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
134-36 (COR) As amended by the Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts; and further amended on the Floor.	Clynton E. Ridgell Tina Rose Muña Barnes Joe S. San Agustin Jose "Pedo" Terlaje V. Anthony Ada Telo T. Taitague James C. Moylan Frank Blas Jr.	AN ACT TO *AMEND* § 60354 OF ARTICLE 3, CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE MINIMUM ACREAGE FOR PROTECTION OF FARMS.	5/6/21 4:06 p.m.	5/12/21	Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts	5/19/21 9:00 a.m.	6/17/21 3:40 p.m. As amended by the Committee on Economic Development, Agriculture, Power and Energy Utilities , and the Arts.	Request: 5/12/21 Waiver: 5/18/21	
SESSION DATE	**TITLE**		**DATE PASSED**	**TRANSMITTED**	**DUE DATE**	**NOTES**			
6/25/21	AN ACT TO *AMEND* § 60354 OF ARTICLE 3, CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE MINIMUM ACREAGE FOR PROTECTION OF FARMS.		7/8/21	7/8/21	7/20/21	36-43	7/20/21	Received: 7/20/21 Mess and Comm. Doc. No. 36GL-21-0842	

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

July 19, 2021

Doc Type: 36GL-21-0842
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
-07- 20 2021
Time: 4:36pm
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: 134-36 (COR) "AN ACT TO *AMEND* § 60354 OF ARTICLE 3, CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE MINIMUM ACREAGE FOR PROTECTION OF FARMS"

Buenas yan Hafa Adai Madame Speaker:

Dear Madame Speaker:

Under current Guam law, to qualify for statutory farm protection, land that is being used for agricultural purposes must be larger than half an acre. Bill 134-36 recognizes that such restrictions on farm protection do a disservice to both the individual farmer and the greater community, which benefit from farming activity. Removing this acreage restriction allows all bona fide farmland to be protected in its use despite changes to zoning or use of surrounding areas. **Bill 134-36 is now Public Law No. 36-43.**

COMMITTEE ON RULES
RECEIVED:
July 20, 2021
5:31 P.M.
Vicente P. Flores

Senseremente,

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

Enclosure(s): Bill No. 134-36 (COR) *nka P.L. 36-43*

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. 134-36 (COR), "AN ACT TO *AMEND* § 60354 OF ARTICLE 3, CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE MINIMUM ACREAGE FOR PROTECTION OF FARMS,"** was on the 8th day of July 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 8th day of July, 2021, at 5:13 o'clock P.M.

Jessica G.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/20/2021

Public Law No. 36-43

2021-14079
RCVD AT CENTRAL FILES
JUL 8'21 PM5:13
Elaine Tajalle

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

Bill No. 134-36 (COR)
As amended by the Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts.

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

AN ACT TO *AMEND* § 60354 OF ARTICLE 3, CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE MINIMUM ACREAGE FOR PROTECTION OF FARMS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 60354 of Article 3, Chapter 60, Title 5, Guam Code Annotated, is *amended* to read:

"**§ 60354. Farm Protection.**

A farm for purposes of this Section shall be farmland used for bona fide

agriculture, as defined in § 60102 of this Chapter. No person who is engaged in agricultural use of farmland may be forced or required to stop such farming activities because of changes in the usages of surrounding lands, nor because of zoning changes.

(a) Any farm, as defined above, shall be deemed a preferred use of the land and, for so long as the land continues in production and continues to be used for agricultural purposes, said land shall be considered authorized as a farming area notwithstanding changes in zoning or changes in the usage and characteristics of the neighborhood in which it is located.

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

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

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

(e) The provisions of this Section do not override or supersede any existing laws which govern the use of pesticides or herbicides near populated areas.

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

Section 2. Effective Date. This Act shall be effective upon enactment.

Section 3. 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.