

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>77-32 (COR)</b>	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.	4/4/13 12:25 p.m.	4/4/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	4/12/13, 8:30am	4/22/13 10:24 a.m.	<b>Fiscal Note Requested 04/04/13</b> <b>Fiscal Note Received 04/19/13</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	4/22/2013	AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.	4/22/13	7:30pm	5/2/13	5/2/2013	32-023	As substituted by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and amended on the Floor. 5/7/13-P.L. Received Fiscal Notes Received 5/14/13 12:06 P.M.

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

May 02, 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

2013 MAY -7 PM 5:17

Dear Madame Speaker:

Transmitted herewith is Bill No. 77-32 "AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.", which I signed into law on May 02, 2013 as Public Law 32-023.

*Senseramente,*

  
EDDIE BAZA CALVO  
*I Maga'lahaen Guåhan*  
Governor of Guam

383

Attachment: copy of Bill

32-13-303  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 5/7/13  
Time 1:26 PM  
Received by Faith

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 77-32 (COR)**, "AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.", was on the 22<sup>nd</sup> day of April, 2013, duly and regularly passed.



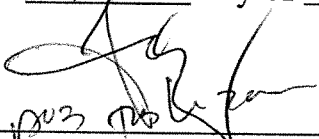
Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 22<sup>nd</sup> day of April,  
2013, at 7:30 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: May 02, 2013

Public Law No. 32-023

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 77-32 (COR)**

As substituted by the  
Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation,  
Historic Preservation and Land; and amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan  
R.J. Respicio  
T. R. Muña Barnes  
B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
Frank B. Aguon, Jr.  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §68975 OF ARTICLE 11,  
CHAPTER 68 OF TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO THE DEVELOPMENT  
OF THE FARMER'S MARKET FACILITY BY THE  
FARMER'S COOPERATIVE ASSOCIATION OF GUAM,  
INC.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 pursuant to Public Law 30-228, Guam's long-standing goal of food self-sufficiency is

1 attainable. Though it has taken many years and the challenges have been seemingly  
2 endless, the promise of the Guam Farmer's Market becomes more of a reality today  
3 due, in large part, to the allocation of proceeds from the Hotel Occupancy Tax  
4 Revenue Limited Obligation (HOT) Bonds to provide the processing and marketing  
5 facilities vital to afford our farmers a sustainable and viable outlet for their harvest and  
6 production.

7 *I Liheslaturan Guåhan* further finds that in the effort to develop projects that  
8 benefit community infrastructure, revitalization of the Guam Farmer's Market is of  
9 great importance, and as part of its facility, to include: a retail Farmer's Market, dry  
10 and cold storage, feed and material supply, offices for Government agencies, a value-  
11 added kitchen, a dining/patio area, flea market stalls, a plant nursery, public toilets, and  
12 a designated parking area.

13 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),  
14 municipality of *Dededo*, has been designated for the farmer's public market site, to  
15 ultimately benefit the people, farmers and ranchers of Guam.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §68975 of Article  
17 11, Chapter 68 of Title 21, Guam Code Annotated, relative to the development of the  
18 Farmer's Market facility by the Farmer's Cooperative Association of Guam, Inc.

19 **Section 2.** §68975 of Article 11, Chapter 68 of Title 21, Guam Code Annotated, is  
20 hereby *amended* to read as follows:

21 **“§ 68975. Farmer's Cooperative Association of Guam, Inc.**

22 Notwithstanding any other provision of law, the Farmer's Cooperative  
23 Association of Guam, Inc. (Association) is authorized to execute all legal  
24 instruments, documents and contracts necessary for the construction and  
25 operations of the Farmer's Market facility, pursuant to P.L. 30-228, on Lot No.  
26 10155-1 (6.9947± acres), in the municipality of *Dededo*, and must comply with  
27 the following:

1           (a) The association, for the sum of One Dollar (\$1.00) per annum for  
2 twenty-five (25) years with an option for automatic renewal for another twenty-  
3 five (25) years, *shall* have the beneficial use of the property for its development.  
4 The Association may subject the property and its improvements to a leasehold  
5 mortgage, subject to approval by *I Liheslaturan Guåhan*.

6           (b) The use of the property *shall be limited* to those activities consistent  
7 with the mission and purpose of the Association, as detailed in its governing  
8 documents, and for the activities authorized herein.

9           (c) The right to develop the property for the construction of the  
10 Farmer's Market by the Association contained in this Act *shall not* be  
11 conveyed by the Association to any other entity, *nor may* the entire facility  
12 project be sublet to a single entity, without *I Liheslaturan Guåhan's*  
13 approval. Portions of the Farmer's Market facility may be leased out by the  
14 Association to individual vendors, businesses, and other entities, consistent  
15 with applicable laws, rules and regulations for the commercial lease of  
16 government facilities, and pursuant with the goals and activities of the  
17 Association.

18           (d) Any change in the tax status of the Association *shall* require  
19 notification to *I Liheslaturan Guåhan* and an immediate renegotiation of  
20 payments required in this Act for the use of the property. *If* such change *shall* be  
21 to a for-profit status, the rate *shall be no less than* ten percent (10%) of the actual  
22 market value of the property.

23           (e) The Association *may* grant the Mayor of *Dededo*, through a  
24 memorandum of agreement, access to and use of the premises for the activities  
25 authorized in §68901(b) of Article 9, Chapter 68 of Title 21, Guam Code  
26 Annotated, with the exception that the approval by the Department of Land

1 Management *shall no longer* be required for the issuance of the permits pursuant  
2 to §68901(b).

3 (f) The Association *shall* be required after the initial seven (7) years of  
4 the term, to remit two percent (2%) of the Association's gross income from the  
5 operations of the Farmer's Market facility for the previous year to the account of  
6 the Ancestral Land Bank and increased one percent (1%) every five (5) years  
7 thereafter for the remaining term to a maximum of five percent (5%).

8 (g) The Association *shall not* sell, mortgage, sublease, assign,  
9 encumber, hypothecate, or otherwise transfer its interest in the property  
10 without the prior consent of *I Liheslaturan Guåhan*. Should the Farmer's  
11 Market facility fail to begin construction within three (3) years of the  
12 enactment of this Act, *or* the amounts required by Subsections (a) and (f) of  
13 this Section fail to be remitted, the assignment of the property to the  
14 Association is hereby revoked, and the Department of Land Management  
15 *shall* file the needed documents with the Recorder's Office noticing the  
16 revocation, and *shall* include provisions needed to ensure the property is free  
17 and clear from any encumbrances to the title.

18 (h) The Association and its activities *shall* be subject to an annual  
19 audit by the Office of Public Accountability.”

20 **Section 3. Lot Rezoned.** Lot No. 10155-1, municipality of *Dededo*,  
21 Guam, containing an area of 6.9947± acres, is hereby rezoned from Agricultural  
22 Zone (A) to Commercial Zone (C).

23 **Section 4. Severability.** If any provision of this Law or its application to  
24 any person or circumstances is found to be invalid or contrary to law, such  
25 invalidity shall not affect other provisions or applications to this Law which can be  
26 given effect without the invalid provision or application, and to this end the  
27 provisions of this Law are severable.



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 14, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## Memorandum

Senator  
Vicente (Ben) C. Pangelinan  
Member

To: **Rennae Meno**  
*Clerk of the Legislature*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

From: **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Senator  
Dennis G. Rodriguez, Jr.  
Member

Subject: **Fiscal Notes**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

### FISCAL NOTES:

**Bill Nos.: 65-32(COR), 77-32(COR), 110-32(COR)**

Senator  
Frank Blas Aguon, Jr.  
Member

### WAIVERS:

**Bill No. 109-32(COR)**

Senator  
Michael F.Q. San Nicolas  
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

*Si Yu'os ma'åse'!*

Senator  
Aline Yamashita  
Member

2013 MAY 14 PM 12:06



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR**MAY 13 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 65-32(COR), 77-32(COR), 110-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 109-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 77-32**

**AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Administration	Dept./Agency Head: Benita Mangiona, Director
Department's General Fund (GF) appropriation(s) to date:	27,958,631
Department's Other Fund (Specify) appropriation(s) to date: IDCF, GHF, TAF, and SLF	8,523,716
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$36,482,347</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions?  
If Yes, see attachment / / Yes /x / No
- Is amount appropriated adequate to fund the intent of the appropriation?  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x / N/A / / Yes / / No
- Does the Bill establish a new program/agency?  
If yes, will the program duplicate existing programs/agencies? / / Yes /x / No  
Is there a federal mandate to establish the program/agency? / / Yes / / No
- Will the enactment of this Bill require new physical facilities? /x / Yes /x / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  
/ / Requested agency comments not received as of the due date / / Yes /x / No  
/ x / Other: Insufficient time

Analyst: John AB Pangelinan, Acting Deputy Director Date: 5/14/13 Director: John A. Rios, Director Date: MAY 13 2013

Footnotes:  
Please see attached comment sheet

### Comments on Bill No. 77-32

This proposed legislation is seeking amend Section 68975 of Chapter 68, Article II, Title 21 of the Guam Code Annotated by deleting the involvement of the Governor of Guam from implementing the administrative provisions governing the Farmer's Cooperative Association of Guam, Inc. (Association), and assigning Lot No. 10155-1 of the municipality of Dededo to the Association. The Association is authorized to execute legal instruments, documents and contracts necessary for the construction and operations of the Farmer's Market facilities based on eight proposed provisions as amended in this legislative bill. Of these eight proposed provisions, only two provisions posed a fiscal impact and these two proposed provisions are:

1. Should the Association received a change in its tax status, the Legislature is to be notified by the Association for the re-negotiation of payments required in the Act for the use of the property. If such change shall be for a for-profit entity, the lease payments shall be 10% of the actual market value of the property (Item "d" of Section 68975, Chapter 68, Article 11 of Title 21 GCA).
2. After the initial term of seven years, the Association is required to remit to the Ancestral Land Bank 2% of its current net asset value for the previous year and thereafter shall continue to remit to the account an increase of 1% every five years for the remaining term of the lease (Item "g" of Section 68975, Chapter 68, Article 11 of Title 21 GCA).

It is difficult to ascertain the potential fiscal impact of Item "d" and Item "g." In the absence of any qualifying remark for Item "d," the change in tax status refers to the Association, needing to change its nonprofit status to a for-profit organization. However such change over is not expected in the near future given the complexity of the changeover process. Item "g" will not take place until after a seven year- term period. Therefore, there are no immediate fiscal impacts should this bill be passed today.

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

May 02, 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

2013 MAY -7 PM 5:17

Dear Madame Speaker:

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*Senseramente,*

  
EDDIE BAZA CALVO  
*I Maga'lahaen Guåhan*  
Governor of Guam

383

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32-13-303  
Office of the Speaker  
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Date 5/7/13  
Time 1:26 PM  
Received by Faith

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

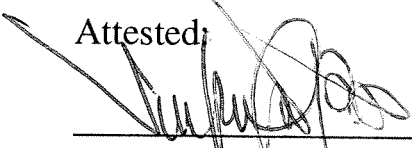
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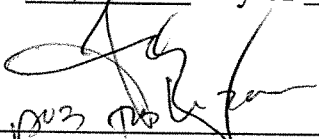
Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

-----

This Act was received by *I Maga'lahaen Guåhan* this 22<sup>nd</sup> day of April,  
2013, at 7:30 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: May 02, 2013

Public Law No. 32-023

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 77-32 (COR)**

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Committee on Appropriations,  
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19 **Section 2.** §68975 of Article 11, Chapter 68 of Title 21, Guam Code Annotated, is  
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22 Notwithstanding any other provision of law, the Farmer's Cooperative  
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1           (a) The association, for the sum of One Dollar (\$1.00) per annum for  
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3 five (25) years, *shall* have the beneficial use of the property for its development.  
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9           (c) The right to develop the property for the construction of the  
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12 project be sublet to a single entity, without *I Liheslaturan Guåhan's*  
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22 market value of the property.

23           (e) The Association *may* grant the Mayor of *Dededo*, through a  
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26 Annotated, with the exception that the approval by the Department of Land



1 Management *shall no longer* be required for the issuance of the permits pursuant  
2 to §68901(b).

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8 (g) The Association *shall not* sell, mortgage, sublease, assign,  
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11 Market facility fail to begin construction within three (3) years of the  
12 enactment of this Act, *or* the amounts required by Subsections (a) and (f) of  
13 this Section fail to be remitted, the assignment of the property to the  
14 Association is hereby revoked, and the Department of Land Management  
15 *shall* file the needed documents with the Recorder's Office noticing the  
16 revocation, and *shall* include provisions needed to ensure the property is free  
17 and clear from any encumbrances to the title.

18 (h) The Association and its activities *shall* be subject to an annual  
19 audit by the Office of Public Accountability.”

20 **Section 3. Lot Rezoned.** Lot No. 10155-1, municipality of *Dededo*,  
21 Guam, containing an area of 6.9947± acres, is hereby rezoned from Agricultural  
22 Zone (A) to Commercial Zone (C).

23 **Section 4. Severability.** If any provision of this Law or its application to  
24 any person or circumstances is found to be invalid or contrary to law, such  
25 invalidity shall not affect other provisions or applications to this Law which can be  
26 given effect without the invalid provision or application, and to this end the  
27 provisions of this Law are severable.



FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

April 22, 2013

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Substitute Bill Nos. 77-32 (COR) and 81-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 22, 2013.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary


Enclosures (2)

22nd April 2013  
J. Calvo  
7:30 pm

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

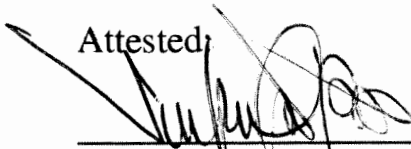
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 77-32 (COR), "AN ACT TO AMEND §68975 OF ARTICLE 11, CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC."**, was on the 22<sup>nd</sup> day of April, 2013, duly and regularly passed.



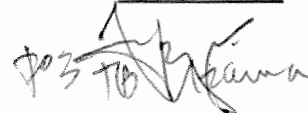
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 22<sup>nd</sup> day of April,  
2013, at 7:30 o'clock P.M.



**Assistant Staff Officer**  
***Maga'lahi's* Office**

**APPROVED:**

**EDWARD J.B. CALVO**  
***I Maga'lahen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 77-32 (COR)**

As substituted by the  
Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation,  
Historic Preservation and Land; and amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan  
R.J. Respicio  
T. R. Muña Barnes  
B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
Frank B. Aguon, Jr.  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §68975 OF ARTICLE 11,  
CHAPTER 68 OF TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO THE DEVELOPMENT  
OF THE FARMER'S MARKET FACILITY BY THE  
FARMER'S COOPERATIVE ASSOCIATION OF GUAM,  
INC.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 pursuant to Public Law 30-228, Guam's long-standing goal of food self-sufficiency is

1 attainable. Though it has taken many years and the challenges have been seemingly  
2 endless, the promise of the Guam Farmer’s Market becomes more of a reality today  
3 due, in large part, to the allocation of proceeds from the Hotel Occupancy Tax  
4 Revenue Limited Obligation (HOT) Bonds to provide the processing and marketing  
5 facilities vital to afford our farmers a sustainable and viable outlet for their harvest and  
6 production.

7 *I Liheslaturan Guåhan* further finds that in the effort to develop projects that  
8 benefit community infrastructure, revitalization of the Guam Farmer’s Market is of  
9 great importance, and as part of its facility, to include: a retail Farmer’s Market, dry  
10 and cold storage, feed and material supply, offices for Government agencies, a value-  
11 added kitchen, a dining/patio area, flea market stalls, a plant nursery, public toilets, and  
12 a designated parking area.

13 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),  
14 municipality of *Dededo*, has been designated for the farmer’s public market site, to  
15 ultimately benefit the people, farmers and ranchers of Guam.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §68975 of Article  
17 11, Chapter 68 of Title 21, Guam Code Annotated, relative to the development of the  
18 Farmer’s Market facility by the Farmer’s Cooperative Association of Guam, Inc.

19 **Section 2.** §68975 of Article 11, Chapter 68 of Title 21, Guam Code Annotated, is  
20 hereby *amended* to read as follows:

21 **“§ 68975. Farmer’s Cooperative Association of Guam, Inc.**

22 Notwithstanding any other provision of law, the Farmer’s Cooperative  
23 Association of Guam, Inc. (Association) is authorized to execute all legal  
24 instruments, documents and contracts necessary for the construction and  
25 operations of the Farmer’s Market facility, pursuant to P.L. 30-228, on Lot No.  
26 10155-1 (6.9947± acres), in the municipality of *Dededo*, and must comply with  
27 the following:

1           (a) The association, for the sum of One Dollar (\$1.00) per annum for  
2 twenty-five (25) years with an option for automatic renewal for another twenty-  
3 five (25) years, *shall* have the beneficial use of the property for its development.  
4 The Association may subject the property and its improvements to a leasehold  
5 mortgage, subject to approval by *I Liheslaturan Guåhan*.

6           (b) The use of the property *shall be limited* to those activities consistent  
7 with the mission and purpose of the Association, as detailed in its governing  
8 documents, and for the activities authorized herein.

9           (c) The right to develop the property for the construction of the  
10 Farmer's Market by the Association contained in this Act *shall not* be  
11 conveyed by the Association to any other entity, *nor may* the entire facility  
12 project be sublet to a single entity, without *I Liheslaturan Guåhan's*  
13 approval. Portions of the Farmer's Market facility may be leased out by the  
14 Association to individual vendors, businesses, and other entities, consistent  
15 with applicable laws, rules and regulations for the commercial lease of  
16 government facilities, and pursuant with the goals and activities of the  
17 Association.

18           (d) Any change in the tax status of the Association *shall* require  
19 notification to *I Liheslaturan Guåhan* and an immediate renegotiation of  
20 payments required in this Act for the use of the property. *If* such change *shall* be  
21 to a for-profit status, the rate *shall* be *no less than* ten percent (10%) of the actual  
22 market value of the property.

23           (e) The Association *may* grant the Mayor of *Dededo*, through a  
24 memorandum of agreement, access to and use of the premises for the activities  
25 authorized in §68901(b) of Article 9, Chapter 68 of Title 21, Guam Code  
26 Annotated, with the exception that the approval by the Department of Land

1 Management *shall no longer* be required for the issuance of the permits pursuant  
2 to §68901(b).

3 (f) The Association *shall* be required after the initial seven (7) years of  
4 the term, to remit two percent (2%) of the Association's gross income from the  
5 operations of the Farmer's Market facility for the previous year to the account of  
6 the Ancestral Land Bank and increased one percent (1%) every five (5) years  
7 thereafter for the remaining term to a maximum of five percent (5%).

8 (g) The Association *shall not* sell, mortgage, sublease, assign,  
9 encumber, hypothecate, or otherwise transfer its interest in the property  
10 without the prior consent of *I Liheslaturan Guåhan*. Should the Farmer's  
11 Market facility fail to begin construction within three (3) years of the  
12 enactment of this Act, *or* the amounts required by Subsections (a) and (f) of  
13 this Section fail to be remitted, the assignment of the property to the  
14 Association is hereby revoked, and the Department of Land Management  
15 *shall* file the needed documents with the Recorder's Office noticing the  
16 revocation, and *shall* include provisions needed to ensure the property is free  
17 and clear from any encumbrances to the title.

18 (h) The Association and its activities *shall* be subject to an annual  
19 audit by the Office of Public Accountability.”

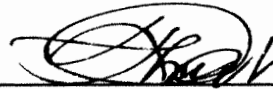
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21 Guam, containing an area of 6.9947± acres, is hereby rezoned from Agricultural  
22 Zone (A) to Commercial Zone (C).

23 **Section 4. Severability.** If any provision of this Law or its application to  
24 any person or circumstances is found to be invalid or contrary to law, such  
25 invalidity shall not affect other provisions or applications to this Law which can be  
26 given effect without the invalid provision or application, and to this end the  
27 provisions of this Law are severable.

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

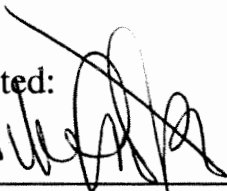
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 81-32 (COR)**, "AN ACT TO PROVIDE HEALTH INSURANCE TO GOVERNMENT OF GUAM EMPLOYEES AND RETIREES FOR FISCAL YEAR 2014", was on the 22<sup>nd</sup> day of April, 2013, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

-----  
This Act was received by *I Maga'lahen Guåhan* this 27<sup>nd</sup> day of April, 2013, at 7:30 o'clock p.M.



**Assistant Staff Officer**  
***Maga'lahi's* Office**

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
***I Maga'lahen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_





I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 22 2013

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
I Mina'trentai Dos Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 77-32 (COR), As Substituted**


Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 77-32 (COR), as substituted, "An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc., sponsored by Senator Vicente ( ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

6 TO PASS  
       NOT TO PASS  
1 TO REPORT OUT ONLY  
       TO ABSTAIN  
       TO PLACE IN INACTIVE FILE

*Si Yu'os Ma'åse',*

  
Vicente (ben) Cabrera Pangelinan  
Chairman

2013 APR 22 AM 10:24

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

Member  
Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

**COMMITTEE REPORT  
ON**

**Bill No. 77-32 (COR), As Substituted**

**Sponsored by Senator Vicente (ben)**

**Cabrera Pangelinan**

**An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.**



I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 22 2013

**MEMORANDUM**

**To: All Members**  
Committee on Appropriations, Public Debt, Legal Affairs,  
Retirement, Public Parks, Recreation, Historic Preservation and  
Land.

**From:** Senator Vicente (ben) Cabrera Pangelinan  
Committee Chairperson

**Subject: Committee Report on Bill No. 77-32 (COR), As Substituted**


Transmitted herewith for your consideration is the Committee Report on Bill No. 77-32 (COR), as substituted, "An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.", sponsored by Senator Vicente (ben) Cabrera Pangelinan

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 77-32 (COR), As Introduced
4. Copy of Bill No. 77-32 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of COR referral Bill No. 77-32 (COR)
8. Copy of letter to request fiscal waiver
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

*Si Yu'os Ma'ase',*



Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

Member  
Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

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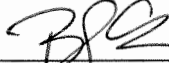

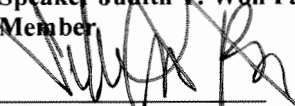
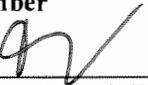
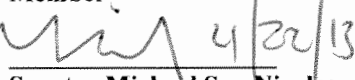
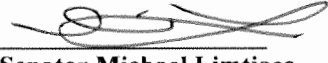


I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Bill No. 77-32 (COR), As substituted: An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓	_____	_____	_____	_____
 Vice Speaker Benjamin J. F. Cruz Vice Chairman	✓	_____	_____	_____	_____
 Speaker Judith T. Won Pat, Ed.D Member	✓	_____	_____	_____	_____
 Senator Tina Rose Muña-Barnes Member	✓	_____	_____	_____	_____
 Senator Dennis Rodriguez, Jr. Member	✓	_____	_____	_____	_____
 Senator Michael San Nicolas Member	✓	_____	_____	_____	_____
 Senator Michael Limtiaco Member	_____	_____	4/22/13	_____	_____
Senator Tommy Morrison Member	_____	_____	_____	_____	_____



# I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 77-32 (COR), As Introduced: An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.

### I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on April 12, 2013 at 8:30 am in *I Liheslatura's* public hearing room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on April 5, 2013 (5-Day Notice), and again on April 10, 2013 (48 Hour Notice).

#### (a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman  
Senator Michael San Nicolas, Member  
Senator Michael Limtiaco, Member  
Senator Rory Respicio  
Senator Tom Ada  
Senator Frank Aguon, Jr.  
Senator Tony Ada  
Senator Aline Yamashita

#### (b) Appearing before the Committee

Mr. Bill McDonald, President of the Farmer's Cooperative Association of Guam  
Ms. Hope Cristobal, Member of the Farmer's Cooperative Association of Guam  
Mr. Ernie Wusstig, Member of the Farmer's Cooperative Association of Guam  
Ms. Angelita P. Mendiola, Member of the Farmer's Cooperative Association of Guam  
Ms. Mariquita Taitague, Local Farmer

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

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Committee on General  
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Hagåtña Restoration and  
Development Authority

Member  
Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

**(c) Written Testimonies Submitted**

Mr. David V. Camacho, Acting Director of the Department of Land Management  
Ms. Angelita P. Mendiola, Member of the Farmer's Cooperative Association of Guam  
Ms. Mariquita Taitague, Local Farmer  
Mr. Tony Aguon, Manenggon Hills Produce  
Dededo Municipal Planning Council, Resolution No. 2013-03  
Mr. Henry J. Taitano, Acting Administrator, Guam Economic Development Authority

**II. COMMITTEE PROCEEDINGS**

**(a) Bill Sponsor Summary**

**Chairman Vicente Pangelinan:** The next bill was introduced by myself - An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.

Thank you very much. I have signed up to testify Ms. Aleta San Nicolas (in support of), Mr. Ernie Wusstig, Mr. Bill McDonald, Mrs. Tita Taitague, Angelita Mendiola and Former Senator Hope Cristobal. Thank you very much. While we gather the witnesses I would like to give a brief synopsis of the bill.

Bill 77-32 would amend the original legislation that allowed for the designation of a property in Dededo for the development of the Farmers Market Facility by the Farmer's Market Cooperation Association of Guam. The requirement of the action is made even of greater urgency because the facility itself has now been funded by the HOT (Hotel Occupancy Tax) Bonds which means there are actual cash in the bank ready for the development of the facility and it is necessary to outline the site itself and place that site under the purview of the Farmers Cooperative for the development of the facility. The ownership of the site will remain under the Guam Ancestral Lands Commission and the Farmers CoOp will be required to make lease payments for use of the property to compensate the GALC and keep the original intention and development of the land bank. It outlines what the Farmers CoOp has to do to perform to keep in good standing with the use of that facility. It also recognizes the cooperation required in the original legislation for the Mayor and the Municipal Planning Council of Dededo to relocate the flea market facility over to this new facility for safety and greater marketability purposes and to develop a cooperation within that village. We want to thank the members who are here to testify and we would begin with receiving their testimony.

I would like to ask if we could recognize and yield to Former Senator Cristobal for her testimony.

**(b) Testimonies**

**1) Ms. Hope Cristobal, Member of the Guam Cooperative Farmer's Association.**

**Ms. Hope Cristobal:** Thank you for allowing me to testify today. Today I was making a produce delivery to the market.

Hafa Adai Senator Pangelinan and members of the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land. My name is Hope Cristobal, bonifide farmer and member of the Farmers CoOp Association Guam, Inc.

[translation from *Chamorro* to English]

*Thank you. I have an oral testimony today. I had no time to write my testimony because we were busy. Angie and I, delivering our produce to the market, that is why I was a bit late.*

*Mr. Chairman Pangelinan and Senators, Hafa Adai and to all of you who are a part of the committee members of the Committee on Appropriation, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.*

*My name is Hope Cristobal, a bonafide farmer and a member of the Farmers Cooperative Association of Guam Inc. We call it the Farmers CoOp. I was elected two years ago as secretary for the Board at the end of last year and continue to this day. Now, I am here to testify in support of Bill Number 77-32.*

*Thank you very much from all of us. There are twenty-nine of us that signed up to be members of the CoOp but we continue to get more. But if you look at the agriculture water rates, over one thousand are benefitting from the agriculture water rate but only twenty-nine signed up, so far. We want to increase those numbers because our mission and the job is getting bigger for the Coop. Also, thank you because this is a big legislation that the two of you have introduced, and all of you who are going to support us. From my perspective, I am seeing this as a landmark legislation to be in the right direction that is being taken by the government of Guam. It's about time for the government to help drive the revival of our local farming and ranching that have seemingly been left in the back burner in the past several decades of our island.*

Thank you two for introducing this legislation.

This is really a major step in the right direction that is being taken by the government of Guam to help drive the revival of our local farming and ranching that has been seemingly left in the back burner for the last several decades on our island.

Bill 77-32, if it is possibly improvable, a provision relating to the remittance to Guam Ancestral Land Bank after seven years of the 2% of the net asset value to increase 1% five years thereafter. This might pose a huge challenge for our co-op due to our rising cost of land especially up in the north with the building of the hospital around that vicinity. However, the challenge can be our motivation by our organization to stay the course and to continually better ourselves to serve not just the farming and ranching community but our entire island and perhaps including the entire regional community.

As we are fully aware of the terms of today, calling for organic products, fresh produce, renewable energy, food security and stability, environmental responsibility, reducing the carbon footprint, land use, engaging in conservation practices, we cannot help but be drawn back to this age-old practice of farming and ranching for our family stability and not just for our self-sufficiency but also for the long-term food security. As we now remember that word, it's been two weeks since that word of security and stability has been used. We cannot argue, it's a given fact, that an informed view and a sense of stewardship, our island is really heading to a better place. The facility that you have viewed in this legislation presents a far wider reach than we all could imagine. It provides a sense of place for the farmers for the first time in this early 21<sup>st</sup> century. It's still early; we are just thirteen years into this century and we are now taking a lot of attention into farming and agriculture.

There are other testimonies that would touch on these issues, but I would like to take this opportunity Mr. Chairman from the perspective of a small farmer, that after these past two weeks and all this discussion of security and stability that we have a lot of tourists coming in and that was the March figures.

The projections and forecasts don't look very good and there are a lot of cancellations that are going on and the people that I deal with, as a small farmer, have cut back 75% of my business. So as far as stability, it does affect even the smallest person. We need to look at this in a more holistic fashion. The militarization and militarism that we are all encouraging today does impact our economy. For myself as a small farmer it has a big impact. In terms of stability, the small peoples -- we all walk around with great fear in the past few weeks with this emotion that a lot of us are carrying around in our minds and it creates instability. You really need to look at that as an indirect affect and how we address this in farming and food security. What do we do when we realize that the military does impact our economy in a very, very big way. We need to get a good grasp on that. I feel the people of Guam need to be given a better feel as to what is happening.

I want to digress quickly, but I want to come back based on the cautions on what we need to do with what is happening. We don't know the full story, we don't know if the military are leaving like they did in World War II on November 22, 1941 when they pulled out all their people. We don't know what's happening. We don't know if these are going to be gas attacks or nuclear attacks, we need to get detailed information. The general public is not getting that information. The farmers for example need to know about the waters and how that would affect the farming. I want to again digress into the water. That area of farming is major. In terms of the need for attention, related to the idea of food security, all farmers and ranchers are in dire straits today due to dry season and due to the high cost of Agriculture water.

In 1967, for example, the farmers paid \$.25 per 1,000 gallons - we were subsidized 75%. Where as in 2013 the farmers are paying \$2.77 per 1,000 gallons and this is according to a northern farmer. We were looking at his bill the other day to try and figure this out. That is a lot of money. That is compared to the \$2.99 for residential rates. So, the farmers aren't really getting the help. You can build us the facility but are we going to get the produce there? With these Ag (agriculture) rates, it's deplorable. We have one farmer that is completely giving up this season because the cost benefit is just not there. You can't produce tomatoes at \$2.70 per 1,000 gallons



because you are constantly watering. People can't get profit out of it so people are constantly letting go for now and resume when the rainy season comes around. To date, we have tried to contact the CUC to find out how do they derive these rate, what is the formulation, how do they derive these water rates. No one can tell us, the lawyer can't. We need to find out how they are coming up with these formulations while GWA increases their capacity to expand their infrastructure.

Senator, you were in a tour up in the northern area and I am hoping that these situations can improve for the farmers. No matter what, with our cost of producing our produce we won't be able to have good food security and stability and sustainability for our island.

Just so you know, five years ago there were 1,200 people with Agriculture rates and paid \$1.41 per 1,000 gallons of water. And that was just five years ago. Today it is \$2.77 per 1,000 gallon. It is pretty prohibitive and that's where we need your help. If you can help us out then I think the farmers will greatly appreciate it. Other than that, I am in full support of this bill and I congratulate you for all the efforts that you have done, Senator Respicio, Senator Ben Pangelinan. I also thank you for the past appropriation that you have done for this last FY2012 that would truly help us with all the programs we have on board. I will end my testimony, thank you very much.

**Chairman Pangelinan:** Thank you very much Former Senator Cristobal. Mr. Wusstig and then we'll proceed down the line.

## **2) Mr. Ernie Wusstig, Member of the Guam Cooperative Farmer's Association.**

**Mr. Ernie Wusstig:** Good morning again and thank you very much Mr. Chairman, Ben Pangelinan, and thank you all of you Senators. I would like to thank all of you for your service for our island and I really thank you, Senator Ben and Senator Rory, in my heart for looking at this matter. It's long overdue.

I came back to this island in 1994 and I've been looking at this now for almost eighteen years. The water was at \$.25 per 1,000 gallon when I came and now I am paying \$2.77 per 1,000 gallon and every time I harvest my crop and sell, I'm still in arrears with GPA and Guam Waterworks. I operate refrigeration that keeps my products cool for our consumers, but my power rate is always at two months arrears and my water rate also. As a matter of a fact, I just got a call from Waterworks yesterday, "Mr. Wusstig, you have got to pay your arrears" and I said, "let me harvest my crop." I'll sell my crop, I'll pay GPA, I'll pay Waterworks, I'll pay my workers and I'll buy a little food for my family because I don't have any money to continue.

Long ago, the Lieutenant Governor under Camacho asked me, "Mr. Wusstig, how do you operate when there is no profit?" Because my dad didn't teach me how to play golf and my dad didn't teach me how to cheat people and make money. My dad taught me how to work! This is all I know. I work and I try to produce for my family. You know, I've been hollering really, for the last 18 years because even my road is all bumpy now. I'm scared to drive my truck for the last month down the road. It's depressing but then the bill came up and I thought maybe it'll get better and they're still thinking about us.

There is a lot of hardship, a lot of hardship. I invite all of you Senators to drive up to my farmland. The street is named **Chalan Palau'an Isla Vista**, Island View Farm Road. The Mayor has the sign but she can't afford to put it up. But I invite you to drive in my road and see how bumpy that road is. But as you approach my farm and you look to your right, you might think you are in Iowa. I have over 120,000 corn plants out in the field and right next to it I'm getting ready to put another 50,000. As I speak right now my wife, who I have been married to for forty-two years, and my two sons, one of my sons did not go to work today at DZSP because he wanted to help his mom and dad to start harvesting our corn. Then after we harvest we have to sell and pay the GPA and Waterworks. The kids say, "how come we're working, we're not making any money?"

Once this facility goes up maybe, maybe I don't have to sell along side the road anymore. I used to do it seven days a week but thanks to Payless, Cost-U-Less and the other distributors, it takes me out of the street three days a week. But that three days out of the week I don't go on vacation, it just put me back to work and plant some more. As you go to Payless and Cost-U-Less and some of the hotels, you would see my corn. But to make a long story short, it hasn't been easy. Every rock at my farm, we pick it up by hand and we clear the field. Some of you have seen the farm, how beautiful it is but it is from the sweat of my family.

I keep hoping that my kids, my grandkids and other kids on the island would see this and continue this practice so that our agriculture can continue even when I'm long dead and gone. But we really, really do need your help with the water and power rate. I know there are federal programs that we can apply and put up solar to off balance, but by the time I pay off my loan, I will be long dead and gone and I will not see any penny of it and that is why I am not pursuing it.

One of the testimonies I am reading here is that someone is complaining already about the ancestral land. Why 2%? Why not 10%? Just give the farmers the land! We are already struggling! How many farms are there? One, two, three, four, five and here is a small farmer. We have a lot of backyard gardeners and a lot of wannabes. But there are only about 6 or 7 of us that really go out there. But if our kids would see that there is something to be made in farming then we would have hundreds of farmers. This is the reason that we are like this.

Since I came back over 18 years ago, sometimes I find myself falling back into the cracks. We were farming ever since I could remember. My father was farming. I've been a farmer all my life. I see myself falling back into that and that's not me. I used to supply for the entire North Western United States.

I farm back there but you know I love our island; I can't get enough of it. I love our people. I would like to take my hat off to you Senator Ben and Senator Rory and all of you Senators for helping us out on our island. I know you are all trying and I know that I don't have to lecture you guys, you know it. Thank you.

**Chairman Pangelinan:** Thank you very much. I am going to defer and recognize the Director of the Department of Agriculture, Ms. Tita Taitague, and have her present her testimony.

**3) Ms. Tita Taitague , Member of the Guam Cooperative Farmer’s Association.**

**Ms. Tita Taitague:** Hello Senator Ben and members of the Committee. I am Tita Taitague and yes, I am the Director of the Department of Agriculture but today I am here as Farmer Taitague.

[Read written testimony verbatim, which is attached]

**Chairman Pangelinan:** Thank you very much. Ms. Mendiola?

**4) Ms. Angelita P. Mendiola, Member of the Guam Cooperative Farmer’s Association.**

**Ms. Angelita P. Mendiola:** Hafa adai Chairman Pangelinan and members of the Committee on Appropriation, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land. I know that the banana I gave you is much tastier than the Chiquita banana they import.

[translated from Chamorro to English]

*Good morning and thank you Senators, Mr. Chairman Pangelinan and members of this committee. My name is Angelita Menesia Paulino Mendiola, I am proud farmer and I am a member of the Farmer’s Cooperative Association of Guam (FCAG). Before I read my testimony I want to say that we farmers have been homeless and there are many problems. I echo [former] Senator Hope and Mr. Wusstig about all the problems farmers are facing and we have made visits to those the southern farmers. And a lot of the farms that were productive are closed, dried and nothing growing. Why? The reason is echoed by [former] Senator Hope and Mr. Wusstig - farmers often say there is no market to sell our produce. At one time one farmer called me and crying, “I have a pick-up load of eggplant and cucumber, what I am going to do Angie? I just have to throw it over the cliff”. Of course we found a market. So really this bill we give us a home and we will be no longer homeless. And it will entice other farmers and new farmers, perspective farmers, especially the veterans they will see a viable way of living and sustaining their family while helping the sustainability of our island. Many have stopped farming because power and water is expensive and because we have no home. I salute you Mr. Chairman because you found a way to give us a home and you gave us a land for a Christmas present. Thank you very much. There were many farmers we invited today to come to this public hearing but there are out there in the farms sweating. It’s very hard to get Brian Leon Guerrero to just meet up downtown because if he is not delivering he is watering his plants. So this bill number 77-32 will give us a home.*

Now I will read my testimony [Read verbatim from third paragraph of testimony, which is attached]

And before I close, we have been struggling to market our produce, we don’t have a home and I just want to thank Senator Yamashita she has been helping us open doors with DOE and the Commissary. I remember growing up and we just go and deliver. I remember my father made me deliver a truckload of watermelon and they just pay us. And now there are many red tapes to get our produce into the school and we are practically -- Chairman, our President Bill and I know

Senator Yamashita, I don't know if they are like me giving you bananas. I am sorry the language "kissing ass" sometimes. Having to go to meeting, pulling farmers away from their farm - maybe I would appreciate because they claim it's a federally funded – federal monies being used to feed the children that now we have all these federal rules that we have to abide. It is like door after door to get through and we are still not even there.

[translated from *Chamorro* to English]

*It is very hard. It is enough the sacrifices that farmers make. I don't know who said this "if there is no house when we have produce, when we have a house we don't have produce. This is a burden. It like which comes first, the egg or the chicken.*

I hope this committee will look into how we can mitigate the problem with getting our produce into the school system. They always question us, "What are you going to produce?" We ask what do you need in your menu so we can get as many farmers as possible involved. So if they want pipino we can provide, but then they say "well what do you have?" Give us what you need and then we can tell you which one we can produce on Guam.

[translated from *Chamorro* to English]

*The Chiquita banana is eaten more often, they don't have that good banana I just gave you. I have to look for all the regulations from the Federal Government but my banana is tastier and better than the Chiquita. So why are there so many stumbling blocks?*

Just like the farmer that said he had to dump his eggplant and cucumber is that we need the market.

