



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

30 OCT 2013

Honorable Teresita A. Santos
Chairwoman, Rota Legislative Delegation
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Ms. Chairwoman and Mr. Speaker:

This is to inform you that I have signed into law H.L.B. 18-23, D1, entitled, "To amend 10 CMC, Division 1, Chapter 1, Article 2, Rota Dog Control Act; and for other purposes," which was passed by the Rota Legislative Delegation, Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Rota Local Law 18-7**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", written over a horizontal line.

ELOY S. INOS

cc: Lt. Governor; Attorney General; Press Secretary; Mayor of Rota; Rota Municipal Council; Commonwealth Law Revision Commission; Special Assistant for Programs and Legislative Review.



ROTA LEGISLATIVE DELEGATION
First Senatorial District
Eighteenth Northern Marianas Commonwealth Legislature
P. O. Box 500586
Saipan, MP 96950

Representative Teresita A. Santos, Chairperson
Senator Jovita M. Taimanao, Vice Chairperson/Floor Leader

Senator Victor B. Hocog, Legislative Secretary

October 16, 2013

Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Inos:

I am honored to transmit for your action *House Local Bill No. 18-23, D1*, entitled,

*“To amend 10 CMC, Division 1, Chapter 1, Article 2, Rota Dog Control Act;
and for other purposes.”*

The bill was passed unanimously by the Rota Legislative Delegation of the Eighteenth Northern Mariana Islands Commonwealth Legislature on First and Final Reading, a quorum being present, during its First Day, Second Regular Session, 2013 held on September 30, 2013.

Respectfully,


Alicia DLG. Leon Guerrero
Delegation Clerk

Enclosures



ROTA LEGISLATIVE DELEGATION
FIRST SENATORIAL DISTRICT
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2013

HOUSE LOCAL BILL NO. 18-23, D1

**A LOCAL BILL FOR AN ACT
FOR THE FIRST SENATORIAL DISTRICT**

**To amend 10 CMC, Division 1, Chapter 1, Article 2, Rota Dog Control Act;
and for other purposes.**

Offered by Representative Teresita A. Santos

Introduced on June 24, 2013

HOUSE ACTION

Transmitted to the Rota Legislative Delegation on September 4, 2013

DELEGATION ACTION

Committee Referral	:	None
Standing Committee Report	:	None
Comments Solicited	:	September 4, 2013 [Mayor of Rota & Chairman, Municipal Council]
Comments Received	:	September 17, 2013 [Chief of Staff, 14th Rota Municipal Council]
Public Comments	:	None
First & Final Reading	:	October 3, 2013 (w/Draft 1)

Alicia DLG. Leon Guerrero
Delegation Clerk



**ROTA LEGISLATIVE DELEGATION
FIRST SENATORIAL DISTRICT
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

SIXTH SPECIAL SESSION, 2013

HOUSE LOCAL BILL NO. 18-23, D1

**A LOCAL BILL FOR AN ACT
FOR THE FIRST SENATORIAL DISTRICT**

To amend 10 CMC, Division 1, Chapter 1, Article 2, Rota Dog Control Act;
and for other purposes.

**BE IT ENACTED BY THE FIRST SENATORIAL DISTRICT DELEGATION
PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE
COMMONWEALTH CODE:**

1 **Section 1. Findings and Purposes.** The First Senatorial District Delegation
2 acknowledges that the people of Rota love their dogs. Most domesticated dogs are wonderful
3 companions and provide protection to their owners. However, some domesticated and most
4 often undomesticated stray dogs are responsible for a number of injuries, hospitalizations,
5 surgeries and potential deaths. The Delegation is also cognizant that the Rota Dog Control
6 Act, 10 CMC § 1121 *et seq.*, does not impose a liability against dog owners for unregistered
7 dogs and for injury to any person or damage to any property by a dog while at large.

8 The Delegation finds the need to reassign the duties and responsibilities pursuant to the
9 Rota Dog Control Act from the local office of the Department of Natural Resources to the Rota
10 Municipal Council.

11 The purpose of this Act is to make dog owners liable for injuries caused by dog,
12 provide for penalties of unregistered dogs, and to transfer the duties responsibilities as
13 provided under the Rota Dog Control Act to the Rota Municipal Council.

Section 2. Amendments.

a. 10 CMC § 1122 is repealed in its entirety and reenacted to read:

“(a) Every owner of a dog(s) shall register such dog or dogs with the Rota Municipal Council. The application for registration shall be made on the prescribed form(s), signed by the owner, and contain the applicant’s name and address, as well as a description of the dog to be registered, including the type of dog.

