



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUN 27 1995

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

Via: Office of Speaker Don Parkinson

Dear Speaker Nelson:

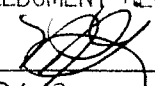
Enclosed please find a copy of Substitute Bill No. 78 (LS), "AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW §60354 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-29**.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment

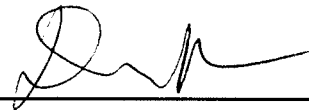
230519

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	9:40 am
Date	6-28-95

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 78 (LS), "AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW §60354 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED," was on the 6th day of June, 1995, duly and regularly passed. The Bill received twenty votes to pass, with one member off-island.



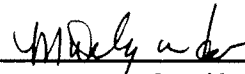
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16 day of JUNE,  
1995, at 10:30 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 6-27-95

Public Law No. 23-29

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 78 (LS)

As substituted by the Committee on  
Economic-Agriculture and Insurance  
and as further substituted on the floor.

Introduced by:

D. Parkinson  
J. T. San Agustin  
A. C. Blaz

---

F. P. Camacho  
F. E. Santos  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
J. M. S. Brown  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
T. S. Nelson  
S. L. Orsini  
V. C. Pangelinan  
A. L. G. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT ESTABLISHING THE RIGHT TO FARM, BY  
ADDING A NEW §60354 TO CHAPTER 60, TITLE 5,  
GUAM CODE ANNOTATED.

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

1           **Section 1. Legislative findings and intent.** The Legislature finds that it  
2 is necessary to encourage and protect farming in the Territory. One of the  
3 concerns expressed by farmers is that they are afraid that they will be slowly  
4 squeezed out by the encroachment of development around and in the  
5 neighborhood of their farms. Therefore, the Legislature feels that it is  
6 important to create an exemption to protect various agricultural activities in  
7 order that farmers will not be dislocated because of the subsequent  
8 development of surrounding lands.

9           **Section 2.** A new §60354 is added to Title 5, Guam Code Annotated, to  
10 read:

11           **"§60354.** A farm for purposes of this section shall be farmland  
12 used for bonafide agriculture, as defined in §60102 of this Title, and  
13 which encompasses over one half acre in size. No person who is  
14 engaged in agricultural use of farmland may be forced or required  
15 to stop such farming activities because of changes in the usages of  
16 surrounding lands, nor because of zoning changes.

17           (a) Any farm, as defined above, shall be deemed a preferred  
18 use of the land and, for so long as the land continues in production  
19 and continues to be used for agricultural purposes, said land shall  
20 be considered authorized as a farming area not withstanding  
21 changes in zoning or changes in the usage and characteristics of the  
22 neighborhood in which it is located.

23           (b) Any farm which is authorized herein for agricultural  
24 usage may continue to be used in a manner consistent with the  
25 traditional agricultural uses of the land in the past.

26           (c) If a farm as defined herein has been used for agricultural  
27 purposes within the previous two (2) years, there shall be a

1       rebuttable presumption that the usage of the land is continuous and  
2       that there has been no abandonment of the farming operations on  
3       the land. Anytime the land is not being used for agricultural  
4       purposes for two (2) consecutive years, there shall be a rebuttable  
5       presumption that there has been an abandonment of the usage of  
6       the land for agricultural purposes.

7               (d) When land which was previously used for farming is no  
8       longer used for farming, and the agricultural operations have been  
9       abandoned as defined herein, the land shall be subject to the zoning  
10      laws and restrictions on use to the same extent as if it had never  
11      been used for agricultural purposes. The courts shall not order the  
12      cessation of agricultural usage for a farm, as defined herein, on the  
13      basis of inconvenience or discomfort which such usage may cause  
14      the neighbors of adjoining property, if such usage was originally  
15      commenced in a lawful manner.

16              (e) The provisions of this section do not override or  
17      supersede any existing laws which govern the use of pesticide or  
18      herbicide near populated areas.

19              (f) The definition of a farmer for the purpose of this section  
20      shall be as defined by provision II.1 of the Rules for Compensation  
21      to Farmers for Crop Damages in Section 2 of P. L. 22-64."

6/

# TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 6/6/95

## VOTING SHEET

Bill No. 78

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

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

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.				✓
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

20      \_\_\_\_\_      \_\_\_\_\_      1



# Committee on Economic Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

April 6, 1995

The Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
Suite 218, Julale Shopping Center  
424, W. O'Brien Drive  
Agana, Guam 96910

Dear Mr. Speaker:

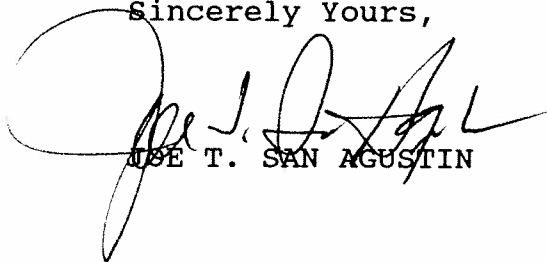
The Committee on Economic-Agricultural Development and Insurance to which was referred Bill #78, has had the same under consideration and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

To Do Pas	10
Not To Pass	0
Absent	1

A copy of the Committee's Report and other pertinent documents are enclosed for your reference and information.

Sincerely Yours,



JOE T. SAN AGUSTIN

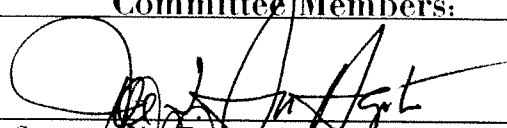



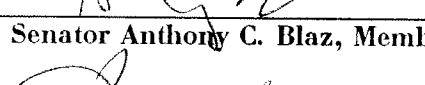
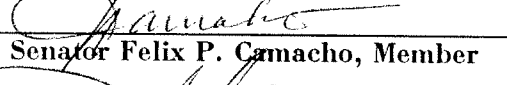


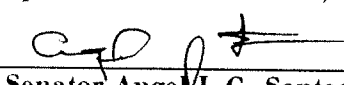
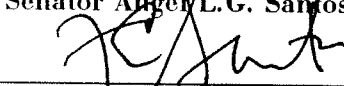
**Committee on Economic- Agricultural  
Development and Insurance**  
Twenty-Third Guam Legislature  
**Senator Joe T. San Agustin, Chairman**

