



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY
 ACKNOWLEDGMENT RECEIPT
 Received By: [Signature]
 Date: 1-2-97

OFFICE OF THE SPEAKER
 Date: 1-2-97
 Time: 1:35 pm
 Received By: [Signature]
 Print Name: Arlene B. Tores

JAN 02 1997

The Honorable Don Parkinson
 Speaker
 Twenty-Third Guam Legislature
 Guam Legislature Temporary Building
 155 Hesler Street
 Agana, Guam 96910

Dear Mr. Speaker:

Enclosed please find a copy of Substitute Bill No. 691 (LS), "AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES", which I have signed into law today as Public Law No. 23-136.

The visitor industry consists of a very large portion of the private sector of our island. Tourism is very big business, and there are many attractive destinations available, all over the world, to today's travelers. In order to keep Guam's visitor industry one of the best, we must ensure that those who are entrusted with guiding our visitors to Guam's sights and amusements are well-informed, and give accurate and complete information concerning our island, its people, history, and cultural practices. We must also ensure that those who guide our visitors are themselves upstanding persons with proper ethical behavior.

Although there are many tour guides who conform to the highest standards of their profession, there are still complaints that visitors are sometimes misled and improperly treated. We want to ensure that this does not happen, and that every person who decides to spend their hard-earned money to come to our tropical island for an idyllic vacation will come away with just that: memories of an idyllic tropical island vacation in paradise.


There are 2 agencies involved in licensing tour guides under this legislation. Guam Visitors Bureau (GVB) is tasked with designing an examination to administer and certify tour guides, and the Department of Revenue and Taxation is tasked with issuing a license upon payment of a fee. Perhaps it would be good practice to insert into the rules and regulations some procedure whereby the business license is issued by the Department of Revenue and Taxation after completion of the requirements for certification by the GVB, but before the GVB actually issues the final certification and identification badge to the prospective tour guide. This will ensure that those who have certifications and identification badges are also simultaneously licensed.

Additionally, a definition of "conducted tour" or "conducted shopping tour" can be inserted into the rules and regulations to clarify that a taxi driver dropping visitors at a shopping area are not tour guides under this legislation.

These considerations can be easily taken care of, since the legislation does not go into effect until the rules and regulations authorized to be promulgated by the GVB and the Department of Revenue and Taxation are in place.

Copy of Governor's message and the public law have been delivered to the Office of the Legislative Secretary.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment

231632



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 02 1997

The Honorable Hope A. Cristobal
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By Alief
Time 2:45
Date 1/2/97

Dear Madame Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Substitute Bill No. 691 (LS), "AN ACT TO ADD §76221 TO TITLE 11 GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES", which I have signed into law today as **Public Law No. 23-136**.

Governor's message and copy of the public law have been delivered to the Office of the Speaker.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment

231622

(for file purposes)
my

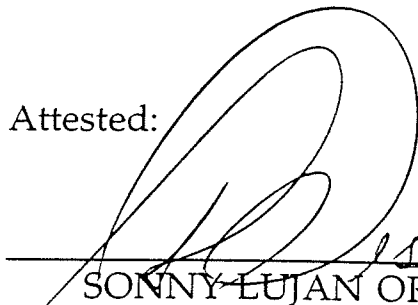
Same as Doc. NO.
231632

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 691 (LS), "AN ACT TO ADD §76221 TO TITLE 11, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES," was on the 23rd day of December, 1996, duly and regularly passed.

Attested:



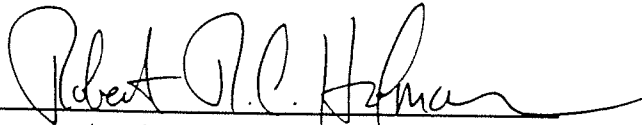
SONNY LUJAN ORSINI

Senator and Legislative Secretary, Acting



DON PARKINSON
Speaker

This Act was received by the Governor this 23rd day of December,
1996, at 4:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 1-2-97

Public Law No. 23-136

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 691 (LS)
As substituted by the Committee
on Tourism & Transportation

Introduced by:

V. C. Pangelinan
J. P. Aguon
L. Leon Guerrero
S. L. Orsini

AN ACT TO ADD §76221 TO TITLE 11, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

1 **BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative findings.** Currently, with over one million visitors
3 to the island per year, and in anticipation of reaching the plateau of two
4 million guests by the year 2001, the Legislature recognizes that tourism is the
5 primary industry on the island of Guam in terms of sustaining economic
6 growth and employment for our people. Any fluctuation in the number of
7 tourists visiting the island imposes a significant impact on the lives of its
8 residents.

9 The Legislature finds that the role of a tour guide is equally significant
10 to maintaining and fostering the economic success and prosperity that we
11 presently enjoy. The guides are especially important when catering to the
12 burgeoning Korean market, reviving the steadily dwindling Taiwanese

1 market, and sustaining our biggest market, the Japanese. As the visitor
2 market expanded, concerns also increased regarding the quality and the
3 characteristic of the local tour guides, specifically their work eligibility and
4 qualification to represent our island as ambassadors. Despite numerous
5 complaints by recent visitors to the island and negative coverage by foreign
6 publications, the industry has not undertaken self-regulatory transformation
7 nor experienced a significant market adjustment to remedy the situation.
8 Coupled with recent statistics released by the Guam Visitors Bureau attesting
9 to an unanticipated softening of the market- prolonged decrease in the
10 number of tourists coming to our island from various strategic regions- the
11 Legislature finds it necessary to immediately redress the issue by instilling a
12 measure of professionalism into the most visible occupation on the island in
13 the eyes of our foreign visitors.

14 **Section 2. Legislative intent.** The Legislature further finds that existing
15 laws governing the conduct and the actions of the tour guides are inadequate
16 and imperfect. Accordingly, regulatory agencies are not capable of
17 satisfactorily enforcing the law. Therefore, it is the intent of the Legislature
18 to empower the pertinent agencies of the government with the appropriate
19 authority to impede recurrent violations of the law by elucidating the
20 language of the existing statutes regarding tour operators and tour guides.

21 **Section 3. A new §76221 is added to Title 11, Guam Code Annotated, to**
22 **read:**

23 **"§76221. Tour Operators and Tour Guides.** The listing and control
24 of tour operators and tour guides shall be under the provisions of Title
25 11, Guam Code Annotated, (Chapter 76, Article 3,) Tour Operators and
26 Tour Guides."

1 Section 4. Article 3, Chapter 76 of Title 11, Guam Code Annotated, is
2 repealed and reenacted to read:

3 "Article 3

4 Tour Operators and Tour Guides

5 §76301. Definitions. As used in this Chapter:

6 (a) *Tour Operator* means any person who, for compensation of
7 any kind, engages in a business as a tour guide as defined in this Section
8 or who employs one or more tour guides.

9 (b) *Tour Guide* means any person who, for compensation of any
10 kind, undertakes to guide, direct, lead or conduct tours and who, while
11 undertaking such duties, explains to or informs the tourists of the
12 history and culture of Guam, or directs the tourists to scenic, cultural or
13 historic sites on Guam or leads tour groups while the same are on
14 conducted shopping tours of Guam. This definition shall not include a
15 person whose sole occupation is to drive a tour bus or other tour
16 vehicle, but who does not actually engage in any of the activities
17 described above. However, this definition shall include a person
18 driving a tour vehicle on a conducted tour if the person is the only non-
19 tourist on the vehicle.

20 §76302. Additional Requirements for Tour Operators. In addition
21 to paying the fee required by §76101, all persons engaging in business as
22 tour operators must, at the time of application or renewal of licensing,
23 submit certification of eligibility issued by the Guam Visitors Bureau
24 that all tour guides under his or her employ have undergone training
25 and passed the necessary examinations covering history, culture, and
26 historic landmarks of Guam administered by the Guam Visitors Bureau.

1 **§76303. Requirements for Tour Guides.** (a) Any person
2 performing services as a tour guide must produce evidence of having
3 been certified by the Guam Visitors Bureau, as having passed the
4 training program and examination provided for herein covering the
5 history, culture, historic landmarks and other related information of
6 Guam. Any person applying for a tour guide certification for the first
7 time within sixty (60) days after the effective date of this Act may be
8 issued one (1) temporary identification badge which shall be valid for a
9 period not to exceed one hundred eighty (180) days, or as determined by
10 the Guam Visitors Bureau.

11 (b) No tour guide certification of eligibility shall be issued to any
12 person who has been convicted of: (1) a crime involving moral
13 turpitude; (2) a crime involving the use of controlled substances, as
14 defined in Chapter 67 of Title 9, Guam Code Annotated; (3) the illegal
15 use or possession of a firearm, as defined in Section 80.37 of Title 9,
16 Guam Code Annotated and Chapter 60 of Title 10, Guam Code
17 Annotated; or (4) a crime of violence, as defined in Chapters 16, 19, 22,
18 25, and 40 of Title 9, Guam Code Annotated.

19 (c) No new examination upon the subjects referred to in this
20 Section may be required of a certified tour guide until three (3) years
21 have elapsed from the date of taking the previous examination.

22 **§76304. Guam Visitors Bureau to Administer.** (a) The Guam
23 Visitors Bureau is authorized to develop, write and administer the
24 examination for tour guides required by §76303 of this Article. Upon
25 passing the examination to its satisfaction, the Guam Visitors Bureau
26 shall certify the examinee as having completed the training program by

1 the issuance of a certification of eligibility and identification badge. The
2 Guam Visitors Bureau shall promulgate such rules and regulations as
3 may be necessary to carry out the purposes of this Act within six (6)
4 months after the enactment of this act.

5 (b) The Guam Visitors Bureau, subject to the Administrative
6 Adjudication Act, shall promulgate rules and regulations to govern the
7 standard of conduct of all tour guides. The standards of conduct shall
8 be designed with the intent of insuring that certified tour guides do not
9 act in such a manner as to bring discredit upon Guam, its people and its
10 businesses.

11 **§76305. Violations.** (a) The Department of Revenue and Taxation
12 may, after proceeding in accordance with the Administrative
13 Adjudication Act, order the revocation of the license of any tour
14 operator or the suspension of any such license for a period not to exceed
15 one (1) year, for violation by the tour operator of this Chapter or any of
16 the rules and regulations or standards of conduct promulgated by the
17 Guam Visitors Bureau. Any person whose license has been revoked by
18 the Department of Revenue and Taxation shall not be eligible to
19 reapply for the same class of license until a year has elapsed from the
20 date of revocation as determined by the Department of Revenue and
21 Taxation. Upon such reapplication the applicant shall be treated as a
22 new applicant except that he shall not be eligible for a temporary
23 license.

24 (b) The Department of Revenue and Taxation may, after
25 proceeding in accordance with the Administrative Adjudication Act,
26 order the revocation of the certification of eligibility and identification

1 badge of any tour guide or the suspension of any such certification of
2 eligibility and identification badge for a period not to exceed one (1)
3 year, for violation by the tour guide of this Chapter or any of the rules
4 and regulations or standards of conduct promulgated by the Guam
5 Visitors Bureau. Any person whose certification of eligibility and
6 identification badge has been revoked by the Department of Revenue
7 and Taxation shall not be eligible to reapply for the same certification of
8 eligibility and identification badge until a year has elapsed from the
9 date of revocation as determined by the Department of Revenue and
10 Taxation. Upon such reapplication the applicant shall be treated as a
11 new applicant except that he or she shall not be eligible for a temporary
12 certification of eligibility or identification badge.

13 (c) Any person who uses, attempts to use or has in his or her
14 possession with intent to use, any tour guide certification of eligibility or
15 identification badge not issued to him or, if such certification of
16 eligibility or identification badge issued to him was issued on account of
17 misrepresentation to the Guam Visitors Bureau or to the Department of
18 Revenue and Taxation, shall be punishable by a fine no less than One
19 Thousand Dollars (\$1,000.00) nor greater than Five Thousand Dollars
20 (\$5,000.00) for the first offense, and the fines for subsequent offenses
21 shall not exceed Ten Thousand Dollars (\$10,000.00).

22 (d) Any person who photographs, photostats, duplicates or in any
23 way reproduces any certification of eligibility or identification badge or
24 facsimile thereof in such a manner that it could be mistaken for such a
25 certification of eligibility or identification badge, or displays or has in
26 his or her possession any such photograph, duplicate, reproduction or

1 facsimile unless authorized by the provisions of this Title, shall be
2 punishable by a fine no less than One Thousand Dollars (\$1,000.00) nor
3 greater than Five Thousand Dollars (\$5,000.00) for the first offense, and
4 the fines for subsequent offenses shall not exceed Ten Thousand Dollars
5 (\$10,000.00).

6 (e) The certified tour guide shall have his or her identification
7 badge issued by the Guam Visitors Bureau in his or her immediate
8 possession at all times when undertaking any activities listed under the
9 definition of a tour guide pursuant to §76301 of this Article and display
10 such identification badge upon demand of a member of the Guam Police
11 or any peace officer or other authorized personnel enforcing the
12 provisions of this Title. Any charge under this Subsection shall be
13 dismissed when the person so charged produces in court a certification
14 of eligibility duly issued to such person and valid at the time of his or her
15 arrest.

16 (f) In addition to the penalties set forth in this Section, a tour
17 operator or any other person who knowingly employs a tour guide who
18 is not properly certified and licensed in accordance with this Chapter
19 shall be punishable by a fine of no less than One Thousand Dollars
20 (\$1,000.00) nor greater than Five Thousand Dollars (\$5,000.00) for the
21 first offense, and the fines for subsequent offenses shall not exceed Ten
22 Thousand Dollars (\$10,000.00)."

23 **Section 5. Effective date.** This Act shall become effective upon the
24 adoption of the rules and regulations required herein.

VOTING SHEET

Bill No. 691
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK				✓
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL

19 0 0 2

CERTIFIED TRUE AND CORRECT:

 Recording Secretary

PL 23-126

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)477-8358

December 11, 1996

Honorable Don Parkinson, Speaker
23rd Guam Legislature
155 Hessler St.
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Tourism & Transportation, to which the following was referred, wishes to report its findings and recommendations:

Bill No. 691 (as substituted by the Committee on Tourism and Transportation):
AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

The Committee voting record on Bill 691 is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
TO ABSTAIN	<u>0</u>
TO PLACE IN THE INACTIVE FILE	<u>0</u>
NOT VOTING	<u>1</u>

The recommendation of the Committee is to do pass. A copy of the voting sheet, report and all pertinent documents are attached for your information.

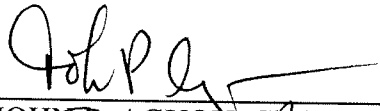




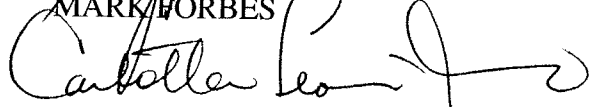


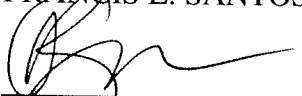
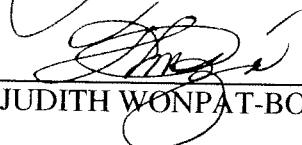
Sincerely,

JOHN PEREZ AGUON
Chairman

Attachments

VOTING SHEET
COMMITTEE ON TOURISM & TRANSPORTATION
23rd GUAM LEGISLATURE

Bill No. 691 (as substituted by the Committee on Tourism and Transportation): AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	TO PLACE IN INACTIVE FILE
 JOHN P. AGUON, Chairman	✓			
 JOE F. SAN AGUSTIN, Vice Chairman	✓			
 JOANNE S. BROWN	✓			
 FELIX P. CAMACHO	✓			
 MARK FORBES	✓			
 CARLOTTA LEON GUERRERO	✓			
_____ SONNY L. ORSINI				
 VICENTE C. PANGELINAN	✓			
 FRANCIS E. SANTOS	✓			
 ANTONIO R. UNPINGCO	✓			
 JUDITH WONPAT-BORJA	✓			



23rd Guam Legislature COMMITTEE ON TOURISM and TRANSPORTATION

COMMITTEE REPORT

BILL NO. 691 (as substituted by the Author): AN ACT TO ADD §76221 TO TITLE II GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND THE LICENSING OF TOUR OPERATOR BUSINESSES.

PUBLIC HEARING:

September 19, 1996

MARK-UP MEETING:

November 27, 1996

SENATOR JOHN PEREZ AGUON, Chairman
SENATOR JOE T. SAN AGUSTIN
Vice Chairman
SENATOR JOANNE S. BROWN
SENATOR FELIX P. CAMACHO
SENATOR MARK FORBES

SENATOR CARLOTTA LEON GUERRERO
SENATOR SONNY L. ORSINI
SENATOR VICENTE C. PANGELINAN
SENATOR FRANCIS E. SANTOS
SENATOR ANTONIO R. UNPINGCO
SENATOR JUDITH WON PAT-BORJA

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 691

(as substituted by the Committee
on Tourism & Transportation)

V. C. Pangelinan
J. P. Aguon
L. Leon Guerrero

**AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO
REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE
SAME TITLE RELATIVE TO REQUIRING THE
CERTIFICATION OF TOUR GUIDES AND LICENSING OF
TOUR OPERATOR BUSINESSES.**

BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative findings. Currently, with over one million visitors to the island per year, and with great anticipation of reaching the plateau of two million guests by the year 2001, the Legislature recognizes that tourism is the utmost, primary industry on the island of Guam in terms of sustaining economic growth and employment for our people. Any fluctuation in the number of tourists visiting the island imposes a significant impact on the lives of its residents.

The Legislature finds that the role of a tour guide is equally significant to maintain and foster the economic success and prosperity that we enjoy now. The guides are especially important when catering to the burgeoning Korean market, reviving the steadily dwindling Taiwanese market, and sustaining our biggest market, the Japanese. As the visitor market expanded, concerns also increased regarding the quality and the characteristic of the local tour guides, specifically their work eligibility and qualification to represent our island as ambassadors. Despite numerous complaints by recent visitors to the island and negative coverage by foreign publications, the industry has not undertaken self-regulatory transformation nor experienced a significant market adjustment to remedy the situation. Coupled with recent statistics released by the Guam Visitors

1 Bureau attesting to an unanticipated softening of the market- prolonged
2 decrease in the number of tourists coming to our island from various
3 strategic regions- the Legislature finds it necessary to immediately redress
4 the issue by instilling a measure of professionalism into the most visible
5 occupation on the island in the eyes of our foreign visitors.

6 **Section 2. Legislative intent.** The Legislature further finds that
7 existing laws governing the conduct and the actions of the tour guides are
8 inadequate and imperfect. Accordingly, regulatory agencies are not
9 capable of satisfactorily enforcing the law. Therefore, it is the intent of the
10 Legislature to empower the pertinent agencies of the government with the
11 appropriate authority to impede recurrent violations of the law by
12 elucidating the language of the existing statutes regarding tour operators
13 and tour guides.

14 **Section 3. A new 11 GCA §76221 is added to read:**

15 **"§76221. Tour Operators and Tour Guides.** The listing and
16 control of tour operators and tour guides shall be under the
17 provisions of 11 GCA Chapter 76, Article 3, Tour Operators and Tour
18 Guides."

19 **Section 4. Article 3, Chapter 76 of 11 GCA is repealed and reenacted**
20 **to read:**

21 **"Article 3**
22 **Tour Operators and Tour Guides**

23
24 **§76301. Definitions.** As used in this Chapter:

25 (a) *Tour Operator* means any person who, for compensation of
26 any kind, engages in a business as a tour guide as defined in this
27 Section or who employs one or more tour guides.

28 (b) *Tour Guide* means any person who, for compensation of any
29 kind, undertakes to guide, direct, lead or conduct tours and who,
30 while undertaking such duties, explains to or informs the tourists of
31 the history and culture of Guam, or directs the tourists to scenic,
32 cultural or historic sites on Guam or leads tour groups while the
33 same are on conducted shopping tours of Guam. This definition shall
34 not include a person whose sole occupation is to drive a tour bus or
35 other tour vehicle, but who does not actually engage in any of the
36 activities described above. However, this definition shall include a

1 person driving a tour vehicle on a conducted tour if the person is the
2 only non-tourist on the vehicle or if the individual arranges for a
3 conducted shopping tour.

4 **§76302. Additional Requirements for Tour Operators.** In
5 addition to paying the fee required by §76101, all persons engaging in
6 business as tour operators must, at the time of application or renewal
7 of licensing, submit certification of eligibility issued by the Guam
8 Visitors Bureau that all tour guides under his or her employ have
9 undergone training and passed the necessary examinations covering
10 history, culture, and historic landmarks of Guam administered by the
11 Guam Visitors Bureau.

12 **§76303. Requirements for Tour Guides.** (a) Any person
13 performing services as tour guides must produce evidence of having
14 been certified by the Guam Visitors Bureau, as having passed the
15 training program and examination provided for herein covering the
16 history, culture, historic landmarks and other related information of
17 Guam. Any person applying for a tour guide certification for the first
18 time within sixty (60) days after the effective date of this Act may be
19 issued one (1) temporary identification badge which shall be valid for
20 a period not to exceed one hundred eighty (180) days, or as
21 determined by the Guam Visitors Bureau.

22 (b) No tour guide certification of eligibility shall be issued to
23 any person who has been convicted of: (1) a crime involving moral
24 turpitude; (2) a crime involving the use of controlled substances, as
25 the same are defined in Chapter 67 of Title 9, Guam Code Annotated;
26 (3) the illegal use or possession of a firearm, as the same are defined
27 in Section 80.37 of Title 9, Guam Code Annotated and Chapter 60 of
28 Title 10, Guam Code Annotated; or (4) a crime of violence, as the
29 same are defined in Chapters 16, 19, 22, 25, and 40 of Title 9, Guam
30 Code Annotated.

31 (c) No new examination upon the subjects referred to in this
32 Section may be required of a certified tour guide until three (3) years
33 have elapsed from the date of taking the previous examination.

34 **§76304 Guam Visitors Bureau to Administer.** (a) The Guam
35 Visitors Bureau is authorized to develop, write and administer the
36 examination for tour guides required by §76303 of this Article. Upon

1 passing the examination to its satisfaction, the Guam Visitors Bureau
2 shall certify the examinee as having completed the training program
3 by the issuance of a certification of eligibility and identification
4 badge. The Guam Visitors Bureau shall promulgate such rules and
5 regulations as may be necessary to carry out the purposes of this Act
6 within six (6) months after the enactment of this act.

7 (b) The Guam Visitors Bureau subject to the Administrative
8 Adjudication Act, shall promulgate rules and regulations to govern
9 the standard of conduct of all tour guides. The standards of conduct
10 shall be designed with the intent of insuring that certified tour guides
11 do not act in such a manner as to bring discredit upon Guam, its
12 people and its businesses.

13 **§76305 Violations.** (a) The Department of Revenue and
14 Taxation may, after proceeding in accordance with the
15 Administrative Adjudication Act, order the revocation of the license
16 of any tour operator or the suspension of any such license for a
17 period not to exceed one (1) year, for violation by the tour operator of
18 this Chapter or any of the rules and regulations or standards of
19 conduct promulgated by the Guam Visitors Bureau. Any person
20 whose license has been revoked by the Department of Revenue and
21 Taxation shall not be eligible to reapply for the same class of license
22 until a year has elapsed from the date of revocation as determined by
23 the Department of Revenue and Taxation. Upon such reapplication
24 the applicant shall be treated as a new applicant except that he shall
25 not be eligible for a temporary license.

26 (b) The Department of Revenue and Taxation may, after
27 proceeding in accordance with the Administrative Adjudication Act,
28 order the revocation of the certification of eligibility and
29 identification badge of any tour guide or the suspension of any such
30 certification of eligibility and identification badge for a period not to
31 exceed one (1) year, for violation by the tour guide of this Chapter or
32 any of the rules and regulations or standards of conduct promulgated
33 by the Guam Visitors Bureau. Any person whose certification of
34 eligibility and identification badge has been revoked by the
35 Department of Revenue and Taxation shall not be eligible to reapply
36 for the same certification of eligibility and identification badge until a

1 year has elapsed from the date of revocation as determined by the
2 Department of Revenue and Taxation. Upon such reapplication the
3 applicant shall be treated as a new applicant except that he or she
4 shall not be eligible for a temporary certification of eligibility or
5 identification badge.

6 (c) Any person who uses, attempts to use or has in his or her
7 possession with intent to use any tour guide certification of eligibility
8 or identification badge not issued to him or, if such certification of
9 eligibility or identification badge issued to him was issued on
10 account of misrepresentation to the Guam Visitors Bureau or to the
11 Department of Revenue and Taxation, shall be punishable by a fine
12 whose minimum is One Thousand Dollars (\$1,000.00) up to a
13 maximum of Five Thousand Dollars (\$5,000.00) for the first offense,
14 and the fines for subsequent offenses shall not exceed Ten Thousand
15 Dollars (\$10,000.00).

16 (d) Any person who photographs, photostats, duplicates or in
17 any way reproduces any certification of eligibility or identification
18 badge or facsimile thereof in such a manner that it could be mistaken
19 for such a certification of eligibility or identification badge, or
20 displays or has in his or her possession any such photograph,
21 duplicate, reproduction or facsimile unless authorized by the
22 provisions of this Title, shall be punishable by a fine whose minimum
23 is One Thousand Dollars (\$1,000.00) up to a maximum of Five
24 Thousand Dollars (\$5,000.00) for the first offense, and the fines for
25 subsequent offenses shall not exceed Ten Thousand Dollars
26 (\$10,000.00).

27 (e) The certified tour guide shall have his or her identification
28 badge issued by the Guam Visitors Bureau in his or her immediate
29 possession at all times when undertaking any activities listed under
30 the definition of a tour guide pursuant to §76301 of this Article and
31 display such identification badge upon demand of a member of the
32 Guam Police or any peace officer or other authorized personnel
33 enforcing the provisions of this Title. Any charge under this
34 Subsection shall be dismissed when the person so charged produces
35 in court a certification of eligibility duly issued to such person and
36 valid at the time of his or her arrest.

1 (f) In addition to the penalties set forth in this Section, a tour
2 operator or any other person who knowingly employs a tour guide
3 who is not properly certified and licensed in accordance with this
4 Chapter shall be punishable by a fine whose minimum is One
5 Thousand Dollars (\$1,000.00) up to a maximum of Five Thousand
6 Dollars (\$5,000.00) for the first offense, and the fines for subsequent
7 offenses shall not exceed Ten Thousand Dollars (\$10,000.00).
8 **Section 5. Effective date.** This Act shall become effective upon the
9 adoption of the implementing rules and regulations by the Guam
10 Visitors Bureau.

COMMITTEE REPORT
BILL NO. 691
CERTIFICATION OF TOUR GUIDES AND
LICENSING OF TOUR OPERATOR BUSINESSES

Public Hearing:

1. Persons who presented testimonies:

Suzanne Billings, GCC Associate Dean
Yoon Young Sou, Korea Guam Travel Association ex-president
Charles Lee, Korea Guam Travel Association President
Therese Cruz - Paulino, GVB Acting General Manager
David Tydingco, GHRA President

2. Date: Sept. 19, 1996

3. Committee members present:

Senator Lou Leon Guerrero
Senator Sonny Orsini
Senator Vicente Pangelinan

4. Summary.

Suzanne Billings (GCC Assistant Dean) read the written testimony of the GCC president. GCC supports the bill because it will ensure that information disseminated on Guam's history and culture is accurate and delivered professionally. It will also establish standards of conduct as prerequisites for eligibility and provide sanctions for noncompliance.

Yoon Young Sou, (former Korean Association president and currently the Korean Television 10 operator) gave oral testimony supporting the bill since it will control the undesirable practices among some unscrupulous Korean tour operators - i.e. declare bankruptcies after a few months of operations, overpriced commissions, etc.

Charles Lee (Korea Guam Travel Association President) submitted written testimony and gave oral testimony supporting the bill because it will improve the quality of tour guides. Due to untrained, inexperienced or unqualified tour guides, Guam is getting a bad image in Korea and this is affecting the flow of Korean visitors to Guam.

Therese Cruz - Paulino (GVB Acting GM) read her written testimony supporting the bill. GVB has received numerous "... complaints from visitors who report that their guides either were uninformed or mis-informed them about our island ... our people ... our culture or traditions ... or history ... or simply what services or attractions were available ..." Presently, GVB is conducting 3 day training courses for tour guides who wish to take the classes. The bill however, will make the classes mandatory for licensing and improve the quality of the services provided to the visitors.

