



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 02, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2013 MAY -7 PM 5:17

Dear Madame Speaker:

Transmitted herewith is Bill No. 77-32 "AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.", which I signed into law on May 02, 2013 as Public Law 32-023.

Senseramente,

EDDIE BAZA CALVO
I Maga'lahaen Guåhan
Governor of Guam

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Attachment: copy of Bill

32-13-303
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 5/1/13
Time: 1:26 PM
Received by: Faith

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

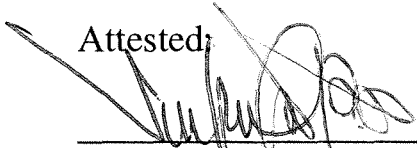
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 77-32 (COR)**, "AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.", was on the 22nd day of April, 2013, duly and regularly passed.



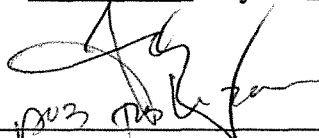
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of April,
2013, at 7:30 o'clock p.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: May 02, 2013

Public Law No. 32-023

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 77-32 (COR)

As substituted by the
Committee on Appropriations,
Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation,
Historic Preservation and Land; and amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan
R.J. Respicio
T. R. Muña Barnes
B. J.F. Cruz
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
Tommy Morrison
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §68975 OF ARTICLE 11,
CHAPTER 68 OF TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO THE DEVELOPMENT
OF THE FARMER'S MARKET FACILITY BY THE
FARMER'S COOPERATIVE ASSOCIATION OF GUAM,
INC.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 pursuant to Public Law 30-228, Guam's long-standing goal of food self-sufficiency is

1 attainable. Though it has taken many years and the challenges have been seemingly
2 endless, the promise of the Guam Farmer's Market becomes more of a reality today
3 due, in large part, to the allocation of proceeds from the Hotel Occupancy Tax
4 Revenue Limited Obligation (HOT) Bonds to provide the processing and marketing
5 facilities vital to afford our farmers a sustainable and viable outlet for their harvest and
6 production.

7 *I Liheslaturan Guåhan* further finds that in the effort to develop projects that
8 benefit community infrastructure, revitalization of the Guam Farmer's Market is of
9 great importance, and as part of its facility, to include: a retail Farmer's Market, dry
10 and cold storage, feed and material supply, offices for Government agencies, a value-
11 added kitchen, a dining/patio area, flea market stalls, a plant nursery, public toilets, and
12 a designated parking area.

13 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),
14 municipality of *Dededo*, has been designated for the farmer's public market site, to
15 ultimately benefit the people, farmers and ranchers of Guam.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §68975 of Article
17 11, Chapter 68 of Title 21, Guam Code Annotated, relative to the development of the
18 Farmer's Market facility by the Farmer's Cooperative Association of Guam, Inc.

19 **Section 2.** §68975 of Article 11, Chapter 68 of Title 21, Guam Code Annotated, is
20 hereby *amended* to read as follows:

21 **“§ 68975. Farmer's Cooperative Association of Guam, Inc.**

22 Notwithstanding any other provision of law, the Farmer's Cooperative
23 Association of Guam, Inc. (Association) is authorized to execute all legal
24 instruments, documents and contracts necessary for the construction and
25 operations of the Farmer's Market facility, pursuant to P.L. 30-228, on Lot No.
26 10155-1 (6.9947± acres), in the municipality of *Dededo*, and must comply with
27 the following:

1 (a) The association, for the sum of One Dollar (\$1.00) per annum for
2 twenty-five (25) years with an option for automatic renewal for another twenty-
3 five (25) years, *shall* have the beneficial use of the property for its development.
4 The Association may subject the property and its improvements to a leasehold
5 mortgage, subject to approval by *I Liheslaturan Guåhan*.

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

9 (c) The right to develop the property for the construction of the
10 Farmer's Market by the Association contained in this Act *shall not* be
11 conveyed by the Association to any other entity, *nor may* the entire facility
12 project be sublet to a single entity, without *I Liheslaturan Guåhan's*
13 approval. Portions of the Farmer's Market facility may be leased out by the
14 Association to individual vendors, businesses, and other entities, consistent
15 with applicable laws, rules and regulations for the commercial lease of
16 government facilities, and pursuant with the goals and activities of the
17 Association.

18 (d) Any change in the tax status of the Association *shall* require
19 notification to *I Liheslaturan Guåhan* and an immediate renegotiation of
20 payments required in this Act for the use of the property. *If* such change *shall* be
21 to a for-profit status, the rate *shall* be *no less than* ten percent (10%) of the actual
22 market value of the property.

23 (e) The Association *may* grant the Mayor of *Dededo*, through a
24 memorandum of agreement, access to and use of the premises for the activities
25 authorized in §68901(b) of Article 9, Chapter 68 of Title 21, Guam Code
26 Annotated, with the exception that the approval by the Department of Land

1 Management *shall no longer* be required for the issuance of the permits pursuant
2 to §68901(b).

3 (f) The Association *shall* be required after the initial seven (7) years of
4 the term, to remit two percent (2%) of the Association's gross income from the
5 operations of the Farmer's Market facility for the previous year to the account of
6 the Ancestral Land Bank and increased one percent (1%) every five (5) years
7 thereafter for the remaining term to a maximum of five percent (5%).

8 (g) The Association *shall not* sell, mortgage, sublease, assign,
9 encumber, hypothecate, or otherwise transfer its interest in the property
10 without the prior consent of *I Liheslaturan Guåhan*. Should the Farmer's
11 Market facility fail to begin construction within three (3) years of the
12 enactment of this Act, *or* the amounts required by Subsections (a) and (f) of
13 this Section fail to be remitted, the assignment of the property to the
14 Association is hereby revoked, and the Department of Land Management
15 *shall* file the needed documents with the Recorder's Office noticing the
16 revocation, and *shall* include provisions needed to ensure the property is free
17 and clear from any encumbrances to the title.

18 (h) The Association and its activities *shall* be subject to an annual
19 audit by the Office of Public Accountability.”

20 **Section 3. Lot Rezoned.** Lot No. 10155-1, municipality of *Dededo*,
21 Guam, containing an area of 6.9947± acres, is hereby rezoned from Agricultural
22 Zone (A) to Commercial Zone (C).

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