“(b) The registration or license shall be issued to the owner upon the payment of a \$5 licensing fee per dog per year. The license shall expire annually at midnight on the last day of the month, one year from the date the dog was first registered, as designated by the Rota Municipal Council.”

b. 10 CMC § 1123 is amended to read:

“**1123. Authority of the Rota Municipal Council.** Application for registering and licensing of all dogs shall be made with the Rota Municipal Council. The Rota Municipal Council staff shall register all dogs, collect licensing fees, issue dog licenses, and enforce and carry out the intent of this article.”

c. 10 CMC § 1124 is amended to read:

“(a) Except as provided in subsection (b), any dog found to be without a license shall be caged and if the owner does not claim and license the dog within 5 days it shall be disposed of as set forth in 10 CMC 1125.”

“(b) The Rota Municipal Council may provide a warning notice to owners of unregistered dogs to register such dogs within 5 days. If such dogs are not registered within the allowed period, the owner shall be fined \$5.00 for each unregistered dog.”

1 **d. 10 CMC § 1125 is amended to read:**

2 “Any unlicensed and unclaimed dogs shall be destroyed by the Rota Municipal
3 Council using the most humane procedure or means reasonably available.”

4 **Section 3. Liability.** Injury to any person or damage to any property by a dog while
5 at large shall be the full responsibility of the dog owner or person or persons responsible for
6 the dog when such damages were inflicted.

7 **Section 4. Liability for Dog Bites.**

8 a. The owner of a dog which bites a person when the person is in or on a public
9 place or lawfully in or on a private place is liable for damages suffered by the person
10 bitten.

11 b. Nothing in this section shall permit the bringing of an action for damages
12 against any governmental agency using a dog in police work if the bite occurred while
13 the dog was defending itself from a harassing or provoking act, or assisting an
14 employee of the agency in any of the following:

- 15 1) In the apprehension or holding of a suspect where the employee has a
16 reasonable suspicion of the suspect's involvement in criminal activity.
17 2) In the investigation of a crime or possible crime.
18 3) In the execution of a warrant.
19 4) In the defense of a peace officer or another person.

20 c. Subsection (b) of this section shall not apply in any case where the victim of the
21 bite was not a party to, nor a participant in, nor suspected to be a party to or a
22 participant in, the act that prompted the use of the dog in the military or police work.

23 d. Subsection (b) of this section shall apply only where a governmental agency
24 using a dog in police work has adopted a written policy on the necessary and

1 appropriate use of a dog for the police or military work enumerated in subsection (b) of
2 this section.

3 **Section 5. Lawful Presence on Private Property Defined.** A person is lawfully in
4 or on the private property of the owner of a dog within the meaning of this article when an
5 invitee or guest, or when in the performance of a duty imposed upon him by local or
6 Commonwealth law, federal law or by ordinances of the Rota municipality.

7 **Section 6. Reasonable Provocation as Defense.** Proof of provocation of the attack
8 by the person injured shall be a defense to the action for damages. The issue of provocation
9 shall be determined by whether a reasonable person would expect that the conduct or
10 circumstances would be likely to provoke a dog.

11 **Section 7. Rules and Regulations.** The Rota Municipal Council shall have the power
12 and duty to adopt and issue those rules and regulations as are necessary to carry out the
13 purpose and provisions of this Act, including, but not limited to (1) develop, prescribe and
14 provide suitable forms of applications, registration cards, licenses in the form of tags, fee
15 receipts, and other forms required or deemed necessary to carry out the provisions of the Act;
16 (2) accept applications for the registration of dogs; (3) issue dog licenses in the form of a tag;
17 and (4) capture, hold, and dispose of or otherwise destroy dangerous, stray, or unregistered
18 dogs.

19 **Section 8. Severability.** If any provision of this Act or the application of any such
20 provision to any person or circumstance should be held invalid by a court of competent
21 jurisdiction, the remainder of this Act or the application of its provisions to persons or
22 circumstances other than those to which it is held invalid shall not be affected thereby.

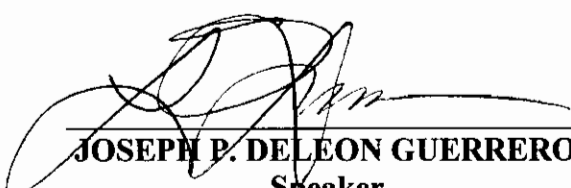
23 **Section 9. Savings Clause.** This Act and any repealer contained herein shall not be
24 construed as affecting any existing right acquired under contract or acquired under statutes
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained
26 in this Act shall not affect any proceeding instituted under or pursuant to prior law. The
27 enactment of the Act shall not have the effect of terminating, or in any way modifying, any
28 liability, civil or criminal, which shall already be in existence on the date this Act becomes
29 effective.

1 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or its becoming law without such approval.

CERTIFIED BY:

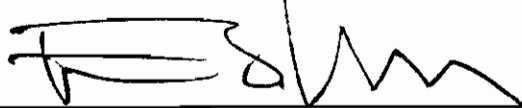


TERESITA A. SANTOS
Chairperson
Rota Legislative Delegation



JOSEPH P. DELEON GUERRERO
Speaker
House of Representatives

~~APPROVED~~ on this 30TH day of OCTOBER, 2013.



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands