

8 GAR – FOOD AND AGRICULTURE
CH. 12 – COMPENSATION TO FARMERS FOR CROP DAMAGES

CHAPTER 12
COMPENSATION TO FARMERS FOR CROP DAMAGES

SOURCE: Originally adopted and effective September 1993. Codified and renumbered by the Compiler as §§ 12101-12103. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993). Amended by P.L. 24-256 (Aug. 14, 1998).

2023 NOTE: It is unclear when the original rules were adopted and went into effect. The Compiler’s Office does not have records of the original adoption, and P.L. 22-064 (Dec. 6, 1993) includes references to both Sept. 20, 1993 and Sept. 23, 1993 as the effective dates.

- § 12101. Administration.
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§ 12101. Administration.

The Agricultural Development Services Division of the Department of Agriculture (the “Department”) shall be the responsible body for the Administration of this program.

SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993).

§12102. Definitions.

(a) Bona fide Farmer shall mean a person registered with the Department who commercially grows for profit or in-kind exchange or barter fruits, crops, ornamentals, livestock, including aquaculture and/or similar products, who furnishes financial records that substantiate a claim to the Department's satisfaction and who is: (a) a U. S. citizen, a permanent resident alien or who has been a resident of Guam for the immediately preceding five (5) years or (b) a corporation or partnership licensed to do business in Guam.

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(b) Department of and Director of Agriculture shall mean the Department and Director of Agriculture of the government of Guam and any successor to either of them.

(c) Natural Disasters shall mean typhoons, severe rain storms, floods, droughts, severe winds, acts occasioned exclusively by violence of nature, and diseases or insect infestation.

SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993). Subsection (a) amended by P.L. 24-256:2 (Aug. 14, 1998).

§ 12103. Registration and Application Procedures.

In order to be eligible to participate in this program, all farmers are required to register their farms with the Department. Registration and application must be filed with the Agricultural Development Services Division of the Department (the “Division”). The Division is responsible for verifying and sketching a detailed description of the farm, setting forth the type of operation, acreage and other information. The Department will maintain most recent aerial photographs of all farm lands. For the purposes of determining eligibility for compensation for damages, the applicant must register all plantings of crops, fruit trees, propagation of ornamentals, births of livestock, or stocking of aquaculture ponds.

SOURCE: Adopted and effective September 1993, originally entitled “Others.” Repealed and adopted as “Registration and Application Procedures” by P.L. 22-064:2 (Dec. 6, 1993). Amended by P.L. 24-256:3 (Aug. 14, 1998).

§ 12104. Restictions of Payment.

When the Department, upon inspection, deems that a claim is being made on neglected, abandoned or pest-infested plants, crops, ornamentals, aquaculture ponds, and livestock, it shall refuse application for payment. Denial of said claim must be made in writing to the applicant within thirty (30) days of filing of claims. Farmers shall have the right to appeal such denial. The Agricultural Board of Commissioners shall hear all appeals.

SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993). Amended by P.L. 24-256:4 (Aug. 14, 1998).

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§ 12105. Eligible Crops/Livestock/Ornamentals.

Only crops, fruit trees, propagated ornamentals, aquacultural broodstock and livestock grown or raised for commercial or in-kind exchange or barter purposes registered with the Department are eligible for disaster compensation to registered farmers.

SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993). Amended by P.L. 24-256:5 (Aug. 14, 1998).

§ 12106. Ineligible Crops/Livestock/Ornamentals.

The following are ineligible for disaster compensation:

- (a) Trees grown for windbreaks;
- (b) Roosters, horses, dogs, rabbits or other animals used for show or recreational purposes;

SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993).

§ 12107. Calculation of Payments.

Payments are determined as follows:

(a) Payments are based on current receipts furnished by the farmer to the Department for farm restoration and replacement of actual production-related expenses during the growing period to the time the disaster occurred. A sole proprietor's labor shall be included. In the event receipts are not available to substantiate expenses for consumable inputs, e.g. fuel for farm machinery, seeds/seedlings, and similar, the Department shall estimate reimbursement at fifty percent (50%) of estimated cost of the consumable input at the time of purchase.

(b) The maximum amount of payment shall not exceed Twenty Thousand Dollars (\$20,000) per farmer and shall be based on availability of funds. Only expenses NOT recovered by sales prior to and after the disaster will be allowed.

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SOURCE: Adopted and effective September 1993. Repealed and adopted by P.L. 22-064:2 (Dec. 6, 1993). Amended by P.L. 24-256:6 (Aug. 14, 1998).

§ 12108. Other provisions.

(a) Upon the occurrence of a natural disaster, the Director, who shall effectuate the administrative and operational implementation of the statute shall make an assessment within seventy-two (72) hours based on evidence as to what crops, fruit trees, propagated ornamentals, aquacultural broodstock, commercially grown or raised livestock, and property have been damaged by natural disasters such as typhoons, severe rainstorms, floods, and droughts. He shall forward his assessment to the Governor with a recommendation for the declaration of a natural disaster and the designation of areas eligible to receive compensation for crop or property damages that have occurred as a result of the natural disaster.

(b) All damage reports shall be made in a form approved by the Director who shall verify that the crops, fruit trees, propagated ornamentals, aquacultural broodstock, and commercially grown or raised livestock was registered with the Department, inspected by his delegated personnel and certified by the farmer. The farmer must be present during field assessments. All damage reports shall be filed with the Division. A final report must be issued within thirty (30) days after the deadline for filing an application for disaster compensation respecting crops, fruit trees, propagated ornamentals, aquacultural broodstock, commercially grown or raised livestock, or property damage. All reports remain permanent records of the Department.

(c) Application for crop or property damage compensation must be filed with the Division within four (4) weeks of the date of the disaster declaration by the Governor. The Director shall publicize twice a week over the electronic and printed news media that such a disaster declaration was made.

(d) Compensation shall be based on availability of funds. Compensation for damages shall be prioritized in the following order:

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(1) First priority: Crops, fruit trees, propagated
ornamentals, livestock, aquaculture broodstock, livestock
building, greenhouse, aquaculture ponds;

(2) Second priority: Other farm building/structures;

(3) Third priority: Farm roads.

SOURCE: Adopted and effective September 1993. Repealed and
adopted by P.L. 22-064:2 (Dec. 6, 1993).
