

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS

VOLUME 18 NUMBER 02



FEBRUARY 15, 1996

COMMONWEALTH

REGISTER

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**COMMONWEALTH GOVERNMENT EMPLOYEES'
CREDIT UNION**

P. O. BOX 135, SAIPAN MP 96950

RITA U. BAILAS
CHAIRWOMAN

DAVID C. SABLAN
GENERAL MANAGER

BEN S. SALAS
VICE CHAIRMAN

JESSE S. PALACIOS
SECRETARY

LOURDES B. ALDAN
MEMBER - TINIAN

JUANITA H. MUNDO
MEMBER - ROTA

JANUARY 30, 1996

CGECU-96-009

**NOTICE OF EMERGENCY AND ADOPTION OF PROPOSED REGULATIONS OF
THE COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION**

EMERGENCY: The Board of Directors of the Commonwealth Government Employees' Credit Union (the "Credit Union") finds that pursuant to Commonwealth Code, Title 1, Division 9, Chapter 1, Section 9104(b) (1 CMC Section 9104(b)), the public interest requires the adoption of emergency regulations, upon concurrence of the Governor, to begin operations of the Credit Union, as established by PL. 9-52. The Board finds that the public interest requires adoption of these regulations upon fewer than 30 days notice, and that these regulations shall become effective immediately upon filing with the Registrar of Corporations for the reasons below and shall remain effective for 120 days.

REASON FOR EMERGENCY: The Legislature created the Credit Union to assist Commonwealth government employees in reaching their financial goals. Many have already registered to become members, and agreed to save money through deposits with the Credit Union. These emergency regulations are necessary to allow the Credit Union to begin normal, daily operations, become a contributing corporate member of our community, help members to realize their savings goals at the earliest possible date, and thereby implement the Legislature's intent.

CONTENTS: The regulations provide for general operation of the Credit Union, allow the Credit Union to receive member's savings and to borrow money as authorized by P. L. 9-52, and include safeguards to protect members and their deposits.

INTENT TO ADOPT: The Credit Union Board of Directors intends to adopt these regulations as permanent, pursuant 1 CMC Section 9104 (a)(1) and (2) , and therefore publication in the Commonwealth Register, notice opportunity for comment and, if necessary, hearing will be provided. Comments on the contents of these regulations may be sent to : Ms. Rita U. Bailas, Chairwoman of the Board, Commonwealth of the Board, Commonwealth Government Employee's Credit Union;

TEL: (670)233-6470/1210, FAX: (670)233-1210

P.O. Box 135; Saipan, MP 96950.

AUTHORITY: The Board of Directors of the Credit Union is authorized to promulgate regulations pursuant to Section 7(c) of Public Law 9-52.

Rita U. Bailas
RITA U. BAILAS
Chairwoman
Commonwealth Government Employee's Credit Union

2/1/96
Date

Froilan C. Tenorio
FROILAN C. TENORIO
Governor

2/1/96
Date

for. Soledad B. Sasamoto
SOLEDAD B. SASAMOTO
Registrar of Corporations

2/1/96
Date
(Date of filing with Registrar)

TEL: (670)233-6470/1210, FAX: (670)233-1210

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MEMBER - TINIAN**

**JUANITA H. MUNDO
MEMBER - ROTA**

JANUARY 30, 1996

CGECU-96-009

**NUTISIA PUT I GOTPE NA PRINUPONEN REGULASION I
COMMONWEALTH GOVERNMENT EMPLOYEE'S CREDIT UNION YAN I
MA'ADAPTAN-NIHA SIHA**

GOTPE NA NISISIDAT: I Kuetpon Direktot I Commonwealth Government Employee's Credit Union (I "Credit Union") siha, ma sodda' na sigon gi Kodikon Commonwealth, Titulu 1, Dibisiona 9, Kapitulu 1, Seksiona 9104(b) (1 CMC Seksiona 9104(b), I interes publiku ha nisisita I ma'adaptan I gotpe na prinuponen regulasion siha, entre aprueban I Gubetno, para u tutuhon I operasion I Credit Union, komu ma'establesi ni Lai Publiku Numiru 9-52. I Kuetpon Direktot siha masodda' na I interes publiku ha nisisita I ma'adaptan este siha na regulasion gi halom menos di trenta (30) dias na nutisia, ya este siha na regulasion u fanefektibu ensigidas despues di manmasatmiti quato gi Rehistradot Kotporasion put I sigente siha na rason ya u fanefektibu sento bente (120) dias.

RASON PUT I GOTPE NA NISISIDAT: I Lehislatura ha establesi I Credit Union para u asiste I emplehaon gobetnamenton Commonwealth humago I minalago-niha siha put asuntan fainansiat. Meggai esta manmarehistra para u fanmembro yan manggonfotme manmandiposita salappe' guato gi Credit Union. Este I gotpe na prinuponen regulasion siha manisario para u sedi I Credit Union ya u tutuhon kumalamten kada dia yanggen u huyong komu unu na kotporasion ni mangontritribi na membro gi komunitat-ta ni para u ayuda I membro siha rumialisa gi etmas chaddek na tiempo I tutat kuantu malago-niha para u mapo'lo, yan ginen ennao u implementa I intension I Lehislatura.

FONDAMENTO: I regulasion siha ha pribebeni para I hinerat na operasion I Credit Union, para u sedi I Credit Union ya u risibi I salappe yan pine'lon I membro siha yan para u fanayao salappe' komu ma'aturisa ni Lai Publiku Numiru 9-52, yan para u engklusu asiguracion siha para u prutehi I membro yan I dinipositan-niha siha na salappe'.

TEL: (670)233-6470/1210, FAX: (670)233-1210

INTENSION PARA U MA'ADAPTA: I kuetpon Direktot I Credit Union siha ma intensiona para u ma adapta este siha na regulasion komu petmanente, sigon gi 1 CMC Seksiona 9104(a)(1) yan (2), ya ginen ennao I ma publika-na gi halo I Rehistran Commonwealth, nutisian apottunadat para komento yan, yanggen nisisario, inekkungok siempre u mapribeni. Komento siha put I sostansian este siha na regulasion sina manmasatmiti guato gi as: Sinora Rita U. Bailas, Kabesiya I Kuetpon Direktot siha, Commonwealth Government Employees' Credit Union; P.O. Box 135; Saipan, MP 96950.

ATURIDAT: I Kuetpon Direktot I Credit Union siha manma'aturisa manlaknos regulasion siha sigon gi Seksiona 7(c) gi Lai Puplicu Numiru 9-52.

Rita U. Bailas

MS. RITA U. BAILAS
Kabesiya

Commonwealth Government Employees' Credit Union

2/1/96

Fecha

Froilan C. Tenorio

FROILAN C. TENORIO, GUBETNO

2/1/96

Fecha

Soledad B. Sasamoto

for: MS. SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion siha

2/1/96

Fecha

TEL: (670)233-6470/1210, FAX: (670)233-1210

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MEMBER - ROTA

JANUARY 30, 1996

CGECU-96-009

**ARONGORONG REEL GHITIPOTCH ME ALLELGHELOÓL FFEERÚL ALLEGH KKA E
GHIL NGALIIR SCHÓÓL ANGAANGAL LEMELEMIL COMMONWEALTH MELLÓL
SCHUULAPAL ISIISIL ME TINGÓROL SELAAPIL (CREDIT UNION)**

GHITIPOTCH: Mwischiil Assamwoolul Schóól Angaangal Lemelemil Commonwealth mellól Schuulapal Isiisil me Tingórol Selaapi (Credit Union) iye schéschéél (Credit Union) nge ghuleey me schuungi bwe sáangi afal kka elo llól Commonwealth Code, Title I, Division 9, Chapter 1, Tálil 9104(b), reel ghatchúúr me tipeer towlap nge e fil ebwe alléghéló alleghúl ghitipotch igha schagh. Sówlemelem e angúúw bwe ebwele bwéletá mwóghutughutul Schuulapal isiisil me Tingorol Selaapi (Credit Union) igha eyoor sáangi Alléghúl Towlap ye 9-52. Miisch yeel e schuungi bwe tipeer me ghatchúúr towlap mille e fil bwe ebwe alléghéló allégh kkaal fitirál sáangi eliigh (30) rál igha ebwe yoor arongorong, me allégh kkaal ebwe kkáyil alléghéló igha schagh e tooló reel Registrar of Corporation reel bwúlúl kka faal nge ebwe alléghéló schagh llól ebwughúw ruweigh (120) rál.

BWULUL GHITIPOTCH: Sówbwung nge re ayoráátá Schuulapal Atotoolong me Tingórol Selaapi (Credit Union) bwe ebwe alisiir schóól angaangal lemelemil Commonwealth bwe rebwe ghuláátá tool yaar yááli fischiiy selaapi. Raa Sségh schóó kka raa toolong, me angúúngú bwe ebwe ammwala fischiiy yar selaapi ngáre re isiisilong llól Schuulapal Aisiisil me Tingórol Selaapi (Credit Union). Alléghúl ghitipotch kkaal nge e fil ebwe yoor bweigh Schuulapal Aisiisil me Tingórol Selaapi Ebwe mmwelil mwóghutughut, toowow bwe eew schuulap ye e schuulong leyir towlap, alisiir aramas kka re toolong llól bwe rebwe ghuleey ipital yaar aisiis selaapi, nge sáangi milikkaal nge rebwele ayoráátá me tabweey meeta tipeer Sówbwung.

AWTOL: Allégh kkaal nge e ayoora mwóngutughutul Schuulapal Aisiis me Tingórol Selaapi (Credit Union), lighiti ngáli bwe ebwe bweibwogh yaar aramas kka reschuulong llól aisiis me alapelóól selaapil (investments) me tingór fetál selaapi sáangi bwángil Alléghúl Towlap ye 9-52, me ayoora fféer ye rebwe ammwala fischiiy me afálliiy yaar aramasal (membro) aisiisil selaapi.

MANGEMANG BWE EBWE ALLEGHELO: Mwiischil Schuulapal Aisiis me

TEL: (670)233-6470/1210, FAX: (670)233-1210

Tingórol Selaapi (Credit Union) nge remángiir bwe ebwe alléghéló allégh kkaal ngare esóor aighúghúl, sáangi ailééwal me bwángil 1 CMC Talil 9104(a)(1) me (2) nge ila nge ebwe toowow mellól Commonwealth Register, ayoora arongorong reer ara, as bwe rebwe atotoolong meeta tipeer me mángemángiir, ayoora iyéélághil towlap ngáre e fil. Tiip me mángemáng reel awtol allágh kkaal nge emmwel schagh aramas ye e tipáli ebwe ischiitiw nge aa afanga ngáli: Ms. Rita U. Bailas, Chairwoman, Commonwealth Government Employees' Credit Union, PO BOX 135, Saipan, MP 96950.

BWÁNG: Murischil Schuulapal Aisiis me Tingórol Selaapi nge eyoor bwángil bwe ebwe fféer allégh sáangi ailééwal Tálil 7(C) mellól Alléghúl Towlap ye 9-52.

Rita U. Bailas
RITA U. BAILAS
Chairwoman
COMMONWEALTH GOVERNMENT EMPLOYEES'
CREDIT UNION

2/1/96
RÁL

Froilan C. Tenorio
FROILAN C. TENORIO
Governor

2/1/96
RÁL

Soledad B. Sasamoto
Soledad B. SASAMOTO
Registrar of Corporations

2/1/96
RÁL
Rallil Igha Registrar E file-li

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COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

ARTICLE I. STATEMENT OF AUTHORITY; GENDER

Section 1. These Regulations are proposed by the Board of Directors (the "Board") of the Commonwealth Government Employees' Credit Union (the "Credit Union"), pursuant to the authority granted the Board by the "Commonwealth Government Employees' Credit Union Act Of 1994", CNMI Public Law 9-52 (the "Act") to effectuate the purposes of the Credit Union as expressed in the Act, these Regulations, and the Credit Union's bylaws.

SECTION 2. Personal pronouns used herein shall not be considered to have gender-specific meaning or application. Thus, the word "his" may be freely substituted with "her".

ARTICLE II. DEFINITIONS

As used in these Regulations, the terms set forth below shall have the following definitions:

"Allotment" means that amount which is deducted directly from a Member's compensation paid or payable from the CNMI Government and which is paid or payable to the Credit Union pursuant to an Allotment Form executed by the Member.

"Board" means the Board of Directors of the Commonwealth Government Employees' Credit Union.

"Borrowing Member" means a Credit Union Member who has borrowed, or applied to borrow, a loan or other credit from the Credit Union, whether or not the Member has a cosigner, guarantor or endorser.

"Commonwealth" or "CNMI" refers to the Commonwealth of the Northern Mariana Islands.

"Credit Union" means the Commonwealth Government Employees' Credit Union.

"Cosigner" means a Member who renders himself or herself liable for the obligation of another person without receiving goods, services, or money in return for the credit obligation, or, in the case of an open-ended credit obligation, without receiving the contractual right to obtain extensions of credit under the obligation. The term includes any person whose signature is requested as a condition to granting credit to a Member, or as a condition for forbearance on collection of a Member's obligation that is in default. The term does not include a spouse whose

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COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

signature is required on a credit obligation to perfect a security interest pursuant to Commonwealth law.

"Debt" means money that is due or alleged to be due from a Member to another person or entity, including the Credit Union.

"Earnings" means compensation paid or payable to an individual or for his or her account for personal services rendered or to be rendered by him or her, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, retirement, or disability program, including worker's compensation.

"Field of Membership" means that group of persons employed by the government of the CNMI, and other persons as more fully set forth in Article III, Section 1 of these Regulations.

"General Manager" means the General Manager of the Credit Union.

"Immediate Family Member(s)" means the spouse and minor children of a Member, including legally adopted minor children.

"Incompetent Person" means a person who is under a physical or psychological disability which prevents his ability to work, provided that the disability is not the result of a substance abuse problem.

"Member" means a person within the Field of Membership who applies for and receives membership in the Credit Union and is a depositor in the Credit Union by way of allotment.

"Minor Child" means a person under the age of 18 years (or under the age of 25 years if a full-time student).

"Obligation" means an agreement between the Credit Union and a Member.

"Spouse" means the lawfully married spouse of a Member.

ARTICLE III. MEMBERSHIP

SECTION 1. Unless otherwise provided by Commonwealth law, the Credit Union's Field of Membership shall be limited to the following persons:

(A) Full-time or part-time employees of the Government of the Commonwealth of the Northern Mariana Islands (the "CNMI Government"), whether the employee is civil service or

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

excepted service, and regardless of whether the person resides in the CNMI.

(B) The spouse and minor children of such CNMI Government employee(s), provided that the employee is a Member of the Credit Union.

(C) Employees of the Credit Union.

SECTION 2. The Board shall not expand the Field of Membership to include persons who are not the Immediate Family Members of a Member.

SECTION 3. A person eligible for Membership in the Credit Union may become a Member of the Credit Union by:

(A) Completing and executing an application for Membership on such form(s) as the Board may approve; and

(B) Establishing, and depositing money into a Credit Union savings account by way of an allotment.

SECTION 4. A Member who leaves government service, or a Member who otherwise by his or her action or by operation of law is thereafter considered to be without the Field of Membership, may maintain his or her Membership in the Credit Union so long as that Member continues to fulfill those obligations required by these Regulations, e.g. payment of an allotment to the Credit Union, and such other requirements as the Board may provide by resolution.

SECTION 5. A Member may be expelled from Membership in the Credit Union for failure to pay three consecutive allotments. Such expulsion shall be conducted in the following manner:

(A) Within ten (10) business days of the Member's first failure to timely pay a regular allotment, the General Manager of the Credit Union shall send that Member a letter notifying the Member of his or her delinquency.

(B) Within ten (10) business days of the Member's second consecutive failure to timely pay an allotment (and pay the previous allotment remaining due), the General Manager of the Credit Union shall send the Member a second letter notifying the Member of his or her delinquency.

(C) Within ten (10) business days of the Member's third consecutive failure to timely pay an allotment (and pay the two previous allotments remaining due), the General Manager of the Credit Union shall send the Member a letter notifying him or her that his Membership in the Credit Union has been

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

discontinued.

(D) Expulsion or withdrawal shall not operate to relieve a Member of any liability to the Credit Union.

ARTICLE IV. MEMBERS' DEPOSITS AND SAVINGS

SECTION 1. The Credit Union shall accept money for deposit into the Credit Union savings accounts. All such deposits shall be accounted for as savings and reflected as a current liability of the Credit Union.

SECTION 2. A Member may withdraw the balance of his or her Credit Union savings account only if the Member does not have an outstanding Credit Union loan or other credit. The Board may by resolution provide for other reasonable restrictions on Members' withdrawal of savings.

SECTION 3. Savings accounts shall accrue interest at the rates established from time to time by resolution of the Board.

ARTICLE V. INVESTMENTS

SECTION 1. The Credit Union may accept funds for investment by Members, or from any government agency, authority, commission or office. The Board shall establish the rates of return, and other terms and conditions applicable to such investments, including penalties for early withdrawal. Public notice of all such investment terms shall be posted at the Credit Union's offices, and provided to each investor in writing.

SECTION 2. A Member may offer her savings or investments with the Credit Union as collateral to secure a Credit Union loan by herself or other Credit Union Member(s), on such terms as may be established by resolution of the Board.

SECTION 3. Except as provided by resolution of the Board, no investment, whether or not mature, may be withdrawn or redeemed if such funds serve as collateral or other security for a Credit Union loan or other credit.

ARTICLE VI. LOANS AND OTHER CREDITS TO MEMBERS; CREDIT COMMITTEE

SECTION 1. The Credit Union may offer loans or other types of credit, including, but not limited to, automobile loans, home loans, emergency loans, consumer loans, and lines of credit, to Members on such terms and conditions as shall established by

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

resolution of the Board.

SECTION 2. All Members requesting a loan or other credit from the Credit Union shall, at a minimum, (a) complete an application, and (b) authorize the Credit Union to check his or her credit history. By resolution, the Board may require other application procedures to be completed before the Credit Union may extend a loan or other credit to the Member.

SECTION 3. The General Manager shall have the authority to approve, without prior approval or other action of the Board or Credit Committee, loans or other credits to any one Member in an aggregate amount not exceeding Twenty Thousand dollars (\$20,000.00).

SECTION 4. The Bylaws of the Credit Union shall provide for a Credit Committee to be comprised of Members of the Board. The Credit Committee shall be responsible for (1) reviewing and approving or disapproving requests for loans or other credits in an aggregate amount exceeding Twenty Thousand dollars (\$20,000.00) by any one Member, and (2) reviewing requests for loans or other credits totalling \$20,000 or less if the General Manager did not approve such request. The Credit Committee shall maintain records of its proceedings and complete its duties in a timely fashion. The Credit Committee also shall have such other duties and responsibilities as may be provided in the Credit Union Bylaws or as established by resolution of the Board.

