

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH SPECIAL SESSION, 2002

Public Law 13-16

H. B. NO. 13-138, SS1

AN ACT

To appropriate \$2.6 million from the fees generated under Public Law 11-64 to the Marianas Visitors Authority.

**BE IT ENACTED BY THE THIRTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Findings. The budgetary cut to the funding for the Marianas Visitors Authority of over \$2 million has rendered it unable to launch an aggressive promotional campaign aimed at reversing the declining trend in the number of tourist arrivals to the CNMI. The Governor has transmitted to the presiding officers of the Legislature the “CNMI Tourism Strategy Plan” developed by MVA detailing its comprehensive program to attract more Japanese visitors. MVA has also formulated a promotional program targeted at the China and Korea markets. Those plans are designed to stimulate the tourism trade and ultimately to revitalize the economy of the CNMI which has continued to decline due to competition from other Asia-Pacific destinations, the region’s sluggish economy, and the aftermath of the September 11th terrorist attacks. It is the Legislature’s intent, therefore, to appropriate the fees imposed by Public Law 11-64, to fund the CNMI Tourism Strategic Plan and the MVA’s promotional campaign for China and Korea.

The Legislature also finds that the fund established under Public Law 11-64 to hold the Managaha Island Landing fees has never been implemented. Pursuant to contract, user fees were collected by the Concessionaire and remitted to the Marianas Public Lands Authority (“MPLA”) for deposit into the Managaha Island Land and User Fee Trust Account (“Trust Account”). Subject to certain limited restriction, these funds were to be available to the Concessionaire for the maintenance and repair of public facilities on Managaha Island. Due to various legal concerns, MPLA has not remitted these funds to the Trust Account but

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rather has held them in escrow. It is the further intent of this legislature to appropriate a portion of these funds to the Trust Account and to set up a procedure for future allocation of the Managaha Island Landing and User Fees.

Section 2. Appropriation to the Marianas Visitors Authority.

(a) Notwithstanding any law to the contrary, there is hereby appropriated \$2,600,000.00 to the Marianas Visitors Authority from the fees collected for the Managaha Island Landing and Use Fees and currently held in trust by Marianas Public Lands Authority.

(b) Expenditure authority of the appropriated funds is vested in the Chairperson of the Board of Directors of the Marianas Visitors Authority, for the purpose of funding the implementation of the CNMI Tourism Strategic Plan and the marketing programs for China and Korea developed by the Marianas Visitors Authority.

(c) The funds appropriated under this Section shall be available without fiscal year limitation.

(d) This appropriation constitutes a one-time appropriation to the Marianas Visitors Authority. Future appropriations of the Managaha Landing and User Fees shall be in accordance with the provision of Public Law 11-64 as amended by this Act.

Section 3. Appropriations and Allocations to the Managaha Island Landing Fee and User Fee Trust Account.

(a) MPLA shall immediately transfer \$650,704 into the Managaha Island Land and User Fee Trust Account. This sum represents user fee collections by MPLA prior to the enactment of Public Law 11-64 and is therefore not subject to appropriations under Public Law 11-64.

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(b) Future collections of the Managaha Island Landing and User Fees shall be deposited in the Managaha Island Land and User Fee Trust Account (“Trust Account”). These funds shall be available for the maintenance and repair of public facilities on Managaha Island in accordance with the terms of the “Agreement for Special Recreational Concession (of) Managaha Island,” entered into on August 31, 2001 by the Board of Public Lands and Tasi Tours Transportation, Inc. At the end of the first full fiscal year after the effective date of this Act, and at the end of every fiscal year thereafter, the balance of the fees collected during the ending fiscal year shall be available for appropriation by the Saipan and Northern Islands Legislative Delegation as set forth in Public Law 11-64.

Section 3. Severability. If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract (except as specifically set forth herein) or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

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Section 5. Effective Date. This Act shall take effect upon its approval by the Governor, or it becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 3rd day of July, 2002

/s/ _____

/s/ DIEGO T. BENAVENTE
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS