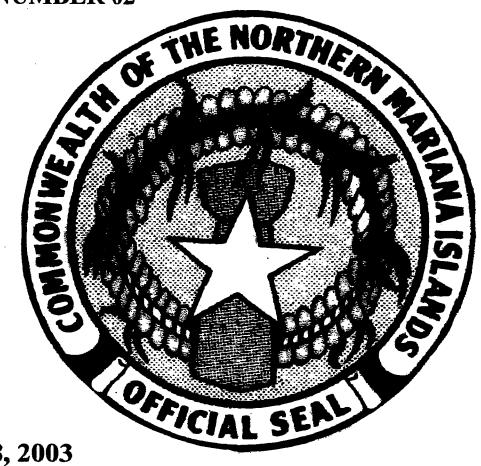
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS

VOLUME 25 NUMBER 02



FEBRUARY 28, 2003

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REGISTER

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta Governor

Diego T. Benavente Lieutenant Governor

TROPICAL STORM YANYAN (01W)

EMERGENCY DECLARATION NO. 01-2003

DATE: 1/18/2003

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared readiness TROPICAL STORM CONDITION I for the Island of SAIPAN, TINIAN, ROTA and TROPICAL STORM CONDITION II for the island of AGRIHAN effective 2:00 P.M., JANUARY 18, 2003; and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan, the declaration automatically puts into execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be executed, effective 2:00 P.M., JANUARY 18, 2003, on the island of SAIPAN, TINIAN, ROTA and AGRIHAN continuing so long as required by the emergency

situation.

Commonwealth of the Northern

Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

Diego T. Benavente Lieutenant Governor

TROPICAL STORM YANYAN (01W)

EMERGENCY DECLARATION NO. 02-2003

DATE: 1/19/2003

SUBJECT:

Termination of the Commonwealth of the Northern

Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands
Has DECLARED an "ALL CLEAR CONDITION" for the Islands of SAIPAN,

TINIAN, ROTA and AGRIHAN effective 1:00 P.M., JANUARY 19, 2003; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically

terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

terminated, effective 1:00 P.M., JANUARY 19, 2002, on the islands of SAIPAN,

TENIAN, ROTA and AGRIHAN.

JUAN N. BABAUTA

Governor

Commonwealth of the Northern

Mariana Islands

NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT AMENDMENT TO SOLID WASTE COLLECTION DISPOSAL REGULATIONS.

Emergency: The Secretary of Public Works for the Commonwealth of the Northern Mariana Islands finds that, pursuant to Title 1 CMC, Division 9, Chapter 1, and specifically under 1 CMC § 9104 (b), the public interest requires the adoption, on an emergency basis, of amendments to the "Solid Waste Collection Disposal Regulations. These Solid Waste Collection Disposal Regulations were adopted as published in the Commonwealth Register Vol.22, No. 04, on April 14,2000, beginning at page 172000 to 17209.

The Secretary of Public Works further finds that the public interest mandates adoption of these amendments to the Solid Waste Collection Disposal Regulations upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

Reasons for the Emergency: The Secretary of Public Works finds that the Solid Waste Management Revolving Fund Act established a separate sub-account for funds required to meet financial assurance requirements mandated by the U.S. Environmental Protection Agency and local permitting regulations. The Secretary further finds that, in order to safeguard the environment, health and safety of the public and to enhance the effective solid waste management system by the Department of Public Works, it is vital that a policy regarding allocation and management of funds for the Solid Waste Revolving Fund, which are legal and binding and meet the requirements of Financial Assurance for the DEQ Solid Waste Permit sub-account be in place in order for final permitting be accomplished and to facilitate the timely commencement of operations at the Marpi Solid Waste Landfill.

<u>Contents:</u> The adoption of this amendment to the Solid Waste Collection Disposal Regulations will establish a policy regarding allocation and management of funds for the Solid Waste Revolving Fund, which are legal and binding and meet the requirements of Financial Assurance for the DEQ Solid Waste Permit

Notice of Intent to Permanently Adopt: It is the intention of the Secretary of Public Works to adopt this emergency amendment as permanent amendments to the Solid Waste Collection Disposal Regulations with such adoption pursuant to 1 CMC §§ 9104 (a) (1) and (2). Therefore, publication in the Commonwealth Register of these amendments, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act are hereby provided. Comments on these amendments to the Solid Waste Collection Disposal Regulations may be submitted in writing to the

Department of Public Works, Solid Waste Manager, Lower Base, Saipan, MP 96950 or by fax (670) 322-3547, not later than thirty days from the date of this publication.

Dated this 22 Nd day of January, 2003.

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|------------------------|---------------------------------|--|
| JUAN'S. REYES | 0 | The state of the s |
| Department of Public W | onks \ | and the second |
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| Received by: | WAR MAN | 1-18-00 |
| | HOMAS TEBUTEB | Date |
| | pecial Assistant for Administra | tion |
| Concurred by: | Way H. Bellew to | 2/03/03 |
| J | JAN N. BABAUTA overnor | Date |
| Filed and Recorded by: | Quedis Ne Hoes | uan 4/03/03 |
| | Registrar of Corporations | Date |

Pursuant to 1 CMC §2153, as amended by Public Law 10-50, the rules and

regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 27 4 day of January, 2003.

Ramona V. Manglona Attorney General

ATTACABLE .

PUBLIC NOTICE

DEPARTMENT OF PUBLIC WORKS EMERGENCY SOLID WASTE REVOLVING FUNDS REGULATIONS

Citation of

Statutory Authority:

Pursuant to 2 CMC as §3514 of the Solid Waste Management

Revolving Account Act of 2002.

Short Statement of

Goals and Objectives:

To establish a policy regarding allocation and management of funds

for the Solid Waste Revolving Fund, which are legal and binding and meet the requirements of Financial Assurance for the DEQ

Solid Waste Permit.

Brief Summary of

The Rule:

Fund is divided into 4 sub-accounts one of which is for Financial

Assurance. Finance and Accounting is required to allocate

\$400,000.00 per year into that sub-account to be used solely for the

purpose of Financial Assurance for DEQ permitted landfills.

For Further

Information Contact:

Alberta Carpenter, Program Manager, Division of Solid Waste

Management, Department of Public Works, telephone number 322-

2745 or fax 322-3547.

Citation of Related and/or

Affected Statutes,

Regulations and Orders:

Solid Waste Management Revolving Account, Public Law 13-24.

Submitted by:

Juan S. Reyes

Department of Public Works

Jan 22, 200

Date

Nutisia Para I Pupbliku Dipåttamenton i <u>Public Works</u>

Imidiamente Na Regulasión Put Asunton Solid Waste Revolving Funds

Sitasión I Aturidat I Lai:

Sigun i Lai 2 CMC Sek. 3514 Put Asunton Solid Waste Management Revolving Account Act 2002.

Kadada' Na Sinangan Put I Goals Yan Objectives:

Para hu establisi areklamento put ma na guahayi yan enkåtgamente salåpe' para i <u>Solid Waste</u> <u>Revolving Fund</u>, ni man ligåt yan hu fan afakcha i nisisidåt put Asigurun i Fainansiåt para i <u>D.E.Q.</u> put permit i Solid Waste.

Kadada' Na Sinangan Put I Areklamento:

Ma dibidi i salape gi kuattro na <u>sub-account</u>, uno put para i Asigurun i Fainansiat. Ma nisisita <u>Finance</u> yan <u>Accounting</u> put para hu ma na guahayi kuattro sientos mit pesos (\$400,000.00) kada sakkan gi halom i <u>sub-account</u> ni para hu ma usa solamente para i Asigurun i Fainansiat para i <u>D.E.Q.</u> put i man ma lisensia na landfills.

Para Mås Infotmasión Ågang Si:

Alberta Carpenter, Enkatgan i Programa, gi Dibision i <u>Solid Waste Management</u>, Dipattamenton i <u>Public Works</u>, numirun tilifon 322-2745 pat <u>fax</u> gi 322-3547.

Sitasión I Man Achuli Yan/Pat I Man Inafekta Na Lai Siha, Regulasión Siha, Yan Otden Siha:

Solid Waste Management Revolving Account Lai Pupbliku 13-24

Nina halom as:

Juan S. Reyes ()
Dipattamenton i Public Works

| - 22 - 03 | Fecha

28-Feb-03

EMERGENCY AMENDMENT TO SOLID WASTE MANAGEMENT DISPOSAL/COLLECTION REGULATIONS TO ADD NEW SECTION 5

SECTION 5. <u>ALLOCATION OF FUNDS FOR SUB-ACCOUNTS WITHIN THE SOLID WASTE</u> REVOLVING FUND.

The Solid Waste Revolving Fund (SWRF) shall be divided pursuant to the Solid Waste Management Revolving Account Act of 2002 in the following manner:

A. Saipan sub-account:

- 1. All solid waste tipping fees generated on the island of Saipan
- 2. 80% of the total excise tax designated for the SWRF
- 3. All solid waste grants applied for under the Saipan Solid Waste Office
- 4. All Advance Disposal Fees collected for products to be sold on the island of Saipan
- 5. All loans, grants or other financial assistance designated for activities to happen on the island of Saipan.

B. Tinian sub-account:

- 1. All solid waste tipping fees generated on the island or islands of Tinian and Aguiguan.
- 2. 10% of the total excise tax designated for the SWRF
- 3. All solid waste grants applied for under the Tinian Solid Waste Division
- 4. Any Advance Disposal Fees collected for products to be sold on the island or islands of Tinian and Aguiguan.
- 5. All loans, grants or other financial assistance designated for activities to happen on the island or islands of Tinian and Aquiguan.

C. Rota sub-account:

- 1. All solid waste tipping fees generated on the island of Rota
- 2. 10% of the total excise tax designated for the SWRF
- 3. All solid waste grants applied for under the Rota Solid Waste Division
- 4. All Advance Disposal Fees collected for products to be sold on the island of Rota
- 5. All loans, grants or other financial assistance designated for activities to happen on the island of Rota.

D. Financial Assurance sub-account:

- 1. \$400,000.00 per year out of the total excise tax designated for the SWRF. 10% will come from the excise tax funds apportioned for Rota, 10% will come from the excise tax funds apportioned for Tinian and 80% will come from the excise tax funds apportioned for Saipan.
- 2. Once accumulated, a minimum of \$500,000.00 will be maintained in a savings account that can be accessed immediately. Any additional funds above \$500,000.00 will be maintained in TCD's or other higher interest bearing funds that can be accessed within a 90 day time period.
- 3. Funds from this sub-account cannot be used for any other purpose except for the closure/post-closure or any corrective action that may be required for the Marpi Solid Waste Facility or a DEQ permitted landfill in Tinian, Aquiguan or Rota.
- 4. This amount will be annually re-evaluated and adjusted as necessary by the Department of

Public Works, Division of Solid Waste Management, to account for updated closure and post-closure care costs for the Marpi Solid Waste Facility and any landfill in Tinian or Rota permitted under the CNMI Solid Waste Management Regulations, as well as any corrective actions that may become required for these facilities under the CNMI Solid Waste Management Regulations



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE MAYOR Municipality of Saipan Afetna Square, San Antonio



JUAN BORJA TUDELA Mayor of Saipan

PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT

DOG CONTROL RULES AND REGULATIONS

WHEREAS, the Office of the Mayor, Municipality of Saipan, pursuant to the authority of Saipan Local Law 9-12, published proposed "Municipality of Saipan's Dog Control Rules and Regulations" in the Commonwealth Register, Volume 19, Number 10, October 15, 1997, pages 15703 to 15717; and

WHEREAS, contemporaneously with publication, a notice and solicitation of public comment was also published in the Commonwealth Register, Volume 19, Number 10, October 15, 1997, pages 15703 to 15706; and

WHEREAS, since such publication, and the Office of the Mayor has considered the comments received and further evaluated the proposed regulations; and

WHEREAS, based on such comments and further evaluation, the Office of the Mayor made certain cosmetic changes to the regulations as originally proposed, and revised the fee schedule; and

WHEREAS, in response to numerous complaints about risks to public health and safety, public nuisance, and other concerns arising out of failure to enforce the Saipan and Northern Islands Dog Control Act, the Office of the Mayor has determined that immediate implementation of dog control policies is imperative; now, good cause appearing,

I, Juan B. Tudela, Mayor, Municipality of Saipan, find and declare as follows:

Emergency: The Mayor, Municipality of Saipan, finds that, pursuant to Title 1 CMC, Division 9, Chapter 1, and specifically under 1 CMC § 9104(b), the public interest requires the adoption on an emergency basis of rules and regulations pursuant to 10 CMC § 3702 to carry out the intent of the Saipan and Northern Islands Dog Control Act.

Although the public has had over five (5) years notice of these proposed regulations, said regulations have not recently been republished, and the Mayor of Saipan therefore further finds that the public interest mandates adoption of these Dog Control Rules and Regulations upon fewer than thirty (30) days notice of new publication, and that these

regulations shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

Reasons for the Emergency: The Mayor of Saipan finds that there currently are no regulations in effect to provide for control of dogs in the Municipality of Saipan, despite the enactment of Saipan and Northern Islands Local Law 9-12 over seven years ago. The Mayor of Saipan further finds that the problems described by the Saipan and Northern Islands Legislative Delegation in passing the Saipan and Northern Islands Dog Control Act has not lessened with the passage of time but in fact have become exacerbated. These problems include the following: stray dogs pose a serious health problem to the people of the Island of Saipan; stray dogs wander onto public roads creating a hazard to the safety of drivers as well as to the well being of the dogs; stray dogs frequently suffer from malnutrition and ill health; stray dogs create safety hazards to pedestrians by chasing or attacking said pedestrians; dead animals, particularly unclaimed dogs, not properly disposed of create dangers to public health.

<u>Contents</u>: The adoption of these emergency regulations will provide a comprehensive program for control of dogs in the Municipality of Saipan, including tag and leash requirements, confinement requirements, impoundment, penalty and redemption provisions, and a system for the humane impounding, holding, and disposing of wild and/or stray dogs, as well as the licensing of dogs and a fee schedule.

