

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan GuĀhan*

36<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: BILL NO. 63-36 (COR) – An Act to Amend § 68101 of Chapter 68 and § 63801(b) Of Article 8, Chapter 63, Both of Title 5, Guam Code Annotated, Relative to Requiring Farmers to be Certified as Bona Fide Farmers to sell locally grown produce or aquaculture products and to suspend or revoke business licenses from companies found in violation; and Amending the definition of a Bona Fide Farmer**

*Buenas yan Hafa Adai Madame Speaker:*

Our farmers serve a vital role in our island's economy, culture and history. As our island weathers the economic effects of the COVID-19 pandemic, and we explore the potential for the creation and fortification of diverse industry in Guam, it is imperative that we consider additional measures of support we can offer the members of our community who grow and supply our food. Bill No. 63-36, now known as *Public Law No. 36-24*, helps protect and promote farming in Guam. By creating a registry for bona fide farmers, we ensure that our farmers are connected to businesses and agencies that may wish to purchase produce from them. We protect our farmers from would-be agriculture thieves who would sell stolen produce and undercut legitimate producers. We create opportunities for our farmers to take advantage of available grants to help them grow their businesses, and keep them up to date with regulatory requirements. It is my hope that this law helps ensure the vitality and growth of our agriculture industry now and in the future.

*Senseremente,*

Handwritten signature of Lourdes A. Leon Guerrero in black ink.

**LOURDES A. LEON GUERRERO**

*Maga'hāgan GuĀhan*

Governor of Guam

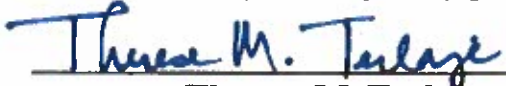
Enclosure(s): Bill No. 63-36 (COR) *nka P.L. 36-24*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen GuĀhan  
Compiler of Laws*

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

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN**

This is to certify that Bill No. 63-36 (LS), "AN ACT TO AMEND § 68101 OF CHAPTER 68 AND § 63801(b) OF ARTICLE 8, CHAPTER 63, BOTH OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION; AND AMENDING THE DEFINITION OF BONA FIDE FARMER," was on the 30<sup>th</sup> day of April 2021, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

Attested:


  
Amanda L. Shelton  
Legislative Secretary

.....

This Act was received by *I Maga'hågan Guåhan* this 30<sup>th</sup> day of April,  
2021, at 7:39 o'clock P.M.

  
Assistant Staff Officer  
*Maga'håga's* Office

APPROVED:

  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 5/12/2021

Public Law No. 36-24

2021-13600  
RCVD AT CENTRAL FILES  
APR 30 '21 PM7:49

Elaine Tajalle

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

**Bill No. 63-36 (LS)**

As amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND § 68101 OF CHAPTER 68 AND § 63801(b) OF ARTICLE 8, CHAPTER 63, BOTH OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION; AND AMENDING THE DEFINITION OF BONA FIDE FARMER.**

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

**2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guáhan* finds**  
**3 that a robust registry of local farmers will give the Department of Agriculture the**

1 best opportunity to provide these producers with the resources they need. By  
2 mandating this registry for all farmers, we ensure the best chance of matching local  
3 government agencies to the producers they need as mandated under Public Law 23-  
4 18. This means the government would be taking the steps to be a driving force in  
5 creating demand for local produce.

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

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

22 Lastly, registering all local agricultural and aquacultural producers with the  
23 Department of Agriculture allows the Department to handle all necessary oversight  
24 and regulation for both government and private business consumption of local  
25 produce.

26 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate a registry of  
27 local farmers and develop penalties for those businesses working with unregistered

1 farmers, leaving more room for opportunity and assistance for these agricultural  
2 producers. With the increased registry, the Department can keep track of the growth  
3 of this industry that is vital to the food security and the economy of our island  
4 community.

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

7 **“§ 68101. Procurement of Local Produce from Local Farmers**  
8 **and Fish from Local Fishermen.**

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

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

25 The Director shall adopt operational procedures relative to establishing  
26 a list of qualified local farmers and fishermen and to assist those qualified  
27 local farmers and fishermen in establishment of pricing, variety, quantity,

1 quality, availability, and other related logistics to facilitate acquisition of local  
2 produce and fish by other Government Agencies consistent with the needs of  
3 those agencies.

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

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

20 (b) For the purposes of this Section, "bona fide farmer" shall  
21 be as defined in 5 GCA § 63801(b).

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

24 "(b) *Bona fide farmer* means a person who is registered with the  
25 Department of Agriculture who grows for commercial purposes fruits,  
26 vegetables, ornamental plants, livestock, aquacultural products, agricultural  
27 products, or similar products, and is either (1) a U.S. citizen; (2) a permanent

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

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

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