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SAIPAN MARIANA ISLANDS

VOLUME 21 NUMBER 10



OCTOBER 15, 1999

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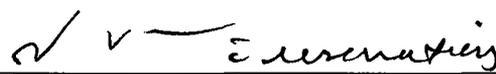
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Medical Profession Licensing Board

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS
FOR LICENSING HEALTH CARE PROFESSIONALS
CHAPTER VII: OPTOMETRISTS AND OPTOMETRY

The Medical Profession Licensing Board of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in it pursuant to 3 CMC 2214 (a) hereby proposes this amendment to the Rules and Regulations for Licensing Health Care Professionals, originally published in Volume 11 No. 9 of the Commonwealth Register (September 15, 1989). This amendment will delete the provisions governing Optometrists and Optometry previously covered in Chapter 7 regulating the practice of Optometrists and Optometry in the CNMI.

It is the intention of the Medical Profession Licensing Board to comply with the requirements of the Administrative Procedures Act, specifically 1 CMC 9104, in proposing these Rules and Regulations. Copies of proposed Rules and Regulations may be obtained from Medical Profession Licensing Board office located on the ground floor of the Commonwealth Health Center. Comments on the proposed Rules and Regulations may be sent to the Medical Profession Licensing Board, P.O. Box 409 CKC, Saipan, MP, 96950. All comments must be received within thirty (30) days from the date of this notice is published in the Commonwealth Register.


VICENTE S. ALDAN, M.D.
Chairman
Medical Profession Licensing Board

Date: 8/26/99

Certification by Office of the Attorney General

Pursuant to 1 CMC 2153 as amended by PL 10-50, the proposed Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.



SALLY PFUND
Acting Attorney General

Date: 9/16/99

Filed By: Reneo M. Hellman

Date: 9-20-99

for: SOLEDAD B. SASAMOTO
Registrar of Corporations

Received By: 

JOSE I. DELEON GUERRERO
Special Assistant for Administration

Date: 9/20/99



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Medical Profession Licensing Board

NUTISAN PUPBLIKU

**I MAPROPONE SIHA NA AREKLAMENTO YAN REGULATION
PUT MALISENSIAN AYU SIHA NA PROFESONAT
PARA HINEMLO I TAOTAO SIHA
KAPITULU VII: OPTOMETRISTS & OPTOMETRY**

I Medical Profession Licensing Board giya Commonwealth I Sangkattan siha na Islas Marianas, sigun gi aturidat ginen 3 CMC 2214 (a) ginen este hapropone este siha na amendasion gi Areklamento yan Regulasion put Malisensia ayu na Profesonat Para Hinemlo i taotao siha ni mapupblika orihinatmente gi Baluma 11 No. 9 halom i Rehistran Commonwealth (September 15, 1989). Este na amendasion para u maomenta halom i presente siha na Optometry regulasion gi CNMI. Optometry regulasion kumeke ilegna i ma examinan and korihin defectun mata para usan atios.

I intension i Medical Profession Licensing Board para u matattiyi afuestsao sigun gi Akton Dinirihen Atministrasion (Administration Procedures Act), espesiatmente 1 CMC 9104, ni mapropopone siha na Areklamento yan Regulasion. Kopian i man ma propone siha na Areklamento yan Regulasion sina ha machuli ginen i Medical Profession Licensing Board na ofisina ni gaige gi primet bibendan i Commonwealth Health Center. Komento siha pot este i man mapropone siha na Areklamento yan Regulasion umana hanao guato gi Medical Profesion Licensing Board, P.O. Box 409 CK, Saipan, MP 96950. Todu komentu debi di ufan marisibi gi halom trenta (30) dias desde malaknos este na nutisia gi Rehistran Commonwealth.

Sinettifika as:

Date:

8/26/99

VICENTE S. ALDAN, M.D.

Chairman

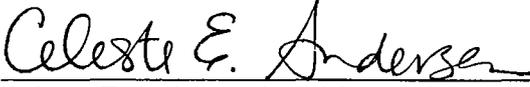
Medical Profession Licensing Board

Setifikasion ginen i Ofisinan i Abugadun Hinerat:

Sigun gi 1 CMC 2153 ni inamenda nui i Lai Pupbliku 10-50, i mapropopone siha na amendasion gi Areklamento yan Regulasion ni chechetton guine, esta manma inan maolek yan apreba para u fotma ligat yan sifisiente ginen i Ofisinan i Abugadun Hinerat giya CNMI.

<u>ELLIOTT A. SATTLER</u> SALLY PFUND Kuantan Abugadun Hinerat	<u>9-16-99</u> FECHA
Ma rehistra as: <u>Remedia M. Halloran</u> for: SOLEDAD B. SASAMOTO Rehistradoran Kotporasion	<u>9-20-99</u> FECHA
Rinisibi as: <u>J. P. W.</u> JOSE L. DELEON GUERRERO Special Assistant for Administration	<u>9/20/99</u> FECHA

**Proposed Amendments to the Rules and Regulations
For Licensing Health Care Professionals
Chapter VII: Optometrists and Optometry**

Citation of Statutory Authority:	3 CMC §2214 (a) authorizes the Medical Profession Licensing Board to adopt rules and regulations consistent with the Medical Practices Act. 3 CMC §2222(5) of the Medical Practices Act empowers the Medical Profession Licensing Board to promulgate regulations governing the licensing of Optometrists.
Short Statement of Goals & Objectives:	The purpose for proposing amendments to the Rules and Regulations is to control the practice of Optometrists in the CNMI. Although Optometrists have been regulated under Chapter 7 of the Medical Profession Licensing Board regulations, it is necessary to update the standards of practice and the scope of work that can be performed by Optometrists in the CNMI.
Brief Summary of the Proposed Rule:	The proposed amendments to the Rules and Regulations define the profession of Optometrists, require standards for licensure for Optometrists in the CNMI, and set forth the basis for suspension or revocation of Optometrist licenses.
Contact Person(s):	Vicente Aldan, M.D. or Raffaella Perry, Medical Profession Licensing Board.
Citation of Related and/or Affected Statutes, Regulations, and Orders:	3 CMC §2201-§2272; Medical Profession Licensing Board Regulations for Licensing of Health Care Professionals, Vol. 11 No. 9 Commonwealth Register 6373-6456 (September 15, 1989), Chapter 7.
Date: <u>9/13/99</u>	 _____ Celeste E. Andersen, Legal Counsel Department of Public Health

CHAPTER VII OPTOMETRISTS AND OPTOMETRY

7-1. Definitions:

For the purposes of this Chapter, the following terms shall have the meanings set forth below:

- A. **The Board**: means the Medical Profession Licensing Board of the CNMI.
- B. **Optometry**: means the care and services provided by or under the direction and supervision of an optometrist licensed pursuant to these regulations.
- C. **Optometrist**: means a person who has met all the conditions of these regulations for Licensure, and is licensed in the CNMI to practice optometry.
- D. **Practice of Optometry** means:
1. The examination or refraction of the human eye and its appendages and the employment of any objective or subjective means or methods other than surgery for the purpose of diagnosing or treating any visual, muscular, neurological, anatomical anomalies or diseases of the eye.
 2. The employment of any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or the possession of testing appliances for the purpose of the measurement of the powers of vision.
 3. The prescribing of contact lenses and spectacle lenses for, or the fitting or adaptation of contact and spectacle lenses to, the human eye.
 4. Prescribing or directing the use of any instrument or device to train the visual system or correct any abnormal condition of the eye or eyes and the prescribing, fitting or employment of any lens, prism, frame or mountings for the correction or relief of or aid to the visual function.
 5. Performance of procedures which do not require an incision or the use of a therapeutic laser.
 6. The prescription of topical legend drugs, oral antibiotics, and controlled substances, except those listed in Schedules I and II as described in the United States Code, Title 21, Section 812, subject to the following limitations:
 - a. Schedule III pharmaceutical agents shall be limited to an initial prescription, the duration of which does not exceed 24 hours, and may be extended only

after consultation with an ophthalmologist. Prescriptions for controlled substances may not exceed in number the recommended dosage for the duration of the prescription, and may not be refilled without further examination and follow-up care. Optometrists shall not maintain inventories of controlled substances for dispensing or administering.

b. Optometrists may prescribe only for the treatment of conditions of the eye and adenexa.

7. Optometry shall not include the performing of cataract surgery, radial keratometry, cryosurgery, or laser surgery including laser procedures for correction of refractive error.

7-2. Practice of Optometry: License Required

A. License to Practice:

1. No person or persons shall practice optometry in the CNMI, or announce to the public in any way an intention to practice optometry in the CNMI, without first having obtained a license from the Board.

2. No person or persons, except a licensed optometrist or optometrists under this chapter whose licenses have not been revoked or lapsed, shall hold himself out by the use of any sign, newspaper, advertisement, pamphlet, circular, or any other means as qualified to practice optometry.

3. No person or persons, except a licensed optometrist or optometrists under this chapter whose licenses have not been revoked or lapsed, or a physician and surgeon licensed to practice in the CNMI, shall have possession of any trial lenses, trial frames, graduated test cards, or other appliances or instruments used in the practice of optometry for the purpose of rendering assistance to patrons in the selection of contact lenses, lenses, or eyeglasses, or sell ophthalmic lenses or replace broken contact lenses or lenses in eyeglasses except upon the prescription of a regularly licensed optometrist, or a physician and surgeon licensed to practice in the CNMI.

4. No person not licensed under this chapter or who has not paid the annual renewal fee as provided in this chapter, shall practice optometry as defined in this chapter.

B. **Education:** Every applicant for licensure to practice optometry must attain the degree of Doctor of Optometry (O.D.) or its equivalent upon completion of a program in optometry from a college or university acceptable to the Board, whose program is accredited by the American Optometric Association's Council on Optometric Education.

C. **Examination:** Applicants for licensure by examination must pass the National Board of Examiners in Optometry (NBEO) Examination, Parts I, II, and III. Credit will also be given to candidates who have passed Parts I and II of the NBEO and the NERCOATS examination.

D. **Qualifications for Licensure by Reciprocity:** Applicants who meet all the requirements of the Board may be granted a license without examination if they are licensed to practice optometry in another state whose requirements for certification are substantially equivalent to those required in the CNMI. In order to be eligible for reciprocity, the optometrist must possess an unlimited license for the full scope of practice allowed for optometrists in the state of licensure.

E. **Passing of Treatment and Management of Ocular Disease Examination:** All applicants for licensure (by examination or by reciprocity) must submit proof of passing the examination on the Treatment and Management of Ocular Disease (TMOD) which is administered by the NBEO. Passing Part III of the NBEO Examination (which includes the TMOD) will satisfy this requirement.

F. **Continuing Education Requirements:** In order to renew an optometry license, the optometrist must submit proof that he/she has, during the preceding twenty-four (24) months, received a minimum of fifty (50) clock hours of continuing education from sources approved by the Board. Approved courses include those approved by the Council on Optometric Practitioner Education (COPE), or those sponsored by the American Optometric Association, the American Academy of Optometry, the American Academy of Ophthalmology, or any School of Optometry or School of Medicine in the United States that is recognized by the Board. Courses relating to business or practice management shall not be counted toward this requirement.

7-3. Application for Licensure

A. An application for licensure as an optometrist must be made on forms supplied by the Board. The application must state:

1. The date and place of birth as well as the various places of residence since the date of graduation from high school.
2. The applicant's educational background, including schools attended, length of time in attendance at each and whether or not the applicant is a graduate of those schools.
3. Whether or not the applicant has ever applied for a license or certificate as an optometrist in another place and, if so, when and where and whether the application was approved.
4. The applicant's practical training and experience.

5. Whether or not the applicant has ever had a license or certificate as an optometrist revoked, restricted or suspended or whether proceedings involving such a revocation, restriction or suspension have ever been instituted against the applicant.
6. Whether the applicant has ever been convicted of a felony or an offense involving moral turpitude.
7. Whether the applicant has ever been addicted to the use of narcotics, controlled substances, or alcohol.
8. Whether the applicant has ever been investigated for, charged with, or convicted for the use or illegal sale or dispensing of controlled substances.

B. The application must include the address of the applicants practice or intended practice and the address of any satellite offices.

C. The applicant must submit to the Board proof of:

1. Completion of training as an optometrist in a program accredited by the American Optometric Association's Council on Optometric Education.
2. Passage of Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) Examination, or passage of Parts I and II of the NBEO and the NERCOATS examination.

D. The Board may require other documents or proof of qualifications, as it may deem proper.

E. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

F. The applicant must submit the application to the Secretary of the Board at least 30 days before the next meeting of the Board.

G. All required fees must accompany the application.

7-4. Rejection of Application

A. An application may be rejected if it appears that:

1. An applicant for licensure as an optometrist is not qualified to perform the duties and responsibilities of an optometrist as established by the Board pursuant to Section 7-1; or
2. Is not of good moral character or reputation; or
3. Any credential submitted is false; or
4. The application is not made in proper form or other deficiencies appear in it.

7-5. Term of License

The license of an optometrist shall be valid for a period of two (2) years.

7-6. Renewal of License

The license of an optometrist shall be renewed through an application signed by the optometrist accompanied by all required fees.

7-7. Grounds for Suspension or Revocation of License

The license of any optometrist may be suspended or revoked by the Board when, after notice and hearing in accordance with the provisions of these regulations, it finds that the optometrist engaged in any of the following activities:

- A. Providing services actice beyond the scope of the practice of optometry as defined in this chapter.
- B. Practicing or attempting to practice the profession of optometry while under the influence of intoxicating beverages or narcotic drugs.
- C. Giving or receiving rebates.
- D. Gross negligence or repeated or continuing acts of negligence or incompetence in the practice of optometry.
- E. Any conduct or practice, including incompetency, which constitutes a danger to the health, welfare or safety of patients or the public.
- F. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of the profession of optometry.
- G. Refusing to divulge to the Board upon demand the means, methods, devices or instrumentalities used for optometric examination or therapy.
- H. Failing to comply with a Board order or consent agreement.
- I. Fraud, forgery, unsworn falsification, false swearing or perjury involving a matter before the Board or a written instrument submitted to the Board.
- J. Willfully and without legal justification failing to furnish in a timely manner information which is necessary for the Board to conduct an investigation under this chapter and which has been requested or subpoenaed by the Board.

7-8. Notice of Charges, Hearing, Service of Notice

Before the Board revokes the license of an optometrist, the Board shall give the optometrist a written notice specifying the charges made against the optometrist and stating that the charges will be heard at the time and place indicated in the notice.

7-9. These Optometry Rules and Regulations shall supersede the prior Optometry Rules and Regulations published at Chapter VII, Volume 11, No. 9, page 6427 of the Commonwealth Register, dated September 15, 1989.



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

Executive Director

Esther H. Barr

Public Notice of the Proposed Amendment to Section 6-104 (1), (2) and (4) of the Tinian Casino Gaming Control Commission Personnel Regulations

The Chairman of the Tinian Casino Gaming Control Commission (TCGCC) hereby gives notice to the general public that the Tinian Casino Gaming Control Commission proposes to amend the existing TCGCC Personnel Regulations, in particular Section 6-104 (1) on Annual Leave, Section 6-104 (2) on Sick Leave and Section 6-104 (4) on Compassionate Leave. These proposed amendments are made pursuant to Sections 5(8)(c) and Section 121 of the Revised Tinian Casino Gaming Control Act of 1989, also cited at 10 CMC §2521 (h) (3) and 10 CMC §25123.

These amendments of the TCGCC Personnel Regulations are made pursuant to the recommendation by the Office of the Public Auditor to the Commission. Further, the Commission is of the opinion that annual and sick leaves increase the salary of the Commissioners beyond the amount provided for in the Act, and thus constitute an indirect increase in salary beyond the stated ceiling. An additional amendment; compassionate leave extending a period to ten (10) days to allow the employee(s) sufficient time to complete the requisite obligations of the aggrieved family during their period of mourning.

The text of the proposed amendments are published following this notice. The Chairman of the TCGCC solicits comments and recommendations concerning these proposed amendments which must be received by him within (30) days from the publication of this notice. Copies of the proposed amendments to the Personnel Regulation may be obtained at the TCGCC main office, P.O. Box 143, San Jose Village, Tinian, MP 96952.

Dated this 3rd day of May, 1999.


Vicente M. Manglona
Chairman



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
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Jeffrey M. Hofschneider

Executive Director

Esther H. Barr

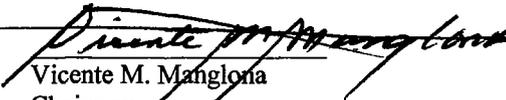
Notisia para Publiku
Pot ima propone na Amendasion
Gi seksiona 6-104 (1), (2) yan (4)
Gi Regulasion I Empleyao
I Tinian Casino Gaming Control Commission

I Chairman gi Tinian Casino Gaming Control Commission (TCGCC) ha notitisia i Publiku Hinerat na i Tinian Casino Gaming Control Commission ha propone na para hu amenda i presente na Regulasion I Empleyao, paticulatmente gi seksiona 6-104 (1) pot Annual Leave, seksiona 6-104 (2) pot Sick Leave yan seksiona 6-104 (4) pot Compasionate Leave. Este i man ma propone na amendasion ma chogue segun gi seksiona 5(8) (c) yan gi seksiona 121 gi Revised Tinian Casino Gaming Control Act gi 1989, lokue tineteka gi 10 CMC seksiona 2521 (h) (3) yan CMC seksiona 25123.

Este siha na amendasion gi TCGCC Regulasion I Empleyao man ma chogue segun gi recomendasion i Ofisinan i Public Auditor para i Commission. Muchumas, i Commission ha chule opinion na i Annual Leave yan Sick Leaves ha umenta mas i suetdo para i Commissioners enmas kino i kantida ni prinibiye ni Acto. I otro na amendasion pot, Compassionate Leave, ma umenta esta dies (10) dias pot para husede i empleyao suficiente na tiempo para hu kumple iman nesesidat na obligasion familia pot finatai niha.

I kabales na amendasion ni ma propone siempre uma publika ya utinatitiye guine na Notisia. I Chairman gi TCGCC manga-gagao inepe yan rekomendasion pot iman ma propone siha na Amendasion. Yanggen sina, nafan halum siha i inepe yan rekomendasion sa nesesario na ufanma resibe gihalum tirenta (30) dias ginen ima publikuna este na Notisia. Copian este siha nima propone na Amendasion, sina manma chule gi TCGCC main office, osino kattaze guato gi P.O. Box 143, San Jose Village, Tinian, MP 96952.

Pago na ha'ane, dia 3rd gi May, 1999.


Vicente M. Manglona
Chairman



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

Executive Director

Esther H. Barr

Notice of Adoption to the Proposed Amendment to Section 6-104 (1), (2) and (4) of the Tinian Casino Gaming Control Commission Personnel Regulations

- CITATION OF AUTHORITY:** The Tinian Casino Gaming Control Commission (TCGCC) is authorized to promulgate rules and regulations, and amend the same pursuant to Sections 5 (8) (c) and Section 121 of the Revised Tinian Casino Gaming Control Act of 1989, and as also cited at 10 CMC §2521 (h) (3) and 10 CMC §25123.
- STATEMENT OF OBJECTIVE:** These amendments of the TCGCC Personnel Regulations are made pursuant to the recommendation by the Office of the Public Auditor to the Commission. Further, the Commission is of the opinion that annual and sick leaves increase the salary of the Commissioners beyond the amount provided for in the Act, and thus constitute an indirect increase in salary beyond the stated ceiling. By adoption and enactment of these amendments, the Commission repeal the application of annual and sick leaves upon them, thereby manifesting their commitment in maintaining the credibility of the Commission to the public. An additional amendment namely, Compassionate Leave, extending the maximum allowable period to ten (10) days, so as to allow employee(s) in the event of death of an immediate family of the employee, sufficient time to complete the requisite obligations of the aggrieved family during their period of mourning.
- PROPOSED AMENDMENT TO THE PERSONNEL REGULATION:** The following Section 6-104 of Article 6, Part A on "Leaves of Absences" are amended to read as follows:

Section 6-104 Paid Leave

- Annual Leave**, or vacation, shall be granted as set forth herein for any personal purpose and the reason need not be disclosed. All requests to use accrued annual leave must be made in advance *on a 24-hour notice* on a leave request form and approved by the ~~Personnel Officer~~ *Executive Director or designee* ~~except exempt employee who shall be approved by the TCGCC Chairman.~~ *Request made by full-time exempt employees, other than the Commissioners, shall be approved by the TCGCC Chairman. TCGCC Commissioners are not entitled to annual leave and thus, Commissioners shall not accrue any annual leave credits during their term.*

All TCGCC full-time exempt employees, other than the Commissioners, shall earn annual leave at the rate of eight (8) hours per complete two-week pay period. Full time non-exempt employees shall earn and accrue annual leave at a rate commensurate with their length of TCGCC service as follows:

- (a) four (4) hours per pay period for non-exempt employees with less than four years of TCGCC, CNMI Government and agencies service;
- (b) six (6) hours per pay period for non-exempt employees with four to six years of TCGCC, CNMI Government and agencies service; and
- (c) eight (8) hours per pay period for non-exempt employees with over six years of TCGCC, CNMI Government and agencies service.

No leave shall accrue to an employee who was not in pay status for the entire duration of a pay period.

- (2) Sick Leave shall accrue to all full-time employees, except for Commissioners, at the rate of four (4) hours per complete two-week pay period. No sick leave shall accrue to an employee who was not in pay status for the entire duration of a pay period.

Sick leave with pay shall be allowed whenever the employee is compelled to be absent from duty because of illness or injury or because of quarantine of his family and residence. To qualify for sick leave status, the employee or his designated spokesperson must advise the employee's immediate supervisor before 9:00 a.m. *immediately* on each day of the illness, injury or quarantine. Use of sick leave is also authorized for medical, dental, or optometry examinations or treatment and medical/dental referral escort of a minor in the immediate family or for mental health examination, counseling or treatment. If an employee is in sick leave status in excess of three (3) consecutive duty days, he may be required to furnish a certification as to the illness or incapacity from attending medical personnel. If the required attending medical personnel. If the required certification is not furnished, all absence which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay.

- 4. Compassionate Leave with pay up to a maximum of ~~five (5) working days~~ *ten (10) calendar days* may be granted to any full-time employee by the Chairman in the event of death in the immediate family of the employee. For the purpose of compassionate leave, the term "immediate family" shall be defined as an employee's mother, father, spouse, immediate offspring (natural, cultural or legally adopted), brother or sister, grandfather or grandmother and mother-in-law or father-in-law.

4. **CONTACT PERSON:** Comments on the contents of these amendments may be sent to: Executive Director, Tinian Casino Gaming Control Commission, P.O. Box 143, San Jose Village, Tinian, MP 96952.

5. **CAUSE AND CITATION FOR REGULATION:** Regulations are necessary in the interest of the Tinian Public. In order to maintain continuity with the Personnel Regulations for the Commission and to be increasingly and consistently responsive to the employee's rights and privileges of the Commission. The proposed amendments completes' the finishing touches needed to address the concerns that has in the past been largely, if not, completely neglected. The public interest requires establishment and adoption of these regulations upon fewer than (30) days notice. The Tinian Casino Gaming Control Commission, finds for the reasons given and pursuant to Title 1, CMC, Division 9, Chapter 1, Section 9104(b) that the public interest requires the adoption of existing regulations, upon the concurrence of the Governor, to clearly amend the existing Personnel Regulation, Section 6-104(1), (2) and (4).

