

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>204-32 (COR) P.L. 32-117</b>	Michael T. Limitiaco, Aline A. Yamashita, Ph.D., Tommy Morrison, Chris M. Duenas, V. Anthony Ada	AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.	10/09/13 1:18 p.m.	10/09/13	Committee on Education, Public Library and Women's Affairs	11/25/13 2:00 p.m.	1/24/14 3:50 p.m.	<b>Fiscal Note Request 10/14/13</b> <b>Fiscal Note Received 12/27/13</b>
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	2/1/2014	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.	2/1/14	10:50 p.m.	2/13/2014	2/10/2014	32-117	As amended by the Committee on Education, Public Library and Women's Affairs; and further amended on the Floor.

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: [Signature]

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.

*Senseramente,*

  
EDDIE BAZA CALVO

2014 FEB 14 PM 4:48 W

*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 1<sup>st</sup> day of February, 2014, duly and regularly passed.



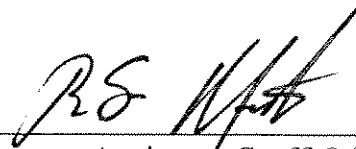
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



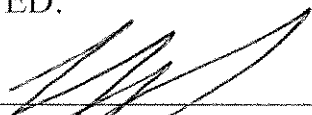
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> 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. McCreddie  
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.**

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

**Section 1.** § 7105 of Chapter 7, Title 17, Guam Code Annotated, is  
*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'lahen 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.

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

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

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

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

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

**Section 7. Severability.** If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity *does not* affect 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.



FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

February 1, 2014

The Honorable Edward J.B. Calvo

*I Maga'laken Guåhan*

*Ufisinan I Maga'lahi*

Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 61-32(COR), 70-32(COR), 71-32(COR), 130-32(COR), 146-32(COR), 169-32(COR), 179-32(COR), 180-32(COR), 190-32(COR), 192-32(COR), 197-32(COR), 201-32(COR), 202-32(COR), 204-32(COR), 206-32(COR), 214-32(COR), 221-32(COR), 225-32(COR), 226-32(COR), 231-32(COR), 232-32(COR), 235-32(COR), 236-32(COR), 237-32(COR), 242-32(COR), 245-32(COR), 247-32(COR), 248-32(COR) and 268-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

FEB 1, 2014  
10:50 p.m.  
R.S. Muña

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

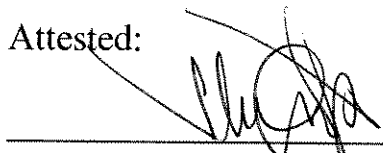
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

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 1<sup>st</sup> day of February, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

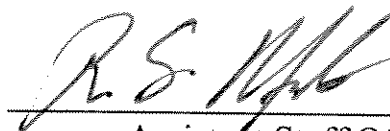
Attested:



Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> 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: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***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  
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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.**

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

**Section 1.** § 7105 of Chapter 7, Title 17, Guam Code Annotated, is  
*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'lahren 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'lahren 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.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall  
February 1, 2014

Bill No. 204-32 (COR)

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

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ		✓			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

13

2

Yea

Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

I = Pass





Office of the Speaker  
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmás Ge'helo'Gi Liheslaturan Guåhan  
32<sup>ND</sup> Guam Legislature  
*I Mina' Trentai Dos Na Liheslaturan Guåhan*  
155 HESLER PLACE HAGATNA, GUAM 96910  
TEL 671-472-3586/7 • FAX 671-472-3589  
JUDIWPAT.COM • SPEAKER@JUDIWPAT.COM

COMMISSIONER

GUAM COMMISSION ON  
DECOLONIZATION

GUAM FIRST  
COMMISSION

PRESIDENT

ASSOCIATION OF  
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LEGISLATURES  
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR  
EDUCATION  
AND LEARNING  
(PREL)

LEGISLATIVE  
REPRESENTATIVE

PACIFIC ISLAND  
DEVELOPMENT BANK  
(PIDB)

FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

JAN 24 2014

The Honorable Rory J. Respicio  
Chairperson  
Committee on Rules  
*I Mina' Trentai Dos Na Liheslaturan Guåhan*  
32<sup>nd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

RE: Committee Report on Bill No. 204-32 (COR) as Amended.

Dear Chairperson Respicio:

Transmitted herewith for your consideration is the Committee Report on Bill No. 204-32 (COR) as Amended - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.

Committee votes are as follows:

<u>5</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Senseramente,

Judith T. Won Pat, Ed.D.  
Chairperson

2014 JAN 24 11 33 AM  
RJR



Office of the Speaker  
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

*Ufisinan I Etmås Ge'helo'Gi Liheslaturan Guðhan*  
32<sup>ND</sup> Guam Legislature  
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REPRESENTATIVE**

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DEVELOPMENT BANK  
(PIDB)

FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

**COMMITTEE REPORT ON**

**Bill No. 204-32 (COR) - M.T. Limtiaco / A.A. Yamashita, Ph.D. /  
T.A. Morrison / C.M. Dueñas / V.A. Ada**

**As Amended by the Committee on Education, Public Library  
and Women's Affairs**

**AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE  
TO THE AUTHORIZATION OF COMMERCIAL  
ADVERTISING LEASES; TO AUTHORIZE THE  
DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A  
COMMERCIAL ADVERTISING SPACE PROGRAM ON  
SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS  
MAINTENANCE FUND.**



# Office of the Speaker Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

*Ufisinan I Etmås Ge'helo'Gi Liheslaturan Guåhan*  
32<sup>ND</sup> Guam Legislature  
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## COMMISSIONER

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## BOARD MEMBER

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## LEGISLATIVE REPRESENTATIVE

PACIFIC ISLAND  
DEVELOPMENT BANK  
(PIDB)

FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

January 21, 2014

## MEMORANDUM

**TO:** All Members  
Committee on Education, Public Library and Women's Affairs

**FROM:** Speaker Judith T. Won Pat, Ed.D.  
Chairperson

**SUBJECT:** Committee Report on Bill No. 204-32 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on Bill No. 204-32 (COR) as Amended - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 204-32 (COR)
- Bill No. 204-32 (COR) as Amended
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 204-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

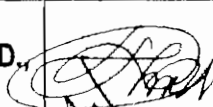


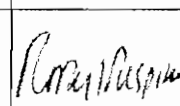
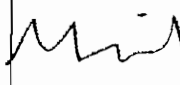

Senseramente,

Judith T. Won Pat, Ed.D.  
Chairperson

# COMMITTEE VOTING SHEET

## COMMITTEE ON EDUCATION, PUBLIC LIBRARY AND WOMEN'S AFFAIRS

Bill No. 204-32 (COR) as Amended - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Judith T. Won Pat, Ed.D. Chairperson		1-22-14 ✓				
Aline A. Yamashita, Ph.D. Vice Chairperson						
Frank B. Aguon, Jr. 22 JAN 14		✓				
Tina R. Muna-Barnes		✓				
Vicente C. Pangelinan						
Rory J. Respicio		mr 1-23-14				
Dennis G. Rodriguez, Jr.						
Michael F.Q. San Nicolas 1-23-14				✓		
V. Anthony Ada		✓ 1/24/13				



**Office of the Speaker**  
**Judith T. Won Pat, Ed.D.**

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

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FESTIVAL OF THE  
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## **COMMITTEE REPORT DIGEST**

### **I. OVERVIEW**

The Committee on Education, Public Library and Women's Affairs convened a public hearing on November 25, 2013 at 2:00 pm in *I Liheslatura's* Public Hearing Room. On the agenda was the consideration of Bill No. 204-32 (COR) - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.

#### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on November 18, 2013, (5-Day Notice) and November 22 and 23 2013 (48-Hour Notice) via email. Copies of the hearing notices are appended to the committee report.

#### **Senators Present**

Speaker Won Pat, Ed.D.  
Senator Aline A. Yamashita, Ph.D.  
Senator Michael Limtiaco

Chairperson  
Vice Chairperson

#### **Appearing before the Committee**

Director Carl Dominguez

## **II. SUMMARY OF TESTIMONY AND DISCUSSION**

- **Senator Limtiaco** explained that the purpose of Bill 204 is to amend the existing law that authorizes commercial advertising on school buses by diverting the funds collected to the school bus maintenance fund. The Senator pointed out that the establishment of the fund would dedicate monies to be used for the maintenance of the school bus fleet. The Senator stated that ten states have laws allowing commercial advertising on school buses and eight more states are proposing such legislation. The Senator further stated that the bill would regulate the type of advertising on the school buses.

- **Director Dominguez** testified in support of Bill 204. His written testimony is appended to the committee report.

- **Speaker Won Pat, Ed.D.** noted that Director Dominguez stated in his testimony that the State of Colorado in 1996 was the first in the nation to adopt commercial advertising for school buses. Speaker pointed out that in 1995, Guam enacted the law to allow commercial advertising for school buses and the monies will go to the Department of Education, the law was authored by former Senator Carlotta Leon Guerrero.

- **Director Dominguez** replied that we (Guam) were pioneers in this area.

- **Speaker Won Pat, Ed.D.** expressed disappointment that the Department of Education did not implement the program. However, the Speaker stated it is a good thing that the bill will help with the maintenance of school buses.

- **Senator Limtiaco** pointed out the good work of former Senator Leon Guerrero and it is unfortunate that the rules and regulations were not promulgated to take full advantage. The Senator stated that there has been so much discussion about the maintenance of school buses the past year that it made sense for the Department of Public Works to receive the monies from the commercial advertising.

- **Speaker Won Pat, Ed.D.** asked about a private company handling the management of the program.

- **Director Dominguez** replied he does not foresee the employees of DPW soliciting for commercial advertising. He stated that a marketing company is more

suited to handle this. He stated that a request for proposal would be issued seeking the best revenue for DPW. He envisioned that a marketing company can lease the space on the bus and the marketing company subleasing the space.

- **Speaker Won Pat, Ed.D.** asked Director Dominguez if he had any objection of the Department determining in the rules and regulations the fees.

- **Director Dominguez** stated no.

- **Senator Limtiaco** stated the bill is designed to engage the private sector and we (DPW) should let those who know how to sell advertising handle it. The Senator stated that DPW is not in the business in commercial advertising and maybe that is why DOE was not able to implement it. The Senator stated to make this work you need a staff that is involved in the business of commercial advertising. The Senator pointed out that other states have used third party for commercial advertising. Director Dominguez asked if there restriction on advertising inside of school buses.

- **Senator Limtiaco** stated that the intent is to take advantage of the school bus per say. The Senator stated that there may be concerns of advertising inside of school buses, but the promulgation of rules and regulations that send positive messages can be used such as anti bullying, anti drug initiatives and MADD.

- **Speaker Won Pat, Ed.D.** stated that she would like to see non profit organizations advertise within the interior of the school buses. The Speaker noted that the Guam Legislature will review the rules and regulations.

- **Speaker Won Pat, Ed.D.** adjourned the public hearing of Bill No. 204-32 (COR)

### **III. FINDINGS AND RECOMMENDATIONS**

The Committee Education, Public Library and Women's Affairs to which was Bill No. 204-32 (COR) and does hereby reports out Bill No. 204-32 (COR) as Amended by the Committee - M.T. Limtiaco / A.A. Yamashita, Ph.D. / T.A. Morrison / C.M. Dueñas / V.A. Ada An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund., with the recommendation TO DO PASS.

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

Bill No. 2014-32(CAR)

Introduced by:

Michael T. Limtiaco  
A. A. Yamashita, Ph.D.  
T. A. Morrison  
Chris M. Duenas  
V. A. Ada

**AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO  
THE AUTHORIZATION OF COMMERCIAL ADVERTISING  
LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC  
WORKS TO ESTABLISH A COMMERCIAL ADVERTISING  
SPACE PROGRAM ON SCHOOL BUSES; AND, TO  
ESTABLISH THE DPW BUS MAINTENANCE FUND.**

2013 OCT - 9 PM 1:18 ML

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

**Section 1. §7105 of 17 GCA is amended to read:**

**"§ 7105. Authorization of Commercial Advertising Leases.** Within ninety (90) days of the enactment of this Chapter, the Department shall review and revise all existing Department rules and regulations for the management and control of school property in order to authorize the commercial leasing of advertising space at Department and Tiyan sports facilities [~~and on Department of Public Works' school buses~~], consistent with government of Guam standard property regulations. Within ninety (90) days of enactment of this Chapter, the Department of Education [~~in conjunction with the Bus Operations Division of the Department of Public Works~~] shall develop standard size and placement regulations for the leasing of commercial advertising space at Department and Tiyan sports facilities [~~and on Department of Public Works' school buses~~]. Immediately upon completion, the proposed revisions shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall adopt the revised rules and regulations with any amendments deemed necessary and appropriate."

**Section 2. §7106 of 17 GCA is amended to read:**

**"§ 7106. Schedule of Commercial Advertising Fees.** Within ninety (90) days of the enactment of this Chapter, the Department of Education shall develop a schedule of fees for the



1 commercial leasing of advertising space at Department of Education and Tiyan sports facilities [~~and~~  
2 ~~Department of Public Works' school buses~~]. Immediately upon completion, the proposed schedule of  
3 fees shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall  
4 approve the schedule of fees with any amendments deemed necessary and appropriate."

5 **Section 3. §7107 of 17 GCA is amended to read:**

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

19 **Section 4. §7108 of 17 GCA is amended to read:**

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

25 (a) **Same: Administration.** The Fund shall be administered by the Department of Education  
26 and shall not be commingled with the General Fund or any other fund of the government of Guam.  
27 The Fund shall be maintained in a separate bank account and monies deposited therein shall not be  
28 subject to *I Maga'lahaen Guahan's* transfer authority. The Department of Education is authorized to  
29 accept for the Fund gifts, bequests, donations and other kinds of contributions for the purposes of the  
30 Fund.

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

6           (c) **Same: Distribution of the Interscholastic Sports Fund.** Elementary schools may  
7 participate in the solicitation of commercial advertising in their respective schools as provided  
8 through the Interscholastic Sports Fund Act. However, because the interscholastic sports program  
9 exists in the middle and high school levels only, the elementary school that solicits and receives  
10 monies for commercial advertising shall deposit all funds into the Interscholastic Sports Fund. The  
11 Department of Education shall transfer forty percent (40%) of the total sum of any fees, monetary  
12 gifts, donations or contributions collected or derived from the commercial leasing of any part of the  
13 facilities for advertising, or other such purposes of an elementary school, into '*I Salappe Facilidat*'  
14 account of that respective elementary school. The remaining sixty percent (60%) will remain in the  
15 Interscholastic Sports Fund to support interscholastic sports programs. Funds transferred to '*I*  
16 *Salappe Facilidat*' accounts of a respective elementary school pursuant to this Subsection shall be  
17 expended in accordance with the provisions of 17 GCA §1704, as enacted through Public Law  
18 Number 23-67. The distribution of advertising funds for both middle and high schools will be as  
19 follows: sixty percent (60%) will remain in the Interscholastic Sports Fund and forty percent (40%)  
20 will be retained at the school for its respective sports programs. Any advertising funds collected for  
21 the Tiyan Facility or the Staff Development Center (behind George Washington High School in  
22 Mangilao) will be distributed as follows: sixty percent (60%) to the Interscholastic Sports Fund and  
23 forty percent (40%) for maintenance of those facilities.

24           (d) **Same: Annual Financial Report.** Within sixty (60) days after the closing of each fiscal  
25 year, the administrator or authorized custodian of the Interscholastic Sports Fund shall transmit to  
26 the Board and the Superintendent of the Department of Education an annual report of the  
27 expenditures of the Fund, including, but not limited to, a balance sheet, a statement of receipts and  
28 expenses, and a general description of the income sources of the Fund and the expenses thereof."

1           **Section 5.**    A new Chapter 50A is added to 5 GCA relative to authorizing the  
2   Department of Public Works to establish a commercial advertising space program on school  
3   buses.

4                                   **"CHAPTER 50A**

5                                   **COMMERCIAL ADVERTISING SPACE PROGRAM**

6   **§ 50A101.    Authorization.**

7   **§ 50A102.    Program Rules and Regulations.**

8   **§ 50A103.    Lease Agreement.**

9   **§ 50A104.    Program Management.**

10   **§ 50A105.   DPW Maintenance Fund.**

11   **§ 50A101.    Authorization.** The Department of Public Works ('Department') is authorized to  
12   establish a commercial advertising space program ('Program') utilizing space on the department's  
13   school buses.

14   **§ 50A102.    Program Rules and Regulations.** Within ninety (90) days of the enactment of this  
15   Act, the Department shall develop rules and regulations governing the standard size and placement  
16   for the leasing of commercial advertising space, a schedule of fees for the commercial leasing of  
17   advertising space, and any other rules and regulations necessary for the effective and efficient  
18   operation of the Program.

19   **§ 50A103.    Lease Agreement.** The Department shall develop a standard lease agreement. The  
20   lease agreement shall incorporate applicable rules and regulations, the schedule of fees, and make  
21   clear any legal liabilities for private entities seeking to advertise on its buses. The standard lease  
22   agreement shall specifically prohibit any advertising which promotes substances which are  
23   controlled by law, or are illegal to distribute to minors, including, without limitation, alcohol;  
24   establishments selling primarily alcohol products, such as bars; tobacco products; firearms;  
25   obscenity and as may be otherwise determined by the Department of Public Works.