David Tydingco (GHRA President) read his written testimony supporting the bill. GHRA believes that since tour guides have first hand contact with visitors, they can leave lasting, positive impressions that would make visitors return. Conversely, inappropriate information or no information can damage Guam's reputation and visitor industry.

Stan McGahey (UOG Assistant Professor) submitted written testimony itemizing the importance of training tour guides and the realities that exists in the industry.

Vander Cecil (a semi-retired tour guide) submitted written testimony opposing the bill based on the past and because it will raise the cost of doing business here.

DISCUSSIONS

Sen. Lou Leon Guerrero supports some form of government regulation to support the visitor industry. She believes that the experience of our visitors is the best marketing tool for the industry. Leon Guerrero asked GCC about the training curriculum. Billings replied that the program is in transition and they are working with GVB to design a new program. They are also working on enhancing the computer based program that was recently completed for GVB. Leon Guerrero inquired how tourist guides began their career. GVB explained that currently there is no government regulation and that attendance of the GVB tour guide classes are on a voluntary basis.

Sen. Orsini believes that the certification of tour guides is important because it will elevate the profession and will guarantee that our visitors get accurate information on our culture.

Sen. Pangelinan asked for the length of the tour guide training program. GCC stated that they will be extending the existing GVB program. Billings added that the computer based program will be in 4 languages (English, Japanese, Korean and Chinese) and they are planning on conducting classes in the different languages either through native speaking teachers or translators. Pangelinan inquired as to the cost of the program. Billings estimates that it should cost about \$100 per student. Pangelinan asked for how long it would take to train all of them. Billings answered that the bill includes language which sets the deadline within 6 months but should the training take longer, then GVB may extend it.

Sen. Leon Guerrero asked if the program will cause the addition of more personnel in GVB. GVB said no. Leon Guerrero asked about the reaccreditation procedure. Billings explained that they envision the program to have different steps so that tour guides can move up professionally.

5. Committee Recommendation.

The Committee on Tourism and Transportation recommends the passage of Bill No. 691 (as substituted by the Committee on Tourism and Transportation): AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3,

CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES with the following changes.

- 5.1. Page 2 line 30 - Change "... tourist" to "... tours"
- 5.2. Page 2 lines 32 - 33 - Reinstated "... or leads tour groups while same are on conducted shopping tours of Guam."
- 5.3. Page 3 lines 2 - 3 - Reinstated "... or if the individual arranges for a conducted shopping tour."
- 5.4 Since GVB will be writing the Rules and Regulations, they requested the exclusion of the following subsections that were contained in the referred bill:
 - (c) and (e) of § 76303 Requirements for Tour Guides; and,
 - (c) and (d) of § 76304 Guam Visitors Bureau to Administer.
- 5.5. Only the Department of Revenue and Taxation will revoke licenses since they have the legal expertise and administrative support system necessary to perform the tasks.
- 5.6. §76305 Violations (a) and (b) - Based on GVB's recommendations, those whose licenses have been revoked may not reapply "... until a year has elapsed from the date of revocation as determined by the Department of Revenue and Taxation."
- 5.7. In §76305 Violations (c) (d) and (f), the fine will be a "... minimum of One Thousand Dollars (\$1,000.00) up to a maximum of Five Thousand Dollars (\$5,000.00) for the first offense, and the fines for subsequent offenses shall not exceed Ten Thousand Dollars (\$10,000.00)."

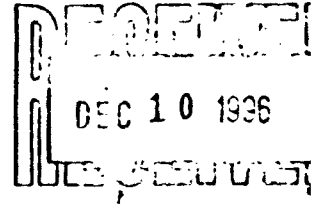


Guam Visitors Bureau
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Commonwealth Now!

December 10, 1996



John P. Aguon
Chairman
Committee on Tourism & Transportation
23rd Guam Legislature
155 Hesler Street
Agana Guam 96910

Dear Senator Aguon:

Hafa Adai and Seasons Greeting from the Bureau. On November 27, 1996 you conducted a mark-up meeting on Bill No. 691: "Certification of Tour Guides and Licensing of Tour operator businesses". Several issues were raised in that meeting that I would like to submit positions on.

1. Definition of a Tour Operator:

The TIR committee, GVB agrees with the current definition. However, GVB Management does not find any harm in incorporating a more detailed definition of a "Tour Operator" to this section.

2. Definition of a Tour Guide:

The TIR Committee, GVB feel that language referencing "conducting shopping tours" should be deleted. Committee intention is to keep it focused to those who are actually guiding tourist around the island. However, management feels that there is no harm in including this language if "Shopping tours" is just an example of the kind of tour that can be given by a certified "Tour Guide". If this is the case, GVB management request that this language remains.

3. Requirements for Tour Guides:

Sections (c) and (e) can be incorporated in the rules and regulations that GVB will be writing once this bill becomes law. Therefore, it is suggested to delete this from the Bill.

4. GVB to Administer:

Sections (c) and (d) can be incorporated in the rules and regulations also. It is suggested that this be deleted from the Bill.

5. Violations:

GVB fully agrees that the Department of Revenue & Taxation has the legal expertise and the administrative support system to perform such tasks which GVB does not have. Therefore, we would like the bill to reflect that Rev. & Tax. is the only agency responsible for revoking licenses.

AAA:

GVB Management believe that the Administrative Adjudication Act (AAA) should be included in the Bill. AAA allows GVB to prepare the rules and regulations. If this language is not included then GVB will have to administer this law strictly on what is actually written in the law and not the fine details that would be noted and worked out in the rules and regulation policy.

Section (a) and (b):

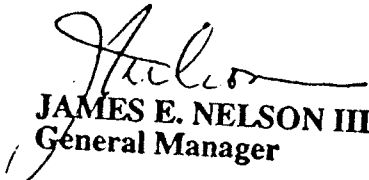
The TIR Committee, GVB kindly request that the Bill read "not to exceed one (1) year" to reapply for a license once license has been revoked.

Section (c) and (d):

The TIR Committee, GVB agrees with the changes of "... minimum of \$1,000 up to a maximum of \$5,000 for the first offense, and the fine for subsequent offenses shall not exceed \$10,000." The committee feels that fines and revoking of license is adequate enough punishment for violations.

Thank you for allowing GVB to once again reiterate our position and for your continuous support. We look forward to passage of Bill 691 very soon. If there is anything else the Bureau can do in assisting the smooth passage of this bill, please do not hesitate to give us a call.

Sincerely,


JAMES E. NELSON III
General Manager

cc: Deputy General Manager
TIR Officer

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)477-8358

Dec. 3, 1996

James Nelson
General Manager
Guam Visitors Bureau
401 Pale San Vitores Rd.
Tumon, Gu. 96911

ACKNOWLEDGEMENT RECEIPT
Received By: [Signature]
Time: 2:26 PM
Date: 12/3/96

Dear Mr. Nelson,

I am transmitting draft Bill No. 691 for your comments. Please consult GVB's TIR Committee and especially the tour operators who will be greatly impacted.

I will be reporting Bill 691 to the full legislation for the next session, scheduled for Dec. 12, 1996. Your comments before Dec. 6, 1996 will be greatly appreciated.

Sincerely,

[Signature]
JOE T. SAN AGUSTIN
Acting Chairperson

Attachment

c: Jimmy Dee, Chairperson

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)477-8358

Nov. 26, 1996

MEMORANDUM

TO: MEMBERS, COMMITTEE ON TOURISM AND
TRANSPORTATION

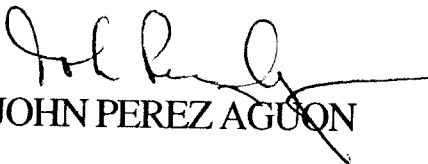
FROM: CHAIRPERSON, COMMITTEE ON TOURISM AND
TRANSPORTATION

SUBJECT: MARK-UP MEETING ON BILL 691

Please be advised that the Committee on Tourism & Transportation has scheduled a mark-up meeting for 10 a.m. on Wednesday, Nov. 27, 1996 in my office at 479 W. O'Brien Drive, Suite 301, Bank of Guam, Santa Cruz Branch on

BILL NO. 691: AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

I would appreciate your attendance and participation.


JOHN PEREZ AGUON

c: All Senators

GCC

GUAM COMMUNITY COLLEGE

Kolehon Kumuniddat Guahan
Accredited by the
Western Association of
Schools and Colleges

Office of the President

John T. Cruz
President

SEP 19 1996

TESTIMONY

BILL NO. 691: AN ACT TO ADD 76221 TO TITLE 11GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

The Guam Community College is in support of the passage of Bill No. 691. We agree with the intent and content of this bill. The certification of tour guides and licensing of tour operator businesses will help ensure that information disseminated about Guam's history and culture is accurate and delivered in a professional manner. Further, the bill establishes standards of conduct as prerequisites for eligibility for the certification of tour operators thus raising the quality of the applicants. Additionally, it clarifies requirements for certification and outlines sanctions for noncompliance. The regulation of this industry through requirements for accurate knowledge and certification are supported by Guam Community College. This college recommends passage of Bill No. 691.


JOHN T. CRUZ



COMMONWEALTH NOW!

Korean Association
Charles Lee
9/19/96

Good morning every one.

Charles Lee from KAG. Thankful that I can have this opportunity to express ^{my} opinion about tourism and Bill 691.

Government of Guam agency and Governor Carl Gutierrez as well as People of Guam real concerns about declining number of tourist.

Tourism became one of most important business on Guam that our Governor announced **vision 2001** what is mainly **cored by tourism industry**.

Guam **used be Beautiful**, clean, quite, and friendly people. That was how Koreans, and other visitor thought about Guam in past once someone visited here.

I was proud of this beautiful Island as all of you did on past but not anymore. because of misinformed ~~by tour guide~~ or through the friends who have had sour experience while they were on Guam.

KAG appreciates that Governor and GVB as well as Sen, Ben Pangilian noticed those problems and trying to change local rules for improvements. I have noticed that the bill 691 has been studied very carefully about our problems that once this bill pass, we may be able to started to eliminate most of the troubles in a near future. We all understand that it wouldn't happen at over night but we need to coordinate with GVB and some other agency to detailize every step of the procedure until it achieved GVB's goal

This Bill 691 would improve tour guide and agency by training and monitoring their performance during one year period of renewal. GVB may have enough time to train and have tour guide to be a skill to entertain individual tourist.

KAG had been discussed with GVB how important to knowledge each tour agency and tour guide. Tour A & T/G are the one representing Guam. If they fully understand and care about Guam, they will introduce this Island as paradise, how it called previously.

KAG had heard numerous complains and comments about Guam from Korea. I lived here on Guam 25 years. I borned in Korea but I called Guam as my home town. I spent more than half of life spent here that if I heard bad things about Guam, I am not happy about it, what I mean I concern about Guam as local Chamorrow who really care.

One of the **tourist visited here then after returned** to Korea, telling his friends and families that How the people on Guam live in **that condition? what they heard was:**

There are no beach around, there are few but we have to **pay** to go to the beach

So many **rubbery** and snatchers that we can not walk around streets,

Most of the people on Guam has **guns** that it is dangerous to go out side.

There are so many reason why they have to say so, if you really wanted to hear about call me at our office, I can explain to you individually.

Those are the one part of the complains KAG had from one individual. There are so many, news papers, magazines etc. reporting negative opinions at Korea. I would like to stop those wrong messages as soon as possible.

This bill 691 may stop someday.

When local government optained visa waver for Guam. We were so happy to have all those new tourist coming to Guam from Korea. But at that time we did not prepared to manage all the tourist coming from Korea. There were just few travel agency who used to sell tickets to locally residing Koreans and they had to handle new tourist coming to Guam that new people started to involved in tourism. Some were from Korea, Mainland and every where started to opened agency or guide. I believed that most of the agency or guides were good, just few doesn't know about Guam who wants to make quick bulks were ruining the reputation of Guam.

Well, I don't have to explain how these new guides, who doesn't know much about Guam would explain to tourist with out training, study or certain guide line when they are new to Guam., Some of joke I heard, Who discovered Guam? Columbus.

This Bill 691 shall be a stepping stone to upgrade our tourism business for long term. KAG members are willing to assist tourism industry because it is our goal to renew Guam's old good image we used to have. I would like to see every one supporting GVB and all other local businesses involved with tourist like Hotels, Tour Option company(dinner show, zet ski, Scuba diving, etc.). Restaurants, Taxi Drivers, Travel Agency, and Gift shop, etc.

thank you to all whose attending this public hearing to support Bill 691.

I hope this bill can pass by today's public hearing, to help Guam for good.

C. L. ...
9/29/96



Guam Visitors Bureau
Setbision Bisitan Guahan



Commonwealth Now!

**TESTIMONY BEFORE THE COMMITTEE ON
TOURISM AND TRANSPORTATION IN SUPPORT OF
PASSAGE OF BILL 691**

SEPTEMBER 19, 1996

GOOD MORNING SENATORS....
I'M THERESE CRUZ-PAULINO , DEPUTY GENERAL
MANAGER OF THE GUAM VISITORS BUREAU. I AM
HERE ON BEHALF OF MR. JAMES NELSON, GVB'S
GENERAL MANAGER, WHO REGRETS BEING
UNABLE TO JOIN YOU THIS MORNING DUE TO A
PRIOR GVB COMMITMENT OFF ISLAND.

LET ME BEGIN BY SAYING WE GREATLY
APPRECIATE THE OPPORTUNITY OF PRESENTING
OUR VIEWS ON BILL 691 WHICH THE GVB STRONGLY
SUPPORTS.

IN EXPLAINING WHY, IT IS IMPORTANT TO
NOTE THAT, THUS FAR THIS YEAR, THE TOTAL
NUMBER OF VISITOR ARRIVALS TO OUR ISLAND HAS
FAILED TO MATCH EARLIER PROJECTIONS. WHILE
OVERALL...VISITOR TOTALS REMAIN AHEAD OF LAST
YEAR'S NUMBERS... THAT POSITIVE MARGIN IS
SLIGHT. AND CERTAINLY...IN PART...IT
UNDERScores GVB'S POLICY TO CONTINUALLY
IDENTIFY NEW AND BETTER WAYS OF MAKING OUR
ISLAND AN EVER MORE ATTRACTIVE PLACE TO VISIT.
AND BILL 691 DOES JUST THAT.

