

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

§ 9102. Publication of Rules and Orders.

(a) The Registrar of Corporations shall publish monthly a Commonwealth Register which shall separately state and currently publish for the guidance of the public all:

- (1) Proposed and newly adopted regulations;
- (2) Newly adopted rules other than regulations;
- (3) Newly adopted orders;
- (4) Other notices;
- (5) Orders issued by the President of the United States pertaining to the Commonwealth;
- (6) Emergency orders issued by the Governor.

(b) Not more than 180 copies of each issue of the Commonwealth Register shall be made available to agencies and officials of the Commonwealth free of charge. Upon request, copies shall be made available to other persons at reasonable prices fixed by the Registrar of Corporations to cover mailing and publication costs. All proceeds from the sale of the Commonwealth Register shall be deposited by the Commonwealth Treasurer to the credit of the General Fund.

(c) No agency rule or regulation is valid or effective against any person or party nor may it be invoked by the agency until the rule or regulation has been approved by the Attorney General after review pursuant to 1 CMC § 2153(e) and promulgated in conformance with this chapter.

(d) No agency rule, order, or decision is valid or effective against any person or party nor may it be invoked by the agency until the rule, order, or decision has been published in accordance with subsection (a) of this section, and has been filed with the Registrar of Corporations and the Governor. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

(e) No regulation or other rule adopted by any agency before the date this chapter comes into effect may remain in effect unless the regulation or other rule is filed with the Registrar of Corporations and with the Governor within 10 days of the date this chapter comes into effect as to regulations, and within 90 days thereafter as to other rules, and is published in the Commonwealth Register in accordance with the provisions of this section. Regulations and other rules not filed within that period shall become void and subject to reinstatement only in accordance with the provisions of 1 CMC §§ 9104 and 9105.

Source: 17 TTC § 2, modified; amended by PL 10-50, § 3(a), modified.

Commission Comment: The Commission deleted an obsolete reference to rules issued by the Secretary of the Interior and the Trust Territory High Commissioner (see 17 TTC § 2(1)(e), (f)).

PL 10-50 took effect on March 19, 1997. PL 10-50, § 3(a) created a new subsection (c) and renumbered the then existing subsections (c) and (d) as subsections (d) and (e) respectively. According to PL 10-50, § 1:

Section 1. Findings and Purpose. The Legislature finds that there is currently no agency charged with the duty to review for legal sufficiency rules and regulations promulgated by various government agencies.

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

Pursuant to Public Law 1-8, the Attorney General's responsibility is limited to publication and compilation of rules and regulations. The result of this limitation of responsibility has been the occasional publication of rules and regulations which do not conform to the constitutional or statutory authority on which they are based. In order to avoid such oversight in the future and in order to ensure that the future regulations are in conformity with the Constitution and laws of the Commonwealth, it is the purpose of this legislation to charge the office of the Attorney General with the legal review of all rules and regulations to be promulgated by any governmental authority in the Commonwealth.

In new subsection (c) created by PL 10-50, § 3(a), the word "not" after the words "person or party" has been changed to "nor" to correct a typographical error.

Executive Order 97-03, which was signed on November 13, 1997, transferred the subject duty of the Attorney General set forth in 1 CMC § 2153(b) and related duties and responsibilities of the Registrar of Corporations (set forth in 4 CMC §§ 4201-4204) to the Department of Commerce. As of March 31, 2003, no transfers had taken place. EO 97-03 also called for the substitution of "Registrar of Corporations" or "Registrar" with "Attorney General" in 1 CMC §§ 9101-9115.