26   **§ 50A104.    Program Management.** The Department shall issue a request for proposals for the  
27   management of the Program. The Fund established in §50A105 shall be the source for any program  
28   management fees.

29   **§ 50A105.    DPW Maintenance Fund.** There is hereby created, separate and apart from all other  
30   funds of the government of Guam, a fund known as the 'DPW Bus Maintenance Fund' ("Fund") into

1 which shall be deposited all fees collected from the commercial leasing of advertising space on  
2 school buses. Expenditures from the Fund shall be by written authorization of the Director of Public  
3 Works.

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

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

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

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

20 **Section 7. Severability.** If any provision of this Act, or the application thereof to any  
21 person or circumstances is held invalid, the invalidity does not affect other provisions or applications  
22 of the Act that can be given effect without the invalid provisions or application, and to this end the  
23 provisions of this Act are severable.

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

**Bill No. 204-32 (COR)**

**Introduced by:  
As Substituted by the Committee on  
Education, Public Library and Women's  
Affairs.**

**Michael T. Limtiaco  
A. A. Yamashita, Ph.D.  
T. A. Morrison  
Chris M. Duenas  
V. A. Ada**

**AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO  
THE AUTHORIZATION OF COMMERCIAL ADVERTISING  
LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC  
WORKS TO ESTABLISH A COMMERCIAL ADVERTISING  
SPACE PROGRAM ON SCHOOL BUSES; AND, TO  
ESTABLISH THE DPW BUS MAINTENANCE FUND.**

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

**Section 1.     §7105 of 17 GCA is amended to read:**

**"§ 7105. Authorization of Commercial Advertising Leases.** Within ninety (90) days of the enactment of this Chapter, the Department shall review and revise all existing Department rules and regulations for the management and control of school property in order to authorize the commercial leasing of advertising space at the Department ~~and Tiyan~~ sports facilities [~~and on Department of Public Works' school buses~~], consistent with government of Guam standard property regulations. Within ninety (90) days of enactment of this Chapter, the Department of Education~~[- in conjunction with the Bus Operations Division of the Department of Public Works,]~~ shall develop standard size and placement regulations for the leasing of commercial advertising space at the Department ~~and Tiyan~~ sports facilities [~~and on Department of Public Works' school buses~~]. Immediately upon completion, the proposed revisions shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall adopt the revised rules and regulations with any amendments deemed necessary and appropriate."

**Section 2.     §7106 of 17 GCA is amended to read:**

1       **"§ 7106. Schedule of Commercial Advertising Fees.** Within ninety (90) days of the  
2 enactment of this Chapter, the Department of Education shall develop a schedule of fees for the  
3 commercial leasing of advertising space at Department of Education ~~and Tiyan~~ sports facilities [~~and~~  
4 ~~Department of Public Works' school buses~~]. Immediately upon completion, the proposed schedule of  
5 fees shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall  
6 approve the schedule of fees with any amendments deemed necessary and appropriate."

7       **Section 3.     §7107 of 17 GCA is amended to read:**

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

21       **Section 4.     §7108 of 17 GCA is amended to read:**

22       **"§ 7108. Interscholastic Sports Fund.** There is hereby created, separate and apart from all  
23 other funds of the government of Guam, a fund known as the 'Interscholastic Sports Fund' ("Fund")  
24 into which shall be deposited all fees collected from the commercial leasing of advertising space at  
25 Department of Education ~~and Tiyan~~ sports facilities, [~~and on Department of Public Works' school~~  
26 ~~buses~~] and other monies deemed appropriated by the Department of Education.

27       **(a) Same: Administration.** The Fund shall be administered by the Department of Education  
28 and shall not be commingled with the General Fund or any other fund of the government of Guam.  
29 The Fund shall be maintained in a separate bank account and monies deposited therein shall not be  
30 subject to *I Maga'lahaen Guåhan's* transfer authority. The Department of Education is authorized to

1 accept for the Fund gifts, bequests, donations and other kinds of contributions for the purposes of the  
2 Fund.

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

8 (c) **Same: Distribution of the Interscholastic Sports Fund.** Elementary schools may  
9 participate in the solicitation of commercial advertising in their respective schools as provided  
10 through the Interscholastic Sports Fund Act. However, because the interscholastic sports program  
11 exists in the middle and high school levels only, the elementary school that solicits and receives  
12 monies for commercial advertising shall deposit all funds into the Interscholastic Sports Fund. The  
13 Department of Education shall transfer forty percent (40%) of the total sum of any fees, monetary  
14 gifts, donations or contributions collected or derived from the commercial leasing of any part of the  
15 facilities for advertising, or other such purposes of an elementary school, into '*I Salappe Facilidat*'  
16 account of that respective elementary school. The remaining sixty percent (60%) will remain in the  
17 Interscholastic Sports Fund to support interscholastic sports programs. Funds transferred to '*I*  
18 *Salappe Facilidat*' accounts of a respective elementary school pursuant to this Subsection shall be  
19 expended in accordance with the provisions of 17 GCA §1704, as enacted through Public Law  
20 Number 23-67. The distribution of advertising funds for both middle and high schools will be as  
21 follows: sixty percent (60%) will remain in the Interscholastic Sports Fund and forty percent (40%)  
22 will be retained at the school for its respective sports programs. Any advertising funds collected for  
23 ~~the Tiyan Facility or the Staff Development Center (behind George Washington High School in~~  
24 Mangilao) will be distributed as follows: sixty percent (60%) to the Interscholastic Sports Fund and  
25 forty percent (40%) for maintenance of those facilities.

26 (d) **Same: Annual Financial Report.** Within sixty (60) days after the closing of each fiscal  
27 year, the administrator or authorized custodian of the Interscholastic Sports Fund shall transmit to  
28 the Board and the Superintendent of the Department of Education an annual report of the  
29 expenditures of the Fund, including, but not limited to, a balance sheet, a statement of receipts and  
30 expenses, and a general description of the income sources of the Fund and the expenses thereof."

1           **Section 5.**     A new Chapter 50A is added to 5 GCA relative to authorizing the  
2   **Department of Public Works to establish a commercial advertising space program on school**  
3   **buses.**

4                                   **"CHAPTER 50A**

5                                   **COMMERCIAL ADVERTISING SPACE PROGRAM**

6   **§ 50A101.     Authorization.**

7   **§ 50A102.     Program Rules and Regulations.**

8   **§ 50A103.     Lease Agreement.**

9   **§ 50A104.     Program Management.**

10 **§ 50A105.     DPW Maintenance Fund.**

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23 controlled by law, or are illegal to distribute to minors, including, without limitation, alcohol;  
24 establishments selling primarily alcohol products, such as bars; tobacco products; firearms;  
25 obscenity and as may be otherwise determined by the Department of Public Works.

26 **§ 50A104.     Program Management.** The Department shall issue a request for proposals for the  
27 management of the Program. The Fund established in §50A105 of this Chapter shall be the source  
28 for any program management fees.

29 **§ 50A105.     DPW Maintenance Fund.** There is hereby created, separate and apart from all other  
30 funds of the government of Guam, a fund known as the 'DPW Bus Maintenance Fund' ("Fund") into



1 which shall be deposited all fees collected from the commercial leasing of advertising space on  
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12 school buses and for program management fees.

13 (c) **Same: Annual Financial Report.** Within sixty (60) days after the closing of each fiscal  
14 year, the administrator or authorized custodian of the DPW Bus Maintenance Fund shall transmit to  
15 the Director of the Department of Public Works an annual report of the expenditures of the Fund,  
16 including, but not limited to, a balance sheet, a statement of receipts and expenses, and a general  
17 description of the income sources of the Fund and the expenses thereof. Copies of the report shall be  
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19 **Section 6. Effective Date.** The provisions of this Act shall be effective upon enactment.

20 **Section 7. Severability.** If any provision of this Act, or the application thereof to any  
21 person or circumstances is held invalid, the invalidity does not affect other provisions or applications  
22 of the Act that can be given effect without the invalid provisions or application, and to this end the  
23 provisions of this Act are severable.

**SIGN-IN SHEET**  
**PUBLIC HEARING**

NOVEMBER 25, 2013, 2:00 P.M.

Bill No. 204-32 (COR) - M. T. Limitaco / A.A. Yamashita, Ph.D. / T.A. Morrison / C.M. Dueñas / V.A. Ada - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.