IN ESSENCE..THIS LEGISLATION EMPOWERS
THE GVB TO INSURE THAT ALL TOUR GUIDES ARE
PROPERLY TRAINED AND UNIFORMLY EQUIPPED TO
DO THEIR JOB.... AND THAT IS TO CONVEY TO ALL

VISITORS ACCURATE INFORMATION ABOUT GUAM.
AND RIGHT NOW..FRANKLY...THAT IS NOT
HAPPENING.

I SAY THIS BECAUSE WE HAVE RECEIVED
TOO MANY COMPLAINTS FROM VISITORS WHO
REPORT THAT THEIR GUIDES EITHER WERE
UNINFORMED...OR MIS-INFORMED THEM ABOUT
EITHER OUR ISLAND... OUR PEOPLE...OUR CULTURE
OR TRADITIONS... OR HISTORY...OR SIMPLY WHAT
SERVICES OR ATTRACTIONS WERE AVAILABLE..AND
THE WHERE'S AND WHEN'S THAT GO WITH IT.

THIS NOT ONLY DOES THE PEOPLE OF GUAM
A GRAVE INJUSTICE..IN THE EYES OF VISITORS..IT
ALSO CASTS OUR ISLAND IN A BAD LIGHT. AND..OF
COURSE.. THIS MEANS WE LOSE... RATHER THAN
GAIN REVENUE EARNED BY GUAM'S LEADING
INDUSTRY.

NOW..AS YOU MAY KNOW..THE GVB... IN
CONJUNCTION WITH GUAM'S COMMUNITY
COLLEGE... ALREADY CONDUCTS A TOUR GUIDE
SEMINAR PROVIDING INDIVIDUALS WITH BOTH THE
PROPER KNOWLEDGE AND EXPERTISE TO BE FIRST
RATE GUIDES. PRESENTLY, HOWEVER, ATTENDING
AND SUCCESSFULLY COMPLETING THIS 3 DAY
SEMINAR IS NOT MANDATORY. THE GVB STRONGLY
BELIEVES IT SHOULD BE. AND THAT'S ALSO
EXACTLY WHAT BILL 691 CALLS FOR.

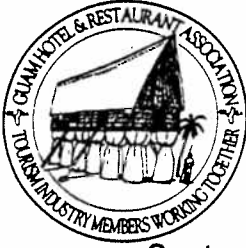
ALLOW ME TO BRIEFLY STRESS SEVERAL
OTHER KEY POINTS. FIRST...PASSAGE OF THIS
LEGISLATION WILL NOT COST THE PEOPLE OF GUAM
MORE MONEY. GVB HAS ALREADY LARGELY
COMPLETED A COMPUTER BASED TRAINING
PROGRAM WHICH IS BEING IMPLEMENTED BY THE
GCC.

SECOND..ADVOCATING PASSAGE OF THIS
LEGISLATION IS SOLELY AIMED AT MAKING GUAM AN
EVEN MORE ATTRACTIVE PLACE TO VISIT. AND I
MIGHT ADD..SIMILAR LAWS AND REGULATIONS

ALREADY EXIST ON THE BOOKS OF MANY OF
GUAM'S COMPETITORS.

FINALLY, PASSAGE OF THIS LEGISLATION
MEANS GUAM'S LEADING INDUSTRY ONLY GROWS
STRONGER...AND IN DOING SO...BETTER INSURES A
MORE PROSPEROUS FUTURE FOR OUR PEOPLE.
THANK YOU VERY MUCH.

Ricardo Cruz



GUAM HOTEL & RESTAURANT ASSOCIATION

SUITE 106 HENGI PLAZA • P. O. BOX 8565 • TAMUNING, GUAM 96931 • TEL: 671 649 1447 • FAX: 671 649 8565

September 19, 1996

Honorable John Perez Aguon
Chairman
Committee on Tourism & Transportation
23rd Guam Legislature
155 Hesler Street
Agana, Guam 96910

Subject: Testimony in Support of Bill No. 691

Hafa Adai Mr. Chairman:

My name is David B. Tydingco, President of the Guam Hotel & Restaurant Association, and I am here to testify in support of Bill No. 691, An act requiring the certification of tour guides and licensing of tour operator businesses.

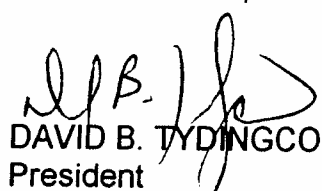
Tour guides provide a critical service to our visiting guests. They can have a tremendous influence on the perception our guests have of our island. Armed with the appropriate knowledge, the tour guides can leave a lasting, positive impression that could translate into the visitors wanting to return to our island. Armed with inappropriate information or no information about our island, tour guides could potentially leave a negative impression about our island with our guests, and damage the reputation of Guam and our tourism industry.

Bill No. 691 is an excellent vehicle that would serve as a measure to properly educate and certify tour guides who have first hand contact with our guests. The Guam Hotel & Restaurant Association believes that the certification process of tour guides would serve to enhance the stay of our visiting guests.

With the above stated, the Guam Hotel & Restaurant Association supports the passage of Bill No. 691 into law.

Thank you for giving me the opportunity to testify in support of Bill No. 691.

Si Yu'os Ma'ase,


DAVID B. TYDINGCO
President

To: Senator John P. Aguon
Chairman, Tourism and Transportation Committee
23rd Guam Legislature

From: Dr. Stan McGahey
Assistant Professor, International Tourism
University of Guam; Tel: 735-2530; Fax: 734-4956

Date: July 30, 1996

Subject: Tour Guide Licensing on Guam

Dear Senator Aguon:

The discussion on tour guides this morning at the Public Hearing on GVB's FY97 Budget was quite interesting. There also seemed to have been differences of opinion. I would like to offer my thoughts on the topic from my perspective of having been a tour guide, trained tour guides, and taught tour guides courses.

1. The NTO (or CVB) normally provides the information and standards on which tour guide training is based. It establishes the scope of knowledge and the learning objectives for the tour guides. It is the subject matter expert.
2. Tour guide training normally takes place at private schools and institutes, and, if the NTO (or CVB) has a training institute, it will take place there also. Students who complete the tour guide course of study will normally receive a certificate of completion. This is separate, and a step short, from receiving their license.
3. The licensing of the tour guide is normally a function of the NTO (or CVB). Even students who have earned a tour guide training certificate still must pass the NTO's tour guide test to be licensed.
4. Licenses are often issued according to the guide's language of proficiency (and this is part of the test), and re-testing after several years may also be required.
5. Licensed tour guides should receive a photo ID that can be pinned on the shirt/blouse to indicate they are indeed licensed. At the very least, the ID should be carried on their person. Licenses can be spot-checked by Park Rangers or GPD at tourist sites such as Agana Plaza or Latte Stone Park. Tour companies using unlicensed tour guides can be fined and have their business licenses suspended. Tour companies can also be compelled to have a certain number of licensed tour guides on their staff payroll.
6. There are several reasons for tour guide licensing at the NTO level. Education and training are normally a primary component of the organization's mission. Tourism policy (and often tourism law) dictates that the NTO is the licensing agency. This is to ensure adherence to the scope of knowledge and learning objectives set by

the NTO (or tourism law), so it is a quality control or compliance issue. Also since there are normally multiple training institutes, there needs to be one set standard used to measure all students and one set way to test those standards. The NTO is also often more arbitrary and more demanding in its testing than a school or an institute which collects tuition for each of its students. The NTO has a more vested interest in the quality of licensed tour guides and ensures that performance standards are met and maintained.

7. The lack of quality licensed tour guides is harmful to Guam's reputation when viewed from the destination's perspective. Foreign tourists are not being given accurate and complete information on Guam's history, culture, and points of interest. Some of Guam's most interesting sights are not even included on the itinerary or mentioned in the tour guide's commentary. Tourists who want to experience the best that Guam has to offer will be shortchanged, and their impression of Guam (that they also pass on to other potential visitors) will be that much diminished.

8. However, from the perspective of the tour companies, and perhaps even from the perspective of many of the tourists, a superficial tour with customized activities that cater to the whimsy of the tourists may suit them just fine. Example: Korean honeymooners may not care one iota about the history of Fort Soledad in Umatac, but are completely satisfied there with a photo kissing in front of the guard tower. Unfortunately, the mentality of the guides may be reduced to the level of the tourists who came to play and fill their honeymoon scrapbook with romantic and funny photos. The point here is if the information taught to the tour guides and given out by them is of no interest or does not meet the needs of the tourists, it will be ignored and quickly fall into disuse.

9. There are numerous instances of well-trained, hard-working tour guides who become disenchanted and quit their jobs. It soon becomes apparent from either the tour company or the tourists (or both) that their job is to cater to the whims of the tourists who may come to Guam just for the sand and sea, the shopping, and as a place to get away from home and have some privacy away from their extended families. And, the primary purpose of the tour companies is often just to get the tourists to sign-up for expensive optional tours and spend money at shopping outlets, rather than to dazzle them with stories about the destination.

10. Any tour guide training will be ineffective on Guam unless the tour companies (local ground handlers) are persuaded to buy into the concept. And what the tour guides are taught must have greater relevance to the success of their tours than what they are already saying and doing. Guam is only in the tourism business for the money, and the same holds true for the tour companies. Whether or not the tourists learn anything about Guam is of no consequence to them unless it materially affects their bottom line. And, that will be determined by the general managers of the tour companies, not the tour guides. To be effective, officers and members of both JGTA and KGTA must fully support the training and licensing in


purpose as well as in deed. Pressure must also be put on the tour companies back in the source markets to use only ground handlers in Guam that have a staff of licensed tour guides.

11. New or ineffective tour guides must be taught two things: 1) how to run a tour; and 2) how to present what is of interest to their specific tourists. The second part in particular has cultural nuances that differ greatly among markets and must be taught in this manner. But, if the tour guide does not know how to properly run a tour, then they will probably not do the second part well either.

12. The best instructors will most likely be expert tour guides from the individual source markets. OJT under an expert is the best teacher and the best way to correct mistakes and instill professionalism. Identifying these instructors and arranging for a suitable number of OJT experiences under similarly expert tour guides will be difficult.

In conclusion, a different mindset has to be developed regarding the importance of tour guides to Guam's local ground handlers. Obviously, if they attached any importance to them at present, there would be no problem; they would have an adequate supply of well-trained and properly motivated tour guides. But since this is not the case, it appears that only training tour guides is not the answer. Getting the tour companies to want a staff of expert tour guides is the other part of the battle. Keep in mind, also, that most Asian tour guides are low-paid and entry-level. They normally move into an office job as quickly as possible or into another industry. Unless their status is raised, as it is in Europe and the U.S., there will be a rapid turn-over requiring constant training and monitoring.

Sincerely,


Stan McGahey
Ph.D., Tourism

Tamuning, Guam
July 17, 1996

TO: Guam 23rd Legislature

FROM: A Semi-retired Tour Guide

RE: Bill 691

I worked as a tour guide on Guam for five years & managed a small tour company here & have some questions I believe you should consider in evaluating Senator Ben Pangelinan's Bill 691 to require tour guides on Guam to be "certified" by GCC & licensed by GovGuam.

One: Why did the previous tour guide licensing program fail & force the legislature to repeal the enacting law?

Two: What real problem would certifying tour guides really solve?

Three: How would it effect the tourist economy over-all? The entry-level employees on Guam? The tour companies? The visitors themselves?

My answers are simple enough: **One** - the program didn't work then & won't work now. **Two** - none at all. Pangelinan in a comment he made on the radio seems to believe that certifying tour guides will somehow help spread the supposed "wealth" of having tour guides bring customers to smaller shops on Guam. That won't happen without a financial incentive. Just look at it this way: Let's assume you own a tour company. Would you allow your employees to take guests, whom you've spent money attracting to your tour, stand around someone else's business while on your payroll, while you are incurring the various pro-rated overheads and expenses without compensation for those expenses? No, you wouldn't. That's why tour company owners don't do it now & never will. Is there any other problem certification will solve? No... **none whatsoever**. **Three** - increasing GovGuam interference in private enterprise will raise costs & those costs will be passed on through to the island's visitors. That makes a visit to Guam more expensive & less attractive. And that hurts the overall economy here eventually. It's too obvious to belabor that. The majority of tour guides are entry level employees who will be excluded from job opportunities by a useless certification process. Personnel is far & away the biggest problem tour companies have on Guam. Bill 691 just makes that problem bigger! There aren't really that many tour guides on island. Less than sixty would be my estimate. Are you planning to set-up an expensive bureaucratic structure to implement & police this program? At what cost?

Basically, Bill 691 is a very, very bad idea that has already failed, will fail again & will help no one & do harm to a number of people.

I'd suggest you folks act intelligently in the matter & table 691 in committee, or if not that, vote it down point-blank.

Sincerely,

Vander Cecil

P.s. Senator Pangelinan is in serious error about tax breaks to tour companies. Tour companies pay gross receipts taxes, payroll taxes, business taxes & license fees of various kinds to GovGuam just like everyone else. Pangelinan isn't just misguided in this... he's plain wrong!

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 691
 Amendatory Bill: Yes

Date Received: 9/17/96
 Date Reviewed: 9/17/96

Department/Agency Affected: Guam Visitors Bureau
 Department/Agency Head: James Nelson
 Total FY Appropriation to Date: \$10,729,250

Bill Title (preamble): *AN ACT TO ADD SUBSECTION 76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.*

Change in Law: Adds Subsection 76221 to Title 11 GCA, repeals and reenacts Article 3, Chapter 76, Title 11, GCA

Bill's Impact on Present Program Funding:

Increase XX Decrease _____ Reallocation _____ No Change _____

Bill is for:

Operations XX Capital Improvement _____ Other _____

FINANCIAL PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
<i>Economic Development</i>		<i>See Comments</i>	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? 11 -- IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: GVBI James Nelson / 9/17/96

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

FOOTNOTES: See Attached

Comments on Bill No. 691

Bill 691 does not have a fiscal impact as it requires closer monitoring of all tour operators and tour guides operating on Guam. By placing additional responsibilities on the Guam Visitors Bureau will adversely affect the Bureau's present operation and may require additional funding to satisfy the intent of Bill 691. Information needed to assess the fiscal impact is unavailable at this time. However, the impact will be against the Tourist Attraction Fund which is the funding source of the Guam visitors Bureau.

PACIFIC DAILY NEWS, Thursday, September 19, 1996

NOTICE OF PUBLIC HEARING

Senator John Perez Aguon



Chairman, Committee on Tourism
& Transportation • 23rd Guam
Legislature • Public Hearing Room

Thursday, September 19, 1996

9 a.m.