[translated from *Chamorro* to English]

*Hopefully we can get this market place for the farmers. So please check into the federal regulation to give us a window to bring in our fresh produce, its much healthier more than those from Ohio, our corn is better than Idaho corn it has more vitamins and it's nutritional. It may be a little bit expensive but remember that farmers have a tough life because it's expensive.*

*Thank you very much Senator Rory and Senator Ben and the entire legislature for giving us a little money but can you give us more next time. Thank you for your attention and we are happy that you are listening to us, farmers thank you for not abandoning us but wow! Should our farmers market be finished, its better for Guam and us.*

##### **5) Mr. Bill McDonald, Member of the Guam Cooperative Farmer's Association.**

**Mr. Bill McDonald:** Senators and Senator Ben Pangelinan, thank you for giving us this opportunity. First of all I want to thank you Senator for authoring this Bill with Senator Rory Respicio. And thank you for your continued help to the farmers. Senator Yamashita, thank you (became emotional). We have come a long way; two years. Two years ago when a representative from GVB called me up and asked me if the farmers need money. I said "yes". This is something that is God given. How many years have we have been here? Like Ernie said, "that is life".

How many times have we been marketing our produce and not finding a place to sell it? There is no place to clean our produce. For the farmers usually we are out in the boonies. There is no cleaning facility. You know that Bill 77 will give us an opportunity. This will give us a central location to deliver produce, a place to clean, sort, and package. This will give the farmer one location to go to - they do not have to go to different locations to sell their produce.

Most farmers have pickups with no campers and the produce is exposed to the environment. It's not controlled, it gets hot and food safety is an issue. Dust will come to the produce, gas and time is spent delivering this product to the consumer. With the Farmers CoOp market building, this just allows the farmer to go straight to the Farmer's Market. This leaves the farmer to back to his farm, to be more efficient, more productive. He doesn't waste time going around and he will be kept at his farm to do more farming.

Also, this allows the produce to have a longer shelf life. As you expose the produce to the uncontrolled environment you reduce your shelf life. With this facility we can do the packaging, or staging as we call it and this increases the shelf life. We will also have the canning facility, the preservation kitchen, value added. Canning will increase the volume of local produce available to your customer. It will give customers produce at an extended time. This is where the pickling and canning comes in.

A conference room will be built so farmers can have training and share knowledge and experience; right now we are trying to set a process so that our seeds are uniformed, so that we can be consistent with our customers. Most farmers are visual, they don't have computers, and this will be a place a farmer can plan. We will have an area where we can do a visual planting, where crops will be available, like when we get into the DOE market. We are relying on projections; we need a physical place to do our projections. We are starting to go into DOE this year and with this facility we can increase our potential to provide the necessary produce that they are trying to put on their menu.

This facility will keep the farmer at the farm to do farming; the Farmers CoOp will do their marketing. This will give the farmer more productivity. As farmer's increase production this gives the customers a chance to spend their dollars locally. Dollars spent locally is amplified to 1.3 that's a dollar thirty. This will be a key component is sustaining our economic diversity.

The farmers market will be able to accommodate tourists. This, hopefully, will provide our local produce straight to the tourist. We didn't mention the restaurant incubator in our original bill because we need additional money for that. But that will be a key component of our vision. The value added kitchen is to get us started.

In closing, thank you again Senators especially Senator Ben Pangelinan and Senator Rory Respicio for authoring this Bill, for giving farmers a chance to provide our produce to our island and our visitors. One more comment, we are all volunteers.

**Chairman Vicente Pangelinan:** I do want to say that hopefully this is the last step. We did consult with the architect who is designing the facility, I know the original request was for an M-1 zone. We had discussion with the architect in terms of what was envisioned for this building,

discussions with land management planners whether those activities will be accommodated with Commercial zone and they assured us that it can. We do want to make this a final step needed in order to proceed with the design and the construction. The members of the Legislature when passing the Hotel Occupancy Bond prioritized the Farmer's Facility as one of the recipients. We understand you need \$3M; the money has been reserved for the construction of the facility, so the money is there.

The Farmers CoOp is going to provide the administration and management of the facility and its operation to provide an outlet for our farmers, which is critical to the success of the industry on Guam. My co-author of the bill, as you know, also provided planning grants and the money for the planning grants through the University of Guam. So we are trying to ensure that the Farmer's CoOp is given the necessary resources. This is the first time we provided for the facility itself. Senator BJ, the original HOT Bond author and my colleagues, supported the amendment made with the Farmers CoOp being one of the recipients of the HOT Bond revenue.

We hope that we can resolve some of the technical issues that was pointed out by Ancestral Lands Commission and the assignment language; we will work with the attorneys to work that out and the net asset value used to determine the operating profit. The net asset value is the technical term used for nonprofit to describe the operating surplus. We decided that the original bill had it excluded from the operational income and it was up to 5 %. We decided to simplify it by reducing it to 1% to gross income and maybe that is the language that is more appropriate and we will go back and look at that.

**Senator Respicio:** I want to begin by thanking Speaker Ben for being very persistent and finding a way to make this make work outside of the general fund revenues knowing how tight those revenues are. And I thank him for allowing me to go along for the ride and recognize that Bill Number 77-32 could be the final step in this long journey and the collective leadership of this panel. I watch the evolution of this CoOp grow. The leaderships of Mr. McDonald and the rest of you. At one point the farmers were territorial, doing their own thing, but today we are seeing a coming together and I recognize how emotional the issue is and your emotions are certainly appropriate because you're seeing today that farmers are working together so much so that if one of the hotels orders tomatoes and one farmer can't supply that demand you can go to another farmer and your able to move produce in that fashion.

Mr. Chairman, [former] Senator Cristobal is right. This is landmark legislation and I want to recognize your work, [former] Senator Cristobal with the Guam Visitors Bureau. You were at the right time at the right place. You found some of these opportunities for funding through those revenue streams. Since this is landmark legislation and we don't go into session until April 22<sup>nd</sup> I suggest we go into session Monday morning.

**Chairman Vicente Pangelinan:** I just want to say I am not a functional Speaker and that is not within my purview.

**Senator Respicio:** If it is the will of the body and the will of the Acting Speaker and you can have this bill ready by Monday or Tuesday, the Legislature can take this up as one single issue. I

think we would be making a very strong statement about what the priority is and this would help articulate the message that we have to wake up this sleeping giant.

And Mrs. Taitague, you still have your work cut out for you. I am almost tempted to suggest that the appropriation that we give Agriculture we use to subsidize the water rates. So, get moving on the heat vapor issue. With this facility together with that heat vapor machine you would have a home where all this produce can not only go exported but also import. We might have to mandate for an RFP or public private partnership to find some way to get that \$110,000 machine that was provided by USDA up and running. We should not have to import Chiquita bananas; we should export out. Mr. Wusttig has talked about that for many years. Also importing tangerines from Kosrae and exporting our produce to all of Micronesia, it could work. With the persistence of the Chairman finding these creative ways and with Agriculture, this private sector volunteer type initiatives, we can make this work.

If you can work out these issues over the weekend, he (referring to Chairman Pangelinan) works very hard and he works over the weekend, I think we can go to session on Monday.

**Chairman Pangelinan:** Thank you very much, Senator. Senator Tom Ada?

**Senator Tom Ada:** Thank you. I agree fully with – you were talking about the desirability of our local produce here. I know when I was sitting here I could smell the sweetness of these bananas [referring to a bunch of bananas provided by Angie Mendiola to panel] and I am sure the taste of it is going to be good. If I knew that watermelon came from Mrs. Taitague, I know that it's guaranteed to be sweet rather than trying to guess that when I buy from the commissary; watermelon that came from Iowa that could or could not be sweet. Of course your corn [pointing to Mr. Ernie Wusttig] is always good. So, I agree with you fully on that.

I am coming to that age that I am very curious about the garden so I have been spending a lot of time there so I am very excited about the plans that you have for this facility because I envision being able – although I go to the Department of Agriculture to get seedlings. That's also a place that I can go to find seedlings that I can start my garden and maybe even talk to some experienced farmers to give me tips on when to harvest.

I do have one question on this particular bill on page 4, paragraph (e). It reads, "The Association shall grant the Mayor of Dededo through a memorandum of agreement access to and use of the premises for the activities authorized in..." a certain title, which is the flea market in the buffer strip. The bill gives you seven acres for your facility and just listening to the things that you have planned; basically a concession stand to sell your produce, the refrigeration, holding the seeds, possibly a kitchen. Just preparing the land, you are going to have make room for drainage and what not. I don't think seven acres is all that large. Do you feel that this is workable or are we now going to be competing for space? If I could ask the President of the Association to address my question.

**Mr. Bill McDonald:** That's a good question. We have been trying to get – Mayor Melissa Savares is asking for 220 stalls; a minimum of 200. We did a primary sketch of and it was hard to put those stalls in there. We tried to get some money – but we didn't. Personally, it was; can

we do this, can we do that. It was hard. I am anxious to get the A&E out from the AG's office – that's where it is right now for contractual evaluation. They have not released it, yet. We would like to get that out as soon as possible so we can see if those 250 [stalls] are feasible with our facility. So, the answer is No. We are not sure if it will all fit.

**Senator Tom Ada:** What do you estimate that are is where the buffer strip is right now? It's about ¾ of an acre, maybe?

**Mr. Ernie Wusstig:** You are talking about the flea market?

**Senator Tom Ada:** Hunggan.

**Mr. Ernie Wusstig:** The flea market is pretty small – less than an acre and half; maybe an acre.

**Senator Tom Ada:** So, an acre. That leaves you now with six acres.

**Mr. Ernie Wusstig:** Yes. You may not know but I am a member of the Municipal Planning Council of Dededo and from the beginning many years ago, we were talking with the Mayor, since Melissa got elected that we wanted to move the flea market out of there because it is not safe. Our priority is the safety of our people and it's getting too congested there. We wanted to move it over to where we want the Farmer's Market. I believe [former] Senator Palacios introduced a bill to have the Farmer's Market there. Also, I believe at one time Senator Aguon did that – they even put the Farmer's Market where the soccer is. So, there have been a lot of things going on. Initially, we wanted to move the flea market to this area. If we got the support for the Farmer's Market – for the CoOp and work together and move the flea market over and have the flea market around us, we want to make sure we keep our produce inside the market. The flea market is for people that have something left over in their garage and not to have a regular clothing store. But really a flea market that people want to sell or get rid of.

I have talked with the Nursery Association and they want to be included in this. I think it would be very nice if we could all get together, work together and make this place a successful place. We want to showcase Guam. That's how I envision it – showcasing the world so we can stop going to Korea and Japan spending money for advertisement. When those people come here, they will come to our flea market, our Farmer's Market and our nurseries and those people will leave the island and they will advertise it for us instead of buying airtime in Japan and Korea. Now, let our tourist....

**Senator Tom Ada:** I understand. I am just curious on your viewpoint....

**Mr. Ernie Wusstig:** My viewpoint is that I think they have enough property.

**Senator Tom Ada:** Do you think these are compatible activities that can co-exist?

**Mr. Ernie Wusstig:** Yes, I do believe.

**Senator Tom Ada:** Ok.



**Chairman Pangelinan:** Thank you very much, Senator. Senator Yamashita?

**Senator Aline Yamashita:** Thank you very much Speaker ben. Thank you to each of you for persistence and your vision and your drive to get to where we are going to get. I echo everything that has already been stated about buying local, about natural resources, about Guam being self-sustainable and that's what we need to do. Mr. McDonald, we do need to continue to work the school system so that we go from seven schools to forty-one schools. I think we need to get you in front of the Board of Education to talk about their policies and how we can make sure you are supported. I think we need to go back to talk to the people at the commissary to see when they are going to start opening their shelves to more of your local produce.

I want to acknowledge how people have come together to help you. Denise Mendiola Hertslet, with her volunteer work helping you develop a business plan, which is really crucial to make sure we most effectively use such limited resources so we don't waste your time. So, she has been plugging away and we do appreciate that very much. For me, when I first entered this and saw how natural resources can be further supported, there are so many people on our island that do want this to make happen and do want to make this work and do want to go back to the times where it was DOE and GMH and DYA who had all the local produce in their cafeterias. We want to go back to that time and we will. Let's make it sooner than later so we can enjoy the fruits of your labor. We are all getting up there and so we want to be able to do this.

I ask that the Department of Agriculture provide the leadership for us on what those plans look like. Those plans need to be on the table and they need to be owned by all of our agencies. That is crucial. GMH needs to say, this is what they are going to buy from you. DOE needs to say, this is what ..... Mr. McDonald, we do know that the Defense Logistics Agency is very open to working with us and we had to take those steps. We need to go from seven to forty-two schools. That just needs to happen. The DODEA schools, as well. I am sure they would look forward to getting more nutritious produce in front of them. It's a very exciting time in that the whole industry of natural resources is going to be driven by what you are going to do. You are right, every tourist should be leaving with a papaya or pineapple. The taste of Guam - taking it back.

We should be looking at producing our own coconut juice. I am not sure why we have to bring it in from the west coast or from wherever they are brought in. It's all visionary and that's all a part of your plan and we really look forward to moving forward in this effort. But I would like to meet with you to see if we can get you in front of the Board of Education and you can present to them how their policies can help you move forward because that's a real big market. So, when we are talking about who is going to buy our stuff – and then things like, we can't get our watermelon in our cafeterias because they just sit down and talk with each. Thank you very much for your dedication to our people – to our local people, to our visitors and to everybody wanting to be healthy and to move forward the natural resources.

**Chairman Pangelinan:** Thank you.

**Mr. Ernie Wusstig:** Once the Farmer's Market comes up – right now I want to sell my product to the Department of Education, but they require me to husk it and I can't do that – it's a public

health issue. Once this facility goes up, someone can husk it for them, if that is what it takes. I used to sell them corn. We had no problem. I used to sell them tomatoes, corn – I used to do this with Department of Education.

**Chairman Pangelinan:** We used to be able to do that when we operated the cafeterias ourselves. Once we outsourced those, we lost total control.

**Mr. Ernie Wusstig:** I remembered when I called you when it was going to get outsourced. I said there is going to be a problem and I was told not to worry because it was going to be in the RFP that they have to do it. My pechay was in one school – it went from 300 pounds to 50 pounds – a private school. So, I decided to just go along side the road, go to the consumer and don't worry about it. Never give up.

**Chairman Pangelinan:** Thank you. Here's a young man who knows something about farming – just a little. He has been harvesting since he was 4 years old.

**Ms. Hope Cristobal:** We have been buying from your road side stands since you were 4 years old.

**Senator Frank Aguon:** *Si Yu'os Ma'ase*, Mr. Speaker. The two things that were always mentioned when I was growing up in the farm – Farmer's CoOp and the slaughterhouse. The Speaker is right in terms of having just a little bit of experience with a farm. It is very heartwarming to hear that one of my colleagues is seriously considering venturing into this particular arena so I comment Senator Ada for ...

I just wanted to let you know that this is not only – I don't want to say landmark legislation because the landmark legislation was initiated by yourself [referring to Chairman Pangelinan] a few years back and also identifying funding for \$3M. I think it's very notable that the Farmer's CoOp is going to finally be realized and the one comment, Mr. Wusstig that you mentioned earlier that with the CoOp, the farmers can farm. That's how I always envisioned the Farmer's CoOp. The Farmer's CoOp is the overall facility that coordinated a marketing arm of getting these local produce and vegetables out into the market. Really, the farmers, the expertise and the knowledge is tilling the soil and making sure the produce is delivered within a reasonable timeframe. I certainly commend you.

Just a couple of items that were brought up. Obviously the continuing increasing cost of the *hanom*. I am hopeful that in the course of the next couple of years that a solution can be brought up because if we want to continue to promote agriculture and aquaculture here in our community – it is doing very well on one hand in terms of the tourism industry... obviously we know the military industry is self sustaining. But if we want to continue to promote the expansion and the continued growth and development of agriculture and aquaculture, the cost of water is another aspect we could revisit. It is all going to come down to funding.

I would like to make a quick observation on page 4, subsection (g), line 14. The language reads, "Should the Farmer's Market facility failed to be constructed within two (2) years of the enactment of this Act..." Because of the additional activities and revisions and laws that you

are pursuing that this time frame may be expanded slightly so that it does not automatically have to be re-visited down the road. I am sure the intent is to recognize the sense of urgency – if you have the money, if you have the funding, build the facility so you can get the activities going, but we don't want that time line to be a restriction of questions of reversion back to the government of Guam. I would encourage consideration for the Committee to look at that.

Thank you very much. Again, it is very refreshing to hear from some farmers and I hope this will be one aspect that would promote and grow our farmers – not the farm, not the produce necessarily, but grow our farmers and promote our farmers because we could get the assistance of the younger generation to get actively involved. Thank you very much, Mr. Speaker.

**Chairman Pangelinan:** Thank you very much. Yes, [former] Senator Cristobal.

**Ms. Hope Cristobal:** As a point of information, Guam has two Maui well systems and they are both closed. The Tumon Maui well system is going to go on-line next year. Right now, that Maui well system or prior to its closure was producing about a million gallons of water a day. It seems like it is on the road to be dedicated for military purposes. The other Maui well system in Tamuning and that has been closed – was returned under BRAC '94. It seems to me that we could get those things activated or cleaned for whatever that it was closed. I am sure that it is still producing. That is a good source of water that we really should start looking at for use of our farmers. GWA is allowed to pump 40 million gallons of water a day, but they are only pumping 37 million. If we could just get the 3 million over to the farmers, that would help us out.

There is a tool that the CoOp has developed in association and assistance from the University of Guam and we failed to mention to thank the Extension Service up at the University. They have been a major assistance to our CoOp - the CNAS, College of Natural Arts and Life Sciences. We have come up with this tool, the seasonality calendar where shouldn't be any question to what's in season or what can we produce at what time of the year. That tool has opened doors for us and it was done in conjunction with the Micronesian Chef's Association and their need for knowing what's in produce and what time of the year. It was through the work done by Mr. McDonald and other leaders at the University that this thing was all put together. So, that tool is there. We fail to mention that it's really a major project and work by the CoOp, as well as the University of Guam with the assistance of the Micronesian Chef's Association. Thank you.

**Chairman Pangelinan:** Thank you very much. Tita, did you have a comment?

**Ms. Tita Taitague:** I just want to comment in regards to water and the installation charges. Is there any way the farmers can be exempt from paying installation? It costs about \$2,000 whenever a new meter ... in my case where I farm in different areas, I have to install new water meters and it's very expensive. Some of the farmers can't afford it. They are asking if the Department of Agriculture can help because it is very expensive.

**Chairman Pangelinan:** Thank you. We will take that into under note. Senator Limtiaco?

**Senator Mike Limtiaco:** Thank you Mr. Chair and Speaker Pangelinan. Thank you all for your testimony today. Obviously we have some work to do to solve the water utility issue that you

face. I want to commend the authors of the bill. It's absolutely the way we need to go in order to diversify our economy. It's going to create jobs, it's going to provide a commercial viability for our farmers in order for you to succeed and it has my full support. You have my commitment that I will do whatever I can to support our local farmers.

Just to give you a couple of ideas of what we are trying to do in our office. We talked about the export market as a viable, potential export for Guam. We brought the Japan Consulate in and met with him and asked him to reach out to the Japan Customs to figure out what products have the feasibility of being imported into Japan, as well as what products the Japanese currently demand. We received, this week an entire list from them of market research data that shows exactly what they want; what they are interested in. On the top ten of those are melons and watermelons. There are certain things they cannot import because of invasive species, but melons and watermelons can be exported to Japan and it's in very high demand – it's in the top ten. So, he has provided us with information that the Japan Customs would require us to do in order to export those markets.

We are also talking with the Airport on ways in which we can somehow house this hot air treatment machine that has been sitting idle for way too long. Because they have access space, we are looking at ways to develop the Airport properties that are off the terminal site in order to do that and if we can meld those two together, we can potentially have a hand carry export product that – with the treatment at the Airport and subsequent sale to tourist as they depart. Those are areas we are looking into.

Ms. Mendiola, regarding your issues with DOE I have met with the Superintendent and their staff and they were very clear that there is a disconnect somehow between the Farmer's CoOp and the farmers of Guam and DOE – one saying we're telling them what to provide and the other saying tell us what you want us to provide. For some reason, the meeting of the minds has not come together. Recently, the DOE has invited the farmers, as well as the players to have a meeting and that was at the request for me to do so to figure out how to close that gap. One of their largest issue is because the produce is being paid for by federal funds that there are all these barriers, which you had referred to Ms. Mendiola regarding what the farmers have to do. I asked them if they could go to the federal agency and ask for a waiver because they told me they have not done it. I asked them to please – in writing – request a waive on some of these barriers so our farmers can sell their products without having to meet a certain packaging specification and have it look a certain way. They are committed to doing that.

