

# COMMONWEALTH

# REGISTER

### COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995

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## Department of Vinance

Office of the Director Commonwealth of the Northern Mariana Islands P.O. Box 5234 CHRB Saipan, MP 96950

Cable Address Gov. NMI Saipan Phone: 664-1100 Facsimile: 664-1115

March 15, 1995

PUBLIC NOTICE

#### DEPARTMENT OF FINANCE

#### PROPOSED RULES AND REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATION NO. 2400

The Secretary of the Department of Finance hereby provides public notice of the Proposed Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands. The purpose of these regulations is to implement, interpret, prescribe and clarify the policies and procedures required to implement, license, regulate and supervise the operation of pachinko slot machines in the Commonwealth of the Northern Mariana Islands. These regulations are promulgated under the authority given to the Secretary of Finance by virtue of 1 CMC §2553, 1 CMC §2557, 4 CMC §1506(a), the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq, and pursuant to all other authority and directions set forth in the Commonwealth Code.

The proposed regulations are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Attorney General's Office.

Anyone interested in commenting on these regulations may do so in writing addressed to the Secretary of Finance, Commonwealth of the Northern Mariana Islands, P.O. Box 5234 CHRB, Saipan, MP 96950, not later than thirty (30) days from the date of its publication in the Commonwealth Register.

Maria D Caliera Issued by: MARIA D. CABRERA Secretary of Finance Filed With: OFFICE OF THE GOVERNOR Filed and Recorded by: SOLEDAD B. SASAMOTO Registrar of Corporations

Date

Date

Date



# Department of Vinance

Office of the Director Commonwealth of the Northern Mariana Islands P.O. Box 5234 CHRB Saipan, MP 96950

Cable Address Gov. NMI Saipan Phone: 664-1100 Farsimile: 664-1115

MATSU 15, 1995

#### NUTISIAN PUPBLIKU

#### DIPATTAMENTON FINANCE

#### I MAPRUPOPONI SIHA NA REGULASION YAN AREKLAMENTO PUT MINANEHAN MAKINAN PACHINKO SLOT MACHINES GI HALOM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULASION NUMIRU 2400

I Sekretarian Dipattamenton Finance ginen este ha prubininiyi pupbliku nutisia put i Maprupoponi siha na Regulasion yan Areklamento put Minanehan Makinan Pachinko Slot Machines gi halom Commonwealth of the Northern Mariana Islands. I propositun este siha na regulasion i para u implementa, intetpeti, preskribi yan na klaru huyung i areklamento yan direksion nisisisariu para u ma'implenta, lisensia, maneha yan supervise i Minanehan Makinan Pachinko Slot Machines gi halom i Commonwealth of the Northern Mariana Islands. Este siha na Regulasion manma fatinas sigun gi aturidat ni mana'e i Sekretarian Finance ginen aturidat 1 CMC §2553, 1 CMC §2557, 4 CMC §1506(a), yan i Administrative Procedure Act, 1 CMC §9101 et seq., yan ginen todu ayu siha na aturidat yan direksion ni manggaige sigun gi Commonwealth Code.

I maprupoponi na regulasion manmapupblika huyong gi Commonwealth Register, ya hayi interesao na petsona siña ha manule kopia ginen i Ofisinan Attorney General.

Hayi interesao mamatinas komentu put i maprupoponi siha na regulasion siña ha'ha tu'ge papa ya address guatu para i Secetary of Finance, Commonwealth of the Northern Mariana Islands, P. O. Box 5234, CHRB, Saipan, MP 96950, ti u mas di trenta (30) dias despues di malaknos este na nutisia gi halom Rehistran Commonwealth.

Linaknos:

maria D'Calerera

MARIA D. CABRERA Sekretarian Finance

SOLEDAD B. SASAMOTO

3/15/95

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## Department of Vinance

Office of the Director Commonwealth of the Northern Mariana Islands P.O. Box 5234 CHRB Saipan, MP 96950

Cable Address Gov. NMI Saipan Phone: 664-1100 Farsimile: 664-1115

#### CERTIFICATION

#### DEPARTMENT OF FINANCE

#### PROPOSED RULES AND REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATION NO. 2400

I, Maria D. Cabrera, the Secretary of the Department of Finance who is publishing these Proposed Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands, Regulation No. 2400, by signature below hereby certifies that the Proposed Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands, Regulation No. 2400 is a true, correct, and complete copy of the regulations proposed by the Department of Finance. I further request and direct that this certification and the Proposed Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands, Regulation No. 2400 be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the  $\cancel{5^{\prime}}$  day of March, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

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MARIA D. CABRERA, Secretary of Finance



## Department of Vinance

Office of the Director Commonwealth of the Northern Mariana Islands P.O. Box 5234 CHRB Saipan, MP 96950

Cable Address Gov. NMI Saipan Phone: 664-1100 Farsimile: 664-1115

#### RULES AND REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Section 2400.1 <u>Rule Making Authority</u> The Rules and Regulations hereinafter set forth, and from time to time amended, are promulgated pursuant to the authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1506(a), and the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq.

Section 2400.2 Introduction and Purpose. The Rules and Regulations are herein set forth, and from time to time amended, are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement, license, regulate and supervise the operation of pachinko slot machines in the Commonwealth of the Northern Mariana Islands. Where permissible or appropriate, these Rules and Regulations shall have the force of law. These Rules and Regulations are subject to continuing review and modification and may be amended, modified, or repealed as deemed appropriate by the Secretary of Finance.

**Section 2400.3** <u>Definitions</u> For purposes of these pachinko slot machine Rules and Regulations, unless otherwise specifically expressed:

"Beneficial Interest" in an organization means an (a) interest held by a person directly or indirectly: (1) that entitles such person to control, directly or indirectly, such organization; or (2) which permits a person to share in any income or profit earned from a licensed pachinko slot machine; or (3) which constitutes more than five percent (5%) of the shares of voting stock or other voting securities which control or regulate the operation of the organization; or (4) that entitles such person to more than five percent (5%) of earnings and profits or distributions of such the organization; or (5) that entitles such person to five percent (5%) or more of the assets of such corporation upon the liquidation or dissolution of such organization; or (6) from which such person receives or is legally entitled to receive over a period of time, interest payments, dividends, or other

payments totalling more than Five Thousand Dollars (\$5,000.00), other than payments with respect to bonds, certificates of deposits, notes or other evidences of indebtedness which are generally offered to members of the public and for which such person paid a fair market value.

(b) "Bill or Token Acceptor" means a device that determines the validity of paper currency or official printed tickets that are inserted into the pachinko slot machine.

(c) "Chi-Squared Test" means a statistical test used to measure the randomness of a random number generator.

(d) "Coin Acceptor" means a device that determines the validity of a coin or token inserted into the pachinko slot machine.

(e) "CRC (Cyclical Redundancy Check)" means a commonly used method of checking the validity of stored memory.

(f) "Drop" means the total amount of coins, tokens, bills, or tickets removed from the drop box or for credit play, the amounts deducted from a player's game account as a result of machine play.

(g) "Drop Box" means a container in a locked portion of the machine or its cabinet used to collect the coins, tokens, bills, or tickets retained by the machine that is not used to make automatic payouts from the machine.

(h) "Hardware" means the physical components of the pachinko slot machine, or other related equipment.

(i) "Hit Frequency" means the ratio of games played to the number of winning outcomes.

(j) "Moral Turpitude" means a crime, whether a felony or misdemeanor, that involves illegal gambling, bookmaking, embezzlement, theft, bribery, use of controlled substance, corruption, abuse of a minor, contribution to the delinquency of a minor, or any other act or conduct that could or may impair a person's ability to perform his or her duties related to the supervision of the operation of a pachinko slot machine;

(k) "On-Line" means that the machine can be queried for information at any time by a remote monitoring device and information is gathered away from the machine.

(1) "Organization" means a corporation, partnership,

joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation, or other entity existing for any purpose.

(m) "Pachinko Slot Machine" means any electric or electromechanical device or contrivance which meets all of the following requirements:

#### (1) <u>General requirements</u>:

(i) a random number generator must be used to select any winning symbol combination for each game. The random number generator must have a minimum of 95% confidence level, using a chisquared test for goodness of fit;

(ii) the game must have three wheels. Each reel must contain 22 symbols or less;

(iii) the game must accept one to five U.S. quarters or an approved token having a value of one U.S. quarter (hereinafter "coins" or "tokens") per game. One token validates the centrally located positioned horizontal payline, while two tokens validate additional two lines, top and bottom. If three tokens are inserted, all five lines -- three horizontal lines and two diagonal lines -- become Each time a token is inserted, the valid. corresponding payline lamp(s) on the left side of the reel glass light up, indicating the number of tokens inserted. The game does not accept any more than three tokens. Therefore, a fourth token, if inserted, will be rejected and returned into the token tray located at the bottom of the machine;

(iv) the game must be able to count the number of coins paid out;

(v) the pay table must show all possible winning symbol combinations and their prizes;

(vi) the machine credit capacity must not exceed 99 credits. Any inserted coins exceeding the maximum capacity must be returned to the player;

(2) <u>Game Requirements</u>:

(i) the machine must have at least six payout levels selectable by the operator within the range

of 55 percent to 120 percent. Level 1 must show the lowest payout with other levels in ascending

(ii) winning prizes must not exceed 100 coins per coin wagered;

(iii) no two different wins shall be allowed to occur for any one play, except for Cherry (or equivalent) hits;

(iv) the minimum number of winning combinations shall be 10 percent of all possible combinations, while the maximum shall be 50 percent of all possible combinations. Any identical combinations, which may appear when more then one coin is played, shall be counted as one;

(v) the game shall have two sets of probability tables for regular plays: one set of low probability tables and one set of high probability tables. If the coin-in/out counter is used to determine the selection of the high probability tables or the low probability tables, the reflect point shall be between 0.35 and 0.9 for regular plays, and between 0.35 and 2.0 for regular plays in Big Bonus;

(vi) wins shall consist of small wins, Free Play, and a choice of up to three different kinds of bonuses: Single Bonus, Regular Bonus, and Big Bonus. When the random number generator selects Regular Bonus or Big Bonus, the machine will continue to search for these combinations until they are hit. This is referred to as "interflag mode". The interflag mode does not apply to small wins, Free Play, and Single Bonus;

> (A) Free Play. A prize for Free Play is one chance of play without inserting a token. No token will be paid out as a prize. Free Play must occur with the software probability of 1/7.3 or higher. The prize must be one free play where the wager is equal to that of the previous game;

> (B) The prize of Single Bonus shall be one bonus play that allows any defined payout with one coin wagered and is played only on the center payline. The Single Bonus prize

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order;

must be hit within the software probability range of 1/3 to 2.7/3;

(C) The prize of Regular Bonus shall be 12 games to hit any eight defined bonus payouts. The Regular Bonus mode shall end when one of the following conditions is met: (a) Eight bonuses are hit before 12 games are played; (b) 12 games are played before eight bonuses are hit. Each of the eight bonuses must be hit within the software probability range of 1/3 to 2.7/3;

(D) The prize of Big Bonus shall be 30 games to hit three Regular Bonuses. The Big Bonus mode shall end when one of the following conditions is met: (a) Three Regular Bonuses are hit before 30 games are played; (b) 30 games are played before three Regular Bonuses are hit. Each of the three Regular Bonuses must be hit within the software probability range of 1/10 to 9/10. The hitting probability must be constant regardless of the payout level and the number of coins wagered.

(vii) the number of coins paid out for Single Bonus, Regular Bonus, and Big Bonus hits must not exceed 70 percent of the total number of coins paid out for all winning hits;

(viii) the number of coins paid out for Regular Bonus and Big Bonus hits must not exceed 60 percent of the total number of coins paid out for all winnings hits.

#### (3) Function Requirements:

(i) the reels must start spinning when the start lever is pressed. All the reels must spin simultaneously with the speed of 80rpm or less. If the lever is pressed before 4.1 seconds pass after the previous lever activation, the reels must not spin until 4.1 seconds pass (the game requires 4.1 seconds to complete one play cycle);

(ii) upon actuation of a stop button, the corresponding reel must be stopped within 190m seconds. To stop the second reel, the minimum of 0.2 seconds are required before pressing the corresponding button after pressing the first one. No two reels may be stopped simultaneously; if tried, only one that is detected first will be valid. Only the stop button actuated first shall be valid;

(iii) the machine shall not accept coins after the start switch is actuated and until all the reels have stopped;

(iv) the machine may not allow any two plays within a time period of 4.1 seconds, which shall be measured at the moment of the start switch activation. If a second play is initiated before 4.1 seconds have elapsed, the play will be suspended until this cycle is complete;

(v) if the stop buttons are not activated, the reels must stop automatically after 30 seconds of spinning in the following order: the left reel, the center reel, and the right reel.

#### (4) <u>Hardware Requirements</u>:

(i) the "bet" button must be dedicated to wagering and may not be used for any other purpose;

(ii) the machine must have a key switch that allows selection of the payout level.

#### (5) <u>Machine Requirements</u>:

(i) the machine must have a minimum payout or payback percentage that can be mathematically demonstrated which must not be less than 75% over time;

(ii) each possible permutation or combination of game elements which produce winning or losing game outcomes must be available for random selection at the initiation of each play;

(iii) the selection process must not produce patterns of game elements detectable without the aid of special devices or knowledge or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play. The machine must display an accurate representation of the game outcome. After selection of the game outcome, the machine must not make a variable secondary decision which affects the outcome shown to the player;

(iv) the machine must not automatically alter pay-tables or any function of the device based on internal computation of the hold percentage;

(v) the machine must have a graphic display, the description of possible bets, denomination, winning combinations, amounts won for each winning combination, and prize count;

(vi) the machine must have a microprocessor, ROM (read only memory) to contain programs, RAM (random access memory), and a random number generator (hardware of software). These items must be enclosed in a key locked metal cabinet;

(vii) the machine must be compatible to online data monitoring;

(viii) the machine must store critical meters in redundant memory locations, using non-volatile RAM (with a five-year minimum life). These memory areas must be continually verified for data integrity;

(ix) the memory contents of the ROM(s) used in the machines must be verified internally using a CRC-based signature calculation method;

(x) the machine must have an independent locked access for bill or ticket drop.

(6) <u>Program Requirements</u>:

(i) the machine must be capable of automatically clearing the RAM (random access memory) if any error condition occurs;

(ii) the machine must be able to provide the following signals at a minimum:

- (A) Coin-in signals
- (B) Coin-out signals
- (C) Regular Bonus hit signals
- (D) Big Bonus hit signals

(iii) the machine must be capable of displaying the number of coins wagered, the number of coins credited, and the number of coins paid

out;

(iv) the machine must be capable of displaying the current payout level. This display shall be allowed only by the payout level key;

(v) the startup and reset procedures of each machine must detect 99.9% of any possible program failures;

(vi) each machine's program must not be alterable by the machine itself;

(vii) each machine must check for the corruption of its Random Access Memory (RAM);

(viii) each machine must be able to display most recent game and prior game history.

(7) <u>Coin Acceptors, Bill Acceptors, and Hoppers or</u> <u>Printers Requirements</u>:

(i) each machine's coin acceptor (if applicable) must be designed to accept approved coins or tokens and reject all others. In addition, each machine must use a metal composition type or token acceptor;

(ii) each machine must be designed to minimize known cheating methods;

(iii) printed tickets must contain the name and address of the operator, the amount of prizes to be awarded, date, and machine serial number or unique identification number;

(iv) Bill or ticket acceptors must have a separate locked area for bill drop;

(v) each machine, if equipped with a bill or ticket acceptor, must have a bill or ticket audit trail showing the last five bill or ticket transactions. The machine must also have the ability to account for bills or tickets by denomination.

(n) "Pachinko Slot Machine or Similar Amusement Machines" means a machine defined by §2400.3(m) of these Rules and Regulations. A "similar amusement machine" for purposes of P.L. 9-29 is a machine known by some other name which meets the definition of a pachinko slot machine in §2400.3(m) of these Rules and Regulations.

(o) "Payback Percentage" means the ratio of monetary units theoretically returned to players versus the monetary units wagered over time.

(p) "Person" includes an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, organization, or any other person acting in a fiduciary or representative capacity, or any combination of individuals. "Person" includes any department, commission, agency, or instrumentality of the Commonwealth, including any municipality or political subdivision and any agency or instrumentality thereof.

(q) "Progressive" means a machine with a jackpot amount that is increased by a predetermined amount as the game is played, with the jackpot amount exhibited at all times to the public.

(r) "RAM (Random Access Memory)" means an electronic device used for temporary storage of data that can be altered.

(s) "ROM (Read Only Memory)" means an electronic device to store program instructions or data that may not be altered.

(t) "Random Number Generator" means a hardware device or software program that is used to pick a number at random from a specified range of numbers and present it for use.

(u) "Skimming": the skimming of pachinko slot machine proceeds is the intentional exclusion, or the taking of any action in an attempt to exclude any money, proceeds or their value from the deposit, counting, collection, or computation of the gross revenue or net proceeds of the operation of a pachinko slot machine.

(v) "Software" means the programs or data used to control the machine.

(w) "Token" means a piece of metal or composite material approved by the Department of Finance for use in the operation of pachinko slot machines which represents a specific monetary value or a U.S. twenty-five cent piece, i.e., a quarter, as the context requires.

Section 2400.4. <u>Pachinko Slot Machines -- Applications</u>

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(a) All applications for a pachinko slot machine license must be submitted by the owner of the machine on the form prescribed by the Department of Finance and must contain --

(1) the statutorily required license fee attached to the application;

(2) the make, model, year, brand name, and serial number (or manufacturer identification number if serial number is not applicable) of each machine;

(3) the date each pachinko slot machine was imported into the CNMI and a copy of all required documents establishing that all excise taxes have been paid;

(4) the intended location (by building, village and island) of each machine;

(5) a color photograph of each machine while in operation with its screen illuminated;

(6) a notarized statement by the applicant of the machine:

(i) stating the payback percentage range of each machine on the average;

(ii) stating the hit frequency range of each machine on the average;

(iii) stating whether or not the payback percentage range in Section 2400.3(m)(5)(i) can be modified and to what extent;

(iv) stating that the machine to be licensed qualifies as a "pachinko slot machine" pursuant to Section 2400.3(m) or Section 2400.3(n) of these Rules and Regulations.

(7) the name, address, telephone number, and signature of the owner of the machine and of any person or organization holding a beneficial interest in the owner of the machine;

(8) a photocopy of the applicant's identification or passport, and a copy of the applicant's criminal history issued by the proper authorities;

(9) a copy of the corporation's by-laws, if

applicable;

(10) the most recent financial statement;

(11) a memorandum explaining the applicant's business experience, human and technical resources of the applicant(s);

(12) social security number and tax identification number of the owner;

(13) a letter of compliance issued by the Division of Revenue and Taxation proving the applicant is not delinquent in payment of taxes;

(14) all other information required by the Department of Finance;

(15) a statement under penalty of perjury that all information related to the application is true and correct.

(b) All applications must be submitted by the owner of the machine to the Secretary, Department of Finance.

(c) The Department of Finance may prescribe a different application form for renewal of a pachinko slot machine which may require the same, more, or less information than that required in an initial application.

(d) Upon written request by an applicant and written approval by the Secretary of Finance, the Secretary may authorize an applicant to omit certain information from an application if the information is not available to the applicant provided such information is provided to the Secretary on or before the date prescribed by the Secretary.

#### Section 2400.5 <u>Renewal of Licenses</u>

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(a) Pachinko slot machine licenses must be renewed annually on or before December 31 of the year preceding the year for which the renewal application is submitted. All applications for renewal of a pachinko slot machine license shall be submitted no sooner than sixty (60) days before expiration of such license and must be submitted no later than thirty (30) days before the expiration of such license.

(b) The application procedure for renewal of a pachinko slot machine license is pursuant to Section 2400.4 of these

Rules and Regulations as specified therein.

(c) Except as indicated otherwise, the rules and procedures pertaining to the renewal of a pachinko slot machine license shall be the same as those pertaining to the original license issued.

#### Section 2400.6 <u>Distribution and Allocation of Pachinko</u> Slot Machine Licenses

Pursuant to Pub. L. 9-29, the total number of (a) pachinko licenses to be issued shall not exceed 500 for the Third Senatorial and 200 each for the First and Second To the extent that the total number of Senatorial Districts. licenses requested in a Senatorial District received on or before the application submission deadline date specified in §2400.6(b)(1) do not exceed that allowed to be issued by law, licenses shall be distributed and issued pursuant to §2400.6(d) of these Rules and Regulations. To the extent that the total number of licenses requested in a Senatorial District received on or before the application submission deadline date specified in §2400.6(b)(1) do exceed that allowed to be issued by law, the licenses shall be distributed and issued pursuant to §2400.6(c) of these Rules and Regulations.

#### (b) Application Deadline and Procedure.

(1) All applications for issuance of a pachinko slot machine must be submitted to the Department of Finance no earlier than the effective date of these Rules and Regulations pursuant to the Administrative Procedure Act and no later than ten (10) days after the effective date of these Rules and Regulations pursuant to the Administrative Procedure Act in the form prescribed by §2400.4 of these Rules and Regulations.

(i) Applications submitted after the application deadline date specified in Section 2400.6(b)(1) will be considered untimely, will not be accepted, and will not be eligible for issuance of a pachinko slot machine license.

(ii) Applications submitted prior to the application deadline date specified in Section 2400.6(b)(1), in any manner and in any form, are not deemed applications pursuant to these Rules and Regulations.

(2)All applications shall be submitted pursuant to the procedures outlined in Section 2400.4 of these Rules and Regulations on the form prescribed by the Department of Finance. All applications not submitted in the proper form or not containing all required information (except as provided in §2400.4(d)) shall not be considered by the Department and will be returned to the applicant. Any resubmission of applications must be done prior to the deadline date specified in Section 2400.6(b)(1), unless the Secretary of Finance grants a reasonable extension of time which would not conflict with the intent or purpose of these Rules and Regulations.

(3) All applications must be accompanied by the license fee due as specified under the law. The total license fee must be submitted in the form of cash, certified check, or cashier's check. The Department of Finance will not accept personal checks, business checks, or any other form of compensation for the license fee. All applications submitted without the total license fee in the proper mode of payment will not be considered by the Department and will be returned to the applicant. Any resubmission of applications must be done prior to the deadline date specified in Section 2400.6(b)(1) unless the Secretary of above, Finance grants a reasonable extension of time which would not conflict with the intent or purpose of these Rules and Regulations.

(i) If the pachinko slot machine annual license fee is increased by law prior to the distribution of licenses specified in §2400.6(c), each applicant who has submitted an application on or before the application deadline date specified in §2400.6(b)(1) must submit the additional license fee prior to the time of the distribution of licenses specified in §2400.6(c) in the mode of payment specified in these Rules and Regulations in order to be eligible to receive licenses pursuant to this section.

(4) Upon receipt of an application for a pachinko slot machine license, the Department of Finance may visit the premises designated in the application and determine that the information contained in the application is true and correct.

(c) <u>Procedure for Distribution of Licenses -- Excessive</u> <u>Applications</u>. Pachinko slot machine licenses shall be distributed and issued pursuant to §2400.6(c) in instances in which the number of licenses requested in a Senatorial District exceed the amount allowed to be issued under law in that Senatorial District. Licenses shall be distributed and issued pursuant to the following procedure:

(1) Applications must be timely submitted in the proper form prescribed by these Rules and Regulations.

(2) The Secretary of Finance will determine the names and number of all applicants. Licenses will be equally distributed among the number of applicants who apply on or before the application deadline date specified in §2400.6(b) (1) of these Rules and Regulations to the extent of 1/2 of the authorized number of licenses to be issued in that Senatorial District.

By way of illustration only -- if the Senatorial District is permitted 200 pachinko slot machine licenses, one-half or 100 of those licenses shall be distributed pursuant to this subsection. If there are 20 persons who apply for such licenses, each person shall be awarded 5 pachinko slot machine licenses pursuant to this subsection.

Any license to be distributed to an applicant eligible to receive licenses under 2400.6(c)(2) which is in excess of the number of licenses requested by the applicant in its application shall be distributed pursuant to 2400.6(c)(3) of these Rules and Regulations.

(3) All licenses not distributed pursuant to \$2400.6(c)(2) above, shall be distributed in a public lottery to be conducted within twenty (30) days after the application deadline date specified in \$2400.6(b)(1). The lottery will be held in a place and at the time specified by the Secretary of Finance and will be open to the public.

(i) At least ten (10) days prior to the date the lottery is to be conducted, the Secretary of Finance shall conduct a public meeting at a time and place specified by the Secretary of Finance for the purpose of discussing the procedure to be followed for the issuance of licenses pursuant §2400.6(c);

(ii) Prior to the lottery being held, the

Secretary of Finance will determine the names and number of applicants. The name of each applicant will then be placed in a lottery pool. The maximum number of licenses an applicant can be eligible to receive pursuant to the lottery is 50. As each name is drawn from the lottery pool, applicants will be entitled to the lesser of 50 pachinko machine licenses or the amount for which the applicant has applied less the amount distributed under §2400.6(c)(2). As a name is drawn, it will not be replaced in the lottery pool but will be removed and will be ineligible to receive any additional licenses in the lottery. The lottery will continue until the quota of pachinko machine licenses has been reached in that particular Senatorial District;

(iii) The Secretary of Finance is permitted to adopt any necessary rule which does not conflict with these Rules and Regulations which is necessary for the administration and distribution of licenses distributed pursuant §2400.6(c). All such rules adopted shall be placed in writing and submitted to each license applicant.

(4) Issuance of License and Eligibility. Upon becoming eligible to receive pachinko slot machine licenses under the provisions of this §2400.6(c)(1) or (2), the Department of Finance will issue licenses pursuant to the following procedures:

(i) the Department of Finance may visit the premises designated in the application and certify that the information contained in the application is true and correct and that the machines and applicants are in full compliance with these Rules and Regulations;

(ii) the Department of Finance will review all applications and supporting documents to ensure full compliance with these Rules and Regulations;

(iii) If the application meets all requirements, a license will be issued within 60 days from the date of the lottery. Said license shall be in writing and must be posted on the premises where the machine is located in such a manner as will be visible to the public.

(5) An application for initial license may be

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denied as specified under §2400.23 of these Rules and Regulations.

(6) Before a license is issued, all charges, taxes and fees relating to pachinko slot machines must be fully paid, including applicable penalty and interest charges.

(7) All pachinko slot machines imported into the Commonwealth for commercial use must be properly identified pursuant to §2400.11 of these Rules and Regulations. Pachinko slot machines not properly identified shall not be issued a license.

(8) Within thirty (30) days from the date of the lottery, all applicants not receiving the full amount of licenses requested shall be refunded any license fees paid on licenses not received.

(d) <u>Procedure for Distribution of Licenses -- Non-Excessive Applications</u>. Pachinko slot machine licenses shall be distributed and issued pursuant to §2400.6(d) in instances in which the number of licenses requested in a Senatorial District do not exceed the amount allowed to be issued under law in that Senatorial District. Licenses shall be issued as follows:

(1) Applications. Applications must be timely submitted in the proper form prescribed by these Rules and Regulations.

(2) Issuance of License and Eligibility. Upon receipt of an application for a pachinko slot machine license:

(i) the Department of Finance may visit the premises designated in the application and certify that the information contained in the application is true and correct and that the machines and applicants are in full compliance with these Rules and Regulations;

(ii) the Department of Finance will review all applications and supporting documents to ensure full compliance with these Rules and Regulations;

(iii) If the application meets all requirements, a license will be issued within 60 days from the application deadline date specified in §2400.6(b)(1). Said license shall be in writing and must be posted on the premises where the machine is located in such a manner as will be visible to the public.

(3) An application for initial license may be denied as specified in §2400.23 of these Rules and Regulations.

(4) Before a license is issued, all charges, taxes and fees relating to pachinko slot machines must be fully paid, including applicable penalty and interest charges.

(5) All pachinko slot machines imported into the Commonwealth for commercial use must be properly identified pursuant to §2400.11 of these Rules and Regulations. Pachinko slot machines not properly identified shall not be issued a license.

(6) Untimely Applications. All licenses requested pursuant to original applications (other than renewals) received after the application deadline date specified in  $\S2400.6$  (b) (1) shall be distributed on a first come, first serve basis pursuant to \$2400.6 (d) (1) - (5).

(7) If the pachinko slot machine annual license fee is increased by law on or prior to the application deadline date specified in §2400.6(b)(1) of these Rules and Regulations, each applicant must submit the additional license fee in the mode of payment specified in these Rules and Regulations in order to be eligible to receive licenses pursuant to this section.

(e) If after the issuance or adoption of these Rules and Regulations, the restrictions on the number of pachinko slot machine licenses are removed by law so that there is no limit on the number of pachinko slot machine licenses that may be issued, the procedure for the issuance and distribution of pachinko slot machine licenses shall be pursuant to Subsection (d) of this Section. However, if such occurs, licenses must be issued within sixty (60) days of the later of [1] the date such bill is signed into law or [2] the date the application is submitted.

Section 2400.7 <u>Reserved</u>

Section 2400.8 Reserved

Section 2400.9 Tags

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(a) Licensed pachinko slot machines must bear a numbered tag on the top right-hand corner of the screen or viewing window or scoreboard; or for those machines without viewing window, screen or scoreboard, the area designated by the Secretary of Finance. This tag may be removed only by the Department of Finance. A second identical tag shall be placed inside the pachinko slot machine.

(b) No pachinko slot machine may be operated unless it has a valid tag affixed to its cabinet. No tag can be transferred from one machine to another. A replacement tag will be issued and a fee of \$25 will be charged and collected for each new tag. The pachinko slot machine owner shall report to the Department of Finance whenever a tag is lost or defaced, and that lost or defaced tag will be promptly replaced by the Department of Finance after the Department verifies the tag number from the identifying tag inside the machine and a replacement fee of \$25 is paid to the Department of Finance.

#### Section 2400.10 <u>Transfer of Tag and License</u>.

(a) No pachinko slot machine license tag may be transferred from a defective or malfunctioning machine to an operative machine without the written approval of the Secretary of Finance.

(b) Reserved.

#### Section 2400.11 Identification of Machines.

(a) All pachinko slot machines must bear a visible, engraved identification plate which contains the following information:

- (1) name of the manufacturer;
- (2) serial number;
- (3) model number;
- (4) manufacturer's commercial name.

(b) Until such time as the Division of Customs, Department of Finance, Commonwealth of the Northern Mariana Islands adopts regulations for pachinko slot machines, all pachinko slot machines imported into the CNMI must be processed by the Division of Customs pursuant to the procedures utilized by the Division of Customs for the

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processing of poker machines. Among those requirements are that the machine must contain an engraved identification plate with all information required in this Section.

#### Section 2400.12 <u>Security Requirements</u>.

(a) All pachinko slot machines must comply with the following security requirements in order to be issued a pachinko slot machine license:

(1) the door may not be opened without a key;

(2) the power switch and the payout level key switch must be located inside the cabinet;

(3) the processor board must be enclosed in a transparent plastic case;

(4) any errors or malfunctions must be displayed by error codes on the machine. The errors must be cleared by an attendant;

(5) the mechanism to accept coins must be capable of detecting a valid coin and rejecting all others. The mechanism must signal an error if any invalid condition is detected;

(6) the machine must resist forced or illegal entry and must retain evidence of any entry until properly cleared or until a new play is initiated;

(7) each machine must be capable of detecting and displaying hopper failure to make payment, defective RAM, program error, hopper runaway or extra coin(s) paid out, reverse coin-in, and low battery (RAM backup). These errors must be cleared by an attendant;

(8) each machine must be capable of detecting and displaying coin-in error, coin-out error, and reel-spin error, if applicable. These errors may be automatically cleared if there is no effect to the player;

(9) any malfunction of the machine must void all pays and plays for that game and must be clearly marked on the machine;

(10) each machine must have a system of lights or sound to notify the operator of a machine door open, hopper empty, printer problems, and call button (customer service);

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(11) each machine must indicate that a coin has been accepted. Manual payouts must have a system to call the operator (lights or sound) and must be able to block coins-in until the operator has reset the machine;

(12) electronic meters must be preserved for a minimum of 5 years in case of power off condition. A machine must be able to complete its cycle and complete all pays owed to the player in the event of a power interruption, once the power has been restored to its proper level;

(13) each machine must have a tamper evidence seal placed over the ROM and socket containing it.

#### Section 2400.13 <u>Accounting Requirements</u>.

(a) All owners of pachinko slot machines must place a meter inside each pachinko slot machine for recording the number of coins inserted into the machine.

(b) Such meter is to be read each time the machine is opened for fills and withdrawals. Each reading must be kept as a permanent accounting record of all pachinko slot machine businesses.

(c) Each machine must have the following meters:

(1) electronically stored meters that can be read by the attendant without opening the machine door;

(2) electronically stored meters of at least 6 digits in length, that are stored in memory and register token/coin-in, token/coin-out or credits paid, and token/coin to drop.

(d) An entry must be made each time the door to the machine is opened noting the following information:

(1) date;

(2) purpose of opening the door;

(3) initials, signature, or control number of person opening door;

(4) time door was opened;

(5) time door was closed.

Such documentation must be kept inside the machine at all times.

#### Section 2400.14 <u>Safety Requirements</u>.

#### (a) <u>Electrical Immunity Requirements</u>

(1) Each machine must be totally immune to human electrostatic discharge (up to 20,000 volts DC).

(2) Each machine must completely recover from 20,000-27,000 volt DC discharges, without any data or video corruption.

(3) The random number generator of each machine must be totally immune to all outside interference.

#### (b) Other Safety Requirements

(1) Each machine shall be manufactured in a way as not to present any electrical, mechanical or fire hazard.

(2) Each machine must comply with all electrical standards, industrial codes, and safety standards set prescribed by law.

(3) Each machine must be properly fused or protected by circuit breakers.

#### Section 2400.15 Reserved

Section 2400.16 <u>Movement of Machines</u>. Before any pachinko slot machine can be relocated from one building or business location to another, the licensee of the machine must first submit a written request to the Secretary of Finance. The request must be signed by the person who is the licensee of the pachinko slot machine in question under penalty of perjury. The request must include the following information:

(a) present location of the pachinko slot machine to be moved;

(b) the intended location of the pachinko slot machine to be moved;

(c) the serial number and the CNMI tag number of such machine.

(d) all other information requested by the Department of Finance.

The Secretary of Finance must act on the relocation request within 10 working days after receipt of such request. If any pachinko slot machine is found to have been moved without prior written approval from the Secretary of Finance, the person who is the licensee of such machine shall have his license to operate any pachinko slot machines suspended for no less than 30 days and not more than 180 days.

Section 2400.17 <u>Notification of Machine Location</u> Within 30 days after the receipt of a pachinko slot machine license pursuant to these Rules and Regulations, each person who is the licensee shall give written notice to the Department of Finance of the location, by building, village and island of each of its licensed pachinko slot machines.

#### Section 2400.18 <u>Separate Room and Minors</u>.

(a) Pachinko slot machines operated in an establishment at which any other business is carried on shall be segregated from the other business area(s) of the establishment by a wall or barrier from floor to ceiling, creating a completely separate room. Pachinko slot machines may be operated in a segregated room which contains poker machines to the extent allowed by law. Pachinko slot machines may be operated in hotel or motel lobbies without a wall or barrier.

(b) Only persons 18 years of age or older shall be allowed entry into the pachinko slot machine room. Every person who is a licensee is responsible for ensuring that only those authorized by law are permitted to enter the segregated room and are permitted to operate a pachinko slot machine. A sign must be visibly displayed on the outside of the separate room or the establishment if no separate room is required at the entrance which reads "No Person Under 18 Years Old Allowed".

Section 2400.19 <u>Location</u>. Pachinko slot machines may be operated only in locations authorized by law.

Section 2400.20 Inspection of Machines. The Secretary of

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Finance or his designee has an absolute right at all times to open, inspect, and test any pachinko slot machine to determine compliance with these Rules and Regulations and/or applicable law. This right of inspection includes, but is not limited to, the right to remove any pachinko slot machine, or any components thereof, from the premises where the machine is being operated.

#### Section 2400.21 Reserved.

Section 2400.22 <u>Other Reporting Requirements</u>. Persons who are the licensees of pachinko slot machines must strictly adhere to all reporting requirements under the tax laws of the Commonwealth of the Northern Mariana Islands, including the filing of information returns and payments of taxes. Failure to comply will be grounds for suspension or revocation of an existing pachinko slot machine license or for denying an application for renewal of a pachinko slot machine license.

**Section 2400.23** <u>Violation</u> The receipt of a CNMI Pachinko Slot Machine License is a privilege not a right. However, any such license once issued is revocable only for cause.

(a) The Secretary of Finance may grant or deny an application for a license or revoke a license issued on any one or more of the factors herein listed:

(1) The financial responsibility and security of the applicant and the business or activity in which the applicant is engaged. Consideration of this factor may include the analysis of the applicant's credit record, compliance with tax laws or this or other jurisdictions, status of other permits and licenses, results of a criminal background investigation, adequacy of security procedures against theft, the type of construction of the applicant's facility and whether the location is fixed and permanent, whether the applicant can provide appropriate security, and any other factor that may assist the Secretary of Finance in such evaluation; or

(2) The location of, and public accessibility to, the applicant's place of business or activity. Consideration of this factor may include analysis of the applicant's hours of operation, proximity to major transit routes, proximity to large employers, public parking availability, and any other factor that may assist the Secretary of Finance in such evaluation; or

(3) the applicant has been convicted of a felony,

or criminal fraud, or gambling or a gambling-related offense, or any felony or misdemeanor involving moral turpitude, if less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense; or

(4) the applicant is or has been a professional gambler. A "professional gambler" is a person whose profession is, or whose major source of income derives from, playing games of chance for profit; or

(5) the applicant is delinquent in the payment of any Commonwealth tax, duty, fee or similar charge or any other debt due the Commonwealth at any time after the application is filed but before the Department of Finance acts to grant or deny the license; or

(6) the applicant has a spouse, child, parent, parent-in-law, or spouse's child who is a person described in paragraph (3), (4), or (5) of this subsection; or

(7) the applicant has violated the Pachinko Slot Machine Act or a Rule or Regulation adopted pursuant to the Pachinko Slot Machine Act; or

(8) the applicant is not an individual, but an individual described in one or more of paragraphs (3) (7) of this section holds a beneficial interest in the applicant; or

(9) the applicant provided false or misleading information on the application form, or failed to provide information required as part of the application or evaluation process; or

(10) the applicant failed to cooperate or to provide any additional or supplemental information which the Secretary of Finance deems necessary in order to determine whether the applicant is suitable to hold a license; or

(11) the applicant operates any pachinko slot machine without a license; or

(12) the applicant fails to comply with any other factor that is or may be helpful in determining whether the applicant's experience, character, and general fitness are such that the licensing of the person to operate a pachinko slot machine will not detract from the integrity, security, honesty, or fairness of the operation of the pachinko slot machine business. An example of the type of factor considered in this regard is the analysis of the type of product currently sold or form of service currently provided or other business activity currently conducted by the applicant.

(b) Pachinko slot machines operating in violation of law or these Rules and Regulations shall be dealt with in accordance with the applicable CNMI laws. If a pachinko slot machine is found not to be in compliance with the requirements of these Rules and Regulations, the person who is the licensee of such machine will have his license to operate pachinko slot machines suspended until compliance with the Rules and Regulations is met to the satisfaction of the Secretary of Finance.

(c) In addition to the basis of denying or revoking a pachinko slot machine license set forth in Section 2400.23(a)(1) - (12), a license once issued may also be revoked if the person holding such license:

 (1) operates a machine without proper documentation or provides or maintains inaccurate or false information; or

(2) alters the software programs, payback percentages, jackpots, meters, or any other equipment that imply a modification of the conditions under which the machines were approved; or

(3) allows minors to play a pachinko slot machine;

(4) fails to cooperate with or provide all relevant information requested by the Department of Finance; or

(5) accepts or exchanges a food stamp coupon, an NAP coupon or similar item for coins or tokens used to play a pachinko slot machine; or

(6) violates any CNMI or federal law.

(d) If a licensed or unlicensed machine is seized, the owner and/or the person licensed to operate such machine shall be liable for the cost of transporting the machine, a reasonable storage charge of not less than \$25 per day per machine, and any labor charges incurred in the seizure and storage of such machine.