Notice of Intent to Permanently Adopt: It is the intention of the Mayor, Municipality of Saipan, to adopt these emergency regulations as permanent regulations with such adoption pursuant to 1 CMC § 9104(a)(1) and (2). Therefore, publication in the Commonwealth Register of these emergency regulations, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act are hereby provided. Comments on these Dog Control Rules and Regulations may be sent by mail to: The Honorable Juan B. Tudela, Mayor, Municipality of Saipan, P.O. Box 1457, Saipan, MP 96950, or delivered to the Office of the Mayor of Saipan, 1st Floor, Afetña Square Building, San Antonio Village, Saipan, Northern Mariana Islands.

Authority:

The Mayor of Saipan is authorized to promulgate, publish, and adopt these regulations pursuant to one or more of the following: Article VI, Section 3 of the Commonwealth Constitution; 1 CMC § 5106(e); 1 CMC § 5107(f)(4); 10 CMC § 3702; the CNMI Administrative Procedure Act, 1 CMC § 9109 et seq.; and other applicable Commonwealth law.

By signature below, I hereby certify that the "Municipality of Saipan Dog Control Rules and Regulations" attached hereto are the true, correct, and complete "Municipality of Saipan Dog Control Rules and Regulations" hereby adopted as emergency regulations

by the Office of the Mayor, Municipality of Saipan, and further request and direct that this Notice of Adoption be published in the Commonwealth Register.

Copies of the adopted Municipality of Saipan Dog Control Rules and Regulations are available at the office of the Mayor of Saipan, Afetña Square, San Antonio, Saipan, MP 96950.

Dated this 14 day of February, 2003.

The Honorable Juan B. Tudela Mayor of Saipan

Received at Governor's Office by:

Thomas I. Tebuteb
Special Assistant for Administration

Concurred by:

Date: 2/27/03

Diego T. Benavente Acting Governor

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the subject regulations have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Date: Feb. 24,2003

Ramona V. Manglona Attorney General

Filed by:

Date: 01/07/03

Remedio M. Hollman
Registrar of Corporations

Notisia Para I Pupbliku Put Imidiamente Na Regulasión Siha Yan Intensión Ni Para U Ma Adopta

Areklamento Yan Regulasión Siha Put Suhetan Ga'lågu

Ginen este, i Ofisinan i Mayot, Munisipåt Saipan, sigun para i Aturidåt i <u>Saipan Local Law</u> 9-12, ni ma pupblisa para u proponi put asunton "I Areklamento Yan Regulasión Munisipåt Saipan Put Suhetan Ga'lågu" gi Rehistran i Commonwealth, Vol. 19, Num.10, gi Oktubre 15, 1997, påhina 15703 esta 15717; yan

Ginen este, ana guaha pupblikasión, i notisia yan solisitasión i opinion pupbliku yan ma pupblisa gi Rehistran i Commonwealth, Vol. 19, Num. 10, gi Oktubre 15, 1997 desde påhina 15703 esta 15706, yan

Ginen este, desdi ki anai ma pupblisa, i Ofisinan i Mayot ha konsidera i opinion siha ni ha risibi yan mas ma ebalua i man ma proponi na regulasion siha; yan

Ginen este, sigun i opinion yan anai ma ebalua mas, i Ofisinan i Mayot ana guaha tinilaika gi regulasión siha ni ma proponi, yan i ribisan i presu; yan,

Ginen este, sigun i complain siha ma oppe' put i ariesgan i hinemlo' sinafun pupbliku, chatpagu para i pupbliku, yan palu na diniseha ni ti ma kompli yan ma infotsa i Saipan yan Northern Islands Dog Control Act, i Ofisinan i Mayot ha detetmina na imidiamente u ma implimenta i Arklamento yan Regulasión Munisipat Saipan Put Suhetan Ga'lagu u ma chogue; ya hu guaha minaolek,

Guahu, as Juan B. Tudela, Mayot, Munisipat Saipan, hu sodda' yan deklara i prisente:

Imidiamente: I Mayot, Munisipat Saipan, ha sodda na, sigun i Titilu 1 CMC Division 9, Chapt. 1, yan espisifikatmente papa 1 CMC Sek. 9104 (b), i enteres pupbliku ma nisisita i inadoptasion gi imidiamente na banda i Areklamento yan Regulasion siha sigun para i 10 CMC Sek. 3702 put para u ma pusibli i Saipan yan Northern Islands Dog Control Act.

Maskiseha i pupbliku ginen gumuaha mås di singko (5) años na notisia put este man ma proponi na regulasión siha, i man ma sångan na regulasión ti man ma talun pupblisa guini gi halacha, ya i Mayot Saipan ginen este mås ha sodda na i enteres pupbliku ha månda i inadoptasión este i Areklamento yan Regulasión Put Suhetan Ga'lågu antes di trenta (30) dias na notisia gi nuebu na pupblikasión, yan put este na regulasión siha u fan efektibu imidiamente an munayan ma polu gi Rehistran i Koporasión Siha, yan ma apreba ginen i Abugado Henerat yan kinonfotmi ni i Gobietno ya u efektibu esta siento bente (120) dias, solu lataftaf u ma adopta i regulasión siha petmanente.

Rason Para Imidiamente: I Mayot Saipan ha sodda' na gi prisente tåya regulasión siha mana huyong put para u probenihi i Suhetan Ga'lågu gi Munisipät Saipan, kontra i Lai gi Saipan yan Northern Islands Local Law 9-12 gi siette años ni manmalofan. I Mayot Saipan ha sodda' mås na i prublema ni ma deskribi ginen Saipan yan Northern Islands Legislative Delegation ni ma pasa i Saipan yan Northern Islands Dog Control Act ti mumenos yan i man malofan na tiempo lao mås ha implimenta i prublema. Este na prublema siha ha inklusu i prisente: man atsådo na ga'lågu siha ha posa atdet na prublema gi bandan hinemlo para i taotao gi Islan Saipan; man atsådo na ga'lågu siha man lililiku gi chalan pupbliku siha ya piligro para i man mañuñugon parehu ha yan i linala ga'lågu, man atsådo na ga'lågu sesso man kinastiga ni malnutrition yan minalångo; man atsådo na ga'lågu siha piligro para i man mamomokåt na suidånu sa an ti man dulalak pues man åkka; i man måtai na gå'ga siha, patikulåtmente i ti man claim na gå'ga siha, ti man mayuti propiu ya piligro para i hinemlo pupbliku.

Sinaguan: I inadoptasión este man imidiamente na regulasión siha u probenihi más komprendiyon na programa para i suhetan ga'lågu gi Munisipat Saipan, inklusu i nisisidat i ma matka yan ma goddi, i nisisidat i ma pongli, i nisisidat i manma manteni, probisión i pena yan ridimasión, yan sistema para i manma manteni umanidat, ma gogoti, yan mayuti i machalek yan/pat man atsado na ga'lagu, parehu i lisensian i ga'lagu yan i presu-ña.

Notisia Put Intension Para U Ma Adopta Petmanente: I intension i Mayot, Munisipåt Saipan, na para u ma adopta este siha na regulasión petmanente na regulasión yan put este na inadoptasión sigun i 1 CMC Sek. 9104 (a) (1) yan (2). Ginen este, i pupblikasión gi Rehistran i Commonwealth put este petmanente na regulasión siha, este na Notisia, yan i opottunidåt para opinion pupbliku sigun i nisisidåt i CNMI Administrative Procedures Act ma probenihi. Opinion put este Areklamento yan Regulasión i Suhetan Ga'lågu u ma hanågue i: Hinorabli as Juan B.

Tudela, Mayot, Munisipat Saipan, P.O. Box 1457, Saipan, M.P. 96950, pat entrega guato i Ofisinan i Mayot Saipan, gi finenina na bibenda, gi Afetna Square Building, giya songsong San Antonio, Saipan, Sankattan Siha Na Islas Marianas.

Aturidat:

I Mayot Şaipan ha aturisa para u establisi, pupblisa yan adopta este na regulasión sigun para uno pat más gi prisente: Atikilu IV, Sek. 3 gi Commonwealth Constitution; 1 CMC Sek. 5106 (e); 1 CMC Sek. 5107 (f) (4); 10 CMC Sek. 3702; i CNMI Administrative Procedure Act; 1 CMC Sek. 9109 et. seq.; yan palu ni man aplikåtbli gi Commonwealth Law.

Ginen i fitmåku gi sanpapa, este na momento hu deklåra na i "Areklamento yan Regulasión gi Munisipät Saipan Put Suhetan Ga'lågu" ni man checheton guini na man magåhet, dinanchi, yan komplidu "I Areklamento yan Regulasión Siha gi Munisipät Saipan Put Suhetan Ga'lågu", este na momento man ma adopta i imidiamente na regulasión siha ginen i Ofisinan i Mayot, Munisipät Saipan, yan mås a rekuesta yan otden este na notisian inadoptasión u ma pupblisa gi Rehistran I Commonwealth.

Kopian i Areklamento yan Regulasion gi Munisipat Saipan Put Suhetan Ga'lagu man gaigi gi Ofisinan i Mayot Saipan, gi Afetna Square, giya San Antonio, Saipan, M.P. 96950.

| Ma fecha gi 14 4 na dia gi Feb | oreru, 2003. |
|--------------------------------------|--|
| | I Hinorable as Juan B. Tudela |
| Ma risibi gi Ofisinan i Gobietno as: | Mayot, Saipan |
| Fecha: | Thomas I Tebuteb, Espisiat Na Ayudante Para Atministrasion |

| Kinonfotme as: Fecha: ン/ 37 / つ 3 | Diego T. Benavente Acting Governor |
|--|---|
| Sigun i 1 CMC Sek. 2153, ni inimenda ginen i l man ma ribisa yan apreba ni para u fotma yan Abugado Henerat. | P.L. 10-50, i regulasion siha ligat ginen i Ofisinan i |
| Fecha: 2/24/03 | Ramona V. Manglona Abugado Henerat |
| Pinelo' as: | |
| Fecha: 2/27/23 | Remedio M. Hall war Rehistran i Koporasion |

ARONGORONGOL TOULAP REEL GHITIPWOTCH KKAAL ME MANGEMANGIL EBWE ADOPTAAY

ALLÉGHUL GHULÓÓGH

Sángi igha, bwulasiyool Mayor, Municipality of Saipan, Ilól bwangil Saipan Local Law 9-12, arongowowul pomwol kkaal "Municipality of Saipan's Dog Control Rules and Regulations" Ilol Commonwealth Register, Volume 19, Numoro 10, Sarobwel 15, 1997, peigh 15703 mwete ngáli peigh 15717; me

Sángi igha, bwelle igha ebwe lool me arongowow, arong me isisiwowul mángemángiir Toulap iye aa fasúl fféér arongorong mellól <u>Commonwealth register</u> Volume 19, Numoro 10, Sarobwel 15, 1997, peigh 15703 mwete ngáli 15706; me

Sángi igha, bwelle reel arongorong yeel, me Bwulasiyool Mayor re tipeli bwe ayegh kka re bwughil iye rebwe sóbweiló yaar bwungúúw fischiy reel pomwol allégh kkaal; me

<u>Sángi igha</u>, bwelle reel mángemáng kkaal me sóbwóldól yaar bwungúw fischiy, bwulasiyool Mayor e ayoora akkááw liwel reel allégh kka re fasúl pomwoli , me liweli atol abwóds; me

<u>Sángi igha</u>, reel apalawalal akkááw ayegh reel weires kka emmwel ebwe ghula imwal assemwaay me allégh, weires kka Toulap rese tipa, me akkááw ayegh kka e yooreta

bwelle igha rese a ayoora wool Seipel me faluw kka efang faluwasch Marianas, Bwulasiyool Mayor e tipeli bwe ebwe ghutchuuw yaal ayoora alleghul ghuloogh iye e welepakk, ighila, iye yoor lomotal,

Ngaang, Juan B. Tudela, <u>Mayor</u>, <u>Municipality of Saipan</u>, i schuungi me akkapalo reel milikka faal:

Ghitipwotch: Mayor mellol Municipality of Saipan, e schuungi bwe, mereel Title 1 CMC, Division 9, Chapter 1, bwe schééschéél faal mille 1 CMC sub section 9104 (b), bwe llól tipeer Toulap bwe rebwe adoptaay mille alléghúl ghitipwotch yeel mereel 10 CMC sub section 3702 igha rebwe atééw mángemángil Seipél me falúw kka efáng reel alléghúl ghulóógh Act.

Bwelle igha aa limoow (5) raaghló reel arong yeel reel pomwol allégh kkaal, sángi allégh kka ese arong sefál, <u>Mayor of Saipan</u> ebwal schuungi bwe llól tipeer Toulap bwe rebwe adoptaay alléghul ghulóógh yeel igha essóbw luuló iliigh (30) rál reel arongowowul amataf yeel, me rebwe ghutchuuw bwe ebwe allégheló mmwal igha

ebwe isisilong Ilól <u>Registrar of Corporations</u>, outol igha e aléghéléghéló mereel <u>Attomey General</u> me Gobenno iye elo bwe ebwe allégh schagh Ilól ebwughúw ruweigh ráál (120), ngáre schagh re ghutchuw nge ebwe schééschéél allégh.

Bwuldl ghitipwotch: Mayor of Saipan e schuungi bwe ighila nge esóór allégh ye e aldgháldgháld reel alléghál ghulógh mellól Municipality of Saipan. Saabw bwelle igha fféérál alléghál Seipél me faldw kka efáng Local Law 9-12 iye e páreló fisuuw ráágh. Mayor of Saipan ebwal schuungi bwe sángi Seipél me faldw kka efáng Marianas Legislative Delegation igha re fééráló alléghál ghulóógh me wóól Seipél me faldw kka efáng iye ese ghitighitiw weires kkaal bwe ekke tumóghóló. weires kkaal ikka e lo faal: ghulóóghul leeyal nge re ayoora sumwaiyil iligh ngáliir aramasal Seipél; ghulóóghul leeyal kka re fárágh wóól yaal kkaal nge ebwal kke ayoora wós reel schóól affárághil ghareeta fengál me ghulóógh kka re ghatch: tómwoghol schagh bwe ghulóóghul leeyal kkaal e ghulaar malnutrition me sumwaiyil iligh; ghulóóghul leeyal kkaal ebwal ghal aweiresi safety hazard reel rebwe fattabweer aramas me ghuídr mwaliyeer aramas; máál maal, ghulóógh ye rese claim-li, maal kka máál leeyal ngáre ye aa ngów bwool ebwe asamwayi ilighil.

autol: reel adoptaal alleghúl ghitipwotch kkaal iye ebwe ayoora temwoghol progrooma reel alleghúl ghulócgh llól Municipality of Saipan, ebwal toolong Tag me leash, leeliyal ghulócgh, impoundment, penalty me igha rebwe umwu sefáliiy, me mwoghutughut ye ebwe ghatch reel impoundment, amwuschutiw, me akkaschelól maal me ngáre ghulócghul leeyal, mebwal ghulócgh kka re licensia me atol abwóós.

