

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

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	√					
Senator Frank Blas Jr.	√					
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson	√	I				
Senator Sabina Flores Perez	√					
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Senator Jose "Pedro" Terlaje	√					
Speaker Therese M. Terlaje	√					
Senator Mary Camacho Torres	√					

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

Speaker Antonio R. Unpingco Legislative Session Hall
 Guam Congress Building
 April 30, 2021

TOTAL

15

0

Aye

Nay

Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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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

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.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that a robust registry of local farmers will give the Department of Agriculture the
4 best opportunity to provide these producers with the resources they need. By
5 mandating this registry for all farmers, we ensure the best chance of matching local
6 government agencies to the producers they need as mandated under Public Law 23-
7 18. This means the government would be taking the steps to be a driving force in
8 creating demand for local produce.

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

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

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

21 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate a registry of
22 local farmers and develop penalties for those businesses working with unregistered
23 farmers, leaving more room for opportunity and assistance for these agricultural
24 producers. With the increased registry, the Department can keep track of the growth
25 of this industry that is vital to the food security and the economy of our island
26 community.

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

3 **“§ 68101. Procurement of Local Produce from Local Farmers**
4 **and Fish from Local Fishermen.**

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

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

21 The Director shall adopt operational procedures relative to establishing
22 a list of qualified local farmers and fishermen and to assist those qualified
23 local farmers and fishermen in establishment of pricing, variety, quantity,
24 quality, availability, and other related logistics to facilitate acquisition of local
25 produce and fish by other Government Agencies consistent with the needs of
26 those agencies.

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

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

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

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

21 “(b) *Bona fide farmer* means a person who is registered with the
22 Department of Agriculture who grows for commercial purposes fruits,
23 vegetables, ornamental plants, livestock, aquacultural products, agricultural
24 products, or similar products, and is either (1) a U.S. citizen; (2) a permanent
25 resident alien; (3) a non-immigrant alien admitted into Guam under the
26 Compacts of Free Association between the United States and the Federated
27 States of Micronesia, the Republic of the Marshall Islands, and the Republic

1 of Palau; (4) a resident of Guam for the immediately preceding five (5) years;
2 or (5) a corporation or partnership licensed to do business in Guam. There
3 shall be no requirement on the minimum size of a farm, acreage, or number
4 of plants needed in order to register with the Department of Agriculture as a
5 bona fide farmer. The Department of Agriculture shall be required to
6 randomly select at least ten percent (10%) of bona fide farmers as defined in
7 this Section per quarter for inspection to ensure that bona fide farmers are in
8 compliance with all applicable laws, rules and regulations.”

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

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