(e) The Department of Finance and the Commonwealth

Government shall not be liable for damages arising from the seizure and/or confiscation of machines, including damages occurring during transfer and storage, provided that reasonable care is used in seizure and confiscation.

#### Section 2400.24 <u>Continuous Disclosure of Information</u>.

(a) Any information provided to the Secretary of Finance under these Rules and Regulations or on any application, filing or other instrument submitted to the Secretary of Finance that subsequently becomes incorrect or misleading, shall be immediately updated by the applicants or licensees providing an explanation thereof to the Secretary of Finance. Without limiting the foregoing, all applicants or licensees shall notify the Secretary of Finance immediately if any change in the ownership or beneficial interest or location of the applicant or licensee occurs.

(b) The Secretary of Finance may develop forms for pachinko slot machine license applications requesting all such information required by the Pachinko Slot Machine Act or by these Rules and Regulations or that is deemed necessary or appropriate to evaluate the applicant's suitability to hold a license. Such application shall be completed, executed, acknowledged and notarized by the applicant prior to submission to the Secretary of Finance.

#### Section 2400.25 License Proceedings.

(a) Denial of an Application of License. Whenever the Secretary of Finance ("Secretary") has reason to believe that an applicant is not eligible to receive a license, he may issue a written notice of denial to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice to submit a written Request for Reconsideration to the Secretary of Finance wherein the applicant may set forth the basis pursuant to which the applicant believes that the denial of a license was based on either an incorrect understanding of fact or an incorrect application of the law. The Secretary shall promptly review the Request for Reconsideration and, in writing, either affirm or modify the previous denial of a license. The denial of a pachinko slot machine license by the Secretary is subject to judicial review and may be reversed by the court only upon a finding that the Secretary acting in an arbitrary and capricious manner in denying such license.

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#### (b) Suspension or Revocation of License.

(1) Without any way limiting or restricting the ability of the Secretary of Finance to consider the factors listed in Section 2400.23 as grounds for suspension or revocation of a license issued by the Secretary of Finance, the Secretary may also suspend or revoke a license held by a licensee based upon a finding of one or more of the following:

(i) The determination by the Secretary of Finance of the existence of any one or any combination of factors previously listed as grounds for denial of issuance of a license under Section 2400.23 of these Rules and Regulations or the determination by the Secretary of Finance that the existence of any one or more factors listed in subsections (ii) - (xiii) below directly apply to or relate to the holder of the pachinko slot machine license; or

(ii) that the beneficial interest in the ownership of the business premises has changed or the business location of the applicant has changed without approval of the Secretary of Finance; or

(iii) that the licensee has permitted a person under 18 years of age to play a pachinko slot machine; or

(iv) that the licensee has not prominently displayed, at the licensed location, the license issued by the Secretary of Finance; or

(v) that the licensee has violated any directive or instruction issued by the Secretary of Finance; or

(vi) that the licensee has violated any express term or condition of its license, the Pachinko Slot Machine Act, or these Rules and Regulations; or

(vii) that the licensee and/or its employee(s) has exhibited discourteous treatment including but not limited to, abusive language toward customers or any government agents, employees or their designees; or

(viii) that the licensee has assigned or

transferred or attempted to assign or transfer its license to another party without the prior written approval of the Secretary of Finance; or

(ix) that the licensee engaged in fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the pachinko slot machine business; or

(x) that the licensee engaged in telecommunication or printed advertising that the Secretary of Finance determines to have been false, deceptive, or misleading; or

(xi) that the licensee failed to establish or maintain reasonable security precautions with regard to the operation of the licensed pachinko slot machines; or

(xii) that the licensee has engaged in skimming of pachinko slot machine funds; or

(xiii) that the licensee has failed to make payments when due by any pachinko slot machine to the CNMI.

(2) Notice of suspension or revocation of a license shall, if possible, be given to the licensee in writing setting forth the reasons therefore. A suspended or revoked license shall immediately be surrendered to the Secretary of Finance.

Section 2400.25 <u>Hearings</u>. All hearings related to these Rules and Regulations shall be conducted in accordance with the CNMI Administrative Procedure Act, 1 CMC §9101 et seq.

**Section 2400.26** <u>Confidentiality</u>. All information submitted to the Department of Finance regarding licensing of a pachinko slot machine shall be confidential and shall be disclosed only as follows:

(a) to the license applicant; or

(b) to the Department of Commerce only to the extent necessary to permit that agency to carry into effect its statutory business licensing provisions; or

(c) for the purpose of carrying into effect these Rules and Regulations, laws pertaining to pachinko slot machines, or

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any law imposing taxes or duties payable to the Commonwealth of the Northern Mariana Islands.

#### Section 2400.27 <u>Presence Upon Opening of Machines</u>

Pursuant to law, the Secretary of Finance is authorized to be present at all times when monies are withdrawn from pachinko slot machines. Accordingly, the Secretary of Finance will establish a schedule in coordination with all applicants receiving pachinko slot machines licenses, to ensure that the Secretary of Finance or his designee is present at all times when monies are withdrawn from pachinko slot machines. Except as otherwise authorized by the Secretary of Finance, no monies may be withdrawn from any pachinko slot machine unless the Secretary of Finance or his designee is present at such time. In the alternative, the Secretary of Finance may promulgate additional or supplemental Rules or Regulations to accomplish the objectives of this Section which are to assure that the integrity of the game is protected and that there is an accurate accounting of income generated from each machine and that any and all fees and taxes due and owing to the CNMI are promptly and fully paid.

Section 2400.28 <u>Designation of Authority</u>. The Secretary of Finance may delegate all responsibilities and authority under these Rules and Regulations, if not already delegated by these Rules and Regulations, to the Director of Revenue and Taxation and/or any other responsible party.

Filed With:

Recorded by:

Registrar of Corporations

Office of the Governor

Issued by:  $\frac{\text{Maria D Callern}}{\text{Maria D. Cabrera}}$   $\frac{3/15/95}{\text{Date}}$ 

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13007

#### **BOARD OF EDUCATION**

#### NOTICE OF PROPOSED AMENDED POLICIES

The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain proposed policies. The amended policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policies involve the following subject area:

- 1. Amend. Policy 404 Student-Teacher Ratios
- 2. Amend. Policy 610.8 Student Counselling
  - Travel/General Rules on Travel
- 3. Amend. Policy 1002.3(G) **General Rules**

Policy 1002

- 4. Amend. PSPSPRR 3203 Types of Appointments
- 5. Amend. PSPSPRR 4219(E) Premium Pay
- 6. Amend. PSPSPRR 7107 Leaves Without Pay
- 7. BOE Resolution "Multi-Track" for MHS & HJHS

The text of the proposed amended policies are published following this notice. Anyone interested in commenting on the policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

March 10, 1995

Daniel O. Quitugua Chairman, Board of Education

**Received By:** 

Donna Cruz, Gøvernor's Office

Filed By: Soledad B. Sasamoto

**Registrar of Corporations** 

#### **BOARD OF EDUCATION**

#### NUTISIA POT I PROPOSISION MAN MA'AMENDA NA POLICIES

I Board of Education. Commonwealth of the Northern Mariana Islands, ha emfofotma i pupbliku henerat pot i entension-ña na para u fanadapta manmaproposa na policies. I amendasion policies u gai fuetsa taiguihi ha' i lai ni macho'gue sigun gi aturidat i Education Act of 1988 yan i Administrative Procedures Act.

I policies ha kukubre i sigiente na aria:

- 1. Amenda Policy 404 Student-Teacher Ratios
- Student Counselling 2. Amenda Policy 610.8 <u>Policy</u> 1002
  - Travel/General Rules on Travel
- 3. Amenda Policy 1002.3(G) General Rules
- 4. Amenda PSPSPRR 3203 Types of Appointments
- 5. Amenda PSPSPRR 4219(E) Premium Pav
- 6. Amenda PSPSPRR 7107 Leaves Without Pay
- 7. BOE Resolution "Multi-Track" for MHS & HJHS

I entension i man maproposa amendasion na policies siempre u fan mapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas kumento pot este siha na policies, siña ha tuge' papa' ya u sapmiti halom gi Chairman. Board of Education. P.O. Box 1370 CK. Saipan. MP 96950 gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi Commonwealth Register.

Matso 10, 1995

O. Outlingua Ъá Chairman, Board of Education

**Received By:** 

Donna Cruz, Governor's Office

Filed By:

Soledad B. Sasamoto **Registrar of Corporations** 

#### **BOARD OF EDUCATION**

#### ABONGORONG REEL FFEERUL ALLEGH

Schóól Board of Education, mellól Commonwealth of the Northern Mariana Islands, rekke arongaar aramas towlap reel mángemángiir igha rebwe adaptáálil allégh kka e efféétá. E pwal voor bwángil me allégh kka re bwal féérú sángi bwángil me ailééwal Education Act of 1988 me Administrative Procedures Act.

Llól allégh kkaal nge e bwal toolong ffél kka faal:

- Liiwelil Policy 404 Student-Teacher Ratios 1.
- Liiwelil Policy 610.8 Student Counsellina 2. Policy 1002
  - Travel/General Rules on Travel
- Liiwelil Policy 1002.3(G) General Rules 3.
- 4. Liiwelii PSPSPRR 3203 Types of Appointments
- 5. Liiwelil PSPSPRR 4219(E) Premium Pay
- 6. Liiwelil PSPSPRR 7107 Leaves Without Pav
- BOE\_Resolution "Multi-Track" for MHS & HJHS 7.

Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe e bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli Chairman. Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, Ilól elligh rál sángi igha e toowow arongorong yeel IIól Commonwealth Register.

Matso TO, 1995

Daniel O. Quitugua Chairman Board of Education

Ivo E Risibiliy: Donna Cruz, Governor's Office

Ivo E File-li: Soledad B. Sasamoto

**Registrar of Corporations** 

#### POLICY 404 STUDENT-TEACHER RATIOS

404.1 Acceptable Student/Teacher Ratios, governing class size for instruction will be based on the following general guidelines:

Elementary School Class Size. Regular Program

Grades K Grades 1-3 Grades 4-6	Maximum Maximum Maximum	25/1	Minimum Minimum Minimum	15/1
Jr. High School Class Size. Regula	ar Program			
Grades 7-8	Maximum	30/1	Minimum	15/1
High School Class Size, Regular P	rogram			
Grades 9-12	Maximum	30/1	Minimum	15/1

Vocational Education Class Size

Teacher Program	Maximum	30/1	Minimum	15/1
Business Program	Maximum	30/1	Minimum	15/1
Trades Program	Maximum	20/1	Minimum	10/1
Co-op Program	Maximum	40/1	Minimum	20/1

- 404.2 Special Education and HeadStart classes shall be governed by the applicable federal regulations.
- 404.3 Special programs at all levels, such as gifted and developmental programs, and single class offerings at the secondary level (such as typing) shall not be governed by this policy.

Special Program shall have maximum student-teacher ratios as follows:

A. 25/1 in Core Academic Classrooms
B. 15/1 in Vocational Education classrooms
C. 10/1 in Special Education classrooms

404.4 Exceptions to the parameters established in the policy will be made only with the express approval of the Commissioner, with justification available to the Board upon request for review purposes.

#### Policy 610.8 Student Counselling

In the case of a student who has been suspended for five days or more, the student shall be required to join a counselling program and may also be required to perform community serice such as beautification projects on campus and other community service projects as identified by the shhol principal.

As a condition of re-entry into the school, the principal may require that at least one parent or guardian (in instances where legal guardianship of the student has been established by the court) to join the counselling program alson with the student.

#### Policy 1002 Travel/General Rules on Travel

#### 1002.3(G) General Rules

TA's shall not be issued if there is an outstanding voucher or if an outstanding expense by the traveller has not been paid. <u>Exceptions to this rule may be made at the discretion of the Commissioner.</u>

#### **PSSPRR 3203(D) Types of Appointments**

A provisional appointment shall be limited to ninety up to 180 calendar days, and is used to fill a permanent position in the absence of an apporporiate eligibility list. The Commissioner of Education may authorize extension of a provisional appointment beyond ninety days for a maximum of 180 days This provisional appointment shall not be used for off-island hiring. when the examination fails to make available an adequate number of qualified candidates.

#### PSSPRR 4219

#### 4219(E) Premium Pay

After-school differential, coaching differential, summer school differential and Saturday school differential may be paid to PSS personnel who meet all BOE teacher certification requirement, have previously consulted and obtained written approval from the COE. This differential shall be paid based on rates approved by BOE provided funds are available. Persons receiving an after-school differential, coaching differential, scummer school differential and/or a Saturday school differential shall not be eligible to receive overtime compensation.

#### Proposed Differentials:

<u>Coaches</u>	:	\$300/sports season
After-School		\$30/daily session (not to exceed two hrs.)
Saturday		\$60/half_day_session
Before School		\$15/daily session (not to exceed one hr.)
Summer School		\$100/full day (6 periods)
	:	\$50/half day (up to 4 periods)
Intercessions		TBD (to be determined)

#### **PSPSPRR** 7107 Leaves Without Pay

#### 7107(E) Sabbatical Leave

An employee of the Public School System shall be eligable for a sabbatical leave not to exceed two (2) years upon the following conditions being fulfilled:

- A. 10 years of service with PSS,
- B. not eligible for retirement with (2) years,
- C. the employee accepts leave-without pay while on sabbatical,
- D. the FTE of the employee is filled by another staff while the employee is on sabbatical.

#### A BOARD OF EDUCATION RESOLUTION

#### To adopt the implementation of a "multi-track year-round education" system at Marianas High School and Hopwood Jr. High School for the 1995-96 school year.

WHEREAS, on July 01, 1994 the Board of Education unanimously adopted a motion to authorize all CNMI schools which were ready to implement the "year-round education" concept to proceed with their implementation plans; and

WHEREAS, the overcrowding problem at Marianas High School and Hopwood Jr. High School has escalated during the 1994-95 school year diminishing the high standards of academic excellence that the students enrolled at these schools deserve; and

WHEREAS, the anticipated completion of the new Kagman Jr. and Senior High School project for school year 1995-96 was expected to alleviate the current burden of overcrowding at Marianas High School and Hopwood Jr. High School is not even remotely close to consummation; and

WHEREAS, the "multi-track year-round education" pilot program established at San Vicente Elementary school in August of 1994 has allowed for an improved learning atmosphere through the abolishment of double sessions; and

WHEREAS, the "year-round education" concept is not new to the Commonwealth's educational system in the sense that it has been successfully implemented at Oleai Elementary School from 1973 to 1975 resulting in the highest academic scores in the CNMI at that time while also producing some of the Commonwealth's most influential citizens; and

WHEREAS, the educational benefits of "year-round education" has many advantages for students such as: substantially increasing the learning retention of students, improving school attendance, providing students more individualized attention, enabling expanded curriculum during intersessions, while reducing overcrowding at a time of decreasing budgets and increasing enrollments; now, therefore,

BE IT FURTHER RESOLVED, that the Fourth CNMI Board of Education hereby endorses the implementation of a "multi-track year-round" education system at Marianas High School and Hopwood Jr. High School for the 1995-96 school year to be administered by the Commissioner of Education for the educational benefit of the students of the Commonwealth of the Northern Mariana Islands.

#### PUBLIC NOTICE OF PROPOSED AMENDMENTS TO ADMINISTRATIVE RULES AND REGULATIONS OF THE NMI RETIREMENT FUND

The Board of Trustees of the NMI Retirement Fund hereby gives notice to the general public that it has adopted proposed amendments to the Fund's Administrative Rules and Regulations pursuant to its authority under 1 CMC 8315(f) and the Administrative Procedure Act at 1 CMC 9101, et. seq.

The purpose of these amendments is to provide for the effective administration of Public Law 6-17, and to provide updates of the existing regulations, and for other purposes. The Board is soliciting comments and recommendations regarding these amendments, which must be received by the Fund within 30 days of first publication of this notice.

Copies of these proposed regulations may be obtained at any of the NMI Retirement Fund offices on Saipan, Tinian and Rota.

Dated this  $10^{\text{th}}$  day of March, 1995.

Dino M. Jones Chairman Board of Trustees

Edward H. Manglona Administrator NMI Retirement Fund

OFFICE OF THE GOVERNOR:

Received by //Dat

**REGISTRAR OF CORPORATIONS:** 

mm/

FILED BY / DATE

#### NOTISIAN PUBLIKO POT I MAPROPOPONE NA TINILAIKA GI **AREKLAMENTION I PROGRAMAN RETIREMENT FUND**

I Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi atoridat i lai gi 1 CMC 8315(f), yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae noticia gi publiko pot i ha propopone na tanilaika gi areklamenton i programan Retirement Fund.

Copian este na tinilaika guaha gi ofisinan i Retirement Fund nui gaige gi primet piso gi Nauru Building, Susupe, Saipan.

I Board of Trustees ha sosojo i publiko para ufan satmiti rekomendasion osino komentos pot este na tinilaika gi halom 30 dias despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo redomendasion gi sigente na address:

> NMI Retirement Fund P. O. Box 1247 Saipan, MP 96950

Mafecha gi dia de Matso, 1995.

Dino M Idnes Chairman Board of Trustees

Edward H. Manglona Administrator NMI Retirement Fund

#### OFFICE OF THE GOVERNOR:

in 3/13/95

**REGISTRAR OF CORPORATIONS:** 

mm & 3/13/95 DiDOAM. FILED BY / DATE

#### NORTHERN MARIANA ISLANDS RETIREMENT FUND RULES AND REGULATIONS

The Board of Trustees for the Northern Mariana Islands Retirement Fund promulgates these amendments to the rules and regulations pursuant to Public Law 6-17, as amended, 1 CMC, §8316(f) of the Northern Mariana Retirement Fund Act of 1988, and the Administrative Procedures Act, 1 CMC, §9101, et. seq.

#### PART I. GENERAL PROVISIONS

Section 1. <u>Authority</u>. Under and by virtue of the provisions of 1 CMC, §9101, et. seq., the Board of Trustees of the Northern Mariana Islands Retirement Fund hereby proposes to adopt these amendments to the rules and regulations.

Section 2. <u>Purpose</u>. To amend Part 4, subsection 4.50 and 4.51 of the rules and regulations providing for interest computation.

#### PART II. AMENDMENTS

#### Part 4 - Benefit

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4.50 Refund of Contribution - Interest Computation. Upon complete separation from government service, a member eligible for refund of contribution shall receive both contribution and interest upon submission of an application for refund. Computation of interest shall be given annually, as of the close of each year, (October 1 to September 30), using 365 days per year. Examples in computing interest are as follows:

*Example 1:* Tom started working for the government on June 1, 1995 and started contributing to the Fund beginning pay-period June 29, 1995. As of the closing of the year, September 30, 1995, he had contributed \$1000. He stopped working on January 31, 1996. From October 1, 1995 to January 31, 1996 he contributed \$500. Tom submitted a refund application on February 2, 1996. The total amount to be refunded is computed as follows:

1995 Contribution	)
For Fiscal Year 1995 Interest (\$1000 x 3.5%)	)
Total Accumulated Contribution/Interest as of 09/30/95 \$1,035.00	)
1996 Contribution	<u>)</u> .
TOTAL AMOUNT TO BE REFUNDED	)

No interest is given for 1996 because he applied for a refund before the close of the year.

*Example 2:* The same scenario as Example I, except that Tom did not request his refund until December 31, 1996. His total refund amount is computed as follows:

1995 Contribution
For Fiscal Year 1995 Interest (\$1000 x 3.5%)
Total Accumulated Contribution/Interest as of 09/30/95 \$1,035.00
1996 Contribution
For Fiscal Year 1996 Interest (\$1535 x 3.5%)
Total Accumulated Contribution/Interest as of 09/30/96 \$1,588.73
TOTAL AMOUNT TO BE REFUNDED \$1,588.73

4.51 Interest Computation for Active Members. As of the end of each fiscal year, regular interest of 3.5% shall be computed and added to the contribution record of the member. Method of computation for interest is the same as that provided under Section 4.50 of these rules and regulations.

#### PART III. EFFECTIVE DATE

The effective date of these proposed amendments shall be pursuant to 1 CMC, §9105(b).