Arong reel mángemángil ebwe schééschéél adoptaay: mángemángil Mayor, Municipality of Saipan, ebwe adoptaay alléghúl ghitipwotch kkaal bwe ebwe schééschéél allégh bwelle reel adoptaal mereel 1 CMC sub section 9104 (a) (1) me (2). bwal eew, arongowow mellól Commonwealth Register sangi alléghúl ghitipwotch, arong yeel, ebwal yoor bwángiir Toulap rebwe ayegh reel titingór kka CNMI Administration Procedure Act ekke ayoora. ayegh reel alléghúl ghulóógh nge emmwel ubwe mail-li ngáli awóólingil Juan B. Tudela, Mayor, Municipality of Saipan, P.O. Box 1457, Saipan, MP 96950, me ngare afangaalo reel Bwulasiyool Mayor wóól Seipel 1st floor, Afetna Square Building, San Antonio Village, Seipél, me falúw kka falúwasch efáng.

Bwángil: Mayor of Saipan nge eyoor bwángil ebwe akkatéélő, arongorong, me adoptaal allégh kkaal sángi eew me ngáre milikka faal: Article VI, Talil 3 reel Commonwealth Constitution; 1 CMC sub section 5106 (e); 1 CMC sub section 5107 (f) (4); 10 CMC sub section 3702; CNMI Administrative Procedure Act, 1 CMC sub section 9109 et seq; me akkááw allégh kka e fil ngáli Commonwealth.

Sángi alughulugh ye faal, i alughulughuw bwe alleghul ghuloogh mellol Municipality of Saipan iye e appasch nge welewel, ellet, me ttakkelol "Municipality of Saipan Dog Control Rules Regulations iye aa adoptlo bwe alleghul ghuloogh sángi Bwulasiyool

Mayor, Municipality of Saipan, me sóbwlól tingór mebwal afalafalal bwe arongol adoption yeel ebwe ffeerld arongorong Ilol Commonwealth Register. Copial alleghul ghuldogh iye re adoptaay mellol Municipality of Saipan nge yoor mellól Bwulasiyool Mayor, Afetna Square, San Antonio, Saipan, MP 96950. E fféér Ilól rál ye _____ maramal Máischigh, 2003. Bwughiiyal mereel Bwulasiyool Gobenno Rái : _____ Thomas I. Tebuteb **Special Assistant for Administration** alúghuyial: Rál: Mereel 1 CMC sub setion 2153 iye liwel mereel P. L. 10-50, autol allegh kkaal iye ra takkal amwuri me alughulughulo mereel Bwulasiyool Attorney General. Ramona V. Manglona Attorney General

Remedio M. Hollman Registrar of Corporations

DOG CONTROL RULES and REGULATIONS

1.01 Established

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the animal shelter, provided, that one or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded, which places shall be designated as branches of the animal shelter and shall be included within the meanings of the words animal shelter wherever the name may appear in this title.

1.02 Supervisor designated.

Whenever in this title the words "Supervisor" or "Supervisor of animal shelter" are used, they shall mean the Supervisor of the animal regulation division of the office of the Mayor of Saipan.

1.03 Impoundment-Authority.

The Supervisor shall take up, impound and safely keep any and all of the animals enumerated in this chapter and found running at large, pastured, herded, staked or tied in any street, park, or other public place, or upon any private property, in violation of any of the provisions of this title.

1.04 Impoundment-Dogs.

It shall be the duty of the Supervisor and his employees to take up and deliver to the animal shelter any dog found upon any public or private property within the Municipality in violation of any of the provisions of this title.

1.05 Impoundment - Care of animals.

The Supervisor shall safely keep all dogs, or other animals impounded at the animal shelter and shall furnish the same all necessary food and water, and shall give the same ordinary attention as may appear to be reasonably required for the welfare of such animals.

1.06 Impoundment -- Voluntary

The owner of a dog or cat may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of obtaining his assistance in procuring a new owner for the animal under such terms and conditions as that official, in his sole and absolute discretion, shall determine. The act of the owner in so placing the custody of the animal with the Supervisor shall, in no event and under no circumstances, obligate that official of the Municipality to procure a new owner for the animal and, in the event such official so determines, the animal may

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destroyed and disposition made of the carcass. The owner of any other small animal may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of disposing of the animal as that official so determines. By placing the animal in the custody of the Supervisor in accordance with this section, the owner thereof relinquishes and conveys to the Municipality all his right, title and interest in and to the animal and to the proceeds of any sale of the animal thereafter made, and neither the Municipality nor the official shall be required to make an accounting for any such proceeds. If the Supervisor elects to accept the custody of the animal, he shall require the owner thereof to evidence in writing his knowledge and acceptance of the provisions of this section. Notwithstanding anything in this section to the contrary, in the event the Supervisor has not procured a new owner for the animal and the same has not been destroyed, the person so placing the animal in custody may redeem and reclaim it from the custody of the Municipality upon the payment of a fee therefor established by the Mayor by regulation. The owner of the unwanted animal may deliver the animal to the Supervisor at the animal shelter without charge or, at the owner's request, that official will pick up the animal at a fee established therefor by the Mayor by regulation.

1.07 Nonpayment; abandonment

The refusal or failure of the owner of any such dog to pay the fee and charges after due notification shall be held to be an abandonment of the dog by the owner.

1.08 Impoundment -- disposal

Prior to disposing of an impounded dog, the Supervisor shall contact any and all local animal welfare/protection groups that have registered with the Supervisor, and who the Supervisor has found ready, willing, and able to place abandoned or wild dogs with responsible owners, to determine if the group is willing to take the dog in an attempt to place the dog with a willing owner. If the group is so willing, then the Supervisor shall release the dog to the group after the expiration of the one hundred twenty (120) hour holding period and/or after the expiration of any notice period as set forth below.

Prior to placing the dog with an animal welfare/protection group, or disposing of a dog, the Supervisor shall attempt to contact the owner of the dog. If the dog is wearing a tag issued by the Municipality, or a tag that provides the Supervisor with information sufficient for him to determine the identity of the owner of the dog, then notice that the dog has been impounded and may be destroyed, or given to a new owner, shall be given to the owner, either by personal service, or by certified mail. The dog may not be disposed of, or given away, prior to the owner receiving forty-eight (48) hours notice if by personal service, or seventy-two (72) hours notice, if by certified mail. For the purposes of determining the running of the notice period for notices serviced via certified mail, the seventy-two (72) hour notice period will begin to run upon the Supervisor's delivering the letter to the post office.

The notice shall include the day and time that the dog was impounded, the daily impound fee, any other fees that the owner must pay to regain possession of the dog, and any procedures the owner must follow to regain possession of the dog.

If an impounded dog is not wearing a tag that would provide the Supervisor with the ability to determine the owner's identity, or if the owner does not respond to the notice issued by the Supervisor, then the Supervisor may dispose of, or give the dog away to an animal welfare/protection group, or to any individual that the Supervisor deems to be ready, willing, and able to care for the dog, at the expiration of the one hundred twenty (120) hour holding period, or at the end of the notice period, whichever is later.

If the Supervisor deems that the dog can be sold and thereby generate revenue for the Municipality, the Supervisor may sale the dog rather than give the dog to an animal welfare/protection group, or to an individual.

At the time of sale or placement with an individual of any dog or cat, a spay and neuter deposit shall be required from the purchaser/new owner. Such deposit shall be established by the Mayor by regulation. All such deposits shall be deposited as special account for the Municipality for animal control. A purchased/placed dog or cat under six months of age at the time it is sold/placed shall be spayed or neutered within six months or the deposit shall be deemed unclaimed and forfeited to the Municipality. Any dog or cat six months of age over, at the time it is sold/placed, shall be spayed or neutered within sixty days or the deposit shall be deemed unclaimed and forfeited to the city. If a written statement is obtained by the purchaser/new owner from a veterinarian that the dog or cat is not suitable for surgery the deposits shall not be deemed forfeited.

The Supervisor may, without waiting for such five-day period to elapse, cause any impounded animal to be destroyed when that official reasonably determines, upon the advice of a veterinarian, that such animal is unfit for further use by reason of its having been injured, having become infected with a dangerous or communicable disease, having become incurably crippled or having become infirmed on account of advanced age. Such official may likewise so destroy any impounded animal upon receiving the written report of a duly licensed veterinarian that such animal is afflicted with a painful and incurable disease.

1.09 Impoundment-Redemption by owner.

The owner or person entitled to the possession of any impounded dog or other animal shall have the right to redeem and have the possession of the same at any time prior to the sale or destruction thereof upon payment to the Supervisor of the costs and charges incident to the impounding, taking and keeping thereof, upon satisfactory proof of the ownership and right to possession of the dog or other animal being made to the Supervisor and, if sold, to receive all of the net proceeds of such sale in excess of the costs and charges for the taking, impounding, keeping and expenses of sale thereof. As an incident to the redemption of any dog, the owner or

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other person shall also pay the license fee, plus any penalty, for any dog for which a license tag has not been issued for the current year.

Interference with officers or shelter.

No person shall conceal or attempt to conceal, rescue, or attempt to rescue any dog or any of the animals mentioned in this title from the Supervisor, or from any other officer authorized to enforce any of the provisions of this title, while engaged in the capture or in conveying to the animal shelter any such dog or animal, or to interfere in any manner with said persons in the performance of any duty incident to their office, or to rescue or attempt to rescue any dog or other animal which has bene impounded in the animal shelter.

DOG LICENSING

2.01 Tag-Required.

No person shall own or have in custody or control any dog, male or female, over the age of four months, without at all times having upon such dog a Collar or harness to which shall be securely fastened a tag as provided in these regulations. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve months. The tag shall be obtained from the Supervisor or designated office, inscribed with the letters and words "Saipan Dog Tag" and with the serial number of the tag. The tag shall be sufficient only during the period for which the tag is issued.

2.02 Application

Each application of a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

2.03 Endorsement of Tag Number

All applications which have been endorsed shall be kept on file in the office of the Supervisor open to public inspection.

Spayed or neutered dog: reduction in fee

Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered

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2.05 Penalty.

Violation of or failure to comply with any provision of these regulations constitutes an infraction punishable by a fine of not more than one hundred dollars for the first offense and not more than two hundred dollars for the second offense within a twelve-month period.

2.06 Tag Issuance-Records.

The Supervisor of the animal regulation division is authorized and directed to procure on an as needed basis such quantity of tags as may be required for dogs in the Municipality, which tags shall be plainly inscribed as set forth in this chapter, and shall be valid for only the period for which they are issued. The Supervisor, his assistants, and deputies shall furnish such tags to the owners and persons in control of dogs in the Municipality for fees which shall be established by the Mayor by regulation for each unaltered dog and for each altered dog whose spaying or neutering is verified by a certificate from a licensed veterinarian. The Supervisor shall keep a register wherein shall be entered the name of every person to whom a dog tag has been issued, together with the serial number, and the period for which it is valid, the date of issuance, the address of applicant, and any other data deemed pertinent. Such tag shall be good only for use upon the dog described in such application.

2.07 Tag-Replacement.

In case of loss or destruction of any tag required by the provisions of this chapter, a duplicate shall be issued by the Supervisor upon request and upon the payment of the fee established therefor by the Mayor by regulation.

2.08 Exemptions.

No license fee or tax shall be required for the issuance of a tag for any dog certified as being duly and properly trained to aid or assist disabled persons when such dog is actually being used by a person for the purpose of aiding or assisting such disabled person, and the Supervisor shall annually issue tags free of charge to owners or persons having the custody and control of such dogs.

2.09 Tag - Counterfeit prohibited.

No person shall imitate or counterfeit any tag, receipt, or registration certificate required or issued pursuant to this chapter or use any imitation or counterfeit of any such tag, receipt or certificate.

2.10 Exhibit of receipt or tag required.

No person owning or having in his control any dog subject to license under this chapter shall

refuse to show upon demand to the Supervisor, or any police officer, the receipt for a license tag fee or the license tag for any duly registered dog.

2.11 Unlawful killing, injuring or impounding

Except as otherwise provided in this division, it is unlawful for any person to kill, injure, or impound any dog, if the owner of the dog has complied with the provisions of this division.

2.12 Female in heat; permitting to run at large

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition.

RABIES CONTROL

3.00 [Reserved]

ANIMAL REGULATION

4.01 Dog Leash Required

No person owning, having a proprietary interest in, harboring or having the care, charge, control, custody or possession of a dog, shall permit such dog to be in or upon any public street, park or other public place unless such dog is upon a secure leash not more than eight feet long held continuously in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any unenclosed lot or premises, unless the dog is securely leashed upon the unenclosed lot or premises; provided, however, that this section shall not apply to any such person who is in possession or operating within the terms of a valid, unrevoked permit from the Municipality for the conduct of obedience or other types of trial or show of dogs in or upon any public place.

4.02 Possession without owner's consent.

No person, not the owner thereof, and without the consent of the owner thereof, shall hold or retain in his possession any dog within the Municipality for any period longer than twenty-four hours unless such person reports the same, with the true description thereof, to the Supervisor.

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4.03 Enforcement.

The Supervisor and any employee designated by the Municipality shall have the duty to enforce this act.

