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CH. 50A COMMERCIAL ADVERTISING SPACE PROGRAM

**CHAPTER 50A**  
**COMMERCIAL ADVERTISING SPACE PROGRAM**

**SOURCE:** Entire chapter added by P.L. 32-117:5 (Feb. 10, 2014).

- § 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 interior and exterior of the Department's school buses.

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

Within ninety (90) days of the enactment of this Act, the Department in consultation with GDOE [Guam Department of Education] shall develop rules and regulations pursuant to the AAL [Administrative Adjudication Law] 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. Additionally, the rules and regulations developed, pursuant to this Chapter, shall address the following:

- (a) assurance that any Program lease agreement entered into by the Department does not negatively affect any warranties associated with government of Guam school buses;
- (b) a prohibition on political advertisements as part of the Program;
- (c) assurance that any advertisements which may become faded, dilapidated, or pose a danger to the public will be replaced or repaired by the lessee with no cost to the Department. The Department shall be responsible for developing criteria to determine whether an advertisement is faded, dilapidated, or poses a threat to the public; and

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(d) assurance that the Department will not be held responsible, financial or otherwise, for any damage or destruction that occurs to any advertisements or advertising space that has been leased as part of the Program.

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

**§ 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; and shall specifically prohibit advertising that is prohibited by GDOE Board Policy for the lease of advertising space at schools or other educational facilities, or prohibited by GDOE Board Policy, from being promoted during school hours or during extracurricular activities, including, but not limited to, foods of minimal nutritional value.

**§ 50A104. Program Management.**

The Department shall issue a request for proposals for the management of the Program. The Fund established in § 50A105 of this Chapter 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 which shall be deposited all fees 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.

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(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'lahañ 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'lahañ Guåhan* and to the Speaker of *I Liheslaturan Guåhan*.

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