

E.O. No. 87-17

state-wide comprehensive labor market and occupational supply and demand information system.

6. The role of the Department of Labor will be to provide financial and logistical support for the staff of the Committee in accomplishing the missions mandated by law. The Director, Department of Labor shall serve as the Chairman, Guam Occupational Information Coordinating Committee, for a period of one year after the signing of this Order. Subsequently, the chairmanship shall rotate among the members of the Committee, according to common practice among state Occupational Information Coordinating Committees.

This Order shall take effect immediately.

Signed and promulgated at Agana, Guam this 20th day of May, 1987.

/s/ Joseph F. Ada
JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:

/s/ Frank F. Blas
FRANK F. BLAS
Lieutenant Governor of Guam

EXECUTIVE ORDER NO. 87-18

AMENDMENT TO EXECUTIVE ORDER 87-12 AND
87-13 RELATING TO GROUP LIFE INSURANCE
PROCUREMENT AND EMERGENCY SELF-INSURED PROGRAM

WHEREAS, Executive Order No. 87-12 and 87-13 extended the termination date of the self-insured Group Life Insurance Program of the government of Guam effective May 31, 1987; and

WHEREAS, the government of Guam's Self-Insured Program is experiencing increasing liabilities on claims payment; and

WHEREAS, the government of Guam is actively pursuing insurance companies which can provide Group Life Insurance for employees, retirees and survivors of retired employees; and

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WHEREAS, in the government's latest bid solicitation, only one company submitted a proposal; and

WHEREAS, the government of Guam does not desire to adversely affect some 6,000 of its employees now covered for supplemental insurance, waiver of premium, and accidental death and dismemberment (AD&D) benefits on the supplemental life insurance under the Self-Insured Program; and

WHEREAS, it is the desire of the government of Guam to alleviate the increasing claims liabilities.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act and the laws of Guam, do hereby order that the Self-Insured Group Life Insurance Program of the government of Guam shall be continued for a period not to exceed August 31, 1987. There will be no conversion provision on the Basic or Supplemental program. All other provisions of Executive Order 87-13 that are not affected by this amendment shall remain in effect. By issuance of this executive order, all enrolled employees are hereby notified.

SIGNED AND PROMULGATED, this 29th day of May, 1987.

/s/ Joseph F. Ada
JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:

/s/ Frank F. Blas
FRANK F. BLAS
Lieutenant Governor of Guam

EXECUTIVE ORDER 87-19

Amendment to
EXECUTIVE ORDER NO. 85-6

RELATIVE TO THE LEASING OF
GOVERNMENT-OWNED LAND FOR COMMERCIAL PURPOSES

WHEREAS, Section 3 of Public Law 15-6 authorized the government of Guam to lease government-owned land for commercial purposes; and

WHEREAS, the government of Guam desires to assist in the economic development of the territory; and

WHEREAS, the government of Guam owns real properties which may have potential for commercial use and are not needed by the government for present or future use; and

WHEREAS, the Department of Land Management has cognizance of government real property;

NOW THEREFORE, I, JOSEPH F. ADA, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, do hereby order as follows:

1. Commercial Leases.

The Department of Land Management, subject to approval by the Governor, is authorized to declare available for lease, under the provisions of this Executive Order, government real property designated for development in the Guam Public Land Use Plan and which is not required for public use or reserved or needed for other use by any agency or department of the government, including any future use. All affected agencies and departments of the government shall have the opportunity to comment as to any intended use or potential future use of any government property proposed for commercial lease.

All submerged lands, under the jurisdiction of the government of Guam and determined suitable for commercial use, are declared available for lease on a case by case basis, under the provisions of this Executive Order.

2. Property Available for Lease.

The Director shall annually prepare and submit to the Governor an inventory of government real property available for lease. The inventory shall include only those properties designated for development in the Guam Public Land Use Plan. Upon approval of the Governor, such inventory shall be published on July 1 of each year, and at such other times as may be appropriate. Any deletion or addition shall be published in like manner. No application to lease government real property shall be accepted except as to real property included in such inventory.

Submerged lands shall be exempt from the publication requirement. All submerged lands under the jurisdiction of the government of Guam determined suitable for commercial use shall be deemed included in the inventory list. Determination of suitability for commercial use of submerged lands is subject to

prior approval of all affected Territorial agencies, boards and commissions.