**Vote Sheet**

ON

BILL #78

AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING  
A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GCA

Committee Members:		TO DO PASS:	NOT TO PASS:	ABSTAIN:	INACTIVE FILE:.
1.	 Senator Joe T. San Agustin, Chairman	✓	/ /	/ /	/ /
2.	 Senator Sonny Lujan-Orsini, Vice-Chairman	✓	/ /	/ /	/ /
3.	 Senator John P. Aguon, Member	✓	/ /	/ /	/ /
4.	 Senator Anthony C. Blaz, Member	✓	/ /	/ /	/ /
5.	 Senator Felix P. Camacho, Member	✓	/ /	/ /	/ /
6.	 Senator Mark Forbes, Member	✓	/ /	/ /	/ /
7.	 Senator Carlotta Leon Guerrero, Member	✓	/ /	/ /	/ /
8.	_____ Senator Vicente C. Pangelinan, Member	/ /	/ /	/ /	/ /
9.	 Speaker Don Parkinson, Member	✓	/ /	/ /	/ /
10.	 Senator Angel L.G. Santos, Member	✓	/ /	/ /	/ /
11.	 Senator Francis E. Santos, Member	✓	/ /	/ /	/ /



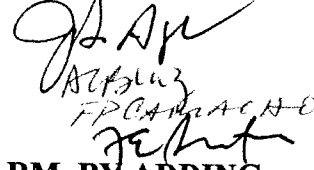
**TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION**

Bill No. 78

As amended by the Committee on Economic-Agriculture and Finance

Introduced by:

D. Parkinson



**AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING  
A NEW SECTION 60353 TO CHAPTER 60, TITLE 5 GUAM CODE  
ANNOTATED.**

1       **Section 1. The legislature findings and intent.** The Legislature finds that  
2 it is necessary to encourage and protect farming in the Territory. One of the concerns  
3 expressed by farmers is that they are afraid that they will be slowly squeezed out by  
4 the encroachment of development around and in the neighborhood of their farms.  
5 Therefore, the Legislature feels that it is important to grandfather in various  
6 agricultural activities in order that farmers will not be dislocated because of the  
7 development of surrounding lands.

8       **Section 2.** A new Section ~~60353~~ **60354** is added to Title 5 of the Guam Code  
9 Annotated to read follows:

10       **"Section 60354.** Any bonafide agricultural use of land encompassing over one  
11 half acre in size **as defined in Section 60102 (9) above** shall be deemed a farm  
12 for the purpose of this section. No person who is engaged in farming on such  
13 land may be forced or required to stop such farming activities because of  
14 changes in the usages of surrounding lands, nor because of zoning changes.

15 Therefore:

16 (a) Any farm as defined above shall be deemed a preferred use of the land  
17 and, for so long as the land continues in production and continues to be used  
18 for cultural purposes, the said land shall be considered grandfathered as a  
19 farming area not withstanding changes in zoning or changes in the usage and  
20 characteristics of the neighborhood in which it is located.

21 (b) Any such farm which is grandfathered for agricultural usage may  
22 continue to be used in a manner consistent with the traditional agricultural uses  
23 of the land in the past..

24 (c) If a farm as defined herein has been used for agricultural purposes  
25 within the previous two (2) years, there shall be rebuttable presumption that the  
26 usage of the land is continuous and that there has been no abandonment of the  
27 farming operations on the land. Anytime the land is not being used for  
28 agricultural purposes for two (2) years consecutive, there shall be a rebuttable  
29 presumption that there has been an abandonment of the usage of the land for  
30 agricultural purposes.

31 (d) When land which was previously used for farming is no longer used  
32 for farming and the agricultural operations has been abandoned is defined  
33 herein, the land shall be subject to the zoning laws and restrictions on use to the  
34 same extent as if it had ever be used for agricultural purposes. It shall not be  
35 a basis for the courts to order the cessation of agricultural usage for a farm is  
36 defined herein because of inconvenience or discomfort which such usage may

37 cause the neighbors of a joining property, if such usage was originally  
38 commenced in a lawful manner.

39 **(e) The provision in this section does not override or supersede**  
40 **any existing laws which governs the use of pesticide or herbicide near**  
41 **populated areas.**

42 **(f) The definition of a farmer for the purpose of this section shall**  
43 **be as defined in Section 2, II, 1., Public Law #22-64.**

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 78  
Introduced by:

D. Parkinson

AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING  
A NEW SECTION 60353 TO CHAPTER 60, TITLE 5 GUAM  
CODE ANNOTATED.

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

1       Section 1.     The Legislature findings and intent. The Legislature finds that  
2 it is necessary to encourage and protect farming in the Territory. One of the concerns  
3 expressed by farmers is that they are afraid that they will be slowly squeezed out by the  
4 encroachment of development around and in the neighborhood of their farms.  
5 Therefore, the Legislature feels that it is important to grandfather in various  
6 agricultural activities in order that farmers will not be dislocated because of the  
7 development of surrounding lands.

8       Section 2.     A new Section <sup>60353</sup>~~60353~~ is added to Title 5 of the Guam Code  
9 Annotated to read as follows:

10       "Section 6035<sup>4</sup>~~3~~. Any bonafide agricultural use of land encompassing over one  
11 half acre in size shall be deemed a farm for purposes of this section. No person  
12 who is engaged in farming on such land may be forced or required to stop such  
13 farming activities because of changes in the usages of the surrounding lands, nor  
14 because of zoning changes. Therefore:

15               (a)     Any farm as defined above shall be deemed a preferred use of the  
16 land and, for so long as the land continues in production and continues to be  
17 used for agricultural purposes, the said land shall be considered grandfathered as

18 a farming area notwithstanding changes in zoning or changes in the usage and  
19 characteristics of the neighborhood in which it is located.

20 (b) Any such farm which is grandfathered for agricultural usage may  
21 continue to be used in a manner consistent with the traditional agricultural uses  
22 of the land in the past.

