

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 39
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COMMONWEALTH REGISTER

VOLUME 39
NUMBER 11
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Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE OFFICE OF THE PUBLIC AUDITOR

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED
REGULATIONS

Volume 39, Number 07, pp 039785-039824, July 28, 2017

Regulations of the Office of the Public Auditor: Chapter 130-30, Procurement Regulations

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Public Auditor (OPA), hereby adopts as permanent regulations the Proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The OPA announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that:

- they are as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations.
- and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS: None.


AUTHORITY: 1 CMC § 2303(d) authorizes the Public Auditor to promulgate procurement regulations and administer the procurement function of OPA.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the 1 CMC § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption or within 30 days thereafter, the agency will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of November 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by: 
Michael Pai, CPA
Public Auditor

11/6/17
Date

Filed and Recorded by: 
Esther SN. Nesbitt
Commonwealth Register

11.14.2017
Date



Commonwealth of the Northern Mariana Islands
Health Care Professions Licensing Board

P.O. Box 502078, Bldg. #1242, Pohnpei Ct.,
Capitol Hill, Saipan, MP 96950
Tel: (670) 664-4808/09 – Facsimile: (670) 664-4814

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Health Care Professions Licensing Board**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 39, Number 6, pages 039714-039754, of June 28, 2017

**Regulations of the Health Care Professions Licensing Board: NMIAC 140-50.3-3500
Pharmacist, Pharmacy Intern, Certified Pharmacy Technician, Pharmacy
Technician**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Health Care Professions Licensing Board (the "Board"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations,

and that they are being adopted without modification or amendment

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulations as final at its meeting of November 15, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None. I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, §2206(b), as amended.


EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for non-modified regulations: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law). No changes were made.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of November, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Theodore R. Parker,
Chair, Health Care Professions Licensing Board

11/15/2017

Date

Filed and
Recorded by:



ESTHER SN. NESBITT
Commonwealth Registrar

11.20.2017

Date

0 Form Notice of Final Adoption of Regs.wpd



Office of the Secretary
Department of Finance



P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL (670) 664-1100 FAX: (670) 664-1115

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Department of Finance, Division of Customs**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

Volume 39, Number 9, pp 039962-040008, of September 28, 2017

**Regulations of the Department of Finance: Chapter 70-10 Customs Service
Division**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Finance ("DOF"), HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DOF announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations,

and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. These regulations were adopted on September 6, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: These regulations are promulgated under the authority set forth in the Commonwealth Code including, but not limited to, 1 CMC 2553, 1 CMC 2557, 1 CMC § 25201, 4 CMC § 1104, 4 CMC § 1402, 4 CMC § 1425 and 4 CMC § 1820.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ___th day of November, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.


Certified and ordered by:



Larrisa C. Larson,
Secretary of Finance

Date

Filed and
Recorded by:



Esther SN. Nesbitt
Commonwealth Registrar

11-28-2017

Date



Office of the Secretary
Department of Finance



P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL (670) 664-1100 FAX: (670) 664-1115

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Department of Finance, Division of Revenue and Taxation**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 39, Number 10, pp 040318-040331, of October 28, 2017**

Regulations of the Department of Finance: Chapter 70-40.6 Revenue and Taxation

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Finance ("DOF"), HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DOF announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations,

and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. These regulations were adopted on October 27, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: These regulations are promulgated under the authority set forth in the Commonwealth Code including, but not limited to, 1 CMC 2553, 1 CMC 2557, 1 CMC § 25201, 4 CMC § 1104, 4 CMC § 1402, 4 CMC § 1425 and 4 CMC § 1820.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ___th day of November, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Larrisa C. Larson,
Secretary of Finance

Date

Filed and
Recorded by:



Esther S.N. Nesbitt
Commonwealth Registrar

Date

11-28-2017

Commonwealth of the Northern Mariana Islands
DEPARTMENT OF PUBLIC LANDS
Marianne Concepcion-Teregeyo, Secretary
P.O. Box 500380
Saipan, MP 96950
Tel. 234-3751

**NOTICE OF ADOPTION OF REGULATIONS
FOR THE DEPARTMENT OF PUBLIC LANDS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 39, Number 9, pp 039951-039961, of September 28, 2017

ACTION TO ADOPT PROPOSED REGULATIONS: The Department of Public Lands (the "Department") HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that: as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations and that they are being adopted with the modifications described below.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS: In response to comments received the proposed regulations were modified as follows:

- § 145-70-120 (b)(2) was corrected to reflect that for an area size of 4.1-5 hectares of public lands for cattle grazing or livestock, a permittee will be charged \$125.00. Combined with the application fee of \$225.00, a permittee will expect to pay \$350.00 for this size and use.

AUTHORITY: The Department has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Article XI of the Commonwealth Constitution and 1 CMC §2801 *et. seq.*

THE TERMS AND SUBSTANCE: The attached Regulations reduce fees for the use of public lands for cattle grazing or livestock purposes and are in conformity with the Department's obligation to objectively manage the use and disposition of public lands set forth at 1 CMC § 2801 *et. seq.* The amendment will correct the fee error.

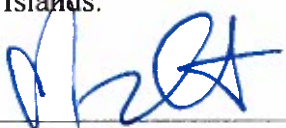
DIRECTIONS FOR FILING AND PUBLICATION: These Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

EFFECTIVE DATE: These regulations were proposed on September 28, 2017 and are hereby being adopted as Permanent Regulations of the Department of Public Lands pursuant to 1 CMC §9104. They will become permanent ten (10) days after publication in the November 28, 2017 Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7th day of November, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by: 
MARIANNE CONCEPCION-TEREGEYO
Secretary, Department of Public Lands

28 NOV 2017
Date

Filed and Recorded by: 
ESTHER SN NESBITT
Commonwealth Registrar

11-28-2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 28 day of November, 2017.


EDWARD MANIBUSAN
Attorney General

- (4) Be reviewed periodically for compliance;
- (5) Prohibit the construction of permanent structures;
- (6) Provide non-exclusive rights to the land or property unless otherwise stated in these regulations;
- (7) Be non-transferable, non-assignable, and cannot be sold, subjected to mortgage, or used as collateral;
- (8) Self-terminate should Occupant or Operator cease to exist or ceases the activity described in the application; and
- (9) Require compliance with all business licensing, permitting, and regulatory requirements for business or other activities to be conducted including without limitation all zoning, building and other permits as applicable.
- (10) Property valuations for purposes of calculating fees for TOA's may be determined by DPL's in-house appraiser.

§ 145-70-205 Occupancy and Easements for Private Telecommunications

Non-exclusive occupancy rights or easements granted to non-governmental telecommunications service providers may be granted for multiple year terms up to twenty five (25) years in total. Occupancy or proposed uses that sever, transect, or present a material impediment to the use of the surface land or air above or otherwise render the burdened and/or adjacent lands undevelopable, shall not be eligible for easement or similar authorization contemplated in this section but instead, shall only be authorized through leases of fully burdened parcels on commercially reasonable terms in accordance with the leasing regulations set forth herein.

- (a) **Underground Telecommunication Cables** – The activity involving the use of public lands to lay, maintain and operate underground telecommunication cable wires and related telecommunication equipment. Upon promulgation of these regulations the annual fee for buried cable trenches shall be 5.0% per year of 50.0% of average market price of lands on the island where the trenching will occur. Average market price shall be an area-weighted average determined by DPL based on recent publicly available real estate sales data for fee simple land transactions.
- (b) **Telecommunication Tower** – The activity involving the use of small parcels of public lands to, erect, maintain and operate commercial pedestals, access nodes underground telecommunication cable wires and radio transmitter antenna, and or wireless communication equipment shelter for cellular telephones, paging systems or similar related wireless telecommunication equipment. The annual fee for the use of public land for this purpose shall be 8.00% of the estimated fair market value. In environmentally, historically, or otherwise sensitive areas including tourist destinations, such activity (if permitted in DPL's sole discretion) may be subject to space-sharing conditions as imposed by DPL.

§ 145-70-210 Temporary Occupancy Agreement

Temporary Occupancy Agreements (TOA) shall be used for the temporary occupancy of certain public lands laying fallow at the time of application where no proposals have been received by DPL for the long term lease of those lands. In any case, TOA's do not in any way grant an interest in the land, written or implied, and the new construction of permanent structures shall not be allowed. Allowable purposes include short-term agricultural use, temporary livestock grazing, sporting or social events, or planning activities in anticipation of a lease. TOAs are subject to termination upon thirty

(30) day's written notice by DPL. DPL will consider issuing 5-year agricultural permits to NRCS eligible candidates.

For applications submitted by CNMI government entities for sporting events, signboards/banners, filming, and social events, DPL may provide an annual TOA for multiple department/agency requests throughout the period covered by the TOA provided, however, that the department/agency submits a written request to the Secretary for each occurrence. The Secretary may approve such requests via letterhead within thirty days of receipt after which the request shall be deemed approved if no action is taken by the Secretary. All fees and insurance requirements may be waived provided that the department/agency indemnify DPL of all risks and liabilities.

- (a) The following apply to all TOA's:
 - (1) All TOAs are terminable by DPL at will;
 - (2) Applications for renewal (if any) shall be made annually two months prior to expiration or as solicited via a Request for Proposal or at auction;
 - (3) Unless otherwise provided in this section the fee per use shall be an annual charge of 8% of estimated value but not less than \$250 per month and 3% of revenue generated, or such greater amount as bid;
 - (4) TOAs are non-exclusive with the exception of Agricultural, Staging, and Quarry which shall be exclusive and limited to the activities performed directly by Occupant;
 - (5) Property shall be used solely as outlined in the application for TOA in accordance and DPL's regulations for the operations of the Occupant;
 - (6) DPL can demand the removal of any and all structures at any time at Occupant's expense;
 - (7) Liability insurance shall be required with exception of Agricultural (Farming and/or Livestock) and Residential Maintenance. The policy shall name DPL and the Commonwealth as co-insured, with a minimum coverage of \$50,000 in an action for wrongful death, \$200,000 for each occurrence, \$100,000 in bodily injury per person, and \$100,000 in property damage for each occurrence, or such higher amounts as DPL may reasonably require.
- (b) Agricultural use shall be limited to family subsistence (non-commercial) purposes and shall only be permitted as follows:
 - (1) Farming - limited to up to 2,000 square meters (per household) of public lands determined by DPL to be suitable for farming, the annual application fee shall be \$250.00 per TOA; and
 - (2) Livestock – limited to up to 50,000 square meters (per household) of public lands for cattle grazing or livestock (i.e., raising of poultry, goats and hogs), the annual application fee shall be \$225.00 per TOA. TOA's shall be assessed an annual fee of \$25.00 per 10,000 square meters (equivalent to 1 hectare) but shall not exceed 50,000 square meters as follows:

Area Size	Hectare Fee	Annual Application Fee	Annual TOA Fee
0.01 – 1 Hectare	\$25.00	\$225.00	\$250.00
1.1 – 2 Hectares	\$50.00	\$225.00	\$275.00
2.1 – 3 Hectares	\$75.00	\$225.00	\$300.00
3.1 – 4 Hectares	\$100.00	\$225.00	\$325.00
4.1 – 5 Hectares	\$125.00	\$225.00	\$350.00

- (3) Agricultural uses in excess of the limitations in this subsection, or which require fixed terms shall be subject to the lease requirements of these regulations.

- (c) Vehicular Parking - The activity that involves a location(s) and designated area(s)/assignment(s) on public land where motor vehicles may be temporarily stored or parked shall only be permitted under a temporary occupancy agreement as follows:
- (1) Temporary vehicular parking spaces are categorized as primary, secondary, and tertiary parking zones. The parking zone descriptions for Rota and Tinian, respectively are shown in Schedule 145-70-210(c)(1). The parking zones for Saipan are tied to the Saipan Zoning districts as follows:

<u>Primary</u>	<u>Secondary</u>	<u>Tertiary</u>
GC: Garapan Core	IN: Industrial	AG: Agriculture
GE: Garapan East	VC: Village Commercial	RU: Rural
BR: Beach Road		VR: Village Residential
MC: Mixed Commercial		
PR: Public Resource		
TR: Tourist Resort		

- (2) The annual permit fee per square meter shall be \$10.00 for primary, \$6.00 for secondary, and \$2.00 for tertiary zones.
- (3) Parking Permit Fees – Non-Income Generating Non-Commercial Humanitarian or Social Welfare Non-Profits (Charitable Organizations, NMC Foundation, Health & Social Welfare, and Churches). The annual permit fee per square meter shall be \$2.00 for All Zones.
- (d) Signboards/Banners – The activity that involves erecting or placement of a temporary board, poster, banner, a piece of cloth or bunting, placard, or other temporary sign varying in size, color, and design which is temporarily displayed, posted, erected, hung, or tied in a certain public location or tract of land to advertise or to convey information or a direction shall only be permitted as follows:
- (1) Public lands zones for the placement of signboards or banners are categorized as primary, secondary, and tertiary zones identical to Vehicular Parking.
- (2) CNMI government and non-commercial Humanitarian or Social Welfare non-profit organizations shall not be charged a fee for local government funded signboards for public awareness purposes. The fees for the placement of signboard by other Applicants are shown in the tables below:

SIGNBOARD PERMIT STANDARD FEES

	Primary Zone	Secondary Zone	Tertiary Zone
Annually	\$600.00	\$350.00	\$250.00
Monthly	\$100.00	\$ 70.00	\$ 50.00

SIGNBOARD PERMIT FEES – NON-COMMERCIAL NON-PROFITS

	All Zones
Annually	\$250.00
Monthly	\$ 50.00

- (3) Political signboards: political signboards are charged an administrative processing fee of \$50.00 along with a semi-annual fee of \$100.00 and cannot be erected sooner than six months before the election date. A candidate may erect and place a maximum of Ten (10) signboards on its

respective electoral senatorial district. A Candidate running for office on a CNMI wide election may erect and place a maximum of Twenty (20) signboards on each senatorial district.

- (i) No signboard shall be placed on the western beach side along Tun Thomas P. Sablan and along Beach Road in Saipan, or such other areas as determined by DPL.
 - (ii) No signboard shall be placed or erected on any trees on public land.
 - (iii) No signboard shall be placed or erected on any utility poles.
 - (iv) No signboard shall be placed or erected within 50 feet from any traffic light.
 - (v) No signboard shall be placed or erected within 6 feet of any road pavement and any public right-of-way.
 - (vi) No signboard shall be placed on any public buildings, facilities, monuments, public parks, and tourist sites.
 - (vii) No signboard exceeding dimensions of 4ft by 8ft shall be placed on public land.
- (e) Roadside Vendors - The activity that involves the use of a temporary structure, vehicle, or mobile canteen for the sale of local produce or fish, other perishables or non-perishable items such as handicrafts, trinkets, souvenirs, or other goods, at a permitted distance from the side of a road or thoroughfare at a location(s) or designated area(s)/assignment(s) on public land shall be permitted on the same financial terms as other concession TOA: A monthly fee of at least \$250.00 per concession (up to 100 square feet) shall be charged in addition to 1% of BGR.
- (f) Maintenance - The activity that involves the clearing and cutting of brush or vegetation for no-use purposes (ex. Fire break) may be permitted as follows:
- (1) Up to 300 square meters of public lands adjacent to an Occupant's private property may be cleaned and maintained under a maintenance permit. Residential maintenance permits shall be assessed a non-refundable application fee of \$20.00 per year.
 - (2) Commercial maintenance permits inclusive of commercial beachfront properties within the 150 ft high water mark for beautification purposes (non-exclusive) shall be assessed a non-refundable application fee of \$100.00 per year and shall be subject to an assessment equal to 2% of the estimated fair market value of the premises annually.
- (g) Filming/Photography - The activity involving the use of public lands in the production of video or motion picture films, commercial advertisement filming, photography and other activities that involve video or film production at certain locations or areas of public lands.
- (1) The fee for engaging in commercial motion/still filming or photography on Public Land in any location in the CNMI is \$250.00 per day with the exception of Managaha which is \$500 per day plus location credits within the publication indicating that the film or photograph was taken in the CNMI, the island, and the specific location. Use of any part of a day is charged as one full day. One full day is defined as a continuous 24-hour period beginning at 12:01 a.m. DPL may use discretion in waiving any fee(s) when requested by Marianas Visitors Authority (MVA) on a case-by-case basis, when the commercial motion/still filming or photography on Public Land promotes the CNMI.
 - (2) The fee for still/portrait photography not for commercial publication, sale, or distribution (e.g. family portrait intended for sale only to the subject family) shall be \$1,000.00 per year per commercial photographer.
 - (3) The Occupant shall provide DPL a copy of the finished product, and location credits within the product indicating that the film or photograph was taken in the CNMI, the island, and specific location.
 - (4) Applicants must submit a copy of their CNMI business license, sufficient liability insurance, and an approved CRM (to the extent required) permit along with their application.

- (h) **Staging** - The activity involving the temporary use of public lands to store or place construction equipment, materials, tool sheds, contractor's trailer or field office, and for storage or stockpiling of applicant's materials (e.g. coral, aggregate, or manufactured sand), and other similar uses incidental to a construction project may be permitted as follows: The fee for the temporary use of public land for a staging area is 8.00% of the estimated fair market value per permit year, or a fraction thereof.
- (i) **Quarry** - A large, open excavation or pit from which rock products or other minerals are extracted by excavation, cutting, or blasting (this definition also includes mining activities).
 - (1) The permit shall specify the type of materials the Permittee is authorized to extract and sell.
 - (2) Upon promulgation of these regulations, the Minimum Annual Rent shall be the total of \$12,000. Each year following promulgation of these regulations, the Minimum Annual Rent shall increase by 5.00% in each subsequent year. Additionally, permittee shall pay a Royalty Fee of at least \$3.00 per cubic yard of limestone materials extracted, plus 0.50% of BGR, or such greater amounts as proposed for each category.
 - (3) Extraction of other materials shall be subject to additional permitting and assessed a higher royalty fee as a percentage of market prices as quoted on a major U.S. commodities exchange for those materials or minerals.
- (j) **Encroachment** - The activity involving the temporary use of public land for commercial or residential purposes may be permitted as follows:
 - (1) The annual fee for the temporary permitted encroachment on public land for commercial purposes is based on 8.00% of the estimated fair market value or 3.00% of gross receipts if this amount is greater than the annual permit fee. Assessment of rent against gross receipts shall be apportioned pro-rata based upon increase of business capacity (i.e. showroom space, seating capacity, or the like) by virtue of the encroachment unless the encroachment is deemed by DPL to be of strategic value. However where an applicant's business could not proceed or continue without the use of Public Land (e.g. landlocked parcel, no parking, insufficient ingress or egress, etc.), no such apportionment will apply, and fees will be assessed upon 100% of the business' gross receipts.
 - (2) The annual fee for the temporary use of public land for residential applicant purposes is 8% of the estimated fair market value. Permanent structures will only be permitted under an encroachment permit if they precede the effective date of these regulations (February 8, 2016) and they are located on land that DPL is permitted to lease by law and regulation.
- (k) **Community Events** – The activity involving the temporary short-term use of public land for government or non-commercial activities that benefit the community (e.g. festivals, holiday celebrations, parades, and the like) may be permitted without charge upon approval by the Secretary, provided the permitted event or activity shall be no more than forty-five (45) days in duration.
- (l) **Non-Use** –The activity involving the entry upon public land to survey, appraise, or gather other information necessary or helpful to an applicant to lease public lands; or to enter upon public land to construct authorized improvements for public benefit.