Dated this 3rd day of May, 1999.


Vicente M. Manglona
Chairman



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Marlin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

Executive Director

Esther H. Barr

EG
Certification to the ~~Approved~~ Amendments to
the Personnel Regulations of the Tinian
Casino Gaming Control Commission

I, VICENTE M. MANGLONA, Chairman of the Tinian Casino Gaming Control Commission, which has promulgated the foregoing amendments to its Personnel Regulations, by my signature below, do hereby certify that these amendments are true, complete and correct copy, formally adopted by the Commission.

Dated this 3rd of May, 1999.

Vicente Manglona
Vicente M. Manglona
Chairman

Office of the Governor:

By: *J. Deleon*
Jose A. Deleon Guerrero
Special Assistant for Administration
Office of the Governor

9/30/99
Date

Office of the Registrar of Corporations:

By: *Soledad B. Sasamoto*
Soledad B. Sasamoto
Registrar of Corporations

10/4/99
Date

Pursuant to 1 CMC 2153 as amended by PL 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 29 day of Sept, 1999;

Mayra B. Kara
~~Robert B. Dunkel, II~~
Attorney General (Acting)
By: *[Signature]*
Assistant Attorney General



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

PUBLIC NOTICE

Esther H. Barr
Executive Director

Vicente M. Manglona
Chairman

Proposed Rules and Regulations Governing the Operations of the Tinian Casino Gaming Control Commission

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

The Chairman of the Tinian Casino Gaming Control Commission (TCGCC or Commission) hereby gives notice to the general public that the Commission proposes to amend Chapter 10 of the TCGCC Rules and Regulations by providing for a provision that defines the term "immediate family" to be applied uniformly whenever referred to throughout the Revised Tinian Casino Gaming Control Act of 1989, as well as for a consistent application of the same upon all existing as well as new rules and regulations, and to provide exception to said application upon appropriate situation; to amend Section 1-112(18) of the TCGCC Procurement Regulations by repealing the existing definition of "immediate family" and to amend the same by incorporating the definition provided under the proposed Paragraph 10-6.1, Subchapter 6 of Chapter 10 of the TCGCC Regulations on "General Provisions"; to amend Section 12-101(6) of Article 12 of the TCGCC Personnel Regulations by repealing the existing definition of "immediate family" and to amend the same by incorporating the definition provided under the proposed Paragraph 10-6.1, Subchapter 6 of Chapter 10 of the TCGCC Regulations on "General Provisions"; and to exempt the application of Paragraph 10-6.1 definition from applying to Section 6-104(6) of the TCGCC Personnel Regulations on compassionate leave and to retain the existing definition therein.

The Commission proposes these regulations in accordance with the authority vested in them pursuant to *Section 5(8)(c)* and *Section 121(1)(h)(i)* and *(j)* of the Act and as codified in *10 CMC §2521(h)(3)* and *10 CMC §25123 (a)(8) and (b)*.

The Chairman of the TCGCC solicits comments and recommendations concerning these proposed rules and regulations. All comments and recommendations must be received by the Commission within 30 days from the publication of this notice at P.O. Box 143, San Jose Village, Tinian, MP, 96952. Copies of the proposed Rules and Regulations may be obtained at the TCGCC main office at the Villagomez Bldg., Second Floor, San Jose Village, Tinian, MP 96952.

Dated this 4th day of August, 1999.


Vicente M. Manglona
Chairman



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

Esther H. Barr
Executive Director

Notisia para Publiku Pot ima propone I Matulaikan I Areklu Yan Regulasion I Operasion I Tinian Casino Gaming Control Commission

I Chairman gi Tinian Casino Gaming Control Commission (TCGCC) ha notisia y Publiku Hinerat na y Tinian Casino Gaming Control Commission ha propone na para hu amenda y presente na Regulasion gi halom y mina Dies (10) na patte gi halom y Areklu yan regulasion y Komision. Ya hana guahaye probision na para mas u klarifika y fundamenton "immediate family" ni para sina ma aplika parehu pot todo gi halom y entero y Revised Tinian Casino Gaming Control Act of 1989, lokkue pot para u parehu yan tunas siha y man aplikadbe gi halom todo y guaha inkluso y presente na areklu yan regulasion kon todo I man nuevo siha na areklu yan regulasion; yan para uma probiniye ayu y timan teniteka gi halom este na aplikadbe, espesiadmente gi halom y propio na sichuasion; ha amenda y Seksion 1-112(18) gi TCGCC na regulasion pot Procurement na uma tulaika y presente na fundamento para "immediate family" yan para uma amenda y para mana dana-na este yan y man pareho, osino man afakcha na fundamento ni gaige gi halom y man ma propone na palabra gi mina 10-6.1 Subchapter 6, gi mina dies (10) na patte gi TCGCC na regulasion nima konsidera "Hinerat na provision"; Lokkue, para uma amenda seksiona 12-101(6) gi artikulu dose (12) gi halom TCGCC regulasion empleyao gi matulaikan y presente na intetpete yan fundamenton "immediate family", yan ima amendan este para u gigu yan ima tulaikan y fundamento yan sustansia este na palabra segun ima propone gi halom patte 10-6.1 Subchapter 6, gi mina dies (10) na patte gi TCGCC na Regulasion nima konsidera komo "Hinerat na Provision"; yan pot uttimo para umana suha ima aplikadbe-na intetpete osino fundamento ni gaige gi halom todo I aplikasion-na gi papa I ma propone na Paragraph 10-6.1, Subchapter 6 gi Chapter 10 gi hinerat na probision gi regulasion; para uma amenda I Seksion 12-101(6), Atikulu 12 gi presente na regulasion I empleyao ni para uma na tinague ya ma amenda parehu anai ma probiniyi gi Paragraph 10-6.1, Subchapter 6 gi Chapter 10 gi regulasion I TCGCC gi hinerat na probision ya uma exempt I aplikasion I Paragraph 10-6.1 ni ma apliplika gi Seksion 6-104(6) gi regulasion I empleyao gi TCGCC I "compassionate leave" yan uma sustene I presente na fundamento.

I Komision ha propone este na regulasion sigun gi atoridad ni ha nana'I sigun I *Seksion 5(8)(c)* yan *Seksion 121(1)(h)(I)* yan *(j)* gi Acto yan as klasifika gi *10 CMC§2521(h)(3)* yan *10 CMC§25123(a)(8)* yan *(b)*.

I kabales na amendasion ni ma propone siempre uma publika ya utinatitiye guine na Notisia. I Chairman gi TCGCC manga-gagao inepe yan rekomendasion pot iman ma propone siha na Amendasion. Yanggen sina, nafan halom siha i inepe yan rekomendasion sa nesesario na ufanma resibe gi halom tirenta (30) dias ginen ima publiku na este na Notisia. Kopian este siha nima propone na Amendasion, sina manma chule gi TCGCC main office, osino kattayi guato gi P.O. Box 143, San Jose Village, Tinian, MP 96952.



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona
Chairman

Martin DLG San Nicolas
Vice Chairman

Jose P. San Nicolas
Joaquin H. Borja
Jeffrey M. Hofschneider

TINIAN CASINO GAMING CONTROL COMMISSION Rules and Regulations

Esther H. Barr
Executive Director

Section 1. Purpose And Findings.

Throughout the Act, the term "*immediate family*" has been utilized but which the Act itself does not provide for a definition thereto. Presently, several differing definitions of the term "*immediate family*" has been promulgated by existing TCGCC Regulations which were specifically intended to apply to the respective specific subject purposes of said regulations. As the term "*immediate family*" is used on certain provisions of the Act, the definitions provided for by existing TCGCC Regulations provides for a confusing and sometimes misapplication of the term intended by the Act. It is therefore the intent of this Commission to provide for a definition of the term "*immediate family*" to apply uniformly throughout the Act, as well as to apply a consistent definition to the differing existing and new TCGCC Regulations. For unique subject purposes, a call for a differing definition is appropriate to fit such a situation, and thus, the Commission by this proposed regulations allows for such flexibility.

The Commission further finds that these amendments would allow for a broader members of this small community to enjoy the economic benefits that the gaming industry intended to impart. Pursuant to Part XII, Paragraph 1, it is the declared policy of the Act toward providing for "*. . . a substantial contribution to the general welfare, health and prosperity of Tinian, its inhabitants, and the people of Tinian*". In light of this community's small and limited population, and the fact that just about every one is related with one another, a more narrower definition of the term "*immediate family*" is appropriately called for. The purposeful effect of these amendments, thus, is to provide for a narrower definition of the term "*immediate family*", thereby, allowing for a broader member of this community not only to be gainfully employed, but also to enjoy the economic benefits of what the gaming industry intended to impart.

The Commission anticipates additional casino licensees in the event that the proposed amendments to the Act are approved this upcoming election. This anticipation is based on the fact that the new amendments to the Act is investment friendly. In the event that the amendments are approved, enormous opportunities would prevail in the forms of employment and other forms of economic and financial gains.

The Commission further finds that in light of the existing Code of Ethics, the potential for a conflict of interest between family members and officials of the Commission is removed, thereby maintaining and preserving the

“public confidence and trust in the credibility and integrity of the regulatory process and of casino operations” as intended by the Act.

Section 2. Applicability.

These Rules and Regulations defining the term *“immediate family”* whenever used or referred to within the provisions of the Act shall apply uniformly, unless otherwise and explicitly excepted. These Rules and Regulations defining the term *“immediate family”* whenever used or referred to within the provisions of existing and new rules and regulations shall also apply consistently, unless otherwise and explicitly excepted.

Section 3. Amendments To Existing TCGCC Rules and Regulations.

Chapter 10 of the TCGCC Rules and Regulations on “General Provisions” is hereby amended and a new “Subchapter 6”, entitled “GENERAL APPLICATIONS OF TERMS” is added to read as follows:

“SUBCHAPTER 6. GENERAL APPLICATIONS OF TERMS

10-6.1 Definition of “immediate family”.

(a) As used within the provisions of the Revised Casino Gaming Control Act of 1989, and within the existing and new provisions of the TCGCC rules and regulations, unless explicitly excepted and defined otherwise, *“Immediate Family”* shall mean spouse, children, and other family members residing under one household.

(i) The term *household* means a primary dwelling where one or more person is permanently residing, and it shall not include an extension of such dwelling. A person’s household is his primary residence. It is presumed that a dwelling house on Tinian occupied by an officer of the Commission is that individual’s primary household.

(ii) *Other family member* shall include parents, brothers, sisters, grandchildren, grandparents, adopted children and adoptive parent, stepparents, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-

in-law, and relatives of up to first degree cousin, but not lived-in maid. “

(b) **Exemption.** The term “*immediate family*” as defined in Section 6-104 (4) of the TCGCC Procurement Regulations shall remain and continue to retain the same definition, and as such, it is excepted from the general definition herein.

Section 4. Amendments To Existing TCGCC Rules and Regulations.

Section 1-112 (18), Article 1 of the TCGCC Procurement Regulations is hereby repealed and amended to read as follows:

(18) *Immediate Family* means [see, definition as set forth in Paragraph 10-6.1 of Subchapter 6 on General Applications of Terms, Chapter 10 on General Provisions of the TCGCC Rules and Regulations]

Section 5. Amendments To Existing TCGCC Rules and Regulations.

Section 12-101(6), Article 12 of the TCGCC Personnel Regulations is hereby repealed and amended to read as follows:

(6) *Immediate Family* means [see, definition as set forth in Paragraph 10-6.1 of Subchapter 6 on “General Applications of Terms”, Chapter 10 on “General Provisions” of the TCGCC Rules and Regulations]

Filed by:



SOLEDAD B. SASAMOTO
Registrar of Corporations

10/4/99

Date

Office of the Governor:



Jose I. Deleon Guerrero
Special Assistant to the Governor
Administration

9/30/99

Date

Pursuant to 1 CMC 2153 as amended by PL 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 29th day of Sept; 1999;


Maya B. Kara
Robert F. Dunne, III
Attorney General (Acting)

By:


Assistant Attorney General



BOARD OF PROFESSIONAL LICENSING

Commonwealth of the Northern Mariana Islands

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897

Fax No.: (670) 234-6040

BOARD OF PROFESSIONAL LICENSING

Statutory Authority

The Board of Professional Licensing promulgated these proposed amendments pursuant to the powers granted it by Section 3108 of P.L. 11-99.

Statement of Goals and Objectives

The intent of these amendments is to update the regulations and be consistent with P.L. 11-99, the "Board of Professional Licensing Amendments Acts of 1998".

Brief Summary of the Proposed Amendments

The proposed amendments is to update the regulations in order to be consistent with the recently passed P.L. 11-99 specifically the qualifications of the board members and the duties of the officers of the board.

For further information contact:

Florence Sablan Bocago, Board Administrator at 234-5897 or 235-5898 or fax to 234-6040.



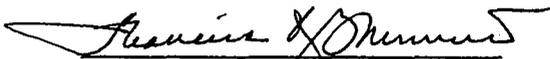
BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

**NOTICE OF PROPOSED ADMENDMENTS
TO THE ADMINISTRATIVE REGULATIONS
FOR PRACTICE & PROCEDURES
OF THE BOARD OF PROFESSIONAL LICENSING**

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend its Administrative Regulations for Practice and Procedures. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing Office, 2nd Floor of the ICC Building, Gualo Rai.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 27th day of September, 1999.



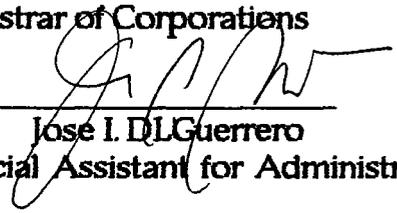
Francisco Q. Guerrero
Chairman

Filed By:


Soledad B. Sasamoto
Registrar of Corporations

10/4/99
Date

Received by:


Jose I. DL Guerrero
Special Assistant for Administration

9/30/99
Date

Pursuant to 1 CMR §2153 as amended by P.L. 10-50 the administrative regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Maya B. Kara
Attorney General (Acting)

BY:


Assistant Atty. General
Elliott A. Sattler

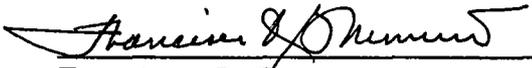
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**NUTISIA PUT I MAPROPOPONE NA AMENDASION
I ADMINISTRATIVE REGULATIONS FOR
PRACTICE & PROCEDURES I
BOARD OF PROFESSIONAL LICENSING**

I Board of Professional Licensing ginen este man nana'e nutisia i publiku henerat na ha propopone para u ma amenda i iyon niha Administrative Regulations for Practice and Procedures. I maninteresao siha na petsona siha manmafule kopian este siha na amendasion gi Ofisinan Board of Professional Licensing gaige gi mina'dos bibenda ICC Building giya Gualo Rai.

Hayi siha maninteresao man na'halom komento put i manmapropopone siha na amendasion, siha matugi papa ya ma submite gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi Rehistran Commonwealth.

Ma fecha gi dia 27th gi September, 1999.

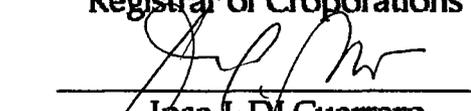

Francisco Q. Guerrero
Chairman

Ma Rikot As:


Soledad B. Sasamoto
Registrar of Corporations

10/4/99
Fecha

Ma Resibi As:


Jose L. DLGuerrero
Special Assistant for Administration

9/30/99
Fecha

Sign gi 1 CMC §2153 ni inamenda ni Lai Pupbliku 10-50 i regulasion ni chechetton esta manmainan maolek yan ma apreba sign i fotma kumo ligat yan suficiente ni Ofisialis Attorney General guine gi CNMI.

Maya B. Kara
Attorney General (Acting)

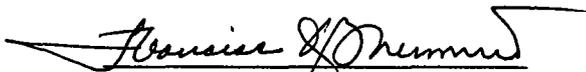
Ginen: _____
Assistant Attorney General
Elliott A. Sattler

ARONGORONGOL TOULAP REEL POMWOL LIIWEL MELLOL ALLEGHUL
ADMINISTRATIVE BWELLE REEL FEFFER ME AFAL MELLOL
BOARD OF PROFESSIONAL LICENSING

Board of Professional Licensing eghal arongaar aramas toulap bwe ebwe fféer lliiwel reel Alléghúl Administrative bwelle reel féfféer me afal.

Iyo e tipeli ebwe isisilong yaal mán gemáng reel pomwol lliiwel kkaal nge ebwe féerú schagh nge ebwe llól eliigh(30) rál sángi toolongol arong yeel llól Commonwealth Register.

Rál ye 27th llól maramal September, 1999.

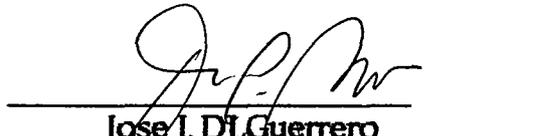

Francisco Q. Guerrero
Chairman

Isaliyal:


Soledad B. Sasamoto
Registrar of Corporations

10/4/99
Ral

Bwughiyal:


Jose I. DL Guerrero
Special Assistant for Administration

9/30/99
Ral

Bwelle reel 1 CMC §2153 iye a lliiwel sángi aileewal Alléghúl Toulap (Public Law) 10-50 reel alléghúl administrative kkaal ikkaa e appasch nge-atakkal anwirisángi me alúghúlúgh mereel Bwulasiyol CMII Attorney General.

Maya B. Kara
Attorney General (Acting)

Mereel: _____
Elliot A. Sattler
Assistant Attorney General

**ADMINISTRATIVE REGULATIONS FOR
PRACTICE & PROCEDURES
OF THE
BOARD OF PROFESSIONAL LICENSING
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

PART I. ESTABLISHMENT

1.1 Establishment. The Board of Professional Licensing (hereafter the "Board") is a regulatory agency of the executive branch of the CNMI government established by law (4 CMC 3101).

PART II. MISSION STATEMENT

2.1 Mission Statement. The mission of of the Board is to protect the public's health, safety, and welfare through the regulation of the practice of engineering, architecture, land surveying, landscape architecture, harbor piloting, real property appraisal, and other professions in the Commonwealth by:

- * Ensuring that those entering the practice meet minimum standards of competency by way of education, experience, and examination;
- * Requiring that any person practicing or offering to practice engineering, architecture, land surveying, landscape architecture, harbor piloting, real property appraisal and other professions under the jurisdiction of BPL be licensed;
- * Establishing standards of practice for those licensed to practice;
- * Enforcing the laws, rules and regulations, and standards governing engineering, architecture, land surveying, landscape architecture, harbor piloting, real property appraisal and other professions under the jurisdiction of BPL;
- * Providing consumers appropriate public information they need to make informed choices for procuring engineering, architecture, land surveying, landscape architecture, harbor piloting, or real property appraisal services.

PART III. BOARD MEMBERS

3.1 Composition. The Board is composed of seven members appointed by the Governor, with the advice and consent of the Senate. **Members shall be appointed and serve according to law.**

3.2 Qualifications. **Each member shall meet the qualifications as provided by law.**

3.3 Tenure. **The tenure of the members of the Board shall be as provided by law.**

3.4 Resignation of Member. A member of the Board who desires to resign from membership shall do so in writing, addressed to the Board. The subject of the resignation shall be placed upon the agenda for the next regular meeting of the Board, at which meeting the Board shall act upon the resignation. If the resignation is accepted by the

Board, the Chairperson shall contact the Governor in writing, to inform him of the vacancy and request appointment of a new member to serve for the balance of the unexpired term of the resigned member.

- 3.5 Reimbursement of Expenses.** Members of the Board shall submit claims to the Board's staff for reimbursement for reasonable and necessary expenses incurred in the performance of their duties. The staff shall forward such requests to the proper authority.

PART IV. DUTIES

- 4.1 Duties.** The Board shall have the power and duty to issue licenses and other responsibilities as provided by law.

PART V. OFFICERS

- 5.1 Officers.** The Board shall elect, by the majority vote of a quorum of its members, a Chairperson, a Vice-Chairperson, and a Secretary. The Board may establish such other officers as it shall deem necessary or appropriate.

5.2 Duties of Officers.

A. Chairperson - The Chairperson shall, when present, preside at all meetings. He/she shall appoint all standing and/or special committees and shall be an ex-officio member of all committees. He/she shall perform all other duties pertaining to the office of the Chairperson.

B. Vice-Chairperson - The Vice-Chairperson shall, in the absence of the Chairperson, exercise the duties of and possess all the powers of the Chairperson.

C. Secretary - The Secretary shall record or cause to be recorded the minutes of all board meetings and keep them in a book or file, to maintain current, accurate copies of all board documents (law, all regulations, rules), and to sign licenses or certificates issued by the Board. The Secretary shall perform such additional duties as designated by the Chair.

- 5.3 Elections.** The officers of the Board shall be elected every October in every odd-numbered year.

- 5.4 Terms of Office.** The Officers of the Board shall serve two-year terms unless their membership on the Board is terminated sooner than two years for whatever reason. The Board may fill any vacancy among its officers for the remainder of the unexpired term. In the event of a vacancy of the chairperson's position the vice-chair automatically becomes the chairperson.

PART VI. COMMITTEES

- 6.1 Committees.** The Board may establish such standing and special committees, and prescribe their powers, duties, and functions as it shall deem necessary. The Chairperson of the Board shall appoint the chairperson of all committees, provided, however, that in so doing, the Chairperson shall give due recognition to the desire to each member to serve

as chairperson on a particular committee. No member of the Board may be the chairperson of more than one standing committee. The Chairperson as **ex-officio member of all committees shall** not serve as the chairperson of a standing committee.

PART VII. MEETINGS

7.1 Meetings. Meetings of the Board shall be held **on a regular basis, at least quarterly, time and place** to be established by the Board. Special meetings of the Board may be called by the Chairperson or any two members. Unless otherwise provided by law, all meetings of the Board shall be open.

(1) The Board may hold an executive meeting, closed to the public, upon a majority vote of 4 of its members taken at an open meeting, provided that such executive meeting is permitted under applicable law.

(2) The Administrator shall notify members of the Board in writing, at least one week before the date of any regular meeting, and as soon as practical before the date of any special meeting. Such notice shall, whenever possible, include a proposed agenda for the meeting and copies of any documents relevant to matters which will be before the board for its consideration at the meeting.

7.2 Voting. The concurrence of four (4) Board members necessary, by law, for the Board to act may be obtained at a regular or special meeting by the physical presence of four (4) Board members at a meeting, or in the absence of four (4) Board members being physically present at a meeting, by a vote of an absent Board member by telephone conference during the meeting or by a written vote submitted by a Board member to the Board Administrator within (2) weeks following said meeting.

7.3 Order of Business. An agenda outlining the order of business shall be prepared for all Board meetings. The agenda shall be prepared by the Board Administrator and approved by the Chairperson, subject to the direction of the Board. The agenda shall include the following:

- Call to Order**
- Determination of Quorum**
- Review and Adoption of Agenda**
- Review and Adoption of Previous Meeting Minutes**
- Communications from Governor's Office & Legislature**
- Chairperson's Report**
- Board Administrator's Report**
- Investigator's Report**
- Committee Reports**
- Old Business**
- New Business**
- Miscellaneous Business**
- Adjournment of Meeting**

7.4 Rules of Order. The Board shall be governed by the most recent edition of *Robert's Rules of Order*, when not in conflict with the law or these administrative policy and procedures. The Chairperson shall rule on all

questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote, provided, however, that any two members of the Board may request a secret ballot upon any matter before the Board.

7.5 Minutes. The Board shall record or cause to be recorded a summary of the proceedings before it at its meetings. The minutes of the Board meetings shall be prepared by the Board Administrator and reviewed and approved by the Secretary of the Board.

7.6 Attendance/Termination. Attendance at all meetings is compulsory unless excused due to medical or other valid reasons by the Chairperson. Should a member have three (3) unexcused absences from three (3) regular meetings within any calendar year, the Board shall (upon the motion by one of its members that has been duly seconded by another member and then approved of by at least four members) recommend to the Governor that such member be terminated "for cause" from the Board.

7.7 Travel. Travel out of the CNMI at Board expense shall only be as approved by the Board based on funding and other relevant factors, except that, in an emergency where Board action is impracticable, the Chairperson shall decide the travel issue. A written report on the relevant information of the Board interest resulting from the travel shall be submitted to the Board within ten (10) working days following return. No member may travel if he/she has not submitted an acceptable written report from prior travel.

7.8 Delegation. When the Chairperson will be out of the CNMI or otherwise unable to perform official functions, the Vice Chairperson shall automatically be delegated such functions. If the Vice Chairperson is for any reason unable to assume such functions, the Secretary shall be the delegatee. If the Vice Chairperson and Secretary are unable to assume such functions, the Vice Chairperson shall delegate such responsibilities to another Board member.

PART VIII. STAFF

8.1 Staff. The Board may employ, as needed and funded, persons to assist it in performing its duties, including a Board Administrator, who shall administer the daily operations of the office, subject to the direction of the Chairman of the Board.

DEPARTMENT OF PUBLIC WORKS

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

Citation of

Statutory Authority:

Pursuant to 2 CMC 3514 of the Commonwealth Solid Waste Management Act of 1989.

Short Statement of

Goals and Objectives:

To establish rules and regulations for the collection and disposal of solid waste at Commonwealth of the Northern Mariana Islands Solid Waste Facilities and to set fees on the disposal of such wastes.

**Brief Summary of
the Rule:**

Provides a fee schedule for the disposal of solid waste at the Puerto Rico Dump, Saipan, Commonwealth of the Northern Mariana Islands. The fee schedule exempts small loads to minimize the costs to most residential disposers.

For Further

Information Contact:

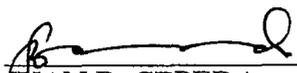
John Harder, Solid Waste Program Manager, Department of Public Works, telephone no. 322-2745 or fax 322-3547.

**Citation of Related and
or Affected Statutes**

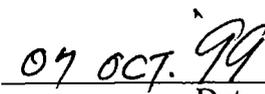
Regulations and Orders:

None. This is the first time fees are being assessed for solid waste disposal as authorized by the Commonwealth Solid Waste Management Act of 1989.

Submitted by:



JUAN B. CEPEDA,
Secretary of Public Works



Date

PUBLIC NOTICE OF PROPOSED

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

The Commonwealth of the Northern Mariana Islands, Department of Public Works hereby notifies the general public that it proposes to adopt Solid Waste Collection and Disposal Regulations consistent with the Commonwealth Solid Waste Management Act of 1989. These regulations set fees for the disposal of solid waste at Commonwealth Solid Waste Disposal facilities.

All interested persons wishing to make comment may submit written comments about the proposed Solid Waste Disposal Regulations to the Department of Public Works, Solid Waste Program Manager, Lower Base, Saipan, MP 96950, not later than thirty (30) days from the date of this publication in the Commonwealth Register.

Dated this 07th day of Oct., 1999.



JUAN B. CEPEDA,
Secretary of Public Works

Received by: 

JOSE I. DELEON GUERRERO
Special Assistant for Administration

10/7/99

Date

Filed and Recorded
by: 

SOLEDAD B. SASAMOTO
Registrar of Corporations

10/7/99

Date

Pursuant to 1 CMC sec. 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 7th day of October, 1999



MAYA B. KARA
Attorney General (Acting)

SOLID WASTE DISPOSAL AND COLLECTION REGULATIONS

Section 1. Definitions: The following phrases in these regulations shall be defined as follows:

- a. **Commercial Waste Haulers:** Any person, business or government agency or other entity who transports Municipal Solid Waste generated by others.
- b. **Commonwealth Solid Waste Management Facilities:** Landfills, dumps, refuse transfer stations, recycling centers, composting operations and other waste receiving facilities operated by the Commonwealth of the Northern Mariana Islands Department of Public Works, Division of Solid Waste Management.
- c. **Compacted Load:** A load that is hauled in a vehicle or container which is equipped with a hydraulic mechanism, or is designed to be used in conjunction with a hydraulic ram mechanism which compresses the load in order to maximize the amount of material that can be hauled in the vehicle or container. All other loads shall be considered to be uncompacted.
- d. **Construction and Demolition Waste (C&D):** Largely inert solid waste resulting from the construction, demolition or razing of buildings, roads or other structures, or from the clearing of land. Includes materials such as concrete, rock, brick and masonry, asphalt, wood, roofing and roofing paper, gypsum board, plaster, steel, and minor amounts of other metals. Construction and demolition waste does not include clean-up materials contaminated with hazardous substances, friable asbestos, waste paints, solvents, sealers or similar materials.
- e. **Friable Asbestos Containing Material:** Any material containing more than one (1) percent friable asbestos (as defined under U.S. Code, Title 15, Section 2642) by weight.
- f. **Garment Waste:** Refuse generated by businesses that are engaged in the processing of textiles and/or the manufacture of garments and that primarily contains textile scraps.
- g. **Green Waste:** Trees, leaves, brush, grass clippings, landscape waste, yard trimmings and other similar plant material. Does not include land clearing debris mixed with dirt or rock.
- h. **Household Refuse:** Solid waste (including garbage, trash and sanitary waste in septic tanks) generated by residents directly as a result of their occupation or maintenance of their households. Does not include special wastes such as white goods, tires or batteries.
- i. **Land Clearing Debris:** Material generated as the result of clearing land for construction. Primarily dirt, rock and vegetative material. Does not include municipal refuse or Construction Demolition waste.
- j. **Material Designated for Recycling:** Cardboard, Aluminum Cans, Glass Beverage Containers, Scrap Metal, and Green Waste.
- k. **Municipal Solid Waste:** All refuse, discards or other, no longer useable, material generated through normal residential, agricultural, commercial and industrial activities. Includes, but

is not limited to: household waste, vegetative and animal waste generated by agricultural operations, commercial solid waste, non-hazardous sludge, conditionally exempt small quantity hazardous waste, construction and demolition waste, and industrial solid waste.

- l. Residential Disposer: An individual homeowner who hauls refuse generated from his own residence. Does not include self-haul waste from multiple units such as apartment complexes, barracks or other multi-family dwellings, or agricultural waste hauled from agricultural properties which include residences.
- m. Special Waste: Solid waste, which due to its potential impact on public health and or the environment, requires special handling and additional environmental controls. Special Wastes include, but are not limited to, junk cars, scrap tires, used lead acid batteries, white goods, used motor oil, dead animals, infectious medical waste, and sewage sludge.
- n. White Goods: Appliances which are predominately made of metal and greater than one cubic foot in volume. Includes such items as refrigerators, washers, dryers, water heaters, air conditioners and ranges.

Section 2. Tipping Fees at Commonwealth Solid Waste Facilities not Equipped with Vehicle Scales.

For the receipt and disposal of solid waste delivered to Commonwealth solid waste management facilities not equipped with vehicle scales, or to Commonwealth solid waste management facilities equipped with vehicle scales which are not operable, by any business, industry, governmental agency, or educational institution, a tipping fee based on a volumetric assessment shall be charged to the disposer as specified in Subsections a. through b. inclusive.

The initial tipping fees for Commonwealth Solid Waste Facilities not equipped with vehicle scales are based on a base fee rate of approximately \$10 per ton and standard volumetric solid waste conversions. For loads above 2 cubic yards, the charges above will be imposed based on the capacity of the of vehicle regardless of whether it is fully loaded or not. Separate fees shall be assessed for a trailer and the vehicle towing it if both the trailer and the towing vehicle are carrying solid waste.

a. Municipal Solid Waste

<u>Typical Vehicle or Container Type</u>	<u>General Volume</u>	<u>Tipping Fee</u>
55 gal. drum (approx. 1/3 cu yd)	3 or less drums	No Charge
	4 to 6 drums	\$2.00
	7 to 8 drums	\$4.00
	More than 8 drums	\$2.00/2 drums
Pick up truck or other passenger vehicle	less than one (1) cubic yard	No Charge
	1 to 2 cubic yards	\$2.00
	2 to 4 cubic yards	\$4.00
Flat bed truck, trailer, or	less than 3 cubic yards	\$4.00

overloaded pick up truck	3 to 5 cubic yards	\$6.00
	5 to 8 cubic yards	\$10.00
Dump truck or large trailer	less than 5 cubic yards	\$6.00
	5 to 10 cubic yards	\$12.00
	10 to 15 cubic yards	\$18.00
Compactor Truck	less than 5 cubic yards	\$10.00
	5 to 10 cubic yards	\$20.00
	10 to 20 cubic yards	\$40.00
Roll-off container	less than 10 cubic yards	\$12.00
	10 to 20 cubic yards	\$22.00
	20 to 30	\$32.00
	30 to 40	\$42.00

b. Any loads containing friable asbestos containing material, sewage sludge, dead animals and quantities greater than 2 cubic yards of spoiled food. Any refuse containing more than a total of 20% by volume of materials designated for recycling. C&D debris containing concrete, asphalt, rock or dirt, or land clearing debris containing municipal refuse or scrap metal.

<u>Typical Vehicle Type</u>	<u>General Volume</u>	<u>Tipping Fee</u>
55 gal. drum (approx. 1/3 cu yd)	3 drums or less	No Charge
	4 to 6 drums	\$4.00
	7 to 8 drums	\$8.00
	more than 8 drums	\$2.00/2 drums
Pick up truck or other passenger vehicle	less than one (1) cubic yard	No Charge
	1 to 2 cubic yards	\$4.00
	2 to 4 cubic yards	\$8.00
Flat bed truck, trailer, or overloaded pick up truck	less than 3 cubic yards	\$8.00
	3 to 5 cubic yards	\$12.00
	5 to 8 cubic yards	\$20.00
Dump truck or large trailer	less than 5 cubic yards	\$12.00
	5 to 10 cubic yards	\$24.00
	10 to 15 cubic yards	\$36.00
Compactor Truck	less than 5 cubic yards	\$20.00
	5 to 10 cubic yards	\$40.00
	10 to 20 cubic yards	\$80.00
Roll-off container	less than 10 cubic yards	\$24.00
	10 to 20 cubic yards	\$44.00
	20 to 30	\$64.00
	30 to 40	\$84.00