SECTION 5. No loan or other credit shall be extended to:

- (A) Board Members or their spouses.
- (B) Members who are minor or incompetent.
- (C) a Member's Immediate Family Members unless the Member accepts primary responsibility for the repayment of the loan or credit.
- (D) a person who was a member of the former Saipan Credit Union (and who becomes a Member of the Credit Union) if that person has not fully repaid or refinanced a loan or other credit provided him by the former Saipan Credit Union.

ARTICLE VII. ALLOTMENTS

SECTION 1. The Credit Union shall have the authority to secure a portion of each Member's CNMI government paycheck to be known generally as an "allotment". A Member's agreement to an allotment from his or her bi-weekly paycheck shall be on such forms

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

as the Board or Credit Committee shall approve and amend from time to time. The Board may provide for other terms and conditions on allotments.

SECTION 2. All persons applying for membership in the Credit Union shall execute an Allotment form which will serve as the Member's promise to a total deposit of not less than Twenty-Five Dollars (\$25.00) per CNMI government pay period into the Member's Credit Union savings account.

SECTION 3. As a condition to receiving any loan or credit from the Credit Union, a Member shall execute such documents as the Credit Union may require, to provide for an increase in his allotment each pay period, which is to be used as payment toward the principle and interest on any Credit Union loan or other credit extended to him. This increased allotment amount shall remain deductible from the Members' paycheck until the loan is fully paid, or as altered with the approval of the General Manager.

ARTICLE VIII. SECURITY, COLLATERAL AND INSURANCE

SECTION 1. The Credit Union shall make no loan or extend any credit in excess of ten thousand dollars (\$10,000.00) unless the Borrowing Member offers sufficient security or collateral for the loan or credit. The Board shall determine what may constitute sufficient security or collateral for a loan or credit, provided that, at a minimum, the collateral or other security offered for a loan must, on the date the loan is extended, be of a value not less than 105% of the proposed total amount of the loan.

SECTION 2. The General Manager shall take such steps as necessary to insure that all real property which is to be subject of, or which is offered as security for any Credit Union loan, is appraised by a licensed professional appraisal company prior to the date the loan is approved or extended.

SECTION 3. A Borrowing Member and any loan co-maker, co-signer, endorser, or guarantor, shall be deemed to have assented to a pledge, and in fact pledged, the full value of his or her Credit Union savings account balance, investments, and future allotments with the Credit Union as security for any Credit Union loan or other credit extended until such loan or credit is fully paid, including any penalties applicable thereto.

SECTION 4. All property, whether real or personal, which is either (a) offered as security or collateral for a loan or credit or (b) purchased, leased or otherwise obtained using the loan or credit taken for that purpose (such as an automobile or home) shall be insured against loss or damage in such manner as the Board shall

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

provide by resolution.

ARTICLE IX. DEFAULT

SECTION 1. By resolution, the Board shall determine what constitutes a Borrowing Member "default" on a loan or credit extended by the Credit Union to him or her, or by a Member acting as a guarantor or other surety on any collateral provided as security for a loan or credit. The Board also shall provide the procedures to be followed by the General Manager upon any such default.

ARTICLE X. COSIGNER, ENDORSER AND GUARANTOR

SECTION 1. A Credit Union Member may serve as the cosigner, endorser or guarantor of any Credit Union loan or credit to another Member, provided that the prospective cosigner, endorser, or guarantor agree in writing to comply, and does comply with, those applicable terms and conditions established by the Board by resolution.

SECTION 2. No Member of the Board, a Credit Union Committee, the General Manager, or any Credit Union employee shall serve as the cosigner, endorser or guarantor of any Credit Union loan or credit.

ARTICLE XI. FEEES

SECTION 1. As may be established by the Board, the General Manager may charge such reasonable fees for Credit Union transactions, including loans.

SECTION 2. The General Manager may deduct applicable fees or points from the borrowing Member's first (or subsequent) allotment payment(s).

ARTICLE XII. PETTY CASH AND CHANGE FUNDS; HANDLING OF CASH BY CREDIT UNION EMPLOYEES

SECTION 1. The Credit Union shall have a Petty Cash Fund for purchasing necessary items of low cost such as, but not limited to, office supplies. The total amount in the Petty Cash Fund at any one time shall not exceed One Hundred Dollars (\$100.00). The Petty Cash Fund shall be maintained in accordance with procedures established by the Board.

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

SECTION 2. The Credit Union shall have a Change Fund of a total amount of Five Hundred Dollars (\$500.00) or less. The Change Fund shall be maintained in accordance with procedures established by the Board.

SECTION 3. The Board shall establish procedures to be followed by all Credit Union employees concerning the handling, disbursing, and depositing of cash or monetary instruments to and from the Credit Union.

ARTICLE XIII. INTEREST AND PATRONAGE REFUNDS

SECTION 1. At the end of each Credit Union fiscal year, but not later than 14 days prior to the Annual Membership Meeting, the Board may declare and pay to Members such interest or patronage refunds from the Credit Union's profits for that fiscal year, and on such terms as it deems advisable, if the Board does first:

(A) obtain and consider the advice of the Credit Union's accountant(s) and counsel; and

(B) conducts a thorough review of the Credit Union's financial stability, including a determination that the Credit Union has earned, and most likely will continue to earn profits in an amount sufficient to justify the payment of such interest or patronage refund.

SECTION 2. As used in this Article, "profits" means that amount of earnings above the Credit Union's operating expenses.

SECTION 3. Upon approval by the Board of any such interest or patronage refund, the issue shall be subject to approval by a majority of the Members present at the next succeeding Annual General Membership Meeting. The Members' vote on whether to approve such interest or patronage refund shall be final.

ARTICLE XIV. RESERVES

SECTION 1. The Board shall establish such reserves or reserve accounts as necessary to comply with applicable law and in keeping with sound business practices. Reserves shall be deposited only with those banks meeting the minimum requirements under Commonwealth law.

ARTICLE XV. RECORD KEEPING, AUDITING AND ACCOUNTING

SECTION 1. The Credit Union's accounting year, also known as

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

its fiscal year, shall be the same as the calendar year, January 1 through December 31.

SECTION 2. The Credit Union's books and records, including minutes of all Board and Committee meetings, shall be maintained by the General Manager in a safe place at least for the minimum period required by resolution of the Board, but in no event for less than three (3) years. All Credit Union books and records shall be disposed of only in the manner authorized by the Board. Public access to, and retrieval of all Credit Union records shall be in accordance with the limits and restrictions imposed by applicable federal and Commonwealth laws, and the Credit Union's Bylaws.

SECTION 3. In the event that the Commonwealth Public Auditor is unable or unwilling to perform such audits of the Credit Union as may be required by Commonwealth law, the Board shall timely authorize the General Manager to seek private certified public accountancy (CPA) firm to conduct such audit, which CPA firm shall first be approved by the Board.

SECTION 4. The Credit Union's records may be kept and maintained by an independent CPA firm, provided that the Board determines that use of an outside CPA firm is within the Credit Union's budget and approves the specific CPA firm to be hired. In addition to the use of services of an independent CPA firm, the General Manager, with the Board's approval, may hire one person to serve as the Credit Union's internal professional accountant.

ARTICLE XVI. BYLAWS PROVISIONS; MEETINGS; BOARD OF DIRECTORS; COMMITTEES; GENERAL MANAGER; EMPLOYEES; RESOLUTIONS OF THE BOARD

SECTION 1. The Board shall adopt Bylaws, which shall include provisions pertaining to and governing, at a minimum, the Board, Executive Committees, including the Credit Committee, regular and special meetings of the Membership and the Board, the duties and responsibilities of the General Manager and all Credit Union employees, and other matters which the Board deems in the best interest of the Credit Union Members.

SECTION 2. The Board shall have the authority to enact such resolutions as may be necessary to further the business of the Credit Union, and in light of the requirements of these Regulations, the Bylaws, and other matters as may from time to time arise. These resolutions shall be considered and enacted at regular or special meetings of the Board, and the text of any such enacted resolution(s) shall be available for inspection by any Member during regular business hours of the Credit Union.

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

PART XVII. PRIVATIZATION

SECTION 1. Pursuant to Commonwealth law, within three (3) years of operation, the Credit Union will convert from a CNMI government corporation to a private, non-profit corporation. Not later than ten (10) months prior to the date on which the Credit Union is to convert to a private sector entity, the Board shall approve a comprehensive plan to complete all phases of such conversion.

ARTICLE XIII. DEBT

SECTION 1. Excepting those debts incurred by the Credit Union which are incidental to its daily operations, debts of the Credit Union shall be authorized by the Board by resolution, and may include short-term or long-term loans on such terms and conditions as the Board shall deem favorable.

ARTICLE XIX. COMMUNITY SERVICE

SECTION 1. As a general policy, the Credit Union shall endeavor to serve the needs of our community through contributions to worthy causes and charities that benefit the community as a whole. The Board shall take such action, including appropriation of funds, as it deems advisable to further this general policy of community service.

ARTICLE XX. PROCUREMENT; ASSETS AND LIABILITIES

SECTION 1. The Board shall establish such procurement policy as it deems advisable, taking into account that the Credit Union will be privatized within three years.

SECTION 2. All right, title and interest in any assets and/or liabilities procured by the Credit Union with Credit Union funds, including any funds obtained by the Credit Union through any loan from a CNMI government agency or entity, shall remain Credit Union's assets and liabilities and shall not be appropriated in whole or in part by, or inure to, any government agency or entity, unless pursuant to rights under a loan agreement, security agreement, or other, similar agreement.

ARTICLE XXI. PROHIBITED ACTIVITIES; PENALTIES FOR VIOLATION

SECTION 1. No Credit Union director, officer, or employee, Member (or their family members) shall directly or indirectly

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

solicit or obtain any compensation, refund, or commission for assisting, or attempting to assist, any Member or other person in applying for or obtaining any loan, credit, or an investment.

SECTION 2. So long as the Credit Union is a government corporation, violations of Section 1 of this Article and/or violations of the applicable provisions of the Government Ethics Code Act of 1992, as amended (1 CMC Sec. 8501, et seq.) by a Credit Union director, officer or employee, or their family members shall be punishable in accordance with the provisions in that Act.

ARTICLE XXII. AMENDMENT; EMERGENCY REGULATIONS; SEVERABILITY

SECTION 1. The Board may propose amendments to these Regulations, if such proposed amendment is approved by the Board. All such proposed amendments must be published in the Commonwealth Register in accordance with applicable law.

SECTION 2. In the event of a true emergency, the General Manager may propose Credit Union emergency regulation(s) for the Credit Union as follows: (a) a written copy of the proposed emergency regulation is to be delivered to each Board Member by hand delivery or facsimile; (b) the Board shall thereafter have two (2) days to respond; (c) the Board Members individually may communicate their approval or disapproval of the proposed emergency regulation by telephone, facsimile or hand-delivered letter; (d) approval by a majority of those Board members responding shall be required to approve the proposed emergency regulation.

SECTION 3. If any Article, Section or other provision of these Regulations be declared invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be effected thereby.

The foregoing Regulations are APPROVED by the BOARD OF DIRECTORS, COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION, and submitted on this 24th day of January, 1996.

Rita U. Bailas
RITA U. BAILAS, CHAIRWOMAN

1/24/96
DATE

COMMONWEALTH REGISTER VOLUME 18 NUMBER 02 FEBRUARY 15, 1996 PAGE 13951

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

OFFICE OF THE ATTORNEY GENERAL

Solidad B. Sasamoto
SOLIDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

2/1/96
DATE

OFFICE OF THE GOVERNOR

Froilan C. Tenorio
FROILAN C. TENORIO, GOVERNOR

2/1/96
DATE



Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMI Saipan

Phone: 664-1100

Facsimile: 664-1115

CERTIFICATION

DEPARTMENT OF FINANCE

REVENUE RULING 96-1 AND REVENUE RULING 96-2

I, Antonio R. Cabrera, the Secretary of the Department of Finance who is publishing Revenue Ruling 96-1 and Revenue Ruling 96-2, by signature below hereby certifies that the Revenue Rulings are a true, correct, and complete copy of the Revenue Rulings issued by the Department of Finance. I further request and direct that this certification and the Revenue Rulings be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 12th day of February, 1996, at Saipan, Commonwealth of the Northern Mariana Islands.

ANTONIO R. CABRERA
Secretary of Finance



Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

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CNMI DIVISION OF REVENUE AND TAXATION DEPARTMENT OF FINANCE

REVENUE RULING 96-1

ISSUE:

Whether revenues derived from a poker machine, which pursuant to an agreement between the machine owner and location owner are to be split between the machine owner and the location owner, are split for purposes of the Business Gross Revenue Tax?

FACTS:

Taxpayer ABC owns fifty (50) poker machines all of which have been licensed by the CNMI Department of Finance to be operated on the island of Saipan. Taxpayer XYZ owns no poker machines but has a general business license issued by the CNMI Department of Commerce to operate a gaming machine business. Taxpayer ABC and Taxpayer XYZ are not related in any respect either through common shareholders, directors, control, or otherwise.

Taxpayer ABC and Taxpayer XYZ have entered into an agreement which provides that ABC may install and operate its poker machines on the premises of XYZ in consideration for which XYZ is to receive a certain share of the revenues derived from the poker machines. Pursuant to the agreement, ABC is to receive 60% of such revenues while XYZ is to receive 40%. Further pursuant to the agreement, ABC is to furnish and service the machines at its expense while XYZ is responsible for maintaining the premises and monitoring the use of the machines.

A representative of ABC, always in the presence of one or more representatives of XYZ, collects the coins from the poker machines. Such collection is done on a regular basis usually 1-2 times per week. At collection, the ABC representative counts the coins whereupon the money is then divided between ABC and XYZ pursuant to the terms of the agreement. Thus, ABC keeps its percentage of the revenues to which it is entitled under the agreement and the balance is distributed to XYZ.

Taxpayer ABC and Taxpayer XYZ do not have a lease agreement between them which provides that ABC is leasing the premises of XYZ to operate the poker machines in consideration for which XYZ receives a portion of the revenues derived from such poker machines.

LAW:

Pursuant to 4 CMC §1301, a Business Gross Revenue Tax (BGRT) is imposed upon the annual gross revenues of a business. Pursuant to 4 CMC §1103(k), "gross revenue" is defined as follows:

(k) "Gross revenue" means the total amount of money or the value of other consideration received from selling real or personal property in the Commonwealth, from leasing property employed in the Commonwealth, or from performing services in the Commonwealth. Gross revenue includes the gross receipts, cash or accrued, of a person received as compensation for personal services not in the form of salaries or wages as defined in this section, and the gross receipts of a business derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible personal property, or service, or both, and all receipts, actual or accrued by reason of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, or other emoluments . . .

In Mill v. Commissioner, 5 T.C. 691 (1945) and Horn v. Commissioner, T.C. Memo. 1945-367, an owner of slot machines (hereinafter "machine owner") entered into an agreement with officials of a lodge (hereinafter "location owner") which provided that the machine owner would install its slot machines on the premises of the location owner. In consideration for such agreement, the location owner would during the year at issue receive 75% of the "take" from the slot machines while the machine owner would receive the remaining (25%) (with 5% thereof to be distributed to a particular state association). The machine owner made all collections of money from the slot machines usually about once per week with the assistance of a representative of the location owner. After the money was counted and a collection slip prepared, the location owner would receive 75% of the money while the machine owner would retain the balance.

In regard to whether the 75% distributed to the location owner and the 5% distributed to the state association was taxable income of the machine owner, the U. S. Tax Court held that the machine owner was taxable only upon income which he "received beneficially". The Tax Court stated that "the most practical view of the situation, perhaps, is that petitioner [machine owner] and the individual lodges [location owner] . . . participated in the slot machine business and divided the 'take' among themselves". Accordingly, the Tax Court held that the 75% distributed to the location owner was its income while the 20% distributed to the machine owner was its income.


ANALYSIS:

Pursuant to both Mill v. Commissioner and Horn v. Commissioner, revenues derived from a poker machine under an agreement which provides that a machine owner and a location owner are to split such monies in exchange for the location owner permitting the machine owner to operate its slot machines on the premises of the location owner, is to be split for income tax purposes. The Tax Court reasoned in these cases that the machine owner and the location owner both participated in the slot machine business, divided the "take" between themselves, and that the machine owner was taxable only on the portion which he beneficially received, i.e., his share of the "take". Based upon the same reasoning, Taxpayer ABC in the instant case is taxable under the Business Gross Revenue Tax only on its portion of the revenues it receives pursuant to the agreement with Taxpayer XYZ, i.e., 60%. Likewise, Taxpayer XYZ is taxable under the BGRT only on its portion of the revenues it receives pursuant to the agreement with Taxpayer ABC, i.e., 40%.

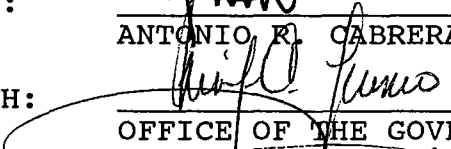
HOLDING:

Under the facts presented in this Revenue Ruling, revenues derived from a poker machine which, pursuant to an agreement between a machine owner and a location owner is to be split between the machine owner and the location owner, is split as provided in this Revenue Ruling for purposes of the Business Gross Revenue Tax according to the percentage specified in their agreement.

ISSUED BY:

 12 February 96
ANTONIO R. CABRERA, SECRETARY OF FINANCE

FILED WITH:

 2/12/96
OFFICE OF THE GOVERNOR

FILED WITH:

 2/12/96
SOLEDAD B. SASAMOTO, REGISTRAR OF CORPS.



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CNMI DIVISION OF REVENUE AND TAXATION
DEPARTMENT OF FINANCE

REVENUE RULING 96-2

ISSUE:

Whether sales of items to a building contractor which are utilized as part of the construction of a structure by the contractor are deemed sales made to a "wholesaler" for purposes of 4 CMC §1303?

FACTS:

Scenario Number One: Taxpayer MNO is a store located within the CNMI which sells items at wholesale and at retail. On a regular basis, MNO sells various construction items to RST, a building contractor. Items sold to RST include nails, doors, pipes, electrical supplies, plumbing supplies, door and window frames, doorknobs, ceramics, tiles, sinks, toilets, and paints. RST utilizes such items to construct structures which are then sold to third parties. In constructing the structures prior to sale to a third party, RST will not materially alter any of the above-referenced items but will merely incorporate such items as is into the structure. On each sale made to RST, MNO gives RST a discount which it deems a "bulk sale or wholesale discount" in an amount equal to 5% of the total sales price. MNO has not been issued a license to do business as a retailer by the CNMI Department of Commerce.

Scenario Number Two: Taxpayer DEF is a quarry located within the CNMI which sells gravel mined within the CNMI. On a regular basis, DEF sells gravel to JKL, a building contractor. JKL utilizes the gravel to make cement which is used by JKL to construct homes, driveways, and other various structures which are then sold to third parties. On each sale of gravel made to JKL, DEF gives JKL a discount which it deems a "bulk sale or wholesale discount" in an amount equal to 3% of the total sales price. JKL has been issued a license to do business as a retailer by the CNMI Department of Commerce.

