COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS

VOLUME 11 NO. 07



JULY 15, 1989

commonwealth

register

COMMONWEALTH REGISTER

July 15, 1989 Volume 11 No. 7

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NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

EMERGENCY: The Board of Elections hereby finds under 1 CMC §9105 that the public interest requires the adoption of emergency regulations to establish procedures by which the Attorney General shall certify popular initiative petitions that propose amendments to the Commonwealth Constitution. Presently no regulations exist regarding the certification of petitions. The next regular general election shall occur on November 4, 1989 and an initiative petition is being circulated which proposes an amendment to the Commonwealth Constitution. Deadlines affecting the certification process must be established far in advance of the election date. Utilization of the emergency regulation procedures will avoid a two month delay in establishing deadlines and procedures for the certification process. Certifying petitions by an orderly and fair process would be difficult without rules and regulations in place months prior The Board of Elections finds that the public to the election. interest requires the proposed regulations to be effective, as emergency regulations, upon filing this notice and the regulations with the Registrar of Corporations. These regulations shall remain in effect for a period not to exceed 120 days.

The regulations establish deadlines for determining the number of registered voters in the CNMI on which to base the signature percentage requirements, and for filing all initiative petitions with the Attorney General. The regulations also define terms used in the CNMI Constitution and statutes relating to initiative petitions, certifying petitions, and submitting petitions to the voters. Further, the regulations establish quidelines for obtaining signatures for an initiative petition.

<u>PUBLIC COMMENTS</u>: Comments on the content of these regulations may be sent to Mr. Pete P. Reyes, Board of Elections, P.O. Box 470, Saipan, MP 96950. A public hearing may be requested by government agencies. All comments will be carefully considered.

The Board of Elections is authorized to promulgate AUTHORITY: regulations under 1 CMC §6104.

Dated this /9/4 day of June, 1989.

Certified by:

Pete P. Reyes

Chairperson Board of Elections

Registrar of Corporations

JULY 15, 1989

NOTICIA NA ADOPTA I EMERGENCY NA AREKLAMENTO

I Board of Election hasoda gi papa i 1 CMC §9105 na i publiku hanisisita na uma adopta i emergency na areklamento siha para u-estableshi manera ni sina i Attorney General settifika i popular initiative na petitions ni ma propopone ma amenda siha para i Commonwealth Constitution. Gi presenti taya areklamento siha pot este i ma settifikan i petition siha. Gi otro na henerat botasion para u-huyong gi Novembre 4, 1989 yan i initiative petition ni mana fan-liliko ni ma propopone i amendasion para i Commonwealth Constitution. I man ma settifikasion niha este siha manma estableshi adelantao antes di haanen botasion. I ma-usan este na emergency na areklamento siha para uletke i dos meses na inatrasao ni ma estableshi para i manma settifikasion niha. settifika na petition siha qi manera yan areklao sina ha qumai problema yangin taya otden yan areklamento siha ma polo mesis antes I Board of Election hasoda siha na i publikun de botasion. interest hanesisita i propositun areklamento siha para ufectibo, gi emergency na areklamento siha, gigun mana halom este na areklamento gi Registrar of Corporations. Este siha na areklamento u-enefekta gi halom 120 dias.

SINAHGUAN: I areklamento siha ha establebleshi fecha ni para udet temina i numeron i registered voters gi CNMI ni para ugia i signature percentage na areklamento siha, yan i mana halom i initiative petitions gi Abugadun Henerat (Attorney General). I areklamento siha lokue hadefine i tiempo ni mausa gi halom i CNMI Constitution and statutes pot i initiative petitions, settifikan i petition siha yan manahalom i petition siha gi man-man bobota. Otro, areklamento siha ma estableshi guidelines ni para man man fitma para i initiative petition.

KONTENTON I PUBLIKU: Kueston siha ginen esta na areklamento sina mana hanao guato gi as Sinot Pete P. Reyes, Board of Elections, P.O. Box 470, Saipan, MP 96950. I enekungok i publiku sina ma rekuesta ni eyensin i gobietno. Todo kueston siha siempre ufan ma konsidera.

ATURIDAT: I Board of Election ma aturisa para u-proponi este na areklamento siha gi papa 1 CMC §1604.

Fecha gi 1944 dia JUNIO, 1989.

Settifika as: _

PETE P. REYES

Chairperson Board of Elections

REGISTRAR OF CORPORATIONS

Fecha: 6-19-89

6274

REGULATIONS GOVERNING THE CERTIFICATION OF SIGNATURES FOR PROPOSED CONSTITUTIONAL AMENDMENTS BY POPULAR INITIATIVE

ARTICLE I. GENERAL PROVISIONS

Section 1-101. Purposes.

Article XVIII of the CNMI Constitution provides that before the Board of Elections shall place on the ballot an initiative petition that proposes a constitutional amendment, the Attorney General's Office shall certify that the requirements of Article XVIII, Section 4, Subsection (a) have been met. The intent of these regulations is to establish procedures and guidelines by which the Attorney General shall certify that the requirements of Article XVIII of the CNMI Constitution have been met, prior to such petitions being placed on an election ballot.

Section 1-102. Authority.

These regulations are promulgated pursuant to 1 CMC § 6104 and Article XVIII of the CNMI Constitution, whereby the Attorney General is required to certify that an initiative petition proposing an amendment to the CNMI Constitution meets the requirements of Article XVIII, Section 4, Subsection (a) of the CNMI Constitution.

Section 1-103. Severability.

If any provision of these regulations or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations and to this end, the provisions of these regulations are declared to be severable.

ARTICLE II. NUMBER OF SIGNATURES REQUIRED

Section 2-101. Board of Elections to Determine.

The number of persons qualified to vote in the CNMI, for purposes only of determining the percentage of voters who must sign an initiative petition, shall be determined by the Board of Elections as of 4:30 p.m. on the date that is 120 days prior to the next general election. For purposes of determining whether voters have signed a petition in sufficient numbers to place it on the ballot pursuant to Article XVIII, Section 4, Subsection (a), an individual shall be considered qualified to vote if he or she: (a) is eligible to vote as defined in 1 CMC §§ 6201-6204, and (b) has properly registered to vote with the Board of Elections as of 4:30 p.m. on the date that is at least 120 days prior to the next regular general election.

Section 2-102. Who May Sign Petition.

An individual may sign an initiative petition, and the Attorney General shall count such signature, if he or she: (a) is eligible

to vote as defined in 1 CMC §§ 6201-6204, and (b) has properly registered to vote with the Board of Elections at the time he or she signs the petition.

ARTICLE III. ATTORNEY GENERAL CERTIFICATION

Section 3-101. Submitting Petition to Attorney General.

A petition and the required number of signatures shall be submitted to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later than 4:30 p.m. on the date that is 100 days prior to the next regular general election. The Attorney General shall not certify any petitions that are submitted after this deadline except as provided herein.

Section 3-102. Contact Person.

Every petition submitted to the Attorney General's Office shall be accompanied by a written statement identifying the name of a person submitting the petition, and his or her address and phone number. The Attorney General may, in his or her discretion, refuse to certify petitions that are not accompanied by this information.

Section 3-103. Petition and Signature Pages.

Each petition shall contain the full text of the proposed amendment, and all signature pages shall be attached to a copy of the petition containing the full text of the proposed amendment. Each signature line shall be numbered. The signature pages shall

contain a place for the signing party to provide the following information:

- (a) Signature;
- (b) Printed name;
- (c) Date of birth or voter registration affidavit number;
- (d) Mailing address;
- (e) Voting district; and
- (f) Date of signature.

Section 3-104. Affidavit Accompanying Petition and Signatures.

Each petition and attached signature pages shall be submitted to the Attorney General with an affidavit signed by the individual or individuals who circulated the petition and obtained the signatures stating the following:

- (a) That the person signing the affidavit is the person who obtained the signatures attached to the petition;
- (b) That the person signing the affidavit witnessed the execution of all signatures attached to the petition, and to the best of his or her knowledge the signatures are of the persons who they purport to be; and
- (c) When the signatures were obtained, a copy of the full text of the petition was attached to the signature pages and each person signing was advised of its presence.

Section 3-105. Attorney General To Advise Petitioning Party Regarding Certification.

Seventy-one (71) days prior to the next regular general election, the Attorney General shall notify the individual or organization who submitted the petition how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If signatures totalling fifty percent of the qualified voters in the CNMI were submitted as specified in these regulations, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the individual or organization who submitted the petition shall have an additional five (5) days to file signatures in support of the petition, but in any event such additional signatures shall be submitted to the Attorney General by 4:30 p.m. on the date that is 66 days prior to the next regular general election. If signatures totalling fifty percent of the qualified voters in the CNMI were not submitted as specified in these regulations, the party circulating the petition shall not receive any additional time to obtain signatures.

ARTICLE IV CERTIFIED PETITION SUBMITTED TO THE LEGISLATURE Section 4-101. Deadline for Submitting Petition to Legislature.

The Attorney General shall submit all petitions which he or she has certified as complying with Article XVIII, Section 4, Subsection (a) of the CNMI Constitution, to the Legislature no later than sixty-one (61) days prior to the next regular general election.

ARTICLE V CERTIFICATION TO THE BOARD OF ELECTIONS.

Section 5-101. Attorney General's Certification to Board of Elections.

The Attorney General shall provide the Board of Elections with a written certification regarding each petition that is submitted to the Attorney General. This certification shall advise the Board whether or not the petition has complied with the requirements of Art. XVIII, Section 4, subsection (a) of the CNMI Constitution, and shall be provided no later than 4:30 p.m. on the date that is sixty-one (61) days prior to the next regular general election.

Section 5-102. Amendment Proposed.

A constitutional amendment shall be considered proposed, as that term is used in Article XVIII, Section 5, Subsection (a) of the CNMI Constitution, when it is certified by the Attorney General.

ARTICLE VI. DEADLINES.

Section 6-101. Determination Deadlines.

If any deadline specified in these regulations falls on a Saturday, Sunday, holiday, or non-work day, the date specified shall be the immediately preceding work day.

Date: 6/19/89



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC SAFETY

Saipan, Mariana Islands 96950



Edward Manibusan Director

Gregorio M. Camacho Deputy Director

Chief of Administration

Vicente T. Seman Chief of Corrections

Jerry P. Crisostomo Chief of Fire

Mai Joseph M. Castro Police Operations

NOTICE OF AMENDED RULES AND REGULATIONS DEPARTMENT OF PUBLIC SAFETY BUREAU OF MOTOR VEHICLE

PUBLIC LAW 5-22

PROPOSED REGULATIONS

The Director of Public Safety is hereby proposing to amend the Rules and Regulations published in the Commonwealth Register Vol. 9 No. 8 dated September 15, 1987. notice of amended regulations is being made to incorporate rules regarding lighting and electrical systems, vehicle glazing and their inspections thereof.

CONTENTS

These regulations govern the additional requirements and procedure(s) for the inspection pertaining to lighting and electrical systems and vehicle glazing as established in Volume 9, Number 8, of the Commonwealth Register.

Pursuant to 1 CMC \$9104, comments regarding the contents of these regulations may be sent to the Office of the Public Safety, Director, Department of Civic Center, Susupe, Saipan, MP 96950 within thirty (30) days from the date of this publication in the Commonwealth Registry.

Dated this **20** day of

Director of Public Safety

EDWARD MANIBUSAN

Facsimile - (670) 234-8531 Cable - c/o GOV, NMI Saipan Administrative Division (670) 234-6823/8536

Central Station 234-6333/7271/6431

Corrections Division 234-7254/8534

234-6222/9222/3437

Patrol Division/Public Relations 234-7271/8536

Investigation Section 234-7208

Juvenile Unit 234.9136

Motor Vehicle Bureau 234-6921/9137

Highway Safety Office 234-6021/6055 Traffic Section 234-7212/7153

Boating Safety Office 234-7212

Training

Academy 234-5639

EMERGENCY - 911



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC SAFETY

Saipan, Mariana Islands 96950



Edward Manibusan Director

Gregorio M. Camacho Asst. to Director

Judie Decaille Chief, Admin, Div

Vicente T. Seman Chief of Corrections

Chief of Fire

Jose SN Babau ta Chief of Police

NOTISIA POT I MAN MA AMENDA SIHA NA AREKLO YAN REGULASION I DEPARTMENT OF PUBLIC SAFETY BUREAU OF MOTOR VEHICLE

PUBLIC LAW 5-22

I MANMAPRUPOPONI NA REGULASION

Direktot i Departtamenton i Public Safety ginen este na nutisia ha prupoponi para u amenda i areklamento yan regulasion ni ma deklara gi rehistrasion Commonwealth Baluma 9 Numiru 8 mafecha gi Septembre 15, 1987. Este na nutisia pot i ma'amenda na regulasion mafa'tinas para u pribiniyi areklamento ni tineteka i landet yan sisteman ilektrisidat, mana'malak i kandet gi kareta yan i ma'inspektan i kareta.

DESKRIPSION

DWARD MANIBUSAN

DIREKTOT IS PUBLIC SAFETY

Este siha na regulasion ha gubietna i manuebu na kondision yan i areklo pot i nuebu na areklamento pot i kandet yan mana'ma'lak i kareta ni ma'estapblesi gi Baluma 9 Numiru 8 gi Rehistrasion i Commonwealth.

CMC 9104, Rekomendasion siha i Segun gi 1 put este shiha na regulasion fondamenton-nina manmasatmitte guatu gi ufisinan i Direktot i Public Safety, Civic Center, Saipan, MP 96950, gi halom trenta (30) dias despues di i fecha ni mana'halom osto na nutisia di halom i Rehistran Commonwealth

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234-9136 Motor Vehicle Bureau

Facsimile - (670) 234-8531

Central Station

234-6333/7271/6431

Corrections Division

234-6222/9222/3437

234-7254/8534

Patrol Division 234-7271 Investigation Section 234-7208 Juvenile Unit

Cable - c/o GOV. NMI Saipan Administrative Division (670) 234-6823/8536

234-6921/9137

Highway Safety Office 234-6021

Traffic Section 234-7212/7153

Boating Safety Office 234-7212

Training/Public Relations 298/8536

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EMERGENCY - 911



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC SAFETY

Saipan, Mariana Islands 96950



Edward Manibusan

Gregorio M. Camacho Asst. to Director

Judie Degaille Chief, Admin. Div.

Vicente T. Seman Chief of Corrections

Jose S. Iba Chief of Fire

Jose SN, Babauta

Arongorongol Ssiiwel Aweewe me Efeer Dipatamentool Pulusiiya Bureau-ul Ghareeta

Public Law 5-22

Aweewe ye Re Mangi ebwe Ssiiwel:

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Owultol Ssiiwel:

EDWARD MANIBUSAN

DIRECKTOODUL PULUSIIYA

Commonwealth Register Vol. 9

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Facsimile — (670) 234-8531 Cable — c/o GOV, NMI Saipan Administrative Division

(670) 234-6823/8536 Central Station

234-6333/7271/6431 Corrections Division

234-7254/8534

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Motor Vehicle Bureau 234-6921/9137

Highway Safety Office 234-6021

Traffic Section 234-7212/7153

Boating Safety Office 234-7212

Training/Public Relations 221198/8536

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EMERGENCY - 911

LIGHTING AND ELECTRICAL SYSTEM

General Instructions

There are four inspection procedures for the lighting and electrical system inspection.

- (1) LIGHTING (GENERAL)
- (2) HEADLAMP AIM
- (3) AUXILIARY LAMP AIM
- (4) ELECTRICAL SYSTEM

Tools and Equipment

Tools and equipment, if required, will be listed above each separate inspection procedure.

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Definitions

- LAMP ASSEMBLY
- SEALED BEAM HEAD- A major lighting device used to provide general illumination ahead of the vehicle. It consists of the following: (a) One or more sealed beam units (bulb assembly); (b) Means for mounting securely to the vehicle; (c) Means to permit required aim adjustment.
- SEALED BEAM UNIT
- An integral and hermetically sealed optical assembly with the name "Sealed Beam" molded in the lens.
- HEADLAMP UPPER BEAM
- A distribution of light intended primarily for distance illumination and for use on the open highway when not meeting other vehicles.

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- 4. HEADLAMP LOWER BEAM
- A distribution of light so directed as to avoid glare in the eyes of oncoming drivers while providing illumination ahead of the vehicle and intended for use in congested areas and on highways when meeting other vehicles within a distance of 500 feet.
- 5. 7-INCH SEALED BEAM HEADLAMP UNIT
 - Two similar units are used on a vehicle.
 - (a) A sealed unit 7 inches in diameter providing an upper and a lower beam. This unit is identified by a number "2" on the lens and is aimed on the lower beam. Color white.
 - (b) (With no identifying number on lens). A sealed unit 7 inches in diameter providing an upper and lower beam. This is an obsolete unit no longer being installed in production. It should be aimed on the upper beam. Color white.
- 6. 5-3/4 INCH TYPE 1 SEALED BEAM UNIT
- A sealed unit 5-3/4 inches in diameter having a single filament and providing only an upper beam distribution of light. When used, two units are required on each vehicle in combination with two 5-3/4 inch type 2 units. Color - white.
- 7. 5-3/4 INCH TYPE
 2 SEALED BEAM
 UNIT
- A sealed unit 5-3/4 inches in diameter having two filaments, one filament providing the lower beam and one filament providing fill-in light for the upper beam. It is aimed on the lower beam. Color - white.
- 8. 6-1/2 x 4-1/4
 INCH RECTANGULAR TYPE 1
 SEALED BEAM
 HEADLAMP
- A sealed unit 6-1/2 x 4-1/4 inch rectangular headlamp having a single filament and providing only an upper beam distribution of light. When used, two units are required in combination with two 6-1/2 x 4-1/4 Type 2 units. Color - white.
- 9. 6-1/2 x 4-1/4 INCH RECTANGU-LAR TYPE 2 SEALED BEAM HEADLAMP

A sealed unit 6-1/2 inch rectangular headlamp having two filaments, one filament providing the lower beam and one filament providing fill-in light for the upper beam. It is aimed on the lower beam.

- SYMMETRICAL 10. BEAM
- A symmetrical beam is one in which both sides are symmetrical with respect to the median vertical plane of the beam. Lamps having symmetrical beams are: (a) 5-3/4 inch Type 1; (b) 5-3/4 inch Type 2 (upper beam filament); and (c) All 7 inch units (upper beam filament).
- ASYMMETRICAL BEAM (Non-Symmetrical)
- One in which both sides are not symmetrical with respect to the median vertial plane of the beam. All lower beams are asymmetrical.
- 12. TAIL LAMPS
- Lamps which are used to designate the rear of a vehicle. Color - red.
- 13. STOP LAMPS
- Lamps giving a steady warning light to the rear of a vehicle, to indicate the intention of the operator of the vehicle to reduce speed or stop. Color - red.
- 14. LICENSE PLATE LAMPS
- Lamps used to illuminate the license plate on the rear of a vehicle. Color - white. da la , halitaj
- PARKING LAMPS 15.
- Forward facing lamps used to designate the front of a parked vehicle. Color - white or yellow. and all All I that they have been then you
- SIDE MARKER 16. LAMPS
- Lamps on the left and right sides, beamed to the side, and intended to indicate vehicle length. They are located near the front and rear on each side and, for vehicles over 30 feet in length, are also located at the midpoint (intermediate side marker). Front and midpoint side marker lamps are yellow; rear side marker lamps are red.
- 17. BACK UP LAMPS
- Lamps used to provide illumination behind the vehicle, and to provide a warning signal when the vehicle is in reverse gear. Color - white.
- TURN SIGNAL 18. LAMPS
- Lamps which provide a flashing warning light to indicate the intended direction of the turn. Front color - yellow or white; rear color - yellow or red. Parishing on the parish the training of the parish that is
- HAZARD WARNING 19.

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Turn signal lamps which flash all turn signal lamps simultaneously to warn of the presence of a vehicular hazard. Color - same as turn signal lambs. साम का कार्यकार करता के कार्या का माना का कार्या Parties and the major than a second confidence of the major of the maj

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- 20. REFLECTIVE DEVICES
- Devices used on vehicles to give an indication to an approaching driver by reflected light from the headlamps of approaching vehicles. Reflective devices are required to be used with, or incorporated within the lens of tail lamps and side marker lamps. Color is the same as required for tail lamps or side marker lamps.
- 21. INDICATOR LAMPS
- Lamps visible to the operator of a vehicle that indicate: (a) Appropriate electrical circuits are in operation; and (b) Malfunction of vehicle equipment which requires remedial action by the operator of the vehicle.
- 22. OPERATING UNITS OR SWITCHES
- Devices which control the functioning of electrical equipment.
- 23. AUXILIARY LAMPS
- Fog lamps, driving lamps, passing lamps, etc., used to provide forward illumination to supplement the headlamps. Color - white or yellow.

The transfer figure is to other than a proper of the first proper site of the

- (1) LIGHTING (GENERAL)
- A. General Inspection of Lamp and Reflector Function, Condition, Location and Color

Notes for Inspectors

The general lamp and reflector inspection includes all original exterior lighting equipment and reflectors except cornering lamps, spot lamps and emergency warning lamps. It also include all added driving lamps, passing lamps, fog lamps and backup lamps.

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- 2. Interior indicator lamps that indicate exterior lamp function such as the headlamp beam indicator, and the turn signal lamp indicator and the hazard warning lamp indicator are included in this inspection.
- 3. It is not sufficient that a lamp merely illuminates; the illumination must be of an intensity to be readily discernable. If the battery output is now, it may be necessary to operate the engine at a speed sufficient to produce eletrical energy from the alternator or generator. The vehicle owner should be notified if this condition exists.

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- 4. All lamps and reflectors shall be located and be of the color as installed in or on the vehicle by the original vehicle manufacturer; or conform to the location and color specified in Appendix A following this section.
- 5. Any lamp or reflector that is relocated or modified in any manner shall conform to the location and color requirements specified in Appendix A following this section.
- 6. Mirrors may be used to observe any lamp function from the driver's position.

PROCEDURE

A. General Inspection of Lamp and Reflector Function, Condition, Location and Color

Turn on the headlamps and visually inspect the headlamps, parking lamps, side marker lamps, tail lamps and license plate lamp. (On older model vehicles the lamp switch must be placed in the parking lamp position to illuminate the parking lamps.)

With lamps off visually inspect all reflectors.

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REJECT VEHICLE IF:

A. General Inspection of Lamp and Reflector Function, Condition, Location and Color

- 1. Any lamp fails to illuminate.
- 2. Any lamp or reflector shows an improper color.
- 3. Any lamp directs light improperly.
- 4. Any reflector does not redirect light properly.
- 5. Any lamp or reflector assembly is loose or improperly fastened.
- 6. Any lamp or reflectors has a cracked, broken or missing lens.
- 7. Any lamp lens does not fit properly or is improperly installed.

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PROCEDURE	REJECT VEHICLE IF:
	8. The interior of any lamp is soiled, discolored or otherwise contaminated to the extent that light output is reduced including deterioration of any interior reflector.
	9. Any lamp is of a type not approved by the Motor Vehicle Division. (All standard original lamps are considered to be approved unless otherwise indicated.)
	10. The illumination from any lamp is blocked or obscured by any material or device which is not a part of the original lamp equipment.
	11. The illumination from any added lighting device interferes with an observer's view of any signal lamp, side marker lamp, tail lamp or stop lamp.

Park the territory

Parking Lamp Inspection В.

Notes for Inspectors

- All vehicles manufactured after January 1, 1969, are equipped with amber (yellow) parking lamps. Earlier model vehicles were equipped with white or amber parking lamps.
- Parking lamps are mounted at the front of the vehicle except on some older model vehicles where they are mounted on each side of the cowl.
- On all vehicles manufactured after January 1, 1969, the parking lamps are illuminated when the headlamps are illuminated. They also should be illuminated when the lamp switch is in the parking lamp position. On older model vehicles the parking lamps operate independent of the headlamps.
- 4. Parking lamps are commonly incorporated into the same lighting device as the front turn signal lamp.

	PROCEDURE	REJECT VEHICLE IF:
в.	Parking*Lamp Inspection (1) 1981	B. Parking Lamp Inspection
	Visually observe parking lamps:	1. Any parking lamp fails to meet the General Inspection requirements on Section A, above.
	and the state of t	2. Parking lamps do not provide steady illumination of equal intensity.
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Turn Signal Lamps C.

Notes for Inspectors

1. Almost all vehicles manufactured since the early 1950's were equipped with self-cancelling turn signals. A few early models were equipped with manual cancelling signals. All steering column mounted turn signal switches are self-cancelling. $\mathbb{E}_{n^{k}}[I_{-1}] = \mathbb{E}_{n^{k}}^{I_{-1}} = \mathbb{E}_{n^{k}}$

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- All vehicles manufactured after January 1, 1969 are equipped with self-cancelling turn signals and amber (yellow) colored front turn signal lamps.
- Front turn signal lamps are either white or amber in color; rear turn signal lamps are either red or amber in color.
- All vehicles equipped with turn signals have an interior indicator 4. lamp(s).
- Turn signal lamps are commonly incorporated into the same lighting device as the parking lamps and tail lamps/stop lamps. When incorporated, the stop lamp will not function on the side indicating the turn.

	PROCEDURE	REJECT VEHICLE IF:
c.	With the parking lamps illum- inated and the ignition switch	1. Any turn signal lamp fails to meet the General Inspection requirements in Section A,
	switch lever and observe the front and rear turn signal lamps and interior indicator; move the switch	2. Any turn signal lamp illum- ination is not readily visible under all lighting conditions. 3. The turn signal flashing rate is less than 50 per minute or greater than 130 per minute.
	2. With the turn signal switch actuated in either direction, rotate the steering wheel one full turn and return to original position. Observe for self-cancellation.	4. The interior indicator does not indicate turn signal operation. 5. The turn signal does not properly illuminate on the left or right when so switched.
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PROCEDURE	REJECT VEHICLE IF:
	 Operation of the turn signal causes changes in the illumination of other exterior lamps, except stop lamps.
	7. The self-cancelling device does not operate.

D. Hazard Warning Lamps

Notes for Inspectors

- All vehicles manufactured after January 1, 1968, are equipped with hazard warning lamps.
- 2. Hazard warning lamps are operated by a separate switch and flasher unit to flash all turn signal lamps at the same time.
- 3. On some vehicles the hazard warning lamps will not flash when the service brake pedal is depressed.

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	PROCEDURE		REJECT VEHICLE IF:
D.	Hazard Warning Lamps	D.	Hazard Warning Lamps
	With the parking lamps illuminated, actuate the hazard warning lamp	<u> </u>	 Any turn signal lamp fails to flash.
	switch. Observe the turn signal lamps and indicator. (Hazard warning lamps should function with the		2. Any turn signal lamp is not readily visible under all lighting conditions.
	ignition switch in the "off" position.)	igen i Marie en la	3. The flashing rate is less than 50 per minute or greater than 130 per minute.
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Ε. Side Marker Lamps

Notes for Inspectors

- All vehicles manufactured after January 1, 1969 are equipped with side marker lamps and side marker reflectors.
- Side marker reflectors are usually incorporated within the side marker lamp lens.
- Side marker lamps may be a portion of the front parking lamps or a portion of the tail lamps that directs light to the side of the vehicle.
- Side marker lamps located at or near the front of the vehicle are amber (yellow) in color; side marker lamps located at or near the rear of the vehicle are red in color.
- 5. Amber colored intermediate side marker lamps are required on vehicles over 30 feet (9 meters) in length.
- Side marker lamps are illuminated whenever the headlamps or the parking lamps are illuminated.

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		PROCEDURE		REJECT VEHICLE IF:
E.	Sid	le Marker Lamps	E.	Side Marker Lamps
		Turn on headlamps or parking lamps. Observe side marker reflectors.	**	Any side marker lamp or reflector fails to meet the General Inspection requirements in Section A, above.
	2.	With headlamps and parking lamps off, observe side marker reflectors.		

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Tail Lamps

Notes for Inspectors

- 1. Almost all vehicles manufactured since the early 1950's were equipped with two red tail lamps, one mounted on each side of the rear of the vehicle. Earlier models may have only one red tail lamp mounted on the rear of the vehicle.
- 2. All vehicles manufactured after January 1, 1969, are equipped with at least two red tail lamps and reflectors mounted on either side of the rear of the vehicle.
- Rear reflectors are usually incorporated within the tail lamp lens.
- Tail lamps are illuminated whenever the headlamps or parking lamps are illuminated.

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PROCEDURE	REJECT VEHICLE IF:
F. Tail Lamps 1. With the parking lamps or headlamps illuminated, observe the tail lamps.	F. Tail Lamps Any tail lamp or reflector fails to meet the General Inspection requirements in Section A, above.
2. With the headlamps and parking lamps off, observe the rear relectors.	and the state of t
in programme in the second	er de vegas par situação tempo.

G. Stop Lamps

Notes for Inspectors

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1. Almost all vehicles manufactured since the early 1950's were equipped with at least two red stop lamps mounted on each side of the rear of the vehicle. Earlier models may have only one red tail lamp mounted the venicle. Lanc. And a part in the termination of the second

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VEHICLE GLAZING

(WINDSHIELD AND WINDOW GLASS OR OTHER MATERIAL)

General Instructions

- 1. Automotive safety glazing is marked with the manufacturer's trademark and the letters "AS" followed by a number from 1 to 11B. Only AS1 (or AS10 Bullet Resistant) may be used in the windshields. Safety glazing for 1966 and later models also has a glass manufacturer's model number or a DOT code number.
- 2. Vehicles manufactured before 1954 may be equipped with AS2 safety glass in the windshield or may be equipped with unmarked glass in all windows if it is the original equipment.
- 3. The word "glazing" refers to glass or plastic materials used in vehicle windows, windshields and other apertures used for window purposes.
- 4. The word "discoloration" used below refers to anything which impairs the transparency of the glazing.
- 5. The inspector should be familiar with the additional information on American National Standards Institute glazing specifications on the following pages.
- 6. Glazing material installed after January 1, 1972; must be approved by the Director of Revenue and Taxation. Original Equipment Manufacturer replacement glazing material displaying the "AS" and "DOT" codes are considered to be approved unless otherwise indicated.

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Tools and Equipment

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- 1. Damp sponge or cloth for cleaning mud or dirt from glazing markings.
- 2. Ruler or tape measure for measuring chips, cracks, stickers, decals, signs and posters.

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PROCEDURE

A. Proper Markings

inspect glass for proper type.

B. Left Front Window

Inspect operation of window at driver's left. Window must open readily even though the vehicle has approved turn signals. If equipped with power windows turn ignition on to test operation.

C. Stickers - Tinting

Inspect all glass for material or conditions that obscure driver's vision; including stickers, posters, decals, signs, tinting, curtains and venetian blinds.

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REJECT VEHICLE IF:

A. Proper Markings

- There is no glass in the windshield.
- 2. On 1966 and later model vehicles, improper or unmarked glazing materials are used for specific positions (Refer to Additional Glazing Information following this section).
- 3. Non-transparent materials such as plywood, etc., are used to replace glass.

B. Left Front Window

Window at driver's left cannot be readily opened to permit arm signals. (Absence of glass in any window except the windshield is not cause for rejection.)

C. Stickers - Tinting

- Windshield contains any sticker, decal or sign, except current stickers, decals or signs issued by a government agency and posted in the authorized shaded area.*
- 2. Glazed surfaces contain any vision reducing material, except in shaded areas.*

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REJECT VEHICLE IF:
3. Tinting material which do not conform with the minimum requirements of the law.
* (Refer to Additional Glazing Information following this section.)
D. Cracks - Chips - Discoloration
(Except in the shaded areas shown in Additional Glazing Information following this section.)
1. There is any scratched, discoloration or otherwise opaque area on the driver's side of the windshield which exceeds the dimen-
sions shown in Table 1.
2. There is any scratched, discoloration or otherwise opaque area on the passenger's side of the wind-
shield or any other window in the vehicle which exceeds
the dimensions shown in Table 2.
3. There is any stone bruise or star chip greater than 13/16 inch (21 mm.) in
diameter in the driver's side of the windshield.
4. There is any stone bruise or chip greater than 1-1/2 inches (38 mm.) in diameter in the passenger's side of the windshield or any other window in the vehicle.





P.O. BOX 1247 SAIPAN, MP 96950 FAX: (670) 234-9624 PHONE: (670) 234-7228

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund adoptes these proposed rules and regulations pursuant to Public Law 6-17, 1 CMC Section 8316(f) of the Northern Mariana Islands Retirement Fund Act of 1988, and the Administrative Procedures Act, 1 CMC 9101, et. seq.

Copies of the proposed regulations are available at the Fund's office on the ground floor of the Nauru Building, Susupe, Saipan, and its offices on Tinian and Rota.

The Fund urges the public to submit written comments and recommendations regarding the proposed regulations within 30 days after the first publication in the Commonwealth Register to the following address:

NMI RETIREMENT FUND P. O. BOX 1247 SAIPAN, MP 96950

Dated this $30^{\frac{70}{2}}$ day of June 1989.

Teresita B. Aldan

Chairperson

Board of Trustees, NMIRF

Tomas B. Aldan Administrator

NMI Retirement Fund

NORTHERN MARIANA ISLANDS RETIREMENT FUND PROPOSED RULES AND REGULATIONS

The Board of Trustees for the Northern Mariana Islands
Retirement Fund adopts these proposed rules and regulations
pursuant to Public Law 6-17, 1 CMC Section 8316(f) of the
Northern Mariana Islands Retirement Fund Act of 1988, and the
Administrative Procedures Act, 1 CMC 9101, et. seq.

PART I - GENERAL PROVISIONS

1.1 Authority. Under and by virtue of the provisions of 1 CMC Section 8316, the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these rules and regulations.

PART 2 - DEFINITIONS

2.1 Applicability. The following words and terms as used in these rules and regulations, or in interpreting Public Law 6-17, shall have the meanings indicated unless the context clearly indicates otherwise. The definitions herein provided shall supplement those contained in Public Law 6-17.

(a) "Accredited institution of Higher Learning" means an institution of higher learning in the United States of America, its Commonwealths, possessions, or territories, that has received an official decision by the Government's Department of Education, or another recognized accrediting agency recognized by the Fund as having official authority, that in its judgment, the institution has met established standards or quality.

Persons who were/are educated in a foreign institution of higher learning will be given the applicable education vesting service credit if Commonwealth law duly recognizes such education as an accredited education.

Persons who obtained a diploma from a business college or from the nursing school as a result of completing at least 60 credit hours shall be eligible to receive education vesting credits similar to one who have an Associate Degree.

Persons whose education is not recognized by

Commonwealth law or is not otherwise covered above

will be given the applicable education vesting

service credit if the Northern Marianas College would

substantially recognize such an education.

- (b) "Annual". The term "annual" shall mean yearly, and refer to the calendar year.
- (c) "Child". As used in 1 CMC 8314(g), the term "adopted child" includes a child adopted pursuant to local Carolinian Custom.
- (d) "Commonwealth Trial Court Judge" means judges appointed by the Governor after January 8, 1978, to serve as judge of the Commonwealth Trial Court, the Superior Court of the Commonwealth, or the Supreme Court of the Commonwealth of the Northern Mariana Islands.
- (e) "Fiscal year". The term "fiscal year" as used herein shall mean a 12 month period from October 1 to September 30.
- (f) "Government". The term "government" as used in Public Law 6-17 means the Government of the Northern Mariana Islands, which came into existence on April 1, 1976, as well as the Commonwealth of the Northern Mariana Islands, which came into existence on January 8, 1978, including its agencies, instrumentalities, and public corporations.

- (g) "Member of the Legislature" means persons elected to serve in the Northern Marianas Commonwealth Legislature after January 8, 1978.
- (h) "Regular Interest". The words "regular interest" as used in 1 CMC 8314(n) shall mean interest at the rate of 3.5% compounded annually, and credited for each complete year. The Board of Trustees may from time to time change the regular interest rate to be the same as the prevailing savings account rate at the local banks.
- (i) "Year" means the calendar year from January 1 to
 December 31.
- (j) "Years of service" means the years or fraction thereof for which such service is creditable and used for computation of benefits and eligibility for benefits.

PART 3. MEMBERSHIP IN RETIREMENT FUND

3.1 Election of Membership Class. Class II members may elect at any time to change to Class I membership.

Upon election, the member will receive a refund of 3.5% of salary member contribution not to exceed one year. The election to change membership class is irrevocable. Class I members cannot elect to join Class II membership.

[ref. 8321]

3.2 Fund Membership: Ineligible Persons.

- (a) Persons whose employment is for a specific project or purpose which will cease upon completion of such project or purpose, shall not be eligible to become members of the Fund.
- (b) Part-time employees whose employment will not exceed one year shall not be eligible to become members of the Fund.
- (c) Persons who are full-time high school or lower grade students and under age 18 who are employed during summer seasons shall not be eligible to become members of the Fund.

(d) Part time, seasonal, intermittent or temporary employees who are members whose services are not for a specific project or otherwise compensated on a fee basis will be credited with one-twelfth (1/12) of a year of service for every 160 hours for which they are paid in a calendar year after election, but in no case in excess of 12 months credit for any calendar year. If adequate records for years prior to 1980 are not available, the number of hours worked in previous years will be estimated by the Administrator of the Retirement Fund based on available records or such other documentary and other evidence as the Administrator finds persuasive. Affidavits are not an acceptable documentation of such service beginning May 7, 1990.

[ref. 8322 and 8328]

3.3 Services to the Saipan Credit Union. Services to the Saipan Credit Union prior to January 1, 1990, is or will be creditable upon the employee's becoming thereafter an employee of the government. The required contributions shall first be paid by the employee and by the government at the prevailing employer's and employee's rate at the time and class of membership at enrollment date. The employee must also elect to be credited for such prior service within 30 days from the effective date of employment with the government. Failure to so elect will be deemed an irrevocable rejection of the credits.

[ref. 8325(e)]

- 3.4 Members of Local Municipal Council. Prior service credit will given to members who have rendered services to any local Municipal Council as follows:
 - (a) If the member was a full-time government employee at the same time he/she served as members of the municipal council, no credit for such services will be granted.

- (b) If the member was not a government employee at the time he/she serves as member of any local municipal council, the member shall receive service credit for every full year served in such elected capacity.
- (c) Members who qualify for prior service credit for services as members of any local municipal council must elect to receive such prior service by November 7, 1989 (within 180 days of the effective date of Public Law 6-17) or 30 days from the date of hire, whichever is later.

 Failure to apply to be credited for prior service shall be deemed an irrevocable rejection of the credits.

[ref. 8325(f)]

3.5 Prior Service for Class II Members.

- (a) Class II members who have prior service and who have not elected to receive such credit prior to May 7, 1989 (the effective date of Public Law 6-17), must elect within 30 days after the effective date of these regulations to be eligible for such prior service credit; provided however, the required contributions are paid for services after October 1, 1980 in accordance with 1 CMC Section 8326. Failure to apply to be credited for prior service credit shall be deemed to be an irrevocable rejection of the credits.
- (b) Payment for prior service credit shall be paid by lump sum or through payroll deduction over a period not to exceed the normal retirement date of the member or seven years from the election date whichever is earlier. The normal retirement date of a member is age 62 with 3 years of contributing membership service for Class I and age 60 for Class II or 25 years of vesting service credits for both Classes.

- (c) All payments for prior service credit shall include regular interest from the date the salary was first paid to the individual. The principal amount due shall consist of the employee contribution rate at the time the salary or wages was paid and the regular interest computed at the time of election.
- (d) Payments made under installment will continue to accrue regular interest on the principal until it is fully paid.
- (e) Only employees as of May 7, 1989 (the effective date of Public Law 6-17) and employees hired thereafter may buy back prior service.

[ref. 8323 to 8327]

3.6 Certification of Service. Although affidavit for unrecorded services will not be honored after May 7, 1990 (one year from the effective date of Public Law 6-17), the aggrieved member may support services during an appeal of service denial to the Hearing Officer or the Board of Trustees by witnesses or by bringing in affidavits to support claims for unrecorded services if the witness is unavailable.

[ref. 8328]

- 3.7 Education Service Credit. Vesting service credit
 shall be given upon election by the member on a form
 prescribed by the Board of Trustees for education
 service under the following terms and conditions:
 - (a) Submission of the original diploma or degree from an accredited institution of higher learning. The original will be returned to the member after the Fund has made a copy. For an Associate degree, vesting service credit will be granted for a maximum of two years under the following terms and conditions:
 - (i) Members who have credited service of 5 years or but not less than 3 years as a contributing member shall be granted 1 year of education vesting service credit.
 - (ii) Members who have credited service of more than 5 years will be eligible to get 2 years of education vesting service.
 - (b) For a Bachelor's Degree, a Master's Degree or higher, the member will be granted a maximum of 4 years of education vesting service credit under the following terms and conditions:

- (i) If a member has credited service of 5 years or but not less than 3 years as a contributing member, two years of education vesting service credit will be granted.
- (ii) If a member has credited service of more than 5 years but less than 10 years, a total of 3 years of education vesting service will be earned.
- (iii) if a member has more than 10 years of credited service, a total of 4 years of education vesting service will be earned.
- (c) Submission of a transcript from an accredited institution of higher learning indicating completion of studies for a degree will qualify the member vesting service credit depending on the degree indicated in the transcript.
- (d) To be eligible for education vesting service credit, the member must be an employee on the date of the election to be eligible for such credit. The election must be made in a timely manner as provided in 1 CMC 83210. Failure to exercise the option will be deemed an irrevocable rejection of the credits.

(e) A member is not entitled to more vesting service credit by virtue of having two or more Associate Degrees or two or more Bachelor's or higher degrees. In this case, the member is entitled a maximum of 2 years of vesting service for having two or more Associate degrees or a maximum of 4 years of vesting service for having two or more Bachelor's or higher degrees.

[ref. 8329 to 83210]

3.8 Military Service Credit.

- (a) A maximum of 2 years vesting service credit shall be given for active service in the Armed Forces of the United States under the following terms and conditions:
 - (i) If the member has a total of at least 5 years of credited service, 1 year of military vesting service credit will be granted.
 - (ii) If a member has more than 5 years of credited service, 2 years of military vesting service credit will be granted.

- (b) To be granted vesting service credits, the member must elect in writing on the form prescribed by the Board of Trustees and submit such election to the Fund together with authenticated documentation from the Armed Forces showing the date of entry and the date of an honorable discharge.
- (c) To be eligible for military vesting service credit, the member must be an employee on the date of the election to be eligible for such credit.
- (d) A member who was honorably discharged for medical reasons after having served at least 2 years in the Armed Services shall be eligible to receive 2 years of vesting service under the same condition as those who were honorably discharged.

[ref. 83211 and 83212]

- 3.9 Applicability of the 5 year Credit Pursuant to
 Constitutional Amendment No. 19.
 - (a) The Administrator of the Fund shall grant an additional five years service credit to any member who is on active service on or after January 7, 1986, who has acquired not less than 20 years of vesting service credits under the NMI Retirement System and shall be eligible to retire.
 - (b) An employee who has retired under age retirement or an employee who has retired upon acquiring 20 years or more of creditable service under the NMI Retirement System shall not be credited an additional five years if the employee is thereafter employed again by the Commonwealth government or any of its instrumentalities or agencies on or after January 7, 1986.

[ref. C.R. Vol. # 11 No. 15]

PART 4. BENEFITS

- 4.1 Normal Retirement Benefits for Class I Members.
 - (a) Employees of the government of the Commonwealth of the Northern Mariana Islands who were hired after October 1, 1980, but prior to May 7, 1989 (the effective date of Public Law 6-17) and were 60 years of age or older on the date of hire may retire with three years of credited prior service provided the member is at least 62 years of age and has not withdrawn his/her contribution.
 - (b) Any person who has retired prior to May 7, 1989 (the effective date of Public Law 6-17) will have his/her benefit recalculated if such person has services rendered after January 8, 1978 as Governor, Commonwealth Trial Court Judge, Lt. Governor, Mayor, member of the Legislature, and Resident Representative to the United States. The recomputation of benefits will be to increase the benefit by 3% per year for every year served in such capacity. The additional benefit shall be effective on May 7, 1989 (the effective date of Public Law 6-17). It shall not be retroactive to the date of retirement.

[ref. 8331]

4.2 Early Retirement Benefits for Class I Members.

- (a) A Class I member who elects to take early retirement will have his/her benefit reduced by 3.0 percent for every year or fraction thereof that the member is under age 62. This rate may from time to time be changed by the Board of Trustees depending on the actuarial valuation of the Fund by a qualified consulting actuary.
- (b) To be eligible for early retirement, the member must be at least 52 years of age with 10 years of vesting service or have a total vesting service of 25 years and under age 62 at the date of retirement; provided that the member has at least 3 years of credited service earned after May 7, 1989.
- (c) A member who takes early retirement and is at least 62 years of age will be eligible to receive the cost of living adjustment pursuant to the terms and conditions provided under Section 8331(e).

[ref. 8332]

4.3 Reemployment and Double Dipping. A member who has retired and received any retirement benefits from the government may not return to government service as an employee or under a consulting contract with the government. The annuity paid to such member will cease upon reemployment by the government. Except when elected to Public Office.

[ref. 83811]

4.4 Disability Benefit.

- (a) Any member who becomes disabled and qualified for disability benefits will have his/her benefit computed at 66 and 2/3 percent of the wages earned at the time the disability was incurred.
- (b) If the disabled member reaches 62 years of age, the benefit shall be based on the normal retirement for Class I members and the greater of the benefit for Class II members computed under normal retirement or disability. In computing the benefit due under normal retirement, service as qualified elected officials and judges of the Commonwealth shall be considered in determining the benefit level. [ref. 8331(d), 8334(f), 8335 to 8337]

- 4.5 Option for Unmarried Employees-Class II Members.
 - (a) Should any member be unmarried on the date of retirement, and designate an individual as a beneficiary pursuant to 1CMC Section 83312(d), and then subsequently marry, the prior designation will be deemed null and void. Full retirement benefits will then be restored to the annuitant from the date of marriage.
 - (b) Any individual designated by a member pursuant to 1 CMC Section 83312(d) shall be entitled to an annuity equal to that of a surviving spouse for Class II members.

[ref. 83312(d)]

- 4.6 Survivors Benefits for Children.
 - (a) Benefits for children, under 18 years of age, of deceased Fund members shall be paid to the surviving spouse for the benefit of the children, or if there is no surviving spouse, to a guardian appointed by a court of competent jurisdiction for the benefit of the children.

- (b) If both spouses in a household are Fund members, such membership shall not result in any increase in children's benefits.
- (c) Death of a member with children by different spouses:
 - (i) If a deceased member has children (natural or adopted) eligible for survivor's benefits, such children shall be entitled to a pro-rata share of children's benefits payable, regardless of whether they continue to reside with the member's surviving spouse.
 - (ii) The fact that such children may not be children of the surviving spouse is irrelevant in determining the children's benefits.
 - (iii) All benefits payable to children who are not residing with the surviving spouse shall be payable to the guardian appointed for such children provided the children are under 18 years of age. If a child is over 18 years of age and eligible for a benefit, the benefit shall be payable to the child.

[ref. 83310 to 83313]

- 4.7 Death After Separation-Contributions on Account. If a vested member who separated from membership leaving contributions on account with the Fund, who dies prior to age 60 if Class II and 62 if Class I with three years of contributing membership service, the estate or beneficiary is entitled to receive a refund of contributions as follows:
 - (a) For Class I, one-third of the contribution plus regular interest.
 - (b) For Class II, all of the contribution plus regular interest.

No death benefits or survivor's benefits shall be payable as a result of the death of such a person.

[ref. 8338]

- 4.8 <u>Designation of Payee on Behalf of Recipient of</u>
 Retirement Benefits.
 - (a) Payment of retirement benefits or other benefits issued under the Retirement Fund plan is personal to the recipient as provided under l CMC Section 8382. For this reason, the benefit shall not be assigned or paid to any person other than the recipient, unless the person lacks the legal capacity to directly receive the benefit as follows:
 - (i) the recipient is under the age of 18 years;
 - (ii) the recipient has been declared by a court of competent jurisdiction to be mentally incapable of managing his/her own affairs, financial or otherwise;
 - (iii) the recipient has been declared, in writing by two licensed and practicing physicians, selected by the Board of Trustees, to be mentally incapable of managing his/her own affairs, financial or otherwise, and the Board of Trustees has confirmed the physicians' decision after notice and an opportunity for hearing to mentally incapable individual.

- (b) Payment of benefits to recipients who are under the age of 18 years shall be made to a parent or parents, natural or adopted, or if no living parent, a court appointed legal guardian, who has actual custody of the recipient.
- recipients shall be made to an immediate relative who is either a spouse, the child of the recipient who is 18 years or over, or a person who demonstrates a strong concern for the personal welfare of the recipient as determined by the Board of Trustees. If a legal guardian is appointed by a court of competent jurisdiction, the legal guardian shall serve as the payee.
- (d) For purposes of payments on behalf of a recipient, a power of attorney in any manner, shape or form, executed after the date of the declaration of incompetency of the recipient, shall not be honored or recognized by the Board of Trustees nor can it be used to determine a payee.

- (e) Application for a change of payee shall be filed by the person willing to accept responsibility for the recipient, on a form prescribed by the Board of Trustees. The Board shall have the final determination on all applications submitted.
- 4.9 Reporting Required for Payment on Behalf of
 Recipients Who are Incapable of Self-Management.
 - responsibility for receiving payments of benefits on behalf of and for the recipients shall file with the Fund a monthly report on the use of the funds received during the previous month. The report must be signed and declared under penalty of perjury and filed no later than the last day of the month following the month on which payments were received.
 - (b) The report required under this Section shall be in writing and shall contain a statement on how and on what were the funds used to benefit the recipient.

4.10 Penalty for Failure to File a Report.

- (a) If the payee fails to submit a report required under this Section, the payee shall, upon reasonable notice by the Fund, return the exact amount of benefit received for the month in which such report is due but not filed.
- (b) If the payee fails to return the funds pursuant to Section 4.8(a), and the Board so directs, the legal counsel for the Board of Trustees shall initiate a civil action to collect the amount due as determined by the Fund.
- (c) Failure by the person so designated as a payee to file a report as required shall be ground for termination of such designation and the Board of Trustees may require that another qualified person be appointed or designated to be the payee as described in Section 4.6(c).

[ref. C. R. Vol. 10, No. 8]

PART 5. RIGHTS AND OBLIGATIONS

5.1 Time for Payments:

- (a) All payments for benefits (retirement, disability, surviving spouse and surviving child) shall be made on equal semi-monthly disbursements.
- (b) In the case where a benefit was paid based on estimated figures, the Fund shall upon receipt of genuine documents recompute the benefit. If it is found that the benefit is underpaid, the annuitant shall receive a retroactive adjustment of his/her benefit. If is it found that the benefit was overpaid, the Fund shall recover such overpayment by reducing the annuitant's benefit by 50% or a lesser amount as authorized by the Administrator until the full amount is recovered.

(c) Upon death of an annuitant, with a surviving spouse or beneficiary, the pro-rata share of the deceased annuitant shall be payable to the spouse or beneficiary as the case may be. If the annuitant has no surviving spouse nor beneficiary, the pro-rata share shall be held in abeyance pending the court appointment of an administrator of the estate.

[ref. 8383]

PART 6. COST OF LIVING ALLOWANCE

- 6.1 The cost of living allowance shall commence on the retirement or disability date of the annuitant following his/her 62nd birthday. If the retirement date does not coincide with the beginning of the semi-monthly annuity payment date, the applicable cost of living allowance shall be prorated.
- one of living allowance increase shall be computed using simple interest. That is, the 2% increase shall be based on the annual benefit of the annuitant determined at the time of first eligibility.

EXAMPLE: Mr. Smith retired with annual pension of \$10,000 on June 1, 1988. His birthday is May 1, and when he retired, he was 61 years of age. As a result, Mr. Smith is eligible for COLA on June 1, 1989. Mr. Smith's COLA is as follows:

First Year: $$10,000 \times 1.02 = $10,200$

Second Year: $(\$10,000 \times 1.02) + \$200 = \$10,400$

Third Year: $(\$10,000 \times 1.02) + \$400 = \$10,600$

As the trend reflects, Mr. Smith will get a \$200 cost of living adjustment every year. The adjustment does not include the COLA earned for the previous years.

6.3 The anniversary date of a disability annuitant for purposes of determining a cost of living allowance is on the date of disability and not the date the benefit is converted to normal retirement when the disability annuitant reaches age 62.

[ref. 83813]

PART 7. APPEALS:

- 7.1 Appeal from Decision of Administrator. Any person aggrieved by a decision of the Administrator of the Retirement Fund may appeal the decision to the Board by filing a written notice of appeal with the Board within 30 days of the date of the Administrator's decision. A failure to file a timely appeal will result in its dismissal.
- 7.2 <u>Contents of the Notice of Appeal</u>. The notice of appeal shall contain:
 - (a) the name of the party appealing;
 - (b) a brief statement of any disputed factual matters in the decision of the Administrator; and
 - (c) a brief statement of any disputed legal issues in the decision of the Administrator.

7.3 Hearing on Appeal.

- (a) After reviewing the notice of appeal, the Board may then, at it discretion, in accordance with 1 CMC Section 9109, either: (1) preside at the taking of evidence; or (2) appoint a hearing officer to preside at the taking of the evidence. No hearing officer will be appointed where the aggrieved party in its notice of appeal doses not dispute any factual findings of the Administrator, or raise any new factual issues.
- (b) In accordance with 1 CMC Section 9110, if a hearing officer is appointed, the hearing officer shall initially decide the case in accordance with the procedures outlined in 1 CMC Section 9109.
- (c) In accordance with 1 CMC Section 9110, if the Board presides at the initial hearing, the Board shall decide the case in accordance with the procedures outlined in 1 CMC Section 9109. Any further appeal of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC Section 9112(b).

- 7.4 Appeal to the Board From a Decision of the Hearing Officer.
 - (a) Any person aggrieved by a decision of the hearing officer may appeal the decision to the Board by filing a written notice of appeal within 15 days of the date of the hearing officer's decision. A failure to file a timely appeal will result in its dismissal.
 - (b) The Board may also on its own review any decision of the hear officer.
 - (c) Any appeal to the Board from a party aggrieved by a decision of the hearing officer shall state the following in writing:
 - (i) the name of the party appealing;
 - (ii) a brief statement of any disputed factual matters in the decision of the hearing officer; and
 - (iii) a brief statement of any disputed legal issues in the decision of the hearing officer.

- (d) Subject to the Board's discretion, the Board
 may:
 - (i) affirm the judgment of the hearing officerwithout further hearing; or
 - (ii) reverse the judgment of the hearing officer
 without further hearing; or
 - (iii) hold a further hearing limited to specified legal and factual issues.
- (e) Any further appeal of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC Section 9112(b).

7.5 Legal Representation in Fund Proceedings.

A person may represent himself or herself in connection with any administrative hearing or other proceeding of the Fund. A person may also be represented in such matters by any attorney licensed to practice in the Commonwealth. A person shall not be represented in such matters by any other person; provided, however, that a person may bring such witnesses, translator(s), and observers to a proceeding as her or she deems necessary.

[ref. C. R. Vol. 11, No. 4]

PART 8. PROCUREMENT

The Commonwealth Procurement Regulations are adopted, as modified herein, to be the procurement regulations of the NMI Retirement Fund.

8.1 All references in the Commonwealth Procurement
Regulations to the Chief of Procurement and Supply,
Director of Finance, Officer with Expenditure
Authority, and other executive branch officials shall
be deemed to refer to the Administrator of the
Retirement Fund. All references to the Governor
shall be deemed to refer to the Board of Trustees of
the NMI Retirement Fund. All references to the
Attorney General shall be deemed to refer to the
legal counsel to the Retirement Fund. Procurement
appeals may be made to the Public Auditor as provided
in the Commonwealth Procurement Regulations.

PUBLIC NOTICE OF PROPOSED REGULATIONS

Pursuant to the requirements of the Administrative Procedure Act, 1 CMC, Section 9104, the Director of Natural Resources notifies the public that he proposes to promulgate Regulations for the Plant Quarantine Act, Public Law 1-8.

The public may submit written comments and recommendations regarding the proposed Regulations during the next thirty (30) days after this date of publication in the <u>Commonwealth Register</u>. Comments should be submitted to the Director of the following Address:

OFFICE OF THE DIRECTOR
DEPARTMENT OF NATURAL RESOURCES
CAPITOL HILL
SAIPAN, MP. 96950

Nicolas M Leon Guerrero

Director

Department of Natural Resources

NOTISIA PARA I PUBLIKU POT I MA PROPONI NA AREKLAMENTO YAN REGULASION

Pot debidi u-maconsigi i Administrative Procedure Act, 1 CMC, Section 9104, I Direktot i Natural Resources ha infofotma i Pupbliku na ha propone para ufatinase pat hunaguahaye areklamento yan regulasion para i Plant Quarantine Act, Public Law 1-8.

I pupbliku sinaha man satmite recommendasion yan testimoniu pot este i ma propone na Regulasion gi duranten i trienta (30) dias dispues de ma pupblika gi <u>Commonwealth Register</u>. I testimoniu debe na u-ma satmite guato gi Direktot gi esti na Address:

OFICINAN I DIREKTOT
DEPARTMENT OF NATURAL RESOURCES
CAPITOL HILL

SAIPAN, MP. 96950

Mafecha esti na dia

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Nidolas M. Leon Guerrero

Direktot

Department of Natural Resources

PLANT QUARANTINE REGULATIONS

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PART 1

GENERAL PROVISIONS

1.1 Authority

Under the Authority granted in (2) CMC, Div. (5), Chapter (3), Article (1), Section 5302 of the Commonwealth Code for the Northern Mariana Islands, the Director of Natural Resources hereby promulgates Regulations concerning Control and Prevention of Plant Diseases in the Commonwealth of the Northern Mariana Islands. All previously issued Trust Territory Plant Quarantines are hereby cancelled, and superseded by these regulations.

1.2 Purpose

The Rules and Regulations are designed to protect the agriculture and general well-being of the Northern Marianas citizens. Plant quarantine measures are promulgated as a means to prevent the introduction of, and the further spread of plant pest and diseases into and within the Northern Marianas. The procedures and controls are designed to spell out the procedures and controls in promulgation, enforcement of Plant Quarantine Rules and Regulations, and other measures deemed necessary to protect the agricultural industry in the Northern Mariana Islands.

1.3 Definitions

For the purposes of these Rules and Regulations, unless context otherwise requires, the following words, phrases, names, and terms shall be construed, respectively, to mean:

- 1. <u>Agricultural Quarantine Facility</u> Government facilities equipped and specifically set aside for holding growing imported plant materials suspected of harbouring pests and diseases.
- 2. Approved Place for Performance of Quarantine Means a place other than a quarantine station where the quarantine of goods may take place.
- 3. <u>As Prescribed</u> Any procedure on treatment as detailed by the Chief of Plant Industry or contained in a manual or official treatment schedule.
- 4. <u>Authorizing Official</u> The Director for the Department of Natural Resources and the Chief for the Division of Plant Industry or Designees
- 5. <u>Baggage</u> Any goods brought into the country by a passenger arriving by air or by sea from overseas.
- 6. <u>Chief</u> The Chief for the Division of Plant Industry, Department of Natural Resources, or any employee from the Division of Plant Industry to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

- 7. <u>CNMI</u> The Commonwealth of the Northern Mariana Islands, including the government thereof, which lies within the area North of 14 degrees North Latitude, South of 21 degrees North Latitude, west of 150 degrees East Longitude and East of 144 degrees East Longitude, as extended by the Marine Sovereignty Act.
- 8. <u>Contaminate</u> Means infestation or infection by plant pest or disease of having an association with unauthorized plant material or soil adhering to or with the articles.
- 9. <u>Contraband Material</u> Any material imported into or transported within the CNMI by any person in contravention of Plant Quarantine Regulations.
- 10. <u>Conveyance</u> Means any carrier such as a vessel, aircraft, small boat, or shipping container.
- 11. Culture Plant tissue on nutritive media or parts thereof
- 12. <u>Cut Flowers</u> The fresh cut portion of a plant that is imported for decoration or ornamentation, including leis and bouquets.
- 13. <u>Declaration</u> Refers to a written statement certifying as to plants, plant materials, or other prohibited or restricted articles under these regulations which accompany a person on their arrival from overseas.
- 14. Delegation The Director may, in writing, delegate specific powers designated in these regulations to the Chief of Plant Industry, and these delegated powers will remain effective until revoked. The Chief of Plant Industry may in writing, also delegate specific powers designated in these regulations to a nominated position within the Department of Natural Resources, and these delegated power will remain effective until revoked.
- 15. <u>Department</u> The Department of Natural Resources for the Commonwealth of the Northern Marianas
- 16. <u>Director</u> The Director for the Department of Natural Resources, or any employee for the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.
- 17. <u>Division</u> The Division of Plant Industry for the Department of Natural Resources
- 18. Disease A condition caused by a pathogenic organism.
- 19. <u>Dunnage</u> Any timber used in stowage of good in conveyances such as vessel or cargo containers.

- 20. $\frac{\text{Export}}{\text{CNMI}}$ Means to take a thing or cause it to be sent out from the
- 21. <u>First Port of Entry</u> The seaport or airport in the Commonwealth in which the conveyance or article first enters.
- 22. <u>Fresh Fruit and Vegetable</u> Means the edible product of any plant whether attached to the plants or not and includes any peel, skin, shell or seeds, whether edible or not, as well as vegetables.
- 23. <u>Filler and Greenery</u> Fresh Foliage used for decoration, such as fern and palm fronds, asparagus fern plumes, pine sprays, willow branches, etc.
- 24. <u>Garbage</u> All refuse waste materials derived in whole or in part from plants, fruits, vegetables, or other plants or refuses of any character whatsoever that has been associated with any such material on board any mean of conveyance, an including food scraps, table refuses, galley refuses, food wrappers or packaging materials, and other waste materials from stores, food preparation areas, passenger or crew quarters, dining rooms or any other areas on vessels, aircraft, or other means of conveyance.
- 25. Goods Mean any movable property.
- 26. <u>Graded Timber</u> A commercial grading of timber strength based on absence of sapwood; absence of bark; degree of sound and unsound knots.
- 27. <u>Import</u> Means to bring a thing or cause it to be brought into the CNMI from any place outside the country by any means of conveyance.
- 28. <u>Importer</u> Any person who imports goods, and includes passengers on a conveyance.
- 29. Import Permit Written or oral authorization issued by authorized officer for the movement into or transfer within the CNMI of any item requiring a permit under these regulations.
- 30. <u>Inspector</u> An authorized employee from the Division of Plant Industry, the Division of Animal Health Industry, U.S. Department of Agriculture to perform the Quarantine Inspection Services
- 31. Infected Means any condition caused by a plant disease pathogen.
- 32. Infested Means presence of plant pests other than disease pathogen.
- 33. <u>Inspection</u> The examination of regulated materials, conveyances containers or other articles for the purpose of detecting infestation or contamination with plant pests or diseases. Inspection may involve removal of regulated article or plant materials, goods, soil, or a sample of them to a quarantine station or laboratory where special facilities are available.

- 34. <u>Inspector</u> An authorized employee from the Division of Plant Industry's Agricultural Quarantine Inspection Service or the Division of Animal and Health Industry
- 35. Intermediate Quarantine The growing of plants intended for consignment to CNMI by an approved oversea authority in an insect proof plant house where the plants are thoroughly screened for plant pests including disease and certified by the responsible authority to the effect that the plants have been grown under insect proof conditions and as far as can be determined are free of plant pests.
- 36. <u>In Transit</u> Regulated articles that arrive in the Commonwealth of the Northern Mariana Islands from outside and that are consigned to a destination outside the Commonwealth, but that are transferred from one conveyance to another, irrespective of the duration of the temporary stay in the Commonwealth.
- 37. Land Includes any surface area, building, wharf, or port facility.
- 38. <u>Northern Marianas</u> The Commonwealth of the Northern Mariana Islands, or any island in this group
- 39. Noxious Weed Means any plant which either directly or indirectly causes injury to the health of human beings, Animals, or plants, which declared by notice of the Director to be harmful and subject to Quarantine control or plants listed noxious in 7 CFR 360.
- 40. Owner The person, corporate body, or organization responsible for importation and exportation of regulated articles.
- 41. <u>Person</u> Shall be construed to mean both singular and plural, and shall include individuals, corporations, companies, associations, and societies.
- 42. Phytosanitary Certificate An official or document substantially in the format of the Model Certificate of the International Plant Protection Convention of 1952 stating facts about a plant or plant product and attesting to that article's freedom from pests. The document or certificate must be issued and attested by an authorized plant protection official.
- 43. <u>Plant</u> Means all species, varieties, and types of plants or parts thereof including stems, branches, tubers, bulbs, corns, stocks, budwood, cuttings, layers, slips, suckers, roots, leaves, flowers, fruits, seeds, and botanical specimen.
- 44. Plant Quarantine Permits Means a written authorization issued by the Chief of Plant Industry for the movement into or transfer within the CNMI of any plants, plant parts for propagative purposes, cultures, or items designated in the regulation as requiring a permit.

- 45. <u>Plant Material</u> Means all materials of plant origin, and includes timber and other items manufactured wholly or in part from plants.
- 46. Plant Pest Means an organism of animal or plant origin which can directly or indirectly cause injury or damage to plants including any living stage of insect, mite, nematode, snail, slug or other invertebrate animal, bacteria, fungi, virus or similar organism, and includes noxious weeds known, or suspected or liable to be harmful to plants.
- 47. Quarantine Means a restriction imposed by duly constituted authorities, whereby the production, movement or existence of plants, plant material, or whereby any other article or material or the normal activity of persons is brought under regulations; in order that the introduction or spread be controlled or eradicated, thereby reducing or avoiding losses that would otherwise occur through damage done by the pest or disease or through a continuing of control measures.
- 48. Quarantine Area Any land where a specified quarantine pest or disease is found together with specified adjoining land declared by the Director of Natural Resources to be a quarantine area for a prescribed period of time.
- 49. Quarantine Pest Means a pest of potential economic importance to the CNMI endangered thereby and not yet present there or present, but not widely distributed, and being actively controlled.
- 50. Quarantine Station Includes a temporary quarantine station, a quarantine check point, a post entry quarantine station, and all facilities and services related to a quarantine station or check point.
- 51. Regulated Material Means garbage, soil, plant pest, substances or articles (not being plant or plant material) and other materials for the importation or movement of which is prohibited or regulated under the provisions of the law or any regulations made thereunder.
- 52. <u>Re-Ship or Re-Export</u> In relation to any imported plant, plant material, or regulated material, means to remove, or send it out from the CNMI by vessel or aircraft as a means of removing the pest risk.
- 53. <u>Seed</u> The ripened ovule of plant, enclosing a rudimentary plant and food necessary for its termination.
- 54. <u>Soil</u> Means the loose surface materials of the earth in which plants grow and which may serve to harbour plant pests, in most cases consisting of disintegrated rock with an admixture of organic material, and soluble salt.

- 55. <u>Timber</u> Includes logs, branchwoods, firewoods, barks, and all woods which have been split, hewn, sawn, or dressed, but not otherwise manufactured, including pre-fabricated building units, poles wooden cases or boxes, and the like.
- 56. Treatment Means the employment of remedial measures to ensure removal of injurious or objectionable materials or the elimination, sterilization, or killing of any plant pest for the avoidance of contamination including among other measures such as cleaning, incineration disinfection, disinfestation of plants, plant materials and/or regulated materials or re-shipment thereof.
- 57. <u>USDA</u> The United States Department of Agriculture

1.4 - Gender, Plurals, Etc.

Unless, it shall clearly appear from the context to the contrary, the use of any gender shall include all genders. The plural shall include the singular, and the singular shall include the plural.

1.5 - Precedence of Federal Regulations over CNMI's Regulations

The CNMI's regulations shall not conflict with or compromise any federal regulations. The importation of domestic plants into the CNMI from foreign countries and the U.S. are subject to the regulations of the U.S. Department of Agriculture, and the CNMI's regulations. In case of conflict between federal regulations and CNMI's regulations, the Director of Natural Resources shall make a determination as to which regulation shall applied.

PART 2

GENERAL REQUIREMENTS

2.1 Port of Entry

No plants, plant materials, or regulated materials may be imported into the CNMI except through:

Airport at:

Saipan: Saipan International Airport

Rota: Rota International Airport

Tinian: Tinian Airport

Seaport at:

Saipan: Saipan Harbor

Rota : Rota Harbor

Tinian: Tinian Harbor

2.2 <u>Inspection of Plants or Parts Thereof, Regulated Materials and</u> Conveyances

All plants or parts thereof; entering the CNMI are subject to inspection by the Quarantine Inspectors. These plants or parts may be refused entry into or movement within the CNMI, if they are known to be, or are suspected of being infected, or infested with diseases or pests of quarantine significance. In addition, all aircrafts and vessels entering the CNMI or moving within the CNMI, and their cargoes including baggages, ships stores, and ballasts, are subject to inspection by the Quarantine Inspectors for the purpose of enforcing the quarantines, procedures, and controls. It shall be unlawful for any one to interfere with or to refuse the submission of the above-mentioned inspections.

2.3 Required Declaration and General Prohibition

Every person entering the Commonwealth shall be required to make a written declaration in respect of plants, plant materials, soil, cultures, or other things subject of these regulations

No person may introduce into the CNMI any plant, plant material, or any other things subject of these regulations, unless, the provisions of these regulations have been duly complied with in respect of plants, plant materials, or other regulated materials.

2.4 Availability of Manifests and Movement Information

Cargo manifests and other similar documents concerning aircrafts and vessels travelling into or within the CNMI will be made available to the Quarantine Inspectors upon request. Those authorities having information as to the movement of aircrafts and vessels will furnish such information to the inspectors upon request.

2.5 Plant Quarantine Permits

Plant Quarantine Permits are required as a condition of entry into the CNMI. Both oral and written permits are required for shipments of more than 12 plants; plants requiring treatment as a condition of entry; and plants requiring post-entry growing. Application forms for Plant Quarantine Permits

can be secured from the Plant Industry at Kagman or other Plant Industry facilities on other islands. Application of permit for the international importation of plants or plant products (PPQ Form 587) can be obtained from the listed address above, or from PPQ APHIS USDA, Box 87679, Tamuning Guam 96911. On the application form, the imported plants must write the names (common english name, if any, and preferable the scientific name) and quantities of each item to be imported or moved within the CNMI. The place or origin and destination of plants must also be specified on the application form.

Plant Quarantine Permits are required for those plants and cultures which are allowed entry into the CNMI. The conditions of the granted entry for plants will be specified on the permit, and must be compile with otherwise, the permit becomes invalid. Permit may be issued for a single entry or multiple entries as necessary to facilitate commerce.

In general, permits will be issued only for each separate importation. However, in special approved cases by the Chief of Plant Industry, the continuing permits for a stated period may be issued. Permits are required for the import of raw timber.

2.6 Quarantine of Infested of Infected Articles

If the Inspector is not satisfied with the imported plants from pests free, he shall advise Customs that plants, plant materials, and/or goods are to be held under quarantine control. The Inspector shall not release the plants, plant materials, and/or goods, until any quarantine pest has been eliminated.

2.7 Quarantine Seal

Upon arrival in the Commonwealth a Quarantine Inspector may place a Quarantine Seal on any container or package of imported goods for subsequent quarantine inspection. Any person interfering with these seals without authority of a Agriculture Quarantine Inspector is guilty of an offense.

2.8 Treatment

If the inspector detained the imported plants, plant materials, and/or goods of the evidence of infection, infestation, suspected infection, or suspected infestation, he/she may order a treatment as prescribed at the importer's expense.

2.9 Release/Clearance of Plants, Plant Materials, or Goods

With the compliance of all other requirements in these regulations for imported plants and the subsequent satisfactory conclusion of the prescribed treatment, the inspector shall advise the importer or owner for the release of quarantined items with the amount of fee to be paid for the services.

2.10 Approved Places for Quarantine to take Place

When goods have been ordered into or placed in quarantine, the Chief of Plant Industry may, in writing, approve the place other than a quarantine station as a place where quarantine of plants, plant materials, or goods may take place. Any quarantine action may be undertaken at such an approved place as an Inspector may direct.

2.11 Transport, Storage, Unpacking, and Treatment at Importers Expense

Prior to the release of any imported plants, plant materials and/or goods, the importer or owner may be required by the Chief of Plant Industry to provide for or to meet the cost of transport, unpacking, security, storage, and treatment as prescribed including cleaning and sorting.

2.12 Seizure and Destruction

Any nonenterable plants, plant products, or regulated materials without a permit may be seizured by an Inspector, and treated by order of the Chief of Plant Industry, or re-shipped in accordance with directions of the Chief for Plant Industry.

2.13 <u>Disposal of Plant Material Carrying or Believed to be Carrying a</u> Plant Pest

The Chief of Plant Industry shall order the destruction of the consignment of imported plants, plant materials, or goods, if the Quarantine Inspector believes, the following: (a) any plant or regulations, but on examination or re-examination to be carrying or liable to be carrying a plant pest or disease; (b) if the quarantine inspector believes in his opinion that the plants pest or disease cannot be effectively treated to eradicate the plant pest or disease: and (c) if within a specified period of notification designated by the Chief of Plant Industry, the importer has not re-exported or re-shipped the plants, plant materials, or goods.

2.14 Any Plants, Plant Materials, or Goods Returned Back Into Quarantine

An Inspector may examine plants, plant materials, or goods that have been released from quarantine. If the Inspector in his/her opinion after re-examination feels that there is a danger of spreading a plant pest, the Chief of Plant Industry may order the plants, plant materials, or goods back into the quarantine. The owner shall immediately fulfill the instructions issued by the Inspector, and the owner shall meet all costs.

2.15 Quarantine Forms

The Chief of Plant Industry may devise forms with the approval by the Director of Natural Resources which are to be used by importers desiring to import plants and plant materials including agricultural and forestry seeds, fruit, vegetables, and tissue cultures

2.16 Department Permit

Plants, plant products, and goods specifically prohibited by these regulations may be imported under a permit issued by the Director. This permit will specify measures to prevent the entry or dissemination of plant pests.

2.17 Inspection and Treatment for Conveyances Arriving into CNMI

Immediately, upon arrival of any conveyance from overseas, the Quarantine Inspector shall board the conveyance. He/She may undertake an inspection of its cargoes, baggages, and provisions, and he/she may order treatment where necessary.

No person shall enter the conveyance, or remove any baggage or cargo from the conveyance without the authority of the inspector, or until the inspection, examination, or treatment is completed.

The inspection and treatment may include:

- (a) Inspection of conveyance, its cargoes and stores as well as treatment, if necessary at the expense of the owner of the conveyance; and
- (b) Spreading of every compartment of any conveyance as prescribed.

In the case of a conveyance entering an undeclared port, all costs associated with the Quarantine Inspection are to be met by the owner.

2.18 Official Introductions

Official importations by the Chief of Plant Industry under the approval of the Director for the Department of Natural Resources are exempt from the prohibitions and restrictions hereafter in these regulations. such importation are subject to a measure prescribed by the Chief of Plant Industry to ensure absolute prevention of entry, and dissemination of plant pests.

2.19 Quarantine for Live Plants

In lieu of Post-Entry Quarantine for live plants, the Chief of Plant Industry may prescribe a period of intermediate quarantine at an approved location oversea, where the plant material is to be established and screened, as if undergoing Post-Entry Quarantine.

2.20 In Transit Material

Any plant or other quarantine material in transit through the Commonwealth of Northern Mariana Islands on aircrafts or vessels, will be kept aboard such aircraft or vessel under secured conditions while in port or on any island of the CNMI, unless such material is otherwise enterable. If it is necessary to transfer such quarantine material from one vessel or aircraft to another, such transfer will be made under the direction of the quarantine inspector with safeguard as deemed necessary.

2.21. Contraband Material

Anything attempted to be entered into or transported within the CNMI in contravention ot the quarantine, procedures, and controls will be seized by the

quarantine inspector, and destroyed by fire or other appropriate means, or returned to its place of origin, or re-shipped out of the CNMI at importer's expense.

2.22 Disinsection

Any aircraft or vessel that is known to be harbouring or suspected to be harbouring insects or other agricultural pests at a reasonable ground will be subject to spraying with insecticides and other treatment as deemed necessary by the quarantine inspector after passengers, and cargoes are released.

2.23 Exclusion of Liability

Neither the Director of Natural Resources nor the Chief of Plant Industry nor any Inspector shall be liable for any loss or damage resulting from exercise of powers under these regulations.

PART 3

REGULATIONS CONCERNING ENTRY OF PLANTS, PLANT MATERIALS, REGULATED MATERIALS, GOODS, PESTS INTO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

3.1 Import Permit

Import Permit is required for the importation of regulated articles. Importation permit is not required for all non-regulated articles. However, these non-regulated articles are subject to inspection upon arrival. Persons interested in importation of plants and plant products into the CNMI should contact: The Chief of Plant Industry, Department of Natural Resources, Kagman Agriculture Station, Saipan, MP. 96950.

3.2 Certificates

- A. Phytosanitary Certificates are required for the importation of:
 - rooted plants and seedlings.
 - cuttings and grafts of woody plants, ornamental plants, and other horticultural plants.
 - cut flowers.
 - flower bulbs, corns, tubers, rhizomes, and other vegetative plant propagating materials.
 - fresh fruits of regulated plants.
 - seeds meant for propagation purposes.
 - soil.
- B. Phytosanitary Certificates must be issued by the Plant Protection Service from country origin of the plants.

- C. The certificate issued is not more than 60 days before the dispatch of the consignment, and must be made up in english language.
- D. If the consignment imported into the CNMI is not the country of origin, the consignment shall be accompanied by a Phytosanitary Certificate for the country of origin, or an authorized copy therefore, together with a declaration or re-export, issued by the country from where it was dispatched.

3.3 General Shipping Requirements

Each shipment of plants into the CNMI shall be marked to show name and address of the shipper or owner, name of consignee, contents, and place of origin for the grown contents. Any person transporting, receiving, or importing into the CNMI of any plant, product, or soil must have an import permit.

At the port of entry, all shipments of plants and plant product regulated by these regulations will be examined, if the shipments are found infested with any pest liable to be detrimental to agriculture. These shipments shall be destroyed, treated, or processed at the owner's expense. All shipped plants into the CNMI must be free of soil.

3.4 Plant Materials Subject to Inspection and Disposal

All florist's stocks, trees, shrubs, vines, cuttings, grafts, scions, buds, fruits and seeds of fruit, forest and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, are subject to inspection upon arrival in the CNMI.

3.5 Living Insects and Plant Diseases

It is prohibited to ship or transport any live insects, plant pathogents and all other plant pests into the CNMI. Such shipment shall be authorized prior to transport under written permit and regulations of the Plant Industry. Any unauthorized shipment shall be destroyed immediately, unless it is determined by the inspecting officer of its harmless nature on its contents to the agriculture in the CNMI.

3.6 European Corn Borer - (Ostrinia Nubilalis)

- A. Regulated Products Corn, broomcorn, sorghums, and sudangrass plants and all parts therefore, including seed and shelled grain, stalks, ears, cobs, fragments and debris; beans in the pod beets; celery, peppers (fruit); endive; swiss chand rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnis, japanese hop, dallia (except tubers without stem), and gladiolus (except corns without stems.
- B. <u>Shipping Requirements</u> Regulated product must be certified as meeting the following requirements:

- 1. Shelled grain and seeds or corn, broom-corn, sorghums and sudangrass grown in or shipped from the infested area must be fumigated in a manner approved by the U.S. Department of Agriculture. Fumigation certificates must include the date, dosage schedule and kind of fumigant used; otherwise the grain will be subject to inspection and possible rejection upon arrival.
- 2. Shelled grain or seed grown in and shipped from countries under quarantine, but not in the infested area shall be accompanied by country of origin certificate affirming that it was produced in a country where European corn borer is not known to exist, and that its identity has been maintained to eliminate risk of contamination with regulated products from infested area. The certificate shall show the kind and quantity of commodity, and the name and address of shipper or consignee.
- 3. Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass, as such, or as packing or otherwise, from the infested area shall be sterilized or disinfected in a manner approved by Chief of Plant Industry or the U.S. Department of Agriculture. Certification shall show the date and full particulars of the treatment given.
- 4. Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass grown in and shipped from countries under quarantine, but not in the infested area shall be accompanied by country of origin certificate affirming that they were produced in a country where European corn borer is not known to exist, and that their identify has been maintained to eliminate risk of contamination during handling or storage with regulated products from the infested area.
- 5. Vegetable and ornamental plants and plant products, beans in the pod; beets; celery; peppers (fruit); endive; swiss chand; rhubard (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, holly-hock, marigold zinnia, Japanese hop, dehlia (except tubers without stems), and gladiolus (except corns without stems) produced in or shipped from the infested area shall be accompanied with the U.S. Department of Agriculture Certificate affirming that they were inspected, or that the greenhouse or growing grounds where they were produced were inspected, and found free and European corn borer; or that they were fumigated in a manner approved by the Chief of Plant Industry, and U.S. Department of Agriculture. Fumigated certificate shall show the date and method of treatment. These special restrictions on the movement into the CNMI of the above regulated plants, plant products cut flowers do not apply when produced in and shipped from any country not in the infested area.
 - from the restrictions of the quarantine when so processed or manufactured as to eliminate infestation by the borer.

3.7 Citrus Virus Diseases

Shipment into CNMI of any and all kinds of citrus tress and parts thereof, including budwoods and scions (but not seed) is prohibited. The citrus nursery stock accompanied by an Inspection Certificate may be admitted, when shipped from Washington, D.C. by the Agricultural Research Services, U.S. Department of Agriculture, and certified virus free sources in U.S. or the orient. This regulation does not apply to citrus fruits.

3.8 Oriental Fruit Fly (Dacus dorsalis)

- a. <u>Infestation Area</u> See the current listing from the Division of Plant Industry.
- b. <u>Hosts</u> Tomatoes, mangoesteen, guava, <u>Averrhoa carambola</u>, <u>Cananga adorata</u>, <u>Eugenia</u> sp., mangoes, pineapple, bell pepper, citrus fruits, bananas, green peppers, grapes, ponalog, avocado, papaya, figs, persimmons, loguats, bananas, <u>Solanum sp.</u>, <u>Carcicnia sp.</u> All fruits listed above and other fruits reported as host of oriental fruit fly are prohibited entry into the CNMI from the infested countries.
- 3.9 Mediterranean Fruit Fly (Ceratitis Capitata)
 - a. <u>Infested Area</u> See the current listing from the Division of Plant Industry.
- b. All fruits and vegetables except noncooking type bananas, pine apples, taro, and coconuts are prohibited entry into the CNMI from the infested areas of countries.

3.10 Mexican Fruit Fly (Anastrepha Ludens)

- a. <u>Infested Area</u> See the current listing from the Division of Plant Industry.
- b. All citrus fruits except lemons and sour limes, yellow chapote, sapodilla, cherimoya, custard apple, white sapote, rose apple (Eugenia), jinicuil, plum, maney, mango, peach, guava, pomegranate, pear, apple, quince, and avocado are prohibited entry into the CNMI from the infested areas of countries.

3.11 Diseases and Insects of Onions

- a. <u>Infested Area</u> See the current listing from the Division of Plant Industry.
- b. Green Onions and Allium spp. from the countries infested with tip die back disease, Mycosphaerella Schoenoprasi and the leaf miner of onions, are prohibited entry into the CNMI with tops.

3.12 Coconut Diseases and Insects

- a. <u>Infested Area</u> See the current listing from the Division of Plant Industry.
- b. The importation of red ring, lethal yellowing (kaincope), Cadang-cadang, kerals wilt, leaf sorch, little leaf, and Malaysian wilt for planting materials are prohibited importation into the CNMI. (See up-date listing.)
- c. The importation for all parts of the coconut trees except without husk are also prohibited into the CNMI for the occurence of coconut lispid, Brontispa sp. (See up-date listing.)

3.13 Banana Diseases and Insects

- a. <u>Infected Area</u> See the current listing of infested countries, bunchy top, bacterial wilt, burrowing nematode, and banana scab moth from the Division of Plant Industry.
- b. Shipment into the CNMI of any and all kinds of <u>Musa</u> spp. (bananas and plantains) and <u>Heliconia</u> spp. plants or parts thereof, including rhizomes (but not fruit) is prohibited into CNMI from any country except nursery stock from the U.S. with the certification by State Department of Agriculture or USDA as being free of banana scab moth (<u>Nacoleia octasema</u>), Panama disease (<u>Fusaninm oxysporum F. Cubense</u>), bacterial wilt (<u>Pseudomonas Solanacearum</u>), burrowing nematode (<u>Radoplolus Similis</u>), and bunchy top virus disease, or as otherwise permitted by the Chief of Plant Industry.

3.14 Sweet Potato Insects and Diseases

- a. <u>Infected Area</u> See the current listing of infested countries from the Division of Plant Industry.
- b. The sweet potato borer, Omphisa anastomosalis is a serious pest of sweet potatoes. The larvae damage both roots and vines, and may kill the plants.
- c. In order to prevent the spread of sweet potato virus diseases and Southern Blight caused by <u>Pellicularia Rolfsii</u> (sym. Sclerotium Rolfsii) importation of sweet potato roots and vines for planting and propagation is prohibited except from the mainland, United States with accompanied Phytosanitary Certification issued by the State or USDA. The Phytosanitary Certificate shall state that sweet potato material is free from southern blight and virus diseases.

3.15 Taro for Planting and Propagation

It is forbidden to import the root or stem portions of taro (Colocasia, Alocasia, and Cyrtosperma spp.) from planting or propagation except from Hawaii and the mainland, United States with accompanied Phytosanitary Certificate issued by a state or USDA. The Phytosanitary Certificate shall state that taro is free from the southern blight caused by Pellicularia Rolfsii (sym. Sclerootium Rolfsii).

· 3.16 Queensland Fruit Fly (Dacus tryoni)

- a. <u>Infested Area</u> See the current listing from the Division of Plant Industry.
- b. Hosts Papaya, sour orange, lemon, grape fruit, mandarin orange, sweet orange, guava, cashew, cucumber, quince, persimmon, banana, loguat, fig, tomato, apple, mango, mulberry, apricot, peach, sour cherry, garden plum, nectarine, pear, grape, and Rubus sp.
- c. All the fruits listed as hosts for the Queensland Fruit Fly are prohibited entry into the CNMI from the current listing.

3.17 Melon Fly - (Dacus cucurbitae)

- a. <u>Infested Area</u> See current listing from the Division of Plant Industry.
- b. <u>Hosts Memordiza</u> Charantia, <u>Luffa Cylindrica</u> and other plant materials belonging to the family cucurbitaceae, <u>Citrullus Vulgaris</u>, <u>Artocarpus heterophyllus</u>, <u>Baccaurea Angulata</u>, <u>Psidium Guajava</u>, mango, <u>Lageraria Leucantha</u>, <u>Eugenia Javaniza</u>, egg plant, beans, pepper, passion fruit, and tomatoes.
- c. Since, the melon fly eradication and surveillance programs are operated in the CNMI, the hosts plant materials of the melom fly from the infested list of countries are prohibited entry into the CNMI.

3.18 Packing Materials

It is prohibited to import into the CNMI all packing materials except wood, wood shavings, sawdust, processed fibers and materials not originating from plants and animals. The clean sphagnum moss may be used as living plant packing material for import into the CNMI. No second, used bags, or any such packing shall be used for the import of any type of goods.

3.19 Construction Materials

Unpeeled saw logs are prohibited entry into the CNMI. Peeled saw logs, lumbers, and wallboards are enterable into the CNMI, only, if examination by an Inspector reveals no termites or boring insects in the log or lumber. Green and dry bamboo poles are prohibited entry into the CNMI. Dry bamboo poles and other bamboo products may be permitted entry into the CNMI, if chemically treated by shellack, varnish, lacquer, or paint. Any manufactured article partly or wholly from timber is liable to inspection by quarantine.

3.20 Stored Dried Products

Stored dried products of human food products and animal feeds are the enterable into the CNMI, but are subject to inspection as conditions of entry. They may be refused entry, if found infested with storage pests and diseases.

3.21 Enterable Fresh Fruits and Vegetables

See the current listing of different countries for all enterable fruits and vegetables from the Division of Plant Industry, or CFR 318.13, or CFR 319.56, as appropriate.

3.22 Entry of Handicrafts made from Plant Material

Provided handicrafts do not contain any material prohibited under these regulations, handicrafts shall also be subject to inspection and treatment as required.

3.23 Live Plants other than Seeds or Tissue Culture

Living plants including cuttings, scions, clones, tubers, roots, or any other portion of a plant included for propagation, except seeds, shall be permitted entry into the CNMI or movement from one island into another, provided, a Plant Permit has been issued. The permit shall state specific requirements of the certification and/or treatment prior to dispatch from overseas.

The entry of planting material (cuttings, budwoods, stocks, tubers, corns, bulbs, suckers) other than seed should be limited to the smallest quantity of propagating material consistent with good horticultural practices and satisfactory establishment of the introduced cultivar.

No live plants shall be introduced unless an import permit has been obtained from the Chief of Plant Industry in advance of arranging the import. The permit shall state specific requirements of certification and/or treatment prior to dispatch from overseas.

If permit has not been obtained for the living plants, they shall be destroyed on arrival, or re-shipped at the owner's expense.

Importation of plants, including rooted cuttings, and any plant division or seedling is limited to soil free plants and plant parts. An approved packing material may be used around the roots of the plant after the soil have been removed. Plants including seeds and seedlings established in a growing medium (except in sterile flasks) are not admitted.

The prescribed treatment in the country of origin may be arranged by the importer. Endorsement on the Phytosanitary Certificate of treatment undertaken is required.

Upon arrival the plants shall be carefully examined. If the plants are treated overseas, the treatment as prescribed shall be applied prior to the release of the plants to the importer.

If insect infestation, nematode attack, or infection with disease is detected, the whole consignment of the particular cultivar is to be destroyed by burning.

The Chief of Plant Industry reserves the right to prescribe intermediate quarantine at an approved overseas location. Such details are to be set out when permit is issued.

3.24 Seeds

Seeds, refers to all seeds other than flower and vegetable seeds in hermetically sealed commercial packets. Seeds include field crop seeds, pasture seeds, forage crop seeds, green manune (cover) crop seeds, and forest tree seeds. All such seeds require a permit. They shall be accompanied by a Phytosanitary Certificate. Other specific documentation may include a seed analysis report from the country of origin specifying foreign seeds and materials. Shipments contained with soil, insects or diseases of quarantine significance, or seeds of plants defined in definition of noxious weed shall be refused entry into the CNMI.

Upon arrival, samples of seed shall be drawn for examination. If necessary, in the opinion of the Chief, treatment shall be applied as prescribed.

All seeds shall be free from injurious extraneous matter including soil, noxious weeds, insects, and diseases such as ergot. They shall also be subject to such conditions as the Chief of Plant Industry considers appropriate to require.

3.25 Flowers

Cut flowers, flower leis, corsages, christmas trees, and floral wreaths are enterable into the CNMI, only, if items are surrended to the Quarantine Inspector. They shall be free of evidence from pests or plant disease symptoms upon examination.

Dry plant materials that have been dried and bleached, dyed or chemically treated, or simply thoroughly dried are subject to inspection as a condition of entry.

Tissue cultures of plants in sterile flasks may be imported on the basis of a permit from the Chief of Plant Industry specifying conditions certification of virus status. They are also subject to inspection on arrival and treatment as prescribed.

3.26 Entry of Non Plant Articles

Non-plant articles contaminated with soil or infested with pests are subject to such treatment, including cleaning as directed by Chief of Plant Industry or as prescribed.

3.27 Entry of Cultures or Organisms

No person shall import any living culture or organism, including parasites, predators, araclnds, molluscs, nematodes, fungi bacteria, viruses, mycoplasma, parasitic, plant organism, plant pests, or other invertebarte animal, unless a specific written permit has been issued by the Chief of Plant Industry in advance of importation and only in compliance with conditions imposed by such permit.

3.28 Garbage

It is prohibited to import garbage into the CNMI. All garbage on board ships and aircraft entering the CNMI shall be incinerated at the port of entry.

PART 4

INTERIM RULES

The department shall have the power to establish, implement, and enforce interim rules governing the transportation of flora and fauna into the CNMI. Any interim rule shall be adopted in the absence of effective rules to protect the health and safety of the public as well as the ecological health of flora or fauna present in the CNMI. No interim rules shall be adopted without such finding by the Director of Natural Resources.

PART 5

EXPORT REQUIREMENT

5.1 Plants

The Chief of Plant Industry may issue Phytosanitary Certificates based on the staff's findings on the plants or plant materials performed at the request of the exporters to aid them in meeting the entry requirements of the importing country.

This certificate shall only be issued for plants or plant materials produced in the CNMI.

The issuances of a phytosanitary certificate in no way releases the importer from compliance with any imported regulations of the consigned country.

5.2 Nursery Stock Export Shipments

The division may certify as to the pest condition or post treatment of shipments when officially required. Fee shall be charged for the certificates.

Any treatment of Nursery Stock required under the provisions of law shall be at the risk and at the expense of the owner. Fees shall be determined at time of inspection.

The division may also issue and authorize the use of Nursery Stock Certificates by any shipper complying with its regulation for nursery inspection. **Fees shall** be charged for nursery certification. Nursery Stock Certificate shall not be altered or misused.

The department of Natural Resources may revoke or suspend the right to use any Nursery Stock Certificate for failure to comply with requirement for their use.

PART 6

MISCELLANEOUS

6.1 Entry Via the Post Office

Any plant, plant material, and regulated material entering CNMI by means of the postal service is liable to quarantine inspection and treatment, if necessary in accordance with these regulations.

Fees for quarantine permits or any quarantine Services and related activity can be determined by the Chief of Plant Industry, and will be duly published.

PART 7

PENALTIES

Pursuant to Subsection 5329, 2 CMC, Division 5, any person violating any part of these regulations shall upon conviction, be imprisoned for not more than six (6) months or fined not more than TWO THOUSAND DOLLARS (\$2,000.00) or both. Under Section 5329(b), the Chief may assess against any person violating any provision of these regulations issued under the following fines:

Amount of Fine

Not more than

First Offense: \$ 100.00

Second Offense: \$ 500.00

Third Offense: \$1,000.00

Fourth & Subsequent Offense: Subject to trial in a Court of Law.

PUBLIC NOTICE

A.G. OPINIONS PUBLISHED June 15, 1989 - July 15, 1989

Number	<u>Date</u>	<u>Subject</u>
89-07	07/05/89	Initiative No.1 (Commonwealth Wide) November 7, 1987. The Peoples' Right to Reaffirm, Reject or Renegotiate the Covenant. Procedural Questions and Answers.
89-08	07/05/89	The Liability of the Board of Nurse Examiners Prohibiting Non-Resident Aliens from taking the CNMI Nursing Exam.

Date: July 15, 1989

EDWARD MANIBUSAN Acting Attorney General