3. Definitions.

As used in this Executive Order, the term "commercial use" shall include the use by individuals, partnerships and corporations qualified to do business in Guam for the purpose of operating commercial or industrial business enterprises. The term does not include use of the leased property for the purpose of securing a sublease, assignment or other transfer of rights under the lease.

4. Eligibility.

Any person who is a legal resident of the Territory of Guam and of legal age and licensed to do business in the Territory of Guam and authorized to do business in the Territory of Guam and authorized by its articles of incorporation to engage in a commercial enterprise, or any partnership, limited or general, licensed to do business in the Territory of Guam, shall, in accordance with the provisions of this Executive Order, be eligible to lease government of Guam for commercial purposes. No such person, partnership or corporation shall be eligible to lease more than one tract, lot or parcel. Submerged lands leased adjacent to leased government land leased by the same parties shall be considered as part of the non-submerged tract, lot or parcel for the purposes of this Executive Order.

5. Priorities.

The Director, in considering and acting upon applications for the lease of government real property for commercial purposes, shall give priority to such business enterprises as will, if established, contribute to the economic development of the territory or provide desirable goods or services not then available here and to such business enterprises already established as will, by expansion and improvement of their facilities, contribute to the economic development of Guam or provide desirable goods or services not then available here or, if available, not adequate to the needs of the territory.

If, under the application procedures, two or more applications for the same properties are determined by the Director to be of equal value when considering the above priorities, the Director may enter into negotiations with the applicants to obtain an agreement and lease that best meets the needs of the territory. Unsuccessful applicants under this section may obtain review of the Director's decision if such objection is filed with the Governor of Guam within fourteen (14) days of receipt of a notice of award of the lease to another applicant.

6. Same: Application: Restrictions.

No person, firm or corporation shall be allowed any priority

who shall have previously, on the same facts establishing the priority, claimed and been allowed any priority under this Executive Order, or any equivalent priority or preference authorized under any other provision of law, whether or not the transaction in which the priority was claimed and allowed was ever completed, provided an opportunity to complete the transaction was offered.

7. Application for Leases.

Application for leases of government land for commercial use shall be made to the Department of Land Management. The application shall be in such form and contain such data as the Director of Land Management, with the approval of the Governor and the Attorney General, shall prescribe. Applications for such leases shall be accompanied by a detailed plan for the commercial use of the property by the Lessee, which may require submission and prior approval of detailed drawings and financial information to be provided by the applicant.

8. Same: Zoning.

All government property leased for commercial purposes must comply with the applicable zoning law before a lease may be entered into. If the property is not zoned for the use intended by an applicant, and the applicant in all other respects is eligible to lease the property, the Department of Land Management may apply to the Territorial Planning Commission for the applicable zone change or variance for the property. Applications to lease government land not properly zoned for the intended commercial use shall not be approved by the Department of Land Management. Submerged lands leased for commercial purposes are exempt from compliance with this paragraph, but subject to determination of suitability for commercial use as required by paragraph 2 of this Executive Order.

9. Approval of Applications.

The Department of Land Management shall verify the eligibility of the applicant and all essential facts set forth by the applicant. The Department shall approve or disapprove the application in accordance with such reasonable standards as the Director, with the approval of the Governor and the Attorney General, may prescribe. The applicant for a lease of submerged lands must comply with all Territorial permit and agency requirements prior to approval of the lease application.

10. Same.

Upon approval of the lease application by the Department of Land Management, the lease must be approved by the Attorney General and be submitted to the Governor for his signature. The lease shall be executed by the Department of Land Management

upon the approval of the Governor. The lease shall not take effect until after approval of the Legislature, pursuant to P.L. 18-32:14.

11. Term.

The term of the lease shall not exceed fifty (50) years.