23 (c) If a farm as defined herein has been used for agricultural purposes  
24 within the previous two (2) years, there shall be a rebuttable presumption that the  
25 usage of the land is continuous and that there has been no abandonment of the  
26 farming operations on the land. Anytime the land is not being used for  
27 agricultural purposes for two (2) years consecutive, there shall be a rebuttable  
28 presumption that there has been an abandonment of the usage of the land for  
29 agricultural purposes.

30 (d) When land which was previously used for farming is no longer  
31 used for farming and the agricultural operations has been abandoned is defined  
32 herein, then the land shall be subject to the zoning laws and restrictions on use  
33 to the same extent as if it had ever been used for agricultural purposes. It shall  
34 not be a basis for the courts to order the cessation of agricultural usage for a  
35 farm is defined herein because of inconvenience or discomfort which such usage  
36 may cause the neighbors of a joining property, if such usage was originally  
37 commenced in a lawful manner.

38

39

40

41

42

43

44

45

46

47 f:\23\bills\farmers.bil\vm

COMMITTEE ON ECONOMIC-AGRICULTURAL  
DEVELOPMENT AND INSURANCE  
TWENTY-THIRD GUAM LEGISLATURE  
424 O'Brien Dr., Julale Shopping Center, Suite #218

COMMITTEE REPORT

ON

BILL #78

SPONSOR: D. PARKINSON

AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING  
A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GCA

COMMITTEE MEMBERS

Chairman: Joe T. San Agustin  
Vice-Chairman: Sonny L. Orsini

John P. Aguon	Vicente C. Pangelinan
Anthony C. Blaz	Lou Leon Guerrero
Mark Forbes	Francis E. Santos
Angel L.G. Santos	Carlotta Leon Guerrero
Don Parkinson	

I. BACKGROUND

Senator Joe T. San Agustin, Chairman for the Committee on Economic-Agricultural Development and Insurance conducted a hearing on Bill #22, at 7:00 P.M., February 28, 1995, at the Mangilao Community Center.

Committee Members Present Were:

Senator J.T. San Agustin, Chairman  
Senator S.L. Orsini  
Senator V.C. Pangelinan  
Senator C. Leon Guerrero

Other Senators Present Were:

Senator H. Cristobal  
Senator L. Leon Guerrero  
Senator M. Charfaurous

## II. SUMMARY OF TESTIMONY

**TESTIMONY** was offered and submitted by the following:

Benny San Nicolas	Inarajan School Teacher Chairman, Southern District Soil & Water Conservation Board
Greg Cruz	Private Citizen
Michael W. Kuhlmann	Department of Agriculture

**MR. MICHAEL W. KUHLMANN**, Acting Director of the Department of Agriculture submitted a written testimony and testified that the Department of Agriculture fully supports the efforts to protect and facilitates local farmers and other agricultural industry, however, there are questions which must be addressed to clear potential up ambiguities and conflicts which may arise. Some of the questions are listed as follows:

1. Who is a farmer?
2. Does Bill #78 intent to include any parcel of land where plants are grown such as coconuts, betelnuts and bananas as a farm or only the one half acre parcels where plant are grown?

Mr. Kuhlmann pointed out that many people would plant only for their own consumption or to give their produce away, but not to sale. To him, these people are not farmers, they are gardeners. However, Bill #78 alluded to "traditional agriculture use", would these category of people be also classified as "farmers" under Bill #78?

Mr. Kuhlmann suggested that to determine to whom this right (The right to farm) applied to, by defining farmers in some context with the filing of Income Tax Schedule "F".

He further question the intent of the Bill, whether it would override other applicable existing laws such as the Public Health Laws and laws which governs the use of pesticide and herbicides near populated areas? Also, would the "right to farm" block or prevent the development of high-rise buildings which would block the sun from the farm areas?

**MR. BENNY SAN NICOLAS**, Inarajan School Teacher, Farmer, Chairman, Southern District Soil and Water Conservation Board, provided the Committee with an oral testimony in which he testified that he is representing the Southern District Soil and Water Conservation Board in support of the Bill. He also testified that a lot of time in the past, farmers and/or families will be forced to move from their farm land so

houses can be built. Also there are times when new resident would move in and complain about the noise from the farm animals. He believe that when a farmer is farming the land, and someone new moved in next to the farm, they should be prepare to put up with all the noises and other activities being created by the farmers. He further testified that he does not believe that a farmers should be required to close up and stop farming just because a developer wishes to build on the land.

**MR. GREGORIO CRUZ**, Mangilao resident, presented an oral testimony, only to say that he support Bill #78. He thinks that the Bill will give the farmers a better protection against being forced out by development.

Due to the limited time, there were no questions or comments raised by any of the senators present on this Bill.

### **III. FINDINGS**

After hearing all the testimonies presented, the Committee finds that everyone who testified support the passage of Bill #78. The Committee also finds that there were questions raised that needs to be addressed in order to clear up some ambiguities and conflict which may arise.

The Committee also finds that the Bill did not clearly define "who is a farmer." Also there seems to be some misunderstanding as to what constitute a "farm".

The Committee further finds that the Bill did not address the issue whether the Bill would override other existing laws which governs the use of pesticide and herbicide near populated areas. In addition, whether the "right of farm" would prevent or block the development of high-raise buildings.

### **IV. RECOMMENDATIONS**

After reviewing all written and considering all oral testimonies, the Committee recommend that Bill # 78, be passed to include the following recommendations presented during the public hearing, changes, deletions and addition as:

1. That the definition of "who is a farmer" should be clearly addressed and defined. Section 2, II. 1., Public Law #22-64, defined a farmer as follows:

"Bonafide farmer shall mean a person registered with the Department who commercially grows for profit fruits, crops, ornamentals, livestock,



including aquaculture and/or similar products, who furnishes financial records that substantiate a claim to the Department's satisfaction and who is (a) a U.S. Citizen, a permanent resident alien or who has been a resident of Guam for the immediately preceding five (5) years or (b) a corporation or partnership licensed to do business in Guam."

