

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN MARIANA ISLANDS**

VOLUME 20 NUMBER 03



MARCH 16, 1998

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**COMMONWEALTH**

**REGISTER**

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COMMONWEALTH REGISTER  
VOLUME 20 NUMBER 03  
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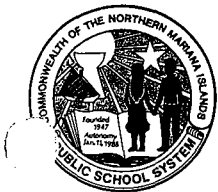
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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**STATE BOARD OF EDUCATION  
PUBLIC SCHOOL SYSTEM  
P.O. BOX 1370 CK  
SAIPAN, MP 96950**



**CHAIRPERSON  
MARJA LEE C. TAITANO**  
**VICE-CHAIRPERSON  
THOMAS B. PANGELINAN**

**MEMBERS  
FRANCES H. DIAZ  
ESTHER S. FLEMING  
ANTHONY PELLEGRINO**

**PUBLIC SCHOOL TEACHER  
DAVID BORJA**

**NON PUBLIC SCH. REP.  
REVE. JOHN A. KINSELLA**

**STUDENT REP.  
MERCED A. ADA**

**SIXTH CNMI STATE BOARD OF EDUCATION**

**NOTICE OF MEETING**

Pursuant to Public Law the Sixth CNMI State Board of Education hereby gives notice that the Special meeting of the Board will be held on Thursday, March 12, 1998 at 6:00 P.M. at the Garapan Elementary School cafeteria.

The following items are on the agenda for the above-referenced meeting:

- I. PRELIMINARY MATTERS**
  - 1. Call to Order
  - 2. Roll Call
  - 3. Adoption of Agenda
  - 4. Adoption of Minutes
- II. CORRESPONDENCE**
  - 1. Public Auditor: Salary Raise & Indirect Cost
  - 2. W.S. Reyes Principal: Duty Free Donation
  - 3. Sam McPhetres: NMI Civics Book
- III. CHAIRWOMAN'S REPORT**
- IV. COMMITTEE REPORTS**
  - 1. Fiscal & Personnel Committee Report
    - a. Threshold for Purchase Orders
    - b. Federal Transit Administration Grant
    - c. Urban District Designation
    - d. Qualifications for EEO Position
    - e. Attendance Zone Enforcement
  - 2. CIP, Maintenance & PSS Property Comm. Report
    - a. Request to Reprogram Pachinko Funds
  - 3. Certification Committee Report
    - a. Teacher Certification Timeline Stipulation
    - b. Certification Regulation: Language Change
- V. PUBLIC COMMENTS**
- VI. ADJOURNMENT**

All interested persons are welcome to attend and to submit written or oral testimony on the above agenda items.

**Board of Education**  
Telephone: (670) 664-3711/3727  
Fax : (670) 664-3717/3711

website: <http://www.saipan.com/gov/branches/pss/index.htm>

**Commissioner of Education**  
Telephone: (670) 664-3770  
Fax : (670) 664-3798

**NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENTION TO ADOPT AMENDMENTS TO EXISTING REGULATIONS GOVERNING THE NUTRITION ASSISTANCE PROGRAM**

**EMERGENCY:** The Secretary of Department of Community and Cultural Affairs finds that pursuant to the Commonwealth Code, Title 1, Division 9, Chapter 1, Section 9104 (b) (1 CMC Section 9104(b)), the public interest requires the adoption of Emergency Regulations, upon concurrence by the Governor, to implement changes to the existing regulations governing the Nutrition Assistance Program (NAP) with regard to citizenship and alien eligibility and income and benefit guidelines mandated by the Fiscal Year 1998 (FY 1998) Memorandum of Understanding (MOU) between the Commonwealth of the Northern Mariana Islands and the Food and Consumer Service of the United States Department of Agriculture (USDA). The Secretary finds that the public interest requires adoption of these guidelines within fewer than thirty (30) days notice for the reasons stated below. These regulations shall become effective immediately upon filing with the Registrar of Corporations and shall remain effective for 120 days.

