



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 20 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>DDH</u>
Time:	<u>3:35pm</u>
Date:	<u>6-20-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 30 (COR), "AN ACT TO PROVIDE FOR THE ADMITTANCE OF THE TEN (10) FULL-TIME-EQUIVALENT PERSONNEL WITHIN THE CHAMORRO LAND TRUST COMMISSION INTO THE CLASSIFIED SERVICES OF THE GOVERNMENT OF GUAM, AND TO PROVIDE A CONTINUING APPROPRIATION AND AUTHORIZATION FOR THE DISCRETIONARY USE OF DOA ACCOUNT #341152101 AND DOA ACCOUNT #341154201.", which I have signed into law today as Public Law No. 24-48.

This legislation allows the hard-working men and women who are now employed with the Chamorro Land Trust Commission to have classified positions with the Commission, thus stabilizing the work of the Commission. It also furthers the mission of the Commission by providing funding for its operations.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment 00290

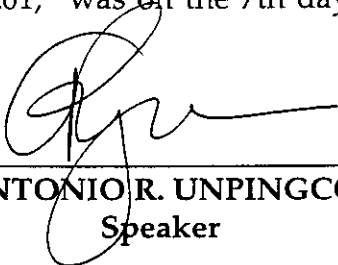
cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6-20-97
Time: dpm
Rec'd by: Mgh
Print Name: Mouigna


TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 30 (COR), "AN ACT TO PROVIDE FOR THE ADMITTANCE OF THE TEN (10) FULL-TIME-EQUIVALENT PERSONNEL WITHIN THE CHAMORRO LAND TRUST COMMISSION INTO THE CLASSIFIED SERVICES OF THE GOVERNMENT OF GUAM, AND TO PROVIDE A CONTINUING APPROPRIATION AND AUTHORIZATION FOR THE DISCRETIONARY USE OF DOA ACCOUNT #341152101 AND DOA ACCOUNT #341154201," was on the 7th day of June, 1997, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker


Attested.


JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by the Governor this 13th day of June, 1997, at
4:20 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


CARL T. C. GUTIERREZ
Governor of Guam

Date: 6-20-97

Public Law No. 24-48

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 30 (COR)

As substituted by the Committee
on Power, Foreign Affairs and General
Government Services, and as amended
on the Floor.

Introduced by:

A. L.G. Santos
Felix P. Camacho
J. C. Salas
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO PROVIDE FOR THE ADMITTANCE
OF THE TEN (10) FULL-TIME-EQUIVALENT
PERSONNEL WITHIN THE CHAMORRO LAND
TRUST COMMISSION INTO THE CLASSIFIED
SERVICES OF THE GOVERNMENT OF GUAM,
AND TO PROVIDE A CONTINUING**

APPROPRIATION AND AUTHORIZATION FOR
THE DISCRETIONARY USE OF DOA ACCOUNT
#341152101 AND DOA ACCOUNT #341154201.

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

2 **Section 1. Legislative Statement and Findings.** The Chamorro Land
3 Trust Commission was established pursuant to Public Law No. 12-226 in
4 1975. Notwithstanding enactment, no appointments to the Commission were
5 made, nor were the programs authorized implemented. It was not until 1993,
6 by way of a court order, that the first appointments to the Commission were
7 made. The Chamorro Land Trust Commission held its first meeting in March,
8 1993, with its first Administrative Director being appointed, in August 1993,
9 to an authorized but non-appropriated for position.

10 Public Law No. 22-09:2 added a new §75118 to 21 GCA, appropriating
11 Five Hundred Thousand Dollars (\$500,000.00) to the Commission as an
12 operational "start-up fund" prescribing the salary ceiling of the
13 Administrative Director, and authorizing the hiring of ". . .the necessary
14 personnel to carry on the work of the Commission as provided for in
15 §75102(b) of Chapter 75, 21 GCA." Pursuant to a request by the members of
16 the Commission, with the assistance of the Governor, several unclassified
17 employees were acquired by the Commission in clerical positions to initiate
18 the business of the Commission.

19 In order to facilitate the work of the Commission during the interim
20 period pending the establishment of the Commission's ability to
21 independently manage its programs, the Director of the Department of Land
22 Management, with the approval of the Governor, was authorized to "...

1 assign, transfer or allocate to the Chamorro Land Trust Commission current
2 personnel and other resources deemed necessary to . . . assist the Commission
3 with its mandate . . .” (21 GCA, §60105, as amended by Public Law No. 22-
4 31).

5 On September 29, 1994, Public Law No. 22-140:III:11, appropriated Four
6 Hundred Thirty-Two Thousand Dollars (\$432,000.00) from the General Fund
7 to the Commission for it’s fiscal year 1995 operations, and further, authorized
8 the Commission to proceed towards the completion of “. . . . surveys and
9 complete topographic surveys of all lands under the Commission’s
10 jurisdiction.”

11 No employee of the Commission held a position within the classified
12 services of the government of Guam prior to September 29, 1994, and the
13 enactment of Public Law No. 22-140:V:22(b), which, “notwithstanding any
14 other provision of law,” further provided for an immediate freeze on hiring.
15 This *current* law mandate superseded any prior authorization to organize
16 employees of the Commission within the classified services of the government
17 of Guam, as previously provided for pursuant to 21 GCA §75102(b). Public
18 Law No. 22-140:V:22(b)(iii), further provided that, “no new positions may be
19 added to any Agency **without** consent and approval by law. . .” Thus,
20 pursuant to different sections of P.L. 22-140, the workload of the Commission
21 was drastically increased, while their ability to directly acquire personnel
22 needed to effect the mandate was simultaneously constrained.

23 Pursuant to 21 GCA §75104, as amended, and Public Law No. 22-18,
24 public real property comprising an aggregate area of approximately 10,000
25 acres and with an approximated value in excess of Eight Hundred Million

1 Dollars (\$800,000,000.00) are designated as “available lands” for utilization in
2 programs under the administrative jurisdiction of the Commission, the
3 mission mandate of which continues pursuant to law. The inventory of the
4 Commission continues to increase in size and value as the Commission and
5 the Department of Land Management proceed with the processes involved in
6 the identification and transfer of tracts qualifying as “available lands.”

7 It is the finding of the Guam Legislature that it is in the public interest to
8 support and promote the successful accomplishment of programs established
9 pursuant to Chapter 75, 21 GCA. This finding is consistent with the intent of
10 Public Law No. 12-226, as amended, and the applicable order of the Superior
11 Court of Guam.

12 The Guam Legislature finds that all personnel within the Commission,
13 or, providing services to the Commission, are either:

14 (a) temporary, unclassified, full-time-equivalents (duly
15 qualified and certified by the Department of Administration) directly
16 employed by the Commission;

17 (b) temporary personnel who are full-time-equivalents within
18 the classified services of the government of Guam detailed from other
19 agencies to the Commission to facilitate the accomplishment of
20 Commission objectives; or

21 (c) unclassified full-time-equivalents detailed to the
22 Commission to facilitate the accomplishment of mission objectives.

23 The ongoing processes established pursuant to law will eventually
24 result in the Commission’s administrative control of the majority of
25 government owned lands. The Guam Legislature finds it to be in the public

1 interest to insure the administrative continuity of Commission programs, to
2 include the various concurrent activities pertinent to the successful
3 accomplishment of program mandates. To accomplish this objective, it is
4 necessary and appropriate to provide for the entry of the ten (10) unclassified,
5 full-time-equivalent personnel within the Commission into the classified
6 services of the government of Guam.

7 **Section 2. Legislative Intent.** It is the intent of the Guam Legislature to
8 provide for the admittance of the ten (10), unclassified, full-time-equivalent
9 personnel within the Commission into the classified services of the
10 government of Guam. It is, further, the intent of this Act to correct a technical
11 error in Section 31 of Public Law No. 23-128, which was intended to facilitate
12 the promotion and successful accomplishment of Commission programs by
13 providing the Commission with discretionary access to funds in accounts
14 dedicated to the Commission.

15 **Section 3. Definitions.** (a) "*Commission*" shall mean the Chamorro
16 Land Trust Commission ("CLTC").

17 **Section 4. Admittance of the Ten (10) Unclassified, Full-Time-**
18 **Equivalent Personnel of the Chamorro Land Trust Commission into the**
19 **Classified Services of the Government of Guam.**

20 (a) The ten (10) unclassified, full-time-equivalent personnel of the
21 Chamorro Land Trust Commission, shall be admitted into the classified
22 services of the government of Guam without loss of status, step or pay, and
23 shall be entitled to all rights, benefits and protections accorded full-time-
24 equivalent personnel within the classified services of the government of

1 Guam pursuant to law. The implementation of this Section (a) shall
2 additionally be subject to the following provisions and restrictions:

3 i. Section 4(a) shall only apply to the ten (10) unclassified
4 employees directly employed by the Chamorro Land Trust
5 Commission, as listed and provided for in the EXHIBIT annexed to this
6 Act.

7 ii. The EXHIBIT to Section 4(a)(i), is hereby approved and
8 annexed to this Act.

9 iii. **This Section shall not apply** to the Administrative Director
10 and the Deputy Administrative Director of the Chamorro Land Trust
11 Commission.

12 iv. **This Section shall not apply** to unclassified personnel who
13 are detailed to, assigned to or appointed to the Chamorro Land Trust
14 Commission from any other agency, department, the Office of the
15 Governor or any other instrumentality of the government of Guam.

16 v. The Chamorro Land Trust Commission's Administrative
17 Director shall coordinate the implementation of this Act with the
18 Department of Administration.

19 (b) Subsequent to the execution of the provisions of Section 4(a) of
20 this Act, any subsequent classification, reclassification or change in status of
21 any classified employee or position within the Commission shall be pursuant
22 to the Uniform Position Classification & Salary Act of 1991 and applicable
23 law.

24 (c) In the event a classified position within the Commission is
25 vacated, then the recruitment and hiring for the position shall be conducted

1 pursuant to the Uniform Position Classification & Salary Act of 1991 and
2 applicable law, and the succeeding employee shall be admitted into the
3 classified services of the government of Guam.

4 **Section 5. Appropriation of Funds to the Chamorro Land Trust**
5 **Commission; Use of Chamorro Commercial Loan Fund and the Chamorro**
6 **Land Trust Commission's Revenue Account.**

7 (a) There is hereby appropriated the sum of Two Hundred Ninety-six
8 Thousand Six Hundred Seventy Dollars (\$296,670.00) from the Chamorro
9 Land Trust Commission Revenue Account No. 341152101 to the Chamorro
10 Land Trust Commission; for surveys and related costs to complete the
11 processing of land lease applications submitted in accordance with applicable
12 law.

13 (b) There is hereby appropriated the sum of Five Hundred Thousand
14 Dollars (\$500,000.00) from the Chamorro Land Trust Commission Revenue
15 Account No. 341154201 to the Chamorro Land Trust Commission to
16 supplement its current authorized budget level. Such funds shall be placed in
17 a continuing account for the operations of the Commission to complete the
18 processing of land lease applications submitted in accordance with applicable
19 law.

1 **EXHIBIT TO SECTION 4(a)i.**

2 **Chamorro Land Trust Commission.**

3	<u>Position Number</u>	<u>Position Title</u>
4	CLTC-030	Word Processing Secretary I
5	CLTC-032	Administrative Aide
6	CLTC-042	Land Agent I
7	CLTC-045	Administrative Aide
8	CLTC-046	Administrative Aide
9	CLTC-048	Survey Worker
10	CLTC-049	Clerk Typist III
11	CLTC-050	Word Processing Secretary I
12	CLTC-051	Administrative Aide
13	CLTC-055	Federal Programs Administrator

PH 24-48

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TWENTY • FOURTH
GUAM LEGISLATURE

Senator Felix P. Camacho

Committee on Power, Foreign Affairs and General Government Services

155 Hesler Street
Agana, Guam 96910

Tel: (671)
472-3505 / 6

Fax: (671)
472-9747

May 30, 1997

The Honorable
Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred Bill No.30, "An act to classify employees within the Chamorro Land Trust Commission" as substituted by the Committee herein reports back with the recommendation **TO DO PASS**.

Votes of committee members are as follows:

- 8 To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- 6 Not Available

Sincerely,

Felix P. Camacho



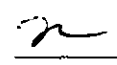
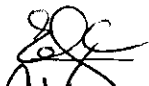
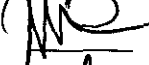
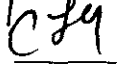
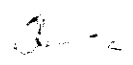
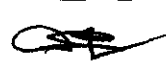
Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

Chairman: Senator Felix P. Camacho Vice Chairman: Senator Lawrence F. Kasperbauer Ex-Officio Member: Speaker Antonio R. Unpingco
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VOTING SHEET ON:

BILL NO. 30, "AN ACT CLASSIFY EMPLOYEES WITHIN THE CHAMORRO LAND TRUST COMMISSION"

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho		<input checked="" type="checkbox"/>			
Sen. Lawrence F. Kasperbauer		<input checked="" type="checkbox"/>			
Sen. Thomas C. Ada		<input checked="" type="checkbox"/>			
Sen. Elizabeth Barrett-Anderson					
Sen. Francisco P. Camacho					
Sen. Mark C. Charfauros					
Sen. Edwardo J. Cruz, MD		<input checked="" type="checkbox"/>			
Sen. William B. S.M. Flores		<input checked="" type="checkbox"/>			
Sen. Carlotta A. Leon Guerrero		<input checked="" type="checkbox"/>			
Sen. Alberto A.C. Lamorena V					
Sen. Vicente C. Pangelinan					
Sen. Angel L.G. Santos		<input checked="" type="checkbox"/>			
Sen. Francis E. Santos					
Sen. Judith Won Pat-Borja					

COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910

COMMITTEE REPORT

ON

BILL NO. 30

“An act to classify employees within the Chamorro Land Trust Commission”

COMMITTEE MEMBERS

Chairman: Felix P. Camacho
Vice Chairman: Senator Lawrence F. Kasperbauer
Ex-Officio Member: Antonio R. Unpingco

Thomas C. Ada
Francisco P. Camacho
Edwardo J. Cruz, MD
Alberto A.C. Lamorena V
Vicente C. Pangelinan
Francis E. Santos

Elizabeth Barrett-Anderson
Mark C. Charfauros
William B. S.M. Flores
Carlotta A. Leon Guerrero
Angel L.G. Santos
Judith Won Pat-Borja

COMMITTEE REPORT
POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

BILL NO. 30

“An act to classify employees within the Chamorro Land Trust Commission”

I. PUBLIC HEARING

The Committee on Power, Foreign Affairs & General Government Services (CPFA&GGS) held a public hearing on Thursday, March 27, 1997, at 9:00 a.m. to hear testimony on Bill No. 30, “An act to classify employees within the Chamorro Land Trust Commission (CLTC)”.

A second hearing, comprised of members of this Committee and the Committee on Agriculture, Land, Housing, Community and Human Resources Development, was held on May 21, 1997, at 1:00 p.m. This hearing was to hear Bill No. 30, as substituted by the CPFA&GGS. No one was present to testify so the bill was referred back to the CPFA&GGS.

The hearing of March 27, 1997, was called to order by Senator Felix P. Camacho, Chairman of CPFA&GGS. Members present included Vice Chairman Senator Lawrence Kasperbauer, Senators Mark Charfauros, Francisco Camacho, Vicente Pangelinan, Tom Ada, Carlotta Leon Guerrero, Eduardo Cruz, Alberto Lamorena and Senator Frank Aguon as guest.

Present to testify were Ms. Carol Ibanez, Chairperson of the CLTC with Commission members Mr. Tomas Aguon and Mr. Joseph Gumataotao, Mr. Joe Borja, Executive Director of the CLTC, and Mr. Jack Cross, employee of the CLTC. Mr. Joaquin Naputy submitted written testimony.

II. BACKGROUND

The Chamorro Land Trust Commission was established by Public Law No. 12-226 in 1975. It was not until the enactment of Public Law Numbers 22-09, 22-18, 22-31 and 22-140, that the Commission began operating as an established Commission with restricted funding, temporary personnel as well as classified employees detailed from certain government agencies to carry out its programs and mission. These laws prohibited the CLTC from hiring employees in the classified service and also imposed a freeze on hiring needed personnel. As of this hearing, there are 13 unclassified CLTC employees, including the Administrative Director and Deputy Administrative Director. This bill seeks to classify 11 positions at the CLTC. As much as 8

classified employees from certain agencies have been detailed to assist the CLTC carry out its program and mission.

As of May 28, 1997, the Commission has attested to employing 10 positions (not 11 as cited above) in the unclassified service. The positions include administrative aides, clerk typists, word processing secretaries, survey workers, land agents and a federal programs administrator.

III. TESTIMONY

Mr. Joseph Borja, Administrative Director of the CLTC, provided oral and written testimony supporting the bill. He stresses that the CLTC is void of an administrative foundation and requests that the Committee seriously consider classifying the positions at the CLTC in order for him to discharge his responsibilities as Director. Much more work can be accomplished with classified personnel at the CLTC. He went on to emphasize the funding needs of the Commission and hopes to offer comments on the bill to address all pressing issues. Mr. Borja states that as much as \$1 million is available to be spent on programs, but legislation permitting the appropriation is needed at this time.

Mr. Borja asks for three things. 1) the positions become classified; 2) an organizational chart and staffing pattern be established; and 3) the funding issue be resolved. As for the first item, desk audits have been performed in May 1996. The CLTC will work to propose an organization chart soon. The funding issue can be included in the bill as reported out if it is prudent to do so.

At the urging of the Senator Camacho, Mr. Borja distributed a preliminary organizational chart and staffing pattern of positions he desires to have in place at the CLTC. This has since been withdrawn for consideration because it appeared to be too ambitious and costly to implement at this time. Mr. Borja's written testimony is attached.

Ms. Carol Ibanez, Mr. Joe Gumataota and Mr. Tom Aguon, all Commission members, remained to support the Director as he presented testimony for the record. They have all stressed the need to classify the positions, and hopefully the legislature will consider establishing critical job specific positions when the CLTC mission is more clearly defined within the next couple of years. They admit the CLTC is here to stay as a government entity into the foreseeable future.

Mr. Jack Cross, a former detailed employee at the CLTC, expressed his support for the bill and stated he has been detailed to the Commission since leaving GEDA and has not received compensation for his services. He admits he is not an employee at

the CLTC and essentially has rendered services as a volunteer. He hopes his situation can be immediately remedied and hopefully get back pay.

Mr. Joaquin Naputi, provided written testimony in support of this bill. Due to his experience as a government land administrator, he suggests that the CLTC needs the manpower to properly execute and implement its program objectives. The CLTC should be able to accomplish a great deal more with the passage of this bill. His testimonies dated March 25 and May 14, 1997, are attached.

Senator Felix Camacho was concerned about the manner in which individuals have been tasked to work at the Commission. As in Mr. Cross' case, this illustrates the state of affairs at the CLTC, without an established organization, staffing pattern or budget. It seems as though employees at the CLTC are there voluntarily in the hopes of securing a permanent job. The Senator was also concerned about the employees at the CLTC today. He sympathizes with these employees that they expect special consideration as they compete for the positions, although there are no real guarantees to keep them employed. He also wanted the respective agencies of our government to work with the Commission in establishing the positions to be classified along with the appropriate pay grades for work performed.

Senator Angel Santos commends the Chairman for quickly hearing his bill. As sponsor, he assures the Committee that the CLTC, because of its mission, will last through the next 4000 years. He finds it imperative the language and land of the Chamorros be forever preserved. He also recommends that the temporary employees at the CLTC that have worked hard these past three years be protected at these jobs once they are created. Senator Santos also suggests the Legislature revisit the CLTC needs 5 years from now.

Senator Francisco Camacho needed clarification on how many staff are now in place at the Commission. Apparently there are 13 personnel established by law plus eight detailed from other agencies.

Senator Mark Charfauros expressed his concern about the plight of Mr. Cross. He maintains that the Legislature should be careful not to grandfather the employees at the CLTC or any "volunteer staff". Once the positions are classified, employees should compete for the jobs on the merit system.

Senator Frank Aguon commends the CLTC for all the hard work completed to date. He states it will exist indefinitely and fully supports the bill. At this time he is concerned about so-called volunteer workers accessing confidential information contained in the land lease applications and advises the CLTC to prevent such accessibility.

The **Bureau of Budget & Management Research**, in its Fiscal Note, states the overall impact is dependent on the established staffing pattern and pay grades. The CLTC must adhere to its current fiscal year 1997 budget of \$427,686, in spite of the classification provisions in the bill. No mention was made as to the balance of the DOA account numbers cited in the bill. BBMR-F7 dated March 26, which addressed the classification provisions in the original bill, and the BBMR-F7 dated April 28, which addressed the DOA account numbers in the substitute bill, are attached. The May 21, 1997 bill submitted as substituted by the Committee has since been further amendment.

IV. FINDINGS

The Committee finds that Bill No. 30, should incorporate changes to reflect a comprehensive explanation and history of the CLTC, include a list of actual positions to be classified pursuant to the desk audits performed in May 1996, and appropriate funds so that the CLTC can secure existing cash funds at the Department of Administration through the end of this Fiscal Year 1996-97. The CPFA&GGS will maintain oversight of next fiscal year's CLTC budget submission.

The CLTC Personnel budget digest dated May 15, 1997, is attached. Although, the CLTC needs 10 positions classified, the eleventh position CLTC-003, had been previously classified, and, along with the Director and Deputy Director, completes the 13 positions provided by law.

The original bill has been substituted to reflect all CLTC concerns for consideration at the May 21, 1997, hearing. However, this version had been withdrawn and subsequently substituted in its current form. The Fiscal Notes cited above are germane to the bill as substituted in its current form.

V. RECOMMENDATION

The Committee on Power, Foreign Affairs & General Government Services hereby reports out Bill No. 30, as substituted by the Committee with the recommendation **TO DO PASS.**

CHAMORRO LAND TRUST COMMISSION

PERSONNEL

*	CLTC	POSITION	SALARY	BENEFITS	TOTAL
	POSITION	TITLE			
	NUMBER				
1	CLTC-030	Word Processing Secretary I	18,723	5,822	24,545
2	CLTC-032	Administrative Aide	17,635	5,513	23,148
3	CLTC-042	Land Agent I	18,723	3,589	22,312
4	CLTC-045	Administrative Aide	17,635	4,399	22,034
5	CLTC-046	Administrative Aide	17,635	4,399	22,034
6	CLTC-048	Survey Worker	15,840	4,065	19,905
7	CLTC-049	Clerk Typist III	17,635	3,387	21,022
8	CLTC-050	Word Processing Secretary I	18,723	4,601	23,324
9	CLTC-051	Administrative Aide	17,635	3,428	21,063
10	CLTC-055	Federal Programs Administrator	43,018	8,001	51,019
BILL NO. 30: Positions #1-10 - Unclassified Employees			203,202	47,204	250,406
11	CLTC-001	Administrative Director (Unclassified)	55,000	12,570	67,570
12	CLTC-002	Deputy Administrative Director (Unclassified)	51,000	11,826	62,826
13	CLTC-003	Program Coordinator III (Classified)	28,678	7,674	36,352
Positions #11-13			134,678	32,070	166,748
CLTC PERSONNEL (Positions #1-13) TOTAL			337,880	79,274	417,154

Approved: 
Joseph M. Borja

* As of 5/15/97

Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Carol A. Ibanez, Chairperson
Rita C. Okada, Commissioner
John Q. Finona, Commissioner
Joseph T. Gumataotao, Commissioner
Tomas T. Aguon, Commissioner

Joseph M. Borja
Administrative Director

Lydia T. Cruz
Deputy Administrative Director

March 27, 1997

Testimony on Bill 30 by Joseph M. Borja Administrative Director

Senators, members of this Committee, thank you for the opportunity to testify in favor of this bill with suggested amendments and additions. Up to this day, the Chamorro Land Trust Commission still does not exist and its programs are still not implemented. Public policy has been established by the Public Law 12-226 with its amendments and by court order in Angel Santos and the Chamoru Nation v. Joseph F. Ada, Governor of Guam.