LAW:

Pursuant to 4 CMC §1301, a Business Gross Revenue Tax ("BGRT") is

imposed upon the annual gross revenues of a business at rates varying from 1.5% to 5%. In lieu of the §1301 tax, §1303 imposes a tax upon manufacturers and wholesalers at a maximum rate of 2% of revenues derived from manufacturing or wholesaling. A "wholesaler" is defined by 4 CMC §1103(aa) and §2200.7(u) of the Revenue and Taxation Regulations No. 2200 as follows:

. .. any business engaged in the sale of tangible personal property to another for resale for direct or indirect economic benefit.[emphasis added]

ANALYSIS:

Pursuant to the law, the determination of whether sales are made to "wholesalers" for purposes of §1303 is not dependent upon whether the original purchaser of such items has been issued a business retail license by the CNMI Department of Commerce or whether the original seller of such items gives the purchaser a "bulk sale", "wholesale", or other discount on such sales. Instead, the law provides that the tax imposed by §1303 upon wholesalers is imposed upon transactions involving the sale of tangible personal property to another for "resale" for direct or indirect economic benefit. The term "resale" is not defined by §1303 or other provisions of the Commonwealth Code or Regulations. "Resale" is commonly understood as a sale in which goods or other property are sold to a purchaser who sells them again to someone else. A "sale" is commonly understood to be a transfer of property for consideration in either money or its equivalent. For purposes of §1303 in regard to sales to a building contractor, a sale will be deemed for "resale purposes" if the building contractor will not materially alter the item purchased prior to sale to a third party. If a building contractor materially alters an item purchased prior to sale to a third party, he is doing more than merely transferring property for consideration and thus, is not merely "reselling" property purchased.

Thus, in application to the facts presented in the two scenarios in this Revenue Ruling:

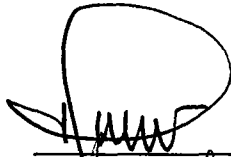
Scenario Number One: Under the facts of this Revenue Ruling, as none of the items purchased by RST from MNO will be materially altered by RST prior to sale to a third party, all of the sales by MNO to RST will be deemed sales made to a wholesaler which are subject to the tax imposed by §1303.

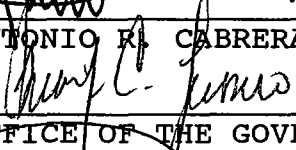
Scenario Number Two: Under the facts of this Revenue Ruling, as the gravel sold by DEF to JKL will be materially altered prior to JKL selling such item to a

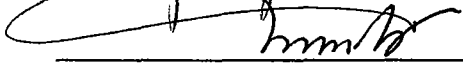
third party, the sale of gravel by DEF will not be deemed a sale made to a wholesaler which is subject to the tax imposed by §1303.

HOLDING:

Sales of items to a building contractor which are utilized as part of the construction of a structure by the contractor are deemed sales to a "wholesaler" for purposes of 4 CMC §1303 if such items are not materially altered by the building contractor prior to sale to a third party.

ISSUED BY:  12 February 96
ANTONIO R. CABRERA, SECRETARY OF FINANCE

FILED WITH:  2/12/96
OFFICE OF THE GOVERNOR

FILED WITH:  2/12/96
SOLEDAD B. SASAMOTO, REGISTRAR OF CORPS.



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PUBLIC NOTICE

PROPOSED OPA PERSONNEL REGULATIONS


The Public Auditor hereby provides public notice of the Proposed Office of the Public Auditor (OPA) Personnel Regulations.

The proposed OPA Personnel Regulations govern the employment; payment of salary, allowances, and benefits; and separation of personnel under contract of employment with OPA. These regulations are established pursuant to 1 CMC §2305, as repealed and reenacted by Public Law No. 9-68, which authorizes the Public Auditor to establish personnel regulations for the employees of his office, who are exempt from the Commonwealth Civil Service System.

The proposed regulations are published in the Commonwealth Register. Copies of the proposed regulations may be obtained from the Office of the Public Auditor, Gualo Rai, P.O. Box 1399, Saipan, MP 96950.

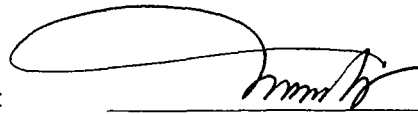
Anyone interested in commenting on these regulations may do so in writing, addressed to the Public Auditor, at the address given above not later than 30 days from the date of its publication in the Commonwealth Register.

Issued by:


Leo L. LaMotte
Public Auditor, CNMI

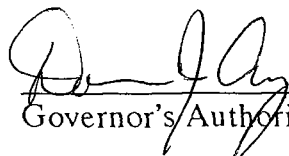
Date: 1/29/96

Filed and
Recorded by:


Soledad B. Sasamoto
Registrar of Corporations

Date: 1/30/96

Received at the
Governor's Office:


Governor's Authorized Staff

Date: 1/30/96



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Commonwealth of the Northern Mariana Islands

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NUTISIAN PUPBLIKU


I MANMAPRUPOPONI SIHA NA REGULASION EMPLHAON I OFISINAN AODITOT PUPBLIKU

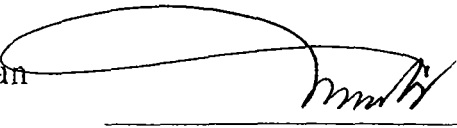
I Aoditot Pupbliku as Siñot Leo L. Lamotte, ginen este ha pribeniniyi i pupbliku nutisia put i Manmaprupoponi siha na Regulasion Emplehaon i Ofisinan Public Auditor (OPA).


I manmaprupoponi siha na regulasion emplehaon i OPA ha gubebetna i ma'empleha, ma'apasen suetdo, mana'en "allowances" yan benifisiu siha; yan siparasion emplehao gi papa' i kontrantan ma'empleha yan i OPA. Este siha na regulasion manma'establesi sigon gi 1 CMC §2305, komu i maripela yan ma'agonenakta ni Lai Pupbliku Numiru 9-68, ni ha aturirisa i Aoditot Pupbliku para u fanestablesi regulasion para i emplehao siha gi ofisina-ña, ni manmana'fansahnge kontra i Sisteman Setbision Sibit gi halom i Commonwealth.

I manmaprupoponi siha na regulasion gaige na manmapupblika gi halom i Rehistran Commonwealth. Kopian i manmaprupoponi siha na regulasion siña manmachule' ginen i Ofisinan i Aoditot Pupbliku giya Gualo' Rai, P.O. Box 1399, Saipam, MP 96950.

Interesante siha na petsona manmama'tinas komento put este siha na regulasion siña matugi'i i Aoditot Pupbliku guato gi adres ni masangan gi sanhilo' sin mas ki trenta (30) dias despues di i fechan i manmapupublikan-ñiha gi halom i Rehistran Commonwealth.

Linaknos:  1/29/96
Leo L. LaMotte Fecha
Aoditot Pupbliku, CNMI

Masatmiti yan  1/30/96
rekot as: SOLEDAD B. SASAMOTO Fecha
Rehistradoran Kotporasion siha

Marisibi as:  1/30/96
Donna J. Cruz, Sekretarian Gubetno Fecha



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Arongorongol Towlap

Ffээрúl Alléghúl Schóól Angaang Llól Bwulasiyool Sówlemeli Selaapiyal Towlap (OPA)

Sówlemil Selaapiyal Towlap (Public Auditor) ekke arongaar towlap reel ffээрúl Alléghúl Schóól Angaang mellól Bwulasiyool Sówlemeli Selaapiyal Towlap (Office of the Public Auditor).

Allégh kkaal nge ebwe lemeli umwumwuur schóól angaang; abwóósuur, fischal selaapi ye re ngálléer (allowance) me ghatchúúr (benefits); bwal úmwéylóór schóól angaang kka reumwuur faal ppól (contract) mellól OPA. Allégh kkaal nge re ayoorá sáangi bwángil me aileewal 1 CMC§2305, igha e atotoowow nge aa bwal téésefáálong llól Alléghúl Towlap ye No. 9-68, iye e ayoorá bwángil Sówlemeli Selaapiyal Towlap bwe ebwe e ffээр allégh reer schóól angaang kka llól Bwulasiyo, ikka rese lo llól Mwóghutughutul Alillisil Towlap (Civil Service System) mellól Commonwealth.


Allégh kkaal nge aa toowow mellól Commonwealth Register. Kopiyaal allégh kkaal nge emmwel schagh bwe aramas ye e tipáli nge ebweló bweibwogh mellól Bwulasiyool Sówlemeli Selaapiyal Towlap (OPA), Gualo Rai, P. O. Box 1399, Saipan, MP 96950.

Aramas ye e tipáli nge emmwel schagh ebwe ischiitiw meeta mengemengil reel allégh kkaal nge aa afanga ngáli Sówlemeli Selaapiyal Towlap (Public Auditor) reel address we weiláng nge essóbw luuló eliigh ráál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

Ferúúyal: 
LEO L. LAMOTTE
Sówlemeli Selaapiyal Towlap, CNMI

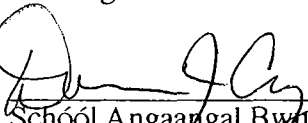
1/29/96
DATE

File-liiyal me Rekood-liiyal:


SOLEDAD B. SASAMOTO
Registrar of Corporations

1/30/96
DATE

Rebwughi Mellól Bwulasiyool Sówlem:


Schóól Angaangal Bwulasiyool Sówlem
Iye Eyoór Bwángil

1/30/96
DATE

**OFFICE OF THE PUBLIC AUDITOR
PERSONNEL REGULATIONS**

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**OFFICE OF THE PUBLIC AUDITOR
PERSONNEL REGULATIONS**

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OFFICE OF THE PUBLIC AUDITOR PERSONNEL REGULATIONS

1 INTRODUCTION

1.1 Purpose

The regulations established herein implement the provisions of 1 CMC §2305 authorizing the Public Auditor to establish personnel regulations for the employees of his office, who are exempt from the Commonwealth Civil Service System. These regulations govern the employment; payment of salary, allowances, and benefits; and separation of personnel under contract of employment with the Office of the Public Auditor (OPA).

1.2 Background

Pursuant to Article III, Section 12 of the Commonwealth Constitution, the Commonwealth Auditing Act of 1983 established the Office of the Public Auditor to conduct audits of all government agencies and activities. 1 CMC §2305(a), as repealed and reenacted by Public Law No. 9-68, provides: "The Public Auditor may appoint and remove such employees as he or she deems necessary to perform the duties of the office. These employees may include assistant public auditors, accountants, auditors, financial management analysts, investigators, attorneys, paralegal, secretaries, clerks, and the like. All personnel employed by or contracted for by the Office of the Public Auditor shall be exempt from the application of the Commonwealth Civil Service Act (1 CMC 8101 et seq.). The Office of the Public Auditor shall set its own compensation, wage, and salary scales. The wage and salary scales shall be commensurate with those paid by the Commonwealth requiring comparable education, training, and experience. The Office of the Public Auditor may provide staff housing as part of its compensation package to its employees. The Office of the Public Auditor may administer a program of staff housing for its employees."

1.3 Policy

It is the policy of OPA to use its resources efficiently and effectively, and to employ nondiscriminatory practices in matters relating to recruitment, selection, classification, compensation, and separation of employees.

It is also the policy of OPA to encourage the professional and technical education

**Office of the Public Auditor
Personnel Regulations**

and training of resident citizens of the Commonwealth, and to give qualified residents preferential treatment, whether by appointment, transfer, or promotion.

1.4 Coverage

These personnel regulations apply to all personnel under contract of employment with OPA.

2 APPOINTMENTS AND SEPARATIONS

2.1 Search for Qualified Resident Workers

2.1.1 Prior to new hiring, OPA will publicize the job vacancy. The publication will be done by either posting notice in public places in the Commonwealth or advertising in a newspaper of general circulation in the Commonwealth. The publication will continue for a period of 15 days, except that all or part of the 15-day period may be waived if the Public Auditor finds that a waiver is in the public interest.

2.2 Pre-Employment Condition

2.2.1 Persons hired by OPA must be physically capable of performing the duties of the position. They must be free from communicable diseases, and from any present or potential medical condition that prevents the successful performance of duty, poses a health risk to other employees, or reflects discredit upon OPA.

2.2.2 Persons hired must be examined by medical personnel authorized to conduct such examinations for employment purposes, and the results must be documented on forms acceptable to OPA.

2.3 Effective Dates of Appointment

2.3.1 Appointment from outside the Commonwealth will be effective on the date of departure from place of residence for direct travel to the duty station, adjusted for en route stop-overs arranged for the convenience of the employee.

2.3.2 Appointment from within the Commonwealth will be effective on the date that the employee initially reported for duty.

2.3.3 The Public Auditor is authorized to provide Conditions of Employment for contracts not inconsistent with the provisions of these regulations.

2.4 Expatriation and Repatriation of Employees Hired Outside the CNMI

Employees hired outside the CNMI will receive expatriation and repatriation benefits in accordance with the following provisions.

2.4.1 **Expatriation Benefits:** Subject to conditions set forth in section 2.6.4 of these Regulations, travel and transportation expenses will be paid by OPA as follows:

- 1) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from point of recruitment to duty station.
- 2) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from point of recruitment to duty station.
- 3) Cost of transportation of household goods and personal effects of the employee from point of recruitment to duty station, not to exceed a) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or b) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.

The shipment must originate within six months of the date of entry on duty, unless extended by the Public Auditor for just cause. In the event temporary storage of household goods and personal effects intended for shipment to the duty station is necessary at the point of recruitment after pick-up by the carrier and prior to departure by sea, OPA will pay the cost of such temporary storage.

- 4) Cost of storage of household goods and personal effects at the point of recruitment, not to exceed a) 2,000 pounds net weight for employees hired with dependents, or b) 1,000 pounds net weight for employees hired without dependents.

2.4.2 **Repatriation Benefits:** Subject to conditions set forth in section 2.6.4 of these Regulations, OPA will pay all return travel and transportation expenses to the point of recruitment upon (1) completion of the agreed-upon period of service as set forth in the initial contract, and (2) separation from OPA. However, OPA will be discharged of this responsibility if repatriation expenses are not incurred within one year of the termination date. Travel and transportation expenses will be paid by OPA as follows:

- 1) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from duty station to point of recruitment.
- 2) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from duty station to point of recruitment.
- 3) Cost of transportation of household goods and personal effects of the employee from duty station to point of recruitment, not to exceed a) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or b) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.
- 4) Before repatriation benefits are provided and the employee's final paycheck is issued, the employee must obtain signatures from the Manager of CUC Utility Branch, Hospital Administrator of CHC, Director of Revenue and Taxation, Director of Finance and Accounting, and Public Auditor.

2.4.3 **Shipments:** Only those items not restricted by Commonwealth or Federal regulations may be shipped.

2.4.4 **Employee's Dependents:** The employee's dependents are defined as 1) spouse, 2) children, including step-children and legally adopted children, who are unmarried and under 21 years of age (children who reach the age of 21 while the employee is employed by OPA will be returned to the employee's point of recruitment at OPA's expense), children who

are physically or mentally incapable of supporting themselves regardless of age, and children by a previous marriage for whom the employee or spouse has legal custody (except children by a previous marriage who are primarily domiciled by Court Order in other than the employee's household), and 3) wholly dependent parents of the employee and/or spouse.

2.5 Duty Station and Work Assignment

2.5.1 An employee is employed for a specific position and assigned to a specific duty station as identified in the employment contract. However, upon the Public Auditor's consent, an employee may be assigned to another related employment position and to another duty station when it is in the best interest of the government to do so.

2.5.2 In the event of a transfer of employment and duty station, the employee will be entitled to transportation for self and dependents, to shipment of household effects not to exceed 1,500 pounds for single status and 3,000 pounds for employees with dependents, and to shipment of one privately-owned automobile.

2.6 Termination and Resignation

2.6.1 The Public Auditor may terminate an employee without cause upon written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice.

2.6.2 The Public Auditor may terminate an employee with cause upon written notice seven days in advance of termination of employment.

2.6.3 When resigning, the employee must give the Public Auditor written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice. The Public Auditor may waive the advance written notice requirement at the time of the employee's resignation.

2.6.4 **Early Termination of Contract:** Early termination of contract occurs when an employee refuses to perform duties, fails to perform at work

satisfactorily, resigns, is removed for cause, or willfully vacates his or her position.

The following provisions apply to employees hired outside the CNMI:

- 1) If the employee terminates the contract before completing one year of service from the initial date of hire, then there will be no repatriation benefits and the employee must repay OPA the cost of expatriation benefits and other costs associated with the employee's recruitment.
- 2) If the employee has not completed the full term of the initial contract and terminates that contract after completing one year of service from the initial date of hire, then there will be no repatriation benefits, but the employee will not have to repay the cost of expatriation benefits and other costs associated with the employee's recruitment.
- 3) OPA may permit the employee to resign and authorize return transportation for the employee, the employee's dependents (if the employee is hired with dependents), and the employee's household effects and personal property at any time for compelling reasons of humanitarian nature, as determined by the Public Auditor, subject to such proof as the Public Auditor may consider necessary.

2.6.5 Without Cause Separation of Employees Hired Outside the CNMI:

Any separation without cause from duty station will be effective upon the arrival of the employee at his or her place of residence after travel by the most direct route from the duty station, adjusted for en route stop-overs not exceeding three days, for the convenience of the employee. Should the employee decide to go someplace other than his or her place of hire, the separation date will be computed using his or her return to the place of hire as a maximum. The employee will bear any additional cost associated with the employee's travel to the place of his or her choice.

3 COMPENSATION AND WORK SCHEDULE

3.1 Regular Salary

- 3.1.1 Salary will be negotiated based on the qualifications of the individual, labor market conditions, and other pertinent factors used in the selection process in accordance with OPA's Salary Schedule (APPENDIX A). Salary will be expressed in terms of the gross amount per annum to be paid on a biweekly basis.
- 3.1.2 An employee will earn salary, as stated in his or her appointment, on the basis of a twelve-month period consisting of 26 biweekly pay periods. When not actually engaged in work, as assigned, the employee may be on leave status, with or without pay as appropriate.
- 3.1.3 **Regular Rate of Pay:** The regular rate of pay per hour includes the following:
- 1) base salary rate per hour (annual salary per employment contract divided by 2,080 hours) and
 - 2) payment for housing or transportation to and from work provided to the employee, or the fair value of those benefits if they are provided directly by the government, prorated to determine the amount for that work week, divided by total hours actually worked during the work week.

3.2 Overtime Compensation

- 3.2.1 **Hours Actually Worked:** Overtime compensation to eligible employees will only be paid for hours actually worked in a work week in excess of 40 hours. Time during which an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place will be included in the computation of hours actually worked, even if no work is performed. Paid leave (e.g., annual leave, sick leave, administrative leave, etc.) and holidays will not be included in the computation of hours actually worked.

3.2.2 **Overtime:** Hours actually worked in a workweek in excess of 40 hours will be paid overtime at the rate of one-and-one-half times the regular rate of pay to employees who are not exempt from overtime provisions.