**REASON FOR EMERGENCY:** The amendments to existing regulations must be adopted immediately in order for the NAP Office to implement the changes in citizenship and alien eligibility and income and benefit guidelines mandated by the FY1998 MOU recently signed by the United States and Commonwealth Governments. FY 1998 federal funding and the continued existence of the Nutrition Assistance Program require immediate implementation of the FY 1998 MOU changes. Thus, consistent with 1 CMC § 9104(b), an imminent peril to the public health, safety, or welfare exists which requires adoption of these amendments upon fewer than 30 days notice.

**CONTENTS:** The amendments change the existing citizenship and alien eligibility criteria in Section V. D of the existing regulations and manual governing the NAP. Many of the changes are mandated as a result of the United States Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA or Welfare Reform Act), U.S. Public Law 104-193, as amended by the Omnibus Consolidated Appropriations Act and the Balanced Budget Act of 1997. Another key change involves a recent reversal of USDA policy, where the USDA now regards CNMI citizens or CNMI permanent residents (i.e., individuals awarded CNMI permanent residency under CNMI Public Law 5-11 prior to its repeal on April 23, 1981) as ineligible for nutrition assistance. The USDA has also mandated a provision in the FY 1998 MOU which expressly excludes Micronesians (and other non-immigrants under the Compact of Free Association with the United States)

residing in the Commonwealth from nutrition assistance, unless they meet one of the other eligibility criteria.

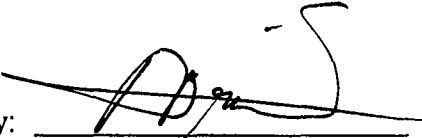
The amendments also modify the Maximum Income Guidelines and Maximum Benefit Levels tables set forth in the existing NAP Regulations and manual at Exhibits A and B, respectively. The increases in Maximum Income Guidelines set forth in Exhibit A are attributable to increases in the CNMI Consumer Price Index since June, 1994. The increases in Maximum Benefit Levels set forth in Exhibit B are attributable to increases in the food component of the CNMI Consumer Price Index since June, 1994.

**INTENT TO ADOPT:** The Secretary intends to adopt these amendments to existing regulations as permanent regulations pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore, publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Comments on the content of the regulations may be sent to: Secretary, Department of Community and Cultural Affairs, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

**AUTHORITY:** The Secretary is authorized to promulgate these regulations pursuant to 2 CMC Section 5522(a).

Issued by: Eloise A. Furey  
Eloise A. Furey  
Acting Secretary  
Department of Community  
and Cultural Affairs

March 5, 1998  
Date

Concurred by:   
Pedro P. Tenorio  
Governor

3/5/98  
Date

Certified by: Francis Manibusan  
Francis Manibusan  
Governor's Special Assistant  
for Administration

3/5/98  
Date

Received by: Donna J. Cruz  
Donna J. Cruz  
Governor's Office

3/5/98  
Date

Pursuant to 1 CMC § 2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 5<sup>th</sup> day of March, 1998.

Attorney General (Acting)  
Sally B. Pfund

By:

Elliott A. Sattler  
Assistant Attorney General  
Elliott A. Sattler

Filed and Recorded by: Soledad B. Sasamoto  
Soledad B. Sasamoto  
Registrar of Corporations

3/5/98  
Date

Section V.D. of the existing regulations and manual governing the Nutrition Assistance Program, previously published in the Commonwealth Register in Volume 5, Issue No. 5 at page 2028 on May 27, 1983, as amended in the Commonwealth Register in Volume 7, Issue No. 10 at page 4147 on October 17, 1985 and, Volume 7, Issue No. 12 at page 4161 on December 17, 1985, shall be replaced with the following:

**D. Citizenship and Alien Status.**

1. The Nutrition Assistance Program shall only authorize participation in the program by a person who is a resident of the CNMI and one of the following:
  - (a) a United States citizen;
  - (b) a United States National;
  - (c) a person born in the Northern Mariana Islands who was a citizen of the Trust Territory of the Pacific Islands on November 3, 1986, and who lived in the Northern Mariana Islands or the United States or any of its territories or possessions on that date;
  - (d) a person who was a citizen of the Trust Territory of the Pacific Islands on November 3, 1986, who lived continuously in the Northern Mariana Islands between November 3, 1981 and November 3, 1986, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975;
  - (e) a person living in the Northern Mariana Islands on November 3, 1986, who, although not a citizen of the Trust Territory of the Pacific Islands, lived continuously in the Northern Mariana Islands beginning prior to January 1, 1974;
  - (f) a person born in the Commonwealth of the Northern Mariana Islands on or after November 4, 1986;
  - (g) a person who, within six months after November 4, 1986, or within six months after reaching the age of 18 years, whichever date was later, chose to become a United States National;
  - (h) a permanent resident alien admitted to the United States under the Immigration and Nationality Act who has worked 40 qualifying quarters as defined under title II of the Social Security Act, or who can be credited with such qualifying quarters as provided under section 435 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means-tested public benefit during such period;

- (i) an alien who has lawful residence and is a veteran with an honorable discharge, or who is on active duty in the Armed Forces of the United States, and has met the minimum active-duty service requirement of section 5303A (d), title 38, United States Code; or is the spouse or unmarried dependent child of a veteran or a person on active duty; the surviving spouse of a veteran or individual on active duty, provided the spouse has not remarried;
  - (j) an alien granted asylum under section 208 of the Immigration and Nationality Act;
  - (k) a refugee who is admitted to the United States under section 207 of the Immigration and Nationality Act;
  - (l) an alien whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act;
  - (m) a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
  - (n) an alien admitted to the United States as an Amerasian immigrant; or
  - (o) a Filipino who served in the Philippine Commonwealth Army during World War II or after as a Philippine Scout.
  - (p) a battered alien or a child of a battered alien parent.
2. No aliens other than those specified above shall be eligible to participate in the Program as members of any household. Micronesians living in the CNMI who are not United States citizens or nationals under the Covenant are ineligible unless they meet one of the provisions of section 403 of the PRWORA, as amended by the Omnibus Consolidated Appropriations Act of 1996 and the Balanced Budget Act of 1997.

Exhibits A and B of the existing regulations and manual governing the Nutrition Assistance Program, previously published in the Commonwealth Register on September 15, 1994 in Volume 16, Issue No. 9 at pages 12,377 and 12,378, respectively, (although previously labeled incorrectly as Exhibits C and D), shall be replaced with the attached Exhibits.



**NUTISIA PUT REGULASION GOTPE NA NISISIDAT YAN NUTISIA  
INTENSION PARA U MA ADAPTA AMENDASION SIHA GI PRISENTI NA  
REGULASION NI HA GOBIEBIETNA I DIBISION NUTRITION  
ASSISTANCE NA PROGRAMA**

**GOTPE NA NISISIDAT:** I Sekretariun Dipattamenton Community yan Cultural Affairs, ha sodda na sigun gi Kodikun Commonwealth. Titulu 1, Dibision 9, Kapitulu 1, Seksiona 9104 (b) (1 CMC Seksiona 9104 (b) na put para minaolek pupbliku, nisisariu para u ma adapta i Regulasion Gotpe na Nisisidat, gigon ha akonfotma i Gubetno, para u mana'guaha tinulaika gi presentu na regulasion ni para u gobietna i Nutrition Assistance Program (NAP) put elihiplidat siudidanu yan estrangheru gihan suetdo yan benefisiu sigun i ginagagao gi 1998 Sakkan Fiskat (FY 1998) Memorandum of Understanding (MOU) entalo' i Commonwealth i Sangkattan siha na Islas Marianas yan i Food and Consumer Service gi halom i United States Department of Agriculture (USDA). I Sekretariu ha sodda' na put para minaolek pupbliku na nisisariu para u ma adapta este siha na dinirihni menos ki trenta (30) dias na nutisia, i rason ni masangan gi sampapa. Este siha na regulasion u fan efektibu ensegidas gigon ha ma file guatu gi Rehistradoran Kotporasion yan u efektibu ha gi halom sientu bente (120) dias.