Those are a couple of things I am working on to help all of our farmers to try and achieve some sense of success. You have my full commitment that I will do whatever it takes, as well as support this bill, because it is a great bill to see that our farmers are successful. Thank you for your testimony.

**Chairman Pangelinan:** Thank you very much Senator Lintiaco. Ms. Mendiola

**Ms. Angie Mendiola:** I want to acknowledge our two entities or two markets that are very supportive of the Farmer's CoOp and that is Payless Markets and IDI. I would like to acknowledge their support. Thank you.

**Chairman Pangelinan:** Thank you very much. Mr. McDonald, any closing comments?

**Mr. Bill McDonald:** Yes. Senator Respicio, you mentioned about the potential that we have from the farmers. Before we started negotiations with DOE, we had 29 farmers, like what was mentioned by Hope Cristobal. When we started our delivery, we are up to 42 farmers now in less than one year – we are still counting. We still have people willing to put in their application. It could be lucrative and right now we have farmers waiting for us to tell them what plant.

**Chairman Pangelinan:** Thank you very much. I would like to thank each and every one of you for your presence this morning.

Thank you very much, si yu'os ma'ase. Ladies and Gentlemen, thank you very much for your testimony. This concludes the testimony on Bill No. 77-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at [senbenp@guam.net](mailto:senbenp@guam.net) or through our website at [senbenp.com](http://senbenp.com)

This hearing is adjourned.

### III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land has substituted Bill No. 77-32 (COR) with minor grammatical changes, and the following modifications:



- Section 2 – deletes language that land is “assigned” and authorizes the Farmer’s Cooperative Association of Guam (FCAG) to carry out actions needed for construction and operations of Farmer’s Market;
- Section 2 (c) – clarifies that any leasing of spaces initiated by FCAG must be in accordance with the goal and activities of the Farmer’s Market;
- Section 2 (f) – term “current net asset value” is exchanged with “gross income from the operations of the Dededo Farmer’s Market Facility”;
- Section 2 (f) – amount remitted to the Ancestral Land Bank is changed from five percent (5%) to one percent (1%) every five (5) years thereafter for remaining term to a maximum of five percent (5%);
- Section 2 (g) – project completion deadline extended: construction of facility must begin within three years of enactment of act.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 77-32 (COR), as substituted with the recommendation to pass.

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 77-32(COR)

Introduced by:

V.C. Pangelinan   
R.J. Respicio 

AN ACT TO AMEND SECTION 68975 OF CHAPTER 68,  
ARTICLE 11, TITLE 21 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE DEVELOPMENT  
OF THE FARMER'S MARKET FACILITY BY THE  
FARMER'S COOPERATIVE ASSOCIATION OF  
GUAM, INC.

2013 APR -4 PM 12: 25



BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that pursuant to Public Law 30-228, Guam's long-standing goal of food self-  
3 sufficiency is attainable. Though it has taken many years and the challenges have been  
4 seemingly endless, the promise of the Guam Farmer's Market becomes more of a  
5 reality today due, in large part, to the allocation of proceeds from the Hotel Occupancy  
6 Tax Revenue Limited Obligation (HOT) Bonds to provide the processing and  
7 marketing facilities vital to affording our farmers a sustainable and viable outlet for  
8 their harvest and production.

9           *I Liheslaturan Guåhan* further finds that in the effort to develop projects that  
10 benefit community infrastructure, revitalization of the Guam Farmer's Market is of  
11 great importance, and as part of its Facility, to include: a retail Farmer's Market, dry  
12 and cold storage, feed and material supply, offices for Government agencies, a value-

1 added kitchen, a dining/patio area, flea market stalls, plant nursery, public toilets, and  
2 designated parking area.

3 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),  
4 municipality of Dededo, has been assigned and designated for the Farmer's Public  
5 Market site, to ultimately benefit the people, farmers and ranchers of Guam.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend Section 68975 of  
7 Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the  
8 development of the Farmer's Market Facility by the Farmer's Cooperative Association  
9 of Guam, Inc.

10 **SECTION 2.** Section 68975 of Chapter 68, Article 11, Title 21 of the Guam  
11 Code Annotated is hereby *amended* to read as follows:

12 "§ 68975. Farmer's Cooperative Association of Guam, Inc.

13 ~~*I Maga'lahren Guåhan shall execute all instruments necessary to carry out the*~~  
14 ~~*provisions of subsections (a) through (h) of this Section.*~~

15 ~~*I Maga'lahren Guåhan is hereby authorized to lease to the Farmers' Cooperative*~~  
16 ~~*Association of Guam, Inc., ('Association') a not-for-profit corporation, the following*~~  
17 ~~*tract of government-owned land:—*~~

18 Notwithstanding any other provision of law, and pursuant to P.L. 30-228,  
19 Lot No. 10155-1 (6.9947± acres), municipality of Dededo, is hereby assigned to  
20 the Farmer's Cooperative Association of Guam, Inc., ('Association') for the  
21 development of the Farmer's Market facility.

22 The Association is authorized to execute all legal instruments, documents  
23 and contracts necessary for the construction and operations of the Farmer's Market  
24 facilities and must comply with the following:

25 ~~(a) Lot No. 10155-1 (6.9947± acres), municipality of *Dededo* or other~~  
26 ~~suitable property.—~~

1           (a) ~~(b)~~ ~~The Government shall lease to the~~ Association for the sum of One  
2 Dollar (\$1.00) per annum ~~lots cited in subsection (a)~~ for twenty-five (25) years with an  
3 option ~~to~~ for automatic renewal for another twenty-five (25) years and shall have the  
4 beneficial use of the property, for its development. The Association may subject the  
5 property and its improvements to a leasehold mortgage, subject to approval by *I*  
6 *Liheslaturan Guåhan*.

7           (b) ~~(e)~~ The use of the property *shall be limited* to those activities consistent  
8 with the mission and purpose of Association, as detailed in its governing documents,  
9 and for the activities authorized herein.

10           ~~(d)~~ ~~Notwithstanding any other laws to the contrary, the lease by the~~  
11 ~~government of Guam to the Association of Lot No. 10155-1, containing an area of~~  
12 ~~6.9947± total acres in the municipality of Dededo, and improvements thereon, shall be~~  
13 ~~executed by I Maga'lahi and the duly authorized representative of the Association and~~  
14 ~~shall require the concurrence of I Liheslaturan Guåhan.~~

15           (c) ~~(e)~~ The leasehold assignment of right to develop the property for the  
16 construction of the Farmer's Market given to the Association by this Act ~~is not~~  
17 ~~assignable~~ shall not be re-assigned by the Association to any other entity *nor may*  
18 the entire facility project be sublet to a single entity without *I Liheslaturan*  
19 *Guåhan's* approval. Portions of the Farmer's Market facility may be leased out by  
20 the Association to individual vendors, businesses and other entities, pursuant with  
21 applicable laws, rules and regulations for the commercial lease of government  
22 facilities.

23           (d) ~~(f)~~ Any change in the tax status of the lessee Association *shall* require  
24 notification to *I Liheslaturan Guåhan* and an immediate renegotiation of payments  
25 required in the Act for the use of the property ~~the lease~~. *If* such change *shall* be to a  
26 for-profit entity, the rate ~~of the lease~~ *shall* be *no less than* ten percent (10%) of the  
27 actual market value of the property.



1 (e) The ~~lease Association shall contain a provision~~ granting the Mayor of  
2 *Dededo*, through a memorandum of agreement, access to and use of the ~~lease~~ premises  
3 for the activities authorized in Title 21, GCA, Chapter 68, Article 9, §68901(b), with  
4 the exception that the approval by the Department of Land Management *shall no*  
5 *longer* be required for the issuance of the permits pursuant to § 68901(b).

6 (f) The ~~lease Association shall be include a provision~~ requiring that after  
7 the initial seven (7) years of the term, ~~ten~~ two percent (~~10~~ 2%) of the ~~lessee~~  
8 Association's ~~annual retained earnings~~ current net asset value for the previous year  
9 ~~from other than the sale of produce~~ shall thereafter be remitted to the account of the  
10 Ancestral Land Bank and increased ~~five~~ one percent (~~5~~ 1%) every five (5) years  
11 thereafter for the remaining term ~~of the lease~~ to a maximum of fifty percent (50%).

12 (g) The Association shall not sell, mortgage, sublease, assign, encumber,  
13 hypothecate, or otherwise transfer its interest in the property without the prior  
14 consent of *I Liheslaturan Guåhan*. Should the Farmer's Market facility fail to be  
15 constructed within two years of the enactment of this Act, or the amounts required  
16 by subsection (a) and (f) of this Section fail to be remitted, the assignment of the  
17 property to the Association is hereby revoked, and the Department of Land  
18 Management shall file the needed documents with the Recorder's Office noticing  
19 the revocation and shall include provisions needed to ensure the property is free  
20 and clear from any encumbrances to the title.

21 (h) The Association and its activities shall be subject to an annual audit  
22 by the Office of Public Accountability."

23 **SECTION 3.** Lot Re-zoned. Lot No. 10155-1, municipality of Dededo,  
24 Guam containing an area of 6.9947± acres is hereby rezoned from Agricultural to  
25 Commercial "C".

26 **SECTION 4. Severability.** If any provision of this Law or its application  
27 to any person or circumstances is found to be invalid or contrary to law, such

1    invalidity shall not affect other provisions or applications to this Law which can be  
2    given effect without the invalid provision or application, and to this end the  
3    provisions of this Law are severable.

**I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION**

**Bill No. 77-32 (COR)**

As Substituted by the  
Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation,  
Historic Preservation and Land

**Introduced by:**

**V.C. Pangelinan  
R.J. Respicio**

**AN ACT TO AMEND SECTION 68975 OF CHAPTER 68,  
ARTICLE 11, TITLE 21 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE DEVELOPMENT  
OF THE FARMER'S MARKET FACILITY BY THE  
FARMER'S COOPERATIVE ASSOCIATION OF  
GUAM, INC.**

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

1           **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that pursuant to Public Law 30-228, Guam's long-standing goal of food self-  
3 sufficiency is attainable. Though it has taken many years and the challenges have been  
4 seemingly endless, the promise of the Guam Farmer's Market becomes more of a  
5 reality today due, in large part, to the allocation of proceeds from the Hotel Occupancy  
6 Tax Revenue Limited Obligation (HOT) Bonds to provide the processing and  
7 marketing facilities vital to afford our farmers a sustainable and viable outlet for their  
8 harvest and production.

9           *I Liheslaturan Guåhan* further finds that in the effort to develop projects that  
10 benefit community infrastructure, revitalization of the Guam Farmer's Market is of

1 great importance, and as part of its Facility, to include: a retail Farmer’s Market, dry  
2 and cold storage, feed and material supply, offices for Government agencies, a value-  
3 added kitchen, a dining/patio area, flea market stalls, plant nursery, public toilets, and  
4 designated parking area.

5 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),  
6 municipality of Dededo, has been designated for the Farmer’s Public Market site, to  
7 ultimately benefit the people, farmers and ranchers of Guam.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend Section 68975 of  
9 Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the  
10 development of the Farmer’s Market Facility by the Farmer’s Cooperative Association  
11 of Guam, Inc.

12 **SECTION 2.** Section 68975 of Chapter 68, Article 11, Title 21 of the Guam  
13 Code Annotated is hereby *amended* to read as follows:

14 “§ 68975. Farmer’s Cooperative Association of Guam, Inc.

15 ~~*I Maga’lahen Guåhan shall execute all instruments necessary to carry out the*~~  
16 ~~provisions of subsections (a) through (h) of this Section.~~

17 ~~*I Maga’lahen Guåhan is hereby authorized to lease to the Farmers’ Cooperative*~~  
18 ~~Association of Guam, Inc., (‘Association’) a not for profit corporation, the following~~  
19 ~~tract of government owned land:—~~

20 Notwithstanding any other provision of law, the Farmer’s Cooperative  
21 Association of Guam, Inc., (‘Association’) is authorized to execute all legal  
22 instruments, documents and contracts necessary for the construction and operations  
23 of the Farmer’s Market facilities pursuant to P.L. 30-228 on Lot No. 10155-1  
24 (6.9947± acres), in the municipality of Dededo, and must comply with the  
25 following:

26 ~~(a) Lot No. 10155-1 (6.9947± acres), municipality of Dededo or other~~  
27 ~~suitable property.—~~

1           (a)   ~~(b)~~ The ~~Government shall lease to the~~ Association for the sum of One  
2 Dollar (\$1.00) per annum ~~lots cited in subsection (a)~~ for twenty-five (25) years with an  
3 option ~~to~~ for automatic renewal for another twenty-five (25) years shall have the  
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8 with the mission and purpose of the Association lessee, as detailed in its governing  
9 documents, and for the activities authorized herein.

10           ~~(d)~~ ~~Notwithstanding any other laws to the contrary, the lease by the~~  
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13 ~~executed by I Maga'lahi and the duly authorized representative of the Association and~~  
14 ~~shall require the concurrence of I Liheslaturan Guåhan.~~

15           (c)   ~~(e)~~ The leasehold right to develop the property for the construction of  
16 the Farmer's Market by the Association contained in this Act is ~~not~~ assignable  
17 shall not be conveyed by the Association to any other entity *nor may* the entire  
18 facility project be ~~it~~ be sublet to a single entity without I Liheslaturan Guåhan's  
19 approval. Portions of the Farmer's Market facility may be leased out by the  
20 Association to individual vendors, businesses and other entities, consistent with  
21 applicable laws, rules and regulations for the commercial lease of government  
22 facilities, and pursuant with the goals and activities of the Farmer's Market.

23           (d)   ~~(f)~~ Any change in the tax status of the lessee Association *shall* require  
24 notification to I Liheslaturan Guåhan and an immediate renegotiation of payments  
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26 for-profit status, the rate ~~of the lease~~ shall be no less than ten percent (10%) of the  
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4 the exception that the approval by the Department of Land Management *shall no*  
5 *longer* be required for the issuance of the permits pursuant to § 68901(b).

6           (f)    ~~(h)~~ The ~~lease Association shall be required include a provision~~ that after  
7 the initial seven (7) years of the term, ~~ten~~ two percent (~~10~~ 2%) of the ~~lessee~~  
8 Association's annual retained earnings gross income from the operations of the  
9 Farmer's Market facility for the previous year from other than the sale of produce shall  
10 thereafter be remitted to the account of the Ancestral Land Bank and increased ~~five one~~  
11 percent (~~5~~ 1%) every five (5) years thereafter for the remaining term ~~of the lease~~ to a  
12 maximum of ~~fifty five~~ five percent (~~50~~ 5 %).

13           (g)    The Association shall not sell, mortgage, sublease, assign, encumber,  
14 hypothecate, or otherwise transfer its interest in the property without the prior  
15 consent of *I Liheslaturan Guåhan*. Should the Farmer's Market facility fail to  
16 begin construction within three (3) years of the enactment of this Act, or the  
17 amounts required by subsection (a) and (f) of this Section fail to be remitted, the  
18 assignment of the property to the Association is hereby revoked, and the  
19 Department of Land Management shall file the needed documents with the  
20 Recorder's Office noticing the revocation and shall include provisions needed to  
21 ensure the property is free and clear from any encumbrances to the title.

22           (h)    The Association and its activities *shall* be subject to an annual audit  
23 by the Office of Public Accountability.”

24           **SECTION 3.** Lot Re-zoned. Lot No. 10155-1, municipality of Dededo,  
25 Guam containing an area of 6.9947± acres is hereby rezoned from Agricultural to  
26 Commercial “C”.

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



Mina'trentai Dos na Liheslaturan Guahan  
32nd GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, April 15, 2013

Bill No. 77-32 (COR)  
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Aletha San Nicolas	Box 8617 Tam 96431	637-4009	—	—	—	Yes	
Ernest Wustig	PO-Box 20876 Rm F	637-0592				Yes	
Bill McDonald	179 N. 406 Agaña Hills	488-0077				Yes	
Mrs Tita Taitague	1256 Aquilina Rd. Yona	482-5993			—	Yes	

324 W. Soledad Ave. Hagatna, Guam 96910  
Ph. 473-4236 Fax. 473-4238  
Email: senbenp@guam.net





Mina'trentai Dos na Liheslaturan Guahan  
32nd GUAM LEGISLATURE  
Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, April 15, 2013

Bill No. 77-32 (COR)  
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Angelita Mendite	Inuarjan	632-2520	a87832@telecom.net	✓	✓	YES	
Hope Cristobal		6490097	ecms6@telecom.net		✓	Yes	



**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

MONTE MAFNAS  
Director

RAY TENORIO  
Lieutenant Governor

DAVID V. CAMACHO  
Deputy Director

April 11, 2013

Senator Vicente (Ben) C. Pangelinan  
32<sup>nd</sup> Guam Legislature  
Chairman, Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and Land  
324 W. Soledad Avenue, Suite 100  
Hagatna, GU 96932

Subject: **Testimony Bill No. 77-32**

Buenas yan Hafa Adai Senator Pangelinan:

Our department has reviewed the bill as presented, and wishes to report its findings and recommendations:

The lot proposed for the Farmer's Market Facility by the Farmer's Cooperative Association, Guam, Inc, is identified as "Crown Lands", which should be held in trust and administered by Guam Ancestral Lands Commission on behalf and for the benefit of ancestral landowners.

We support the intent of the bill to develop the Farmer's Market Facility, however we have some concerns:

1. The intent of this bill "assigns" Lot 10155-1, Municipality of Dededo to the Farmer's Cooperative Association of Guam, Inc. to develop a Farmer's Market Facility. The process of assigning the property is not consistent with the Grant Deed, Assignment, and Trust Agreement, recorded under Document No. 688615. (see attached)
2. The reduction in the financial terms from 10% to 2% of the current asset value after the initial seven (7) years, and from 5% to 1% thereafter, reduces the amount from the Ancestral Land Bank and would have a negative fiscal impact to the account of the Land Bank.

In summary, we are in support of the intent of the bill subject to the above concerns.

Senseramente,

  
DAVID V. CAMACHO  
Acting, Director

Attachment

Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagatna, GU 96932

Website:  
<http://dlm.guam.gov>

E-mail Address:  
[dmdir@dlm.guam.gov](mailto:dmdir@dlm.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

26

Department of Land Management  
Land Records Division  
OFFICE OF THE RECORDER

688615

Instrument Type <i>Grant</i>		Instrument Number  688615	
Recording Date 2004 FEBRUARY  23	File Time a.m.	Filing Fees  DE-OFFICIO	Receipt No.:
	p.m. <i>12:44</i>		
Appointed Deputy Recorders for Ex-Officio Recorder  Maria L. Ngata, Jane T. Yamasaki, Joel Antenoracruz, Victoria Torres, Amy Bautista, Andrew D. Santos		<i>Victoria C Torres</i>	

Data Entry Information Section

Document No.		Recorded Date	
Month/Year	Time	Ref.	LM Map No.
CT Ref.	Title of Document	Amount	Fees
Receipt No.	Municipality	Lot No.	Tract/Block Unit
Estate No.	Ownership	Area	U.O.M. (Sq. M or Sq. Ft)
Grantor	Grantee	Exec. Date	
		Data Entry By:	

COMMENTS


Land Abstractor Information Section

Date	New Certificate of Title No.
Canceled Certificate No.	

COMMENTS


**GRANT DEED, ASSIGNMENT, AND TRUST AGREEMENT**

TRUST AGREEMENT made this 18th day of February, 2004, between the Guam Ancestral Lands Commission (GALC), Government of Guam, hereinafter called the Grantor, Assignor, and the Guam Ancestral Lands Trust Subcommittee, which shall also be known as The Guam Ancestral Land Commission's "Land Bank" for popular usage, hereinafter called the Trustee.