4.04 Refunds.

In the event the Supervisor or the Supervisor's designee determines after the sale of an animal that the animal bites, or that an examining veterinarian has determined that the animal is ill and there are sufficient facts and circumstances which indicate that the illness was incurred by the animal prior to the sale, the Supervisor or the Supervisor's designee may authorize the refund of the purchase price, inoculation fee, licensee fee, and any other fees or charges paid by the purchaser to the Municipality in connection with the sale of the animal; provided, that the purchaser of the animal files a written request for the refund with the Supervisor within fifteen (15) days after the date of the sale of the animal.

4.05 Vicious animals-Defined.

"Vicious animal" is any animal which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite or menace any human or animal without provocation and endangers the health and safety of any person.

Any animal who bites or attempts to bite a person or other animal that is unlawfully on its owner's premises, or which has been provoked or teased, or which is otherwise performing its duties as a police dog, shall not be deemed to be a vicious animal.

4.06 Impoundment of vicious animal.

Any law enforcement or animal control officer of the Municipality shall have the authority summarily and immediately to impound a dog or other animal where there is evidence it is vicious within the meaning of this chapter.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, such official may enter private property at all reasonable times to inspect same or to perform any duty imposed by this chapter, provided, that if such private property is occupied, such official shall first present proper credentials and demand entry. If entry is refused, or if the owner or other person having control of such property is not present to permit entry, such official shall have recourse to every remedy provided by law to secure entry at a later time.

If the dog or other animal cannot be safely taken up and impounded, it may be destroyed forthwith by such law enforcement or animal control officer.

4.07 Vicious animal hearing.

Where there exists evidence sufficient to give rise to the suspicion that a dog or other animal, the Supervisor shall conduct a hearing for the purpose of determining whether the dog or other animal is a vicious animal. The Supervisor shall notify the owner of the animal, and may notify any interested parties of the time and place of hearing. At such hearing the owner and any interested party shall be given the opportunity to present any evidence relevant to the issue. After such hearing the Supervisor is empowered to declare such dog or other animal to be a vicious animal. All hearings shall be conducted in accordance with the APA.

4.08 Disposition of vicious animals.

Any dog or other animal declared to be a vicious animal may, at the discretion of the Supervisor, be humanely destroyed. Such humane destruction shall occur no earlier than ten days following notice given to the owner of such animal of intention to destroy, or if a hearing is held, no earlier than ten (10) days after a decision has been issued in the same and after all rights to appeal have been exhausted.

4.09 Issuance of rules and regulations-Summary destruction.

If, after the hearing provided in this chapter, it is determined that the dog or other animal is vicious, the Supervisor, if he elects not to destroy the animal, may, through the issuance of an order, place conditions pertaining to the keeping and containing of such animal.

If such dog or other animal is thereafter determined to be in violation of any of the terms of an order issued by the Supervisor pertaining to the keeping and containing of an animal found to be vicious, such animal shall be impounded and thereafter subject to destruction pursuant to 4.07 and 4.08 after any and all hearings and appeals have been taken.

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FEE SCHEDULE

This fee schedule is authorized by the regulations promulgated pursuant to Saipan Local Law No. 9-12.

LICENSE FEES

| | Non Altered | <u>Altered</u> | Senior Citizen |
|----------------|-------------|----------------|----------------|
| 1 Year License | \$10.00 | \$6.00 | \$5.00 |
| 2 Year License | \$18.00 | \$10.00 | \$8.00 |
| 3 Year License | \$26.00 | \$14.00 | \$10.00 |
| 4 Year License | \$34.00 | \$18.00 | \$12.00 |
| 5 Year License | \$42.00 | \$24.00 | \$15.00 |

^{**} Senior citizens must be 60 years of age and own an altered dog.

REDEMPTION FEES (within a 12 month period)

| | Impound | Board (per day) |
|---|-------------------------------|----------------------------|
| 1 st Impound 2 nd Impound 3 rd Impound | \$16.00 \$32.00 \$47.00 | \$5.00 \$5.00 \$5.00 |
| Special Impound (after hours) Penalty Fee | \$47.00 \$20.00 | \$5.00 |

^{**} Senior Citizen with an altered animal: Impound fee is 50% of applicable impoundment fee, plus \$5.00 per day board.

ADOPTION FEES

DOGS OVER 4 MONTHS DOGS UNDER 4 MONTHS

| Adoption Fee | \$20.00 | Adoption Fee | \$20.00 |
|---------------|----------------|---------------|----------------|
| Alter Deposit | \$20.00 | Alter Deposit | <u>\$20.00</u> |
| Parvo Deposit | \$10.00 | _ | \$40.00 |
| _ | \$50.00 | | |

**Deposits Alter Deposit: \$15.00 refundable upon proof of alter.

Parvo Deposit: \$10.00 refundable upon proof of vaccination.

**Refunds Proof of alter and/or vaccination must be provided within 30

days of adoption in order to receive a refund.

OWNER ANIMAL TURN-IN

Alive \$26.00 Dead \$16.00

^{**}A license must be purchased for any dog over four months of age.

DOG CONTROL RULES and REGULATIONS

1.01 Established

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the animal shelter, provided, that one or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded, which places shall be designated as branches of the animal shelter and shall be included within the meanings of the words animal shelter wherever the name may appear in this title.

1.02 Supervisor designated.

Whenever in this title the words "Supervisor" or "Supervisor of animal shelter" are used, they shall mean the Supervisor of the animal regulation division of the office of the Mayor of Saipan.

1.03 Impoundment-Authority.

The Supervisor shall take up, impound and safely keep any and all of the animals enumerated in this chapter and found running at large, pastured, herded, staked or tied in any street, park, or other public place, or upon any private property, in violation of any of the provisions of this title.

1.04 Impoundment-Dogs.

It shall be the duty of the Supervisor and his employees to take up and deliver to the animal shelter any dog found upon any public or private property within the Municipality in violation of any of the provisions of this title.

1.05 Impoundment - Care of animals.

The Supervisor shall safely keep all dogs, or other animals impounded at the animal shelter and shall furnish the same all necessary food and water, and shall give the same ordinary attention as may appear to be reasonably required for the welfare of such animals.

1.06 Impoundment -- Voluntary

The owner of a dog or cat may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of obtaining his assistance in procuring a new owner for the animal under such terms and conditions as that official, in his sole and absolute discretion, shall determine. The act of the owner in so placing the custody of the animal with the Supervisor shall, in no event and under no circumstances, obligate that official of the Municipality to procure a new owner for the animal and, in the event such official so determines, the animal may

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destroyed and disposition made of the carcass. The owner of any other small animal may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of disposing of the animal as that official so determines. By placing the animal in the custody of the Supervisor in accordance with this section, the owner thereof relinquishes and conveys to the Municipality all his right, title and interest in and to the animal and to the proceeds of any sale of the animal thereafter made, and neither the Municipality nor the official shall be required to make an accounting for any such proceeds. If the Supervisor elects to accept the custody of the animal, he shall require the owner thereof to evidence in writing his knowledge and acceptance of the provisions of this section. Notwithstanding anything in this section to the contrary, in the event the Supervisor has not procured a new owner for the animal and the same has not been destroyed, the person so placing the animal in custody may redeem and reclaim it from the custody of the Municipality upon the payment of a fee therefor established by the Mayor by regulation. The owner of the unwanted animal may deliver the animal to the Supervisor at the animal shelter without charge or, at the owner's request, that official will pick up the animal at a fee established therefor by the Mayor by regulation.

1.07 Nonpayment; abandonment

The refusal or failure of the owner of any such dog to pay the fee and charges after due notification shall be held to be an abandonment of the dog by the owner.

1.08 Impoundment -- disposal

Prior to disposing of an impounded dog, the Supervisor shall contact any and all local animal welfare/protection groups that have registered with the Supervisor, and who the Supervisor has found ready, willing, and able to place abandoned or wild dogs with responsible owners, to determine if the group is willing to take the dog in an attempt to place the dog with a willing owner. If the group is so willing, then the Supervisor shall release the dog to the group after the expiration of the one hundred twenty (120) hour holding period and/or after the expiration of any notice period as set forth below.

Prior to placing the dog with an animal welfare/protection group, or disposing of a dog, the Supervisor shall attempt to contact the owner of the dog. If the dog is wearing a tag issued by the Municipality, or a tag that provides the Supervisor with information sufficient for him to determine the identity of the owner of the dog, then notice that the dog has been impounded and may be destroyed, or given to a new owner, shall be given to the owner, either by personal service, or by certified mail. The dog may not be disposed of, or given away, prior to the owner receiving forty-eight (48) hours notice if by personal service, or seventy-two (72) hours notice, if by certified mail. For the purposes of determining the running of the notice period for notices serviced via certified mail, the seventy-two (72) hour notice period will begin to run upon the Supervisor's delivering the letter to the post office.

The notice shall include the day and time that the dog was impounded, the daily impound fee, any other fees that the owner must pay to regain possession of the dog, and any procedures the owner must follow to regain possession of the dog.

If an impounded dog is not wearing a tag that would provide the Supervisor with the ability to determine the owner's identity, or if the owner does not respond to the notice issued by the Supervisor, then the Supervisor may dispose of, or give the dog away to an animal welfare/protection group, or to any individual that the Supervisor deems to be ready, willing, and able to care for the dog, at the expiration of the one hundred twenty (120) hour holding period, or at the end of the notice period, whichever is later.

If the Supervisor deems that the dog can be sold and thereby generate revenue for the Municipality, the Supervisor may sale the dog rather than give the dog to an animal welfare/protection group, or to an individual.

At the time of sale or placement with an individual of any dog or cat, a spay and neuter deposit shall be required from the purchaser/new owner. Such deposit shall be established by the Mayor by regulation. All such deposits shall be deposited as special account for the Municipality for animal control. A purchased/placed dog or cat under six months of age at the time it is sold/placed shall be spayed or neutered within six months or the deposit shall be deemed unclaimed and forfeited to the Municipality. Any dog or cat six months of age over, at the time it is sold/placed, shall be spayed or neutered within sixty days or the deposit shall be deemed unclaimed and forfeited to the city. If a written statement is obtained by the purchaser/new owner from a veterinarian that the dog or cat is not suitable for surgery the deposits shall not be deemed forfeited.

The Supervisor may, without waiting for such five-day period to elapse, cause any impounded animal to be destroyed when that official reasonably determines, upon the advice of a veterinarian, that such animal is unfit for further use by reason of its having been injured, having become infected with a dangerous or communicable disease, having become incurably crippled or having become infirmed on account of advanced age. Such official may likewise so destroy any impounded animal upon receiving the written report of a duly licensed veterinarian that such animal is afflicted with a painful and incurable disease.

1.09 Impoundment-Redemption by owner.

The owner or person entitled to the possession of any impounded dog or other animal shall have the right to redeem and have the possession of the same at any time prior to the sale or destruction thereof upon payment to the Supervisor of the costs and charges incident to the impounding, taking and keeping thereof, upon satisfactory proof of the ownership and right to possession of the dog or other animal being made to the Supervisor and, if sold, to receive all of the net proceeds of such sale in excess of the costs and charges for the taking, impounding, keeping and expenses of sale thereof. As an incident to the redemption of any dog, the owner or

Page 3 of 8

other person shall also pay the license fee, plus any penalty, for any dog for which a license tag has not been issued for the current year.

1.10 Interference with officers or shelter.

No person shall conceal or attempt to conceal, rescue, or attempt to rescue any dog or any of the animals mentioned in this title from the Supervisor, or from any other officer authorized to enforce any of the provisions of this title, while engaged in the capture or in conveying to the animal shelter any such dog or animal, or to interfere in any manner with said persons in the performance of any duty incident to their office, or to rescue or attempt to rescue any dog or other animal which has bene impounded in the animal shelter.

DOG LICENSING

2.01 Tag-Required.

No person shall own or have in custody or control any dog, male or female, over the age of four months, without at all times having upon such dog a Collar or harness to which shall be securely fastened a tag as provided in these regulations. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve months. The tag shall be obtained from the Supervisor or designated office, inscribed with the letters and words "Saipan Dog Tag" and with the serial number of the tag. The tag shall be sufficient only during the period for which the tag is issued.

2.02 Application

Each application of a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

2.03 Endorsement of Tag Number

All applications which have been endorsed shall be kept on file in the office of the Supervisor open to public inspection.

2.04 Spayed or neutered dog; reduction in fee

Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered

2.05 Penalty.

Violation of or failure to comply with any provision of these regulations constitutes an infraction punishable by a fine of not more than one hundred dollars for the first offense and not more than two hundred dollars for the second offense within a twelve-month period.

2.06 Tag Issuance-Records.

The Supervisor of the animal regulation division is authorized and directed to procure on an as needed basis such quantity of tags as may be required for dogs in the Municipality, which tags shall be plainly inscribed as set forth in this chapter, and shall be valid for only the period for which they are issued. The Supervisor, his assistants, and deputies shall furnish such tags to the owners and persons in control of dogs in the Municipality for fees which shall be established by the Mayor by regulation for each unaltered dog and for each altered dog whose spaying or neutering is verified by a certificate from a licensed veterinarian. The Supervisor shall keep a register wherein shall be entered the name of every person to whom a dog tag has been issued, together with the serial number, and the period for which it is valid, the date of issuance, the address of applicant, and any other data deemed pertinent. Such tag shall be good only for use upon the dog described in such application.

2.07 Tag-Replacement.

In case of loss or destruction of any tag required by the provisions of this chapter, a duplicate shall be issued by the Supervisor upon request and upon the payment of the fee established therefor by the Mayor by regulation.

2.08 Exemptions.

No license fee or tax shall be required for the issuance of a tag for any dog certified as being duly and properly trained to aid or assist disabled persons when such dog is actually being used by a person for the purpose of aiding or assisting such disabled person, and the Supervisor shall annually issue tags free of charge to owners or persons having the custody and control of such dogs.

2.09 Tag - Counterfeit prohibited.

No person shall imitate or counterfeit any tag, receipt, or registration certificate required or issued pursuant to this chapter or use any imitation or counterfeit of any such tag, receipt or certificate.

2.10 Exhibit of receipt or tag required.

No person owning or having in his control any dog subject to license under this chapter shall

refuse to show upon demand to the Supervisor, or any police officer, the receipt for a license tag fee or the license tag for any duly registered dog.