2. That the word "farm" be given a clearer definition than just: "Any bonafide agricultural use of land encompassing over one half acre size of land."
3. That the Bill does not override any existing laws which governs the use of pesticide or herbicide near populated areas or any other laws which deals with the issue of land.
4. To clear up the issue of whether a farmer is required to use over one half acre of land when farming to satisfy the intent of the Bill as mandated by Section #60353, and whether the one half acre be one parcel or an inclusion of many smaller parcels spread out over a larger parcel of land to equal one half acre.

QUESTIONS  
BILL #78/SEN. D. PARKINSON

An act establishing the right to farm, by adding  
a new section #60353 to Chapter 60, Title 5 GCA

1. What constitute a bonafide agricultural use of land?
2. Does the Bill also apply to farming less that one half acre of land?
3. If the land is used for farming only during the last year of the two years, does this constitute abandonment as defined in the Bill?
4. Does the Bill overrides the proposed "I Tanta Plan"?
5. Does farmers who farm very little on the land such as a few coconut trees, small partial of papayas or bananas, are they also covered under this Bill?
6. What type of farming or the amount of produce needed to satisfy the intent of the Bill?
7. Does the Bill refer to any land in the Territory of Guam or does it refer only to government owned land being used for farming by local farmers?
8. How does this Bill affect those private land owners?  
Does the Bill has enforcement power ~~them~~?

COMMITTEE ON ECONOMIC-AGRICULTURAL DEVELOPMENT AND INSURANCE  
TWENTY-THIRD GUAM LEGISLATURE  
SENATOR JOE T. SAN AGUSTIN, CHAIRMAN

7 P.M  
TUESDAY, FEBRUARY 28, 1995  
MANGILAO COMMUNITY CENTER

A G E N D A

- I. Call to Order
- II. Introductions of Committee Members
- III. Testimony of Interested Individuals Relative to Bill Nos. 1 and 102.
- ✓ IV. Bill No. 1 - AN ACT TO CREATE THE AQUACULTURE PERMIT APPLICATION WORK GROUP TO FORMULATE A PLAN FOR THE ESTABLISHMENT OF A ONE-STOP AQUACULTURE PERMIT CENTER AND TO DESIGNATE DEPT. OF COMMERCE AS THE LEAD AGENCY FOR THE DEVELOPMENT OF AQUACULTURE INDUSTRY ON GUAM.
- ✓ V. Bill No. 102 - AN ACT TO ESTABLISH A CAPITOL OUTLAY REVOLVING FUND WITHIN THE GUAM DEPT. OF COMMERCE FOR THE PURPOSES OF PURCHASING ESSENTIAL EQUIPMENTS, MATERIALS AND SUPPLIES FOR THE GUAM AQUACULTURE DEVELOPMENT AND TRAINING CENTER.
- ✓ VI. Testimony of Interested Individuals Relative to Bill Nos. 22 and 78.
- VII. Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GCA TO REQUIRE THE DEPTS. OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF THE LOCAL PRODUCE AND OTHER FOODSTUFFS.
- VIII. Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GCA.
- IX. Testimony of Interested Individuals Relative to Bill Nos. 66 and 69.
- X. Bill No. 66 - AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.
- XI. Bill No. 69 - AN ACT TO AMEND AND TO REPEAL AND REENACT SUBSECTION 63101 AND SUBSECTION 63115, TITLE 5, GCA RELATIVE TO GIGAO FISHING.
- XII. Adjournment





**Committee on Economic- Agricultural  
Development and Insurance**

Twenty-Third Guam Legislature

**Senator Joe T. San Agustin, Chairman**

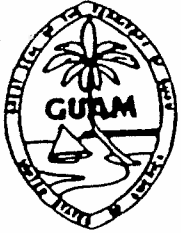
Attendance Sheet (continued)

February 28, 1995  
(Date)

Other Senators in Attendance:

1. Senator Hoge Cristobal
2. Senator Lou Lem Guerrero
3. Senator Mark Chanfauro
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Department of Agriculture  
Dipnamenton Agrikoturra  
P.O. Box 2950, Agana, Guam 96910



Director's Office	734-3942/43
Agricultural Dev. Svs.	734-3946/47; Fax 734-8096
Animal Health	734-3940
Aquatic & Wildlife Resources	734-3944/45; Fax 734-6570
Forestry & Soil Resources	734-3948; Fax 734-0111
Plant Industry	734-3949
Plant Protection & Quarantine	646-1651; 649-7822
Soil & Water Cons. Dist. Office	734-3681

MICHAEL W. KUHLMANN  
Acting Director

TESTIMONY OF  
MICHAEL W. KUHLMANN  
ACTING DIRECTOR, DEPARTMENT OF AGRICULTURE  
BEFORE THE  
ECONOMIC-AGRICULTURAL DEVELOPMENT AND INSURANCE COMMITTEE  
23RD GUAM LEGISLATURE  
FEBRUARY 28, 1995

ON BILL 78

MR. CHAIRMAN: As the Government of Guam agency with a primary mission of encouraging and assisting Guam farmer and promoting development of island agriculture, the Department of Agriculture concurs with the spirit of H.R. 78, The Right To Farm Act: to protect farmers from being "squeezed out" of business by encroachment of development by or near their farms.

This is an appropriate time, however, to raise some questions about specifics of the Bill 78 which could cause problems in interpretation and implementation.

Foremost of these is establishing who is a "farmer." Bill 78 alludes to "bonafide agriculture use of land encompassing over one-half acre."

Mr. Chairman, we have a substantial number of people on parcels of this size or larger with a residence in the center and plantings of various types, often just betelnut or coconut trees in one or two areas or around the periphery. Does Bill 78 include these areas as "farms" or only properties where the area planted is at least one-half acre?

Further, many of these people do not sell what they produce, but consume it themselves or give it away. In a strict sense, they are not farmers, but are gardeners. Bill 78, however, alludes to "traditional agricultural uses" and there is a long-established Guam tradition of considering non-commercial gardeners as "farmers."

Depending upon the intent of this bill, It could be useful in determining to whom this right is applicable by defining farmer in some context with the filing of income tax Schedule F



A second point is defining the extent of this "right." Does it override other generally applicable laws. For instance, if a densely-populated development is near an animal farm, would public health laws apply? How about restrictions on uses of pesticides and herbicides near populated areas?

Relatedly, Bill 78 clearly intends to protect farmers from encroachment by new development. Would the right to farm extend to blocking a conflicting use, such preventing construction on adjacent property a high-rise building which would block the sun from the area being farmed?

As noted earlier, Mr. Chairman, the Department of Agriculture fully supports efforts to protect and facilitate our farmers and agriculture industry. These questions are raised so any resulting law can be clearer and potential ambiguities and conflicts avoided.

Thank you, Mr. Chairman.

###



February 10, 1995

Memorandum

To: Senator San Agustin  
From: Consultant  
Subject: Project Report  
Ref: Bills #22 and 78

At 0800 hours, February 9, 1995, you requested that I review the following Bills and make an analysis of each:

Bill #22 - An act to add a new Section #62107 to Title 5, GCA, to require the Departments of Education, Correction, Youth Affairs and the Guam Memorial Hospital to make maximum use of fresh local produce and other foodstuffs.

Bill #78 - An Act establishing the right to farm, by adding a new Section #60353 to Chapter 60, Title 5 GCA.

After reviewing the above mentioned Bills, the following analysis are submitted:

Bill #22, the intent of the bill is two fold, one is that the following departments, Department of Education, Department of Corrections, Department of Youth Affairs and the Guam Memorial Hospital are required to procure large quantity of foodstuffs from any available sources to meet their daily operations in feeding people under their care.

Two, Since the Department of Agriculture is primarily the leading agency in promoting the effort to local farmers and to ensure the expansion of the local agricultural and aquacultural industries, market must be established and maintain to ensure that the local farmers have a viable continuing market for their produce.

The proposed Bill mandates the agencies listed above and all other Government of Guam Agencies to procure their needed foodstuff supplies through the Department of Agriculture. At the same time the Bill also mandates the Department of Agriculture to continue to make every effort to ensure that the produce from local farmers are first procured by these Government agencies. The Bill further mandates the Department of Agriculture assist local farmers in negotiating sale prices for their produce in accord with the competition with the commercial importers. The Department of Agriculture must also provide the necessary advice and assistance to ensure that produce are delivered to these agencies fresh and in good condition,

Bill #78, the intent of the Bill primarily is to encourage and protect farming in Guam and to provide safeguard to farmers from being force to relocate or encroachment because of development in the surrounding lands. However, there are some concern over the propose "I Tanota Plan" designating certain portion of land as commercial or residential where there are farmers presently farming the land. The question is, "does this Bill override the propose I Tanota Plan?" I think it does. As cited in the Bill which read:

"No person who is engaged in farming on such land may be forced or be required to stop such farming activities because of changes in the usages of the surrounding lands, nor because of zone changes."

What about the so call farmers who only grew a very small amount of plants such as coconut, bananas, peppers, are they covered under this Bill? It is believe that the Bill should identify the types of farming and the amount of produce harvested during a given period to satisfy the intent of the Bill.

Does the Bill refer to any land in the Territory of Guam? Or does it refer to only government owned land being use for farming by local farmers? How does this Bill apply to privately owned land? The Bill did not specify.

Please note that Section #60353, Chapter 60, Title 5 GCA, as cited in Bill #78 as a new section is erroneous. There is an existing Section #60353, subject title "Assets & Liabilities Transferred".

Submitted for your information.

  
J.A. Torre

COMMITTEE ON ECONOMIC-AGRICULTURAL DEVELOPMENT AND INSURANCE  
TWENTY-THIRD GUAM LEGISLATURE  
SENATOR JOE T. SAN AGUSTIN, CHAIRMAN

7 P.M  
TUESDAY, FEBRUARY 28, 1995  
MANGILAO COMMUNITY CENTER

A G E N D A

- I. Call to Order
- II. Introductions of Committee Members
- III. Testimony of Interested Individuals Relative to Bill Nos. 1 and 102.
- IV. Bill No. 1 - AN ACT TO CREATE THE AQUACULTURE PERMIT APPLICATION WORK GROUP TO FORMULATE A PLAN FOR THE ESTABLISHMENT OF A ONE-STOP AQUACULTURE PERMIT CENTER AND TO DESIGNATE DEPT. OF COMMERCE AS THE LEAD AGENCY FOR THE DEVELOPMENT OF AQUACULTURE INDUSTRY ON GUAM.
- V. Bill No. 102 - AN ACT TO ESTABLISH A CAPITOL OUTLAY REVOLVING FUND WITHIN THE GUAM DEPT. OF COMMERCE FOR THE PURPOSES OF PURCHASING ESSENTIAL EQUIPMENTS, MATERIALS AND SUPPLIES FOR THE GUAM AQUACULTURE DEVELOPMENT AND TRAINING CENTER.
- VI. Testimony of Interested Individuals Relative to Bill Nos. 22 and 78.
- VII. Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GCA TO REQUIRE THE DEPTS. OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF THE LOCAL PRODUCE AND OTHER FOODSTUFFS.
- VIII. Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GCA.
- IX. Testimony of Interested Individuals Relative to Bill Nos. 66 and 69.
- X. Bill No. 66 - AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.
- XI. Bill No. 69 - AN ACT TO AMEND AND TO REPEAL AND REENACT SUBSECTION 63101 AND SUBSECTION 63115, TITLE 5, GCA RELATIVE TO GIGAO FISHING.
- XII. Adjournment

## NOTICE OF PUBLIC HEARING



**Twenty-Third Guam Legislature**  
**Senator Joe T. San Agustin**  
**Chairman**

*Committee on Economic & Agricultural  
Development and Insurance*

**Tuesday, February 28, 1995**  
**7:00 p.m.**

**Mangilao Community Center**  
**Mangilao, Guam**

### Agenda

- Bill No. 1** AN ACT TO CREATE THE AQUACULTURE PERMIT APPLICATION WORK GROUP TO FORMULATE A PLAN FOR THE ESTABLISHMENT OF A ONE-STOP AQUACULTURE PERMIT CENTER AND TO DESIGNATE DEPT. OF COMMERCE AS THE LEAD AGENCY FOR THE DEVELOPMENT OF AQUACULTURE INDUSTRY ON GUAM.
- Bill No. 22** AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GCA TO REQUIRE THE DEPTS. OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF THE LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 66** AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.
- Bill No. 69** AN ACT TO AMEND AND TO REPEAL AND REENACT SUBSECTION 63101 AND SUBSECTION 63115, TITLE 5, GCA RELATIVE TO GIGAO FISHING.
- Bill No. 78** AN ACT ESTABLISHING THE RIGHT TO FARM BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GCA.
- Bill No. 102** AN ACT TO ESTABLISH A CAPITOL OUTLAY REVOLVING FUND WITHIN THE GUAM DEPT. OF COMMERCE FOR THE PURPOSE OF PURCHASING ESSENTIAL EQUIPMENTS, MATERIALS AND SUPPLIES FOR THE GUAM AQUACULTURE DEVELOPMENT AND TRAINING CENTER.

**The public is invited to express their views**



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 9, 1995

## MEMORANDUM

TO: All Members, Committee on Economic-Agricultural  
Development and Insurance

FROM: Chairman

SUBJECT: Public Hearing - Bills Nos. 1,22,66,69,78,&102

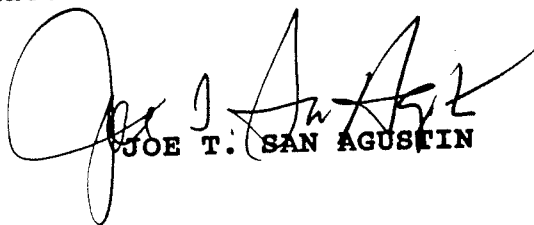
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **Tuesday, February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 1 - AN ACT TO CREATE THE AQUACULTURE PERMIT APPLICATION WORK GROUP TO FORMULATE A PLAN FOR THE ESTABLISHMENT OF A ONE-STOP AQUACULTURE PERMIT CENTER AND TO DESIGNATE DEPARTMENT OF COMMERCE AS THE LEAD AGENCY FOR THE DEVELOPMENT OF AQUACULTURE INDUSTRY ON GUAM.
- Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 66 - AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.
- Bill No. 69 - AN ACT TO AMEND AND TO REPEAL AND REENACT SUBSECTION 63101 AND SUBSECTION 63115, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO GIGAO FISHING.
- Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

Committee on Economic-Agricultural  
Development and Insurance  
Public Hearing-February 28, 1995  
Page 2

Bill No.102 - AN ACT TO ESTABLISH A CAPITOL OUTLAY REVOLVING  
FUND WITHIN THE GUAM DEPARTMENT OF COMMERCE FOR  
THE PURPOSE OF PURCHASING ESSENTIAL EQUIPMENTS,  
MATERIALS AND SUPPLIES FOR THE GUAM AQUACULTURE  
DEVELOPMENT AND TRAINING CENTER.

Your presence at this hearing is appreciated. Thank you for  
your attention to this matter.

  
JOE T. SAN AGUSTIN

cc: Executive Director  
Protocol Office  
Audio  
Archives  
Legal  
Security  
Maintenance  
All Senators  
Media



# Committee on Economic Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 9, 1995

Mr. Ed C. Bitanga  
Director  
Department of Corrections  
P. O. Box 3236  
Agana, Guam 96910

Dear Mr. Bitanga:

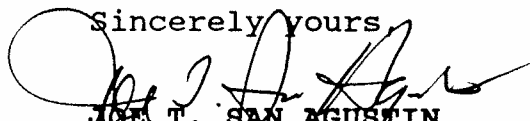
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **Tuesday, February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bill:**

**Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.**

As this Bill directly affect the development of the Territory, you are cordially invited to testify and present your opinion and comments. A copy of the Bill is enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,



JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosure



# Committee on Economic Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 9, 1995

Mr. John S. Salas  
Hospital Administrator  
Guam Memorial Hospital Authority  
850 Gov. Carlos G. Camacho Rd.  
Oka, Tamuning, Guam 96911

Dear Mr. Salas:

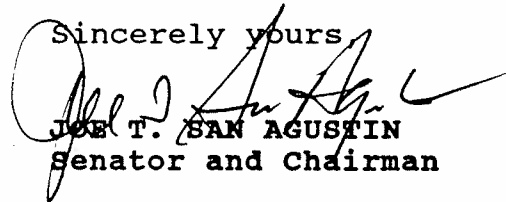
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **Tuesday, February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bill:**

**Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.**

As this Bill directly affect the development of the Territory, you are cordially invited to testify and present your opinion and comments. A copy of the Bill is enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours



JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosure





# Committee on Economic Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Ms. Jesusa Contreras  
Treasurer  
Northern Guam Soil and Water  
Conservation District Directors  
P. O. Box 11166  
Yigo, Guam 96929

Dear Ms. Contreras:


The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995**, at **7 p.m.**, in the **Mangilao Community Center** on the following Bills:

- Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Benny P. San Nicolas  
Chairman  
Southern Guam Soil and Water  
Conservation District Directors  
P. O. Box 6265  
Inarajan, Guam 96917

Dear Mr. San Nicolas:

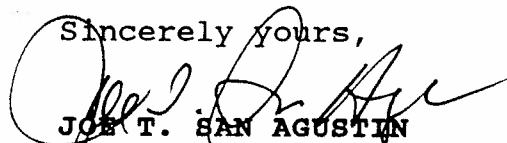
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - **AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.**
- Bill No. 78 - **AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.**

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



**Committee on Economic Agricultural  
Development and Insurance**

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Robert D. Murphy, Jr.  
Legislative Committee  
Northern Guam Soil and Water  
Conservation District Directors  
P. O. Box 20417  
GMF, Guam 96921

Dear Mr. Murphy:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

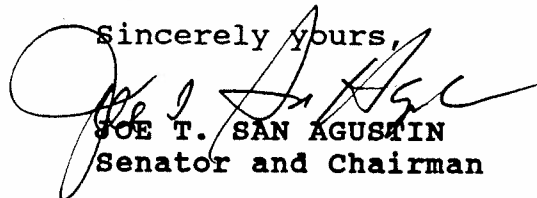
Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.

Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Jesus P. San Nicolas  
Education Committee  
Southern Guam Soil and Water  
Conservation District Directors  
P. O. Box 6323  
Inarajan, Guam 96917

Dear Mr. San Nicolas:

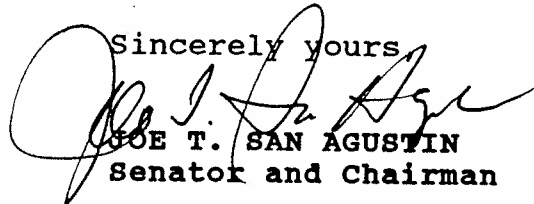
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours



JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



**Committee on Economic-Agricultural  
Development and Insurance**

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Luis L. G. Paulino  
Vice-Chairman & Treasurer  
Southern Guam Soil and Water  
Conservation District Directors  
P. O. Box 1189  
Agana, Guam 96910

Dear Mr. Paulino:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995**, at **7 p.m.**, in the **Mangilao Community Center** on the following Bills:

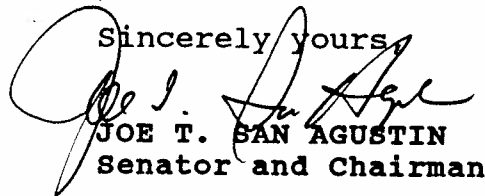
Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.

Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Antonio S. Cruz  
Social Committee  
Southern Guam Soil and Water  
Conservation District Directors  
HCR Box 16231  
Merizo, Guam 96916

Dear Mr. Cruz:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Joaquin S. N. Flores  
Legislative Committee  
Southern Guam Soil and Water  
Conservation District Directors  
P. O. Box 21771  
GMF, Guam 96921

Dear Mr. Flores:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

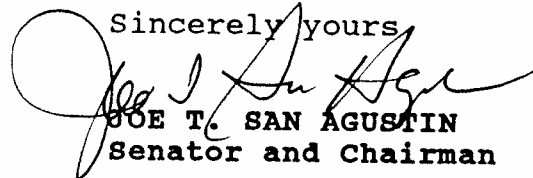
Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.

Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Tomas N. Leon Guerrero  
Education Committee  
Northern Guam Soil and Water  
Conservation District Directors  
P. O. Box 10356  
Sinajana, Guam 96926

Dear Mr. Leon Guerrero:

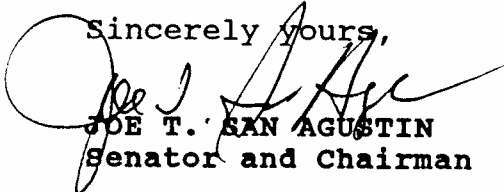
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.
- Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures





# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Jesus F. Terlaje  
Vice-Chairman  
Northern Guam Soil and Water  
Conservation District Directors  
P. O. Box AW  
Agana, Guam 96910

Dear Mr. Terlaje:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995**, at **7 p.m.**, in the **Mangilao Community Center** on the following Bills:

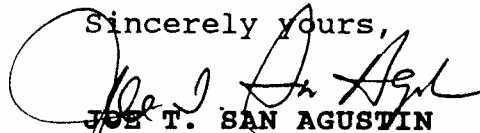
Bill No. 22 - AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.

Bill No. 78 - AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



Committee on Economic-Agricultural  
Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

February 10, 1995

Mr. Felix P. Quan  
Chairman  
Northern Guam Soil and Water  
Conservation District Directors  
P. O. Box 12596  
Tamuning, Guam 96931

Dear Mr. Quan:

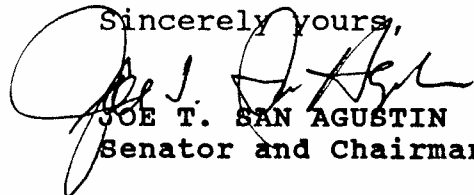
The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - **AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.**
- Bill No. 78 - **AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.**

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,



JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures



# Committee on Economic-Agricultural Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

February 9, 1995

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

Mr. Michael W. Kuhlmann  
Acting Director  
Department of Agriculture  
P. O. Box 2950  
Agana, Guam 96910

Dear Mr. Kuhlmann:

The Committee on Economic-Agricultural Development and Insurance is conducting a public hearing on **February 28, 1995, at 7 p.m., in the Mangilao Community Center on the following Bills:**

- Bill No. 22 - **AN ACT TO ADD A NEW SUBSECTION 62107 TO TITLE 5 OF THE GUAM CODE ANNOTATED TO REQUIRE THE DEPARTMENTS OF EDUCATION, CORRECTIONS, YOUTH AFFAIRS AND THE GUAM MEMORIAL HOSPITAL TO MAKE MAXIMUM USE OF FRESH LOCAL PRODUCE AND OTHER FOODSTUFFS.**
- Bill No. 69 - **AN ACT TO AMEND AND TO REPEAL AND REENACT SUBSECTION 63101 AND SUBSECTION 63115, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO GIGAO FISHING.**
- Bill No. 78 - **AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING A NEW SECTION 60353 TO CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED.**

As these Bills directly affect the development of the territory, you are cordially invited to testify and present your opinion and comments. Copies of the Bills are enclosed for your disposition. The Committee would appreciate receiving twenty (20) copies of your testimony prior to the hearing.

Thank you and we look forward to seeing you at the hearing.