1. TRUST PROPERTY. The Grantor hereby assigns and delivers to the Trustee in trust, the real property listed herein as follows:

- A. Portion of **Andersen South**, that certain real property situated in Guam, the Municipality of Yigo and Mangilao, consisting of approximately 1,598,877 square meters or 395.09 acres of land, also known as Marbo Base Command "C" or Andersen South, more particularly described in Exhibit A of document No. 623933. The portion is subject to survey to determine the size and boundaries.
- B. Portion of **Lot Andersen Communications Annex No. 1** (Wettengel Receiver - AJKD) that real property situated in the Municipality of Dededo, consisting of approximately 865.21 acres, more or less, as described in Exhibit "A" of Document Number 660299, recorded at the Department of Land Management on July 26, 2002. The portion is subject to survey to determine the size and boundaries.
- C. Portion of **Lot Andersen Family Housing Annex No. 1** (Camp Edusa) (AJKL) that certain real property situated in the Municipality of Dededo, consisting of approximately 103 acres, more or less, as described in Exhibit "A" and "A-1" of Document Number 664865, recorded at the Department of Land Management on October 29, 2002. The portion is subject to survey to determine the size and boundaries.
- D. Portion of **Lot Andersen Family Housing Annex No. 4** (Harmon Cliffline/Harmon Village) (AJKP) that certain real property situated in the Municipality of Dededo, consisting of approximately 396.47 acres, more or less, as described in Exhibit A of Document Number 664867, recorded at the Department of

7943911 through 7943918. The portion is subject to survey to determine the size and boundaries.

- J. **Portion of Lot Naval Radio Station (R) Finegayan-1** (Formerly Federal Aviation Administration (FAA) Site) also referred to as "Parcel N2, consisting of an area of 29,696,235 square feet or 2,758,882 square meters of 681.732 acres, more or less, as described in Exhibit A of Instrument No. 636649, and as shown on Document Number 624411, recorded in the Department of Land Management of the Government of Guam, comprising of NAVFAC Drawing Numbers 7942872 and 7942873. The portion is subject to survey to determine the size and boundaries.
- K. **Portion of Lot Nimitz Hill Annex A-1**, also referred to as "Parcel N10B-1, consisting of an area of 1,066,740 square feet or 99,104 square meters of 24.489 acres, more or less, as described in Exhibit A of Instrument No. 636649, and as shown on Document Number 624374, recorded in the Department of Land Management of the Government of Guam, comprising of NAVFAC Drawing Numbers 7943919 and 7943931. The portion is subject to survey to determine the size and boundaries.
- L. **Portion of Lot Nimitz Hill Annex B-1**, also referred to as "Parcel N10B-2, consisting of an area of 7,092,600 square feet or 658,927 square meters of 168.824 acres, more or less, as described in Exhibit A of Instrument No. 636649, and as shown on Document Number 624374, recorded in the Department of Land Management of the Government of Guam, comprising of NAVFAC Drawing Numbers 7943919 and 7943931. The portion is subject to survey to determine the size and boundaries.
- M. **Portion of Lot Naval Air Station Agana 17**, (EDC Parcel 1), consisting of an area of 6,617,877 square feet or 614,823 square meters or 151.926 acres, more or less, as described in Exhibit "A" of Document Number 628091, and as shown on Document Number 624410, recorded at the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122. The portion is subject to survey to determine the size and boundaries.

This property and all the Grantor's rights and privileges appurtenant thereto, receipt of which is hereby acknowledged by the Trustee, to be held in trust for the uses and purposes hereinafter expressed and subject to the conditions of the trust hereinafter provided.

- (d) To make all repairs and improvements at any time deemed necessary and proper to and upon real property constituting a part of the trust, and to build, construct, and complete any building or buildings upon such property which in his discretion and judgment may be deemed advisable and proper and for the best interests of the trust and beneficiaries hereunder and to determine the extent to which the cost of such repairs and improvements shall be apportioned as between corpus and income.
- (e) To deduct, retain, expend, and pay out of any money belonging to the trust any and all necessary and proper expenses in connection with the operations and conduct of the trust and to pay all taxes, insurance premiums, and other legal assessments, debts, claims, or charges which at any time may be due and owing by, or which may exist against, the trust.
- (f) To vote upon all securities belonging to the trust and to become a party to any stockholders' agreements deemed advisable by them in connection with such securities.
- (g) To consent to the reorganization, consolidation, merger, liquidation, readjustment of, or other change in any corporation, company, or association, or to the sale, mortgage, or lease of the property thereof or any part thereof, any of the securities or other property of which may at the time be held by them hereunder, and to any act or exercise any power with reference thereto that may be legally exercised by any persons owning similar property in their own right, including the exercise of conversion, subscription, purchase, or other options, the deposit surrender, or exchange of securities, the entrance into voting trust, and the making of agreements or subscriptions which he may deem necessary or advisable in connection therewith, all without applying to any court for permission so to do, and to hold and redeem or sell or otherwise dispose of any securities or other property which he may so acquire.
- (h) To compromise, settle, arbitrate, or defend any claim or demand in favor of or against the trust; to enforce any bonds, mortgages, security agreements, or other obligations

(o) To make any division or distribution required under the terms of this agreement in kind or in interest of the trust and the beneficiaries hereunder, without the necessity of obtaining the consent or permission of any person interested therein, or the consent or approval of any court, and notwithstanding that he may also be acting individually, or as Trustee, or as agents for other persons or corporations interested in the same matters, or may be interested in connection with the same matters as shareholder, director or otherwise, provided, however, that he shall exercise such powers at all times in a fiduciary capacity primarily in the interest of the beneficiaries hereunder.

(p) All actions by the Trustees will be ratified by the Grantor.

The powers herein granted to the Trustee may be exercised in whole or in part, from time to time, and shall be deemed to be supplementary to and not exclusive of the general powers of trustees pursuant to law, and shall include all powers necessary to carry the same into effect.

4. LIMITATION ON POWERS. No powers enumerated herein or accorded to trustees generally by law shall be construed to enable Grantor, Trustee, or otherwise, or any other person to purchase, exchange, or otherwise deal with or dispose of the corpus or income of this trust for less than an adequate consideration in money or money's worth, or to enable Grantor, Trustee, or otherwise, to borrow the corpus or income of this trust, directly or indirectly, without adequate interest or security. No person, other than the Trustee, shall have or exercise the power to vote or direct the voting of any corporate shares or other securities of this trust, to control the investment of this trust either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, or to reacquire or exchange any property of this trust by substituting other property of an equivalent value.

5. PRINCIPAL AND INCOME.

(a) All liquidating dividends and rights to subscribe to corporate shares shall be corpus.

HAGÁTÑA, GUAM ) ss:

On this 12<sup>th</sup> day of February 2004, before me, a Notary Public, in and for Guam, U.S.A., personally appeared James C. Montanone, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same as her/his free and voluntary act and deed for the uses and purposes therein set forth.

  
NOTARY PUBLIC

JOEY G. LEON GUERRERO  
Notary Public  
In and for Guam, U.S.A.  
My Commission Expires: October 18, 2005  
P.O. Box 2950, Hagatna, Guam 96932

HAGÁTÑA, GUAM ) ss:

On this 13<sup>th</sup> day of February 2004, before me, a Notary Public, in and for Guam, U.S.A., personally appeared Anita F. Orlino, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same as her/his free and voluntary act and deed for the uses and purposes therein set forth.

  
NOTARY PUBLIC

JOEY G. LEON GUERRERO  
Notary Public  
In and for Guam, U.S.A.  
My Commission Expires: October 18, 2005  
P.O. Box 2950, Hagatna, Guam 96932

HAGÁTÑA, GUAM ) ss:

On this 12<sup>th</sup> day of February 2004, before me, a Notary Public, in and for Guam, U.S.A., personally appeared Mark C. Charfauros, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same as her/his free and voluntary act and deed for the uses and purposes therein set forth.

  
NOTARY PUBLIC

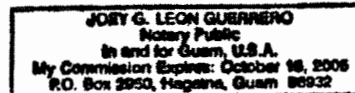
JOEY G. LEON GUERRERO  
Notary Public  
In and for Guam, U.S.A.  
My Commission Expires: October 18, 2005  
P.O. Box 2950, Hagatna, Guam 96932



HAGÁTÑA, GUAM ) ss:

On this 20th day of February 2004, before me, a Notary Public, in and for Guam, U.S.A., personally appeared Lydia M. Turner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same as her/his free and voluntary act and deed for the uses and purposes therein set forth.

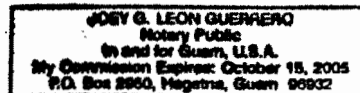
  
NOTARY PUBLIC

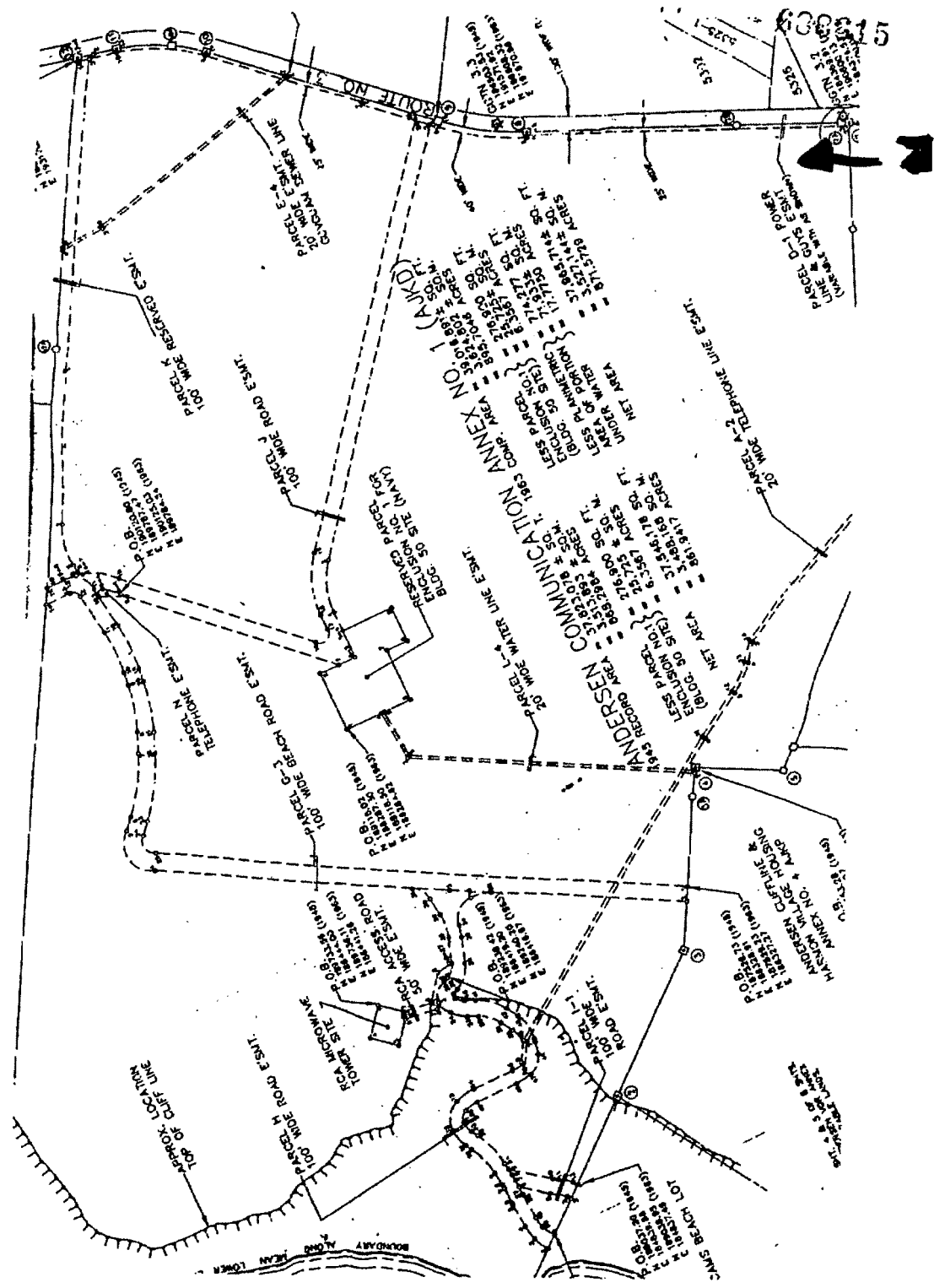


HAGÁTÑA, GUAM ) ss:

On this 23rd day of February 2004, before me, a Notary Public, in and for Guam, U.S.A., personally appeared Ronald T. Lagacena, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same as her/his free and voluntary act and deed for the uses and purposes therein set forth.

\_\_\_\_\_  
NOTARY PUBLIC





ANDERSEN COMMUNICATION ANNEX NO. 1 (AMND)

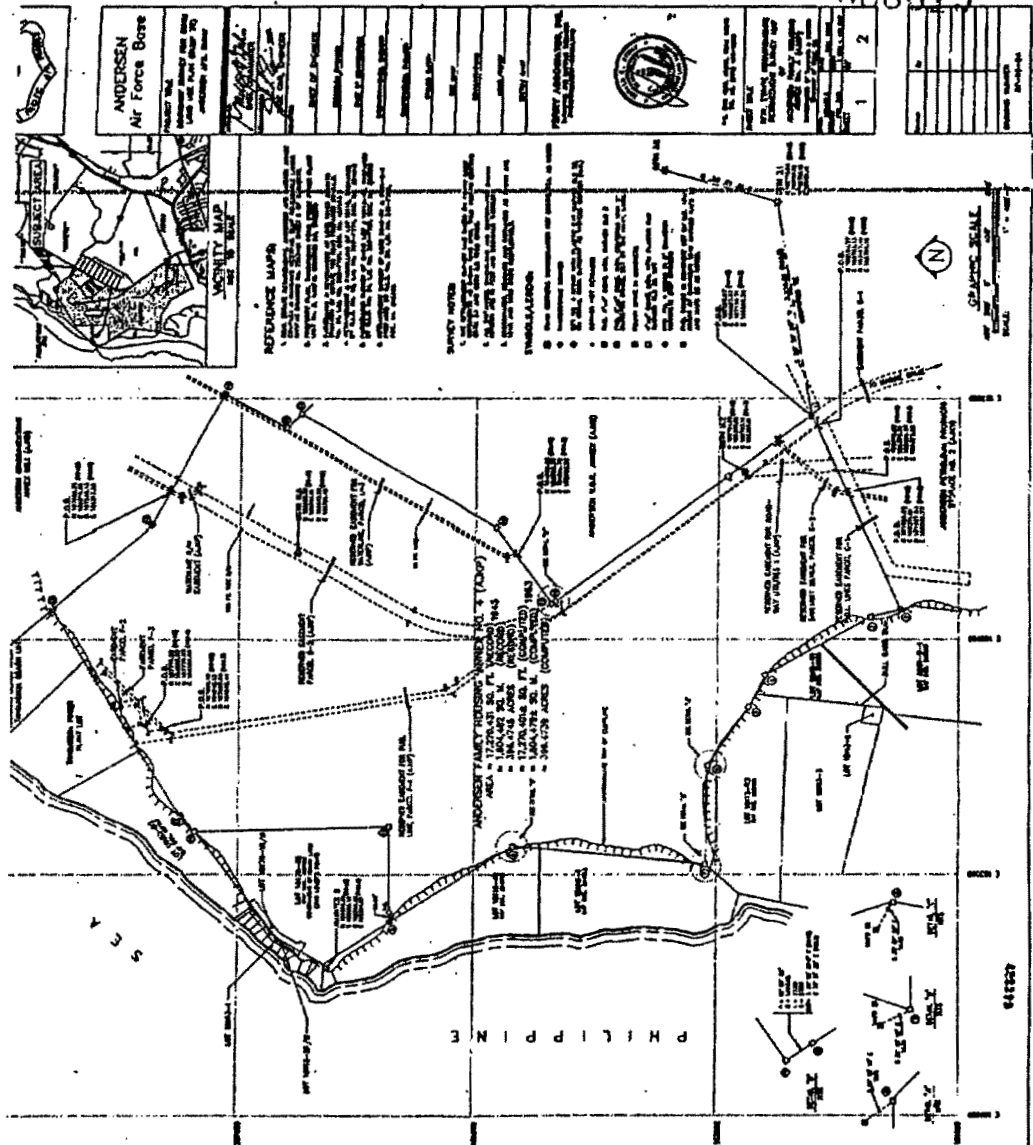
NET AREA 81,517.18 ACRES  
 LESS PARCEL 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ANDERSEN OFFICE & RESIDENCE

NET AREA 81,517.18 ACRES  
 LESS PARCEL 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

CALM BEACH LOT

NET AREA 81,517.18 ACRES  
 LESS PARCEL 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



**ANDERSEN Air Force Base**

PROJECT NO. \_\_\_\_\_  
 DATE OF ISSUE \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_

1 2

**REFERENCE MAPS**

1. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

2. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

3. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

4. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

5. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

**PROPERTY NOTES**

1. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

2. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

3. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

4. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

5. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

**INSTALLATION**

1. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

2. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

3. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

4. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

5. THE SUBJECT AREA IS SHOWN ON THE FOLLOWING MAPS:

**PROPERTY NOTES**

NO.	DESCRIPTION	DATE
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**PROPERTY NOTES**

NO.	DESCRIPTION	DATE
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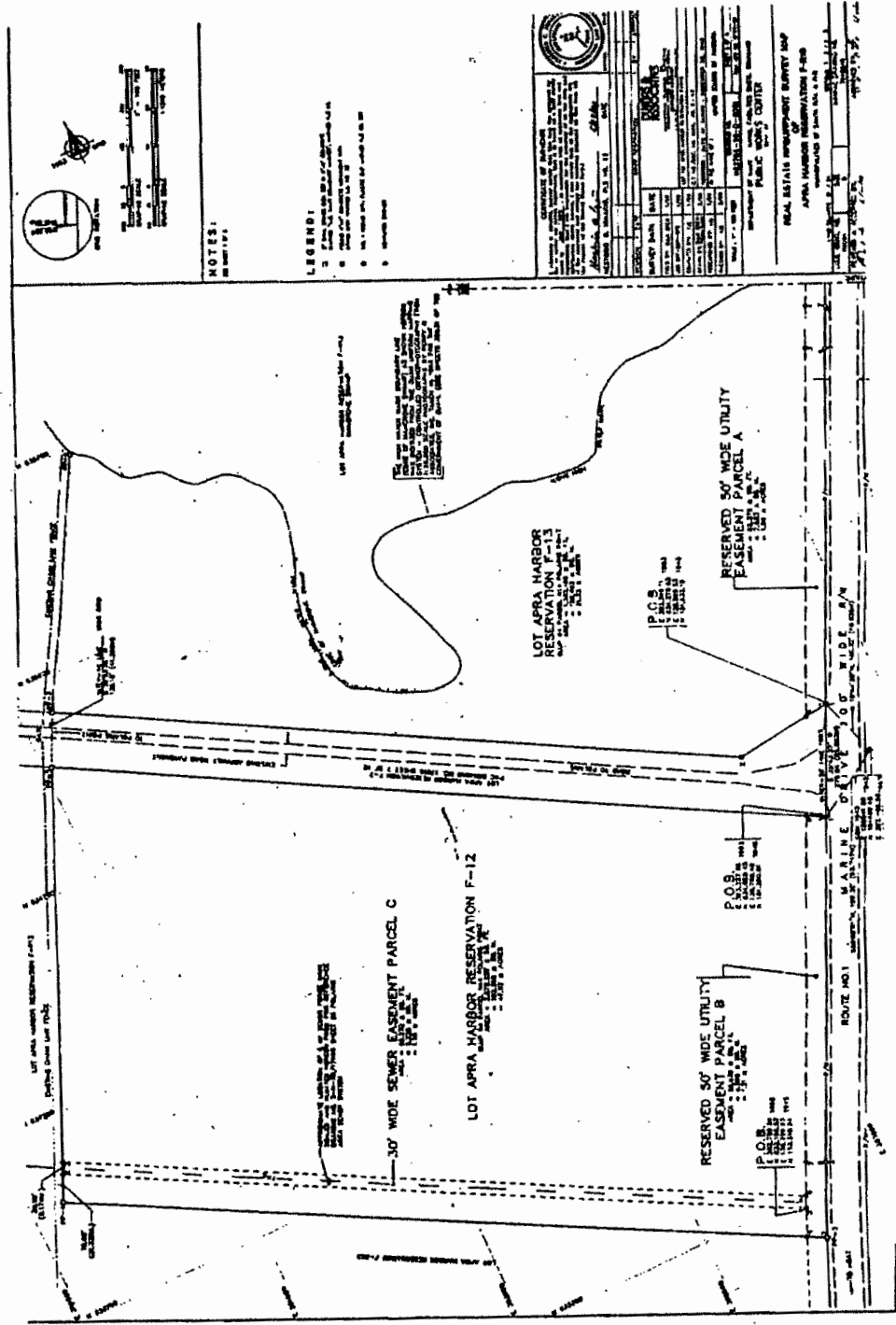
**PROPERTY NOTES**

NO.	DESCRIPTION	DATE
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**PROPERTY NOTES**

NO.	DESCRIPTION	DATE
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THE PROPERTY NOTES ARE INTENDED TO BE USED IN CONNECTION WITH THE PROPERTY NOTES AND SHOULD BE USED IN CONNECTION WITH THE PROPERTY NOTES.



