

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

Volume 4 Number 1

Page 1448 to Page 1461

Date of Publication: May 24, 1982



Commonwealth

Register

Published monthly by the Registrar of Corporation
Office of the Attorney General
Saipan, Mariana Islands 96950

TABLE OF CONTENTS

	<u>PAGE</u>
PUBLIC NOTICE - Rules and Regulations for the Department of Commerce and Labor	
Notice of Emergency Rules and Regulations for the Licensing of Offshore Banking Corporations	1448
PUBLIC NOTICE - Rules and Regulations for the Commonwealth Ports Authority	
Notice of Proposed Amendments to Commonwealth Ports Authority	1453
PUBLIC NOTICE - Rules and Regulations for the Immigration Office	
Notice of Intention to Amend Title 53 Immigration and Nationality Regulations . . .	1458

NOTICE OF PROMULGATION
OF EMERGENCY REGULATIONS

Pursuant to 17 Trust Territory Code, Section 4(2), and Public Law 1-8 Section 3(d) the Director of Commerce and Labor hereby promulgates emergency regulations for the reasons and in a manner herein provided.

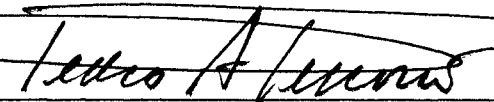
The Director of Commerce and Labor, with the concurrence of the Governor of the Commonwealth of the Northern Mariana Islands, finds that the present lack of regulation governing Offshore Banking in the Commonwealth: (1) is inhibiting economic growth because such business is unwilling to locate in an unregulated market and instead is locating in areas such as Guam, whose legislature recently passed an Offshore Financing Law; and (2) is posing a threat to the people of the Commonwealth due to the lack of regulation of banking practices. The public interest thus requires immediate promulgation of Emergency Rules and Regulations to act as interim rules until the procedures mandated by Title 17 of the Trust Territory Code for promulgation of permanent rules and regulations may be complied with. The regulations as set forth hereinafter are to be effective for a period of 120 days after promulgation, unless repealed or modified at an earlier time as provided by the laws of the Commonwealth.

3/5/82
Date



JESUS R. SABLAN
~~Acting~~ Director
Department of Commerce and Labor

FEB. 22, 1982
Date



PEDRO A. TENORIO
Acting Governor of the Commonwealth
of the Northern Mariana Islands

Gi papa Titulo 17, Seksiona 4(2) gi Kodigon i Trust Territory, yan Seksiona 3(d) gi Lai Publiko 1-8, i Direktot i Commerce yan Labor esta guiya ha declara "emergencia na lai" pot i sigiente siha na rason:

I Direktot i Commerce yan Labor, gi papa i aprebasion i Gobetnon i Sankatan na Islas Marianas, ha soda na i taya lai pat regulasion pot este na klasen business i offshore banking gi halom i Commonwealth: (1) Haditietieni i adelanton i ekonomia sa ayo i offshore banking na business tiha-malague na ufatto gi lugat anai taya lai pot offshore banking. Pot este na rason na manhahanao guato gi eyo na lugat anai guaha lai tat komo Guam anai i Congresson niha ma passa lai pot offshore financing na lai; yan (2) taya proteksion para i publikon Marianas gi bandan este na business i banko.

I interes i publiko ginagagao na ensegidas umana guaha un "Emergencia na Lai Regulasion" pot bandan este na klasen business. Este siha na lai pat regulasion u gobietna este na klasen business asta ke mana guaha petmanente na lai.

I sigiente siha na regulasion para u efektibo gi halom 120 dias solo ke uma puno pat matulaika.

Matso 5, 1982

Fecha

/s/ Jesus R. Sablan

JESUS R. SABLAN, Direktot
Depattamenton Commerce yan Labor

Febreru 22, 1982

Fecha

/s/ Pedro A. Tenorio

PEDRO A. TENORIO
Segundo Magalahe, Sankatan na
Islas Marianas

EMERGENCY RULES AND REGULATIONS FOR
THE LICENSING OF OFFSHORE BANKING CORPORATIONS

Section 1. Off-Shore Banking Corporation. An 'Off-Shore Banking Corporation' is an entity incorporated in the Commonwealth of the Northern Mariana Islands, whose principal purpose is (a) negotiating, making and extending loans to borrowers who are not residents or citizens of the Commonwealth of the Northern Mariana Islands or, (b) borrowing from lenders who are not residents or citizens of the Commonwealth of the Northern Mariana Islands. An Off-Shore Banking Corporation shall record in the Commonwealth of the Northern Mariana Islands, for accounting purposes, all its loans, borrowings and business transactions. An Off-Shore Banking Corporation shall not transact business as a retail bank within the Commonwealth of the Northern Mariana Islands.

Section 2. Before any person or entity may operate an Off-Shore Banking Corporation in the Commonwealth of the Northern Mariana Islands, a written license authorized by the Director of Commerce and Labor shall be obtained.

Section 3. An Off-Shore Banking Corporation license shall be issued after the applicant has met the following requirements:

- (a) It is duly incorporated under the laws of the Commonwealth of the Northern Mariana Islands.
- (b) It has filed with the Director of Commerce and Labor a certified copy of its articles of incorporation and of its by-laws and an application for the business license referred to herein in such form as may be prescribed by the Director.
- (c) It has complied with all applicable requirements of the Commonwealth of the Northern Mariana Islands Law relating to domestic corporations.

Section 4. Commencement of Business. After issuance of an Off-Shore Banking Corporation license, a licensee shall not commence business in the Commonwealth until:

- (a) It has deposited a minimum of \$10,000.00 in a licensed retail bank within the Commonwealth of the Northern Mariana Islands and the local agent of the licensee has filed an affidavit so stating

with the Director of Commerce and Labor. At no time shall an Off-Shore Banking Corporation maintain a local deposit of less than \$10,000.00.

- (b) Its manager or agent residing in the Commonwealth of the Northern Mariana Islands has taken an oath that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willfully permit to be violated any of the provisions of law applicable to the corporation and the oath, subscribed by the manager or agent taking it, has been transmitted to the Director of Commerce and Labor and filed in his office.
- (c) It shall have provided such information regarding stockholders of the Off-Shore Banking Corporation as the Director of Commerce and Labor may reasonably require. In complying with this requirement, a review of the financial and criminal background of substantial stockholders by a reputable agency engaged in the business of investigation shall be sufficient. No information provided in compliance with these regulations shall be furnished to any third party, except upon court order, subpoena, other judicial process or the express consent of the parties involved. This duty to provide information regarding stockholders shall be continuing duty, and every change of stockholders shall be reported within thirty (30) days.

Section 5. The license issued pursuant to these rules shall be for term of one (1) year, renewable for terms of one (1) year. The license fee for each license period shall be Two Hundred Fifty Dollars (\$250.00) payable at the time an application for licensure is filed with the Director of Commerce and Labor.

Section 6. Each Off-Shore Banking Corporation shall submit to the Director of Commerce and Labor twice in each calendar year a report of its condition as of such dates as the Director may fix. Such reports shall contain such information as the Director may reasonably require to ascertain whether or not the Off-Shore Banking Corporation is being operated in accordance with these rules. The record of an Off-Shore Banking Corporation concerning transactions between an Off-Shore Banking Corporation and its individual customers shall be confidential and an Off-Shore Banking Corporation is prohibited from furnishing to third

parties records of any individual transaction between the Off-Shore Banking Corporation and any of its borrowers, lenders or other customers except upon court order, subpoena, or other judicial process or the express consent of the parties involved. No process shall require disclosure sooner than fifteen (15) days from the date of service of such process upon the Off-Shore Banking Corporation.

Section 7. If any provisions of these rules and regulations, or any application of them to any person or circumstance shall be held invalid, the remainder of these rules and regulations and their application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 8. These rules shall be effective as of this date, and remain in effect for a period not exceeding 120 days.

DATED this 5th day of March, 1982.



JESUS R. SABLAN
~~Acting~~ Director
Department of Commerce and Labor



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P. O. BOX 1055 • SAIPAN • CM 96950

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO CPA RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to the authority of Section 4(4) of Public Law No. 2-48, and in accordance with the provisions of Section 4(1) of Title 17 of the Trust Territory Code, hereby gives notice to the public of its intention to adopt new regulations and amend existing regulations for the Commonwealth Ports Authority concerning the following: security screening of passengers, conduct of air freight business at ticket counters, and written agreements for use of terminal buildings by airlines. The proposed regulations are published herewith.

All interested persons will be given a reasonable opportunity to submit data, views, or arguments, in writing, concerning the proposal regulations. Written comments must be submitted to the Executive Director, Commonwealth Ports Authority, not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

J.M. GUERRERO
Chairman
Board of Directors
Commonwealth Ports Authority



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P. O. BOX 1055 • SAIPAN • CM 96950

NOTISIAN PUBLIKO

I Commonwealth Ports Authority, sigun gi Seksiona 4(4), Lai Publiko 2-48, yan sigun gi probision siha nui Seksiona 4(1), Kapitulo Numero 17, Kodikon Trust Territory, ha notitisia i publiko pot i intension para umaadapta man nuebo na regulasion yan para umaamenda i regulasion Mariana Islands Airport Authority pot este siha: security screening pot i pasajeros; air freight bisnis gi sagan ticket; yan kontrato pot i ma-usa i terminal buildings. I mapropopone na regulasion para mapublika guine.

Todos personas ni man interesao siempre manae oportunidad ni unfanmatugi ya umasubmiti opinion pot este na mapropopone na regulasion gi Executive Director, Mariana Islands Airport Authority, gi halom trenta (30) dias despues de mapublika este na Notisia.

J.M. GUERRERO
Chairman
Board of Directors
Commonwealth Ports Authority



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P. O. BOX 1055 • SAIPAN • CM 96950

PROPOSED AMENDMENTS TO RULES AND REGULATIONS

1. Security Screening.

(a) Part 7 of the Rules and Regulations of the Commonwealth Ports Authority is hereby amended by the addition of a new part 7.7, to read as follows:

"7.7. Security Screening. Whenever security screening of passengers departing from Saipan International Airport, and their carry-on baggage, is required by Federal or other applicable laws or regulations, such security screening shall be conducted electronically, utilizing an electronic security screening system, and hand-screening of passengers and their carry-on baggage shall not be permitted. The Commonwealth Ports Authority provides an electronic security screening system for this purpose, which is available for use by all airlines serving Saipan International Airport on a reasonable and non-discriminatory basis. The use of said system is subject to the payment of such reasonable fees and charges as may be established, either by agreement with the system operator or otherwise."

(b) This Regulation takes effect upon its adoption by the Commonwealth Ports Authority and upon its publication in the Commonwealth Register in accordance with law.

2. Cargo operations at ticket counters.

(a) Part 7.6 of the Rules and Regulations of the Commonwealth Ports Authority is hereby amended by the addition of the following sentence:

"Air cargo may not be accepted for carriage, or delivered to consignees, at airline ticket counters or inside any security fence at Saipan International Airport; except that shipments not exceeding 25 lbs in weight and 45 inches in the sum of length, width, and height, may be accepted or delivered at ticket counters."

(b) Upon its adoption by the Commonwealth Ports Authority and its publication in the Commonwealth Register in accordance with law, this Regulation shall take effect on August 1, 1982.

3. Operating agreement.

(a) Part 7 of the Rules and Regulations of the Commonwealth Ports Authority is hereby amended by the addition of a new part 7.8, to read as follows:

"7.8. Operating Agreement.