3.2.3 **Compensatory Time:** If funds are not available for overtime compensation, compensatory time-off may be granted at the rate of one-and-one-half hours for each hour actually worked in a workweek in excess of 40 hours. Compensatory time will be controlled by OPA as follows:

- 1) The employee must sign a statement agreeing to compensatory time in place of overtime.
- 2) The employee's request to use compensatory time-off must be granted within a reasonable time unless the employee's immediate supervisor determines the time-off would unduly disrupt the operation of OPA.
- 3) The employee's accumulated compensatory time must not exceed 80 hours. Accrued compensatory time must be paid entirely in cash at the employee's current hourly rate when the accrued balance has reached 80 hours.
- 4) Upon termination of employment, an employee must be paid for unused compensatory time at the average regular rate received by such employee during the last three years of employment, or at the final regular rate received by such employee, whichever is higher.

3.2.4 **Exempt Employees:** Bona fide executive, administrative, and professional employees are exempt from payment of overtime and compensatory time. The criteria used in justifying such exemptions must be documented in the employees' job descriptions.

- 1) **Executive Employees:** An executive employee must meet all of the following requirements to be exempt from overtime provisions:
 - a) has primary duty of managing an agency, department, or

subdivision;

- b) customarily and regularly supervises at least two employees;
- c) makes recommendations for hiring, firing, advancement, or promotion that are given particular weight;
- d) customarily and regularly exercises discretionary power; and
- e) does not devote more than 20 percent of his or her hours in a work week to the performance of activities not closely related to items a) through d) above.

2) **Administrative Employees:** An administrative employee must meet all of the following requirements to be exempt from overtime provisions:

- a) has primary duty of performing non-manual or office work directly related to management policies or general operations;
- b) customarily and regularly exercises discretion and independent judgment;
- c) regularly and directly assists a person employed in an executive or administrative capacity; or performs (under general supervision only) work requiring special training, experience, or knowledge; or executes special assignments and tasks (under general supervision only); and
- d) does not devote more than 20 percent of work time to activities not directly or closely related to the performance of administrative work.

- 3) **Professional Employees:** A professional employee must meet all of the following requirements to be exempt from overtime provisions:
- a) has primary duty of performing work requiring advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships, or routine training;
 - b) customarily and regularly exercises discretion and independent judgment;
 - c) produces work product that is predominantly intellectual and varied in character and cannot be standardized in relation to a given period of time; and
 - d) does not devote more than 20 percent of work time to activities not essential to, part of, or necessarily incident to, the work.

3.2.5 **Approval of Overtime:** Overtime must be approved in advance by the Public Auditor or his designee on an Overtime Request and Authorization form.

- 1) An employee who is permitted to work overtime without authorization shall be paid, because the time represents an obligation of the government.
- 2) The responsible management official has an obligation to discourage overtime that is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization.

3.3 Work Schedule

An employee's work day and work week may vary from time to time according to the needs of OPA. Every effort must be made to maintain a reasonable five-day, 40-hour work week.

4 EMPLOYEE BENEFITS

4.1 Housing for Employees Hired Outside the CNMI

4.1.1 An employee hired outside the Commonwealth under Excepted Service contract may receive either housing or housing allowance.

- 1) At the discretion of the Public Auditor, an employee hired with dependent/s will receive either free family government housing or a housing allowance for the lease of family private housing.
- 2) At the discretion of the Public Auditor, an employee hired without dependent/s will receive free single government housing or a housing allowance for the lease of single private housing.
- 3) The Public Auditor has the discretion to increase the housing benefits of employees.

4.1.2 Government-owned or government-leased housing, if provided to an employee, must be in habitable condition.

4.1.3 If government-owned housing is unavailable and a lease of private housing has not been arranged, the employee will receive a temporary lodging allowance equal to the government's established per diem rate for travel at the duty station. If this rate is insufficient to pay for temporary lodging and meals, the Public Auditor may authorize a greater allowance.

4.1.4 **Responsibilities:** OPA and the employee provided with a government-owned or government-leased housing have the following responsibilities:

- 1) OPA is responsible for repairs to government-owned housing.
- 2) The employee will be assessed a deposit fee payable to OPA within 45 days subsequent to his or her occupancy of a government-owned or government-leased housing to cover the costs of clean-up or damage to premises, furniture, and appliances.

- 3) The employee is responsible for utility and trash collection costs.
- 4) The employee is responsible for taking reasonable action to protect government-owned housing entrusted to him or her from damage caused by a storm.
- 5) The employee is responsible for returning government premises, furniture, and appliances to OPA at the termination of his or her contract of employment, in the same condition as when those were entrusted to the employee, ordinary wear and tear excepted. Upon the employee's departure from the premises, OPA will inspect the premises. If no clean-up or repairs are required, OPA will refund the employee's deposit in his or her final payroll check.

4.1.5 Government housing is intended for the use of the employee and his or her dependents. No person who is not a dependent may remain in government housing for more than 30 days unless it is approved in writing by the Public Auditor.

4.1.6 No employee, whose contract has been terminated or has expired, may remain in government-owned or government-leased housing unless it is approved in writing by the Public Auditor.

4.2 Insurance

4.2.1 **Workmen's Compensation:** In the event of on-the-job work-related injury or illness, the employee will be entitled to benefits under the Workmen's Compensation Insurance contract in force for the Northern Mariana Islands Government. The employee is responsible for reporting any on-the-job work-related injury or illness to the employee's supervisor as soon as possible.

4.2.2 **Group Insurance:** Group health and group life insurance coverage are available for those who wish to apply. The government will pay part of the cost of the insurance in accordance with the current agreement between the government and the insurance carriers.

4.2.3 **Limitation on Insurance:** The government provides no insurance other than workmen's compensation, group health, and group life. OPA assumes no liability for loss or damage to household goods and personal effects of the employee and his or her dependents located in housing furnished by OPA, or otherwise present in the Commonwealth.

4.3 Annual Leave

Annual leave or vacation will be granted for the purpose of rest and relaxation.

4.3.1 **Annual Leave Accrual:** An employee will accrue annual leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period. The accrual rate per pay period is:

- 1) four (4) hours for employees who have less than three years of creditable service,
- 2) six (6) hours for employees who have three but less than six years of creditable service, or
- 3) eight (8) hours for employees who have six or more years of creditable service.

4.3.2 **Use of Annual Leave:** Use of annual leave by employees must be in accordance with the following:

- 1) A newly appointed or recruited employee will be entitled to use annual leave only after having been employed for a continuous period of 90 days without a break in service.
- 2) Annual leave request for more than three working days must be made in advance on a leave request form, which must be approved by the Public Auditor.

4.3.3 **Unused Annual Leave:** An employee permanently separated from OPA will receive on the next regular pay period a lump-sum payment for all unused annual leave. The lump-sum payment will be computed based on the employee's current hourly rate.

Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused annual leave from the prior contract may either be paid in the next regular pay period or carried over under the new employment contract, at the election of the employee.

4.4 Sick Leave

Sick leave will be allowed whenever an employee is to be absent from duty due to illness, injury, or quarantine of the employee's family or residence.

4.4.1 **Sick Leave Accrual:** An employee will accrue four (4) hours of sick leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period.

4.4.2 **Use of Sick Leave:** Use of sick leave by employees must be in accordance with the following:

- 1) An employee is entitled to use sick leave from the time sick leave is first earned.
- 2) An employee who is on sick leave for more than three consecutive days may be required, as appropriate, to submit a certification from the attending physician certifying the employee's incapacity to work. If a certification is not furnished when required, the absence will be charged to Absence Without Leave (AWOL).
- 3) If the employee's supervisor believes the employee is misusing sick leave, or requesting sick leave for purposes other than illness, the supervisor may request proof of illness for a period of less than three days. If the proof is not provided or is unpersuasive, the supervisor may deny the employee's request for sick leave.
- 4) No employee will be allowed to undertake gainful employment while on sick leave status.
- 5) Falsification of an illness report will be considered sufficient

cause for disciplinary action, including termination of employment for repeated offenses.

- 6) Sick leave with pay will be allowed during vacation, provided, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by the attending physician.

4.4.3 **Unused Sick Leave:** Upon completion of an employment contract or termination of employment, whichever occurs first, no payment will be made for unused sick leave.

Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused sick leave from the prior contract will be carried over under the new employment contract. An employee who is separated from government service for a period longer than three years will be divested of all unused sick leave.

4.5 Leave Without Pay

Leave without pay may be taken only after obtaining the written approval of the employee's immediate supervisor.

4.6 Administrative Leave With Pay

Administrative leave with pay is granted by the Governor in exceptional circumstances such as typhoons and state funerals. Requests for administrative leave with pay may also be authorized by the Public Auditor for employees serving on government boards or commissions, provided such employees do not receive compensation from the boards or commissions, or for employees participating in civic activities of interest to the government, or for such reasons as the Public Auditor may determine.

A request for administrative leave and its approval or disapproval must be in writing. The request must contain the employee's name, beginning and ending dates of leave, and adequate justification.

A decision to approve or disapprove a request for administrative leave will be based on the adequacy of the justification, the convenience of the office in releasing the

employee, and the past performance and attendance of the employee. A request that gives as justification a civic or social need for the employee's services must be carefully reviewed.

4.7 Holidays

Except during emergencies, employees will be released from work on all legal holidays without loss of pay or charge to leave account.

4.8 Advance Leave

Where, for good reason, an employee requires an advance of annual or sick leave, the Public Auditor may grant leave in advance of up to a maximum of one-half of the total earnable leave credits for one year from the date the request is approved or one-half of the total earnable leave credits for the remainder of the employment contract, whichever is shorter. Subsequent leave earnings will serve to replace the amount of advance leave granted and taken. In the event the employee resigns from his or her employment, any annual or sick leave overdraft must be paid as part of the final clearance of the employee.

4.9 Court Leave

The government encourages its employees to fulfill their obligations as citizens and residents of the Commonwealth. Thus, employees who are called upon to serve as jurors may, at their option, be granted court leave for such period as the jury may be impaneled.

An employee who is called to jury duty must present the Juror Summons to his or her immediate supervisor together with a completed Request for Leave.

An employee who serves as juror using court leave to cover the period of absence must turn over to the Commonwealth Treasurer such jury fees (as distinct from expense allowances) as the employee receives from the Court. An expense allowance paid to the employee for whatever purpose may be retained by the employee to defray expenses for which the allowance was granted.

An employee subpoenaed as a witness, other than as a government witness, must charge such absence to annual leave or leave without pay. Court leave will be granted to an employee subpoenaed in litigation in which the government has no

interest, if the employee is required to serve as a witness in his or her official capacity as a government employee or will be required to present government records in testimony. Such employee must inform the Public Auditor of the required testimony as soon as possible after being subpoenaed.

4.10 Compassionate Leave

A full-time employee will be granted compassionate leave of no more than five consecutive working days in case of death in the immediate family of the employee. For this purpose, the term "immediate family" includes the employee's mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), stillborn child, grandfather, grandmother, grandchild, mother-in-law, and father-in-law.

Compassionate leave must be taken within 18 days after the death of the immediate family member.

The Public Auditor is responsible for granting compassionate leave requests.

4.11 Maternity Leave

Maternity leave will be granted to a female employee who is absent from work because of confinement for childbirth.

The maternity leave will not exceed 15 working days, will be in addition to any accumulated sick leave, and will be any 15 working days encompassing the date of childbirth. Any additional leave taken for such purpose will be charged against accumulated sick leave.

The Public Auditor is responsible for approving maternity leave requests.

4.12 Paternity Leave

Paternity leave will be granted to a male employee who is absent from work because of his wife's confinement for childbirth.

The paternity leave will not exceed two working days encompassing the date of childbirth.

Office of the Public Auditor
Personnel Regulations

The Public Auditor is responsible for approving paternity leave requests.

4.13 Tardiness

Tardiness will be charged to leave without pay at the end of each pay period. The timekeeper will determine the total minutes an employee has been late during the pay period, and charge leave without pay to the nearest hour.

5 EMPLOYEE OBLIGATIONS AND CONDUCT

5.1 Conduct

All employees of OPA must maintain the highest standards of honesty, integrity, objectivity, and personal conduct.

While living in the CNMI, employees and their dependents are subject to the laws, rules, and regulations of the CNMI concerning conduct and activities.

5.2 Code of Ethics

All employees of OPA must comply with the provisions of the Government Ethics Code found in 1 CMC, Division 8, Part 4.

5.3 Outside Activities

Pursuant to 1 CMC §2305(b), no employee of OPA may hold or be a candidate for any elective public office while an employee, nor may the employee hold office in any political party or political committee, or participate in any political campaign of any candidate for public office while an employee. No employee may actively engage in any other business, profession, or governmental office.

5.4 Tax Obligations

All employees of OPA are employees of the Commonwealth Government. They are subject to the applicable CNMI Income Tax laws.

5.5 Nepotism

There will be no limit to the number of members of the same household who may be employed by OPA, provided

5.5.1 no employee may supervise another member of the same family,

5.5.2 all other qualifications for employment are met, and

Office of the Public Auditor
Personnel Regulations

5.5.3 no costs, other than salary and employment benefits as provided by regulation, will accrue to the government as a result of hiring persons from a household containing another employee.

**OFFICE OF THE PUBLIC AUDITOR
SALARY SCHEDULE**

Position Title	Pay Level	Salary Range *		Minimum Qualification
		From	To	
Intern Auditor	22	\$15,860	\$26,131	Associate Degree ***
Auditor	24	16,858	28,808	BS Accounting or BA & 1 year audit experience
Semi-Senior Auditor	26	18,584	31,758	BS Acctg. & 3 yrs. audit experience
Senior Auditor	28	20,485	35,013	BS Acctg. & 4 yrs. audit experience
Audit Supervisor	30	22,577	38,601	BS Acctg. & 5 yrs. audit experience
Deputy Assistant Public Auditor for Audit	**	-	-	BS Acctg. & 7 yrs. audit experience
Assistant Public Auditor for Audit	**	-	-	BS Acctg. & 9 yrs. audit experience
Investigator	28	20,485	35,013	BA & 4 yrs. investigative experience
Chief Investigator	**	-	-	BA & 7 yrs. investigative experience
Assistant Public Auditor for Investigation/Legal Counsel	**	-	-	JD Law & 9 yrs. legal experience
Administrative Officer	30	22,577	38,601	BA & 5 yrs. work experience or HS grad. & 9 yrs. work experience
Administrative Assistant	20	14,388	24,584	HS grad. & 4 yrs. work experience

* The Public Auditor determines the salaries of employees based on the pay level and step appropriate to the qualification of each individual. Upon initial appointment, salary will be fixed at the first step of the appropriate level for an employee who meets the minimum qualification for his or her position. Salary may be fixed at a higher step for an employee who exceeds the minimum qualification for his or her position (e.g., having a Master's Degree, a Doctorate Degree, computer skills, etc.)

** The Public Auditor determines the salaries for management positions, which may not exceed the maximum amount provided in 1 CMC §8248.

*** OPA may hire a High School graduate with audit-related work experience. Such employee, however, must obtain an Associate degree within a period specified in the Special Terms and Conditions of the employee's employment contract.

Note: Above pay levels and salary ranges are based on the Civil Service Salary Schedule established pursuant to 1 CMC §8213.



Commonwealth of the Northern Mariana Islands
Department of Lands & Natural Resources
Coastal Resources Management

Caller Box 10007 2nd Floor Morgen Building,
San Jose, Saipan MP 96950



CABLE ADDRESS:
GOV. NMI SAIPAN
TELS. (670) 234-6623/7320
FAX: (670) 234-0007

**NOTICE OF PROPOSED
REGULATIONS TO ESTABLISH A COASTAL HAZARDS
AREA OF PARTICULAR CONCERN (APC)**

The CNMI Coastal Resources Management Program hereby notifies the general public that it proposes to establish a Coastal Hazards Area of Particular Concern (APC) within the existing Coastal Resources Management Office Rules and Regulations. The Director of Coastal Resources Management is authorized to do so under 2 CMC Section 1511 (3) B and this adoption is done in accordance with the Administrative Procedures Act, 1 CMC 9101, et. seq. Interested persons may obtain copies of the proposed regulation change from the Coastal Resources Management Office located in the second floor of the Morgen Building, San Jose, Saipan.

Anyone interested in commenting on the proposed regulation change may do so in writing within forty-five (45) days from the date this notice.

Comments should be sent to:

Director
Coastal Resources Management Office
Department of Lands and Natural Resources
Caller Box 10007
Saipan, MP 96950

Date: 1/18/96

Manuel C. Sablan
MANUEL C. SABLAN

Director, Coastal Resources Management Division



Commonwealth of the Northern Mariana Islands
Department of Lands & Natural Resources
Coastal Resources Management

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Anyone interested in commenting on the proposed regulation change may do so in writing within thirty (30) days from the date this notice is published in the Commonwealth Register.

Comments should be sent to:

Director
Coastal Resources Management Office
Department of Lands and Natural Resources
Caller Box 10007
Saipan, MP 96950

Date: 1/18/96

MANUEL C. SABLAN

Director, Coastal Resources Management Division

Date: 1/26/96

DONNA J. CRUZ
Governor's Secretary

Date: 1/26/96

SOLEDAD B. SASAMATO
Filing, Registrar of Corporations



**Commonwealth of the Northern Mariana Islands
 Department of Lands & Natural Resources
 Coastal Resources Management**

Caller Box 10007 2nd Floor Morgen Building,
 San Jose, Saipan MP 96950



CABLE ADDRESS:
 GOV. NMI SAIPAN
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 FAX: (670) 234-0007

**COASTAL RESOURCE MANAGEMENT OFFICE
 PROPOSED REGULATIONS TO ESTABLISH A COASTAL HAZARDS
 AREA OF PARTICULAR CONCERN (APC)**

Section 1. Authority. The Director of Coastal Resources Management, pursuant to its powers, duties and authorities under Public Law 3-47, 2 CMC Section 1511 (3)B, as amended.

Section 2. Purpose and Findings. The Director finds that the areas identified in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) maps require special management efforts to help reduce the destruction of natural resources, loss of property and most importantly, the protection of human life, health and safety. Moreover, the Director finds the most effective means to achieve this goal is the creation of a new Coastal Hazards APC with special management requirements.

NEW STANDARDS

(ix) Coastal Hazard APC; Management Standards.

1) Areas identified as a coastal flood hazard zones (V & VE) in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM's) shall be considered a Coastal Hazards Area of Particular Concern (APC) and any project proposed for location within the Coastal Hazards APC shall be evaluated to determine its compatibility with the following standards:

(a) If the project will have a detrimental impact on existing landforms or coastal processes that provide natural resistance from the forces of coastal hazards such as beaches, wetlands and cliff lines, impacts to these coastal resources shall be avoided to the maximum extent possible;

(b) If the project is located in a geologically unstable zone such as cliff lines, severe slopes, coastal headlands or outcroppings, appropriate mitigation to prevent threat to human life, safety and the environment must be applied;

(c) If the project design, form or use tend to make the structure (or auxiliary structures) more vulnerable to the effects of coastal hazards such as high winds, wave energy, flooding and storm surge, the plans must be certified by a CNMI licensed structural engineer to ensure potential impacts and threats to human life and safety are minimized;

(d) If the project is located within an area which has historically been known to flood or be at a high risk to storm wave inundation or erosion, all design plans must be approved by the DPW Building Control Officer for compliance with the UBC;

(e) If construction of the project may endanger human life or safety due to it's design or siting, it shall not be allowed.

2) In addition to deciding whether the proposed project is consistent with the above standards, the CRM Board and the CRM Director shall consider the following in their review of coastal applications:

(a) Whether the project is shoreline dependent;

(b) Whether the project is located in an area where potentially hazardous construction or unsafe structures already exist;

(c) Whether the project is receiving funding by any entity of the federal or local government for it's design or construction;

(d) Whether the project will enhance or facilitate recreational or cultural opportunities;

(e) Whether access to or from the shoreline is enhanced or the level of safety to or along the shoreline is increased;

(f) Whether the project is designed to prevent or mitigate for shoreline erosion;

(g) Whether the project meets the requirements of the Unified Building Code (UBC) for structures in flood or storm hazard zones.

(x) Coastal Hazard APC; Use Priorities

(a) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the Coastal Hazard APCs of the entire Northern Marianas Island chain are as follows:

(1) Highest

- (a) Projects which preserve, or enhance the natural defenses of the shoreline against storm wave attack and flooding;
- (b) Public recreational uses of beach area, including the creation of public shoreline parks and the preservation of open space along the shoreline;
- (c) Traditional cultural and historic practices;
- (d) Preservation of fish and wildlife habitat;
- (e) Preservation of natural open areas of high scenic beauty and/or scientific value.

(2) Moderate

- (a) Projects which promote access to and from remote shoreline areas;
- (b) Improvement to, or expansion of, existing water oriented-structures which are located in low risk hazard areas, are compatible with designated land uses and do not pose a risk to the health and safety of the public.

(3) Lowest

- (a) Projects which result in the start, growth or improvement of commercial, public, or multi-unit/single residential uses in areas identified or known to be in high hazard zones;
- (b) Transportation facilities, public infrastructure or shoreline dependent projects which cannot be reasonably accommodated in other areas;
- (c) Projects which require the installation or placement of shore protection structures.

(4) Unacceptable

- (a) Projects which degrade or modify natural shoreline protective features such as beaches, cliffs or rocky shorelines;

- (b) Projects which require hard shore protection to facilitate or accommodate structural entities of the development unless these developments are associated with boating or marine based facilities;
- (c) Projects which interfere or disrupt the natural shoreline processes such as littoral transport or coastal dynamics.

Date: 1/18/96



MANUEL C. SABLAN
Director, Coastal Resources Management

Acknowledged: 
DONNA J. CRUZ
Governor's Office

Date: 1/26/96

Date of Filing: 1/26/96



SOLEDAD B. SASAMOTO
Registrar of Corporations



**Commonwealth of the Northern Mariana Islands
Department of Lands & Natural Resources
Coastal Resources Management**

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NOTISIA IMA PROPOPONI

**RIGULASION PARA UNESTABLESI ATREBISION
POT COASTAL NA'LUGAT PATTIKULAT NA'INTERES (APC)**



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I CNMI Coastal Resources Management na'prugrama pot este ha'notitisia I pupbliko henerat ma'propoponi na'uma establesi I coastal na hu atrebi I lugat interes pattikulat (APC) gi halom iman gaige gi Coastal Resources Management na ufisina pot I lai yan rigulasion siha. I derektot Coastal Resources Management ina aotorisa na hu choggue gi pa'pa 2 CMC seksiona 1511 (3) B yan pot este na adoptasion nimon hayan segun gi halom Administratibo na'akton areklamento 1 CMC 9101, et. Seq. Iman interesante na petsona sina manmanule kopian man ma'propoponi na'tinilaikan rigulasion ginen I Coastal Resources na'ufisina gaige gi segundo bibenda gi as Morgen na'guma, giya San Jose, Saipan.

Ma'se'a hayi ni interesao muna halom komentu pot ima propoponi tinilaikan rigulasion debe una halom tinige trenta (30) dias ginen I fechan este na'nutisia ma'publika gi halom rihistran Commonwealth.

Komentu debe umana halom guatu:

Derektot
Coastal Resources Management na'ufisina
Dippatamenton Lands yan Natural Resources
Man'agan na kahon 10007
Saipan, MP 96950

Fecha: 1/18/96

Manuel C. Sablan

Derektot, Coastal Resources Management na Dibision

Fecha: 1/26/96

Donna J. Cruz
Sekritarian Gubietno

Fecha: 1/26/96

Soledad B. Sasamoto
Mana halom, Rihistran I Ko'operasion



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**COASTAL RESOURCES MANAGEMENT NA'UFISINA HA'PROPOPONI
RIGULASION NI PARA UNESTABLISA COASTAL NI HA'ATEBRI LUGAT
PATTIKULAT INTERES (APC)**

Seksiona 1. Aotoridat. I Derektot Coastal Resources Management segun pot fuetsan, chocho yan aotoridat gi papa I lain publiku 3-47, 2 CMC Seksiona 1511 (3) 13, komo ma'amenda.

Seksiona 2. Minito yan Ma'sodana siha. I Derektot a'soda pot lugat ha'enditifika gi halom I Federat na'ahensian Emergensia na Manehanten (FEMA) milak na siguridat ma'pan kosta siha (firm) ginagagao ni mapa gi espisiat naninasinan manehante na u'ayuda rumbaha I para ufanyinilang I naturat na guenaha siha, minalingon prupiadat et mas man impottante, I pruteksion linala taotao, hinemlo yan siguridat. Potmas, I derektot hasoda et mas etfektibo kumekeilegna na ha kumple este na dinesea una guahayi nuebo pot atrebri na kanto siha APC komo espisiat niman ginagagao I manehante siha.

*** NUEBO NA'AREKLAMENTO ***

(ix) I Coastal Atrebi APC: Areklamenton Manehante.

1) Ma'identifika lugat gi coastal komo atrebi na kayin milalak (V & VE) gi halom Ahensian Emergensia na Manehanten Federat (FEMA) asiguridat milak balen mapa siha (FIRM's) debe uma konsidera pot I atrebi interes I Coastal Pattikulat na Lugat (APC) yan mase'a hafa ma'propopone na lugat cho'cho gi halom atrebi I coastal na APC debe uma'ebalua huma dettimana I kapasidatna segun ginagagao.

na'areklamento siha: yanggin planu danosu pot gotpe gaigaige gi fotmasion tano

(a) Yanggin planu pot gotpe gaige gi fotmasion tano na'danosu osino coastal unai guahayi taimano machuguena hu'resiste fuetsana u'atrebi ginen coastal komo kanton tasi, sesonyan yan kanton kantit, este na'gotpe I Coastal Resources debe ha na'uma su'hayi gi et mas posipble mano sina na'inadahe.

(b) Yanggin planu gaige guehe na lugat ti seguro komo kanton kantit, mampos eggen, hilo tano I coastal ti kosechayon, aproposito ma'medina para hu'ataha kontra linala taotao, ufan safu yan uma'aplika pot ginasgas.

(c) Yanggin planu ma'deksikna, fotma pat, ma'adahena yan ma'chogguena estroktura (osino supottasion estroktura) umas chetnudan anai ina fekta ha'atrebi gi coastal metgot na manglo, fuetsan napu, kina hulo nina nanaga an pakyo, planu debe uma settifika giya CNMI nima lisensayi ma'asegura estrokturan enyinerias na'kapas gi gotpe yan marebahana pot espanto yan aseguridat linala taotao.

- (a) Yanggin planu gaige gi halom ayu na lugat amano mas matungona naigaige finaposna I milak pat gi gumaha mas peniligro an pakyon napu tai tiempo osino minilalake, todū planu nimana fan huhuyon debe uma aprueba gi DPW guma man gubietbietna na'ufisiat ufan ma'dalalake pot UBC.
 - (b) Planun konstraksion nihana guahahayi peniligro gi linala taotao osino tai siguridat na'planu pat minedong, ti debe na uma sede.
- 2) Gi halom adisionat nima deside pot ayu imapropopone na'planu kao hadalalalake gi suman hilo na'areklamento, pot CRM na kuetpo yan I derektot CRM uma konsidera iman sigiente anai siha hu'enatan pot aplikasion I coastal siha:
- (a) Kao I planu dependente gi kanton tasi;
 - (b) Kao I planu gaige gi halom ayu na'lugat hana guahahayi niman peligrosu na konstraksion osino timan safu na estroktura ni gaigaigi ha;
 - (c) Kao I planu niman resisibe fondo maseha hafa na ufisinin Federat osino Gubietnon I tano pot para ufan planu pot konstraksion;
 - (d) Kao I planu ha'insisima osino fasilidat dibetsion osino opottunidat pot kuttura siha;
 - (e) Kao gai tuhos osino ginen kanton unai anai ininsisima osino plana I seguridat anai umentatayi gi kanton tasi;
 - (f) Kao I planu nima na'guaha ha'prebininiyi osino mididasion pot ma'pan kanton tasi;
 - (g) Kao I planu ha'dalalalake iman ginagagao siha nimana fandana na kodigon guma (UBC) pot estrokton milak osino ha'atrebi gi lugat pakyo siha:
 - (x) Coastal Ha'a'trebi APC: USA Iman Finenina siha
 - a) Gi halom manma lista na'aktibidat uma'u'sa finenina na'kategoria pot esso ufan maklase finenina munga na'umana uttimo. Kategoria finenina ufan ma'usa pot coastal ma'a'trebi APC's entero pot sangkatan na islan Marianas niman dadana siha:
- 1) YA'HU'LU'LU'
- (a) Planu taimano ma'presetbana osino ma'insimana gi naturat na defensa kontra kanton tasi ni inatataka pakyo, napu yan ninananaga;
 - (b) Dibetsion uson pupbliko I tasi na'lugat, sa'sao'nao mana guahana na lugat pupbliko gi kanton tasi yan presetbasionna ufan ma'ba'ba' lugat gi kanton tasi;
 - (c) Ta'akos'tu'tum'bra I kuttura yan ineyak man finenina siha;

- (d) Presetbasion pot guehan yan man ma'chalek na linala ga'ga' siha;
- (e) Presetbasion pot naturat ufan ma'baba iman bonito yan tat kilo na'lugat manega yan osino et mas yahululu na'tiningo sensia.

2) REGULAT

- (a) Planu anai para una guahayi lugat tuhos para yan ginen kanton tasi ni ma'e'ot na lugat;
- (b) Uma'adelanta guato, pat uma'umentayi gai gaige na'hanom orientao pot estroktura amano niman gai gaige etmas takpa'pa' na'peligro niha atrebi na lugat siha, kao man konfotme pot ma'deksiknana gi ma'usan tano yan chana muna guaguaha peniligro pot hinemlo yan seguridat pupbliko.

3) TATPA'PA

- (a) Planu pot resuttan amano tutuonna, kina hulo pat adelanton komesiante, pupbliko osino kombenasion solo-uniko na'uson residencia gi halom I lugat osino matungo na'goftatkilo na lugat ni a'atrebe siha;
- (b) Fasilidat transpotasion, fotman estrokturan pupbliko pat kanton tasi planun dependente nimano tisina na'umana rasonnaple tisina mana halom gi otro lugat siha;
- (c) Planu niman ginagagao ufan mana halom osino gi lugat umana guaha proteksion estroktura gi inai siha.

4) TI'AK'SEP'TAP'BLE

- (a) Planun muna tailayi osino tinilaika naturat na pruteksion/satbasion kanton tasi gi man mamaila siha tat komo kantit osino kanton paderon siha;
- (b) Planu niman ginagagao fasilidat proteksion kanton ma'het'tok osino mana fanhalom estrokturan lugat pot dibelamento estaki este na'dibelamento mansisia osino magof tungo pot bote pat fasilidat lugat fondon hanom siha;
- (c) Planu niman sasanao man estototba naturat ma'choguena I kantona tat komo hu'trinanspotta gi et mas hihot na minetgotna na'fuetsa gi coastal.

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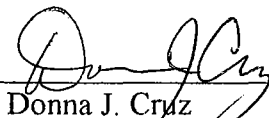
1/18/96



Manuel C. Sablan

Direktor, Coastal Resources Management

Ha're'si'bi:

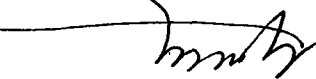

Donna J. Cruz

Fecha:

1/26/96

Fechan I Mana Halumna:

1/26/96



Soledad B. Sasamoto

Rihistran I Ko'o'perasi



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**ARONGORONGOL POMOL ALLÉGHÉL BWULEY KKA E ALLEEW
 ME ESE FIL.**

Bwulasiyool Coastal Resources Management ekke arongorong ngáliir aramas toulap bwe ekke pomoli bwe ebwe ayoorá aweweel me alléghúl bwuley ka e alleew me ese fil nge ebwe schuulong reel allégh kka aa lo llól bwulasiyool Coastal Resources Management. Samwoolul bwulasiyo ye CRM re sáláti ngáli bwe ebwe fféer allégh kkaal sáangi allegh ye 2 CMC, peigh 1511 (3) B me bwal sáangi allégh ye Administrative Procedures Act 1 CMC 9101, et. seq. Ngáre ów tipeli bwe ebwe yoor yaami tilighiyal allégh kkaal ówbwe tingór mellól bwulasiyool CRM mereel Morgen Building, San Jose, Seipél.

Iwe ngáre ów mwuschel isisilong yáámi mángemáng reel pomol allégh kka ebwe ssiwel ow ischilong llol bwulasiyoo yeel llól eliigh (30) rál sengi ralil ye e ischitiw llol tilighiil Commonwealth Register.

Afangaato mángemángimw reel:

Samwoolul
 Bwulasiyool CRM
 Dept. of Lands & Natural Resources
 Caller Box 10007
 Seipél, MP 96950

Ral: 1/18/96

MANUEL C. SABLAN

Samwoolul, Coastal Resources Management Division

Ral: 1/26/96

DONNA I. CRUZ
 Sekeretoriyaal Maghalaay

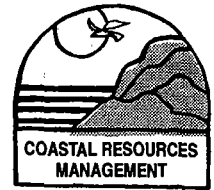
Ral: 1/26/96

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**POMOL ALLEGH KKA EBWE LEMELI AWEWEEL BWULEY KKA
 E ALLEEW ME ESE FIL IYE RE GHAL IRA, (APC) AREA OF
 PARTICULAR CONCERN**

Peigh1. Bwángil. Sángi bwángil me lemelemil me yaal angaang Samwoolul CRM, alléghúl toulap ye 3-47, 2 CMC Peigh 1511 (3) B, igha aa ssiwel, e sáláti ngáli bwángil yeel bwe ebwe lemelem faal.

Peigh2. Bwúlúl me Schungiya. Samwoolul bwulasiyo yeel e schuungi bwe bwuley kka elo llol mille (FEMA) me llol mopaal (FIRM) e ayoora alughulughul me lemelemil bwe essobw fereey nngowa bwuley me alongal milikka e fas me ngáre melaw mellól bwúléy kkaal, me bwal ammwelil malaweer aramas toulap. Samwool yeel aa ayooratá allégh kka e fféé bwelle ebwe legheleghi fischi mwóghútúghútúl bwuley kkaal.

LEMELEM KKA E FFE

(ix) Lemelemil Coastal Hazard APC;

1) Bwuley kka elo llól Coastal Flood Hazards Zones (V me VE) mellól FEMA me bwal llól mopaal FIRM nge e alleew me ese fil bwuley kkaal iwe rebwe ghi pipiiy fischiyy tappal pwelil ngáre e tchemaaw me ngare e meschór , sángi lemelem kka e táttálétiw:

a) Ngáre angaang ye rebwe fééru llól bwuley yeel nge ebwe anngawaló ululul me pwelil me bwal nngów ngáli milikka e fas me melaw llol me orol bwuley yeel, iwe ebwe akkayúló, sibwe ira bwúléy kka leppi, leebwel me ngáre llól meschór mewóól alúghúppagh.

(b) Ngáre angang ye rebwe fééru nge elo wóól alúghúppagh wóól aschaw meigha ebwal parasaras ppwelil, iwe rebwe pipiiy fischiyy bwe ete anngawa malaweer me yaar lollo aramas me bwal óroor ;

(c) Ngáre angaang yeel a bwá bwe akkayúúl me ngáre tappal me fféerúl nge ese mamaaw me ngare leghelegh llól malamal, toolongol sáát, léélé me irághelóól llól ppwel iwe schóól lemelemil CNMI Licensed Structural Engineers, rebwe lugheey bwe ete anngawa malaweer me yaar lollo aramas ;

(d) Iwe ngáre angaang yeel nge elo llo! bwuley kka e sów léélé me ngáre e sów iráágheló ppwelil , iwe schóól lemelemi! Building Control mellól Public works rebwe lughéey fischi sáangi alléghúl UBC ;

(e) Iwe ngáre mwoghútúghútúl me fféerúl angaang yeel nge ebwe ammáságh me ngáre nngów ngáli malaweer aramas iwe ebwe akkayúló angaang yeel.

2) Iwe me bwal reel igha re aghéyágh reel állégh kka aa aweewewow, schóól mwiischil CRM me samwoolul re pwal yááyá allégh kka bwal akkááw reel ághiyághil application kkaal :

(a) Ngáre angaang yeel elo moshongeisát me ngáre elo órol sáát ;

(b) Ngáre angaang yeel elo llo! bwúléy ye e ammáságh me ngáre álléew akkáyúúl ;

(c) Ngáre angaang yeel ekke bweibwogh salapi mereel gobennool Federóód me ngáre gobennool igheey ;

(d) Ngáre angang yeel ebwe alisi me ngáre ayoora leeliyel ukkur me ngáre fil ngáli kkosch ;

(e) Ngáre e fil ngáli órol sáát me ngáre re limiti bwúléy yeel bwe essóbw yoor mil alleew meiyé ;

(f) Ngáre angaang yeel ebwe limeti ppwelil bwúléy yeel bwe ete ireirewow.

(g) Ngáre angaang yeel e attabweey alongal allégh kka e toowow mereel (UBC) llo! ótol nngawal ráál me ngáre malamal.

(x) Aweweel Coastal Hazards: Milikka ebwe Ghomw

(a) Aweweel angaang kka e táttáletiw nge ese ira ifa ebwe ghomw me ebwe amwirimwir. Iwe ow yááyá milikka aa alléghétiw sangi mille Coastal Hazards APC llo! alongal tattalil falíw kka Northern Marianas :

(1) Eghi Llang (Mesammwal)

(a) Angaang kka ebwe ammwala me alisi bwúléy kka órol sáát llo! ótol nngawal sáát me ngáre léélé.

