



## List state of affairs draft national ordinances May 1, 2018

| NO. | TITLE   | DOCUMENTS EXCHANGED   | PHASE                                     | ON INITIATIVE OF  | DESCRIPTION  | REMARKS |
|-----|---|---|---|---|--|---------|
| 003 | Initiative National Ordinance amending Book 7A of the Civil Code (National Ordinance elimination improper use of employment contracts) (Parliamentary Year 2010-2011-003)   | 1. Presentation dated 06/06/11<br>2. Draft dated 06/06/11<br>3. Elucidation dated 06/06/11<br>4a. Advice Council of Advice dated 15/09/11<br>4b. Further report dated 03/04/12<br>4c. Advice SER dated 18/09/12 | Parliament must bring out a report        | <ul style="list-style-type: none"> <li>- William V. Marlin</li> <li>- George C. Pantophlet</li> <li>- Lloyd J. Richardson</li> <li>- Frans G. Richardson</li> <li>- Hyacinth L. Richardson</li> <li>- Louie E. Laveist</li> </ul> | This draft aims to adopt rules to reduce or eliminate the improper use of employment contracts for short-term positions which essentially have a lasting and / or permanent nature.  |         |
| 024 | Initiative National Ordinance establishing rules and amending the Island Ordinance of July 26, 2010 laying down rules on the granting of a concession for the generation and supply of electricity (Ordinance electricity concession) AB 2010 no. 27, for the promotion of the efficient use and control of the cost of energy (Parliamentary Year 2011-2012-024) | 1. Presentation dated 21/03/12<br>2. Draft dated 21/03/12<br>3. Elucidation dated 21/03/12<br>4a. Advice Council of Advice dated 07/09/12   | Initiative takers must bring out reaction | <ul style="list-style-type: none"> <li>- Roy R. Marlin</li> <li>- Petrus L. de Weever</li> <li>- Patrick G. Illidge</li> </ul>  | This draft national ordinance intends to introduce rules and to change the Island ordinance of July 26, 2010 (AB 2010, no. 27) comprising rules about the issuing of concession for the generation and supply of electricity (Ordinance electricity concession) to promote an effective use of energy and management of costs. |         |
| 027 | Initiative National Ordinance amending the Room Tax Ordinance Sint Maarten (Parliamentary Year 2011-2012-   | 1. Presentation dated 03/07/12<br>2. Draft dated 03/07/12<br>3. Elucidation dated 03/07/12<br>4a. Advice Council of Advice dated 28/09/12<br>4b. Reaction dated 24/10/13  | Parliament must bring out a report        | <ul style="list-style-type: none"> <li>- Silvia V. Meyers-Olivacce</li> <li>- Johan E. Leonard</li> <li>- Ruth A.G. Douglas</li> </ul>  | This draft intends to modify the tariff structure for the levying of room tax on the availability of premises in a property or a part thereof by   |         |

