



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

SEP 14 1989

RECORDED

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill 582 which I have signed into law
this date as Public Law 20-84.

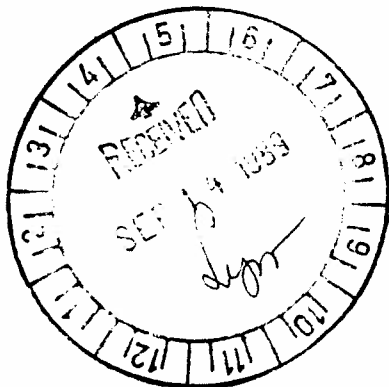
In order to end fiscal year 1989 with a balanced budget, I
request that the Legislature amend Section 2 to indicate that
the appropriation made in that section is from the fiscal
year 1990 revenues.

Sincerely yours,

Joseph F. Ada
JOSEPH F. ADA
Governor

Enclosure

200446



TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

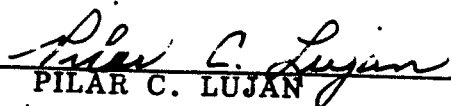
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 582 (LS), "AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII OF THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR COMPENSATION FOR CROP DAMAGES AND TO MAKE AN APPROPRIATION THEREFOR", was on the 1st day of September, 1989, duly and regularly passed.



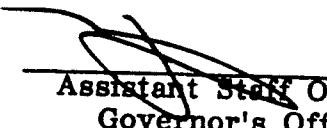
JOE T. SAN AGUSTIN
Speaker

Attested:



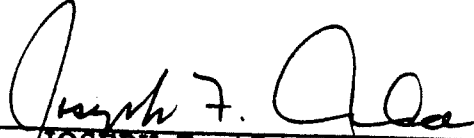
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 2 day of Sept, 1989,
at 1:30 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: September 14, 1989

Public Law No. 20-84

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 582 (LS)
As substituted by the Committee
on Economic Development and
further substituted by Committee
on Rules

Introduced by:

C. T. C. Gutierrez
T. S. Nelson
E. D. Reyes

H. D. Dierking
F. R. Santos
J. P. Aguon
E. P. Arriola
J. G. Bamba
M. Z. Bordallo
D. F. Brooks
E. R. Duenas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
D. Parkinson
F. J. A. Quitugua
M. C. Ruth
J. T. San Agustin
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD A NEW CHAPTER VI TO
TITLE XIII OF THE GOVERNMENT CODE OF
GUAM TO PROVIDE FOR COMPENSATION FOR
CROP DAMAGES AND TO MAKE AN
APPROPRIATION THEREFOR.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. A new Chapter VI is added to Title XIII of the Government
3 Code to read:

4 "Chapter VI
5 Compensation to Farmers for Crop Damages
6 §12450. Program. The Department of Agriculture (the
7 "Department") shall establish a program to compensate bona fide

1 farmers for any losses to their crops or property, such as damaged
2 access roads to the farms, due to natural disasters such as typhoons,
3 severe rain storms, floods and droughts.

4 §12451. Criteria. The Department is authorized to establish
5 criteria to accomplish the purpose set forth in this Chapter.

6 §12452. Submission of appropriation request. The Department
7 shall immediately, but no later than fifteen (15) days after the
8 occurrence of a natural disaster, submit to the Legislature the
9 Department's estimate of the amount of funds necessary to implement
10 this Chapter."

11 Section 2. There is appropriated from the General Fund to the
12 Department of Agriculture the sum of Six Hundred Thousand Dollars
13 (\$600,000) for the purpose set forth in this Act.