Section 3. Payment System

- a. Payment of Fees: Tipping fee charges incurred at the Commonwealth Solid Waste Facilities, whether or not they are equipped with scales, operable or not, under this Section shall be paid on site, either in cash, or by coupons. Fees of \$10.00 or less may be paid in cash. All fee charges over \$10.00 must be paid by pre-purchased coupons.
- b. Payment by Coupons: Pre-paid coupons for payment of fees at Commonwealth Solid Waste Facilities may be purchased from the Commonwealth of the Northern Mariana Islands Department of Finance. Commonwealth Solid Waste Facilities will not accept cash payments for tipping fees for fees in excess of \$10.00. Commonwealth Solid Waste Facilities users must obtain tipping fee coupons from the Department of Finance, which coupons shall be presented at the Commonwealth Solid Waste Facilities to pay the tipping fees for loads of waste to be disposed. Coupons will not be sold at Commonwealth Solid Waste Facilities.
- c. Purchase of Coupons: Coupons shall be issued in books of five and ten coupons in two U.S. dollar (\$2.00) and ten U.S. dollar (\$10.00) denominations. All persons, businesses, industries, governmental agencies, institutions, or organizations which intend to dispose of solid waste at a Commonwealth solid waste facility shall purchase coupons to use at landfill facilities from any CNMI Treasury branch. Coupons will be sequentially numbered and attached to receipt stubs in the coupon books. Coupons must be presented intact in their books. Loose coupons will not be accepted.
- d. All Commercial Waste Haulers shall be required to register with the Department of Environmental Quality. Prior to purchase of disposal coupons from the Department of Finance, the Commercial Waste Hauler shall be required to show proof of current registration.
- e. Free Disposal for Small Loads: All loads less than one (1) cubic yard in volume or contained in less than three (3) 55 gallon drums shall be exempted from Tipping Fees.
- f. Collection of Fees and/or Coupons: The gate attendant shall assess the volume of all incoming vehicles and based on his/her determination charge the appropriate fee. For fees to be paid by coupons the attendant shall remove the appropriate number of coupons from the coupon book and stamp both the coupons and the receipt stubs. Loose coupons will not be accepted.
- g. Determination of Volumetric Assessment: The attendant at the entry to the facility shall be the sole judge of the capacity of the incoming vehicle. Should there be any disagreement regarding the attendant's determination, the hauler shall file an appeal with the DWSM where an actual measurement of the container or vehicle capacity will be made.
- h. Creation of Coupons: The Division of Solid Waste Management shall be responsible for the creation and printing of coupons and the delivery to the Department of Finance for sale at CNMI Treasury Offices. Coupons shall be numbered to provide a means of monitoring

whether forgeries are being created and used. Coupons shall be attached to receipt stubs for tracking of payment by haulers.

- i. The Division of Solid Waste Management shall be responsible for verifying the accuracy of the coupons presented at Commonwealth Solid Waste Facilities. The CNMI Treasury Office shall issue receipts and shall note the serial number of the coupons issued to Commercial Tipping Fee coupon purchasers. They shall include the name and DEQ registration number (when appropriate) of the purchaser. The Treasury Office shall transmit all receipts and tracking forms to the Division of Solid Waste Management who shall be responsible for all accounting functions relating to the verification of, and accounting of tipping fees generated. The Department of Finance shall deposit the proceeds from Commercial Tipping Fee coupons sold into the CNMI General Fund.
- j. Lost Coupons: Lost coupons, regardless of whether they are commercial or residential coupons, shall not be replaced. Residential disposers who lose coupons shall have to bear the cost of replacing the coupons at commercial cost.
- k. The Department of Public Works, Division of Solid Waste Management shall be responsible for administering the collection of tipping fee coupons at Commonwealth Solid waste management facilities.

Section 4. Waiver of Tipping Fees

Notwithstanding any other provision of these regulations to the contrary, the tipping fees can be waived for refuse generated as a result of a typhoon or for the benefit of the Commonwealth of the Northern Mariana Islands.

- a. The Department of Public Works, Division of Solid Waste Management shall be responsible for administering the waiver provisions in these regulations.
- b. The person, entity applying for waiver of tipping fees shall sign a declaration under penalty of perjury stating that the refuse was generated by a typhoon or describing the public benefit to be gained by granting of a waiver for non-typhoon based requested and stating the volumetric capacity to be disposed.
- c. The Department of Public Works shall grant a waiver of tipping fees based on the signed declaration, provided that the Department of Public Works may establish procedures to verify volumetric capacity and to verify that the refuse was generated by a typhoon or a finding that a public benefit to the Commonwealth by granting of a waiver.

Section 5: Requirements for Commercial Waste haulers

It shall be unlawful for any person to initiate the commercial collection of municipal solid waste without first registering with the Department of Environmental Quality (DEQ).

- a. All applicants shall fill out and submit their registration on forms furnished by the DEQ and shall be accompanied by the following information for approval:

- (1) A copy of their current business license.
 - (2) A list of all trucks and other equipment involved in the operation.
 - (3) The location of any vehicle or equipment storage facility.
- b. Each registration form shall contain the original signature of the owner and applicant and shall constitute acknowledgment that the applicant will assume responsibility for operation of the collection business in accordance with these rules and regulations and any conditions made part of registration.
- c. Registration applications containing all required information shall be considered approved 30 days following submittal, unless specific action is taken by DEQ. Commercial waste hauler registration shall be renewed annually. The annual fee shall be \$25.
- d. The registration may not be modified or transferred (including change of business address) without approval from the Director of DEQ. The Director, on the Director's own motion, may modify, suspend or revoke any Commercial Waste Hauler's registration, if, the Director determines any of the standard conditions have been violated or any of the provisions of 2 CMC 3511 to 3521 or 2 CMC 2648 to 3134, or that such is in the public interest. Modifications, suspensions, or revocations shall become final 10 days after service of the notice of final decision on the holder of the registration.
- e. Standard Conditions:
- (1) All employees shall have received proper safety training as required by OSHA.
 - (2) All loads shall be covered or otherwise managed to prevent windblown debris.
 - (3) The operator shall have in place management standards to minimize public nuisances such as odors and vectors (i.e. flies and rodents) or leaking loads.
 - (4) All refuse shall be managed in such a manner as to prevent any impact on public health and safety.
 - (5) All employees shall be made aware of any DEQ or DSWM disposal restrictions.
 - (6) All employees shall strictly follow any instruction given by DSWM personnel at the solid waste management facility.



COMMONWEALTH PORTS AUTHORITY

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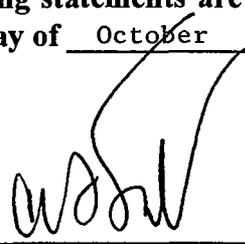
PUBLIC NOTICE RE CORRECTION OF TYPOGRAPHICAL ERRORS ON THE COMMONWEALTH PORTS AUTHORITY TERMINAL TARIFF REGULATIONS RATE INCREASE AMENDMENTS

The Commonwealth Ports Authority has discovered a few typographical errors regarding certain of the effective dates stated in the recently adopted rate increase amendments to the Seaport Division Terminal Tariff Regulations, as published in the Commonwealth Register, Volume 21, Number 6, on June 23, 1999, at pages 16673 through and including page 16692. The rate increase relates to the wharfage fee, port entry fee, dockage fee, homeport vessel fee, and passenger fee. Although the errors are typographical in nature, they need to be corrected in order to state the correct time frames when certain rate increases are to apply. The errors are being corrected as follows:

With respect to the adopted rate increase amendments, wherever the effective dates read "From 10/1/2006 to 9/30/2011," replace such clause with "From 10/1/2002 to 9/30/2007;" and wherever the effective dates read "From 10/1/2011 to 9/30/2016" replace such clause with "From 10/1/2007 to 9/30/2012."

So that any potential confusion regarding the typographical errors is removed, the adopted rate increase amendments, as herein corrected, are herewith republished in its entirety.

I declare under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed on the 8th day of October, 1999, at Saipan, Commonwealth of the Northern Mariana Islands.



CARLOS H. SALAS
Executive Director



COMMONWEALTH PORTS AUTHORITY

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NUTISAN PUPBLIKU POT PARA UMA-NADINANCHI I TYPHOGRAPHICAL ERRORS GI COMMONWEALTH PORTS AUTHORITY TERMINAL TARIFF NA REGULASION I AMENDASION POT I MAOMENTA MAS I APAS

I Commonwealth Ports Authority hasoda na quaha nilachi pot i effectibu siha na fecha ni gaige gi esta ma-adopta na amendasion pot i maomenta mas I apas pantalan gi Seaport Division Terminal Tariff Regulasion, ni ma pupblika gi Commonwealth Register, Volume 21, Number 6, dia Junio 23, 1999, gi pajina 16673 asta pajina 16692. I maomenta mas na apas pantalan guiya eyu pot i wharfage na apas, entradan I pantalan na apas, dockage na apas, homeport vessel na apas, yan I pasajeru na apas. Maseha I nilachi pot typographical na rason, nisisita na uma-korihi kosaki umana-dinanchi I fecha ngaian anai para u effectibu siha I maomenta mas na apas pantalan. Estagui siha i inilachi ni para ufan makorihi:

Sigun gi I ma-adopta na amendasion pot i maomenta mas I apas pantalan, kada I effectibu na fecha matugi "Ginen 10/1/2006 asta 9/30/2011," tulaika yan este "Ginen 10/1/2002 asta 9/30/2007;" yan kada I effectibu na fecha matugi "Ginen 10/1/2011 asta 9/30/2016" tulaika yan este "Ginen 10/1/2007 asta 9/30/2012."

Kosaki taya dinida pot i nilachi siha, i ma-adopta na amendasion pot i maomenta mas I apas pantalan, taimanuha I makorihi guine, manma-publika talo enteramente.

U delcara under penalty of perjury na este siha na singangan man-dinanchi yan magahet yan este na declarasion ma-fitma gi 8th dia gi October, 1999, giya Saipan, Commonwealth of the Northern Mariana Islands.

CARLOS H. SALAS
Executive Director



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ARONGORONGOL TOULAP AWELEWEL REEL RUGHUL TYPOGRAPGHICAL MELLOL COMMONWEALTH PORTS AUTHORITY REEL LLIWELIL ALLEGHUL TAX-TERMINAL IGHA EBWE TEETA ABWOSSUL

The Commonwealth Ports Authority nge e schuungi bwe eyoor eghus milikka e rugh reel typographical reel ráálil alléghéló iye elo llo lliiwelil allégh ye ebwe sáreghi abwós me Seaport Division Terminal Tariff Regulations, iwe aa takkal toowow llól Commonwealth Register, Volume 21, Number 6, wóól Alimaté (Unniyo) we, 1999, llól schéél tikiigh kka 16673 met ngáli 16692. Sássáril abwós yeel nge eghil ngáli abwóssul pantalaan, toolong, fféetágh, abwóssul waa me pasayeero. Inaamwo igha milikka e rugh nge reel typographical, nge e fisch bwe rebwe awela safáliiyi bwelle ebwe ghol fengál time frames reel igha ebwe yoor sássáril abwós nge rbwe féerú. Milikka e rugh ikkare awela sefáliiy nge ikka faal:

Igha rebwe tabweey lliiwelil tetaál abwós iye raa adaptááli, meigha ráálil ye e alléghéló re areghi nge iye “Sáangi 10/1/2006 mwet ngáli 9/30/2011,” nge ebwe lliiwel bwe ebwe iye “Sáangi 10/1/2002 mwet ngáli 9/30/2007,” meigha ráálil ye e alléghéló re areghi bwe “Sáangi 10/1/2011 mwet ngáli 9/30/2016” nge ebwe lliiwel bwe ebwe iye “Sáangi 10/1/2007 mwet ngáli 9/30/2012.”

Bweigha ete yoor fitighoogho reel rughul typographical ngha re amóowuló, nge lliiwelil sássáril abwós iye raa adaptááli, nge ikka raa awela, nge iye raa bwal awela sefáliiy alongal.

I akkapalo faa mwttal rututut bwe kkepas kkewe e ghomw nge e scheschéél me wel nge re féerú aléghélegh yeel llo l ráálil ye 8th marama ye October, 1999, mewóól Seipél, Commonwealth of the Northern Mariana Islands.

