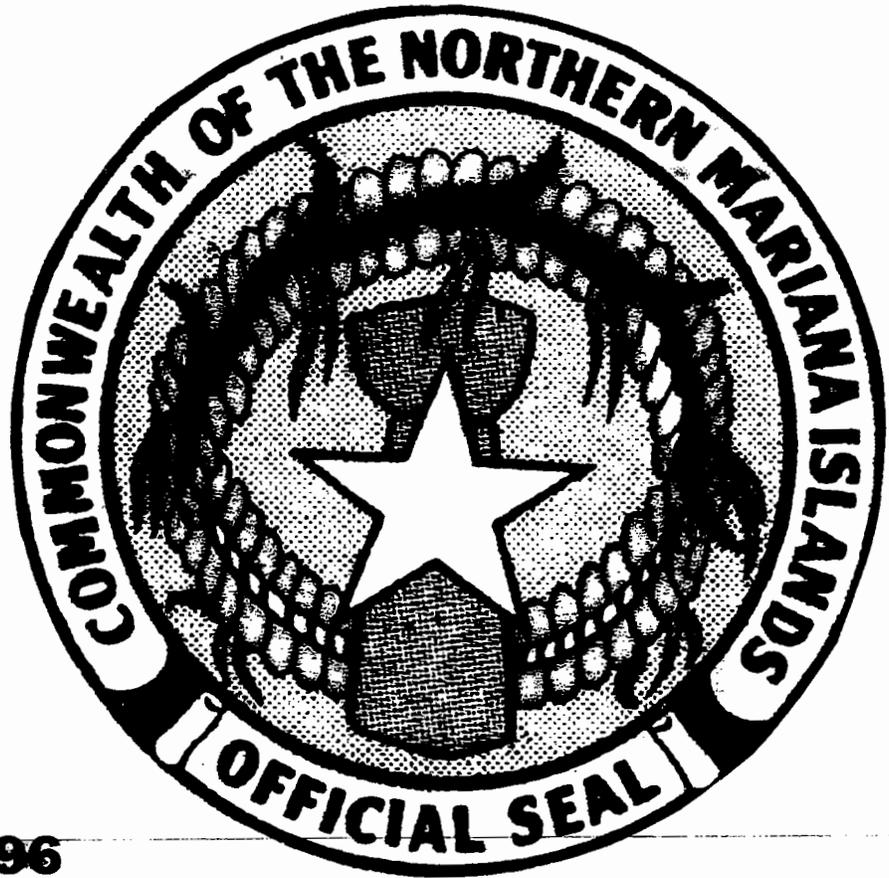


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS

VOLUME 18 NUMBER 05



MAY 15, 1996

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER

VOLUME 18 NUMBER 05

MAY 15, 1996

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DEPARTMENT OF COMMERCE
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 CALLER BOX 10007
 C.K., SAIPAN, MP 96950

TEL. NO. (670) 664-3000/1/2
 FAX NO. (670) 664-3067

**NOTICE OF PROPOSED AMENDMENTS TO THE 1993 FOREIGN CURRENCY EXCHANGE
 RULES AND REGULATIONS**

The Director of Banking, in accordance with Section 2454 of 1 CMC 2 and Sections 6108 and 6351 of 4 CMC 6, hereby notifies the general public of his intention to amend the 1993 Foreign Currency Exchange Rules and Regulations as adopted and published in the Commonwealth Register Vol. 14 No. 1 on January 15, 1993, pages 10393 to 10430. The proposed amendments to the Foreign Currency Exchange Rules and Regulations are published herewith.

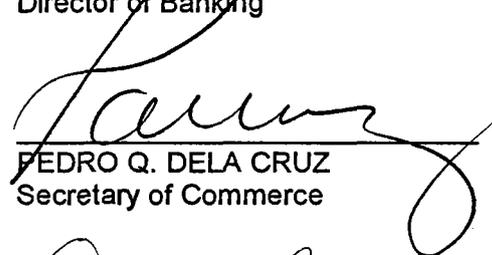
Copies of the proposed amendments to the rules and regulations may be obtained from the Director of Banking, Department of Commerce, Capitol Hill.

All interested persons are requested to submit written comments on the proposed amendments to the Foreign Currency Exchange Rules and Regulations, addressed to the Director of Banking, Department of Commerce, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

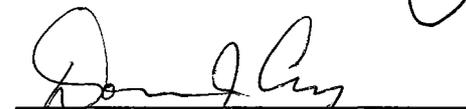
5/14/96
Date.


 OSCAR C. CAMACHO
 Director of Banking

5/14/96
Date


 PEDRO Q. DELA CRUZ
 Secretary of Commerce

5/14/96
Date


 Received by: DONNA CRUZ
 Governor's Office

5/14/96
Date


 Filed with: SOLEDAD SASAMOTO
 Registrar of Corporations



DEPARTMENT OF COMMERCE
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 CALLER BOX 10007
 C.K., SAIPAN, MP 96950

TEL. NO. (670) 664-3000/1/2
 FAX NO. (670) 664-3067

**NOTISIAN PROPOSITO POT PARA HU MA AMENDA I AREKLAMENTO YAN REGULASION I
 1993 FOREIGN CURRENCY EXCHANGE**

I Direktot Banking, sigun gi Seksiona 2454 gi 1 CMC 2 yan Seksiona 6108 yan 6351 gi 4 CMC 6, ha propoponi na para hu na fan manungo' I pupbliku nu I intension ña na para hu amenda I areklamento yan regulasion 1993 Foreign Currency Exchange ni esta ma publika huyong gi Commonwealth Register Vol. 15 No. 1 gi Eneru 15, 1993 pahina 10393 asta 10430. I mapropoponi siha na amendasion man ma publika guini gi Commonwealth Register.

Kopian este siha na amendasion I areklamento yan regulasion siña ha manma chule' ginen I Direktot Banking, Depattamenton Commerce, Capitol Hill.

Todo i man interesao siha na petsona siña masatmiti halom I komentu niha pot i ma propopoponi na areklamento yan regulasion guatu gi Direktot I Banking, Dipattamenton Commerce, Caller Box 10007, Saipan, MP 96950. Todo I komentu siha debi di u fanmatuge' papa.

5/14/96
Date

OSCAR C. CAMACHO
 Director of Banking

5/14/96
Date

PEDRO Q. DELA CRUZ
 Secretary of Commerce

5/14/96
Date

Received by: DONNA CRUZ
 Governor's Office

5/14/96
Date

Filed with: SOLEDAD SASAMOTO
 Registrar of Corporations

AMENDMENTS

I. Section 8 (b) of the Foreign Currency Exchange Rules and Regulations is deleted and replaced with the following:

- 8 (b) License shall expire one year following the date of issuance. An agent's license shall expire on the same date as the appointing Dealer's license.

II. Section 9 (a) and 9 (c) are deleted and replaced with the following:

9. REGISTRATION OF AGENTS.

- (a) Every agent of a licensee except as described under 9(c), shall register with the Director and shall pay annually a registration fee of Thirty Dollars (\$30.00).
- (c) Retailers and hotels in the business of foreign exchange currency transactions and having such business as only incidentals to serving their clients must also appoint agents. Only these establishments may include cashiers as agents. Names of persons doing transactions and their job title must be specified on Forms FX-1 and FX-12. Only one \$30 fee may be assessed for these agents.

III. Section 10 (c) is deleted in its entirety and replaced with the following:

10. EXAMINATION

- (c) All Foreign Currency Exchange Dealers are required to submit a summary report of business activity on a quarterly basis:
- Foreign currency exchange dealers in the business of transmitting money shall submit a report of total funds remitted outside of the CNMI.
 - Foreign exchange currency transaction dealers shall submit a report of the total amount of foreign currency transacted in the CNMI.

IV. The last paragraph after Section 13 (c) is deleted and replaced with the following:

The Director shall forward the deposit to the CNMI Treasurer for custody and safekeeping and shall be accomplished by preparing a transmittal form and acknowledged by the Treasurer.

V. Section 14 is deleted in its entirety and replaced with the following:

14. TRUST FUND. The money deposited with the Treasurer of the Commonwealth pursuant to Section 13(a) of these regulations shall constitute a fund for the benefit of persons in case

a licensee or its agents is not able to pay for funds entrusted to them for remittance.

VI. The title for Section 18 is deleted. The following shall be the new title for Section 18:

18. CIVIL PENALTY FOR VIOLATION.

VII. Section 18 (a) is deleted and replaced with the following:

(a) Any person who violates or fails to comply with any of these regulations or who, without complying with the provisions of these regulations, represents that he is authorized to receive, or solicits or receives, money or the equivalent for transmission to a foreign country, shall be fined \$500 for each violation.

VIII. The violation in 18 (a) is included in the fee schedule under 19 (d). All other fees are renumbered accordingly.

19. FEES: The following is a schedule of all fees required by these regulations:

| | | |
|-----|--|---------------|
| (a) | Foreign Exchange Dealer License | \$300.00 |
| (b) | Foreign Exchange Agent License | 30.00 |
| (c) | Violations to Sections 11, 12 & 18(c). | 50.00/day |
| (d) | <u>Violaitons to Section 18(a).....</u> | <u>500.00</u> |
| (e) | Penalty Fees Section 18(b) | 10.00/day |
| (f) | Amendment Fee | 10.00 |
| (g) | Duplication of documents | .50/page |
| (h) | Certification Fees..... | 5.00 |
| (i) | Late Renewals and Other Filing Fees..... | 2.00/day or |
| | as prescribed by the Director | |
| (j) | Business license..... | 50.00 |

PUBLIC NOTICE

PROPOSED AMENDMENT TO THE ELECTRIC SERVICE
REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION

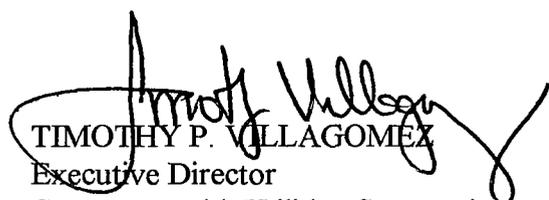
The Commonwealth Utilities Corporation Board of Directors, pursuant to the authority of the Commonwealth Utilities Corporation Act, hereby gives notice to the public of its proposed amendments to the Commonwealth Utilities Corporation Electric Service Regulations as follows:

Part 24.5.4 Buildings which are used for housing workers (barracks or houses), where the power is purchased and paid for by a commercial business for profit, shall be classified as commercial. Buildings used by non-profit charitable corporations or organizations, except in the case of a commercial, for profit business owned or operated by a religious organization, shall be classified as residential.

Part 24.5.7 A non-profit organization is defined as such if it provides CUC with written determination of tax exempt status from the Commonwealth Division of Revenue and Taxation that it qualifies as a charitable organization under Sections 501 and 503(c) of the Northern Marianas Territorial Income Tax, or proof that it is not required to file for such a determination.

All interested persons are requested to submit data, views, or arguments, in writing, concerning the proposed amendments to the Commonwealth Utilities Corporation Electric Service Regulations. Written comments must be submitted to the Executive Director, Commonwealth Utilities Corporation, not later than the close of business thirty (30) calendar days following the date of the publication of this Notice.

Dated this 22ND April, 1996:


TIMOTHY P. VILLAGOMEZ
Executive Director
Commonwealth Utilities Corporation

Received by: 
Donna J. Cruz
Office of the Governor

Date: 4/22/96


Filed by: _____
Soledad B. Sasamoto
Registrar of Corporations

Date: 4/22/96

NUTISIAN PUPBLIKU

MA PRUPOPONI AREKLAMENTON REGULASION SETBISION
ELEKTRISIDAD GI HALOM I COMMONWEALTH UTILITIES CORPORATION

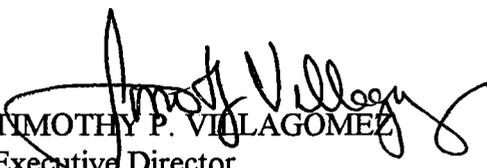
I Commonwealth Utilities Corporation Board of Directors, sigun I autoridad I Commonwealth Utilities Corporation Act ginen esti ha notisia I publiku inekat put I ma prupoponi areklamenton regulasion put I setbision electricidad gi sigenti siha:

Patte 24.5.4 Guma siha ni man ma akupa para I man machochocho na taotao tat komo (barracks pat guma) ni man ma apasi elektresida ginen I commercial business put asunton rogit, u man kasifika komo commercial. I gima ni man mausa para I nonprofit charitable corporations pat otganision fuera gi bandan commercial put asunton profit business ni a maneha pat dueno gi bandan rehilion otganision siempre u ma klasifika komo residential.

Patte 24.5.7 I non-profit otganizion ma defina asi komo ha prebini I CUC I written determination of tax exempt status ginen I Commonwealth Division of Revenue yan Taxation na kualifika sigun I charitable organization gi papa seksiona 501 yan 503(C) gi Northern Marianas Territorial Income Tax pat preba na ti nesisita ma file para esti na detetminasion.

Todu I man interesao man ma gagagao na u ma samite data, views pat atgumento uma tugi papa put I ma prupoponi na areklamenton regulasion put isetbision electricidad. I ma tugin comendasion siha debi hu ma satmite guato gi ofisian I Executive Director, Commonwealth Utilities Corporation, antes di u ma uchom I business trenta (30) dias ya hu tinatiyi gi hayu na dia ni ma pupblika este na nutisia.

Ma Fecha este 22ND Abrit 1996:


TIMOTHY P. VILLAGOMEZ
Executive Director
Commonwealth Utilities Corporation

Ma risibi as:

Ma Settifika as:


DONNA J. CRUZ
Ofisinan Gubetno


SOLEDAD B. SASAMOTO
Registrar of Corporations

Fecha: 4/22/96

Fecha: 4/22/96

ARONGORONG NGÁLIIR TOULAP

ARONGORONGOL SIIWEL IKKA LLÓL ALLÉGHÚL LIMWAL DENGKKI
ME SCHAAL (CUC)

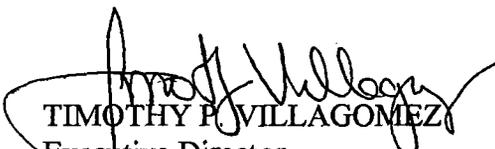
Schulapper sow-aweeweeel CUC ye e lo llól aar allégh bwe ebwe arongóór towlap bwe ikkaal siiwel kka CUC ekki mengi ebwe ayoora:

Peighil 24.5.4 Iimw ikka re féeri ngere re yááyá bwe imweer schóól angaang (barracks) ye bisnis e kke abwóssu dengkil nge e kke yááyá iimw we bwe ebwe yoor sekaaou bge rebwe autu bwe bisnis. Iimw ikka re yááyá reel yéélégh kka re esóibw bwal fféer selaapi bwe ebwe eyóor aar ganansiya non-profit nge rebwe iseli bwe saabw imwal bisnis bwe residiyal aramas.

Peighil 24.5.7 Mille non-profit nge yéélégh ye eyoor tiliighi mereel Bwulasiyol Revenue me Taxation bwe esóbw bwal abwóóas tax nge e lo llól alléghúl ammwelal weirisil aramas iye e lo Tálil 501 me 503(c) llól Northern Marianas Territorial Income Tax ngere aprebasion bwe esóbw bwal ghal isissilong llól eluuw maram abwóóssul tax.

Alanger towlap re arongóór bwe rebwe isissilong meeta mengemengiir reel siiwel kka re kke mengi rebwe ayoora llól alléghúl CUC ngere mwóghuttughutuul limwal Dengkki me Schaal. Alongal iisch kka u mengi ubwe iselilong nge ebwe mwetngeli samwolul CUC llól iliigh (30) ráál ugha re atowowwu arongorong yeel.

Ráálil iye 22 Abrid 1996.

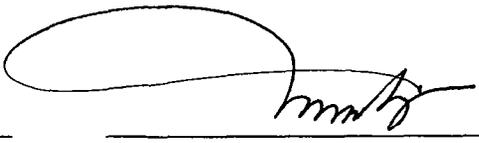

TIMOTHY P. VILLAGOMEZ
Executive Director
Commonwealth Utilities Corporation

Aa amwuschi mereel:


DONNA J. CRUZ
Bwulasiyol Mághalayi

Ráál: 4/22/96

Re ischi mereel:


SOLEDAD B. SASAMOTO
Schóól Registrar of Corporations

Ráál: 4/22/96

PUBLIC NOTICE OF ADOPTION OF PUBLIC PURPOSE LAND EXCHANGE REGULATIONS OF THE DIVISION OF PUBLIC LANDS, DEPARTMENT OF LANDS AND NATURAL RESOURCES, UNDER THE AUTHORITY OF 2 CMC SECTION 4141 *et seq.*, AND EXECUTIVE ORDER 94-3, BY THE DIVISION OF PUBLIC LANDS

The Director of the Division of Public Lands, Department of Lands and Natural Resources of the Commonwealth of the Northern Mariana Islands, in accordance with 2 CMC Section 4141 *et seq.*, and Executive Order 94-3, proposed RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE PUBLIC PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, AS AMENDED, at Commonwealth Register vol. 17, no. 5, at 13,308-13,320 (May 15, 1995). The proposed rules pertain to procedures for land exchanges by the Division of Public Lands.

Copies of the Public Purpose Land Exchange Regulations are available and may be obtained from the Division of Public Lands, P.O. Box 10007, Saipan, MP 96950. Telephone: 670-322-6914.

5/13/96
Date


Bertha T. Camacho, Director
Division of Public Lands

5/13/96
Date


SOLEDAD B. SASAMOTO
Filed by Registrar of Corporations

5/13/96
Date


DONNA J. CRUZ
Received by Office of the Governor

Land Exchange Regulations/Page 1.

NUTISIAN PUPBLIKU PUT I MA ADAPTAN-NIHA I REGULASION I DIBISION TANO PUPBLIKU SIHA, DEPATTAMENTON TANO' YAN NATURAT NA GUINAHA SIHA PARA PRUPOSITON PUPBLIKU NA TINULAIKAN TANO SIHA GI PAPA' I ATURIDAT 2 CMC SEKSIONA 4141 et seq, YAN I OTDEN EKSETIBU NUMIRU 94-3, NU I DIBISION TANO' PUPBLIKU SIHA

I Direktoran i Dibision Tano Publiku siha, Depattamenton Tano yan Naturat na Guinaha siha gi Commonwealth i Sangkattan siha na Islas Mariana, sigon gi 2 CMC Seksiona 4141 et seq, yan i Otden Ekssetibu Numiru 94-3, i manma prupoponi siha na AREKLAMENTO YAN REGULASION SIHA NI GUMEBEBETNA I ATMINISTRASION I ATURISASION TULAIKAN TANO PUT PRUPOSITON PUPBLIKU NA AKTON 1987, KOMU MA AMENDA, gi Rehistran Commonwealth Baluma 17, Numiru 5, gi Pahina 13,308 esta 13,320 (Mayu 15, 1995). I manma prupoponi siha na areklamento ha tutuka areklamento siha para manulaikan tano siha nu i Dibision Tano Publiku siha.

Kopia siha put i Regulasion Manulaikan Tano Put Prupositon Publiku siha mangguaha ya sina manmachuchule' ginen i Ofisinan Dibision Tano' siha, P.O. Box 10007, Saipan, MP 96950, Telifon Numiru 670-322-6914.

5/13/96

Fecha



Bertha T. Camacho, Direktora
Dibision Tano' Siha

5/13/96

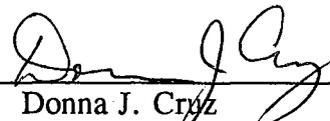
Fecha



Soledad B. Sasamoto
Ma Satmiti nu i Rehistradoran
Kotporasion

5/13/96

Fecha



Donna J. Cruz
Ma Risibi gi Ofisinan Gubetno

Land Exchange Regulations/Page 2.

ARONGORONG NGALIIR TOULAP

Adoption-ul Allegh reel Alliiwelil Faluw bwe Ammweliir
Toulap sangi Bwulasiyool Land me Natural Resources, sangi mereel
Bwangil llo 2 CMC talil 4141 et seq me bwal Executive Order 94-3 mereel
Bwulasiyool Lands me Natural Resources, Division of Public Land.

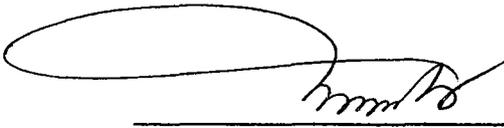
Direktodul Division of Public Land mereel Bwulasiyool Land Natural Resources Faluwal
Metawal Wool Commonwealth Marianas mereel 2 CMC talil 4141 et seq me Executive
Order 94-3 reel ffeerul Afal me Allegh igha e bwe lemeli Administration al Alliiwelil
faluw mereel Bwangil Allegh we llo 1987, igha a lliwel, mellol Commonwealth
Register Vol.17, no.5 eyoor 13,308-13,320 (Ghuuw 15, 1995) Ammowoletaal Afal kkaal
e fil ngali Aweeweel Alliiwelil Faluw mereel Bwulasiyool Division of Public Land.

Kopiyaal Aweeweel Alliiwelil Faluw eyoor me emmwal ubwe bweibwogh mereel Division
of Public Land, P.O. Box 10007, Seipel, M.P.I. 96950. Telefoon (670) 322-6914/5.

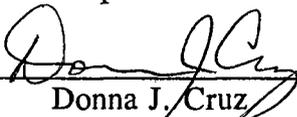
5/13/96
Ral


Bertha T. Camacho, Direktod
Division of Public Lands

5/13/96
Ral


Soledad B. Sasamoto
Filed mereel Registrar of
Corporation

5/13/96
Ral


Donna J. Cruz
Bughiyal Bwulasiyool Gobenno

Land Exchange Regulations/Page 3.

CERTIFICATION

I, Bertha T. Camacho, Director of the Division of Public Lands, Department of Lands and Natural Resources, which is promulgating the RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE PUBLIC PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, AS AMENDED, do hereby certify that such Regulations, printed in full below, are a true, complete, and correct copy of the PUBLIC PURPOSE LAND EXCHANGE REGULATIONS OF THE DIVISION OF PUBLIC LANDS, DEPARTMENT OF LANDS AND NATURAL RESOURCES, formally adopted by the Division of Public Lands. I hereby declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 13th day of May, 1996, at Saipan, Commonwealth of the Northern Mariana islands.



Bertha T. Camacho, Director
Division of Public Lands
Department of Lands and Natural Resources

Land Exchange Regulations/Page 4.

SETTEFIKASION

Guahu, si Bertha T. Camacho, Direktoran i Ofisinan i Dibision Tano Publiku, Depattamenton Tano yan Naturat na Guinaha siha (Division of Public Lands, Department of Lands and Natural Resources), ni lumalaknos i AREKLAMENTO YAN REGULASION SIHA NI GUMEBEBETNA I ATMINISTRASION I ATURISASION TULAIKAN TANO PUT PROPOSITON PUPBLIKU NA AKTON 1987, KOMU MA AMENDA, ginen este hu settefika na ayu siha na Regulasion, ni manma emprenta kabales gi sigente, magahet, komplidu, yan dinanche na kopian i REGULASION I DIBISION TANO PUPBLIKU DEPARTAMENTON TANO YAN NATURAT NA GUINAHA SIHA PARA PRUPOSITON PUPBLIKU SIHA NA TULAIKAN TANO, fotmatmente manma adapta nu i Dibision Tano Publiku siha, Ginen este hu deklarara gi papa penan pethudisia ni i manmofo'na manmagahet yan mandinanche, yan na este na deklarasion ma cho'gue gi mina' 13th na dia gi Mayu, 1996, giya Saipan, Commonwealth i Sangkattan siha na Islas Mariana.



Bertha T. Camacho, Direktora
Dibision Tano' Publiku siha
Depattamenton Tano' yan Naturat na
Guinaha siha

Land Exchange Regulations/Page 5.

CERTIFICATION

Ngaang, Bertha T. Camacho, Direktodul Division of Public Lands mereel Bwulasiyool Lands me Natural Resources, a akkateelo AFAL ME ALLE'GH REEL EBWE LEMELI ADMINISTRATION AL ALLIWELIL FALUW MEREEL BWANGIL ALLEGH LLOL AKTO 1987. IYEEY A LIWEL, sangi mereel aweeweel, I alughulughuw bwe Allegh yeel nge ewel, kopiyaal kka ewel reel A WEEWEEL, ALLIWELIL FALUW MEREEL BWULASIYOOOL LAND ME NATURAL RESOURCES, DIVISION OF PUBLIC PURPOSE. Iwe, ngaang, sangi mereel weeweel, e abwaariilo bwe inaamo igha reel Penalty of Perjury bwe I akkapallo bwe milikaal nge e ellet me ewel, iwe e bwaalo bwe a ititiw lol ral ye 13th maramal Ghuuw, Seipel, Commonwealth metawal wool faluw kka Marianas.



Bertha T. Camacho (direktod)
Division of Public Lands
Bwulasiyool Lands me Natural
Resources

Land Exchange Regulations/Page 6.

RULES AND REGULATIONS PROMULGATED PURSUANT TO THE PUBLIC
PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, AS AMENDED
(EFFECTIVE JUNE 15, 1996)

The Division of Public Lands, pursuant to its duties and responsibilities under Executive Order 94-3, Section 306, and the authority given to it by and through the Public Purpose Land Exchange Authorization Act of 1987 (Public Law 5-33, 2 CMC Section 4141 et seq.), as amended, promulgates these regulations to repeal and replace in their entirety, the regulations adopted by its predecessor, the Marianas Public Land Corporation, on December 23, 1987, published in the Commonwealth Register on January 18, 1988 at pages 5418-28.

1. AUTHORITY

These regulations are promulgated by the Division of Public Lands of the Department of Lands and Natural Resources pursuant to Section 6 of the Public Purpose Land Exchange Authorization Act of 1987, as amended.

2. PURPOSE

These regulations are promulgated to repeal and replace in their entirety, the Rules and Regulations Promulgated by the Marianas Public Land Corporation Pursuant to the Public Purpose Land Exchange Authorization Act of 1987, published in the Commonwealth Register on January 18, 1988 at pages 5418 - 5428.

3. DEFINITIONS

- A. "Division" means the Division of Public Lands of the Department of Lands and Natural Resources.
- B. "Government" means, for purposes of these Regulations, the agencies involved in the land exchange process, other than the Division of Public Lands.
- C. "Owner" means the person, persons, entity, or entities qualified to receive a land exchange under the Public Purpose Land Exchange Authorization Act of 1987, as amended.

4. BASIC ACQUISITION POLICIES

- A. All land exchanges must be based on a "fair market value" ratio as determined and established by an independent appraisal study.

Land Exchange Regulations/Page 7.

- B. The Government's and the Division's appraisal of fair market value shall be based upon nationally recognized appraisal standards and techniques to the extent that such principles are consistent with the concepts of value under the "Eminent Domain Law" of the CNMI; and, in the case of land being acquired for highway purposes, consistent with Federal requirements applicable to valuation of land being acquired for highway purposes.
- C. If the acquisition of a certain portion of private land will leave an Owner with an uneconomic remnant, the Government shall also propose to acquire the uneconomic remnant along with that portion of the property needed for the project. An uneconomic remnant is that parcel of an Owner's real property that would otherwise remain in title to the Owner but have no utility or economic value to the Owner after the Government's acquisition of the Owner's adjoining real property.
- D. Before entering into the negotiation for a land exchange, the Government shall obtain written permission from the Owner to enter upon and appraise his/her land.
- E. The Government shall solicit and select independent appraisers in accordance with the CNMI Procurement Regulations promulgated by the Department of Finance pursuant to Article X, Section 8 of the CNMI Constitution, 1 CMC §2553(j) and 1 CMC §2557.
- F. No appraiser shall have any interest, direct or indirect, in the real property which he/she appraises for the Government or the Division that would in any way conflict with his/her performance of the appraisal. No appraiser shall act as a negotiator for the Government, the Division, or the Owner in the acquisition of real property which he/she has appraised in connection with the project. Compensation for an appraisal shall not be based on the amount of valuation.
- G. The Government or the Division at its option may require its review appraiser or an independent review appraiser to review all appraisal reports for:
 - 1. Adequacy of the appraiser's supporting data and documentation.
 - 2. Soundness of the appraiser's reasoning in conformance with recognized appraisal practices.
 - 3. Soundness of the appraiser's opinion of the fair market value of the property.