**RASON PUT GOTPE NA NISISIDAT:** I amendasion siha para i presentu na regulasion debi di u fanma adapta ensegidas kosa ki siña i Ofisinan NAP u impelementa i tinulaika put elihiplidat siudidano yan estrangheru gihan suetdo yan benefisiu sigun i ginagagao ni FY 1998 MOU ni pago' ha monhayan ma fitma entalo' Gobietnamenton Estado Unidos yan i Commonwealth. Sakkan Fiskat (FY 1998) fundo ginen federate yan i ma kontinuan i eksiste na Programan Nutrition Assistance ha nisisita para u ma implementa ensegidas i tinulaika siha gi halom FY 1998 MOU. Gi este na manera u akonfotma yan i 1 CMC § 9104(b), ni ti apmam masusedi komu namañao kontra hinemlo' pupbliku, safu, osino i presentu na minaolek ni ha nisisita ma adapta este siha na amendasion menos di trenta (30) dias na nutisia.

**SUHETU:** I amendasion siha para u tulaika i presentu na kondision elihiplidat para siudidano yan estrangheru sigun gi Seksiona V.D. gi presentu na regulasion yan manual ni para u gobietna i NAP. Meggai guine siha na tinulaika manmachogue' komu ginen resuttan United States Personal Responsibility and Opportunity Reconciliation Act (PRWORA osion i Welfare Reform Act), U.S. Public Law 104-193 ni inamenda ni Omnibus Consolidated Appropriations Act yan i Balance Budget Act of 1997. I otro na tinulaika humalom i matulaikan Areklamenton USDA, pa'go anai i USDA ha trata kontra siudidanon CNMI (put ehemplo, ayu siha na indibiyuat ni manma sedi para u petmanenti na residentin CNMI sigun gi CNMI Lai Pupbliku 5-11 antes di u ma diroga gi Abril 23, 1981) komu ti elihiple para nutrition assistance. I USDA lokkue' ha otden un prubinsion gi FY 1998 MOU ni ha ekspresia na ti man halom i Micronesians

(yan pumalu siha na non-immigrants gi papa Compact Free Association yan I Estados Unidos) ya mañasaga gi Commonwealth komu ti siña man risibi nutrition assistance solu mankualifikao gi otro siha na kondision.

Lokkue' gi tinulaika siha i nisisidat siha para siudidano yan estrangheru elihible, i amendasion para u renueba i Maximum Income Guidelines yan Maximum Benefit Levels gi mapa ni manggaige gi regulasion NAP yan manual gi Exhibit A yan B. I ma aomenta na Maximum Income Guidelines ni manggaige gi Exhibit A para u ma riferi guatu para i CNMI Consumer Prize Index desde Huniu 1994. I ma aomenta gi Maximum Benefits Levels ni manggaige gi Exhibit B u ma riferi guatu para i ma aomenta gi food component i CNMI Consumer Price Index desde Huniu 1994.

**INTENSION PARA U MA ADAPTA:** I intension i Sekretariu i para u adapta este siha na regulasion komu petmanente na regulasion sigun gi sinangan 1 CMC Seksiona 9104(a)(1) yan (2), yan u mapublika gi Rehistran Commonwealth put este na nutisia hana guaha oputinidat para hayi interesao muna'halom komentu yan yanggen nisisariu, u mana guaha inekungok. I komentu siha debi du u fanma tuge' ya u mana hanao guatu para i Sekretariun, Dipattamenton Community and Cultural Affairs, Saipan, MP 96950.

**ATURIDAT:** I Sekretariu ma aturisa para u cho'gue' este siha na regulasion sigun gi sinangan 2 CMC Seksiona 5522(a).

Linaknos as: Eloise A. Furey  
Eloise A. Furey  
Tahguen Sekretariun  
Depattamenton  
Comunidad yan Cultura

March 5, 1998  
Fecha

Ma Konfitma as: Pedro P. Tenorio  
Pedro P. Tenorio  
Gubetno

3/5/98  
Fecha

Ma Settefika as: Francis Manibusan  
Francis Manibusan  
Espisiat na Assistanten  
Gubetno para Adminstrasion

3/5/98  
Fecha

Ma risibi as: Donna J. Cruz  
Donna J. Cruz  
Ufisinan Gubetno

3/5/98  
Fecha

Sigun gi sinangan 1 CMC §2153 ni inamenda ni PL 10-50, i areklamento yan regulasion ni chechetton guine esta manma inan maolek yan manma apreba komu para u fotma yan sufisiente na ligat ni CNMI Attorney General's Office.

Ma fecha gi mina' 5 na dia March, 1998.

Ginen: Sally B. Pfund  
Attorney General (Acting)  
Sally B. Pfund  
Elliott A. Sattler  
Assistant Attorney General  
Elliott A. Sattler

Ma file yan mm/b  
Rekod as: Soledad B. Sasamoto  
Soledad B. Sasamoto  
Rehistradoran Kotporasion

3/5/98  
Fecha

# PUBLIC NOTICE

## **NOTICE OF EMERGENCY AND NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE DEPARTMENT OF PUBLIC HEALTH SCHEDULE OF FEES**

**Emergency:** The Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands finds that pursuant to the Commonwealth Code at 1 CMC §2603(f) and §2605(j) the public interest requires the implementation and adoption on an emergency basis of amendments to the Department of Public Health Schedule of Fees. The Secretary of Public Health further finds that it is in the best interests of the public that the amendments to the Schedule of Fees become effective immediately upon concurrence by the Governor and the Office of the Attorney General and filing with the Registrar of Corporations. Once approved, the emergency amendments to the regulations shall remain in effect for a period of 120 days.

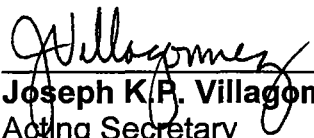
**Reason for the Emergency:** On February 25, 1998, the Rules and Regulations Governing the Health Screening Requirements of Alien Employees were implemented by the Department of Public Health. Pursuant to these regulations, nonresident workers in the CNMI have ninety (90) days to come into compliance with the alien health screening requirements, including obtaining chest radiographs and specified laboratory tests. There are currently no private health care providers on the islands of Tinian and Rota, and only two private clinics on Saipan that can provide these diagnostic tests. In order to help meet the requirements of the regulations, and enable physicians in the private sector to provide diagnostic testing for the purposes of alien health screening, the Department of Public Health is offering physicians the ability to use the laboratory and radiology departments at the Commonwealth Health Center, Tinian Health Center, and Rota Health Center for a limited period of time and for the fee set in these regulations.

**Contents:** Attached to this Notice of Emergency are amendments to the Department of Public Health Schedule of Fees. The new fees provide a package rate for the use of diagnostic services at the government health centers, namely chest radiographs and laboratory tests for HIV and Syphilis.

**Intent to Adopt:** The Secretary may adopt these amendments to the existing regulations as permanent regulations pursuant to 1 CMC §9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. Copies of the amendments to the Rules and Regulations


may be obtained from the Office of the Secretary of Public Health located on the ground floor of the Commonwealth Health Center. Comments on the amendments to the Rules and Regulations may be sent to the Office of the Secretary of Public Health, Department of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.

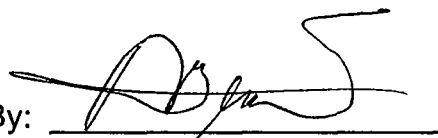
**Authority:** The Department of Public Health is authorized to implement these amendments to the Schedule of Fees pursuant to 1 CMC §2603 and §2605.

Certified By:  3/9/98  
Joseph K.P. Villagomez  
Acting Secretary  
Department of Public Health  
Date

**Certification By Office of the Attorney General:**

Pursuant to 1 CMC §2153 as amended by PL 10-50, the proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.

 3/16/98  
Elliott Sattler  
Assistant Attorney General  
Date

Concurred By:  3/16/98  
Pedro P. Tenorio  
Governor  
Date

Certified By: *Francis Manibusan*  
**Francis Manibusan**  
Governor's Special Assistant  
For Administration

3/16/98  
Date

Received by: *Donna J. Cruz*  
*for* **Donna J. Cruz**  
Governor's Office

16 Mar 98  
Date

Received by: *Remedio M. Hallman*  
*for* **Soledad B. Sasamoto**  
Registrar of Corporations

16 Mar 98  
Date

**DEPARTMENT OF PUBLIC HEALTH  
AMENDMENT TO THE SCHEDULE OF MEDICAL  
AND OTHER RELATED FEES**

DESCRIPTION	AMOUNT
Alien Health Screening Diagnostic Package The package includes RPR and HIV laboratory tests and Chest X-ray PA only <i>(the alien health screening diagnostic package is for physicians use only)</i>	\$60