Bill No. 691 (As Substituted by the Author) - AN
ACT TO ADD §76221 TO TITLE 11 GCA AND
TO REPEAL AND REENACT ARTICLE 3,
CHAPTER 76 OF THE SAME TITLE RELATIVE
TO REQUIRING THE CERTIFICATION OF
TOUR GUIDES AND LICENSING OF TOUR
OPERATOR BUSINESSES

The public is invited to express their views

NOTICE OF PUBLIC HEARING

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)477-8358

September 9, 1996

The Honorable Carl T. C. Gutierrez
Governor of Guam
OFFICE OF THE GOVERNOR
Agana, Guam 96932

ACKNOWLEDGEMENT RECEIPT

Received By John Perez

Time 10:40 AM

Date 9-10-96

John Perez

Dear Governor Gutierrez,

Hafa Adai! Please be advised that I have scheduled a Public Hearing for 9 a.m., Thursday, Sept. 19, 1996 in the Public Hearing Room of the Guam Legislature, 155 Hessler St., Agana on

BILL NO. 691: AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

I would appreciate your attendance and participation. A copy of the bill is attached for your easy referral. Should you wish to comment, please bring twenty copies of any written testimony you might have to the hearing.

Si Yuus Maase!

Sincerely,

JOHN PEREZ AGUON

Attachment

Bill 691

LIST OF INVITEES

Governor Carl T. C. Gutierrez
Adelup

Dr. Stan McGahey
University of Guam
UOG Station
Mangilao, .Guam 96923

John Cruz
President
Guam Community College
P. O. Box 23069
GMF, Gu. 96921

Suzanne Billings
Guam Community College
P. O. Box 23069
GMF, Gu. 96921

Otoji Hirayama
President
Japan - Guam Travel
Association

James Nelson
General Manager
Guam Visitors Bureau
P. O. Box 3520
Agana, Gu. 96910

Jimmy Dee
Chairman
Guam Visitors Bureau
P. O. Box 3520
Agana, Gu. 96910

David Tydingco
President
Guam Hotel and Restaurant
Association

Erol Miftahittin
Chairman
Guam Hotel and Restaurant
Association

Eduardo Calvo
Chairman
Guam Chamber of Commerce

Eloise Baza
President
Guam Chamber of Commerce

Brian Pak
President
Korean Guam Travel
Association

Teresa Au-Yeung
General Manager
Dragon Phoenix Travel

Tony Kuo
Vice-President
Diamond Horse Tours

Linda Tung
Operations Manager
GIT Tours

Charles Juracsik
Golden Travel Service & Tours

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)477-8358

September 6, 1996

MEMORANDUM

TO: EXECUTIVE DIRECTOR

**FROM: CHAIRMAN, COMMITTEE ON TOURISM AND
TRANSPORTATION**

SUBJECT: PUBLIC HEARING

Please be advised that I have scheduled a public hearing for
9 a.m., Thursday, Sept. 19, 1996. To be discussed is

**BILL NO. 691: AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO
REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME
TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR
GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.**

Please make the appropriate arrangements.


JOHN PEREZ AGUON

c: Audio - Tech
Security
Protocol
Maintenance

SENATOR
JOHN PEREZ AGUON



CHAIRMAN
COMMITTEE ON TOURISM & TRANSPORTATION

23RD GUAM LEGISLATURE

OFFICE: 479 W. O'Brien Drive · Suite 301 · Bank of Guam, Santa Cruz · Agana
MAIL: 155 Hesler St. · Agana, Guam · 96910 · (671)472-3570/1/2 · Fax: (671)472-3571

September 6, 1996

MEMORANDUM

**TO: MEMBERS, COMMITTEE ON TOURISM AND
TRANSPORTATION**

**FROM: CHAIRMAN, COMMITTEE ON TOURISM AND
TRANSPORTATION**

SUBJECT: PUBLIC HEARING

Please be advised that I have scheduled a public hearing for 9 a.m., Thursday, Sept. 19, 1996. To be discussed is

BILL NO. 691: AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

Your attendance and participation will be greatly appreciated.


JOHN PEREZ AGUON

c: All Senators
MEDIA

ROUTING SLIP

SENATOR JOHN PEREZ AGUON
COMMITTEE ON TOURISM
&
TRANSPORTATION

SUBJECT: PUBLIC HEARING BILL NO. 691 9:00 a.m. SEPTEMBER 19, 1996

ROUTED BY: *Frank J. Gd*

NAME	PRINT	TIME	DATE
PARKINSON, DON (SPEAKER)	<i>Alcira G</i>	<i>3:15 P</i>	<i>9-6-96</i>
ADA, THOMAS	<i>Alcira G</i>	<i>2:30 PM</i>	<i>9-6-96</i>
BARRETT-ANDERSON, ELIZABETH	<i>R. Flores</i>	<i>3:15 pm</i>	<i>9-6-96</i>
BLAZ, ANTHONY C.	<i>(unintelligible)</i>	<i>3:16 PM</i>	<i>9/6/96</i>
BROWN, JOANNE M.S.	<i>C. Mendiola</i>	<i>2:55 p.m</i>	<i>9-6-96</i>
CAMACHO, FELIX P.	<i>M. Della Rosa</i>	<i>1:45</i>	<i>9-6-96</i>
CHARFAUROS, MARK C.	<i>TRINI BOOTS</i>	<i>2:23 PM</i>	<i>9-6-96</i>
CRISTOBAL, HOPE A.	<i>John</i>	<i>3pm</i>	<i>9-6-96</i>
FORBES, MARK	<i>A</i>	<i>2:15</i>	<i>9-6-96</i>
LAMORENA, ALBERTO V.	<i>G. Co</i>	<i>3:10</i>	<i>9-6-96</i>
LEON GUERRERO, CARLOTTA	<i>G. Co</i>	<i>3:10</i>	<i>9-6-96</i>
LEON GUERRERO, LOU A.	<i>FRANCES</i>	<i>3:03 P.M.</i>	<i>09/06/96</i>
NELSON, TED	<i>T. GRANBELLO</i>	<i>2:45 pm</i>	<i>9-6-96</i>
ORSINI, SONNY L.	<i>M. J. Kelly</i>	<i>2:45</i>	<i>9-6-96</i>
PANGELINAN, VICENTE C.	<i>John Buckley</i>	<i>2:30 pm</i>	<i>9-6-96</i>
SAN AGUSTIN, JOE T.	<i>DORIANNE CRUZ</i>	<i>3:16 pm</i>	<i>9-6-96</i>
SANTOS, ANGEL L.G.	<i>B.S.</i>	<i>3:00 pm</i>	<i>9-6-96</i>
SANTOS, FRANCIS E.	<i>Francis</i>	<i>2:45</i>	<i>9-6-96</i>
UNPINGCO, ANTONIO R.	<i>CRDUEÑAT</i>	<i>1985</i>	<i>06SEPT96</i>
WONPAT-BORJA, JUDITH	<i>Jane f DeHun</i>	<i>2:43</i>	<i>9-6-96</i>
CENTRAL OFFICE			
EXECUTIVE DIRECTOR	<i>Central Office</i>	<i>2:45 pm</i>	<i>9/6/96</i>
LEGAL OFFICE			
CHIEF FISCAL OFFICER			
ACCOUNTING			
PERSONNEL/PAYROLL			
RECORDS			
PROTOCOL OFFICER	<i>(Signature)</i>	<i>2:50</i>	<i>9/6/96</i>
AUDIO TECHNICIAN	<i>(Signature)</i>	<i>2:51</i>	<i>9/6/96</i>
PROCUREMENT/PROPERTY			
REPRODUCTION/MAIL ROOM			
MAINTENANCE	<i>J. Alvarez</i>	<i>2:45</i>	<i>9-06-96</i>
SECURITY	<i>(Signature)</i>		
SURUHANU			
MEDIA			



SEP 10 1996
JME

COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam
96910

9/04/96

MEMORANDUM

TO: Chairperson, Committee on Tourism and Transportation

FROM: Chairman, Committee on Rules

SUBJECT: Revised Copy of Bill Referral No. 691

Bill No. 691 was referred to your committee on July 10, 1996. Please note that attached is the revised copy of **Bill No. 691 as Substituted by the Author.**



SONNY LUJAN ORSINI

Attachment: cc:

00 10 96

Office of



The People

Senator Vicente C. Pangelinan
Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

AUGUST 26, 1996

MEMORANDUM

TO: Therese Terlaje
Legislative Legal Counsel

FR: Senator Vicente C. Pangelinan

RE: Substitute Bill No. 691

Dear Ms. Terlaje:


Attached is substitute Bill No. 691:

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

Please supersede the original Bill No. 691 in its entirety with the attached substituted version.

Your cooperation and assistance on this matter shall be greatly appreciated.

Sincerely,


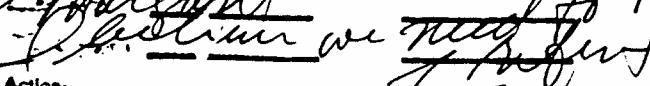

vicente c. pangelinan
Senator, 23rd Guam Legislature

Attachment

cc: Chairman, Committee on Tourism and Transportation
Chairman, Committee on Rules

COMMITTEE ON RULES


Rec'd by:  Date: 8/27 Time: 11:44

Routing:  Date: _____ Sen's Inl. _____
Action: 

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 691

Substitute by Author:

V.C. Pangelinan 

J. P. Aguon

L. Leon Guerrero 

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL
AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE
RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR
GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

1 BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. **Legislative findings.** Currently, with over one million
3 visitors to the island per year, and with great anticipation of reaching the
4 plateau of two million guests by the year 2001, the Legislature recognizes that
5 tourism is the utmost, primary industry on the island of Guam in terms of
6 sustaining economic growth and employment for our people. Any fluctuation in
7 the number of tourists visiting the island imposes a significant impact on the
8 lives of its residents.

9 The Legislature finds that the role of a tour guide is equally significant to
10 maintain and foster the economic success and prosperity that we enjoy now.
11 The guides are especially important when catering to the burgeoning Korean
12 market, reviving the steadily dwindling Taiwanese market, and sustaining our
13 biggest market, the Japanese. As the visitor market expanded, concerns also
14 increased regarding the quality and the characteristic of the local tour guides,
15 specifically their work eligibility and qualification to represent our island as
16 ambassadors. Despite numerous complaints by recent visitors to the island and
17 negative coverage by foreign publications, the industry has not undertaken self-
18 regulatory transformation nor experienced a significant market adjustment to
19 remedy the situation. Coupled with recent statistics released by the Guam
20 Visitors Bureau attesting to an unanticipated softening of the market- prolonged
21 decrease in the number of tourists coming to our island from various strategic

1 regions- the Legislature finds it necessary to immediately redress the issue by
2 instilling a measure of professionalism into the most visible occupation on the
3 island in the eyes of our foreign visitors.

4 **Section 2. Legislative intent.** The Legislature further finds that
5 existing laws governing the conduct and the actions of the tour guides are
6 inadequate and imperfect. Accordingly, regulatory agencies are not capable of
7 satisfactorily enforcing the law. Therefore, it is the intent of the Legislature to
8 empower the pertinent agencies of the government with the appropriate
9 authority to impede recurrent violations of the law by elucidating the language
10 of the existing statutes regarding tour operators and tour guides.

11 **Section 3. A new 11 GCA §76221 is added to read:**

12 "§76221. **Tour Operators and Tour Guides.** The listing and
13 control of tour operators and tour guides shall be under the provisions of
14 11 GCA Chapter 76, Article 3, *Tour Operators and Tour Guides.*"

15 **Section 4. Article 3, Chapter 76 of 11 GCA is repealed and**
16 **reenacted to read:**

17 **"Article 3**

18 **Tour Operators and Tour Guides**

19
20 **§76301. Definitions.** As used in this Chapter:

21 (a) *Tour Operator* means any person who, for compensation of any
22 kind, engages in a business as a tour guide as defined in this Section or
23 who employs one or more tour guides.

24 (b) *Tour Guide* means any person who, for compensation of any
25 kind, undertakes to guide, direct, lead or conduct tourist and who, while
26 undertaking such duties, explains to or informs the tourists of the history
27 and culture of Guam, or directs the tourists to scenic, cultural or historic
28 sites on Guam, ~~or leads tour groups while the same are on conducted~~
29 ~~shopping tours of Guam.~~ This definition shall not include a person whose
30 sole occupation is to drive a tour bus or other tour vehicle, but who does
31 not actually engage in any of the activities described above. However, this
32 definition shall include a person driving a tour vehicle on a conducted
33 tour if the person is the only non-tourist on the vehicle ~~or if the individual~~
34 ~~arranges for a conducted shopping tour.~~

35 **§76302. Additional Requirements for Tour Operators.** In
36 addition to paying the fee required by §76101, all persons engaging in

1 business as tour operators must, at the time of application or renewal of
2 licensing, submit certification of eligibility issued by the Guam Visitors
3 Bureau that all tour guides under his or her employ have undergone
4 training and passed the necessary examinations covering history, culture,
5 and historic landmarks of Guam administered by the Guam Visitors
6 Bureau.

7 **§76303. Requirements for Tour Guides.** (a) ~~All persons~~ Any
8 person performing services as tour guides must produce evidence of
9 having been certified by the Guam Visitors Bureau, as having passed the
10 training program and examination provided for herein covering the
11 history, culture, historic landmarks and other related information of
12 Guam. ~~For this purpose,~~ Any person applying for a tour guide
13 certification for the first time within sixty (60) days after the enactment
14 effective date of this Act may be issued one (1) temporary identification
15 badge which shall be valid for a period not to exceed ~~sixty (60)~~ one
16 hundred eighty (180) days only, or as determined by the Guam Visitors
17 Bureau.

18 (b) No tour guide certification of eligibility shall be issued to any
19 person ~~who is not of good moral character, or who has been convicted of:~~
20 ~~the use of controlled substances, as the same are defined in the Uniform~~
21 ~~Controlled Substances Act [9 GCA Chapter 67], or who has been convicted~~
22 ~~of a crime involving moral turpitude, the illegal use of firearms or violence~~
23 (1) a crime involving moral turpitude; (2) a crime involving the use of
24 controlled substances, as the same are defined in Chapter 67 of Title 9,
25 Guam Code Annotated; (3) the illegal use or possession of a firearm, as the
26 same are defined in Section 80.37 of Title 9, Guam Code Annotated and
27 Chapter 60 of Title 10, Guam Code Annotated; or (4) a crime of violence,
28 as the same are defined in Chapters 16, 19, 22, 25, and 40 of Title 9,
29 Guam Code Annotated.

30 (c) Every tour guide certification of eligibility shall expire one (1)
31 year from the date of issuance. Every such certification of eligibility shall
32 be renewable for a like period within thirty (30) days prior to its
33 expiration. Any certification of eligibility that would otherwise expire on a
34 Saturday, Sunday or legal holiday shall be valid until the next business
35 day. An applicant for renewal of certification of eligibility shall make
36 application therefor in the same manner as in the case of an original

1 application for a certification of eligibility upon such form as may be
2 required.

3 (d) ~~Once an individual is certified as a tour guide,~~ No new
4 examination upon the subjects referred to in this Section may be required
5 of ~~the individual~~ a certified tour guide until three (3) years have elapsed
6 from the date of taking the previous examination.

7 (e) In the event a certification of eligibility or identification badge
8 issued under this Section is lost, destroyed or mutilated, the certified tour
9 guide may obtain a duplicate from the Guam Visitors Bureau upon making
10 satisfactory proof of such fact. Any person who loses a certification of
11 eligibility or identification badge and thereafter finds the original must
12 immediately surrender such original to the Guam Visitors Bureau.

13 **§76304 Guam Visitors Bureau to Administer.** (a) The Guam
14 Visitors Bureau is authorized to develop, write and administer the
15 examination for tour guides required by §76303 of this Article. Upon
16 passing the examination to its satisfaction, the Guam Visitors Bureau shall
17 certify the examinee as having completed the training program by the
18 issuance of a certification of eligibility and identification badge. The
19 Guam Visitors Bureau shall ~~make~~ promulgate such rules and regulations as
20 may be necessary to carry out the purposes of this Act within six (6)
21 months after the enactment of this act.

22 (b) The Guam Visitors Bureau subject to the Administrative
23 Adjudication Act, shall promulgate rules and regulations to govern the
24 standard of conduct of all tour guides. The standards of conduct shall be
25 designed with the intent of insuring that certified tour guides do not act in
26 such a manner as to bring discredit upon Guam, its people and its
27 businesses.

28 (c) The General Manager of the Guam Visitors Bureau shall, before
29 the granting of a tour guide certification of eligibility and identification
30 badge, assign a certification number to each applicant granted a
31 certification of eligibility and identification badge, starting with the figure
32 one (1) by order of their being granted a certification of eligibility and
33 identification badge. The tour guide certification of eligibility shall remain
34 in full force and effect as the identification number for the tour guide
35 throughout the certification year as set forth by the Guam Visitors Bureau.

1 (d) The General Manager of the Guam Visitors Bureau may
2 disapprove the application:

3 (1) If the applicant has failed to furnish the Guam Visitors
4 Bureau the information required in the application or any
5 reasonable additional information requested by the Bureau.

6 (2) If he determines that the applicant has used a false or
7 fictitious name in any application for certification of eligibility, or
8 knowingly made a false statement or knowingly concealed a material
9 fact or otherwise committed any fraud in any such application.

10 **§76305 Violations.** (a) The Guam Visitors Bureau and the
11 Department of Revenue of Taxation may, ~~after proceeding in accordance~~
12 ~~with the Administrative Adjudication Act~~, order the revocation of the
13 license of any tour operator or the suspension of any such license for a
14 period not to exceed one (1) year, for violation by the tour operator of this
15 Chapter or any of the rules and regulations or standards of conduct
16 promulgated by the Guam Visitors Bureau. Any person whose license has
17 been revoked by the Guam Visitors Bureau or the Department of Revenue
18 and Taxation shall not be eligible to reapply for the same class of license
19 ~~until for a period not to exceed of three (3) years has elapsed~~ from the
20 date of revocation as determined by the Guam Visitors Bureau or the
21 Department of Revenue and Taxation. Upon such reapplication the
22 applicant shall be treated as a new applicant except that he shall not be
23 eligible for a temporary license.

24 (b) The Guam Visitors Bureau may, ~~after proceeding in accordance~~
25 ~~with the Administrative Adjudication Act~~, order the revocation of the
26 certification of eligibility and identification badge of any tour guide or the
27 suspension of any such certification of eligibility and identification badge
28 for a period not to exceed one (1) year, for violation by the tour guide of
29 this Chapter or any of the rules and regulations or standards of conduct
30 promulgated by the Guam Visitors Bureau. Any person whose certification
31 of eligibility and identification badge has been revoked by the Guam
32 Visitors Bureau shall not be eligible to reapply for the same certification of
33 eligibility and identification badge ~~until for a period not to exceed of three~~
34 ~~(3) years one (1) year has elapsed~~ from the date of revocation as
35 determined by the Guam Visitors Bureau. Upon such reapplication the

1 applicant shall be treated as a new applicant except that he shall not be
2 eligible for a temporary certification of eligibility or identification badge.

3 (c) Any person who uses, attempts to use or has in his or her
4 possession with intent to use any tour guide certification of eligibility or
5 identification badge not issued to him or, if such certification of eligibility
6 or identification badge issued to him was issued on account of
7 misrepresentation to the Guam Visitors Bureau or to the Department of
8 Revenue and Taxation, shall be ~~guilty of a misdemeanor for a first offense~~
9 ~~and punished~~ punishable by a fine not to exceed One Thousand Dollars
10 (\$1,000.00) for the first offense, and by a fine not to exceed Ten Thousand
11 Dollars (\$10,000.00), or by both such fine and imprisonment and of a
12 ~~felony of the third degree for subsequent offenses.~~

13 (d) Any person who photographs, photostats, duplicates or in any
14 way reproduces any certification of eligibility or identification badge or
15 facsimile thereof in such a manner that it could be mistaken for such a
16 certification of eligibility or identification badge, or displays or has in his
17 or her possession any such photograph, duplicate, reproduction or
18 facsimile unless authorized by the provisions of this Title, shall be ~~guilty~~
19 ~~of a misdemeanor for a first offense and punished~~ punishable by a fine
20 not to exceed One Thousand Dollars (\$1,000.00) for the first offense, and
21 by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both
22 ~~such fine and imprisonment and of a felony of the third degree for~~
23 ~~subsequent offenses.~~

24 (e) The certified tour guide shall have his or her identification
25 badge issued by the Guam Visitors Bureau in his or her immediate
26 possession at all times when undertaking any activities listed under the
27 definition of a *tour guide* pursuant to §76301 of this Article and display
28 such identification badge upon demand of a member of the Guam Police
29 or any peace officer or other authorized personnel enforcing the
30 provisions of this Title. Any charge under this Subsection shall be
31 dismissed when the person so charged produces in court a certification of
32 eligibility duly issued to such person and valid at the time of his or her
33 arrest.

34 (f) In addition to the penalties set forth in this Section, a tour
35 operator or any other person who knowingly employs a tour guide who is
36 not properly certified and licensed in accordance with this Chapter shall

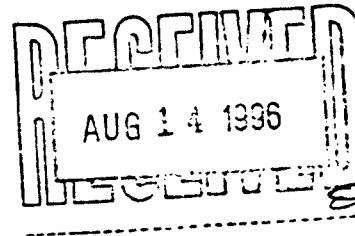
1 ~~be guilty of a misdemeanor for a first offense and punished~~ punishable by
2 a fine not to exceed One Thousand Dollars (\$1,000.00) for the first
3 offense, and by a fine not to exceed Ten Thousand Dollars (\$10,000.00),
4 ~~or by both such fine and imprisonment and of a felony of the third degree~~
5 for subsequent offenses.

6 Section 5. Effective date. This Act shall become effective upon the
7 adoption of the implementing rules and regulations by the Guam Visitors
8 Bureau.



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910



August 12, 1996

MEMORANDUM

TO: Chairman, Committee on Tourism and Transportation

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 691

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting.


SONNY LUJAN ORSINI

Attachment:

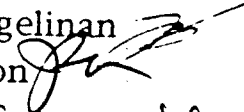

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TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 691(15)

Introduced by:

V.C. Pangelinan
J.P. Aguon 
L. Leon Guerrero 

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

1 BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Findings. Currently, with over one
3 million visitors to the island per year, and with great anticipation of
4 reaching the plateau of two million guests by the year 2001, the
5 Legislature recognizes that tourism is the utmost, primary industry on the
6 island of Guam in terms of sustaining economic growth and employment
7 for our people. Any fluctuation in the number of tourists visiting the
8 island imposes a significant impact on the lives of its residents.

9 The Legislature finds that the role of a tour guide is equally
10 significant to maintain and foster the economic success and prosperity that
11 we enjoy now. The guides are especially important when catering to the
12 burgeoning Korean market and reviving the steadily dwindling Taiwanese
13 market, not to mention sustaining our biggest market, the ever-capricious
14 Japanese visitors. As the visitor market expanded, concerns also increased
15 regarding the quality and the characteristic of the local tour guides,
16 specifically their work eligibility and qualification to represent our island
17 as ambassadors. Despite numerous complaints by recent visitors to the
18 island and negative coverage by foreign publications, the industry has not
19 undertaken self-regulatory transformation nor experienced a significant

1 market adjustment to remedy the situation. Coupled with recent statistics
2 released by the Guam Visitors Bureau indicating major declines in the
3 number of tourists coming to our island from several vital markets, the
4 Legislature finds it necessary to immediately redress the issue by instilling
5 a measure of professionalism into the most visible occupation on the island
6 in the eyes of our foreign visitors.

7 **Section 2. Legislative Intent.** The Legislature further finds that
8 existing laws governing the conduct and the actions of the tour guides are
9 inadequate and imperfect. Accordingly, regulatory agencies are not
10 capable of satisfactorily enforcing the law. Therefore, it is the intent of the
11 Legislature to empower the pertinent agencies of the government with the
12 appropriate authority to impede recurrent violations of the law by
13 elucidating the language of the existing statutes regarding tour operators
14 and tour guides

15 **Section 3. A new 11 GCA §76221 is added to read:**

16 **"§76221. Tour Operators and Tour Guides.** The listing
17 and control of tour operators and tour guides shall be under the
18 provisions of 11 GCA Chapter 76, Article 3, *Tour Operators and Tour*
19 *Guides.*"

20 **Section 4. Article 3, Chapter 76 of 11 GCA is repealed and**
21 **reenacted to read:**

22 **"Article 3**

23 **Tour Operators and Tour Guides**

24
25 **§76301. Definitions.** As used in this Chapter:

26 (a) *Tour Operator* means any person who, for compensation of
27 any kind, engages in a business as a tour guide as defined in this
28 Section or who employs one or more tour guides.

29 (b) *Tour Guide* means any person who, for compensation of
30 any kind, undertakes to guide, direct, lead or conduct tourist and
31 who, while undertaking such duties, explains to or informs the
32 tourists of the history and culture of Guam, or directs the tourists to
33 scenic, cultural or historic sites on Guam, or leads tour groups while
34 the same are on conducted shopping tours of Guam. This definition
35 shall not include a person whose sole occupation is to drive a tour
36 bus or other tour vehicle, but who does not actually engage in any of

1 the activities described above. However, this definition shall include
2 a person driving a tour vehicle on a conducted tour if the person is
3 the only non-tourist on the vehicle or if the individual arranges for a
4 conducted shopping tour.

5 **§76302. Additional Requirements for Tour**
6 **Operators.** In addition to paying the fee required by §76101, all
7 persons engaging in business as tour operators must, at the time of
8 application or renewal of licensing, submit certification of eligibility
9 issued by the Guam Visitors Bureau that all tour guides under his
10 employ have undergone training and passed the necessary
11 examinations covering history, culture, and historic landmarks of
12 Guam administered by the Guam Visitors Bureau.

13 **§76303. Requirements for Tour Guides.** (a) All persons
14 performing services as tour guides must produce evidence of having
15 been certified by the Guam Visitors Bureau, as having passed the
16 training program and examination provided for herein covering the
17 history, culture, historic landmarks and other related information of
18 Guam. For this purpose, any person applying for a tour guide
19 certification for the first time after the enactment of this Act may be
20 issued one (1) temporary identification badge which shall be valid
21 for a period not to exceed sixty (60) days only.

22 (b) No tour guide certification of eligibility shall be issued to
23 any person who is not of good moral character, or who has been
24 convicted of the use of controlled substances, as the same are defined
25 in the Uniform Controlled Substances Act [9 GCA Chapter 67], or who
26 has been convicted of a crime involving moral turpitude, the illegal
27 use of firearms of violence.

28 (c) Every tour guide certification of eligibility shall expire one
29 (1) year from the date of issuance. Every such certification of
30 eligibility shall be renewable for a like period within thirty (30) days
31 prior to its expiration. Any certification of eligibility that would
32 otherwise expire on a Saturday, Sunday or legal holiday shall be
33 valid until the next business day. An applicant for renewal of
34 certification of eligibility shall make application therefor in the same
35 manner as in the case of an original application for a certification of
36 eligibility upon such form as may be required.

1 (d) Once an individual is certified as a tour guide, no new
2 examination upon the subjects referred to in this Section may be
3 required of the individual until three (3) years have elapsed from
4 the date of taking the previous examination.

5 (e) In the event a certification of eligibility or identification
6 badge issued under this Section is lost, destroyed or mutilated, the
7 certified tour guide may obtain a duplicate from the Guam Visitors
8 Bureau upon making satisfactory proof of such fact. Any person who
9 loses a certification of eligibility or identification badge and
10 thereafter finds the original must immediately surrender such
11 original to the Guam Visitors Bureau.

12 **§76304 Guam Visitors Bureau to Administer.** (a) The
13 Guam Visitors Bureau is authorized to develop, write and administer
14 the examination for tour guides required by §76303 of this Article.
15 Upon passing the examination to its satisfaction, the Guam Visitors
16 Bureau shall certify the examinee as having completed the training
17 program by the issuance of a certification of eligibility and
18 identification badge. The Guam Visitors Bureau shall make such
19 rules and regulations as may be necessary to carry out the purposes
20 of this Act.

21 (b) The Guam Visitors Bureau subject to the Administrative
22 Adjudication Act, shall promulgate rules and regulations to govern
23 the standard of conduct of all tour guides. The standards of conduct
24 shall be designed with the intent of insuring that certified tour
25 guides do not act in such a manner as to bring discredit upon Guam,
26 its people and its businesses.