14 Section 3. The funds appropriated by Section 2 of this Act shall be
15 utilized for the damages caused by the natural disasters occurring in 1988,
16 namely Typhoon Roy, the severe pre-Typhoon Andy rain storm, and
17 Typhoon Andy; provided, that such funds shall be paid only to those bona
18 fide farmers who filed their claims for damages prior to the effective date of
19 this Act. Any funds remaining after payment of the 1988 claims shall
20 remain with the Department of Agriculture for future claims.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 582

Date: 9/1/89

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>J. P. Aguon</u>	✓			
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>	✓			
<u>D. F. Brooks</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>	✓			
<u>C. T. C. Gutierrez</u>	✓			
<u>P. C. Lujan</u>	✓			
<u>G. Mailloux</u>	✓			
<u>M. D. A. Manibusan</u>	✓			
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>	✓			
<u>F. J. A. Quitugua</u>	✓			
<u>E. D. Reyes</u>	✓			
<u>M. C. Ruth</u>	✓			
<u>J. T. San Agustin</u>	✓			
<u>F. R. Santos</u>	✓			
<u>T. V. C. Tanaka</u>	✓			
<u>A. R. Unpingco</u>	✓			

APR 10 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 582(LS)

Introduced by:

T. S. Nelson
C. T.C. Gutierrez

H. D. Dierking
F. R. Santos
J. P. Aguon

AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII TO THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR COMPENSATION FOR CROP DAMAGES AND TO MAKE AND APPROPRIATION THERETO.

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

Section 1. A new Chapter VI is added to Title XIII of the Government Code to read:

"Chapter VI

Compensation to Farmers for Crop Damages

§12450. The Department of Agriculture shall establish a program for the reimbursement to bona fide farmers any loss they sustained to their crops due to natural disasters such as typhoons, severe rain storms, flood and drought.

§12451. The Department is authorized to established criteria to accomplish the purpose set forth in this Act.

§12452. There is appropriated from the General Fund to the Department of Agriculture the sum of Two Hundred Thousand Dollars (\$200,000) for the purpose set forth in this Act."



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

6-2

26 July 1989

SPEAKER JOE T. SAN AGUSTIN
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, GU 96910

Dear Mr. Speaker:

The Committee on Economic Development, together with the Committee on Ways and Means, to which was jointly referred Bill No. 582 [An Act to Add a New Chapter VI to Title XIII to the Government Code of Guam to Provide for Compensation for Crop Damages and to Make an Appropriation Thereto], wishes to report back to the Legislature with its recommendation to pass Substitute Bill No. 582. The respective voting records are as follows:

<u>COMMITTEE</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>INACTIVE FILE</u>	<u>OFF- ISLAND</u>
Economic Development	<u>10</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>
Ways and Means	<u>8</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>

Copies of the joint Committee Report and other pertinent documents are enclosed.

Sincerely,




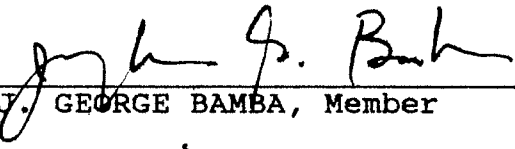
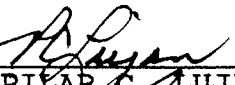


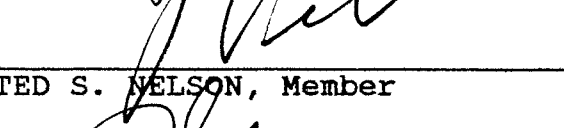

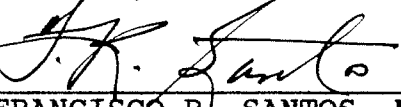
EDWARD D. REYES
Chairman, Committee on Economic
Development

CARL T.C. GUTIERREZ
Chairman, Committee on Ways
and Means

Enclosures.

COMMITTEE ON ECONOMIC DEVELOPMENT
20th Guam Legislature

Bill No. 582 - An Act to Add a New Chapter VI to Title XIII to the Government Code of Guam to Provide for Compensation for Crop Damages and to Make an Appropriation Thereto

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 EDWARD D. REYES, Chairman	✓			
<u>OFF-ISLAND</u>				
MADELEINE Z. BORDALLO, Vice-Chairman				
 JOHN P. AGUON, Member	✓			
 ELIZABETH P. ARRIOLA, Member	✓			
 J. GEORGE BAMBA, Member	✓			
<u>OFF-ISLAND</u>				
HERMINIA D. DIERKING, Member				
 PILAR C. LUJAN, Member	✓			
 GORDON MAILLOUX, Member	✓			
 MARILYN MANIBUSAN, Member	7/6/89 mdm			
 TED S. NELSON, Member	✓			
 JOE T. SAN AGUSTIN, Ex-Officio Member	✓			
 FRANCISCO R. SANTOS, Member	✓			