Sincerely yours,

  
JOE T. SAN AGUSTIN  
Senator and Chairman

Enclosures

**Committee on Economic- Agricultural  
Development and Insurance**  
Twenty-Third Guam Legislature  
**Senator Joe T. San Agustin, Chairman**

**Vote Sheet**

<b>Committee Members:</b>	<b>TO DO PASS:</b>	<b>NOT TO PASS:</b>	<b>ABSTAIN:</b>	<b>INACTIVE FILE::</b>
1. _____ Senator Joe T. San Agustin, Chairman	/ /	/ /	/ /	/ /
2. _____ Senator Sonny Lujan-Orsini, Vice-Chairman	/ /	/ /	/ /	/ /
3. _____ Senator John P. Aguon, Member	/ /	/ /	/ /	/ /
4. _____ Senator Anthony C. Blaz, Member	/ /	/ /	/ /	/ /
5. _____ Senator Felix P. Camacho, Member	/ /	/ /	/ /	/ /
6. _____ Senator Mark Forbes, Member	/ /	/ /	/ /	/ /
7. _____ Senator Carlotta Leon Guerrero, Member	/ /	/ /	/ /	/ /
8. _____ Senator Vicente C. Pangelinan, Member	/ /	/ /	/ /	/ /
9. _____ Speaker Don Parkinson, Member	/ /	/ /	/ /	/ /
10. _____ Senator Angel L.G. Santos, Member	/ /	/ /	/ /	/ /
11. _____ Senator Francis E. Santos, Member	/ /	/ /	/ /	/ /



**Committee on Economic-Agricultural  
Development and Insurance**  
 TWENTY-THIRD GUAM LEGISLATURE  
 424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
 Agaña, Guam 96910  
 Tel: (671) 477-8527/9120 - Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
 CHAIRMAN

T R A N S M I T T A L                      S H E E T

Date: March 13, 1995

PLEASE DELIVER THE FOLLOWING TO:

NAME: Mr. John Bonja  
 FIRM: Dept. of Agriculture  
 FACSIMILE NO: 734-8096

FROM:

NAME: KIN - TORRE  
 FIRM: OFFICE OF SENATOR JOE T. SAN AGUSTIN  
 FACSIMILE NO: (671) 477-5570

ATTACHMENTS/COMMENTS: As per our discussion  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

We are transmitting 5 pages including this cover sheet.  
 If you do not receive all the pages, please call as soon as  
 possible at 477-8527 or 477-9120.

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED  
 (REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

**\*\* COUNT \*\***

TOTAL PAGES SCANNED : 5  
 TOTAL PAGES CONFIRMED : 5

\*\*\* SEND \*\*\*

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	87348096	3-13-95 3:22PM	3'13"	5/ 5		COMPLETED 9600

TOTAL                      0:03'13"                      5

NOTE:

No. : OPERATION NUMBER    48 : 4800BPS SELECTED    EC : ERROR CORRECT            G2 : G2 COMMUNICATION  
 PD : POLLED BY REMOTE      SF : STORE & FORWARD    RI : RELAY INITIATE            RS : RELAY STATION  
 MB : SEND TO MAILBOX      PG : POLLING A REMOTE    MP : MULTI-POLLING            RM : RECEIVE TO MEMORY



Committee on Economic Agricultural  
Development and Insurance

TWENTY-THIRD GUAM LEGISLATURE  
424 W. O'Brien Dr., Julale Shopping Center, Suite #218  
Agaña, Guam 96910  
Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

SENATOR JOE T. SAN AGUSTIN (D)  
CHAIRMAN

T R A N S M I T T A L                      S H E E T

Date: March 13, 1995

PLEASE DELIVER THE FOLLOWING TO:

NAME: Mr. LOUIS BONJA  
FIRM: Dept. of Agriculture  
FACSIMILE NO: 734-8090

FROM:

NAME: KIN TORRE  
FIRM: OFFICE OF SENATOR JOE T. SAN AGUSTIN  
FACSIMILE NO: (671) 477-5570

ATTACHMENTS/COMMENTS: As per our discussion  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are transmitting 5 pages including this cover sheet.  
If you do not receive all the pages, please call as soon as  
possible at 477-8527 or 477-9120.

Introduced

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

MAR 13 1995

Bill No. 78 (LG)  
Introduced by:

D. Parkinson

**AN ACT ESTABLISHING THE RIGHT TO FARM, BY ADDING  
A NEW SECTION 60353 TO CHAPTER 60, TITLE 5 GUAM  
CODE ANNOTATED.**

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

1       **Section 1.**     **The Legislature findings and intent.** The Legislature finds that  
2 it is necessary to encourage and protect farming in the Territory. One of the concerns  
3 expressed by farmers is that they are afraid that they will be slowly squeezed out by the  
4 encroachment of development around and in the neighborhood of their farms.  
5 Therefore, the Legislature feels that it is important to grandfather in various  
6 agricultural activities in order that farmers will not be dislocated because of the  
7 development of surrounding lands.

8       **Section 2.**     A new Section 60353 is added to Title 5 of the Guam Code  
9 Annotated to read as follows:

10       “Section 60353. Any bonafide agricultural use of land encompassing over one  
11 half acre in size shall be deemed a farm for purposes of this section. No person  
12 who is engaged in farming on such land may be forced or required to stop such  
13 farming activities because of changes in the usages of the surrounding lands, nor  
14 because of zoning changes. Therefore:

15               (a) Any farm as defined above shall be deemed a preferred use of the  
16 land and, for so long as the land continues in production and continues to be  
17 used for agricultural purposes, the said land shall be considered grandfathered as

18 a farming area notwithstanding changes in zoning or changes in the usage and  
19 characteristics of the neighborhood in which it is located.

20 (b) Any such farm which is grandfathered for agricultural usage may  
21 continue to be used in a manner consistent with the traditional agricultural uses  
22 of the land in the past.

23 (c) If a farm as defined herein has been used for agricultural purposes  
24 within the previous two (2) years, there shall be a rebuttable presumption that the  
25 usage of the land is continuous and that there has been no abandonment of the  
26 farming operations on the land. Anytime the land is not being used for  
27 agricultural purposes for two (2) years consecutive, there shall be a rebuttable  
28 presumption that there has been an abandonment of the usage of the land for  
29 agricultural purposes.

30 (d) When land which was previously used for farming is no longer  
31 used for farming and the agricultural operations has been abandoned is defined  
32 herein, then the land shall be subject to the zoning laws and restrictions on use  
33 to the same extent as if it had ever been used for agricultural purposes. It shall  
34 not be a basis for the courts to order the cessation of agricultural usage for a  
35 farm is defined herein because of inconvenience or discomfort which such usage  
36 may cause the neighbors of a joining property, if such usage was originally  
37 commenced in a lawful manner.

38

39

40

41

42

43

44

45

46

47 f:\23\bills\farmers.bil\vm