NOTES:  
 1. SEE SHEET 174.

LEGEND:  
 1. 2" = 100' (SEE SHEET 174)  
 2. 1" = 100' (SEE SHEET 174)  
 3. 1/2" = 100' (SEE SHEET 174)  
 4. 1/4" = 100' (SEE SHEET 174)  
 5. 1/8" = 100' (SEE SHEET 174)

NO.	DESCRIPTION	DATE	BY
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4	...	...	...
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7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

APRA HARBOR RESERVATION F-13  
 PUBLIC WORKS CENTER

REAL ESTATE INVESTMENT SURVEY MAP  
 APRA HARBOR RESERVATION F-13  
 WASHINGTON STATE DEPARTMENT OF LANDS  
 1000 WEST 10TH AVENUE, SUITE 100  
 SEASIDE, WASHINGTON 98134  
 PHONE: (206) 467-1100  
 FAX: (206) 467-1101  
 WWW.DOL.WA.GOV





1:5000  
 1" = 100'  
 1" = 30.48m

**REFERENCES:**  
 1. THE ACT ON LANDS BELONGING TO THE GOVERNMENT OF THE PHILIPPINES, AS AMENDED.  
 2. THE ACT ON THE REVENUE AND TAXATION OF THE PHILIPPINES, AS AMENDED.  
 3. THE ACT ON THE NATIONAL LANDS ADMINISTRATION, AS AMENDED.

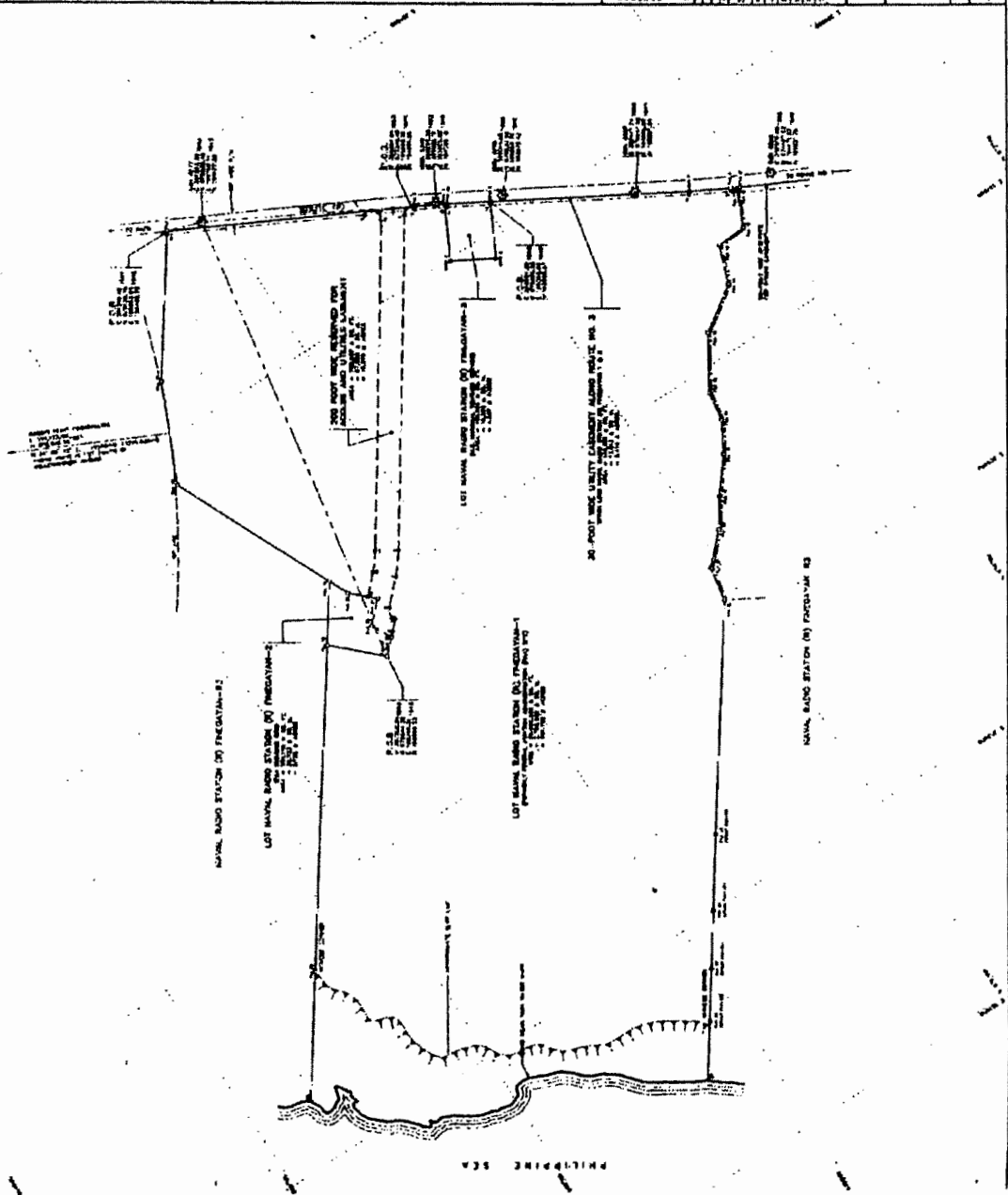
**NOTES:**  
 1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ACT ON LANDS BELONGING TO THE GOVERNMENT OF THE PHILIPPINES, AS AMENDED.  
 2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ACT ON THE REVENUE AND TAXATION OF THE PHILIPPINES, AS AMENDED.  
 3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ACT ON THE NATIONAL LANDS ADMINISTRATION, AS AMENDED.

**LEGEND:**  
 1. BOUNDARY LINE  
 2. CENTER LINE  
 3. RIGHT-OF-WAY LINE  
 4. EASEMENT LINE  
 5. ENCLOSURE LINE  
 6. FENCE LINE  
 7. ROAD LINE  
 8. RAILROAD LINE  
 9. CANAL LINE  
 10. DRAINAGE LINE  
 11. STREAM LINE  
 12. TOWER LINE  
 13. MONUMENT LINE  
 14. BENCH MARK LINE  
 15. SPOT ELEVATION LINE  
 16. CURVE LINE  
 17. ADJUSTED LINE  
 18. UNADJUSTED LINE  
 19. ORIGINAL LINE  
 20. RECONSTRUCTED LINE  
 21. PROPOSED LINE  
 22. EXISTING LINE  
 23. ABANDONED LINE  
 24. REMOVED LINE  
 25. RESTORED LINE  
 26. RELOCATED LINE  
 27. EXTENDED LINE  
 28. CONTRACTED LINE  
 29. WIDENED LINE  
 30. NARROWED LINE  
 31. DELETED LINE  
 32. ADDED LINE  
 33. MODIFIED LINE  
 34. REVISED LINE  
 35. CORRECTED LINE  
 36. AMENDED LINE  
 37. SUPPLEMENTED LINE  
 38. REVOKED LINE  
 39. RESCINDED LINE  
 40. ANULLED LINE  
 41. TERMINATED LINE  
 42. EXPIRED LINE  
 43. EXHAUSTED LINE  
 44. EXHAUSTIVE LINE  
 45. EXHAUSTIVE LINE

OFFICE OF SURVEYING  
 DEPARTMENT OF THE ARMY  
 HEADQUARTERS, MANILA  
 DATE: 10/10/43  
 SURVEYOR: [Signature]  
 ASSISTANT SURVEYOR: [Signature]

NO.	DATE	DESCRIPTION
1	10/10/43	Original Survey
2	10/10/43	Revised Survey
3	10/10/43	Corrected Survey
4	10/10/43	Amended Survey
5	10/10/43	Supplemented Survey
6	10/10/43	Revoked Survey
7	10/10/43	Rescinded Survey
8	10/10/43	Anulled Survey
9	10/10/43	Terminated Survey
10	10/10/43	Expired Survey
11	10/10/43	Exhausted Survey
12	10/10/43	Exhaustive Survey
13	10/10/43	Exhaustive Survey
14	10/10/43	Exhaustive Survey
15	10/10/43	Exhaustive Survey
16	10/10/43	Exhaustive Survey
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40	10/10/43	Exhaustive Survey
41	10/10/43	Exhaustive Survey
42	10/10/43	Exhaustive Survey
43	10/10/43	Exhaustive Survey
44	10/10/43	Exhaustive Survey
45	10/10/43	Exhaustive Survey

REAL ESTATE REQUIREMENT SURVEY IN  
 LOT NAVAL RADIO STATION IN PANGALAN  
 MUNICIPALITY OF NEGROS  
 DIVISION OF CEBU  
 DATE: 10/10/43  
 SURVEYOR: [Signature]  
 ASSISTANT SURVEYOR: [Signature]





PROJECT LOCATION MAP

PLAN

REFERENCES:

- 1. ...
- 2. ...
- 3. ...

NOTES:

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...

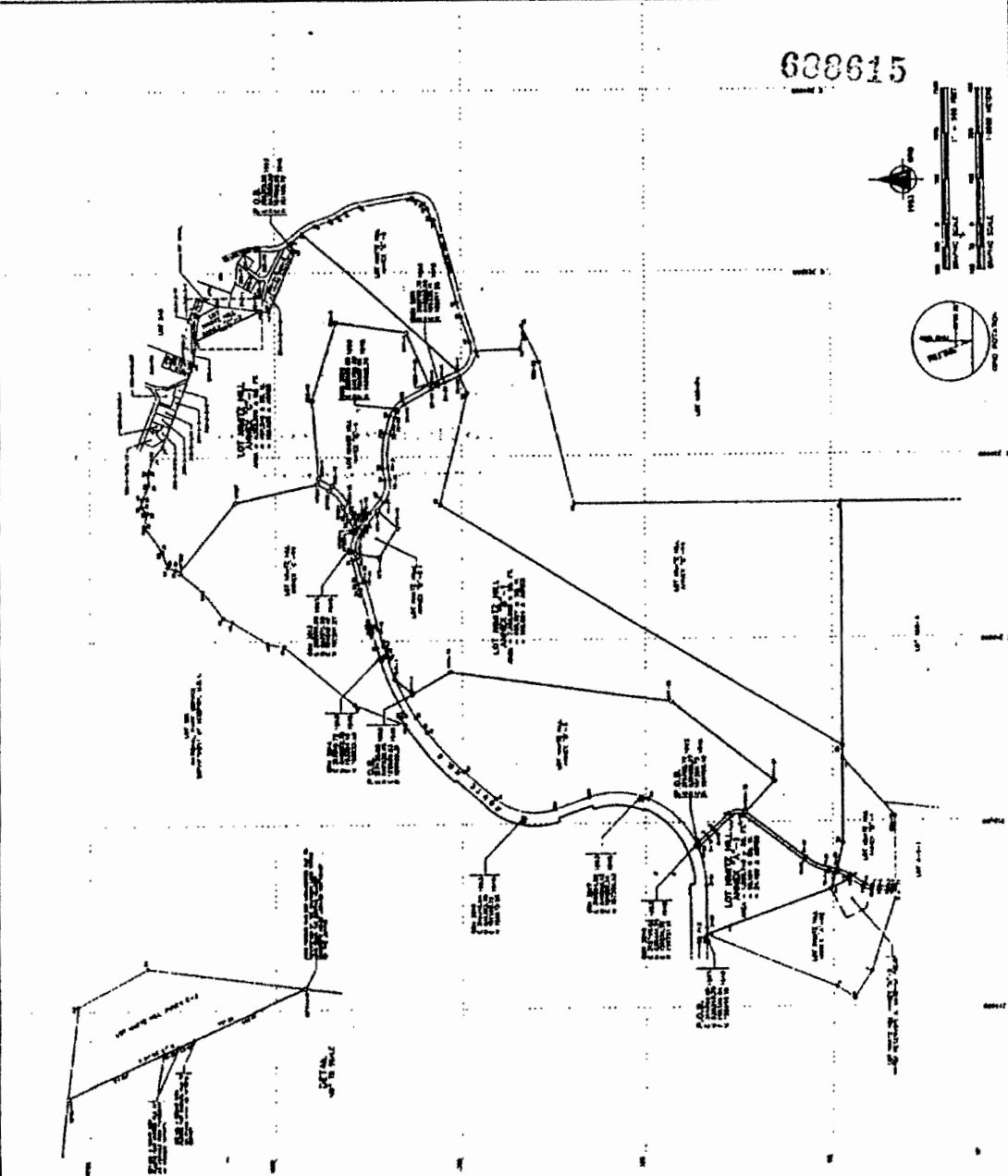
LEGEND:

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...

DESCRIPTION OF PROPERTY

CHAIN	BEARS	BEARS	BEARS	BEARS
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
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31	32	33	34	35
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41	42	43	44	45
46	47	48	49	50
51	52	53	54	55
56	57	58	59	60
61	62	63	64	65
66	67	68	69	70
71	72	73	74	75
76	77	78	79	80
81	82	83	84	85
86	87	88	89	90
91	92	93	94	95
96	97	98	99	100

REAL ESTATE BROKER/AGENT SURVEY  
LOT AREA: ...  
ACRES: ...



688615



April 12, 2013

Senator Vicente (Ben) Cabrera Pangelinan  
324 W. Soledad Ave. Suite 100  
Hagatna, Guam 96910

**RE: Bill No. 77-32 AN ACT TO AMEND SECTION 68975 OF GUAM  
CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FAMER'S  
COOPERATIVE ASSOCIATION OF GUAM, INC.**

Hafa Adai Chairman Pangelinan and members of the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land. My name is Angelita P. Mendiola, a proud farmer and board member of the Farmer's Cooperative Association of Guam and I hereby submit this written testimony on Bill No. 77-32.

First of all, as a member of the Farmer's Cooperative Association of Guam, (FCAG), I would like to express my ta'dung yan gof dang'kulu na a'gresimento para hagu Senot Pangelinan and the rest of this Committee and Legislature. It has been a long road to reach this point where our island's local farmers will finally find a home! This bill comes as a major step in realizing our shared dreams of promoting the importance of our local farms, expanding our local agricultural industry, lower our dependence on imported produce, and the overall betterment of our island community as a whole, as well as preserving an integral part of our Chamorro heritage and culture.

As a member of the FCAG, I am in full support of this bill, but with some minor concerns. First, Section 2 (f) of the bill requires the FCAG to remit 2% of the previous year's "net asset value". I believe that this term is somewhat broad in its various interpretations. As there are many items that could be interpreted as an "asset", I believe, to be clear and safe that another term, such as "gross/net receipts or sales" be considered instead as even non-revenue generating equipment may be considered an asset. Second, Section 3 Re-zones the subject lot to Commercial "C". While this zoning may encompass the current operations and goals of the FCAG, we hope that the Committee would consider M1 zoning instead. The reason for this is that while the primary function of the FCAG is rooted in produce, we also have aspirations and would appreciate the option to also support and promote local craftsmen and or artisans in this facility. As their crafts may



technically be considered “manufacturing” by some, we only hope to avoid future potential objections by any single person or groups.

Also, as the lot is currently under the purview of the Guam Ancestral Lands Commission (GALC), the FCAG would also like to take this opportunity to mention that even the beneficiaries of the Land Bank Trust would still find some modicum of direct and indirect benefit that also extends to the island as a whole. In promoting and supporting our local farmers and a sustainable agriculture industry to include our own culture and heritage, we promote the quality of life for us all. The intrinsic benefits go well beyond the scope of this single testimony.

In closing, the FCAG expresses its full support and humble gratitude to Chairman Pangelinan, the Committee and Legislature in making it possible for us to realize our mission, our dream!

*Si Yu'us Ma'ase.*

A handwritten signature in black ink, appearing to read 'A. Mendiola', with a long horizontal flourish extending to the right.

Angelita P. Mendiola  
Farmer and board member of FCAG

## **Farmer's Coop Initiative Testimony**

*By Mariquita Taitague*

Hafa adai! Thank you for affording me the opportunity to provide public testimony in support of the Farmers Coop Initiative.

Culturally, we are taught to respect our land. There is so little of it on our precious island paradise, yet it provides us with sustenance and materials we need to survive. This goes back to the times of our ancestors who tilled the land, and took from the sea to provide for their families.

Today, we carry out these same practices. Fishing in the ocean and farming the land. It's a system passed down through generations, and, through the instruction by my parents and grandparents, a legacy of farming flows through my veins.

It's something I've grown to love, something I have a passion to share with the island I call 'home,' and the people I call my 'family.' It is more than just a calling - it is something innate in my being to produce from the earth.

It is through another cultural practice of sharing that I testify before you all today and share my passion, and

support for the Farmers Cooperative Initiative, and the unique benefits Guam can make manifest through a centralized point of distribution for local produce and goods.

More than anything, this will enhance our cultural practice by inspiring a new generation of Guamanians to learn the trade so ingrained in our way of life on Guam. With the support we gain for this Farmers Coop, we are sure to demonstrate to young Guamanians the importance of setting roots and providing for our families with what God has blessed us with. This will also promote an industry that we've practiced for thousands of years.

Having a Farmers Coop is sure to enhance our economy by allowing local farmers to invest in owning and operating a small business. With a focal point of sale for their produce, it is sure to invigorate the desire to grow and sell produce in the community. Most notably, it will allow for farmers a chance to concentrate on producing rather than finding a place to sell and distribute.

This also supports the Buy Local campaign that we hear so much about. It's an excellent way to enhance and promote the campaign in that figuratively, and literally-speaking, the consumer is purchasing

locally-grown produce. For the consumer, this provides easier access to local produce.

Fresh produce is a precious commodity for our people, what better than to have a place designated where the community has access to produce grown right here on Guam? In any case, the opening of a Farmers Coop will definitely have a beneficial impact on our entire community, not just for the farmers, but for consumers who want access to fresh, local produce.

As an advocate for local farmers and the service they provide our community, I feel this is mutually beneficial for us as well. Some livelihoods depend on the seasons of *sigidiyas*, *chandia*, *aga'*, and *biringenas*. Some depend on an access and demand for other fruits and vegetables grown. We've seen it in a push by local restaurants to provide locally-grown produce in their meals. A Farmers Coop will only enhance and expand this concept of growing locally, and providing a location for farmers to sell their goods.

Thank you for the opportunity to provide testimony on this measure. *Si Yu'os Ma'åse.*



Nichole Santos &lt;nsantos@guamlegislature.org&gt;

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## Testimony for Bill 77-32 (COR)

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Tony Aguon &lt;taguon1@gmail.com&gt;

Tue, Apr 9, 2013 at 9:31 AM

To: nsantos@guamlegislature.org

Cc: Krisinda Aguon &lt;krisinda@gmail.com&gt;, Bill Mc Donald &lt;billcmcd@yahoo.com&gt;

Senator Ben Pangelinan  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks, Recreation,  
Historic Preservation, and Land

Greetings! I am writing to you to fully endorse bill 77-32 (COR). It has been long overdue that Guam should have a Farmers Coop Facility. I thank you, the Guam Legislature and our Governor for making this a reality. Guam Farmers like myself need a place to call "home". A place to meet, network, store, produce, promote and sale Guam fruits, vegetables and commodities. I do have one reservation however. I don't agree with § 68975 (g), which imposes a 2 year building requirement. I believe that there should be no limitation as to the construction of the facility. If we are dedicated to the realization of this facility and its' intent, then we must ensure that the project is completed without time constraints. This project will only bring positive results for Guam. Most especially economic development and jobs, which we most desperately need. Once again I thank you for the introduction of this Bill and look forward to its ratification.