§ 145-70-215 Concession Agreements

Concession agreements grant the concessionaire the right to conduct business operations from a designated area, zone, or venue on terms determined by DPL.



Commonwealth of the Northern Mariana Islands
Department of Commerce

Mark O. Rabauliman, Secretary
P.O. 5795 CHRB, Capitol Hill, Saipan, MP 96950
Tel: (670) 664-3077 • Fax: (670) 664-3067
Email: info@commerce.gov.mp
Web: www.commerce.gov.mp

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE ALCOHOLIC BEVERAGE CONTROL
RULES AND REGULATIONS
OF THE DEPARTMENT OF COMMERCE,
ALCOHOL BEVERAGE AND TOBACCO CONTROL DIVISION**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Commerce, Alcohol Beverage and Tobacco Control Division, intends to adopt as permanent regulations the attached proposed regulations, pursuant to requirements of the Administrative Procedure Act (1 CMC § 9104(a)). The regulations would become effective 10 days after adoption and publication in the Commonwealth Register (1 CMC § 9105(b)).

AUTHORITY: The Secretary of Commerce (“Secretary”) has authority to adopt rules and regulations regarding matters that fall within the jurisdiction of the Department of Commerce, including alcoholic beverage control licenses. 1 CMC § 2454 (Department of Commerce general authority to adopt rules and regulations); 4 CMC § 5513 (authority to adopt rules and regulations for alcoholic beverage control licenses); 1 CMC §§ 9101–9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act).

THE TERMS AND SUBSTANCE: These proposed regulations amend the current alcoholic beverage control license regulations and to address new classes of licenses created by Public Law No. 19-30.

THE SUBJECTS AND ISSUES INVOLVED: These proposed amendments include the following subject areas:

1. Implementation of new class type of licenses and fees and other application requirements for Class 8 and Class 9 licenses.
2. Qualifications of Prospective Licensees.
3. Responsibilities of the licensee.

DIRECTIONS FOR FILING AND PUBLICATION: These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a) (1)) and notice of the intended action to adopt this proposed regulation shall be posted in convenient places in the civic center and in local government

offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mark O. Rabauliman, Secretary of Commerce, at the above address, with the subject line "Alcoholic Beverage Control License Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).


These proposed regulations were approved by the Secretary on July 24, 2017.

Submitted by: 
MARK O. RABAULIMAN
Secretary of Commerce

11/7/17
Date

Received by: 
SHIRLEY CAMACHO-OGUMORO
Governor's Special Assistant for
Administration


11/8/17
Date

Filed and
Recorded by: 
ESTHER SN NESBITT
Commonwealth Registrar

11-20-2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 20 day of Nov, 2017.


EDWARD MANIBUSAN
Attorney General

Commonwealth Téel Falúw kka Efáng Ilól Marianas

Bwulasiyol Commerce

Mark O. Rabauliman, Sekkretóoriyo

P. O. 5795 CHRB, Asúngúl, Seipél, MP 96950

Til: (670) 664-3077 * Fax: (670) 664-3067

Email: info@commerce.gov.mp

Web: www.commerce.gov.mp

**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT
IYE RE LIIWELI NGÁLI LEMELEMIL ALLÉGH ME MWÓGHUTUGHUTÚL ALCOHOLIC BEVERAGE
REEL BWULASIYOL COMMERCE,
ALCOHOL BEVERAGE ME TOBACCO CONTROL DIVISION**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUT:

Commonwealth Téel Falúw kka Efáng Ilól Marianas, Bwulasiyol Commerce, Alcohol Beverage me Tobacco Control Division, re mángemángil rebwe adóptááilil mwóghutughut kka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act (1 CMC § 9104(a)). Ebwe bwunguló mwóghutughut kkal llól seigh (10) ráál mwiril aal adóptááilil me akkatééwowul me llól Commonwealth Register (1 CMC § 9105(b)).

BWÁNGIL: Eyoor bwángil Sekkretóoriyol Commerce (“Sekkretóoriyo”) bwe ebwe adóptááli allégh me mwóghutughut kka e ffil iye e ppúng faal lemelemil Bwulasiyol Commerce, ebwe schuulong lemelemil alcohol beverage control license. 1 CMC § 2454 (Eyoor bwángil Bwulasiyol Commerce bwe rebwe adóptááli allégh me mwóghutughut kka); 4 CMC § 5513 (bwángil bwe rebwe adóptááli allégh me mwóghutughut ngáli alcoholic beverage control licenses); 1 CMC §§ 9101-9115 (mwóghut ngáli adóptáál mwóghut ikka e lo faal Commonwealth Administrative Procedure Act).

KKAPASAL ME AWEEWEL: Pommwol mwóghut ikka e siiweli mwóghutughutúl me alcoholic beverage control license me rebwe apasa reel ffél license ikka e fféer sáangi Alléghúl Toulap No. 19-30.


KKAPASAL ME ÓUTOL: Ebwe schuulong reel pommwol liiwel ikka e amwirimwiritiw:

1. Mwóghutughutúl tappal class reel licenses me óbwóss me ákkááw requirements Ngáli application reel Class 8 me Class 9 licenses.
2. Qualification reel Prospective Licensees.
3. Bwángil licensee.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akktééwow pommwol mwóghutughut kkal me llól Commonwealth Register llól táilil pommwol me ffél mwóghutughut (1 CMC § 9102(a) (1)) me arongorongol mwóghut ikka ra adóptááli pommwol mwóghut kkal ebwe appaschetá llól civic center me llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch (1 CMC § 9104(a)(1)).

ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw iischil mángemáng ngáli Mark O. Rabauliman, Sekkretóoriyol Commerce, reel féféféel iye weiláng, ebwe lo wóól subject line bwe “Alcoholic Beverage Control License Regulations.” Ebwe toolong iischil mángemáng líól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. (1 CMC § 9104(a)(2)).

Aa átirow pommwol mwóghutughut kkal sáangi Sekkretóoriyo wóól Ullyo 24, 2017.

Isáliyalong: 
MARK O. RABAULIMAN
Sekkretóoriyol Commerce

11/7/17
Ráál

Bwughiyal: 
SHIRLEY CAMACHO-OGUMORO
Layúl Gobenno Special Assistant
Ngáli Administration

11/8/17
Ráál

Ammwelil: 
ESTHER SN NESBITT
Commonwealth Register

11-20-2017
Date

Sáangi 1 CMC §2153 (e) (mwiril aal átirow mwóghutughut sáangi AG bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghut ikka e appasch me aa átirow bwe aa ffil reel fféerúl me legal sufficiency sáangi Soulemelemiil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghut).

Ghikillátiw wóól 20 ráálil Nov. 2017.



EDWARD MANIBUSAN
Soulemelemiil Allégh Lapalap

Commonwealth gi Sangkattan na Islas Mariãnas

Dipãttamentun Kometsiu

Mark O. Rabauliman, Sekretãriu

P.O. 5795 CHRB, Capitol Hill, Saipan, MP 96950

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NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASION NI MANMA 'AMENDA PARA I AREKLAMENTU YAN REGULASION I INADAHIN ATKAHOT SIHA PARA I DIPãTTAMENTUN KOMETSIU, DIBISION INADAHIN ATKAHOT YAN TOBACCO SIHA

MA'INTENSIONA NA AKSION PARA U MA'ADãPTA ESTI SIHA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariãnas, i Dipãttamentun Kometsiu, Dibision Inadahin Atkahot yan Tobacco siha, ha intensiona para u ma'adãpta kumu petmanienti i regulasion siha ni mañechettun na manmaproponi na regulasion siha, sigun gi madimãnda siha gi Æktun Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi hãlum dies (10) dihas dispues di adãptasion yan publikasion gi hãlum i Rehistran Commonwealth (1 CMC § 9105(b)).

