben pangelinan: And neither was I, yes Mr. Ada.

Tony Ada: I guess this process of forwarding this letter to the board. In order to meet the board we have to put an ad in the paper a week before and 48 hours before. Just for future reference if you want to be put on the board you can call the office and ask to be put on the

agenda. So this letter with GEDA, this is one of the things I want to bring up. You had a concern with the property being offered at 20 cents a square meter I'm not sure as to what that was. We saw that arm of the Government that has the expertise. In Ed's office we are focused on getting the land owners back there land and there are some properties that were put into the trust for example back of Anderson 395 acres, so I went to Joey here let's get GEDA to work on this. He said lets hold on a second the whole parcel is 395 but by the time the original land owners come in make their claim and prove their ownership and everything like that and the property is properly returned to them, there will probably only 20 acres left that we'll be able to work with and it might not be all in the same bundle. So, we need to take care of original land owners we know will be getting their land back. Then we see what are left and what we can work with and this is a good example and the 20 cents a square meter that's not going happen.

Senator ben pangelinan: Mr. Ada it did

Ed Benavente: Where is this place at?

Senator ben pangelinan: In Piti

Ed Benavente: do you recall which

Senator ben pangelinan: QuikSpace

Ed Benavente: QuikSpace?

Senator ben pangelinan: We don't have to discuss this here but I got a response from GEDA that yeah that's what happened

Tony Ada: What I understand now today and I guess we have to look at that but the appraised value of the property, the industry standard for leasing property is between 7 and 8 percent of the appraised value of the property and that is something that we're sticking with GEDA now

Senator ben pangelinan: Somebody didn't stick with that on this one now, unless the property is valued at two dollars a square meter and that's being generates at ten percent of the value.

### **Panel Comments and Questions**

None

### **16. Joey Leon Guerrero**

Joey Leon Guerrero: But I believe also Senator their also paying participation rent based on their net income not only they pay the land rent they pay the participation rent which is a percentage of their gross income. So in addition to that the 20 cents per square meter you also get that additional income

Senator ben pangelinan: But the participation rent is after you capitalized it at 7 to 8 percent, that means if you capitalized this rent plus participation rent based on the capitalization the value of that property is 2 dollars a square meter

Joey Leon Guerrero: The participation rent is based on the income they based on that property. So if they make an income of a million dollars we would get a percentage of that million dollars aside from the 20 cents per square meter

Senator ben pangelinan: But isn't it 7 to 8 percent of the value plus participation rent.

Joey Leon Guerrero: 8 percent of the appraised value that for the land

Senator ben pangelinan: That's for the base rent then plus participation

Joey Leon Guerrero: Plus participation rent that's a percentage of the gross or net based on the property

Senator ben pangelinan: Right, if that's case if your saying it's 8 percent of the appraised value then that property is appraise at a dollar eighty a square meter because at 20 cents 8 percent of 2 dollars is about 20 cents. A dollar sixty actually, so I don't know any property on Guam worth a dollar sixty a square meter and again I'm not here to question that.

Joey Leon Guerrero: I think this is for raw land, if anything I think at our building it's a dollar a square foot.

Senator Barnes: Speaker ben I apologize again I had a 2:30pm meeting and I need to get to that in all fairness to bill 152 and Speaker if I may just add that hearing all of the testimony and your commitment in working with him and my commitment in showing them if we truly want that win-win-win then we need to continue to keep the doors open for me is a realization the co-sponsorship is a true realization 30 years have already passed and w got to look at the bigger issues as policy makes. It is not just to benefit that certain few but is to benefit the community as a whole and ramification that will take place for future generation to come and that's the bigger picture and I understand that we created the mission mandate but what we need to do is continue the work with the caretakers of that mandate to make sure the protocols are in place to protect that in our efforts in working together for that win-win-win Mr. Speaker I think its important that you gave me that opportunity o be a co-sponsor this and working closely with the farmer, with the co-op, and everybody involved. It's important to move this forward and get that win because this needs to go out and I understand the protection that needs to be put in place

Senator ben pangelinan: Thanks for sticking with us. Let's not continue with the details

Tony Ada: The first thing that comes to my mind is some sort of effective return. Like Senator Tina Muña Barnes alluded to being a small group but the idea on the land

owner's side I know is being worked on now. The government shouldn't own a lot of land because they won't generate revenue from idle lands so you give it to ancestral land owners, they develop it, their lands get zoned and then they'll start paying taxes then we'll see something flourish out of that. Like what Ed said ancestral land owners are not a totally different group because they are farmers and fishermen also. I'll look at that 20 cent thing. That's my homework to get back to you. This area is opposite of Fatama going to Wettingal. So with the mayors concern about traffic accidents in that area, it's in the same area. It's going to be the same problem. Right across the street is a defective GURHA building, hum there's an idea. About the market, back in 1972 the prices of goods went up and it will go up and there was a farmer cooperative at the public market. I don't know if that was the factor for them not to survive. I think we should try the supermarkets to buy local. A lot of them prefer air fresh, they promote that. It's great the Guam Hotel and Restaurant Association is now buying. It reminds me of that show were a chief goes down the market and chooses his fresh fish ad vegetables and I think we can do it here. It just that we need to not forget the ancestral land owners and again were getting less and less to work with, this is a pain we need to solve.

Ed Benavente: You know Mr. Speaker and Senator the final disposition of property now lays back with the recent bill that was made into law. So obviously it goes back into your court. So what we do with the trust lands it goes from GEDCA back to us for approval then for your final approval. The lands being returned to the original land owners, the other side of our mission, that one does not necessitate legislative approval or concurrence. So we have no problem with that, this is we're having problems like I said GPD, then the Fire Department, and now this proposal. When does it stop?

Senator ben pangelinan: I understand

Ed Benavente: When do we cap it Mr. Speaker? Give me a cap so at least when we go back to these meetings with these original land owners that I do not keep reporting back it keeps diminishing. We need direction but let's not are inconsistent or veer off in another direction. What do we do with these original land owners? An out right exchange or give them dividends from the possibility of leases of these properties

Senator ben pangelinan: Does the Ancestral Lands have anything in writing as to how and who qualifies for the distribution and how your going to distribute. Is there anything at all in your records.

