



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

31 JUL 2014

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed House Bill No. 18-49, SS1, an Act "To authorize the Marianas Visitors Authority to regulate tour operators and tour guides by amending 4 CMC §2103 and adding a new article 6 to 4 CMC, Division 2, Chapter 1; and for other purposes," which was passed by the Eighteenth Northern Marianas Commonwealth Legislature.

Although it is in the public's interest to regulate the profession of tour guides and tour operators in the Commonwealth, this bill requires subsequent clarification from the Legislature.

The Legislature needs to explain the scope of Marianas Visitors Authority ("MVA") certification, i.e., how long it is valid for; whether the MVA can revoke certification; whether a fee is required; what it means to be in "good standing," and other relevant questions regarding this certification. If the Department of Finance is required to issue business licenses subject to the provisions of this bill, this should be made clear in the language of the bill. Further, as some of the provisions of this bill is vague, I have concerns that the bill will be applied arbitrarily. An amendment to this bill should also require the MVA to promulgate rules and regulations governing the certification process. This will ensure that the MVA applies all certification requirements in a standard manner.

Honorable Ralph DLG. Torres
President of the Senate

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
July 31, 2014
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Once again, although I approve H.B. No. 18-49, SS1, I urge the Legislature to consider amending the law to clarify any ambiguities present in this bill.

This bill becomes **Public Law No. 18-58**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'ELOY S. INOS', with a vertical line extending upwards from the end of the signature.

ELOY S. INOS

cc: Lt. Governor
Press Secretary
Office of the Governor SAPLR
MVA Executive Director



House of Representatives

18th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

June 25, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-49, SS1**, entitled: "To authorize the Marianas Visitors Authority to regulate tour operators and tour guides by amending 4 CMC § 2103 and adding a new Article 6 to 4 CMC, Division 2, Chapter 1; and for other purposes.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña
House Clerk

Attachment



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Special Session

April 18, 2013

Representative Edmund S. Villagomez, of Saipan, Precinct 3 (*for himself*;) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-49, SS1

AN ACT

**TO AUTHORIZE THE MARIANAS VISITORS AUTHORITY TO
REGULATE TOUR OPERATORS AND TOUR GUIDES BY
AMENDING 4 CMC §2103 AND ADDING A NEW ARTICLE 6 TO
4 CMC, DIVISION 2, CHAPTER 1; AND FOR OTHER
PURPOSES.**

The Bill was referred to the House Committee on Tourism, which submitted Standing Committee Report 18-32; adopted on June 21, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JUNE 21, 2013;**
without amendments and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 18-53; adopted on March 21, 2013.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 21, 2014;
with amendments in the form of H. B. 18-49, SS1.

The House of Representatives accepted the Senate amendments and passed H. B. 18-49, SS1 during its 2nd Day, Second Special Session on June 18, 2014.

THE BILL WAS FINALLY PASSED ON JUNE 18, 2014.



Linda B. Muña, House Clerk



Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

Second Day, Second Special Session

June 18, 2014

H. B. 18-49, SS1

AN ACT

**TO AUTHORIZE THE MARIANAS VISITORS AUTHORITY TO REGULATE
TOUR OPERATORS AND TOUR GUIDES BY AMENDING
4 CMC § 2103 AND ADDING A NEW ARTICLE 6 TO 4 CMC,
DIVISION 2, CHAPTER 1; AND FOR OTHER PURPOSES.**

**Be it enacted by the Eighteenth Northern Marianas Commonwealth
Legislature:**

1 Section 1. **Short Title.** This Act may be cited as the “Tour Operator and Tour Guide
2 Regulatory Act of 2013.”

3 Section 2. **Findings.** The Legislature finds that tourism is an essential component of
4 the Commonwealth’s economy and an industry of great interest and importance. It must be
5 harnessed as an engine of socio-economic growth and cultural affirmation to generate
6 investment, foreign exchange and employment, and to continue to mold an enhanced sense of
7 pride for all citizens.

8 Furthermore and towards this end, it is in the public's interest to regulate the operation
9 of tour guides and tour operator businesses to ensure the highest level of professionalism and

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1 service; and minimize negative impression of the Northern Marianas. In this regard, the
2 Legislature thus finds that there is a need to develop a standard of conduct for tour guides and
3 tour operators.

4 **Section 3. Amendment.** 4 CMC § 2103 is hereby amended by adding a new section
5 (o) to read as follows:

6 “(o) Regulating the tour industry through the issuance of certifications to tour
7 operators and tourist land/sea transport operators attesting to their compliance with
8 statutory and regulatory requirements for engaging in the tour operator and tourist
9 land/sea transport operators business and tour guides through the issuance of
10 certifications attesting to a minimum proficient in the English language and their
11 successful completion and training in the history, culture, and scenic attractions of the
12 CNMI.”

