

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)	Clynton E. Ridgell Tina Rose Muña Barnes Joe S. San Agustin Jose "Pedo" Terlaje V. Anthony Ada Telo T. Taitague James C. Moylan	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.						

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

Bill No. 134-36 (COR)

Introduced by:

Clynton E. Ridgell
Tina Rose Muña Barnes
Joe S. San Agustin
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Telo T. Taitague
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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.

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

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

4 **"§60354. Farm Protection.**

5 A farm for purposes of this section shall be farmland used for bona fide
6 agriculture, as defined in § 60102 of this Title, ~~and which encompasses over one-half~~
7 ~~acre in size.~~ No person who is engaged in agricultural use of farmland may be forced
8 or required to stop such farming activities because of changes in the usages of
9 surrounding lands, nor because of zoning changes.

10 (a) Any farm, as defined above, shall be deemed a preferred use of the
11 land and, for so long as the land continues in production and continues to be
12 used for agricultural purposes, said land shall be considered authorized as a

1 farming area notwithstanding changes in zoning or changes in the usage and
2 characteristics of the neighborhood in which it is located.

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

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

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

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

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

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

1 **Section 3. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
3 *not* affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.