

EMERGENCY EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER NO. 13

July 6, 1979

GASOLINE ALLOCATION

WHEREAS, the Commonwealth of the Northern Mariana Islands is a developing area with increased needs for energy due to growth in tourism, commerce, number of registered vehicles, and standard of living; and

WHEREAS, the Commonwealth of the Northern Mariana Islands is currently being allocated motor gasoline in an amount 5% less than the corresponding month of 1978; and

WHEREAS, I have determined that the Commonwealth of the Northern Mariana Islands is experiencing a shortage of motor gasoline available for retail distribution, such that the public health, safety, or welfare is endangered; and

WHEREAS, although such shortage has not reached the critical level, over-reaction by the public has caused long lines at gasoline stations, hoarding of gasoline and its unsafe storage in and about residential and commercial buildings, and unnecessary multiple purchase of small amounts of gasoline to keep vehicle gas tanks as full as possible; and

WHEREAS, the proper functioning of our economy and our society requires a rational and coordinated system for the allocation of gasoline in order to provide continuity of supply and equity for all Commonwealth residents; and

WHEREAS, in order to minimize both waste and inconvenience, it is necessary that such a system be accompanied by conservation, restraint, and self-discipline on the part of the general public;

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the Commonwealth of the Northern Mariana Islands and of the United States of America, and the authority delegated to me by the President of the United States by Executive Order 12140 of May 29, 1979, it is hereby ordered that a system of end-user allocation for motor gasoline is established for the Commonwealth of the Northern Mariana Islands, subject to the terms and conditions as set forth below:

(1) All motor gasoline retail sales outlets (gasoline stations) in the Commonwealth shall be open 7 days a week, beginning at 6:00 a.m. weekdays and 9:00 a.m. Saturdays, Sundays, and holidays. They shall remain open each day until they have sold  $1/31$  of their monthly allocation available for retail customers. This fraction shall be  $1/30$  for any month containing 30 days and  $1/29$  or  $1/28$  for February, as appropriate. Notwithstanding any other provision of this paragraph, gasoline stations shall not be required to remain open after 9:00 p.m. on any day.

(2) In order to compute their monthly allocation available for retail customers, gasoline stations may deduct from their total monthly allocation a volume of gasoline to be set aside for commercial use only. If a gasoline station chooses to provide for such set-aside, it shall dispense such gasoline either at a separate pump or at a separate time from general retail sales. Not more than  $7/31$  (or other fraction determined as above) of such set-aside may be dispensed in any one week. After the 28th day of each month, each gasoline station providing a set-aside shall re-evaluate the volume of gasoline remaining in its total monthly allocation and insure that a reasonable balance is maintained between the amounts of gasoline available to both retail and commercial purchasers.

(3) All gasoline stations in the Commonwealth are required to supply with gasoline vehicles:

(a) which have a license plate number, the last digit of which is an even number, or where there are only letters on the license plate, the last letter of which is a letter in the first half of the alphabet (A-M), only on even days of the month; and

(b) which have a license plate number, the last digit of which is an odd number, or where there are only letters on the license plate, the last letter of which is a letter in the last half of the alphabet (N-Z), only on odd days of the month, provided that if the last day of the month is odd, any vehicle shall be supplied with gasoline on such day, regardless of license plate number or letter.

(4) No gasoline station shall refuse to fill to capacity the gas tank of the vehicle or boat of any bona fide purchaser, if so

requested by such purchaser. Purchasers of gasoline are encouraged to "fill up" each time they buy gasoline, and not return for an additional purchase until their tank is at least half empty. At any time on or after August 1, 1979, that the Director of Commerce and Labor, in consultation with the Environment and Energy Administrator, and any other appropriate agency, determines that long gasoline lines are resulting from the lack of voluntary compliance with this request, he is authorized to require purchasers to buy a specified minimum amount of gasoline, expressed in either gallons, fractions of gas tanks or dollars, as he may provide.

(5) In order that prospective purchasers of gasoline not wait on line without knowing whether a sufficient amount of gasoline remains to be dispensed to assure their being able to make a purchase, operators of gasoline stations shall estimate when the number of customers remaining in line will approximately exhaust that day's allocation. They will then place a sign inside the rear window of the last car indicating that no more gasoline will be pumped after that car has had its turn. The next day's allotment will then be adjusted up or down depending on the preciseness of the estimate. No person, other than the operator of the gasoline station, shall remove such sign from such vehicle. Such vehicle shall not leave the line without surrendering the sign to the gasoline station operator, nor shall any person enter the line ahead of such vehicle. Gasoline stations shall display signs or other devices sufficiently large to be readable from the road adjacent to such station, indicating whether the station is (a) open for retail sales, (b) open for commercial sales only, or (c) closed for gasoline sales. If signs or other devices are supplied for this purpose by the Director of Commerce and Labor, they shall be displayed in lieu of or in addition to any other such device posted by the station.

(6) In order to assure the public safety and provide sufficient gasoline for current necessary uses, no person (other than gasoline suppliers and wholesale purchaser end-users) shall be permitted to store more than 5 gallons of gasoline, except as provided in this paragraph. No supplier of gasoline shall dispense more than 5 gallons of gasoline into any one portable container, or to any one purchaser (other than another supplier or wholesale purchaser

end-user) in a single day. No person shall dispense or store gasoline in any glass, thin plastic, or other unsafe container, or any container without an adequate cap. Farmers and fishermen will be exempted from the 5-gallon limit for their farming and fishing use only, as certified by the Department of Natural Resources. Operators of off-the-road (construction) vehicles, pleasure boat operators, and others making a showing of need will also be exempted from the 5-gallon limit and documented by the Department of Commerce and Labor. Persons exempted from this limitation will, nonetheless, be required to comply with regulations promulgated by the Department of Commerce and Labor dealing with approved containers and safe storage of gasoline.

(7) Adequate statistics will be provided by each supplier of gasoline, as well as by each wholesale purchaser end-user, to the Director of Commerce and Labor in the form and degree of detail as the Director may provide. These statistics include, but are not limited to, weekly reporting of daily volumes of gasoline dispensed for retail purposes and commercial purposes, as well as the number of sales in each category. Wholesale suppliers and purchaser-resellers shall supply figures as to the total allocation for the Commonwealth or resale area, the specific allocation to each service station or non-retail end-user, how the allocation was computed (base period plus growth adjustment, if any), actual deliveries to each customer, and other information required by the Director.

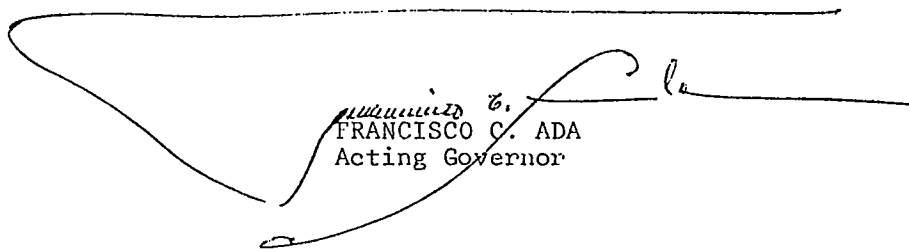
(8) Upon the request of the Mayor of any municipality, or on his own initiative, the Director of Commerce and Labor may modify or suspend the application of any provision of this Executive Order to such municipality, if he finds that such action would not be inconsistent with the purposes of this order.

(9) The Director of Commerce and Labor is hereby delegated the authority to promulgate rules and regulations to implement this order and may adopt such additional rules and regulations not inconsistent with the purposes of this order as he deems necessary. Such rules and regulations shall become effective upon delivery to affected suppliers of gasoline and shall be published in the next following issue of the Commonwealth Register. The Director shall make copies of such rules and regulations available to the public

in reasonable quantities during regular business hours. Each gasoline station shall post a copy of such rules and regulations at its place of business for inspection by the public. The Director of Commerce and Labor or his representative may enter upon the premises of any supplier or wholesale end-user of gasoline subject to the provisions of this order for the purpose of inspecting any pertinent records, equipment, storage facilities, or other devices and to otherwise assure compliance with this order. The Director of Public Safety or his representative, if he has a reasonable suspicion that the provision of paragraph (6) of this order relating to the storage of gasoline are being violated, may enter onto the premises of any person solely to make appropriate inquiries to determine compliance. Either Director, as appropriate, in consultation with the Office of the Attorney General, shall take all necessary legal steps to enforce the provisions of this order.

(10) An administrative penalty, not to exceed \$100 will be assessed for each violation of any provision of this order, except that a penalty not to exceed \$500 shall be assessed for storage of gasoline in violation of paragraph (6) of this order. The Director of Commerce and Labor shall assess, collect, and compromise any such penalty after an opportunity for a hearing.

(11) Except as otherwise provided herein, this order shall be effective beginning at 6:00 a.m., July 9, 1979, in Saipan, and July 11, 1979 elsewhere in the Commonwealth, and will remain in force until the termination of Presidential Executive Order 12140, unless otherwise modified or revoked.



FRANCISCO C. ADA  
Acting Governor