

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
342-36 (LS)	Joe S. San Agustin Clynton E. Ridgell Mary Camacho Torres Tina Rose Muña Barnes V. Anthony Ada Jose "Pedro" Terlaje Frank Blas Jr.	AN ACT TO AMEND §§ 1203(f) AND 1203.1 OF ARTICLE 2, TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM CONTRACTS FOR THE USE OF AIRPORT FACILITIES AND PROPERTIES	9/28/22 2:19 p.m.	10/3/22	Committee on Air Transportation, Parks, Tourism, Higher Education and the Advancement of Women, Youth, and Senior Citizens			Request: 10/5/22 10/13/22	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

October 13, 2022

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Fiscal Note on Bill No. 342-36 (LS)

Håfa adai,

Attached, please find the fiscal note for the following bill:

Bill No. 342-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 342-36 (LS)

BILL NO. 342-36 (LS) IS "AN ACT TO AMEND §§ 1203(f) AND 1203.1 OF ARTICLE 2, TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM CONTRACTS FOR THE USE OF AIRPORT FACILITIES AND PROPERTIES."

Department/Agency Appropriation Information

Dept./Agency Affected: Guam International Airport Authority	Dept./Agency Head: John Quinata, Executive Manager
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$0

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2023 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107)	\$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 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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 / X/ No
 If no, what is the additional amount required? \$ / X/ N/A
3. Does the Bill establish a new program/agency? / / Yes / X/ No
 If yes, will the program duplicate existing programs/agencies? / X/ N/A / / Yes / / 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 / / Other:

Analyst: Katherine Parkinson-Borja Date: 10/11/22 Director: Lester L. Carlson, Jr. Date: OCT 12 2022
 Katherine Parkinson-Borja, BMA I Lester L. Carlson, Jr., Director

Notes:

1/ Please see attached comments.

BUREAU OF BUDGET MANAGEMENT AND RESEARCH

COMMENTS ON BILL NO. 342-36 (LS)

Bill No. 342-36 (LS), if passed, would allow the Guam International Airport Authority (GIAA) to enter into contracts, including without limitation, leases, concession agreements, public-private partnerships, licenses, permits, the use of airport facilities and properties for airport purposes and/or visitor related purposes, and make and enter into airline agreements without approval of the Guam Legislature. Further, provisions in the proposed bill stipulates that any agreement between the GIAA and any other party for the use of airport facilities and properties for airport purposes and/or visitor related purposes shall not exceed a term of thirty (30) years, provided that concessions terms shall not exceed a term of ten 10 years.

Although the Bill No 342-36 (LS) is administrative in nature, it grants GIAA flexibility to enter into contracts for non-aeronautical and concessions in order to maximize revenues. If passed, the bill will allow GIAA to bypass the competitive proposal procedure set forth by the General Service Administrations rules and regulations and instead have concession agreements, rules, and regulation for solicitation, and selection and award of concession agreements be established in accordance with Administrative Adjudication Law or by enactment into law. With regard to all other contracts, a thirty (30) day public notice and comments period for the use of facilities and properties, notwithstanding any other provision of law, policies, and procedures adopted by the GIAA's Board of Directors. Contracts shall be subject to applicable federal laws and regulations and shall be subject to GIAA's Bond Covenants.

If the proposed legislation is passed, Section 1203.1, of Article 2, Title 12 of Guam Code Annotated shall not apply to permits to operate access to GIAA facilities and properties for the purpose of operating commercial ground transportation services, as a separate ground transportation policy has been established by the GIAA for permits to operate or access GIAA facilities or properties for the purpose of operating a commercial ground transportation service. This would also apply to non-commercial activity leases, leases with non-profit organizations and educational institutions, leases with the government of Guam, its line agencies, autonomous agencies, public corporations, and leases with the United States of America.

Lastly, according to the GIAA, an impact on the General Fund is not expected with the passage of Bill No. 342-36 (LS).