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|     | 027)  |  |   | - Jules C. James                             | means of a time-sharing for the purpose of changing the staying of persons and to supplement the provisions on monitoring of implementation of the Room tax Ordinance of Sint Maarten.  |   |
| 033 | Initiative National Ordinance amending the ordinance of protection of nature of St. Maarten of September 1, 2003 (AB 2003, no. 25) (Parliamentary Year 2012-2103-033) | 1. Presentation dated 11/04/13<br>2. Draft dated 11/04/13<br>3. Elucidation dated 11/04/13<br>4a. Advice Council of Advice dated 25/04/13  | Initiative takers must bring out reaction | - Frans G. Richards on<br>- Johan E. Leonard | This draft intends to impose a ban on importing, producing, providing, selling and distributing plastic disposable bags as well as amending some terms in the national ordinance.   |   |
| 037 | Initiative Ordinance establishing a Timeshare Authority (Sint Maarten Timeshare Authority Ordinance) (Parliamentary Year 2013-2104-037)                               | 1. Presentation dated 08/01/14<br>2. Draft dated 08/01/14<br>3. Elucidation dated 08/01/14<br>4a. Advice Council of Advice dated 03/07/14<br>4b. Reaction dated 21/06/16<br>5. Final report dated 31/08/16<br>6. Memorandum in response of report dated 14/02/17 | Currently in Public Meeting               | - Petrus L. de Weever                        | This draft aims to ensure the maintenance of consumer protection in timeshare and to ensure the effective settlement of conflicts between stakeholders, to entrust these tasks to a public body to be set up by a national ordinance.   | This draft has been taken over by Sarah A. Wescot-Williams. |
| 062 | National Ordinance amending the National Ordinance on Administrative Justice (Parliamentary Year 2014-2015-062)**   | 1. Presentation dated 02/04/15<br>2. Draft dated 02/04/15<br>3. Elucidation dated 02/04/15<br>Attachment. Advice Council of Advice dated 02/04/15<br>4. Final report dated 02/04/15  | Parliament must bring out a report        | Government                                   | Parliament NA number 3703<br><br>This draft intends in accordance with article 42, third and fourth paragraphs of the Cooperation Agreement Netherlands Antilles and Aruba, article 103 of the Constitution of the Netherlands Antilles, and in order to promote the effectiveness and effectiveness of |   |

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|     |   |   |  |                         | administrative case law, to change on some points the National Ordinance administrative case-law.   |  |
| 064 | National Ordinance establishing rules on media policy (Media National Ordinance) (Parliamentary Year 2014-2015-064)**       | 1. Presentation dated 02/04/15<br>2. Draft dated 02/04/15<br>3. Elucidation dated 02/04/15<br>Attachment. Advice Council of Advice dated 02/04/15<br>4. Preliminary report dated 02/04/15 | Parliament must bring out a report       | Government              | Parliament NA number 3222<br><br>This draft intends to secure the separation of regulations in the area of media and telecommunication policies, laying down detailed rules for media policy on the basis of sobriety and flexibility, setting up a Media Council and laying down detailed rules on the administrative enforcement of the media policy obligations. |  |
| 072 | Initiative National Ordinance amending the National Ordinance on Admission and Expulsion (Parliamentary Year 2014-2015-072) | 1. Presentation dated 05/06/15<br>2. Draft dated 05/06/15<br>3. Elucidation dated 05/06/15<br>4a. Advice Council of Advice dated 28/07/15<br>4b. Reaction dated 08/02/16                  | Parliament must bring out a report       | - Maurice A. Lake       | This draft intends to charge for the processing of applications for permits for temporary residence or stay and any other statements.   |  |
| 073 | Initiative National Ordinance altering the National Ordinance restriction tobacco use (Parliamentary Year 2014-2015-073)    | 1. Presentation dated 08/06/15<br>2. Draft dated 08/06/15<br>3. Elucidation dated 08/06/15<br>4a. Advice Council of Advice dated 31/08/15   | Initiative taker must bring out reaction | - Van Hugh C. de Weever | This draft aims to expand the National Ordinance to restrict the use of tobacco with the prohibition of using tobacco products in publicly accessible rooms, work spaces and public transport as well as to impose a fine in this national ordinance.   |  |
| 075 | Initiative National Ordinance   | 1. Presentation dated 22/07/15<br>2. Draft dated 22/07/15   | Parliament must                          | - Silveria E.           | This draft aims to establish rules to   |  |