(b) Angaang kka e ayoora leeliyel ukkur me ngáre asse me leppi me re bwal ayoora igha e málámál me e fisch me órol sáát ;

(c) Angaang kka e ammwala me limeti ghatchúúw bwúléy kka eyoor kkapasal me aweweel kkosch.

(d) Angaang kka e ammwala me limeti, áffállir iigh me alongéer malúl bwúléy ;

(e) Angaang kka e ammwala me limeti bwúléy kka e llangetá me eghi fil reel owuruur me eghi fil reel rebwe studiyáali (Scientific Value).

(2) Sóssól (Aruwowal)

(a) Angaang kka e ayoora elal bwe sibwe mwelil mweteló me mwet fetál órol bwúléy kka órol sáát ;

(b) Angaang kka re ammwala, aghatchúló me ngáre atómwóghaló ammwelil ngáre pilipilil schaal llool bwuley kka eghal sow léélé me ese ammáságh me ngáre nngow ngáli malaweer aramas toulap.

(3) Eghi Sóssól (Amwirimwir)

(a) Angaang kka ebwe ghellaal bweleta nge elo llól bwúléy kka e alleew me ese fil ngáliir aramas toulap.

(b) Angaang kka ese mmwel bwe rebwe ayoora mellól eew bwúléy bwe igha schagh raa fili , iye bwelle reel tappal angaang ye rebwe feeri ;

(c) Angaang kka ebwe ayuwutá me ngáre ayoora ammwelil moschongeisát bwe ete ireirewow me ngáre anngawalo órol sáát.

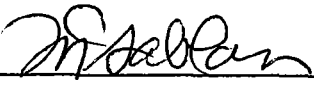
(4) E Nngów

(a) Angaang kka ebwe anngawaló me ngare siweliló ululul bwúléy, sibwe ira leppi, wool aschaw me faifáy kka órol sáát.


(b) Angaang kka ebwe nisitaay bwe ebwe tchemaaw órol sáát bwelle ebwe mmwelil akkayútá meeta wóól, ngáre schagh angaang yeel nge mwoghútúghútúl waa me ngáre bwoot me ngáre leeset ;

(c) Angaang kka essobw fil me ebwe nngów ngáli mwóghútúghútúl órol saat me malúl.

Rál: 1/18/96



MANUEL C. SABLAN
Samwoolul CRM

Mwiir Sáangi: 

DONNA J. CRUZ
Bwulasiyool Maghalaay

Rál: 1/26/96

Rállil Isisilong: 1/26/96



SOLEDAD B.SASAMOTO



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FAX: (670) 234-0007

FN:PHCH.309

NOTICE OF PUBLIC HEARING

The Coastal Resources Management Program (CRMP) will be holding a public hearing regarding proposed regulations for the creation of a Coastal Hazards Area of Particular Concern (APC). The proposed changes to the CRM regulations are a result of the findings of the Coastal Resource Management Program (CRMP) Section 309 study on Coastal Hazards and represent the final phase of the program.

The public is invited to attend and to submit written comments and/or to make oral comments regarding the proposed regulations. All written and oral comments received will be made a part of the record and will be considered in any decision made concerning the proposed regulations.

The public hearing is tentatively scheduled for Tuesday, February 6, 1996 at 6:30 pm at the Garapan Elementary School. A second and final notice of this public hearing will appear at a later date.

Please contact Coastal Resources Management at 234-6623/7320 or 3907 if you have any questions or require further information regarding this project.

MANUEL C. SABLAN

Director

Coastal Resources Management



Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMJ Saipan

Phone: 664-1100

Facsimile: 664-1115

FEBRUARY 15, 1996

PUBLIC NOTICE

DEPARTMENT OF FINANCE

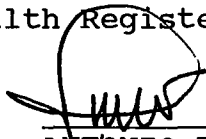
PROPOSED AMENDMENTS TO REVENUE AND TAXATION REGULATIONS NO. 2200

The Secretary of the Department of Finance hereby provides public notice of the Proposed Amendments to Revenue and Taxation Regulations No. 2200. The purpose of these amendments is to incorporate within the Revenue and Taxation Regulations No. 2200 those changes made by Pub. L. 9-57, Pub. L. 9-58, and Pub. L. 9-59 and to implement, interpret, prescribe, and clarify policies and procedures required to implement, enforce and administer the provisions of Division 1 of Title 4 of the Commonwealth Code. These amendments to regulations are promulgated under the authority given to the Secretary of Finance by virtue of 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1701(c), 4 CMC §1818, the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq, and pursuant to all other authority and directions set forth by law.

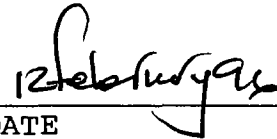
The proposed amendments are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Attorney General's Office.

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

Issued by:


ANTONIO R. CABRERA
Secretary of Finance

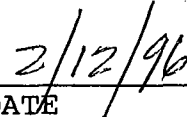
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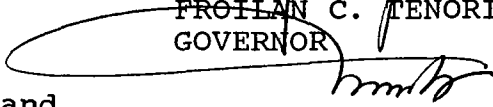
Concurred by:


FROILAN C. TENORIO
GOVERNOR

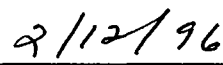
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Filed and
Recorded by:


SOLEDAD B. SASAMOTO
Registrar of Corporations

DATE





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

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

CERTIFICATION

DEPARTMENT OF FINANCE

PROPOSED AMENDMENTS TO REVENUE AND TAXATION REGULATIONS NO. 2200

I, Antonio R. Cabrera, the Secretary of the Department of Finance who is publishing these Proposed Amendments to Revenue and Taxation Regulations No. 2200, by signature below hereby certifies that the Proposed Amendments to Revenue and Taxation Regulations No. 2200 is a true, correct, and complete copy of the amendments proposed by the Department of Finance. I further request and direct that this certification and the Proposed Amendments to Revenue and Taxation Regulations No. 2200 be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 12th day of February, 1996, at Saipan, Commonwealth of the Northern Mariana Islands.

ANTONIO R. CABRERA
Secretary of Finance



Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMI Saipan

Phone: 664-1100

Facsimile: 664-1115

FEBRUARY 15, 1996

NOTICIAN PUBLIKU

DEPATTAMENTON FAINANSIAT

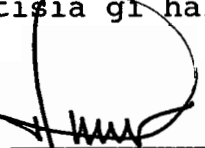
I MAPRUPONI SIHA NA AMENDASION GI REGULASION I REVENUE YAN TAXATION NUMERU 2200.

I sekretarian i Depattamenton i Fainansiat ginen este ha prubininiyi nutisian publiku pot i mapruponi siha na amendasion gi Regulasion i Revenue yan Taxation Numero 2200. I propositun este siha na amendasion pot para una dana tinilaika siha ginen i Lai Publiku 9-57, Lai Publiku 9-58, yan Lai Publiku 9-59, yan pot para u implementa, intetpeti, preskribi yan una klaru huyong areklamento yan direksion nu debi u guaha para uma implementa, enfuetsa, yan administra i Dibision 1, Titulu 4 gi kodiku i Commonwealth. Este siha na amendasion man mafatinas sigun gi aturidat i mana'e i Sekretarian i Fainansiat ginen aturidat 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1701(c), 4 CMC §181, yan i Administrative Procedures Act, 1 CMC §9101 et seq, yan ginen todou ayu siha na aturidat yan direksion ni managaige sigun gi lai.

I maproponi na regulasion manmapublika huyong gi Rehistran i Commonwealth. Kopia i Commonwealth Register sina machule ginen i Ofisinan i Attorney General.

Hayi interesao mamatinas komentu pot i mapruponi siha na regulasion sina ha hatugi papa ya u na halom guato gi sekretarian i Fainansiat, Commonwealth of the Northern Mariana Islands, P.O. Box 5234 CHRB, Saipan, MP 96950, ti umas di trenta (30) dias despues di malaknos este na nutisia gi halom i Rehistran i Commonwealth.

Linaknos:

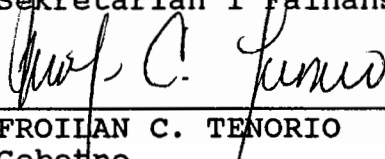


ANTONIO R. CABRERA
Sekretarian i Fainansiat

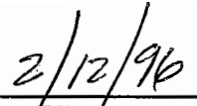


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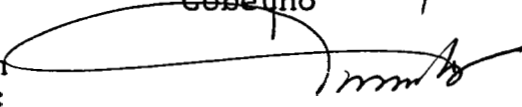


FROIILAN C. TENORIO
Gebetno

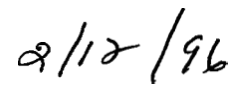


FECHA

Ma file yan
Rekod as:



SOLEDAD B. SASAMOTO
Registrar of Corporation



FECHA



Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMI Saipan

Phone: 664-1100

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AMENDMENTS TO REVENUE AND TAXATION REGULATIONS NO. 2200

1. Section 2200.7(r)(2). Section 2200.7(r)(2) is amended to read as follows:

(2) a business or other entity which is located, directed, or managed in the Commonwealth.

2. Section 2201.4. Section 2201.4 is deleted in its entirety and replaced with the following:

Section 2201.4 Withholding -- Non-Refundable Credit

(a) In General. Pursuant to and as provided by 4 CMC §1205 as amended by Pub. L. 9-59, a person may take the tax imposed on wages and salaries as a nonrefundable credit against the tax imposed on Commonwealth source income under Subtitle A of the NMTIT pursuant to Chapter 7 of Title 4. However, no such credit shall be allowed for any amount deducted in determining taxable income under the NMTIT as shown on the taxpayer's return.

(b) Withholding by Employers. In order for 4 CMC §1205 to apply at the time withholdings are deducted and remitted by an employer, the items of income subject to the NMTIT and the Wage and Salary Tax must be taxable and/or that withholding must be required at the time the NMTIT and Wage and Salary Tax was withheld or paid.

This subsection may be illustrated by the following examples:

Example No. 1

ABC Company Withholding Tax

<u>Employee Name</u>	<u>(A) Gross Wages</u>	<u>(B) CH 7 Tax Computed</u>	<u>(C) CH 2 Tax Computed and Withheld</u>	<u>(D) CH 7 Tax Withheld</u>
Employee A	\$400.00	\$25.00	\$40.00	\$ 0.00
Employee B	500.00	30.00	30.00	0.00
Totals	\$900.00	\$55.00	\$70.00	\$ 0.00
Amount to Remit	N/A	N/A	\$70.00	\$ 0.00

Note: Figures are for illustrative purposes only

Example No. 2

XYZ Company Withholding Tax

<u>Employee Name</u>	(A) <u>Gross Wages</u>	(B) <u>CH 7 Tax Computed</u>	(C) <u>CH 2 Tax Computed and Withheld</u>	(D) <u>CH 7 Tax Withheld</u>
Employee A	\$ 800.00	\$100.00	\$ 75.00	\$ 25.00
Employee B	1,000.00	75.00	80.00	0.00
Employee C	500.00	40.00	40.00	0.00
Totals	\$2,300.00	\$215.00	\$195.00	\$ 25.00
Amount to Remit	N/A	N/A	\$195.00	\$ 25.00

Note: Figures are for illustrative purposes only

In Example No. 2 above, for employee A, the actual tax withheld under Chapter 7 (column D) of \$25 was the result of the Chapter 2 tax of \$75 (column C) applied as a non-refundable credit against the computed Chapter 7 tax (column B) of \$100.00. The amount of the non-refundable credit allowable is the lesser of the amount of the Chapter 2 tax withheld or the Chapter 7 tax computed. As the amount of the Chapter 2 tax withheld of \$75.00 is less than the amount of the Chapter 7 tax computed of \$100.00, the amount of the non-refundable credit is \$75.00.

Employee A's combined withholding is \$100.00 (\$75.00 for Wage and Salary Tax and \$25.00 for NMTIT), which in effect equals the greater amount of Chapters 2 or 7 (NMTIT). XYZ Company shall deduct the \$100.00 from A's payroll check and classify as indicated above. Allowing the non-refundable credit, in effect, relieves Employee A of any Chapter 7 (NMTIT) withholding tax to the extent of any Wage and Salary Tax withheld on the same wages and salaries.

(c) Payment by Employees. In order for 4 CMC §1205 to apply at the time employees who are required to pay the Wage and Salary Tax under §1804(e), the items of income subject to the NMTIT and the Wage and Salary Tax must be taxable and/or that Chapter 2 payment must be required at the time the NMTIT estimated tax payment was made. This subsection may be illustrated by the following example.

Example No. 1

<u>Employee Name</u>	(A) <u>Gross Wages</u>	(B) <u>CH 7 Estimated Tax Computed</u>	(C) <u>CH 2 Tax Computed and Paid</u>	(D) <u>CH 7 Tax To Remit</u>	<u>Employee Total To Remit</u>
Employee A	\$ 800.00	\$100.00	\$ 75.00	\$ 25.00	\$100.00
Employee B	1,000.00	75.00	80.00	0.00	80.00
Employee C	500.00	40.00	40.00	0.00	40.00

Note: Figures are for illustrative purposes only

In Example No. 1 above, for Employee A, the actual tax paid under Chapter 7 of \$25.00 is the result of the Chapter 2 Wage and Salary Tax paid of \$75.00 applied as a non-refundable credit against the computed chapter 7 estimated tax of \$100.00. The amount of the non-refundable credit is the lesser of the amount of the Chapter 7 estimated tax computed and the Chapter 2 tax paid. As the amount of the Chapter 7 estimated tax computed of \$100.00 is greater than the amount of the Chapter 2 tax paid in the amount of \$75.00, the amount of the non-refundable credit is limited to the amount of \$75.00.

Employee A's combined Chapter 2 and Chapter 7 liability is \$100.00 (\$75.00 for Chapter 2 Wage and Salary Tax and \$25.00 for Chapter 7 NMTIT), which in effect equals the greater amount of Chapters 2 or 7 (NMTIT). Employee A shall pay the \$100.00 and classify as indicated above. Allowing the non-refundable credit, in effect, relieves Employee A of paying \$75.00 of the Chapter 7 NMTIT imposed on wages and salaries received to the extent of the non-refundable credit which arises from the same taxable period.

3. Section 2202.1(b)(6). Section 2202.1(b)(6) is deleted in its entirety and replaced with the following:

(6) Except as provided in 4 CMC §1202(b)(6)(A) - (E) and §2202.1(c) of these Regulations, all other types of income that a resident individual must report in determining his NMTIT.

4. Section 2202.4. Section 2202.4 is deleted in its entirety and replaced with the following:

Section 2202.4 Non-Refundable Credit

(a) In General. Pursuant to and as provided by 4 CMC §1205 as amended by Pub. L. 9-59, a person may take the tax imposed on earnings as a nonrefundable credit against the tax imposed on Commonwealth source income under Subtitle A of the NMTIT pursuant to Chapter 7 of Title 4. However, no such credit shall be allowed for any amount deducted in determining taxable income under the NMTIT as shown on the taxpayer's return.

Example No. 1: In 1996, Taxpayer A has \$100,000 of earnings subject to the Earnings Tax and the NMTIT. For this taxable year, Taxpayer A has no other income, will file a joint return, and will claim two (2) personal exemptions. At the close of the taxable year, Taxpayer A prepares his Form 1040CM and determines the following:

	<u>Earnings Tax</u>	<u>NMTIT</u>
GROSS INCOME/EARNINGS	\$100,000.00	\$100,000.00
LESS: PERSONAL EXEMPTIONS	N/A	(5,000.00)
LESS: STANDARD DEDUCTION	N/A	(6,500.00)
TAXABLE INCOME/EARNINGS	100,000.00	88,500.00
CALCULATED TAX	9,000.00	19,983.00
LESS: NON-REFUNDABLE CREDIT	N/A	(9,000.00)
BALANCE AFTER NON-REFUNDABLE CREDIT	9,000.00	10,983.00
TAX UNDERPAYMENT/OVERPAYMENT	9,000.00	10,983.00
REBATE BASE:		
TAX IMPOSED: \$19,983.00		
LESS CREDIT: (9,000.00)		
REBATE BASE: 10,983.00		
AMOUNT OF REBATE/REBATE OFFSET:		
\$1,950.00		
<u>4,241.50</u> [\$10,983 - \$2,500] X [50%]		
\$6,191.50	N/A	6,191.50
TOTAL DUE FROM TAXPAYER:	\$13,791.50	
Earnings Tax: 9,000.00		
NMTIT: 10,933.00		
Less Rebate Offset: (6,191.50)		
\$13,791.50		

**Note: Figures are for illustrative purposes only

5. Section 2203.1(b)(4). Section 2203.1(b)(4) is amended to read as follows:

(4) that portion of the distributive share of income or gain of a partnership, as provided in the NMTIT, that is derived from the conduct of a business in the Commonwealth to a partner who is not an individual.

Example No. 1 Partnership WXYZ is comprised of Partner W, Partner X, Partner Y, and Partner Z each having an equal interest in the partnership. Partner W and Partner X are resident individuals of the Commonwealth, and Partner Y and Partner Z are domestic corporations. During the taxable year, Partnership WXYZ has gross revenues in the amount of \$1,000,000 and net income in the amount of \$100,000; each partner's distributive share of income from Partnership WXYZ determined under the NMTIT is \$25,000.

The partnership must report and pay the BGRT on the entire \$1,000,000. Partner Y and Partner Z must report and pay the BGRT on each partner's

distributive share of net income of Partnership WXYZ, i.e., \$25,000 per partner.

6. Section 2203.1(c)(9). Section 2203.1(c)(9) is deleted in its entirety.
7. Section 2203.1(c)(10). Section 2203.1(c)(10) is deleted in its entirety.
8. Section 2203.9. Section 2203.9 is deleted in its entirety and replaced with the following:

Section 2203.9 Non-Refundable Credit

(a) In General. Pursuant to and as provided by 4 CMC §1307 as amended by Pub. L. 9-59, there will be allowed against the tax imposed on gross revenues (or any other Commonwealth tax or fee imposed under other Divisions or Titles of the Commonwealth Code in lieu of such tax) a nonrefundable credit against the tax imposed on Commonwealth source income under Subtitle A of the NMTIT pursuant to Chapter 7 of Title 4 of the commonwealth Code. However, no such credit shall be allowed for any amount deducted in determining taxable income under the NMTIT as shown on the taxpayer's return.

(b) Quarterly Estimated NMTIT Payments. In order for 4 CMC §1307 to apply to quarterly estimated NMTIT payments, the NMTIT and Gross Revenue Tax must both be due within the period covered by the BGRT payment. The non-refundable BGRT tax credit will be accepted provided all information and documentation is submitted as required by the Division of Revenue and Taxation.