27 (c) The General Manager of the Guam Visitors Bureau shall,
28 before the granting of a tour guide certification of eligibility and
29 identification badge, assign a certification number to each applicant
30 granted a certification of eligibility and identification badge, starting
31 with the figure one (1) by order of their being granted a certification
32 of eligibility and identification badge. The tour guide certification of
33 eligibility shall remain in full force and effect as the identification
34 number for the tour guide throughout the certification year as set
35 forth by the Guam Visitors Bureau.

1 (d) The General Manager of the Guam Visitors Bureau may
2 disapprove the application:

3 (1) If the applicant has failed to furnish the Guam
4 Visitors Bureau the information required in the application or
5 any reasonable additional information requested by the
6 Bureau.

7 (2) If he determines that the applicant has used a false
8 or fictitious name in any application for certification of
9 eligibility, or knowingly made a false statement or knowingly
10 concealed a material fact or otherwise committed any fraud in
11 any such application.

12 **§76305 Violations.** (a) The Guam Visitors Bureau and the
13 Department of Revenue of Taxation may, after proceeding in
14 accordance with the Administrative Adjudication Act, order the
15 revocation of the license of any tour operator or the suspension of
16 any such license for a period not to exceed one (1) year, for violation
17 by the tour operator of any of the rules and regulations or standards
18 of conduct promulgated by the Guam Visitors Bureau. Any person
19 whose license has been revoked by the Guam Visitors Bureau or the
20 Department of Revenue and Taxation shall not be eligible to reapply
21 for the same class of license until a period of three (3) years has
22 elapsed from the date of revocation. Upon such reapplication the
23 applicant shall be treated as a new applicant except that he shall not
24 be eligible for a temporary license.

25 (b) The Guam Visitors Bureau may, after proceeding in
26 accordance with the Administrative Adjudication Act, order the
27 revocation of the certification of eligibility and identification badge of
28 any tour guide or the suspension of any such certification of
29 eligibility and identification badge for a period not to exceed one (1)
30 year, for violation by the tour guide of any of the rules and
31 regulations or standards of conduct promulgated by the Guam
32 Visitors Bureau. Any person whose certification of eligibility and
33 identification badge has been revoked by the Guam Visitors Bureau
34 shall not be eligible to reapply for the same certification of eligibility
35 and identification badge until a period of three (3) years has elapsed
36 from the date of revocation. Upon such reapplication the applicant

1 shall be treated as a new applicant except that he shall not be
2 eligible for a temporary certification of eligibility or identification
3 badge.

4 (c) Any person who uses, attempts to use or has in his
5 possession with intent to use any tour guide certification of eligibility
6 or identification badge not issued to him or, if such certification of
7 eligibility or identification badge issued to him was issued on account
8 of misrepresentation to the Guam Visitors Bureau or to the
9 Department of Revenue and Taxation, shall be guilty of a
10 misdemeanor for a first offense and punished by a fine of not more
11 than One Thousand Dollars (\$1,000.00), or by both such fine and
12 imprisonment, and of a felony of the third degree for subsequent
13 offenses.

14 (d) Any person who photographs, photostats, duplicates or in
15 any way reproduces any certification of eligibility or identification
16 badge or facsimile thereof in such a manner that it could be mistaken
17 for such a certification of eligibility or identification badge, or
18 displays or has in his possession any such photograph, , duplicate,
19 reproduction or facsimile unless authorized by the provisions of this
20 Title, shall be guilty of a misdemeanor for a first offense and
21 punished by a fine of not more than One Thousand Dollars
22 (\$1,000.00), or by both such fine and imprisonment, and of a felony
23 of the third degree for subsequent offenses.

24 (e) The certified tour guide shall have his identification badge
25 issued by the Guam Visitors Bureau in his immediate possession at
26 all times when undertaking any activities listed under the definition
27 of a *tour guide* pursuant to §76301 of this Article and display such
28 identification badge upon demand of a member of the Guam Police or
29 any peace officer or other authorized personnel enforcing the
30 provisions of this Title. Any charge under this Subsection shall be
31 dismissed when the person so charged produces in court a
32 certification of eligibility duly issued to such person and valid at the
33 time of his arrest.

34 (f) In addition to the penalties set forth in this Section, a tour
35 operator or any other person who knowingly employs a tour guide
36 who is not properly certified and licensed in accordance with this

1
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Chapter shall be guilty of a misdemeanor for a first offense and of a felony of the third degree for subsequent offenses."

Office of



Senator Vicente C. Pangelinan
Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

The People

AUGUST 26, 1996

MEMORANDUM

TO: Therese Terlaje
Legislative Legal Counsel

FR: Senator Vicente C. Pangelinan

RE: Substitute Bill No. 691

Dear Ms. Terlaje:

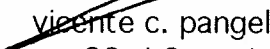
Attached is substitute Bill No. 691:

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

Please supersede the original Bill No. 691 in its entirety with the attached substituted version.

Your cooperation and assistance on this matter shall be greatly appreciated.

Sincerely,


vicente c. pangelinan
Senator, 23rd Guam Legislature

Attachment

cc: Chairman, Committee on Tourism and Transportation
Chairman, Committee on Rules

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 691

Substitute by Author:

V.C. Pangelinan
J. P. Aguon
L. Leon Guerrero

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL
AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE
RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR
GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

1 BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 **Section 1. Legislative findings.** Currently, with over one million
3 visitors to the island per year, and with great anticipation of reaching the
4 plateau of two million guests by the year 2001, the Legislature recognizes that
5 tourism is the utmost, primary industry on the island of Guam in terms of
6 sustaining economic growth and employment for our people. Any fluctuation in
7 the number of tourists visiting the island imposes a significant impact on the
8 lives of its residents.

9 The Legislature finds that the role of a tour guide is equally significant to
10 maintain and foster the economic success and prosperity that we enjoy now.
11 The guides are especially important when catering to the burgeoning Korean
12 market, reviving the steadily dwindling Taiwanese market, and sustaining our
13 biggest market, the Japanese. As the visitor market expanded, concerns also
14 increased regarding the quality and the characteristic of the local tour guides,
15 specifically their work eligibility and qualification to represent our island as
16 ambassadors. Despite numerous complaints by recent visitors to the island and
17 negative coverage by foreign publications, the industry has not undertaken self-
18 regulatory transformation nor experienced a significant market adjustment to
19 remedy the situation. Coupled with recent statistics released by the Guam
20 Visitors Bureau attesting to an unanticipated softening of the market- prolonged
21 decrease in the number of tourists coming to our island from various strategic

1 regions- the Legislature finds it necessary to immediately redress the issue by
2 instilling a measure of professionalism into the most visible occupation on the
3 island in the eyes of our foreign visitors.

4 **Section 2. Legislative intent.** The Legislature further finds that
5 existing laws governing the conduct and the actions of the tour guides are
6 inadequate and imperfect. Accordingly, regulatory agencies are not capable of
7 satisfactorily enforcing the law. Therefore, it is the intent of the Legislature to
8 empower the pertinent agencies of the government with the appropriate
9 authority to impede recurrent violations of the law by elucidating the language
10 of the existing statutes regarding tour operators and tour guides.

11 **Section 3. A new 11 GCA §76221 is added to read:**

12 "§76221. **Tour Operators and Tour Guides.** The listing and
13 control of tour operators and tour guides shall be under the provisions of
14 11 GCA Chapter 76, Article 3, *Tour Operators and Tour Guides.*"

15 **Section 4. Article 3, Chapter 76 of 11 GCA is repealed and**
16 **reenacted to read:**

17 "Article 3

18 **Tour Operators and Tour Guides**

19
20 **§76301. Definitions.** As used in this Chapter:

21 (a) *Tour Operator* means any person who, for compensation of any
22 kind, engages in a business as a tour guide as defined in this Section or
23 who employs one or more tour guides.

24 (b) *Tour Guide* means any person who, for compensation of any
25 kind, undertakes to guide, direct, lead or conduct tourist and who, while
26 undertaking such duties, explains to or informs the tourists of the history
27 and culture of Guam, or directs the tourists to scenic, cultural or historic
28 sites on Guam, ~~or leads tour groups while the same are on conducted~~
29 ~~shopping tours of Guam.~~ This definition shall not include a person whose
30 sole occupation is to drive a tour bus or other tour vehicle, but who does
31 not actually engage in any of the activities described above. However, this
32 definition shall include a person driving a tour vehicle on a conducted
33 tour if the person is the only non-tourist on the vehicle ~~or if the individual~~
34 ~~arranges for a conducted shopping tour.~~

35 **§76302. Additional Requirements for Tour Operators.** In
36 addition to paying the fee required by §76101, all persons engaging in

1 business as tour operators must, at the time of application or renewal of
2 licensing, submit certification of eligibility issued by the Guam Visitors
3 Bureau that all tour guides under his or her employ have undergone
4 training and passed the necessary examinations covering history, culture,
5 and historic landmarks of Guam administered by the Guam Visitors
6 Bureau.

7 **§76303. Requirements for Tour Guides.** (a) ~~All persons~~ Any
8 person performing services as tour guides must produce evidence of
9 having been certified by the Guam Visitors Bureau, as having passed the
10 training program and examination provided for herein covering the
11 history, culture, historic landmarks and other related information of
12 Guam. ~~For this purpose, Any person applying for a tour guide~~
13 ~~certification for the first time within sixty (60) days after the enactment~~
14 effective date of this Act may be issued one (1) temporary identification
15 badge which shall be valid for a period not to exceed ~~sixty (60)~~ one
16 hundred eighty (180) days only, or as determined by the Guam Visitors
17 Bureau.

18 (b) No tour guide certification of eligibility shall be issued to any
19 person ~~who is not of good moral character, or who has been convicted of:~~
20 ~~the use of controlled substances, as the same are defined in the Uniform~~
21 ~~Controlled Substances Act [9 GCA Chapter 67], or who has been convicted~~
22 ~~of a crime involving moral turpitude, the illegal use of firearms or violence~~
23 (1) a crime involving moral turpitude; (2) a crime involving the use of
24 controlled substances, as the same are defined in Chapter 67 of Title 9,
25 Guam Code Annotated; (3) the illegal use or possession of a firearm, as the
26 same are defined in Section 80.37 of Title 9, Guam Code Annotated and
27 Chapter 60 of Title 10, Guam Code Annotated; or (4) a crime of violence,
28 as the same are defined in Chapters 16, 19, 22, 25, and 40 of Title 9,
29 Guam Code Annotated.

30 (c) Every tour guide certification of eligibility shall expire one (1)
31 year from the date of issuance. Every such certification of eligibility shall
32 be renewable for a like period within thirty (30) days prior to its
33 expiration. Any certification of eligibility that would otherwise expire on a
34 Saturday, Sunday or legal holiday shall be valid until the next business
35 day. An applicant for renewal of certification of eligibility shall make
36 application therefor in the same manner as in the case of an original

1 application for a certification of eligibility upon such form as may be
2 required.

3 ~~(d) Once an individual is certified as a tour guide,~~ No new
4 examination upon the subjects referred to in this Section may be required
5 of ~~the individual~~ a certified tour guide until three (3) years have elapsed
6 from the date of taking the previous examination.

7 (e) In the event a certification of eligibility or identification badge
8 issued under this Section is lost, destroyed or mutilated, the certified tour
9 guide may obtain a duplicate from the Guam Visitors Bureau upon making
10 satisfactory proof of such fact. Any person who loses a certification of
11 eligibility or identification badge and thereafter finds the original must
12 immediately surrender such original to the Guam Visitors Bureau.

13 **§76304 Guam Visitors Bureau to Administer.** (a) The Guam
14 Visitors Bureau is authorized to develop, write and administer the
15 examination for tour guides required by §76303 of this Article. Upon
16 passing the examination to its satisfaction, the Guam Visitors Bureau shall
17 certify the examinee as having completed the training program by the
18 issuance of a certification of eligibility and identification badge. The
19 Guam Visitors Bureau shall ~~make~~ promulgate such rules and regulations as
20 may be necessary to carry out the purposes of this Act within six (6)
21 months after the enactment of this act.

22 (b) The Guam Visitors Bureau subject to the Administrative
23 Adjudication Act, shall promulgate rules and regulations to govern the
24 standard of conduct of all tour guides. The standards of conduct shall be
25 designed with the intent of insuring that certified tour guides do not act in
26 such a manner as to bring discredit upon Guam, its people and its
27 businesses.

28 (c) The General Manager of the Guam Visitors Bureau shall, before
29 the granting of a tour guide certification of eligibility and identification
30 badge, assign a certification number to each applicant granted a
31 certification of eligibility and identification badge, starting with the figure
32 one (1) by order of their being granted a certification of eligibility and
33 identification badge. The tour guide certification of eligibility shall remain
34 in full force and effect as the identification number for the tour guide
35 throughout the certification year as set forth by the Guam Visitors Bureau.

1 (d) The General Manager of the Guam Visitors Bureau may
2 disapprove the application:

3 (1) If the applicant has failed to furnish the Guam Visitors
4 Bureau the information required in the application or any
5 reasonable additional information requested by the Bureau.

6 (2) If he determines that the applicant has used a false or
7 fictitious name in any application for certification of eligibility, or
8 knowingly made a false statement or knowingly concealed a material
9 fact or otherwise committed any fraud in any such application.

10 **§76305 Violations.** (a) The Guam Visitors Bureau and the
11 Department of Revenue of Taxation may, ~~after proceeding in accordance~~
12 ~~with the Administrative Adjudication Act~~, order the revocation of the
13 license of any tour operator or the suspension of any such license for a
14 period not to exceed one (1) year, for violation by the tour operator of this
15 Chapter or any of the rules and regulations or standards of conduct
16 promulgated by the Guam Visitors Bureau. Any person whose license has
17 been revoked by the Guam Visitors Bureau or the Department of Revenue
18 and Taxation shall not be eligible to reapply for the same class of license
19 ~~until for a period not to exceed of three (3) years has elapsed~~ from the
20 date of revocation as determined by the Guam Visitors Bureau or the
21 Department of Revenue and Taxation. Upon such reapplication the
22 applicant shall be treated as a new applicant except that he shall not be
23 eligible for a temporary license.