Adopted as proposed amendments to the NMI Retirement Fund Rules and Regulations by the Board of Trustees this 8th day March 1995

Dino M. Jones Chairman

Edward H. Manglona Administrator

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13018





#### OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

#### PUBLIC NOTICE

#### PROPOSED REGULATIONS GOVERNING INTERMENTS AND DEAD BODIES UNDER THE AUTHORITY OF 1 CMC §2605(f) by the DEPARTMENT OF PUBLIC HEALTH COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The Department of Public Health, pursuant to 1 CMC §2605(f), proposes to implement regulations governing interments and dead bodies abandoned in the Commonwealth Health Center Morgue.

Anyone interested in commenting on the proposed regulations may do so by submitting comments in writing to the Secretary of Health, Department of Public Health, P.O. Box 409CK, Saipan, MP 96950 within 30 days from the date this notice is published in the Commonwealth register.

Certified by: Dr. Isamu J. Abraham

Secretary of Health Department of Public Health

DONNA

Registrar of Corporation

OFFICE OF THE GOVERNOR

Soledad B. Sasamoto

DATE

13019 VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE COMMONWEALTH REGISTER

CHC 62-0448

Filed by

P.O. BOX 409 CK, SAIPAN, MP 96950 TELEPHONE (670) 234-8950/51/52/53/54 · TELEX 783-744 PHES SPN



# COMMONWEALTH HEALTH CENTER OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

#### Nutisian Pupbliku

I ma proponi na apreklamento yan regulasion put dispusision I matai ni ma abandona pat taya para u alakuenta i tattaotao sigun gi lai pupbliku 1CMC, seksional s2605(f), Dipattamenton Hinemlo Publiku, Commonwealth of the Northern Maiana Islands.

Sigun gi lai Pupbliku 1CMC, Seksiona s2605(f), I Depattamenton Hinemlo, ha prupoponi areklamento siha ni mannisisario put dispusision i matai ni ma abandona pat taya' I tattaotao para u inalakuenta.

Komento siha put esti na areklamento ni ma prupoponi sina mana fanhahanao guato gi ofisinan Sekretariu Dipattamenton Hinemlo, P.O. Box 409CK, Saipan MP 96950. Todu Komento siha debi di u matuge' ya u fanma risibi gi trenta (30) dias despues di i fecha ni ma pupblika este na nutisia rehistran commonwealth.

Ma Settefika nu as:

Dr. Nsamu J. Abraha

Sektretariu Diparttamenton Public Health

Ma Rikot Nu as

Soledad B. Sasamoto Registrar of Corporations

DONNA J. OFICINAN I GOBIET

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13020

CHC 62-0448

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## COMMONWEALTH HEALTH CENTER

#### OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

#### Arongorong

Amwo'lleta'a'l Alle'gh Reel Ilighil Aramas Ma'a'lo' Sa'ngi Llo'l Alle'ghu'l Toulap 1 CMC peigh s2605(f) Mereel Imwal Safey Llo'l <u>Commonwealth</u> Falu'wal Marianas.

Mello'l Alle'ghu'l Toulap 1 CMC peigh s2605(f). Imwal Safey(CHC) E Amwo'lla'a'ta' Alle'ghu'l Ilighil Aramas Ma'a'lo' kka Rese Tapa Rebwe Ammwala Nge Elollo Schagh Llo'l <u>Morgue.</u>

Nga'li Inaamwo Iyo Ye Eghal Yoor Yaal Ma'ngema Alillisilong Llo'l Amwo'lleta'a'l Alle'gh Yeel,	
Secretary of Health Me Ngare Imwal Safey(CHC)	
Saipan, MP 96950	3/0/00
Alle'ghu'u'yal:	2/95
Dr. Isamu J. Abraham	Ra"l
Secretary of Health Department of Public Health	
mmb	3/3/95
Aisiisilong Mercel:	
Soledad B. Sasamoto Registrar of Corporation	Ra'l
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DONNA J, CRUZ OFFICE OF THE GOVERNOR

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13021

P.O. BOX 409 CK, SAIPAN, MP 96950 TELEPHONE (670) 234-8950/51/52/53/54 • TELEX 783-744 PHES SPN





GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

#### REGULATIONS GOVERNING INTERMENTS AND DEAD BODIES

#### DEPARTMENT OF PUBLIC HEALTH COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

#### <u>Authority</u>

The Department of Public Health is authorized to implement these regulations governing interments and dead bodies pursuant to 1 CMC s2605(f)

#### Bodies Abandoned in the Commonwealth Health Center Morgue

- 1. Upon the death of an individual within the CNMI, Commonwealth Health Center staff will attempt to locate family members or friends to advise them about the death, and to request that they take possession of the body.
- 2. If Commonwealth Health Center staff are unable to locate the decedent's family members or friends within the period of two weeks, the Commonwealth Health Center shall place a public notice in a newspaper of general circulation announcing the person's death, and that the body is being held at the Commonwealth Health Center morgue.
- 3. If, after one week following the announcement in the newspaper, the body remains unclaimed, the Department of Public Health shall have the power to supervise and conduct a burial of the decedent within the CNMI.
- 4. In those instances where the Commonwealth Health Center staff have made significant efforts to locate family members and friends of the decedent, but have been unsuccessful in locating such individuals, and maintaining the remains of the decedent in the Commonwealth Health Center morgue poses an immediate threat of communicable disease, the Commonwealth Health Center may dispense with the requirement of public notice and may supervise and conduct a burial of the decedent after the body has remained unclaimed in the morgue for a period of two weeks.

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13022

P.O. BOX 409 CK, SAIPAN, MP 96950 TELEPHONE (670) 234-8950/51/52/53/54 • TELEX 783-744 PHES SPN



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### Commonwealth of the Northern Mariana Islands Office of the Governor Department of Lands & Natural Resources

**DIVISION OF PUBLIC LANDS** 

P.O. Box 10007 Saipan, Mariana Islands 96950 Tel.: 322-6914/6915/7142 Fax: 322-4336

#### PUBLIC NOTICE

#### PROPOSED RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE PUBLIC PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, AS AMENDED

The Division of Public Lands of the Department of Lands and Natural Resources, pursuant to its duties and responsibilities under Executive Order 94-3, Section 306, and the authority given to it by and through the Public Purpose Land Exchange Authorization Act of 1987 (Public Law 5-33, 2 CMC Section 4141 et seq.), as amended, hereby gives public notice that it has developed and established the revised proposed rules and regulations that will govern the administration and implementation of the Public Purpose Land Exchange Authorization Act of 1987, as amended. The rules and regulations to be promulgated are authorized pursuant to P.L. 5-33.

The Division of Public Lands hereby advise the general public that the proposed Rules and Regulations Promulgated Pursuant to the Public Purpose Land Exchange Authorization Act of 1987, as amended are available at the Division of Public Lands Office, Capitol Hill, Mariana Islands. Interested persons may obtain copies of the proposed rules and regulations for review and comment in writing, addressed to the Director, Division of Public Lands, Department of Lands & Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. Copies may be obtained between the hours of 8:00 a.m. - 4:00 p.m., Monday through Friday.

All comments must be in writing and submitted within thirty (30) days of the date of this notice for consideration and review. The proposed rules and regulations shall become effective ten (10) days after adoption and final publication.

Dated this 1<sup>st</sup> day of March , 1995.

#### DIVISION OF PUBLIC LANDS

By:

Bertha T. Camacho Director



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Commonwealth of the Northern Mariana Islands Office of the Governor Department of Lands & Natural Resources

**DIVISION OF PUBLIC LANDS** 

P.O. Box 10007 Saipan, Mariana Islands 96950 Tel.: 322-6914/6915/7142 Fax: 322-4336

ARONGORONGOL TOWLAP

#### FFEERUL ALLEGH YE EBWE LEMELI ADMINISTRATION-UL PUBLIC PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, IGHA E LLIIWEL

Division-ul Public Lands mellol Dipatamentool Lands and Natural Resources, sangi yaal lemelem me angaang faal mille Executive Order 94-3, Talil ye306, me bwang ye e mwet sangi Public Purpose Land Exchange Authorization Act of 1987 (Alleghul Towlap ye 5-33, 2CMC Talil ye 4141 <u>et. seq</u>.) igha e lliiwel, nge ekke arongaar towlap igha aa feeru me ayoora allegh ye ebwe lemeli administration me mwoghutughutul Public Purpose Land Exchange Authorization Act of 1987, igha e lliiwel. Allegh kk rebwe feerul nge sangi bwangil Alleghul Towlap ye P.L. 5-33.

Division of Public Lands, sangi milleel nge ekke arongaar towlap bwe kopiyaal Allegh kka re feeru sangi bwangil mille Public Purpose Land Exchange Authorization Act of 1987, igha e lliiwel nge emmwel schagh bwe arams ye e tipali ebwe lo bweibwogh mellol Bwulasiyool Division of Public Lands, Capitol Hill, Mariana Islands. Aramas ye e tipali nge emmwel ebwe lo bweibwogh koopiya bwe ebwe amwuri nge aa ischiitiw metas mangemangil me ngare tipal nge aa adress ngali Director, Division of Public Lands, Department of Lands and Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. Koopiya kkaal nge emmwel schagh bwe aramas ebwe lo bweibwogh llol otol kka 8:00 A.M. leesor mwet ngali 4:00 P.M. leepal, Luunis mwet ngali Bennis.

Alongal tiip, mwuschal me mangemang nge rebwe ischiitiw nge raa atolonooy llol eliigh (30) ral sangi igha e toowow arongorong yeel bwe rbwew amwuri fischiiy. Allegh kkaal nge ebwe alleghelo llol seigh (10) ral sangi igha re adaptaali me aighuughul yaar atoowowu.

E ffeer llol raali ye March 1, , 1995

#### DIVISION OF PUBLIC LANDS

Sangi:

Bertha T. Camacho Director



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Commonwealth of the Northern Mariana Islands Office of the Governor Department of Lands & Natural Resources

**DIVISION OF PUBLIC LANDS** 

P.O. Box 10007 Saipan, Mariana Islands 96950 Tel.: 322-6914/6915/7142 Fax: 322-4336

#### NUTISIAN PUPBLIKU

#### I MAPRUPOPONI SIHA NA AREKLAMENTO YAN REGULASION PARA U GUBETNA I ADMINISTRASION GI PUBLIC PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, NI M AMENDA

I Dibision Public Lands gi halom Dipattamenton Lands and Natural Resources, sigun gi che'cho-na gi papa Otden Eksekatibu 94-3, Seksina 306, yan i aturidat gineen Public Purpose Land Exchange Authorization Act gi 1987 na sakkan (Lai Pupbliku 5-33,2CMC Seksiona 4141 et seq.), ni amenda ginen este ha nutitisia i pupbliku na esta ha establesi yan ribisa i maprupoponi siha na areklamento yan regulasion para u gubetna i administration yan ma implementan i Public Purpose Land Exchange Act of 1987, ni ma amenda. I areklamento yan i regulasion siha ni para u fanmacho'gue manmaturisa sigun gi P.L. 5-33.

I Dibision i Public Lands ginen este ha abibisa i pupbliku henerat na i manmaprupoponi siha na Areklamento yan Regulasion ni manacho'gue sigun gi Public Purpose Land Exchange Authorization Act of 1987 ni ma amenda guaha kopia gi Ufusinan Division of Public Lands Office, Capitol Hill, Mariana Islands. Hayi interesao siha na petsona sina manmanule kopia yan tu'ge papa komentun-niha put i maprupoponi siha na areklamento yan regulasion ya u ma satmiti guatu gi Direktot, Division of Public Lands, Department of Lands & Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. I Kopian este shiha na areklamento yan regulasion sina manmachule guine siha na ora i desde 8:00 A.M. gi ega'an asta alas 4:00 P.M. gi pupuenge, Lunes asta Betnis.

Todu i komentu siha debi di u fanmatu'ge ya u fanmasatmiti halom trenta (30) dias desde mafechan este na nutisia para u ma'ina yan konsidera. I maprupoponi na Areklamento yan Regulasion u efektibu gi halom dies (10) dias despues di ma adapta yan ma publika huyong uttimu.

Ma fecha gi March I, , 1995

#### DIVISION OF PUBLIC LANDS

Ginen: Bertha T. Camacho

Direktot

#### PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS

CONTENTS: PROPOSED AMENDMENT TO THE ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS, Commonwealth Register, vol. 6, no. 11, at 3228-37, (November 15, 1984), Section 7 c, 14 a:

#### Section 7. <u>Premises Qualifications:</u>

c. The Secretary of Commerce shall have the authority to define the premises to be used for the serving of alcoholic beverages for all onsale licensees in the Commonwealth. These premises shall normally include the building and its perimeter as regularly used within the business activity during normal hours of operation by the on-sale licensee.

#### Section 14. Disposal of Confiscated Alcoholic Beverages.

a. All alcoholic beverages confiscated in the Commonwealth shall be disposed of by dumping in public by the Secretary or his authorized representative in the presence of one employee of the Department of Public Safety and one employee of the Office of the Attorney General.

**PUBLIC COMMENTS:** All interested persons may submit written data, views, or arguments about the proposed amendments to the Secretary, Department of Commerce, P.O. Box 10007, Saipan, MP 96950, on or before April 15, 1994.

AUTHORITY: The Secretary of Commerce is authorized to promulgate regulations pursuant to 4 CMC § 5575, and Executive Order 94-3, Diffective 93 (effective date August 24, 1994).

PEDRO Q. DELA CRUZ/

Secretary, Department of Commerce

m Soledad B. Sasamoto Filed by Registrar of Corporations

DONNA J. CRUZ Filed by OFFICE OF THE GOVERNOR

1.1.

#### NUTISIAN PUPBLIKU PUT I INTENSION PARA U MA ADAPTA I AMENDASION SIHA GI AREKLAMENTO YAN REGULASION ALCOHOL BEVERAGE CONTROL

PROPOSITU NA AMENDASION GIREGULASION YAN SUHETU: AREKLAMENTON ALCOHOL BEVERAGE CONTROL Commonwealth Register, vol. 6, no. 11, qi 3328-37, (Noviembre 15, 1984), na Seksiona 7 c, 14 a:

Seksiona 7. Kualifikasion Lugat:

- c. I, Secretary of Commerce, guaha autoridatna para udifina i lugat anai sina mabendi maneska gi papa i katiguria "On-Sale" na lisensia gi halom i Commonwealth. Este na lugat ha embrarasá todo gi halom i edificio anai manasesetbe mabendin maneska qi diario na manera qi duranten kometsio kada dia.
- Mayuti mamanteine maneska. Seksiona 14.
  - Todo maneska nui manma manteine gi halom i а. Commonwealth, I Secretry of Commerce debi de u destrosa yan lokue uyute gi manera anai tinestituguye gi uno na representaten depattamenton policia yan lokue uno ginen i representaten ginen i oficinan Attorney General.

KOMENTUN PUPBLIKU: Todu man enteresau na taotao pot i propositu amendasion, pot fabot, tugi pa ya na halom gi Ofisina Secretariu, Dipattamenton Commerce, P.O. Box 10007, Saipan, MP 96950 gi dia Abrit 15, 1994.

ATURIDAT: / I Dipatamenton Commerce and Labor ma aturisa para u famatinas Regulasion sigur gi sinangan i 4 CMC § 5575, yan Otden Exsakati/bu\_/94-3, Direktibu 93 (efftibu Augusto 24, 1994).

PEDRO Q. DELA CRUZ Secretariu, Dipattamenton Commerce SOLEDAD B. SASAMOTO Ha\_file i Registrar of Corporations DONNA J. CRUZ Ha File I OFICINAN I GOBIETNO



#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Department of Labor and Immigration** 

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

TELEPHONES: (670) 288-8805/06/07/08 (670) 234-6178/6488/6489 Immigration Main Office (670) 288-4664/234-8344 Airport FAX: (670) 234-7787 (670) 664-2000 thru 2024

Immigration Main Office

Labor Main Office



**RAYNALDO M. CING** SECRETARY LABOR AND IMMIGRATION

#### PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS TO SECTION 704 OF THE COMMONWEALTH IMMIGRATION RULES AND REGULATIONS

PUBLIC NOTICE: The Secretaries of the Department of Labor and Immigration and the Department of Commerce recently promulgated regulations requiring that all foreign investors first obtain a Commerce certificate before a Regular-Term (90-Day) or Long Term (2-Year) Business Entry Permit can be issued by the Immigration Service. This change in the processing and review of such permits was intended to make it difficult for foreign nationals who were not legitimate business people from seeking business permits for purposes of residency in the CNMI. This change in regulations, however, did not provide a remedy for those visitors who enter the CNMI on a Short Term Business Entry Permit and wish to renew or extend their visit for the purposes of engaging in commercial or business-related activities but who have no intention of residing continuously or investing in the CNMI and, therefore, do not now qualify for a Regular or Long Term Business Entry Permit under the new requirements. Those visitors who are without recourse include those who perform inspections and other activities that are unable to be performed by those residing in the CNMI.

**CONTENTS:** Subsection 704 of the Immigration Rules and Regulations is proposed to be amended by deleting the current subsections (C), (D), (E), and (F), and replacing them with the following new subsections:

The Short Term Business Entry Permit allows the holder "C. to stay in the Commonwealth for one visit or multiple visits of not more than thirty days from the date of initial arrival.

The Short Term Business Entry Permit may be extended for D. an additional 60 days for a 12-month period commencing from the date the Short Term Business Entry Permit was first issued.

A request for an extension of the Short Term Business Ε. Entry Permit must be made in writing and must state the purposes and nature of the applicant's visit to the CNMI, the applicant's contacts in the CNMI and any other pertinent information required by the Immigration Officer. The grant of the extension will be made at the discretion of the Immigration Officer.

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13028 F. Application for the extension must be made at least 10 days in advance of the expiration of the Short Term Business Entry Permit."

Section 1201 is proposed to be amended to include the following new subsection:

"Section 1201 (I). Short Term Business Entry Permit Extension Fee. \$100.00."

**PUBLIC COMMENT:** The proposed regulations are being published and the public is provided an opportunity to comment. All interested persons may submit written data, views or comments about the proposed amendments to the Secretary, Department of Labor and Immigration, Airport Road, Saipan, MP 96950, on or before April 14, 1995.

**AUTHORITY:** The Secretary of the Department of Labor and Immigration is authorized to promulgate and repeal regulations pursuant to Executive Order 94-3 §301, Reorganization Plan No. 2, 1994 and 3 CMC Div. 4 §4312 (B).

RAYNALDO M. CING, SECRETARY Department of Labor and Immigration

3-9-95

GEÓRGE F. CAMACHO Director of Immigration Service

follman

før:

SOLEDAD B. SASAMOTO Registrar of Corporations

03/09/95 DATE

3/10/95

#### CERTIFICATION

I, Raynaldo M. Cing, Secretary of Labor and Immigration, hereby certify and declare under penalty of perjury, that the preceding proposed regulations are a true, complete and correct copy of such proposed regulations.

DATED at Saipan, CNMI: <u>3-9-95</u>

Raynaleto M. CING

RAYNALDO M. CING/ Department of Labor and Immigration

FILED AND RECEIVED AT GOVERNOR'S OFFICE:

-----DONNA CRUZ

10/95

#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



**Department of Labor and Immigration** 

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

TELEPHONES: (670) 288-8805/06/07/08 (670) 234-6178/6488/6489 (670) 288-4664/234-8344 FAX: (670) 234-7787 (670) 664-2000 thru 2024

Immigration Main Office Immigration Main Office Airport



RAYNALDO M. CING SECRETARY LABOR AND IMMIGRATION

Labor Main Office

#### NUTISIAN PUBLIKU PUT I INTENSION NA PARA U MA ADAPTA I AMENDASIONS SIHA GI SEKSIONA 704 GI AREKLAMENTO YAN REGULASION IMIGRASION IYA COMMONWEALTH

NUTISIAN PUPBLIKU: I Sekretarion i Dipattamenton Hotnat yan Imigrasion (Department of Labor and Immigration) yan i Dippatmenton Kometsia (Department of Commoerce) qi ti apman na tiempo ma laknos regulasion siha ni mana nisisita na todu estangheru siha na kumetsiante finene na u manmanule Settefikon Kumetsia antes di i Regulat na Tetminu (90-dias) osino Anakko' na Tetminon (2-anos) Lisensian Humalom put Bisnes sina u fanmana'i nu i Setbision Imigrasion. Este na tinilaika gi ma "process" yan ma inan ennao siha ni gi magahet ti manaotao bisnes manmanaplika lisensian bisnes gi put rason residensia ha gi halom i CNMI. Este na tinilaika, sinembatgo to ha pribeni remediu para ayu siha na bisita ni manhalom qi CNMI entre i Kadada' na Tetminon Humalom Bumisnes na Lisensia ya malao' ruminueba osino umekstende i sumagan-niha put rason na para u ma enggasan-maisa siha gi kumetsiat osino aktebidat asunton bisnes lao ti ma enggansanmaisa siha gi kumetsiat osino aktebidat asunton bisnes lao ti ma intensiona na para u fanresidente pat u fanbisnes konsigidu gi halom i CNMI, ya ginen ennao, ti mankualifika para i Regulat osino Anakko na Tetminon Humalom put Bisnes na Lisensia qi papa i nuebo na areklamento siha. Ayu siha na biseta i manai direcho manmanaplika put maninafekta nu nuebo na areklamento ha enklusu ayu siha i manmaninspepekta yan osino ayu siha i chumocho'gue otro siha na aktebidat ni ti mansina manmacho'que nu ayu siha i manasaga gi halom i CNMI.

**FONDAMENTO:** I papa'seksiona numiru 704 gi Areklamento yan Regulasions Imigrasion siha ma proponi na u ma amenda entre ma na'fanuhan i prisente siha na papa'seksiona (C), (D), (E), yan (F), yan fanmatulaika nu i sigente siha na manuebo na papa'seksion:

"C. I Kadada na Tetminon Humalom BIsnes na Lisesia ha sesedi i manggogo'te nu este na lisensia na u saga gi halom i Commonwealth para un biahe na bisita osino mas ki unu na bisita siha sin u mas ki trenta dias despues di fecha i finene'na na finatto'na.

D. I Kadada' na Tetminon Humalom Bisnes na Lisensia sina ma ekstende para ta'lo 60 dias gi 12 mes na tetminu desde i fechan i finene'na ni ma a'i Kadada'na Tetminon Humalon Bisnes na Lisensia.

I rekuesta para ekstension i Kadada na Tetminon Humalom Ε. Bisnes na Lisensia debi di u ma faisen gi tinige yan debi di u sangan i propositu yam rason i bisitan i aplikante magi CNMI, i na'an hayi i aplikante ha sodada'na gi halom i CNMI yan otyro siha mas imfotmasion ni manpresisu para i Ufisiat Imigrasion. Ì mana'in ekstension debi di u fanma fatinas ginen i disision i Ufisiat Imigrasion.

F. I Aplikasion para ekstension debi di u fanmafatinas gi maseha 10 dias antes di u matai i Kadada' na Tetminon Humalom put Bisnes na Lisensia."

Seksiona 1201 maprupoponi ma amenda para u engklusu i II. sigiente na subsection:

"Seksions 1201(I). Apas Ekstension i Kadada' na Tetminon Humalom Bisnes na Lisensia. \$100.00."

KOMENTUN PUPBLIKU: I maprupoponi na Regulasion maprupbika yan na'e i pupbliku oputtunidat para u fana' halom komentu. Hayi interesante na petsonal siña ha tuge' papa infortmasion, idea pat komentu put i guatu gi Sekretariu, Dipattamenton Labor yan Immigration, Airport Road, Saipan, MP 96950, gi osino antes di Abrit 14, 1995.

ATURIDAT: I Sekretariun Dipattenton Labor yan Immigration ma aturisa para u famatinos yan diroga yan tulaika hafa siha na regulasion sigun gi Otden Eksekatibu (Executive Order) 94-3 §301, Reorganization Plan No. 2, 1994 yan 3 CMC Dibision 4 §4312 (B).

Kanabath

RAYNALDO M. CING, Sekretariu Dipattementon Labor yan Immigration

GEORGE F. CAMACHO Direktot Setbisiun Immigration

Registrar of Corporations

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13032

145

AL: SOLEDAD B. SASAMOTO

#### SETTIFIKASION

Guahu, Raynaldo M. Cing, Sekretariun Labor yan Immigration, hu settifika yan deklara na gi papa penan purjury, na i maprupoponi na regulasion magahet, komplidu yan dinanche na kopian i maprupoponi na Regulasion.

Ma fech giya Saipan, CNMI:  $\frac{3}{9}/95$ 

Kaynaltom Cing RAYNALDO M. CING Dipattmenton Labor yan Immigration

Ma file yan Ribisi gi Ufusinan Gobietno:

DONNA CRUZ

1,0/95

Fec



### **Department of Labor and Immigration**

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

TELEPHONES: (670) 288-8805/06/07/08 (670) 234-6178/6488/6489 (670) 288-4664/234-8344 FAX: (670) 234-7787 (670) 664-2000 thru 2024 Immigration Main Office Immigration Main Office Airport

Labor Main Office



RAYNALDO M. CING SECRETARY LABOR AND IMMIGRATION

#### PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE IMMIGRATION RULES AND REGULATIONS AND INTENT TO ADOPT AMENDMENTS ESTABLISHING THE COMMONWEALTH RESIDENTIAL VISA

PUBLIC NOTICE: It has become apparent that alien investors are discouraged from investing in the CNMI because of the land alienation law, which does not allow individuals of non-Northern Marianas descent to own land in the CNMI. In addition, the negative press coverage generated in regards to the CNMI and the prevalence of labor abuse also discourages foreign investment. In an effort to encourage foreign investors to bring business to the CNMI, the Secretary of Labor and Immigration intends to create a Residential Visa, which would allow potential investors to live in the CNMI for a period of five (5) years for the sole purpose of residing in the CNMI to decide whether or not to invest in the local economy. It is hoped that by providing foreign investors the opportunity to live in the CNMI, these investors will see the advantages of bringing their business opportunities to the CNMI, thereby improving our economic system. The holder of this visa and his or her immediate relatives would not be allowed to engage in business or become employed during the duration of this permit.

#### **CONTENTS:**

I. Section 706 of the Immigration Rules and Regulations is proposed to be amended to include the following new subsection:

"Section 706 (Q). Commonwealth Residential Visa - allows an alien and his or her immediate relatives to reside in the CNMI for a period of five (5) years upon showing that the applicant has obtained a leasehold interest in a single-family residential property or condominium valued at not less than \$50,000. The visa holder and his or her immediate relatives are prohibited from seeking employment or in engaging in any business activity or activities or in attending any educational institution without first complying with existing immigration requirements to engage in those activities. The Immigration Officer shall require the applicant for the visa to provide proof that he or she has the financial resources or continuing income sufficient for complete support while residing in the Commonwealth, including the ability to satisfy locally incurred medical expenses. The transfer, sale or assignment of the leasehold interest of the visa holder shall be grounds for immediate revocation of this visa."

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13034

II. Section 1201 is proposed to be amended to include the following new subsection:

(H). Commonwealth Residential Visa Fee. "Section 1201 \$10,000.00."

**PUBLIC COMMENT:** The proposed regulations are being publ and the public is provided an opportunity to comment. The proposed regulations are being published All interested persons may submit written data, views or comments about the proposed amendments to the Secretary, Department of Labor and Immigration, Airport Road, Saipan, MP 96950, on or before April 14, 1995.

**AUTHORITY:** The Secretary of the Department of Labor and Immigration is authorized to promulgate and repeal regulations pursuant to Executive Order 94-3 §301, Reorganization Plan No. 2, 1994 and 3 CMC Div. 4 §4312 (B).

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SECRETARY RAYNALDO M. CING Department of Labor and Immigration

GEORGE F. CAMACHO Director of Immigration Service

SOLEDAD B. SASAMOTO Registrar of Corporations

2-21-95

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2/21/95

DATE

#### CERTIFICATION

I, Raynaldo M. Cing, Secretary of Labor and Immigration, hereby certify and declare under penalty of perjury, that the preceding proposed regulations are a true, complete and correct copy of such proposed regulations.

DATED at Saipan, CNMI: 2-14-95

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Kaynablo M. C. RAYNALDO M. CING

Department of Labor and Immigration

FILED AND RECEIVED AT GOVERNOR'S OFFICE:

\_\_\_\_\_ CRUZ DONNA

21/95



#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Department of Labor and Immigration** 

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

TELEPHONES: (670) 288-8805/06/07/08 (670) 234-6178/6488/6489 (670) 288-4664/234-8344 FAX: (670) 234-7787 (670) 664-2000 thru 2024 Immigration Main Office Immigration Main Office Airport



RAYNALDO M. CING SECRETARY LABOR AND IMMIGRATION

Labor Main Office

#### NUTISIAN PUPBLIKU PUT I MAPRUPOPONI NA AMENDASION GI AREKLAMENTO YAN REGULASION IMMIGRATION YAN I INTENSION PARA U MA ADAPTA I AMENDASION PARA U MA ESTABLESI I COMMONWEALTH RESIDENTIAL VISA

Esta a'anok na i alien investors mandisganao NUTISAN PUPBLIKU: para u fanivest gi CNMI put it rason ni Lai Land Alienation, ni ha sedi taotao hiyong (Non-Northern Marianas descent) para u fanggai tano qi halom CNMI. Itmas i manmalalaknos lokkue' qi qaseta put labor abuse hana fandisganao foreign investment. Gi empeñu ni para u ma abiba foreign investors para u fanbisnis gi halom i CNMI, i Sekretariun Labor yan Immigration ha intensiona para u naguaha Residential Visa, ni para u sedi potential investors para u fañaga CNMI gi halom singko (5) años na tiempo put i rason para u madisidi komei gi sumagan-niha u fan invest halom gi local economy. Puedi mohon na ginen este na prubinsion para foreign investors opputinidat na siña mañaga CNMI, este siha na investors u fanbisnis qi halom CNMI ya u ma adelanta i sisteman ekonomia quine qi isla-ta I dueñun este na klasen visa yan i familian-ña tu y siha. fanmasedi para otro na klasen bisnis pat ma empleha gi duranten anai mana'e gue ni este na klasen permit.

#### SUHETU:

I. Seksiona 706 gi Areklamento ya Regulasion mapruponi ma amenda para u engklusu is sigiente siha na subsection:

"Seksiona 706 (Q) Commonwealth Residential Visa - ha sedi i taotao hiyong yan familia-ña para u fañaga CNMI gi halom singko (5) años na tiempo komu annok na i aplikante gai interes gi propedat un familia pat condominium ni bali-ña ti u menos di \$50,000.00 mit pesos. I dueñun i visa yan familian-ña manmaprihibi para u fanman aligao cho'cho' pat saonao gi maseha hafa na aktibidat bisnis pat sin u ma dalalaki i prisenti na areklamenton Immigration na para u fañaonao gi aya siha na aktibidat. I ofisialis Immigration tieniki ha require i aplikante para i visa na gai preba na gai guinaha gi bandan salape' ya hu kontinua muna guaha komplidu yan sufisiente na income gi duranten sumaga'-ña Commonwealth, engklusu abilidat para u na'satisfecho i locally incurred medical expenses. I ma tranferi, mabendi pat ma patten leasehold interest i dueñun i visa tieniki madiroga iyo-ñ visa."

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13037

II. Seksiona 1201 maprupoponi ma amenda para u engklusu i sigiente na subsection:

"Seksiona 1201 (H). A'pas Commonwealth Residential Visa \$10,000.00 mit pesos."

**KOMENTUN PUPBLIKU:** I maprupoponi na Regulasion maprupbika yan na'e i pupbliku oputtunidat para u fana' halom komentu. Hayi interesante na petsonal siña ha tuge' papa infortmasion, idea pat komentu put i guatu gi Sekretariu, Dipattamenton Labor yan Immigration, Airport Road, Saipan, MP 96950, gi osino antes di Abrit 14, 1995.

**ATURIDAT:** I Sekretariun Dipattenton Labor yan Immigration ma aturisa para u famatinos yan diroga yan tulaika hafa siha na regulasion sigun gi Otden Eksekatibu (Executive Order) 94-3 §301, Reorganization Plan No. 2, 1994 yan 3 CMC Dibision 4 §4312 (B).

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RAYNALDO M. CINC. Sekretariu Dipattementon Labor yan Immigration

GEORGE F. CAMACHO Direktot Setbisiun Immigration

SOLEDAD B. SASAMOTO Registrar of Corporations

2-21-95

Fecha

31/95

Fecha'

2/21/95

Fecha

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13038

#### SETTIFIKASION

Guahu, Raynaldo M. Cing, Sekretariun Labor yan Immigration, hu settifika yan deklara na gi papa penan purjury, na i maprupoponi na regulasion magahet, komplidu yan dinanche na kopian i maprupoponi na Regulasion.

Ma fech giya Saipan, CNMI:  $2-14-93^{-1}$ 

Rayu allo M. C. 9 RAYNALDO M. CING

Dipattmenton Labor yan Immigration

Ma file yan Ribisi gi Ufusinan Gobietno:

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DONNA J. CRUZ \_\_\_\_

2/21/95

Fech

#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



## **Department of Labor and Immigration**

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

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Immigration Main Office Airport

Labor Main Office



**RAYNALDO M. CING** SECRETARY LABOR AND IMMIGRATION

#### PUBLIC NOTICE OF ADOPTION OF AMENDMENTS TO THE IMMIGRATION RULES AND REGULATIONS RELATING TO THE PROCESSING AND APPROVAL OF REGULAR-TERM (90-DAY) AND LONG-TERM (2-YEAR) BUSINESS ENTRY PERMITS

PUBLIC NOTICE: The Secretary of the Department of Labor and Immigration is hereby adopting regulations proposed and published in the Commonwealth Register, Vol. 16, No. 11 at page 12585 (November 15, 1994) requiring that the Department of Commerce first certify and approve a business investment made by aliens before the Division of Immigration within the Department of Labor and Immigration could consider the applicant for an immigration business entry permit. The procedures and criteria for the approval of applications for a regularterm or long-year business certificate by the Secretary of were proposed and published in the Commerce Commonwealth Register on November 15, 1994, Vol. 16, No. 11 at pages 12564 through 12578. The final Commerce regulations which took into account public comments received by the Department of Commerce were published for adoption in the Commonwealth Register on January 15, 1995, Volume 17, No. 1 at pages 12729 through 12746.

The regulations contained herein are promulgated to ensure that the processing, reviewing and approval of applications for business certificates and entry permits for investments made by aliens in the Commonwealth are carried out by the Secretary of Commerce and the Director of the Immigration Service in an orderly and efficient manner and without delay.

#### **CONTENTS:**

I. Section 706(A) of the Commonwealth Immigration Rules and Regulations are hereby amended by repealing the entire text of section 706(A) in its current form and in its place inserting in lieu thereof the following language:

"Section 706(A). The Regular-Term Business Entry Permit - allows the holder to stay in the CNMI for one visit of not more than a ninety (90)-day stay, or multiple visits totalling not more than ninety (90) days within a one twelve-month period. The applicant must be present in the CNMI to apply for the permit.

1. The Regular-Term Business Entry Permit allows the holder to engage in any lawful business or commercial activity in the Commonwealth only after certification of such business activity by the Secretary of Commerce.

2. The holder of a Regular-Term Business Entry Permit shall not become employed by a Commonwealth employer, other than by such an employer in which the holder maintains a substantial ownership interest."

II. Section 706(N) of the Commonwealth Immigration Rules and Regulations are hereby amended by repealing the entire text of Sections 706(N) in its current form and in its place inserting in lieu thereof the following language:

"Section 706(N). Long Term Business Entry Permit allows the holder to enter and exit the CNMI for two (2) years. The Permit shall have no effect other than for the purpose of allowing the holder to reside in the CNMI as long as the Commerce Certificate for which the permit is issued is valid.

1. The initial term of the Long Term Business Entry Permit shall be for a period of two (2) years.

2. The Director of Immigration may only issue a Long Term Business Entry Permit to an alien whose business activity has been approved and certified by the Secretary of Commerce, and who is not an excludable alien.

3. The immediate relatives of the holder may be issued an Immediate Relative Permit for the same duration as the holder, provided that such persons are not excludable aliens.

4. The holder has no absolute right to the renewal of his/her Long Term Business Entry Permit.

5. The immigration privileges of the holder shall be revoked upon written notification by the Secretary of Commerce to the Director of Immigration of the revocation of the holder's Commerce Certificate." PUBLIC COMMENTS: The adopted regulations are being published and the public is provided an opportunity to comment. All interested persons may submit written data, views or arguments about the these amendments to the Secretary, Department of Labor and Immigration, Airport Road, Saipan MP 96950, on or before April 14, 1995.

These amendatory regulations are issued under the AUTHORITY: authority conferred to the Secretary of the Department of Labor and Immigration by Executive Order 94-3, sections 101 and 301 and 3 CMC section 4312.

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RAYNALDO M. CING, SECRETARY Secretary of Labor and Immigration

<u>3-9-95</u> DATE

GEORGE F. CAMACHO Director of Immigration

Concurred:

FROILAN NORIO Governoz

PEDRO Q. DELA CRUZ

Secretary of Commerce

SOLEDAD B. SASAMOTO Registrar of Corporations

FILED AND RECEIVED AT THE GOVERNOR'S OFFICE:

DONNA CRUZ

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995

PAGE 13042

#### CERTIFICATION

I, Raynaldo M. Cing, Secretary of Labor and Immigration, hereby certify and declare under penalty of perjury, that the preceding regulations is a true, complete and correct copy of such regulations.

DATED at Saipan, CNMI: 3-9-95

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Kaynahlett. RAYNALDO M. CIN¢

Department of Labor and Immigration

FILED AND RECEIVED AT GOVERNOR'S OFFICE.

DONNĂ

3/9/95

DATE



#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Department of Labor and Immigration** 

SAIPAN INTERNATIONAL AIRPORT c/o P.O. BOX 10007 DANDAN, SAIPAN, MP 96950

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RAYNALDO M. CING SECRETARY LABOR AND IMMIGRATION

Labor Main Office

#### NUTISIAN PUPBLIKU PUT MA'ADAPTAN AMENDASION GI AREKLAMENTO YAN REGULASION PUT KINALAMTEN YAN APRUEBAN LISENSIAN BINIS OSINO BISNIS ENTRY PERMIT PARA REGULAT NA TETMINU (90 DIAS) YAN ANAKKO' NA TETMINU (2 AÑOS)

GOTPE NA NISISIDAT: I Sekretarian Dipattamenton Labor yan Immigration ginen este para u adapta i maprupoponi na regulasion ni mapupblika huyong gi Rehistran Commonwealth, Baluma 16, No. 11 pahina 12585 (Nobembre 15, 1994) na nisisita i Dipatamenton Commerce finene'na u settifika yan aprueba i business investments ginen taotao hiyong antes de i Dibision Immigration gi halom Dipatmenton Labor yan Immigration u konsidera i aplikante para immigration entry permit. I kinalamten yan kondision para ma'aprueban aplikasion settifikun regulat na tetminu pat anakko' na tiempo ginen i Sekretarian Commerce manmapropoponi yan publika huyong gi Rehistran Commonwealth Nobembre 15, 1994, Baluma 16, No. 11 gi pahina 12564 asta 12578. I uttimu na regulasion Commerce ni manmakonsidera komentu ginen publiku ya ha risibi i Dipattamenton Commerce mapublika huyong gi Rehistran Commonwealth para u ma'adopta gi Ineru 15, 1995, Baluma 17, No. 1 gi pahina 12729 asta 12746.

I regulasion guine mafatinas para u asigura, na i kinalamten, mainan maolek yan ma aprueban aplikasion para settifikasion bisnis yan entry permits para investments ginen taotao hiyong gi halom Commonwealth che'cho Sekretariun Commerce yan Direktot Setbisiun Immigration gi maolek yan fotmat na manera sin hafa na fina' tane.

#### SUHETU:

I. Seksiona 706(A) gi Areklamento yan Regulasion Immigration man ma amenda yan tulaika i enteru na text gi seksiona 706 (7) gi hagas na fotma ya manahalom i sigiente na lengguahe:

"Section 706(A). I Business Entry Permit para Regulat na Tetminu (Regular-Term)- ha sedi i dueñu para u saga CNMI kada mambisita ti u mas di nubenta (90) sumaga-ña, pat maseha kuanto biahe mambisita lao ti u mas di nubenta (90) dias gi halom un año na tiempo.