CARLOS H. SALAS
Executive Director

COMMONWEALTH PORTS AUTHORITY
SEAPORT DIVISION
TERMINAL TARIFF
(As corrected 9/24/99)

The Terminal Tariff Regulations setting forth the rates, charges, and fees that are assessed at the various commercial seaports of the Commonwealth of the Northern Mariana Islands, as promulgated by the Commonwealth Ports Authority, is hereby amended as follows:

1. Part III(A) of the Terminal Tariff relating to Wharfage Rates is amended to read as follows:

- A. Wharfage Rates: The wharfage rates for cargo, per Revenue Ton, shall be as follows:

Up to 6/30/99	\$ 3.25
From 7/1/99 to 9/30/2001	4.25
From 10/1/2001 to 9/30/2002	5.50
From 10/1/2002 to 9/30/2007	5.75
From 10/1/2007 to 9/30/2012	6.00

Thereafter, the wharfage rates shall increase by five percent (5%) for each succeeding five-year period.

The minimum charge per Bill of Lading shall be the same as the rate per Revenue Ton for the applicable period.

2. Part IV of the Terminal Tariff relating to Port Entry Fee is amended to read as follows:

Part IV. Port Entry Fee

All vessels (except military and government-owned vessels) shall pay a PORT ENTRY FEE as indicated in the schedule below when entering a CNMI port, or refueling within the territorial waters of the Commonwealth of the Northern Mariana Islands.

Port Entry Fees

For vessels of 1,000 registered gross tons and under \$ 62.00

**For vessels between 1,001 registered gross tons and
2,000 registered gross tons \$123.75**

**For vessels over 2,000 registered gross tons \$123.75
(plus an additional charge of \$62.00 per each 2,000 registered
gross tons or fraction thereof in excess of 2,000 registered gross
tons)**

The foregoing Port Entry Fees shall be increased as follows:

From 7/1/99 To 9/30/2001

For vessels of 1,000 registered gross tons and under \$ 81.00

**For vessels between 1,001 registered gross tons and
2,000 registered gross tons \$161.00**

**For vessels over 2,000 registered gross tons \$161.00
(plus an additional charge of \$81.00 per each 2,000 registered
gross tons or fraction thereof in excess of 2,000 registered gross
tons)**

From 10/1/2001 To 9/30/2002

For vessels of 1,000 registered gross tons and under \$ 105.00

**For vessels between 1,001 registered gross tons and
2,000 registered gross tons \$ 209.00**

**For vessels over 2,000 registered gross tons \$ 209.00
(plus an additional charge of \$105.00 per each 2,000 registered
gross tons or fraction thereof in excess of 2,000 registered gross
tons)**

From 10/1/2002 To 9/30/2007

For vessels of 1,000 registered gross tons and under	\$ 110.00
For vessels between 1,001 registered gross tons and 2,000 registered gross tons	\$ 220.00
For vessels over 2,000 registered gross tons	\$ 220.00
(plus an additional charge of \$110.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)	

From 10/1/2007 To 9/30/2012

For vessels of 1,000 registered gross tons and under	\$ 116.00
For vessels between 1,001 registered gross tons and 2,000 registered gross tons	\$231.00
For vessels over 2,000 registered gross tons	\$ 231.00
(plus an additional charge of \$116.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)	

Thereafter, the dockage rates shall increase by five percent (5%) for each succeeding five-year period.

3. Part V(D) of the Terminal Tariff relating to Dockage Rates is amended to read as follows

D. Dockage Rates:

Overall Length of Vessel in Feet		
Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	\$ 55.88
100	150	71.41
150	200	86.94

200	250	149.04
250	300	149.04
300	350	225.62
350	375	273.24
375	400	273.24
400	425	319.81
425	450	319.81
450	475	366.40
475	500	366.40
500	525	412.97
525	550	412.97
550	and over	583.74

The foregoing dockage rates shall increase as follows:

From 7/1/99 To 9/30/2001

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	\$ 73.00
100	150	93.00
150	200	113.00
200	250	194.00
250	300	194.00
300	350	293.00
350	375	355.00
375	400	355.00
400	425	416.00
425	450	416.00

450	475	476.00
475	500	476.00
500	525	537.00
525	550	537.00
550	and over	759.00

From 10/1/2001 To 9/30/2002

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	\$ 95.00
100	150	121.00
150	200	147.00
200	250	252.00
250	300	252.00
300	350	381.00
350	375	462.00
375	400	462.00
400	425	540.00
425	450	540.00
450	475	619.00
475	500	619.00
500	525	698.00
525	550	698.00
550	and over	986.00

From 10/1/2002 To 9/30/2007

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	\$ 100.00
100	150	127.00
150	200	154.00
200	250	265.00
250	300	265.00
300	350	400.00
350	375	485.00
375	400	485.00
400	425	567.00
425	450	567.00
450	475	650.00
475	500	650.00
500	525	733.00
525	550	733.00
550	and over	1035.00

From 10/1/2007 To 9/30/2012

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	\$ 105.00
100	150	133.00
150	200	162.00
200	250	278.00

250	300	278.00
300	350	420.00
350	375	509.00
375	400	509.00
400	425	595.00
425	450	595.00
450	475	683.00
475	500	683.00
500	525	770.00
525	550	770.00
550	and over	1087.00

Thereafter, the dockage rates shall increase by five percent (5%) for each succeeding five-year period.

4. **Part VI(C) of the Terminal Tariff relating to Bunker Fee is amended to read:**

- C. **Bunker Fee: A charge of \$0.18 per barrel for residual oil and \$0.32 per barrel for diesel fuel, will be assessed all suppliers of oil for bunkering at the port.**

Such fees shall increase as follows:

<u>Period</u>	<u>Residual Oil (per barrel)</u>	<u>Diesel Oil (per barrel)</u>
07/01/99 To 9/30/2001	\$ 0.25	\$.40
10/1/2001 To 9/30/2002	\$ 0.35	\$.60
10/1/2002 To 9/30/2007	\$ 0.40	\$.70
10/1/2007 To 9/30/2012	\$ 0.45	\$.75

Thereafter, such fees shall increase by five percent (5%) for each succeeding five-year period.

5. **Part VI(D) of the Terminal Tariff relating to Home Port Fee is amended to read:**

- D. **Home Port Fee:** Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations shall apply, except that the dockage rates shall be as follows:

At the Commercial Ports of Saipan and Tinian

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	\$ 27.40
25	75	45.00
75	100	135.00
100	150	180.00
150	---	daily rates as specified In Part V(D) shall apply

The foregoing Home Port Fees shall increase as follows:

From 7/1/99 To 9/30/2001

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	\$ 35.00
25	75	58.00
75	100	175.00
100	150	234.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2001 To 9/30/2002

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	\$ 45.00
25	75	75.00
75	100	227.00
100	150	304.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2002 To 9/30/2007

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	\$ 47.00
25	75	78.00
75	100	238.00
100	150	319.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2007 To 9/30/2012

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	\$ 49.00
25	75	82.00

75	100	250.00
100	150	335.00
150	---	Daily rates as specified in Part V(D) shall apply

Thereafter, such fees shall increase by five percent (5%) for each succeeding five-year period.

At the Commercial Port of Rota

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	\$ 6.00
10	12	8.40
12	14	10.80
14	16	13.20
16	18	18.00
18	20	21.60
20	22	24.00
22	24	26.40
24	26	28.80
26	75	60.00
75	100	90.00
100	150	120.00
150	---	Daily rates as specified in Part V(D) shall apply

The foregoing Home Port Fees shall increase as follows:

From 7/1/99 To 9/30/2001

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	\$ 8.00
10	12	11.00
12	14	14.00
14	16	17.00
16	18	23.00
18	20	28.00
20	22	31.00
22	24	34.00
24	26	37.00
26	75	78.00
75	100	117.00
100	150	156.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2001 To 9/30/2002

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	\$ 10.00
10	12	14.00
12	14	18.00
14	16	22.00

16	18	30.00
18	20	36.00
20	22	40.00
22	24	44.00
24	26	48.00
26	75	101.00
75	100	152.00
100	150	203.00
150	--	Daily rates as specified in Part V(D) shall apply

From 10/1/2002 To 9/30/2007

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	\$ 11.00
10	12	15.00
12	14	19.00
14	16	23.00
16	18	31.00
18	20	38.00
20	22	42.00
22	24	46.00
24	26	50.00
26	75	106.00
75	100	160.00
100	150	213.00
150	--	Daily rates as specified in Part V(D) shall apply

From 10/1/2007 To 9/30/2012

Overall length of vessel in feet:	Charge per month or fraction thereof:	
Over	But not Over	
0	10	\$ 12.00
10	12	16.00
12	14	20.00
14	16	24.00
16	18	33.00
18	20	40.00
20	22	44.00
22	24	48.00
24	26	53.00
26	75	111.00
75	100	168.00
100	150	224.00
150	---	Daily rates as specified in Part V(D) shall apply

Thereafter, such fees for home-ported vessels shall increase by five percent (5%).

6. **Part VI(F) of the Terminal Tariff relating to Passenger Fee is amended to read as follows:**

F. Passenger Fee: There shall be a charge of \$4.50 for every person that boards a vessel through any port or harbor in the Commonwealth which CPA exercises the various powers conferred upon it by law. Such passenger fee shall increase to \$6.00 commencing July 1, 1999. It shall increase to \$8.00 commencing October 1, 2001 to September 30, 2002. Thereafter, the passenger fee shall periodically increase by five percent (5%) for each succeeding five-year period.

7. **Part VI(G) of the Terminal Tariff Regulations relating to Notice of Future Rate Increase is amended to read as follows:**

G. **Future Rate Increase: Nothing in this Terminal Tariff shall restrict or limit CPA's authority to increase its fees, rates, and charges beyond that imposed by this tariff, or to implement new fees and charges as necessary to maintain and operate the Port and to pay CPA's expenses, including any debt obligation that CPA has with respect to the Ports under its jurisdiction.**

8. **The foregoing amendments to the Seaport Division Terminal Tariff Regulations shall become effective July 1, 1999. Until then, the existing Terminal Tariff shall remain in force.**

(Revised 9/99)



Office of the Secretary
Department of Finance

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NOTICE AND CERTIFICATION OF ADOPTION
OF THE BUSINESS LICENSE REGULATIONS
OF THE CNMI DEPARTMENT OF FINANCE
COMMONWEALTH GOVERNMENT OF THE NORTHERN MARIANA ISLANDS

The Secretary of the CNMI Department of Finance, hereby gives notice of the adoption of the Business License Regulations which outlines the procedures for obtaining a business license and includes provisions for business license: enforcement of penalties for violation of Public Law 11-73. These Regulations were originally published as Proposed Regulations in August 23, 1999 Commonwealth Register, Volume 21, Number 8, pages 16888-16898. Comments were received in response to the publication of the proposed Regulations, and these comments have been reviewed and considered by the Department of Finance. Modifications were made in consideration of some of these comments. A complete copy of the modifications to the original proposed Regulations are highlighted in "bold strike-over" to indicate deletion and in "bold italic" to indicate addition.

By signature below, I hereby certify that the proposed regulations herein amended are the true and correct amendments adopted by the Department of Finance. I further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 28th day of September, 1999 at Saipan, Commonwealth of the Northern Mariana Islands.

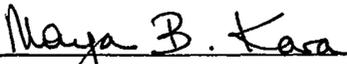


LUCY DLG. NIELSEN
Secretary of Finance

Date: 9/28/99

Certification by Office of the Attorney General

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



MAYA KARA
Acting Attorney General

Date: 10-14-99



Filed By: _____
SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 10/14/99



Received By: _____
JOSE I. DELEON GUERRERO
Special Assistant for Administration

Date: 10/14/99

DEPARTMENT OF FINANCE
BUSINESS LICENSE REGULATIONS

SECTION 101. AUTHORITY. These regulations are promulgated pursuant to 1 CMC §2553 and 4 CMC § 5614, as amended by Public Law 11-73 which authorizes the Secretary of Finance to promulgate rules and regulations for purposes of carrying out its duties and responsibilities regarding the issuance of business license. The Department of Finance (the "Department") has jurisdiction over the issuance of business licenses under 1 CMC § 2553 and 4 CMC §5611, as amended by Public Law 11-73.