24 (b) The Guam Visitors Bureau may, ~~after proceeding in accordance~~
25 ~~with the Administrative Adjudication Act~~, order the revocation of the
26 certification of eligibility and identification badge of any tour guide or the
27 suspension of any such certification of eligibility and identification badge
28 for a period not to exceed one (1) year, for violation by the tour guide of
29 this Chapter or any of the rules and regulations or standards of conduct
30 promulgated by the Guam Visitors Bureau. Any person whose certification
31 of eligibility and identification badge has been revoked by the Guam
32 Visitors Bureau shall not be eligible to reapply for the same certification of
33 eligibility and identification badge ~~until for a period not to exceed of three~~
34 ~~(3) years one (1) year has elapsed~~ from the date of revocation as
35 determined by the Guam Visitors Bureau. Upon such reapplication the

1 applicant shall be treated as a new applicant except that he shall not be
2 eligible for a temporary certification of eligibility or identification badge.

3 (c) Any person who uses, attempts to use or has in his or her
4 possession with intent to use any tour guide certification of eligibility or
5 identification badge not issued to him or, if such certification of eligibility
6 or identification badge issued to him was issued on account of
7 misrepresentation to the Guam Visitors Bureau or to the Department of
8 Revenue and Taxation, shall be ~~guilty of a misdemeanor for a first offense~~
9 ~~and punished~~ punishable by a fine not to exceed One Thousand Dollars
10 (\$1,000.00) for the first offense, and by a fine not to exceed Ten Thousand
11 Dollars (\$10,000.00), ~~or by both such fine and imprisonment and of a~~
12 ~~felony of the third degree~~ for subsequent offenses.

13 (d) Any person who photographs, photostats, duplicates or in any
14 way reproduces any certification of eligibility or identification badge or
15 facsimile thereof in such a manner that it could be mistaken for such a
16 certification of eligibility or identification badge, or displays or has in his
17 or her possession any such photograph, duplicate, reproduction or
18 facsimile unless authorized by the provisions of this Title, shall be ~~guilty~~
19 ~~of a misdemeanor for a first offense and punished~~ punishable by a fine
20 not to exceed One Thousand Dollars (\$1,000.00) for the first offense, and
21 by a fine not to exceed Ten Thousand Dollars (\$10,000.00), ~~or by both~~
22 ~~such fine and imprisonment and of a felony of the third degree~~ for
23 subsequent offenses.

24 (e) The certified tour guide shall have his or her identification
25 badge issued by the Guam Visitors Bureau in his or her immediate
26 possession at all times when undertaking any activities listed under the
27 definition of a *tour guide* pursuant to §76301 of this Article and display
28 such identification badge upon demand of a member of the Guam Police
29 or any peace officer or other authorized personnel enforcing the
30 provisions of this Title. Any charge under this Subsection shall be
31 dismissed when the person so charged produces in court a certification of
32 eligibility duly issued to such person and valid at the time of his or her
33 arrest.

34 (f) In addition to the penalties set forth in this Section, a tour
35 operator or any other person who knowingly employs a tour guide who is
36 not properly certified and licensed in accordance with this Chapter shall

1 ~~be guilty of a misdemeanor for a first offense and punished~~ punishable by
2 a fine not to exceed One Thousand Dollars (\$1,000.00) for the first
3 offense, and by a fine not to exceed Ten Thousand Dollars (\$10,000.00),
4 ~~or by both such fine and imprisonment and of a felony of the third degree~~
5 for subsequent offenses.

6 **Section 5. Effective date.** This Act shall become effective upon the
7 adoption of the implementing rules and regulations by the Guam Visitors
8 Bureau.

Introduced

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

JUL 08 1996

Bill No. 691(LS)
Introduced by:

V.C. Pangelinan
J.P. Aguon
L. Leon Guerrero *LS*

AN ACT TO ADD §76221 TO TITLE 11 GCA AND TO REPEAL AND REENACT ARTICLE 3, CHAPTER 76 OF THE SAME TITLE RELATIVE TO REQUIRING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.

1 BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Findings. Currently, with over one
3 million visitors to the island per year, and with great anticipation of
4 reaching the plateau of two million guests by the year 2001, the
5 Legislature recognizes that tourism is the utmost, primary industry on the
6 island of Guam in terms of sustaining economic growth and employment
7 for our people. Any fluctuation in the number of tourists visiting the
8 island imposes a significant impact on the lives of its residents.

9 The Legislature finds that the role of a tour guide is equally
10 significant to maintain and foster the economic success and prosperity that
11 we enjoy now. The guides are especially important when catering to the
12 burgeoning Korean market and reviving the steadily dwindling Taiwanese
13 market, not to mention sustaining our biggest market, the ever-capricious
14 Japanese visitors. As the visitor market expanded, concerns also increased
15 regarding the quality and the characteristic of the local tour guides,
16 specifically their work eligibility and qualification to represent our island
17 as ambassadors. Despite numerous complaints by recent visitors to the
18 island and negative coverage by foreign publications, the industry has not
19 undertaken self-regulatory transformation nor experienced a significant

1 market adjustment to remedy the situation. Coupled with recent statistics
2 released by the Guam Visitors Bureau indicating major declines in the
3 number of tourists coming to our island from several vital markets, the
4 Legislature finds it necessary to immediately redress the issue by instilling
5 a measure of professionalism into the most visible occupation on the island
6 in the eyes of our foreign visitors.

7 **Section 2. Legislative Intent.** The Legislature further finds that
8 existing laws governing the conduct and the actions of the tour guides are
9 inadequate and imperfect. Accordingly, regulatory agencies are not
10 capable of satisfactorily enforcing the law. Therefore, it is the intent of the
11 Legislature to empower the pertinent agencies of the government with the
12 appropriate authority to impede recurrent violations of the law by
13 elucidating the language of the existing statutes regarding tour operators
14 and tour guides

15 **Section 3. A new 11 GCA §76221 is added to read:**

16 **"§76221. Tour Operators and Tour Guides.** The listing
17 and control of tour operators and tour guides shall be under the
18 provisions of 11 GCA Chapter 76, Article 3, *Tour Operators and Tour*
19 *Guides.*"

20 **Section 4. Article 3, Chapter 76 of 11 GCA is repealed and**
21 **reenacted to read:**

22 **"Article 3**

23 **Tour Operators and Tour Guides**

24
25 **§76301. Definitions.** As used in this Chapter:

26 (a) *Tour Operator* means any person who, for compensation of
27 any kind, engages in a business as a tour guide as defined in this
28 Section or who employs one or more tour guides.

29 (b) *Tour Guide* means any person who, for compensation of
30 any kind, undertakes to guide, direct, lead or conduct tourist and
31 who, while undertaking such duties, explains to or informs the
32 tourists of the history and culture of Guam, or directs the tourists to
33 scenic, cultural or historic sites on Guam, or leads tour groups while
34 the same are on conducted shopping tours of Guam. This definition
35 shall not include a person whose sole occupation is to drive a tour
36 bus or other tour vehicle, but who does not actually engage in any of

1 the activities described above. However, this definition shall include
2 a person driving a tour vehicle on a conducted tour if the person is
3 the only non-tourist on the vehicle or if the individual arranges for a
4 conducted shopping tour.

5 **§76302. Additional Requirements for Tour**
6 **Operators.** In addition to paying the fee required by §76101, all
7 persons engaging in business as tour operators must, at the time of
8 application or renewal of licensing, submit certification of eligibility
9 issued by the Guam Visitors Bureau that all tour guides under his
10 employ have undergone training and passed the necessary
11 examinations covering history, culture, and historic landmarks of
12 Guam administered by the Guam Visitors Bureau.

13 **§76303. Requirements for Tour Guides.** (a) All persons
14 performing services as tour guides must produce evidence of having
15 been certified by the Guam Visitors Bureau, as having passed the
16 training program and examination provided for herein covering the
17 history, culture, historic landmarks and other related information of
18 Guam. For this purpose, any person applying for a tour guide
19 certification for the first time after the enactment of this Act may be
20 issued one (1) temporary identification badge which shall be valid
21 for a period not to exceed sixty (60) days only.

22 (b) No tour guide certification of eligibility shall be issued to
23 any person who is not of good moral character, or who has been
24 convicted of the use of controlled substances, as the same are defined
25 in the Uniform Controlled Substances Act [9 GCA Chapter 67], or who
26 has been convicted of a crime involving moral turpitude, the illegal
27 use of firearms of violence.

28 (c) Every tour guide certification of eligibility shall expire one
29 (1) year from the date of issuance. Every such certification of
30 eligibility shall be renewable for a like period within thirty (30) days
31 prior to its expiration. Any certification of eligibility that would
32 otherwise expire on a Saturday, Sunday or legal holiday shall be
33 valid until the next business day. An applicant for renewal of
34 certification of eligibility shall make application therefor in the same
35 manner as in the case of an original application for a certification of
36 eligibility upon such form as may be required.

1 (d) Once an individual is certified as a tour guide, no new
2 examination upon the subjects referred to in this Section may be
3 required of the individual until three (3) years have elapsed from
4 the date of taking the previous examination.

5 (e) In the event a certification of eligibility or identification
6 badge issued under this Section is lost, destroyed or mutilated, the
7 certified tour guide may obtain a duplicate from the Guam Visitors
8 Bureau upon making satisfactory proof of such fact. Any person who
9 loses a certification of eligibility or identification badge and
10 thereafter finds the original must immediately surrender such
11 original to the Guam Visitors Bureau.

12 **§76304 Guam Visitors Bureau to Administer.** (a) The
13 Guam Visitors Bureau is authorized to develop, write and administer
14 the examination for tour guides required by §76303 of this Article.
15 Upon passing the examination to its satisfaction, the Guam Visitors
16 Bureau shall certify the examinee as having completed the training
17 program by the issuance of a certification of eligibility and
18 identification badge. The Guam Visitors Bureau shall make such
19 rules and regulations as may be necessary to carry out the purposes
20 of this Act.

21 (b) The Guam Visitors Bureau subject to the Administrative
22 Adjudication Act, shall promulgate rules and regulations to govern
23 the standard of conduct of all tour guides. The standards of conduct
24 shall be designed with the intent of insuring that certified tour
25 guides do not act in such a manner as to bring discredit upon Guam,
26 its people and its businesses.

27 (c) The General Manager of the Guam Visitors Bureau shall,
28 before the granting of a tour guide certification of eligibility and
29 identification badge, assign a certification number to each applicant
30 granted a certification of eligibility and identification badge, starting
31 with the figure one (1) by order of their being granted a certification
32 of eligibility and identification badge. The tour guide certification of
33 eligibility shall remain in full force and effect as the identification
34 number for the tour guide throughout the certification year as set
35 forth by the Guam Visitors Bureau.

1 (d) The General Manager of the Guam Visitors Bureau may
2 disapprove the application:

3 (1) If the applicant has failed to furnish the Guam
4 Visitors Bureau the information required in the application or
5 any reasonable additional information requested by the
6 Bureau.

7 (2) If he determines that the applicant has used a false
8 or fictitious name in any application for certification of
9 eligibility, or knowingly made a false statement or knowingly
10 concealed a material fact or otherwise committed any fraud in
11 any such application.

12 **§76305 Violations.** (a) The Guam Visitors Bureau and the
13 Department of Revenue of Taxation may, after proceeding in
14 accordance with the Administrative Adjudication Act, order the
15 revocation of the license of any tour operator or the suspension of
16 any such license for a period not to exceed one (1) year, for violation
17 by the tour operator of any of the rules and regulations or standards
18 of conduct promulgated by the Guam Visitors Bureau. Any person
19 whose license has been revoked by the Guam Visitors Bureau or the
20 Department of Revenue and Taxation shall not be eligible to reapply
21 for the same class of license until a period of three (3) years has
22 elapsed from the date of revocation. Upon such reapplication the
23 applicant shall be treated as a new applicant except that he shall not
24 be eligible for a temporary license.

25 (b) The Guam Visitors Bureau may, after proceeding in
26 accordance with the Administrative Adjudication Act, order the
27 revocation of the certification of eligibility and identification badge of
28 any tour guide or the suspension of any such certification of
29 eligibility and identification badge for a period not to exceed one (1)
30 year, for violation by the tour guide of any of the rules and
31 regulations or standards of conduct promulgated by the Guam
32 Visitors Bureau. Any person whose certification of eligibility and
33 identification badge has been revoked by the Guam Visitors Bureau
34 shall not be eligible to reapply for the same certification of eligibility
35 and identification badge until a period of three (3) years has elapsed
36 from the date of revocation. Upon such reapplication the applicant

1 shall be treated as a new applicant except that he shall not be
2 eligible for a temporary certification of eligibility or identification
3 badge.

4 (c) Any person who uses, attempts to use or has in his
5 possession with intent to use any tour guide certification of eligibility
6 or identification badge not issued to him or, if such certification of
7 eligibility or identification badge issued to him was issued on account
8 of misrepresentation to the Guam Visitors Bureau or to the
9 Department of Revenue and Taxation, shall be guilty of a
10 misdemeanor for a first offense and punished by a fine of not more
11 than One Thousand Dollars (\$1,000.00), or by both such fine and
12 imprisonment, and of a felony of the third degree for subsequent
13 offenses.

14 (d) Any person who photographs, photostats, duplicates or in
15 any way reproduces any certification of eligibility or identification
16 badge or facsimile thereof in such a manner that it could be mistaken
17 for such a certification of eligibility or identification badge, or
18 displays or has in his possession any such photograph, , duplicate,
19 reproduction or facsimile unless authorized by the provisions of this
20 Title, shall be guilty of a misdemeanor for a first offense and
21 punished by a fine of not more than One Thousand Dollars
22 (\$1,000.00), or by both such fine and imprisonment, and of a felony
23 of the third degree for subsequent offenses.

24 (e) The certified tour guide shall have his identification badge
25 issued by the Guam Visitors Bureau in his immediate possession at
26 all times when undertaking any activities listed under the definition
27 of a *tour guide* pursuant to §76301 of this Article and display such
28 identification badge upon demand of a member of the Guam Police or
29 any peace officer or other authorized personnel enforcing the
30 provisions of this Title. Any charge under this Subsection shall be
31 dismissed when the person so charged produces in court a
32 certification of eligibility duly issued to such person and valid at the
33 time of his arrest.

34 (f) In addition to the penalties set forth in this Section, a tour
35 operator or any other person who knowingly employs a tour guide
36 who is not properly certified and licensed in accordance with this

1 Chapter shall be guilty of a misdemeanor for a first offense and of a
2 felony of the third degree for subsequent offenses."