

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CIVIC CENTER, SAIPAN, MARIANA ISLANDS

Volume 3 Number 1

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Date of Publication: February 23, 1981



Commonwealth

Register

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The Commonwealth Register provides a uniform system for making available to the public the regulations, rules, decisions, orders and notices issued by Commonwealth agencies and required to be published and other Commonwealth agency documents of public interest.

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There are no restrictions on the republication of material appearing in the Commonwealth Register.

Proposed Regulations for the Protection of Resident Workers And
Employment of Non-Resident Workers.

The Acting Director of Commerce and Labor in accordance with Public Law 1-8 and Title 49 of the Trust Territory Code is proposing to promulgate new Regulations to be identified as Regulations of the Department of Commerce and Labor.

The proposed Regulations includes the following subjects:

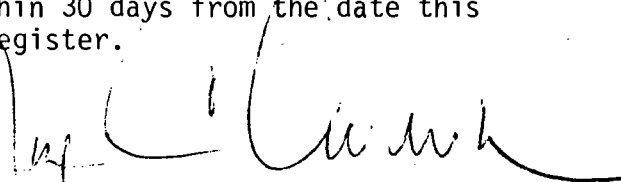
- Part I Purpose & Authority
- Part II Definitions
- Part III Application Process for Employing Nonresident Workers
- Part IV Conditions of Employment of Nonresident Workers
- Part V Termination of Nonresident Workers
- Part VI Living Conditions
- Part VII Record Maintenance
- Part VIII Penalties and Injunctions
- Employer - Non-Resident Worker Contract of Employment

Copies of the proposed Regulations may be obtained from the Department of Commerce and Labor Office, 4th Floor, Nauru Building.

The Department of Commerce and Labor is soliciting views, opinions, facts, and data for or against the proposed Regulations from the general public.

Anyone interested in commenting on the proposed Regulations may do by submitting comments in writing to the Office of the Director, Department of Commerce and Labor, 4th Floor, Nauru Building, Commonwealth of the Northern Mariana Islands, Saipan, CM, within 30 days from the date this notice is published in the Commonwealth Register.

1/15/81
Date


Jose C. Ayuyu
Acting Director
Department of Commerce and Labor

Ima propopone na areklamento para proteksion empleao taotao tano¹yan empleao taotao hiyong².

I uma Acting na Direktot Commerce yan Labor, sigun i Lai Publiku 1-8 yan Titulu 49 gi kodikun Trust Territory, ha propopone para una guaha nuebo na areklamento pat regulasion ni una identifika komo areklamenton Depattamenton Commerce yan Labor.

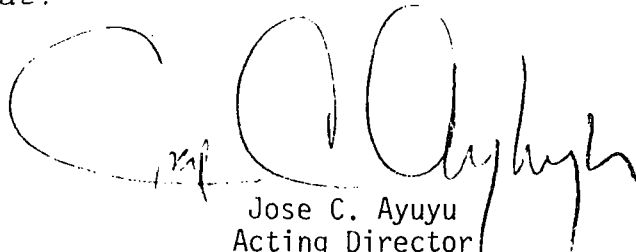
Ima propopone na areklamento ha embrarasa este siha:

- Patte I. Propositu yan Atoridat
- Patte II. Sustansia
- Patte III. Maneran aplikasion ni para unafachocho taotao hiyong
- Patte IV. Kondision siha pot asunton para unafachocho taotao hiyong
- Patte V. Yanggen para unapara pat unabasta empleao hiyong
- Patte VI. Kondision halom i gima empleao pat anai sumasaga.
- Patte VII. Inadahin notan empleao
- Patte VIII. Pena yan Pruibi
- Patte IX. Amu-kontratan empleao hiyong

Kopian este siha na areklamento ni ma propopone, siña hun chule gi ofisinan Depattamenton Commerce yan Labor, 4th Floor, Nauru Building, Commonwealth of the Northern Mariana Islands, Saipan, CM 96950, trenta dias anai este manahuyong este siha na areklamento gi halom Commonwealth Register.

1. Empleao taotao tano--Kumeke ilekna na taotao cho'cho ni siudadano eyo na lugat.
2. Empleao taotao hiyong--Taotao cho'cho niti siudadano eyo na lugat.

1/15/81
Date


Jose C. Ayuyu
Acting Director
Department of Commerce and Labor

Part I AUTHORITY AND PURPOSE

- 1.1 Authority. The Director of the Department of Commerce and Labor is authorized by Public Law 1-8, Section 6, of the Commonwealth of the Northern Mariana Islands and Title 49 of the Trust Territory Code to adopt rules and regulations regarding employment and labor practices in the private sector. The following regulations are pursuant to Title 49 of the Trust Territory Code, entitled the Protection of Resident Workers Act.
- 1.2 Purpose. The purpose of these regulations is to inform all parties of their rights, privileges, and obligations in regard to the employment of nonresident workers in the Northern Mariana Islands, to insure a balanced and stable economy in the Commonwealth, and to prevent the impairment of wages and working conditions of resident workers.
- 1.3 Basic Provisions. Employers in the private sector seeking to employ nonresident workers in the Commonwealth shall secure identification certificates for such workers by applying to the Division of Labor of the Department of Commerce and Labor before such workers may enter the Commonwealth. Certain conditions of employment shall be met by the employers and by the nonresident workers. Certain regulatory powers may be exercised by the Division of Labor and the Department of Commerce and Labor.

Part II. DEFINITIONS

- 2.1 "Commonwealth" means the Commonwealth of the Northern Mariana Islands;
- 2.2 "Department" means the Department of Commerce and Labor of the Commonwealth of the Northern Mariana Islands;
- 2.3 "Division" means the Division of Labor of the Department of Commerce and Labor;
- 2.4 "Chief" means the Chief of the Division of Labor or the Chief's designate;
- 2.5 "Director" means the Director of the Department of Commerce and Labor or the Director's designate;
- 2.6 "Resident worker" means any available individual who is capable of performing services or labor desired by an employer and who is a citizen or national of the Northern Mariana Islands, a citizen of the United States of America, or who has been granted permanent resident status pursuant to law;
- 2.7 "Nonresident worker" means any available individual who is capable of performing services or labor desired by an employer and who is not a resident worker, but does not include any foreign investor;

- 2.8 "Foreign investor" means any person having a substantial financial investment, as determined by the Director, in a business operating in the Commonwealth;
- 2.9 "Employer" means any individual, partnership, association, or corporation hiring, employing, or otherwise engaging for compensation any resident worker or nonresident worker to perform services or labor within the Commonwealth, but does not include any branch, agency, or instrumentality of the Commonwealth, Trust Territory, or United States government;
- 2.10 "Available" means offering to perform services or labor for an employer at the time and place, and under the terms and conditions, designated by such employer;

Part III PROCESS FOR EMPLOYING NONRESIDENT WORKERS

- 3.1 Local Preference. Resident workers shall be given preference in employment in the Commonwealth of the Northern Mariana Islands in any job vacancy for which such workers are qualified and available. Nonresident workers shall be employed only to supplement the labor force of available and qualified resident workers;
- 3.2 Application. If no qualified resident worker is available to fill an advertised job vacancy, the employer may file an application to employ a nonresident worker with the Division of Labor of the Department of Commerce and Labor.
- 3.2.1 Applications for new hires shall include the following documents:
- (a) An Employer Application and Agreement Form for Employing Nonresident Workers;
 - (b) A Nonresident Worker's Affidavit (subtitled Application for a Labor Certification and Entry Permit for Employment);
 - (c) A contract of employment between the employer and nonresident worker. The contract shall conform in form and substance with the standard employment contract designed and issued by the Department;
 - (d) Police Clearance certifying commission by the worker of no felony or crime involving moral turpitude;
 - (e) Certification by a former employer of two years of experience in the line of work for which the worker is being hired;
 - (f) Financial Statement giving evidence of the employer's ability to pay the employee's wages and return transportation (to be submitted once per year).
 - (g) An insurance fee, set annually by the Director, to be deposited with the Department of Finance for use by the Division in covering default of payment of wages and return airfare by employers.

- (h) Dated copies of four consecutive weeks of help wanted advertisements for the job vacancy in a local weekly newspaper. The last of the four ads must be no more than sixty days old;
- h(1) Help wanted advertisements shall specify (a) the job, (b) the job location, (c) the wage (including a maximum and minimum if the wage is dependent on qualifications), (d) any pertinent details about job duties and required qualifications, and (e) how to contact the employer.
- h(2) No application will be accepted unless the annual value of the wage advertised for resident workers is higher than the wage to be paid to a nonresident worker by an amount equal to the following: one-way airfare to the nonresident worker's original point of hire plus the actual dollar value of any food or housing to be provided to the nonresident worker. The minimum dollar values to be placed on food and housing provided to a nonresident worker shall be set annually by the Chief, subject to the approval of the Director. The minimum values for the first year of these regulations shall be \$50 per month for food if provided and \$50 per month for housing if provided. Exceptions for the dollar value of housing, based on rental value of specific units, may be made by the Chief upon presentation of relevant financial information by the Employer.
- h(3) Help wanted advertisements shall require no more than 2 years experience for the position, except for supervisory positions in which case a maximum of 4 years of total experience may be required. Advertisements with experience requirements at a higher level than provided in this section shall not be accepted without written justification submitted by the employer and approved and signed by the Chief. The justification may be submitted before publication of the advertisement. Justifications may be approved only for positions that are highly specialized and require significant self-supervision.
- h(4) Help wanted advertisements with language requirements other than Carolinian, Chamorro, or English shall not be accepted in applications to employ nonresident workers without a written justification submitted by the employer and approved and signed by the Chief. A justification may be submitted before publication of the advertisement. Foreign language requirements may be approved only for positions essential to the business, where customers or foreign firms essential to the business could not otherwise be adequately communicated with, and where a sufficient number of speakers of the foreign language are not already on the business's staff. Job advertisements may offer a bonus for foreign language speakers or require applicants to accept language training.
- h(5) Two weeks of daily radio advertisements may be substituted for two weeks of newspaper advertisements provided they meet all conditions under this subsection, 3.2.1(h), and provided that a transcript of the radio advertisement and a receipt of payment to the radio station are submitted

3.2.2 Applications for renewals shall include

- (a) Job vacancy advertisements, as for new applications;
- (b) Employer Application and Agreement Form for Employing Nonresident Workers;
- (c) Contract of Employment, as for new applications;
- (d) Marianas Police Clearance;
- (e) Worker's expiring identification certificate and entry permit;
- (f) Financial statement, as for new applications (to be submitted once per year);
- (g) A supplemental wage & return airfare insurance fee, if determined by the Director to be necessary.

3.2.3 Applications for transfers shall include the same documents as for renewals, plus a letter from the employer who is holding the worker's contract consenting to the transfer and explaining why the employer no longer wants or needs the services of a nonresident worker in the job category in question.

3.2.4 Applications for renewal or transfer shall be submitted 30 days prior to expiration of the worker's identification certificate. Late applications will be subject to a fine set by the Director.

3.3 Application Review. The Division shall review the application to insure that all required documents are present, complete, and in compliance with all legal requirements of the Commonwealth.

3.3.1 When an application is not complete or in compliance with all legal requirements, the employer applicant shall be contacted to correct or take back the application.

3.4 Issuance of Identification Certificate. The Division shall issue a worker identification certificate for each worker whose application is approved and shall notify the Immigration Office of the issuance of the identification certificate.

3.4.1 The identification certificate shall be issued for a period not to exceed one year.

3.4.2 An employer whose contract with a nonresident worker is to take effect upon the worker's departure from the point of hire may have the expiration date of the worker's identification certificate extended to a date one year from the departure date. The date shall be extended by the Division upon presentation by the employer of (1) the employment contract, (2) the worker's identification certificate, and (3) the

airline ticket or suitable substitute showing the worker's departure date.

- 3.4.3 In the case of renewals, the period may extend one year from the expiration of the prior identification certificate.
- 3.4.4 An identification certificate shall be returned by the employer to the Division upon its expiration. It may not be transferred. It may be cancelled by the Division for refusal by the employer or employee to comply with the labor laws, rules, or regulations of the Commonwealth. It is issued in conjunction with an entry permit from the Immigration Office for the same period. Cancellation or expiration of either the identification certificate or entry permit results in cancellation or expiration of both.
- 3.4.5 Temporary identification certificates may be issued by the Chief or the Director for workers who will be in the Commonwealth for 90 days or less. To acquire a temporary identification certificate, the employer must submit said employer's name and the worker's name, nationality, occupational category, and police clearance to the Department. A single extension of a temporary identification certificate up to 90 days may be granted by the Chief with the approval of the Director upon submission of a letter from the employer justifying the extension.
- 3.5 Entry into the Commonwealth. Nonresident workers may enter the Commonwealth to work only if they have a valid identification certificate, entry permit, and certificate of freedom from communicable disease executed and validated not more than thirty days preceding the date of entry into the Commonwealth by a physician licensed to practice medicine in the country of origin.
 - 3.5.1 If a nonresident worker fails to enter the Commonwealth within sixty days from the date of issuance of the identification certificate, the identification certificate shall be void.
- 3.6 Post-entry Physical Examination. Within ten days after authorized entry into the Commonwealth for employment, nonresident worker shall present himself or herself, together with all accompanying family members, to the Department of Public Health & Environmental Services for a physical examination. The cost of physical examinations shall be borne by the nonresident worker.

Part IV CONDITIONS OF EMPLOYMENT

- 4.1 Employment Restrictions. Nonresident workers shall be employed only in the job classifications and by the employers for which they have been approved by the Division.
- 4.2 Return Transportation to Point of Hire. The employer is fully responsible and shall pay all expenses for the prompt return of nonresident workers to their original point of hire upon termination of the nonresident worker's employment, regardless

of the reason for termination. The employer and the nonresident worker may provide in the employment contract that a portion of the worker's wages be withheld to cover transportation costs home in the event of a breach of contract by the worker or termination of employment by the worker without cause. The amount withheld shall not exceed 100% of the coach class return airfare. The stay of the nonresident worker in the Northern Mariana Islands is to result in no expense to the government.

- 4.3 Possession of Identification Certificate. The nonresident worker shall keep his/her identification certificate on his/her person at all times, provided that, just prior to the worker's termination and departure from the Commonwealth or to the submission of an application for transfer or for extension or renewal of the identification certificate, the identification certificate shall be turned over to the employer who shall return it to the Division.
- 4.4 Workplace Conditions. Every employer shall furnish and use such safety devices and safeguards and shall adopt and use such means and practices as are reasonably adequate to render safe the employment and place of employment of all the employer's employees. Employers shall not require the worker to work hours which are excessive so as to be damaging to the worker's mental or physical health. Employers shall provide an adequate supply of drinking water and sufficient & sanitary toilet facilities at the worksite or reasonable access thereto.
- 4.5 Minimum Wage. Employers shall comply with the minimum wage law of the Commonwealth including provisions for payment for overtime. Any future increase in the Commonwealth minimum wage set by law, rule, or regulation shall apply thereafter to all nonresident workers receiving less than such minimum regardless of the expiration date of their contracts.
- 4.6 Maximum Food & Housing Deductions. The maximum deduction to be made from the wages of a nonresident worker for food and housing shall be set annually by the Chief, subject to the approval of the Director. The maximum deduction for the first year of these regulations shall be \$50 for food & \$50 for housing.
- 4.7 Transportation to Worksite. An employer shall provide transportation for nonresident workers from their housing site or from a convenient central meeting place to and from any job site located beyond reasonable walking distance. When such transportation is provided, it shall be equally available to resident workers.
- 4.8 Minimum Age. Nonresident workers shall be eighteen years of age or older, excluding entertainers applying for temporary identification certificates.

- 5.1 Return of Identification Certificate. Just prior to a nonresident worker's termination and departure from the Commonwealth, the worker's identification certificate shall be turned over to the employer who shall return it to the Division within ten days of the worker's departure. An employer failing to secure a worker's identification certificate prior to the worker's termination and departure shall give written notice to the Division of the worker's name and identification certificate number within ten days of the worker's departure.
- 5.2 Termination for Cause.
- 5.2.1 Notice of Termination for Cause. If a nonresident worker is terminated by an employer for cause before the end of the worker's contract, the employer shall give written notice to the worker and to the Division at least ten days prior to the worker's expected departure from the Commonwealth. The notice shall state the name and identification certificate number of the worker, the reasons for termination and the expected date of departure from the Commonwealth. The worker's identification certificate shall be attached to the notice to the Division. The worker may choose to accept termination and to depart immediately, subject to any legal action taken against such worker.
- 5.2.2 Review of Termination Notice. Upon receipt of a written termination notice, the Chief shall immediately review the reasons for termination. If the Chief finds that there is a question as to whether the employer has complied with relevant contractual provisions in terminating the worker or if the terminated worker files a grievance with the Division regarding the termination, the Chief shall immediately initiate an investigation.
- 5.2.3 Departure After Termination. If the Chief finds that the employer has complied with relevant contractual provisions in terminating the worker, the worker shall leave the Commonwealth on the date designated by the Chief in a written order served upon the person of such worker.
- 5.2.4 Withholding Wages After Notice of Termination for Cause. Pending the decision of the Chief, wages may be withheld by the employer after notice of termination for cause. Shelter and food shall be provided during the ten day waiting period if wages are withheld or if shelter and food had been provided by contract. A living allowance to be set annually by the Division of Labor may be provided in lieu of food and shelter.
- 5.2.5 Retroactive Payment of Wages. (a) Where an investigation ruling finds that an employer has not complied with relevant contractual provisions in terminating a nonresident worker, the employer shall be required to pay all regular wages that would have

returned to the employee from the date of the termination notice to the date of the ruling and to comply with any other sanction ordered by the Chief. (b) Where an investigation ruling finds that an employer has complied with relevant contractual provisions in terminating a nonresident worker, the employer shall not be required to pay any wages to the employee from the date of the termination notice.

- 5.3 Nothing in this section shall constrain the nonresident worker from departing the Commonwealth anytime at his/her own expense or as provided by contractual agreement, except in the case of legal action against such worker.
- 5.4 Re-entry After Early Termination. Nonresident workers sent home for violating or prematurely terminating their contractual agreement without cause shall not be allowed to return to work in the Commonwealth for a minimum of one year.

Part VI LIVING CONDITIONS

An employer shall be responsible for meeting the following conditions where the employer provides housing to nonresident workers, where the employer controls the occupancy of the housing, and where the workers use the facilities of the housing in common.

6.1 Site of Housing

- 6.1.1 Grounds around worker housing shall be adequately drained to prevent flooding, collection of waste water, and mosquito breeding.
- 6.1.2 Grounds around worker housing shall be maintained in a clean and sanitary condition according to neighborhood standards, free to rubbish, debris, waste paper, garbage, and other refuse. Occupants of worker housing are responsible for assisting in this responsibility to the degree that they generate such refuse.
- 6.1.3 Whenever worker housing is closed between projects or on a permanent basis, the employer shall insure that all garbage, waste and other refuse that would cause a nuisance is collected and disposed of and that the grounds and housing are left in clean and sanitary condition. All abandoned outhouse pits shall be filled with earth. Remaining outhouses shall be locked or otherwise secured to prevent unauthorized entrance.

6.2 Shelter

- 6.2.1 Worker housing shall be constructed in a manner which will provide protection against the elements, including wind, rain and flood, fire, and landslides.
- 6.2.2 Each room for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.

- 6.2.3 Separate bedding, which may include bunks, shall be provided for each occupant:
- (a) Spacing of single bedding shall not be closer than 36" both side-to-side and end-to-end.
 - (b) Elevation of single bedding shall be at least 12" from the floor.
- 6.2.4 Where workers cook, live, and sleep in a single room, a minimum of 100 square feet per person shall be provided.
- 6.2.5 Natural ventilation consisting of openable windows shall be provided, the area of which shall not be less than $\frac{1}{4}$ the floor area of the living quarters.
- In lieu of natural ventilation, mechanical ventilation may be provided. Mechanical ventilation shall provide at least 15 cubic feet of fresh air per person per minute.
- 6.2.6 All exterior openings shall be screened with at least 16-mesh per inch material.
- 6.2.7 Each room in the housing shall be provided with adequate lighting, including artificial lighting at night appropriate for customary leisure activities.
- 6.3 An adequate and convenient water supply shall be provided for drinking cooking, bathing, and laundry purposes.
- 6.4 Toilet Facilities
- 6.4.1 The number of sit down toilets to be provided shall be no less than one per fifteen persons. Where there are 10 or more persons of different sex using the toilet facility, separate toilet facilities, appropriately identified, shall be provided for each sex.
 - 6.4.2 Toilet facilities shall be located within 200 feet of the sleeping quarters. No toilet facility shall be located in a room used for other than toilet purposes. No outhouse pit shall be within 100 feet of any sleeping room, eating area, or kitchen.
 - 6.4.3 Natural ventilation consisting of openable windows or other openings shall be provided, the area of which shall not be less than $\frac{1}{10}$ of the floor area of the toilet facility. In lieu of natural ventilation, mechanical ventilation capable of exhausting at least 2 cubic feet per minute per foot of floor area may be provided.
 - 6.4.4 All outside openings shall be screened with at least 16-mesh material.
 - 6.4.5 Toilet facilities shall be of sanitary and easily cleanable construction and shall be maintained in sanitary condition

by the individuals using the facilities or else by the employer.

- 6.4.6 Toilet facilities shall have adequate lighting, including safe artificial lighting at night.
- 6.4.7 An adequate supply of toilet paper in housing for more than four persons shall be assured by the employer.
- 6.4.8 Access to toilet facilities shall not intrude upon private sleeping quarters.

6.5 Laundry, Handwashing and Bathing Facilities

- 6.5.1 Sanitary laundry, handwashing, and bathing facilities shall be provided in the following ratio:
 - (a) One laundry tray or tub for every thirty or less persons or an equivalent laundry alternative.
 - (b) One handwash basin per family or per six or less person.
 - (c) One shower head for every ten or less persons.
 - (d) One slop sink in each building used for laundry, handwashing, bathing.
- 6.5.2 Facilities shall be of sanitary and easily cleanable construction and shall be maintained in sanitary condition by the individuals using the facilities, or else by the employer. Floors shall be of a smooth, but not slippery surface.

6.6 Sewage and Refuse Disposal

- 6.6.1 Where public sewers are available, all sewer lines and floor and sink drains from toilet, laundry, handwashing, bathing, or kitchen facilities shall be connected thereto.
- 6.6.2 Garbage shall be stored in disposable or cleanable containers that are secure from flies, rodents, other vermin, and water. Containers shall be kept clean. Containers shall be emptied not less than twice a week.

6.7 Food Storage, Kitchen, and Eating Facilities

- 6.7.1 Food or cooking facilities are to be provided wherever workers are provided common living quarters.
- 6.7.2 Cooking facilities shall be in an enclosed and screened shelter.
- 6.7.3 Where workers prepare their own food the ratio of cooking burners shall not be less than four burners to 10 persons or four burners to two families, and in no case less than two burners.

- 6.7.4 Food shall be stored safe from contamination by water, dirt, poisonous substances, rats, flies, or other vermin.
 - 6.7.5 Refrigeration facilities shall be provided for storage of perishable food.
 - 6.7.6 No person with a communicable disease shall be employed in the preparation or serving of meals.
 - 6.7.7 Facilities shall be adequate for insuring sanitary maintenance of eating and cooking utensils.
 - 6.7.8 There shall be no direct openings from dormitory-type sleeping rooms into a room where meals are prepared.
- 6.8 Health Measures
- 6.8.1 Adequate first aid supplies shall be available at the living site for the emergency treatment of injured persons.
 - 6.8.2 The employer shall report to the Department of Health Services the name and address of any nonresident worker known to have or suspected of having a communicable disease.
 - 6.8.3 The employer shall report to the Department of Health Services any case of food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom.

Part VII RECORD MAINTENANCE

- 7.1 Employers shall keep the following records for presentation upon demand by the Division;
 - 7.1.1 The name, address, age, legal residence, citizenship, point of hire, entry permit expiration date, job classification, and wage rate of each nonresident employee;
 - 7.1.2 Payrolls showing the number of hours worked each week, the compensation earned, and deductions made for each nonresident employee;
 - 7.1.3 The number of employment related accidents involving nonresident workers, the name of any injured worker, the type of injuries, the treatment, the outcome of treatment, the worker's subsequent employment status, and the amount of time lost from work.
 - 7.1.4 The number of illnesses of nonresident workers, the names of such workers, the types of illnesses, the treatment, the outcome of treatment, the worker's subsequent employment status, the amount of time lost from work, and whether hospitalization was required.
 - 7.1.5 A copy of the nonresident workers agreement authorizing the hiring of the nonresident worker in question.

- 8.1 Penalties. Whenever, after investigation or hearing, the Division or the Department finds that an employer or employee has violated Commonwealth law, rules, or regulations, or applicable contractual obligations, the Chief or Director may order any appropriate sanction including cancellation of identification certificate, refusal to enter into further nonresident employment agreements with the employer for a stated period, transfer of any involved nonresident worker to another employer with the consent of such worker and such other employer, or assessment of civil penalties in accordance with the law.

- 8.2 Injunctions In addition to any of the other penalties prescribed by law, the Attorney General may bring action in the Commonwealth Trial Court to enjoin violations of the provision of Labor law, rules, and regulations of the Commonwealth.

PUBLIC NOTICE

Proposed Rules Concerning Procedures
For Compliance Monitoring, Complaints And
Grievances, Investigations, Hearing, And Enforcement

The Acting Director of Commerce and Labor in accordance with Public Law 1-8 and Title 49 of the Trust Territory Code is proposing new Rules to be identified as Rules of the Department of Commerce and Labor.

The proposed Rules includes the following subjects:

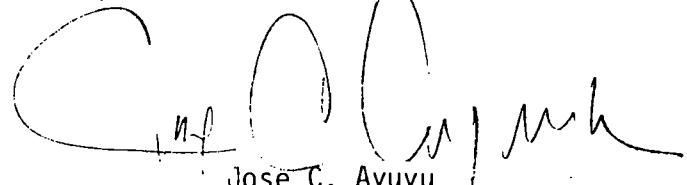
- I. Authority
- II. Purpose
- III. Definitions
- IV. Compliance Monitoring
- V. Complaints and Grievances
- VI. Investigations
- VII. Hearings
- VIII. Enforcement
- IX. Appeals to the Commonwealth Trial Court

Copies of the proposed Rules may be obtained from the Department of Commerce and Labor Office, 4th Floor, Nauru Building.

The Department of Commerce and Labor is soliciting views, opinions, facts, and data for or against the proposed Rules from the general public.

Anyone interested in commenting on the proposed Rules may do so by submitting comments in writing to the Department of Commerce and Labor, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands, within 10 days from the date this notice is published in the Commonwealth Register.

1/15/81
Date


Jose C. Ayuyu
Acting Director
Department of Commerce and Labor

Ima propopone na areklamento pot areklon i para uma komplasi hafa siha na keha yan diseha, imbestigasion, inekungok yan enfietsa.

I uma Acting na Direktot Commerce yan Labor, sigun i Lai Publiku 1-8 yan Titulu 49 gi kodikun Trust Territory, ha propopone nuebo na areklamento para uma identifika komo areklamenton Depattamenton Commerce yan Labor.

Ima prpopone na areklo para u emblasa este siha na suheta:

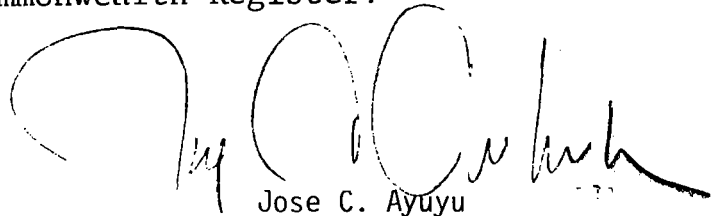
- Patte I. Atoridat
- Patte II. Propositu pat Dineseha
- Patte III. Sustansia
- Patte IV. Komplasin Inatan
- Patte V. Keha yan Minalago
- Patte VI. Imbestigasion
- Patte VII. Inekungok
- Patte VIII. Enfietsa
- Patte IX. Apela para kotin Commonwealth Trial Court

Kopian este siha na areklamento ni ma propopone siña ha un chule gi ofisinan Depattamenton Commerce yan Labor, 4th Floor, Nauru Building.

Yanggen guaha enteresao para unahalom hafa na upiñon pat hinasso, siña ha hachogue lao debi este siha na upiñon uma tugi yan umanahalom gi ofisinan Direktot Commerce yan Labor, 4th floor, Nauru Building, Commonwealth of the Northern Mariana Islands, Saipan, CM, 96950, dies dias anai esta mana huyong este siha na regulasion gi halom Commonwealth Register.

1/15/81

Date



Jose C. Ayuyu
Acting Director

Department of Commerce and Labor

DEPARTMENT OF COMMERCE AND LABOR
PROCEDURES FOR
COMPLIANCE MONITORING, COMPLAINTS AND GRIEVANCES, INVESTIGATIONS,
HEARINGS, AND ENFORCEMENT

- I. Authority. The Director of the Department of Commerce and Labor is authorized by Public Law 1-8, Section 6, of the Commonwealth of the Northern Mariana Islands and Title 49 of the Trust Territory Code to adopt rules & regulations regarding employment & labor practices in the private sector. The following rules are issued pursuant to Title 49 TTC, the Protection of Resident Workers Act.

- II. Purpose. The purpose of these rules is to inform all parties of procedural requirements for compliance monitoring, complaints & grievances, investigations, hearings, and enforcement regarding the provisions of Title 49 TTC, the Protection of Resident Workers Act.

- III. Definitions.
 - 3.1 "Commonwealth" means the Commonwealth of the Northern Mariana Islands;
 - 3.2 "Department" means the Department of Commerce and Labor of the Commonwealth of the Northern Mariana Islands;
 - 3.3 "Division" means the Division of Labor of the Department of Commerce and Labor;
 - 3.4 "Chief" means the Chief of the Division of Labor or the Chief's designate;
 - 3.5 "Director" means the Director of the Department of Commerce and Labor or the Director's designate;
 - 3.6 "Resident worker" means any available individual who is capable of performing services or labor desired by an employer and who is a citizen or national of the Northern Mariana Islands, a citizen of the United States of America, or who has been granted permanent resident status pursuant to law;
 - 3.7 "Nonresident Worker" means any available individual who is capable of performing services or labor desired by an employer and who is not a resident worker, but does not include any foreign investor;
 - 3.8 "Foreign investor" means any person having a substantial financial investment, as determined by the Director, in a business operating in the Commonwealth.
 - 3.9 "Available" means offering to perform services or labor for an employer at the time and place, and under the terms and conditions, designated by such employer.
 - 3.10 "Employer" means any individual, partnership, association, or corporation hiring, employing, or otherwise engaging for compensation any resident worker or nonresident worker to perform services or labor within the Commonwealth, but does not include any branch,

agency, or instrumentality of the Commonwealth, or United States government; and

- 3.11 "Personal Service" means delivery of a notice to a party by handing the notice to the party, to a clerk or other person in charge of the party's office, or to a responsible adult of suitable discretion residing at the party's living place.
- IV. Compliance Monitoring. The Division shall monitor compliance with the laws, rules, and regulations governing Protection of Resident Workers by inspection at worksites and at housing provided to nonresident workers by their employers.
- 4.1 Inspection shall include review of worker identification certificates, review of employer records maintained according to the department's regulations, inspection of working and living conditions, and interviews with workers and employers as deemed necessary by the Division.
- 4.2 A finding of noncompliance under Part IV above shall result in a report to the Chief and to the party found in noncompliance by the Division employee responsible for the inspection. The report shall specify any findings of noncompliance, the corrective action required of the employer or employee, the date by which corrective action shall be taken, and the rights of the party found in noncompliance to appeal.
- 4.3 A party found in noncompliance shall have ten workdays from the date of postmark or personal service of the inspection report on the party to appeal. The appeal shall be made to the Chief who shall initiate an investigation. No Division employee who took part in issuing the original inspection report shall take part in the investigation, nor shall any Division employee directly under the jurisdiction or supervision of any person who participated in issuing the original inspection report, though such employees may be called to provide testimony. Investigations shall be conducted according to the provisions of Part VI below.
- 4.4 If a party found in noncompliance fails to take corrective action by the prescribed date, the Chief may extend the date for corrective action if the party shows good cause for extension or the Chief may initiate an investigation.
- V. Complaints and Grievances. Any person may file a complaint with the Chief that a violation of Commonwealth labor law, rules, or regulations has occurred. Any employee or group of employees may file a grievance with the Chief in matters related to unsafe working conditions, nonpayment of wages, working hours, contract termination contrary to contractual provisions, and other contractual provisions. An employer may file a grievance with the Chief regarding a nonresident employee's failure to perform contractual obligations. Upon receipt of a signed written grievance or a sworn written complaint, the Chief shall initiate an investigation. Unsigned grievances or Unsworn complaints shall be handled at the discretion of the Chief.
- 5.1 Preference Denial. Resident workers rejected for an advertised job may file a signed written grievance with the Chief. In the event the employer applies to the Division to employ a nonresident worker

in that job, the Chief shall initiate an investigation as to whether a qualified resident worker was denied preference in employment.

- 5.2 Any individual may request to become a party to a complaint or grievance at any time during an investigation or prior to any appeal. Such individual must demonstrate in writing to the Director how such individual would be affected by the outcome of the complaint or grievance. Such demonstration must be in writing, but may be supported by an explanation in person. If the Director rejects the request, the rejection shall be explained in writing by the Director. The Director shall give written notification to the individual within ten weekdays of the receipt of the request as to whether or not the individual has been accepted as a party to the complaint or grievance. If the request is rejected, the notification shall state the reasons.

VI. Investigations

- 6.1 Conduct of Investigations. (a) Investigation of complaints or grievances may be conducted by site inspections, document review, and interviews with the parties to the complaint or grievance and with relevant witnesses, as the Division deems necessary. Interviews may be conducted separately or in the presence of other parties to the complaint or grievance and with relevant witnesses, at the discretion of the Division. The Division may interview the parties and witnesses in the field or, upon ten days written notice, at a specified location. Failure of a party to respond to a written notice of an interview shall not prejudice the Division in considering any other information provided by or about that party, nor shall it delay the Division's ruling except where good cause is shown for failure to appear.

(b) Parties to a complaint or grievance may submit written statements and documentary or material evidence to the Division during the investigation. Parties may also present oral statements to the Division. Oral statements shall be limited to a maximum of one hour for each party, with continuations allowed by the Division upon a show of good cause by the party or at the Division's discretion. The Division shall be solely responsible for conducting interviews of the parties and witnesses to a complaint or grievance, but may, at its discretion, grant a temporary adjournment of an interview to receive and consider a request from a party to the complaint or grievance or from a counselor to such party to introduce a new line of questioning felt to be relevant to the complaint or grievance.

- 6.2 Settlement. A settlement agreement may be reached between the parties to a complaint or grievance at any time during the investigation process. A record of such settlement specifying its conditions and signed by all parties shall be submitted to the Chief for review. Within ten days of receipt of the settlement agreement, the Chief shall give written notice to all parties of its acceptance or rejection, in part or in whole, specifying the reasons for rejection of any part. Acceptance of any part of the settlement shall constitute the investigation ruling of the Department on that matter.

6.3 Investigation Rulings. The Division shall have up to fifteen workdays from the date on which it receives a signed written grievance or sworn written complaint to issue its written ruling. The ruling shall state the names of the parties involved in the complaint or grievance, the nature of the complaint or grievance, the ruling itself, including any awards, penalties, or orders directed upon either party, the findings and reasoning leading to the ruling, and the rights of the parties to appeal. Issuance of a ruling may be delayed for good cause which the Chief shall explain in writing to both parties before the ruling is due. The ruling must be approved and signed by the Chief.

VII. Hearings.

- 7.1 Petition for a Hearing. Petition for a hearing may be made in writing to the Director by a party aggrieved by an investigation ruling and shall be granted by the Director. The petition shall be filed no later than ten workdays from the date of postmark or personal service of the investigation ruling to the petitioner, except where good cause can be shown to have prevented timely filing.
- 7.2 Notice of Hearing. The Director shall have ten workdays to notify all parties that a hearing shall be held. The notice shall specify the place and the time of the hearing, not to be sooner than ten workdays nor later than fifteen workdays from the date of postmark or personal service of the notice to the parties. The notice shall also specify the issues in question. A party to a hearing may be represented by a lawyer or any other individual such party may choose, and shall be so informed in the notice. The hearing officer may change the time or place of the hearing upon notice to all concerned.
- 7.3 Hearing Officer. The Director shall serve as hearing officer or shall appoint a person as hearing officer who is competent, impartial, and familiar with the laws, rules, and regulations relevant to the grievance. A hearing officer shall not have been a participant in making the original investigation ruling nor shall the hearing officer be under the jurisdiction or supervision of any such participant.
- 7.4 Conduct of Hearing. Testimony of both parties shall be presented to the hearing officer in the form of documents, other material evidence, and oral testimony of the parties and of witnesses. The hearing officer may require that certain documents or materials be put into evidence. Examination and cross-examination of witnesses, including the parties to the hearing, by the parties or their representatives shall be allowed under the oversight of the hearing officer. The hearing officer may also examine and cross-examine such witnesses. Final statements by both parties or their representatives shall be allowed. Oral testimony and final statements may be determined at any time by the hearing officer where good cause for continuation cannot be shown. The order of presentation of testimony, witnesses, and final statements shall be, first, the party filing the complaint or grievance and, second, the party against whom the complaint or grievance is filed. The hearing officer may require individuals disturbing the order of the hearing to leave the hearing room, but at no time shall a party to the hearing be left without representation. Adjournment shall be at the discretion of the hearing officer. Failure by a party to appear or be represented at a hearing shall not prejudice the hearing officer in considering any other information provided by or about that party, nor shall it delay the hearing officer's ruling

except where good cause is shown for failure to appear.

7.5 Hearing Rulings. The hearing officer shall have ten workdays from final adjournment of the hearing to issue a written ruling. The ruling shall state the names of the parties involved in the grievance, the nature of the grievance, the ruling including any awards, penalties, or orders directed upon either party, the findings and reasoning leading to the ruling, and the rights of the parties to appeal.

7.6 Settlement. A settlement agreement may be reached between the parties to a complaint or grievance at any time during the hearing process. A record of such settlement specifying its conditions and signed by all parties shall be submitted to the Hearing Officer for review. Within ten days of receipt of the settlement agreement, the Hearing Officer shall give written notice to all parties of its acceptance or rejection, in part or in whole, specifying the reasons for rejection of any part. Acceptance of any part of the settlement shall constitute that hearing ruling of the Department on that matter.

VIII. Enforcement. The Director or Chief may petition the Commonwealth Trial Court for enforcement of an order issued under the provisions of Title 49 of the TT Code or these procedures and for the appropriate temporary relief or restraining order. The Director or Chief shall file in the court a transcript of the records in the proceedings, including where appropriate the pleading and testimony upon which the order was entered and the findings and order of the Department or Division. Upon such filing, the court shall cause notice to be served upon the person against whom the order is directed. Thereupon the court shall have jurisdiction in the proceeding and may grant such temporary relief or restraining order as it shall deem just and proper, or issue a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Chief. In all such actions the Chief shall be represented by the Office of the Attorney General of the Commonwealth.

IX. Appeals to the Commonwealth Trial Court

9.1 A party aggrieved by a hearing ruling may appeal to the Commonwealth Trial Court.

9.2 The commencement of any proceedings in any court shall not operate as a stay of compliance of any provision of Title 49 or any rule, regulation or order issued thereunder.

9.3 All findings and rulings by the hearing officer on question of fact shall be deemed final.

In this contract, _____ of _____, known hereinafter as the Employer, and _____ of _____, known hereinafter as the Employee, mutually agree and contract to the following terms of employment to be carried out at the following location: _____, subject to the laws, rules, and regulations of the Commonwealth of the Northern Mariana Islands, known hereinafter as the Commonwealth.

1. The Employee shall work exclusively for the Employer and only in the following job classification: _____. The Employee may be required to instruct indigenous workers, which assignment shall not entitle the Employee to any supervisory classification. The Employee shall perform at the Employer's direction those duties customarily performed in the assigned job classification in the Commonwealth.

2. The duration of the contract, subject to the availability of work and the expiration date of the work permit issued by the Division of Labor of the Commonwealth, shall be _____, commencing on _____.

3. A wage of \$ _____ per _____ shall be paid at _____ intervals. If the Employee is covered by the Commonwealth Minimum Wage Act, compensation shall be paid at time and a half this wage rate on an hourly basis for any hours worked in excess of 40 per week, provided that the overtime hours have been assigned or approved by the Employer.

4. The Employer shall provide the Employee with the services and benefits checked below at the specified charge to be deducted from wages:

_____ (a) Housing at a deduction of \$ _____ per month.

_____ (b) One/Two/Three meals per day at a deduction of \$ _____ per _____.

(c) Transportation from the point of origin to the point of employment at a deduction of \$ _____ per _____, not to exceed a total of _____ (Filipino Law Requires Free Round-Trip Transportation.)

(d) Transportation from the point of employment to the point of origin at no charge, as required by the Division of Labor of the Commonwealth, except in the event of a breach of contract by the Employee as defined in Section 5 of this contract. As a surety against such a breach, \$ _____ shall be withheld per _____ from the Employee's wages, not to exceed a total of \$ _____, to be reimbursed in full to the Employee with full interest at the completion of this

contract or its extensions. Any wages due at such time that the Employee breaks this contract without cause may be withheld and applied to the cost of return transportation. The total of all withheld wages is not to exceed _____ percent of the total cost of return transportation. In any event, the cost of transporting the Employee's personal effects exceeding the weight allowance of the transportation carrier involved shall be borne by the Employee.

(e) A medical discharge and free return transportation to the point of origin should the health of the Employee become so impaired through no fault of the Employee's during employment under this contract as to justify termination of the contract based upon the examination and written opinion of a qualified medical officer. However, any pre-existing ailment or disability which was not disclosed prior to entering this contract shall not constitute the basis for a medical discharge.

____ (f) Payment of the identification certificate fee, as required by the Department of Commerce and Labor of the Commonwealth.

(g) Payment of costs relative to the following documents required for entry into the Commonwealth:

(h) Emergency medical and dental treatment for any injury or illness arising out of and in the course of work under this contract. (Filipino law requires this.) The Employee agrees that in the event of his/her complete mental or physical incapacity, the Employer may authorize appropriate medical treatment as may be recommended by a qualified medical officer.

(i) Workmen's Compensation insurance benefits within the limits of the Workmen's Compensation Law of the Employee's country of citizenship or of whichever the Employee chooses. (Filipino law requires this.) The Employee agrees that, without signed receipts, any wage payment made to him or her for a period during which he/she is entitled to Workmen's Compensation benefits by reason of temporary disability shall be deemed an advance payment of the compensation insurance benefits due him/her, but only to the extent of benefits due for the period of disability during which wages are paid. Any wage payment made by the Employer in excess of insurance benefits shall be returned to the Employer immediately.

____ (j) Group life, health, and accident insurance covering non-occupational injury or illness, if the Employee chooses to participate at a deduction of

_____ (k) The following number of vacation days per year: _____, during which regular wages will be paid unless otherwise indicated as follows: _____.
(Filipino law requires 15 days paid vacation per year).

_____ (l) The following number of sick days per year: _____, during which regular wages will be paid unless otherwise indicated as follows: _____.
(Filipino law requires 15 days paid sick leave per year.)

_____ (m) Emergency leave without pay in the event of a death or serious emergency of the Employee's next-of-kin or immediate family.

_____ (n) In the case of an emergency, serious accident, or death of the Employee, the Employer shall notify the Employee's next of kin, whose name and address are:

In case of death of the Employee during the term of this contract, and in the event the next of kin so desires, the Employer shall arrange and pay the cost of embalming and transporting the Employee's remains and personal effects to the above address or, if not possible under the prevailing conditions, the proper disposition thereof upon previous arrangement with the Employee's next of kin. (Filipino law requires this.)

5. The Employer may terminate employment of the Employee with ten days prior written notice to the Employee and to the Division of Labor of the Commonwealth for the following causes, subject to appeal by the Employee to the Division:

(a) Serious misconduct or willful disobedience by the Employee of the reasonable orders and rules issued by the Employer that are within the Employer's rightful authority under this contract.

(b) Gross and habitual neglect or careless performance by the Employee of his assigned duties.

(c) Fraud and willful breach by the Employee of the trust placed in him/her by the Employer.

(d) Habitual intoxication, possession of any type of firearm, drug addiction or violation of any law of the Commonwealth that would subject the Employee to deportation from the Commonwealth.

(e) Engaging in any type of commercial transaction, such as selling of services, foodstuffs, goods or merchandise, for personal gain and apart from the Employee's duties under this contract.

(f) Unauthorized gambling in or in the vicinity of any group living area to which the Employee is assigned to live.

(g) Bringing unauthorized companions in or in the vicinity of any group living area to which the Employee is assigned to live.

(h) Breach of any term of this contract, including agreement to work the full duration of the contract, without cause.

(i) Failure to make reasonable effort to work and live in harmony with co-workers.

(j) Failure to comply with reasonable standards of cleanliness.

(k) Incompetence or misrepresentation of the skills or physical or mental ability required to satisfactorily perform the duties for which the Employee was hired.

(l) Other

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—

6. The Employer may terminate employment of the Employee at any time by giving the Employee _____ days written notice or wages for an equivalent period. (Filipino law requires 30 days notice or the equivalent in wages - according to the Filipino Labor Attache.)

7. The Employee may terminate employment with the Employer without forfeiting any earned wages or the right to free return transportation to the point of origin if he/she is found by the Division of Labor of the Commonwealth to have a serious, legitimate and unredressable grievance against the Employer. Any grievance which the Employee has addressed to the Employer without satisfaction may be submitted to the Division of Labor of the Commonwealth.

8. The Employee may terminate employment with the Employer at any time by giving the Employer _____ days written notice. By giving such notice the Employee shall forfeit any wages due at that time and in the future up to _____ percent of the cost of return transportation to the point of origin.

9. The Employer shall remit any allotments of the Employee's wages which the Employee specifies back to the Employee's dependents and beneficiaries. Remittances shall be made through a duly authorized bank. (Filipino law requires this.)

ADDITIONAL PROVISIONS;

CERTIFICATION: The Employer and Employee hereby certify that they have read the foregoing contract, that they fully understand its terms and conditions, that such terms and conditions constitute their entire contract of employment, that no promises or understandings have been made other than those stated herein, and that this contract shall be subject to modification, addition, or deletion only by a written instrument signed by both the Employer and the Employee.

IN WITNESS THEREOF, the Employer and Employee have affixed their signatures:

Employee's Signature

Employer's Signature

Typed Name of Employer

Typed Name of Employer

Date

Date

NOTARIZATION OF EMPLOYEE'S SIGNATURE: Subscribed and sworn to before me, a notary public in and for the _____ of

Country, this _____ Location day of _____, 19 _____

Notary Public

My commission expires on _____

In this contract, _____ of _____, known hereinafter as the Employer, and _____, known hereinafter as the Employee, mutually agree and contract to the following terms of employment to be carried out at the following location: _____, subject to the laws, rules, and regulations of the Commonwealth of the Northern Mariana Islands, known hereinafter as the Commonwealth.

1. The Employee shall work exclusively for the Employer and only in the following job classification: _____. The Employee may be required to instruct indigenous workers, which assignment shall not entitle the Employee to any supervisory classification. The Employee shall perform at the Employer's direction those duties customarily performed in the assigned job classification in the Commonwealth.

2. The duration of the contract, subject to the availability of work and the expiration date of the work permit issued by the Division of Labor of the Commonwealth, shall be _____, commencing on _____.

3. A wage of \$ _____ per _____ shall be paid at _____ intervals. If the Employee is covered by the Commonwealth Minimum Wage Act, compensation shall be paid at time and a half this wage rate on an hourly basis for any hours worked in excess of 40 per week, provided that the overtime hours have been assigned or approved by the Employer.

4. The Employer shall provide the Employee with the services and benefits checked below at the specified charge to be deducted from wages:

(a) Housing at a deduction of \$ _____ per month.

(b) One/Two/Three meals per day at a deduction of \$ _____ per _____.

(c) Transportation from the point of origin to the point of employment at a deduction of \$ _____ per _____, not to exceed a total of _____ (Filipino Law Requires Free Round-Trip Transportation.)

(d) Transportation from the point of employment to the point of origin at no charge, as required by the Division of Labor of the Commonwealth, except in the event of a breach of contract by the Employee as defined in Section 5 of this contract. As a surety against such a breach, \$ _____ shall be withheld per _____ from the Employee's wages, not to exceed a total of \$ _____, to be reimbursed in full to the Employee with full interest at the completion of this

contract or its extensions. Any wages due at such time that the Employee breaks this contract without cause may be withheld and applied to the cost of return transportation. The total of all withheld wages is not to exceed _____ percent of the total cost of return transportation. In any event, the cost of transporting the Employee's personal effects exceeding the weight allowance of the transportation carrier involved shall be borne by the Employee.

(e) A medical discharge and free return transportation to the point of origin should the health of the Employee become so impaired through no fault of the Employee's during employment under this contract as to justify termination of the contract based upon the examination and written opinion of a qualified medical officer. However, any pre-existing ailment or disability which was not disclosed prior to entering this contract shall not constitute the basis for a medical discharge.

(f) Payment of the identification certificate fee, as required by the Department of Commerce and Labor of the Commonwealth.

(g) Payment of costs relative to the following documents required for entry into the Commonwealth:

(h) Emergency medical and dental treatment for any injury or illness arising out of and in the course of work under this contract. (Filipino law requires this.) The Employee agrees that in the event of his/her complete mental or physical incapacity, the Employer may authorize appropriate medical treatment as may be recommended by a qualified medical officer.

(i) Workmen's Compensation insurance benefits within the limits of the Workmen's Compensation Law of the Employee's country of citizenship or of whichever the Employee chooses. (Filipino law requires this.) The Employee agrees that, without signed receipts, any wage payment made to him or her for a period during which he/she is entitled to Workmen's Compensation benefits by reason of temporary disability shall be deemed an advance payment of the compensation insurance benefits due him/her, but only to the extent of benefits due for the period of disability during which wages are paid. Any wage payment made by the Employer in excess of insurance benefits shall be returned to the Employer immediately.

(j) Group life, health, and accident insurance covering non-occupational injury or illness, if the Employee chooses to participate at a deduction of

(k) The following number of vacation days per year:
during which regular wages will be paid unless otherwise
indicated as follows:
(Filipino law requires 15 days paid vacation per year).

(l) The following number of sick days per year:
during which regular wages will be paid unless otherwise
indicated as follows:
(Filipino law requires 15 days paid sick leave per year.)

(m) Emergency leave without pay in the event of a death or
serious emergency of the Employee's next-of-kin or immediate
family.

(n) In the case of an emergency, serious accident, or death
of the Employee, the Employer shall notify the Employee's
next of kin, whose name and address are:

In case of death of the Employee during the term of this
contract, and in the event the next of kin so desires, the
Employer shall arrange and pay the cost of embalming and
transporting the Employee's remains and personal effects to
the above address or, if not possible under the prevailing
conditions, the proper disposition thereof upon previous
arrangement with the Employee's next of kin. (Filipino
law requires this.)

5. The Employer may terminate employment of the Employee with ten days
prior written notice to the Employee and to the Division of Labor of the
Commonwealth for the following causes, subject to appeal by the Employee
to the Division:

(a) Serious misconduct or willful disobedience by the Employee of the
reasonable orders and rules issued by the Employer that are within the
Employer's rightful authority under this contract.

(b) Gross and habitual neglect or careless performance by the Employee
of his assigned duties.

(c) Fraud and willful breach by the Employee of the trust placed in
him/her by the Employer.

(d) Habitual intoxication, possession of any type of firearm, drug
addiction or violation of any law of the Commonwealth that would subject
the Employee to deportation from the Commonwealth.

(e) Engaging in any type of commercial transaction, such as selling of
services, foodstuffs, goods or merchandise, for personal gain and apart
from the Employee's duties under this contract.

(f) Unauthorized gambling in or in the vicinity of any group living
area to which the Employee is assigned to live.

(g) Bringing unauthorized companions in or in the vicinity of any group living area to which the Employee is assigned to live.

(h) Breach of any term of this contract, including agreement to work the full duration of the contract, without cause.

(i) Failure to make reasonable effort to work and live in harmony with co-workers.

(j) Failure to comply with reasonable standards of cleanliness.

(k) Incompetence or misrepresentation of the skills or physical or mental ability required to satisfactorily perform the duties for which the Employee was hired.

(l) Other

6. The Employer may terminate employment of the Employee at any time by giving the Employee _____ days written notice or wages for an equivalent period. (Filipino law requires 30 days notice or the equivalent in wages - according to the Filipino Labor Attache.)

7. The Employee may terminate employment with the Employer without forfeiting any earned wages or the right to free return transportation to the point of origin if he/she is found by the Division of Labor of the Commonwealth to have a serious, legitimate and unredressable grievance against the Employer. Any grievance which the Employee has addressed to the Employer without satisfaction may be submitted to the Division of Labor of the Commonwealth.

8. The Employee may terminate employment with the Employer at any time by giving the Employer _____ days written notice. By giving such notice the Employee shall forfeit any wages due at that time and in the future up to _____ percent of the cost of return transportation to the point of origin.

9. The Employer shall remit any allotments of the Employee's wages which the Employee specifies back to the Employee's dependents and beneficiaries. Remittances shall be made through a duly authorized bank. (Filipino law requires this.)

ADDITIONAL PROVISIONS;

CERTIFICATION: The Employer and Employee hereby certify that they have read the foregoing contract, that they fully understand its terms and conditions, that such terms and conditions constitute their entire contract of employment, that no promises or understandings have been made other than those stated herein, and that this contract shall be subject to modification, addition, or deletion only by a written instrument signed by both the Employer and the Employee.

IN WITNESS THEREOF, the Employer and Employee have affixed their signatures:

Employee's Signature

Employer's Signature

Typed Name of Employer

Typed Name of Employer

Date

Date

NOTARIZATION OF EMPLOYEE'S SIGNATURE: Subscribed and sworn to before
me, a notary public in and for the _____ of
Country this _____ Location day of
, 19 _____.

Notary Public

My commission expires on _____

PUBLIC NOTICE

Pursuant to Chapter 15, Section 3(b) of Public Law 1-8 and authority granted by Chapter 15, Section 4 of Public Law 1-8, the public is hereby notified of the proposed amendment of the Port Regulations for Saipan Commercial Port, by the Department of Public Works.

PROPOSED AMENDMENT

Section 20 Wharfage is proposed to be amended by adding an exception clause at the end of the section to read, "Except that no wharfage charges shall be assessed against the cargo of vessels licensed in the Commonwealth and operating between ports in the Commonwealth."

Copies of the proposed regulation may be obtained at the Department of Public Works, Lower Base, Saipan, CM 96950 or from the Registrar of Corporations, Attorney General's Office, 5th Floor, Nauru Building, Saipan, CM 96950.

Anyone interested in commenting on the proposed amendment may do so by submitting written comments to the Director of Public Works, Lower Base, Saipan, CM 96950 within 30 days from the date this notice is published in the Commonwealth Register.

Nov. 19, 1980
DATE



PEDRO A. SASAMOTO, Director
Department of Public Works



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan Mariana Islands 96950

Cable Address
Gov NMI Saipan

PUBLIC NOTICE

ADOPTED IMMIGRATION REGULATIONS

FOR TITLE 53

The Governor of the Commonwealth of the Northern Mariana Islands, in accordance with Title 53, Section 54 of the Trust Territory Code; Article V, Section 505 of the Covenant to establish a Commonwealth of the Northern Mariana Islands; and the Schedule on Transitional Matters, Section 2 of the Constitution of the Northern Mariana Islands, is adopting new regulations to be used in conjunction with Title 53, Trust Territory Code of the Pacific Islands.

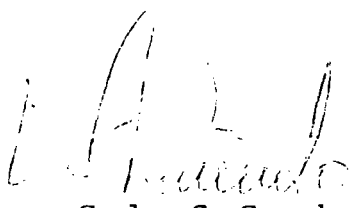
The adopted regulations include the following subject areas:

- (1) General Provisions
- (2) Entry Permits
- (3) Entry for Vessel and Aircraft
- (4) Port of Entry
- (5) General Rules pertaining to Immigration Policy

These regulations are published in the Commonwealth Register and may be obtained from the Attorney General's Office, 5th Floor, Nauru Building, Susupe, Commonwealth of the Northern Mariana Islands, Saipan, CM 96950.

There is a fee of \$3.00 for each set.

DATE: 1/19/81


Carlos S. Camacho
Governor



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan Mariana Islands 96950

Cable Address
Gov N M I Saipan

NOTICIAN PUBLICO

POT MA ADOPTA I AREGLON IMMIGRATION

GI TITULU 53

POT NACIONALIDAD YAN IMMIGRATION

I gobietnon Commonwealth gi San Katan na Islas Marianas segun i Titulu 53, Secciona 54 gi Kodigon i Trust Territory; i Attikulo V, Secciona 505 gi Covenant ni ha-establesi i Commonwealth gi San Katan na Islas Marianas; yan i Secciona 2 gi Konstitucion i San Katan na Islas Marianas, ha-Adopta i nuevo na areglo siha para umana-setbi in koneccion yan i Titulu 53 gi kodigon i Trust Territory.

I ma-Adopta na areglo ha-inkluso i man sigienti siha na asunto:

- (1) Probision Henerat
- (2) Petmiso pot Entrada
- (3) Petmiso pot Finaton Batko (Tasi) yan Batkon Aire
- (4) Puerton Entrada
- (5) In Henerat na Areglo pot Immigration

Este na areglo ma-publica gi Commonwealth Register ya i copia sina ma chule gi officinan i Attorney General, 5th Floor, Nauru Building, giya Susupe, Saipan, M. I. CM 96950.

I apas esta na areglo tres (\$3.00) pesos kada set.

Date:

1/21/81

[Signature]

Carlos S. Caracho
Governor

TITLE 53

NATIONALITY, EMIGRATION AND IMMIGRATION

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FOR TITLE 53

NATIONALITY, EMIGRATION AND IMMIGRATION

OFFICE OF THE GOVERNOR

THROUGH THE OFFICE OF THE

ATTORNEY GENERAL

DIVISION OF IMMIGRATION AND NATURALIZATION

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PART 10. GENERAL PROVISIONS

10.1 Authority. The rules and regulations in this chapter have been promulgated by the Governor of the Commonwealth of the Northern Mariana Islands in accordance with Title 53, Section 54 of the Trust Territory Code; Article V, Section 505 of the Covenant to establish a Commonwealth of the Northern Mariana Islands; and Section 2, Schedule on Transitional Matters, of the Constitution of the Northern Mariana Islands.

10.2 Purpose. The control of entry into or movement within the Commonwealth will be exercised to protect fully the inhabitants thereof, but unnecessary interference with the free movement of person, vessel or aircraft shall be avoided.

10.3 Administration and Enforcement. The Northern Marianas Immigration and Naturalization Office shall consist of uniformed and trained men and women under the supervision of the Chief of Immigration or his designee. The Chief of Immigration, however, may utilize, by agreement, the Personnel Services and facilities of other agencies of the Northern Mariana Islands Government or other

Naturalization laws and these and other related regulations.

10.4 Delegation of Authority. Pursuant to 53 TTC Section 52, the Chief of Immigration is hereby delegated with the authority to perform such duties, pertaining to nationality, emigration and immigration, and to administer all laws and regulations pertaining thereto, including the ability to proceed on my behalf under Title 53, of the Trust Territory Code, pursuant but not limited to Section 53 through 62 and 101 through 258, as may from time to time be necessary. In addition, and pursuant to 53 TTC Section 54 and 59, the Chief of Immigration, under the direction and consultation of the Office of the Attorney General, may further promulgate and/or amend rules and regulations as may from time to time be necessary to carry out the performances of such duties.

10.5 Definitions.

As used in these regulations and Title 53 of the Trust Territory Code:

(a) The term "Alien" means any person not a citizen or national of the United States, Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

(b) The term "Carrier" means vessel or aircraft of any size whatsoever.

(c) The term "Chief of Immigration" means the Immigration and Naturalization Officer as provided for in PL 1-8, Chapter 3, Section 5.

(d) The term "CNMI" means the Commonwealth of the Northern Mariana Islands.

(e) The term "Constitution" means the Constitution of the Northern Mariana Islands.

(f) The term "Covenant" means the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

(g) The term "Entry" means any coming of an alien, vessel or aircraft into the Commonwealth of the Northern Mariana Islands, from a foreign port or place outside the boundary of the Commonwealth of the Northern Mariana Islands.

(h) The term "Entry Authorization" means the permission granted to an alien by the Immigration and Naturalization Office which allows entry into CNMI, including but not limited to the Entry Permit or the Immigration Landing Card.

(i) The term "Foreign Vessel or Aircraft" means any vessel or aircraft which is not registered in the Commonwealth of the Northern Mariana Islands.

(j) The term "Immediate Relative" means spouse, parents, or child under 21 years of age.

