

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

FEB 13 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14-1298
Office of the speaker
Judith T. Won Pat, Ed.D.
Date: 2/14/14
Time: 3:59 PM
Received by:

Dear Madame Speaker:

Transmitted herewith is Bill No. 204-32 (COR) "AN ACT TO AMEND §§7105, 7106, 7107 AND 7108 OF CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; AND TO ADD A NEW CHAPTER 50A TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES, AND TO ESTABLISH THE DPW BUS MAINTENANCE FUND" which I signed into law on February 10, 2014 as Public Law 32-117.

2014 FEB 14 PM 4:48

Senseramente,

EDDIE BAZA CALVO

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 204-32 (COR), " AN ACT TO AMEND §§ 7105, 7106, 7107 AND 7108 OF CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; AND TO ADD A NEW CHAPTER 50A TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES, AND TO ESTABLISH THE DPW BUS MAINTENANCE FUND,"** was on the 1st day of February, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of FEB,
2014, at
10:50 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: FEB 10 2014

Public Law No. 32-117

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 204-32 (COR)

As amended by the Committee on Education,
Public Library and Women's Affairs; and further
amended on the Floor.

Introduced by:

Michael T. Limtiaco
Aline A. Yamashita, Ph.D.
Tommy Morrison
Chris M. Dueñas
V. Anthony Ada
Judith T. Won Pat, Ed.D.
Brant T. McCreadie
Michael F. Q. San Nicolas
T. C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.

**AN ACT TO AMEND §§ 7105, 7106, 7107 AND 7108 OF
CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED,
RELATIVE TO THE AUTHORIZATION OF
COMMERCIAL ADVERTISING LEASES; AND TO ADD
A NEW CHAPTER 50A TO TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO AUTHORIZING THE
DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A
COMMERCIAL ADVERTISING SPACE PROGRAM ON
SCHOOL BUSES, AND TO ESTABLISH THE DPW BUS
MAINTENANCE FUND.**

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

2 **Section 1.** § 7105 of Chapter 7, Title 17, Guam Code Annotated, is
3 *amended* to read:

1 **“§ 7105. Authorization of Commercial Advertising Leases.**

2 Within ninety (90) days of the enactment of this Chapter, the Department
3 *shall* review and revise all existing Department rules and regulations for the
4 management and control of school property in order to authorize the
5 commercial leasing of advertising space at the Department of Education
6 sports facilities, consistent with government of Guam standard property
7 regulations. Within ninety (90) days of the enactment of this Chapter, the
8 Department of Education *shall* develop standard size and placement
9 regulations for the leasing of commercial advertising space at the
10 Department of Education sports facilities. Immediately upon completion, the
11 proposed revisions *shall* be transmitted to the Board for approval. Within
12 thirty (30) days of receipt, the Board *shall* adopt the revised rules and
13 regulations with any amendments deemed necessary and appropriate.”

14 **Section 2.** § 7106 of Chapter 7, Title 17, Guam Code Annotated, is
15 *amended* to read:

16 **“§ 7106. Schedule of Commercial Advertising Fees.** Within
17 ninety (90) days of the enactment of this Chapter, the Department of
18 Education *shall* develop a schedule of fees for the commercial leasing of
19 advertising space at Department of Education sports facilities. Immediately
20 upon completion, the proposed schedule of fees *shall* be transmitted to the
21 Board for approval. Within thirty (30) days of receipt, the Board *shall*
22 approve the schedule of fees with any amendments deemed necessary and
23 appropriate.”

24 **Section 3.** § 7107 of Chapter 7, Title 17, Guam Code Annotated, is
25 *amended* to read:

1 “§ 7107. **Standard Lease Agreement for Commercial**
2 **Advertising.** Within ninety (90) days of the enactment of this Act, the
3 Department of Education *shall* develop a standard lease agreement for
4 commercial advertising at Department of Education sports facilities. Such
5 standard lease agreement *shall* specify the Department’s rules and
6 regulations, schedule of fees and legal liabilities for private entities seeking
7 to advertise at Department of Education sports facilities. Such standard lease
8 agreement *shall* specifically prohibit any advertising which promotes
9 substances which are controlled by law, or are illegal to distribute to minors,
10 including, without limitation, alcohol; establishments selling primarily
11 alcohol products, such as bars; tobacco products; firearms; obscenity; and as
12 may be otherwise determined by the Board. Immediately upon completion,
13 the proposed standard lease agreement *shall* be transmitted to the Board for
14 approval. Within thirty (30) days of receipt, the Board *shall* adopt the
15 standard lease agreement with any amendments deemed necessary and
16 appropriate.”