Regards!

Tony

Manenggon Hills Produce

**DEDEDO MUNICIPAL PLANNING COUNCIL  
MUNICIPALITY OF DEDEDO**

**RESOLUTION NO. 2013-03**

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Co-Chairperson

**MEMBERS**

Acda, Romy

Artero, Pascual V.

Chan, Jose-Arthur Jr.

Cruz, Elizia

Gines, Bernardo

Mafnas, Frank

Makepeace, Annie

Pangelinan, Edith

San Nicolas, Joseph

San Nicolas, Laura

Tainatongo, Carmen

Wusstig, Ernie

Relative to the Dededo Municipal Planning Council (DMPC) support for the Development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc. on Lot No. 10155-1 (6.9947+ acres) in the Municipality of Dededo.

**BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL OF DEDEDO:**

**WHEREAS**, on Thursday, April 11, 2013, members of the Dededo Municipal Planning Council (DMPC) reviewed and discussed Bill No. 77-32 (COR) for the Development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc. on Lot No. 10155-1 (6.9947+ acres); and

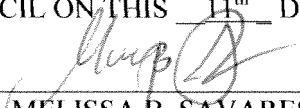
**WHEREAS**, members of the DMPC supports that the Farmer's Cooperative Association of Guam, Inc. grant an agreement through a memorandum of agreement, with the Mayor of Dededo for access to and use a portion of the property for activities authorized in Title 21, GCA, Chapter 68, Article 9, §68901(b), with the exception that the approval by the Department of Land Management shall no longer be required for the issuance of the permits pursuant to §68901(b); and


**WHEREAS**, the Association shall pay One Dollar (\$1.00) per annum for twenty-five (25) years with an option for automatic renewal for another twenty-five (25) years to be used for the purpose consistent with the mission and purpose of the Association; and

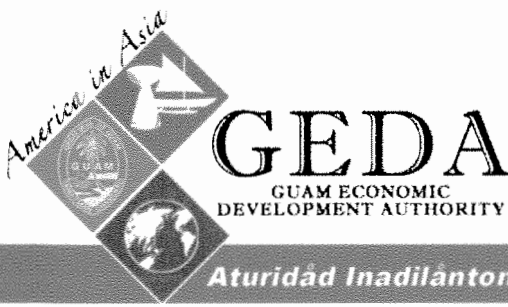
**BE IT RESOLVED** that the Dededo Municipal Planning Council supports that Lot No. 10155-1 (6.9947\_ acres) located in the Municipal of Dededo be assigned and designated for the Farmer's Public Market site to the Farmer's Cooperative Association of Guam, Inc.; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the 32<sup>nd</sup> Guam Legislature, Farmer's Cooperative Association of Guam, Department of Land Management and the Governor of Guam.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 11<sup>th</sup> DAY OF April 2013.

  
\_\_\_\_\_  
MELISSA B. SAVARES  
MAYOR & CHAIRMAN

  
\_\_\_\_\_  
Yvonne S. Acda, Secretary DMPC



EDWARD J.B. CALVO  
GOVERNOR OF GUAM  
I MAGA' LAHEN GUAHAN  
RAYMOND S. TENORIO  
L.T. GOVERNOR OF GUAM  
I SEGUNDO NA MAGA' LAHEN GUAHAN  
HENRY J. TAITANO  
ACTING ADMINISTRATOR  
ADMINISTRADOT

Public Hearing Testimony of Mr. Henry J. Taitano, Acting Administrator  
Guam Economic Development Authority  
Friday, April 12, 2013

Bill No. 77-32 (COR)

**AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.**

Good morning Senator Pangelinan and members of the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land. My name is Henry J. Taitano, Acting Administrator of the Guam Economic Development Authority (GEDA), and I hereby submit this testimony on Bill No. 77-32.

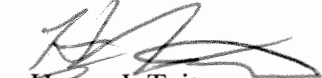
The Guam Economic Development Authority (GEDA) is generally in support of Bill 77-32 as the intent of this legislation serves as the catalyst for the implementation, design and construction of the Guam Farmer's Cooperative Association of Guam (FCAG) facility and relocation of the Dededo Flea Market from its current location. As you are aware, the FCAG facility is part of the Capital Improvement Program established under Public Law 30-228, which utilizes proceeds from the Hotel Occupancy Tax Revenue Bonds, or commonly referred to as the HOT Bonds. GEDA, by way of a Memorandum of Agreement (MOA) with the Office of the Governor of Guam, has been designated as the Program Management Office (PMO) for this and other HOT Bond projects and is now in the process of finalizing the contract agreement for professional design services to design this facility which is expected to be completed by October 28, 2013. Construction of the FCAG should be done by January 2015 at an estimated total cost of \$3.9 million.

Again, while we generally support this legislation, we are concerned with certain sections of the bill as amended. For example, we are unclear as to the mechanism of property transfer being used as stated in the bill. As you may recall, pursuant to Public Law 30-92, the parcel which was under the inventory of the Guam Ancestral Lands Commission (GALC), was to be leased by the Governor of Guam to the Farmer's Cooperative Association for a total of fifty (50) years including options for extensions. The current bill as amended, states that: "Notwithstanding any other provisions of law, and pursuant to P.L. 30-228, Lot No. 10155-1 (6.9947 ± acres), municipality of Dededo, is hereby assigned to the Farmers' Cooperative Association of Guam, Inc..." As further illustrated in the amended bill, all references to the lease mechanism as directed in the previous public law were removed and so we are unclear as to what exactly "assigned" means with respect to the authorization being given to the Farmer's Coop to utilize the property. In addition, the amount of compensation after a certain time period to the GALC upon continued use of the property by the FCAG, has been substantially reduced and will likely have a negative impact to the GALC's Land Bank Trust. While I could elaborate more on this particular aspect of the bill, I will refer to the appropriate agencies to provide their respective testimonies in raising their specific concerns.



In closing, GEDA supports legislation that will enable GEDA to construct the FCAG facility on the property and will enable FCAG to legally use the property. I want to thank you and the members of your Committee for this opportunity to provide testimony on behalf of the Guam Economic Development Authority.

*Si Yu'os Ma'ase,*



Henry J. Taitano







**COMMITTEE ON RULES**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael E.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

April 4, 2013

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 76-32(COR), 77-32(COR) and 78-32(COR)

*Håfa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Attachments

Cc: Clerk of the Legislature

2013 APR -4 PM 1:55



<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>76-32 (COR)</b>	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.
<b>77-32 (COR)</b>	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.
<b>78-32 (COR)</b>	Vicente (ben) Pangelinan	AN ACT TO ADD SUBSECTION (d) TO §3102.3 CHAPTER 3 OF 17 GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD TO INCLUDE A REPRESENTATIVE FROM THE MAYORS' COUNCIL OF GUAM .



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

April 4, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

**To: Rennae Meno**  
*Clerk of the Legislature*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Vice-Speaker  
Benjamin J.F. Cruz  
Member

**Subject: Referral of Bill No. 77-32(COR)**

Legislative Secretary  
Tina Rose Muña Barnes  
Member

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. 77-32(COR).

Senator  
Frank Blas Aguon, Jr.  
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

<b>BILL NO.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>FISCAL NOTES</b>
<b>77-32 (COR)</b>	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.	4/4/13 12:25 p.m.	4/4/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			<b>Fiscal Note Requested 4/4/13 1:55p.m</b>



Lisa Dames &lt;cipo@guamlegislature.org&gt;

## Public Hearing - FIRST NOTICE

Lisa Dames &lt;cipo@guamlegislature.org&gt;

Fri, Apr 5, 2013 at 4:49 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

# Senator Vicente “ben” Cabrera Pangelinan

## Office of the People

Website: [www.senbenp.com](http://www.senbenp.com)

**INEKUNGOK PUPBLEKO**

**(PUBLIC HEARING)**

**gi Betnes, gi diha 12 gi Abrit, 2013)**

**Friday, April 12, 2013**

**Kuátton Inekungok Pupbleko gi I Liheslaturan Guàhan**

**(Guam Legislature Public Hearing Room)**

**alas ocho I media gi egga’an**

**(8:30 AM)**

**TAREHA**

**(AGENDA)**

**Priniponi Siha:**

**(Bills)**

**Bill No. 16-32 (COR) – Introduced by Senator Rory Respicio: An Act to rezone Lot 2181-4NEW-R1NEW-R2, Lot 2181-4NEW-R1NEW-2, Lot 2181-4NEW-1-1, Lot 2181-4NEW-1-2, Lot 2181-4NEW-1-3, Lot 2181-4NEW-1-4, Lot 2181-4NEW-1-R4 and Lot Naval Air Station Agana -21-R1 (Airport Parcel 4) in the Municipality of Tiyan, Barrigada from Agricultural Zone (A) to Light Industrial Zone (M-1); and to change the reference of Limited**

**Industrial to Light Industrial.**

**Bill No. 25-32 (COR) – Introduced by Sen. Dennis Rodriguez: An Act to reprogram available funds from the Highway 2001 Bond Construction Fund and the Highway 1985 Bond Construction Fund, and designate and prioritize certain capital improvement projects, and purchase heavy equipment needed by DPW for flood mitigation.**

**Bill No. 28-32 (COR) – Introduced by Senator Aline Yamashita: An Act relative to authorizing the re-allocation of undistributed collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services; through amending §34111 of Chapter 34, Title 5, Guam Code Annotated.**

**Bill No. 52-32 (LS) – Introduced by Senator Tom Ada: An Act to Repeal §22421 of Chapter 22, 5 GCA, Relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.**

**Bill No. 67-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-33 relative to amending the license agreement between the Guam Football (Soccer) Association and the Government of Guam.**

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***Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinin Senadot ben pangelinan gi 473-*** Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'hálom testigu-mu, chule' para i ifisinin-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com) Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagátña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)

To view the bills, see the attached agenda and move your cursor over the bill and click.

*Si Yu'os Ma'ase*

--  
 Lisa Dames  
 Chief of Staff  
 I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
 Senator Vicente (ben) Cabrera Pangelinan  
 Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
 Parks, Recreation, Historic Preservation, and Land.  
 (671) 473-4236 (office)  
 (671) 473-4238 (fax)  
[senbenp.com](http://senbenp.com)  
[www.guamlegislature.org](http://www.guamlegislature.org)

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**2 attachments**

 **Agenda\_April 12-2.pdf**  
193K

 **Agenda\_April 12-3.pdf**  
197K



Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - FIRST NOTICE

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Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>  
Bcc: Lisa Dames <cipo@guamlegislature.org>

Fri, Apr 5, 2013 at 4:52 PM

# Senator Vicente “ben” Cabrera Pangelinan

## Office of the People

Website: [www.senbenp.com](http://www.senbenp.com)

*INEKUNGOK PUPBLEKO*

*(PUBLIC HEARING)*

*gi Betnes, gi diha 12 gi Abrit, 2013)*

Friday, April 12, 2013

*Kuåtton Inekungok Pupbleko gi I Liheslaturan Guàhan*

*(Guam Legislature Public Hearing Room)*

*alas ocho I media gi egga’an*

*(8:30 AM)*

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To view the bills, see the attached agenda and move your cursor over the bill and click.

*Si Yu'os Ma'ase*

---  
 Lisa Dames  
 Chief of Staff  
 I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
 Senator Vicente (ben) Cabrera Pangelinan  
 Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
 Parks, Recreation, Historic Preservation, and Land.  
 (671) 473-4236 (office)  
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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - SECOND NOTICE

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Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>

Wed, Apr 10, 2013 at 4:12 PM

**Senator Vicente "ben" Cabrera Pangelinan**

**Office of the People**

**Website: [www.senbenp.com](http://www.senbenp.com)**

***INEKUNGOK PUPBLEKO***

***(PUBLIC HEARING)***

***gi Betnes, gi diha 12 gi Abrit, 2013)***

**Friday, April 12, 2013**

***Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan***

**(Guam Legislature Public Hearing Room)**

***alas ocho I media gi egga'an***

**(8:30 AM)**

**TAREHA**

**(AGENDA)**

***Priniponi Siha:***

**(Bills)**

**Bill No. 16-32 (COR) – Introduced by Senator Rory Respicio: An Act to rezone Lot 2181-4NEW-R1NEW-R2, Lot 2181-4NEW-R1NEW-2, Lot 2181-4NEW-1-1, Lot 2181-4NEW-1-2, Lot 2181-4NEW-1-3, Lot 2181-4NEW-1-4, Lot 2181-4NEW-1-R4 and Lot Naval Air Station Agana -21-R1 (Airport Parcel 4) in the Municipality of Tiyan, Barrigada from Agricultural Zone (A) to Light Industrial Zone (M-1); and to change the reference of Limited Industrial to Light Industrial.**

**~~Bill No. 25-32 (COR) – Introduced by Sen. Dennis Rodriguez: An Act to reprogram available funds from the Highway 2001 Bond Construction Fund and the Highway 1985 Bond Construction Fund, and designate and prioritize certain capital improvement projects, and purchase heavy equipment needed by DPW for flood mitigation. Removed from agenda per Senator Rodriguez' request.~~**

**Bill No. 28-32 (COR) – Introduced by Senator Aline Yamashita: An Act relative to authorizing the re-allocation**

of undistributed collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services; through amending §34111 of Chapter 34, Title 5, Guam Code Annotated.

**Bill No. 52-32 (LS) – Introduced by Senator Tom Ada: An Act to Repeal §22421 of Chapter 22, 5 GCA, Relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.**

**Bill No. 67-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-33 relative to amending the license agreement between the Guam Football (Soccer) Association and the Government of Guam.**

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**Bill No. 77-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.**

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Please note that Senator Dennis Rodriguez has requested to remove his Bill No. 25 from the agenda.

*Si Yu'os Ma'ase*

--  
Lisa Dames  
Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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Lisa Dames <cipo@guamlegislature.org>

## Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>

Wed, Apr 10, 2013 at 4:15 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

# Senator Vicente "ben" Cabrera Pangelinan

## Office of the People

Website: [www.senbenp.com](http://www.senbenp.com)

**INEKUNGOK PUPBLEKO**

**(PUBLIC HEARING)**

**gi Betnes, gi diha 12 gi Abrit, 2013)**

**Friday, April 12, 2013**

**Kuåtton Inekungok Pupbleko gi I Liheslaturan Guàhan**

**(Guam Legislature Public Hearing Room)**

**alas ocho I media gi egga'an**

**(8:30 AM)**

**TAREHA**

**(AGENDA)**

**Priniponi Siha:**

**(Bills)**

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*Si Yu'os Ma'ase*

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Lisa Dames  
Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

**g iBetnes, gi diha 12 gi Abrit, 2013)  
Friday, April 12, 2013**

**Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan  
(Guam Legislature Public Hearing Room)**

**alas ocho I media gi egga'an  
(8:30 AM)**

**TAREHA  
(AGENDA)**

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(Bills)**

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324 West Soledad Avenue  
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I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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**Bill No. 67-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-33 relative to amending the license agreement between the Guam Football Association (Soccer) Association and the Government of Guam.**

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**Bill No. 77-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.**

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**INKUNGOK PUPBLEKO  
 (PUBLIC HEARING)**

**gi Dadnan, gi 12 gi Abril, 2013  
 (Friday, April 12, 2013)**

**Kudhan Insaturigan Pupbleko gi i Libensidarian Guddhan  
 (Guam Legislature Public Hearing Room)**

**alwa ociba i medio gi eggs'an  
 (11:30 AM)**

**Pringun Sita: TAGENGA  
 (AGENDA)**

**SB No. 16-22 (CR) - Introduced by Senator Gary Singspic. An Act to remove Lot 2101-492N-412W-42, Lot 2101-492W-412N-2, Lot 2101-492W-3-2, Lot 2101-492W-1-2, Lot 2101-492W-1-3, Lot 2101-492W-1-4, Lot 2101-492W-1-4A and Lot 2101-492W-1-4B from Agricultural Zone (A) to Light Industrial Zone (B-1), and to change the reference of Light Industrial to Light Industrial.**

**SB No. 25-22 (CR) - Introduced by Sen. Dennis Rodriguez. An Act to reappropriate available funds from the Highway 2011 Road Construction Fund and the Highway 1000 Road Construction Fund, and designate and prioritize certain capital improvement projects, and purchase heavy equipment needed by DPM for road mitigation.**

*Directed from agenda per Senator Rodriguez' request.*

**SB No. 26-22 (CR) - Introduced by Senator Alice Tomazetich. An Act relative to authorizing the re-allocation of undistributed collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services, through amending §20111 of Chapter 24, Title 3, Guam Code Annotated.**

**SB No. 33-22 (CR) - Introduced by Senator Tom Adu. An Act to repeal §20121 of Chapter 22, 3 GCA, relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.**

**SB No. 47-22 (CR) - Introduced by Senator Wences Panguluan. An Act to amend Section 2(a) and Section 2(b) and to add a new Section 4 of Public Law 24-22 relative to amending the license agreement between the Guam Football (Guam) Association and the Government of Guam.**

**SB No. 76-22 (CR) - Introduced by Senator Frank Aguan. An Act relative to authorizing a resolution that will ensure the immediate implementation of the mandates of the Criminal Justice Compensation Commission, and providing amendments thereto, in order to require the timely compensation of crime victims and their families for injuries incurred, through amending §§145, 15, §§145, 155 and §§145, 150 of Title 8, Guam Code Annotated.**

**SB No. 77-22 (CR) - Introduced by Senator Wences Panguluan. An Act to amend Section 50075 of Chapter 68, Article 15, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.**

*Kungapen an mundo aguan? an aguanen jai labet aguan - Haktor Senador Don panguluan gi 673-42267 kungapen an mundo aguan? an aguanen jai labet aguan - Haktor Senador Don Panguluan gi 673-42267. Kungapen an mundo aguan - pinapan alwa gran ociba an labet aguan gi an aguanen jai labet an mundo aguan. Kungapen an mundo aguan - pinapan alwa gran ociba an labet aguan gi an aguanen jai labet an mundo aguan. Kungapen an mundo aguan - pinapan alwa gran ociba an labet aguan gi an aguanen jai labet an mundo aguan. Kungapen an mundo aguan - pinapan alwa gran ociba an labet aguan gi an aguanen jai labet an mundo aguan.*

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*This Act pertains with government funds.*





1 Main Terrace Drive on I. Fernandez Corridor  
KOROR, GUAM 96910  
Senate Yards, 2nd Floor, P.O. Box 10000  
Committee on Appropriation, Public Works, Legal Affairs, Subcommittee  
Public Works, Recreation, Economic Development, and Land

**WORKING FOR PEOPLE • (PUBLIC HEARING)**

9:00 a.m. to 12:00 p.m. • Friday, April 12, 2013

**Kuñta Indukap Pagbilita gi i Legislatura Guahan • (Guam Legislature Public Hearing Room)**

9:00 a.m. to 12:00 p.m. • (9:30 AM)

**TAROK • (GUANCA)**

**Pragun Sa • (Siba)**

**Bill No. 14-32 (COP)** – Introduced by Senator Gary Ruppicio. An Act to revise Lot 2101-09CM-01CM-02, Lot 2101-09CM-01CM-2, Lot 2101-09CM-1-1, Lot 2101-09CM-1-2, Lot 2101-09CM-1-3, Lot 2101-09CM-1-4, Lot 2101-09CM-1-04 and Lot 2101-09CM-1-05 (Airport Parcel 6) in the Municipality of Tigan, Sanigala from Agricultural Zone (A) to Light Industrial Zone (W-1); and to change the reference of Limited Industrial to Light Industrial.

**Bill No. 25-32 (COP)** – Introduced by Sen. Dennis Rodriguez. An Act to reprogram available funds from the Highway 2000 Bond Construction Fund and the Highway 1900 Bond Construction Fund, and designate and purchase certain capital improvement projects, and purchase heavy equipment needed by GPM for bond obligation. Authorized from agenda per Senator Rodriguez' request.

**Bill No. 28-32 (COP)** – Introduced by Senator Aime Tamashita. An Act relative to authorizing the re-allocation of unutilized collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services, through amending §24111 of Chapter 24, Title 3, Guam Code Annotated.

**Bill No. 32-32 (LS)** – Introduced by Senator Tam Abo. An Act to repeal §22621 of Chapter 22, 5 GCA, relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.

**Bill No. 67-32 (COP)** – Introduced by Senator Vicente Fergulman. An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-32 relative to amending the license agreement between the Guam Football (Soccer) Association and the Government of Guam.

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**Bill No. 77-32 (COP)** – Introduced by Senator Vicente Fergulman. An Act to amend Section 88075 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.

Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Frank Aguen - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Vicente Fergulman - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Dennis Rodriguez - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Aime Tamashita - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Tam Abo - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Vicente Fergulman - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Frank Aguen - p. 673-42307. Yangetan an mañla' agpañla' na wifiañ na pal' labat' agpañla' - Franca Senador Vicente Fergulman - p. 673-42307.

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**Time of joint with government funds.**

## Legislation introduced to rebuild farmer's market

Posted: Apr 05, 2013 3:28 PM

Updated: Apr 05, 2013 3:28 PM

by Jolene Toves

Guam - After seven long years the Farmers Cooperative Association is a step closer to the building of a farmer's market facility. Legislation has been introduced that identifies and assigns a lot in Dededo for the farmer's public market site.

The facility will include dry and cold storage, feed and material supply, offices for government agencies, a value added kitchen, dining and patio area, flea market stalls, a plant nursery, as well as public restroom and parking areas.

Farmer's Cooperative vice president Ernie Wusstig told KUAM News, "Now it looks like we can move forward and there won't be any more obstacle going back and forth of who is responsible for the lease now that the Legislature has given the farmers the go ahead to do what we need to do, so we can move on," he said.

Wusstig adds that building a home for the farmers will give them more confidence in planting their crops because they have a home for their produce. To read Bill 77 logon to [GuamLegislature.com](http://GuamLegislature.com).

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**worldnow**

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# Farmers' market closer to reality

MONDAY, 15 APR 2013 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 195



SHARE

THE idea of a farmer's market facility in the northern village of Dededo is becoming closer to a reality as the Legislature moves to have the bill tackled today during regular session, only a few days after members of the Farmer's Cooperative Association of Guam Inc. provided their testimony in support of the project.

Sen. Ben Pangelinan, who introduced Bill 77, said the measure also tackles the relocation of the flea market over to the new facility for safety and greater marketability purposes.

Now that funding from Hotel Occupancy Tax bonds proceeds has been set aside for the construction of the facility, Pangelinan said there is a need for immediate action to place the facility under the purview of the Farmer's Co-op. However, ownership of the site will continue to remain under the Ancestral Lands Commission. In addition, the Farmer's Co-op will be required to make leased payments or develop a payment scheme for the use of the facility to compensate the ALC.

## ***Right direction***

Former Sen. Hope Cristobal, a member of the Farmer's Co-op, said the project is a major step in the right direction by the government of Guam. She said it is about time the government drives the revival of local farming – something which has been left in the back-burner for several decades.

However, Cristobal recommended looking at the provision relating to the remittance of payments, saying this might pose a huge challenge for the Farmer's Co-op.

"But the challenge can be the motivation by our organization to stay on course and continually better ourselves to serve not just the farming and ranching community, but our entire island including perhaps the wider regional community," Cristobal said.

She added trends today call for organic products, fresh produce, renewable energy, food security, environmental responsibility, reducing the carbon footprint, land use, and engaging conservation practices.

"We can't help but be drawn back to this age-old practice of farming, not just for self-sufficiency, but for long-term food security and stability," she said.

But Cristobal also mentioned the challenges currently faced by farmers in terms of rising rates for agricultural water, which has become cost-prohibitive especially during the dry season.

For her part, Department of Agriculture Director Maritita Taitague said having the facility would spur local farmers to invest in owning and operating a small business. "It would also allow them to concentrate on producing rather than finding a place to sell and distribute their produce," she said.

Stressing the importance of buying local, Taitague said the new facility will enable residents to have access to fresh produce. "What better than to have a place where the community has access to local produce. The farmers' market facility will have beneficial impact to both farmers and consumers," Taitague said.

Bill McDonald, Farmer's Co-op president, also said the proposed Dededo facility will give farmers more time to go back to their farms and become more efficient.

"With this facility, we can do the storage and the packing in our own site. A conference room will be built for training and hopefully it will have a canning facility or preservation facility," he said.

As farmers increase their production, McDonald said consumers will have a chance to spend their dollars locally. And a dollar spent locally, he added, is a key component for ensuring economic sustainability.

## Farmers' market proposed

Written by Jerick Sablan

Apr. 15

guampdn.com

Local farmers could soon have a designated public space to sell their products if a bill is passed into law.

As much as \$3.9 million in bond money could be spent to build the project, and \$400,000 already has been appropriated to design it.

The market would be located on 6.9 acres of property across from the Mobil station in Dededo, according to Farmer's Cooperative Association President Bill McDonald.

"It's exciting, finally we have something that can provide opportunities for our farmers," McDonald said.

With the construction of the new market, the Dededo Flea Market would move from its current location in the lot next to the Dededo Pay-Less to the new property.

Flea market vendor Corazon Daraug buys produce from other farmers from all over the island and resells the products at the flea market lot every day. She's worried that the farmer's market would put her out of business.

"Vendors can't compete with farmers," she said. "(But) if there's a roof over my head, then I'm OK with it."

The vendors from the Dededo Flea Market could continue to sell their produce, but that section of the market would be managed by the Dededo Mayor's Office.

Mayor Melissa Savares said Daraug would need to become a member of the co-op as a farmer, not a vendor, to sell produce at the farmer's market.

"The primary move is to develop the co-op," she said, which would help farmers spend more time on their farms instead of marketing their products. The new farmers' market would essentially replace vendors like Daraug, she said.

### Public hearing

Several farmers last week attended a public hearing at the Legislature, stating their support for Bill 77, which would develop the farmers' market facility in Dededo.

It's the latest in a series of bills on the issue, and would remove language in past bills that requires action by government officials before the project can move forward.

The facility would include a retail farmers' market, dry and cold storage, feed and material supply, offices for government agencies, a kitchen, a dining/patio area, flea market stalls, plant nursery, public toilets and designated parking area, the bill states.

The market would be funded in large part by bonds that are being repaid by the island's hotel occupancy tax.

The bill also would give ownership of government land at the site to the Farmer's Cooperative Association of Guam, and rezone the land from agricultural to commercial.

### **Reviving local farming**

Former senator and small farmer Hope Cristobal voiced her support for the bill. She said the facility is long overdue and it would be a big help to local farmers.

"It is a major step in the right direction to help drive the revival of local farming and ranching," Cristobal said.

She said the landmark legislation would create a space where residents can buy fresh local produce and help farmers sell their stock.

Local farmer Ernie Wusstig, of Island View Farms, said the facility would be a big help for him and his family. He said the facility would be the place he would sell his corn instead of on the side of the road.

Wusstig sells his corn along Route 16 in Barrigada about three days a week, but it used to be five. Several local distributors are buying his corn, he said, so it's cut down his time selling near the road.

Wusstig echoed Cristobal's comment that the farmers' market facility is long overdue.

### **Final step**

Acting Speaker Benjamin Cruz originally called senators into session yesterday at the request of Sens. Ben Pangelinan and Rory Respicio, who introduced the bill, to discuss it.

But session was rescheduled for the week of April 22.

"The passage of Bill No. 77-32 is our final step to ensure that the farmers' market will now become a reality for all farmers on Guam and ultimately our community," the senators wrote to Cruz.

### **Other bills**

Lawmakers last week also heard a bill that would repeal a law that requires the Guam Power Authority, the port and the airport to pay the General Fund each year an "annual payment-in-lieu-of-taxes."

The annual charge had been ignored by the government, but the Department of Administration recently backbilled the three agencies about \$12.3 million for 14 years.

Public Utilities Commission legal counsel Fred Horecky said the commissioners support Bill 52, which would repeal that law.

The law currently states the three agencies must deposit the sum of \$3.5 million from "operating surpluses."

Horecky said the PUC supports a repeal because GPA often doesn't have the surplus to fulfill the law, and only way it could meet the requirement is to raise rates to get more money.

## **Sustain: Ensure new farmers' market has funds to operate, for upkeep**

*Apr. 17*

guampdn.com

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Senators are reviewing legislation that would use as much as \$3.9 million to build a farmers' market on 6.9 acres across from the Mobil gas station in Dededo.

The complex also would include the Dededo Flea Market, which would be moved from its current location, as well as feed and material supply, offices for government agencies, a plant nursery and other amenities.

At a public hearing for Bill 77, several farmers testified in favor of the measure, saying it would help make it easier for them to sell their produce.

The facility would be a great way to help support local farmers, and perhaps even encourage more individuals and companies to start farming. It would give farmers a regular location that offers fresh, local produce and other farm products, which also would serve to benefit local consumers.

In many towns and cities, farmers' markets are a popular attraction for visitors, as well as residents, because they provide a showcase for a community's agricultural products, food and traditions.

But in order to make best use of a farmers' market in Dededo, there needs to be a plan -- and funding source -- in place to ensure efficient operations and maintenance work. Too often the government builds or funds a project or facility, but once it's completed, it doesn't get the attention it needs. In a short time, it becomes run-down, ugly and dilapidated.

As a community, we can't afford to let this happen to a new farmers' market. So elected officials need to work with local farmers to come up with a plan for regular operations, maintenance and upkeep of the facility. They need to find ways to generate revenue to fund this plan.

A farmers' market will be a boon to local farmers, residents and visitors -- but only if it is properly run and maintained once it's built.

**UPDATED 2013.02.11**

**32GL Senators:**

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Member


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Senator  
Aline Yamashita  
Member

April 19, 2013

## Memorandum

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**   
*Chairperson, Committee on Rules*

**Subject:** **Fiscal Notes**

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

Bill Nos.: 02-32 (LS), 28-32 (COR), 52-32 (LS), 64-32 (COR), 75-32 (LS), and 77-32 (COR)

### WAIVERS:

Bill Nos.: 70-32 (COR), and 72-32 (LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 APR 19 AM 10:38

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 77-32 (COR)**

**AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Land Management, Ancestral Lands Commission	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	97,364
Department's Other Fund (Specify) appropriation(s) to date: N/A	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$97,364</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Ancestral Land Bank	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1. Does the bill contain "revenue generating" provisions? / X / Yes    / / No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A    / / Yes    / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_
3. Does the Bill establish a new program/agency? / X / N/A    / / Yes    / / No  
If yes, will the program duplicate existing programs/agencies? / X / N/A    / / Yes    / / No  
Is there a federal mandate to establish the program/agency? / / Yes    / X / No
4. Will the enactment of this Bill require new physical facilities? / / Yes    / X / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes    / / No  
/ / Requested agency comments not received as of the due date / / Other:

Analyst: <u>Jason Baza</u> Jason W. Baza, BMA I	Date: <u>4/16/13</u>	Director: <u>[Signature]</u> John A. Rios, Director	Date: <u>APR 17 2013</u>
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Footnotes:  
1/ See attached comments.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 77-32 (COR)**  
**(for revenue generating provisions)**

<b>Projected Multi-Year Revenues</b>					
	Year 1	Year 2	Year 3	Year 4	Year 5
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0
<b>Ancestral Land Bank</b>	<u>1/</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Total</b>	<u>1/</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Comments:**

1/ The proposed legislation is aimed at amending §68975 of Chapter 68, Article 11, Title 21 GCA and rezoning Lot No. 10155-1 from Agricultural (A) to Commercial (C). The Lot, which encompasses 6.9947± acres in the municipality of Dededo, will be assigned to the Farmer's Cooperative Association of Guam, Inc. ("Association"), who will have authorization to execute all legal instruments, documents and contracts necessary for the development of a Farmer's Market Facility. The lot will be held in trust and administered by the Guam Ancestral Lands Commission on behalf and for the benefit of ancestral landowners. The "Association" will be required to remit 2% of the current net value of the Farmer's Market Facility after the initial seven (7) years of the term and an additional 1% every five years thereafter to the Ancestral Land Bank for the remainder of the term. Assuming that the net value of the facility is \$200,000 after the initial seven years (7) of the term, the "Association" would be required to remit \$4,000 to the Ancestral Land Bank and an additional \$2,000 after every five (5) years of the term thereafter.



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MINORITY LEADER

Senator  
Aline Yamashita  
Member

April 4, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 77-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **77-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment



# COMMITTEE ON RULES

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Senator  
Aline Yamashita  
Member

April 4, 2013

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 76-32(COR), 77-32(COR) and 78-32(COR)

*Håfa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 APR -4 PM 1:55

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>76-32 (COR)</b>	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.
<b>77-32 (COR)</b>	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.
<b>78-32 (COR)</b>	Vicente (ben) Pangelinan	AN ACT TO ADD SUBSECTION (d) TO §3102.3 CHAPTER 3 OF 17 GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD TO INCLUDE A REPRESENTATIVE FROM THE MAYORS' COUNCIL OF GUAM .

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 77-32(COR)

Introduced by:

V.C. Pangelinan  
R.J. Respicio

AN ACT TO AMEND SECTION 68975 OF CHAPTER 68,  
ARTICLE 11, TITLE 21 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE DEVELOPMENT  
OF THE FARMER'S MARKET FACILITY BY THE  
FARMER'S COOPERATIVE ASSOCIATION OF  
GUAM, INC.

2013 APR -4 PM 12: 25

Oh

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

1           **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that pursuant to Public Law 30-228, Guam's long-standing goal of food self-  
3 sufficiency is attainable. Though it has taken many years and the challenges have been  
4 seemingly endless, the promise of the Guam Farmer's Market becomes more of a  
5 reality today due, in large part, to the allocation of proceeds from the Hotel Occupancy  
6 Tax Revenue Limited Obligation (HOT) Bonds to provide the processing and  
7 marketing facilities vital to affording our farmers a sustainable and viable outlet for  
8 their harvest and production.

9           *I Liheslaturan Guåhan* further finds that in the effort to develop projects that  
10 benefit community infrastructure, revitalization of the Guam Farmer's Market is of  
11 great importance, and as part of its Facility, to include: a retail Farmer's Market, dry  
12 and cold storage, feed and material supply, offices for Government agencies, a value-

1 added kitchen, a dining/patio area, flea market stalls, plant nursery, public toilets, and  
2 designated parking area.

3 *I Liheslaturan Guåhan* further finds that Lot No. 10155-1 (6.9947± acres),  
4 municipality of Dededo, has been assigned and designated for the Farmer’s Public  
5 Market site, to ultimately benefit the people, farmers and ranchers of Guam.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to *amend* Section 68975 of  
7 Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the  
8 development of the Farmer’s Market Facility by the Farmer’s Cooperative Association  
9 of Guam, Inc.

10 **SECTION 2.** Section 68975 of Chapter 68, Article 11, Title 21 of the Guam  
11 Code Annotated is hereby *amended* to read as follows:

12 “§ 68975. Farmer’s Cooperative Association of Guam, Inc.

13 ~~*I Maga’lahen Guåhan shall execute all instruments necessary to carry out the*~~  
14 ~~*provisions of subsections (a) through (h) of this Section.*~~

15 ~~*I Maga’lahen Guåhan is hereby authorized to lease to the Farmers’ Cooperative*~~  
16 ~~*Association of Guam, Inc., (‘Association’) a not for profit corporation, the following*~~  
17 ~~*tract of government-owned land:—*~~

18 Notwithstanding any other provision of law, and pursuant to P.L. 30-228,  
19 Lot No. 10155-1 (6.9947± acres), municipality of Dededo, is hereby assigned to  
20 the Farmer’s Cooperative Association of Guam, Inc., (‘Association’) for the  
21 development of the Farmer’s Market facility.

22 The Association is authorized to execute all legal instruments, documents  
23 and contracts necessary for the construction and operations of the Farmer’s Market  
24 facilities and must comply with the following:

25 ~~(a) Lot No. 10155-1 (6.9947± acres), municipality of *Dededo* or other~~  
26 ~~suitable property.—~~



1           (a)   **(b)** ~~The Government shall lease to the~~ Association for the sum of One  
2 Dollar (\$1.00) per annum ~~lots cited in subsection (a)~~ for twenty-five (25) years with an  
3 option ~~to~~ for automatic renewal for another twenty-five (25) years and shall have the  
4 beneficial use of the property, for its development. The Association may subject the  
5 property and its improvements to a leasehold mortgage, subject to approval by I  
6 *Liheslaturan Guåhan*.

7           (b)   **(e)** The use of the property *shall be limited* to those activities consistent  
8 with the mission and purpose of Association, as detailed in its governing documents,  
9 and for the activities authorized herein.

10           ~~(d) Notwithstanding any other laws to the contrary, the lease by the~~  
11 ~~government of Guam to the Association of Lot No. 10155-1, containing an area of~~  
12 ~~6.9947± total acres in the municipality of Dededo, and improvements thereon, shall be~~  
13 ~~executed by I Maga'lahi and the duly authorized representative of the Association and~~  
14 ~~shall require the concurrence of I Liheslaturan Guåhan.~~

15           (c)   **(e)** ~~The leasehold assignment of right to develop the property for the~~  
16 ~~construction of the Farmer's Market given to the Association by this Act is not~~  
17 ~~assignable~~ shall not be re-assigned by the Association to any other entity nor may  
18 the entire facility project be sublet to a single entity without I Liheslaturan  
19 *Guåhan's* approval. Portions of the Farmer's Market facility may be leased out by  
20 the Association to individual vendors, businesses and other entities, pursuant with  
21 applicable laws, rules and regulations for the commercial lease of government  
22 facilities.

23           (d)   **(f)** Any change in the tax status of the ~~lessee~~ Association *shall* require  
24 notification to I Liheslaturan Guåhan and an immediate renegotiation of payments  
25 required in the Act for the use of the property ~~the lease~~. *If* such change *shall* be to a  
26 for-profit entity, the rate ~~of the lease~~ *shall* be *no less than* ten percent (10%) of the  
27 actual market value of the property.

1 (e) The ~~lease Association shall contain a provision~~ granting the Mayor of  
2 *Dededo*, through a memorandum of agreement, access to and use of the ~~lease~~ premises  
3 for the activities authorized in Title 21, GCA, Chapter 68, Article 9, §68901(b), with  
4 the exception that the approval by the Department of Land Management *shall no*  
5 *longer* be required for the issuance of the permits pursuant to § 68901(b).

6 (f) The ~~lease Association shall be include a provision requireding~~ that after  
7 the initial seven (7) years of the term, ~~ten two percent (40 2%)~~ of the ~~lessee~~  
8 Association's annual retained earnings current net asset value for the previous year  
9 ~~from other than the sale of produce shall~~ thereafter be remitted to the account of the  
10 Ancestral Land Bank and increased ~~five one percent (5 1%)~~ every five (5) years  
11 thereafter for the remaining term ~~of the lease~~ to a maximum of fifty percent (50%).

12 (g) The Association shall not sell, mortgage, sublease, assign, encumber,  
13 hypothecate, or otherwise transfer its interest in the property without the prior  
14 consent of I Liheslaturan Guåhan. Should the Farmer's Market facility fail to be  
15 constructed within two years of the enactment of this Act, or the amounts required  
16 by subsection (a) and (f) of this Section fail to be remitted, the assignment of the  
17 property to the Association is hereby revoked, and the Department of Land  
18 Management shall file the needed documents with the Recorder's Office noticing  
19 the revocation and shall include provisions needed to ensure the property is free  
20 and clear from any encumbrances to the title.

21 (h) The Association and its activities shall be subject to an annual audit  
22 by the Office of Public Accountability."

23 **SECTION 3.** Lot Re-zoned. Lot No. 10155-1, municipality of Dededo,  
24 Guam containing an area of 6.9947± acres is hereby rezoned from Agricultural to  
25 Commercial "C".

26 **SECTION 4. Severability.** If any provision of this Law or its application  
27 to any person or circumstances is found to be invalid or contrary to law, such

1    invalidity shall not affect other provisions or applications to this Law which can be  
2    given effect without the invalid provision or application, and to this end the  
3    provisions of this Law are severable.