Land Exchange Regulations/Page 8.

If the Government or the Division decides to have an appraisal report reviewed, the review appraiser may request the appraiser to make any necessary changes in the appraisal report. After all necessary changes are made, the reviewer shall recommend whether the appraisal report should be accepted. If the appraiser refuses to change the appraisal report pursuant to the recommendations of the review appraiser then the Government or the Division shall request the appraiser to explain his/her reasons for not doing so, in writing. The Government and the Division may reject any appraisal report which it or they determine is unsatisfactory under the requirements of these Regulations.

- H. The fair market value to be stated in the Written Proposal to the Owner (Paragraph 5-E of these Regulations) shall not be more than the fair market value estimate set forth in the approved appraisal report, if any.
- I. Public land to be used in the acquisition must be appraised and the fair market value shall be the basis for the ratio of exchange. The size of public land to be used as compensation may be more or less than the private land to be acquired depending on the comparison of the fair market values of the two parcels; provided, that the exchange is equitable.
- J. Notwithstanding Rule 4 (I), in a land exchange the Division shall use its best efforts to exchange public land which is equal in size and value to the private land which has been taken or is to be acquired. Provided, however, that if the private land which has been taken or is to be acquired is equal in size to, but greater in value than, the public land to be exchanged, the Government may offer the Owner monetary compensation in addition to a land exchange for the purpose of meeting the value for value requirement of the law.
- K. All proposed land exchanges shall be published in a newspaper of general circulation and broadcast on the local radio and/or television in the CNMI, both in English and the vernacular, once each week for at least four consecutive weeks. Requests from concerned persons for the land exchange for a public hearing which are received within the time frame allocated for the public notice shall be heard as requested.
- L. Private land which has a fair market value of less than \$5,000 or an area of less than 700 square meters shall not be acquired through a land exchange.
- M. Prioritization of land acquisition: In considering whether to use land exchange as the method of acquisition of private land, the Division shall take into consideration the many demands on the public lands, the decreasing amount of public land available for land exchange, and the following priorities:

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1. First priority includes all current use of private land by the public where no alternative sites are readily available on public land. First priority also includes all land exchanges pending prior to the publication of these Rules and Regulations.
 2. Second priority includes private land required to accomplish a public project where public land is not readily available for such project.
 3. Third priority includes sites certified to be of historical significance and shoreline and beachfront properties.
 4. Fourth priority includes all wetlands.
- N. Any land exchange agreement entered into by the Division (or its predecessor) prior to the effective date of Public Law 5-33, June 1, 1987 (2 CMC §4141, et seq.) which accomplished a public purpose as defined in that Act, is hereby deemed to be a lawful and binding agreement in the same manner and to the same extent as if entered into after the effective date of that Act. Provided, however, this Paragraph shall not affect pending agreements to exchange all future claims, pursuant to Public Law 5-5, or exchanges related to 1944 land actions, until such claims have been completed.
- O. Any land exchange agreement entered into by the Division for the purpose of settling a lawsuit which has actually been filed shall be exempt from the requirements set forth in these rules and regulations, provided that the agreement is approved by the Court.

5. ACQUISITION AND LAND EXCHANGE PROCEDURE

- A. Determination to Acquire: Governor's Certification or Legislature's Declaration or Determination.

The acquisition of private real property for a public purpose as defined in Public Law 5-33, as amended, shall originate at the Office of the Governor and must include the following:

1. Except as provided in Rule 4(O), a certification by the Governor of the public use(s) or purpose(s) for which the Government is acquiring the land parcel(s), as provided in 2 CMC §4143(e)(2); or a declaration or determination by the Legislature of the public use(s) or purpose(s) for which the Government is acquiring the land parcel(s), as provided in 2 CMC §4143(e)(1);

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2. Boundary survey(s) and/or legal description(s);
3. Identification of encumbrances and disputes, if any.

B. Evidence of Title.

There shall be a finding of title to the property to be acquired, which shall consist of valid proof of clear title, unless the Governor waives this requirement in writing. The Government or the Division may require the Owner to furnish a preliminary title report which verifies that he/she has unencumbered title to the property to be exchanged whenever there is insufficient title evidence as to his/her ownership of the property in question.

C. Issuance of Preliminary Acquisition Notice.

The Office of the Governor shall issue a preliminary acquisition notice to the Owner. The notice shall:

1. Inform the Owner of the Government's interest in acquiring his/her real property and the public purpose for which it is needed.
2. Inform the Owner of Public Law 5-33, as amended, these rules and regulations, and the need to appraise the subject property to assess the fair market value.
3. Request written permission from the Owner to survey his/her land if it is unsurveyed and to inspect his/her land for the appraisal evaluation.
4. If the fair market value of the Owner's property is determined to be \$5,000 or more and the area is 700 square meters or more, ask the Owner if he/she wants the Government to acquire his/her property through a land exchange. The Owner shall indicate in an accompanying acknowledgment receipt whether he/she wants to enter into a land exchange or does not want to enter into a land exchange.

The preliminary acquisition notice must be sent via return receipt mail or hand delivered and acknowledged that it was delivered and received.

D. Survey and Appraisal of Real Property to be Acquired

1. Upon receipt of the Owner's authorization, the Government shall survey the Owner's property, if necessary, and secure an approved plat.

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Concurrently, the Government shall solicit and contract for an independent appraiser to appraise the property to be acquired in accordance with the CNMI Procurement Regulations and the basic acquisition policies of these rules and regulations.

2. The Government shall give the appraiser reasonable time to complete the appraisal report. The Government and the appraiser shall agree on the time for completion and submittal of the appraisal report upon execution of the Agreement for Appraisal Report.

E. Review of Appraisal Report and Determination of Fair Market Value of Real Property to be Acquired.

1. Upon completion and submittal of the appraisal report, the Government and/or the Division (if the Owner has requested a land exchange) shall either accept the report or require a review. If a review is required, the Government's or the Division's staff review appraiser or an independent review appraiser retained for such purpose shall have thirty (30) working days to review the appraisal report for any deficiencies. The review appraiser shall be given additional time to review the report if such is warranted by its complexity.
2. If the review appraiser finds any deficiencies in the appraisal report, the Government or the Division (if the Owner has requested a land exchange) shall notify the appraiser of such deficiencies, and give the appraiser reasonable time to make corrections. If the appraiser refuses to make corrections or if the review appraiser finds any deficiencies after re-submittal, the review appraiser shall submit his own recommendation as to the fair market value of the property.
3. The Governor shall determine what is, in his/her opinion, the reasonable fair market value of the property, based on the appraiser's report and the review appraiser's report, if any.
4. The Division shall, in the case of a land exchange, be responsible for the custody of the appraisal report and the report, if any, of the review appraiser.

F. Written Proposal to Owner.

1. Within thirty (30) days after the determination of fair market value, the Government shall send or deliver a written proposal to the Owner. The

written proposal shall include the following:

- a. A recital of the fair market value of the property.
- b. A copy of the approved appraisal report, if any, or copies of the appraiser's and review appraiser's reports.

The written proposal shall be sent by return receipt mail or delivered in person and acknowledged that it was delivered and received.

2. Within sixty (60) days, the Owner must either reject or accept the written proposal. After the expiration of sixty (60) days, the Government shall deem that the owner has rejected the written proposal and shall initiate other means of acquisition.
3. The Owner shall be given a reasonable opportunity to present material which he/she believes is relevant to determining the value of his/her property. If the Government or the Division determines that the evidence presented by the Owner warrants a revision of the fair market value, the Government or the Division may modify the determination of fair market value, in consultation with the review appraiser, if any, or with the appraiser.

G. Owner Does Not Want Land Exchange.

If the Owner indicates in his/her acknowledgement receipt that he/she does not want a land exchange, the Government shall negotiate for monetary compensation, subject to the Governor's approval, or recommend condemnation proceedings if needed.

H. Owner Wants Land Exchange.

1. The Division must explain its Land Exchange Rules and Regulations and the basis for establishing the fair market value of the Owner's property.
2. The Division must explain to the Owner that certain public land parcels have been designated and reserved for land exchange purposes and inform him/her of the established fair market value of these land parcels based on the latest approved appraisal reports.
3. The Owner shall be given, if requested, copies of the latest approved appraisal reports of the public land parcels and may have them reviewed

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by an independent review appraiser retained by the Owner at the Owner's expense.

4. The Division shall create a file, if it has not already done so, which must contain the following documents:
 - a. The Governor's Certification or the Legislature's Declaration or Determination;
 - b. Valid proof of clear title, or the Governor's written waiver of that requirement;
 - c. Preliminary Acquisition Notice and Receipt;
 - d. Owner's Response to Acquisition Notice;
 - e. Appraisal Solicitation;
 - f. Appraisal Selection;
 - g. Approved basic and severance maps;
 - h. Approved appraisal report, if any; or the appraiser's report and the review appraiser's report, if any;
 - i. Written notice to owner;
 - j. Owner's acceptance of written proposal.

5. If the Owner agrees to the written proposal or the final proposal made in the course of the negotiations, the Division, through the Governor, and the Owner shall enter into a Land Exchange Agreement, which shall be subject to the Governor's approval, and include at least the following:
 - a. The value of the owner's property and the value of the public land that has been agreed upon.
 - b. The legal description of the Owner's land to be acquired, and an adequate description of the parcel(s) of public land the Owner agrees to accept in exchange for his/her private land.
 - c. An agreement by the Owner that he/she will warrant title to the property he/she will convey to the Government.
 - d. The signatures of the Owner and the Governor.

6. If the Government or Division and an Owner who has selected a land exchange do not reach an agreement as provided in subparagraph 5 of this paragraph H, and do not otherwise reach an agreement for monetary compensation for the land to be acquired by the Government, the Government may proceed to acquire the land by other legal means.

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I. Upon the signing of the Land Exchange Agreement, the Division shall, within thirty (30) days, publish the proposed exchange pursuant to Rule 4(K).

I. Processing and Execution of Land Exchange.

1. Within seven (7) days of the successful conclusion of the negotiation, subject to the availability of funds, the Division shall:
 - a. Solicit and select a surveyor in accordance with the CNMI Procurement Regulations to survey the public land parcel(s) to be exchanged.
 - b. Prepare a Deed of Land Exchange.
2. Upon completion of the required surveys and Deed of Land Exchange, the Division shall arrange for the execution of the deed, subject, however, to the final approval of the Governor.
3. If the Owner's property is occupied or being used by the Owner upon the execution of the deed, the Government shall notify the Owner that he/she must vacate the premises. If the Owner needs time to relocate, the Government shall grant him/her reasonable time to do so.

J. Disposition of Acquisition Records, Documents, and Reports

All materials which are part of the file for the particular land exchange must be compiled and safeguarded in proper filing containers. This file must at a minimum contain the following:

1. Governor's Certification, or the Declaration or Determination by the Legislature of the Public uses or Purposes for which the land is being acquired;
2. Preliminary Acquisition Notice;
3. Solicitation for Appraisal;
4. Selection and Agreement for Appraisal Services;
5. Approved Appraisal Report;
6. Review Appraiser's Recommendation (if any);

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7. Written proposal to Owner;
8. Written Proposal Return Receipt Mail/Acknowledgement Receipt;
9. Rejection/Request for Negotiations by the Owner (if any);
10. Final Proposal;
11. Proof of clear title or the Governor's written waiver of that requirement;
12. Survey Plat(s);
13. Copies of notices published in the newspaper and broadcast on local radio and/or television, with the dates of publication and broadcast;
14. Deed of Exchange;
15. Notification to Owner to Vacate the Property (if any);
16. Any Correspondence Pertaining to the Land Exchange.