17 **Section 4.** § 7108 of Chapter 7, Title 17, Guam Code Annotated, is
18 *amended* to read:

19 “§ 7108. **Interscholastic Sports Fund.** There is hereby created,
20 separate and apart from all other funds of the government of Guam, a fund
21 known as the Interscholastic Sports Fund (Fund) into which *shall* be
22 deposited all fees collected from the commercial leasing of advertising space
23 at Department of Education sports facilities, and other monies deemed
24 appropriated by the Department of Education.

25 (a) **Same: Administration.** The Fund *shall* be administered
26 by the Department of Education and *shall not* be commingled with the

1 General Fund or any other fund of the government of Guam. The
2 Fund *shall* be maintained in a separate bank account and monies
3 deposited therein *shall not* be subject to *I Maga'lahaen Guåhan's*
4 transfer authority. The Department of Education is authorized to
5 accept for the Fund gifts, bequests, donations and other kinds of
6 contributions for the purposes of the Fund.

7 (b) **Same: Expenditures.** Expenditures from the Fund *shall*
8 be made exclusively for the purpose of supplementing the costs
9 associated with operating the Department of Education interscholastic
10 sports programs. The Department of Education may transfer from the
11 Interscholastic Sports Fund to the Department of Public Works such
12 funds as are necessary to fund in whole or in part interscholastic bus
13 transportation.

14 (c) **Same: Distribution of the Interscholastic Sports Fund.**
15 Elementary schools of GDOE may participate in the solicitation of
16 commercial advertising in their respective schools, as provided
17 through the Interscholastic Sports Fund Act. However, because the
18 interscholastic sports program exists in the middle and high school
19 levels only, the elementary school that solicits and receives monies for
20 commercial advertising *shall* deposit all funds into the Interscholastic
21 Sports Fund. The Department of Education *shall* transfer forty percent
22 (40%) of the total sum of any fees, monetary gifts, donations or
23 contributions collected or derived from the commercial leasing of any
24 part of the facilities for advertising, or other such purposes of an
25 elementary school, into *I Salappe Facilidat* account of that respective
26 elementary school. The remaining sixty percent (60%) will remain in

1 the Interscholastic Sports Fund to support interscholastic sports
2 programs. Funds transferred to *I Salappe Facilidat* accounts of a
3 respective elementary school pursuant to this Subsection *shall* be
4 expended in accordance with the provisions of Title 17 GCA, §1704,
5 as enacted through Public Law Number 23-67. The distribution of
6 advertising funds for both middle schools and high schools will be as
7 follows: sixty percent (60%) will remain in the Interscholastic Sports
8 Fund and forty percent (40%) will be retained at the school for its
9 respective sports programs.

10 (d) **Same: Annual Financial Report.** Within sixty (60)
11 days after the closing of each fiscal year, the administrator or
12 authorized custodian of the Interscholastic Sports Fund *shall* transmit
13 to the Board and the Superintendent of the Department of Education
14 an annual report of the expenditures of the Fund, including, but *not*
15 limited to, a balance sheet, a statement of receipts and expenses, and a
16 general description of the income sources of the Fund and the
17 expenses thereof.”

18 **Section 5.** A new Chapter 50A is *added* to Title 5, Guam Code Annotated,
19 relative to authorizing the Department of Public Works to establish a commercial
20 advertising space program on school buses, to read as follows:

21 **“CHAPTER 50A**

22 **COMMERCIAL ADVERTISING SPACE PROGRAM**

23 § 50A101. Authorization.

24 § 50A102. Program Rules and Regulations.

25 § 50A103. Lease Agreement.

26 § 50A104. Program Management.

1 § 50A105. DPW Maintenance Fund.

2 § 50A101. **Authorization.** The Department of Public Works
3 (Department) is authorized to establish a commercial advertising space program
4 (Program) utilizing space on the interior and exterior of the Department's school
5 buses.