(k) The term "INO" means the Immigration and Naturalization Office as provided for in Chapter 3 Section 5, Public Law 1-8.

(l) The term "Service" means the Immigration and Naturalization Office of the Commonwealth of the Northern Mariana Islands.

(m) The term "TT" means the Trust Territory of the Pacific Islands.

(n) The term "TTC" means Trust Territory Code of the Pacific Islands.

(o) The term "U.S." means the United States of America.

PART 11. ENTRY PERMIT

11.1 Entry Permit Required. No person shall enter the CNMI unless he shall have in his possession a valid Entry Permit issued by the Chief of Immigration, except as provided for in 11.7.

11.2 Request for Entry. Request for Entry Permit will be evaluated and granted on the basis of the standards of exclusion set forth in Section 56 of the Trust Territory Code and Part 14.5 of these regulations.

11.3 Responsibility of Alien to Depart. It shall be the responsibility of every alien to depart the CNMI upon expiration of the time prescribed in the Entry Permit, or any extension or renewal thereof, or upon revocation of the Entry Permit. Failure to comply will be a violation of these regulations and shall subject the violator to the penalties in Section 62 of Title 53 of the Trust Territory Code.

11.4 Application Procedures. Permits to enter one or more Islands in the CNMI, may be issued by the Chief of Immigration, or his duly authorized representative, upon submission of the following document information.

- (a) Written application, available by writing to or contacting the INO, Civic Center, Susupe, Saipan Mariana Islands CM 96950.
- (b) The Application shall include all of the following information with specific details as to:
1. Name and Nationality of the applicant
 2. Date and Place of Birth
 3. Permanent Home Address, Street No., City and State
 4. Purpose of proposed visit, including names of relatives, Business Association, Firm or Establishment to be visited.
 5. Proposed duration of visit.
 6. Address to which Entry Permit should be mailed.
 7. Prior application for entry, and disposition of those applications.
 8. Type of Permit, applied for Visitor Business Resident Employment Other Specified.
- (c) The application must be accompanied by (1) copy of Birth Certificate, (1) copy of Police Certificate, (1) copy of Marriage Certificate if any, (1) copy of Financial Resource Statement either from employment or saving, and must be certified only by the employer or the bank under which savings was deposited, and an application fee of ten (\$10.00) dollars. All funds collected pursuant to this subpart shall be deposited with the CNMI Treasurer for credit to the INO Account.

- (d) Upon completion, the application shall be submitted to the INO, together with a pre-stamped envelope for the prompt return of the Entry Permit to the applicant at his own expense. In all cases, the permit will be mailed to the applicant by the Office of the Immigration and Naturalization.
- (e) An Entry Permit will not be issued to an applicant who is within the CNMI at the time of issuance.
- (f) A ten (\$10.00) dollars fee will be charged for the processing of extension or renewals of Entry Permits.

11.5 Duration of Permit. Permits will be issued only for visits of specified duration as is deemed reasonable by the issuing official, not to exceed one year. All permits are subject to revocation by the Chief of Immigration in accordance with Chapter 3, Subsection 57 of Title 53 of the Trust Territory Code, and Part 14.2 of these regulations. The length of visit may be extended by the Chief of Immigration, under the restrictions enumerated in Part 11.8 and upon application to the INO, thirty (30) days prior to the expiration of the current permit, but in no case shall an extension be granted for a period to exceed thirty (30) days except for those permits issued to TTC Title 49 Workers. No application for extension shall be accepted by the INO, if the Entry Permit has expired.

11.6 Additional Documents Required. In addition to such permit, a visitor will be required to have in his possession at the time of entering the CNMI the following:

- (a) As to Trust Territory, CNMI, and United States Citizens and Nationals, proof of citizenship or nationality, (e.g. Passport, Birth Certificate, or Baptismal Certificate Etc.).

acceptable travel document issued by competent authority, containing either a photograph or fingerprint of the holder. Such passport or document must be valid at the time of entry and for a period of at least sixty (60) days beyond the expiration date of the initial entry of the holder, and must either authorize him to return to his country or, if his destination after the Commonwealth is some other country, must contain a visa to enter the country.

(c) Health Certificate.

1. A valid International Certificate of Vaccination for smallpox; however in the event the visitor enters the Commonwealth from the United States or any of its territories or possessions, the International Certificate of Vaccination for smallpox shall not be required for entry.

2. Any other vaccination or inoculation that may be required from time to time by the Health Service of the CNMI.

(d) Aliens entering for an initial period of less than sixty-one (61) days must have in their possession a round trip or onward ticket to a destination beyond the CNMI, except that this provision is inapplicable for TTC Title 49 Non-Resident Workers.

(e) Funds in a sufficient amount to maintain and support him during his stay in the CNMI. The Immigration Officer

may in his discretion require the visitor to post a cash bond to insure that he will not become a financial burden to the CNMI, in an amount not to exceed five hundred (\$500.00) dollars. Such bond may be used by the Commonwealth Government at any time to defray the expenses of maintenance or removal of such person from the CNMI. Such sum shall be returned, or accounted for if used, to the depositor upon his departure from the Commonwealth.

- (f) Person required to complete Form 958. All persons, with the exception of U.S., TT, and CNMI citizens, entering the CNMI are required to complete the Immigration Landing Card Form CNMI-958 prior to arrival at the port of entry.

- (g) Departure of Alien. The airlines or shipping agent will be responsible to pick up the original white copy of Form CNMI-958, when the alien checks in for his departure from the CNMI. Immediately after the departure of the flight or ship the original white copy of Form CNMI-958 will be delivered to the Immigration Office along with a copy of the passengers manifest. The Immigration and Naturalization Office will make the necessary notations on the reverse of the form. (i.e. date of departure and destination).

11.7 Exceptions to Entry Requirements.

- (a) United States Citizens accorded the privileges and immunities under Section 304 of the Marianas Covenant may enter the CNMI freely for an indefinite period.
- (b) Alien employees of the CNMI Government may enter the CNMI without an Entry Permit, but upon initially reporting to the CNMI for duty, they shall have in their possession a travel order issued by the Governor authorizing those individuals, accompanied by their family, to enter the CNMI for the purpose of accepting Government employment, provided that such employees and members of their family, must comply with 11.6 (a), (b), (c), (f), and (g).
- (c) Citizens of the Trust Territory, upon presentation of proof of their citizenship, shall be exempt from all the requirements of 11.6 except 11.6(c).
- (d) Any alien arriving by licensed carrier and possessing a valid Passport or other travel documents set forth in subpart 11.6 of this regulation, may enter the CNMI for a period not to exceed thirty (30) days without an Entry Permit for the purpose of tourism or sightseeing pursuant to PL 4-228. Such person must be admissible under Title 53 TTC. Any alien admitted under this law is prohibited from seeking employment for compensation, or from activities which relate to the performance of employment for compensation or business or from seeking a change in status of entry from that of tourist. An extension may be granted (Without an Entry Permit) by the Chief of Immigration upon application, and the payment of an extension fee in the amount of Ten Dollars (\$10.00) U.S. Currency. However, in no event shall an extension be made

(without an Entry Permit) for a period in excess of sixty

(60) days from the initial date of admission into the CNMI.

All funds collected pursuant to this subpart shall be deposited with the CNMI Treasurer for credit to the INO account.

11.8 Classification and Restrictions on Entry Permit.

- (a) A visitors permit is not a tourist permit. It is a general Entry Permit allowing entry into the CNMI for a specified period of time not to exceed one year. Except in a case where a permit is issued to a TIC Title 49 Worker, this one year restriction includes extensions. Only in case of extreme emergency will a visitors permit be extended past one year total duration. In such case, the Chief of Immigration has complete discretion in a decision to allow extension. In no case shall such an emergency extension be granted for a period in excess of thirty (30) days. In no case shall such an emergency extension be granted more than twice. A person entering the CNMI on a visitors permit except for those entering in conjunction with a TIC Title 49 Work Permit, shall not be allowed to engage in work as a Title 49 Non-Resident Worker unless that person leaves the CNMI and re-enters as a Title 49 Worker. A person entering the CNMI on a visitors permit shall not be considered a resident of the CNMI or a domiciliary of the CNMI. For purposes of these regulations and Title 53, TIC, a visitors permit is a non-immigrant entry permit and is used for entry into the CNMI for the purpose of visits other than tourist visits including but not limited to visits for the purpose of business or work as a Title 49 worker under the following restrictions:

1. Tourist entry restrictions are covered in Part 11.7(d).

2. Business Entry is allowed for the specified time applied for, not to exceed thirty (30) days from the initial date of admission. Extensions may be granted at the discretion of the Chief of Immigration for a period of not to exceed thirty (30) days. Only two such extensions may be granted. The purpose of a Business Entry Permit is to allow the permittee to conduct business negotiations, settlements, offers or plans. The permittee is not allowed to become a member of the work force in the CNMI, either as a professional or non-professional, skilled or unskilled, executive or non-executive worker. A person entering the CNMI pursuant to a business entry permit shall not be considered a resident or domiciliary of the CNMI.

3. Entry for Title 49 Non-Resident Workers is in conjunction with a Title 49 Trust Territory Code work permit. Cancellation, termination, or expiration of the work permit is cancellation, termination, or expiration of the Entry Permit. Entry Permits for Title 49 Non-Resident Workers may be renewed in conjunction with renewal of the permittees' work permit, provided that in no case shall such entry permit be renewed for a period longer than one (1) year, or endure for a period longer than four years including renewals. Any person who enters the CNMI

as a Non-Resident Worker under Title 49, together with his/her family and relatives entering simultaneously or subsequently, shall be deemed a non-resident and ineligible to be able to establish residence or domicile in the CNMI regardless of the ~~extended~~ period of the entry.

- (b) Resident Entry Permit is issued in accordance with the appropriate provisions of Title 53 Trust Territory Code, the Covenant, and Public Law 5-11. A resident permit is valid as long as the "Immediate Relative" status relationship exists and is revokable at any time upon order of the INO or pursuant to Public Law 5-11. A Resident Permit may be issued to any person who establishes his eligibility as provided in Article V Section 506(c) of the Covenant. A Resident Permit shall terminate upon termination of the permittee's status as an "Immediate Relative", or upon other conditions and circumstances as may from time to time be considered appropriate by the INO. Resident Permittees are considered residents of the CNMI.
- (c) Violation of these restrictions is a violation of the law and the permittee is subject to deportation from the CNMI.

11.9 Change of Status. The status of an alien shall not be changed from that classification in which the alien was originally admitted to the CNMI over to another classification subsequent to said admittance unless

the alien first leaves the CNMI, applies for, and re-enters the CNMI under the new classification; provided that this restriction is not applicable for a change to the status of a resident permittee. Such change shall be made only upon application to the IRO and shall become effective only after the Chief of Immigration, exercising his discretion, approves the change.

11.10 Alien Registration. All aliens lawfully admitted to the Commonwealth are required to register their entry permits each year between the first day of January and the last day of January. Each and every alien arriving in the Commonwealth after the closing of registration, shall register his entry permit within ten (10) days after arrival, and shall re-register during the regular registration period. A fee of ten (\$10.00) dollars shall be charged for late registration.

11.11 Emergency Procedure. When time is of the essence emergency application may be forwarded by commercial cable to "CNMI, Saipan". Such messages shall include the following in the order given:

- (a) Name of applicant.
- (b) Date and Place of Birth.
- (c) Citizenship.
- (d) Permanent Resident Address.
- (e) Length and purpose of stay in the CNMI.

If a cable reply is requested, cost of commercial cable shall be borne by the applicant.

11.12 Special Circumstances. Nothing in the foregoing shall be deemed to prevent the Chief of Immigration from issuing Entry Permits or extension without reference to these regulations when in his judgement

PART 12. VESSEL AND AIRCRAFT ENTRY

12.1. Information Required. No vessel or aircraft, unless exempted in Part 12.2 below, shall enter the CNIE without first having received permission from the IMO. Request for permission to enter shall contain the following information in the order indicated:

(a) Vessels

- (1) Name of vessel.
- (2) Place of registry and registration number.
- (3) Name, Nationality and Address of Operator.
- (4) Name, Nationality and Address of Owner.
- (5) Radio Call Sign.
- (6) Length, Breadth and Depth of vessel.
- (7) Gross Tonnage.
- (8) Last Port of Call.
- (9) Date of Last Entry.
- (10) Purpose of Entry
- (11) Approximate duration of stay

(b) Aircrafts

- (1) Type and Serial number of Aircraft.
- (2) Name, Nationality, and Address of Senior Pilot.
- (3) Name, Nationality, and address of Owner
- (4) Plan of Flight Route
- (5) Landing Weight.
- (6) Date of Last Entry.

12.2 Exemption From Vessel and Aircraft Requirements. Vessels and Aircrafts operating under license, grant, or express permission of the Governor, and Public vessels and aircrafts of the United States which are traveling under proper orders and not engaged in commercial activities, are exempt from the provision of 12.1.

12.3 Emergency Entry of Foreign Vessels and Foreign Aircraft. Upon request, the Chief of Immigration may authorize the emergency entry of a vessel or aircraft to a CNMI port of entry in the event of distress, weather, mechanical, or medical emergency. Post-entry authorization may be granted where circumstances do not permit pre-entry authorization. No vessel or aircraft which has entered a CNMI port by reason of an emergency shall be permitted to depart the CNMI until a written report of the emergency incident, bearing the subscription of the master of such vessel or senior pilot of such aircraft, is filed with and evaluated by the INO with the concurrence of the Attorney General. If the emergency is not verified by such report, the entry shall be considered as being unlawful.

12.4 List of Crew and Passengers to be furnished. The Master or Pilot of every vessel or aircraft arriving in the CNMI from a port outside the CNMI shall, upon demand of the Immigration and Naturalization Officer or his duly authorized representative furnish a list of the crew and passengers abroad.

12.5 Carrier Responsibility. It shall be the responsibility of any carrier transporting persons into the CNMI to ensure that passengers scheduled to disembark at a port therein hold the proper entry documents to effect lawfully entry. Passengers arriving at any CNMI port who fail

~~to present the documentation required by law shall be denied entry~~

by the Immigration Officer at the port attempted to be entered and shall be returned to the carrier and not be allowed to disembark. The carrier shall be fully responsible for all such persons. A carrier shall not redeem any prepaid round trip or onward ticket as described in 11.6(d) without the express written authorization of the Immigration Officer.

12.6 Compensation for Service Rendered.

- (a) All air and sea carriers and other persons whose operation require the services of Immigration Officers of the Government of the Northern Marianas after established working hours shall be charged with the overtime pay of the Immigration Officers rendering the service. Service of less than two (2) hours for each arrival shall be charged with the minimum of two (2) hours overtime. Any fraction of an hour in excess of the two (2) hours minimum is charged per actual time for services rendered. On legal holidays the charge shall be the holiday pay of the Immigration Officers rendering the service during the first eight (8) hours of work performed. Any time in excess of eight (8) hours shall be charged as overtime pay. Each legal holiday shall be on 24-hour day, 0001 hour to 2400 hour. Said overtime charges and holiday charges shall be waived when services are tendered to a carrier operating under emergency conditions or for emergency purposes.

- (b) When a Immigration and Naturalization Officer is assigned to any vessel or aircraft for the purpose of conducting an inspection and clearance during the journey, the master of the carrier, owner, or agent must furnish such officer the accommodation usually supplied to passengers. In addition, the master, owner or agent shall furnish all air or sea transportation required in order for the Immigration and Naturalization Officer to board such aircraft or vessel. The Immigration and Naturalization Service charge to be imposed shall be in accordance with Sub-Section (a) of this Section.
- (c) Nonperformance of Requested Service - If services have been requested for which employees have reported but are not performed by reason of circumstances beyond the control of the employees concerned, compensation shall be in accordance with Subsection (1) of this Section.
- (d) Broken Periods - When overtime services are rendered to two (2) or more carriers arriving two (2) or more hours apart, each arrival shall be treated separately and the minimum charge of two (2) hours overtime shall apply for each arrival. On holidays the charge shall be in accordance with Subsection (a) of this Section.
- (e) Continuous Periods - When overtime services are rendered to two or more carriers arriving less than two (2) hours apart, the charge shall be treated as though the service

~~had been continuous. The charge shall be computed~~

on a continuous basis with a minimum of two (2) hours overtime if the total overtime service rendered is less than two (2) hours. For holiday charge, refer to Subsection (a) of this Section. For two or more arrivals within a two (2) hours period for carriers with different owners or operators, the services shall be computed and charged on an apportioned basis amongst the carriers under the following method;

- (1) For Services rendered for cargo inspection the charges are based on the actual time incurred for inspection for each carrier.
- (2) For services rendered for passenger inspection the charges are based on the passenger count of each carrier.

(f) Interest of eight percent (8%) per annum shall be imposed on all unpaid charges imposed by this part.

12.7 Inspection. Immigration Officers may board incoming vessels in order to examine the entry documents of each passenger and may examine the entry documents of aircraft passengers after disembarkation but prior to their departure from the airport.

PART 13. PORT OF ENTRY

13.1 Issuance Procedure. The procedure for the issuance of an Entry Permit pursuant to 53 MRC 102 is as follows:

- (a) The master of any unlicensed vessel, shall upon entry

53 TIC, file a manifest in the form prescribed by the INO and signed by such master or other person having the command or charge of said vessel under oath as to the truth of the statement therein contained. Such manifest shall contain:

- (1) The name, description and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel.
- (2) A detailed account of all merchandise, if any, on board the vessel.
- (3) An account of the sea stores and ship's stores on board the vessel;
- (4) The names of all crew members and passengers aboard such vessel; and
- (5) Statement by the master or other person having the command or charge of said vessel shall file an application in accordance with 12.1(a) of these regulations as to the purpose of entry and approximate duration of stay in the Territorial or Inland water of the CNMI, thirty (30) days prior to arrival at the port of entry of the CNMI.

13.2 Unlicensed Carrier. For purpose of 53 TIC 103 the term "Unlicensed" means having no entry permit. The manifest shall be filed on Form CNMI No. 418 provided by the Office of Immigration and Naturalization.

Said form may be changed from time to time as the Chief of Immigration deems necessary provided that the form shall require all information listed in 53 TTC 103.

13.3 Inspection Procedure. Procedure for the inspection at ports of entry pursuant to 53 TTC 204 is as follows:

- (a) All persons are required to show proof of citizenship except those specifically exempted pursuant to Section 258 Title 53 TTC.
- (b) All persons who are U.S., TT, or CNMI citizens, and those specifically exempted pursuant to Section 258 Title 53 TTC will then be allowed to enter without further INO inspection.
- (c) Any person who is found not to be citizen as provided for in 13.3(b) shall present their passport, entry permit, and CNMI Form 958 for inspection by the INO Officer.
- (d) The admitting examining officer shall, by means of a stamp, record in each passport required to be presented, the word "Admitted", the date and place of admission, and shall record the same information on the CNMI Form 958. The purpose for entry will be recorded on CNMI Form 958. One copy of Form 958, so endorsed shall be returned to the admitted alien for his retention while in the CNMI. Said Form shall be surrendered at the time of his departure from the CNMI by relinquishing it to a representative of the carrier by which such person is departing the CNMI.

vessels and aircraft to furnish a copy of the incoming passenger and crew manifest.

- (f) All persons arriving at a port of entry in the CNMI by vessel or aircraft shall be detained abroad the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an Officer of the INO. Notice or order to so detain shall not be required.

PART 14. GENERAL RULES

14.1 Denial of Permission to Enter. Permission to enter may be denied on any of the grounds cited in Section 56 and of Title 53 of the Trust Territory Code or these Regulations.

14.2 Revocation. An Entry Permit may be revoked by the Chief of Immigration at any time on any of the grounds cited in Section 57 of Title 53 of the Trust Territory Code. The procedure for such revocation is provided for in 14.6; provided that this procedure does not have to be followed for revocation pursuant to 53 TTC Section 57(4).

14.3 Citizenship. Pursuant to 53 TTC 1(1), the CNMI does not recognize a dual citizenship status for persons born in the Commonwealth. If a person who at birth, acquires the citizenship of his/her alien parents by virtue of that birth pursuant to the parents country's law, that person is not a CNMI citizen.

14.4 Unlawful Entry. An alien who has entered the CNMI without an Entry Permit as required by Title 53, Section 53 TTC shall be deemed to have entered the CNMI unlawfully. Any alien who remains in the CNMI after expiration or revocation of entry authorization shall be deemed to be remaining in the CNMI unlawfully. Any alien who remains in the CNMI after expiration or revocation of entry authorization voluntarily, shall be deemed to be remaining in the CNMI willfully. For purposes of this section voluntarily means actual or implied, with or without reason or intent.

14.5 Excludability and Revocability. For purpose of Title 53, TTC and in particular but not limited to Sections 56 and 57 an alien's entry into or continued presence in the CNMI is not in the best interest of the CNMI if the alien is found to be within the following class of aliens:

- (1) Aliens who are mentally retarded;
- (2) Aliens who are insane;
- (3) Aliens who have had one or more attacks of insanity;
- (4) Aliens afflicted with psychopathic personality or sexual deviation, or mental defect;
- (5) Aliens who are narcotic drug addicts or chronic alcoholics;
- (6) Aliens who are afflicted with any dangerous contagious disease;
- (7) Aliens not comprehended within any of the foregoing classes who are certified by the examining physician or medical officer as having a physical defect, disease, or disability, to be of such a nature that it may affect the ability of the alien to earn a living, unless the alien affirmatively establishes that he will not have to earn a living.

- (8) Aliens who are paupers, professional beggars, or vagrants;
- (9) Aliens who have been convicted of a crime, including crimes of moral turpitude, (other than purely political offenses), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime; except that aliens who have committed only one such crime while under the age of eighteen years may be granted an Entry Permit and admitted if the crime was committed more than five years prior to the date of application for admission to the CNMI unless the crime resulted in confinement in a prison or correctional institution, in which case such alien must have been released from such confinement more than five years prior to the date of the application for an Entry Permit or other documentation, required for admission to the CNMI. Any alien who would be excludable or whose entry permit would be revoked because of the conviction of a misdemeanor classifiable as a petty offense by reason of the punishment actually imposed, or who would be excludable or whose entry permit would be revoked as one who admits to the commission of an offense that is classifiable as a misdemeanor, by reason of the punishment which might have been imposed upon him, may be granted a Entry Permit and admitted to the CNMI if otherwise admissible, or revocation of his entry permit may be waived, provided that the alien has committed only one such offense,

or admits to the commission of acts which constitute

the essential elements of only one such offense.

- (10) Alien who are poligamists or who practice polygamy or advocate the practice of polygamy.
- (11) Aliens who are prostitutes or who have engaged in prostitution, or aliens coming to the CNMI solely, principally or incidentally to engage in prostitution; aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; aliens who are or have been supported by, or receive or have received, in whole or in part, the proceeds of prostitution; or aliens coming to the CNMI to engage in any unlawfully commercialized vice, whether or not related to prostitution;
- (12) Aliens coming to the CNMI to engage in any immoral sexual act, or aliens who, after entering CNMI engage in or have engaged in immoral conduct or conduct involving moral turpitude.
- (13) Aliens seeking to enter the CNMI, for the purpose of performing skilled or unskilled labor or having entered, perform skilled or unskilled labor, unless the Chief of Labor has determined and certified to the Chief of Immigration or the Attorney General that (a) there are not sufficient workers in the Northern Mariana Islands who are

able, willing, qualified, and available at the time of application for an Entry Permit and at the place to which the alien is destined to perform such skilled or unskilled labor, and (b) the employment of such aliens will not adversely affect the wages and working conditions of the local workers in the CNMI similarly employed. The exclusion of alien under this paragraph shall not apply to alien lawfully admitted to the CNMI for Permanent Residence.

- (14) Aliens who in the opinion of the Chief of Immigration, or in the opinion of the Attorney General at the time of application for admission or after entry into the CNMI are likely at any time to become public charges;
- (15) Aliens who have been excluded from admission to the CNMI and who again seek admission within one year from the date of such exclusions unless prior to their reembarkation at a place outside the CNMI, the Attorney General has consented to their reapplying for admission;
- (16) Aliens who have been deported from the CNMI or elsewhere, or who have fallen into distress and have been removed pursuant to this or any prior act, or who have been removed as alien enemies, or who have been removed at Government expense in lieu of deportation, unless prior to their embarkation or reembarkation at a place outside the CNMI the Attorney General has consented to their applying or reapplying for admission;

- (17) Aliens who are stowaways;
- (18) Any alien who seeks to procure, or has sought to procure, or has procured a Entry Permit or other documentation, or seeks to enter the CNMI, by fraud, or by willfully misrepresenting a material fact;
- (19) Any alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marijuana, or who has been convicted of a violation of, or a conspiracy to violate any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marijuana, or any salt derivative or preparation of opium coca leave, or isonipecaine or any addiction-forming or addiction-sustaining opiate; or any alien who the Chief of Immigration or Immigration Officers knows or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs;
- (20) Any alien who is not in possession of a passport valid for a minimum period of sixty (60) days from the date of the expiration of the initial period of his admission or contemplated initial period of stay and authorizing him to return to the country from which he came or to proceed to or enter some other country during such period.
- (21) Any alien who is accompanied by another alien ordered to be excluded or deported and who is certified to be helpless

from sickness or mental or physical disability or infancy, whose protection or guardianship is required by the alien ordered excluded or deported;

- (22) Any alien who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter the CNMI in violation of law;

14.6 Administrative Procedure. The procedure prescribed by the INO is the "sole and exclusive procedure" for determining under administrative processes the revocability of an Entry Permit. The decision of the Chief of Immigration as to an Entry Permit's revocability is final. A hearing conducted by the Chief of Immigration or an Examination Officer who has not previously participated in the investigative or prosecutive phases of the case meets the current standards of procedure as contemplated by the Constitutional safeguards of Article I, Section 5 of the Constitution.

(1) Order to show cause. Every proceeding to determine the revocability of an Entry Permit is commenced by the issuance and service of an order to show cause, by the INO. The order requires the alien, referred to as the respondent, to show cause why his permit should not be revoked. It must contain a statement of the nature of the proceeding, the legal authority, a concise statement of factual allegations, informing the alien of the acts of conduct alleged to require revocation, and a designation of the charge against the respondent and of any statutory provision alleged to have been violated. The order calls upon the alien to appear before the Chief of Immigration or Examination Officer for a hearing at a time not less than seven days after the service of the order.

However, a hearing may be scheduled at an earlier time at the request of the alien or for reasons of public interest, safety and security. The order to show cause may be issued by the Examination Officer or the Chief of Immigration or any officer in charge of investigations. Service of the order is made by delivery through an Immigration Officer or by mailing it to the alien, return receipt requested. If the alien is confined in a penal or mental institution or hospital, a copy of the order is also served on the person in charge of the institution or hospital, and if the alien is under sixteen years of age or a mentally incompetent alien, a copy of the order is served on the alien's guardian, nearest relative or friend.

(2) Hearing before the Examination Officer or the Chief of Immigration. The Chief of Immigration or an Examination Officer shall conduct the revocation hearing. He has authority to determine revocability, to suspend revocation, and to authorize voluntary departure and preexamination. The Chief of Immigration or the Examination Officer has to withdraw at any time if he deems himself disqualified. In such cases another Examination Officer is assigned to complete the case.

(a) Opening of Hearing. At the opening of the hearing the Chief of Immigration or the Examination Officer is required to:

- (1) Place the alien under oath;
- (2) Advise him of his right of representation by counsel, at no expense to the Government
- (3) Advise the alien that he will have a reasonable opportunity to examine and object to the evidence against him, present evidence in his own behalf and to cross-examine witnesses presented by the Government;

- (4) Read the factual allegations and the charges to the alien and explain them in non-technical language; and
- (5) Enter the order to show cause as an exhibit in the record.

(b) Pleading by alien. The alien is required to plead to the order to show cause by stating whether he admits or denies the factual allegations and the revocability of his permit. If the alien admits the factual allegations and to the revocability of his permit and if no issues of law or fact remain unresolved the Chief of Immigration or the Examination Officer may determine that revocability has been established by the alien's admission.

(c) Assignment of a Hearing Representative. If the alien denies the factual allegations and that his permit should be revoked or if issues of law or fact remain unresolved, the Chief of Immigration or the Examination Officer may require the assignment of a Hearing representative who will present the evidence on behalf of the Government as to the revocability of the Entry Permit. The Examination Officer or Chief of Immigration shall receive evidence as to any unresolved issues, except that no further evidence need be received as to any facts admitted during the pleading. A Hearing representative may also be assigned to any other case at the request of the Examination Officer or in the discretion of the Chief of Immigration.

(d) Additional Charges. A Hearing representative may, at any time during a hearing, lodge additional charges of revocability, including factual allegations, against the alien. The Examination Officer or Chief of Immigration must explain these charges to the alien in non-technical

language and advise him, if he is not represented by counsel, that he may so be represented. The alien may be granted continuance of his case to secure representation or to meet the additional charges.

(e) Postponement and adjournment of hearing. For good cause a reasonable postponement or adjournment may be granted to any revocation hearing. A continuance of the hearing for the purpose of allowing the alien to obtain representation is not granted more than once unless a sufficient cause for the granting of more time is given.

(f) Record of hearing. The hearing before the Examination Officer or Chief of Immigration including the alien's pleading, the testimony, the exhibits, the Examination Officer's or Chief of Immigration's decision, and all written orders, motions, appeals and other papers filed in the proceedings constitute the record in the case. The hearing is recorded verbatim except for statements made off the record with the permission of the Examination Officer or Chief of Immigration. In his discretion the Examination Officer or Chief of Immigration may exclude from the record any argument in connection with motions, applications or objections, but in such case the person affected may submit a brief.

(3) Decision by Examination Officer or Chief of Immigration. A determination of revocability is not valid unless based on reasonable, substantial and probative evidence. The decision of the Examination Officer or Chief of Immigration may be oral or written and must contain a summary of the evidence and of the findings of fact and conclusions of law as to the alien's deportability. It also must contain a discussion of the evidence relating to the alien's eligibility for any discretionary

relief requested and the reasons for granting or denying the application.

The order of the Examination Officer or Chief of Immigration at the end of the decision is either

- (1) that the permit be revoked; or
- (2) that the proceedings be terminated; or
- (3) that the revocation of the permit be suspended; or
- (4) that the alien be granted voluntary departure in lieu of revocation, with or without preexamination; or
- (5) any combination of these orders in the alternative; or
- (6) that other action be taken at the proceedings as may be required for the appropriate disposition of the case.

A written decision is served on the alien and the Hearing representative if one is assigned to the case by the Examination Officer or Chief of Immigration. An oral decision is stated at the conclusion of the hearing by the Examination Officer or Chief of Immigration in the presence of the alien and the Hearing representative if one is assigned to the case. Copy of the oral decision is served in the same manner as a written decision unless appeal has been waived.

(4) Finality of Order-Appeal. The Order of the Examination Officer or Chief of Immigration is final unless an appeal is taken to the Attorney General by the alien or by the Examining Officer or unless the Chief of Immigration requires the case be certified to the Attorney General or directed that the case be certified to him.

An appeal must be taken within ten days after a written decision, or typewritten copy of an oral decision, or a summary decision is mailed.

Appeals are filed in the form of an "Affidavit".

A fee of \$25.00 is charged for the filing of an appeal from a decision in revocation proceedings. However, the Attorney General may authorize the prosecution of any appeal without prepayment of fee in any case in which the alien is unable to pay such fee. Such alien has to file with the notice of appeal or the motion an affidavit stating his belief that he is entitled to redress, his inability to pay and has to request permission to prosecute his appeal without prepayment of the fee.

(a) Supervision of aliens whose permits have been ordered revoked. An alien against whom an order of revocation has been outstanding for more than 30 days is subject to supervision under the Attorney General. An alien, while under supervision, may be required:

(1) To appear from time to time before an Immigration Officer for identification.

(2) To submit, if necessary, to medical and psychiatric examination at the expense of the Government.

(3) To give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information as the Attorney General may deem fit and proper; and

(4) To conform to such reasonable written restrictions on his conduct or activities as the Attorney General prescribes in his case. An alien who fails to comply with the conditions of supervision imposed on him may be subjected to the penalties as provided in 53 TTC 62.

(b) Willful failure to depart. An alien whose permit has been revoked and who willfully fails to depart from the Northern Mariana Islands within thirty days from the date of the final order of revocation,

or who willfully fails to or refuses to make timely application for good

faith or travel or other documents necessary to his departure, may be found guilty of violating 53 TFC 62 and deported. The court may for good cause suspend the sentence of such an alien and order his conditional release if imprisoned. In determining whether release appears justified the court will take into account such factors as:

- (1) the age, health, and period of detention of the alien;
- (2) the character of the efforts made by the alien and by representatives of the country or countries to which his deportation is directed to expedite the alien's departure from the Northern Mariana Islands;
- (3) the reason for the inability of the Northern Marianas Government to secure passports, or other travel documents, or deportation facilities from the country or countries to which the alien has been order deported; and
- (4) the eligibility of the alien for discretionary relief under the law.

14.7 Notice of deportation-country to which alien will be deported.

(a) Notice of Deportation. In any case in which an order of revocation becomes final and/or deportation is required a Notice of deportation is issued by the Attorney General to the designated country to which the alien is to be deported. He also determines whether an alien's mental or physical condition requires the employment of a person to accompany him. No appeal lies from the decision of the Chief of Immigration regarding the country to which the alien is to be deported.

(1) An alien is to be deported to a country contiguous to the United States, or its territories or possessions only if he is a native, citizen, or former resident of such country.

(2) Unless the country designated by the alien expresses, within 30 days its willingness, to accept him the alien may be deported to any country of which he is a subject, national or citizen.

(3) If the Government of such country fails to advise the Attorney General within 30 days that it is willing to accept the alien, the Attorney General may, without necessarily giving any priority or preference because of the order in which they are listed under this chapter, direct deportation either

- (A) to the country from which the alien last entered the Commonwealth;
- (B) to the country from which the alien embarked to the Commonwealth;
- (C) to the country in which he was born;
- (D) to the country in which the place of his birth is situated at the time he is ordered deported;
- (E) to any country in which he resided before entering the country from which he entered the Commonwealth;
- (F) to the country which had sovereignty over the alien's birthplace at the time of his birth; or
- (G) if deportation to any of these places or countries is impractical, inadvisable, or impossible, then to any country which is willing to accept the alien into its territory.

D Voluntary departure. Certain aliens who admit being

deportable may be permitted to depart voluntarily from the Commonwealth.

A deportable alien who has departed from the Commonwealth voluntarily under such permission is not considered to have been deported.

Application for permission to depart voluntarily may be made to an INO any time prior to the Commencement of the hearing under order to show cause in relation to the revocation of an Entry Permit or a deportation proceeding. The Chief Immigration, may deny or grant the application and determine the conditions under which the alien's departure must be effected. A denial of an application for voluntary departure may not be appealed, but the denial does not prejudice the alien's right to seek relief from deportation under other provisions of law. The Chief of Immigration acting on an application for voluntary departure may revoke the grant without notice if it is ascertained that the application should not have been granted. An alien under deportation proceeding may be permitted to depart voluntarily from the CNMI at his own expense in lieu of deportation if he is not within the criminal, subversive, narcotic, or immoral classes of deportable aliens.

(c) Permission to depart when ordered deported. To be distinguished from voluntary departure is the permission to depart once an order of deportation has been issued. The Chief of Immigration may, in his discretion, permit an alien who has been ordered deported to leave the Commonwealth at his own expense and to a destination of his own choice. An alien who has so left the Commonwealth is considered to have been deported.

14.8 Violations. Any alien who violates these regulations, or any

person or agency who causes an alien to violate these regulations, or any person or agency who violates these regulations, whether the violation be intentional or unintentional, upon conviction thereof shall be subject to the penalties provided for 53 TIC 62.

14.9 Effect. These regulations supercede the Immigration regulations issued in the Territorial Register Vol. 11, No. 6, July 29, 1977 and amendments thereto for purposes of applicability to the CNMI. These regulations, upon becoming effective, shall have the force and effect of law.


14.10 Severability. If any provision of these regulations, or any rule or order issued pursuant to these regulations, or the application of any such provision, rule, regulation, or order to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remainder of these regulations and other rules or orders issued pursuant to these regulations, or the application of such provision, rule, regulation, or order to persons or circumstances other than those to which it is held invalid, shall not be effected thereby.

PART 15. INTERNATIONAL ORGANIZATION AND IMMUNITIES

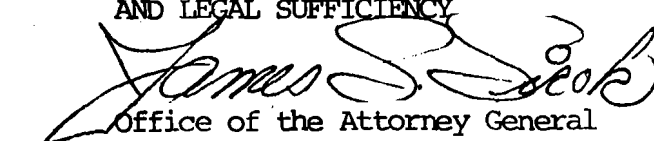
(RESERVED)

DATED:

1/19/81


CARLOS S. CAMACHO
GOVERNOR
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Office of the Attorney General

PUBLIC NOTICE

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF AGRICULTURE PROPOSED AMENDMENT OF ADOPTED
RULES AND REGULATIONS

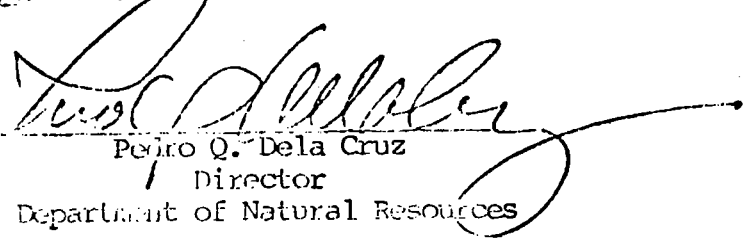
The Director, Department of Natural Resources, in accordance with Public Law 1-8 wishes to advise the Public that the Rules and Regulations Governing Plant and Animal Quarantine Inspection and Inspection Procedures, Personal Conduct and Dress, Agriculture Division, Department of Natural Resources, adopted on May 15, 1979 have been amended to include the following subject:

- (1) Compensation for Services Rendered.

Section K., which was formerly designated as "Penalty for violation....", shall be amended and replaced by, "Compensation for Services Rendered", and a new section, Section L., shall be designated as "Penalty for violation...."

Copies of the amended regulation may be obtained from the Office of the Department of Natural Resources, Saipan, CM

Date this 1st day of Oct., 1980


Pedro Q. Dela Cruz
Director
Department of Natural Resources

RECEIVED

BY _____
DATE _____



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMI Saipan

January 20, 1981

PUBLIC NOTICE

ADOPTED REGULATIONS

Governing Submerged Lands in the Commonwealth of the Northern Mariana Islands - The Department of Natural Resources announces the adoption of regulations pursuant to the authority contained in Public Law 1-23, Submerged Lands Act, These regulations are adopted after publication and public notice to provide for the exploration and regulation of the Submerged Lands in the Commonwealth.

No comments were received and these regulations shall be effective ten (10) days after the date of this publication.

Pedro Q. Dela Cruz 1/20/81
Pedro Q. Dela Cruz
Director of Natural Resources



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMI Saipan

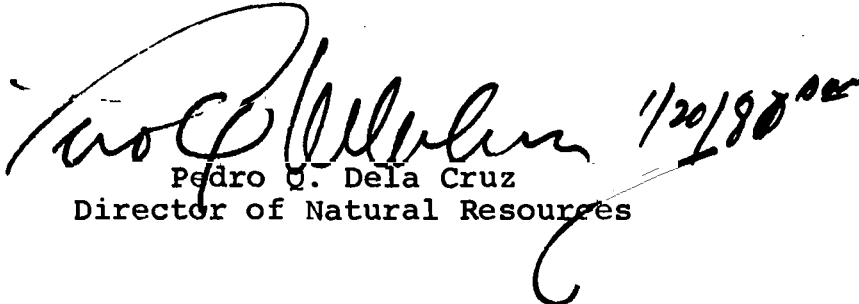
January 20, 1981

NOTISIAN PUBLIKO

I MA'ADOPTA NA AREGLO POT
TODO TANO GI PAPA I TASI
GI ORIYAN I COMMONWEALTH
I SAN KATAN NA ISLAS MARIANAS

I Depattamenton Natural Resources ha anununcia na ha adopta siha i regulasion ni man ma publika gi Commonwealth Register, Volume 2, Number 6, fecha Nobiembre 17, 1980, pagina 902. Este siha na regulasion man ma adopta segun gi atorida mama'areglo ne prenibeniye i Depattamento nu i Lai Publiko 1-23, Acto Pot Tano Siha Gi Papa i Tasi, despues de ma'publika i notisian publiko pot para umanaguaha areglo gi ma'examina pot mina gi papa tasi yan pumalo siha na finamaulek.

Taya rekomendasion o'sino opinion ma'resibe ya este siha na regulasion man efektibo gi mina'dies (10) dias despues de ma'publika este na notisia.


Pedro Q. Dela Cruz
Director of Natural Resources

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(101)

I. GENERAL PURPOSE AND AUTHORITY.

- (a) Article XI, Section 2 of the Constitution of the Northern Mariana Islands states that the management and disposition of the submerged lands off the coast of the Commonwealth shall be as provided by law.
- (b) The Submerged Land Act, Public Law 1-23, referred to hereafter as "the act", authorizes the Director of Natural Resources to establish regulatory procedures for the granting of exploration licenses, development leases, and permits for the extraction of oil, gas, polymetallic nodules, and other mineral desposits in and on the submerged lands of the Commonwealth.
- (c) The Director of Natural Resources, hereinafter "the Director", may at any time prescribe and amend these regulations as necessary and proper to provide for the prevention of waste and conservation of the natural resources of the submerged lands and the Commonwealth.
- (d) Subject to the supervisory authority of the Director and the approval of the Northern Marianas Commonwealth Legislature as required in the Act, administration of these regulations shall be by the Supervisor of the Submerged Lands hereinafter referred to as "the Supervisor".

(102)

II. DEFINITIONS.

The following terms, whenever used or referred to in these regulations, shall have the following meanings, except where the context of use clearly indicates otherwise:

- (a) "SUBMERGED LANDS" shall mean all lands including the sea-bed and sub-soil and superadjacent waters of such lands, below the ordinary high water mark extending from the shoreline or cliffline off the islands seaward to a distance of 200 nautical miles.
- (b) "DIRECTOR" shall mean the Director of Natural Resources.
- (c) "EXPLORATION LICENSE" shall mean a license granting exploratory rights for petroleum deposits, polymetallic nodules, or other mineral deposits granted by the Director of Natural Resources.

- (d) "DEVELOPMENT LEASE" shall mean a lease granting extraction rights for petroleum deposits, polymetallic nodules, or other mineral deposits granted by the Director of Natural Resources.
- (e) "PERMIT" shall mean a permit granting extraction rights for petroleum deposits, polymetallic nodules, or other mineral deposits granted by the Director of the Department of Natural Resources.
- (f) "PERSON" shall mean a natural person, an association, a company, or a private, public, or municipal corporation.
- (g) "COMPANY" shall mean a corporation, a partnership, an association, a joint stock company, a trust, a fund, or any group of persons or person, incorporated or not, including any receiver, trustee in bankruptcy, or similar official acting for such company.
- (h) "SUBSIDIARY" shall mean a company whose stock or other interest having power to vote for directors, trustees or similar controlling bodies is owned in an amount of 50 percent or greater by another company.
- (i) "SECURITY OR SECURITIES" shall mean any note, stock, bond, debenture, certificate of interest or indebtedness, transferable share, or in general, any interest or instrument commonly known as "security".
- (j) "SINGLE BID" shall mean a bid submitted by one person for a development lease as provided in these regulations.
- (k) "JOINT BID" means a bid submitted by two or more persons for a development lease as provided in these regulations.
- (l) "AVERAGE DAILY PRODUCTION" is the total of all production in an applicable production period which is chargeable under these regulations divided by the exact number of calendar days in the applicable production period.
- (m) "BARREL" means 42 United States gallons.
- (n) "CRUDE OIL" means a mixture of liquid hydrocarbons including condensate which exist in natural underground reservoirs and remains liquid at atmospheric pressures after passing through surface separating facilities. The definition does not include liquid hydrocarbons produced from tar, sand, gilsonite, oil shale, or coal.
- (o) "AN ECONOMIC INTEREST" shall mean any right to or dependence upon the production of mineral resources covered by these regulations.

- (p) "LIQUIFIED PETROLEUM PRODUCTS" shall mean all types of natural gas liquid products recovered by a process of absorption, compression or refrigeration cycling, or any combination thereof.
- (q) "NATURAL GAS" shall mean a mixture of hydrocarbons and varying quantities of non-hydrocarbon that exist in a gaseous phase.
- (r) "OWNED" shall mean:
1. With respect to crude oil - having either an economic interest in or a power of disposition over crude oil.
 2. With respect to natural gas - having either an economic interest in or a power of disposition over the production of natural gas.
 3. With respect to liquified petroleum products - having either an economic interest in or a power of disposition over any liquified petroleum product at the time of completion of the liquifaction process.
 4. With respect to polymetallic nodules - having an economic interest in or a power of disposition over the production of polymetallic nodules.
- (s) "PRODUCTION" shall mean:
1. of crude oil - the volume of crude oil produced world-wide from reservoirs during the prior production period. Such volume shall be measured as delivered at the point of custody transfer (e.g. from storage tanks to pipelines, trucks, tankers, or other media for transport to refineries or terminals) with adjustments for:
 - (i) Net differences between opening and closing inventories, and
 - (ii) Basic sediment and water;
 2. of natural gas - the volume of natural gas produced world-wide from natural oil and gas reservoirs during the prior production period with adjustments, where applicable, to reflect:
 - (i) The volume of gas returned to natural reservoirs, and
 - (ii) The reduction of volume resulting from the removal of natural gas liquids and non-hydrocarbon gases.

3. of liquified petroleum products - the volume of natural gas liquids produced from resevoir gas and at surface separators, field facilities, or gas processing plants world-wide during the prior production period. Liquified petroleum products shall include the following:

- (i) Condensate - natural gas liquids recovered from gas well gas (associated and non-associated) in separators or filed facilities;
- (ii) Gas plant products - natural gas liquids recovered from natural gas in processing plants and field facilities. Gas plant products shall include the following as calssified according to the standards of the Natural Gas Processors Association (NGPA) or the American Society for Testing and Materials (ASTM):
 - (a) ethane
 - (b) Propane
 - (c) butane
 - (d) butane propane mixtures
 - (e) natural gasoline
 - (f) plant condensate
 - (g) other natural gas plant products meeting refined product standards (e.g. gasoline, kerosene, distillate, etc.).

4. of Pollymetallic Nodules - the wet weight in metric tons of pollymetallic nodules produced from sea-bed harvesting world-wide during the prior production period.

- (t) "PRIOR PRODUCTION PERIOD" shall mean the continuous six-month period preceding the bidding period as announced by the Director or the Supervisor.
- (u) "COASTAL ZONE" shall mean the coastal waters and adjacent shore lands, including all lands therein and thereunder contained in all islands which make up the Commonwealth of the Northern Mariana Islands, which zone extends seaward three nautical miles or the outer limits of the Commonwealth's territorial sea and extends inland to encompass all land areas of the Commonwealth pursuant to the authority of Section 305(b) (1) of the Coastal Zone Management Act of 1972 (16 USC 1454(b) (1)).
- (v) "MARINE ENVIRONMENT" shall mean the physical, atmospheric, and biological components, conditions and factors which inter-activity determine the productivity, state, condition and quality of the marine ecosystem including the waters of the high sea, the

contiguous zone, transitional and inter-Lookal areas, salt marshes and wetlands within the coastal zone and on the submerged lands surrounding the Commonwealth.

- (w) "COASTAL ENVIRONMENT" shall mean the physical, atmospheric, and biological components, conditions and factors which inter-activity determine the productivity, state, condition and quality of the terrestrial ecosystem from shoreline inward encompassing the entire coastal zone.
- (x) "HUMAN ENVIRONMENT" shall mean the physical, social and economic components, conditions and factors which inter-activity determine the state, condition and quality of living conditions, employment and health of those affected, directly or indirectly, by activities occurring in, on, or over the submerged lands of the Commonwealth.
- (y) "EXPLORATION" shall mean the process of searching for minerals, including:
 1. geophysical surveys where magnetic, gravitational, seismic, or other systems are used to detect or imply the presence of such minerals, and
 2. any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir, and
 3. any sampling, coring, dredging, video or photographic observation, sonic depth surveillance, or other methods or systems used to detect or imply the presence of polymetallic nodules on or in the sea floor and to enable the lessee to determine whether to proceed with development and production.
- (z) "DEVELOPMENT" shall mean those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, polymetallic nodule recovery activities, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered.
- (aa) "MINERAL" shall mean oil, gas, polymetallic nodules, sulphur, geopressured - geothermal and associated resources, and all other minerals authorized by "the Act" to be produced from the submerged lands.

- (bb) "PRELIMINARY ACTIVITY" shall mean any geological, geophysical or other surveys conducted by a lessee or his authorized agent on his properly leased tract which operations are necessary to develop a comprehensive Exploration Plan.
- (cc) "PERMIT" shall mean a contract or agreement approved by the Supervisor for a period not to exceed one year under which a person acquires a right to conduct specified types of geophysical or geological exploration for minerals or scientific research on or in the submerged lands.
- (dd) "DEEP STRATIGRAPHIC TEST" shall mean off-structure drilling which involves penetration into the submerged land of more than 50 feet (15.2 metres) of consolidated rock or a total of more than 300 feet (91.4 metres).
- (ee) "SHALLOW TEST DRILLING" shall mean drilling into the submerged land to depths less than those specified for a deep stratigraphic test.
- (ff) "DATA" shall mean facts and statistics or samples which have not been processed or analyzed.
- (gg) "PROCESSED GEOLOGICAL OR GEOPHYSICAL INFORMATION" shall mean data, collected under a permit, which has been organized, analyzed, or otherwise ordered so as to facilitate interpretation. Such processing may include but is not limited to laboratory identification and analysis of chemical and physical properties, logging, charting or otherwise recording data in a meaningful format, and transcribing and describing radioactive, sonic, or other operational logs.
- (hh) "INTERPRETED GEOLOGICAL OR GEOPHYSICAL INFORMATION" shall mean knowledge, often in the form of maps, developed by determining the geological or geophysical significance of data and processed geological or geophysical information.
- (ii) "NOTICE" shall mean a statement of intent to conduct geological and geophysical exploration for scientific research which does not include use of solid or liquid explosives or a deep stratigraphic test.

III. SCOPE OF SUPERVISOR'S AUTHORITY

A. General

- (1) In accordance with the provisions of the Act, the Director of Natural Resources is responsible for the management, use and disposition of the submerged lands off the coast of the Commonwealth. As provided in Section 1(d) of these regulations, the Director may delegate the responsibility for the administration of these regulations to the "Supervisor of Submerged Lands". The Supervisor shall bear such responsibilities and be empowered with such authority as contained in this section subject to the direction and supervisory authority of the Director.

B. Regulatory Authority

- (1) The "Supervisor" is authorized and directed to act upon and require compliance with the provisions of these regulations to the end that all operations shall be conducted in a manner which will protect the Natural Resources of the Submerged Lands and result in the maximum economic recovery of the mineral resources in a manner compatible with sound environmental and conservation practices.
- (2) The Supervisor may, with the Director's approval, issue such orders, written or oral, as will insure compliance with these regulations. Oral orders shall be confirmed in writing by the Supervisor as soon as possible. The Supervisor may, in issuing such orders, consult with and receive comments from lessees, operators, and other interested parties.
- (3) The Supervisor may approve or prescribe minor departures from orders issued pursuant to the provisions of subsection (2) above, in writing or orally with written confirmation, only when necessary for the conservation of Natural Resources or protection of human health and safety. Notice of all such departures from orders must be approved in advance by the Director.
- (4) Prior to permitting operations on leased land, the Supervisor may require evidence that the lease is in good standing, proof of identity of persons conducting the lease activity, and evidence that an acceptable bond has been filed.

(5) Variances and Waiver of Rules or Requirements, Upon the written request of the licensee, permittee or lessee, accompanied by reasons therefore, the Director, or the Supervisor after consultation with the Director, may authorize a variance to sections or requirements under these regulations or waive specific requirements of the regulations if:

- a). In the Director's opinion, the interests of the Commonwealth are adequately protected and no adverse environmental impact will result;
- b).. The request for variance or waiver states sufficient justification to demonstrate a need for the variance or waiver; and
- c). The variance or waiver granted is expressly noted on the license, permit or lease agreement.

PROVIDED, that no duties or functions of the government, the Director, Supervisor or other agents of the government, may be waived or made subject to variances.

C. Lease Terms

- (1) The Supervisor will convey to prospective bidders, on behalf of the Commonwealth, all information regarding the terms of any lease to be granted under these regulations prior to actual issuance of such lease. He shall require such terms as are necessary and appropriate to carry out the purposes and intent of the Act, subject to the supervisory authority of the Director, and may consider the comments and concerns of local governments, agencies, private persons and other interested parties.
- (2) The Supervisor is authorized to act upon requests, applications and notices submitted under these regulations and to require compliance with lease terms, applicable laws, applicable regulations and orders.
- (3) The Supervisor is authorized to approve well spacing, locations and harvesting patterns necessary for proper development giving consideration to such factors as location of drilling platform, the geological and reservoir characteristics of the field, the number of wells that can economically be drilled, the number of vessels operating in the field, the protection of correlative rights, and minimizing unreasonable interference with other uses of the submerged lands and waters thereon.

D. Rights of Use and Easement

- (1) In addition to the rights and privileges granted to the lessee under any lease issued under the Act or these regulations, the Supervisor is authorized to grant such lessee the right to use or an easement to construct or maintain platforms, fixed structures, and artificial islands and to use these for appropriate purposes relating to mineral production, processing, storage or handling. Such rights shall be subject to such reasonable conditions as the Supervisor may prescribe.
- (2) Rights of use and easement may be granted for areas near or adjacent to the leased area, and for purposes of conducting operations on any other lease granted under the regulations.
- (3) The Supervisor may, upon proper application by lease-holders, grant the right of use or an easement to construct, own and maintain pipelines on areas of the submerged lands for purposes such as:

- (a) moving production to a central point for gathering, treating, storing or measuring;
- (b) delivery of production to a point of sale;
- (c) delivery of production to a pipeline operated by a transportation company; or
- (d) moving fluids in connection with lease operations, such as for injection purposes.

Supervisor approval of any reasonable offshore or onshore location as the central or delivery point will remain contingent upon the jurisdiction or permit requirements contained in Section VII of these regulations. Rights of use and easements shall not be issued to cross over other lease areas until holders of such other leases have been notified and afforded an opportunity to express their views, and such rights shall not interfere unreasonably with operation of the subservient lessee under such lease.

- (4) Once a right of use or easement has been exercised by the erection of platforms, fixed structures, artificial islands, or pipelines the right shall continue only so long as they are properly maintained and useful as determined by the Supervisor even beyond the termination of any lease on which they may be situated, and the rights of all subsequent lessees shall be subject to such rights by prior lessees. Upon termination of the right of use and easement by the Supervisor, the lessee shall remove and otherwise dispose of all platforms, fixed structures, artificial islands, pipelines and other facilities and restore the premises to the satisfaction of the Supervisor. Pipelines, however, may be abandoned in place if the procedures therefore are approved by the Supervisor.

E. Prevention of Waste

- (1) The Supervisor is authorized to take such precautions and is directed to adhere to such procedures as will insure the optimal use of the submerged lands mineral resources. Physical waste of oil, gas, polymetallic nodules, and other minerals, inefficient, excessive or improper reduction or dissipation of reservoir energy or nodule concentrations, improper methods of management which cause or tend to cause reduction in the quantity of oil, gas or polymetallic nodules ultimately recoverable, surface loss or destruction of minerals,

the ~~transportation~~ storage and production in excess of transportation or market capacities shall be considered waste and will be avoided.

F. Safety Provisions

- (1) The Supervisor shall insure, through inspections, both scheduled and unscheduled, orders, and enforcement authority that lessees adhere to operational and production procedures consistent with the highest precautionary standards for the protection of human life, the environment, and all activities and interest of the Commonwealth.
- (2) The specific occupational, vessel, and industrial safety procedures enumerated in these regulations shall be augmented by such requirements and precautions as shall in the judgement of the Supervisor be necessary. Notice of such requirements and precautions shall be transmitted to all lessees and be effective and enforceable under Section X of these regulations when published.

G. Platforms and Pipelines

- (1) The Supervisor is authorized to approve the design, other features, and installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under paragraphs (1) and (2) of subpart D of this section or authorized under any lease issued or maintained under the Act.
- (2) The Supervisor is authorized to require that the lessees provide reasonable access to helicopters or support vessels for authorized Commonwealth personnel in inspection operations. As determined by the Supervisor, the lessees shall be reimbursed for reasonable costs incurred in connection with the used of such facilities.
- (3) The Supervisor is authorized to approve the design, other features, and plan of installation of all pipelines for which a right of use or easement has been granted pursuant to paragraph (3) of subpart D of this section or authorized under any lease issued or maintained under the Act.

H. Confidentiality of Information Provisions

- (1) In accordance with existing laws and regulations regarding public access to information, material provisions of these regulations and the Act, the

Supervisor is authorized to inspect such proprietary and confidential technical data as shall be provided by the lessee or operation under the terms of the respective lease agreement. Access to said information shall be restricted to the Supervisor, the Director, and such other persons as shall be determined by the Director.

- (2) Persons authorized to inspect confidential documents shall be strictly accountable and legally liable for any compromise of the security of said data. The Supervisor shall maintain and prescribe reasonable procedures for the safe recording, utilization and dissemination of all confidential materials and shall insure that the property rights of the lessees in such information are at all times protected.

IV. LEASING AREAS

A. Leasing Maps

- (1) When necessary, the Division of Lands and Survey will prepare official leasing maps of designated areas of the submerged lands and submit said maps to the Director for approval. Areas to be included in any mineral lease under these regulations shall be described in accordance with and by reference to the official leasing maps.
- (2) Submerged lands which have been appropriately designated, plotted, mapped and leased shall be utilized for the exclusive purposes set forth in said lease. No other uses are authorized under the provisions of the Act, these regulations or the lease.

B. Nomination of Tracts

- (1) In selecting tracts for oil and gas, polymetallic nodules, or other mineral leasing, the Director will receive and consider nominations of tracts or requests describing areas and expressing an interest in leasing of mineral rights.
- (2) The Director may, on his own motion, issue calls for nomination of tracts for leasing minerals in specified areas.
- (3) Nominations of tracts should be addressed to:

Director
Department of Natural Resources
Saipan, CM 96950

C. Selection of Tracts

- (1) The Director, prior to the final selection of tracts for leasing, shall evaluate fully the potential effect of the leasing program on the total environment, marine resources, aesthetics, and other resources during all phases of the lease procedures. His evaluations and determinations may be based upon views and recommendations of other appropriate departments, public hearings with proper notice, industrial information, and views of organizations and individuals.

- (2) The Director shall ~~publish~~ ~~stipulations~~ stipulations and conditions when necessary to protect the environment and all other resources. Such special stipulations and conditions as shall be determined by the Director to materially affect the lease offer shall be included in the Notice of Lease Offer.

D. Notice of Lease Offer

- (1) Upon final determination of tract and conditions for offer, Director shall publish the notice of lease offer in the Commonwealth Register, as the official publication of the CNMI, and other publications as may be described at the expense of the CNMI.
- (2) Notice of lease offer shall be published in the Commonwealth Register no less than 30 days prior to the date of sale, and shall state:
- (a) place and time by which bids are to be filed,
 - (b) place, date, and hour at which bids will be opened.
- (3) Notice shall contain special stipulations and conditions which will become part of any lease issued pursuant to such notice as provided in subsection C(2) of these regulations. Provisions for the protection of the coastal, human, and marine environment, and other natural resources are of particular concern.

E. Environmental Studies

- (1) The Director shall conduct a study of any area or region included in any lease sale in order to establish information needed for the prediction, assessment and management of impacts of human, marine and coastal environments of the submerged lands and the coastal areas which may be affected by the activities to be authorized. Such study shall be planned and carried out in cooperation with interested parties from affected islands and local governments and will be financed through funds existing under section _____, subsection _____ of these regulations.
- (2) Any environmental study of an area or region shall be designed to:

- (a) Provide information of the status of the environment upon which predictions of the impacts of submerged lands development for leasing decision-making can be based. Such studies should, to the extent practicable, predict impacts on marine biota which may result from chronic low-level pollution or large spills or turbidity at various marine levels associated with submerged lands mineral production, transportation, or processing.
 - (b) Provide information on the ways and the extent that the Submerged Lands development can potentially impact human, marine, and coastal environments.
 - (c) Provide information on procedures and means whereby potential impacts of an emergency nature, such as oil spills, blowouts, and other possible mishaps associated with mineral lease activities may effectively be mitigated. These mishaps, however, remote in actual probability, must be provided for in all environmental studies by the government, and such contingency provisions are not obviated by similar requirements of lessee under lease conditions or other provisions of these regulations.
 - (d) Ensure that all information, existing or being collected is in a form which can be used both in the decision-making process on a specific lease and in the long-term submerged land management responsibilities.
- (3) All studies or data collection under this subsection shall be commenced no later than four (4) months prior to a lease sale. The Director may utilize information collected in any study prior to the effective date of this section in conducting any such study.
- (4) After leasing of any area or region of the submerged lands, the Director shall conduct such additional studies as necessary to establish additional information and shall continue to monitor the human, marine and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of studies conducted prior to submerged lands mineral lease development. This will be done to identify any significant changes in the quality or productivity of such environments, to establish trends in the total ecostructure in the areas studied, and to design experiments identifying the

causes of such changes. Findings from these studies shall be used to recommend modifications in practices which are employed to mitigate the effects of the submerged land activities and to enhance data/information base for impact prediction resulting from a single future lease sale action or cumulative actions.

- (5) The Director shall consider all available and relevant environmental data in making decisions, in issuing operating orders, regulations, decisions or lease conditions.
- (6) The Director shall, as soon as practicable after the end of each fiscal year, submit to the legislature and make available to the general public an assessment of the cumulative effect of activities conducted under the Act on the human, marine, and coastal environments.

F. Resource Information

- (1) In taking any action or establishing procedures relating to the management or disposition of the submerged lands and the resources therein, the Director and persons duly delegated by him will consider all information available regarding the existing mineral resources to insure maximum rates of production and benefit for the Commonwealth.
- (2) The Director shall transmit, upon request, to the executive of Commonwealth local governments whose jurisdiction or island is included in an area impacted by submerged land management activities, a copy of an index which lists, to the best of his knowledge, all relevant, actual or proposed programs, plans, reports, environmental impact statements, tract nominations, and other lease sale information prepared or obtained by the Secretary pursuant to the Act and these regulations. No particular tract will be identified or listed with the name or names or any particular party thereby protecting the competitive position of any party or parties participating in the nominations.
- (3) The Supervisor shall make available to affected area representatives a summary of non-restricted data and information designed to assist them in planning for onshore impacts of oil, gas, poly-metallic nodules, or other mineral production from the submerged lands. Such summary shall include estimates of mineral reserves, probable size and timing of development, location of pipelines, and general location and description of onshore facilities proposed.

- (4) Persons authorized to inspect restricted, privileged or confidential information or data provided by permittees and lessees under these regulations shall be limited to the Director and the Supervisor. Provided, however, that the Director may authorize access by individuals for assistance upon providing permittees, lessees or third parties holding proprietary interests with notice of disclosure authorization and names of authorized individuals.

- (5) All submerged lands regulations and orders relating to drilling and abandonment of wells or other equipment apply, as appropriate, to prelease drilling activity.
- (6) Prior to issuance of a prelease permit authorizing any type of drilling, applicant shall furnish a surety bond of not less than \$100,000.00 conditioned on compliance with the terms of the permit. The surety bond shall be forfeited in such amount as may become necessary to recover or rehabilitate any damages or waste of the resources or environment of the Commonwealth. Supervisor may require a larger amount of bond in high risk or other appropriate cases. Any bond furnished or maintained by a person under this subsection will be on a form approved by the Supervisor.
- (7) Reports of Operations conducted under this subsection shall be as prescribed in Section XI, subsection F.
- (8) Each holder of a permit under this subsection shall keep all data and processed geological or geophysical information available for inspection and selection by the Supervisor during and for a period of one (1) year from the date of issuance of permit. Data or processed information selected by the Supervisor shall be submitted by the permittee to the Department of Natural Resources. Costs of reproduction of such material shall be reimbursed to permittee at the lowest commercial rate.
- (9) Permittees may not be required to submit interpreted geological or geophysical information gathered under permit. Submission of processed geological or geophysical information shall, at the direction of the Supervisor, contain all or part of the following:
 - (a) An accurate and complete record of all geological (including geochemical) data and information resulting from each operation;
 - (b) Paleontological reports identifying microscopic fossils by depth;
 - (c) Samples or reports of polymetallic nodule surveys or analysis;
 - (d) Copies of logs or charts of electrical, radioactive, sonic, and other logs;

- (e) Analysis of core or bottom samples or a representative cut or split of the core or bottom sample;
 - (f) Detailed descriptions of any hydrocarbon shows or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation;
 - (g) An accurate and complete record of each geophysical survey conducted under the permit, including final location maps of all survey stations; and
 - (h) All common depth point and high resolution seismic data developed under a permit in a format and of a quality suitable for processing; processed geophysical information derived therefrom with extraneous signals and interference removed, in a format and of quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and other geophysical data and processed geophysical information obtained from, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar and magnetometer systems, bottom profiles, gravity and magnetic surveys; and
 - (i) Such other geological data and analyzed geological information obtained under the permit as may be specified by the Supervisor.
- (10) All information or records kept or submitted under this section shall be subject to confidentiality requirements and criteria established in Section III, subsection H.
- (11) Termination or revocation of authority granted by the permit shall be as provided in Section X and such action by Supervisor shall relieve the permittee of obligations regarding abandonment of drilling sites or compliance with other obligations under this section or specified in the permit.
- (12) The requirements under this subpart shall not be applicable to scientific exploration or research except as specified in subsection G (2) of this section.

V. ISSUANCE OF LEASES

A. General

- (1) Tracts of the submerged lands shall be offered for lease by competitive sealed bidding under conditions specified in the Notice of Lease Offer and in accordance with the provisions of this section. The provisions contained in this section shall not be construed to circumscribe the rights of the Commonwealth under Section VI. subpart F.

B. Person Qualified to Hold Leases

- (1) Mineral leases issued pursuant to the Act and these regulations may be held only by persons, associations, companies or corporations with experience in mineral production of the type offered for lease.
- (2) Only persons demonstrating, through information provided in a Statement of Production, adequate economic, technical, and business resources to support optimal mineral resources development and production operations are qualified to hold leases. For purposes of determining commercial and financial viability under Statement of Production and as used in this section, "chargeability" shall refer only to assets or other financial indicators attributable to a bidder. No payments to the CNMI shall be associated with the term as used in this section.

C. Qualified Bidders

- (1) Any person who submits a bid or joint-bid during any six-month bidding period must file under oath with the Director a Statement of Production regarding crude oil, natural gas, liquified petroleum and polymetallic nodules. Statement of Production must be on file with the Director's Office no later than 45 days prior to the commencement of the applicable six-month bidding period.
- (2) Statements of Production shall state the production of the minerals for which a lease application and bid are submitted in a prior six-month production period. Such statement should be filed with the Office of the Director, Department of Natural Resources, Saipan, CM 96950.

D. Joint Bidding

- (1) Any person who is qualified to hold a submerged lands lease and who has filed a Statement of Production, and who has not been disqualified for any reason under subpart F of this section of these regulations may submit a joint bid. All parties to such bidding arrangements are subject to requirements and procedures under these regulations.

E. Chargeability for Production

- (1) A person filing a Statement of Production under subpart C of this section shall be charged with the average daily production in barrels of crude oil, natural gas, and liquified petroleum products and wet metric tons of polymetallic nodules owned world-wide by the reporting person, every subsidiary of the reporting person, any person or persons of which the reporting person is a subsidiary, and any subsidiary, other than the reporting person, of any persons of which the reporting person is a subsidiary.
- (2) For purposes of the Statement of Production, a person shall be charged with, in addition to but not in duplication of that production chargeable under paragraph (1), the proportionate share of the average daily production in barrels of crude oil, natural gas, and liquified petroleum products and metric tons of polymetallic nodules owned world-wide by every person:
 - (a) which has an interest of at least 5 percent in the reporting person, and
 - (b) in which a reporting person has an interest
- (3) Measurements of crude oil and liquified petroleum products shall be at 100 degrees Fahrenheit.
- (4) 5,626 cubic feet of natural gas at 14.73 pounds per square inch (MSL) shall equal one barrel.
- (5) 1.454 barrels of natural gas liquified at 60 degrees F. shall be equivalent, for purposes of this section, to one barrel of crude oil.
- (6) Polymetallic nodules measurements shall be drained, net weight in metric tons.

F. Bids Disqualified

- (1) The Supervisor and Director shall have the authority to disqualify persons for purposes of bids and such bids shall be rejected in their entirety. Instances of disqualification may include but are not limited to the following situations:
 - (a) a single or joint bid submitted when one or more the person has not filed the required Statement of Production for the applicable six-month production period.
 - (b) a single or joint bid submitted by or in conjunction with a person who has filed a false, fraudulent, or otherwise intentionally false or misleading Statement of Production.
 - (c) a single or joint bid submitted by a person with insufficient or inadequate economic, technical, or other business resources to support the optimal mineral resources development expectations and standards of the Commonwealth.
 - (d) any single or joint bid improperly filed.

G. What Must Accompany Bids

- (1) A separate bid must be submitted for each lease unit described in the Notification of Lease Offer. No bid shall be submitted for less than an entire unit. Each bidder must submit with his bid a certified or cashier's check or bank draft on a solvent bank, or a money order for cash for one-fifth (1/5) of the amount of the cash bonus. If the bidder is an individual, he must submit with his bid a statement of his citizenship. If the bidder is an association or partnership, the bid shall be accompanied also by a certified copy of the articles of association. If the bidder is a corporation, he must submit in addition to the foregoing requirements a certified copy of the articles of incorporation and some legally sufficient indications that the person signing the bid has the authority to do so.

- (2) All bidders are warned against intimidation or intimidation of bidders. The Director may require such additional reports and information as may be necessary to ascertain the accuracy of any statement or representations made to the Commonwealth authorities regarding any aspect of the lease sale or offer.

H. Award of Leases

- (1) Sealed bids shall be opened at the place, date and hour specified in the Notice of Lease Offer for the sole purpose of publicly announcing and recording the bids received under the supervision of the Director and the Attorney General. No bids will be accepted or rejected at that time. The Commonwealth reserves the right to reject any bids received for any tract regardless of the amount offered. Leases will be awarded only to the highest qualified and responsible bidder with legislative approval only by the authorized officer.
- (2) Prior to the award at any lease the terms and conditions thereof shall be presented to the presiding officers of both houses of the legislature for approval. Such approval, disapproval, or approval with modification shall be transmitted to the Director in the form of a joint resolution of both houses of the legislature not later than 90 days following receipt of the proposed lease. If the legislature fails to act within the prescribed time under the Act, the lease shall be deemed approved. The Director shall act upon the legislature resolution within 30 days of receipt of certified copy of same.

- (3) Written notice of bid acceptance shall transmit three (3) copies of the lease. Execution by the successful bidder must take place not later than the 15th day after his receipt thereof, or the 60th day after the date of sale, whichever is later. Immediately upon execution of said agreement, bidder shall be required to pay the first year's rental and the balance of the bonus bid and file a bond and evidence of financial responsibility as required in subpart M of this section.
- (4) In the event of a tie between highest bids, the bidders may file with the Director within fifteen (15) days after notification an agreement to accept the lease jointly or all bids will be considered rejected. If agreement to accept the lease jointly is not approved within thirty (30) days, all bids will be considered rejected.
- (5) If the authorized officer fails to accept the highest bid for the lease within sixty (60) days of the date on which sealed bids are opened, all bids for that lease will be considered rejected. Deposits on all rejected bids will be returned.
- (6) If the successful bidder fails to execute the lease within the prescribed time or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Act.
- (7) If the land subject to the lease is withdrawn or restricted by the Commonwealth before the lease is executed, the successful bidder loses all rights to the lease and his deposit will be returned to him.
- (8) If the lease is executed by an agent on behalf of the qualified bidder, some evidence that the bidder authorized the agent to execute the lease must accompany the lease.
- (9) When three (3) copies of the executed lease have been returned to the Director, the lease will be executed on behalf of the Commonwealth of the

Northern Mariana Islands, and one fully executed copy of the lease agreement will be delivered to the successful bidder.

I. Forms

- (1) Oil, gas, polymetallic nodules, liquified petroleum lease and other mineral lease will be issued on forms approved by the Director.

J. Dating of Leases

- (1) All leases issued under these regulations shall be dated and become effective as of the first day of the month following the date the leases are signed on behalf of the Commonwealth.

K. Designation of Operator

- (1) If lease operations are to be conducted by any person other than the record owner under authority of an unapproved operating agreement, assignment or any other arrangement a "designation of operator" shall be submitted to the Supervisor in a manner and form approved by him, prior to the commencement of operation. Such designation by the Supervisor shall name the operator of the lease and empower the operator to sign any papers or reports required under these regulations.
- (2) Any changes in the address of the operator, agent, or lessees, and any termination or suspension of the operator's authority shall be immediately reported in writing to the Supervisor.
- (3) In case of any dispute, controversy or termination of the operator designated, the operator, if in possession of the lease, shall be required to protect the interests of the lessor.

L. Local Agent

The Supervisor shall require lessees to empower a designated representative to receive notices, legal process, and comply with orders of the Supervisor issued pursuant to the regulations in this part.

M. Bond or Evidence of Financial Responsibility

- (1) The successful bidder or party which has successfully negotiated under Section VI, subsection F shall, prior to issuance of a lease for oil, gas, polymetallic nodules or any other mineral deposition, shall furnish a surety bond in the sum

of \$300,000.00 conditioned upon compliance with all terms of the lease, unless he already maintains or furnishes a bond in the sum of \$300,000.00 conditioned on compliance with the terms of oil, gas, polymetallic nodule leases or other mineral leases held by him on the Submerged Lands of the Commonwealth. An operator's bond in the same amount may be substituted at any time for the lessee's bond. The CNMI reserves the right to require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary. The amount of bond coverage on leases for other minerals will be determined at the time of the offer to lease and will be stated in the notice of lease offer. Where upon a default, the surety on a Submerged Lands Mineral Lease Bond makes payment to the CNMI Government of any indebtedness under a lease secured thereby, the face amount of such bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond, the principal shall post a new bond on a form approved by the Director, in the amount of \$300,000.00 within six (6) months after notice, or within such shorter period as the authorized officer may fix. However, in lieu thereof, the principal may, within that time, file separate bonds for each lease.

VI. BIDDING SYSTEMS

A. General

- (1) The Supervisor is authorized, with the final approval of the Director, to utilize any of the bidding systems described in this section or any combination of systems which will tend to maximize the economic, as well as the conservation benefits derived from mineral leases offered under the Act and these regulations.
- (2) In determining which system will be employed under lease, the Supervisor will prescribe a bidding scheme which will avoid to the greatest extent practicable premature abandonment of development operations, disincentive to efficient production, and waste of the resource.

B. Cash Bonus Bid

- (1) The Supervisor may prescribe a cash bonus bid exclusively or in conjunction with a royalty, diminishing royalty, or net profit share rental.

C. Net Profit Share Bid

- (1) The Supervisor may prescribe a bid offering a percentage of the net profit from development of minerals extracted from the leased submerged lands to be paid to the Commonwealth as rental.

D. Royalty Bid

- (1) The Supervisor may prescribe a percentage of gross well-head or gross nodule recovery value. Such fixed royalty rental will be payable to the Commonwealth in an amount of the production saved, removed or sold and in no case fixed at less than 12½ percentum.

E. Sliding Scale Royalty Bid

- (1) The Supervisor may prescribe a bid offering a diminishing or sliding scale royalty on such formula as the Supervisor shall determine as equitable. Such formula will be so calculated as to promote continued production from the lease area as resources diminish but not less than 12½ percentum at the beginning of the lease period in the amount or value of the production saved, removed, or sold.

F. Non Competitive Negotiations and Awards

- (1) The Supervisor is expressly reserved the right and discretionary prerogative to refuse all bids submitted in response to the Notice of Lease Offer if such bids are unsatisfactory either in number so as to assure competitiveness or in amount of offer. Such judgment will be reserved to the Supervisor subject to final approval by the Director.
- (2) In determining acceptability of the bids submitted and in determination of bids to be awarded leases, the Supervisor shall consider the known or expected value of resources recoverable from the submerged lands tract in question and all other relevant data which may ensure maximum benefits to the people of the Commonwealth.
- (3) If bids submitted for particular lease sale are expressly rejected under this section, the Supervisor may enter into negotiations with all persons which timely submitted competitive bids on the tract in question for the purpose of arriving at an agreement with more attractive economic terms for such lease sale. The Supervisor, having received an acceptable offer must submit such offer to the Director. Upon approval by the Director, said offer shall be presented to the legislature as provided in the Act for final approval of the terms of lease sale.
- (4) In all negotiations under provisions of this section, only the Supervisor and the Director shall be authorized to negotiate. The Commonwealth shall not be bound to agreements for lease sale by the virtue of any representations of the Supervisor except as provided in the Act and in these regulations.

VII. PERMITS AND LICENSES

A. General

- (1) As required by the Act, no mineral lease or pre-lease activity will take place on, in or above the submerged lands of the Commonwealth without prior approval of such activity by the Director or his authorized representative according to procedures established in these regulations.
- (2) Exploration or development under this section shall be conducted in accordance with the Act, these regulations, written or oral orders of the Director or the Supervisor, and other applicable Commonwealth laws or regulations, whether such laws, regulations or orders are enacted, promulgated, issued or amended before or after the notice, permit, or license is filed or issued.
- (3) Exploration or development authorized under provisions of this section shall be conducted so that operations do not:
 - (a) Infringe upon the rights of other lessees under the Act;
 - (b) Cause undue harm to aquatic life;
 - (c) Cause pollution or create unsafe or hazardous conditions;
 - (d) Unreasonably interfere with or harm other uses of the areas; or
 - (e) Disturb cultural resources including sites, structures or objects of historical or archeological significance.
- (4) Any person conducting exploration, scientific research, or development and production under this section shall immediately report to the Director through the Supervisor any hydrocarbon shows or any adverse affects of such activities on the environment, aquatic life or cultural resources or uses of the area of operation.
- (5) Authorizations granted under this section shall not confer a right to a lease under these regulations or the Act.

- (1) For purposes of predicting or ascertaining the presence in paying quantities of recoverable minerals in or on the submerged lands prior to actual granting and issuance of a lease, persons qualified to hold a lease under these regulations may engage in prelease exploratory operations upon proper application for and receipt of a Prelease Exploration Permit.
- (2) Operations may be geophysical or geological in nature. Geophysical techniques may include gravitational, magnetic, and various seismic methods to produce data and information on mineral resources. Geological and geochemical techniques may include core hole sampling and shallow test drilling, well logging techniques, deep stratigraphic tests, surface bottom samples, grab and dredge samples, and such other activities as are explicitly named, precisely described and expressly approved in the Prelease Exploration Permit.
- (3) The Prelease Exploration Permit application shall be submitted on the proper form, available from the Director, Department of Natural Resources, CNMI and must state:
 - (a) Name of persons conducting or participating in the proposed exploration;
 - (b) Business Address;
 - (c) Type of exploration naming minerals sought and exact methods of exploration;
 - (d) The location on the submerged lands where the exploration will be conducted;
 - (e) The dates on which the exploration will commence and be completed; and
 - (f) Such other information as may be required of the applicant by the Supervisor.
- (4) Activities conducted pursuant to issuance of a Prelease Permit shall be subject to observation by authorized officials. Upon request of the Supervisor, permittee shall provide food, lodging, and transportation to inspection operations and the permittee will be reimbursed by the Commonwealth for actual costs.

C. Exploration License

- (1) Lessees shall properly apply for and receive from the Supervisor an Exploration License prior to commencement of Exploration activities on leased submerged lands. Such application shall be made on the appropriate form available from the Supervisor of Submerged Lands, Department of Natural Resources.
- (2) Exploration License application shall state:
 - (a) Name(s) of person(s) participating or conducting the proposed explorations;
 - (b) Business Address;
 - (c) Type of exploration naming minerals sought and exact methods of exploration;
 - (d) Description of lease plot;
 - (e) Date exploration will commence and expected duration; and
 - (f) Such other information as the Supervisor may require.
- (3) An Exploration Plan must be submitted with the application. Approval of the Application for Exploration License will be contingent upon approval of the Exploration Plan.
- (4) Preliminary activities necessary to develop a comprehensive Exploration Plan but which do not result in any physical penetration of the sea-bed greater than 300 feet or 50 feet in consolidated rock formations or in any significant adverse impact on the natural resources of the submerged lands are permitted by persons holding a valid lease to lands affected.

D. Exploration Plan

- (1) Lessees shall submit an Exploration Plan to the Supervisor prior to commencement of exploration activities. Such activities include but are not limited to drilling or polymetallic nodule harvesting on a lease and construction of platforms or other structures.
- (2) Exploration Plan shall include:
 - (a) Type and sequence of proposed exploration together with timetable of performance.

- (b) a description of drilling or harvesting vessels, platforms or other offshore structures showing the locations, design and other features including pollution prevention and control systems;
- (c) The general location of each well including surface and projected bottom hole location for directionally drilled well, or in the case of polymetallic nodule operations, the proposed exploration sample harvesting patterns;
- (d) Type of geophysical research equipment to be utilized;
- (e) Current structure maps and, as appropriate, schematic cross-sections showing expected depth of marker informations; and
- (f) Such of the relevant data and information as the Supervisor may require. A portion of the above information may by agreement between the Supervisor the lessee be designated confidential and dealt with according to procedures established in Section III subpart H. Such restricted portions should be transmitted under separate cover at the same time the Exploration Plan is submitted.

(3) An Exploration Environmental Report, in summary form, shall be submitted at the same time the Exploration Plan is submitted and shall contain but not be limited to:

- (a) a description of the affected ocean area, including a general description of water depth, currents, water quality, submarine geology, weather patterns, and ambient air quality;
- (b) a description of environmentally sensitive or potentially hazardous areas which might be affected by the proposed exploration activities and description of the alternatives considered and the actions to be taken to preserve or protect such areas. Such areas shall include, but are not limited to, those of cultural, biological (e.g. fisheries), archeological, or geological (e.g. seismic) significance, and areas of particular concern designated by CNMI pursuant to the Coastal Zone Management Act;
- (c) a description of procedures, personnel, and equipment that are to be used for preventing, reporting, and cleaning up spills of oil or

waste materials which might occur during the proposed exploration activities, including information on response time, capacity and location of equipment;

- (d) the location, size and number of existing or proposed onshore support and storage facilities, their land requirements and related rights-of-way and easements, which could result from or be required by approval of the proposed exploration plan, including, where possible, a time-table regarding the acquisition of lands and the construction or expansion of any facilities;
- (e) an estimate of the number of persons expected to be employed in support of offshore, onshore, and transportation activities;
- (f) a description of the most likely travel routes for boat and aircraft traffic between offshore and onshore facilities, an estimate of the frequency such routes will be traversed on a monthly basis, and the probable onshore location of terminals;
- (g) a description of the quantity and composition of solid and liquid wastes and gaseous pollutants likely to be generated by offshore, onshore, and transport operations and a description of treatment and disposal alternatives considered and actions to be taken to limit pollution effects;
- (h) an estimate of any significant demand for major supplies, equipment, goods, services, water, agreement, energy, or other resources within the CNMI necessary for carrying out the proposed plan;
- (i) an assessment of the impact on the offshore and onshore environments expected to occur as a result of implementation of the proposed Exploration Plan, expressed in terms of magnitude and duration, with special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment;
- (j) copies of all consistency certifications with the Coastal Resources Management Program; and
- (k) the name, address, and telephone number of an individual employee of the lessee to whom inquiries by the CNMI may be made.

- ~~(4) The lessee shall submit four (4) copies of the~~
Exploration Plan and the Exploration Environmental Report to the Supervisor who shall distribute one (1) copy each to the Governor, the Legislature, the Coastal Resources Management Program Coordinator, and the Director of the Department of Natural Resources within ten (10) days. The Director shall make copies of the plan available to the public except for portions determined to be exempt from disclosure.
- (5) Upon receipt of the Exploration Plan and the Exploration Environmental Report, parties named in subsection (4) above shall be permitted ten (10) days to submit written comments on the Exploration Plan and Environmental Report. The Supervisor shall consider all comments and respond in writing where necessary or requested.
- (6) The Supervisor shall not approve any activity described in detail in an Exploration Plan and effecting any land or water use in the Coastal Zone unless the Office of Coastal Resources Management concurs.
- (7) The Supervisor shall periodically review each approved Exploration Plan as necessitated by the change of conditions or available information affecting or impacted by exploration pursuant to such plan. If the review indicates the plan should be revised to meet the requirements of these regulations, the Supervisor will require such revision. Proposals to revise an approved or proposed Exploration Plan, whether initiated by the lease or ordered by the Supervisor, shall be submitted in the same manner as a new Exploration Plan. When the proposed changes may affect the viability of the Exploration Environmental Report, the Supervisor may require a new Exploration Environmental Report be prepared.
- (8) Nothing in this section shall be viewed as limiting the lessee's responsibility to take appropriate measures to meet emergency situations. In such situations, the Supervisor may approve or require departures from an approved Exploration Plan.

E. Development and Production License

- (1) The lessee may not commence mineral extraction or recovery operations until he receives the Supervisor's approval of an application for a Development and Production License filed in accordance with the requirements of this section.

~~(2) The Supervisor shall not approve any license which does not comply with the applicable Development and Production Environmental Report.~~

- (3) Application for a Development and Production License shall be made on the appropriate form available from the Supervisor, and shall include:
 - (a) Name of person(s) participating or conducting the proposed Development and Production;
 - (b) Business Address;
 - (c) Type of development and production, naming minerals sought and methods of extraction or recovery;
 - (d) Description of Lease Plot;
 - (e) Date development and production will commence and expected duration; and
 - (f) Such other information as the Supervisor may require.
- (4) The Development and Production Plan and Development Production Environmental Report must be submitted with application for license, and Supervisor's approval of application shall be conditioned upon approval of such Plan and Report.

F. Development and Production Plan

- (1) No development or production activities may be commenced on any leased area until a proposed plan of development and production covering that area has been submitted to and approved by the Supervisor. A development and Production Plan may apply to one or more leases held by an individual lessee.
- (2) A proposed Development and Production Plan shall identify and describe all development and production activities to be undertaken on the area covered by the plan for the time period specified in the plan. A development and production Plan shall include:
 - (a) A description of the specific work to be performed together with a proposed schedule for development and production.
 - (b) A description of vessels, platforms, or other offshore structures to be used showing the location, design, and important features thereof, including features pertaining to safety and to pollution prevention and control;

- (c) The location of ~~each well, directional~~ ~~and projected~~ ~~bottom hole~~ ~~locations~~ for each directionally drilled well, or in the case of polymetallic nodule mining, a description of harvesting patterns.
- (d) Current interpretations of all available geological and geophysical data, including structure maps and schematic cross-sections of productive formations.
- (e) A description of the environmental safeguards to be implemented in the course of development and production operations under the plan together with a discussion of how such safeguards are to be implemented.
- (f) Such other relevant data and information as the Supervisor may require.
- (3) The lessee shall indicate which portions of the proposed Development and Production Plan he believes to be confidential in nature requiring restricted access as described in Section III subsection H of these regulations.
- (4) A proposed Development and Production Plan and an accompanying Development and Production Environmental Report shall be submitted at the same time, and shall not be deemed received by the Supervisor until he determines that they are complete and contain the information required. The lessee shall submit to the Supervisor a sufficient number of copies of each to permit the Supervisor to transmit copies of the plan to the Governor, Coastal Resources Management Program Coordinator, the Director, and the Legislature.
- (5) Development and Production Environmental Report: The Report shall be submitted at the same time the lessee submits a proposed Development and Production Plan. The report shall be as detailed as necessary to facilitate identification of the significant environmental consequences of the proposed activities and shall include all information available to the lessee at the time of submission, including, but not limited to the following information:
- (a) Location. The location, to the maximum extent practicable, and the description and size of any offshore and onshore operations contracted for as a result of the proposed lease or unit activity. This shall include:

- (i) the acreage of land required from the CNMI for facilities (such as staging areas for pipe coating and pipeline installation, platform fabrication and installation, and refineries), storage right-of-way and easements;
 - (ii) the methods proposed for transportation of oil, gas, or polymetallic nodule to shore, the routes to be followed by each mode of transportation and the estimated quantities of oil, gas, or polymetallic nodules to be moved along such routes;
 - (iii) an estimate of the frequency of boat and aircraft departures and arrivals, the onshore location of terminals, and the normal routes for each mode of transportation; and
 - (iv) quantities, types, and plans for disposal of solid and liquid wastes and gaseous pollutants which may be generated by offshore, onshore and transport operations, and regarding any wastes which may require onshore disposal, the means of transportation to be used to bring the waste to shore, and the location of onshore waste treatment facilities.
- (b) Resources requirements. The requirements for land, labor, material, and energy for the items identified above including:
- (i) the approximate number, timing, and duration of employment of persons who will be engaged in onshore development and transportation activities and offshore development and production of local personnel who will be employed for or in support of the development activities (classified by the major skills or crafts that will be required from local sources and estimated number of each such skill needed), and the approximate total number of persons who will be employed during the onshore construction activity and during all activities related to offshore development and production;
 - (ii) the approximate number of people and families to be added to the population of local areas as a result of the planned development;

- (iii) an estimate of significant requirements of energy and resources to be used or consumed, including electricity, water, oil and gas, diesel fuel, aggregate, or other supplies, which may be purchased within an affected island; and
- (iv) the types of contractors or vendors which will be needed, although not specifically identified, and which may place a demand on local goods and services.
- (c) Physical environment. A description of the lease(s) to be developed. This portion of the report shall include data and information obtained or developed by the lessee together with other pertinent data and information available to the lessee from other sources. The lessee should cross-reference information on the physical environment in the most recent Environmental Report and should summarize pertinent information contained in other published, accredited reports. The report shall clearly identify the sources of all data and information contained therein. The data and information to be included in the lessee's report on the physical environment shall include where appropriate:
- (i) Archeologic/cultural resource surveys of the lease or unit area;
 - (ii) Seafloor configuration, stability, foundation characteristics, sedimentation at the site of structural components described in the plan;
 - (iii) Aquatic biota, including a description of fishery and marine mammal significance and utilization of the lease or unit area;
 - (iv) Ocean currents described as to prevailing direction, seasonal variations and variations at different depths in the lease or unit area;
 - (v) Meteorologic conditions, including storm frequency and magnitude, wind direction and velocity, and ambient air quality, and listing, where possible, the means extremes, and averages of each;

- (vi) Predevelopment water column quality (ambient) and temperature data for incremental depths for the area encompassed by the plan;
 - (vii) Seismic risk and conditions (geophysical high resolution surveys of sites, routes, and corridors);
 - (viii) Amounts and types of ecologic disruption expected by construction of all planned facilities; and
 - (ix) Volume and nature of emissions to be discharged into the atmosphere and the ocean. Specific components (e.g., NO, SO, hydrocarbons, etc.) are to be listed.
- (e) Assessment of Impacts. An assessment of the impact on the environment expected to occur as a result of implementation of the proposed plan. This section of the report shall identify specific and cumulative impacts that may occur both onshore and offshore. Such impacts shall be qualified to the fullest extent possible and shall be accumulated for all activities for each of the major elements of the environment (i.e., air, water, biota, etc). In every case, impacts shall be expressed in terms of magnitude and duration. The report shall place special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment.
- (f) Contingency plans and equipment. A description of the contingency plans that are in effect for the area to be developed together with a discussion of the pollution-prevention and cleanup equipment that is or will be maintained on the site and in the area.
- (g) Alternatives to the plan. A discussion of alternatives to the activities proposed that were considered during the development of the proposed plan; for example, a comparison of development and production operations using a bottom-supported platform which extends above the surface of the ocean with similar degree of oil and gas development using seafloor completion and production techniques. Any significant differences in the use of alternative technologies shall be identified and discussed.