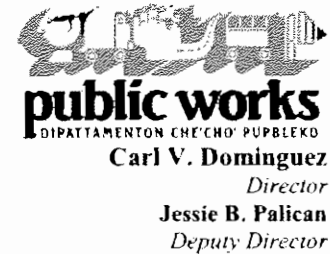
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Bill No. 204-32 (COR) - M. T. Limitaco / A.A. Yamashita, Ph.D. / T.A. Morrison / C.M. Dueñas / V.A. Ada - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



November 25, 2013

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'trentai Dos Na Liheslaturan Guåhan  
Suite 207, Ada Plaza Center  
Hagåtña, Guam 96910

**Re: Bill No. 204-32(COR), AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.**

Buenas yan Hafa Adai Speaker Won Pat!

The Department of Public Works is in support of Bill No. 204-32, which seeks to assist the Department of Public Works (DPW) with the maintenance of its school buses by allowing DPW to place commercial advertising on its school buses with the fees generated going to a dedicated bus maintenance fund to supplement the maintenance of the buses in addition to manage the advertising program.

The DPW currently has 138 buses in its fleet, 10 of which are new 84 passenger models. The rest of the fleet is 9 to 23 years old. On average, there are 110 roadworthy school buses on a school day. The Transportation Maintenance Division of DPW is working very hard to increase that average, with parts that have to be procured from sources off island and with the recruitment of mechanics that will replace those that have left DPW through attrition. With funding from the Department of Interior's Office of Insular Affairs, the DPW will have 12 or more new 60 passenger buses ready for next school year. The DPW intends to keep as many of the older buses operational as back up to ensure as many buses are available to run its 179 routes. This requires a fiscal year budget of approximately \$2.5 Million.

As a perspective on school bus advertising, in my research on the subject, I found that the first state to embrace school bus advertising was Colorado in 1997. According to the National Conference of State Legislatures, 10 states currently allow advertising on the exterior of school buses: Arizona, Colorado, Minnesota, New Jersey, Nevada, Texas and Utah. New Mexico, Rhode Island and Tennessee allow ads on the interior as well as exterior of school buses. Florida, Michigan, Pennsylvania and Wisconsin allow ads on the interiors only of school buses. All these states have allowed advertising on school buses as a way to raise revenue without having to raise taxes. All states restrict advertising to child friendly ads – no alcohol, tobacco, gaming or distasteful subjects. Advertisers include restaurants, credit unions, dentists, insurance agents, auto dealers and hardware stores. Several photos of school bus advertising is attached for your perusal.

The detractors of school bus advertising cite the ads on the sides of buses distract drivers and increase the likelihood of an accident. However, I have not been able to find research or statistics that show that this is the case. Others cite that the ads "junk up the buses." I leave it to you to see the attached photographs and decide if this is the case.

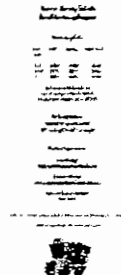
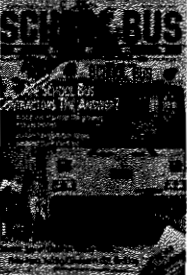
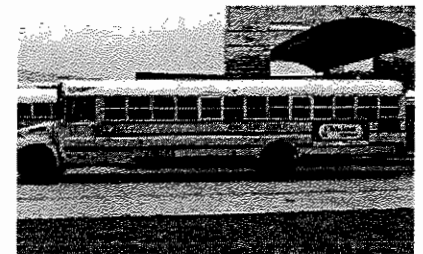
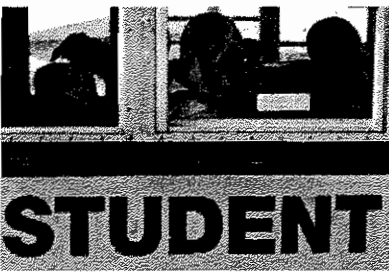
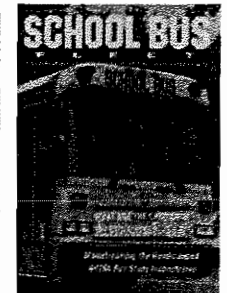
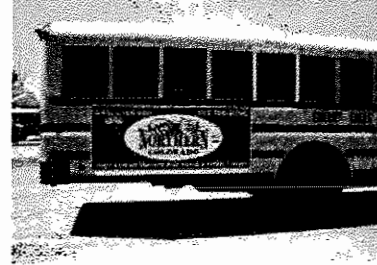
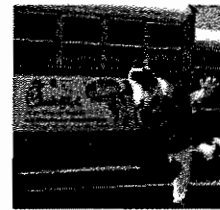
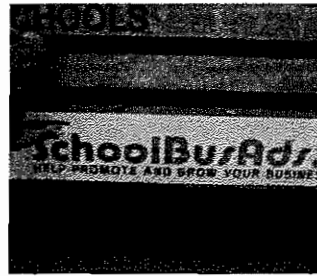
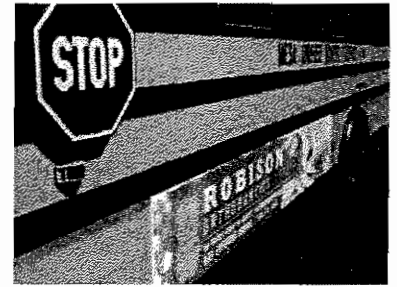
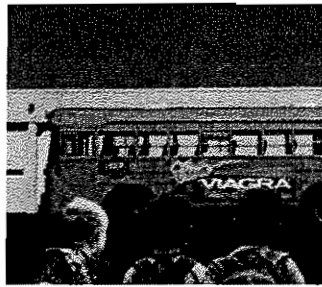
If Bill 204-32 becomes law, the DPW intends to issue an RFP so that a marketing firm manages the entire program of soliciting ads and installing them on the sides of the buses. The DPW simply takes its negotiated share of the advertising fees. Stateside, this share is reported to be as high as 63%.

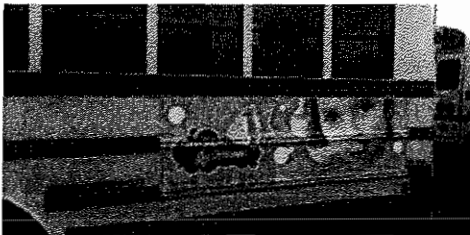
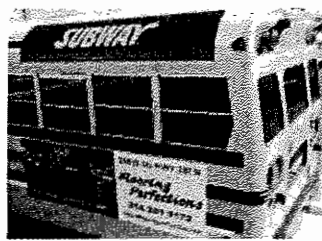
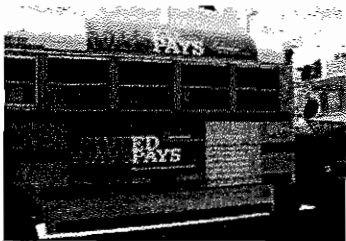
Thank you once again for the opportunity to testify positively on Bill 204-32. The DPW appreciates any financial help it can get with supporting the repair and maintenance of its school buses to provide safe and reliable transportation for the students of Guam.

Si Yu'os Ma'ase,



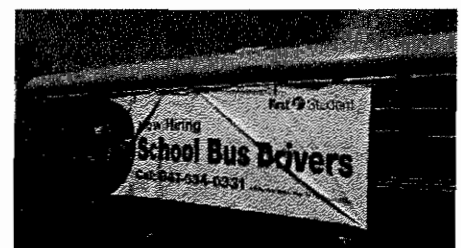
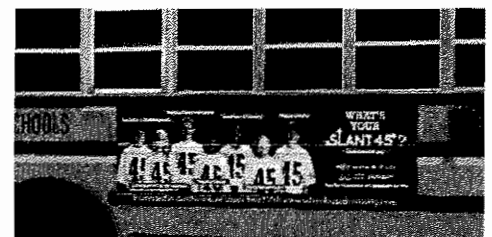
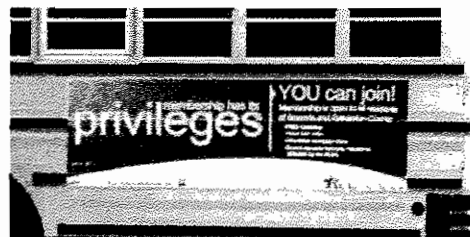
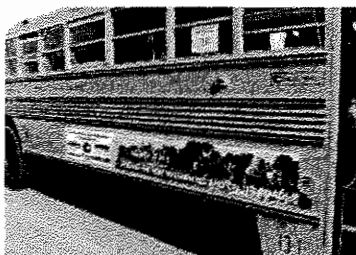
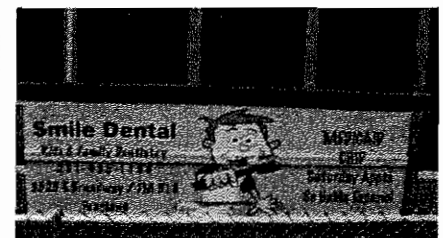
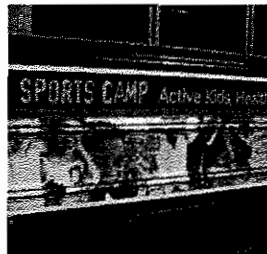
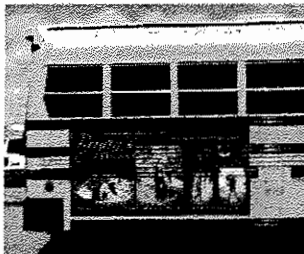
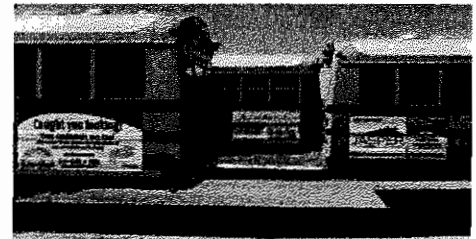
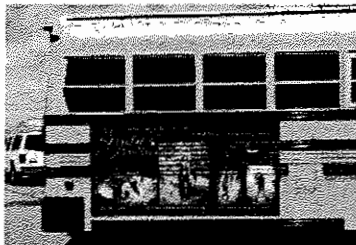
**CARL V. DOMINGUEZ**  
Director



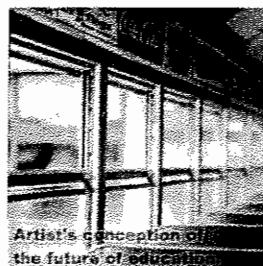
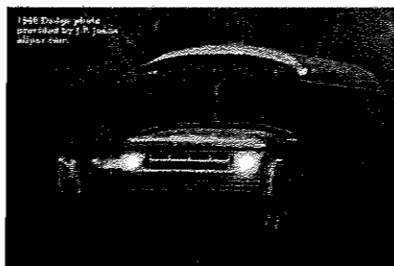
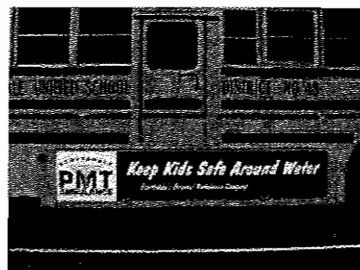
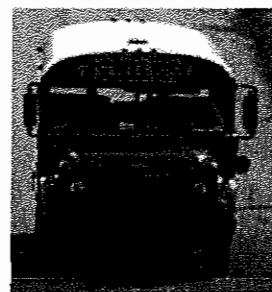
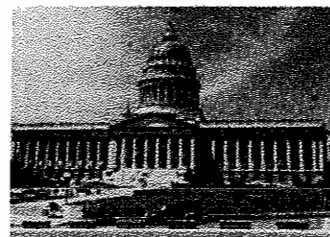
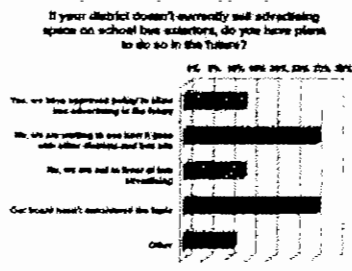
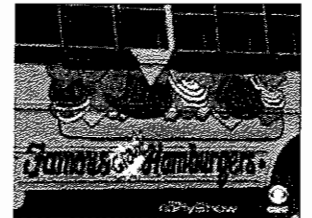
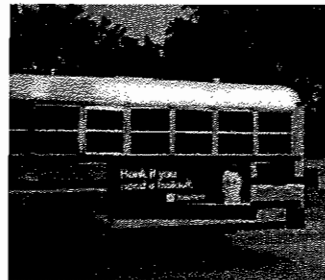
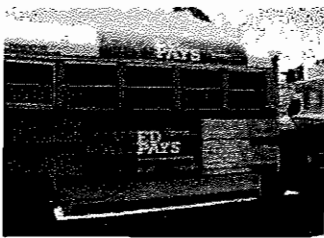


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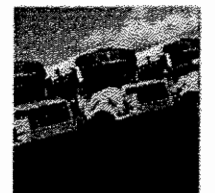
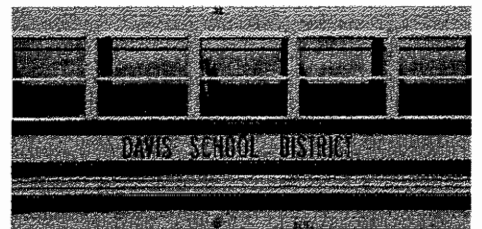
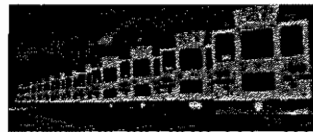
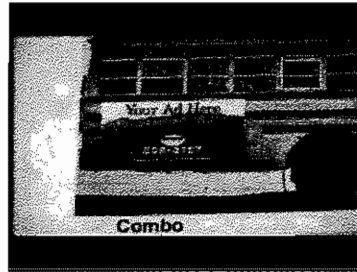
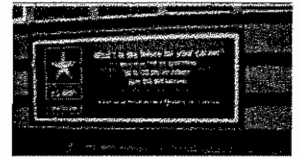
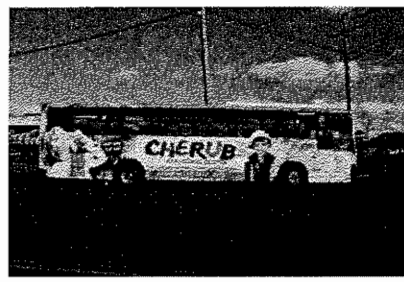
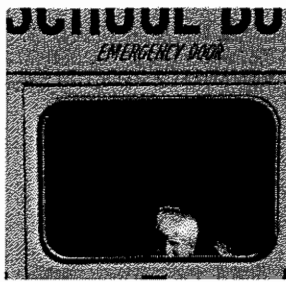




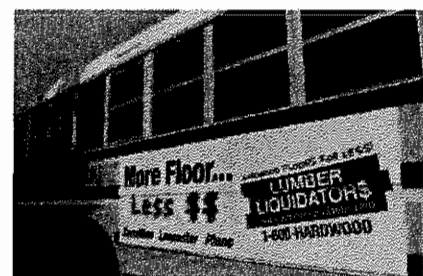
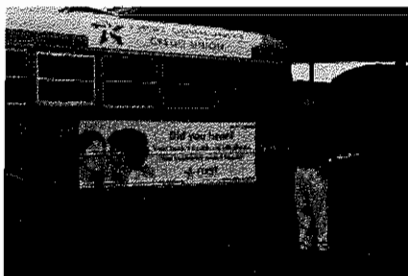
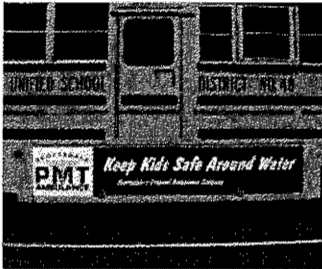
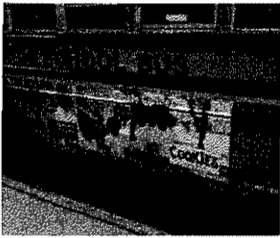
Do your district school buses (either owned or leased) carry advertising at this time?