6 § 50A102. **Program Rules and Regulations.** Within ninety (90) days of
7 the enactment of this Act, the Department in consultation with GDOE *shall*
8 develop rules and regulations pursuant to the AAL governing the standard size and
9 placement for the leasing of commercial advertising space, a schedule of fees for
10 the commercial leasing of advertising space, and any other rules and regulations
11 necessary for the effective and efficient operation of the Program. Additionally, the
12 rules and regulations developed, pursuant to this Chapter, *shall* address the
13 following:

- 14 (a) assurance that any Program lease agreement entered into by the
15 Department *does not* negatively affect any warranties associated with
16 government of Guam school buses;
- 17 (b) a prohibition on political advertisements as part of the Program;
- 18 (c) assurance that any advertisements which may become faded,
19 dilapidated, or pose a danger to the public will be replaced or repaired
20 by the lessee with no cost to the Department. The Department *shall* be
21 responsible for developing criteria to determine whether an
22 advertisement is faded, dilapidated, or poses a threat to the public; and
- 23 (d) assurance that the Department will not be held responsible,
24 financial or otherwise, for any damage or destruction that occurs to
25 any advertisements or advertising space that has been leased as part of
26 the Program.

1 The Department *shall* allow *no less than* twenty percent (20%) of the
2 interior and the outside rear panel of each bus to be used at no fee to government of
3 Guam agencies or non-profit groups charged with anti-drug, anti-alcohol, anti-
4 bullying, anti-domestic violence, or other public service announcements which are
5 applicable and appropriate for educational purposes.

6 **§ 50A103. Lease Agreement.** The Department *shall* develop a standard
7 lease agreement. The lease agreement *shall* incorporate applicable rules and
8 regulations, the schedule of fees, and make clear any legal liabilities for private
9 entities seeking to advertise on its buses. The standard lease agreement *shall*
10 specifically prohibit any advertising which promotes substances which are
11 controlled by law, or are illegal to distribute to minors, including, without
12 limitation, alcohol; establishments selling primarily alcohol products, such as bars;
13 tobacco products; firearms; obscenity; and as may be otherwise determined by the
14 Department of Public Works; and *shall* specifically prohibit advertising that is
15 prohibited by GDOE Board Policy for the lease of advertising space at schools or
16 other educational facilities, or prohibited by GDOE Board Policy, from being
17 promoted during school hours or during extracurricular activities, including, but
18 *not* limited to, foods of minimal nutritional value.

19 **§ 50A104. Program Management.** The Department *shall* issue a request
20 for proposals for the management of the Program. The Fund established in
21 §50A105 of this Chapter *shall* be the source for any program management fees.

22 **§ 50A105. DPW Maintenance Fund.** There is hereby created, separate
23 and apart from all other funds of the government of Guam, a fund known as the
24 DPW Bus Maintenance Fund (Fund) into which *shall* be deposited all fees
25 collected from the commercial leasing of advertising space on school buses.

1 Expenditures from the Fund *shall* be by written authorization of the Director of
2 Public Works.

3 (a) **Same: Administration.** The Fund *shall* be administered by the
4 Department of Public Works and *shall not* be commingled with the General
5 Fund or any other fund of the government of Guam. The Fund *shall* be
6 maintained in a separate bank account and monies deposited therein *shall*
7 *not* be subject to *I Maga'lahen Guåhan's* transfer authority. The Department
8 of Public Works is authorized to accept for the Fund gifts, bequests,
9 donations and other kinds of contributions for the purposes of the Fund.

10 (b) **Same: Expenditures.** Expenditures from the Fund *shall* be
11 made exclusively for the purpose of supplementing the costs associated with
12 maintaining the Department of Public Works' school buses and for program
13 management fees.

14 (c) **Same: Annual Financial Report.** Within sixty (60) days after
15 the closing of each fiscal year, the administrator or authorized custodian of
16 the DPW Bus Maintenance Fund *shall* transmit to the Director of the
17 Department of Public Works an annual report of the expenditures of the
18 Fund, including, but *not* limited to, a balance sheet, a statement of receipts
19 and expenses, and a general description of the income sources of the Fund
20 and the expenses thereof. Copies of the report *shall* be transmitted to *I*
21 *Maga'lahen Guåhan* and to the Speaker of *I Liheslaturan Guåhan.*”

22 **Section 6. Effective Date.** The provisions of this Act *shall* be effective
23 upon enactment.

24 **Section 7. Severability.** If any provision of this Act, or the application
25 thereof to any person or circumstances is held invalid, the invalidity *does not* affect
26 other provisions or applications of the Act that can be given effect without the

- 1 invalid provisions or application, and to this end the provisions of this Act are
- 2 severable.