- (h) Environmental monitoring systems. A description of existing monitoring systems that are currently measuring impacts of activities upon the environment in the lease area together with those additional systems that may be needed to provide accurate recording and reporting of cumulative impacts on the environment.
 - (i) Consistency with applicable Coastal Resources Management Programs. Copies of all consistency certification under the Coastal Resources Management Program.
 - (j) Contact. The name, address, and telephone number of an individual employee of the lessee to whom inquiries by CNMI may be directed.
- (6) The lessee shall submit a sufficient number of copies of the Production and Development Report to permit the Supervisor to forward copies to the Governor, the Coastal Resources Management Program Coordinator, and the Legislature. The Supervisor shall transmit such copies at the same time he transmits copies of the applicable Development and Production Plan.
- (7) Upon receipt of the Development and Production Plan and the Development and Production Environmental Report, the parties listed in paragraph 6 above shall be permitted ten (10) days to submit written comments to the Supervisor. The Supervisor shall consider all comments and shall attempt to resolve the objections through whatever means are available, including meeting informally with representatives of the lessee and the objecting parties.
- (8) Within twenty (20) days of receipt of comments from interested parties in (b), the Supervisor shall issue, with prior concurrence of the Director, his approval, disapproval, or approval with modification of the application for a Development Production License.

G. Other Permits Required

(1) Drilling Permits

- (a) The lessee may not drill any well until he receives the Supervisor's approval of application for a permit to drill filed in accordance with the requirements of this section.

(b) The Supervisor shall not ~~approve any permit~~ which does not conform to the applicable approved exploration plan. Since a permit to drill must conform with an approved exploration plan, the permit application is not subject to separate consistency review under the Coastal Zone Management Act.

(c) Application for a Drilling Permit shall be made on a form approved by the Supervisor and shall state:

(i) Name of person(s) participating in or conducting the proposed drilling operations;

(ii) Business Address;

(iii) Type of drilling proposed (specifications of equipment, platform elevation, expected depth, and safety precautions);

(iv) Description of lease or plot and exact surface and bottom location of drill holes; and

(v) Such other information as the Supervisor may require.

(d) Supervisor shall consider all information contained in other reports, applications, and submitted under this section before approval or disapproval of Drilling Permit, and no Drilling Permit shall issue without prior approval of application submitted under this section.

(2) Scientific Research Notice and Permit

(a) Notwithstanding Commonwealth Legislature providing for the free access with notice to the submerged lands for purposes of legitimate scientific research, where such activity involves deep stratigraphic testing or data gathering reasonably expected to constitute a high likelihood of significant environmental impact, such researchers must provide proper notice to the Supervisor and, where appropriate, obtain a drilling permit according to the provisions of this section.

(3) Coastal Use Permits

(a) The waters and submerged lands of the Commonwealth out to a distance of three (3) nautical

miles are subject, for purposes specified in the Coastal Zone Management Act and the Coastal Resources Management Program, to the limited jurisdictions of the Office of Coastal Resources Management.

- (b) Lessees, permittees and researcher proposing operations within this area of the Coastal Zone must contact the Program Coordinator, Office of Coastal Resources Management, and make proper application for Coastal Use Permits where required.

(4) Earth Moving Permit

- (a) The Environmental Protection Act of the Commonwealth establishes the limited jurisdiction of the Environmental Protection Council over activities in and on the submerged lands of the Commonwealth. Where activities to be conducted in or on the submerged lands will result in a significant disturbance of the lands of the sea-bed, an Earthmoving permit must be obtained from the Environmental Council, if such permit is required by an Act of the Legislature.

H. CONSOLIDATION OF APPLICATIONS AND REPORTS. Applications for any permits required by this section may be consolidated on a single form specifically stating the types of permits applied for. Where more than one report is required of a licensee, permittee or leasee by these regulations, the reports may be combined into a single report, but must include all information required under relevant sections and clearly labeled or identified on the face of the report.

VIII. LESSEE OBLIGATIONS

A. Compliance and Cooperation

- (1) The lessee shall comply with the terms of the lease, applicable laws and regulations of the Commonwealth, and Orders of the Director or Supervisor, both written and oral with written confirmation.
- (2) The lessee shall conduct all operations on the lease in a manner which does not, in the opinion of the Supervisor, threaten significant or irreparable harm to the natural resources of the Commonwealth, to the mineral deposits of the submerged lands, to life, including aquatic life, or to the environment.
- (3) The lessee shall make every effort to cooperate and communicate with the authorized representatives of the Commonwealth in an ongoing good faith effort to ensure proper management, conservation, and mixed benefits from the lease agreement.
- (4) On failure to comply with lawful and reasonable orders of the lessor relative to matters within these regulations, the lessor shall have the right to enter on the property and accomplish the purposes of such orders at the expense of the lessee. Lessee shall not be responsible for delays beyond lessee's control.

B. Due Dilligence Requirements

- (1) The lessee shall dilligently drill, harvest, or otherwise produce from leased lands as necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, shall pay the lessor, with the consent of the Supervisor, a sum determined by the Supervisor to be adequate to compensate the lessor for the failure to produce sufficient minerals. Such payments shall be considered to be the equivalent of production in paying quantities for all purposes of the lease but shall not be construed as giving lessee a property interest in unrecovered mineral resources.
- (2) The lessee shall carry on all operations with due diligence in accordance with approved methods and practices including those provided in regulations and laws of the CNMI. The Supervisor may require reasonable, prompt and timely development in accordance with good operating practices.

- (3) If the Supervisor finds, after notice on the issue, that the lessee is not meeting due diligence requirements on any lease, such lease shall be denied the privilege of submitting any further bids on lease tracts.

C. Development Plan

- (1) Lessee shall adhere to approved exploration and development and production plans. All departures from such plans must be previously reported to and approved by the Supervisor in accordance with the Act and these regulations.

D. Records

- (1) The lessee shall keep, at his field office, accurate and complete records of all operations including but not limited to drilling, harvesting, logging, casing, safety devices, repairing, surveys, alterations, and abandonment. The record shall detail malfunctions and other unusual conditions, the content and character of oil, gas, polymetallic nodules, and other mineral deposits, progress of mineral recovery, the kind, size, weight, grade, and depth of nodules recovered, and any other pertinent information.
- (2) Lessee shall, upon request by the Supervisor or Director, immediately transmit copies of records of any operations specified in paragraph (1) of this subsection. In any case, the lessee shall, within thirty (30) days, transmit to the Supervisor, duplicate copies or records of all operations upon completion, suspension, termination or relinquishment of a lease.
- (3) Paleontological reports identifying microscopic fossils by depth or samples shall be made available to the Supervisor on request.
- (4) Upon request of the Supervisor, the lessee shall immediately transmit copies of logs or charts of electrical, radioactive, sonic, and other logging operations and directional well survey. Composite logs of multiple runs and directional well surveys shall be transmitted to the Supervisor in duplicate as soon as available, but not later than thirty (30) days after completion of such operations for each well.
- (5) Upon request of and in the manner and form prescribed by the Supervisor, the lessee shall furnish copies of the daily drilling or harvesting report

and a plat showing the location, designation and status of all wells or harvesting sectors on the leased lands.

- (6) Upon request of the Supervisor, the lessee shall furnish legible exact copies of service company reports on cementing, perforating, acidizing, analyzing cores, or other similar services for oil and gas operations; upon request of the Supervisor, the lessee shall furnish copies of the daily vessel harvesting log including progress toward completion of harvesting patterns and yield statistics for polymetallic nodule operations.
- (7) The lessee shall submit any other reports and records of operations when required and in the manner and form prescribed by the Supervisor, except those privileged under the Act or these regulations.

E. Information

- (1) Any permittee or lessee conducting resources related research or development in or on the submerged lands of the Commonwealth shall provide access to all data and information, processed, analyzed and interpreted, obtained from such activity as provided in these regulations.
- (2) Lessee or Permittee shall not be held responsible for any consequence of the use of or reliance upon any interpretation of data or information provided in good faith by the lessee or permittee pursuant to this section.
- (3) Confidentiality of data and information reasonably designated by lessee or permittee to be highly sensitive or proprietary in nature shall be confidentially maintained and secured by the Commonwealth pursuant to the procedures set forth in these regulations.
 - (a) No confidential data or information shall be transmitted to any local government official, private party, or other unauthorized person by Commonwealth representatives authorized under these regulations to receive such data or information without the express agreement to such transmittal by lessee, permittee, and any third party to whom lessee or permittee has sold data or information under promise of confidentiality.

4) Permittees and Lessees may commence a civil action for damages against the Commonwealth of the Northern Mariana Islands whenever a substantial unauthorized disclosure of confidential, privileged or restricted information occurs as the proximate result of negligence on the part of Commonwealth employees or representatives.

F. Pollution and Waste Disposal

- (1) The lessee shall not pollute the lands, oceans, or air of the Commonwealth nor damage the ecosystems existing or natural resources contained therein. Disposal of waste materials in all forms shall be as prescribed by the Supervisor and all spills, leakages or discharges inconsistent with the Commonwealth environmental policy or procedures shall be immediately reported to the Supervisor.
- (2) If the marine, terrestrial, or aerial ecosystems or resources, both living and non-living, are damaged or threatened by research, drilling or other production activities conducted by or on behalf of the lessee, the control and total removal of the pollutant found, shall be at the sole expense of the lessee. Upon failure of the lessee to control and remove such pollution, the Supervisor in cooperation with other appropriate agencies of the government, or in cooperation with the lessee, or both, shall have the right to control and remove the pollutant in accordance with established contingency plan or by other means at the expense of the lessee. Such action shall not relieve the lessee from responsibility herein.
- (3) Offshore Pollution Compensation Fund:
 - (a) All lessees of submerged lands will contribute a sum no less than _____ per barrel produced or _____ per metric ton of recovered poly-metallic nodules into a Pollution Compensation Fund.
 - (b) The government shall contribute _____ per cent of royalties into a Pollution Compensation Fund.
 - (c) The Pollution Contribution Fund shall be used for payment of money damages caused by site-source or vessel-source pollution to compensate any person or government agency actually damaged by such pollution. The fund may also be used to compensate the restoration of the

environment caused by pollution ~~not used for no~~
other purposes and shall be held in trust under
the Director's supervision.

G. Abandonment

- (1) In the case of oil, gas, or sulphur development leases, the lessee shall promptly plug and abandon any well that is not used or useful. Upon failure of lessee to comply with this requirement, the Supervisor shall perform the work at the expense of the lessee. No well shall be abandoned until its unprofitable or unproductive condition has been demonstrated to the satisfaction of the Supervisor.
- (2) Reasons for abandonment of producible wells or partially harvested sea-bed lease tracts shall be submitted to the Supervisor by the lessee and no well or tract shall be abandoned until reasons and methods of abandonment have been approved or prescribed by the Supervisor.
- (3) Equipment shall be removed and the lease premises conditioned when so authorized or ordered by the Supervisor. In the case of suspended drilling equipment, no removal shall take place without proper and adequate precautions to protect the natural resources.

H. Samples, Tests, and Surveys

- (1) The lessee may be required by the Supervisor to perform such tests and surveys of the mineral resources as are deemed necessary by the Supervisor, without cost to the lessor, to determine reservoir energy, presence, quality and quantity of oil, gas sulphur, polymetallic nodules, other mineral deposits, water, amount and direction of deviation of any well from the vertical, or the formation, casing, tubing, or other pressures.
- (2) The lessee shall take such samples of formations or sea-bed deposits, and cores of any formation for purposes of identification and analysis as are reasonable and consistent with the requirements of approval of drilling or harvesting operations.

I. Royalties, Rentals, and Other Payments

- (1) The lessee shall pay, according to determinations made by the Supervisor pursuant to the lease and regulations, all rentals when due and shall pay in value or deliver in production all royalties when

due. Such payments or deliveries shall reflect loss through waste or failure to drill and produce protection wells on leases, and all other compensations due lessor resulting from such loss.

- (2) Payments of rentals, royalties or other accounts due lessor under these regulations shall be by check or draft on a solvent bank, or by money order drawn to the order of Treasurer, CNMI.

J. Accidents, Fires, and Malfunctions

- (1) Lessee shall, in the conduct of all operations, take all precautions necessary to prevent accidents and fires and shall immediately notify the Supervisor of all accidents and all fires on the lease, and shall submit in writing a full report thereon to the Supervisor within twenty-four (24) hours of any other unusual condition, problem, or malfunction.

K. Control of Wells

- (1) Drilling wells. The lessee shall take all necessary precautions to keep all wells under control at all times, shall utilize only personnel trained and competent to drill and operate such wells, and shall utilize and maintain materials and high-pressure fittings and equipment necessary to insure the safety of operating conditions and procedures. The design of the integrated casing, cementing, drilling mud, and blowout prevention program shall be upon sound engineering principles, and must take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, and the formation fracture gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

- (a) Well casing and cementing. The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to: (i) Prevent release of fluids from any stratum through the well bore (directly or indirectly) into the sea; (ii) Prevent communication between separate hydrocarbon-bearing strata (except such strata approved by commingling) and between hydrocarbon and water-bearing strata; (iii) Prevent contamination of fresh water strata, gas, or water; (iv) Otherwise provide a means of control of the formation pressures and fluids. The lessee shall install casing necessary to withstand collapse, bursting, tensile, and other stress and the casing

shall be cemented in a manner which will cement and support the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well. When directed by the Supervisor, the lessee shall install structural reinforcement of drive casing to provide hole stability for the initial drilling operation. A conductor string of casing (the first string run other than any structural or drive casing) must be cemented with a volume of cement sufficient to circulate back to the sea floor; however, if authorized by order of the Supervisor, cement may be washed out or displaced to a specified depth below the sea floor to facilitate casing removal upon well abandonment. All subsequent strings must be securely cemented.

- (b) Drilling mud. The lessee shall maintain readily accessible for use quantities of mud sufficient to insure well control. The testing procedures, characteristics, and use of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent blowouts. Mud testing equipment and mud volume measuring devices shall be maintained at all times, and mud tests shall be performed frequently and recorded on the driller's log as prescribed by the Supervisor.
- (c) Blowout prevention equipment. The lessee shall install, use, and test blowout preventers and related well control equipment in a manner necessary to prevent blowouts. Such installation, use and testing must meet the standards or requirements prescribed by the Supervisor; provided, however, in no event shall the lessee conduct drilling below the conductor string of casing until the installation of at least one remotely controlled blowout preventer and equipment for circulating drilling fluid to the drilling structure or vessel. Blowout preventers and related well-controlled equipment shall be pressure tested when installed, after each string of casing is cemented, and at such other times as prescribed by the Supervisor. Blowout preventers shall be activated frequently to test for proper functioning as prescribed by the Supervisor. All blowout-preventers tests shall be recorded on the driller's log.

(d) Emulsion and hydration. The lessee shall complete and maintain all oil wells in such mechanical condition and operate them in such manner as to prevent, so far as possible, the formation of emulsion and basic sediment.

The lessee shall put in marketable condition, if commercially feasible, all products produced from the leased land and pay royalty thereon without recourse to the lessor for deductions on account of costs of treatment.

- (2) Completed wells. In the conduct of all its operations, the lessee shall take all steps necessary to prevent blowouts, and the lessee shall immediately take whatever action is required to bring under control any well over which control has been lost. The lessee shall: (1) for wells capable of flowing oil or gas, when required by the Supervisor, install and maintain in operating condition storm chokes or similar subsurface safety devices; (2) for producing wells not capable of flowing oil or gas, install and maintain surface safety valves with automatic shutdown controls; and (3) periodically test or inspect such devices or equipment as prescribed by the Supervisor.

L. Designation

- (1) Operation Designation: The lessee shall prominently mark every mining vessel, drilling platform, or other structure or vessel in a conspicuous place or location prescribed by the Supervisor. Such designation will show name of lessee or operator, serial number of lease, and identification number of well or vessel. Lessee is responsible for and shall take all necessary precautions to insure preservation of these markings.

M. Workmanlike Operations

- (1) Lessee shall perform all aspects of lease operations in a professional, safe, and workmanlike manner. Lessee shall maintain all necessary equipment and take all necessary precautions to ensure the safety and health of all persons, the preservation and conservation of the natural resources and the total environment, and the protection of the lease and its improvements.
- (2) Lessee shall remove or otherwise predict and avert all hazardous situations and accumulations of dangerous materials on, about, or potentially affecting lease operation.

- (1) The lessee shall file with the Supervisor within thirty (30) days after the effective date thereof copies of all contracts for the disposal of lease products. Nothing in any such contract shall be construed or accepted as modifying any of the provisions of the lease, including provisions relating to waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to the lands covered by the contract.

O. Division Orders

- (1) The lessee shall file with the Supervisor within thirty (30) days thereof, copies of division orders or other instruments granting to transportation agencies or purchasers authority to receive products from leased land. The Supervisor may, upon request, approved such orders or other instruments subject to such conditions as he shall prescribed.

P. Unitizing, Pooling and Other Agreements

- (1) Lessees may initiate by application or be required to enter into, by direction of the Supervisor, unitization, pooling and drilling agreements. Supervisor shall consider the following in approving or requiring such programs:
 - (a) Utilization of common platform for more efficient development of adjacent or adjoining leases;
 - (b) Permitting operators or pipeline companies to enter into agreements with a number of lease operations in order to justify large-scale operations; and
 - (c) For other purposes in the interest of conservation.
- (2) Procedures for obtaining approval of all agreements in the nature of pooling or unitizing shall be as established by the Supervisor and applications for such approval are available from the Office of the Director, Department of Natural Resources. Complete details must be furnished in order that the Supervisor may have facts upon which to make a definite determination and prescribe the conditions on which the contract is approved.

IX. MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES AND RENTALS

A. Measurement of Oil

- (1) Measurement of all production of oil shall be in a manner and by such methods as are approved by the Supervisor in accordance with standard practices, procedures and specifications generally accepted by the industry.
- (2) Lessee shall provide suitable measuring tanks or other acceptable method agreed upon by the Supervisor for the accurate measurement of crude oil produced from the lease.

B. Measurement of Gas

- (1) Measurement of all production of gas shall be in a manner and by such methods as are approved by the Supervisor in accordance with standard practices, procedures, and specifications generally used by the industry.
- (2) Measured volumes of gas shall be adjusted to the standard pressure base of 10 ounces above the atmospheric pressure of 14.4 pounds per square inch, a standard temperature of 60 degrees Fahrenheit, and for deviation from Boyle's law. If gas is being disposed of at a different pressure base, the Supervisor may require that gas volumes be adjusted to conform to such base.

C. Measurement of Polymetallic Nodules

- (1) Measurement of all production of nodules shall be by such methods as are approved by the Supervisor in accordance with standard practices, procedures and specifications appropriate to the industry.
- (2) Measured weight of polymetallic nodules shall be by drained wet metric ton. Such measurement shall be conducted onboard the mining vessel and logging shall be conducted as prescribed by these regulations.

D. Content and Quantity Basis Determinations

- (1) The content of gas delivered to an extraction plant treating gas from the lease shall be determined periodically by the field tests, as required by the

Supervisor, to be made at the place and by the methods approved by him and under his supervision.

- (2) The content of minerals contained in polymetallic nodules delivered to an ore extraction plant shall be determined periodically by field or laboratory tests as required by the Supervisor, to be made at the place and by the methods approved by him and under his supervision.

E. Value Basis Determinations for Computing Royalties

- (1) For purposes of computing royalties, the value of production shall be the estimated reasonable value of the product as determined by the Supervisor. In making the above determination, the Supervisor shall consider the price paid by the lessee, the highest price paid for other lease production in the same field or area, posted price and other relevant matters. In the absence of countervailing circumstances, "reasonable value" shall be the highest price paid or offered at the time of production in a fair and open market for the major portion of like quality products produced and sold from Commonwealth submerged lands.
- (2) Under no circumstances shall the value of production of any substances for purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value of a unit computed on such reasonable value as the Supervisor has determined.

F. Royalty on Oil

- (1) The royalty on crude oil, including condensates separated from gas without the necessity of a manufacturing process, shall be the percentage of the value or amount of the crude oil produced from the leased lands established by law, regulation, or the provisions of the lease. No deduction shall be made for actual or theoretical transportation losses.
- (2) The Royalty shall be based on production removed from the lease except that, when conditions so warrant, the Supervisor may require such royalty to be based on actual monthly production. Evidence of all shipments shall be filed with the Supervisor within five (5) days (or such longer period as the Supervisor may approve) after the oil has been run by pipeline or by other means of transportation. Such evidence shall be signed by representatives of

the lessee and of the purchaser or the transporter who have witnessed the measurements reported. Determinations of gravity, temperature, and the percentage of impurities contained in the oil shall be shown.

G. Royalty on Unprocessed Gas

- (1) The royalty on all unprocessed gas sold for recovering constituent products shall be the percentage of the value or amount of gas produced that has been established by the terms of the lease.

H. Royalty on Processed Gas and Constituent Products

- (1) The Royalty on gas processed for the recovering of constituent products shall be based on the value or amount of:
 - (a) All residue gas remaining after processing; and
 - (b) All natural gas, butane, propane and other substance derived therefrom. A reasonable allowance for the cost of production shall be deducted in the form of a portion of production. Such "reasonable allowance" shall not exceed two-thirds of the products extracted unless the Director determines that a greater allowance is in the interest of conservation.
- (2) Under no circumstances shall the amount of royalty on the residue gas and extracted products be less than the amount which the Supervisor determines would be payable if the gas had been sold without processing.
- (3) In determining the value of natural gas, the volume of such gas shall be adjusted to a standard by a method approved by the Supervisor when necessary to adjust volumetric differences between natural gasoline of various specifications.
- (4) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.
- (5) The lessee, with the approval of the Supervisor, may establish a gross value per unit of 1,000 cubic feet of gas on the lease or at the wellhead for the purposes of computing royalty on gas processed for the recovery of constituent products, provided that the royalty shall not be less than that which would accrue by computing royalties in accordance with the provisions of paragraphs (1) through (4) of this section.

I. Royalty on Polymetallic Nodules

- (1) The royalty on unprocessed polymetallic nodules sold for the recovery of constituent products shall be the percentage of the value or amount of the constituent products that has been established by the terms of the lease.
- (2) The Royalty on polymetallic nodules processed for the recovering of constituent products shall be based upon the value or amount of all nickle, copper, iron, manganese, cobalt and other metals and substances derived therefrom which are of commercial value.

J. Rentals

- (1) An annual rental shall be payable on the first day of each lease year prior to discovery or production at the rate specified in the lease. Owners of portions of a lease by proper assignment shall pay an annual rental at the rate per acre established in the lease. Such payment shall be due and payable on the first day of each year in which the assignment becomes effective and prior to a discovery or production on such segregated portion.

K. Effect of Suspension on Payments

- (1) Payments of minimum royalties and rentals with respect to a lease will not be required during periods of suspension of operation and production if suspension has been ordered by the Supervisor for any of the following reasons:
 - (a) Emergency Suspension as provided in Section X subsection c;
 - (b) Production deemed inappropriate or impractical because of a lack of transportation facilities;
 - (c) To facilitate proper development of a lease on which minerals have been determined producible in paying quantities and operations or wells have been temporarily or permanently abandoned; and
 - (d) To facilitate preparation of environmental impact studies or other environmental protection measures.
- (2) Payments of royalties and rentals with respect to a lease will be required during period of suspension of operation and production if suspension has

been requested by lessee and granted by the Supervisor for any of the following reasons:

- (a) To facilitate proper development of a lease on which minerals have been discovered in paying quantities and operations or wells have been temporarily or permanently abandoned; and
 - (b) Production is inappropriate or impractical because of a lack of transportation facilities caused by the lessee.
- (3) Payment of Royalties and Rentals with respect to a lease will be required during a period of suspension of operations and production if suspension has been directed by the Supervisor for the following reasons:
- (a) Lessee's failure to comply with applicable law, the lease terms, these regulations, or any other written or oral order authorized under these regulations.
- (4) In the event the anniversary date of a lease falls within a period of suspension for which no royalty or rental payments are due under paragraph (1) of this subsection, the prorated rental or minimum royalty, if any, are due at time of suspension, shall be computed and notice thereof given the lessee. Payment of the amount due shall be made by the lessee within thirty (30) days of receipt of such notice. The anniversary date shall not change by reason of lease suspension or relief from royalty or rental payments resulting therefrom.

L. Effect of Cancellation on Payments

- (1) No payments shall be due or payable after date of any cancellation or termination of lease by lessor, provided such cancellation has been properly made pursuant to these regulations.
- (2) Improper repudiation or recession of the lease agreement by the lessee will not relieve such lessee from responsibility for payments due under lease terms except by express agreement of the lessor or by judicial decree of a proper court of competent jurisdiction.

X. ENFORCEMENT AND PROCEDURE IN CASE OF DEFAULT BY LESSEE

A. Inspection

- (1) The leased area, vessels, platform, wells, improvements, machinery, fixtures, and all books, accounts, records, and maps relating to the operations and surveys or investigations on or with regard to the leased area shall be kept open, available, and accessible to authorized officers of the Commonwealth at all reasonable times, except those specifically privileged.

B. Investigations

- (1) The Supervisor may initiate and conduct an investigation of scientific, prelease, and lease operations as necessary to insure compliance with enforcement of these regulations, permits and lease terms. Prior approval of such investigation by the Director shall be obtained through the presentation by the Supervisor of reasonable justification for initiation of such investigatory activity.
- (2) All procedures and methods employed in such investigations shall be maintained in strict compliance with applicable laws and regulations of the CNMI.
- (3) The Supervisor is required to initiate an investigation of all fires, oil spills, and other polluting incidents occurring as the result of submerged land operations. The Supervisor shall also investigate and make a public report on any death or serious bodily injury occurring as the result of operation on the submerged lands.
- (4) In any investigation conducted under these regulations, all holders of leases or permits issued hereunder shall render full cooperation and assistance.

C. Suspension of Lease

(1) Emergency Suspension

- (a) The Supervisor is authorized either in writing or orally with written confirmation to suspend any operation, including production, which in his judgment threatens immediate, serious, or significant damage of life, including aquatic life, to property, to the leased deposits, or

the environment. Such suspension shall continue until, in the Supervisor's judgment, the threat or danger has terminated, unless the provision of paragraph (2) of this subsection apply.

- (b) The Supervisor may direct the lessee to conduct site specific studies, including lease or unit-wide studies as necessary, approved or prescribed by the Supervisor, on the cause of the hazard generating the suspension, the potential damage from that hazard, and the mitigating measures for the hazard. All results of such studies will be furnished to the Supervisor by the lessee at no cost to lessor.
- (c) On the basis of the results of the lessee's study and other information available to him, the Supervisor will submit a report with recommendations to the Director who may require the lessee to take all appropriate measures to mitigate the damage or potential damage of continued operations as a condition for the resumption of exploration, development, or production activity on the lease. In establishing appropriate mitigating measures which must be taken prior to the resumption of operations, the Director will balance the costs of mitigation and the reduction in damage to aquatic life, to property, to the leased deposits, to other valuable mineral deposits and to the environment.
- (d) The lessee may be required to submit a new or amended exploration, development and production plan which incorporates mitigating measures.
- (e) If the lessee indicates that he cannot or will not comply with the recommended conditions for ending the suspension, or if he determines that no adequate mitigation measures exist to protect the lease or the environment, the suspension may be left in place.
- (f) The suspension shall not be terminated until the lessee has had a reasonable length of time, which shall be not less than six (6) months, to comply with the conditions established by the Director, and until after the affected lessee has been given notice and an opportunity for a hearing, including the opportunity for the lessee to submit his own proposed mitigation measures.

(2) Other Suspension. The Supervisor may direct, or at the request of a lessee, may approve the suspension of production for:

- (a) Leases on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease; and
- (b) Leases on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities, but which cannot be produced because of the lack of transportation facilities. Suspension of operations or production, or both, may be approved for an initial period, not exceeding two (2) years, and for succeeding periods, not exceeding one (1) year each.
- (c) The Supervisor is authorized, by written notice to the lessee, to suspend any operation, including production for failure to comply with applicable law, the lease terms, the regulations in this part, or any other written order or rule including orders for filing of reports and records or logs within the time specified.

D. Termination of lease

- (1) Any non-producing lease issued under the Act may be cancelled by the Supervisor whenever the lessee fails to comply with any provision of this Act or lease or applicable regulations in force and effect on the date of the issuance of the lease, if such failure to comply continues for thirty (30) days after mailing of notice by registered letter to the lease owner at his record post office address. Any such cancellation is subject to judicial review as provided in this section upon the complaint of any person.
- (2) Producing leases issued under the Act may be cancelled for such failure only by judicial proceedings in the manner prescribed in this section.
- (3) Any lease issued under the Act, whether producing or not, will be cancelled by the Supervisor upon proof that was obtained by fraud or misrepresentation, and after notice of an opportunity to be heard afforded to the lessee.

E. Default

- (1) The Supervisor is authorized to give the owner of a lease thirty (30) days notice of default by registered mail if owner fails to comply with the lease terms or provisions of these regulations or the Act. If such default continues for the period of thirty (30) days after mailing of notice to the lease owner at his post office address, such lease may be cancelled by the Director, subject to judicial review as provided herein.

F. Appeals

- (1) Any party to a case adversely affected by a decision or final order of an office administering these regulations or the Act shall have the right to appeal to the Director or the proper court having jurisdiction over claims in controversy.
- (2) Appeals to the Director may be taken by filing notice of appeal with the office of the official issuing the order or decision within thirty (30) days from service of such order or decision. Such notice shall be accompanied by such writing showing any argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order or decision.
- (3) Appellant will, at the same time the notice is filed and within the same thirty (30)-day period be permitted, file in the office of the Director and the office of the official issuing the order or decision additional statements of reasons and written arguments or briefs.
- (4) The officer with whom the appeal is filed shall transmit the appeal and accompanying papers to the Director with a full report and his recommendation on the appeal. Oral argument in any case pending before the Director will be allowed on motion in the discretion of such officer and at a time fixed by him.