Ed Benavente: For which inventory?

Senator ben pangelinan: The Land Bank because that's the only one that's going to get dividends.

Ed Benavente: The only mandate that you sent to us was in your 2004 budget addendum, were by you the author gave us a date to implement the Land Bank Trust and we did that in the October 2004 and that's why we have 400,000 dollars in the piggy bank. Once

we start by this meeting Tony is going to try and introduce a subcommittee to establish the rules and regulations for dividing out these dividends

Senator ben pangelinan: So there's none yet.

Tony Ada: No sir there is none yet, we are still looking at the two different classes that are in the Land Bank because we need to answer any claim in the Land Bank.

Ed Benavente: Ideas has been coming to us is from Joe Borja said attorney Bond had a formula, John Bond and how they divided out, the 39 some million dollars. Joe has that formula for these same land owners.

Senator ben pangelinan: The first questions are who gets to participate.

Ed Benavente: Your bills going to answer that, we don't know who they are

Senator ben pangelinan: in the discussion there's some questions, is it going to be those land owners who's properties were taken by the federal government and then those properties that were returned as excess and then were not able to be returned to the original land owners, that's one group or is it everybody who had property taken and is not getting it back. That is the first question we need to answer.

Tony Ada: We're thinking hard about because we don't want to say no to somebody. We explain it in a way that there not in this class

Senator ben pangelinan: We have to figure that out and somehow come to that because there is an accumulation of funds there and there no reason to keep it in there.

Ed Benavente: Please let us know who we are going to be releasing it to.

Senator ben pangelinan: Ok, alright. Gentlemen si yu'os ma'ase and again Mr. Benavente I'm partly responsible for the lack of communication here in regards to this bill and not forwarding it to you earlier. Larry we have you as the last one to sign up. Mr. Ramirez please state your name for the record

#### **Panel Comments and Questions**

None

#### **17. Larry Ramirez**

Larry Ramirez: In support of Farmer's Coop

#### **Panel Comments and Questions**

None

Senator ben pangelinan: We have exhausted our list of witnesses on the hearing this afternoon and as such we will now have Senator Taitague make some closing statements.

Senator Taitague: Thank you Mr. Speaker. It is obvious some of the things that are in here that I didn't know about and can research time that I can definitely research and I'm going to save time to individually talk to the University of Guam to find out if they have financial assistance to help the Co-op. In talking to Tom Camacho, I will give you a call. This is a well known fact that my family and I seen two of my relatives here from Inarahan who are farmers and I come from a farming family both in Talafofo and in Inarahan because the Taitagues are from there. My heart is there and I know what it takes to be a farmer and I know it is most importantly that when the economy goes down we do look to the lands because technically it's going to be the richness of any country, to produce food. On the second hand, I want everyone to know I do feel for the Ancestral Lands situation and returning the lands back and I know my family will never take anyone's else's property just so that they can have something of their own as well and it's not good blood to do something like that. This definitely needs some consideration with regard to this and insure the people where this property is located at that they are compensated for. I will do more research into that Mr. Ada and I'm going to need your assistance. Si yu'os ma'ase.

Senator ben pangelinan: Si yu'os ma'ase and again for the record this property is in the inventory of the Land Bank Trust its crown lands. It is not slated to be returned to any individual family but it becomes a part of the assets of the Trust and if it is removed from the assets of the Trust and given to the Farmer's Co-op for development then that will just reduce the assets of the Trust and the rate of pay back to the owners who properties will never be returned. That will be the effect of it.

Ernest Wusstig: I would like to elaborate a little about that ancestral land. There are a lot of Ancestral Lands that has been sold and people have profited from those lands. Government of Guam used to give out land and used to sell land to other and those lands are being sold and sold. If you would look at agricultural industry it's a sleeping giant. This is not about me; this is not about us four or five farmers. Without agriculture where are we going to be at? If we're going to weight the Ancestral, I'm not saying we don't want to pay the Ancestral; we need to compensate those people. If you weight it there is a lot of benefit out of this agricultural industry. Thank you.

Bill McDonald: There is a RFP for this parcel will this hearing do anything to this parcel?

Senator ben pangelinan: No

Bill McDonald: One of the things I discussed with the board that we have is that we know if we need to talk about this parcel then we should be on the table. Is it advantageous for us to put up a bid for the Co-op?

Senator ben pangelinan: I can't answer that for you. That's something the Co-op has to make on its own. That would be my comment on that. Thank you very much and si yu'os ma'ase and this hearing are no adjourned.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriation, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 152 (LS), As Substituted by the Committee, with the recommendation TO PASS.



MINA' TRENTA NA LIHESLATURAN GUAHAN  
2009 (FIRST) Regular Session

**Bill No. 152** <sup>(COR)</sup> ~~LS~~ *cpm*  
As Substituted by the Committee on  
Appropriations, Taxation, Banking, Insurance  
Retirement and Land

Introduced by:

v.c. pangelinan  
T.R. Muña Barnes  
F.F. Blas  
J.V. Espaldon

**AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE  
11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO  
FARMER'S COOPERATIVE ASSOCIATION OF GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in recent  
3 years, the agricultural industry continues to be confronted with the tremendous challenge of  
4 effectively coordinating the marketing and sales of the produce, livestock, aquaculture products,  
5 and ornamental plants being provided by our local farmers and ranchers. In order to further  
6 promote agriculture on our island, the community must allow our local farmers and ranchers to  
7 concentrate on their respective agricultural activities, thus possibly leading to increased farm and  
8 livestock production to meet existing and future community demands.

9 *I Liheslaturan Guåhan* further finds that many years ago, a Farmer's Cooperative  
10 Association (Association) was created, but due to tough economic conditions it did not survive.  
11 During its existence, farmers benefited directly from the distribution and marketing services that  
12 were provided by the Association, and most importantly it enabled the local farmers to focus on  
13 their farming activities while having other individuals address the distribution and marketing of  
14 their product. The Association was granted a lease on Lot Nos. 1361-1-B-R1 and 1361-1-C New  
15 situated in the Municipality of Agaña. When the Association filed for bankruptcy, its interest in  
16 the aforementioned lots was reverted to the government of Guam.