SECTION 201. DEFINITIONS. FOR THE PURPOSES OF THIS REGULATIONS, THE FOLLOWING DEFINITIONS SHALL APPLY:

- (a) "Applicant" means any person as defined in subsection (m) who files a written application for a business license with the Department of Finance.
- (b) "Business" means a business as defined in 4 CMC §1103(c).
- (c) "Bank" means a bank as defined in 4 CMC §6103(b).
- (d) "Banking Business" means a banking business as defined by 4 CMC §6103(c).
- (e) "Director" means the Director of Revenue and Taxation.
- (f) "Insurance Company" means a company so licensed by the Insurance Commissioner which undertakes to indemnify another or pay a specified amount upon determinable contingencies.
- (g) "Insurance Broker" means a broker as defined in 4 CMC §7303(e).
- (h) "Insurance Agent" means a general agent as defined in 4 CMC §7303(a), a subagent as defined in 4 CMC §7303(b)(1) or solicitor as defined in 4 CMC §7303(d).
- (i) "License or Business License" means the permission granted by the Secretary of Finance, under the authority of the Business Licensing and Processing Act conferring upon the Licensee the annual privilege to engage in a business in the Commonwealth.

(j) "License Fee" means the charge or assessment levied by law for the purpose of obtaining a business license or the renewal thereof.

(k) "Line of business" means each distinct and separate economic activity by a licensee, generally performed at a single physical location, but may be an activity performed at more than one physical location. The Standard Industrial Classification Manual established by the Executive Office of the President of the United States of America, Office of Management and Budget shall be used as a guideline.

(l) "Manufacturer" means a manufacturer as defined in 4 CMC § 1103(n).

(m) "Person" means a person as defined in 4 CMC §1103(q), and including Cable T.V..

(n) "Public utility" means a utility as defined in 4 CMC §1103(r).

(o) "Registered Agent" is an agent as defined in ~~§5.01(2) of the Commonwealth Register Vol. 12 No. 5, May 15, 1990, as adopted into law pursuant to Public Law 10-7: 4 CMC §4331(b).~~

(p) "Scuba Diving Tour" means a tour as defined in 3 CMC §5603(c).

(q) "Scuba Instruction" means instruction as defined in 3CMC §5603(d).

(r) "Security Dealer" means any person engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

(s) "Secretary" means the Secretary of the Department of Finance.

(t) "Wholesaler" is a wholesaler as defined in 4 CMC §1103(aa).

SECTION 301. LICENSE REQUIRED.

(a) Before engaging in a business in the Commonwealth, a person must first file an application for business license, together with a deposit equal to the business license fee, and obtain from the Secretary a license to engage in that business.

(b) Once a license is issued, the deposit shall be treated as payment for the license fee and shall be non-refundable regardless of whether the licensee actually conducted a business or not.

SECTION 401. APPLICATION REQUIREMENT. Every applicant shall complete a Business License Application adopted by the Secretary which shall include at the minimum the following information as applicable:

- (a) The applicant's name, address and telephone number;
- (b) The trade name, assumed name or business name if different from the name of the applicant;
- (c) The location or locations of the business, including building name, floor and sketch showing the location of the business;
- (d) The lines of business;
- (e) The type of business, i.e., partnership, sole proprietorship, nonprofit or business corporation;
- (f) ~~The Commonwealth immigration classification, if applicable, of the sole proprietor or partners or shareholders~~ *Whether the sole proprietor, any partner or a shareholder in a non-publicly traded corporation is a nonresident worker, as that term is defined in 3 CMC §4412(i), who is subject to the restrictions of 4 CMC § 4337(h);*
- (g) The country or place of incorporation of the corporation;
- (h) With respect to corporations, the name of the registered agent as defined in ~~the existing Business Corporation Regulations~~ *4 CMC §4331(b)*, and the address of the registered office of the corporation;
- (i) All trade names, assumed names and fictitious names used by the applicant, in conjunction with any activity, business or otherwise;
- (j) The CNMI taxpayer identification number;
- (k) The latest annual corporation report which has been filed with the CNMI Registrar of Corporations;
- (l) The year in which the applicant first commenced business in the Commonwealth under the line or lines of business covered by the application; and
- (m) Submit a certification from the Workmen Compensation Commission regarding the applicants compliance with the Workmen Compensation laws and regulations.
- (n) Any other additional information which the Secretary deems appropriate.

SECTION 501. LICENSE CONDITIONS. The following conditions are placed on all license applications:

~~(1)~~ (a) Fictitious names, doing business as (dba's), trade names and assumed names shall be respected and the Secretary shall not issue a business license in the same business name to any two persons *or, with regard to corporate name reserved with the Registrar of Corporations pursuant to 4 CMC §4322, to a person who is not the owner of the reserved corporate name.*

~~(2)~~ (b) One business license shall be issued to each distinct business activity. The Standard Industrial Classification Manual established by the Executive Office of the

President of the United States of America, Office of the Management and Budget shall be used as a guideline.

(3) (c) Where appropriate the required documentation may include:

(A) (1) The authority for a person to transact business must be obtained from the appropriate government agency or agencies such as the municipal council, Casino Gaming Commission; Secretary of Finance with respect to Lotteries, the Director of Banking; or the Insurance Commissioner, as applicable. *A foreign corporation or partnership authorized to transact business within the Commonwealth shall also present a copy of a current Certificate of Authority issued by the Registrar of Corporations pursuant to 4 CMC §4641 et. seq.*

(B) (2) A copy of the certificate of incorporation or registration.

(C) (3) A Certificate of Clearance indicating that the applicant is in good standing with the Workers Compensation Commissioner, and where applicable, clearance from any other government agency.

SECTION 601. RENEWAL.

(a) A licensee shall apply to renew its business license prior to its expiration by filing a Business License Application and paying a deposit equal to the business license fee within thirty (30) days prior to the expiration of the current business license.

(b) A business license may ~~not be renewed~~ *be suspended or revoked* if the applicant is *found to be* not in compliance with any CNMI tax laws, and/or found to be in violation of any other CNMI laws or agency regulations. *The process in denying or revoking an existing business license shall be in accordance with the Administrative Procedures Act.*

(c) A business license that was not renewed for any business *on or* before the expiration date shall be considered a non-renewal and the licensee shall have no further right to operate that business without first submitting a new application for a business license.

SECTION 701. BUSINESS LICENSE NOT TRANSFERABLE. A business license once issued is not transferable.

SECTION 801. AMENDMENT TO BUSINESS LICENSE APPLICATION. A licensee must amend the information provided in its business license application to reflect any changes including but not limited to the following:

(a) any change(s) in the ~~business information~~ *ownership* of a corporation, partnership, non-profit organization, individual, or association ~~status and information~~; and

(b) any change(s) in the *lines of business activity(ies)*; and

(c) all such changes made ~~with the Registrar of Corporations~~ *to information provided on the original application* must be reported to the Business License Office within 10 working days of such change (s).

Failure to report any change(s) above to the Business License Office may be grounds for revocation of a business license.

SECTION 901. DISPLAY OF BUSINESS LICENSE.

(a) The licensee shall display its current business license in a conspicuous place at the licensee's principal place of business. Copies of the Business License shall be displayed at all other locations from which the licensee conducts business.

(b) Every business licensed to do business in the Commonwealth shall only do business under the name duly licensed and shall display and/or advertise its business name in romanized lettering in addition to any other lettering.

SECTION 1001. ENFORCEMENT.

(a) The Secretary may delegate his authority under these regulations to any employee for the purposes of enforcing any and all of these regulations including but not limited to the following:

- (1) to inquire and review current business license;
- (2) to impose a penalty, *subject to the Administrative Procedures Act*, on those found to be operating a business without the required business license;
- (3) to issue notices to comply with the Business Licensing and Processing Act.

(b) The enforcement of all business license activities under jurisdiction of the Secretary of Finance shall be carried out by the Director of Revenue and Taxation or his designee.

SECTION 1101. AUTHORITY TO REQUEST FOR SUPPORTING DOCUMENTS. The Secretary or any designee may from time to time request the applicant or licensee for/of a business license to provide documents to substantiate representations made in the application for the business license.

SECTION 1201. AMENDMENT FEE. There is hereby imposed a fee of twenty

(\$20) dollars for any amendments to the information provided in the business license application form which would require a re-issuance of a business license *including but not limited to the following; change of name, change of location.*

SECTION 1301. EXAMPLES.

Example 1. Distinct business activity.

(a) A businessman, Mr. Doe operates a grocery store in village A and another grocery store in village B. Since the grocery stores is considered the same line of business activity, Mr. Doe is required to apply for only one business license to cover both grocery stores.

(b) Assume the same as in example (a) but Mr. Doe also has a service station business in village B. In this case, Mr. Doe will need to apply for two business licenses; one for the two grocery stores, and one for the service station.

Example 2. Renewal of business license.

(a) Mr. Doe's business licenses were issued on May 31, 1998. His renewal date is between May 1 to May 30, 1999. Mr. Doe submitted his business license applications to renew his licenses on April 25, 1999, and has satisfied all business license requirements. Mr. Doe may continue operating his businesses after May 30, 1999 for a period of one year unless his business license renewal applications is denied.

(b) Assume the same as in Example (a), but Mr. Doe did not submit the business license application forms for his businesses before May 31 and is continuing to operate his businesses. Since his business licenses lapsed and no business license renewal applications were submitted before the expiration of the last valid business licenses, Mr. Doe is considered not to have a valid business license. Thus, Mr. Doe will be subject to the penalty for operating his businesses without a valid business license if he continued business operation after May 30, 1999.

Example 3. Penalty for operating a business without a business license.

(a) Assume the penalty in Example 2(b) has been imposed. Since Mr. Doe operates two separate lines of business, he will be assessed a \$500 penalty for each line of business operated without a license. A \$100 penalty per day will be added for each line of business operated from the date the notice was given to Mr. Doe, if it's found that Mr. Doe continued operating the business without a valid license after notice was given to him.

(b) Assume the same as in example 3(a), however, Mr. Doe was found to be operating his business for 3 consecutive days after he was given notice of operating a business without

a business license and has not submitted an application for a business license. Mr. Doe's total penalty to be assessed is \$1,600; \$500 for each line of business on the initial violation and \$300 for each line of business for the 3 days of continuous operation (after notice was given) without a valid business license.

Example 4. Mr. Doe wants to operate a food stand to sell sandwiches and drinks along a roadside. An application for business license along with all other required business license documents must be submitted. In addition, an application fee deposit of \$50 must be paid in order for the applicant to be considered for the issuance of a business license.

Example 5. Assume the same as in example 4, except that Mr. Doe will only be selling local agricultural and fishery products. The application fee deposit required is \$5 instead of \$50 since Mr. Doe will only be selling local agricultural and fishery products.

Example 6. Special Licenses.

(a) Mrs. Bar has applied for and was issued a business license to operate a night club. Since the operation of a night club normally include the sale of alcoholic beverages, Mrs. Bar would be required to obtain a special license (ABC license) to sell alcoholic beverages in addition to the business license issued by the Department of Finance.

(b) Mr. Bank is interested in applying for a business license to operate a banking business. Before the Department of Finance can issue a business license, Mr. Bank must first obtain a banking license issued by the Banking Commissioner. After the banking license has been issued, the Department of Finance may issue a business license to Mr. Bank.

SECTION 1401. SEVERABILITY. If any provision of these Regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.