G. Judicial Review

- (1) Nothing contained in this part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

XI. REPORTS REQUIRED OF ALL LESSEES AND OPERATORS

A. General

- (1) All information required by these regulations or the Act shall be promptly furnished by the lessee in the form and manner required by the Supervisor.

B. Monthly Report of Operations

- (1) All lessees are required to submit to the Supervisor, on forms approved by him, a separate report of monthly operations (calendar month) for each lease on or before the twentieth (20th) day of the succeeding month beginning with the month in which production is initiated. The report shall accurately disclose all operations conducted on the lease land during each month, the status of operations on the last day of each month, and a general summary of all operations on the leased lands. Specifically, this report shall contain:
 - (a) The location of harvesting vessels on the lease tract and the location of wells on leased land;
 - (b) The number of days each well or vessel produced;
 - (c) The amount of oil, gas, water, and polymetallic nodules, or other minerals produced; the total amount of lease products discovered or recovered;
 - (d) The depth of each active or suspended well, the average depth of recovery of polymetallic nodules, the depth, name and character of each formation drilled; the date each such depth was reached; the date and reason for every shutdown, the dates and results of any tests of production and, any other note-worthy information on operations not specifically provided for in the form.
 - (e) If no runs or sales were made during the calendar month, the report shall so state.

C. Statement of Mineral Production and Royalties

- (1) When required by the Supervisor, the lessee shall provide a full statement of production of minerals for the lease term or any portion thereof stipulated, including all royalties accruing therefrom. This report shall be in addition to other reports required by these regulations.

D. Completion and Recompletion

- (1) All reports and logs of well or other production activity completion or recompletion shall be submitted to the Supervisor within thirty (30) days. The submitted information shall include but is not limited to duplicate copies of geologic information from cores, formations, or other bottom samples, as well as copies of all electric, radioactive, sonic and other survey logs.

E. Applications, Sundry Notices and Variances

- (1) Lessees wishing to deepen or plug back an existing well must submit application on a form approved for such purpose to the Supervisor. The application must describe fully: (1) the present status of the well including the production string or last string of casing, well depth, present productive zones and production capability, and other pertinent matters; and (2) the details of the proposed work and the necessity therefor.
- (2) All notices of intention to fracture treat, acidize, repair, multiple completes, abandon, change plans, and for other similar purposes, and all subsequent reports pertaining to operators shall be submitted. Prior to commencing such operations approval must be received from the Supervisor in writing.
 - (a) A notice of intention to change the condition of a well must be submitted to the Supervisor and contain a detailed description of proposed work for repairing, acidizing or stimulating production by other methods, perforating, squeezing with mud or cement, or any operations that will materially change an approved program for drilling or alter the condition of a completed well.
 - (b) A detailed report of all work done pursuant to approval of application under subparagraph (a) above shall be submitted to the Supervisor. Such report shall list production rates and amounts before and after work performed, and a complete statement of the dates on which the work was accomplished and the methods employed.

F. Special Reports

- (1) Permittees engaged in prelease exploration shall submit to the Supervisor reports which include:
 - (a) Weekly reports of daily operations including logs.

(b) Final Report, submitted by permittee within thirty (30) days of completion of exploration and research under a prelease permit or scientific research authorization, must include:

- (i) Description of work performed;
- (ii) Charts, maps and plots depicting the areas over which research was conducted and specifically identifying the lines over which geophysical transverses were run or the locations where geological exploration was conducted. A reference sufficient to identify the data and information produced during each such operation shall also be included.
- (iii) A report of any adverse affects or hazardous conditions discovered which may threaten the environment as a result of exploration or development.
- (iv) The dates of operations and any other description of exploration stipulated by the Supervisor.

XII. EXTENSION, ASSIGNMENT OR RELINQUISHMENT OF LEASES

A. Reworking Extension

- (1) The Supervisor will, upon proper application prior to expiration of the lease term, approve extension of the lease term for a reasonable time period if lessee has made a discovery of additional oil, gas, or polymetallic nodules within ninety (90) days prior to expiration of the five (5)-year term or has been properly granted an extension upon lessee's application and reworking has begun.

B. Effect of Suspension on Lease Term

- (1) The primary term of a lease suspended pursuant to Section X, subsection C, shall be extended by a period equivalent to the period of suspension.
- (2) In the event that the Supervisor orders or approves a suspension of either operations or production pursuant to Section X, subsection C with respect to a lease extended beyond its primary term, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

C. Assignment of Lease or Interests Therein

- (1) Leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, subject to the approval of the Supervisor in consultation with the Director, to anyone qualified to take and hold a lease. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the appropriate office, unless at the request of the parties, an earlier date is specified in the Director's written approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

D. Requirements for Filing of Transfers

- (1) All instruments of transfer of a lease or of an interest therein, including operating agreements, sublease, and assignments of record interests, must be filed in triplicate for approval within ninety (90) days from the date of final execution with a statement over the assignees's own signature with

respect to citizenship and qualifications similar to that required of a lessee and must contain all of the terms and conditions agreed upon.

- (2) An application for approval of any instrument required to be filed must be accompanied by a fee of \$10.00.
- (3) Where an attorney in fact, on behalf of the holder of a lease, operating agreement or sublease, signs an assignment, lease or interest, or signs the application for approval, there must be furnished evidence of the authority of the attorney in fact to execute the assignment or application.
- (4) Where an assignment creates a segregated lease, a bond must be furnished in the amount prescribed.
- (5) In order for the heirs or devisees of a deceased holder of a lease, or any interest herein, to be recognized by the Department as the lawful successor to such lease or interest, evidence of such person's status as heir or devisee must be furnished in the form of a certified copy of an appropriate order or decree of the court having jurisdiction of the distribution of the estate or, if no court action is necessary, the statement of two disinterested parties having knowledge of the facts or a certified copy of the will, and, in all cases, the statement of the heirs or devisees that they are the persons named as successor to the estate with evidence of their qualifications to hold a lease. In the event such heirs or devisees are unable to qualify to hold the lease or interest, they will nevertheless be recognized as the lawful successors of the deceased for a period not to exceed two (2) years from the date of death of their predecessor in interest.
- (6) A separate instrument of assignment must be filed for each lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

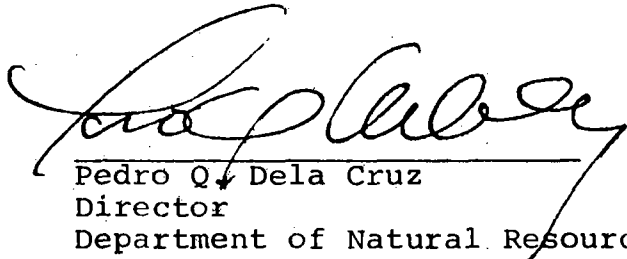
E. Effect of Assignment of a Particular Tract

- (1) When an assignment is made of all of the record title to a portion of the acreage in a lease, the assigned and the retained portions become segregated into separated and distinct leases. The

assignee becomes a lessee of the Government as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease in his own name, and the assignment after its approval will be the basis of a new record. Royalty, minimum royalty, and rental provisions of the original lease shall apply separately to each segregated lease and shall continue in full force and effect for the primary term of the original lease.

F. Relinquishment of Leases or Parts of Leases

- (1) A lease or officially designated subdivision thereof may be surrendered by the record title holder by filing with the Director a written relinquishment in triplicate.
- (2) A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to abandon all wells on the land to be relinquished to the satisfaction of the Supervisor.


Pedro Q. Dela Cruz
Director
Department of Natural Resources

1/16/81
Date



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan

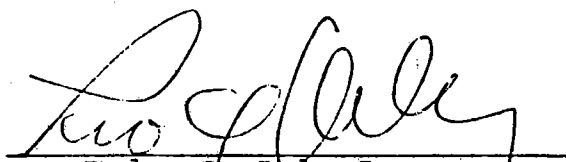
January 26, 1981

PUBLIC NOTICE

ADOPTED RULES AND REGULATIONS Governing Lands Surveys In The Commonwealth of the Northern Mariana Islands

These regulations are adopted pursuant to Public Law 1-8, Chapter 13, section 3 (d). After thirty (30) day publication and public notice, no comments were received.

These regulations shall be effective on the tenth day following this publication.


Pedro Q. Dela Cruz
Director of Natural Resources



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Saipan, Mariana Islands 96950

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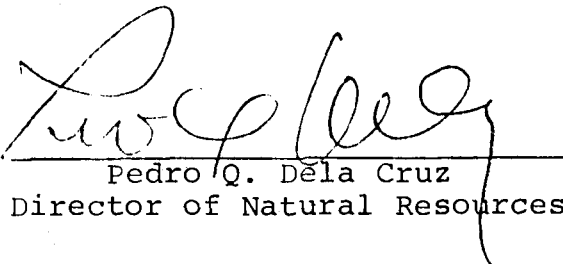
January 26, 1981

NOTISIAN PUBLIKO

I MA'ADOPTA NA AREGLO POT
MAN MIDIN TANO GI HALOM I
COMMONWEALTH I SAN KATAN NA
ISLAS MARIANAS

Este siha na regulasion man ma adopta segun gi atoridad mama' areglo ne prenibeniye nu i Lai Publiko 1-8, Kapitulo Numero 13, seksion 3(d). Taya rekomendasion o'sino opinion ma'resibe desde ma'publika este na noticia gi mas qui trenta (30) dias na tiempo.

Este na regulasion man efektibo gi min'a dies (10) dias despues de ma'publika este na notisia.


Pedro Q. Dela Cruz
Director of Natural Resources

Lands and Survey Division
DEPARTMENT OF NATURAL RESOURCES

Commonwealth of the Northern Mariana Islands
Saipan, CM 96950

REGULATIONS GOVERNING LAND SURVEYS IN THE COMMONWEALTH

1. These regulations are prescribed in compliance with Section 5, Chapter 13 of Public Law 1-8 and supplement the provisions of that section.
2. Commonwealth Surveyor: The Commonwealth Surveyor position shall be appointed by the Chief of Lands and Surveys from qualified employees of the Division of Lands and Surveys. The Commonwealth Surveyor must be a qualified, registered land surveyor whose responsibility shall include the supervision of surveys and enforcement of these regulations throughout the Commonwealth of the Northern Mariana Islands under the direction of the Chief, Lands and Surveys Division.
3. Application: These regulations apply to all Land Surveys conducted in the Commonwealth of the Northern Marianas; provided, however, that in cases of surveys made for military purposes by personnel of the Armed Forces or those conducting surveys pursuant to contract with the Armed Forces, they apply only to the extent that no map will be entitled for approval by the Chief, Lands and Surveys Division and/or the Commonwealth Surveyor and for recordation unless it is based on a survey which complies with these regulations.
4. Surveys, by whom conducted: Every Land Survey must be conducted by a land surveyor duly registered in accordance with Public Law 1-8 Chapter 5 or by persons exempt from registration as provided in said law.
5. Surveys, basis of: Every Land Survey must be based upon and have a minimum of one corner of the land surveyed physically referenced to the primary or the road center-line control traverse stations.
6. Corners, marking: Every corner of a Land Survey must be marked by a permanent monument or marker bearing the registration number of the surveyor or an identifying mark approved by the Commonwealth Surveyor. Reference monuments may be set where it is physically impossible to set the true corner or in cases where the destruction of a corner is imminent due to construction. The true corner should be set by the surveyor when practical.

7. Preservation of records: Every surveyor must preserve as permanent records all of his field notes and all computations made therefrom, so catalogued and filed as to be readily available when requested by the Lands and Surveys Division.
8. Measurement: The minimum accuracy of measurements shall be 1 part in 10,000 on all property lines of boundary or interior survey. Preliminary or reconnaissance surveys shall maintain an accuracy of not less than 1 part in 5,000 except in those cases where general information only is to be obtained and no precise monumented corners are to be created.

A circuit of levels between precise bench marks on a circuit closed upon the initial bench mark shall not differ more than 0.02 foot multiplied by the square root of the number of miles in the circuit, and in no case to exceed 0.05 foot, except in levels for preliminary or rough stadia control, in which case the allowable error of closure may be 0.10 foot. Accuracy of measurement in triangulation dimensions shall conform with the standards set by the United States Coast and Geodetic Survey.

In the case of any survey required for purpose of registration, the surveyor must comply with any additional requirements imposed by the court. The Division of Lands and Surveys will maintain a "Manual of Instructions for Survey and Lands and Preparation of Plans in the Commonwealth of the Northern Marianas" to supplement these regulations and to provide recommended methods to meet these regulations.

9. Information to be furnished: The Surveyor must furnish to his client a correct technical description of the land surveyed, and/or clear legible copies of a map or plot conforming to the "Uniform specifications: Preparation of Maps for Surveys" prescribed by authority of Section 5, Chapter 13, of Public Law 1-8 and attached hereto as Appendix A.
10. Complaints: Any person who believes himself to be aggrieved by the failure of a surveyor to comply with these regulations may submit his complaint to the Chief of Lands and Surveys Division, Department of Natural Resources, and in all cases the Chief of Lands and Surveys Division shall forward such complaints to the Board of Professional Licensing for appropriate proceedings under Public Law 1-8, Chapter 5.
11. No parcelling, subdivision, or consolidation survey shall be done unless the basic lot has been surveyed, mapped and approved. Further, all parcels of land to be subdivided, parcelled or consolidated shall have certificate of title to it.

12. These regulations will become effective upon approval of the Director of Natural Resources and copies will be maintained and made available by the Division of Lands and Surveys.

Dated on Saipan, Commonwealth of the Northern Mariana Islands
this _____ day of _____, 19____



PEDRO Q. DELA CRUZ
DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

10/20/80
DATE

APPENDIX A

UNIFORM SPECIFICATIONS: Preparation of Maps from Surveys

1. Authority: These specifications are part of the regulations prescribed in compliance with Section 5, Chapter 13 of Public Law 1-8 and supplement the provisions of that section.
2. Application: No map (the term includes plat, sketch, or other plane pictorial representation of land) will be accepted for recording unless it is prepared in accordance with these specifications and is based upon a survey which complies with all applicable laws and regulations.
3. Materials: All maps must be drawn on films or other suitable material which is designed for drafting or drawing purposes. Only India Ink or equally permanent black drawing medium may be used. All signatures appearing on the maps must be signed in black India Ink.
4. Dimensions and Scale:
 - (a) Maps shall be drawn on sheets measuring twenty-four by thirty-six (24" x 36") inches, including a one-inch margin at the top, bottom and right side and a two-inch margin at the left side. If the land surveyed is so large that a map thereof conforming to these specifications cannot be drawn on one sheet having the above mentioned dimensions, the map shall be drawn in sections and additional sheets used. All sections shall be of the same scale and shall bear clearly identified matchlines so that the sections can be accurately connected. Each sheet shall show its number and the total number of sheets (e.g., sheet 1 of 3).
 - (b) In all cases, the map must be so drawn and placed upon the sheet or sheets so as to provide adequate room for the title block, legend, all required certificates, and a form for entry of revisions.
 - (c) The scale of each map must be large enough to provide complete legibility and to permit reasonably accurate measurements to be scaled from the map. The scale of a map shall be expressed in the form of a ratio such as 1:1,000, read "1 is to 1,000". This means that one unit on the map represents 1,000 of the same units on the ground.
 - (d) Any variations from scale or plan dimensions as set forth herein must be approved by the Commonwealth Surveyor and or the Chief, Lands and Surveys Division.

5. Use of Abbreviations and Symbols:

Abbreviations and symbols must be clearly defined in the legend of the maps. The Division of Lands and Surveys in the Department of Natural Resources maintains copies of standard surveying abbreviations and symbols that should be used.

6. Corrections: After the map has been completed (i.e., certified by the surveyor and approved by Lands and Surveys Division) no change shall be made thereon except as a revision, properly noted, dated, and authenticated.

7. Information to be shown: In general every line, point, object and structure actually surveyed must be clearly shown and accurately located on the map. Specifically included are:

(a) The basic lot in which the surveyor is parceling, subdividing, consolidating and etc.

(b) An arrow indicating north and the bearing system used noted.

(c) The courses and distances of all lines and incases of curved lines all data necessary to identify, locate, or retrace each line.

(d) When record bearings or angles or distances differ from measured bearings or angles or distances, both the record and measured bearings, angles and distances shall be clearly indicated in a manner to permit the ready distinction between record and measured data. The source of the record data must be indicated on the plan.

(e) Measured and record distances (if known) from corners of the premises being surveyed to the nearest right-of-way lines of dedicated public streets or roads, together with evidence of found lot corners, shall be noted on the map. Where conditions warrant, the distances to the nearest dedicated street or road right-of-way line in both directions from the surveyed premises and the bearing and name of such street or road shall be noted. Names and legal lines and widths of all dedicated street or roads shall be given. If the Surveyor is aware of any change in the lines of such streets or roads, he shall note the same on the map and cite the date of and authority under which such change was made.

(f) The identifying title of all record plats and/or subdivisions which the survey represents, either wholly or in part, must be shown with its filing date and document number and the lot, block and tract number (or letter) of the surveyed property. Names of adjoining owners and/or recorded lot or parcel numbers, with document numbers, and similar information, where known, shall be shown on the map. Interior parcel lines must clearly indicate contiguity, gores, and/or overlaps.

- (g) The character and location of every monument and marker used or indicated in the survey and whether such monuments and markers were placed or found.
- (h) The nature, location, and dimensions of every structure or other object included in the survey.
- (i) All natural features that may have relation to real property interests.
- (j) The scale of the map, shown both in figures and graphically as a bar scale.
- (k) A completed title block and a site location map conforming to those shown on sample maps available at the Department of Natural Resources, Lands and Surveys Division.
- (l) The following certificate, signed and sealed by the surveyor:
 "I, (insert name), hereby certify that this map was prepared by me or under my direct supervision; that it is based upon a field survey made (insert dates) in conformance with all applicable laws and regulations.

 (NAME)

- (m) The following form of certificate for dating and signature by the Commonwealth Surveyor and the Chief, Division of Lands and Surveys.

"This map has been examined for conformance with the requirements of section 5, chapter 13 of P.L. 1-3 and regulations thereunder, on this _____ day of _____, 19____.

Approval Recommended: _____
 COMMONWEALTH SURVEYOR

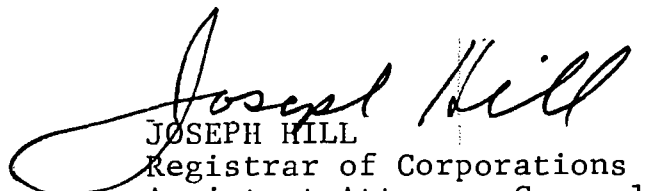
Approved: _____
 CHIEF, LANDS AND SURVEYS DIVISION

- (d) In appropriate cases, focus for the owners' dedications of parks and streets, alleys, and other easements for public use, and for acceptance by the Governor of the Commonwealth of the Northern Mariana Islands and/or SPLC of such dedications.
 - (e) Any additional data and notes necessary for explanation and understanding of the map.
8. All maps must be so drawn and lettered that clearly legible points may be made therefrom by standard reproductive processes.
 9. Copies of these specifications shall be kept on file in the Division of Lands and Surveys and made available to surveyors and other interested governmental officials.

GUIDELINES FOR PUBLICATION
in the
COMMONWEALTH REGISTER

Pursuant to the authority vested in the Registrar of Corporations by 17 TTC 2 and 17 TTC 15, the Registrar of Corporations hereby gives notice of the adoption of rules governing publication of the Commonwealth Register. These rules will become effective twenty (20) days after publication in the Commonwealth Register as provided in 17 TTC 5(2)(a).

Dated: February ~~1977~~ 1981


JOSEPH HILL
Registrar of Corporations
Assistant Attorney General

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1. Notice of Proposed Action

(a) The agency must publish a Public Notice of its intention to adopt or amend regulations. Section 4(1)(a) requires that the public notice be published at least 30 days prior to official adoption by the agency. The public notice should be published in the Commonwealth Register and posted in convenient places throughout the Commonwealth such as post office bulleting boards, shopping center bulletin boards, public libraries, with clerks of courts, and in other places where the general public would reasonably be expected to notice it.

(b) Printed public notice must be given in both Chamorro and English. Radio broadcasts and other forms of verbal public notice must be made in both Chamorro and English and, additionally, may be made in other languages.

2. Content of Public Notices

The Public Notice must contain:

(a) A statement of the statutory or ~~other~~ authority for the proposed regulations;

(b) Either the entire text or a summary description of the subject matter to be regulated; and

(c) A statement as to where, how, and when interested persons may comment or submit views on the proposed regulations.

As noted in 1(a) above, Section 4(1)(a) requires at least a 30-day period for review and comment by the public, however, the agency in its discretion may extend the 30-day period. Refer to the attached Form "A."

Translation: For efficiency (since the public notice must also be translated and the translated notice published), the public notice should be limited to a summary description or a listing of the subject areas to be regulated. Upon adoption of the final regulations, the agency must maintain for public inspection at least one complete copy of the final translated Chamorro version of the regulations, in addition to the English version. The agency must make arrangements for translation services. However, all translations of public notices and regulations are subject to

review and approval by the Office of the Registrar of Corporations as to legal form and correctness prior to publication in the Commonwealth Register. Reasonable costs for review of translated documents submitted to the Registrar shall be borne by the agency. The Registrar will maintain a list of persons interested in performing translation services which will be made available to agencies upon request.

3. Public Hearings on Proposed Regulations

17 TTC 4(1)(b) requires that the agency provide interested persons the opportunity to submit written comments, data and arguments. The agency may, in its discretion, hold a public hearing on proposed regulations, Provided that where a request for a public hearing is made by the Commonwealth Legislature or one of its committees, a government subdivision or agency, an oral hearing must be granted. Each agency should routinely hold public hearings on all proposed regulations.

4. Adoption of Regulations

Upon the expiration of the notice period and the conclusion of the public hearing, if any, the agency should then formally adopt the proposed regulations. Formal adoption is accomplished by: (1) obtaining the signature and approval of the official or officials authorized by law (usually the Director, and sometimes the Governor's approval is required) to adopt or approve the adoption of the agency's regulations; (2) the regulation must be certified by the signing and approving official(s) as a true copy of the regulations as formally adopted by the agency; and (3) the certified original and one copy of the regulations must be filed with the Registrar of Corporations. After formal adoption by the agency, the regulations must be published in their final form in the Commonwealth Register. The regulations become effective 10 days after this publication unless a later date is stated in the regulations or required by law. (Section 5)

5. Interested Persons' Right to Request Agency Justification for Regulations

The agency, "upon adoption of a regulation...if requested...by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling

the considerations urged against its adoption." 17 TTC 4(11)(b). A sample copy of an agency's response statement (justification) is attached as Form "B."

6. Publication

For purposes of Sections 2, 4, and 5 of 17 TTC, publication is deemed to be made where a copy of the rule or regulation is filed with the Registrar, and the Registrar and agency maintain and make copies available for public inspection and copying. Thus, where mass publication and dissemination by a printer or otherwise is not possible, for example, due to power failure, typhoon, etc., publication will be deemed to be effected in substantial compliance with Sections 2, 4, and 5 of 17 TTC by one or a combination of, posting public notices in places frequently visited by a substantial number of the general public, newspaper notices, radio and other forms of public notice as warranted under the particular circumstances, and then filing a copy of the regulations with the Registrar. Accordingly, the notice period (at least 30 days) under Section 4(a) of intention to adopt regulations and the effective dates of rules and regulations under Section 5(2) and other relevant dates and time periods in 17 TTC will be determined by reference to the date that regulations in compliance with these rules are filed with the Registrar.

7. Emergency Regulations

Emergency regulations are governed by Section 4(2) entitled "Procedure for adoption of regulations" and Section 5(b) entitled "Filing and taking effect of rules."

"If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than thirty days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the [Governor], proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation." Thus, the agency must: (1) find (i.e., make a determination based on the factual circumstances) that one or a combination of the public interest in general or an imminent peril to either the public health, safety, or welfare necessitates the adoption of the regulation upon fewer than 30 days notice; (2) state in writing its reasons for that finding; and (3) obtain the prior approval of the Governor to proceed without

notice or hearing or upon abbreviated notice or hearing. No emergency regulations will be accepted by the Registrar for filing unless on the face of the document itself the mark and approval of the Governor is manifested. (Refer to the attached Form "C.")

Emergency regulations will be effective for not more than 120 days. During the effective period of emergency regulations, the agency may adopt identical or similar (permanent) regulations pursuant to Section 4(1)(a) and 4(1)(b).

8. Interested Persons' Right to Propose Rules

"Petition for adoption of rules. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Within thirty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rule-making proceedings in accordance with this Chapter." (Section 6.)

A copy of the agency's written denial and the petition of the interested person shall be filed with the Registrar for publication as a proposed rule or amendment or repeal of a rule pursuant to Section 1(8) or (9) and Section 2(1).

9. Interested Persons' Right to Request Declaratory Ruling by Agency

"Declaratory rulings by agencies. Any person may petition an agency for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the agency. Rulings disposing of petitions shall be issued promptly and shall have the same status as final agency decisions or orders in contested cases." (Section 7)

A copy of each agency ruling shall be filed with the Registrar for publication as an agency order, rule or decision pursuant to Section 1(3), (8), and (15), and Section 2(1).

10. Format Required for Publication

Printing concerns for the Commonwealth Register require that all materials submitted to the Registrar of Corporations conform to the following:

1. Material must be single spaced, with double spaces between paragraphs. Triple spacing may be used to set out headings.

2. White 8-1/2 x 11 paper will be used. Please note that any material submitted for publication on legal size paper will be returned to the agency.

3. Ample margins of at least 1" must be allowed on top, left side and bottom of each page.

4. The signed original and at least one clear photostatic copy of the material must be submitted to the Registrar for publication.

5. Materials submitted should not be stapled or otherwise bound together.



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
 Gov. NMI Saipan

PUBLIC NOTICE

**PROPOSED IMMIGRATION REGULATIONS
 FOR TITLE 53
 NATIONALITY, EMIGRATION AND IMMIGRATION**

The Governor of the Commonwealth of the Northern Mariana Islands, in accordance with Title 53, Section 54 of the Trust Territory Code, Article V, Section 505 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and the Schedule on Transitional Matters, Section 2 of the Constitution of the Northern Mariana Islands, is proposing to promulgate new regulations to be used in conjunction with Title 53, Trust Territory Code of the Pacific Islands.

The proposed regulations include the following subject areas:

- 1) General Provisions
- 2) Entry Permits
- 3) Entry for Vessel and Aircraft
- 4) Port of Entry
- 5) General Rules Pertaining to Immigration Policy

Copies of the proposed regulations may be obtained from the Immigration and Naturalization Office, Susupe, Saipan, CM 96950.

The Office of Immigration and Naturalization is soliciting views, opinions, facts and data for or against the proposed Immigration Regulations from the general public.

Anyone interested in commenting on the proposed Immigration Regulations may do so by submitting comments in writing to the Immigration and Naturalization Officer, Office of the Governor, Commonwealth of the Northern Mariana Islands, Civic Center, Susupe, Saipan, CM 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

DATED:

/s/ (Sample only)
 FRANCISCO C. ADA
 Acting Governor

PUBLIC NOTICE

ADOPTED REGULATIONS

Department of Public Health and Environmental Services

Authority

In accordance with Public Law 1-8, Chapter 12, Section 3, the Department of Public Health and Environmental Services has the responsibility of administering all government-owned health care facilities and of adopting relevant regulations as deemed necessary. The Director of Public Health and Environmental Services has the responsibility of carrying out the duties of the Department. In accordance with those duties, the Director of Public Health and Environmental Services promulgated a schedule of fees for the provision of health services. The fee schedule was adopted after the expiration of a period of time designated for public comment.

Subject Matter

The adopted regulations included the following subjects:

1. Fees for medical services
2. Fees for emergency medical transportation
3. Fees for purchase and rental of medical and surgical supplies
4. Fees for purchase of prescription drugs and medication

Public Comment

During the period of time designated for public comment on the proposed regulations of the Department of Public Health and Environmental Services, the Senate of the Commonwealth of the Northern Marianas received complaints about the amount of the increase in the fees for medical services and about the proposed two-tiered fee schedule for Micronesians and non-Micronesians. In addition, a lawsuit was filed challenging the constitutionality of a two-tiered fee schedule.

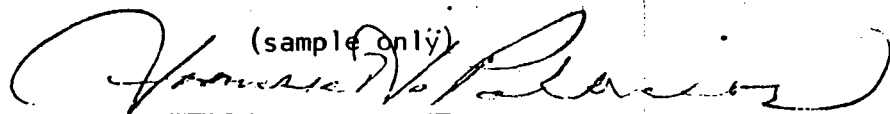
In response to these comments, the proposed regulations were changed to their present form. Despite adverse public comment, it was necessary to increase the fees previously charged for medical services. Because of the continuous increase in costs in health delivery systems including the purchase of medicine, equipment and medical supplies in the national and international market, the cost of providing

Health services has increased substantially since health care fees were originally established in 1963. Even with the increase in fees, recipients of medical care and related services pay only a small percentage of the actual cost of providing such care. The proposed fee schedule was changed to provide for uniform application to all recipients regardless of race or national origin.

Copies of the adopted regulations may be obtained from the Department of Public Health and Environmental Services.

The Department of Public Health and Environmental Services is soliciting views, opinions, facts and data for and against the adopted regulations from the general public.

Anyone interested in commenting on the adopted regulations may do so by submitting comments in writing to the Department of Public Health and Environmental Services, As Terlaje, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950, within 30 days from the date this notice is published in the Commonwealth Register.

(sample only)


FRANCISCO T. PALACIOS
Director, Public Health and
Environmental Services

NOTISIAN PUBLIKO

I ma Adapta na areklo

Depattamenton Public Health yan Environmental Services

Atoridat

Gi papa i Lai Publiko 1-8, Kapitulu 12, Seksiona 3, Depattamenton Public Health yan Environmental Services gaige i responsibilidad na para hu atministra todo fasilidat hinemlo ni gaige gi halom go-beitnon Commonwealth ya siña ha man adapta otro siha na areklo yanggen nesesario para hu chogue. I Direktot Public Health yan Environmental Services gai responsibilidad na hu lihe na i che'cho depattamento ma chochogue. Ginen este na responsibilidad ani siña i Direktot Public Health yan Environmental Services man langos areklon aps pot setbision hinemlo. Este na eskeleran apas (fee schedule) siempre ma adapta yanggen ahupos i tiempo ni manafe publiko para hu nahalom hafa na opinion pot este na asunto.

Hafa para uma deskuti

I ma dapata na areklo umahalom lokkue este siha:

1. Apas para setbision hinemlo
2. Apas para transpotasion manmalango yanggen guaha emergency.
3. Apas yanggen para un fahan pat hatkila trastis hinemlo ke do trastis operasion.
4. Apas para umafahan amot ni ginen i dokto yan lokkue hafa na setbision hinemlo ni manafe manmalango.