But the Legislative Branch has never created the administrative foundation of the Commission, the staffing pattern, the organizational chart. Mr. Chair, when I heard that it was your Committee that was hearing the bill, I was extremely pleased because I knew of your background as the Executive Director of the Civil Service Commission during the Hay Study period. I knew we would be dealing with an extremely capable and understanding Chairman and Committee.

The "administrative life" of the Commission began on August 9, 1993, after the Great Earthquake. One employee was hired, the Administrative Director, who by the way did not receive his first paycheck until 6 months later. It was extremely tough processing things for the first time. Staff level remained there for 2 months until the Department of Land Management temporarily assigned 8 DLM employees to the Land Trust office. 3 came regularly, 3 did not show up regularly, 1 had a drug problem and 1 was subsequently accused of bribery and resigned.

The Commission presently has 13 employees including the Director and Deputy Director.

While too numerous and long to mention now, the Commission will be submitting information and details in the hopes that amendments can be made to the bill to adequately address the staffing and especially the funding needs of the Commission.

March 25, 1997

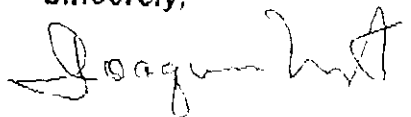
My name is Joaquin N. Naputi and I am from the village of Mongmong-Toto-Maite. I am testifying in favor of Bill No. 30 which is an Act to Classify Employees Within the Chamorro Land Trust Commission. I have previously headed the Guam Department of Agriculture as the Acting Director of Agriculture. Based on my experience, an agency needs classified people with various knowledge, abilities and skills to be able to carry out its statutory mission set forth by law. Additionally, since the employees are on temporary basis, attrition factor needs to be considered if programs and services is to be delivered and not compromised.

I have been detailed to the Chamorro Land Trust Commission as a planner. The Commission has implemented its landlease programs and classified employees are needed to deliver services to lessees. Failure to monitor the lease program due to turnover of employees will create chaotic situations that will be difficult in the long run to resolve.

As a former Administrator, I recommend that the Legislature through your Committee increase the staffing capability of the Chamorro Land Trust Commission as it is now on implementation stage. Perhaps using the Guam Department of Agriculture's Agricultural Development Services Division staffing pattern as a guide will be wise and prudent. After all, they previously handled the agricultural land lease which is now under the Chamorro Land Trust Commission.

I urge you and your colleagues to give the Chamorro Land Trust Commission the manpower to fulfill its mission. Thank you for the opportunity to comment.

Sincerely,



JOAQUIN NAPUTI

Bx 24097

GMF, GU 96921

477-8801

Fax 646-0750

SENT BY:

5-14-97 : 4:03PM :

6710492151: # 27 0

Senator John C. Salas
Chairman
Committee on Land, Housing, Agriculture, Planning, Community & Human
Resource Development
24th Guam Legislature
Agana, Guam 96923

Dear Mr. Chairman:

My name is Joaquin N. Naputi and I am testifying in favor of Bill 30 as substituted by the Committee on Power, Foreign Affairs and General Governmental Services.

I am fortunate to have implemented similar program having been the Acting Director, Deputy Director and Planner for the Department of Agriculture. Prior to the implementation of the Chamorro Land Trust Act, the Guam Department of Agriculture pursuant to P.L. 15-18 was the leasing authority of long-term agriculture leases (50 years). As public land is involved, care and diligence is needed in the application process to insure that experience, a farm production and marketing plan, conservation measures and resources are in place to carry out a successful commercial agriculture.