2.11 Unlawful killing, injuring or impounding

Except as otherwise provided in this division, it is unlawful for any person to kill, injure, or impound any dog, if the owner of the dog has complied with the provisions of this division.

2.12 Female in heat; permitting to run at large

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition.

RABIES CONTROL

3.00 [Reserved]

ANIMAL REGULATION

4.01 Dog Leash Required

No person owning, having a proprietary interest in, harboring or having the care, charge, control, custody or possession of a dog, shall permit such dog to be in or upon any public street, park or other public place unless such dog is upon a secure leash not more than eight feet long held continuously in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any unenclosed lot or premises, unless the dog is securely leashed upon the unenclosed lot or premises; provided, however, that this section shall not apply to any such person who is in possession or operating within the terms of a valid, unrevoked permit from the Municipality for the conduct of obedience or other types of trial or show of dogs in or upon any public place.

4.02 Possession without owner's consent.

No person, not the owner thereof, and without the consent of the owner thereof, shall hold or retain in his possession any dog within the Municipality for any period longer than twenty-four hours unless such person reports the same, with the true description thereof, to the Supervisor.

4.03 Enforcement.

The Supervisor and any employee designated by the Municipality shall have the duty to enforce this act.

4.04 Refunds.

In the event the Supervisor or the Supervisor's designee determines after the sale of an animal that the animal bites, or that an examining veterinarian has determined that the animal is ill and there are sufficient facts and circumstances which indicate that the illness was incurred by the animal prior to the sale, the Supervisor or the Supervisor's designee may authorize the refund of the purchase price, inoculation fee, licensee fee, and any other fees or charges paid by the purchaser to the Municipality in connection with the sale of the animal; provided, that the purchaser of the animal files a written request for the refund with the Supervisor within fifteen (15) days after the date of the sale of the animal.

4.05 Vicious animals—Defined.

"Vicious animal" is any animal which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite or menace any human or animal without provocation and endangers the health and safety of any person.

Any animal who bites or attempts to bite a person or other animal that is unlawfully on its owner's premises, or which has been provoked or teased, or which is otherwise performing its duties as a police dog, shall not be deemed to be a vicious animal.

Impoundment of vicious animal.

Any law enforcement or animal control officer of the Municipality shall have the authority summarily and immediately to impound a dog or other animal where there is evidence it is vicious within the meaning of this chapter.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, such official may enter private property at all reasonable times to inspect same or to perform any duty imposed by this chapter, provided, that if such private property is occupied, such official shall first present proper credentials and demand entry. If entry is refused, or if the owner or other person having control of such property is not present to permit entry, such official shall have recourse to every remedy provided by law to secure entry at a later time.

If the dog or other animal cannot be safely taken up and impounded, it may be destroyed forthwith by such law enforcement or animal control officer.

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4.07 Vicious animal hearing.

Where there exists evidence sufficient to give rise to the suspicion that a dog or other animal, the Supervisor shall conduct a hearing for the purpose of determining whether the dog or other animal is a vicious animal. The Supervisor shall notify the owner of the animal, and may notify any interested parties of the time and place of hearing. At such hearing the owner and any interested party shall be given the opportunity to present any evidence relevant to the issue. After such hearing the Supervisor is empowered to declare such dog or other animal to be a vicious animal. All hearings shall be conducted in accordance with the APA.

4.08 Disposition of vicious animals.

Any dog or other animal declared to be a vicious animal may, at the discretion of the Supervisor, be humanely destroyed. Such humane destruction shall occur no earlier than ten days following notice given to the owner of such animal of intention to destroy, or if a hearing is held, no earlier than ten (10) days after a decision has been issued in the same and after all rights to appeal have been exhausted.

4.09 Issuance of rules and regulations-- Summary destruction.

If, after the hearing provided in this chapter, it is determined that the dog or other animal is vicious, the Supervisor, if he elects not to destroy the animal, may, through the issuance of an order, place conditions pertaining to the keeping and containing of such animal.

If such dog or other animal is thereafter determined to be in violation of any of the terms of an order issued by the Supervisor pertaining to the keeping and containing of an animal found to be vicious, such animal shall be impounded and thereafter subject to destruction pursuant to 4.07 and 4.08 after any and all hearings and appeals have been taken.

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FEE SCHEDULE

This fee schedule is authorized by the regulations promulgated pursuant to Saipan Local Law No. 9-12.

LICENSE FEES

| | Non Altered | Altered | Senior Citizen |
|----------------|-------------|---------|----------------|
| l Year License | \$10.00 | \$6.00 | \$5.00 |
| 2 Year License | \$18.00 | \$10.00 | \$8.00 |
| 3 Year License | \$26.00 | \$14.00 | \$10.00 |
| 4 Year License | \$34.00 | \$18.00 | \$12.00 |
| 5 Year License | \$42.00 | \$24.00 | \$15.00 |

^{**} Senior citizens must be 60 years of age and own an altered dog.

REDEMPTION FEES (within a 12 month period)

| | <u>Impound</u> | Board (per day) |
|---|--|--------------------------------------|
| 1 st Impound 2 nd Impound 3 rd Impound Special Impound (after hours) | \$16.00 \$32.00 \$47.00 \$47.00 | \$5.00 \$5.00 \$5.00 \$5.00 |
| Penalty Fee | \$20.00 | |

^{**} Senior Citizen with an altered animal: Impound fee is 50% of applicable impoundment fee, plus \$5.00 per day board.

ADOPTION FEES

DOGS OVER 4 MONTHS Adoption Fee Adoption Fee \$20.00 \$20.00 Alter Deposit \$20.00

Parvo Deposit \$10.00 Alter Deposit \$20.00 \$40.00

DOGS UNDER 4 MONTHS

\$50.00

**Deposits Alter Deposit: \$15.00 refundable upon proof of alter.

Parvo Deposit: \$10.00 refundable upon proof of vaccination.

Proof of alter and/or vaccination must be provided within 30 **Refunds

days of adoption in order to receive a refund.

OWNER ANIMAL TURN-IN

Alive \$26.00

Dead \$16.00

^{**}A license must be purchased for any dog over four months of age.



Office of the Secretary Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

TEL. (670) 664-1100

FAX: (670) 664-1115

PUBLIC NOTICE OF PROPOSED AMENDMENT TO CASH RECEIPTS AND COMPLIANCE REGULATIONS

The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing an amendment to the Cash Receipts and Compliance Regulations adopted in the Commonwealth Register Vol. 25, No. 1, January 31, 2003. These regulations are made pursuant to the Department's authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553; 1 CMC §2557, P.L. 13-26, the Commonwealth Administrative Procedure Act, 1 CMC §9101 et. seq., and any other applicable Commonwealth Law. The purpose of this amendment is to clarify the information that is required on cash receipts.

The proposed amendment may be inspected at, and copies obtained from the Secretary's Office, EDP Bldg., Capital Hill, Saipan, MP 96950. The proposed regulations are published in the Commonwealth Register.

The Secretary of Finance is soliciting comments on this proposed amendment from the general public. Anyone interested in commenting on this proposed amendment may do so in writing. Comments may be addressed to the Secretary of Finance, Department of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

Certified By:

Frankie Villanueva

Date

Secretary Department of Finance

Filed By:

Remy Hollman

à

Date

Received By:

Thomas Al Tebuteb

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SAA. Office of the Governor

Registrar of Corporations

Pursuant to 1 CMC §2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this 25 Day of February 2003.

Ramona V. Mangiona

Attorney General

SECTION 4. RECEIPT SPECIFICATION.

Every receipt issued by any person shall comply with the following requirements:

(a) Cash register machine.

- (1) Generate a receipt by the machine, bearing the business name, or the d.b.a. name, of the person receiving the gross revenue imprinted by the cash register machine itself, on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
 - i. date and time of the sale;
 - ii. a general description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales.

(b) Electronic or digital machine or device.

- (1) Generate a receipt by the machine or device, bearing the business name, or the d.b.a. name, and address of the person receiving the gross revenue imprinted by the machine or device itself, on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
 - i. date and time of the sale;
 - ii. description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales

(c) Written receipt – in duplicate.

- (1) Manually generate a written receipt, of which it shall maintain in duplicate, both of which shall bear the business name or the d.b.a. name, of the person receiving the gross revenue, preprinted or stamped on the upper-most section of the receipt. A cash register machine, or electronic or digital machine device shall not be considered a written receipt for the purposes of this subsection.
- (2) have the receipt pre-numbered in sequence.
- (3) indicate, at the minimum, the following information:
 - i. date of the sale;
 - ii. general description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales.

PUBLIC NOTICE

PROPOSED LAND COMPENSATION CLAIMS RULES AND REGULATIONS

The Board of Directors of the Marianas Public Lands Authority, Commonwealth of the Northern Mariana Islands, pursuant to its duties and responsibilities under Public Law 13-17, as amended, hereby gives public notice of its intention to promulgate these proposed Land Compensation Claim Rules and Regulations.

Any interested person may examine the proposed regulations and submit written comments, positions or statements for or against the proposed regulations to the Commissioner of the Marianas Public Lands Authority, at P.O. Box 500380, Saipan, MP 96950, Ground Floor, V.S. Sablan Plaza, Chalan Piao, no later than thirty (30) calendar days following the date of publication of this Notice in the Commonwealth Register.

Dated this 21 day of February, 2003 at Saipan, Northern Mariana Islands.

BOARD OF DIRECTORS
MARIANAS PUBLIC LANDS AUTHORITY

By: MANUEL P. VILLAGOMEZ
Acting Chairperson

Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the proposed Land Compensation Claims Rules and Regulations of the Marianas Public Lands Authority, a copy of which is attached hereto, has been reviewed for legal sufficiency and approved by the Office of the Attorney General, Commonwealth of the Northern Mariana Islands.

| Figur Candell Ast A.G. | 2/26/03 |
|--------------------------------------|---|
| RAMONA V. MANGLONA | DATE |
| Attorney, General | |
| RECEIVED BA | FILED BY: |
| Thomas for | Remedio U. Cfaceman |
| THOMAS A. TEBUTEB | REMEDIO M. HOLLMÁN |
| Special Assistant for Administration | Acting Registrar of Corporations |
| DATE: | DATE: 2/27/03 |

NOTISIAN PUPBLIKU

AREKLAMENTU YAN REGULASIÓN <u>LAND</u> <u>COMPENSATION CLAIMS</u> NI MA PROPOPONI SIHA

I <u>Board of Directors</u> i Marianas <u>Public Lands Authority</u>, para i man Sankattan Siha Na Islas Marianas i <u>Commonwealth</u>, sigun i responsibilidat yan checho-ña gi papa' i Lai Pupbliku 13-17 ni ma amenda, este na momento man nana'i Notisia para i Pupbliku put i intension-ña para hu fatinas este i ma propoponi na areklamentu yan regulasión <u>Land Compensation Claims</u>.

Todu man interesao na petsona siha, siña ma eksamina i ma propoponi na regulasión siha ya hu ma submitti tinige' opiñion, i pusisión pat sinangan para i fumabobot pat kumokontra put este ma propoponi na regulasión siha guatu gi <u>Commissioner</u>, gi ofisinan i Marianas <u>Public Lands Authority</u>, gaige gi fineni'na na bibienda, gi V.S. Sablan <u>Plaza</u>, gi Chalan Piao, <u>P.O. Box 500380</u>, Saipan, M.P. 96950. Para un submitti opiñion-mu munga ma na inipus trenta (30) dias despues anai ma fecha i pupblikan este na Notisia gi Rehistran i <u>Commonwealth</u>.

Ma fecha gi mina 21 na dia gi Febrary, 2003, gi Saipan, Sankattan Siha Na Islas Marianas.

BOARD OF DIRECTORS
MARIANAS PUBLIC LANDS AUTHORITY

Ginen as:

MANUEL P. VILLAGOMEZ

Acting Kabesiyu

Sigun i 1 CMC § 2153, ni ma amenda genin i Lai Pupbliku 10-50, i man ma proponi na regulasión <u>Land Compensation Claims</u> ginen i Marianas <u>Public Lands Authority</u>, i kopia ni checheton, esta ma ribisa yan ma ditetmina na sufisiente na ligat este na asunto esta ma apreba nu i Ofisinan i Abugadon Henerat.

| Page Comptell Post Aco RAMONA V. MANGLONA | Fecha |
|--|----------------------------------|
| Abugådo Heneråt | |
| Ma Risibi as: | Pine'lo as: Secuedio U. Haelman |
| THOMAS A. TEBUTEB | REMEDIO M. HOLLMAN |
| Espisiåt Na Ayudante Para Atministrasión | Acting Rehistran i Koporasión |
| Fecha: 4/26/03 | Fecha: |

ARONGORONGOL TOULAP

POMWOL ALLÉGHÚL LAND COMPENSATION CLAIMS

Board of Directors mellól Marianas <u>Public Lands Authority</u>, <u>Commonwealth</u> Matawal wóól falúw kka falúwawasch Maranas, faal yaal lemilem me yaal angaang llól <u>Public Law</u> 13-17 igha aa lliwel, iye ee mengi bwe ebwe arongaar Toulap bwe ebwe liwel kkaal sangi alléghúl <u>Land Compensation Claims</u>.

Pomwol allégh yeel nge emmwel schagh ubwe amwuri bwal bwughil mereel Commissioner, llól Bwulasiyol Public Lands igha ubwe isisilong yóómw mángemáng me iisch ngaliir reel Marianas Public Lands Authority, Ground Floor, V.S. Sablan Plaza, Chalan Piao, P.O. Box 500380, Saipan, MP 96950. Alongal mángemáng me ngáre aiyegh nge ebwe atotoolong llól atol eliigh (30) rál sángi rál la ee arongowow mellól Commonwealth Register.

| Alongal mángemáng me ngáre aiyegh nge ebwe atotoolong llól atol eliigh (30) rál sángi rál la ee arongowow mellól <u>Commonwealth Register</u> . | | |
|---|---|--|
| Rál llól maram, | , 2003 llól Seipél, <u>Northern Mari</u> å <u>na Islands</u> . | |
| | BOARD OF DIRECTORS MARIANAS PUBLIC LANDS AUTHORITY | |
| Mereel | MANUEL P. VILLAGOMEZ Acting Chairperson | |
| 50, me pomwol alléghul Land Comp | wel mereel alleghúl Toulap <u>Public Law</u> 10- <u>pensation Claims</u> mereel Mariånas <u>Public</u> iye ra takkal amwuri sefálil me alúghúlúgh <u>l</u> . | |
| Permi Canpull 15+ 1-6. RAMONA V. MANGLONA Attorney General | 2/26/63 RÁL | |
| Bwughiyal: | ISÁLIYAL: | |

MARIANAS PUBLIC LANDS AUTHORITY (MPLA) PROPOSED LAND COMPENSATION CLAIMS RULES AND REGULATIONS

Citation of

Statutory Authority:

These Land Compensation Claims Rules and Regulations are established pursuant to Public Law 13-17, as amended by Public

Law 13-25, and Public Law 13-39.