ÅTURIDãT: I Sekretãriun Kometsiu ("Sekretãriu") nina'i fuetsa ni åturidãt estatua para u adãpta i areklamentu yan regulasion put i suhetu siha ni poddong gi hãlum i aturidãt i Dipãttamentun Kometsiu, ina'ingklusi lisensian inadahin atkahot siha. 1 CMC § 2454 (i Dipãttamentun Kometsiu hinerãt na aturidãt para u adãpta i areklamentu yan regulasion siha); 4 CMC § 5513 (aturidãt para u adãpta i areklamentu yan regulasion siha para lisensian inadahin atkahot siha); 1 CMC §§ 9101-9115 (i maneran adãptasion nu i regulasion siha gaigi gi pãpa' i Æktun Administrative Procedure)

I TEMA YAN SUSTãNSIAN PALãBRA SIHA: Esti i manmaproponi na regulasion siha ha amenda i nuebu na regulasion lisensian inadahin atkahot siha yan para u address i mannuebu na classes lisensia siha ni mafa'tinas ni Lai Publiku No. 19-30.

I MASUHETU YAN ASUNTU NI MANTINEKKA: Esti i manmaproponi na amendasion siha ina'ingklusi i mantinattiyi na lugãt suhetu siha:

1. Implimentasion i mannuebu na lisensian class type yan ãpas yan otru nisisidãt aplikasion para Class 8 yan Class 9 na lisensia.
2. Kuãlifikasion i Tãotão ni para u malisensiayi
3. Risponsibilidãt nu i malisensiayi

DIREKSION PARA U MAPO'LU YAN MAPUBLIKA: Esti i manmaproponi na Regulasion siha debi na u mapupblika gi hãlum i Rehistran Commonwealth gi hãlum i seksiona ni maproponi yan nuebu na ma'adãpta na regulasion siha (1 CMC § 9102(a)(1)) yan i nutisian i ma'intensiona na aksion ni para u ma'adãpta esti i manmaproponi na regulasion u mapega gi hãlum i kumbinienti na lugãt siha gi hãlum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, i nutisia debi na parehu Englis yan prinsipãt na lingguãhin natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanão pat intrega i upiñon-mu guatu as Mark O. Rabauliman, Sekretáriun Kometsiu, gi sanhilu' na address, yan i ráyan suhetu "Regulasion Lisensian Inadahin Atkahot Siha". I upiñon siha debi na u fanhálum gi hálum 30 dihas ginin i fetchan pupublikasion esti na nutisia. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ni i Sekretáriu gi Hului 24, 2017.

Nina'hálum as: 
MARK O. RABAULIMAN
Sekretáriun Kometsiu
11/7/17
Fetcha

Rinisibi as: 
SHIRLEY D. CAMACHO-OGUMORO
Ispisiát Na Ayudánti Para I Atministrasion
11/8/17
Fetcha

Pine'lu yan
Ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth
11-20-2017
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugádu Henerát ha aprueba i regulasion siha na para u macho' gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueban Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).

Mafetcha gi diha 20 gi Nov., 2017.


EDWARD MANIBUSAN
Henerát Abugádu

**NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 20
DEPARTMENT OF COMMERCE**

Regulation Title: Northern Mariana Islands Administrative Code
Title 20 (Department of Commerce)
Chapter 20-10 (Alcoholic Beverage and Tobacco Control Division)
Subchapter 20-10.1 (Alcoholic Beverage Control Rules and Regulations)

NMAIC § 20-10-1-101 is amended by adding Section (d) as follows:

(d) Applications for any class of alcoholic beverage control license shall be limited to the premises for which the license is applied for and shall not exercise the privileges conferred by the license at other premises.

NMIAC § 20-10.1-105 is amended as follows:

Class		Fee
Class 1	<i>Unchanged</i>	<i>Unchanged</i>
...	<i>Unchanged</i>	<i>Unchanged</i>
Class 7	<i>Unchanged</i>	<i>Unchanged</i>
<u>Class 8</u>	<u>Special Casino Liquor License</u>	<u>\$20,000.00</u>
	<u>Annual Sampling Fee</u>	<u>\$200.00</u>
<u>Class 9</u>	<u>Special Electronic Gaming Liquor License</u>	<u>\$10,000.00</u>
	<u>Annual Sampling Fee</u>	<u>\$200.00</u>

NMIAC § 20-10.1-120 is amended as follows:

(a)(1) ~~Prior to the~~ The Secretary of Commerce or his designee, in considering an application for an alcoholic beverage control license, shall conduct a thorough investigation into an applicant's background ~~will be conducted~~. The Secretary of Commerce or his designee may inquire into the following an applicant's:

- (i) The applicant's moral character;
- (ii) The applicant's prior criminal record;
- (iii) Whether he/she the applicant has been adjudged insane;
- (iv) Location of the premises identified in the application to determine whether the premises would be a nuisance;
- (v) The applicant's past business conduct and practices;
- (vi) Condition of premises identified in the application; and
- (vii) Any and all other matters and things which in the judgment of the Secretary of Commerce or his designee pertain to or affect the matter of the application, its the issuance of a license, or the exercise of the license sought to be issued applied for.

(2) The Secretary of Commerce or his designee will carefully consider the results of this investigation and may make a determination as to approval or disapproval of the application.

(b) Where the applicant for a license is a corporation, partnership, or limited liability company, all individuals who own stock in, or are members, officers, or directors of such corporation, partnership, or limited liability company or are otherwise involved in any way as proprietors, managers, employees, or agents of the business being considered for licensing, shall be listed by legal name in the current application on file with the Alcoholic Beverage and Tobacco Control Division. No license shall be issued or renewed unless these listings are complete and legally accurate, and reveal sufficient compliance with all pertinent provisions of ~~4 CMC, Division 5~~, Chapter 5 of Division 5 of Title 4 of the Commonwealth Code and of these regulations as made applicable.

(c) All applicants, as a condition for receiving ~~a class 3 retail dealer's~~ an on-sale general license; excluding those applying for a class 3 retail dealer's on-sale general license in conjunction with a class A restaurant license, shall post a surety bond ~~on~~ in the amount of five thousand United States dollars.

(d) All applicants, as a condition for obtaining any class ~~type~~ of license, with the exception of Class-1 and Class-2 applicants, shall meet the following requirements prior to the issuance of license:

(1) Attend the training and certification program on responsible alcohol sales and services provided by the Alcohol Beverage and Tobacco Control division. Upon completion of training and certification, the Secretary of Commerce or his designee shall issue an I.D. certifying the owner and each employee of his/her establishment, which shall be worn at all times during on-duty hours. Such certified I.D. cards shall be valid for two years from the date of certification. ~~It shall be the responsibility of the ABTC division to provide necessary update to the licensee of any changes affecting the sales and service of alcoholic beverages.~~

(2) Make a deposit of \$25.00 for the cost of certification ~~which will be assessed~~ for each person ~~that completed~~ participating in the certification process. Full payment of the certification fee is due at the time the certified I.D. card is issued.

(3) In the event a new employee is hired, it shall be the responsibility of the licensee to register the newly hired employee within 24 hours with the ABTC division. The licensee shall arrange an appointment with the ABTC division to have such new employee undergo the training and certification prior to handling any sell or service of alcoholic beverages.

(4) In the event that a certified person transfers to another licensed establishment/employer prior to the expiration of his/her certified I.D. card, the person may carryover his/her certification credential. Provided however that the person transferring to another licensed establishment/employer shall be responsible to inform the ABTC division to amend his/her certification to be carried over to his/her new place of employment. The new employer shall be responsible for the transfer of a certified I.D. card, at a cost of \$25.00 per transfer.

(5) Each licensee shall be responsible to ensure that his/her employees attend the recertification training by the ABTC division upon expiration of certified I.D. card.

(6) A processing fee of \$10.00 shall be assessed for each request to replace a certified I.D. card.

(e) All applicants, as a condition for receiving an on-sale class 7 special liquor license, a Class 8 Special Casino Liquor License, or a Class 9 Special Electronic Gaming Liquor License shall meet the following requirements prior to the issuance of license:

(1) Applicant ~~is currently~~ must be in good business standing as demonstrated by compliance with the all Commonwealth and federal laws and shall have no prior ABC violation(s) ~~in on~~ file in the past five years from the date of the application.

(2) Must complete the training and certification of responsible alcohol sales and services and have a valid certification card under subsection (d)(1).

NMIAC § 20-10.1-140 is amended as follows:

(a) It shall be the responsibility of a licensee to notify the Secretary of Commerce or his designee in writing of any and all changes in a licensed business ownership, management, agents or any other changes which materially affect or modify the data on file and recorded as the basis for granting or renewal of such license prior to the time such change occurs. This shall include any event a licensee intends or is in the process of foreclosing his/her business, which shall include a brief purpose of the foreclosure. Failure to do so within twenty-four hours of such change shall require an immediate temporary suspension of the license pending investigation and review by the Secretary of Commerce or his designee. The suspension of the license shall remain in effect until removal, modification, or other action as may be deemed necessary and appropriate action.

(b) The following shall apply to all ~~class 3, retail~~ on-sale licensee establishments:

(1) It shall be the responsibility of the licensee to have a duly registered manager or assistant manager on the premises, in the absence of the licensee and daily during the hours when the business is open until closing. The manager or assistant manager shall be capable of maintaining order and responsible for compliance ~~to~~ with alcoholic beverage control laws and regulations that pertain to the licensed premises.

(2) It shall be the responsibility of the licensee, manager, or assistant manager to announce a last-call to order alcoholic beverage one hour ahead prior to closing time, and no orders of any alcoholic beverage shall be taken, sold, or served within the hour after the last-call is announced prior to securing and closing the business premises.