This subsection may be illustrated by the following examples:

Example No. 1

BGRT Due (1st Quarter, 1996)		\$3,000.00
BGRT Non-refundable credit allocation	\$3,000.00	
Amount BGRT Paid		\$3,000.00
NMTIT Estimated Tax Payment Due		\$5,000.00
BGRT Non-refundable credit allocated to NMTIT		3,000.00
Amount of NMTIT Estimated Tax Payment		2,000.00

Example No. 2

BGRT Due (1st Quarter 1996)		\$8,000.00
BGRT Non-refundable credit allocation	\$5,000.00	
Amount BGRT Paid		\$8,000.00
NMTIT Estimated Tax Payment Due		\$5,000.00
BGRT Non-refundable credit allocated to NMTIT		5,000.00
Amount of NMTIT Estimated Tax Payment		-0-

9. Section 2204.3. Section 2204.3 is deleted in its entirety and replaced with the following:

(a) Earnings Tax and Gross Revenue Tax. In order to apply for tax-exempt status from the Earnings Tax or the Gross Revenue Tax, a person must submit an application to the Division of Revenue and Taxation on or before June 30 of the first year of operations or within 30 days prior to the commencement of operations.

(1) The Division of Revenue and Taxation may extend the time to file the application no longer than two (2) months; however, the Division of Revenue and Taxation may provide for a longer extension period for good cause shown.

(2) Organizations which do not submit an application within the time limitations specified within this subsection which are subsequently granted tax-exempt status shall be granted such status retroactive only to the date it submitted a complete application for tax-exempt status.

(b) Northern Marianas Territorial Income Tax. In order to apply for tax-exempt status from the Northern Marianas Territorial Income Tax, a person must submit an application to the Division of Revenue and Taxation on or before the time prescribed by the Northern Marianas Territorial Income Tax. The Division of Revenue and Taxation may, however, extend the time to file the application for good cause shown.

10. Section 2204.8. Section 2204.8 is amended to add a subsection (e) to read as follows:

(e) Time To File. The time by which an organization must file the annual information returns required under this section shall be that prescribed by the NMTIT for tax-exempt organizations, i.e., generally, on or before the fifteenth day of the fifth month following the close of the organization's taxable year.

11. Section 2204.9. Section 2204.9(b) is amended to read as follows:

(b) Excise. Payment of excise taxes, except as otherwise provided by law or regulations issued by the Division of Customs.

12. Section 2206.11. Section 2206.11 is deleted in its
COMMONWEALTH REGISTER VOLUME 18 NUMBER 02 FEBRUARY 15, 1996 PAGE 14010

entirety and replaced with the following:

Section 2206.11 Non-Refundable Credits.

(a) In General. Except as provided by subsection (b) and pursuant to and as provided by 4 CMC §1205, §1307, and §1424 the taxes imposed on wages and salaries, earnings, gross revenues, and the User Fee, will be allowed as a non-refundable credit against the NMTIT paid on the same items of income subject to these aforementioned taxes.

(b) Deduction v. Credit. In lieu of taking the §1205, §1307, and §1424 taxes as credits, a person may elect to treat such taxes as deductions allowed under the NMTIT to the extent allowed under the NMTIT.

(c) Withholding Taxes. To determine the extent to which the WST is allowed to be utilized as a non-refundable credit against the NMTIT at the time the NMTIT and Wage and Salary tax withholdings are deducted and remitted, see §2201.4 of these Regulations.

(d) Earnings Tax. To determine the extent to which the Earnings Tax is allowed as a non-refundable credit against the NMTIT, see §2202.4 of these Regulations.

(e) Estimated Tax Payments. To determine the extent to which the §1307 non-refundable credit is allowed at the time quarterly estimated NMTIT payments are made and quarterly Gross Revenue Tax payments are made, see §2203.9(b) of these Regulations.

13. Section 2206.12(b)(1). Section 2206.12(b)(1) is deleted in its entirety.

14. Section 2206.12(b)(3). Section 2206.12(b)(3) is deleted in its entirety.

15. Section 2206.12(b)(4). Section 2206.12(b)(4) is deleted in its entirety.

16. Section 2206.12(b)(2). Section 2206.12(b)(2) is renumbered §2206.12(b)(1).

17. Section 2206.12(b)(5). Section 2206.12(b)(5) is renumbered §2206.12(b)(2).

18. Section 2206.12(b)(6). Section 2206.12(b)(6) is renumbered §2206.12(b)(3).

19. Section 2206.12(e). Section 2206.12(e) is deleted in its entirety and replaced with the following:

(e) Definition -- Source of Income. For purposes of determining the rebate and the non-refundable credits allowed under Division 1 of 4 CMC, the term "sources within the Commonwealth", "Commonwealth Source Income", and similar terms shall be determined pursuant to 4 CMC §1712 and §2201.2 of these Regulations. All other sourcing issues with respect to the rebate and the non-refundable credits shall be determined pursuant to the sourcing rules of the NMTIT at §861 et seq.

20. Section 2206.12(g). Section 2206.12(g) is deleted in its entirety.

21. Section 2206.12(h). Section 2206.12(h) is deleted in its entirety and replaced with the following:

(h) Examples.

Example No. 1. For taxable year 1996, Taxpayer H has income in the amount of \$20,000 derived solely from wages and salaries received for services performed within the Commonwealth. For this taxable year, Taxpayer H is allowed to claim 2 personal exemptions and files a joint income tax return. H prepares his 1040CM for taxable year 1996 and determines the following:

	<u>Chapter 7 NMTIT</u>	<u>Chapter 2 WST</u>
Gross Income/Wages and Salaries	\$20,000.00	\$20,000.00
Less: Personal Exemptions	(4,000.00)	N/A
Less: Standard Deduction	(6,350.00)	N/A
Taxable Income	9,650.00	20,000.00
Calculated Tax	1,500.00	1,000.00
Less: Non-Refundable Credit	(1,000.00)	N/A
Balance After Non-Refundable Credit	500.00	1,000.00
Tax Withheld	300.00	1,000.00
Tax Underpayment/(Overpayment)	200.00	-0-
Calculation of Rebate Base:		
Tax Imposed: \$1,500.00		
Less Credit: (1,000.00)		
Rebate Base: 500.00		
Amount of Rebate/Rebate Offset (\$500.00 x 90%)	450.00	-0-
 AMOUNT DUE TAXPAYER	 \$250.00	
NMTIT: \$200.00		
Rebate Offset: (450.00)		
Due (250.00)		

**Note: Figures are for illustrative purposes only

Example No. 2. For taxable year 1996, Taxpayer M has income in the following amounts: [1] \$50,000 derived from wages and salaries received for services performed within the Commonwealth; [2] gain (as calculated under the NMTIT) from the sale of real property located in the Commonwealth the sale of which was not in the course of carrying on a business in the amount of \$75,000; [3] interest income from a savings account with a bank located in the CNMI in the amount of \$1,000; and [4] interest income from a savings account with a bank located in Guam in the amount of \$2,000. For this taxable year, Taxpayer M has income subject to the NMTIT in the amount of \$128,000; income subject to the Wage and Salary Tax in the amount of \$50,000; and income subject to the Earnings Tax in the amount of \$38,500 [1/2 gain of \$75,000 and \$1,000 CNMI sourced interest income]. For this taxable year, Taxpayer M is allowed to claim 2 personal exemptions and files a joint income tax return. M prepares his 1040CM for taxable year 1996 and determines the following:

	CH 7 NMTIT	CH 2 WST	CH 3 ET
Gross Income/Wages and Salaries	\$128,000.00	\$50,000.00	\$38,500.00
Less: Personal Exemptions	(4,000.00)	N/A	N/A
Less: Standard Deduction	(6,350.00)	N/A	N/A
Taxable Income	117,650.00	50,000.00	38,500.00
Calculated Tax	29,000.00	4,000.00	2,695.00
Less: Non-Refundable Credits	(6,695.00)	N/A	N/A
Balance After Non-Refundable Credit	22,305.00	4,000.00	2,695.00
Less Tax Withheld and Est. Tax Payments	20,000.00	4,000.00	-0-
Tax Withheld: \$15,000			
Est. Tax Payments: \$5,000			
Tax Underpayment/(Overpayment)	2,305.00	-0-	2,695.00
Calculation of Rebate Base (see below **)	21,725.00	N/A	N/A
Amount of Rebate	11,562.50	N/A	N/A
\$ 1,950.00			
<u>9,612.50</u> [\$21,725] - [2,500] x 50%			
\$11,562.50			
AMOUNT DUE TAXPAYER:	\$6,562.50		
NMTIT: \$2,305.00			
Earnings Tax: 2,695.00			
Rebate Offset: <u>(11,562.50)</u>			
Due \$ (6,562.50)			

**Calculation of Rebate Base:

Percentage of Income Within: 98%
Within: [\$50,000] + [\$75,000] + [\$1,000]/\$128,000 = 98%
 Percentage of Income Without: 2%
Without: \$2,000/\$128,000 = 2%

Tax Imposed Within: \$28,420.00 [\$29,000] x [98%]
 Less Non-Refundable Credits: (6,695.00)
 Rebate Base: \$21,725.00

*Note: Figures are for illustrative purposes only

Example No. 3: For taxable year 1996, Taxpayer A has revenues in the amount of \$100,000 derived from sources within the Commonwealth in the course of carrying on a business. For this year, Taxpayer A has no other income, will file a joint income tax return, and will claim two (2) personal exemptions. Taxpayer A prepares his Form 1040CM for taxable year 1996 and determines the following:

	<u>Chapter 7 NMTIT</u>	<u>Chapter 3 GRT</u>
Gross Income/Gross Revenues	\$100,000.00	\$100,000.00
Less: Personal Exemptions	(4,000.00)	N/A
Less: Standard Deduction	(6,350.00)	N/A
Taxable Income	89,650.00	100,000.00
Calculated Tax	20,300.00	2,000.00
Less: Non-Refundable Credit	(2,000.00)	N/A
Balance After Non-Refundable Credit	18,300.00	2,000.00
Estimated Tax Payments Made	24,000.00	N/A
Tax Underpayment/(Overpayment)	(5,700.00)	2,000.00
Calculation of Rebate Base:	18,300.00	N/A
Tax Imposed: \$20,300.00		
Less Credit: (2,000.00)		
Rebate Base: 18,300.00		
Amount of Rebate	9,850.00	N/A
\$1,950.00		
<u>7,900.00</u> [18,300] - [2,500] X 50%		
\$9,850.00		
AMOUNT DUE TAXPAYER	\$13,550.00	
NMTIT: \$(5,700.00)		
BGRT: 2,000.00		
Rebate Offset: <u>(9,850.00)</u>		
	\$(13,550.00)	

****Note:** Figures are for illustrative purposes only

Example No. 4: For taxable year 1996, Corporation ABC, a domestic corporation, has revenues in the amount of \$500,000 of which \$400,000 are derived from sources within the Commonwealth in the course of carrying on a business while the remaining are derived from sources without the Commonwealth. Corporation ABC has allowable deductions attributable to the \$400,000 of CNMI sourced gross revenues in the amount of \$75,000 and \$10,000 attributable to non-CNMI sourced gross revenues in the amount of \$100,000. Corporation ABC prepares its Form 1120CM for taxable year 1996 and determines the following:

	<u>Chapter 7 NMTIT</u>	<u>Chapter 3 GRT</u>
Gross Income/Gross Revenues	\$500,000.00	\$400,000.00
Less: Allowable Deductions	85,000.00	N/A
Taxable Income	415,000.00	400,000.00
Calculated Tax	130,000.00	12,000.00
Less: Non-Refundable Credit	(12,000.00)	N/A
Balance After Non-Refundable Credit	118,000.00	12,000.00
Estimated Tax Payments Made	120,000.00	N/A
Tax Underpayment/(Overpayment)	(2,000.00)	12,000.00
Calculation of Rebate Base:	89,400.00	N/A
Percentage of Income Within: 78%		
Within: [\$400,000] - [\$75,000]/\$415,000 = 78%		
Percentage of Income Without: 22%		
Without: [\$100,000] - [\$10,000]/\$415,000 = 22%		
Tax Imposed Within: \$101,400.00 [\$130,000] x [78%]		
Less Credit: <u>(12,000.00)</u>		
Rebate Base: 89,400.00		
Amount of Rebate	66,580.00	N/A
\$18,000.00		
<u>48,580.00</u> [89,400] - [20,000] X 70%		
\$66,580.00		
AMOUNT DUE TAXPAYER	\$56,580.00	
NMTIT: (2,000.00)		
BGRT: 12,000.00		
Rebate Offset: <u>(66,580.00)</u>		
Due	\$(56,580.00)	

**Note: Figures are for illustrative purposes only

22. Section 2206.12(h). Section 2206.12(h) is renumbered §2206.12(g).

23. Section 2206.14(c). Section 2206.14(c) is deleted in its entirety and replaced with the following:

(c) Non-Refundable Credits. Pursuant to and as provided by 4 CMC §1205, §1307, and §1424 as amended by Pub. L. 9-59, a person may take any BGRT, Earnings Tax, Wage and Salary Tax, or User Fee as a non-refundable credit against the NMTIT imposed at Chapter 7 of 4 CMC. To determine the extent to which the BGRT and WST non-refundable credits are allowed at the time quarterly estimated NMTIT payments are made, see §2201.4(c) and 2203.9(b).

24. Section 2213.6(b). Section 2213.6(b) is deleted in its entirety and replaced with the following:

(b) Signature. All returns must be signed by a natural person. No return shall be complete unless and until it is signed by the taxpayer. Except as provided in subsection (d), tax returns shall be signed by the following:

(1) The return of an individual taxpayer shall be signed by the individual;

(2) The return of a corporation shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized so to act;

(3) The return of a partnership shall be signed by any one of the partners; and

(4) The return of other entities shall be signed by a natural person as specified by the NMTIT.

January 18, 1996

PUBLIC NOTICE

OFFICE OF THE ATTORNEY GENERAL

PROPOSED AMENDMENTS TO THE COMMONWEALTH BUSINESS CORPORATION REGULATIONS

The Office of the Attorney General and the Registrar of Corporations, with the approval of the Governor, pursuant to 1 CMC 9104, hereby gives notice to the public of the intention to adopt amendments to the Commonwealth Business Corporation Regulations, Commonwealth Register Vol 12 No. 5, May 15, 1990, pages 6960, 6980 - 6997. The purpose of these amendments is to establish parameters for corporate audits and to ensure that corporations are in compliance with the laws and regulations of the Commonwealth. The amendments to these regulations are promulgated under the authority given to the Office of the Attorney General by 1 CMC 2153, 4 CMC 4104 and 4203, Executive Order 94-3, The Commonwealth Administrative Procedure Act, 1 CMC 9101 et seq, and other authority as provided in the Commonwealth Code.

The proposed amendments to the regulations are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Office of the Attorney General. **THE PUBLIC IS HEREBY NOTIFIED THAT THE OFFICE OF THE ATTORNEY GENERAL HAS EXTENDED THE TIME FOR PUBLIC COMMENT ON THE PROPOSED REGULATIONS UNTIL 15 FEBRUARY 1996.** This extension has been made to allow the maximum amount of comment to the proposed regulations. Any comments or recommendations should be sent to the Office of the Attorney General at the following address:

Office of the Attorney General
2nd Floor, Administration Building
Capitol Hill, Saipan, MP 96950

Issued by: C. Sebastian Aloit 1/19/96
C. SEBASTIAN ALOIT Date
Attorney General (Acting)

Filed with: Soledad B. Sasamoto 1/22/96
for: SOLEDAD B. SASAMOTO Date
Registrar of Corporations

Received by: Office of the Governor 1/22/96
OFFICE OF THE GOVERNOR Date



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE REGULATIONS FOR
ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT

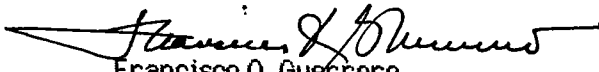
The Board of Professional Licensing, hereby gives notice to the general public that it has approved the proposed amendments to the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects pursuant to its authority under 4 CMC, Div. 3.

The purpose of these amendments is to give more detail information on this particular portion of the regulations so as to provide effective administration of 4 CMC Div. 3, and the regulations and for other purposes.

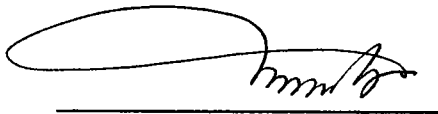
The Board is soliciting comments and recommendations regarding these proposed amendments which must be received by the Board within 30 days of first publication of this notice.

Copies of these proposed amendments may be obtained at the Board of Professional Licensing Office on the 2nd floor of the Island Commercial Center, Middle Road, Gualo Rai, Saipan.

Dated this 5th day of February, 1996.


Francisco Q. Guerrero
Chairman

Filed By:

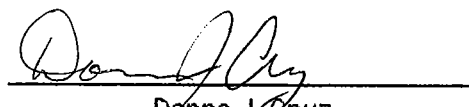


Soledad B. Sasamoto
Registrar of Corporations

2/8/96
Date

9:35 AM
Time

Received By:



Donna J. Cruz
Governor's Office

2/8/96
Date

9:25 AM
Time

**NUTISIAN PUPBLEKO PUT I MAPROPONI NA AMENDASION
PARA I AREKLAMENTON PUT ENYINERIA,
ATKETEKTO, AGRAMENSOT TANO' YAN ATKETEKTON HATDINERU**

I Akonseheron I Manlisensian Profesionat, mannanai'i nutisia para i hinirat pupbleko na ha aprueba i mapruponi na Areklamento put enyineria, atketekto, agramensot tano' yan atketekton hatdineru sigun gi papa' aoturidat 4 CMC, Div. 3.

I ginagagao este na amendasion i para u fanna'i mas emfotmasion put pattekulat patte gi areklamento asi komo para u na'guaha ifektibu na atmenestrasion i 4CMC Dib. 3 yan i areklamento yan otro ginagao siha.

Manggagagao i akonsiheru ayudu yan rikumendasion put este i maproponi na amendasion ya u marisibi gi halom trenta (30) dihas desde i mapupbleka-ña este na nutisia.

Siña machule' kopian este na amendasion gi ufisinan i Akonseheron Manlisensian Profesionat gi sigundo bibenda i Island Commercial Center, Chalan Pale' Arnold giya Gualo' Rai, Saipan

Mafecha gi 5^{ta} diha gi Febrero, 1996.



Francisco Q. Guerrero
Ge'hilo'

Inarekla As:



Soledad B. Sasamoto
Rihistran Kotperasion

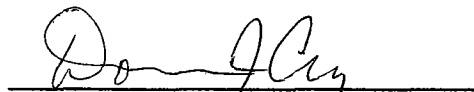
2/8/96

Fecha

9:35 AM

Ora

Rinisibi As:



Donna J. Cruz
Ufisinan Gubetno

2/8/96

Fecha

9:25 AM

Ora

Schulappal Lisensiyal Engina, Garaminsood me Ischil Akkayúl Meeta
Commonwealth of the Northern Mariana Islands
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

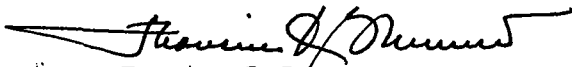
Arongorongol Towlap Reel Siwel kka Re Amallátá Ngeli
Alléghil Engina, Schóól Fféér Tillighil Reel Ululul Meeta, Garaminsood, Ischil Akkáyúl Meeta

Schulappal Lisensiyal Aramas kka weiláng e kke arongóór towlap bwe aa bwungiw fengelli siwel kka re amallátá reel alléghil Engina, Schóól Fféér Tillighil Reel Ululul Meeta, Garaminsood, Ischil Akkáyúl Meeta ye tooto mereel 4 CMC. Div. 3.