No carrier providing scheduled service to or from any airport within the Commonwealth of the Northern Mariana Islands shall utilize any terminal facility owned or operated by the Authority unless such carrier shall have

entered into a written operating agreement with the Authority. Such agreement shall provide, among other things, that the failure to pay any fees and charges for the use of airport facilities in the Commonwealth shall be grounds for eviction from terminal facilities and the denial of the right of use of airport facilities.

The Executive Director may suspend the enforcement of this Regulation for a period not exceeding six months from its effective date."

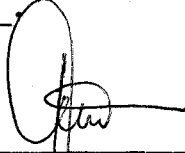
(b) Upon its adoption by the Commonwealth Ports Authority and its publication in the Commonwealth Register in accordance with law, this Regulation shall take effect on August 1, 1982.

NOTICE OF INTENTION TO AMEND
TITLE 53 IMMIGRATION AND NATIONALITY REGULATIONS

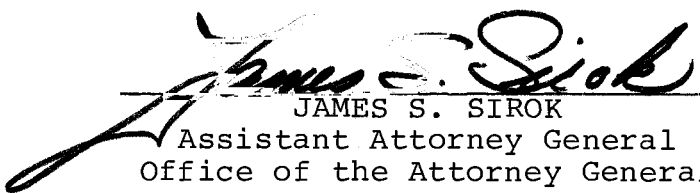
Pursuant to the authority granted to the Chief of Immigration and Nationality by the Governor under Part 10.4 of the Adopted Regulations for Title 53 of the Trust Territory Code, and in accordance with Title 17 of the Trust Territory Code, notice is hereby given of the Chief's intention to amend the Rules and Regulations currently applicable to the provisions of Title 53, Trust Territory Code.

The following amendments will be made to the rules and regulations currently in effect. All interested persons may submit their comments on the amendments by writing to the Chief of Immigration, Office of Immigration and Naturalization, Susupe, Saipan, CM 96950. All comments must be submitted prior to the expiration of thirty (30) days from the date of the publication of this notice.

DATED: March 18, 1982


FRANCISCO C. CASTRO
Chief, Immigration & Naturalization

CONCURRING AUTHORITY:


JAMES S. SIROK
Assistant Attorney General
Office of the Attorney General

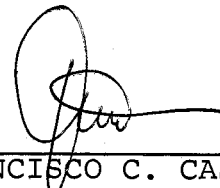
NOTICIA POT INTENSION PARA UMA AMENDA I TITULO 53
POT I REGULASION I IMMIGRATION YAN NATIONALIDAD

SEGUN I AUTORIDAD NI MANAE I CHIEF I IMMIGRATION NUI GOBIETNO GI PAPA PATTI 10.4 GI MA ADOPTA NA REGULASION GI TITULO 53 YAN TITULO 17 GI CODIGON I TRUST TERRITORY, MA NOTITISIA TODOS MAN TINETEKKA POT INTENSION I CHIEF I IMMIGRATION POT PARA U AMENDA I AREGLU YAN REGULASION NI MAN APLIKABLE GI PRESENTE GI PROVISION I TITULO 53 GI CODIGON I TRUST TERRITORY.

ESTE SIHA NA AMENDASION PARA UMACHOGUE GI AREGLU YAN REGULASION SIHA NI MAN APLIKABLE GI PRESENTE. TODOS MAN GAI INTERES NA PERSONA SINA MAN NAHALOM TESTIMONIO GUATO GI OFFISINAN I IMMIGRATION GIYA SUSUPE, SAIPAN, CM 96950. TODO TESTIMONIO SIHA DEBE UMA SUBMITE ANTES DE UMATAI I TRENTA (30) DIAS DESDE FECHAN ESTE NA NOTISIA.