- 1. I Regular Term Business Entry Permit ha sedi i dueño para u cho'gue ligat na bisnis pat aktibidat kometsiu gi halom Commonwealth solu despues di Sekretariun Commerce ha apreba yan settifika este na aktibidat.
- 2. I dueñun Regular Term Business Entry Permit ti debi di u ma empleha ni Commonwealth employer komu i dueñun i permit fai substantial ownership interest."
- II. Seksiona 706(N) gi Areklamento yan Regulasion Immigration manma amenda yan tulaika i enteru na text gi Seksiona 706(N) gi hagas na fotma ya manahalom i sigiente na lengguahe:

"Seksiona 706(N) I Business Entry Permit para Anakko' na Tiempo (Long Term) ha sedi i dueñu para u halom yan dingu CNMI gi halom dos (2) años. I lisensia ti u inafekta solu ayu i ha sedi i dueñu para u saga giya CNMI komu maolek yan gai bali i Settifiku ginen i Commerce ni mana'e.

- 1. I tutuhon na tetminu para Long Term Business Entry Permit u maolek para dos (2) años na tiempo.
- 2. I Direktot Immigration siña mana'e huyong Long Term Business Entry Permit guatu gi taotao hiyong yanggen esta ma apreba ayu na aktibidat business yan ha settifika i Sekretariun Commerce, ya ti excludable alien.
- 3. I familian i dueñu siña lokkue' manmana'e Immediate Relative Permit para parehu na tiempo yan i dueñu, komu ti man excludable aliens.
- 4. Taya direcho-ña i dueñu para u renueba iyo-ña Long Term Business Entry Permit.
- 5. I pribilehun immigration para i dueñu siña ma diroga komu guaha tinige na nutisia ginen i Sekretariun Commerce yan Derektot Immigration para u ma diroga Commerce Certificate i dueñu."

<u>KOMENTUN PUPBLIKU:</u> I ma adopta na regulason manmapupblika yan pribiniyi i pupbliku opputinidat para u fana halom komentu. Hayi interesao na petsona siña ha satmiti halom gi tinige' infotmasion, idea yan komentu put este siha na amendasion guatu gi Secretiun, Depattmenton Labor yan Immigration, Airport Road, Saipan, MP 96950 gi osino antes di Abrit 14, 1995.

<u>ATURIDAT:</u> I ma amenda na regulasion malaknos gi papa aturidat ni mana'e i Sekretariun Dipatmenton Labor yan Immigration sigun i Otde Eksekatibu (Executive Order) 94-3, Seksiona 101 yan 301 yan 3 CMC Seksiona 4312.

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13045

RAYNALDO M. CINC

RAXNALDO M. CING Sekretarian Labor yan Immigration

GEORGÉ F. CAMACHO Direktot Immigration

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Inakonfotma as: MID

FROILAN C. FENORIC Governor

1 PEDRO Q. DELA CRUS

Sekretarian Commerce

SOLEDAD B. SASAMOTO Registrar of Corporations

3-9-95

Fecha

09/95

Fecha

Fee

3/15/95

Fecha

Ma-file yan Ribisi gi Oficinan Gobietno:

DONNA J. CR

Fec

#### SETTIFIKASION

Guahu, Raynaldo M. Cing, Sekretarian Labor yan Immigration, hu settifika yan deklara gi papa penan pejury na i sigiente na regulasion Gotpe Na Nisisidat magahet, kumplidu yan dinanche na kopian ayu na regulasion.

Ma fecha giya Saipan, CNMI: <u>3-9-95</u>-

RAYNALDO M. CING Dipatmenton Labor yan Immigration

Ma file yan Ribisi gi Ofisinan Gobietno:

DONNA

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3/9/95 Fecha

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 MARCH 15, 1995 PAGE 13047

# NORTHERN MARIANA ISLANDS RETIREMENT FUND PUBLIC NOTICE OF ADOPTED AMENDMENTS ADA GRIEVANCE PROCEDURE REGULATIONS

The Board of Trustees of the NMI Retirement Fund hereby serves notice to the general public that it has adopted final amendments to the Fund's ADA Grievance Procedure Regulations pursuant to Public Law 6-17, as amended, 1 CMC Section 8315(f) of the Northern Marianas Retirement Fund Act of 1988, and the Administrative Procedures Act, 1 CMC 9101, et. seq.

The purpose of these regulations is to provide for the procedure under which persons with disabilities will follow when they are adversely affected by the Fund.

Dated this  $7\pi$  day of March, 1995.

Dino M./Jones Chairman Board of Trustees

Edward H. Mangiona Administrator NMI Retirement Fund

OFFICE OF THE GOVERNOR:

Received by / Date

	OFFICE OF THE REGISTRAR
	OF CORPORATIONS
	FILED BY:
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	mm
	SOLEDAD B. SASAMOTO
	Registrar of Corporations

Dated: 3/7/95

# NOTISIAN PUBLIKO POT I MAPROPOPONE NA TINILAIKA GI AREKLAMENTION I PROGRAMAN RETIREMENT FUND

I Board of Trustees i Northern Mariana Islands Retirement Fund man nana'e notisia para i henerat publiko na esta ha adopta i tinalaika gi areklamento yan regulasion i Fund sigun gi atoridat gi papa'i lai gi 1 CMC 8315(f), yan i Administratiev Procedure Act, gi 1 CMC 9101, et. seq.

I propositon este na areklamento pot para umana guaha propio na chalan yangin para ufan apela iman inafefekta na petsonas.

Mafecha gi <u> $7\pi$ </u> dia de Marzo, 1995.

Dinó M. Jones Chairman Board of Trustees

Edward H. Manglona Administrator NMI Retirement Fund

OFFICE OF THE GOVERNOR:

Received by

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OFFICE OF THE REGISTRAR OF CORPORATIONS

FILED BY:

SOLEDAD'B. SASAMOTO Registrar of Corporations

Dated:

# ADA GRIEVANCE PROCEDURE REGULATIONS

The Board of Trustees, Northern Mariana Islands Retirement Fund and Workers' Compensation Commission, in compliance with the Americans with Disabilities Act (ADA) of 1990 hereby promulgates and adopts these rules and regulations to satisfy any questions, concerns, and complaints not otherwise disposed by the ADA Compliance Coordinator.

# PART I. GENERAL PROVISIONS

Section 1. <u>Authority</u>. Under any and by virtue of the provisions of 1 CMC, §8315(f), and the Administrative Procedure Act at 1 CMC 9101, <u>et. seq.</u>, the Board of Trustees of the Northern Mariana Islands Retirement Fund hereby adopts these ADA rules and regulations.

Section 2. <u>Purpose</u>. The purpose of this grievance procedure is to provide a mechanism for the resolution of discrimination issues as is required by ADA.

# PART II. GRIEVANCE PROCEDURE

Any person who believes that he/she is being discriminated against for reason of disability should follow the administrative grievance procedure to properly resolve the issues.

1. **Meeting With ADA Compliance Coordinator.** Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall prepare either a written, oral, or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint stating why he/she believes a violation of ADA exists; or

Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall contact by phone or personally visit the ADA Compliance Coordinator for the Retirement Fund/Workers' Compensation Commission.

The ADA Compliance Coordinator shall upon receipt of the written, oral, or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint of discrimination pursuant to the ADA shall investigate the grievance to make sure the policies and practices of the programs are not discriminatory. If the findings of the ADA Compliance Coordinator is consistent with the aggrieved party, the ADA Compliance Coordinator shall discuss with the Administrator the need to correct the situation.

If a resolution is not made, the ADA Coordinator shall forward such complaint to the Administrator for proper disposition.

2. Appeal to the Administrator. If the issue is not resolved by the ADA Compliance Coordinator, the aggrieved party may seek an audience with the Administrator of the Retirement Fund/Workers' Compensation Commission. This can be accomplished by the ADA Coordinator preparing a request for the Administrator to entertain the issue; or the aggrieved party may contact the Administrator stating that he/she is not satisfied with the conclusion or findings of the ADA Compliance Coordinator.

Upon receipt of this notice, the Administrator shall schedule a meeting within 15 days of receipt of the notice to appeal the findings of the ADA Compliance Coordinator. The Administrator shall hear the appeal within 30 days and the findings issued within 20 working days.

3. Appeal to the Board. If the aggrieved party is still not satisfied with the decision of the Administrator, he/she can appeal the decision to the Board of Trustees/Workers' Compensation Commission within 30 days of receipt of the Administrator's decision, in writing, oral or through the aid of a personal assistant or a sign language interpreter.

The full Board of Trustees/Workers' Compensation Commission shall within a reasonable time hear the appeal.

4. **Appeal to the Court.** Upon receipt of the decision of the Board and the aggrieved party is not satisfied, he/she may appeal the decision to the Commonwealth Superior Court pursuant to the Administrative Procedures Act which can be found in the Commonwealth Code.

**REPRESENTATION.** Throughout the appeal process, the aggrieved party may be represented by an attorney licensed to practice law in the Commonwealth. Further, the aggrieved party may be accompanied by an expert or a teacher of the Sign Language for communication purposes.

ADOPTED this  $_{7^{\text{th}}}$  day of March, 1995.

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Dino/M. Jones, Chairman Board of Trustees/ Workers' Compensation Commission

# **Certification of the Adopted Regulations**

I, Dino M. Jones, Chairman of the Board of Trustees, NMI Retirement Fund, which has promulgated the foregoing ADA Grievance Procedure Regulations, by my signature below, do hereby certify that these regulations are true, complete and a correct copy, formally adopted by the Board of Trustees.

DATED this  $\frac{7^{n}}{\sqrt{2}}$  day of March, 1995.

Dino M./Jones, Chairman Board of Trustees/Workers' Compensation Commission

OFFICE OF THE GOVERNOR:

CORPORATIONS:

OFFICE OF THE REGISTRAR OF

Received by / Date



Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 • SAIPAN • MP 96950 Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

# PUBLIC NOTICE OF ADOPTION OF AMENDMENTS TO THE CPA RULES AND REGULATIONS CONCERNING TERMINAL TARIFFS

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122 (j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its adoption of amendments to the Rules and Regulations concerning the Terminal Tariffs for the Commonwealth Ports Authority. The proposed amendments are published herewith.

Dated this <u>10th</u> of March, 1995.

CARLOS A. SHODA Executive Director Commonwealth Ports Authority

Received by: ĎŎŇNA J. CRĮÚZ Governor's Office

SOLEDAD B. SASAMOTO Filed by Registrar of Corporations

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 SAIPAN INTERNATIONAL AIRPORT/SEAPORT P.O. Box 1055, Saipan, MP 96950 ROTA INTERNATIONAL A. P.O. Box 561, Rota,

UME 17 NUMBER 03 MARCH 15, 1995 ROTA INTERNATIONAL AIRPORT/SEAPORT P.O. Box 561, Rota, MP 96951

1995 PAGE 13053

WEST TINIAN AIRPORT/SEAPORT San Jose Village, Tinian, MP 96952



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# NOTISIAL PUBLIKO SANGI ADOPTAAL SIWEL REEL ALLEGHUL TERMINAL TARIFFS

Ofisinal Commonwealth Ports Authority sangi allegh ye 2 CMC me sangi alleghleghul 1 CMC a aghuley ngalir publiko reel yaal ebwe adoptaali me siweli alongal alleghul Terminal Tariffs me loll ofisinal Commonwealth Ports Authority ye eiseli alongal fasul allegh kkewe e adopta sangi fasul allegh kka re kke allegheleghiu bwe ebwe siwel sangi allegh kka essal adopta. Allegh ye ebwe siwel ngiye ebwe iseiswow.

CÁRLÓS A. SHODA Executive Director Commonwealth Ports Authority

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03

OLUME 17 NUMBER 03 MARCH 15, 1995

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# <u>NOTISIAN PUBLIKU</u> ARELAMIENTO YAN REGULASIONS I TERMINAL TARIFF

I Commonwealth Ports Authority, sgun gi 2 CMC, seksiona 2212 (j), yan sigun gi probision 1 CMC 9104(a), ha notitisia I publiku pot I ma adaptan I Arelamiento yan Regulasions i Terminal Tariff i Commonwealth Ports Authority, ni ma recohe antes de maadapta i refotma guato gi originat na regulasions yan mapropone refotma guato gi regulasions ni antes ti maadapta. I mapropone repasa na regulasions ma publica guine.

CARLOS A. SHODA Executive Director Commonwealth Ports Authority

COMMONWEALTH REGISTER VOL SAIPAN INTERNATIONAL AIRPORT/SEAPORT P.O. Box 1055, Saipan, MP 96950

VOLUME 17 NUMBER 03 MARCH 15, ROTA INTERNATIONAL AIRPORT/SEAPORT P.O. Box 561, Rota, MP 96951 1995 PAGE 13055 WEST TINIAN AIRPORT/SEAPORT San Jose Village, Tinian, MP 96952



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# AMENDMENTS TO COMMONWEALTH PORTS AUTHORITY TERMINAL TARIFFS

# AMENDMENT NO. 1

Sections "A" and "B" of Part III are deleted in their entirety and replaced with the following:

# PART III

# WHARFAGE

- A. WHARFAGE RATES. The wharfage rates for cargo will be \$2.71 per Revenue Ton. Minimum charge per bill of lading will be \$2.71.
- B. LIMITATIONS. Provided the ocean bill-of-lading reads transshipment, and the cargo does not leave the control of the inward or outward carriers at the port while awaiting transshipment, and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, and (a) if the final destination of the cargo is a port outside the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall not apply.

Instead, the wharfage rates for such cargo will be \$1.08 per revenue ton. The minimum charge per bill-of-lading will be \$1.08; or (b) if the final destination of the cargo is a port within the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall apply provided that cargo upon which wharfage charges have been paid at the port of transshipment shall not be subject to a wharfage charge at the port of final destination. Alternatively, the Executive Director may provide for the collection of wharfage charges at the port of final destination.

# AMENDMENT NO. 2

Part IV is deleted in its entirety and replaced with the following:

COMMONWEALTH REGISTER VOLUME 17 NUMBER 03 SAIPAN INTERNATIONAL AIRPORT/SEAPORT P.O. Box 1055, Saipan, MP 96950 ROTA INTERNATIONAL AI P.O. Box 561, Rota,

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#### PART IV

#### PORT ENTRY FEE

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

For vessels of 1,000 registered gross tons and under:	\$61.88
For vessels between 1,000 registered gross tons and 2,000 registered gross tons:	\$123.75
For vessels over 2,000 registered gross tons: plus an additional charge of \$61.88 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons.	\$123.75

#### AMENDMENT NO. 3

Section "D" of Part V is deleted in its entirety and replaced with the following:

#### D. DOCKAGE RATES

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#### Overall Length of Vessel in Fleet

Over	But not over	Charge per 24-Hou or fraction thereof	
0	100	\$ 46.57	
100	150	59.51	
150	200	72.45	
200	250	124.20	
250	300	124.20	
300	350	188.02	
350	375	227.70	
375	400	227.70	
400	425	266.51	
425	450	266.51	
450	475	305.33	

475	500	305.33
500	525	344.14
525	550	344.14
550	and over	486.45

The Commonwealth Ports Authority declares that the commercial docks and wharves of the Commonwealth are intended for use for the purpose of active loading and unloading of vessels. It is therefore the policy of the Authority to discourage inefficient use of the limited space at the commercial docks and wharves of the Commonwealth, by providing a surcharge for vessels moored or docked there at which are not actively engaged in loading or unloading. The Authority further finds that the principal source of abuse of dock privileges are fishing vessels.

(1)Catch vessels, including but not limited to purse seiners, pole and line vessels, and small fish carriers, may remain in port while waiting to unload their cargo, while actively unloading their cargo, and for a period of three days thereafter for the purpose of re-provisioning, without the payment of a surcharge. Any catch vessel which remains at a commercial dock or wharf of the Commonwealth for a period of time in excess of that permitted by this Paragraph, without an exemption of surcharges by the Port Superintendent, shall pay a surcharge of \$300 per 24-hour day or fraction thereof for each excess day that it remains in port, in addition to the dockage charges provided hereinabove. If such a vessel remains in port for longer than three continuous days, it shall provide reasons satisfactory to the Port Superintendent as to why surcharge should not be levied under this Paragraph. In the event that the Port Superintendent does not accept such reasons and does not exempt the vessel from payment of the surcharge, the vessel and its owner shall be liable for the surcharge, and shall promptly pay the same.

(2)Motherships, including but not limited to refrigerated cargo vessels carrying or intending to carry fish, shall, promptly upon their arrival in port, advise the Port Superintendent of their proposed plan for loading and transshipment of cargo. The Port Superintendent may reject a plan if he determines that it is not reasonable. The Port Superintendent shall approve the plan if he determines that the plan is calculated to accomplish the business of the vessel within a reasonable time. A mother ship may not remain at a commercial dock or wharf of the Commonwealth for a period of time in excess of ten days, unless such a plan has been approved by the Port Superintendent. If the Port Superintendent determines that the vessel is not endeavoring in good faith to comply with such plan, the Port Superintendent may in his discretion either (1) require the vessel to leave port, or (2) require the vessel to pay a surcharge of \$300.00 per day for each day that the vessel remains in port without an approved plan.

(3)For the purposes of this Paragraph, a dockage period shall not be construed as ending unless and until a vessel shall have vacated its berth or slip for a period of

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not less than 24 consecutive hours.

(4) Any person aggrieved by a decision or order of the Port Superintendent made pursuant to this Paragraph may appeal such decision or order to the Board of Directors, within ten days thereof. The Board shall promptly afford such person notice of and the opportunity to be heard at a hearing within 30 days after filing the appeal and the Board of Directors decision shall be released not more than twenty days (20) after the final hearing.

#### AMENDMENT NO. 4

PART VI is deleted in its entirety and replaced with the following:

#### PART VI

#### MISCELLANEOUS CHARGES

A. FRESH WATER. Fresh water, if available, will be furnished to vessels at a rate of thirty cents (\$.30) per metered ton or fraction of a ton.

In addition, a charge of \$35 will be levied to connect and disconnect hoses and couplings except on Saturdays, Sundays and holidays. On Saturdays, Sundays and holidays, a charge of \$80 will be levied for this service.

B. ELECTRIC SERVICE CHARGES. At the request of a carrier, or its agent, electric power shall be supplied to vessels at the same rates that the Government of the Northern Mariana Islands would charge for the service if supplied directly, plus the following service charges:

1. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the vessel, the service charge shall be \$8. If the vessel temporarily leaves the terminal and returns during the same voyage, an additional charge will be made for again connecting the light or power circuits as herein provided.

2. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the Port, or for the extension of light or power circuits, the service charge shall be \$11 plus time at the established man-hour rates.

- C. BUNKER FEE. A charge of \$0.18 per barrel for residual oil, and \$0.32 per barrel for diesel oil, will be assessed all suppliers of oil for bunkering at the Port.
- D. HOME PORT FEE. Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon

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CPA by law. In the absence of such an agreement, all of the rates and fees set forth

in this Terminal Tariff and elsewhere in the Harbor Regulations shall apply, except that the dockage rates shall be as follows:

At the Commercial Ports of Saipan and Tinian:

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not over	
0	25	\$27.00
25	75	45.00
75	100	135.00
100	150	180.00
150		Daily rates specified in Part V.D. shall apply

At the Commercial Port of Rota:

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Overall length of	Charge per month
vessel in feet:	of fraction thereof:

Over	But not over	
0	10	\$6.00
10	12	8.40
12	14	10.80
14	16	13.20
16	18	18.00
17	20	21.60
20	22	24.00
22	24	26.40
24	26	28.80
26	75	60.00
75	100	90.00
100	150	120.00
150		Daily rates specified in Part V.D. shall apply

Not later than December 31 of each year, CPA shall E. PORT SERVICES FEE. establish a Port Services Fee for each port of the Commonwealth for the following year. The Port Services Fee shall be computed as follows: CPA will estimate, based

upon data obtained from the current year, the total cost of services to be provided to all vessels in the port by agencies of the Commonwealth Government other than CPA, and the total costs to be incurred by agencies of the Commonwealth other than CPA as a result of the activities of the ships in the port, said costs to include (but not limited to) additional police protection over and above that provided by CPA, environmental services, medical services, and legal services. CPA shall then estimate the total number of days which all vessels will spend in the port during the following year. The Port Services Fee for the port shall be the first figure divided by the second figure.