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|     | amending article 50 paragraph 2 of the License Ordinance (National Ordinance adaptation age sales of alcohol Permit Ordinance) (Parliamentary Year 2014-2015-075)                                    | 3. Elucidation dated 22/07/15<br>4a. Advice Council of Advice dated 04/11/15<br>4b. Reaction dated 12/12/16                               | bring out a report                       | Jacobs                  | restrict the use of alcoholic beverages by juveniles and to align the content of the License National Ordinance with the content of the Penal Code.   |  |
| 076 | Initiative National Ordinance amending the Electoral Ordinance and the National Ordinance basic personal records (Parliamentary Year 2014-2015-076)  | 1. Presentation dated 12/08/15<br>2. Draft dated 12/08/15<br>3. Elucidation dated 12/08/15<br>4a. Advice Council of Advice dated 26/11/15 | Initiative taker must bring out reaction | - Leona M. Marlin-Romeo | This draft intends to amend the Electoral Ordinance and the National Ordinance basic personal records, in order to extend the right to vote with certain groups of non-residents and to tighten up the procedures regarding voting rights and the basic administration of Sint Maarten.   |  |
| 078 | Initiative National Ordinance for setting up the Small Claims Court Sint Maarten (Parliamentary Year 2014-2015-078)  | 1. Presentation dated 19/08/15<br>2. Draft dated 19/08/15<br>3. Elucidation dated 19/08/15<br>4a. Advice Council of Advice dated 26/11/15 | Initiative taker must bring out reaction | - Leona M. Marlin-Romeo | This draft intends to lay down detailed rules regarding the setting and manner of proceedings in cases with claims representing a value of Naf 5.000, - or less, interest and costs not included.   |  |
| 079 | Initiative National Ordinance amending the cinema Regulation in connection with the amendment of the duties, composition, tenure and other changes to the vetting (Parliamentary Year 2014-2015-079) | 1. Presentation dated 19/08/15<br>2. Draft dated 19/08/15<br>3. Elucidation dated 19/08/15<br>4a. Advice Council of Advice dated 04/11/15 | Initiative taker must bring out reaction | - Tamara E. Leonard     | This draft aims to modernize the Cinema Ordinance by altering the rights and composition and duration of the selection committee and placing the ultimate responsibility for bringing children under the age of 18 to a film found by the committee as being inadmissible for children by the parents or guardians of these children. |  |

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| 082 | National Ordinance amending the Civil Code and some other national ordinances relating to the replacement of the seventh title A of Book 7A with a new Title 10 of Book 7 regulatory requirements for employment (Parliamentary Year 2015-2016-082) | <p>1. Presentation dated 02/12/15<br/> 2. Draft dated 02/12/15<br/> 3. Elucidation dated 02/12/15<br/> 4a. Advice Council of Advice dated 02/12/15<br/> 4b. Further report dated 02/12/15<br/> 5. Final report dated 17/08/17<br/> 6. Memorandum in response of report dated 04/12/17<br/> 7. Amendment Member S.A. Wescot-Williams dated 05/12/17<br/> 8. Amendment Member T.E. Leonard dated 05/12/17</p> <p><i>(This draft was actually received on November 13, 2015. However, the presentation (No. 1) was missing and the file was returned to the Government. On December 2, Parliament received the full draft again).</i></p> | Currently in Public meeting              | Government                 | This draft intends to introduce new rules on employment contracts, replacing the seventh Title A of Book 7A of the Civil Code with a new Title 10, entitled Labor Agreement, in Book 7 of that Code. |
| 084 | National Ordinance amending the National Ordinance Spatial Development Plan in connection with the reintroduction of article 28a (Parliamentary Year 2015-2016-084)   | <p>1. Presentation dated 14/01/16<br/> 2. Draft dated 14/01/16<br/> 3. Elucidation dated 14/01/16<br/> 4a. Advice Council of Advice dated 14/01/16<br/> 4b. Further report dated 14/01/16<br/> 5. Final report dated 18/04/16<br/> 6. Memorandum in response of the report dated 17/05/16</p>  | Currently in Public meeting              | Government                 | This draft intends to reaffirm article 28a of the National Ordinance Spatial Development Planning in the interests of proper spatial planning and the protection of future destinations.             |
| 085 | Initiative National Ordinance containing rules regarding the integrity of the (candidate) Ministers (National Ordinance integrity (candidate) Ministers) (Parliamentary Year 2015-2016-085)   | <p>1. Presentation dated 20/01/16<br/> 2. Draft dated 20/01/16<br/> 3. Elucidation dated 20/01/16<br/> 4a. Advice Council of Advice dated 20/01/16</p>   | Initiative taker must bring out reaction | - Van Hugh C. de Weever    | This draft aims to provide transparency regarding the procedures followed in the assessment of candidate ministers before making a nomination.   |
| 088 | Initiative National Ordinance amending the Constitution (AB 2010 no. GT 1) to expand the tasks of the Constitutional Court and adaptation to the  | <p>1. Presentation dated 18/07/16<br/> 2. Draft dated 18/07/16<br/> 3. Elucidation dated 18/07/16<br/> 4a. Advice Council of Advice dated 26/10/16</p>   | Initiative taker must bring out reaction | - Sarah A. Wescot-Williams | This draft intends to expand the tasks of the Constitutional Court and to implement some legislative improvements in the Constitution and the National Ordinance                                     |