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

05 July 1989

MEMORANDUM

TO: Members, Committee on Economic Development
FROM: Chairman, Committee on Economic Development
SUBJECT: Committee Report - Bill No. 582

Transmitted herewith for your information and action is the Committee on Economic Development's Report on Bill No. 582 [An Act to Add a New Chapter VI to Title XIII to the Government Code of Guam to Provide for Compensation for Crop Damages and to Make an Appropriation Thereto].

The narrative report is accompanied by the following:

1. Bill No. 582;
2. Committee on Economic Development Voting Sheet;
3. Written Testimony; and
4. Substitute Bill No. 582.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.

EDWARD D. REYES

Attachments.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

July 11, 1989

MEMORANDUM

To: The Members, Committee on Ways & Means
From: The Acting Chairman
Subject: Committee Report - Substitute Bill No. 582

Transmitted herewith for your information and action is a copy of the joint Committee Report on Substitute Bill No. 582, "An act to add a new Chapter VI to Title XIII of the Government Code to provide for compensation for crop damages and to make an appropriation thereto." The Committee on Economic Development has already expressed its desire to pass Substitute Bill No. 582. Therefore, your action on the attached report is greatly appreciated.

Thank you for your attention and cooperation and should you have any questions, please feel free to call on me or Mr. James P. Castro, my Deputy Chief of Staff at 472-2784 or 472-3428.



TED S. NELSON
Acting Chairman

Attachment:

COMMITTEE ON WAYS AND MEANS
VOTE SHEET ON SUBSTITUTE BILL NO. 582

AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII OF THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR COMPENSATION FOR CROP DAMAGES OR IN-KIND CONTRIBUTIONS AND TO MAKE AN APPROPRIATIONS THERETO.

WITH THE RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>	<u>INACTIVE FILE:</u>	<u>OTHER:</u>
<u>C. T.C. Gutierrez, Chairman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>H. D. Dietking, Vice Chairperson</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>J. P. Aquon, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>E. S. Nelson, Member</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D. Parkinson, Member</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>F. J. A. Quituqua, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>J. T. San Agustin, Speaker & Ex-Officio</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>J. C. Bamba, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D. F. Brooks, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>E. M. Espaldon, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>M. D.A. Manibusan, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>M. C. Ruth, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OFF-ISLAND

Sub
 7/26/89

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 7/12/89

COMMITTEE ON ECONOMIC DEVELOPMENT
Twentieth Guam Legislature

REPORT ON BILL NO. 582

AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII TO
THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR
COMPENSATION FOR CROP DAMAGES AND TO MAKE AN
APPROPRIATION THERETO

I. PREFACE

The Committee on Economic Development held a public hearing on Monday, 08 May 1989, at 9:00 a.m. at the Legislative Session Hall. Members present at the hearing were Senator Edward D. Reyes, Chairman, and Senators Ted S. Nelson and J. George Bamba. Also present was Senator Carl T.C. Gutierrez.

II. BACKGROUND

Bill No. 582 was introduced by Senators Ted S. Nelson and Carl T.C. Gutierrez. It proposes to add a new Chapter VI to Title XIII to the Government Code of Guam, to provide for compensation for crop damages and to make an appropriation thereto. The new sections to be established and the purpose are as follows:

- A. §12450 directs the Department of Agriculture to establish a program for the reimbursement to bona fide farmers any loss they sustained to their crops due to natural disasters such as typhoons, severe rain storms, flood and drought.
- B. §12451 authorizes the Department of Agriculture to establish criteria to accomplish the purpose of the Bill.
- C. §12452 appropriates from the General Fund to the Department of Agriculture the sum of \$200,000 to accomplish the intent of the Bill.

