



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
~~Legislative Secretary~~

DEC 28 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuattro na Liheslaturan Guahan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 750 (LS), "AN ACT TO REPEAL AND REENACT §75107(a) OF CHAPTER 75, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT RULE 4(b) AND ADD RULE 6.7(d) TO THE SENATOR PAUL BORDALLO RULES AND REGULATIONS FOR THE CHAMORRO LAND TRUST COMMISSION, RELATIVE TO AGRICULTURAL LOT SIZES AND COMMERCIAL CROP PRODUCTION", which I have signed into law today as **Public Law No. 24-318**.

This legislation will provide for more families and individuals than is currently the case to engage in farming according to their choice, within the Chamorro Land Trust. It modifies the current law concerning the Chamorro Land Trust where trust agricultural lots are mandated to be of a size that is no less than one acre and no more than 20 acres for farming, and no less than one acre and no more than 50 acres for the grazing of animals. The modification in this legislation provides for both subsistence farming for home use, for commercial farming, and for the grazing of animals.

This legislation provides for 3 types of agricultural lots within the Chamorro Land Trust:

- 1) lots ranging in size from 1/4 acre to 1/2 acre, suitable for subsistence farming for home use.

01145

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 2:54 pm
Date: 12-28-98

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 12/28/98
Time: 11:52
Rec'd by: [Signature]
Print Name: Jack

- 2) lots ranging in size from 1/2 acre to 20 acres, suitable for commercial farming.
- 3) lots ranging in size from 1 acre to 20 acres, suitable for the grazing of animals.

The changes above are inserted both in the underlying Chamorro Land Trust law, and the rules and regulations adopted for the use of the trust.

A further change added by this legislation is a new rule and regulations, basically stating what is true for the use of land in general, and that is provisions for commercial farming only if wetlands are not drained, filled or destroyed, rules and regulations of the Guam Environmental Protection Agency are followed with regard to agricultural chemicals, and the submission of a plan for commercial crop production, as is already required for the raising of animals.

Very truly yours,



Carl T. C. Gutierrez
I Maga'lahañ Guåhan
Governor of Guam

Attachment: copy attached for signed bill
 original attached for vetoed bill

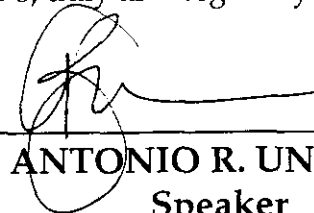
cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

011-5

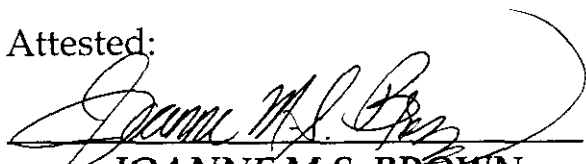
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

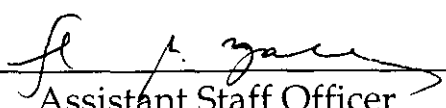
This is to certify that Substitute Bill No. 750 (LS), "AN ACT TO REPEAL AND REENACT §75107(a) OF CHAPTER 75, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT RULE 4(b) AND ADD RULE 6.7(d) TO THE SENATOR PAUL BORDALLO RULES AND REGULATIONS FOR THE CHAMORRO LAND TRUST COMMISSION, RELATIVE TO AGRICULTURAL LOT SIZES AND COMMERCIAL CROP PRODUCTION," was on the 11th day of December, 1998, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 16th day of December, 1998,
at 11:10 o'clock A.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 12-28-98

Public Law No. 24-318

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 750 (LS)

As substituted by the Committee on
Agriculture, Land, Housing, Community
and Human Resources Development and
as amended on the Floor.

Introduced by:

J. C. Salas
E. J. Cruz
L. F. Kasperbauer
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REPEAL AND REENACT §75107(a) OF
CHAPTER 75, DIVISION 2 OF TITLE 21 OF THE
GUAM CODE ANNOTATED, AND TO REPEAL
AND REENACT RULE 4(b) AND ADD RULE 6.7(d)
TO THE SENATOR PAUL BORDALLO RULES
AND REGULATIONS FOR THE CHAMORRO
LAND TRUST COMMISSION, RELATIVE TO**

**AGRICULTURAL LOT SIZES AND COMMERCIAL
CROP PRODUCTION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that the existing Chamorro Land Trust agricultural lease program does
4 *not* allow farmers to maximize the productivity of the land. Chamorro Land
5 Trust agricultural tracts now must comprise from one (1) acre to twenty (20)
6 acres of land. While the Chamorro Land Trust Commission Rules and
7 Regulations authorize the raising of animals on a commercial basis, crop
8 production is limited to use as fodder and for home consumption. This type
9 of subsistence farming requires only a quarter (0.25) of an acre of land, so the
10 granting of one (1) to twenty (20) acres of land is *not* scaled for such limited
11 use.

12 Despite the Rules, some lessees are already using their tracts for
13 commercial purposes. However, lessees who must obtain loans to begin a
14 farm have been denied due to the Rules and Regulations language. The
15 language must first be modified to include a clarification of the agricultural
16 categories so they correspond to appropriate acreage allowances, with
17 consideration for the actual space needed, as well as the finite supply of
18 Chamorro homelands. In addition, the Rules and Regulations must include
19 authorization for the production of crops for commercial use in order to bring
20 existing Chamorro Land Trust commercial farms into compliance and to
21 facilitate the financing of more commercial farms.

1 **Section 2.** Section 75107(a) of Chapter 75, Division 2 of Title 21 of the
2 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

3 “(a) The Commission is authorized to lease to native Chamorros
4 the right to the use and occupancy of a tract or tracts of Chamorro
5 homelands within the following acreage limits per each lessee:

6 (1) not less than one quarter (0.25) acre, nor more than one
7 half (0.50) acre for subsistence agricultural farming;

8 (2) not less than one half (0.50) acre, nor more than twenty
9 (20) acres for commercial agricultural use;

10 (3) not less than one (1) acre, nor more than twenty (20)
11 acres for grazing use; *and*

12 (4) not more than one (1) acre for any class of land to be
13 used as a residential lot.”

14 **Section 3.** Rule 4(b) of the Senator Paul Bordallo Rules and Regulations
15 for the Chamorro Land Trust Commission, *as established by P.L. No. 23-38*, is
16 hereby *repealed and reenacted* to read as follows:

17 “(b) ‘*Agricultural Tract*’ means Chamorro homelands with an
18 area of not less than one quarter (0.25) acre, nor more than twenty (20)
19 acres.

20 (1) ‘*Subsistence Agriculture*’ means the production of crops
21 for home consumption on an agricultural tract with an area of not
22 less than one quarter (0.25) acre, nor more than one half (0.50)
23 acre.

1 (2) '*Commercial Agriculture*' means the production of crops
2 for commercial sale on an agricultural tract with an area of not less
3 than one half (0.50) acre."

4 **Section 4.** Rule 6.7(d) is hereby *added* to the Senator Paul Bordallo
5 Rules and Regulations for the Chamorro Land Trust Commission, *as*
6 *established by P.L. No. 23-38*, to read as follows:

7 “(d) Lessees may grow crops on a commercial basis on their
8 agricultural leasehold only after the following conditions are met:

9 (1) any wetland on the lease property is *not* drained, filled
10 or otherwise destroyed;

11 (2) lessees follow Rules and Regulations governing
12 agricultural chemicals established by the Guam Environmental
13 Protection Agency;

14 (3) submission of a plan for commercial crop production
15 which shall include, but not be limited to, projections for
16 production and methods of production;

17 (4) approval by the Commission; *and*

18 (5) conformance to all Guam zoning and health laws and
19 rules.”