The Port Services Fee established by CPA for each port pursuant to the provisions of this Paragraph may be amended from time to time whenever, in the opinion of CPA, it is necessary to do so.

Every vessel which enters a port of the Commonwealth shall pay the Port Services fee for such port, for each day or fraction thereof during which such vessel remains in such port.

CPA shall reimburse the Government of the Northern Mariana Islands, to the extent of the Port Services Fees collected by it at a port pursuant to the provisions of this Paragraph, for the cost of all services provided to vessels in the port by agencies of the Commonwealth Government other than CPA, and for costs incurred by agencies of the Commonwealth Government other than the CPA as a result of the activities of vessels in the port.

F. PASSENGER FEE. There shall be a charge of \$3.75 for every person that boards a vessel through any port or harbor in the Commonwealth which CPA exercises the various powers conferred upon it by law.

#### AMENDMENT NO. 5

There is created a new Section "G" to Part VI which shall be included to read as follows:

G. NOTICE OF FUTURE RATE INCREASE. Notice is hereby given that the following minimum increases to the rates and charges as stated in these Terminal Tariffs shall take effect on April 1, 1997 subject to further review of necessary debt service requirements under the SHIP tax exempt bond indenture agreement and compliance with all Federal and Commonwealth laws:

Fee or Charge	Percent (%) Increase
1. Wharfage Rates	20%
2. Dockage Rates	20%
3. Passenger Fees	20%

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Nothing in this section shall restrict or limit CPA's authority to increase the above fees and charges beyond the stated amount, or to restrict or limit its authority to raise its other fees existing at the Port, or to implement new fees as necessary to maintain and operate the Port and to pay any other expenses, including any outstanding debt on the port as it comes due.

These Amendments to the Commonwealth Ports Authority Terminal Tariff Regulations shall take effect upon their adoption by the Authority and their promulgation in the manner provided by law. All applicable fees, charges and tariffs as set forth in these iAmendments shall be imposed and take effect on April 1, 1995.

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Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 • SAIPAN • MP 96950 Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

# CERTIFICATION OF AMENDMENTS TO THE RULES AND REGULATIONS REGARDING TERMINAL TARIFFS

I, CARLOS A. SHODA, Executive Director of the Commonwealth Ports Authority, which is promulgating Amendments to the Rules and Regulations regarding Terminal Tariffs for the Commonwealth of Seaports, by signature below, hereby certifies that the foregoing Amendments to the regulations regarding terminal tariffs are a true, complete and correct copy of the Amendments to the Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on the <u>10th</u> day of March, 1995, at Saipan, Commonwealth of the Northern Mariana Islands.

CARLOS A. SHODA Executive Director Commonwealth Ports Authority

COMMONWEALTH REGISTER VO SAIPAN INTERNATIONAL AIRPORT/SEAPORT P.O. Box 1055, Saipan, MP 96950

VOLUME 17 NUMBER 03 MARCH 15, 1995 T ROTA INTERNATIONAL AIRPORT/SEAPORT P.O. Box 561, Rota, MP 96951 Sa

L995 PAGE 13063 WEST TINIAN AIRPORT/SEAPORT San Jose Village, Tinian, MP 98952

#### NOTICE OF ADOPTION

#### BOARD OF EDUCATION POLICY

The Board of Education of the Northern Mariana Islands hereby notifies the general public that it has adopted new and amended school policies pursuant to the Education Act of 1988 and the Administrative Procedures Act.

The policies adopted were published in the Commonwealth Register Vol.16-No.11 (November 15, 1994) in proposed form for public comment. The policies adopted with amendments are:

**NEW POLICY 1009** Harassment on the Basis of Race, Color, National Origin, Disability & Sex, On PSS Grounds or by PSS Employees Harassment Prohibited New/Amend. Policy 1009.1 1. New/Amend. Policy 1009.2 **Conduct Constituting Harassment** 2. 3. New/Amend. Policy 1009.3 Persons Subject to Policy New Policy 1009.4 New Policy 1009.5 4 **Duty to Report Violations** 5. Enforcement of Policy Amend. Policy 1006 6. **Federal Grants** CNMI BOE BY-LAWS

- Amend, Article VI Section 7 7.
- Amend, Article VI Section 9 8.

Copy of the policies may be obtained from the Office of the Comissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

In accordance with 1 CMC Sec. 9105(b), the adopted policies shall take effect ten (10) days after the date of publication of this Commonwealth Register issue.

March 10) 1995 Daniel O. Quiluou Chairman, Board of Education

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**Received By:** 

Doňna Cruz.

Filed By: Soledad B. Sasamoto

**Registrar of Corporations** 

# NUTISIA POT MA'ADAPTAN

#### **BOARD OF EDUCATION POLICY**

I Board of Education gi halom i <u>Northern Mariana Islands</u> ginen este ha nutitisia i pupbliku henerat na esta manadapta amendasion siha para areklamenton eskuela sigun i ginagagao gi <u>Education Act of 1988</u> yan i <u>Administrative Procedures Act</u>.

I areklamento siha ni manma'adapta manmapupblika huyong gi <u>Commonwealth Register</u> <u>Vol. 16. No. 11</u> (Nubembre 15, 1994) gi fotman i mapropoponi para i pupbliku. Estague' i sigiente na manma'adapta na <u>policies</u> siha:

	NUEBU POLICY 1009	Harassment on the Basis of Race. Color. National Origin.
		Disability & Sex. On PSS Grounds or by PSS Employees
1.	Nuebu/Amenda Policy	1009.1 Harassment Prohibited
2.	Nuebu/Amenda Policy	1009.2 Conduct Constituting Harassment
3.	Nuebu/Amenda Policy	1009.3 Persons Subject to Policy
4.	Nuebu <u>Policy</u> 1009.4	Duty to Report Violations
5.	Nuebu <u>Policy</u> 1009.5	Enforcement of Policy
6.	Amenda Policy 1006	Federal Grants
	CNML BOE BY-LAW	21

7. Amenda Article VI Section 7

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8. Amenda Article VI Section 9

Hayi malago' siña ha' mañule' kopian este siha na <u>policies</u> gi Ufusinan <u>Commissioner of</u> Education. Public School System. Lower Base. Saipan. MP 96950.

Sigun i fuetsan 1 CMC Sec. 9105 (b), i manma'adapta siha na <u>policies</u> u fanefektibu gi halom dies (10) dias despues di mapupblika huyong este na nutisia gi <u>Commonwealth</u> <u>Register</u>.

Marso 10, 1995 Daniel O. Ouitugua Chairman, Board of Education

Received By: \_\_\_\_\_\_ Cy\_\_\_ 3/10/95 Donna Cruz, Governer's Office

Filed By:

 Soledad B. Sasamoto Registrar of Corporations

#### ARONGORONGOL ADAPTAAL

## ALLEGHUL BOARD OF EDUCATION

Schóól <u>Board of Education</u> me llól <u>Northern Marianas Islands</u> re kke aghuleey ngaliir aramas towlap bwe ra adaptálil alléghúl imwal rágháfishch kkewe re amendáli sángi <u>Education Act of 1988</u> me <u>Administrative Procedures Act</u>.

Allégh kka re adaptáálil nge aa takkal toowow llól <u>Commonwealth Register Vol.16-No.11</u> (Nobembre 15, 1994) igha re féérú reel <u>proposed form</u> bwe towlap rebwe iraalong meeta tipeer me mángemángiir.

Allégh kka re adaptáálil nge ikka faal:

ALLEGH FFE POLICY 1009 Harassment on the Basis of Race. Color. National Origin. Disability & Sex. On PSS Grounds or by PSS Employees

- 1. Allegh Ffe Policy 1009.1 Harassment Prohibited
- 2. Allégh Ffé Policy 1009.2 Conduct Constituting Harassment
- 3. Allégh Ffé Policy 1009.3 Persons Subject to Policy
- 4. Allégh Ffé 1009.4 Duty to Report Violations
- 5. Allégh Ffé 1009.5 Enforcement of Policy
- 6. Liiwelii Policy 1006 Federal Grants
- <u>CNMI\_BOE\_BY-LAWS</u>
- 7. Liiwelil Article VI Section 7
- 8. Liiwelil Article VI Section 9

Kkopiyaal allégh kkaal nge emmwel aramas rebwe ló bweibwogh sángi Office of the Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

Reel bwángil me aileewal 1 CMC Sec. 9105 (b), nge allégh kka re adaptaalil ebwe aléghéléghéló llól seigh (10) rál sángi igha e toowow arongorong yeel mellól <u>Commonwealth Register</u>.

Matso 10. 1995 Daniel O. Quitugua Chairman, Board of Education

Ivo E Risibiliy: Donna Cruz, Gøvern

Ivo E File-li

Soledad B. Sasamoto Registrar of Corperations

#### Adopted New Policy

# Policy 1009 Harassment On The Basis Of Race, Color, National Origin, Disability and Sex, On PSS Grounds or By PSS Employees

#### 1009.1 Harassment Prohibited

Unlawful harassment in the workplace on the basis of an individual's race, color, national origin, religion, disability or sex by any official or employee of the PSS or in any building under control of the PSS is prohibited. Such harassment is unlawful under Commonwealth law, Federal statutes, and the Rules and Regulations of PSS; including but not limited to, Article I, Section 6, CNMI Constitution, Article XV, Section 1 (b), CNMI Constitution, 42 U.S.C. 2000d-2000e, and Section 5302 (Policy on Employee Conduct) of the PSS Rules and Regulations.

#### 1009.2 Conduct Constituting Harassment

Slurs and other verbal or physical conduct relating to an individual's race, color, national origin, religion, disability or sex constitutes unlawful harassment when such slurs or conduct (1) has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment, (2) has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or (3) otherwise adversely affects an individual's employment or educational opportunities. While any final determination whether particular verbal and physical conduct constitutes unlawful harassment shall be based on the particular facts of each alleged act of harassment, individuals subject to this policy shall be presumed to intend the reasonable and foreseeable consequences of their conduct.

# 1009.3 Persons Subject to Policy

The policy prohibiting unlawful harassment on the basis of race, color, national origin, religion, disability or sex shall apply to all acts and/or conduct (1) by any official, employee, agent or sub-contractor of the PSS within the scope of their employment or contract, and (2) by any person lawfully on premises under the control of the PSS within the scope of their lawful authority.

#### 1009.4 Duty to Report Violations

Unless provided otherwise under the Rules and Regulations of the PSS, possible violations of this policy shall be reported to the Principal, in the case of a public school, or senior PSS official, in the case of premises under the control of the PSS other than a school, responsible for the facility in which the alleged violation of this policy took place. Such report shall include at the minimum the name of person who allegedly violated this policy, the date and place of the alleged violation, the circumstances of the conduct alleged to constitute unlawful harassment, and the names of any other persons who might have personal knowledge of the conduct reported.

#### 1009.5 Enforcement of Policy

**{** . .

In the case of conduct on the part of an official, employee, agent or sub-contractor of the PSS violations of this policy shall be subject to appropriate disciplinary action, including possible suspension or termination of employment or contract. In the case of conduct on the part of an individual on or in premises under the control of PSS, violations of this policy shall be subject to such corrective action, including restricting or barring an individual or organization from PSS premises, as is warranted under the facts. Disciplinary action against an official, employee, agent or sub-contractor, or termination of authority to use or be on premises under the control of the PSS based on this policy shall be taken only after compliance with all applicable rules and regulations of the PSS governing such proposed action.

#### CERTIFICATION OF RULES REGARDING THE PUBLIC SCHOOL SYSTEM

#### ADOPTED POLICY

#### BOARD OF EDUCATION

I, Daniel O. Quitugua, Chairman, Board of Education, which is promulgating the rules regarding the Public School System to be published in the Commonwealth Register Adopted Board of Education policy numbers as follows: NEW POLICY 1009 Harassment on the Basis of Race, Color, National Origin, Disability & Sex, On PSS Grounds or by PSS Employees, New/Amend. Policy 1009.1 Harassment Prohibited, New/Amend. Policy 1009.2 Conduct Constituting Harassment, New/Amend. Policy 1009.3 Persons Subject to Policy, New Policy 1009.4 Duty to Report Violations, New Policy 1009.5 Enforcement of Policy, Amend. Policy 1006, Federal Grants, CNMI BOE **BY-LAWS:** Amend. Article VI Section 7, Amend. Article VI Section 9, by signing below hereby certify that such Rules are a true, complete, and correct copy of the policies regarding the Public School System formally Adopted by the Board of Education. I further request and direct that this certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Policies regarding the Public School System referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration will be executed on the 15th day of March 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

Quitiadua Chairman Board of Education

Received By:

Donna Cruz, Governor Office

Filed By:

C Soledad B. Sasamoto Registrar of Corperations

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# Department of Finance

Office of the Director Commonwealth of the Northern Mariana Islands P.O. Box 5234 CHRB Saipan, MP 96950

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#### DEPARTMENT OF FINANCE

#### ANNOUNCEMENT NO. RT95-03

The Department of Finance, Division of Revenue and Taxation wishes to announce the position it is taking with regard to the implementation of certain provisions of Public Law 9-22. The following are interim measures with respect to the implementation of the tentative non-refundable credits allowed under Sections 1205 and 1307. The Department of Finance will be issuing regulations in the near future pertaining to the foregoing and other tax issues necessary to implement and enforce Public Law 9-22.

A. Non-refundable Credit Under Section 1205

Pursuant to and as provided by Section 1205, there will be allowed as a non-refundable credit against the tax imposed on wages and salaries or earnings any NMTIT paid on the same item of income subject to the wage and salary or earnings tax. In order for this provision to apply at the time withholdings are deducted and remitted, the items of income subject to the NMTIT and the Wage and Salary or Earnings Tax must be taxable and/or that withholding must be required at the time the NMTIT was withheld or paid.

#### Example 1. ABC Company Withholding Tax

Employee Name	A Gross Wages	B Chp. 7 Tax Withheld	C Chp. 2 Tax Computed	D Chp. 2 Tax Tentative Credit	E Chp. 2 Tax Withheld
Employee A	600.00	60.00	40.00	40.00	0.00
Employee B	400.00	25.00	40.00	25.00	15.00
Employee C	500.00	30.00	30.00	30.00	0.00
Totals	1,500.00	115.00	110.00	95.00	15.00
Amount to Remit	N/A	115.00	N/A	N/A	15.00

#### Example 2. XYZ Company Withholding Tax

Employee Name	A Gross Wages	B Chp. 7 Tax Withheld	C Chp. 2 Tax Computed	D Chp. 2 Tax Tentative Credit	E Chp. 2 Tax Withheld
Employee A	800.00	100.00	75.00	75.00	0.00
Employee B	1,000.00	75.00	80.00	75.00	5.00
Employee C	500.00	40.00	40.00	40.00	0.00
Totals	2,300.00	215.00	195.00	190.00	5.00
Amount to Remit	N/A	215.00	N/A	N/A	5.00

Note: Figures are for illustrative purposes only

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In Example 2, for employee A, the actual tax withheld under Chapter 2 of -0- was the result of the Chapter 7 (NMTIT) tax applied as a tentative non-refundable credit against the computed chapter 2 tax of 575.00. The amount of the tentative non-refundable credit is the lesser of the amount of the Chapter 2 tax computed and the Chapter 7 tax withheld. As the amount of the Chapter 2 tax computed of 575.00 is less than the amount of the Chapter 7 tax withheld in the amount of 100.00, the amount of the tentative non-refundable credit is 575.00.

Employee A's combined withholding tax is \$100.00 (\$ -0- for Wage and Salary Tax and \$100.00 for NMTIT), which in effect equals the greater amount of Chapters 2 or 7 (NMTIT). XYZ Company shall deduct the \$100.00 from A's payroll check and classify as indicated above. Allowing the tentative non-refundable credit, in effect, relieves Employee A of any Wage and Salary tax withholding imposed on wages and salaries received to the extent of any tentative non-refundable credit which arises from the same taxable period.

#### B. Non-refundable Credit Under Section 1307

Pursuant to and as provided by Section 1307, there will be allowed as a non-refundable credit against the tax imposed on gross revenues any NMTIT paid on the same item of income subject to the gross revenue tax. In order for this provision to apply to quarterly estimated NMTIT payments and quarterly GRT returns, the NMTIT and gross revenue tax must both be due within the period covered by the NMTIT payment. The GRT tentative credit will be accepted provided that a copy of the NMTIT estimated tax payment voucher is attached to the gross revenue tax return at the time of the filing of the gross revenue tax return, and provided that the NMTIT estimated tax payment voucher sets forth the amount of the NMTIT payment allocable as GRT credit.

#### Example 1.

NMTIT Estimated Tax Payment (1st Quarter, 1995) GRT Tentative Credit Allocation 3,000	\$5,000
Amount Deposited	5,000
GRT Due (1st Quarter, 1995)	3,000
NMTIT Credit Allocated to GRT (1st Quarter, 1995) Amount Due on GRT Return	3,000 -0-
Anount Due on GKT Return	-0-
Example 2.	
NMTIT Estimated Tax Payment (1st Quarter, 1995)	\$5,000
GRT Tentative Credit Allocation 5,000 Amount Deposited	\$5,000
GRT Due (1st Quarter, 1995 return)	\$8,000
NMTIT Credit Allocated to GRT (1st Quarter, 1995)	5,000
Amount Due on GRT Return	\$3,000

In addition, there will also be allowed as a non-refundable credit against the tax imposed on gross revenues any overpayment of NMTTT from the previous taxable year carried forward to the current taxable year. In order for this provision to apply to quarterly GRT returns, the NMTTT return from the previous year indicating the overpayment carried forward must be filed prior to the due date of the GRT return. This provision will apply only if a copy of Page 2 of a duly filed Form 1120CM or Form 1040CM, as applicable, is attached to the gross revenue tax return at the time of filing the GRT return.

#### Example 1.

NMTIT Estimated Tax Payment (1st Quarter, 1995) NMTIT Overpayment Taxable Year End 12/31/94 GRT Tentative Credit Allocation	4,000	\$3,000 2,000
GRT Due (1st Quarter, 1995)		4,000
NMTIT Overpayment Credit Allocated to GRT (1st Quarter, 1995)		2,000
NMTIT Estimated Tax Credit Allocated to GRT (1st Quarter, 1995) Amount Due on BGRT Return		2,000 -0-

Example 2.

NMTIT Estimated Tax Payment (1st Quarter, 1995) NMTIT Overpayment Taxable Year End 12/31/94 BGRT Tentative Credit Allocation	5,000	\$3,000 2,000
GRT Due (1st Quarter, 1995)		8,000
NMTIT Overpayment Credit Allocated to GRT (1st Quarter, 1995)		2,000
NMTIT Estimated Tax Credit Allocated to		
GRT (1st Quarter, 1995)		3,000
Amount Due on BGRT Return		3,000

Issued and Certified by: <u>Maria D Caluero Finance</u> <u>3/15/95</u> MARIA D. CABRERA TITLE DATE

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS OFFICE OF THE ATTORNEY GENERAL 2ND FLOOR - ADMINISTRATION BLDG., CAPITOL HILL SAIPAN, MP 96950

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# ATTORNEY GENERAL OPINION

March 10, 1995

**For Publication** 

# **ISSUE PRESENTED**

Pursuant to existing law, may a woman legally obtain an abortion in the CNMI?

# SHORT ANSWER

Yes, pursuant to the <u>Covenant to Establish a Commonwealth of the</u> <u>Northern Mariana Islands in Political Union with the United States of America</u>, the U.S. Constitution, Supreme Court case law, the CNMI Constitution, and federal statutory law, a woman may legally obtain an abortion in the CNMI, and has a qualified right to do so.

# <u>ANALYSIS</u>

#### The Relationship Between U.S. And CNMI Laws

Article I, Section 12 of the CNMI Constitution states that "[t]he abortion of the unborn child during the mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law." There are currently no Commonwealth statutes, regulations, or case law governing abortion in the CNMI. However, the analysis does not end there. To fully understand the laws governing abortion, it is necessary to begin with a review of the <u>Covenant to Establish a Commonwealth of the Northern Mariana</u> <u>Islands in Political Union with the United States of America</u><sup>1</sup> (the "Covenant"), which establishes the relationship between the United States and the CNMI, and the interconnection between their respective laws.