Short Statement of

Goals and Objectives:

To provide rules and regulations statutorily required for the efficient processing of land compensation claims arising from

government public purpose land takings.

Brief Summary

Of the Regulations:

These Land Compensation Claims Rules and Regulations set forth

the procedures for a comprehensive method of processing claims and disbursing monetary compensation to landowners whose lands had been taken by the Commonwealth for a public purpose, and for the efficient administrative hearing process in settling disputes

arising there from.

For Further

Information Contact:

Henry S. Hofschneider, MPLA Commissioner, telephone nos.

2343751/2, fax no. 234-3755, or e-mail at mpla@vzpacifica.net.

Citation of Related and/or Affected

Statutes, Regulations,

and Orders:

None

Submitted by:

Ana Demapan-Castro

Chairperson, Board of Directors

Marianas Public Lands Authority

LAND COMPENSATION CLAIMS RULES AND REGULATIONS

MARIANAS PUBLIC LANDS AUTHORITY

PART ONE

AUTHORITY, PURPOSE AND DEFINITIONS

SECTION I: AUTHORITY

These rules and regulations (regulations) are hereby promulgated by the Board of Directors for the Marianas Public Lands Authority, Commonwealth of the Northern Mariana Islands (Commonwealth), pursuant to its powers, duties, and authorities under Public Law 13-17, also known as the "Land Compensation Act of 2002," effective July 23, 2002, as amended by Public Law 13-25, effective September 20, 2002, and Public Law 13-39, effective December 13, 2002.

SECTION II: PURPOSE

The purpose of these regulations is to provide for a comprehensive method of processing claims and disbursing monetary compensation to Landowners whose lands had been taken by the Commonwealth for a public purpose, and for the efficient administrative hearing process pursuant to Public Law 13-17, effective July 23, 2002, as amended by Public Law 13-25, effective September 20, 2002, and Public Law 13-39, effective December 13, 2002.

SECTION III: DEFINITIONS

- A. Acquire (Acquisition). The act by which the Commonwealth first entered and used private land for a public purpose.
- B. Administrative Procedure Act (APA). The Commonwealth Administrative Procedure Act, codified as 1 CMC § 9101 et seq.
- C. Appraisal. The act or process of developing an opinion of value on privately owned land and improvement(s) at the time of taking.

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- D. Appraisal Report. The written or oral communication of an appraisal; the document transmitted to the client upon completion of an appraisal assignment.
- E. Appraisal Review. The act or process of developing and communicating an opinion about the quality of another appraiser's work.
- F. Appraisal Reviewer. The in-house MPLA or independent appraisal reviewer appointed by the Board who is a certified general real estate appraiser, licensed to practice in the Northern Mariana Islands; one who reviews the work of other appraisers for completeness, adequacy, relevance, appropriateness and reasonableness in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).
- Appraiser. A certified general real estate appraiser, licensed to G. practice in the Northern Mariana Islands.
- H. Board of Directors (Board). The policy-making body for the Marianas Public Lands Authority responsible for the management. use and disposition of all Commonwealth submerged and surface public lands pursuant to Public Law 12-33, effective December 5, 2000, as amended by Public Law 12-71, effective November 13, 2001.
- I. Commissioner. The MPLA Commissioner or his/her designee.
- J. Commonwealth. The Government of the Commonwealth of the Northern Mariana Islands.
- K. Eligibility for Monetary Compensation. The legal standing for which Landowners are deemed qualified for monetary compensation after the Commonwealth has officially certified private land it acquired for public purposes, and after each claimant case file is officially deemed as complete and final by the Board as recommended by the Commissioner pursuant to Part Two, Section I of these regulations.
- L. Evidence of Clear Title. The legal standing for which a Landowner is duly registered as the legal owner of property acquired by the Commonwealth pursuant to the authoritative records of the Commonwealth Division of Land Registration and Survey, Office of the Commonwealth Recorder and, when necessary, the valid proof of clear title performed by a licensed title search company.

- M. Hearing Officer. The in-house MPLA Hearing Officer including Hearing Officer(s) Pro Tempore appointed by the Board/Commissioner to conduct administrative hearings on land compensation claims as authorized by Public Law 13-25, and in accordance with the APA and Part Three of these regulations.
- N. Landowner or Owner. A person of Northern Marianas descent duly registered as the legal owner(s) of real property taken or acquired by the Commonwealth, and the person, persons, entity or entities qualified to receive monetary compensation pursuant to Public Law 13-17, as amended.
- O. Land Taking. Land owned by persons of Northern Marianas descent as defined in Article XII of the Commonwealth Constitution, and which had been taken by the Commonwealth for a public purpose.
- P. Marianas Public Lands Authority (MPLA). The independent public corporation established under the control and general supervision of the Board pursuant to Public Law 12-33, as amended by Public Law 12-71, and headed by the Commissioner, to execute, implement and enforce the Board's policies, decisions, orders, and regulations.
- Q. Market Value. The most probable price as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.
- R. Monetary or Just Compensation. The monetary payment offered to a Landowner whose land had been taken by the Commonwealth for a public purpose; the amount of compensation offered to the Owner based on the appraised market value of the land taken.
- S. Other Claims. Any other use of private land acquired by the Commonwealth for a public purpose as defined by 1 CMC § 121.
- T. Outstanding Land Compensation Claims. Unsettled land claims against the Commonwealth resulting from the Commonwealth's acquisition of privately owned lands for a public purpose.

- U. Party. Any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in a land compensation claim hearing proceeding against the Commonwealth pursuant to Public Law 13-17, as amended.
- V. Person. Any individual, partnership, corporation, association, clan, lineage, governmental subdivision, or public or private organization of any character other than the Commonwealth, who is a Landowner disputing a written offer for just compensation by the Commissioner with respect to land taken by the Commonwealth for a public purpose.
- W. Ponding Basin. A natural or artificial depression on the soil surface having computed surface area and depth to contain volume of rainfall run-off from watershed or tributary areas within the proximity of roadway facilities.
- X. Public Purpose. The acquisition of private land for the public's benefit as defined by 2 CMC § 4143(e)(1), (2) and (7), and (f).
- Y. Right-of-Way. The public right to pass over land owned by another, usually based upon an easement, path, or thoroughfare.
- Z. Time-of-Taking. The date the Commonwealth first entered and used private land for a public purpose. For purposes of establishing a benchmark year for the time-of-taking prior to the Covenant, all private land acquired by the Commonwealth's predecessor, the Trust Territory Government, for a public purpose before March 24, 1976 will be considered acquired on March 24, 1976.
- AA. Wetland. An area inundated or saturated by surface or groundwater with a frequency sufficient to support a prevalence of plant or aquatic life that require saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries and similar areas in the Northern Mariana Islands chain. (Office of Coastal Resources Management Rules and Regulation promulgated pursuant to 2 CMC § 1501 et seq., the Coastal Resources Management Act of 1983.)

PART TWO

PROCESSING OF CLAIMS AND METHODS OF DISBURSEMENT OF MONETARY COMPENSATION

SECTION I: ACQUISITION

- A. All private property acquired by the Commonwealth must be made pursuant to 2 CMC § 4712, 2 CMC § 4141 et seq., and Part Two, Section I of these regulations, as follows:
 - 1. <u>Certification, Declaration or Determination to Acquire</u>. The acquisition of private land for a public purpose as defined in 2 CMC § 4143(e)(2) shall originate at the Office of the Governor and must include the following:
 - a. A certification by the Governor of the public use(s) or purpose(s) for which the Commonwealth is acquiring the land parcel(s), as provided in 2 CMC § 4143(e)(2); or a Declaration or Determination by the Legislature of the public use(s) or purpose(s) for which the Commonwealth is acquiring the land parcel(s), as provided in 2 CMC § 4143(e)(1);
 - b. Boundary survey(s) and/or legal description(s); and
 - c. Identification of encumbrances and disputes, if any.
 - 2. Evidence of Clear Title. There shall be a finding of clear title to the land acquired. The Commonwealth may require the Owner to furnish a preliminary title report, which verifies that he/she has unencumbered title to the land to be monetarily compensated whenever there is insufficient title evidence as to his/her ownership of the land in question.
 - 3. Preliminary Acquisition Notice to Owner. The Office of the Governor shall issue a written preliminary acquisition notice to the Owner. The notice, which must be sent by U.S. postal priority mail or hand delivered and acknowledged that it was delivered and received, shall:

- a. Inform the Owner of the Commonwealth's interest in acquiring his/her land and the public purpose for which it is needed; and,
- b. Inform the Owner of Public Law 13-17 as amended, and these regulations, and request written permission to survey and appraise the subject land.

4. Survey and Appraisal of Private Land to be Acquired.

- a. Upon receipt of the Owner's authorization, the Commonwealth shall survey the Owner's property, if necessary, and secure an approved plat. Concurrently, MPLA shall solicit and contract for an independent appraiser to appraise the property to be acquired in accordance with the Commonwealth Procurement Regulations.
- b. MPLA shall give the appraiser reasonable time to complete the appraisal report. MPLA and the appraiser shall agree on the time for completion and submittal of the appraisal report upon execution of the agreement for appraisal assignment.

5. Review of Appraisal Report and Determination of Market Value.

- a. Upon completion and submittal of the appraisal report, MPLA shall either accept the report or require a review. If a review is required, the Appraisal Reviewer shall have 30 days to review the appraisal report for any deficiencies. The Appraisal Reviewer shall be given additional time for review if warranted.
- b. If the Appraisal Reviewer finds deficiencies in the appraisal report, MPLA shall notify the appraiser of such deficiencies, and give the appraiser reasonable time to make corrections.
- c. If the appraiser refuses to make corrections or change the appraisal report pursuant to the recommendations of the Appraisal Reviewer, then the appraiser shall submit in writing his/her reasons within 15 days from receipt of the Appraisal Reviewer's report on deficiencies.

- d. If the appraiser refuses to make corrections or if the Appraisal Reviewer finds deficiencies after resubmittal, the Appraisal Reviewer shall submit his/her own recommendation as to the market value of the land.
- e. MPLA shall determine the market value of the private land based on the appraiser's report and the Appraisal Reviewer's report, if any.
- f. MPLA may reject any appraisal report which it determines is unsatisfactory under the requirements of these regulations.

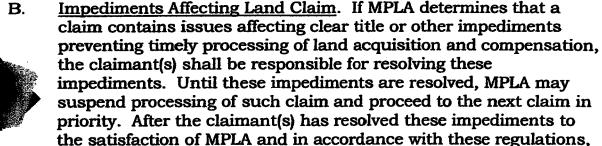
6. Written Offer to Owner.

- a. Within 30 days after the determination of market value, MPLA shall transmit a written offer to the Owner, which shall be sent by mail or delivered in person with proof of service. The written offer may include the following:
 - i. A recital of the market value of the private land; and
 - ii. A copy of any approved appraisal report, subject to copying charges.
- b. All written offers shall be subject to approval by the Board.
- Within 60 days after receipt of the written offer, the Owner must either accept or reject the written offer.
 MPLA shall deem the written offer rejected if the Owner fails to respond within 60 days.
- d. If the Owner rejects in writing the written offer, he/she shall have 30 days to present evidence relevant to the market value of his/her land. If MPLA determines that the evidence presented by the Owner warrants a revision of the market value, MPLA may modify the determination of the market value, in consultation with the Appraisal Reviewer or with the appraiser.
- 7. <u>Land Compensation Settlement Agreement</u>. If the Owner agrees to the offer made in the course of the negotiations,

MPLA and the Owner shall enter into a Land Compensation Settlement Agreement, which shall be subject to the approval of the Board at the recommendation of the Commissioner, and include at least the following:

- a. The agreed value of the Owner's land;
- b. The legal description of the Owner's land;
- c. The Owner's promise to warrant clear title to the land; and
- d. The signatures of the Owner and the Board or its designee(s).
- 8. <u>Alternate Means of Acquisition</u>. If the Commonwealth and an Owner do not reach an agreement as provided in Part Two, Section I, Subsection A(7), the Commonwealth may proceed to acquire the private land by other legal means.
- 9. <u>Processing of Monetary Compensation</u>. Within 15 days of the conclusion of negotiations, MPLA shall:
 - a. Prepare a Warranty Deed for the Owner to convey title to his/her land to MPLA; and
 - b. Pay agreed compensation to the Owner.
- 10. <u>Disposition of Acquisition Records, Documents and Reports</u>. All materials for land compensation claims settlement should contain the following:
 - a. Governor's certification, or the declaration or determination by the Legislature of the public uses or purposes for which the private land is being acquired;
 - b. Preliminary acquisition notice to Owner;
 - c. Owner response to acquisition notice;
 - d. Solicitation for appraisal;
 - e. Selection and agreement for appraisal services;
 - f. Approved survey maps;

- g. Approved appraisal report;
- h. Appraisal reviewer's recommendation;
- i. Written offers to Owner;
- j. Proof of service and/or acknowledgement;
- k. Rejection/request for negotiations by the Owner;
- 1. Owner's acceptance of offer;
- m. Proof of clear title:
- n. Copy of notice published in the local newspaper or broadcast on local radio, with the dates of publications or broadcasts;
- o. Land Compensation Settlement Agreement;
- p. Warranty Deed;
- q. Notice to Owner to vacate land; and
- r. Any material pertaining to the land compensation.