20 **Section 5. Severability.** *If* any provision of this Law or its
21 application to any person or circumstance is found to be invalid or contrary to
22 law, such invalidity shall *not* affect other provisions or applications of this
23 Law which can be given effect without the invalid provisions or application,
24 and to this end the provisions of this Law are severable.

24-318



MINA' BENTE KUATTRO
NA LIHESLATURAN GUAHAN

✓

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

November 30, 1998

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Kuattro na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

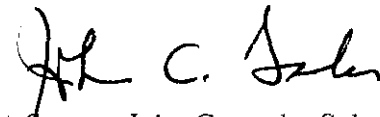
The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 750, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS**, as substituted.

The Committee votes are as follows:

To Do Pass	<u>5</u>
Not To Pass	—
Abstain	—
Other (Off-Island)	—

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

Sincerely,


 Senator John Camacho Salas
 Chairman



SENATOR JOHN CAMACHO SALAS

CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

BILL NUMBER 750

TITLE AN ACT TO AMEND PUBLIC LAW 23-38, (SENATOR PAUL BORDALLO RULES AND REGULATIONS FOR THE CHAMORRO LAND TRUST COMMISSION) RELATIVE TO COMMERCIAL CROP PRODUCTION

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	<input checked="" type="checkbox"/>			
 Edwardo J. Cruz, M.D., Vice-Chairman				
 Thomas C. Ada, Member	<input checked="" type="checkbox"/>			
 Frank B. Aguon, Jr., Member	<input checked="" type="checkbox"/>			
Felix P. Camacho, Member				
Francisco P. Camacho, Member				
William B.S.M. Flores, Member				
 Carlotta A. Leon Guerrero, Member	<input checked="" type="checkbox"/>			
Larry F. Kasperbauer, Member				

Committee on Agriculture, Land, Housing,
Community & Human Resources Development
Committee Report on Bill 750
Publicly Heard Friday, October 30, 1998

Bill 750: An act to amend Public Law 23-38, (Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust Commission) relative to commercial crop production.

I. ATTENDANCE

- Senator John C. Salas, Chairman

II. MAIN SPONSORS

Senator John C. Salas
Senator Edwardo J. Cruz
Senator Larry F. Kasperbauer

III. SYNOPSIS

The Chamorro Land Trust Commission's (CLTC) Rules & Regulations currently allows for only subsistence farming on Land Trust lands. However, as much as 20 acres can be provided for this purpose. It is generally agreed by the farming community that a quarter acre of land is sufficient for subsistence farming. Further, the current law allowing for 20 acres of subsistence farm land is unrealistic considering the finite land resource of the commission and its need to fulfill thousands of residential leases. The Committee has also received many complaints that commercial farmers can not secure loans because the rules and regulations do not allow for commercial farming. Bill 750 amends P.L. 23-38 to allow for commercial farming in the Chamorro Land Trust program.

IV. TESTIMONY

Mr. Benny San Nicolas, Guam Southern Soil & Water Conservation District Board Chairman, provided testimony supporting the bill on behalf of the board.

Ms. Ronald Teehan, CLTC Acting Administrator, and Juaqin Naputi of the CLTC, also provided supporting testimony and noted that this amendment to P.L. 23-38 would solve many current problems. He provided further testimony outlining amendments redefining the minimum and maximum allotments for subsistence farming, commercial farming, grazing, and residential uses. Also asked for clear definition in the legislation of subsistence and commercial farming.

Chairman Salas noted his concern that the Committee is trying to amend and improve the law. However, Chairman Salas noted that such detailed revisions of the rules and regulations should be administrative and not a legislative task.

Mr. John C. Borja, Department of Agriculture, offered his support of Bill 750.

V. COMMITTEE FINDINGS & RECOMMENDATION

The Committee finds that the omission of commercial farming in the original CLTC Rules & Regulations (Senator Paul Bordallo Rules & Regulations for the Chamorro Land Trust Commission) has been a source of conflict for the program as well as an obstacle for land trust recipients to secure loans for commercial farming. Further, the current allotment of land for farming and grazing purposes places undue strains on the CLTC's limited land inventory. The Committee therefore finds that including commercial farming and amending the current law to adjust minimum and maximum allotments of land for subsistence farming, commercial farming, and grazing will assist the CLTC in fulfilling its mission of providing residential and agricultural land to its qualified applicants. Further, to help ensure that future conflicts do not arise in who or what constitutes farming, the Committee has agreed to include in the amended Rules and Regulations specific definitions of subsistence and commercial farming.

Therefore, the Committee recommends **TO DO PASS Bill 750**, as substituted.

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATES OF

SEBASTIAN ANDRES LEON GUERRERO and MATILDE SAKAI LEON GUERRERO, Deceased.

Probate Case No. 0085-98

NOTICE TO CREDITORS

Notice is given by the undersigned ANDREW LEON GUERRERO, Administrator of the Estates of Sebastian Andres Leon Guerrero and Matilde Sakai Leon Guerrero, deceased, to the creditors of, and all persons having claims against the said estate or against said deceased, that within 60 days after the first publication of this notice, they either file their claims in the office of the Clerk of the Superior Court of Guam, or exhibit them with the necessary vouchers to the said Andrew Leon Guerrero

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ADOPTION OF A.M.O., Minor

By WILLIAM ANTHONY MENO PEREZ and CYNTHIA MANANGAN PEREZ, Petitioners.

ADOPTION CASE NO. AT 0032-97

SECOND AMENDED NOTICE OF HEARING ON PETITION FOR TERMINATION OF PARENTAL RIGHTS

PLEASE TAKE NOTICE that on **November 13, 1998**, at **9:00 a.m.**, the Petition For Termination Of Parental Rights in the above captioned matter shall be heard before the Honorable Katherine A. Maraman, Judge,

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE OF JESUS C. LEON GUERRERO, DECEASED.

PROBATE CASE NO. PR 0065-98

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN by the undersigned, JOSEPH A. LEON GUERRERO, Administrator of the estate of JESUS C. LEON GUERRERO, decedent, to the creditors, of, and all persons having claims against the said decedent, that within two (2) months after the first publication of this notice they file them with necessary vouchers to said Administrator, JOSEPH A. LEON GUERRERO, at the Law Office of David J. Lujan, Hamilton Guest House, Suite 227 (Rear Side)

WANTED TECHNICIAN
For AUTO AIR CONDITIONING
Call Julie
632-8335/6
688-9598

WANTED EXP.
RESTAURANT SUPERVISOR
Waitstaff, Bartender
APPLY IMPERIAL SUITE HOTEL
YPAO ROAD, TAMUNING

FOR RENT
AGANA OFFICE SPACE
690s.f./728s.f./745s.f./930s.f./1,000s.f.
YIGO TOWN CENTER
1,147s.f. - 10,000s.f.
472-9830
Sonny Ada
ADA'S TRUST INVESTMENT, INC.

DeBiasi Guam, Inc.
Landscape/Irrigation Supervisor
Working knowledge in all phases of Landscape Construction. Must demonstrate ability to communicate and lead job-site supervisor personnel. Applicants must submit a resume with a work history. Applicants may apply in person at DeBiasi Guam, Inc., Route 16, Besta Plaza, 2nd Floor, Ste. 202.

GUAM LEGISLATURE
AGANA GUAM
MINA BENTE KUATTRO NA UHESLATURIAN GUAMAN

Senator John Camacho Salas
Chairman of the Committee on Agriculture, Land, Housing, Community & Human Resources Development

Oversight Hearing of the Guam Housing Corporation

Oversight Hearing of the Tiyan Reuse Authority
Rescheduled from Monday, October 26, 1998

Bill 748: An act to amend Section 2 of Public Law 20-113, Section 2, relative to the exchange of lots within the As-Tumbo Subdivision

Bill 750: An act to amend Public Law 23-38, (Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust Commission) relative to commercial crop production

