

(H.B. 1038)

(No. 39)

(Approved January 27, 2006)

## **AN ACT**

To establish the “Bill of Rights and Duties of Farmers,” in order to provide for the rights and duties of farmers in Puerto Rico.

### **STATEMENT OF MOTIVES**

Farmers have been a fundamental component of the Puerto Rican economy. However, the government has been faced with the obligation of establishing programs, incentives, and legislation to help them compete in a market that demands greater investments and where the competition is stronger. This public policy, merits that the Government establishes a Bill of Rights and Duties of Farmers, in order to consign the rights that will protect agricultural workers and at the same time establish their duties, parting from the premise that every right entails a duty.

The public policy for agricultural development must contain elements that commit not only the farmer, but also the government, through the Department of Agriculture, to meeting specific goals that promote the judicious use of public funds while helping to improve the efficiency of the services to insure an increase in the production and quality of agricultural products. For the purpose of strengthening Puerto Rican agriculture regulatory measures should be fixed to protect our farmers’ investments to ensure the stability of the agricultural economy, and to establish the necessary conditions so that agricultural entrepreneurs trust the government

to be an entity which promotes their development. This trust shall be the result of the implementation of this Bill of Rights and Duties of Farmers, which shall set forth the norms to be followed in the relationship between the government and the farmers in Puerto Rico, and provide with the government the opportunity for looking after their interests as well as conferring upon the farmers the duty of cooperating with the government to improve the agricultural economy.

Aware of the unrelenting work of our farmers, we do social justice to them by recognizing the rights established in this Act, and assisting them in their development through compliance with the duties outlined herein.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Title

This Act shall be known as the “Bill of Rights and Duties of Farmers.”

Section 2.- Definitions

The terms used in this Act shall have the meaning stated below:

- (a) “Bill” - means the “Bill of Rights and Duties of Farmers in Puerto Rico,” established in this Act.
- (b) “Domestic Products” – means products grown in Puerto Rico.
- (c) “Department” – means the Department of Agriculture of Puerto Rico.
- (d) “Secretary” – means the Secretary of the Department of Agriculture of Puerto Rico.
- (e) “Providers” – any person or entity authorized by the laws of Puerto Rico to render or provide services concerning agriculture and related areas in the Commonwealth of Puerto Rico.

- (f) “Bona fide Farmers” – any natural or juridical person who legally owns a farm and devotes the same to agriculture in general, including all its modalities such as stockbreeding, aviculture, apiculture, minor fruits, horticulture, aquaculture, fishing, and others; and who holds a certification in effect issued by the Secretary of Agriculture; and who earns fifty (50) percent or more of his/her gross income from an agricultural business as operator, owner, or lessee.
- (g) “Agricultural Business” – is the operation or exploitation of one or more of the following businesses:
- i. Farming or tilling the land for the production of fruits and vegetables, seasoning spices, and all kinds of foods tuffs intended for human and animal consumption;
  - ii. Breeding animals for the production of meat, milk, and eggs;
  - iii. Breeding thoroughbred race horses and purebred *Paso Fino* horses of Puerto Rico;
  - iv. Mariculture, commercial fishing, and aquaculture;
  - v. Commercial production of flowers and ornamental plants for the domestic market and export;
  - vi. Growing vegetables through the hydroponic method;

- vii. Any other commercial production deemed by the Secretary as an agricultural business.

### Section 3.- Rights

Farmers in Puerto Rico shall have the following rights:

- (a) Be qualified as farmer for the purposes of the Agricultural Tax Incentive Act (ATIA) Act No. 225 of December 1, 1995, as amended, and to receive the benefits established by said Act in agreement with his/her farmer classification in effect, while carrying out agricultural, aquacultural, and commercial fishing activities.
- (b) Be certified as farmer when engaged in agricultural works as usufructuary, tenant farmer, or lessee.
- (c) Receive response from the Department of Agriculture on or before thirty (30) days, when requesting services for seeds, fertilizers, pest control, machinery, fishing equipment, financing, crop insurance and planting, or any other service of this kind as established by the Department of Agriculture.
- (d) Receive quality services, according to the needs of the farmer, from the Department of Agriculture of the Commonwealth of Puerto Rico.
- (e) Have access to any information required to take the necessary steps to obtain services, incentives, tax credits, licenses, certifications, and any other agricultural benefits that are offered or to be offered by the Department of Agriculture or any other agency, public corporation or instrumentality of the Commonwealth of Puerto Rico and its municipalities.

- (f) Choose the agricultural product to exploit profitably.
- (g) Choose the place where they shall acquire materials or services.
- (h) Organize and form partnerships freely with other farmers to their businesses, according to the parameters established by Act No. 238 of September 18, 1997 (*sic*), as amended, known as the “Agriculture and Livestock Industry Regulating Act.”
- (i) Receive technical and administrative advice on the businesses, marketing, sales, and services from the Department of Agriculture and the University of Puerto Rico through the Agricultural Extension Service and other agencies.
- (j) File claims or complaints with the Department of Agriculture according to the established procedure.
- (k) Receive equal and fair treatment from the Department of Agriculture.
- (l) For domestic products to have priority in all marketing activities carried out by the Department of Agriculture.
- (m) Be compensated according to the fair value of their products when contracting with the government.

#### Section 4.- Duties

Farmers in Puerto Rico shall have the following duties:

- (a) Establish appropriate communications and cooperate with the Department of Agriculture and providers to expedite official transactions.

- (b) Acquire, subject to applicable provisions, any materials, equipment, and property necessary for the production of top quality food.
- (c) Submit on time any applications and reports required by the Department of Agriculture or providers.
- (d) Maintain continuous communication with the Department of Agriculture, providers, and municipalities as the case may be, to enable these to make the official transaction that concern farmers.
- (e) Report to the Secretary any investigation conducted regarding them.
- (f) Keep available for review farm production records and legal and administrative documents.
- (g) Implement technical recommendations made by the Department for improving their production.
- (h) Participate in training sessions, meetings, workshops, or any other educational activity carried out by the Department of Agriculture, the Agricultural Extension Service, the Agricultural Experimental Station, the Soil Conservation Service, and others to improve agriculture in Puerto Rico.
- (i) Receive official visits of personnel authorized by agriculture-related government agencies and allow their entrance to their farms or agricultural businesses.
- (j) Use efficiently and in the established time any aid granted by the Department of Agriculture for the maintenance, increase, and development of their agricultural businesses and keep subsidized agricultural activities for the time

required by the regulations in effect or otherwise they shall be bound to return the total of the incentive granted.

- (k) Give appropriate use, as established by law and regulations, to medications, pesticides, chemicals, and pollutants that are harmful to animal, human, and environmental health.
- (l) Comply with the established protection provisions of Plant Protection and Veterinary Services to avoid the introduction of pests and diseases that attempt against our agricultural businesses.
- (m) Comply with any laws and regulations established in Puerto Rico or those of the United States of America that apply to Puerto Rico, relative to the agricultural field.

Section 5.- The Secretary is hereby directed to adopt any necessary regulations for the full compliance with the provisions of this Act.

Section 6.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 39 (H.B. 1038) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to establish the “Bill of Rights and Duties of Farmers,” in order to provide for the rights and duties of farmers in Puerto Rico,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 11<sup>th</sup> of July of 2006.

Francisco J. Domenech  
Director