III. TESTIMONY

There were eight individuals who testified at the public hearing: Mr. Antonio S. Quitugua (Director, Department of Agriculture), Mr. Alfred S.N. Flores, Mr. Joseph San Nicolas, Mr. Jack Custer, Mr. Benny San Nicolas, Mr. Ben Crisostomo, Mr. Felix Quan and Ms. Mariquita F. Taitague. Of the eight, only Mr. Quitugua provided written testimony in addition to his oral presentation. All eight testified in favor of Bill 582.

The following represents a synopsis of the testimony:

- A. **Alfred S.N. Flores** stated that the Bill would alleviate the farmers' problems arising from crop damages. The assistance from the Bill would be one way of helping the farmers. Additionally, Flores said, crop damage occurs not only from natural disasters but also from plant diseases and insect problems.
- B. **Joseph San Nicolas** testified that the appropriation would assist farmers recover due to crop damages.

- RECORDS OF GOVERNMENT SERVICE
- C. **Jack Custer** offered favorable testimony, but questioned whether the intent is for a direct grant or a low-interest loan. He expressed his concern that the data collected by the Department of Agriculture on crop damages may just be more statistical information, with nothing substantial materializing from it.
 - D. **Benny San Nicolas** testified that he was in favor of any action that would provide some relief to farmers based on crop damages. He recommended that relief to farmers should not be limited to financial assistance, but also by indirect means, such as the repair of damaged (by erosion, landslides, floods) access roads to the farm area.
 - E. **Ben Crisostomo** stated that although he was not affected by crop damage from Typhoon Andy, he is in support of the Bill because he is concerned with his fellow farmers.
 - F. **Felix Quan** recommended the expansion of the intent of the Bill so as to use the appropriations as seed money from which to tap into whenever crop damages occur or to pay for other damages the Legislature feels ought to be compensated for.
 - G. **Antonio Quitugua** fully supported the Bill, noting that the assistance provided for is desperately needed. He stated that farming is not an easy profession; it requires a great deal of investment, knowledge, hard work and fortitude. Additionally, it is always devastating when a farmer loses his crops. The assistance from the Bill, Quitugua said, is a welcome relief, and may prove to be the catalyst for continued growth of the agricultural industry on Guam.
 - H. **Mariquita Taitague** expressed her appreciation to the Senators for considering the Bill. In her testimony, Taitague stated that as a full-time farmer, she works very hard so that when she loses crops due to natural disasters, any financial assistance provided would be very handy to bringing her production back to normalcy.

IV. FINDINGS

The Committee finds that:

1. Farmers, particularly those from southern Guam, suffer not only from crop damages as a result of natural disasters. Damage occurs to access roads where farmers do their farming, making roads impassable. These farmers request that assistance in the form of gravel and machinery services be provided.
2. Farmers experienced damages from recent natural disasters, namely Typhoon Roy and Typhoon Andy (inclusive of the severe pre-Typhoon Andy rain storm).
3. Senators expressed concern and desire during the hearing about the possibility of payments to the farmers being made retroactive in order to pay for damages incurred from the

disasters listed in item 2 above.

V. RECOMMENDATIONS

The Committee recommends that a substitute Bill No. 582 be passed, taking into consideration the following:

1. Assistance need not be given solely based on crop damages but also damages to access roads due to flooding and erosion.
2. Assistance is retroactive to assist farmers who suffered damages from Typhoons Roy and Andy (including the severe pre-Typhoon Andy rain storm).
3. Amount appropriated is increased to \$600,000 to retroactively address damages resulting from item 2 above.
4. Another provision is included to mandate that the Department of Agriculture immediately but no later than fifteen days after the occurrence of a natural disaster submit to the Legislature the amount of funds necessary to assist farmers who have been victimized by natural disaster.

TWENTIETH GUAM LEGISLATURE
1989 (First) Regular Session

Bill No. 582
As Substituted by the Committee
on Economic Development

Introduced By: T.S. Nelson
C.T.C. Gutierrez
E.D. Reyes
H.D. Dierking
F.R. Santos
J.P. Aguon

AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII TO THE
GOVERNMENT CODE OF GUAM TO PROVIDE FOR COMPENSATION
FOR CROP DAMAGES OR IN-KIND CONTRIBUTIONS AND TO
MAKE AN APPROPRIATION THERETO

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

2 SECTION 1. A new Chapter VI is added to Title XIII of the
3 Government Code to read:

4 "Chapter VI

5 Compensation to Farmers for Crop Damages

6 §12450. The Department of Agriculture shall establish a
7 program to assist bona fide farmers any loss they sustained to
8 their crops or property, such as damaged access road, due to
9 natural disasters such as typhoons, severe rain storms, flood and
10 drought.

11 §12451. The Department is authorized to establish criteria
12 to accomplish the purpose set forth in this Act.

13 §12452. The Department shall immediately, but no later than
14 fifteen (15) days after the occurrence of a natural disaster,
15 submit to the Legislature the amount of funds necessary to
16 implement this Act.

1 SECTION 2. There is appropriated from the General Fund to the
2 Department of Agriculture the sum of Six Hundred Thousand Dollars
3 (\$600,000) for the purpose set forth in this Act.

4 SECTION 3. The funds appropriated by Section 2 of this Act shall
5 be utilized for the damages suffered from the natural disasters which
6 occurred in 1988, namely Typhoon Roy, the severe pre-Typhoon Andy rain
7 storm, and Typhoon Andy.

U

Introduce

APR 10 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 582 (L.S.)

Introduced by:

T. S. Nelson ✓
C. T.C. Gutierrez ✓

H. D. Dierking ✓
F. R. Santos ✓
J. P. Aguon ✓

*Sec. Dev
W-1777*

AN ACT TO ADD A NEW CHAPTER VI TO TITLE XIII TO THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR COMPENSATION FOR CROP DAMAGES AND TO MAKE AND APPROPRIATION THERETO.

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

Section 1. A new Chapter VI is added to Title XIII of the Government Code to read:

"Chapter VI

Compensation to Farmers for Crop Damages

\$12450. The Department of Agriculture shall establish a program for the reimbursement to bona fide farmers any loss they sustained to their crops due to natural disasters such as typhoons, severe rain storms, flood and drought.

\$12451. The Department is authorized to established criteria to accomplish the purpose set forth in this Act.

\$12452. There is appropriated from the General Fund to the Department of Agriculture the sum of Two Hundred Thousand Dollars (\$200,000) for the purpose set forth in this Act."

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Crop Damage

TESTIMONY ON BILL 582

Mr. Chairman and Members of the Committee, my name is Antonio S. Quitugua, Director of the Department of Agriculture. Thank you for giving me the opportunity to testify on Bill 582 which is, an Act Relative to adding a new Chapter VI to Title XIII of the Government Code of Guam to provide compensation for crop damages and to make and appropriation thereto. I support Bill No. 582 to the fullest. This kind of government assistance is desperately needed by our farmers on Guam. In the U.S. Mainland, farmers receives all kinds of subsidies from the Government. I applaud the Legislature for the foresight and for taking the step in the right direction. With this assistance, I foresee continued growth of the Industry.

As a part time farmer myself, it has always been devastating for me whenever I lose my crop because of bad weather; I can imagine how others would feel if their livelihood is dependent on their crops to support a family.

Farming is not an easy profession on Guam. It requires alot of investments, knowledge, hardwork from sunrise to sunset, and fortitude to withstand the pressures of unavoidable losses due to bad weather, pest outbreaks, etc. Also we would like to see Guam cutting down on importations of fresh fruits and vegetables. Further, we would like to see our farmers provide the schools, hotels, and other markets with locally grown fresh fruits and vegetables that are needed because it could be grown successfully on Guam.

In the village of Talofofo that I am quite familiar with, many young Chamorro farmers derive their income from the farm - we need to have them, as well as others continue in this kind of business or else we would have to settle with goods that are imported and not provide the public with fresh fruits and vegetables that are highly in demand.

Bill 582 is a very good Bill for our farmers and we look forward for your support in the passage of this Bill.

Thank you for allowing me to testify on Bill 582.

ANTONIO S. QUITUGUA
Director, Department of Agriculture