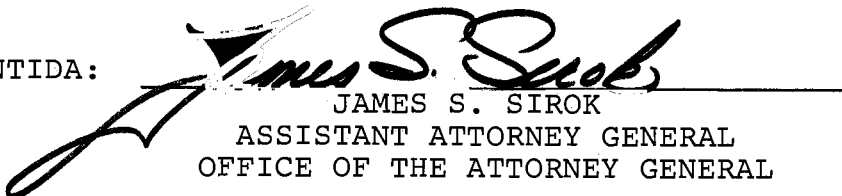
FECHA:

March 18, 1982



FRANCISCO C. CASTRO
CHIEF OF IMMIGRATION AND NATURALIZATION

KONSENTIDA:



JAMES S. SIROK
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL

AMENDMENTS TO THE IMMIGRATION REGULATIONS

Part 11.8(a)3 Entry for Title 49 Non-Resident Workers is in conjunction with the issuance of a Title 49 work permit. Cancellation, termination or expiration of the work permit is automatic cancellation, termination, or expiration of the entry permit. An entry permit for a Title 49 non-resident worker may be renewed in conjunction with the renewal of the permittee's work permit, provided that the application for renewal is submitted prior to the expiration date of the work and entry permits, and further 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 (4) years including renewals.

a. A person whose entry is issued in conjunction with the issuance of a work permit and whose stay is found by INO to have met the 4-year requirement stated above shall be required to depart the CNMI and is not eligible for re-entry as a Title 49 worker until a period of ninety (90) days has elapsed following the departure from the CNMI. Thereafter, an application for re-entry in conjunction with a Title 49 work permit will be considered a new application and not a renewal of the expired entry permit.

b. A person whose entry permit is issued in conjunction with the issuance of a work permit and whose stay would be found to be in excess of the 4-year requirement stated above, if a renewal is granted, shall have his/her permit renewed, if granted renewal, for a period which would expire on or before the 4-year deadline is met.

c. A person who enters the CNMI in conjunction with the issuance of a Title 49 work permit, together with his/her family and relatives entering simultaneously or subsequently, shall be deemed to a non-resident of the CNMI and ineligible to be able to establish residence or domicile in the CNMI regardless of the extended period of the entry, except that such person is eligible to be considered a resident if he/she meets the requirements of Part 11.8(b).

d. Part 11.8(a)3 of the prior adopted regulations is hereby repealed and voided in its entirety.

Part 11.8(b) Permanent Resident Entry Permit

1. Permanent Resident entry permits are issued by the Chief of Immigration and Naturalization pursuant to the

authority granted to it under the provisions of 53 TTC §53(2) and Public Law 1-8 to a person who meets the following conditions:

a. is an alien who has legally entered the CNMI and who is currently living within the CNMI under authorization of the INO;

b. who is a spouse or a legal child of a U.S. citizen, or of a citizen of the Trust Territory of the Pacific Islands.

2. A permanent resident permit shall be considered null and void automatically upon termination of permittee's qualifying status outlined on Part 11.8(b)1b of these regulations.

3. A permanent resident permit may be revoked at any time by the Chief after a hearing is conducted and good cause is found. Good cause for revocation of permanent residence status shall be the same as those enumerated in Part 14.5 except that the term "government of the CNMI" shall be considered to be included in the appropriate provisions thereof.

4. An application fee of \$100.00 shall be charged and paid to the Treasurer of the Northern Marianas and shall be credited to the INO for its use in operational expenses.

5. An alien whose permanent resident permit has been voided or revoked pursuant to Parts 11.8(b)2 or 11.8(b)3 shall not be allowed to acquire another immigration status without first leaving the CNMI, applying for, and re-entering under the new status.

6. Permanent resident permits issued under this part are not the same as those permits issued under Public Law 5-11, and are not subject to the restrictions of those issued under Public Law 5-11. It is contemplated that the issuance of a permanent resident permit under this part excludes the permittee from the mandate of Title 49, Trust Territory Code pursuant to 49 TTC 3(d) and 3(e). In this respect, a card shall be issued to the qualifying permittee under this part which is different and distinct from that issued to a permittee under Public Law 5-11.

7. Part 11.8(b) of the prior adopted regulations is hereby repealed and voided in its entirety.