Opinon Publiko

Durantin i tiempo ni manannahe publiko para hu nahalom opinion siha para i ma propoioni na areklon Depattamenton Public Health yan Environmental Services, i Commonwealth Senate manmaresibi kinentra given i publiko pot asunton apas setbision hinemlo ni ma kasat hulo yan guaha dos klasin preson setbisio, para Micronesian yan Non-Micronesian. Lokkue guaha keha gi halom koti na ma kokontra este na dos klasin preson setbision hinemlo.

I inepin este siha na kinentra, pot i ma propoñi na areklo para apas setbision hinemlo esta matulaika. Maseha guaha kinentra ginen publiko nesesario na uma kahat hulo i apas setbision hinemlo. Pot motibo na sisighiha hulo i preson hamot, matiriat yan trastis hinemlo gi metkao(market) eteramenti gi tano, i preso ni para umana guaha setbision hinemlo esta maulek kumahuloña disti anai ma establesi gi 1963 na sakkan. Esta pago ha parereho ha i presion i setbision hinemlo. Maseha ma kahat hulo i apas setbision hinemlo, i mannapapasi pot este siha na setbisio tarabiha dididiha i pusemento yanggen para uma kompara i deputsi presion hayo na setbisio pat amot. Ma tulaika i finenena na proposito para apas setbision hinemlo pot rasion na para umana pareho ha i apas setbisio para todo rasan taotao.

Kopian este na adaptan areklo siña machule ginen Depattamenton Public Health yan Environmental Services.

I Depattamenton Public Health yan Environmental Services man espipia opinion parehoha fabot yan tifabot pot este siha na areklo ni esta ma adapta ginen i publiko.

Haye interesao para hu nahalom opinionña pot este siha na areklo pat lai ni ma adapta esta, hu tugi ya una halom gi Depattamenton Public Health yan Environmental Services, As Terlaye, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950, gi halom trenta dias anai ma langos este na notisia ginen Commonwealth Register.

Francisco T. Palacio
Director, Public Health and Environmen-
tal Services

PUBLIC NOTICE

Adoption of Emergency Revenue Regulations

The Director of Finance, in accordance with Public Law No. 1-8, Public Law No. 1-30, and Title 17, TTC, Section 4(2), wishes to advise the public that new rules and regulations, identified as Revenue Regulations Chapter No. 5901 of the Division of Revenue and Taxation, have been adopted.

The adopted regulations include the following subjects:

1. General Provisions
2. Definitions
3. Tax on Wages and Salaries
4. Deposit of Withheld Wage and Salary Taxes
5. Individual to File Return and Earned Income
6. Tax on Business Gross Revenues
7. Apportionment
8. Territorial Income Tax - Effective January 1, 1979

These regulations will be published in the Commonwealth Register and copies may be obtained from the Registrar of Corporations, Office of the Attorney General, 5th Floor, Nauru Building, Susupe, Saipan, or from the Department of Finance, Susupe, Saipan, CM 96950.

THE PUBLIC INTEREST in avoiding confusion in filing and paying taxes and avoiding a loss of Revenue to the Commonwealth, requires that these regulations be adopted immediately and prior to April 15, 1980, which is the deadline for filing Commonwealth Tax Returns.

Certified By: /s/ (sample only)
Tomas B. Aldan Date
(Acting Director of Finance)

Concurred By: /s/ (sample only)
Carlos S. Camacho Date
Governor

EXECUTIVE ORDER NO. 19

SUBJECT: Establishment of a Marianas/Guam Liaison Office

WHEREAS, the Governor is responsible for the faithful execution of the laws; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties as are necessary for efficient administration; and

WHEREAS, it is the desire of the Governor to maximize an interchange of ideas and information with the Government of Guam and such other agencies of the United States Government as maintain offices in Guam; and

WHEREAS, the administration of the laws will be enhanced by establishing a liaison office in Guam; and

WHEREAS, the liaison office established hereby is necessary for efficient administration;

NOW, THEREFORE:

Section 1. There is hereby established within the Office of the Governor a Marianas/Guam Liaison Office.

Section 2. The Governor may employ a Marianas/Guam Liaison Officer to act as the official representative of the Office of the Governor in carrying out the instructions of the Governor in communicating with, coordinating with and obtaining from agencies of the Territory of Guam and the Federal Government in Guam, and other organizations, public and private, information regarding all matters pertaining to the Executive Branch of the Government of the Commonwealth of the Northern Mariana Islands and the faithful execution of the laws.

Section 3. The Governor shall have the necessary authority to reallocate such funds from within the Executive Branch as are required to establish the Marianas/Guam Liaison Office, rent office space, obtain sufficient office equipment and employ such staff as may be needed to implement this Executive Order.


Section 4. The Governor is authorized to employ such staff, including the Marianas/Guam Liaison Officer, as may be required to assist the Office of the Governor in performing its functions pursuant to this Executive Order and pursuant to budgetary appropriation. All such staff shall be within the Civil Service. However, during such time as there is no Civil Service Commission which can perform its duties pursuant to Section 5 of Public Law No. 1-9, all such staff may be hired by Personnel Services Contract which shall expire upon term or by act of law when the Civil Service Commission approves positions for this purpose.

Section 5. The duties and functions of the Marianas/Guam Liaison Office shall be only such as are related to the functions of the Executive Branch of the Government of the Commonwealth of the Northern Mariana Islands.

Section 6. If any provision of this Executive Order or the application of any such provision shall be held invalid, by a court of competent jurisdiction, the remainder of this Executive Order or any rules, regulations or orders promulgated pursuant thereto or the application of such provisions, regulations, rules or orders to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 7. This Executive Order shall become effective sixty (60) days from the date of submission to the Legislature for approval.

DATED: January 7, 1981.



CARLOS S. CAMACHO
Governor

EXECUTIVE ORDER NO. 20

Interim Regulations

TO PROHIBIT UNLICENSED FOREIGN FISHING IN CNMI WATERS

Pursuant to the authority vested in the Governor by the Legislature under Sections 15 and 16 of Public Law 2-7, the Marine Sovereignty Act of 1980, I, Carlos S. Camacho, Governor of the Commonwealth of the Northern Mariana Islands, hereby establish the following interim regulations for the control and management of fishery resources within CNMI waters.

I. Definitions - All terms used in this Executive Order shall have the meaning as defined in Public Law 2-7, unless specifically referred to herein in a different context. In addition:

- A. The term "Act", means the Marine Sovereignty Act of 1980, P.L. 2-7.
- B. The term "CNMI waters" means the internal waters, archipelagic waters, territorial sea, and Exclusive Economic Zone of the Commonwealth of the Northern Mariana Islands.
- C. The term "billfish" means any fish commonly referred to as any type of marlin, sailfish or swordfish.
- D. The term "fish" means any aquatic or marine life of whatever nature, including, but not limited to, coral, oysters, clams, crabs, shellfish, other invertebrates, algae, marine reptiles, marine mammals, and fin fish.
- E. The term "fishery resource" means any fishery, any stock of fish, any species of fish and any habitat of fish.
- F. The term "fishing" means:
 - 1. the catching, taking, or harvesting of fish;
 - 2. the attempted catching, taking, or harvesting of fish;
 - 3. any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

4. any operations at sea in support of, or in preparation for, any activity described in subparagraphs 1 through 3 above, whether done by surface vessel, aircraft or submersible vessel. Activities of processing or transporting vessels shall also be included under this definition.

G. The term "fishing vessel" means any vessel, boat, ship, aircraft, or other craft which is used for, equipped to be used for, or of a type normally used for:

1. fishing; or
2. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, surveillance and searching for fish, preparation, supply, storage, refrigeration, transportation, or processing.

H. The term "foreign fishing" means fishing by any vessel other than a vessel registered or documented under the laws of the United States of America or the Commonwealth of the Northern Mariana Islands and fishing by any person who is not a resident of the Northern Mariana Islands.

I. The term "foreign fishing agreement" means an agreement relating to and permitting foreign fishing to which the Commonwealth of the Northern Mariana Islands is a party.

J. The term "person" means any individual (whether or not a citizen, national or citizen of the United States or the Commonwealth of the Northern Mariana Islands) and any partnership, corporation, association or other business entity, and any federal, state, territorial, local, or foreign government or any entity of any such government.

K. The term "resident of the Northern Mariana Islands" means:

1. any individual who is a citizen or national of the United States, including any individual included as a citizen or national of the United States by Section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, who maintains his actual residence in the Northern Mariana Islands;

2. any individual admitted to lawful permanent residence in the United States or the Northern Mariana Islands who maintains his actual residence in the Northern Mariana Islands; or

3. any person incorporated, organized, licensed, or permitted to do business within the Northern Mariana Islands under any provision of Commonwealth law; Provided, that any fishing vessel used by such person operates out of, and maintains its regular berth in, a port of the Northern Mariana Islands.

II. Exclusive Fishery Management Authority

A. The Commonwealth of the Northern Mariana Islands shall exercise exclusive fishery management authority within the CNMI waters over the following:

1. all fishery resources; and
2. all fishing activities.

B. The exclusive fishery management authority shall be vested in the Department of Commerce and Labor (DCL) and the Department of Natural Resources (DNR) and shall be exercised as follows:

1. DCL, in consultation and with the participation of DNR, shall be the lead agency for negotiating all foreign fishing agreements on behalf of the Commonwealth of the Northern Mariana Islands.
2. DNR shall:
 - a. determine allowable foreign catch levels to ensure that local fishing operations shall be given first priority in allocation; and
 - b. manage all fishery resources of the Commonwealth to ensure their continued supply for the protection of the natural resources, food production and economic benefit of future generations in the Commonwealth; and
 - c. ensure that management of the fishery resources is such that the purposes of the Act are fulfilled; and
 - d. establish surveillance and enforcement strategies and procedures; and

c. Determine the type of gear, equipment, methods and techniques which may or may not be used.

3. DCL and DNR shall cooperate and provide staff support to assist each other in the performance of their respective duties under the Act and this Order.

C. DCL and DNR are hereby empowered to issue Regulations to further implement their respective powers, duties and responsibilities under the Act and this Order.

III. Foreign Fishing Agreements and Permits

A. The Directors of DCL and DNR shall, upon successful completion of foreign fishing agreement negotiations, transmit to the Governor the proposed agreement for his signature and approval.

B. Upon approval by the Governor, the Director of Commerce and Labor shall issue a foreign fishing permit for each foreign fishing vessel covered by the foreign fishing agreement.

C. Each foreign fishing vessel shall prominently display the foreign fishing permit issued to that vessel in the wheelhouse of such vessel.

D. The Commonwealth shall have the option to require the use of observers on any foreign fishing vessel.

E. All fishing vessels other than foreign fishing vessels shall be required to have a valid fishing license issued by DCL, pursuant to regulations promulgated by DCL under this Order or any other provision of law, unless such vessel is exempt from such requirement under such regulations.

IV. Foreign Fishing

A. After February 28, 1981, no foreign fishing is authorized within CNMI waters, unless such foreign fishing is conducted pursuant to the Act, this Order, and any regulation issued hereunder, and in accordance with a valid and applicable foreign fishing agreement and permit approved or issued pursuant to this Order.

B. Any foreign fishing conducted in violation of the Act, this Order, any regulation issued hereunder, or any applicable foreign fishing agreement or permit, or

Fishing in excess of any catch allocation level shall be unlawful. Such violation shall subject the vessel, its officers, crew, operator, or owner, or any combination thereof, to the sanctions of Section 16 of the Act.

C. Prohibited Fisheries

1. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing directed at the harvest of billfish. Any vessel having on board billfish numbering more than fifty percent (50%) of its catch shall be presumed to be in violation of these regulations and subject to the sanctions of Section 16 of the Act.

2. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing likely to result in the harvest of or damage to coral of any type or species.

3. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing directed toward the harvest of, or likely to cause the harvest of, or injury to, marine mammals.

V. Fishery Management Fees

All fees paid pursuant to any foreign fishing agreement shall be covered into the General Fund of the Commonwealth Treasury and shall be available for appropriation.

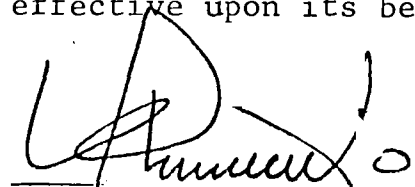
VI. Severability

If any provision or application of this Executive Order shall be held invalid by a court of competent jurisdiction, the remainder of this Order or other application hereof shall not be affected thereby.

VII. Effective Date

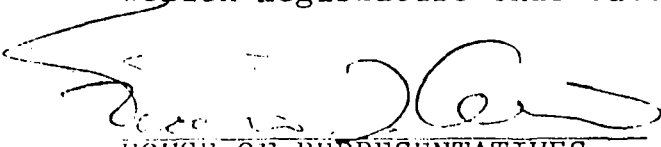
This Executive Order shall be effective upon its being signed by the Governor.

1/30/81
Date


CARLOS S. CAMACHO
Governor

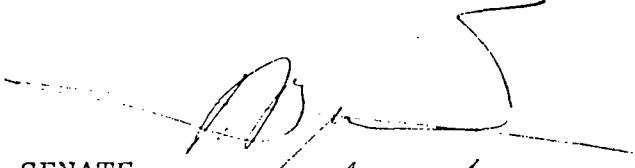
ACKNOWLEDGEMENT

It is hereby acknowledged that a courtesy copy of Executive Order No. 20 dated JANUARY 30, 1981, 1981, was received by the Second Northern Marianas Commonwealth Legislature this date.



HOUSE OF REPRESENTATIVES

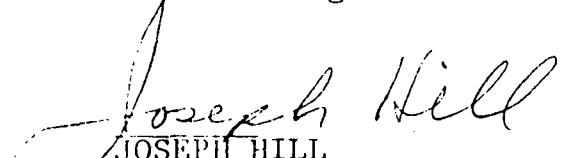
Date: 2/2/81



SENATE

Date: 2/2/81

Numbered and Approved as to Form and Legal Sufficiency:



JOSEPH HILL
Acting Attorney General

EXECUTIVE ORDER NO. 21

WHEREAS the Government of the Commonwealth of the Northern Mariana Islands operates, maintains, distributes, regulates or otherwise provides public utility services; and

WHEREAS the continued and efficient provision of such services is necessary and essential to the socio-economic development and stability of the Commonwealth and the health and welfare of its people; and

WHEREAS to be able to fulfill these objectives effectively, it is necessary that the public utility services be self-supporting; and

WHEREAS Chapter 15 of Title I of the Executive Branch Organization Act of 1978 (Public Law No. 1-8) gives the Department of Public Works the authority to adopt rules and regulations regarding the operation of public utilities, although rates have previously been set by the Trust Territory High Commissioner and Northern Mariana Islands Resident Commissioner under authorities which have not been amended or repealed by law and therefore devolve upon the Governor, thus creating overlaps, ambiguities, and confusion; and

WHEREAS it is necessary for efficient administration that the authority to set utility rates reside in a single entity;

NOW, THEREFORE, by the power vested in me as Governor of the Commonwealth of the Northern Mariana Islands, pursuant to Section 15 of Article III of the Constitution, I hereby establish the Commonwealth Utility Rate Commission (hereinafter referred to as the "Commission") with the following objectives, powers, duties and functions:

Section 1.

- A. The Commission shall adopt regulations, which shall have the force and effect of law, relating to the establishment of utility rates for use of water, sewer, electric power, and telecommunications systems in the Commonwealth, and may establish such rates.

- ~~B. The Commission may employ such staff as may~~ be necessary to perform its powers, duties, and functions pursuant to the provisions of applicable Civil Service laws, rules and regulations.
- C. The Commission shall formulate and adopt an annual operating budget to be submitted by the Chairman to the Office of the Governor for inclusion in the CNMI budget.
- D. The Commission is empowered to conduct research, hold public hearings, have access to and inspect relevant government records, subpoena other relevant records and documents, and compel the attendance of any person on any matter relating to the powers, duties and functions of the Commission.
- E. The Commission shall have such other powers and duties as may be necessary or incidental to the implementation of this Executive Order.

Section 2.

- A. To the extent that Public Law 1-8 authorizes the Department of Public Works to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.
- B. To the extent that the Governor, under the continuity of laws in force in the Commonwealth pursuant to Section 2 of the Schedule on Transitional Matters of the Constitution, has authority to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.
- C. Pending regular appropriations, such sums as may be necessary to carry out the operation and activities of the Commission, as determined by the Governor, shall be transferred to the Commission from appropriations available to the Executive Office of the Governor or the Department of Public Works.

Section 3.

The Commission shall consist of seven (7) members. The Director of Public Works shall be a member. The Governor will appoint six (6) members, none of whom shall be an elected official or an officer of any political party. The Governor shall appoint at least one member from each senatorial district. The Commission shall select a chairman and vice chairman from among its members every two years by a majority vote of the entire membership.

Section 4.

The term of each appointed member shall be four (4) years except that the terms of the members first appointed shall be as follows: Three (3) shall serve for a term of two (2) years; and three (3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as the original appointments.

Section 5.

Members shall receive an honorarium of \$50.00 for each meeting of the Commission and for each day in travel status on behalf of the Commission, except that any member who is an employee of the Commonwealth, or any agency, government corporation, or instrumentality thereof, shall not receive such honorarium if such employee has been granted administrative leave to attend such meeting or engage in such travel.

Section 6.

The Commission shall meet pursuant to its by-laws at least four (4) times annually. All decisions shall be made by majority affirmative vote, a quorum being present. Five (5) members shall constitute a quorum. Proxy voting shall be prohibited. All meetings shall be open to the public. Where personnel matters or other information affecting the privacy of any person are to be considered, the Commission may, at the request of such person, consider such matters or information in closed session; however, any official action resulting therefrom shall be acted upon in an open meeting.

Section 7.

The Commission shall have the power to establish rules and procedures necessary for the conduct of its business, which shall include the time and place of all regular meetings and a comprehensive conflict of interest provision.

Section 8.

Notwithstanding the provisions of Title 17 of the Trust Territory Code, as applicable in the Commonwealth, and the provisions of Title I, Chapter 3, Section 3(f) of the Executive Branch Organization Act of 1978 (P.L. 1-8), any rule, regulation, or rate adopted by the Commission shall take effect on a date specified by the Commission; Provided that, except for emergency rules, regulations, or rates effective for not more than 120 days, reasonable prior notice shall be given the public and reasonable opportunity afforded interested persons to comment thereon.

Section 9.

Not later than sixty (60) days after the close of the Commonwealth fiscal year, the Commission shall make an annual written report of its activities to the Governor and the Legislature.

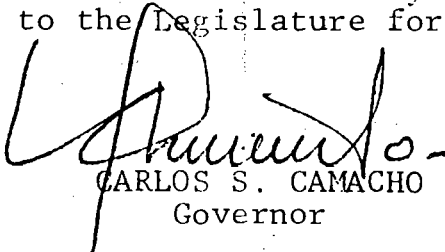
Section 10.

If any provision of this Order and rules and regulations adopted pursuant hereto, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

Section 11.

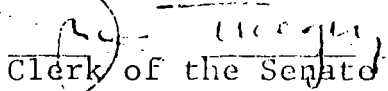
This Executive Order shall become effective sixty (60) days from the date of submission to the Legislature for approval.

DATE: 2/5/81


CARLOS S. CAMACHO
Governor

ACKNOWLEDGEMENT

It is hereby acknowledged that Executive Order No. 21 dated February 5, 1981, 1981, was submitted to and received by the Second Northern Marianas Commonwealth Legislature on February 10, 1981.


Clerk of the Senate


Clerk of the House
of Representatives

EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER NO. 22

SUBJECT: Energy Efficient Procurement Practices for the Government of the Commonwealth of the Northern Mariana Islands

WHEREAS, P.L. 94-163, the Energy Policy and Conservation Act and P.L. 94-385, the Energy Conservation and Production Act have become National policy; and

WHEREAS, each Public Law has the objective of reducing energy consumption on a National scale; and

WHEREAS, an important goal for the Commonwealth is to achieve a reduction in energy consumption of 5% of that energy projected to be consumed in the year 1980, in accordance with Federal Guidelines established by P.L. 94-163 and P.L. 94-385; and

WHEREAS, the Government of the Commonwealth procurement personnel have had opportunity for training in a workshop conducted by the Commonwealth Energy Office to apprise and instruct them in methods of application of energy saving criteria and standards to energy consuming equipment purchased for use by the Government; and

WHEREAS, tentative applicable standards are outlined in the Commonwealth State Energy Conservation Plan which are useful guidelines for procurement officers and buyers; and

WHEREAS, it is a requirement that Energy Efficient Procurement Practices and Standards be in place and ready for implementation on or before August 1, 1980;

NOW THEREFORE, I, CARLOS S. CAMACHO, Governor of the Commonwealth of the Northern Mariana Islands, by virtue of the authority vested in me by Article III, Section 15 of the Constitution, do hereby direct that all energy consuming equipment purchased for use by the Government of the Commonwealth of the Northern Mariana Islands, shall be subject to the following considerations and actions:

(1) No procurement agent shall initiate procurement action for energy consuming equipment for use by the Government (such as air-conditioners, refrigeration equipment, automobiles, pick-up trucks, large trucks, vans, buses, and the like), without a complete energy justification from the requesting agency. Such justification shall include but not be limited to:


- a) A statement of size, usage, or other category of usage or need as usually understood by that term.
- (b) A calculation showing the manner in which life-cycle costs were determined for the purpose of acquisition.
- (c) A statement showing how energy efficiency criteria were utilized in selecting the equipment.
- (d) A statement that the proposed purchase meet Energy Efficiency Standards no less stringent than those currently in effect, such as the 1978 U.S. Environmental Protection Agency Gas Mileage Guide for Vehicles, or U.S. Department of Energy AHAM Energy Efficiency Ratio Standards for such purchases, or similar standard guidelines as may be made available or amendments thereto.
- (e) In any case, procurement agents shall certify that every effort has been made to apply energy conservation criteria in all such purchases.
(See attached Guidelines.)

(2) Energy Efficiency Ratios: All energy consuming equipment shall be selected upon the basis of specifications which include Energy Efficiency Ratios, such information being supplied by the appropriate industry certification document which accompanies such equipment (such as AHAM/EPA, etc.)

(3) Life-Cycle Costs: Data from which the Life-Cycle Costs of all energy consuming equipment may be calculated shall be made available to procurement officials by suppliers or manufacturers of such equipment.

(4) Awarding of Bids: Awarding of bids for energy consuming equipment shall be made to suppliers on the basis of the above criteria in addition to initial cost, where the EER and LCC reflect energy and cost savings over the life of the equipment, shall be the final deciding point. Directors of all Government agencies, including autonomous agencies, shall ascertain that the above procedures are in force and applied to purchases and purchasing practices subsequent to the effective date of this Executive Order.

DATED: February 3, 1981


CARLOS S. CAMACHO
Governor

GOVERNMENT PROCUREMENT PRACTICES

1. The current Energy Efficiency Standards for AIR CONDITIONERS and other REFRIGERATION equipment are those incorporated in the American Home Appliance Manufacturers (AHAM) publications relating to such equipment.
2. The current Energy Efficiency Standards for VEHICLES of all types shall be the Environmental Protection Agency GAS MILEAGE GUIDE, for 1980, and amendments thereto.
3. Application of Energy Efficiency Criteria
AIR CONDITIONERS: The present AHAM Energy Efficiency Ratios (EER) range from 5.4 to 11.0. EER values have proven reliable criteria upon which to base procurement decisions, in preference to the simple 'low-dollar' valuation of many current bids. To take advantage of EER values, the following formula is used:

$$\frac{\text{Initial Cost}}{\text{EER}} \times \text{Total years of expected use} \times \text{Operational Costs} = \text{Total Bid Price}$$

EXAMPLE:

A. Air Conditioner "A" Supplier's Bid Price \$500.00,
EER 7.5, years of use (2)
 Operational cost \$350/2 years (very Optimistic)

$$\frac{\$500}{7.5} \times \$350 = 23,333$$

B. Air Conditioner "B" Supplier's Bid Price \$500.00
 EER 9.5, years of use (2)
 Operational cost \$250/2 years (very Optimistic)

$$\frac{\$500}{9.5} \times \$250 = 13,158$$

Taking into account the reduced costs for the higher EER, Air Conditioner "B" is the better buy, and gets the bid. Even if Air Conditioner "A" cost only \$400, "B" is still the better buy. This is basically because the lower EER unit will have higher operating costs than a more efficient unit.

VEHICLES: The current, 1980 Environmental Protection Agency (EPA) Gas Mileage Guide shall be the official guide for determining gas mileage for Government vehicles of all kinds. In addition to pricing information, the following formula shall be used which takes into account the factors of total estimated mileage and the price per gallon of gasoline:

Calculation of Total Bid Price: (TBP)

Basic Formula: Total Miles driven x Price/Gallon + Bid Price=TBP
EPA Rating of gasoline

EXAMPLE:

A. Vehicle "A" (EPA Gas Mileage Rating 41 MPG)

70,000 miles x \$1.40/gal. + \$4,000=\$6390.24 (TBP)
41

B. Vehicle "B" (EPA Gas Mileage Rating 34 MPG)

70,000 miles x \$1.40/gal. + \$4,000=\$6882.35 (TBP)

The difference of \$492.11 in favor of Vehicle "A" with the better EPA Gas Mileage Rating, results in a saving of nearly a year's fuel costs.

Where such formulas are not available to procurement personnel as required by section (1a) of Executive Order No. 22, the supplier shall provide the calculation, showing all computations. When such formulas are available from the Public Procurement Research Foundation, Inc., of the National Association of State Purchasing Officials, P.O. Box 11910, Iron Works Pike, Lexington, Kentucky 40511, they shall be incorporated into these guidelines, and made applicable to all purchases of energy consuming equipment.

COMMONWEALTH ENERGY OFFICE

EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER NO. 23

SUBJECT: Lighting efficiency standards for new and renovated Commonwealth Buildings

WHEREAS, P.L. 94-163, the Energy Policy and Conservation Act, and P.L. 94-385, the Energy Conservation and Production Act have become National policy; and

WHEREAS, these two public laws have the objective of reducing energy consumption on a national basis, and

WHEREAS, The State Energy Conservation Plan of the Commonwealth is in conformance with the law(s) and guide-lines established therein; and

WHEREAS, lighting efficiency standards are specified for both new and renovated buildings; and

WHEREAS, it is a requirement that lighting efficiency standards be developed and in place and ready for implementation on or before August 1, 1980, and

WHEREAS, architects, engineers, and other construction personnel have been apprised of the requirements for lighting efficiency standards in new, renovated buildings; and existing public buildings on excess of 5,000 square feet;

NOW THEREFORE, I, CARLOS S. CAMACHO, Governor of the Commonwealth of the Northern Mariana Islands, by virtue of the authority vested in me by Article III, Section 15 of the Constitution, do hereby direct that all new and renovated buildings of the Commonwealth shall conform to lighting efficiency standards no less strict than those of ASHRAE 90-75, and instruct the Department of Public Works, in concert with the Commonwealth Energy Office to establish a procedure to ensure that these efficiency standards are addressed in each building plan for new or renovated buildings in the Commonwealth.

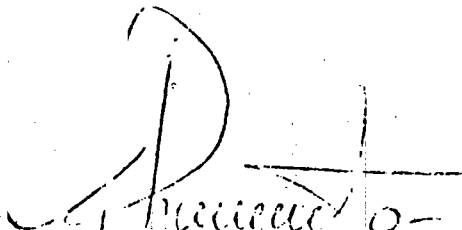
Renovated building means any building which is suitable for human occupancy, as an office or workspace, which comprises at a minimum 25% of the useable space on the building being renovated. Such improvements may include, but are not limited to: change resulting from studies of lighting power budgets, installation of Luminaire-type fluorescent fixtures where appropriate, modifications in wiring or bulb replacement,

when their ~~incandescent or fluorescent~~, or other such changes which improve the lighting efficiency of the building being constructed or renovated.

It is an important objective of this Executive Order to enable all parties to reduce electrical consumption by taking appropriate actions in reducing their lighting ~~power~~ consumption.

The Directors of all Commonwealth Government agencies, including any autonomous agencies, shall ascertain that the above requirements are in force and applied to all new and renovated buildings or plans therefor, subsequent to the effective date of this Executive Order.

DATED: FEB 18 1981



CARLOS S. CAMACHO
Governor

EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER NO. 24

SUBJECT: Thermal Efficiency Standards for new and renovated Commonwealth Buildings

WHEREAS, P.L. 94-163, the Energy Policy and Conservation Act, and P.L. 94-385, the Energy Conservation and Production Act have become national policy; and

WHEREAS, each of the public laws has as the objective of reducing energy consumption on a National basis; and

WHEREAS, the State Energy Conservation Plan of the Commonwealth is in conformance with the Law(s) and guidelines established therein; and

WHEREAS, thermal efficiency standards are specified for both new and renovated buildings; and

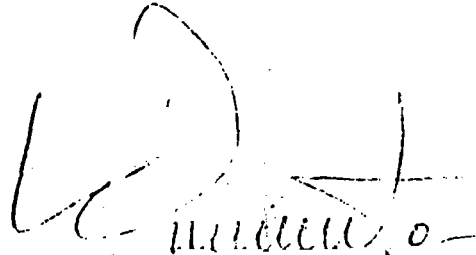
WHEREAS, it is a requirement that thermal efficiency standards be in place and ready for implementation on or before August 1, 1980; and

WHEREAS, architects, engineers, and other construction personnel have been apprised of the requirements for thermal efficiency standards in new and renovated buildings;

NOW, THEREFORE, I, CARLOS S. CAMACHO, Governor of the Commonwealth of the Northern Mariana Islands, by virtue of the authority vested in me by Article III, Section 15 of the Constitution, do hereby direct that all new and renovated buildings of the Commonwealth shall conform to thermal efficiency standards no less strict than those of ASHRAE 90-75, and instruct the Department of Public Works in concert with the Commonwealth Energy Office to establish a procedure to ensure that these standards are addressed in each building plan for new or renovated buildings of the Commonwealth. Renovated buildings means any building which is suitable for human occupancy as an office or workspace, which comprises at a minimum 25% of the building being renovated. Such improvements may include, but are not limited to: air conditioning, thermal insulation, shading, or any other procedure which reduces air conditioning or heating loads.

The Directors of all Commonwealth Government agencies, including any autonomous agencies, shall ascertain that the above requirements are in force and applied to all new and renovated buildings or plans therefor, subsequent to the effective date of this Executive Order.

DATED: FEB 18 1961



CARLOS S. CAMACHO
Governor