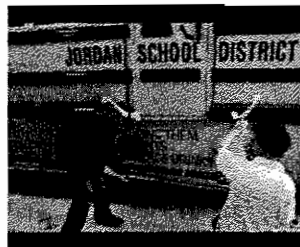
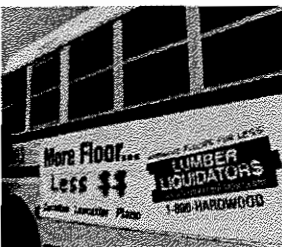
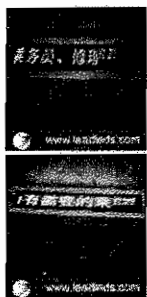
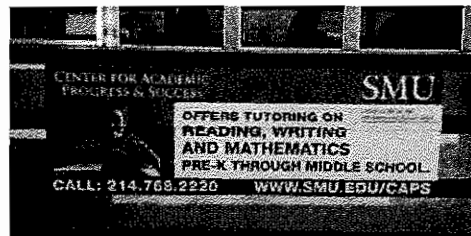
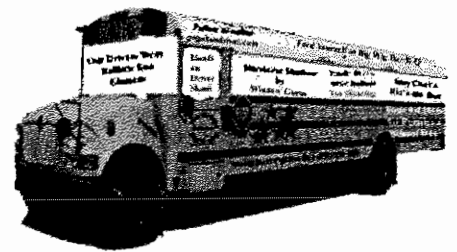
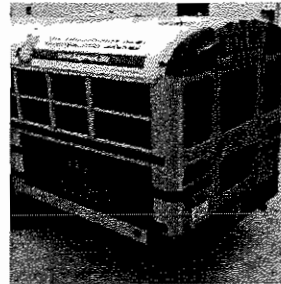
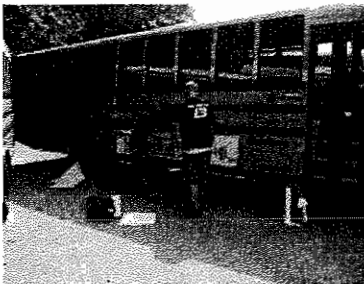
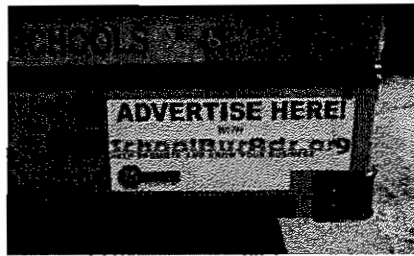
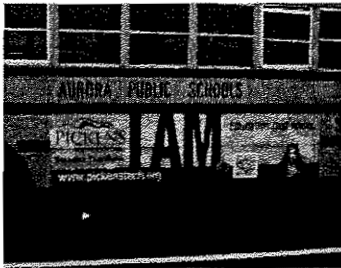


Yes  
No  
Don't know  
Not applicable









Is your school district considering selling advertising space on your school buses?

Yes, we have already approved an official ad and advertising on the school buses. ☐

Yes, we are considering that, but haven't been able to get it. ☐

No, we are not considering selling ad space on our buses. ☐

We are not sure. ☐

Other:



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

Senator

Vicente (Ben) C. Pangelinan

Member

Speaker

Judith T.P. Won Pat, Ed.D.

Member

Senator

Dennis G. Rodriguez, Jr.

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Vice-Speaker

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Legislative Secretary

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Senator

Frank Blas Aguon, Jr.

Member

Senator

Michael F.Q. San Nicolas

Member

Senator

V. Anthony Ada

Member

MINORITY LEADER

Senator

Aline Yamashita

Member

December 27, 2013

### Memorandum

To:

Rennae Meno

Clerk of the Legislature

From:

Senator Rory J. Respicio

Majority Leader & Rules Chair

Subject:

Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

Bill No. 204-32 (COR)

### WAIVERS:

Bill No. 231-32 (COR)

Bill No. 232-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 DEC 27 AM 10:24



## 2nd Notice of Oversight Hearing and Public Hearing

Frank Torres <fbtorres@judiwonpat.com>

Fri, Nov 22, 2013 at 6:02 PM

To: Alicia Perez <perezksto@gmail.com>, Jon Anderson <editor@mvguam.com>, Betsy Brown <betsy@k57.com>, "gdumat-ol@guampdn.com" <gdumat-ol@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, "Ngirairiki, Oyaol D" <odngirairiki@guam.gannett.com>, "news@guampdn.com" <news@guampdn.com>, Sabrina Salas <sabrina@kuam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "gerry@mvguam.com" <gerry@mvguam.com>, Krystal Paco <krystal@kuam.com>, Kevin Kerrigan <kevin@k57.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, Mindy Aguon <mindy@kuam.com>, clynt@spbgum.com

To: Media

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: 2nd Notice of Oversight Hearing and Public Hearing

The Committee on Education, Public Library and Women's Affairs will convene an oversight hearing and a public hearing on Monday, November 25, 2013 in the Public Hearing Room of the Guam Legislature Building on the following items:

10:00 am Oversight Hearing

- The operations of the Guahan Academy Charter School

2:00 pm Public Hearing

- Appointment of Mr. James A. Mason as a General Public Member, Guam Academy Charter Schools Council for a term of Three (3) years.
- Appointment of Dr. Suzanne B. McManus as a General Public Member, Guam Academy Charter Schools Council for a term of Three (3) years.
- Appointment of Christopher K. Felix Member, University of Guam Board of Regents for a term of Six (6) years.
- Bill No. 197-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes- An act to add a new §3223 to Chapter 3 of Title 17 Guam Code Annotated, relative to Honorary High School Diplomas for certain senior citizens.
- Bill No. 198-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes - An act to add a new §5013 to Title 5, Chapter 5 of Title 5 Guam Code Annotated, relative to Government Procurement Policy in favor of women owned businesses. **At the request of the author of Bill No. 198-32 (COR), the legislation has been withdrawn from the public hearing agenda.**

Bill No. 199-32 (COR) - M.F. Quintana - A.A. Quintana, Ed.D. / J.A. Anderson, Ed.D. - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases, to authorize the Department of Public Works to establish a commercial advertising space program on school buses, and, to establish the DPW Bus Maintenance Fund.

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to

our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or [fbtorres@judiwonpat.com](mailto:fbtorres@judiwonpat.com) or through facsimile at 472-3589. The above mentioned nominees' appointment packets and legislative measures are available for review at [www.guamlegislature.com](http://www.guamlegislature.com).

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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR


**DEC 24 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai Senator Respicio:*

Transmitted herewith is Fiscal Note on the following Bill Nos.: 204-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 231-32(COR), and 232-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 204-32 (COR)**

**AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon J.P. Fernandez, Superintendent
Department's General Fund (GF) appropriation(s) to date: Includes FY2013 Advance Appropriation (\$1,580,000)	189,969,835
Department's Other Fund (Specify) appropriation(s) to date: Territorial Educational Facilities Fund (\$18,333,190); Public Library Resources Fund (\$796,323); School Lunch Child Nutritional Meal (\$10,869,218); Cash Collection (\$1,895,091); Healthy Futures Fund (\$891,734)	31,185,576
Total Department/Agency Appropriation(s) to date:	\$221,155,411

Dept./Agency Affected: Public Works	Dept./Agency Head: Carl V. Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund (\$597,019); Guam Highway Fund (\$8,132,517)	8,729,536
Total Department/Agency Appropriation(s) to date:	\$19,964,873

Fund Source Information of Proposed Appropriation			
	General Fund:	DPW Bus Maintenance Fund: 1/	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appra. (Bill No. 1(+S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Intercollegiate Sports Fund 1/	1/	1/	1/	1/	1/	1/
DPW Bus Maintenance Fund 1/	1/	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/	1/

1. Does the bill contain "revenue generating" provisions? /X/ Yes    / / No  
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A    / / Yes    / / No  
 If no, what is the additional amount required? \$ /X/ N/A
3. Does the Bill establish a new program/agency? /X/ Yes    / / No  
 If yes, will the program duplicate existing programs/agencies? / / Yes    /X/ No  
 Is there a federal mandate to establish the program/agency? / / Yes    /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes    /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes    / / No  
 / / Requested agency comments not received by due date    /X/ Other: Time constraints

Analyst: Angela Flores, BMA IV    Date: 12/16/13    Director: John A. Rios, Director    Date: DEC 27 2013

Footnotes: 1/ See Attachment.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

October 9, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

To: **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

From: **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Senator  
Dennis G. Rodriguez, Jr.  
Member

Subject: **Referral of Bill No. 204-32(COR)**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 204-32(COR)**.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator  
Frank Blas Aguon, Jr.  
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member



***I Mina'Trenlai Dos Na Liheslaturan Guahan***  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>204-32 (COR)</b>	Michael T. Limitiaco, Aline A. Yamashita, Ph.D., Tommy Morrison, Chris M. Duenas, V. Anthony Ada	AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.	10/09/13 1:18 p.m.	10/09/13	Committee on Education, Public Library and Women's Affairs			<b>Fiscal Note Request 10/14/13 Fiscal Note Received 12/27/13</b>



Frank Torres &lt;fbtorres@judiwonpat.com&gt;

## Amended First Notice of Oversight Hearing and Public Hearing

Frank Torres &lt;fbtorres@judiwonpat.com&gt;

Mon, Nov 18, 2013 at 4:45 PM

To: phnotice &lt;phnotice@guamlegislature.org&gt;

To: Members of the 32nd Guam Legislature

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: Amended First Notice of Oversight Hearing and Public Hearing

The Committee on Education, Public Library and Women's Affairs will convene an oversight hearing and a public hearing on Monday, November 25, 2013 in the Public Hearing Room of the Guam Legislature Building on the following items:

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- **Appointment of Christopher K. Felix Member, University of Guam Board of Regents for a term of Six (6) years.**
- Bill No. 197-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes- An act to add a new §3223 to Chapter 3 of Title 17 Guam Code Annotated, relative to Honorary High School Diplomas for certain senior citizens.
- Bill No. 198-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes - An act to add a new §5013 to Title 5, Chapter 5 of Title 5 Guam Code Annotated, relative to Government Procurement Policy in favor of women owned businesses.
- **Bill No. 204-32 (COR) - M.T. Limtiaco / A.A. Yamashita, Ph.D. / T.A. Morrison / C.M. Dueñas / V.A. Ada - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.**

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. The above mentioned nominees' appointment packets and legislative measures are available for review at [www.guamlegislature.com](http://www.guamlegislature.com).