12. Rent.

The amount of rent due shall be determined by the fair market rental value of the property at the time of the initial execution of the lease. The rental amount shall be redetermined at least every ten years to conform with the current fair market rental value of the property leased or at least every five years at a fixed amount stated in the contract not to exceed 10% of the immediate prior lease amount. The parties shall also have the option to lease the property with the first year's rent being forgiven. If this option is exercised by the parties, the lease document shall state the specific reasons for the forgiving of the first year's rental amount. The amount of rent due for submerged lands shall not exceed the amount of rent that would be due for adjacent non-submerged lands if they were to be leased for commercial purposes, on an area for area basis. For fish weir operators, rent shall commensurate with existing fees as established by the Department of Agriculture.

13. Cancellation.

The government of Guam shall reserve the right to cancel at any time any lease executed hereunder if the lessee is not using the land for the specific purpose for which it was leased, unless good cause for such failure can be shown, except that no lease can be cancelled without a hearing pursuant to the provisions of the Administrative Adjudication Law.

If the Lessee does not use the land for the specific purpose for which it was leased, within two years of the initial effective date of the lease, the lease shall be automatically cancelled on the second anniversary of the lease.

14. Taxes.

Holders of a lease under this Executive Order shall be responsible for all property taxes. Both the leasehold interest, as well as any improvements shall be subject to real estate taxes.

15. Transfer or Encumbrances.

No rights derived from any lease executed under Section 3 of P.L. 15-6 and this Order shall be assigned, sold, subleased, encumbered or hypothecated without the approval of the Governor after review and approval by the Attorney General and shall not take effect until approval of the Legislature. No person leasing under the provisions of this Executive Order shall sublease or otherwise transfer any interest in the leased property for more than the current lease amount.

16. Recording.

Every original lease under the provisions of this Executive Order shall be recorded with the Department of Land Management. A copy of every lease shall be filed with the Department of Administration. The property description shall contain a reference to a map recorded with the Department of Land Management which specifically identifies the property.

17. Annual Financial Statement.

Every lessee under a lease executed under Section 3 of P.L. 15-6 and this Executive Order shall annually submit to the Department of Land Management on the anniversary of each lease, a financial statement and report setting forth in detail the use, improvements and income derived from the leased property. The Director shall, with the approval of the Governor, prescribe the form of such financial statement and the date required.

18. Change in Use.

A lessee who desires to materially change the approved use of the property must submit an application to the Department detailing the specific reasons for the intended change. The application shall be accompanied by a detailed plan for the new intended commercial use of the property by the lessee, which may require submission of detailed drawings and financial information to be provided by the lessee. The Department shall approve or disapprove the application in accordance with such reasonable standards as the Director, with the approval of the Governor and the Attorney General, may prescribe.

19. Form of Lease.

All leases under the provision of this Executive Order must be in a form approved by the Attorney General.

20. The Director of Land Management shall annually, no later than January 30 of each year, submit to the Governor a list of current commercial leases, including, but not limited to: the Lessee, current rent, expiration date, property description, financial status as last reported and current use. Such list shall be available at the Department for public inspection during normal business hours.

This Order shall be effective upon approval of the Governor.

Signed and promulgated at Agana, Guam the 18th day of June 1987.

/s/ Joseph F. Ada
JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:

/s/ Frank F. Blas
FRANK F. BLAS
Lieutenant Governor of Guam

EXECUTIVE ORDER NO. 87-20

DRUG POLICY COORDINATING COUNCIL

WHEREAS, the abuse of narcotic substances by our local population is a primary concern of this Administration; and

WHEREAS, the successful effort to combat the importation and abuse of controlled narcotic substances requires a coordinated effort on the part of local government agencies, federal agencies and citizens-at-large; and

WHEREAS, the federal government has demonstrated its commitment to aid in this fight against controlled narcotic substances through the provisions of financial assistance through the Narcotic Control Act.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam by virtue of the authority vested in me by the Organic Act and the laws of Guam, do hereby order and direct as follows:

1. there shall be created, the Drug Policy Coordinating Council;
2. that the Drug Policy Coordinating Council shall consist of the following members:
 - A. the Presiding Judge of the Superior Court, or his designate;
 - B. the Attorney General of the Territory of Guam;
 - C. the Chief of Police of the Guam Police Department;
 - D. The Director of Bureau of Planning.
 - E. the committee chairperson of the Legislative Committee on Criminal Justice;
 - F. the U.S. Attorney on Guam.
 - G. a citizen-at-large to be appointed by the Governor.