Bill 753: An act to establish the eligibility of bona fide farmers to procure equipment through the General Services Agency

Friday, October 30, 1998, 9:00 a.m.
Legislature Public Hearing Room

address: 777 Sinajana Commercial Building, Route 4, Sinajana, Guam 96926
telephone: 472-3585, fax: 472-3583
website: KUENTOS-http://www.guam.net/sensalas
American Disabilities Association Coordinator: e-mail: jsalas@sensalas.guam.net
TALAYA-http://www2.ite.net/senators/sensalas
John Meno tel: 472-3585



MINA' BENTE KUATTRO
NA LIHESLATURAN GUAHAN

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

AGENDA

FRIDAY, OCTOBER 30, 1998
LEGISLATIVE PUBLIC HEARING ROOM
1:00 P.M. - 3:00 P.M.

PUBLIC HEARINGS

Bill 748: An act to amend Section 2 of Public Law 20-113, Section 2, relative to the exchange of lots within the As-Tumbo Subdivision.

Bill 750: An act to amend Public Law 23-38, (Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust Commission) relative to commercial crop production.

Bill 753: An act to establish the eligibility of bona fide farmers to procure equipment through the General Services Agency.



SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Friday, October 30, 1998

Bill Number **750**

Title **AN ACT TO AMEND PUBLIC LAW 23-38, (SENATOR PAUL BORDALLO RULES AND REGULATIONS FOR THE CHAMORRO LAND TRUST COMMISSION) RELATIVE TO COMMERCIAL CROP PRODUCTION**

NAME	ORGANIZATION	TESTIMONY	
BENNY SAW NICUAS	S.S.W.C.D.B	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
Ronald F. Teehan, Jr.	Chamorro Land Trust Comm.	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
475-425124		<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
JOHN C. BORTA	Dept. of AGRICULTURE	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
Juanqui NARUTI	C.L.T.C.	<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL

Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Joseph T. Gumataotao, Chairman
Rita C. Okada, Commissioner
John Q. Finona, Commissioner
Tomas T. Aguon, Commissioner

Joseph M. Borja
Administrative Director

October 30, 1998

BILL NO. 750

In keeping and agreement with the stated *Legislative Finding and Intent* at lines 7 through 8 of Section 1, the Commission recommends a new Section ___ be added to Bill No. 750, accordingly amending Subsection (a) of §75107, Title 21, Guam Code Annotated. Further, the Commission likewise finds it appropriate to amend the authorized distribution allotments for grazing and residential leases, to read:

1 **Section** ___. Subsection (a) of §75107, Title 21, Guam Code Annotated, is
2 amended, to read:

3 “(a) The Commission is authorized to lease to native Chamorros the
4 right to the use and occupancy of a tract or tracts of Chamorro
5 homelands within the following acreage limits per each lessee:

6 (1) not more than 0.25 acre nor more than 0.50 acre for
7 subsistence agricultural farming;

8 (2) not less than 0.50 acre [~~one~~] nor more than twenty (20)
9 acres for commercial agricultural use; [~~or~~]

10 (3) [~~2~~] not less than one nor more than twenty (20) [~~fifty~~
11 (~~50~~)] acres for grazing use; [~~and~~]

12 (4) [~~3~~] not more than 0.50 [~~one~~] acre or any class of land to
13 be used as a residence lot, provided, further, no residential
14 structure shall be build upon any land leased for grazing use.”



MINA' BENTE KUATTRO
NA LIHESLATURAN GUAHAN

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

October 29, 1998

MEMORANDUM

To: Director, Bureau of Budget & Management Research
From: Senator John Camacho Salas
Subject: Request for Fiscal Notes

Please find attached Committee Bill 748, Bill 750, and Bill 753, for which I respectfully request issuance of Fiscal Notes.

Your issuance of these fiscal notes will be greatly appreciated. Thank you for your very kind assistance.

Senator John Camacho Salas
Chairman

Attachments