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Frank Torres &lt;fbtorres@judiwonpat.com&gt;

## Amended First Notice of Oversight Hearing and Public Hearing

Frank Torres &lt;fbtorres@judiwonpat.com&gt;

Mon, Nov 18, 2013 at 4:51 PM

To: Alicia Perez <perezksto@gmail.com>, Jon Anderson <editor@mvguam.com>, Betsy Brown <betsy@k57.com>, "gdumat-ol@guampdn.com" <gdumat-ol@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, "Ngirairikl, Oyaol D" <odngirairikl@guam.gannett.com>, "news@guampdn.com" <news@guampdn.com>, Sabrina Salas <sabrina@kuam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "gerry@mvguam.com" <gerry@mvguam.com>, Kevin Kerrigan <kevin@k57.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, Krystal Paco <krystal@kuam.com>, Mindy Aguon <mindy@kuam.com>, clynt@spbgum.com

To: Media

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: Amended First Notice of Oversight Hearing and Public Hearing

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Frank Torres &lt;fbtorres@judiwonpat.com&gt;

## 2nd Notice of Oversight Hearing and Public Hearing

Frank Torres &lt;fbtorres@judiwonpat.com&gt;

Sat, Nov 23, 2013 at 8:35 AM

To: phnotice@guamlegislature.org

To: Members of the 32nd Guam Legislature

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: 2nd Notice of Oversight Hearing and Public Hearing

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aalladi@guampdn.com
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aguon4guam@gmail.com
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aokada@guamlegislature.org
ataligba@gmail.com
av@guamlegislature.org
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avon.guam@gmail.com
baza.matthew@gmail.com
bbautista@spbguam.com
bdydasco@yahoo.com
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# Office of the Speaker Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmás Ge'helo'Gi Liheslaturan Guåhan  
32<sup>ND</sup> Guam Legislature  
I Mina' Trentai Dos Na Liheslaturan Guåhan  
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FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

## Public Hearing Agenda

November 25, 2013

2:00 p.m.

- Opening Statements by Speaker Won Pat, Ed.D.
- Appointment of Mr. James A. Mason as a General Public Member, Guam Academy Charter Schools Council for a term of Three (3) years.
- Appointment of Dr. Suzanne B. McManus as a General Public Member, Guam Academy Charter Schools Council for a term of Three (3) years.
- Appointment of Christopher K. Felix Member, University of Guam Board of Regents for a term of Six (6) years.
- Bill No. 197-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes- An act to add a new §3223 to Chapter 3 of Title 17 Guam Code Annotated, relative to Honorary High School Diplomas for certain senior citizens.
- Bill No. 198-32 (COR) - J.T. Won Pat, Ed.D. / T.R. Muña Barnes - An act to add a new §5013 to Title 5, Chapter 5 of Title 5 Guam Code Annotated, relative to Government Procurement Policy in favor of women owned businesses. At the request of the author of Bill No. 198-32 (COR), the legislation has been withdrawn from the public hearing agenda.
- Bill No. 204-32 (COR) - M.T. Limtiaco / A.A. Yamashita, Ph.D. / T.A. Morrison / C.M. Dueñas / V.A. Ada - An act to amend §§7105-7108 of 17 GCA, relative to the authorization of commercial advertising leases; to authorize the Department of Public Works to establish a commercial advertising space program on school buses; and, to establish the DPW Bus Maintenance Fund.
- Closing statements by Speaker Won Pat, Ed.D.

Five day Notice was emailed to the Media and Senators on November 18, 2013

48 Hour Notice was emailed to the Media and Senators on November 22 and 23, 2013



## COMMITTEE ON RULES

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MAJORITY LEADER

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V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 27, 2013

### Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

**Subject:** Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

Bill No. 204-32 (COR)

### WAIVERS:

Bill No. 231-32 (COR)

Bill No. 232-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 DEC 27 AM 10:24

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

***FACSIMILE INFORMATION PAGE***

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 6

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

**RE:** Fiscal Note on the following Bill Nos.: 204-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 231-32(COR), and 232-32(COR).

**COMMENTS:** Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**DEC 24 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai Senator Respicio:*

Transmitted herewith is Fiscal Note on the following Bill Nos.: 204-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 231-32(COR), and 232-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 204-32 (COR)**

**AN ACT TO AMEND §7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon J.P. Fernandes, Superintendent
Department's General Fund (GF) appropriation(s) to date: Includes FY2015 Advance Appropriation (\$1,500,000)	189,969,835
Department's Other Fund (Specify) appropriation(s) to date: Territorial Educational Facilities Fund (\$18,333,190); Public Library Resources Fund (\$796,323); School Lunch Child Nutritional Meal (\$10,069,218); Cash Collection (\$1,095,091); Healthy Futures Fund (\$891,754)	31,185,576
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$221,155,411</b>

Dept./Agency Affected: Public Works	Dept./Agency Head: Carl V. Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund (\$597,019); Guam Highway Fund (\$8,132,517)	8,729,536
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$19,964,873</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	DPW Bus Maintenance Fund: 1/	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Interscholastic Sports Fund 1/	1/	1/	1/	1/	1/	1/
DPW Bus Maintenance Fund 1/	1/	1/	1/	1/	1/	1/
<b>Total</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>

1. Does the bill contain "revenue generating" provisions? /X/ Yes    / / No  
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A    / / Yes    / / No  
 If no, what is the additional amount required? \$ /X/ N/A
3. Does the Bill establish a new program/agency? /X/ Yes    / / No  
 If yes, will the program duplicate existing programs/agencies? / / Yes    /X/ No  
 Is there a federal mandate to establish the program/agency? / / Yes    /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes    /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes    / / No  
 / / Requested agency comments not received by due date    /X/ Other: Time constraints

Analyst: 4/12/13 Date: 12/16/13 Director: [Signature] Date: DEC 27 2013  
 Angela Flores, BMA IV    John A. Rios, Director

Footnotes: 1/ See Attachment.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 204-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Interscholastic Sports Fund 1/	1/	1/	1/	1/	1/
DPW Bus Maintenance Fund: 1/	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/

**Comments:**

1/ The establishment of the 'DPW Bus Maintenance Fund' is for the purpose of supplementing costs associated with maintaining the Department of Public Works' (DPW) school buses and for the management fees of the commercial advertising space program, through lease agreements. The language in § 50A105 reflects that this Fund is to be administered by DPW; and in §50A104 that DPW shall issue request for proposals for the management of the program. Details are *not* included with regard to 'management of the program' and 'administration of the Fund' pending development by DPW per §50A102 and §50A103. Expenditures from the Fund shall be by written authorization of the DPW Director. Based on bus ads in 200 markets, the cost ranges from \$150 to \$4,500 per ad per 4 week period for bus exterior ads; and \$20 to \$125 per ad per 4 week period for bus interior ads. And assuming that ads for 1 school bus are approved, 1 for exterior and 8 for interior at minimum rates of \$150 and \$20, respectively over a 4 week period, then a total of \$150 for exterior and \$160 for interior would be realized, or a total of \$310 for a 4 week period for one bus, or \$3,720 annually. And if this is applied to 55 school buses out of the current 110 roadworthy school buses, then a total of \$204,600 would be realized in revenue under the Fund.

It is noted that the bill amends §§7105 thru 7108 relative to Interscholastic Sports Fund to reflect the non-inclusion of fees for commercial leasing of advertising space at Department of Public Works' (DPW) school buses. To date, no advertising has been made on school buses, and as such, the bill will not negatively impact on current collections under the Interscholastic Sports Fund.