<sup>&</sup>lt;sup>1</sup> Act of Mar. 24, 1976, Pub. L. 94-241, 90 Stat 263, <u>as amended by</u> Pub. L. 98-213, §9, 97 Stat. 1461, Pub. L. 99-396, §10, 100 Stat. 840, <u>reprinted in</u> 48 U.S.C. §1681 (1988) statutory note at 209, and CMC at B-101.

Section 102 of the Covenant provides that "the relations between the Northern Mariana Islands and the United States will be governed by this Covenant which, together with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, will be the supreme law of the Northern Mariana Islands." Section 501(a) of the Covenant sets forth those sections of the United States Constitution which are applicable to the CNMI. It provides in part that, "[t]o the extent that they are not applicable of their own force, the following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were one of the several states: . . . Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1; Amendment 15; Amendment 19; and Amendment 26; . . . "

Thus, pursuant to sections 102 and 501(a) of the Covenant, the First Amendment, the Fourth and Fifth Amendments, the Ninth Amendment and the first section of the Fourteenth Amendment of the U.S. Constitution, and the case law interpreting these Amendments, are applicable to the CNMI, and are the "supreme law of the Northern Marianas Islands." It is these Amendments, and the U.S. Supreme Court's interpretation of these Amendments in <u>Roe v.</u> <u>Wade</u> and its progeny, that have shaped a woman's right of privacy. And it is that right of privacy which encompasses a woman's qualified right to decide whether or not to terminate her pregnancy. As established by sections 102 and 501(a) of the Covenant, these Amendments and Supreme Court case law are applicable with equal force and effect to the CNMI as to the fifty states, and must be respected and upheld as binding law by the CNMI.

The issue of whether U.S. Supreme Court case law on abortion is controlling beyond the fifty states was recently the subject of litigation in the Territory of Guam in <u>Guam Society of Obstetricians and Gynecologists v. Ada</u>, 776 F. Supp. 1422, <u>affd.</u> 962 F.2d 1366 (9th Cir. 1992), <u>cert. denied</u>, \_\_\_\_\_U.S. \_\_\_\_, 113 S.Ct. 633, \_\_\_\_\_L.Ed.2d \_\_\_\_\_(1992). In that case, the Guam Legislature had passed a bill which made abortion a third degree felony, except in instances involving ectopic pregnancies, and where the pregnancy would endanger the life, or gravely impair the health, of the mother. Governor Ada signed the bill into law despite the Guam Attorney General's opinion that the bill would be found unconstitutional because it interfered with a woman's right of personal privacy to decide to have an abortion.

Plaintiffs challenged the constitutionality of the Guam abortion statute. The District Court agreed with the Plaintiffs, holding that <u>Roe v. Wade</u> applied to the Territory of Guam. In reaching this decision, the court reviewed the Organic Act of Guam which, through a 1968 amendment, amended Guam's Bill of Rights to include the First through Ninth Amendments and the second

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sentence of section 1 of the Fourteenth Amendment of the U.S. Constitution.<sup>2</sup> The court then noted that "the roots of the right of privacy are found in the First Amendment, the Fourth and Fifth Amendments, the penumbrae of the Bill of Rights, the Ninth Amendment, and the concept of liberty guaranteed by the first section of the Fourteenth Amendment. <u>Roe v. Wade</u>, 410 U.S. at 152-153, 93 S.Ct. at 726-727. The right of privacy has some extension to marriage, procreation, contraception, family relationships, child rearing and education, and the qualified right to obtain an abortion. <u>Id</u>." <u>Ada at 1428</u>. The court determined that the people of the Territory of Guam are guaranteed the full protection of those constitutional rights added to the Bill of Rights by the 1968 amendments, including the right of privacy. Thus, "since the decisions of the United States Supreme Court, including <u>Roe v. Wade</u>, are the law of the land, they apply with equal force and effect to the Territory of Guam." <u>Id</u>.

Based on this conclusion, the <u>Ada</u> court ruled that Guam could not justify an abortion regulation that would otherwise be invalid under <u>Roe v. Wade</u> on the basis that such regulation embodies Guam's view of when life begins. Rather:

Under Roe, Guam may regulate abortions only to serve two compelling interests: The government's paramount interest throughout the pregnancy in the woman's health, and the government's interest after viability in protecting the potentiality of human life. During approximately the first trimester of pregnancy, neither of these interests is deemed 'compelling' for purposes of constitutional analysis and the government may not restrict a woman's right to choose an abortion. During approximately the second trimester, the government may only regulate the abortion procedure in ways that are 'reasonably related to maternal health.' After viability [of the fetus], the government may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. Therefore, any law purporting to regulate abortion must take into account these different interests, and protect both the rights of the individual woman and the interests of the state. (citations omitted).

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<sup>&</sup>lt;sup>2</sup> Section (u) of Guam's Bill of Rights reads: "The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive, the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments."

On appeal, the Ninth Circuit Court of Appeals affirmed the District Court's holding that <u>Roe v. Wade</u> applies to Guam as it applies to the states. The Ninth Circuit rejected appellants' argument that the doctrine of <u>Roe</u> has been significantly eroded by the U.S. Supreme Court's subsequent decisions on abortion, and found that although <u>Roe</u> had been modified by later decisions, the fundamental principle behind <u>Roe</u> was still viable law. The U.S. Supreme Court denied review of the case.

Like subdivision (u) of Guam's Bill of Rights, Sections 102 and 501 of the Covenant adopt various U.S. Constitutional Amendments as the law of the land. Thus, the analysis applied and the conclusions reached by the <u>Ada</u> court would be compelling precedent if the same or similar issue were raised in the CNMI.

# The Qualified Right To Abortion Under Roe v. Wade And Its Progeny

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If Roe v. Wade and its progeny constitute the current law on abortion in the CNMI, then what is the law established by these U.S. Supreme Court decisions? This analysis must commence with a review of the 1973 landmark decision of Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973), which held that the right of privacy encompasses a woman's qualified right to determine whether to terminate her pregnancy. At issue was a Texas statute which made abortion a crime except when the abortion was necessary to save the life of the mother. In striking down the statute, the Court recognized that the state does have a legitimate and important interest in preserving and protecting the health of a pregnant woman, and an additional legitimate and important interest in protecting the potentiality of human life. However, the Court determined that these state interests must be balanced with a woman's right to privacy, which includes the qualified right to decide to have an abortion. In striving to achieve a balance between a state's interest in life and health and a woman's constitutional rights, the Court established a trimester system which placed the competing interests on a sliding scale. The Court concluded:

> in the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician. . . [In the second trimester], the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health. . . For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

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Roe at 732. Accordingly, the Texas statute which criminalized abortions except when necessary to save the life of the mother, without regard to the stage of pregnancy and without recognition of other interests involved, violated the Due Process Clause of the Fourteenth Amendment.

As early as 1980, the Supreme Court's decisions began to create exceptions to the rights granted by Roe. In Harris v. McRae, 448 U.S. 297, 100 S.Ct. 2671, 65 L.Ed.2d 784 (1980), the Court held that under the Medicaid Act, states were not obligated to pay for those medically necessary abortions for which federal reimbursement was unavailable. This reasoning was extended even further in Webster v. Reproductive Health Services, 492 U.S. 490, 109 S.Ct. 3040, 106 L.Ed.2d 410 (1989). In Webster, the Court upheld a Missouri statute, which in part prohibited the use of public employees and facilities to perform or assist abortions not necessary to save the mother's life. The statute also prohibited the use of public funds, employees, or facilities for the purpose of encouraging or counseling a woman to have an abortion not necessary to save her life. Holding that the statute did not violate the constitutional rights established in Roe, the Court stated that "our cases have recognized that the Due Process Clauses generally confer no affirmative right to governmental aid. even where such aid may be necessary to secure life, liberty and property interests of which the government itself may not deprive the individual." Webster at 3051. With respect to the statutory prohibition on the use of public employees and facilities to perform or assist abortions, the court stated that "Missouri's refusal to allow public employees to perform abortions in public hospitals leaves a pregnant woman with the same choices as if the State had chosen not to operate any public hospitals at all. The challenged provisions only restrict a woman's ability to obtain an abortion to the extent that she chooses to use a physician affiliated with a public hospital. ... Nothing in the Constitution requires States to enter or remain in the business of performing abortions. Nor, as appellees suggest, do private physicians and their patients have some kind of constitutional right of access to public facilities for the performance of abortions." Webster at 3052. However, the Court noted in dictum, "[a] different analysis might apply if a particular State had socialized medicine and all of its hospitals were publicly funded." Id., n.8.

The trend in these cases led many people to believe that the Supreme Court was destined to overrule Roe v. Wade. The Court was presented with the opportunity in the 1992 case of Planned Parenthood v. <u>Casey</u>, U.S. , 112 S.Ct. 2791, L.Ed.2d (1992). At issue in this case was a Pennsylvania abortion law which imposed numerous restrictions on women seeking abortions, including requiring that a woman provide informed consent before the abortion was performed, and establishing a 24 hour waiting period prior to the abortion procedure. Fundamentally, the Court upheld the basic holding of Roe v. Wade: that a woman has a qualified constitutional right to decide to terminate her pregnancy. The Court also reconfirmed that this right

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derives from the Due Process Clause of the Fourteenth Amendment which declares that no state shall "deprive any person of life, liberty, or property, without due process of law."

However, the Court took the opportunity to abandon the trimester framework it had established in Roe. Instead, the Court concluded that a state has a legitimate interest in promoting human life throughout pregnancy, and that the state may enact rules and regulations to ensure that a woman's choice is informed and to advance its interest in persuading the woman to choose childbirth over abortion. The Court maintained its position that viability was the critical factor in balancing a woman's interests against the state's. Based on these considerations, the Court adopted the "undue burden" test as the standard of when state interference with a woman's right to decide to terminate her pregnancy prior to fetal viability has exceeded constitutional bounds. The Court defined undue burden as "a shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Casey at 2820. Thus, unless it creates an "undue burden" on the woman's right of choice, "a state measure designed to persuade [the woman] to choose childbirth over abortion will be upheld if reasonably related to that goal." Id. at 2821.

# The Effect Of The U.S. Supreme Court Decisions On The CNMI

As established by these U.S. Supreme Court cases, the CNMI may not impose an undue burden on a woman's right to obtain an abortion, particularly of a nonviable fetus. This does not mean that the CNMI may not regulate abortions, or encourage women to carry an unborn child to term. The Supreme Court case law recognizes that the government may regulate abortion to promote its legitimate interests in protecting the life and health of the mother, and in protecting the potentiality of life. To date, no legislation has been passed which addresses the issue of abortion, or regulates it any way. Thus the CNMI is left to apply the standards developed in federal case law in formulating a policy on abortion.

Any policy governing abortions established by the government must recognize that here in the CNMI, women do not have options as to where to seek comprehensive medical care. The only full service health care facility within the CNMI is operated and funded by the CNMI government. As noted by the Supreme Court in dictum in Webster, where all the hospitals are publicly funded, and health care is subsidized by the state, the state is likely to have the obligation to perform abortions for women seeking them. To conclude otherwise would tend to result in creating an undue burden for a woman. If a woman is unable to obtain an abortion at the CNMI government operated hospital, she is left with only a few unacceptable choices in exercising her right to have an abortion: she may purchase a round trip air ticket to the Territory of Guam and

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obtain the abortion in another jurisdiction; she may seek out the services of an unlicensed health care provider who is likely to lack adequate training and facilities to perform the abortion safely; or she may independently attempt to terminate her pregnancy. These options would likely be considered a "substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." In addition, the government's interest in preserving life and health would not outweigh the onerous decision a woman would be forced to make if these were the only options available to her. Finally, Article I of the CNMI Constitution does not lead a female citizen of the CNMI to expect that she should face such an undue burden.

A review of the CNMI Constitution demonstrates that the rights expounded in <u>Roe</u> and <u>Casey</u> have already been granted to the citizens of the CNMI by Article I. First, Article I, Section 5 provides that "no person shall be deprived of life, liberty or property without due process of law." <u>The Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands,</u> December 6, 1976 (the "Analysis"), although not legally binding, is instructive in providing insight into the intent of the First Northern Marianas Constitutional Convention in approving each section. <u>See</u> Analysis at 1. In discussing Article 1, Section 5, the Analysis states:

> This section is taken directly from section 1 of the Fourteenth Amendment to the United States Constitution which is made applicable in the Northern Marianas Islands by section 501 of the Covenant. No substantive change from section 1 of the Fourteenth Amendment or the interpretation of that section by the United States Supreme Court is intended. . . Due process also means that only rational and necessary limitations may be placed on individual rights. The Commonwealth government may not act in an arbitrary or unreasonable manner in adopting legislation or other measures affecting the freedom to enter into contracts, to marry, to travel, to engage in a lawful occupation, or other individual liberties.

Analysis at 20-21.

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The U.S. Supreme Court in <u>Casey</u>, reconfirmed that a woman's right to decide to terminate her pregnancy is derived from the Due Process Clause of the Fourteenth Amendment. <u>Casey</u> at 2804. The intent of the delegates to the Constitutional Convention was to confer the rights established by section 1 of the Fourteenth Amendment of the U.S. Constitution and the interpretation of that section by the U.S. Supreme Court to the citizens of the CNMI. These rights include a woman's qualified right to decide to terminate her pregnancy.

Furthermore, the CNMI Constitution bestows additional rights upon its citizens not set forth in the text of the U.S. Constitution. Unlike the U.S. Constitution, the CNMI Constitution specifically grants the citizens of the CNMI the right of privacy. Article 1, Section 10 states that "[t]he right of individual privacy shall not be infringed except upon a showing of a compelling interest." The Analysis further explains that "[t]he right to individual privacy incorporates the concept that each individual person has a zone of privacy that should be free from government or private intrusion. Each person has the right to be let alone. . It protects a person from unconsented physical intrusions into his or her body." Analysis at 24-25. Thus, here in the CNMI, a woman's right of privacy, and thereby her right to decide to bear a child, need not be extrapolated from the Due Process Clause of the Fourteenth Amendment. The right of privacy, and the right to control one's one body, are entitlements provided in Article I of the CNMI Constitution.

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The principles developed by the <u>Roe</u> and <u>Casey</u> decisions do not conflict with the CNMI Constitution. In fact, not only does the CNMI Constitution embrace the <u>Roe</u> and <u>Casey</u> principles, it advances them by specifically granting an individual the right of privacy. Accordingly, the qualified right of a woman to have an abortion, derived from the U.S. Constitution, <u>Roe</u>, <u>Casey</u>, and the CNMI Constitution, does not directly contravene the prohibition on abortion found in Article I, Section 12 of the CNMI Constitution. Article I, Section 12 recognizes that other laws governing abortion may be controlling, by including the language "except as provided by law."

# Federal Law Also Mandates Abortion In Particular Circumstances

In addition to federal case law, federal statutory law mandates the provision of abortions in specific instances. Each year, Congress appropriates federal funds to particular departments and agencies pursuant to the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act" (the "Act"). <u>See</u> Pub. L. No. 103-112, 107 Stat. 1082 (1993). Contained within the Act is a funding restriction which is commonly referred to as the "Hyde Amendment." The Hyde Amendment prohibits the use of any federal funds to reimburse the cost of abortions under the Medicaid program except under certain specified circumstances. The 1993 version of the Hyde Amendment provides as follows:

None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

# Pub. L. No. 103-112, §509, 107 Stat. 1082 (1993).<sup>3</sup>

Various courts have analyzed the Hyde Amendment, and its impact on the states' obligation to provide funding for medically necessary abortions when the federal government does not share the costs associated with providing such abortions. These courts have held that the Hyde Amendment substantively amended the Medicaid Act, thereby relieving states of the obligation to fund those medically necessary abortions for which the federal government has not appropriated funds under the Hyde Amendment. <u>See Harris v. McRae</u>, 448 U.S. 297, 100 S.Ct. 2671, 65 L.Ed.2d 784 (1980). However, these courts have also ruled that a state which participates in the Medicaid program must provide funding for all abortions specified in the Hyde Amendment.<sup>4</sup> <u>See Roe v. Casey</u>, 623 F.2d 829 (3rd Cir. 1980); <u>Hodgson v. Bd. of County Com'rs, County of</u> <u>Hennepin</u>, 614 F.2d 601 (8th Cir. 1980); <u>Preterm, Inc. v. Dukakis</u>, 591 F.2d 121 (1st Cir. 1979), <u>cert. denied</u>, 441 U.S. 952, 99 S.Ct. 2181, 60 L.Ed.2d 1057 (1979); <u>Zbaraz v. Quern</u>, 596 F.2d 196 (7th Cir. 1979); <u>Frieman v. Walsh</u>, 481 F. Supp. 137 (W.D. Missouri, 1979).

The CNMI is a participant in the Medicaid program, and receives funding pursuant to the Medicaid Act. Because the CNMI has chosen to participate in the Medicaid program, it is mandated to provide funding for at least those abortions specified in the Hyde Amendment. As the Tenth Circuit explained in the case of <u>Planned Parenthood Association of Utah v. Dandoy</u>, 810 F.2d 984, 988 (10th Cir. 1987), a state "may participate in the [Medicaid] program and thereby accept the conditions attached by the federal acts which may be contrary to state law or unwanted or instead choose not to participate and to use its own funds as it wishes. If the choice is to participate, there is thereby accepted a limitation or restriction on state statutes or regulations which conflict with the federal statutes." The CNMI has made its choice, and must thereby comply with the federal directives.

# **CONCLUSION**

In 1976, the people of the Northern Marianas Islands decided to join the United States as a Commonwealth. Pursuant to this decision, and in negotiations with the United States, the Northern Marianas Islands agreed to

<sup>&</sup>lt;sup>3</sup> The prior version of the Hyde Amendment made federal funding for abortions available only in those instances where the abortion was necessary because the life of the mother would be endangered if the fetus were carried to term. Abortions in instances of rape and incest were not covered by federal funding in the prior version.

The issue of whether states <u>must</u> provide funding for those abortions covered by the Hyde Amendment was not addressed by the U.S. Supreme Court in <u>Harris v. McRae</u>, 448 U.S. 297, 100 S.Ct. 2671, 65 L.Ed.2d 784 (1980), or its companion case <u>Williams v. Zbaraz</u>, 448 U.S. 358, 100 S.Ct. 2694, 65 L.Ed.2d 831 (1980), because the issue was not raised on appeal.

provide to its citizens the same fundamental rights enjoyed by the citizens of the United States. The Northern Marianas Islands fulfilled this obligation in several ways. By means of the Covenant, the Northern Marianas Islands adopted various provisions of the U.S. Constitution, including Amendments 1-9, and section 1 of Amendment 14, and made them the supreme law of the land. In addition, in developing its own constitution, the drafters of the CNMI Constitution included many important provisions in Article I, specifically including: the right to not be deprived of life, liberty, or property without due process of law, patterned on the Fourteenth Amendment of the U.S. Constitution; and an individual right of privacy, a right not specifically granted in the text of the U.S. Constitution.

It is these constitutional provisions, and the judicial interpretations of these provisions, which have established a woman's qualified right to determine whether to terminate her pregnancy. Although the U.S. Supreme Court has recognized that a state has the right to promote its interests in furthering the health of the mother and the potentiality of life, the Court has held that this interest cannot create an undue burden on a woman's right to have an abortion, particularly of a nonviable fetus. Thus, pursuant to the rights conferred by the right of privacy and Due Process Clause, rights enjoyed by the citizens of the CNMI, the CNMI must respect and uphold a woman's qualified right to abortion.

Furthermore, as a participant in the Medicaid program, the CNMI has additional obligations to provide for those abortions specifically covered by the Hyde Amendment. As a recipient of federal funds, the CNMI is bound by the federal mandates attached to those funds. The CNMI accepted these conditions when it chose to join the Medicaid program.

When the CNMI elected to join in political union with the United States, it not only became entitled to the benefits which derive from being a U.S. jurisdiction, it also became obligated to ensure that the liberties and privileges of its people were upheld and protected to the same extent as those of other citizens of the United States. As both the United States Supreme Court and the CNMI Constitution have recognized, one of these liberties is an individual's right of privacy. Incorporated within this right of privacy is a woman's qualified right to seek an abortion. This qualified right to abortion must be recognized and respected by the CNMI, just as the fifty states have had to recognize and respect it for the last twenty years since <u>Roe v. Wade</u> became the law.

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