Bwulul siwel kkaal nge ebwe ngallei maas aweewe me ffél llól allégh kkaal bwe ebwe aghatchúló mwóghuttughuttul schulap yeel ye e lo llól 4 CMC Div. 3 me bwal akkáv aweewe.

Schulap yeel e kke tingóór ngeli towlap bwe rebwe Iseliilong meeta meflyeer llól llligh ráál lgha schagh e toowow arongorong yeel.

Schéél arongorong yeel nge emmwel aubwe bwughi mereel Schulap yeel aruwowwal bibenda me Island Commerical Center, Middle Road, Gualo Rai, Saipan.


Francisco Q. Guerrero
Chairman

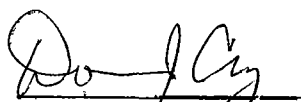
Amwelaaló mereel:


Soledad B. Sasamoto
Schóól Ischil Koporasion

2/8/96
Ráál

9:35 AM
Atól

Re bwughi-reel:


Donna J. Cruz
Governor's Office

2/8/96
Ráál

9:25 AM
Atól

The Board of Professional Licensing pursuant to 4 CMC, Div. 3, hereby proposes to amend the regulations for Engineers, Architects, Land Surveyors, and Landscape Architects.

AMENDMENTS

4.4 **RENEWAL FEES**

- (A) License renewal fees must be paid on or before the license expiration date to avoid assessment of a delinquent fee.
- (B) Registrants whose fees are received after the renewal date shall be assessed a renewal fee and a delinquent fee for every month the registrant's fees are not received.

15.2 **FEES**

- (B) Failure of a registrant to renew on or before the expiration date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired and lapsed for more than one year by failure to renew must file a new application and received Board approval for reinstatement.



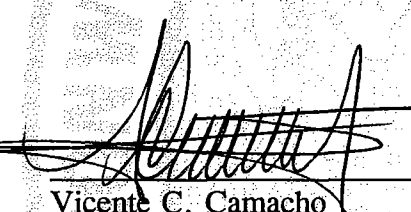
Northern Mariana Islands
R E T I R E M E N T F U N D

P.O. Box 1247, Saipan, MP 96950
Telephone: (670) 234-7228 / Fax: (670) 234-9624

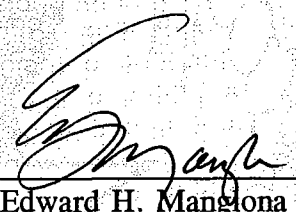
**NOTICE OF THE ADOPTED AMENDMENTS
TO THE MEMBER HOME LOAN PROGRAM REGULATIONS**

The Board of Trustees of the Northern Mariana Islands Retirement Fund hereby notifies the general public that it has adopted the amendments to the Member Home Loan Program Regulations as published in Volume 11, No. 6, dated June 15, 1989, and as amended in Volume 12, No. 3, dated March 15, 1990, Volume 13, No. 4, dated April 15, 1991, Volume 13, No. 10, dated October 15, 1991, Volume 15, No. 3, dated March 15, 1993, Volume 15, No. 9, dated September 15, 1993, Volume 15, No. 12, dated December 15, 1993, Volume 16, No. 04, dated April 15, 1994, Volume 16, No. 05, dated May 15, 1994, Volume 16, No. 09, dated September 15, 1994, Volume 16, No. 11, dated November 15, 1994, Volume 17, No. 02, dated February 15, 1995, Volume 17, No. 04, dated April 15, 1995, Volume 17, No. 06, dated June 15, 1995 and as further amended in Volume 17, No. 10, dated October 15, 1995 of the Commonwealth Register.

Dated this 17th day of January, 1996.




Vicente C. Camacho
Chairperson
Board of Trustees
NMI Retirement Fund



Edward H. Mangona
Administrator
NMI Retirement Fund

Date: 1/18/96



Donna J. Cruz
Filed by The Governor's Office

Date: 1/18/96



Soledad B. Sasamoto
Filed by the Registrar of Corp.



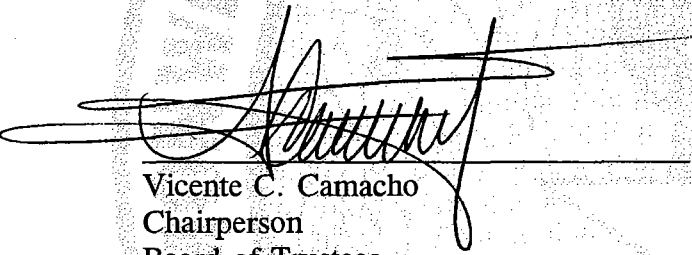
Northern Mariana Islands
R E T I R E M E N T F U N D

P.O. Box 1247, Saipan, MP 96950
Telephone: (670) 234-7228 / Fax: (670) 234-9624

**NOTICIA POT I MA ADOPTA NA AMENDASION
I REGULASION YAN AREKLAMENTO
I MEMBER HOME LOAN PROGAM**

I Board of Trustees, NMI Retirement Fund, man nanae noticia para i publico na ma adopta i tinilaika gi regulasion i Member Home Loan Program anai i ma publika gi Volume 11, No. 6, Junio 15, 1989, ya ma amenda gi Volume 12, No. 3, Matso 15, 1990, Volume 13, No. 4, Abrit 15, 1991, Volume 13, No. 10, Octubre 15, 1991, Volume 15, No. 3, Matso 15, 1993, Volume 15, No. 9, Septiembre 15, 1993, Volume 15, No. 12, Diciembre 15, 1993, Volume 16, No. 04, Abrit 15, 1994, Volume 16, No. 05, gi Mayo 15, 1994, Volume 16, No. 09, Septiembre 15, 1994, Volume 16, No. 11, Novembre 15, 1994, Volume 17, No. 02, Febrero 15, 1995, Volume 17, No. 04, Abrit 15, 1995, ya ma amenda talo gi Volume 17, No. 10, Octubre, 15, 1995 gi Commonwealth Register.

Mafecha gi dia 17 gi Enero, 1996.


Vicente C. Camacho
Chairperson
Board of Trustees
NMI Retirement Fund


Edward H. Mangona
Administrator
NMI Retirement Fund

Date: 1/18/96


Donna J. Cruz
Filed by The Governor's Office

Date: 1/18/96


Soledad B. Sasamoto
Filed by the Registrar of Corp.



Northern Mariana Islands
R E T I R E M E N T F U N D

P.O. Box 1247, Saipan, MP 96950
Telephone: (670) 234-7228 / Fax: (670) 234-9624

**NORTHERN MARIANA ISLANDS RETIREMENT FUND
ADOPTED
MEMBER HOME LOAN PROGRAM REGULATIONS**

The Board of Trustees of the NMI Retirement Fund hereby adopts the amendments to the Member Home Loan Rules and Regulations as published in the Commonwealth Register in Volume 11 No. 06, dated June 15, 1989, and as amended in Volume 12, No. 3, dated March 15, 1990, Volume 13, No. 4, dated April 15, 1991, Volume 13, No. 10, dated October 15, 1991, Volume 15, No. 3, dated March 15, 1993, Volume 15, No. 9, dated September 15, 1993, Volume 16, No. 5, dated May 15, 1994, Volume 16, No. 09, dated September 15, 1994, Volume 16, No. 11, dated November 15, 1994, Volume 17, No. 02, dated February 15, 1995, Volume 17, No. 04, dated April 15, 1995, Volume 17, No. 06, dated June 15, 1995 and further amended in Volume 17, No. 10, dated October 15, 1995 of the Commonwealth Register.

Part I. AUTHORITY

1. By virtue of the authority provided under 1 CMC § 8314(f), and the Administrative Procedures Act, at 1 CMC § 9101, et. seq., the Board of Trustees hereby promulgates these amendments as adopted to the Member Home Loan Program Regulations.

Part II. AMENDMENTS

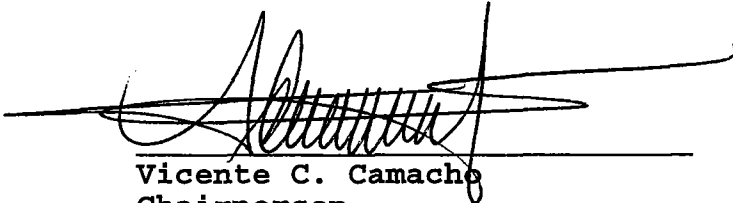
1. To amend Part 5, Section 5.5(c) of the Member Home Loan Program Regulations, to delete the entire paragraph and add a new paragraph (c) in lieu thereof to read as follows:

"(c) In the case of contractors, have constructed a minimum of 10 residential construction projects, one of which was worth at least \$25,000; The Board of Trustees may waive this requirement for good cause or as it deems appropriate under the circumstances."

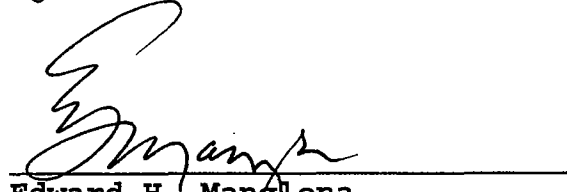
PART III. EFFECTIVE DATE

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

Adopted as final amendments to the Member Home Loan Program Rules and Regulations by the Board of Trustees this 17th day of January, 1996.



Vicente C. Camacho
Chairperson
Board of Trustees
NMI Retirement Fund



Edward H. Manglona
Administrator
NMI Retirement Fund

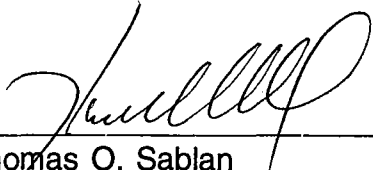
DEPARTMENT OF LABOR AND IMMIGRATION

**PUBLIC NOTICE
OF ADOPTED AMENDMENTS TO THE
DEPARTMENT OF LABOR AND IMMIGRATION
RULES AND REGULATIONS**

The Secretary of Labor and Immigration, in accordance with the authority provided by 3 CMC § 4424, 3 CMC § 4424, E.O. 94-3 and 1 CMC § 9104, hereby adopts the Department of Labor and Immigration's Final Version of Amendments to The Processing of Applications For Work Certificates for Alien Garment Workers. The Proposed Amendments were published in the November 15, 1995, Commonwealth Register beginning at page 13801, and a copy of the Certification and Final Version directly follow this Notice.

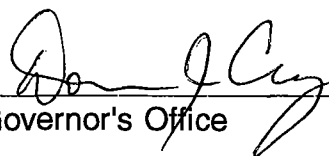
These Amendments shall become effective within ten (10) days after final publication in the Commonwealth Register.

2/12/96
Date



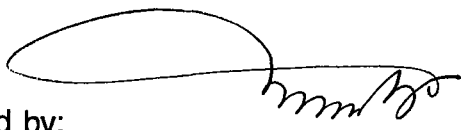
Thomas O. Sablan
Secretary of Labor and
Immigration

2/13/96
Date

Received by: 

Governor's Office

2/13/96
Date

Filed by: 

Registrar of Corporations

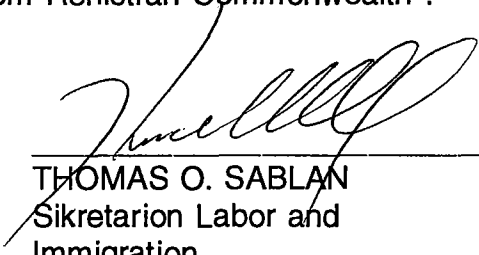
DEPARTMENT OF LABOR AND IMMIGRATION

**NUTISIAN PRUPBLIKU
PUT I MA'ADAPTAN I AMENDASION SIHA GI
AREKLAMENTO YAN REGULASION I
DEPATTAMENTON HOTNAT YAN IMIGRASION**

I Sikretarion i Depattamenton Hotnat yan Imigrasion, konsiste yan i aturidat ni mapribeni nu i 3 CMC § 4424, E.O. 94-3 yan i 1 CMC § 9104, ginen este ha adapta i iyon Depattamenton Hotnat yan Imigrasion ni Uttimy ne Betsan i Amendasion siha put Maninan Aplikasion siha para Settefikon Cho'cho para i Manestrangheru siha na Hotnat Faktorian Magagu. I Priniponi siha na Amendasion manmapupblika gi halom i Nobembre 15, 1996, na Rehistran Commonwealth desde pahina 13801, ya i kopian i Settifikasion yan Uttimu na Betsa direktamenta matattetiya este na Nutisa

Este siha na Amendasion para u fanefektibu gi halom dies (10) dias despues di uttimu na publikasion este na nutisia gi halom Rehistran Commonwealth .

2/12/96
Fecha


THOMAS O. SABLAN
Sikretarion Labor and
Immigration

2/13/96
Fecha

Marisibi as:


Ofisian Gubetno

2/13/96
Fecha

Marisibi as:


Rehistradot Koporasion

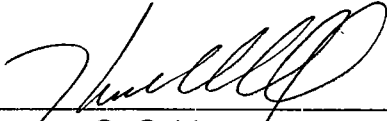
DEPARTMENT OF LABOR AND IMMIGRATION

**CERTIFICATION
OF ADOPTED AMENDMENTS TO THE
DEPARTMENT OF LABOR AND IMMIGRATION
RULES AND REGULATIONS**

I, Thomas O. Sablan, Secretary of the Department of Labor and Immigration which promulgated the Proposed Amendments to Regulations Restricting the Processing of Applications for Work Certificates for Alien Garment Workers, published in the November 15, 1995 Commonwealth Register beginning at page 13801, by signature below hereby certify that such Regulations are a true, complete and correct copy of the Department of Labor and Immigration Amendments formally adopted by the Department of Labor and Immigration.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 12 day of February, 1996, at Saipan, Commonwealth of the Northern Mariana Islands.

2/12/96
Date



Thomas O. Sablan
Secretary of Labor and
Immigration

NOTICE OF ADOPTION OF AMENDMENTS
TO THE RULES & REGULATIONS
FOR THE OPERATION OF PACHINKO SLOT MACHINES
IN THE CNMI

WHEREAS, on November 22, 1995, the CNMI Secretary of Finance adopted on an emergency basis, "Amendments To The Rules and Regulations For The Operation Of Pachinko Slot Machines In The CNMI (hereinafter "Amended Pachinko Rules")" amending Rules and Regulations originally published in the Commonwealth Register Vol. 17, No. 7 on July 15, 1995 as Finance Division Regulation No. 2400; and,

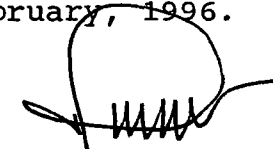
WHEREAS, the Amended Pachinko Rules were published in the CNMI Commonwealth Register of December 15, 1995 Vol. 17, No. 12 at pages 13841 - 13849; and,

WHEREAS, contemporaneous is with the publication of the Amended Pachinko Rules, a Notice and solicitation of public comment was also published in the Commonwealth Register; and,

WHEREAS, a period in excess of thirty days has elapsed since such publication and the CNMI Secretary of Finance has received no comments regarding the Amended Pachinko Rules, and good cause appearing;

By signature below the Secretary of Finance gives notice that CNMI Department of Finance has adopted, on a permanent basis, the "Amendments to the Rules and Regulations for the Operation of Pachinko Slot Machines in the CNMI" originally promulgated on an emergency basis November 22, 1995.

Dated this 13th day of February, 1996.



Antonio R. Cabrera
Secretary of Finance

CERTIFICATION OF THE ADOPTION OF THE AMENDMENTS
TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE PACHINKO SLOT MACHINES IN THE CNMI

I, Antonio R. Cabrera, Secretary of the Department of Finance which has promulgated the Amendments to the Rules and Regulations for the Operation of Pachinko Slot Machines in the CNMI, by signature below, do hereby certify that such Rules and Regulations for the Operation of Pachinko Slot Machines in the CNMI, as amended by publication commencing at page 13841 of the CNMI Commonwealth Register, Vol. 17, No. 12, December 15, 1995, are a true, complete

and correct copy of the Amendments to the Rules and Regulations adopted by the CNMI Department of Finance to govern the operation of Pachinko Slot Machines in the CNMI.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th day of February, 1996 on the island of Saipan, Commonwealth of the Northern Mariana Islands.



Antonio R. Cabrera
Secretary of Finance

**NOTICE OF ADOPTION OF AMENDMENTS
TO THE RULES & REGULATIONS
FOR THE OPERATION OF POKER MACHINES**

WHEREAS, on November 22, 1995, the CNMI Secretary of Finance adopted on an emergency basis, "Amendments To The Rules and Regulations For The Operation Of Poker Machines (hereinafter "Amended Poker Rules")" amending Rules and Regulations originally adopted by notice in the Commonwealth Register Vol. 17, No. 6 on June 15, 1995 having been previously proposed in Commonwealth Register Vol. 17, No. 4 on April 15, 1995 as Finance Division Regulation No. 2200; and,

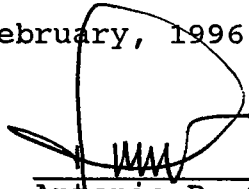
WHEREAS, the Amended Poker Rules were published in the CNMI Commonwealth Register of December 15, 1995 Vol. 17, No. 12 at pages 13850 - 13855; and,

WHEREAS, contemporaneous with the publication of the Amended Poker Rules, a Notice and solicitation of public comment was also published in the Commonwealth Register; and,

WHEREAS, a period in excess of thirty days has elapsed since such publication and the CNMI Secretary of Finance has received no comments regarding the Amended Poker Rules, and good cause appearing;

By signature below the Secretary of Finance gives notice that CNMI Department of Finance has adopted, on a permanent basis, the "Amendments to the Rules and Regulations for the Operation of Poker Machines" originally promulgated on an emergency basis November 22, 1995.

Dated this 13th day of February, 1996.



Antonio R. Cabrera
Secretary of Finance

**CERTIFICATION OF THE ADOPTION OF THE AMENDMENTS
TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE POKER MACHINES**

I, Antonio R. Cabrera, Secretary of the Department of Finance which has promulgated the Amendments to the Rules and Regulations for the Operation of Poker Machines, by signature below, do hereby certify that such Rules and Regulations for the Operation of Poker Machines, as amended by publication commencing at page 13850 of the CNMI Commonwealth Register, Vol. 17, No. 12, December 15, 1995, are a true, complete and correct copy of the Amendments to the Rules

and Regulations adopted by the CNMI Department of Finance to govern the operation of Poker Machines.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ~~15~~¹⁶ day of February, 1996 on the island of Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, consisting of a large, stylized 'A' shape with a horizontal line through it and some scribbles below.

Antonio R. Cabrera
Secretary of Finance