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Public Notice

Emergency Regulations Department of Labor and Immigration

Emergency:

The Department of Labor and Immigration hereby finds for the reasons given and pursuant to 1 CMC §9104(b) that the public interest requires immediate adoption of emergency regulations, upon the concurrence of the Governor, to establish and distribute a new form of identification (entitled "Foreign Investor Certificate of Identity") to be issued to holders of "Foreign Investor Visas" (established pursuant to regulations published on January 15, 1995 in Volume 17, No. 1 of the Commonwealth Register, pages 12743-46, and on July 22, 1985 in Volume 7, No. 7 of the Commonwealth Register, pages 3792-93 (as subsequently amended).

Authority:

The Department of Labor and Immigration, acting through its Secretary, is authorized to promulgate these regulations pursuant to 3 CMC §4424, 1 CMC §9101 and 1 CMC §9104(b). These emergency regulations are being published in accordance with 1 CMC §9104(b) and they are effective immediately upon filing with the Registrar of Corporations. These emergency regulations are to be effective for a period of one hundred twenty (120) days after promulgation, unless repealed or modified at an earlier time as provided by the laws of the Commonwealth.

Reason for Emergency:

The public interest requires the adoption of these regulations upon fewer than thirty days notice. In order to effectively and efficiently identify and process through immigration those foreign investors who have made significant investments in the Commonwealth, it is necessary to immediately issue Foreign Investor Certificates of Identity. Such Foreign Investor Certificates of Identity are clearly distinguishable from those certificates of identity that were previously issued to interim citizens of the United States prior to U.S. passports being issued to CNMI residents. The Foreign Investor Certificate of Identity is simply an extension and further documentation of identification provided to those persons holding foreign investor visas. The Foreign Investor Certificate of Identity shall be a secure form of identification available to those persons holding valid foreign investor visas.

IX. FOREIGN INVESTOR VISAS

Section 901. Definitions.

G. "Foreign Investor Certificate of Identity" means a form of identification issued by the Director of Immigration to a holder of a "Certificate of Foreign Investment" who is otherwise in full compliance with the conditions of issuance of a "Foreign Investor Visa" provided herein. The Foreign Investor Certificate of Identity shall be issued for purposes of effectively and efficiently identifying and processing through immigration those foreign investors who have made significant investments in the Commonwealth. The Foreign Investor Certificate of Identity shall be renewable every ten years and shall otherwise be valid as long as the Certificate of Foreign Investment remains in force and effect.

Section 905. Foreign Investor Certificates of Identity

A. A Foreign Investor Certificate of Identity shall be issued to any holder of a valid Certificate of Foreign Investment and members of the holder's family (as defined in Section 901.E) complying with all conditions enumerated in this Section IX pertaining to "Foreign Investor Visas" and with all Department of Commerce Regulations pertaining to Certificates of Foreign Investment.

B. Persons holding Foreign Investor Certificates of Identity shall be entitled to use those lines at Immigration reserved for U.S./CNMI citizens.

C. Upon presentation of a Foreign Investor Certificate of Identity, the holder must also present a valid travel document (e.g., passport) entitling the holder to exit the Commonwealth.

D. The Foreign Investor Certificate of Identity shall be issued in booklet form in substantially the same format as that attached to these emergency regulations.

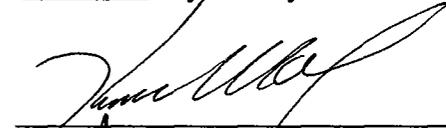
Public Comments:

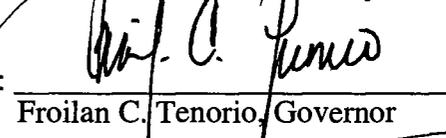
Notice is hereby given of the Department of Labor and Immigration's proposed adoption of these regulations. Pursuant to 1 CMC §9104, comments regarding the contents of these regulations may be sent to the Secretary of Labor and Immigration, Department of Labor and Immigration, Caller Box 10007, Saipan, MP 96950, within thirty (30) days of the date of the publication in the Commonwealth Register.

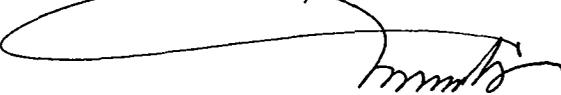
Certification of Emergency Regulations Regarding Implementation of Foreign Investor Certificates of Identity:

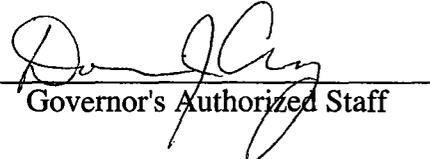
I, Thomas O. Sablan, Secretary of the Department of Labor and Immigration, by signature below hereby certify that the Emergency Regulations regarding the implementation of Foreign Investor Certificates of Identity are a true, complete and correct copy of the Emergency Regulations adopted by the Department 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 15th day of May, 1996 at Saipan, Commonwealth of the Northern Mariana Islands.

Certified By:  5/15/96
Thomas O. Sablan, Secretary Date

Concurred By:  5/15/96
Froilan C. Tenorio, Governor Date

5/15/96 
Date of Filing with Registrar Registrar of Corporations

5/15/96 By: 
Date Received in the Office of the Governor Governor's Authorized Staff