(3) It shall be the responsibility of the licensee, manager, or assistant manager to ensure that no customers remain on the premises, except employees for cleaning-up purposes, after closing and securing of business premise at 2:00 a.m., and after 4:00 a.m. if the licensee holds a class 7 special liquor license.

(4) It shall be the responsibility of the licensee, manager, and assistant manager to post sign at the front main entrance (and other entrances, if any) indicating "I.D. Card is Mandatory/Required before Entering."

(5) It shall be the responsibility of the licensee, manager, and assistant manager to ensure that a customer does not leave the premises with any alcoholic beverage in his/her possession. Further, it shall be the responsibility of the licensee to post signs on strategic or conspicuous areas within the business premises indicating "No Alcoholic Beverage Allowed to be Taken Outside or Beyond the Business Premises."

(c) A licensee proposing to transfer or who is in the process of transferring his license to another party shall remain responsible for the conduct of the business and liable for

compliance with all terms of the licensed business and all laws and regulations pertaining thereto until such time as the Secretary of Commerce or his designee has approved the transfer and the transferred license has been re-issued in the new licensee's name.

(d) A licensee shall post a sign-in sheet for employees indicating the time and position each employee reports for duty and the time each employee signs off from duty. This list shall be available at all times for inspection purpose by the enforcement officers of the ABTC division. In addition, the licensee shall have the responsibility to ensure that the certified I.D. cards are worn at all times during duty hours for verification during inspection.

(e) It shall be the responsibility of a licensee to register or cause to be registered with the ABTC division, the names of employees employed by his/her establishment who will be engaged in handling of the sell, including mixing and/or serving of, or selling of alcoholic beverages, within twenty-four hours after employment.

(f) It shall be the responsibility of a licensee to keep and preserve for a period of three years adequate records of the gross proceeds of sales of the business. The licensee shall also keep itemized invoices for all merchandise purchased (and whether procured from local or other retail or wholesale outlets), all bank statements and cancelled checks, and all other books or accounts as may be necessary to determine the financial position of the business. All itemized purchase invoices shall bear the date of purchase, name of the seller, and purchaser. Cash register tapes may not be used in lieu of itemized invoices for record purposes. In addition to the above records, restaurant licensee shall keep records of gross sales in three separate categories; food, beer, and alcoholic beverages. Such records shall be adequate in substance to conform with generally accepted accounting practices and all records shall be written in the English language. All records shall be open for examination at any time by the ABTC Director, any authorized employee of the Department, or its duly authorized agent. The records provided for in this regulation shall be kept at the licensee's place of business or at his/her office or accountant within the CNMI. Failure to keep such records or refuse to allow examination of such records shall subject the licensee to immediate temporary suspension of license.

(g) All on-sale and off-sale licensee shall be required, as a condition of license, to provide monthly sales report of all alcoholic beverage products (and tobacco products, if licensed to sell tobacco products). It shall be the responsibility of the licensee to ensure that such report are submitted to the ABTC division at the end of each month, which shall commence thirty days after the date the license is issued. Such reporting format shall be prescribed by the ABTC division upon issuance of license. Failure to provide the required report, the licensee shall be grounds for immediate temporary suspension under section 20-10.1-150 until such time the licensee complies with this requirement.

(h) Every license issued and in effect under ~~Title 4 CMC, Division 5, Chapter 5 of Division 5 of Title 4 of the Commonwealth Code~~ shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises.

NMIAC § 20-10.1-145 is amended as follows:

(a) At no time under any circumstances shall any liquor be sold or furnished by any licensee:

- (1) To any person under the age of 21;
- (2) To any person at the time under the influence of liquor as defined in 4 CMC § 5558.
- (3) After 2:00 a.m. and before 9:00 a.m. if licensee holds an on-sale license, except for class 7 special liquor license holder;
- (4) After 4:00 a.m. and before 9:00 a.m., if licensee holds a class 7 special liquor license;
- (5) Before 7:00 a.m. and after 10:00 p.m. if licensee holds an off-sale license;
- (6) When election polls are open for voting. This prohibition is not applicable to on-sale licensees who are situated operating within the sterile passenger holding areas at CNMI airports, hotels, hotel resorts, golf resorts, casino resorts, or at Mañagaha island, including licensees who are situated within hotels, hotel resorts, and golf resorts.
- (7) The time prohibitions set for in subsections (a)(3) to (5) shall not apply to holders of Class 8 and Class 9 licenses.
- (8) Exercise the privilege of the license at other premises not conferred by the license.

(b) No employee, owner, manager, or agent thereof of any licensed premises shall consume or be permitted to consume any alcoholic beverage while on duty on such premises.

(c) Except for class 3 on-sale restaurant licensee, an on-sale general license holder whose business is primarily engaged in the sale and consumption of alcoholic beverages such as but not limited to night clubs, karaoke clubs, bars, cabarets, or disco clubs, shall not permit:

- (1) Any person under the age of twenty-one years to enter his/her establishment. The licensee shall mandatorily demand, if the licensee does not personally know the individual person, a valid I.D. card prior to allowing any person to enter his/her establishment.
- (2) Any person who does not immediately carry in his/her possession a valid official identification card issued by the CNMI government, municipalities of the CNMI, the United States government, United States' states, United States territories, or by foreign governments which bears the person's full name, current photograph, sex, and date of birth indicating that the possessor is twenty-one years of age or older and that said presentation and verification occurs. Provided however that, an on-sale licensee may allow persons under the age of twenty-one years to enter his/her establishment only on the following occasion:
 - (i) Special youth programs or events. During such youth program or event, licensee shall remove or lock away all alcoholic beverage and remove any promotional materials of alcoholic beverage from the premises.
 - (ii) Licensee shall promptly notify, in writing, the Director of ABTC division at least five business days in advance prior to such special youth program or event ~~from~~ taking place.
- (3) Any person under the age of twenty-one years to mix or serve any alcoholic beverage while on duty on such premises, except restaurant establishment.

(d) Stacking alcoholic beverages for consumption by customers is prohibited. "Stacking" means serving more than one drink at any one time to any one individual. Provided however that, beers ~~or~~ of not more than six cans or bottle may be sold and served

in a larger container such as a special bucket sale to an individual who is accompanied with his/her companions, or if the individual is buying the bucket for other group of customers within the establishment. At no time under any circumstances shall a bucket be sold or served to an individual if the individual is buying a bucket for himself or herself.

(e) Refill prohibited. A licensee shall not refill any distilled spirits' containers with distilled spirit nor keep, offer for sale, or sell distilled spirits from a container that has been refilled. Immediately upon emptying a container, a licensee shall destroy it.



Commonwealth of the Northern Mariana Islands
Department of Commerce

Mark O. Rabauliman, Secretary
P.O. 5795 CHRB, Capitol Hill, Saipan, MP 96950
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Email: info@commerce.gov.mp
Web: www.commerce.gov.mp

**PUBLIC NOTICE OF PROPOSED BETEL NUT CONTROL
RULES AND REGULATIONS
OF THE DEPARTMENT OF COMMERCE,
ALCOHOL BEVERAGE AND TOBACCO CONTROL DIVISION**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Department of Commerce, Alcohol Beverage and Tobacco Control Division, intends to adopt as permanent regulations the attached proposed regulations, pursuant to requirements of the Administrative Procedure Act (1 CMC § 9104(a)). The regulations would become effective 10 days after adoption and publication in the Commonwealth Register (1 CMC § 9105(b)).

AUTHORITY: The Secretary of Commerce (“Secretary”) has authority to adopt rules and regulations regarding matters that fall within the jurisdiction of the Department of Commerce, including betel nut control license. 1 CMC § 2454 (Department of Commerce general authority to adopt rules and regulations); 4 CMC § 51920 (authority to adopt rules and regulations for betel nut control licenses); 1 CMC §§ 9101–9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act).

THE TERMS AND SUBSTANCE: These proposed regulations provides the regulatory guidelines for the betel nut control license regulations consistent with Public Law No. 19-66, Betel Nut Control Act.

THE SUBJECTS AND ISSUES INVOLVED: These proposed regulations include the following subject areas:

1. Implementation of application fees and other application requirements for betel nut control licenses.
2. License Requirement
3. License Applications
4. Class Type of Licenses
5. License Duration
6. License Renewal
7. License Restrictions
8. Qualifications of Prospective Licensee
9. Application Review

10. Transfer of License
11. Responsibilities of the Licensee.
12. Prohibitions
13. Condition of Premises: Betel Nut Display and Required Sign
14. Enforcement: Fines, Penalties, Suspension and Revocation of Licenses
15. Right to Administrative Hearing
16. Procedure on Suspension and Revocation of License
17. Procedure on Unlicensed Sales of Betel Nut "Areca Nut" - Disposal of Confiscated Betel Nut "Areca Nut".

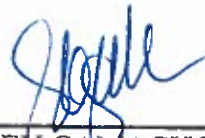
DIRECTIONS FOR FILING AND PUBLICATION: These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a) (1)) and notice of the intended action to adopt this proposed regulation shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mark O. Rabauliman, Secretary of Commerce, at the above address, with the subject line "Alcoholic Beverage Control License Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).

These proposed regulations were approved by the Secretary on June 26, 2017.

Submitted by: 
MARK O. RABAULIMAN
Secretary of Commerce

11/7/17
Date

Received by: 
SHIRLEY CAMACHO-OGUMORO
Governor's Special Assistant for
Administration

11/8/17
Date

Filed and
Recorded by: 
ESTHER SN NESBITT
Commonwealth Registrar

11-17-2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 20 day of Nov 2017.

A handwritten signature in black ink, appearing to read "Edward Manibusan", written over a horizontal line.

EDWARD MANIBUSAN
Attorney General

Commonwealth gi Sangkattan na Islas Mariãnas

Dipãttamentun Kometsiu

Mark O. Rabauliman, Sekretãriu

P.O. 5795 CHRB, Capitol Hill, Saipan, MP 96950

Tilifon: (670) 664-3077 •Fax: (670) 664-3067

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**NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AREKLAMENTU
YAN REGULASION I INADAHIN PUGUA
PARA I DIPãTTAMENTUN KOMETSIU,
DIBISION INADAHIN ATKAHOT YAN TOBACCO SIHA**

MA'INTENSIONA NA AKSION PARA U MA'ADãPTA ESTI SIHA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariãnas, i Dipãttamentun Kometsiu, Dibision Inadahin Atkahot yan Tobacco siha, ha intensiona para u ma'adãpta kumu petmanienti i regulasion siha ni mañechettun na manmaproponi na regulasion siha, sigun gi madimãnda siha gi Æktun Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi hãlum dies (10) dihas dispues di adãptasion yan publikasion gi hãlum i Rehistran Commonwealth (1 CMC § 9105(b)).

ÅTURIDãT: I Sekretãriun Kometsiu ("Sekretãriu") nina'i fuetsa ni aturidãt estatua para u adãpta i areklamentu yan regulasion put i suhetu siha ni poddong gi hãlum i aturidãt i Dipãttamentun Kometsiu, ina'ingklusi lisensian inadahn pugua. 1 CMC § 2454 (i Dipãttamentun Kometsiu hinerãt na aturidãt para u adãpta i areklamentu yan regulasion siha); 4 CMC § 51920 (aturidãt para u adãpta i areklamentu yan regulasion siha para lisensian inadahn pugua); 1 CMC §§ 9101-9115 (i maneran adãptasion nu i regulasion siha gaigi gi pãpa' i Æktun Administrative Procedure)

I TEMA YAN SUSTãNSIAN PALãBRA SIHA: Esti i manmaproponi na regulasion siha ha pribeni i regulatory guidelines para i regulasion lisensian inadahn pugua parehu yan i Lai Publiku No. 19-66, Æktun Inadahin Pugua.

I MASUHETU YAN ASUNTU NI MANTINEKKA: Esti i manmaproponi na regulasion siha ina'ingklusi i mantinattiyi na lugãt suhetu siha:

1. Implimentasion i ãpas aplikasion yan otru nisisidãt aplikasion para i lisensian inadahn pugua siha.
2. Nisisidãt i Lisensia
3. Aplikasion i Lisensia
4. Klãsin Lisensia
5. I Tiempo-ña i Lisensia
6. Rinuebun i Lisensia
7. Pruibidun i Lisensia
8. Kuãlifikasion i Tãotão ni para u malisensiayi
9. Ribisan Aplikasion
10. Transferin i Lisensia
11. Risponsibilidãt nu i Malisensiayi
12. Pruhibision Siha

13. Kundision i Lugât: Mostran Pugua yan i Tapbleru ni madimânda
14. Implimentasion i Areklamentu siha: Âpas, Pena, Suspendision yan Kansellasion i Lisensia
15. Direchu para Administrative Hearing
16. Maneran i Suspendision yan Kansellasion i Lisensia
17. Maneran i Tai Lisensia para manbendin Pugua "Areca Nut" – Despuestun i Pugua ni Manmachuli "Areca Nut".

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Esti i manmaproponi na Regulasion siha debi na u mapublika gi hâlum i Rehistran Commonwealth gi hâlum i seksiona ni maproponi yan nuebu na ma'adâpta na regulasion siha (1 CMC § 9102(a)(1)) yan i nutisian i ma'intensiona na aksion ni para u ma'adâpta esti i manmaproponi na regulasion u mapega gi hâlum i kumbinienti na lugât siha gi hâlum i civic center yan i ufisinin gubietnamentu siha gi kada distritun senadot, i nutisia debi na parehu Englis yan prinsipât na lingguâhin natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanâo pat intrega i upiñon-mu guatu as Mark O. Rabauliman, Sekretâriun Kometsiu, gi sanhilu' na address, yan i râyan suhetu "Regulasion Lisensian Inadahin Atkahot Siha". I upiñon siha debi na u fanhâlum gi hâlum 30 dihas ginin i fetchan publikasion esti na nutisia. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ni i Sekretâriu gi Huniu 26, 2017.

Nina hâlum as: 

 MARK O. RABAULIMAN
 Sekretâriun Kometsiu

11/7/17

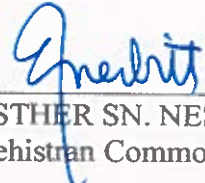
 Fetcha

Rinisibi as: 

 SHIRLEY P. CAMACHO-OGUMORO
 Ispisiât Na Ayudânti Para I Atministrasion

11/8/17

 Fetcha

Pine'lu yan
 Ninota as: 

 ESTHER SN. NESBITT
 Rehistran Commonwealth

11-20-17

 Fetcha

Sigun i 1 CMC § 2153(e) (I Abugádu Henerát ha aprueba i regulasion siha na para u macho' gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueban Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapublika, 1 CMC § 2153(f) (publikasion i areklamentu yan regulasion siha).

Mafetcha gi diha 20 gi Nov., 2017.



EDWARD MANIBUSAN
Henerát Abugádu

Commonwealth Téel Falúw kka Efáng llól Marianas
Bwulasiyol Commerce
Mark O. Rabauliman, Sekkretóriyo
P.O. 5795 CHRB, Asúngúl, Seipél, MP 96950
Til: (670) 664-3077 * Fax: (670) 664-3067
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Web: www.commerce.gov.mp

**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT
REEL LEMELEMIL PPWU
REEL BWULASIYOL COMMERCE,
ALCOHOL BEVERAGE ME TOBACCO CONTROL DIVISION**

MÁNGEMÁNGIL MWÓGHUT IGHA REBWE ADÓPTÁALI POMMWOL ALLÉGH ME MWÓGHUT: Commonwealth Téel Falúw kka Efáng llól Marianas, Bwulasiyol Commerce, Alcohol Beverage me Tobacco Control Division, re mángemángil rebwe adóptáali bwe ebwe lléghló mwóghutughut ikka e appasch bwe pommwol mwóghutughut, re tipáli sáangi Administrative Procedure Act (1 CMC § 9104(a)). Ebwe bwunguló mwóghutughut kkal seigh (10) ráál mwiril aar adóptáali me akkatééwowul me llól Commonwealth Register (1 CMC § 9105(b)).

BWÁNGIL: Eyoor bwángil Sekkretóriyol Commerce (“Sekkretóriyo”) bwe ebwe adóptáali allégh me mwóghutughut kka e ffil iye e ppúng faal lemelemil Bwulasiyol Commerce, ebwe schuulong lemelemil license reel ppwu. 1 CMC § 2454 (Eyoor bwángiir Bwulasiyol Commerce bwe rebwe adóptáali allégh me mwóghut): 4 CMC § 51920 (bwángil bwe rebwe adóptáali allégh me mwóghut ngáli lemelemil license reel ppwu); 1 CMC §§ 9101-9115 (mwóghut ngáli adóptáal mwóghut ikka e lo faal Commonwealth Administrative Procedure Act).

KKAPASAL ME AWEEWEL: Pommwol mwóghut kkal e ayoora afal ngáli lemelemil ppwu me mwóghutughutúl license iye e weewe ngáli Alléghúl Toulap No. 19-66, Betel Nut Control Act.

KKAPASAL ME ÓUTOL: Ebwal toolong llól pommwol mwóghut milikka e amwirimwiritiw:

1. Mwóghutughutúl óbwóssul application me akkáaw mwóghutughutúl application ngáli license me lemelemil ppwu.
2. License Requirement

3. License Application
4. Tappal License
5. Tempool License
6. Fféerú Sefáaliy License
7. Pilil License
8. Qualifications reel Prospective Licensee
9. Amwuri Fischiiy Application
10. Transfer reel License
11. Aal Lemelem Licensee
12. Prohibitions
13. Condition of Premises: Ammwelil Ppwu me Ghikkillil
14. Enforcement: Óbwóss, Penalties, Suspension me Revocation reel License
15. Weel ngáli Administrative Hearing
16. Procedure on Suspension me Revocation of License
17. Procedure wóól Unlicensed Sales reel Ppwu “Areca Nut” – Disposal of Confiscated Betel Nut “Areca Nut”.

AFAL REEL AMMELIL ME AKKATÉÉWOWUL: Ebwe akktééwow pommwol mwóghutughut kkal me llól Commonwealth Register llól tálil pommwol me ffél mwóghut ikka ra adóptáálil (1CMC § 9102(a) (1)) me arongorong reel mángemángil mwóghut igha re bwe adóptááli pommwol mwóghut me ebwe appaschetá me llól civic center me llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch (1 CMC § 9104(a)(1)).

ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw iischil mángemáng ngáli Mark O. Rabauliman, Sekkretóoriyol Commerce, reel féléféle iye e lo weiláng, ebwe lo wóól subject line bwe “Alcoholic Beverage Control License Regulations.” Ebwe toolong iischil mángemáng llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. (1 CMC § 9104(a)(2)).

Aa átirow pommwol mwóghutughut kkal sáangi Sekkretóoriyo wóól Unnyo 26, 2017.

Isáliyalong:



MARK O. RABAULIMAN
SEKKRETÓÓRIYOL COMMERCE

Ráál

11/7/17

Bwughiyal:



SHIRLEY CAMACHO-OGUMORO
Layúl Gobenno Special Assistant
Ngáli Administration

Ráál

11/8/17

Ammwelil:



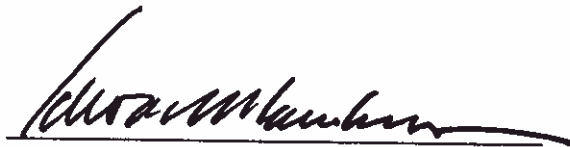
ESTHER SN. NESBITT
Commonwealth Register

Ráál

11.20.2017

Sáangi 1 CMC § 2153(e) (mwiril aal átirow mwóghutughut sáangi AG bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghut ikka e appasch me aa átirow bwe aa ffil reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapa CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghut).

Ghikillátiw wóol 20 ráálil Nov. 2017.



EDWARD MANIBUSAN
Soulemelemil Allégh Lapalapa



Mark o. Rabauliman
Secretary of Commerce

DEPARTMENT OF COMMERCE

Alcohol Beverage and Tobacco Control Division

P.O. Box 5796 CHR B Saipan, MP 96950

Tel: (670) 664-3065 • Fax: (670) 664-3067

Hotline: (670) 285 -1821

Email: cnmi.abtc@commerce.gov.mp

Web: www.commerce.gov.mp



David R. Maratita
Director

PROPOSED PROMULGATION OF THE BETEL NUT CONTROL RULES AND REGULATIONS

Filed this _____ day of _____, 2017

At the Commonwealth Register, Office of the Attorney General
Commonwealth of the Northern Mariana Islands

NORTHERN MARIANA ISLAND ADMINISTRATIVE CODE

TITLE 20

BETEL NUT CONTROL RULES AND REGULATIONS

Regulation Title: Northern Mariana Island Administrative Code
Title 20 (Department of Commerce)
Chapter 10 (Alcohol Beverage and Tobacco Control Division)
Subchapter 10-10.3 (Betel Nut Control Rules and Regulations)

The following subchapter shall be added to Title 20; Chapter 20-10; Subchapter 20-10.3:

CHAPTER 20-10 ALCOHOL BEVERAGE AND TOBACCO CONTROL DIVISION

SUBCHAPTER 20-10.3

Part 001 - GENERAL PROVISIONS

§ 20-10.3-001 Authority

The proposed Betel Nut Control Rules and Regulations have been promulgated for adoption pursuant to 1 CMC § 51920, of the Commonwealth Code, as enacted under Public Law 19-66, Betel Nut Control Act of 2015.

§ 20-10.3-005 Purpose

To establish uniform regulations in order to carry out the intent and purpose of Public Law 19-66 (effective date September 23, 2016), as enacted and codified at Title 4, Division 5, Chapter 19 of the Commonwealth Code.

§ 20-10.3-010 Construction.

(a) Nothing contained in these regulations shall be construed as to conflict with any provision of the Consumer Protection Act (codified at 4 CMC §§ 5101-5123).

(b) These regulations shall be interpreted in accordance with generally accepted principles of statutory construction.

§ 20-10.3-015 Severability.

If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

§ 20-10.3-020 Definitions. Words and Terms: Tense, Number, and Gender.

In interpreting these regulations, except when otherwise plainly declared or clearly apparent from the context: Words in the present tense include the future tense; the singular includes the plural and the plural includes the singular; and words of one gender include the other genders.

§ 20-10.3-025 Definitions

Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this chapter shall be the same as those used in Public Law 19-66 (codified at 4 CMC §§ 51901-51921):

- (a) "ABTC" shall mean Alcohol Beverage and Tobacco Control.
- (b) "Act" shall mean the Betel Nut Control Act of 2015 (codified at 4 CMC §§ 51901-51921).
- (c) "Areca Nut" or "Betel Nut" shall mean the seed of the areca palm.
- (d) "Business" includes every trade, occupation, profession, and other lawful purpose, whether or not carried on for profit.
- (e) "CMC" means the Northern Mariana Islands Commonwealth Code.
- (f) "Commonwealth" or "CNMI" means the Commonwealth of the Northern Mariana Islands.
- (g) "Department of Commerce" means the CNMI Department of Commerce.

(h) "Employee" means any individual, who under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

(i) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee.

(j) "Entity" includes corporation and foreign corporation; nonprofit corporation; profit and nonprofit unincorporated associations; business, trust, estate, partnership, trust, and two or more persons having a joint or common economic interest; and state, United States and foreign government.

(k) "Person" shall mean any natural person, corporation, firm, partnership, association, institution, joint-stock company, trust, other organizations of persons, or any other legal entity.

(l) "Secretary" shall mean the Secretary of Commerce.

Part 100 - LICENSES

§ 20-10.3-101 License Required

A person or business entity shall be required to obtain a Betel Nut Control License issued by the Department of Commerce, Alcohol Beverage and Tobacco Control ("ABTC") Division prior to engaging in the importation and/or selling of Betel Nut in the Commonwealth of the Northern Mariana Islands.

§ 20-10.3-105 License Applications

(a) Applications for any Betel Nut Control License or transfer of any license shall be submitted upon proper forms to be provided and approved by the Secretary or his/her designee.

(b) Each application must be properly and completely filled out and accompanied by any and all required data supplementing the application form. If the Secretary or his/her designee determines that additional information is necessary, consideration of the application may be postponed and a reasonable period of time may be afforded to the applicant to comply with this requirement.

(c) A deposit of \$50.00 to cover the cost of processing the application must accompany all applications for license. Full payment of the license fee is due and payable at the time the license is issued.

(d) An assessment of \$25.00 shall cover the cost of any amendment of license made or duplication of license requested in addition to the filing fee in § 20-10.3-105(c).

§ 20-10.3-110 Type of License

<u>Class</u>	<u>Fee</u>
Class 1 – Betel Nut Importation License	\$75.00
Class-2 – Betel Nut Retail Dealer License	\$75.00

§ 20-10.3-115 License Duration

Upon payment of required license fees, each license shall be for a period of one (1) year commencing on the date the license is approved by the Director of ABTC Division and Secretary.

§ 20-10.3-120 License Renewal

To renew a license, the license fees for renewal must be fully paid on or before the expiration date of the license. If the required renewal license fees are not paid on or before the expiration date, the license shall automatically be suspended and a penalty of \$25.00 shall be assessed for each day the license is not renewed. If a Licensee fails to renew a license within thirty (30) calendar days from the date of expiration, the license shall automatically be revoked and the Secretary shall not issue a license except upon a new original application, provided however, that any penalty fee pending for payment must be paid in full prior to the issuance of a new license.

§ 20-10.3-125 License Restrictions

(a) The Secretary or his/her designee shall not issue a license based on the following restrictions:

- (1) The applicant is not the real party in interest;
- (2) The applicant is under the age of eighteen (18) years old; and
- (3) The applicant is a person or business entity that held a license to sell Betel Nut that was revoked within the prior year by the Secretary.

§ 20-10.3-130 Qualifications of Prospective Licensee

(a) Prior to the Secretary or his/her designee in considering an application for a Betel Nut Control License, a thorough investigation into an applicant's background will be conducted. The Secretary or his/her designee may inquire into an applicant's:

- (1) moral character;
- (2) prior criminal record;
- (3) past business conduct and practices;
- (4) condition of premises; and
- (5) any and all other matters which in the judgment of the Secretary or his/her designee pertain to or affect the matter of the application, its issuance or the exercise of the license applied for.

(b) The Secretary or his/her designee will carefully consider the results of this investigation and may make a determination as to approval or disapproval of the application.

(c) Any applicant for a Betel Nut Control License who are otherwise involved in any way as proprietors or authorized representatives of the business being considered for licensing, shall be listed by legal name in the current application on file with the Alcohol Beverage and Tobacco Control Division. No license shall be issued or renewed unless these listings are complete and legally accurate and reveal sufficient compliance with all pertinent provisions of 4 CMC §§ 51901-51921 and/or these regulations as made applicable.

(d) All applicants, as a condition for obtaining a Betel Nut Control License, shall meet the following requirements prior to the issuance of license:

(1) Attend the training and certification program on responsible Betel Nut sales and services provided by the Alcohol Beverage and Tobacco Control Division. Upon completion of training and certification, the Secretary or his/her designee shall issue identification cards certifying the owner and each employee of his/her establishment, which shall be worn at all times during on-duty hours. Such certified identification cards shall expire three (3) years from the date of issuance and certification.