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Member

Senator  
V. Anthony Ada  
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October 14, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 204-32 (COR) through 208-32 (COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 14 PM 4:43

Bill Nos.	Sponsor	Title
204-32 (COR)	Michael T. Limitiaco, Aline A. Yamashita, Ph.D., Tommy Morrison, Chris M. Duenas, V. Anthony Ada	AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO THE AUTHORIZATION OF COMMERCIAL ADVERTISING LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A COMMERCIAL ADVERTISING SPACE PROGRAM ON SCHOOL BUSES; AND, TO ESTABLISH THE DPW BUS MAINTENANCE FUND.
205-32 (COR)	Dennis G. Rodriguez, Jr. Brant T. McCreadie R. J. Respicio	AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY AUTHORIZING THE ISSUANCE OF TAX CREDITS TO ENTITIES WHO ASSIST WITH THE DEVELOPMENT OF GUAM'S AGRICULTURAL AND "GUAM PRODUCT SEAL" PRODUCTS EXPORT INITIATIVE THROUGH CONTRIBUTIONS TO OFFSET SHIPPING COSTS, BY ADDING A NEW ARTICLE 6 TO CHAPTER 77, DIVISION 2 OF TITLE 12, GUAM CODE ANNOTATED.
206-32 (COR)	B. J.F. Cruz	AN ACT TO AMEND SUBSECTION (C) OF §26603, OF ARTICLE 6, CHAPTER 26, OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING TAX PARITY BETWEEN CIGARETTES AND CHEWING TOBACCO.
207-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO ADD §8241.1 OF TITLE 12 OF THE GUAM CODE ANNOTATED AND TO APPROVE THE TERMS AND CONDITIONS OF GUAM POWER AUTHORITY REVENUE BONDS TO FINANCE CAPITAL IMPROVEMENTS TO THE ISLAND-WIDE POWER SYSTEM.
208-32 (COR)	T. R. Muña Barnes	AN ACT TO ADD § 51112 OF CHAPTER 51, TITLE 18 GUAM CODE ANNOTATED RELATIVE TO PROVIDING AN ADDITIONAL SOURCE OF FUNDING TO THE GUAM HOUSING CORPORATION'S HOUSING TRUST FUND BY AUTHORIZING THE TRANSFER TO THE SAME OF INTEREST ON SECURITY DEPOSITS ARISING FROM LANDLORD TENANT RENTAL AGREEMENTS.





## COMMITTEE ON RULES

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Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 9, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 204-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 204-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

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

Bill No. 204-32(02)

Introduced by:

Michael T. Limtiaco  
A. A. Yamashita, Ph.D.  
T. A. Morrison  
Chris M. Duenas  
V. A. Ada

**AN ACT TO AMEND §§7105-7108 OF 17 GCA, RELATIVE TO  
THE AUTHORIZATION OF COMMERCIAL ADVERTISING  
LEASES; TO AUTHORIZE THE DEPARTMENT OF PUBLIC  
WORKS TO ESTABLISH A COMMERCIAL ADVERTISING  
SPACE PROGRAM ON SCHOOL BUSES; AND, TO  
ESTABLISH THE DPW BUS MAINTENANCE FUND.**

2013 OCT -9 PM 1:18 M

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

**Section 1.     §7105 of 17 GCA is amended to read:**

**"§ 7105. Authorization of Commercial Advertising Leases.** Within ninety (90) days of the enactment of this Chapter, the Department shall review and revise all existing Department rules and regulations for the management and control of school property in order to authorize the commercial leasing of advertising space at Department and Tiyan sports facilities [~~and on Department of Public Works' school buses~~], consistent with government of Guam standard property regulations. Within ninety (90) days of enactment of this Chapter, the Department of Education [~~in conjunction with the Bus Operations Division of the Department of Public Works,~~] shall develop standard size and placement regulations for the leasing of commercial advertising space at Department and Tiyan sports facilities [~~and on Department of Public Works' school buses~~]. Immediately upon completion, the proposed revisions shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall adopt the revised rules and regulations with any amendments deemed necessary and appropriate."

**Section 2.     §7106 of 17 GCA is amended to read:**

**"§ 7106. Schedule of Commercial Advertising Fees.** Within ninety (90) days of the enactment of this Chapter, the Department of Education shall develop a schedule of fees for the

1 commercial leasing of advertising space at Department of Education and Tiyan sports facilities [~~and~~  
2 ~~Department of Public Works' school buses~~]. Immediately upon completion, the proposed schedule of  
3 fees shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall  
4 approve the schedule of fees with any amendments deemed necessary and appropriate."

5 **Section 3. §7107 of 17 GCA is amended to read:**

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

19 **Section 4. §7108 of 17 GCA is amended to read:**

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

25 (a) **Same: Administration.** The Fund shall be administered by the Department of Education  
26 and shall not be commingled with the General Fund or any other fund of the government of Guam.  
27 The Fund shall be maintained in a separate bank account and monies deposited therein shall not be  
28 subject to *I Maga'lahaen Guåhan's* transfer authority. The Department of Education is authorized to  
29 accept for the Fund gifts, bequests, donations and other kinds of contributions for the purposes of the  
30 Fund.

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

6           (c) **Same: Distribution of the Interscholastic Sports Fund.** Elementary schools may  
7 participate in the solicitation of commercial advertising in their respective schools as provided  
8 through the Interscholastic Sports Fund Act. However, because the interscholastic sports program  
9 exists in the middle and high school levels only, the elementary school that solicits and receives  
10 monies for commercial advertising shall deposit all funds into the Interscholastic Sports Fund. The  
11 Department of Education shall transfer forty percent (40%) of the total sum of any fees, monetary  
12 gifts, donations or contributions collected or derived from the commercial leasing of any part of the  
13 facilities for advertising, or other such purposes of an elementary school, into '*I Salappe Facilidat*'  
14 account of that respective elementary school. The remaining sixty percent (60%) will remain in the  
15 Interscholastic Sports Fund to support interscholastic sports programs. Funds transferred to '*I*  
16 *Salappe Facilidat*' accounts of a respective elementary school pursuant to this Subsection shall be  
17 expended in accordance with the provisions of 17 GCA §1704, as enacted through Public Law  
18 Number 23-67. The distribution of advertising funds for both middle and high schools will be as  
19 follows: sixty percent (60%) will remain in the Interscholastic Sports Fund and forty percent (40%)  
20 will be retained at the school for its respective sports programs. Any advertising funds collected for  
21 the Tiyan Facility or the Staff Development Center (behind George Washington High School in  
22 Mangilao) will be distributed as follows: sixty percent (60%) to the Interscholastic Sports Fund and  
23 forty percent (40%) for maintenance of those facilities.

24           (d) **Same: Annual Financial Report.** Within sixty (60) days after the closing of each fiscal  
25 year, the administrator or authorized custodian of the Interscholastic Sports Fund shall transmit to  
26 the Board and the Superintendent of the Department of Education an annual report of the  
27 expenditures of the Fund, including, but not limited to, a balance sheet, a statement of receipts and  
28 expenses, and a general description of the income sources of the Fund and the expenses thereof."

**Section 5. A new Chapter 50A is added to 5 GCA relative to authorizing the Department of Public Works to establish a commercial advertising space program on school buses.**

**"CHAPTER 50A**

## COMMERCIAL ADVERTISING SPACE PROGRAM

**§ 50A101. Authorization.**

**§ 50A102. Program Rules and Regulations.**

**§ 50A103. Lease Agreement.**

**§ 50A104. Program Management.**

**§ 50A105. DPW Maintenance Fund.**

**§ 50A101. Authorization.** The Department of Public Works ('Department') is authorized to establish a commercial advertising space program ('Program') utilizing space on the department's school buses.

**§ 50A102. Program Rules and Regulations.** Within ninety (90) days of the enactment of this Act, the Department shall develop rules and regulations governing the standard size and placement for the leasing of commercial advertising space, a schedule of fees for the commercial leasing of advertising space, and any other rules and regulations necessary for the effective and efficient operation of the Program.

**§ 50A103. Lease Agreement.** The Department shall develop a standard lease agreement. The lease agreement shall incorporate applicable rules and regulations, the schedule of fees, and make clear any legal liabilities for private entities seeking to advertise on its buses. The standard lease agreement shall specifically prohibit any advertising which promotes substances which are controlled by law, or are illegal to distribute to minors, including, without limitation, alcohol; establishments selling primarily alcohol products, such as bars; tobacco products; firearms; obscenity and as may be otherwise determined by the Department of Public Works.

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

**§ 50A105. DPW Maintenance Fund.** There is hereby created, separate and apart from all other funds of the government of Guam, a fund known as the 'DPW Bus Maintenance Fund' ("Fund") into

1 which shall be deposited all fees collected from the commercial leasing of advertising space on  
2 school buses. Expenditures from the Fund shall be by written authorization of the Director of Public  
3 Works.

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

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

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

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

20 **Section 7. Severability.** If any provision of this Act, or the application thereof to any  
21 person or circumstances is held invalid, the invalidity does not affect other provisions or applications  
22 of the Act that can be given effect without the invalid provisions or application, and to this end the  
23 provisions of this Act are severable.