# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

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PAGE 3943 to PAGE 3969

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#### PUBLIC NOTICE

# PROPOSED AMENDMENTS TO THE

# NUTRITION ASSISTANCE PROGRAM REGULATIONS DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

The Director of the Department of Community and Cultural Affairs is proposing amendments to regulations governing the administration of the Nutrition Assistance Program in the Northern Marianas.

These amendments to the NAP Manual of Operations pertain to policies and procedures in the areas of:

- 1. Household Definition
- 2. Voluntary Quit
- 3. Issuance and Accountability
- 4. Small Claims
- 5. Claims Procedures

The proposed amendments are available for review during regular working hours, Monday through Friday, at the Department of Community and Cultural Affairs, NAP Division, Lower Base, Saipan, CM 96950.

Anyone interested in commenting on the proposed amendments may do so by submitting comments in writing to the Director, DCCA, Lower Base, Saipan, CM 96950 within thirty (30) days from the date this notice is published in the Commonwealth Register.

DATED:

GILBERT C. ADA Director, DCCA

#### NUTISIAN PUPBLEKU

# MAPRUPONI NA AMNDASION PARA I REGULATION I PRUGRAMAN AGUDON NEGKANNO' DEPATTAMENTON I COMMUNITY YAN CULTURAL AFFAIRS

I Direktot i Depattamenton Community and Cultural Affairs man prupononi amendasion para i regulasion ni ginebebetna i ma'atministran Prugrama Ayudon Nengkanno' gi halon i Sangkattan na Islan Marianas.

Este siha na amendasion para i NAP Manual of Operations ha sasangan i areglo siha yan taimanu ma'aplika'na gi sigiente siha na patte:

- 1. Kinenprendi pot membro gi gima (Household Definition)
- 2. Kinenprendi pot buluntat na para un basta gi checho (Voluntary Quit)
- 3. Arekglamenton ATP yan Coupons ni manafan huhuyong (Issuance Acountability)
- 4. Manma rekohen salapi (mit para papa) nima didibi i NAP nui resipianti (Small Claims)
- 5. Arekglamento pot dibi siha ginen resipianten NAP (Claims Procedures)

I manpruponi na amendasion man'guaha para u ma'ina gi duranten i oran cho'cho' gubenamento, Lunes asta Betnes, gi Depattamenton Kuminida yan Kottura, Dibision NAP, Lower Base, Saipan, CM 96950.

Haye enterasao mana'i ayudu para i mapruponi na mendasion sina ha na'halom i tinige'-na pot i ma sangan na amendasion guato gi Direktot i DCCA, Lower Base, Saipan, CM 96950 gi halom i trenta (30) dias desde i fechan i mapulbika'na gi lepblon i Commonwealth Register.

FECHA:

813/85

GILBERT C. ADA Direktot, DCCA

### AMENDMENTS TO CERTAIN SECTIONS OF THE NAP MANUAL OF OPERATION.

Please amend the NAP Manual of Operation as follows:

# 1. Section V. Eligibility of Households

Section V A. Household Concept, paragraph 1 is amended to read as follows:

1. Eligibility for participation in the program shall be determined on a household basis. A household is defined as an individual or group of individuals who commonly purchase food and prepare meals for home consumption. Members of a household who is 55 years or older and their spouses, or disabled and receiving SSI shall be treated as separate rom the household if there are other adult members of the household.

Section V E. Work Registration, paragraph 8 is amended to read as follows:

8. Voluntary quit. No applicant household whose wage earners voluntarily quit his or her most recent job or reduces his or her regular or normal working hours without good cause thirty days prior to the date the application is received by the State agency or thirty days subsequent thereto shall be eligible for participation in NAP for a period of at least three months beginning with the effective date of the notice of ineligibility. This rule shall not apply to wage earners who voluntarily quit to retire or to work at another job which employs subject wage earner 30 hours a week or more and which pays at least the equivalent of the CNMI minimum hourly wage times 30 each week.

# 2. Section VI. Certification of Households

Section VI O. Claims against Households, paragraph 2 c is amended to read as follows:

- i. The State agency shall initiate collection action on all nonfraud claims unless the total amount of the nonfraud claim is less than ten (10) dollars or the EW has documentation which shows that the household cannot be located.
- The State agency shall initiate collection action by sending the household a written demand letter, which informs the household of the amount owed, the reason for the claim, the period of time the claim covers, any offsetting that was done to reduce the claim, how the household may pay the claim, and the household's right to a fair hearing if the household disagrees with the EW's determination. In addition, the demand letter for nonfraud claims will include a statement which specifies that, if a household falls behind in making payments or is unable to pay the claim, the household's level of

benefits will be affected. If the household pays the claim, the payments shall be accepted and submitted to the State agency's account at the Department of Finance.

- iii. If the household does not respond to the first demand letter within 15 days of the date of the mailing of the first demand letter, the State agency shall send a second demand letter by the close of the next work day. If the household does not respond to the second demand letter within 15 days of the date of the mailing of the second demand letter, the State agency shall either file a claims action in the small claims court for amount outstanding which meets the small claims criterion, or formally refer the case to the Attorney General's Office for its disposition when the amount outstanding exceeds the criterion for small claims. The State agency shall complete the appropriate action by the close of the next work day unless the household responded by paying or agreeing to pay the claim, or until one of the criteria for suspending collection action is met.
- iv. If the household fails to abide by the terms of a repayment agreement, the State agency shall send the household one warning letter. If the household does not respond to the warning letter within 15 days, the State agency shall either file a claim action in the small claims court or refer the case to the Attorney General's Office for its disposition, as appropriate, by the close of the next work day.

Section VI Q. Claims against Household, paragraph 3 b is amended to read as follows:

- i. If a household member is found to have committed fraud (through an administrative determination or by a court of appropriate jurisdiction) the State agency shall initiate collection action by sending the household a written demand letter. The household shall be given the opportunity to settle the claim or sign a formal letter of agreement for restitution. In cases where a household member was found guilty of fraud by a court, the State agency shall request that the matter of restitution be brought before the court.
- ii. If the household does not respond to the first demand letter within 15 days of the mailing of the first demand letter, the State agency shall send a second demand letter by the close of the next work day. If the household does not respond to the second demand letter within 15 days of the date of the mailing of the second demand letter, the State agency shall formally refer the case to the Attorney General's Office for its disposition.
- iii. One month prior to the end of the specified period of disqualification, if the household member found guilty of fraud has not responded to the agreement letter, the State agency shall advise the individual that he/she will remain disqualified until such time as an agreement to repay is executed in accordance with the procedures established in Q6a below. The disqualified member shall not be considered a household member until a repayment agreement is reached. The income and resources of this disqualified member shall be counted

- as part of the household's income and resources in determining eligibility and benefit levels. A demand letter for an unpaid or partially paid claim shall be sent even if the household has previously received a nonfraud demand letter because the time period covered by the claim and the method of collection is different from fraud and nonfraud claims.
- iv. The individual who committed fraud or the remaining household members may begin restitution prior to or during the period of disqualification imposed by NAP or a court of law. The State agency shall follow the procedures for collecting and submitting payments as well as the applicable accounting procedures in paragraphs Q6 and Q7 below.
- v. If the household executes a repayment agreement, the State agency shall follow the procedures prescribed in paragraphs Q6 and Q7 below for collecting and submitting payments or the procedures for reducing the food stamp allotment of the fraudulent individual's household.
- vi. If the State agency can document that the fraudulent individual cannot be located, collection action shall be suspended. A claim shall be determined uncollectible after it is held in suspense for three years.
- Section VI Q. Claims against Households, paragraph 5 b is amended to read as follows:
  - b. If the household member fails to make a payment in accordance with the established cash repayment schedule (either a lesser amount or no payment), the State agency shall send the individual a warning letter explaining that no payment or an insufficient payment was received and requiring a response within 15 days. The State agency shall take one of the following actions depending on the houshold's response:
  - i. If the household makes the overdue payments and wishes to continue payments based on the previous schedule, the household shall be permitted to do so;
  - ii. If the household requests renegotiation, and if the State agency concurs with the request, the EW shall negotiate a new payment schedule and execute a new written agreement with the household. If during the renegotiation it becomes clear to the EW that the full amount cannot be liquidated in one year, he shall recommend that the State agency compromise the claim, if necessary, to an amount that will allow the household to make restitution in three years or less.
  - iii. If the household fails to respond within 15 days the State agency shall either file a claim action in the small claims court or refer the case to the Attorney General's Office for its disposition, as appropriate, by the close of the next work day.

- Section VI Q. Claims against Households, paragraph 6 b is amended to read as follows:
  - b. If the household member fails to make a payment in accordance with the established cash repayment schedule (either a lesser amount or no payment), the State agency shall send the individual a warning letter explaining that no payment or an insufficient payment was received and requiring a response within 15 days. The State agency shall take one of the following actions depending on the household's response:
  - i. If the household makes the overdue payments and wishes to continue payments based on the previous schedule, the household shall be permitted to do so;
  - ii. If the household requests renegotiation, and if the State agency concurs with the request, the EW shall negotiate a new payment schedule and execute a new written agreement with the household. If during the renegotiation it becomes clear to the EW that the full amount cannot be liquidated in one year, he shall recommend that the State agency reschedule the claim payments to allow the household to make restitution in three years or less.
  - iii. If the household fails to respond within 15 days the State agency shall either file a claim action in the small claims court or refer the case to the Attorney General's Office for its disposition, as appropriate, by the close of the next work day.