SECTION II: PRIORITY

- A. Priority for compensation is pursuant to Public Law 13-17, Section 4(d), based on the time of taking and compliance with these regulations, in the following order:
 - 1. First, rights-of-way;
 - 2. Second, ponding basins; and

MPLA will resume processing the claim.

3. Third, wetlands and other claims.

SECTION III: ELIGIBILITY AND DISBURSEMENT OF MONETARY COMPENSATION

- A. The Commissioner shall deem a pending land claim settlement case file complete pursuant to Part Two of these regulations, and shall thereafter submit it to the Board for approval.
- B. The Board shall approve land compensation settlements as complete before disbursement of monetary compensation. MPLA shall thereafter notify each land claimant of the Board's official action, and shall dispose of each settlement case file upon the issuance of a payment check to each claimant.
- C. The Commissioner may advertise all land compensation settlement claims in various media prior to disbursement of payments.

PART THREE

APPEAL: ADMINISTRATIVE HEARING PROCEDURE

SECTION I: HEARING OFFICER

- A. <u>Jurisdiction and Authority</u>. Pursuant to Public Law 13-25, Section 10, the Hearing Officer shall have jurisdiction and authority to conduct all hearings and issue final written findings, orders, or decisions on land compensation claims timely requested in writing by Landowners who dispute the Commissioner's written offer of just compensation.
- B. <u>Conflict of Interest and Appearance of Partiality</u>. In the event that the Hearing Officer has determined that a conflict of interest exists, he/she shall disqualify himself/herself, and request the Board/Commissioner to assign a Hearing Officer *Pro Tempore* to hear and issue written findings, order or decision on the claim.
- C. <u>Independent Judgment</u>. The Hearing Officer, in carrying out his/her duties and responsibilities pursuant to the APA and these regulations, shall exercise his/her independent judgment on the evidence before him/her, free from pressures by any party, MPLA Board members, MPLA staff, Commonwealth agencies or officials, or any person.

D. <u>Final Decision</u>. The decision of the Hearing Officer is final, unless timely appealed to the Board.

SECTION II: HEARING CONDUCT AND PROCEDURE

- A. Administrative Proceedings. The Hearing Officer shall conduct and regulate the course of all administrative proceedings, and issue decisions on claims timely filed by any Landowner who disputes the method used to determine, or the amount of, just compensation offered by the Commonwealth to resolve a land compensation claim, in accordance with Public Law 13-17, as amended, the APA, and Part Three of these regulations.
- B. Written Request for Hearing. If, upon a written offer of just compensation, a Landowner disputes the method used to determine, or the amount of, the just compensation offered by the Commonwealth to resolve the land compensation claim, the Landowner shall have 20 days to make a written request to MPLA for an administrative hearing to protest the offer.
- C. Notice of Status and Scheduling Conference. Following a Landowner's timely filed written request for an administrative hearing, and within 30 days of the filing of the written protest by the Landowner, the Hearing Officer shall issue a Notice of Status and Scheduling Conference. The Notice shall be served in accordance with the Commonwealth Rules of Civil Procedure. The Notice of Status and Scheduling Conference shall include the following:
 - 1. The date, time, and place of hearing;
 - 2. The nature of the hearing;
 - 3. The legal authority and jurisdiction under which the hearing is to be held;
 - 4. The matters asserted;
 - 5. The names of all parties and other persons to whom notice is being given by the Hearing Officer;
 - 6. The official file or other reference number given to a particular claim; and

- 7. Notice to each party of their right to have an attorney represent them, at their own expense.
- D. <u>Status and Scheduling Conference</u>. The matters to be addressed at such conference are:
 - 1. The possibility of a settlement;
 - 2. Possible stipulations and admissions;
 - 3. The setting of an evidentiary hearing; and
 - 4. Such additional matters as may contribute to the orderly and expeditious resolution of the issues.
- E. Notice of Evidentiary Hearing. The Hearing Officer, during the status conference, shall set the date, time, and place for an evidentiary hearing. Following the status conference, the Hearing Officer shall issue a written Notice for Evidentiary Hearing, which shall be served in accordance with the Commonwealth Rules of Civil Procedure. The Notice shall include the following:
 - 1. The date, time, and place of hearing;
 - 2. The nature of the hearing;
 - 3. The names of all parties and other persons to whom notice is being given by the Hearing Officer;
 - 4. The land compensation claim number;
 - 5. Notice to parties of their right to have an attorney represent them if they choose, at their own expense;
 - 6. The right to present witnesses; and
 - 7. The right to submit documents or other written evidence.
- F. Evidentiary Hearing. The Hearing Officer shall conduct evidentiary hearings on land compensation protests in order to make determinations on the questions involved in the protest. The Hearing Officer shall have the general power to:
 - 1. Issue subpoenas for attendance of witnesses;
 - 2. Issue subpoenas for production of documents;

- 3. Administer oaths;
- 4. Regulate the course of the hearing;
- 5. Hold conferences for the settlement or simplification of the issues:
- 6. Dispose of procedural requests or similar matters;
- 7. Make or recommend orders or decisions in accordance with the APA; and
- 8. Exercise other powers that may be necessary to effectively implement Public Laws 13-17 and 13-25.

SECTION III: TIMING FOR ISSUANCE OF FINDINGS, DECISION AND ORDER

The Hearing Officer shall issue his/her findings, order or decision pursuant to 1 CMC § 9110 et seq., within 30 days after the hearing is completed.

SECTION IV: APPEAL OF HEARING OFFICER FINDINGS, DECISION, OR ORDER

Any party adversely affected by findings, order, or decision of the Hearing Officer may appeal in writing pursuant to Public Law 13-25, Section 11.

SECTION V: JUDICIAL REVIEW

Appeal from an order or decision of the Board shall be brought pursuant to Public Law 13-25, Section 12.

SECTION VI: SEVERABILITY

If any provision of these regulations shall be held invalid by a court of competent jurisdiction, the remainder of such regulations, other than those held invalid, shall not be affected.



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950

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Email: cda@itecnmi.com • Website: www.cda.gov.mp



COMMONWEALTH DEVELOPMENT AUTHORITY AND THE DIVISION OF REVENUE AND TAXATION, DEPARTMENT OF FINANCE PUBLIC NOTICE ON THE PROPOSED AMENDMENT TO THE RULES AND REGULATIONS OF THE QUALIFYING CERTIFICATE WITHIN THE COMMONWEALTH DEVELOPMENT AUTHORITY

The Division of Revenue and Taxation of the Department of Finance and the Commonwealth Development Authority (CDA), of the Commonwealth of the Northern Mariana Islands hereby notify the general public of the approval of the proposed amendments to the Qualifying Certificate (QC) Program Rules and Regulations. These Rules and Regulations are promulgated under Public 12-32, as amended and in accordance with the Administrative Procedures Act, 1 CMC §9101, et.seq.

Pursuant to §3323 of the Investment Incentive Act of 2000 (P.L. 12-32), as amended, and Chapter XIV of the QC Rules and Regulations, the CDA Board of Directors and the Director of Revenue and Taxation are amending the QC Rules and Regulations which was published in its entirety, and adopted, in the Commonwealth Register, Volume 23, Number 8, dated August 16, 2001.

Copies of the proposed amendments to the QC Rules and Regulations are available at the office of the Commonwealth Development Authority, Gualo Rai, Saipan, MP 96950.

The Chairman of the Board of Directors and the Executive Director of the Commonwealth Development Authority, and the Director of Revenue and Taxation, Department of Finance, urge the general public to submit written comments and recommendations regarding the amendments to the QC Rules and Regulations within thirty (30) days after the publication of this notice in the Commonwealth Register. Comments on the amendment to the QC Rules and Regulations may be sent to the Executive Director of the Commonwealth Development Authority, P. O. Box 502149, Saipan, MP 96950 or by e-mail at cda@itecnmi.com.

Dated this 10th of February 2003.

Juan S. Tenorio, Chairman

Board of Directors

Maria Lourdes S. Ada, Executive

Director

| Establish Jan | |
|---|---|
| Esther S. Ada, Director | |
| Division of Revenue & Taxation | How the |
| Date Received in the Office of the Governor | Governor's Authorized Staff |
| 2/24/03 | Remedio M. Helenan |
| Date of Filing with Registrar | Registrar of Corporations |
| Pursuant to 1 CMC § 2153, as amended by P.L. 10-5 regulations attached hereto have been reviewed and a the CNMI Attorney General. | |
| Dated this of February 2003. | Pegyy Complete, A. H. G. Attorney General |



COMMONWEALTH DEVELOPMENT AUTHORITY

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Email: cda@itecnmi.com • Website: www.cda.gov.mp



PROPOSED AMENDMENT TO THE QUALIFYING CERTIFICATE RULES AND REGULATIONS WITHIN THE COMMONWEALTH DEVELOPMENT AUTHORITY

Statutory Authority: Public Law 12-32 as amended.

Goals and Objectives: The attached amendments to the Qualifying Certificate Program Rules and Regulations are intended to refine the existing QC Rules & Regulations and to conform with the amendments of Public Law 12-32, in which these Rules and Regulations are promulgated

Brief Summary of the Proposed Amendments to the QC Rules and Regulations: The proposed amendments were formulated to restate, enhance, and clarify the existing regulation. These amendments are necessary to effectively carry out the intent of the Tax Investment Incentive Act of 2000.

Contact Person: Interested parties may contact Maria Lourdes S. Ada, Executive Director of the Commonwealth Development Authority with questions at (670) 234-6245/7146/7145. Written comments may be directed to the Commonwealth Development Authority, P. O. Box 502149, Saipan, MP 96950, or delivered at its office at Wakin's Building, Gualo Rai, Saipan, or e-mail at cda@itecnmi.com, within thirty (30) days of publication of this proposed amendments to the rules and regulations.

Related or Affected Statutes, Regulations, and Orders: The proposed amendments would affect other sections of the existing QC Rules & Regulations.

Data

February 10, 2003

Juan S. Tenorio, Chairman Board of Directors, CDA Ma. Lourdes S. Ada, Exec. Director

CDA

Esther S. Ada, Director

Division of Revenue & Taxation



COMMONWEALTH DEVELOPMENT AUTHORITY

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COMMONWEALTH DEVELOPMENT AUTHORITY (CDA) YAN I DIBISION REVENUE AND TAXATION I DIPATTAMENTON I FINANCE. NOTISIAN PUPBLIKU PUT MA PROPOSITO NA AMENDASION I AREKLAMENTO YAN REGULASION PUT ASUNTON SETIFIKUN KUALIFIKAO GI HÅLOM CDA

I Dibision Revenue yan Taxation genin i Dipattamenton i Finance yan i Commonwealth Development Authority genin Commonwealth Gi sankattan Siha Na Islas Marianas ma infotma i henerat pupbliku put i ma apreban i propositon amendasion i Areklamento yan Regulasion put asunton prugrāman Setifikun Kualifikao. Este na Areklamento yan Regulasion ma anunsia gi papa Lai Pupbliku 12-32, anai ma amenda yan kininsiste ni Administrative Procedures Act, 1 CMC 9101, et.seq.

Tinatitiyi ni 3323 put asunton Investment Incentive Act genin 2000 (Lai Pupbliku 12-32), anai ma amenda, yan Chapter XIV gi Setifikun Kualifikao Areklamento yan Regulasion, i Board of Directors genin i CDA yan i Direktot Revenue yan Taxation ma amenda i Areklamento yan Regulasion put asunton Setifikun KualifiKao ni ma pupblisa enteru, yan ma adopta, gi Rehistradoran Commonwealth, Volume 23, Numiru 8, ma fecha gi Agosto 16, 2001.

Guaha kopia put este i Setifikun Kualifikao ni tinetika put bandan Areklamento yan Regulasion ni este man ma amenda gaige na available gi Ofisinan i CDA, giya Gualo Rai, Saipan, M.P. 96950.

I Chairman i Board of Directors, i Executive Director genin i CDA, yan i Direktot i Division of Revenue and Taxation Dipattamenton i Finance, ma sosohyo i henerat pupbliku para u ma submiti i opinion yan rekomendasion put asunton i Amendasion i Areklamento yan Regulasion i Setifikun Kualifikao gi hålom trenta (30) dias an despues di pupblikasion este na notisia gi Registradoran Commonwealth. Opinion put i Amendasion i Areklamenton yan Regulasion i Setifikun Kualifikao sina ma un na hanao guato para i Executive Director genin i CDA, P.O. Box 502149, Saipan, M.P. 6950 pat u ma e-mail gi cda@itecnmi.com.

Ma fecha gi 10 gi na ha'ane Febreru, 2003.

Iuan S. Tenorio, Kabesiyun (Chairman)

Kuetpon i\Direktot siha (CDA Board of Directors)

Maria Lourdes S. Ada Eksakatibun Direktot (Executive Director CDA)

Page 20060

| Edullih Jam | 2/12/03 |
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| Esther S. Ada, Direktot (Director) | Fecha |
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| Fecha Anai Ma risibi gi Ofisinan Gobietno | Ma aturisa Na Empliaon Gobietno |
| 2/24/03 | Develo M. Hollman |
| Fecha Anai Ma polú Gi Rehistradot | Rehistradoran Koporasion siha |
| | |

Sigun gi 1 CMC §2153, ni ma amenda gi Lai Pupbliku 10-50, i ma proposito na inamendan Areklamento yan Regulasion siha ni checheton guine man ma ribisa yan apreba genin i Commonwealth Gi Sankattan Siha Na Islas Marianas Abugadan Henerat.

Ma fecha gi mina <u>dies</u> na ha'ane Febreru 2003.

Peggy Comptell A. H.G.



COMMONWEALTH DEVELOPMENT AUTHORITY

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MA PROPOSITO NA AMENDASION PUT ASUNTON AREKLAMENTO YAN REGULASION PUT SETIFIKU KUALIFIKAO GI HALOM COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

Aturidat Statutory: Lai Pupbliku 12-32 ni ma amenda.

Goals and Objectives: I checheton na amendasion Areklamento yan Regulasion put asunton Prugrāman Setifikun Kaulifikao ma intensiona para u mana lamaolek i prisente na Areklamento yan Regulasion put asunton Setifikun Kualifikao yan para u ma konfotma i amendasion Lai Pupbliku 12-32, put enao na este i Areklamento yan Regulasion man ma diklara.