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|     | National Ordinance Constitutional Court (AB 2010 GT no. 29) and the National Ordinance Ombudsman (AB 2010 GT no. 20) in connection with the amendment of the Constitution (Parliamentary Year 2015-2016-088) |  |                                    |            | Ombudsman.   |  |
| 097 | National Ordinance amending the Constitution for expanding the circle of voters of Parliament (Parliamentary Year 2016-2017-097)   | 1. Presentation dated 21/09/16<br>2. Draft dated 21/09/16<br>3. Elucidation dated 21/09/16<br>4a. Advice Council of Advice dated 21/09/16<br>4b. Further report dated 21/09/16 | Parliament must bring out a report | Government | This draft intends to expand the circle of voters for the elections for the Parliament.  |  |
| 106 | National ordinance to amend the General National Ordinance Land Taxes in connection with international obligations (Parliamentary Year 2017-2018-106)  | 1. Presentation dated 23/02/18<br>2. Draft dated 23/02/18<br>3. Elucidation dated 23/02/18<br>4a. Advice Council of Advice dated 23/02/18<br>4b. Further report dated 23/02/18 | Parliament must bring out a report | Government | This draft intends to open the legal possibility to oblige the taxpayers to submit tax information automatically to the Inspector annually in order to comply with Sint Maarten's obligation to automatically exchange tax information in 2018 with countries that are in the context of the Common Reporting Standard exchange information. |  |
| 107 | National Ordinance stipulating the Budget for Country Sint Maarten for the service year 2018 (National Ordinance Budget 2018) (Parliamentary Year 2017-2018-107)   | 1. Presentation dated 21/04/18<br>2. Draft dated 21/04/18<br>3. Elucidation dated 21/04/18<br>4a. Advice Council of Advice dated 21/04/18<br>4b. Further report dated 21/04/18 | Parliament must bring out a report | Government | This draft aims to, in accordance with article 100, paragraph 1, of the Constitution of Sint Maarten, to establish the budget of the country for the service year 2018 and if necessary to grant this national ordinance retroactive effect until January 1, 2018.   |  |

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| 108 | National Ordinance amending the National Ordinance 2017 budget in connection with changes to the Capital Service (Parliamentary Year 2016-2017-108) | 1. Presentation dated 21/04/18<br>2. Draft dated 21/04/18<br>3. Elucidation dated 21/04/18<br>4a. Advice Council of Advice dated 21/04/18<br>4b. Further report dated 21/04/18 | Parliament must bring out a report | Government | This draft intends to amend the National Ordinance Budget 2017 as a result of the decision of the Kingdom Council of Ministers to provide the necessary liquidity support in the form of a new loan and the conversion of an existing loan. |  |
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\*From these drafts (certain) documents are missing in the archives.

\*\*These drafts of Dutch-Antillean origin were taken over based on additional Article IV of the Constitution by the Parliament of Sint Maarten.