1            *I Liheslaturan Guåhan* further finds that the island is immensely dependant on  
2 importation of food products. The reliance on imported food leaves our people with a fresh  
3 supply of produce for no more than ten days. Currently, one hundred per cent of the beef,  
4 eighty-five per cent of fresh vegetables, and approximately eighty-five per cent of fresh fruits  
5 consumed in this island are imported. While it may be impracticable or unattainable for Guam to  
6 produce one hundred per cent of its food, the risks and costs to society cannot be ignored. The  
7 rising cost of shipping and transportation associated with the price of oil create a highly  
8 inefficient local economy. Comparatively, the production and consumption of local food keeps  
9 money in our community, reduces the demand for transportation energy, reduces the rate of  
10 introduction of invasive species and decreases the vulnerability to food supply disruptions caused  
11 by natural disasters or worldwide economic events.

12            *I Liheslaturan Guåhan* further finds that to continue to promote and foster the growth and  
13 expansion of the local agriculture industry, it must be done through rendering the necessary  
14 assistance by the government. But the major responsibility continues to remain in the hands of  
15 the men and women who continue to farm and ranch for their livelihood. In order to encourage  
16 the youth to learn more about agriculture, the community must prove that the agriculture industry  
17 is a viable industry and a very important aspect of our island's economy. Therefore, the  
18 government should continue to provide assistance to the island farmers and ranchers and  
19 formulate programs that will include the involvement of the children, the future farmers and  
20 ranchers of Guam.

21            *I Liheslaturan Guåhan* further finds that it is time for bold action to squarely address  
22 Guam's food requirements. It will require the long-term commitment, dedication, and  
23 investment of government, the private sector, the people of Guam and our local agricultural  
24 producers to dramatically shift the course of direction towards a more agriculturally sustainable  
25 society. As a community and as a people, we must decide whether we will continue to be  
26 dependent on external sources for our basic needs, or whether we will build, invest, and develop  
27 the capacity to become food independent. It is in the best interest of the people of Guam that we  
28 build the capacity to become food self-sufficient.

29            *I Liheslaturan Guåhan* further finds that in recent years, our island farmers have  
30 coordinated, organized and re-established the Farmer's Cooperative Association of Guam, Inc., a

1 not-for-profit corporation and has been duly formed and registered with the Department of  
2 Revenue and Taxation on November 9, 2007.

3 *I Liheslaturan Guåhan* further finds that government of Guam land is available and has  
4 been designated for a “Public Market” site. The Farmer’s Cooperative Association of Guam,  
5 Inc., a not-for-profit corporation, wishes to lease property which has been reserved for a "Public  
6 Market Site," specifically Lot No. 10155-1 in the Municipality of Dededo, comprising an area of  
7 6.9947 total acres. Lot No. 10155-1 was returned to the government of Guam under the Guam  
8 Excess Lands Act pursuant to Public Law 103-339. In the parceling of the basic lot, Lot No.  
9 10155-1 was designated as a site for a public market. The Farmer’s Cooperative Association of  
10 Guam, Inc. intends to construct a facility to accommodate not only its activities but to include the  
11 relocation of the existing Dededo Flea Market to this site.

12 *I Liheslaturan Guåhan* further finds that the lease of Lot No. 10155-1, which has been  
13 sitting dormant for more than a dozen years, should be used for its intended purpose, which will  
14 benefit the people, farmers and ranchers of Guam.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and re-enact Section 68975,  
16 Article 11, 21 GCA relative to the re-establishment of the Farmer’s Cooperative Association and  
17 to authorize *I Maga’ Lahen Guåhan* to enter into a lease agreement with the new Farmer’s  
18 Cooperative Association of Guam, Inc., a not-for-profit corporation for the sole purpose of the  
19 creation of a “Public Market”.

20 **Section 2. Section 68975, Article 11, 21 GCA is hereby repealed and re-enacted to**  
21 **read as follows:**

22 **§68975.1. Farmer’s Cooperative Association of Guam, Inc.**

23 *I Maga’ Lahen Guåhan* shall execute all instruments necessary to carry out the provisions  
24 of subsections (a) through (g) of this Section.

25 *I Maga’ Lahen Guåhan* is hereby authorized to lease to the Farmer’s Cooperative  
26 Association (“Association”) of Guam, Inc., a not-for-profit corporation the following tract of  
27 government-owned land:

- 28 (a) Lot No. 10155-1 (6.9947sq meters), Municipality of Dededo or other suitable  
29 property.

1 ~~*I Magsa' Lahen Guåhan* shall execute all instruments necessary to carry out the provisions~~  
2 ~~of subsections (a) through (e) of this Section. The provisions of Section 3 of P.L. 12-61, as~~  
3 ~~amended, shall not apply to the land lease authorized in this Section.~~

4 (b) The Government shall lease to the Association for the sum of One Dollar (\$1.00) per  
5 annum lots cited in subsection (a) for ~~ten~~ twenty five (10 25) years ~~after which time shall be re-~~  
6 ~~negotiated~~ with an option to renew for another twenty five (25) years. The Association may  
7 subject the property and its improvements to the leasehold mortgage.

8 (c) The use of the leasehold shall be limited to those activities consistent with the  
9 ~~mission of the Association and purpose of lessee as detailed in its governing documents, and in~~  
10 no circumstances shall the use of the leasehold provide any personal pecuniary benefit to any  
11 member of members of the lessee or to any other person.

12 (d) Notwithstanding any other laws to the contrary, the lease by the government of Guam  
13 to the Association of Lot 10155-1, containing an area of 6.9947 total acres in the Municipality of  
14 Dededo and improvements thereon, shall be valid upon execution by the Governor and the duly  
15 authorized representative of the Association. The lease shall require the concurrence of *I*  
16 *Liheslaturan Guåhan*.

17 (e) The leasehold is not assignable nor may it be sublet without the *I Liheslaturan*  
18 *Guåhan* approval.

19 (f) Any change in the tax status of the Lessee shall require an immediate renegotiation of  
20 the rate of the Lease. If such change shall be to a For-Profit entity, the rate of the Lease shall be  
21 no less than ten percent (10%) of the actual market value of the property.

22 (g) The lease shall contain a provision granting the Mayor of Dededo, access to the lease  
23 premises for the activities authorized in 21 GCA, Chapter 68, Article 9 Subsection 68901 (b)  
24 with the exception that the approval by the Department of Land Management shall no longer be  
25 required for the issuance of the permits pursuant to this subsection (b).

26 **§68976.2. Government Support for the Establishment of a Farmer's Cooperative**  
27 **Association of Guam.** To maximize the opportunities for success of the Association *I*  
28 *Liheslaturan Guåhan* directs the Association to seek the technical expertise available in our local

1 community as part of the authorization to lease and designates the University of Guam's College  
2 of Natural and Applied Sciences as the lead government entity in ~~providing~~ identifying the  
3 necessary support for the establishment of the Association, which will be directed and  
4 administered by the island's local farmers. The University of Guam's College of Natural and  
5 Applied Sciences shall ~~coordinate the services~~ facilitate meetings and dialog among all pertinent  
6 government entities that will support the successful establishment and long-term operation of the  
7 Association that will concentrate on the marketing of local agricultural products and in the  
8 provision of other necessary services to our island farmers.

9 (a) The Association shall seek support from the College of Natural and Applied Sciences  
10 (CNAS) of the University of Guam for the following services:

- 11 • Render professional and technical advice in ways to enhance farming activities on Guam;
- 12 • Provide periodic and current information on its research activities which it deems may be  
13 beneficial to the association;
- 14 • Share any ~~other support~~ information that may assist the Association in its operation and  
15 marketing activities;
- 16 • Marketing expertise and guidance;
- 17 • Advice on enhanced business practices, ways to identify and capitalize on existing and  
18 potential agricultural markets, both local and off-island;
- 19 • And other services it provides that may be beneficial to the Association.

20 (b) The Association through a Memorandum of Understanding shall seek support from  
21 the School of Business and Public Administration (SBPA) more specifically the Small Business  
22 Development Center (SBDC) of the University of Guam for the following services:

- 23 • ~~Business professional services and technical guidance in the administration and operation~~  
24 ~~of the Association and its activities;~~
- 25 • ~~Marketing expertise and guidance;~~
- 26 • ~~Advice on enhanced business practices, ways to identify and capitalize on existing and~~  
27 ~~potential agricultural markets, both local and off-island;~~
- 28 • ~~And other services it provides that may be beneficial to the Association.~~
- 29 • Offer business counseling and training to the Association's members.

1 All efforts shall be coordinated by the College of Natural and Applied Sciences as not to  
2 duplicate the University of Guam's services.

3 (c) The Association shall seek support from the Department of Agriculture for the  
4 following services:

- 5 • Professional and technical expertise and advice to the association in its farming activities;
- 6 • Conduct periodic assessments of the market demands and conditions for certain  
7 agricultural products and share such information with the association and its members;
- 8 • Provide logistical support, i.e. farming equipment services, etc., if available to the  
9 Association and its members;
- 10 • Make accessible and available its farmers loan program to the Association and its  
11 members, in conformance with established guidelines and requirements;
- 12 • Provide business, marketing and distribution expertise to the association;
- 13 • And other services it provides that may be beneficial to the association.

14 (d) The Association shall seek support from the Guam Economic Development and  
15 Commerce Authority for the following services:

- 16 • Direct application and use of the agency's Qualifying Certificate Program, in accordance  
17 with established program rules and guidelines;
- 18 • Assistance with appropriate agency business and agricultural loan programs;
- 19 • And other services it provides that may be beneficial to the Association.

20 These entities shall provide such services and general assistance ~~at no cost, as it applies to~~  
21 ~~respective programs, thus enabling~~ to the Association as a Guam non-profit organization. This  
22 assistance will promote the successful establishment of the Association for the benefit of our  
23 local farmers and the growth of the island's traditional industry. For services and support beyond  
24 this, the Association is encouraged to work with the entities (UOG's CNAS, SBPA and SBDC  
25 and the Guam Department of Agriculture) to apply for grants to fund these efforts or hire needed  
26 expertise beyond the resources currently available.

27 Nothing herein shall limit the rights of the Association from seeking assistance and  
28 technical expertise from any other organizations in the furtherance of it goals and objectives.

29 **Section 4. Severability.** *If any provision of this Law or its application to any person or*  
30 *circumstance is found to be invalid or contrary to law, such invalidity shall not affect other*

1 provisions or applications of this Law which can be given effect without the invalid provisions or  
2 application, and to this end the provisions of this Law are severable.  
3

MINA' TRENTA NA LIHESLATURAN GUAHAN  
2009 (FIRST) Regular Session

Bill No. 152 <sup>(COR)</sup> ~~(155)~~

Introduced by:

v.c. pangelinan  
T.R. Muna Barries  
F.F. Blas  
J.V. Espaldon

2009 JUN 15 PM 2:45

**AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that in recent years, the agricultural industry continues to be confronted with the tremendous challenge of effectively coordinating the marketing and sales of the produce, livestock, aquaculture products, and ornamental plants being provided by our local farmers and ranchers. In order to further promote agriculture on our island, the community must allow our local farmers and ranchers to concentrate on their respective agricultural activities, thus possibly leading to increased farm and livestock production to meet existing and future community demands.

*I Liheslaturan Guahan* further finds that many years ago, a Farmer's Cooperative Association (Association) was created, but due to tough economic conditions it did not survive. During its existence, farmers benefited directly from the distribution and marketing services that were provided by the Association, and most importantly it enabled the local farmers to focus on their farming activities while having other individuals address the distribution and marketing of their product. The Association was granted a lease on Lot Nos. 1361-1-B-R1 and 1361-1-C New situated in the Municipality of Agana. When the Association filed for bankruptcy, its interest in the aforementioned lots was reverted to the government of Guam.