Kadada na Sumārian i Propositon Amendasion siha para i Areklamento yan Regulasion Setifikun Kualifikao: I ma proposito na amendasion ma pripāra para u ekspresa, ma adulānta, yan karifika i prisente na regulasion. Este siha na amendasion para u efektibu nisisariu na u kumple i intension put asunton <u>Tax Investment Incentive Act</u> genin 2000.

Petsona Ni Para U Ma Agang: I petsona ni man interisao ni este na amendasion u ma âgang si Maria Lourdes S. Ada, Executive Director genin I CDA, (670) 234-7145/7146/6293/6245. I tinige na opinion u ma na hanao guato gi CDA, P.O. Box 502149, Saipan, MP 96950, pat entrega i Ofisina gi Wakin's Building, giya Gualo Rai, Saipan, sino e-mail gi cda@itecnmi.com gi entre trenta dias an ma pupblisa I proposito na amendasion para I areklamento yan regulasion.

I maninafekta Siha Na Areklamento/Regulasion, Yan Otden Siha: I man ma proposito siha na amendasion u afekta ottro' na seksiona siha gi prisente na Areklamento yan Regulasion put asunton Setifikun Kualifikao.

February 10, 2003

Fecha

Juan S. Tenorio, Kabesiyun (Chairman)
CDA, Kuetpon i Direktot siha genin CDA

(Board of Directors of CDA)

Maria Lourdes S. Ada, Eksakatibun

Eksakatibun Direktot CDA (Executive Director) CDA

Esther 8. Ada, Direktot

Dibision i Re'ditu yan Aduanasion (Division of Revenue and Taxation)



COMMONWEALTH DEVELOPMENT AUTHORITY

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Email: cda@itecnmi.com • Website: www.cda.gov.mp



COMMONWEALTH DEVELOPMENT AUTHORITY ME DIVISION OF REVENUE AND TAXATION BWULASIYOL FINANCE ARONGORONGOL TOULAP REEL POMWOL LLIWEL NGÁLI ALLÉGHÚL OUALIFYING CERTIFICATEP ROGRAM MELLOL

COMMONWEALTH DEVELOPMENT AUTHORITY

<u>Division of Revenue and Taxation</u> mellol Bwulasiyol <u>Finance</u> me bwal <u>Commonwealth</u> <u>Development Authority (CDA)</u>, mewool Commonwealth metawal wool faluwasch Marianas ekke arongaar Toulap reel aleghulughul pomwol lliwel reel mille <u>Qualifying Certificate (QC) Program</u>, allegh kkaal nge e akkateelo faal aileewal alleghul Toulap ye 12-32, iye e lliwel me ebwe ghol ngáli <u>Administrative Procedures Act</u>, 1 CMC 9101, et. seq.

Sángi 3323 me reel <u>Investment Incentive Act</u> llól 2002 (P.L. 12-32) iye a lliwel me Chapter XIV sángi alléghúl QC, CDA <u>Board of Directors</u> me <u>Director of Revenue and Taxation</u> rebwe lliweli alléghúl QC igha e arongowow mellól aighúghúl me ebwe adopt-li <u>Commonwealth Register</u>, Volume 23, Numoro 8, ral ye elúwel 16, 2001.

Schéél lliwel kkaal mereel alléghúl QC nge eyoor reel Bwulasiyol Commonwealth Development Authority, iye elo aimairaw Seipel MP 96950.

<u>Chairman of the Board of Directors</u> me <u>Executive Director of Commonwealth</u>

<u>Development Authority</u>, me bwal <u>Director of Revenue and Taxation</u>, Bwulasiyol Finance, ekke amwescheliir Toulap bwe rebwe ischilong yaar mangemang aisiis bwelle reel lliwel kkaal ngali alleghul QC llol (30) ral sangi ffeerul arongorong yeel mellol <u>Commonwealth Register</u>. Ayegh mereel lliwel kkaal reel alleghul QC nge ebwe akkafang lo reel <u>Executive Director</u> mellol <u>Commonwealth Development Authority</u>, P.O. Box 502149, Seipel, MP 96950 me ngare e-mail ngali <u>cda@itecnmi.com</u>.

Rál ye ____10 ___ llól maram ye Máisehigh 2003.

Juan S. Tenorio, Chairman

CDA Board of Directors

Maria Lourdes S. Ada, Executive

Director, CDA

| Estrellets Cook | |
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| Esther S. Ada, Director | |
| Division of Revenue and Taxation | |
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| Sángi 1 CMC 2153 igha a lliwel faal alléghúl Tou appassch ngáli nge atakkal amwuri me alúghúlúgh ló i | |
| Rál ye 10 th Maramal ye <u>Máisehigh</u> 2003 | Pary Compbel A. A. G. Attorney General |



COMMONWEALTH DEVELOPMENT AUTHORITY

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POMWOL LLIWEL ME REEL ALLÉGHÚL QUALIFYING CERTIFICATE MELLÓL COMMONWEALTH DEVELOPMENT AUTHORITY

Bwángil Allégh: Alléghúl Toulap 12-32 iye a lliwel.

Goals me Objectives: Lliwel kkaal ikka e appasch ngáli alléghul Qualifying Certificate Program re mengi bwe rebwe aghatchúúló meta eyoor ighila mellól alléghúl Toulap 12-32, Bswelle reel allégh kkaal igha a fféérló.

Weimwosch reel Pomwol lliwel kkaal ngáli alléghúl QC: Pomwol lliwel kkaal igha ebwe affil ghatch me affata meta eyoor ighila mellól allégh. Lliwel kkaal nge welepakk bwe ebwe kkamal yaar isisiwow mangemang ngáli <u>Tax Incentive Act</u>llól 2002.

Aramas ye ubwe faingi: Schóókka re tipeli me eyoor yaar ayegh me mwuschel, rebwe fafaingi Maria Lourdes S. Ada, Executive Director of the Commonwealth Development Authority (CDA) reel: (670) 234-7145/7146/6293/6245, P.O. Box 502149, Seipel MP 96950 ngáre afangaló reel Bwulasiyol Wakin's Building, Amairaw, Seipel, me ngáre email ngáli cda@itecnmi.com. Llól iligh (30) rál reel arongorongol pomwol lliwel mellól allégh kkaal.

Alléghúl me akkaléél ikka e <u>affected:</u> Pomwol lliwel ebwe affect-li akkaaw tálil ikka ayoor sángi mellól alléghúl QC.

Ral: Máisehigh 10, 2003

Juan S. Tenorio, Chairman

Board of Directors, CDA

Esther S. Ada, Director

Division of Revenue & Taxation

Marie Lourdes S. Ada Executive Director, CDA

Table of Contents:

Chapter IX becomes IV and X becomes VI. Table of Contents to read as follows:

Chapter I. Authority and Definitions

Chapter II. Administration of the Qualifying Certificate Program

Chapter III. Additional Submission Requirements

Chapter IV. Review of the Application

Chapter V. Notice of Application, Public Hearing and Issuance

Chapter VI. CDA Board Meeting on Application

Chapter VII. Requirements of the Beneficiary

Chapter VIII. Tax Compliance by the Beneficiary

Chapter IX. Certificate of Compliance

Chapter X. Modification, Suspension, and Revocation

Chapter XI. Confidentiality

Chapter XII. Amendments

Chapter XIII. Effective Date

Chapter III. Additional Submission Requirements:

Change Subsection 10 to read as follows: "If the application is submitted under §3324 and is for an existing business which primarily serves the tourism industry in the senatorial district of Saipan, verifiable evidence showing that the applicant made the required Capital Investment between December 1, 1997 and December 1, 2000;"

Add Subsection 11 to read as follows: "If the application is submitted under §3324 and is for an existing business which primarily serves the tourism industry in the senatorial district of Rota or Tinian, verifiable evidence showing that the applicant made the required Capital Investment by December 1, 2000;"

Chapter IV. Notice of Application, Public Hearing and Issuance:

Chapter IV, Notice of Application, Public Hearing and Issuance, is now Chapter V. Additional change follows:

Change Section C, Notice of Issuance, to read as follows: "Upon issuance by the Governor of a Qualifying Certificate, the Beneficiary shall cause to be published in a CNMI newspaper of general circulation a notice of the Governor's approval and issuance of the Qualifying Certificate. The notice must be pre-approved by CDA and shall be published within ten (10) days of issuance or receipt from the Governor, once a week for two (2) consecutive weeks."

COMMONWEALTH REGISTER

Chapter VII. Certificate of Compliance:

Chapter VII, Certificate of Compliance, is now Chapter IX. Additional changes follow:

Change Section A, Issuance, to read as follows: "When it has been determined by CDA that the terms and conditions stipulated on the Qualifying Certificate have been fulfilled by the Beneficiary, the Administrator shall issue a Certificate of Compliance to the Beneficiary. The Administrator shall issue each Certificate of Compliance on or before the 31st of January the 15th of March of each year."

Change Section B, Compliance Fees, to read as follows: "Annual compliance fees shall be paid by the Beneficiary within thirty (30) days of issuance of the Qualifying Certificate for the first year and then on or before January 31st the 15th of March of each subsequent year.

The CDA Board of Directors approved of the above changes to the Qualifying Certificate Program Rules on February 4, 2003.

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Commonwealth of the Northern Mariana Islands Office of the Governor

Department of Lands and Natural Resources Lower Base

Caller Box 10007 Saivan, Mariana Islands 96950

Cable Address: Bov. KAI Saipan Telephone: \$22-9830/9834/9854 fax: 322-2633

NOTICE AND CERTIFICATION OF ADOPTION OF THE

AMENDMENTS TO PART V OF THE NON-COMMERCIAL

FISH & WILDLIFE REGULATIONS RE: CERTAIN TYPES OF FISHING

I, Thomas B. Pangelinan, Secretary, of the Department of Lands and Natural Resources. which promulgated the proposed amendments to Part V of the Non-Commercial Fish and Wildlife Regulations as published in the Commonwealth Register, Volume 24, Number 10, October 30,2002, at pages 19595 through and including 19601, by signature below hereby certify that as published, such proposed amendments to Part V of the Non-Commercial Fish and Wildlife Regulations, are a true, complete and correct copy of the Amendments to Part V of the Non-Commercial Fish and Wildlife Regulations, which after the expiration of the appropriate time for public comment have been adopted with a modification (addition of Subsection 20.5) which was made to reflect a change made after consideration of comments received. By signature below, I hereby certify that the amendments to Part V of the Non-Commercial Fish & Wildlife Regulations attached hereto and published herewith, are a true, correct and complete copy of the amended regulations adopted by the Department. I further request and direct that this Notice and Certification be published in the Commonwealth Register.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29 day of January, 2003, at Saipan, Commonwealth of the Northern Mariana Islands.

Thomas B. Pangelinan

Secretary of Lands and Matural Resources

Filed By:

Remedio Hollman

Acting Registrat of Corporations

Thomas A. Tebuteb

Special Assistant for Administration

28-Feb-03

Date: $\partial/\partial f$

Pursuant to 1 CMC Section 2153, as amended, the above certification has been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated: 2//8/03

COMMONWEALTH REGISTER

Attorney General

Section 10. USE OF EXPLOSIVES, CHEMICALS, POISONS, ELECTRIC SHOCKING DEVICES, SCUBA OR HOOKAH, CERTAIN NETS, AND DISTURBANCE OF HABITIAT

- 10.01 PROHIBITIONS: The use of explosives, poisons, electric shocking devices, SCUBA or hookah and use of certain nets as identified in subparagraph (b), is prohibited in the taking of any fish.
 - a. No person shall use explosives, poisons, electric shocking devices, SCUBA or hookah while fishing.
 - b. No person shall use drag nets/beach seines (Chenchulun and lagua), trap net (Chenchulun managam), surround net (Chenchulun Umesugon) or gill nets (Tekken) for the taking of fish or other sea life.
 - c. No person shall possess, sell or purchase any fish, game, marine or other aquatic life taken by means prohibited in this section.
 - d. Use of any of these nets or devices will result in the net or devices being confiscated and the owners will be subject to penalties (fines and/or imprisonment) as stated in 2 CMC Section 5109 (PL 2-51).

Section 20. USE OF CERTAIN NETS FOR FISHING

- 20.1 Nets Allowed: Casting nets (Talaya) are allowed. Scoop nets/landing nets (for landing fish) with a diameter of up to two feet or total square footage of up to four square feet are allowed.
- 20.2 License Required: A license shall be required for fishing with the use of a casting net (Talaya) net. One fee must be paid for each <u>casting</u> net to be used in fishing.
- 20.3 Registration of nets: Upon licensing of nets, the nets shall be marked by the Division with a registration tag, which will reflect the license number. The license holder shall notify the Division immediately if the registration tag becomes detached from the net.
- 20.4 Abandoned Nets: Abandonment of nets within the waters or coastal zone of the CNMI is prohibited. Nets that are found unattended in the water or within 150 feet of the high water mark on any public beach will be considered abandoned. Permit holders of nets found abandoned may be subject to penalties including fines, suspension or revocation of net fishing permit(s), and confiscation and forfeiture of abandoned nets

20.5. Exemptions: The Secretary, after consultation with the Director of the Division of Fish and Wildlife, may in certain cases make an exemption to the ban on the use of certain types of nets for net fishing for ceremonial purposes when cultural practices warrant an exemption, such as for a funeral or a fiesta. The Secretary must specify the extent and duration of the exemption in writing and this information must accompany the recipient of the exemption at the time the net fishing is undertaken.

Section 110. AQUARIUM FISH PROHIBITIONS

- 110.1 The sale or export of marine aquarium fish is prohibited.
- 110.2 An aquarium fish license is required by any person who captures aquarium fish for personal use or enjoyment.
- 110.3 No poisons may be used to collect aquarium fish, except for purposes of scientific research when a scientific research permit expressly allows such use.
- 110.4 All methods of collection of aquarium fish are prohibited except the following:
 - a. Certain hand nets not previously registered by Conservation Office
 - b. Barbless hook and line; and
 - c. Other collection methods specifically allowed in a written condition to a permit.