SUBMERGED LAND PERMIT
PROCEDURES

The following procedures shall govern all applications for dredging and filling of submerged lands and for construction of piers, boat harbors, and other types of construction within submerged lands around Guam pursuant to Public Law 93-435, Submerged Lands Act.

I. Letter of application must be submitted to the Department of Land Management. The application should contain the following:

- a. Environmental Assessment Statement (air, water, river, and ocean) should specify the following:

1. Project Description:

The project description should include a detailed discussion of the site (both general and exact locations), the total area to be utilized by the project, the physical facilities to be constructed (dimensions, estimated cost, etc.) or the land transformation activities, the duration of construction, and the methods of disposing of the waste material that will be generated by the proposed project. Include also any support facilities or systems (cesspool, water reservoir, etc.) Submit plans, maps, or photographs as required for clarity. Include a concise statement of the goals and objectives of the proposed project.

2. Environmental Setting without the Project (Avoidable or Unavoidable):

Give a comprehensive description of the existing conditions and activities occurring on and adjacent to the proposed project area in terms of its present physical, biological, economic, social and cultural characteristics. This will include appropriate information on the following items, as applicable: The present level of development, accessibility, existing land and water use, fish and wildlife (especially rare and endangered species) vegetation, air and water quality, noise levels, visual aesthetics, and historical, archaeological, and geographical features. This description is especially important because it allows comparisons between the existing conditions and the proposed future conditions.

3. Environmental Impact of the Proposed Project:

All phases of the project must be considered when evaluating its impact on the environment planning, development, and operation. Identify the probable changes, conversions, or losses of the environmental elements discussed in Section 2 above which will result from the proposed project. Discuss whether the impact will be temporary (e.g., during construction) or continual (throughout the existence of the project), beneficial, adverse, direct, or indirect. Describe any mitigation measures written into the project plan to reduce environmentally adverse effect.

4. Alternatives to the Proposed Action:

Describe any known alternatives to the project or to the location of the project which could feasibly attain the basic objectives of the project and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated along with its impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives and are more costly.

5. Additional Information:

a) Include in this section any information which you feel is pertinent to this project, but is not discussed elsewhere. This section would also include a discussion of environmental issues or impacts raised by others and identification of state or local authorities and any other organizations and private individuals consulted, if any, and any unresolved controversies;

b) Master Plan for proposed project, its proposed uses and future developments, if any, all in relation to Guam's Outdoor Recreation Master Plan;

c) Preliminary construction drawings and plans with metes and bounds description of the area involved on 8" x 10 1/2" paper suitable for reproduction (reference project description under Section I).

II. Upon receiving above materials, Department of Land Management advises Governor of proposal and transmits application to the following agencies:

1. Department of Agriculture
Fish & Wildlife Division
Government of Guam 96910
2. Department of Commerce
Government of Guam 96910
3. Parks and Recreation
Government of Guam 96910
4. Department of Public Works
Government of Guam 96910
5. Bureau of Planning
Government of Guam
96910
6. Guam Environmental Protection
Agency, Government of Guam
96910
7. Guam Economic Development
Authority, Government of Guam
96910
8. Territorial Seashore Protection
Commission, Government of Guam
96910
9. Public Utility Agency of Guam
Government of Guam 96910

(Each agency to provide carbon copy of comments to others)

The Department of Land Management shall solicit comments from all interested parties by giving public notice of all applications.

The Department of Land Management shall then collect all comments and prepare Governor's position for transmittal to the Corps of Engineers, (within thirty (30) days, with copies to local agencies listed in Section II above.

Corps of Engineers
Department of the Army
Building 96, Ft. Armstrong
Honolulu, Hawaii 96813

III. After receiving the Governor's position, the Corps of Engineers will issue a public notice, soliciting comments from concerned agencies, interested groups, and the public in general. All adverse comments will be forwarded to the applicant for his direct reply to the writer.

IV. Provided that the environmental information available is sufficient and all factors considered indicate that the proposed project would be in the public interest, a permit will be issued to the applicant.

The Departments of Public Works and the Guam Environmental Protection Agency will then issue construction and/or building permits pursuant to the Building Code of Guam and such other laws as are applicable to said project.