*I Liheslaturan Guahan* further finds that the island is immensely dependant on importation of food products. The reliance on imported food leaves our people with a fresh supply of produce for no more than ten days. Currently, one hundred per cent of the beef,



1 eighty-five per cent of fresh vegetables, and approximately eighty-five per cent of fresh fruits  
2 consumed in this island are imported. While it may be impracticable or unattainable for Guam to  
3 produce one hundred per cent of its food, the risks and costs to society cannot be ignored. The  
4 rising cost of shipping and transportation associated with the price of oil create a highly  
5 inefficient local economy. Comparatively, the production and consumption of local food keeps  
6 money in our community, reduces the demand for transportation energy, reduces the rate of  
7 introduction of invasive species and decreases the vulnerability to food supply disruptions caused  
8 by natural disasters or worldwide economic events.

9 *I Liheslaturan Guahan* further finds that to continue to promote and foster the growth and  
10 expansion of the local agriculture industry, it must be done through rendering the necessary  
11 assistance by the government. But the major responsibility continues to remain in the hands of  
12 the men and women who continue to farm and ranch for their livelihood. In order to encourage  
13 the youth to learn more about agriculture, the community must prove that the agriculture industry  
14 is a viable industry and a very important aspect of our island's economy. Therefore, the  
15 government should continue to provide assistance to the island farmers and ranchers and  
16 formulate programs that will include the involvement of the children, the future farmers and  
17 ranchers of Guam.

18 *I Liheslaturan Guahan* further finds that it is time for bold action to squarely address  
19 Guam's food requirements. It will require the long-term commitment, dedication, and  
20 investment of government, the private sector, the people of Guam and our local agricultural  
21 producers to dramatically shift the course of direction towards a more agriculturally sustainable  
22 society. As a community and as a people, we must decide whether we will continue to be  
23 dependent on external sources for our basic needs, or whether we will build, invest, and develop  
24 the capacity to become food independent. It is in the best interest of the people of Guam that we  
25 build the capacity to become food self-sufficient.

26 *I Liheslaturan Guahan* further finds that in recent years, our island farmers have  
27 coordinated, organized and re-established the Farmer's Cooperative Association of Guam, Inc., a  
28 not-for-profit corporation and has been duly formed and registered with the Department of  
29 Revenue and Taxation on November 9, 2007.

30 *I Liheslaturan Guahan* further finds that government of Guam land is available and has  
31 been designated for a "Public Market" site. The Farmer's Cooperative Association of Guam,

1 Inc., a not-for-profit corporation, wishes to lease property which has been reserved for a "Public  
2 Market Site," specifically Lot No. 10155-1 in the Municipality of Dededo, comprising an area of  
3 6.9947 total acres. Lot 10155-1 was returned to the government of Guam under the Guam Excess  
4 Lands Act pursuant to Public Law 103-339. In the parceling of the basic lot, Lot 10155-1 was  
5 designated as a site for a public market. The Farmer's Cooperative Association of Guam, Inc.  
6 intends to construct a facility to accommodate not only its activities but to include the relocation  
7 of the existing Dededo Flea Market to this site.

8 *I Liheslaturan Guåhan* further finds that the lease of Lot No. 10155-1, which has been  
9 sitting dormant for more than a dozen years, should be used for its intended purpose, which will  
10 benefit the people, farmers and ranchers of Guam.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and re-enact Section 68975,  
12 Article 11, 21 GCA relative to the re-establishment of the Farmer's Cooperative Association and  
13 to authorize *I Maga' Lahen Guåhan* to enter into a lease agreement with the new Farmer's  
14 Cooperative Association of Guam, Inc., a not-for-profit corporation for the sole purpose of the  
15 creation of a "Public Market".

16 **Section 2. Section 68975, Article 11, 21 GCA is hereby repealed and re-enacted to**  
17 **read as follows:**

18 **§68975.1. Farmer's Cooperative Association of Guam, Inc.**

19 *I Maga' Lahen Guåhan* is hereby authorized to lease to the Farmer's Cooperative  
20 Association ("Association") of Guam, Inc., a not-for-profit corporation the following tract of  
21 government-owned land:

22 (a) Lot No. 10155-1 (6.9947sq meters), Municipality of Dededo or other suitable  
23 property.

24 *I Maga' Lahen Guåhan* shall execute all instruments necessary to carry out the provisions  
25 of subsections (a) through (e) of this Section. The provisions of Section 3 of P.L. 12-61, as  
26 amended, shall not apply to the land lease authorized in this Section.

1 (b) The Government shall lease to the Association for the sum of One Dollar (\$1.00) per  
2 annum lots cited in subsection (a) for ten (10) years after which time shall be re-negotiated. The  
3 Association may subject the property and its improvements to the leasehold mortgage.

4 (c) The use of the leasehold shall be limited to those activities consistent with the  
5 mission of the Association.

6 (d) Notwithstanding any other laws to the contrary, the lease by the government of Guam  
7 to the Association of Lot 10155-1, containing an area of 6.9947 total acres in the Municipality of  
8 Dededo and improvements thereon, shall be valid upon execution by the Governor and the duly  
9 authorized representative of the Association. The lease shall require the concurrence of *I*  
10 *Liheslaturan Guahan*.

11 **§68976.2. Government Support for the Establishment of a Farmer's Cooperative**  
12 **Association of Guam.** To maximize the opportunities for success of the Association *I*  
13 *Liheslaturan Guahan* directs the Association to seek the technical expertise available in our local  
14 community as part of the authorization to lease and designates the University of Guam's College  
15 of Natural and Applied Sciences as the lead government entity in providing the necessary  
16 support for the establishment of the Association, which will be directed and administered by the  
17 island's local farmers. The University of Guam's College of Natural and Applied Sciences shall  
18 coordinate the services among all pertinent government entities that will support the successful  
19 establishment and long-term operation of the Association that will concentrate on the marketing  
20 of local agricultural products and in the provision of other necessary services to our island  
21 farmers.

22 (a) The Association shall seek support from the College of Natural and Applied Sciences  
23 of the University of Guam for the following services:

- 24 • Render professional and technical advice in ways to enhance farming activities on Guam;
- 25 • Provide periodic and current information on its research activities which it deems may be  
26 beneficial to the association;
- 27 • Share any other support that may assist the Association in its operation and marketing  
28 activities;
- 29 • Marketing expertise and guidance;

- 1 • Advice on enhanced business practices, ways to identify and capitalize on existing and
- 2 potential agricultural markets, both local and off-island;
- 3 • And other services it provides that may be beneficial to the Association.

4 (b) The Association shall seek support from the School of Business and Public  
5 Administration more specifically the Small Business Development Center of the University of  
6 Guam for the following services:

- 7 • Business professional services and technical guidance in the administration and operation
- 8 of the Association and its activities;
- 9 • Marketing expertise and guidance;
- 10 • Advice on enhanced business practices, ways to identify and capitalize on existing and
- 11 potential agricultural markets, both local and off-island;
- 12 • And other services it provides that maybe beneficial to the Association.

13 All efforts shall be coordinated by the College of Natural and Applied Sciences as not to  
14 duplicate the University of Guam's services.

15 (c) The Association shall seek support from the Department of Agriculture for the  
16 following services:

- 17 • Professional and technical expertise and advice to the association in its farming activities;
- 18 • Conduct periodic assessments of the market demands and conditions for certain
- 19 agricultural products and share such information with the association and its members;
- 20 • Provide logistical support, i.e. farming equipment services, etc., if available to the
- 21 Association and its members;
- 22 • Make accessible and available its farmers loan program to the Association and its
- 23 members, in conformance with established guidelines and requirements;
- 24 • Provide business, marketing and distribution expertise to the association;
- 25 • And other services it provides that may be beneficial to the association.

26 (d) The Association shall seek support from the Guam Economic Development and  
27 Commerce Authority for the following services:

- 28 • Direct application and use of the agency's Qualifying Certificate Program, in accordance
- 29 with established program rules and guidelines;
- 30 • Assistance with appropriate agency business and agricultural loan programs;
- 31 • And other services it provides that may be beneficial to the Association.

1           These entities shall provide such services and general assistance at no cost, as it applies to  
2     respective programs, thus enabling the successful establishment of the Association for the benefit  
3     of our local farmers and the growth of the island's traditional industry.

4           Nothing herein shall limit the rights of the Association from seeking assistance and  
5     technical expertise from any other organizations in the furtherance of its goals and objectives.

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

10





Mina' Trenta Na Liheslaturan Guahan  
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND  
PUBLIC HEARING  
BILL NO. 152

Sign In Sheet

Name	Address	Phone Number	Email	Written	Oral
Tom Camacho	P.O. BOX 420 HAGATNA 96932	483-7491	tom@camachoelan.com		✓
BEE KENNEDY	171 N 905 ST AGANA HTS 96910	488-2277	b.kennedy@yah.com		✓
BPJ GUMATADIA	P.O. BOX	6887872			✓
ANDY PANGELINAN					



Mina' Trenta Na Liheslaturan Guahan  
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND  
PUBLIC HEARING  
BILL NO. 152

Sign In Sheet

Name	Address	Phone Number	Email	Written	Oral
ERNEST T. CHARBONNAF	Mesa LCO	828-8312			
Eddie Benavente	Mangilad	722-8458			✓
Anthony J.P. Adan	1116, Yona	789-1965			✓
JOHN BORTA	TRANSFO	734-3946			✓
Rolando Quijano <small>Lea</small>	YIGO	777-9589			✓
Joey Guerrero					

Green Here 7 column  
Not Here  
Flame

324 W. Soledad Ave. Hagatna, Guam 96910  
Ph. 473-4236 Fax. 473-4238  
Email: senbenp@guam.net

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Oct 2004



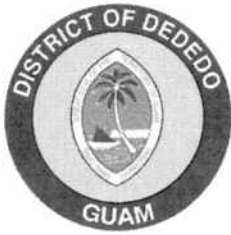


**Mina' Trenta Na Liheslaturan Guahan**  
**THIRTIETH GUAM LEGISLATURE**  
**Senator vicente "ben" c. pangelinan**

**COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND**  
**PUBLIC HEARING**  
**BILL NO. 152**

Sign In Sheet

Name	Address	Phone Number	Email	Written	Oral
Vicente B. Pangelinan	MARIANA	72612403		✓	✓



# Office of the Mayor

MUNICIPALITY OF DEDEDO

*Melissa B. Savares*  
Mayor

*Andrew Peter A. Benavente*  
Vice Mayor

July 7, 2009

Hafa Adai Chairman Pangelinan and Members of the 30<sup>th</sup> Guam Legislature:

On behalf of the Municipality of Dededo and the Dededo Municipal Planning Council we are in support of Bill No. 152. As the Mayor and Vice Mayor of Dededo, we know that Bill 152 will allow the Farmers Cooperative Association of Guam, Inc. (Farmer's Co-op) to operate in a facility that will be accessible to all farmers on Guam.

At this time farmers must drive around the island to distribute their goods. With the farmers having a place to call home, this venue will not only be accessible them, but to their customers as a one-stop facility to get fresh fruits, vegetables, fish and fresh livestock for consumption. We believe in the saying "It taste better if it was harvested or caught within the 8 mile radius from where you consume it". In other words, "The Fresher, the Better".

At this time, the Farmers Co-op is currently situated themselves at the Dededo Municipal Building (old Dededo Police Station). This partnership between the municipality and the farmers has been an asset to our growing community. Farmers have conducted workshops and training for others interested in the industry.

Lot No. 10155-1 located at the corner of West Santa Monica Ave. and Marine Corps Drive in the Municipality of Dededo is a parcel of 6.9947 acres. This area has been identified as a "Public Market Site" on Guam maps.

Farmer's Co-op intends to construct a facility to accommodate not only its activities but to include the relocation of the existing Dededo Flea Market to this site. The Farmers Co-op will operate seven (7) days a week. The Flea Market operations will be restricted to Saturday and Sundays only.

In the past, there have been several accidents at the current location, which unfortunately, resulted in death of two individuals along this busy roadway. The current Flea Market is located between two major roadways. The patrons must park across the street and many of them do not use the designated crosswalk available for their safety.


By joining forces and collaborating as a team, the property will be safely designed where the sale and distribution of produce and livestock can occur daily. The Flea Market operations will with the sale of other items, such as food, clothing, local artifacts and other household trades will be limited only to weekends.

The Farmers Co-op being the main occupant of the property will be located at the center of property having all the necessary utilities within their operations. The Flea Market will surround their operations on weekends. Because of the size of the parcel, there will be designated parking for customers within the same property.

The current Flea Market location can be utilized by the Guam Mass Transit as a "Park and Ride" Lot. By implementing a "Park and Ride" on Guam, this will definitely reduce the traffic congestion that we currently have on all roadways traveling to our northern villages.

We believe that this Bill No. 152 will definitely be a Win-Win for all members of our island. The Farmers Co-op will finally have a home, the relocation of the Dededo Flea Market to a safer location and a "Park and Ride" Lot for the Guam Mass Transit to eliminate traffic congestion on our roadways.

Thank you for your time!

  
Mayor Melissa B. Savares

  
Vice Mayor Andrew Peter A. Benavente

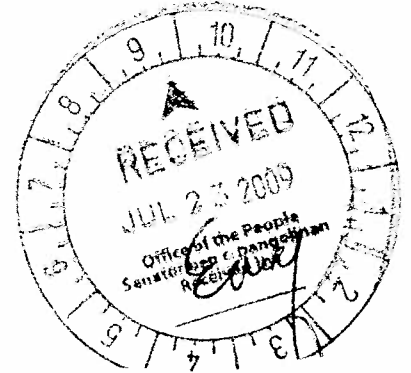


**UNIVERSITY OF GUAM**  
**UNIBETSEDÁT GUAHAN**  
**OFFICE OF THE PRESIDENT**

UOG Station, Mangilao, Guam 96923  
Telephone: (671) 735-2990 • Fax: (671) 734-2296

July 20, 2009

The Honorable Vicente C. Pangelinan  
Chairman, Committee on Appropriations, Taxation,  
Banking, Insurance, Retirement and Land  
30<sup>th</sup> Guam Legislature  
Suite 101 Quan Building  
324 West Soledad Avenue  
Hagatna, GU 96910



**Ref.: Testimony on Bill 152 (COR)**

Dear Mr. Chairman and Committee Members:

The University of Guam generally agrees with the intent of Bill 152, an act to provide the Guam Farmer's Cooperative Association a parcel of land in Dededo for the purpose of marketing farmers' produce and for other services. As an institution of higher learning, UOG, with appropriate funding support, may be able to assist the Guam Farmer's Cooperative Association in facilitating, through formal and non-formal means, the assessment and strategic planning processes for the Association. One aspect of this is bringing the various entities to the table to facilitate discussions targeted towards strategic plan development. However, if UOG were to take on the role of coordination of these various aspects as intended by the Bill, then there would be additional costs to UOG. For instance, there would be a need to recruit someone to facilitate this as it goes beyond the scope of our mandated norm of services. Such an activity requires additional funds to hire or reprogram faculty and staff. If it becomes another unfunded mandate, then it will affect the delivery of our regular programs and support of our Federal grants.

In addition, this written testimony is submitted with the recommendation that certain sections of the Bill be amended to better align the programs and services the University has to offer for both the farmers and the Association, separately and as a whole. For example, on the matter of the Small Business Development Center (SBDC), by statute the SBDC, exists to support private sector businesses, more specifically to assist individuals. However, SBDC can provide counseling and training to the members of the Association. As for the College of Natural and Applied Sciences (CNAS), we note that the Association currently has an MOU with CNAS whereby CNAS is already providing some of the assistance delineated in the Bill. This assistance is ongoing.

Lastly, we suggest that the Bill include language to encourage the Association to work with various entities (UOG's CNAS, SBPA and SBDC, and Department of Agriculture) to apply for grants to further the goals and objectives of the Association and thus benefit our local farmers. The goal must be to have a sustainable organization that is funded from external sources. An organization such as a Farmer's Cooperative is also best advised to secure funding to obtain

the services of a manager to ensure that the function of the Association is carried out to fruition, basically the coordinating role mentioned above.

Based on the above, we recommend the following changes to the Bill:

Page 4, line 15, change to read:

"...of Natural and Applied Sciences as the lead government entity in ~~providing~~ identifying the necessary..."

Page 4, line 18, change to read:

"...~~coordinate the services~~ facilitate meetings and dialog among all pertinent government entities that will support the successful..."

Page 4, line 27, change to read:

"...Share any ~~other support~~ information that may assist the Association in its operation and marketing..."

Page 5, line 4, change to read:

"The Association, through a Memorandum of Understanding, shall seek collaboration with the School of Business and Public..."

Page 5, replace lines 7, 8, 9, 10, 11 and 12, with a single line:

- ~~"Business professional services and technical guidance in the administration and operation of the Association and its activities;~~
- ~~Marketing expertise and guidance;~~
- ~~Advice on enhanced business practices, ways to identify and capitalize on existing and~~
- ~~potential agricultural markets, both local and off-island;~~
- ~~And other services it provides that maybe beneficial to the Association.~~
  
- "... Offer business counseling and training to the Association's members..."

Page 6, lines 1 through 3, change to read:

"These entities shall provide such services and general assistance ~~at no cost, as it applies to respective programs, thus enabling~~ subject to availability of funding, to the Association as a Guam nonprofit organization. This assistance will promote the successful establishment of the Association for the benefit of our local farmers and the growth of the island's traditional industry. For services and support beyond this, the Association is encouraged to work with the entities (UOG's CNAS, SBPA and SBDC, and Guam Department of Agriculture) to apply for grants to fund these efforts or hire needed expertise beyond the resources currently available."

In closing, we trust the above-suggested amendments will find the Committee's favorable acceptance.

Sincerely,



Robert A. Underwood, Ed.D.  
President



**COMMITTEE ON RULES**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

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**SENATOR  
RORY J.  
RESPICIO  
CHAIRPERSON**

June 30, 2009

**SENATOR  
Judith P. Guthertz  
VICE  
CHAIRPERSON**

Memorandum

**MAJORITY  
MEMBERS:**

To: Clerk of the Legislature  
*I Mina'Trenta Na Liheslaturan Guåhan*

Judith T. Won Pat  
SPEAKER

Attorney Theresc M. Terlaje  
*Legislative Legal Counsel  
I Mina'Trenta Na Liheslaturan Guåhan*

Benjamin J. F. Cruz  
VICE SPEAKER

From: Senator Rory J. Respicio  
*Chairperson, Committee on Rules  
I Mina'Trenta Na Liheslaturan Guåhan*

Tina Rose Mufia Barnes  
LEGISLATIVE SECRETARY

Subject: Referral of Bill No. 152 (COR)

Thomas C. Ada  
SENATOR

As Chairperson of the Committee on Rules, I am forwarding my re-  
referral of Bill No. 152 (COR).

Frank B. Aguon, Jr.  
SENATOR

Adolpho B. Palacios, Sr.  
SENATOR

Please ensure that the subject Bill is referred, in my name, to the  
respective Chairperson, as shown on the attachment. I am also  
requesting that the same be forwarded to all Senators of *I Mina'Trenta  
Na Liheslaturan Guåhan*.

Vicente C. Pangelinan  
SENATOR

Matthew Rector  
SENATOR

Should you have any questions, please contact Elaine Tajalle or  
Stephanie Mendiola from my office.

**MINORITY  
MEMBERS:**

*Si Yu'os Ma'åse.*

Frank E. Blas, Jr.  
SENATOR

*Attachment*

James V. Espaldon  
SENATOR

2009 JUN 30 AM 10:11 M

**Bill/Resolution Introduction/Referral**

<b>Bill</b>	<b>Sponsor</b>	<b>Description</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>Committee Referred</b>
152(COR)	v.c. pangelinan, T.R.Muna Barnes, F.F. Blas, Jr., J.V. Espaldon	An act to repeal and reenact Section 68975 Article 11, Title 21 Guam Code Annotated Relative to Farmer's Cooperative Association of Guam..	6-15-09	6-30-09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land



Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Memorandum

To All Senators

From: ~~Senator~~ Senator ben pangelinan

Re: Public Hearing Notice

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following resolution and bills are on the agenda:

**BILL NO. 100 (COR) (Aguon): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUAHAN TO THE JUDICIAR OF GUAM.**

**BILL NO 152 (COR) (pangelinan): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.**

*Si Yu'os Ma'ase,*



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Lisa Cipollone

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fbaguon.guam@hotmail.com,  
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"Edward J.B. Calvo" <sencalvo@gmail.com>,  
BJ Cruz <senadotbjcruz@aol.com>,  
Jimmy Espaldon <senator@espaldon.com>,  
Senator Judi Guthertz <judiguthertz@plicom.com>,  
Tina Muna Barnes <tinamunabarnes@gmail.com>,  
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Chris Budasi <chris.budasi@guamlegislature.org>,  
Yong Pak <yong@guamlegislature.org>,  
Stephanie Mendiola <sem@guamlegislature.org>  
Tue, Jun 30, 2009 at 4:35 PM  
Public Hearing Notice  
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Please see attached

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
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Date: Sun, 5 Jul 2009 09:31:48 +1000  
Message-ID: <98a9b3e20907041631175aed217t4371f5e205eb4272@mail.gmail.com>  
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From: Lisa Cipollone <cipo@guamlegislature.org>  
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# Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

July 3, 2009

Memorandum

To:  All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice – SECOND NOTICE

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following resolution and bills are on the agenda:

**BILL NO. 100 (COR) (Aguon): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY *LIHESLATURAN GUAHAN* TO THE JUDICIAR OF GUAM.**

**BILL NO 152 (COR) (pangelinan): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.**

*Si Yu'os Ma'ase,*



Stephanie Mendiola <sem@guamlegislature.org>

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## Public Hearing Notice

---

Lisa Cipollone <cipo@guamlegislature.org>

Sun, Jul 5, 2009 at 9:39 AM

To: Tom Ada <tom@senatorada.org>, fbaguon.guam@hotmail.com, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, BJ Cruz <senadotbjcruz@aol.com>, Jimmy Espaldon <senator@espaldon.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, ABPalacios@gmail.com, Matt Rector <matt@mattrector.com>, "Rory J. Respicio" <rorryforguam@gmail.com>, Ray Tenorio <ray@raytenorio.com>, Telo Taitague <senatortelo@gmail.com>, Judi Won Pat <info@judiwonpat.com>

Cc: Bill Phillips <phillipsguam@gmail.com>, carlospguam@yahoo.com, ciquinata@gmail.com, fbtorres@yahoo.com, fred@mattrector.com, jamespcastro@gmail.com, juliette@senatorada.org, Laurie Manibusan <laurielisla@gmail.com>, martinbenavente@yahoo.com, patrickcepeda@hotmail.com, rjquitugua@gmail.com, mona.duenas@gmail.com, phill@raytenorio.com, epogue@hotmail.com, roberto.phil@gmail.com, psantos@guamlegislature.org, sgtarms@guamlegislature.org, Chris Budasi <chris.budasi@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, Stephanie Mendiola <sem@guamlegislature.org>

Notice of public hearing on Tuesday, July 7. Please see attached.

On Tue, Jun 30, 2009 at 4:35 PM, Lisa Cipollone <cipo@guamlegislature.org> wrote:

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**Mina' Trenta Na Liheslaturan Guahan**  
**THIRTIETH GUAM LEGISLATURE**  
Senator vicente "ben" c. pangelinan

**NOTICE OF PUBLIC HEARING**

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,  
INSURANCE, RETIREMENT AND LAND

Date: Tuesday, July 7, 2009

Time: 1:00pm

Place: Guam Legislature Public Hearing Room

**Agenda**

BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY / LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM.

BILL NO 152 (COR): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.

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**Mina' Trenta Na Liheslaturan Guahan**  
**THIRTIETH GUAM LEGISLATURE**

**Senator vicente "ben" c. pangelinan**

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**COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE,  
RETIREMENT AND LAND**

**PUBLIC HEARING**

**Tuesday, July 7, 2009**

**1:00pm**

**Guam Legislature Public Hearing Room**

**AGENDA**

**BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY *I LIHESLATURAN GUAHAN* TO THE JUDICIARY OF GUAM.**

**BILL NO 152 (COR): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.**

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