Section VI Q. Claims against Households, is amended by adding paragraph 8 which reads as follows:

- 8. Small Claims.
- a. Establishment. The Hearing Officer shall file a small claims against recipient households for amounts outstanding which meets the CNMI criterion for small claims in accordance with procedures described in paragraphs 2, 3, 5 and 6 of this Section. Once the date and time for the small claims hearing is established by the court, the Hearing Officer shall provide the client written notice at least 10 days in advance of the court hearing date.
- b. Postponement. The household or its authorized representative may request, for good cause, a postponement of a scheduled small claims hearing up to 30 days. The Hearing Officer shall signify approval of the request for postponement by providing the recipient with a written stipulation stating the new date and time of the court hearing.
- c. Court decision. The decision of the small claims court is binding on both the State agency and the recipient. The claims repayment schedule will be modified, if necessary, in accordance with the court order.

3. Section VIII. Issuance and Use of Food Courons

Section VIII D. Issuance Systems, paragraph 2 is amended to read as follows:

2. Certification documentation. The State agency shall use a notice of changes document and transmit information on household eligibility or participation from the certification unit to the <u>Issuance Accountablility Unit</u> of the State agency.

Section VIII D. Issuance Systems, paragraph 4 a is amended to read as follows:

- a. ATP cards issued by the State agency shall contain, at a minimum:
  - i. Serial numbers;
- ii. Case name, address, and food stamp case number;
- iii. The coupon allotment for the household;
- iv. Expiration date;
- v. Project area for which the ATP card is issued;
- vi. Space for the signature of the household member or the authorized representative; and
- vii. Household size.

Section VIII D. Issuance Systems, paragraph 5 c ii is amended to read as follows:

ii. The participant must sign an affidavit stating that the original ATP card will be returned to the State agency if recovered by the household. The affidavit shall be filed in the casefile. The State agency shall compile a list of ATP cards reported lost during the month and check the ATP Reconciliation Report at the end of the month to determine if lost ATP cards were used to obtain coupons. The State agency shall investigate incidences of lost ATP cards which were transacted and based on its findings, take appropriate action.

Section VIII G. Reconciliation, paragraph 1 a shall be amended to read as follows:

a. The State agency shall verify the number of transacted ATP cards received from the coupon issuer and the total value of authorized coupon issuances. The reconciliation process will be completed and a reconciliation report will be issued no later than 2 working days after the end of the month in which the transacted ATP cards were in effect.

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COMMONWEALTH PORTS AUTHORITY 19

Main Office: SAIPAN INTERNATIONAL AIRPORT

P. O. BOX 1055 • SAIPAN • CM 9695@ffice of Registrar of Corporations

Commonwealth of the Northern Marian & islands

PUBLIC NOTICE OF PROPOSED AMENDMENT TO CPA RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC §2122(i) and in accordance with the provisions of 1 CMC §9104(a), hereby gives notice to the public of its intention to amend the regulations of the Commonwealth Ports Authority concerning wharfage charges on transshipped cargo. The proposed amendment is published herewith.

All interested persons will be given a reasonable opportunity to submit data, views, or arguments, in writing, concerning the proposed amendment. Written comments must be submitted to the Executive Director, Commonwealth Ports Authority, not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

DATED, this 26/Kday of July, 1985:

J.M. GUERPERO, Chairman

Board of \*irectors

Commonwealth Ports Authority

# COMMONWEALTH PORTS AUTHORITY



Main Office: SAIPAN INTERNATIONAL AIRPORT P. O. BOX 1055 • SAIPAN • CM 96950

# NOTISIAN PUBLIKO

I Commonwealth Ports Authority, sigun gi Seksiona 2122(j), Titulo Numero 2, Kodikon i Commonwealth, yan sigun gi probision siha nui Seksiona 9104(a), Titulo Numero 1, Kodikon i Commonwealth, ha notitisia i publiko pot i intension para uma-amenda i regulasion i Commonwealth Ports Authority pot i apas i transshiped cargo. I mapropopone na amendasion mapublika quine.

Todos personas ni man interesao siempre manae opportunidad ni unfanmatugi ya umasubmiti opinion pot este na mapropopone na amendasion gi Executive Director, Commonwealth Ports Authority, gi halom trenta (30) dias despues de mapublika este na Noticia.

FECHA i Julio dia 20, 1985:

J.M. GUERRERO, Chairman

Board of Directors

Commonwealth Ports Authority

VOL. 7 NO. 8 AUGUST 15, 1985

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# COMMONWEALTH PORTS AUTHORITY



Main Office: SAIPAN INTERNATIONAL AIRPORT P. O. BOX 1055 • SAIPAN • CM 96950

# AMENDMENT TO TERMINAL TARIFF

- 1. Section B of Part III of the Terminal Tariff is hereby amended to read as follows:
  - "В. (1) Provided the ocean bill-of-lading reads transshipment, and the cargo does not leave the control of the inward or outward carriers at the port while awaiting transshipment, and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, and (a) if the final destination of the cargo is a port outside the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall not apply. Instead, the wharfage rates for such cargo will be Sixty-Three Cents (\$.63) per revenue ton. The minimum charge per bill-of-lading will be Sixty-Three Cents (\$.63); or (b) if the final destination of the cargo is a port within the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall apply provided that cargo upon which wharfage charges

have been paid at the port of transshipment shall not be subject to a wharfage charge at the port of final destination. Alternatively, the Executive Director may provide for the collection of wharfage charges at the port of final destination.

- (2) Except where the Executive Director has provided for the collection of wharfage charges at a port of final destination within the Commonwealth, in which case the second carrier is responsible for the payment of the charges specified in this Paragraph (B), the first carrier is responsible for the payment of the charges specified in this Paragraph (B), at the port at which the cargo is transshipped.
- (3) In the event that the cargo is not transshiped as provided for in the bill-of-lading, the regular wharfage rates as provided in Paragraph A of this Part III shall apply, and shall be collected from the first carrier at the port at which the cargo first enterss the Commonwealth."

Amendment to Terminal Tariff Page 3.

2. This amendment shall take effect upon its adoption by the Board of Directors, and upon its promulgation in the manner provided by law.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

# PUBLIC NOTICE

PROPOSED AMENDMENTS
TO THE
COMMONWEALTH BOARD OF NURSE EXAMINERS'
RULES AND REGULATIONS

The Chairperson of the Commonwealth Board of Nurse Examiners hereby proposes amendments to the Rules and Regulations governing nurse licensure.

These amendments pertain to:

1. Licensure by Endorsement

2. Application Procedure for Licensure by Endorsement

3. Application Procedure for Licensure as a Nurse Midwife

4. Faculty Requirement for Approved Schools of Nursing

The proposed amendments are available for review during regular working hours, Monday through Friday, at the Office of the Director of Public Health and Environmental Services, located at Dr. Torres Hospital, San Vicente, Saipan, CM 96950.

Anyone interested in commenting on the proposed amendments may do so by submitting comments in writing to the Commonwealth Board of Nurse Examiners within 30 days from the date this notice is published in the Commonwealth Register.

august 2, 1781

Chairperson, Commonwealth Board of Nurse Examiners

# NUTISIAN PUBLEKU

# MAPRUPONI NA AMENDASION PARA I AREKLAMENTON YAN I GOBIETNAMENTON I COMMONWEALTH BOARD OF NURSE EXAMINERS

I maniyanten i Commonwealth Board of Nurse Examiners man-u ofrefresi amendasion para i areklamenton i lisensian i enfetmera guini gi halom i CNMI.

Este na amendasion aplilika i man sigiente siha na patte:

- 1. Lisensia pot ma endotsa
- 2. Maneran i aplicasion pot i lisensian ma endotsa
- 3. Maneran i aplicasion para i lisensian man pattera na enfitmera
- 4. Afuetsamente manmaestra/maestro para i manmapreba na escuelan enfitmera

I mapruponi na amendasion mana'guahayi para u ma'lie' osino ma'taitai gi duranten i oran cho'cho', Lunes asta Betnes, gi officinan i Direktot i Public Health yan Environmental Services gi Hispitat Dr. Torres giya San Vicente, Saipan, CM 96950.

Haye enteresao mana'i ayudu para i mapruponi na amendasion sina ha muna'halom i tinige'-na pot i ma sangan na amendasion guato gi Commonwealth
Board of Nurse Examiners gi halom i trenta dias desde i fechan i mapupblika'na gi lepblon i Commonwealth Register.

august 2, 1981 Fecha

Delfina V. Maribusan
Chairperson, Commonwealth Board of
Nurse Examiners

# PROPOSED AMENDMENTS TO THE COMMONWEALTH BOARD OF NURSE EXAMINERS! RULES AND REGULATIONS

<u>Section</u>	Pro•osed Amended Language
I,C,1,c	"Passage of a licensing examination, with a current license to practice issued by another state or territory of the United States, and or from another country at the discretion of the Board, and"
I,C,2,c	"Applicant must submit a verification of license by examination, in English, from the state or territory, or another country where licensed. Any fees required for verification shall be paid by the applicant."
III,B,5	"The Board of Nurse Examiners will respect the laws and regulations of another state or territory of the United States. However, an applicant who has taken the licensing examination in another state and has not passed those examinations shall be evaluated by the Board of Nurse Examiners to determine eligibility under Commonwealth laws and regulations, at the discretion of the Board."
V,G,1,a	"A current license to practice as a registered nurse in the Lønnønwealth United States or U.S. territor, and the Commonwealth of the Northern Marianas."

August 2, 1985 Date

belfina V. Manibusan Chairperson, Commonwealth Board of Nurse Examiners

### EMERGENCY REGULATIONS

# PUBLIC LAW NO. 4-51: SHOOTING GALLERY

EMERGENCY: The Attorney General hereby finds under 1 CMC §9105(b) talks he public interest requires the adoption of regulations which set minimum standards and qualifications for shooting gallery licensees since Public Law No. 4-51 requires licensing pursuant to a rule of "first come first served" and by emergency regulations promulgated on the day the bill passed the date set for application is August 16, 1985 at 3:00 p.m. Application by orderly process would be impossible without an application form and specific criteria set out for the operation of a shooting gallery. It should be noted that in some areas criteria is still not specific, such as in training, because more research has to be completed.

CONTENT: The regulations provide for the location of the business, its poysical structure, rules of operation, types of weapons, record keeping, qualifications of licensee and employees, insurance and indemnity, revocation and application procedure.

PROPOSED REGULATIONS: These regulations are proposed for adoption. Comments on their content may be sent to the Attorney General, Nauru Building, Saipan, CM 96950. A public hearing may be requested by government agencies. All comments will be carefully considered before the adoption of regulations.

AUTHORITY: The Attorney General is authorized to promulgate regu ations under Section 5 of Public Law No. 4-51.

Certified by: Tex oud

REXFORD C. YUSA K

Attorney General\_

Concurred by:

PEDR P. TENORIO

Governor

Date of Filing

Régistrar of Corporations

## EMERGENCY NA AREKLAMENTO

PUBLIC LAW NO. 4-51: SHOOTING GALLERY

EMERGENCY: I Abugadun Henerat hasoda gi papa i 1 CMC § 9105(b) na i enteres i publiku hanisisita na uma adopta i areklamento siha niha plaplanta i minimum standards yan kualifikasion siha para i shooting gallery na licensia segum gi Public Law 4-51 ni hanisisita licensia segum gi areklum i "finenena matto finenena masetbe" yan gi emergency na areklamento siha ni ha propoponi gi haanen i lai ni mapasa gi fecha anae para uma aregla i aplikasion gi Agusto 16, 1985 gi alas tres gi taloane. Aplikation gi areklao na manera sina ha ti pomosible yangen tima fotma i aplikation yan kabales na infotmasion ni para un manea i shooting gallery. Debi na inrepara sa guaha na bandan infotmasion ti gof kabales, tat kono i training, sa guaha mas inestudiaye debi na uma komple.

KONTENTO: I areklamento siha hana guguaha para lugat i business, i mauleg na estroktura, areklon i maneanti, klasen atmas siha, leblon nota, kualifikasion siha para licensia yan emplehao siha, insurance yan kompensasion, deneroga yan sisteman aplikasion.

PROPOSITUN AREKLAMENTO SIHA: Este siha na areklo ha propoponi para uma adopta. Kueston sika ginen este na areklamento sina mana hanao guato gi Ofisinan i Abugadun Henerat, Nauru Building, Saipan, CM 96950. I enekungok i publiku sina ma rekuesta ni eyensian i gobietno. Todo kuestion siha uma konsidera antes de uma adopta este na areklamento siha.

ATURIDAT: I Abugadun Henerat ma aturisa para uproponi este na areklamento siha gi papa Sectiona 5 gi Public Law No. 4-51.

Settifika as:

Rex prd C. Kosack

Abugadun Henerat

KINENFOTME as:

Pedro P. Tenorio

Gobietno

Ha'ani ni ma rehistra

Rehistran i Corporations

Office of Rigistric of Commonwealth of the Norther

## EMERGENCY REGULATIONS

Providing for the Application for Licenses for Shooting Galleries.

Authority: The Attorney General, under his authority to promulgate regulations for the licensing of two shooting galleries as provided for in Section 5 of Public Law No. 4-51, hereby promulgates emergency regulations to define "first come first served" by providing an application acceptance date.

Emer:ency: The Attorney General hereby finds under 1 CMC §9105(b) that Re public interest requires adoption of regulations which define "first come first served". The usage of this language presents many issues left unanswered by the legislation:

- 1. are applications submitted prior to the passage of Senate Bill No. 4-30 acceptable?
- 2. is one an "applicant" who merely sends a letter of intent because no application forms have been drafted yet?
- should "applications" be rejected until regulations are promulgated setting forth the necessary qualifications to be awarded a license?
- in order to have a fair application process shouldn't there first be public notice so that every person has an equal chance to have knowledge that there will be only two licenses issued by the Attorney General's Office?

The Attorney General finds that these unresolved issues open up serious possibilities of litigation if "applications" are filed before the regulations are drafted. For that reason, a waiting period of thirty (30) days would be harmful as all the events would necessarily occur before the effective date of the regulations. These emergency regulations will take effect only minutes after the signing of Senate Bill 4-30 into law.

Content: The regulations provide for public notice of the app ication procedure, the drafting of an approved application form, and the filing of the applications on August 16, 1985 at

3:00 p.m. This will allow sufficient time for regulations to be drafted in advance of the date of application setting forth the necessary qualifications.

Certified by: 

REYFORD C. KUSACK

REYFORD C. KUSACK

A Lorney General

Concurred by: 

PEDRO F. TENORIO

Governor

Date

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# SHOOTING GALLERY REGULATIONS

- Section 1. Pur ose. The purpose of these regulations is to provide an interpretation of Section 5 of Public Law No. 4-5/ which provides for a maximum of two shooting gallery licenses to be awarded by the Attorney General to qualified applicants on a "first come first served basis".
- Section 2. Application Date. No application shall be accepted prior to  $3:0 \cdot p.m.$  on August 16, 1985.
- Section 3. Notice. The application date shall be advertised in a newspaper o general circulation in the Commonwealth at least once prior to the application date.
- Section 4. Location. Applications must be turned in at the Department o Finance (Treasury) collection window at the Government Center in Susupe, Saipan, CM.
- Section 5. Application Form. Only applications on the approved application orm will be accepted. Approved forms will be available at the Office of the Attorney General after the application date is advertised. Applicants whose answers are nonresponsive on the form will be disqualified.
- Section 6. First Come. Applications will be accepted first from those persons c osest to the window.

#### SHOOTING GALLERY REGULATIONS

#### I. GENERAL

Section 101. Pur ose. Section 5 of Public Law No. 4-51 requires the Attorney Genera to promulgate regulations for the licensing and safe operation for a maximum of two shooting galleries.

Section 102. Findings. The Attorney General hereby makes the following findings upon which the regulations are based:

- Over the past five years there has been a serious and alarming increase in the number of crimes committed with firearms.
- Accidents associated with the mishandling of firearms have injured and killed both adults and juveniles in the Commonwealth.
- The introduction of shooting galleries to promote tourism poses a significant threat to the health and safety of the citizens of the Commonwealth if not carefully regulated. Weapons lost may be used to commit crimes. Weapons mishandled may injure innocent patrons and, in fact, harm tourism.
- The exposure of persons who are under 21 years of age to firearms will encourage them to possess firearms before they are legally capable of doing so under 6 CMC §2205(a).
- The noise created by shooting firearms may be so loud and persistent as to create a public nuisance.

### II. APPLICATION PROCEDURE

Section 201. Number of Shooting Galleries. The Attorney General shall license two shooting galleries for operation in the Commonwealth. Shareholders with greater than a five percent (5%) interest, directors and officers of one shooting gallery shall have no legal interest in the other shooting gallery.

Section 202. Application Form. Applications will be accepted only upon an approved orm. The form attached to these regulations is the only approved form. Applications will be rejected without recourse to an appeal or hearing if answers are not complete and responsive.

Section 203. Application Deadline. Applications will be accepted no earlier than August 16, 1985 at 3:00 p.m. at the Department of Finance (Treasury) collection window at the

Covernment Center in Susupe, Saipan. Unless the law is amended prior to that time, applications will be accepted on a first come first serve basis.

Section 204. Award. Licenses will be awarded to the first two applicants who have properly completed the application form and who have proven that they qualify under all the criteria set by these regulations. Upon notice of award, the applicants will have two days in which to pay their license fee. Late payment will disqualify an applicant.

Section 205. Eligibility. Licenses may be granted only to interim U.S. citizens, U.S. citizens, or permanent residents as defined by Public Law No. 5-11.

Section 206. Fee. A license fee of Five Thousand Dollars (\$5,000.00) is due on January 2 of each year. For the first year the fee shall be apportioned to reflect the number of days remaining in the calendar year.

# III. LOCATION OF SHOOTING GALLERY

Section 301. Uninhabited Area.

- a. A shooting gallery must be located in an uninhabited area.
- b. An uninhabited area is an area which is at least one mile distant from any dwelling, abode, residence, apartment, office, store, school, church, hospital, or other building which is occupied at least once per week.
- c. An uninhabited area must also be more than one mile distant from any tourist site or place of recreation.
- Section 302. Overriding Principles. An uninhabited area will be deemed unacceptable for a shooting gallery if the Attorney General finds, after a public hearing, that:
- a. it poses a threat of physical harm to any person in its proposed location, or
- b. the noise created by the activity would disturb any person.

## IV. SHOOTING GALLERY BUILDING

Section 401. One Buildin: A shooting gallery shall be limited to only one single story building.

Section 402. Restrictions on Visibility.

a. No shooting activity shall be visible to the public COMMONWEALTH REGISTER VOL. 7 NO. 8 AUGUST 15, 1985 PAGE 3964

outside of the shooting gallery.

b. No guns or ammunition shall be visible to the public outside of the shooting gallery.

Section 403. Sign Restrictions.

- a. All signs on the premises or posted at other locations to advertise the shooting gallery must be aesthetic, non-obtrusive, and blend in with their surroundings.
- b. No such sign shall contain writing other than English unless the writing is translated into English on the sign.
- c. The Attorney General shall approve all such signs before they are posted. If no decision is made within 14 days of a request, the request will be deemed approved.

Section 404. Parking Areas. All parking areas adjacent to the shooting gallery shall be kept clean of trash and weeds and shall be well lit at night until one hour after closing.

Section 405. <u>Buildin: Material</u>. The shooting gallery shall be completely enclosed by at east four walls and a roof. Each shall be constructed with concrete, brick or other material of such a thickness to ensure that it is impenetrable to a .22 caliber bullet.

Section 406. Fixtures. All fixtures located in the shooting gallery shall be enc osed to ensure that no injuries can occur to any person should the fixture be hit with a projectile.

Section 407. Emer:ency Power. There shall be emergency lights to cover all shooting positions, each doorway, the entrance and the armory that will turn on automatically should there be any power failure.

Section 408. Food and Beverages. No food or beverages may be sold or allowed in the builting housing the shooting gallery.

Section 409. Alcoholic Beverages.

- a. No alcoholic beverages shall be sold on the premises of the shooting gallery.
- b. No person who appears to be under the influence of alcohol or a drug shall be allowed in the shooting gallery.

Section 410. Entrance. There shall be only one entrance to the shooting gallery. The business must post a security guard at the entrance to ensure that:

- a. only patrons enter,
- b. section 408 is observed,
- c. section 409 is observed,

- . no one under age 21 is admitted, and
- e. no weapons or ammunition of any type is brought in.

Section 411. Sin:le Business. No business other than the operation of a shooting gallery shall be conducted on the premises.

Section 412. <u>Waiting Area</u>. Any waiting area is intended solely for the use of patrons. A security guard shall ensure that no persons are allowed to loiter in the area without any legitimate purpose. The waiting area shall be located in a safe area and constructed in a manner that ensures the safety of the persons located therein.

Section 413. Hours of Operation. The shooting gallery shall not open before 8:00 a.m. and shall close by 10:00 p.m.

Section 414. A:e Limit. No person under the age of 21 years shall be admitted to the shooting gallery. A sign warning of this restriction shall be conspicuously posted at the entrance.

Section 415. Range. The shooting range must meet the minimum standards set by the National Rifle Association.

Section 416. Range Rules. The shooting gallery must adopt range rules which are approve by the Attorney General and posted conspicuously.

#### V. WEAPONS

Section 501. Type. The shooting gallery may not use nor may the owners, employees or patrons possess any handgun, automatic weapon, rifle larger than .22 caliber, or any shotgun. The weapons and ammunition that may be utilized within the shooting gallery are those firearms permitted under Chapter 2 of Title 6 of the Commonwealth Code with the exception of shotguns.

Section 502. Age. All weapons when first used at the shooting gallery shall be new. No weapon may have been used by a prior owner.

Section 503. Insection. All weapons before being utilized at the shooting gatery must be certified in writing to be in a safe and operable condition by a suitable inspector. Thereafter, such weapons must be inspected every 90 days to be re-certified.

Section 504. Identification. The business operating the shooting gallery shall assign a unique serial number to each firearm and shall cause the number to be inscribed on the firearm in a manner that will resist removal, alteration, defacement or obliteration. The numbers shall be recorded along with the manufacturer's serial number and a description of the firearm in a log that shall be presented to the Attorney General before utilizing the firearms.

Section 505. Storage. All weapons and ammunition must be stored on the premises in a fireproof safe which is set in concrete. Weapons shall be taken from the safe only to be inventoried, cleaned, repaired, fired by a patron or an employee in the shooting gallery, or certified to be in good condition.

Section 506. <u>Inventory</u>. An inventory of all weapons by business and manufacturer seria number and of all ammunition shall be completed and signed at the beginning and end of each shift each day. The daily inventories shall be provided for the entire week on Monday to the Attorney General. A weekly inventory shall be conducted and verified on Monday by a member of the Department of Public Safety.

Section 507. Lost Weapons. If any weapon or any ammunition is lost, the Attorney Genera shall be notified within eight (8) hours.

Section 508. Number of Wea.ons. No business may possess more than ten (10) rifles unless good cause is shown for a greater number. Only a reasonable amount of ammunition, certified by the Attorney General, shall be allowed on the business premises.

Section 509. Personal Wea.ons. No personal weapons may be used within the shooting gallery, except by law enforcement at a time when no private patrons are using the shooting gallery.

Section 510. Missin: Weapons. If any weapon is missing or unaccounted for at any time, a penalty of Five Thousand Dollars (\$5,000.00) shall be assessed by the Attorney General against the licensee. The penalty shall be paid within ten (10) days.

# VI. SAFETY

Section 601. Tariets. Targets must be fixed and located in an area where there is sufficiently strong backdrop to ensure no penetration and no ricochet.

Section 602. Ear Guards. Patrons and employees must wear ear guards while on the firing line.

Section 603. Range Master. There shall be a qualified range master on the firing line at all times to ensure that firing is conducted in an orderly and safe manner.

# VII. INSURANCE

Section 701. <u>Insurance</u>. Each shooting gallery must obtain liability insurance in an amount of Three Hundred Thousand Dollars (\$300,000.00) to cover the acts and omissions of its employees, owners, agents, patrons, and the Commonwealth Government.

ection 702. Hold Harmless. No patron shall be allowed to use the shooting gallery without first signing a proper legal agreement in their native language explained to them in that language which waives all claims of liability against the gallery and the government that may arise out of use of the gallery.

Section 703. Defense of Suits and Indemnify. The licensee shall defend all suits against the government at his own expense and shall indemnify the government for all loss it sustains as a result of conducting its business. No license shall be granted without this agreement in writing.

# VIII. QUALIFICATIONS

Section 801. Qualifications. All owners and employees of a licensed shooting gallery must:

- a. possess a valid firearms identification card within 20 days of receiving a license,
  - b. possess no criminal convictions,
- c. be a U.S. citizen, interim U.S. citizen or a Public Law No. 5-11 permanent resident, and
- d. possess 50 hours of firearm training in a course and by an instructor approved of, in writing, by the Attorney General. A range master must possess 80 hours of firearm training. In each case, one must have successfully completed such a course.

### IX. RECORDS

Section 901. <u>Patrons</u>. A list of all patrons, their nationality, their entry permit status (if any), age, the money they expended, the weapon used and the ammunition expended shall be kept current.

Section 902. Shift Recorts. All security guards must write a shift report for eac. shift detailing their activities and any incidents during their shifts.

Section 903. Trainin: Reports. A report on the training of all employees shall be cept in their personnel file.

Section 904. •uarterly Reports. The above reports shall be supplied quarter y to the Attorney General.

Section 905. Financial Audit. A financial audit shall be done by a professional accounting firm to standards set by the Public Auditor every six months on costs, gross receipts and net profits which shall be supplied to the Attorney General.

## X. MISCELLANEOUS

Section 1001. Annual Review. The Attorney General shall conduct a review annually on whether the license shall be continued. This review shall examine compliance with these regulations, police intervention, nuisance, and public reaction. As part of this review, a public hearing must be held.

Section 1002. License Fees. The first year's license fee shall be apportioned by the number of days remaining in that year.

Section 1003. Emergency. Upon request of the Attorney General in any emergency, the shooting gallery shall promptly close until allowed to re-open.

Section 1004. License Revocation. Each license is good for only one year. A license may •e revoked before that time for the violation of any law or regulation after a hearing is conducted under the Administrative Procedure Act.