(2) Make a deposit of \$25.00 for the cost of certification which will be assessed for each person that completes the certification process. Full payment of the certification fee is due at the time the certified identification card is issued. This certification shall be concurrent in conjunction with the alcohol and tobacco certification process as required under NMIAC §§ 20-10.1-120(d)(1)-(3).

(3) In the event a new employee is hired, it shall be the responsibility of the licensee to register the newly hired employee within twenty-four (24) hours with the ABTC Division. The licensee shall arrange an appointment with the ABTC Division to have such new employee undergo the training and certification prior to handling any sales of betel nut.

(4) Except in the existing employment under the same corporation or licensee, in the event that a certified person transfers to another licensed establishment/employer prior to the expiration of his/her certified identification card, the person may carryover his/her certification credential. Provided however that the person transferring to another licensed establishment/employer shall be responsible to inform the ABTC division within twenty-four (24) hours to amend his/her certification to be carried over to his/her new place of employment. The new employer shall be responsible for the transfer of a certified identification card, at a cost of \$25.00.

§ 20-10.3-135 Application Review

(a) Upon inspection and investigation, and in reference to the guidelines set forth in § 20-10.3-120 of these regulations, the Secretary or his/her designee shall consider the application and shall within fifteen (15) days give its decision, granting or refusing, the application.

(b) If the Secretary or his/her designee decides in favor of the applicant or licensee, the applicant or licensee shall be promptly notified of the decision. If the Secretary or his/her designee decides otherwise, an appropriate decision and order shall be issued and provided to the applicant or licensee. The Secretary shall explain his/her findings to support his/her decision. The Secretary or his/her designee shall within a reasonable amount of time send a certified copy thereof to the applicant or licensee.

(c) Where an application for license has been denied, a person aggrieved by such a denial shall be entitled to a review of the decision pursuant to the procedures established under the Administrative Procedures Act, 1 CMC §§ 9108-9115.

(d) Judicial review shall be as provided by law.

§ 20-10.3-140 Transfer of License

(a) Where a license has been issued to or in the name of a corporation, partnership, limited liability company, or sole-proprietorship, no substitution, addition, removal or other change to the license holder shall be made until the proposed change has first been approved by the Secretary or his/her designee upon application for transfer between two (2) distinct business entities.

(b) No application for transfer of a license shall be approved by the Secretary or his/her designee unless the applicant has met the same qualifications as required in Section 8 for an original license.

§ 20-10.3-145 Responsibilities of the Licensee

(a) It shall be the responsibility of a licensee to notify the Secretary or his/her designee in writing of any and all changes in a licensed business ownership, management, agents, or any other changes which materially affect or modify the data on file and recorded as the basis for granting or renewal of such license prior to the time such change occurs. This shall include any event a licensee intends or is in the process of foreclosing his/her business, which shall include a brief purpose of the foreclosure. Failure to do so within twenty-four (24) hours of such change shall require an immediate temporary suspension of the license pending investigation and review by the Secretary or his/her designee. The suspension of the license shall remain in effect until removal, modification, or other action as may be deemed necessary and appropriate action.

(b) A licensee proposing to transfer or who is in the process of transferring his/her license to another party shall remain responsible for the conduct of the business and liable for compliance with all terms of the licensed business and all CNMI laws and regulations pertaining thereto until such time as the Secretary or his/her designee has approved the transfer and the transferred license has been re-issued in the new licensee's name. It shall be the responsibility of a licensee to register or cause to be registered with the ABTC Division, the names of employees employed by his/her establishment who will be engaged in handling the sale of betel nut within twenty-four (24) hours after employment.

(c) Every license issued and in effect under 4 CMC §§ 51901-51921, shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises or business establishment.

§ 20-10.3-150 Prohibitions

(a) **Underage Sales.** Unless based on actual knowledge that the person buying betel nut is at least eighteen (18) years old, at no time under any circumstances shall any betel nut be sold or furnished by any licensee:

(1) To any person under the age of eighteen (18) without first requesting that the person provide a valid government identification card; and

(2) To any person who does not immediately carry in his/her possession a valid official identification card issued by the CNMI Government, Municipalities of the CNMI, the United States Government, United States, United States territories, or by foreign governments which bears:

- (A) the person's full name;
- (B) current photograph;
- (C) sex; and
- (D) date of birth indicating that the possessor is eighteen (18) years of age or older and that said presentation and verification occurs.

(b) **Condition of Premises: Betel Nut Display and Required Sign**

(1) A person or business entity shall ensure that betel nut is displayed in accordance with this section. Betel nut shall not be displayed openly or in any manner in any part of the business premises generally open to the public. Such packages or bags of betel nut shall be secured underneath or behind the cashier counter at the point of sale, which can only be accessed by the owner or an authorized agent (cashier) of the retail establishment upon the request from a person of legal age to purchase such item or product.

(2) Any person or business entity which sells or permits to be sold on its premises betel nut shall clearly, continuously, and conspicuously post signs reading **"BETEL NUT SALE IS PROHIBITED TO PERSONS UNDER THE AGE OF 18"** at the area where the betel nut is displayed or available for sale, and next to any cash register or any other place(s) where such items may be purchased from the point of sale. Said signs shall be at least eleven (11) inches by eight and one-half (8.5) inches in dimension, and the letters on said signs shall be printed in a bright color, with large capitalized letters, printed in a plain easily readable font or lettering style.

§ 20-10.3-155 Enforcement: Fines, Penalties, and Suspension and Revocation of Licenses

(a) Any person or business entity that offers, gives, or permits to be given or sold any Betel Nut to an individual under the age of eighteen (18) (a minor) shall, upon the issuance of a notice of violation to the owner, agent, or employee in charge at the time of violation by any representative of the Department of Commerce, ABTC Division, or the Commonwealth Health Care Corporation, Community Guidance Center, who has properly identified himself or herself, shall be fined and penalized within a period of two (2) years, in the following manner:

- (1) First Offense: A fine of not less than \$100.00 but not more than \$300.00.
- (2) Second Offense: A fine of not less than \$300.00 but not more than \$500.00.
- (3) Third Offense: A maximum fine of \$500.00 and revocation of license up to one (1) year.
- (4) Any person or business entity who violates the provisions of § 20-10.3-140 shall be penalized and pay a maximum of \$300.00 in monetary fine.
- (5) Any person, parent or legal guardian, of any minor who suffers or permits to allow by either willfully or negligently, such persons under the age of eighteen (18) years old to carry, possess or consume betel nut, shall be penalized and pay a maximum fine of \$300.00.
- (6) Any person(s) or business establishment found to be operating and selling betel nut without a valid Betel Nut Control License issued by the Department of Commerce, ABTC Division, in violation of Section 1, shall pay a maximum fine of \$500.00.

(b) **Suspension and Revocation of Licenses.** A Betel Nut Control License may be suspended and/or revoked for any of the following reasons:

- (1) Where the continuation of a license would be contrary to the public interest;
- (2) Violation of, causing or permitting a violation of, or failure or refusal by a licensee to comply with any provision of 4 CMC §§ 51901-51921 and/or these regulations;
- (3) Misrepresentation of a material fact by an applicant in obtaining or renewing a license;
- (4) A plea, verdict, or judgment of guilty to any public offense involving moral turpitude; or
- (5) Upon filing of a sworn written report with the ABTC Director by an inspector setting forth any of the grounds in § 20-10.3-150 for the suspension or revocation of license;

§ 20-10.3-160 Right to Administrative Hearing

Upon the filing of a request for such hearing with the Secretary, any person or business entity found subject to a fine or penalty, including suspension or revocation of license, for an offense established under any of the provisions established under these regulations, shall have the right to an administrative hearing in accordance with the procedures established under the Administrative Procedures Act, 1 CMC §§ 9108 - § 9115.

§ 20-10.3-165

Procedure on Revocation or Suspension of License

(a) The Secretary may revoke or suspend the right of the licensee to use his/her license for the violation of any provision of 4 CMC §§ 51901-51921 and/or any rule or regulation applicable thereto.

(b) In any case where it is proposed to revoke or suspend the exercise of any license, the licensee shall be given:

(1) Notice and hearing; the notice to be given at least five (5) business days before hearing;

(2) At the hearing, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for the proposed action do not exist;

(3) The testimony taken shall be under oath and taken steno-graphically or by machine, but the parties shall not be bound by strict rules of evidence. The Commonwealth Administrative Procedures Act shall apply wherever applicable; and

(4) Copies of any transcript made at the hearing shall be given to the licensee upon request at his/her expense.

§ 20-10.3-170

Procedure on Unlicensed Sales of Betel Nut "Areca Nut" - Disposal of Confiscated Betel Nut "Areca Nut".

(a) In the case that a person is advertising, offering to sell, or selling betel nut without a license, all Betel Nut "Areca Nut" may be confiscated in the Commonwealth pursuant to an administrative order by the Secretary, in accordance with the Administrative Procedures Act, 1 CMC §§ 9108-9115. Upon an administrative order issued by the Secretary, betel nut subject to that administrative order shall be disposed of at the discretion of the Secretary by either:

(1) Dumping in public by the Secretary or his/her authorized representative in the presence of one employee of the Department of Safety and one (1) employee of the Office of the Attorney General; or

(2) Sale by public auction with the reserve yet without warranty of fitness or merchantability, and after execution of appropriate releases and/or covenants not to sue by the bidders, and following fourteen (14) days public notice in a newspaper of general circulation.