

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
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.	10/09/13 1:18 p.m.	10/09/13	Committee on Education, Public Library and Women's Affairs			



COMMITTEE ON RULES

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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."

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.