13 **Section 4. Amendment.** 4 CMC Division 2, Chapter 1 is amended by adding a new
14 Article 6, subject to codification of the Law Revision Commission, to read as follows:

15 **“Article 6. Tour Operator or Tour Guides.**

16 **§ 101. Definitions.** For the purposes of this Article, and unless required by
17 context, the following terms shall have the following definitions:

18 (a) “Board” means the Marianas Visitors Authority Board.

19 (b) “Certificate” or “Certification” means the document issued by
20 MVA attesting that a tour guide or tour operator has successfully passed the
21 required training as promulgated or approved by MV A and may apply for a
22 business license as a tour guide or tour operator.

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(c) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

(d) "Department" means the Department of Finance.

(e) "Business License" means a business license issued by the Division of Revenue and Taxation.

(f) "Managing Director" means the chief executive officer of MVA.

(g) "MVA" means the Marianas Visitors Authority.

(h) "NMC" means the Northern Marianas College.

(i) "Person" means an individual, trust, estate, partnership, association, or a corporation or other business entity.

(j) "Secretary" means the Secretary of Finance.

(k) "Tour Guide" means any person who is employed or retained to guide or conduct tours for tourists, both foreign and domestic, for a fee, commission, or any other form of lawful remuneration.

(l) "Tour Operator" shall mean a person who is regularly engaged in the business of extending to individuals or groups, such services pertaining to arrangements and bookings for transportation and/or accommodation, handling and/or conduct of inbound tours whether or not for a fee, commission, or any form of compensation.

(m) "Tourist Land/Sea Transport Operator" - a person who is regularly engaged in providing, for a fee or lawful consideration, tourist transport

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1 services to scenic and historic landmarks and attractions of the Northern
2 Mariana Islands as hereinafter defined, either on charter or regular run.

3 **§ 102. Requirements for Obtaining Business License.**

4 (a) In order to obtain a license to conduct business as a Tour Operator or
5 Tourist Land/Sea Transport Operator, a person must:

- 6 (1) be a member in good standing of MVA;
- 7 (2) maintain an office space within the CNMI;
- 8 (3) employ tour guides that have been certified by MVA as required by
9 section 103 of this Article;
- 10 (4) maintain a bank account in the CNMI under the business name; and
- 11 (5) obtain an MVA approved certificate showing compliance with the
12 provisions of this Article.”

13 **§ 103. Tour Guides: MVA Approved Certification Required.**

14 (a) No person may be employed as a Tour Guide unless he or she has received
15 an MVA approved certificate as set forth in subsection (b) of this section.

16 (b) All persons who wish to engage in employment as a Tour Guide must
17 obtain an MVA approved certificate attesting that they have successfully completed
18 MV A approved training courses and passed MVA approved examinations on (i) the
19 history and culture of the Northern Mariana Islands, (ii) the scenic and historic
20 landmarks and attractions of the Northern Mariana Islands, and (iii) protection and
21 conservation of the natural environment. In addition, all persons who wish to engage
22 in employment as a Tour Guide must possess minimum proficient in the English.

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1 MVA training courses shall be developed by MVA in consultation with NMC, the
2 Historic Preservation Office, and other relevant government agencies.

3 (c) Pursuant to the express intent of this Act to bring uniformity and regulation
4 to all tour operators and tour guides, MVA shall not exempt any persons from the
5 requirements of this Act.”

6 **Section. 5. Amendment.** 4 CMC § 2112 (b) is hereby amended by adding a new
7 paragraph (3) to read as follows:

8 “(3) Promulgate such rules and regulations and establish reasonable fees as are
9 necessary to carry out its statutory mandates.”

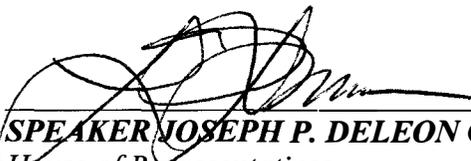
10 **Section 6. Severability.** If any provisions of this Act or the application of any such
11 provision to any person or circumstance should be held invalid by a court of competent
12 jurisdiction, the remainder of this Act or the application of its provisions to persons or
13 circumstances other than those to which it is held invalid shall not be affected thereby.

14 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
15 construed as affecting any existing right acquired under contract or acquired under statutes
16 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
17 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
18 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
19 any liability, civil or criminal, which shall already be in existence on the date this Act
20 becomes effective.

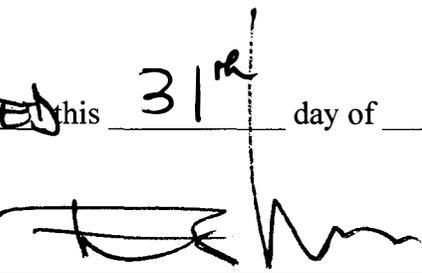
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1 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

APPROVED this 31st day of July, 2014


ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands