I Mina'trentai Sais Na Liheslaturan Guåhan

BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
63-36 (LS) As amended on the Floor.	Clynton E. Ridgell Tina Rose Muña Barnes Telo T. Taitague Christopher M. Dueñas James C. Moylan	AN ACT TO *AMEND* § 68101 OF CHAPTER 68, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION.	2/19/21 1:39 p.m.	2/23/21	Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts	3/31/21 9:00 a.m.	4/14/21 11:14 a.m.	Request: 2/23/21 3/3/21	
	SESSION DATE	**TITLE**	**DATE PASSED**	**TRANSMITTED**	**DUE DATE**	**PUBLIC LAW NO.**	**DATE SIGNED**	**NOTES**	
	4/23/21	AN ACT TO *AMEND* § 68101 OF CHAPTER 68 AND § 63801(b) OF ARTICLE 8, CHAPTER 63 , BOTH OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION; AND AMENDING THE DEFINITION OF BONA FIDE FARMER.	4/30/21	4/30/21	5/12/21	36-24	5/12/21	Received: 5/12/21 Mess and Comm. Doc. No. 36GL-21-0574	

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

Doc Type: 36GL-21-0574
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
05 12 2021
Time: 5:46 PM
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 63-36 (COR) – An Act to Amend § 68101 of Chapter 68 and § 63801(b) Of Article 8, Chapter 63, Both of Title 5, Guam Code Annotated, Relative to Requiring Farmers to be Certified as Bona Fide Farmers to sell locally grown produce or aquaculture products and to suspend or revoke business licenses from companies found in violation; and Amending the definition of a Bona Fide Farmer**

Buenas yan Hafa Adai Madame Speaker:

Our farmers serve a vital role in our island's economy, culture and history. As our island weathers the economic effects of the COVID-19 pandemic, and we explore the potential for the creation and fortification of diverse industry in Guam, it is imperative that we consider additional measures of support we can offer the members of our community who grow and supply our food. Bill No. 63-36, now known as ***Public Law No. 36-24***, helps protect and promote farming in Guam. By creating a registry for bona fide farmers, we ensure that our farmers are connected to businesses and agencies that may wish to purchase produce from them. We protect our farmers from would-be agriculture thieves who would sell stolen produce and undercut legitimate producers. We create opportunities for our farmers to take advantage of available grants to help them grow their businesses, and keep them up to date with regulatory requirements. It is my hope that this law helps ensures the vitality and growth of our agriculture industry now and in the future.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
May 13, 2021
10:49 A.M.

Enclosure(s): Bill No. 63-36 (COR) *nka P.L. 36-24*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 63-36 (LS), "AN ACT TO *AMEND* § 68101 OF CHAPTER 68 AND § 63801(b) OF ARTICLE 8, CHAPTER 63, BOTH OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION; AND AMENDING THE DEFINITION OF BONA FIDE FARMER,"** was on the 30th day of April 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of April, 2021, at 7:39 o'clock P.M.

Jessica G

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou L Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 5/12/2021

Public Law No. 36-24

2021-13600
RCVD AT CENTRAL FILES
APR 30 '21 PM7:49

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 63-36 (LS)
As amended on the Floor.

Introduced by: Clynton E. Ridgell
Tina Rose Muña Barnes
Telo T. Taitague
Christopher M. Dueñas
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Telena Cruz Nelson
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 68101 OF CHAPTER 68 AND § 63801(b) OF ARTICLE 8, CHAPTER 63, BOTH OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION; AND AMENDING THE DEFINITION OF BONA FIDE FARMER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that a robust registry of local farmers will give the Department of Agriculture the

best opportunity to provide these producers with the resources they need. By mandating this registry for all farmers, we ensure the best chance of matching local government agencies to the producers they need as mandated under Public Law 23-18. This means the government would be taking the steps to be a driving force in creating demand for local produce.

I Liheslaturan Guåhan further finds that this registry will be helpful in a variety of ways beyond the government procurement of local products. This additional oversight by the Department provides the Government of Guam with another tool to prevent agricultural theft. By mandating a registry, it will create a barrier to theft of agricultural products and the subsequent sale of the same. It will also assist in preventing stolen goods from entering Guam's local agricultural market.

Several Government of Guam agencies, such as Guam's Soil and Water Conservation Districts and both the local and federal Departments of Agriculture will be able to use this registry to provide government resources and services to those providing food to our communities. Trainings, grant funding, and other programs can be developed and disseminated with the help of a registry of local farmers. Furthermore, Bona fide farmer certification ensures that all Guam farmers selling agricultural products are trained and are bound to comply with pesticide regulations to ensure that farmers have the tools to provide a quality product that is safe for consumption by the people of Guam.

Lastly, registering all local agricultural and aquacultural producers with the Department of Agriculture allows the Department to handle all necessary oversight and regulation for both government and private business consumption of local produce.

Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate a registry of local farmers and develop penalties for those businesses working with unregistered

farmers, leaving more room for opportunity and assistance for these agricultural producers. With the increased registry, the Department can keep track of the growth of this industry that is vital to the food security and the economy of our island community.

Section 2. § 68101 of Chapter 68, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 68101. Procurement of Local Produce from Local Farmers and Fish from Local Fishermen.**

The Department of Agriculture shall, on a continuing basis, make every effort to ensure that the crops of the farmers and the fish products of the fishermen of Guam are first procured by agencies of the government, such as Department of Education, Department of Youth Affairs, Department of Corrections, the Guam Memorial Hospital, and the Government House, unless the farmer or fisherman has made previous arrangements for sale to other users.

The Department shall facilitate the negotiation of prices, amounts and availability of local produce and fish with the farmers and fishermen for the sale to other Government Agencies and shall assist in securing payment from fiscal officers of the respective Agencies. The Department shall provide the necessary advice and assistance to ensure that the crops and fishes are delivered to the particular agency in the best possible condition. All participating Government of Guam Agencies are mandated to give preference to local farmers and fishermen prior to purchasing from off island and other markets or fishing industries owned by foreign countries.

The Director shall adopt operational procedures relative to establishing a list of qualified local farmers and fishermen and to assist those qualified local farmers and fishermen in establishment of pricing, variety, quantity,

quality, availability, and other related logistics to facilitate acquisition of local produce and fish by other Government Agencies consistent with the needs of those agencies.

Farmers intending to sell locally grown produce or aquaculture products to government agencies, private companies, or private citizens must be registered with the Department of Agriculture as a certified bona fide farmer. Farmers selling produce or products to private consumers must have the bona fide farmer certificate displayed in a conspicuous location. Government agencies and private companies shall verify the bona fide farmer certification of the seller prior to the purchase. Failure of farmers to comply with the provisions of this Section will result in the suspension or delayed certification by the Department of Agriculture.

(a) Any eating, drinking, or food establishment as defined in Chapters 23 and 24 of Title 10, Guam Code Annotated, found purchasing local produce or aquacultural products from a farmer who is not certified by the Department of Agriculture as a bona fide farmer will be found in violation of this Chapter and shall be subject to suspension or revocation of its business license pursuant to the Business License Law.

(b) For the purposes of this Section, "bona fide farmer" shall be as defined in 5 GCA § 63801(b).

Section 3. § 63801(b) of Article 8, Chapter 63, Title 5, Guam Code Annotated, is hereby *amended* to read:

"(b) *Bona fide farmer* means a person who is registered with the Department of Agriculture who grows for commercial purposes fruits, vegetables, ornamental plants, livestock, aquacultural products, agricultural products, or similar products, and is either (1) a U.S. citizen; (2) a permanent

resident alien; (3) a non-immigrant alien admitted into Guam under the Compacts of Free Association between the United States and the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; (4) a resident of Guam for the immediately preceding five (5) years; or (5) a corporation or partnership licensed to do business in Guam. There shall be no requirement on the minimum size of a farm, acreage, or number of plants needed in order to register with the Department of Agriculture as a bona fide farmer. The Department of Agriculture shall be required to randomly select at least ten percent (10%) of bona fide farmers as defined in this Section per quarter for inspection to ensure that bona fide farmers are in compliance with all applicable laws, rules and regulations."

Section 4. Effective Date. This Act shall be effective upon enactment.

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

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: <u>BILL NO. 63-36 (COR)</u> – An Act to Amend § 68101 of Chapter 68 and § 63801(b) Of Article 8, Chapter 63, Both of Title 5, Guam Code Annotated, Relative to Requiring Farmers to be Certified as Bona Fide Farmers to sell locally grown produce or aquaculture products and to suspend or revoke business licenses from companies found in violation; and Amending the definition of a Bona Fide Farmer

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Enclosure(s): Bill No. 63-36 (COR) *nka P.L. 36-24*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
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Jessica G

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou L Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 5/12/2021

Public Law No. 36-24

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