The next and perhaps the most critical area is follow-up and enforcement. When the lease is given, is there sufficient manpower to police the program? We must be cognizant that the northern area which provides 80% of our drinking water must be closely guarded. Farmers and the area must have records of pesticide applied. Without enforcement three or five houses will be built haphazardly to house the extended family causing health and safety problems and lots will be used for junkyard storage.

In southern Guam, hillside areas will be cleared for farming purposes and during rainy season, mudslides and erosion occurs causing pollution to our bays and reefs damaging our ecosystem.

This is a real look at what will occur if the Chamorro Land Trust is not provided the manpower it needs to carry out its legislative mandates. We need planners to chart out the various programs, program coordinators, land agents to police the programs, foresters to provide assistance in erosion control, agricultural research technicians to assist farmers in the field and administrative positions to insure the implementation of the program.

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5-14-97 : 4:04PM :

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Et. 30 Testimony
Page 2 of 2

Within the agricultural division of the Chamorro Land Trust, there are over 1200 applicants. If farmers per land agent is assigned to enforce the farm plan and provide referral assistance, then we will see high production, thus cutting down on imports. Actual time spent per farm mapping and measuring the farm areas is a tedious process that must be undertaken. Furthermore, if there is an enforcement mechanism that forces them to adhere to the intended use of the land.

The far reaching effects of implementing a program haphazardly without manpower come back to haunt us in the future with housing areas built without the infrastructure endangering occupants, pollution to our aquifer that provides 80% of our water, a huge junkyard created in the farm areas which is now occurring.

The Chamorro Land Trust Commission is recognized with the Veterans Affairs extending loan programs to Chamorro veterans qualified under the Act. We must also do justice to our Veterans who have risk their lives for our freedom. As the Chamorro Land Trust Commission is a fairly new agency, it could be a showcase in interfacing the agricultural needs of the hotels such as leis, ornamentals, produce such as eggplants, cucumbers, melons, papayas, etc., with a production and marketing plan and stringent enforcement, we can tap into the 1.2 million tourism market. We are beginning to do that now, but we can do more.

Thank you.

Sincerely,



Joaquin N. Naputi

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FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 30 Date Received: April 10, 1997
 Amendatory Bill: N/A Date Reviewed: April 18, 1997
 Department/Agency Affected: Chamorro Land Trust Commission
 Department/Agency Head: Joseph M. Borja
 Total FY Appropriation to Date: \$427,686

Bill Title (preamble): AN ACT TO AUTHORIZE TWENTY ADDITIONAL FULL-TIME-EQUIVALENT POSITIONS WITHIN THE CHAMORRO LAND TRUST COMMISSION; TO APPROPRIATE AND AUTHORIZE THE USE OF COMMISSION FUNDS IN DOA ACCOUNT #341152101 AND DOA ACCOUNT #3411 TO FUND NEW FTE POSITIONS; TO PROVIDE FOR THE ADMITTANCE OF FULL-TIME-EQUIVALENT PERSONNEL INTO THE CLASSIFIED SERVICES OF THE GOVERNMENT OF GUAM; AND TO PROVIDE A CONTINUING APPROPRIATION AND AUTHORIZATION FOR THE DISCRETIONARY USE OF DOA ACCOUNT #341152101 AND DOA ACCOUNT #3411.

Change in Law: N/A

Bill's Impact on Present Program Funding:

Increase x Decrease _____ Reallocation _____ No Change _____

Bill is for:

Operations x Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Natural Resources, Recreation & Arts			11

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						11

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? 11 -- IF NO, ADD'L AMOUNT REQUIRED \$11

AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						N/A

ANALYST A. Flores DATE 4/18/97 DIRECTOR Joseph E. Rivera, Acting DATE APR 23 1997

FOOTNOTES: 11 The Bill will authorize up to twenty (20) new FTEs to be funded from the Chamorro Land Trust program income. It is estimated that this could cost up to \$500,000 annually which might be difficult for the program to maintain in future years.