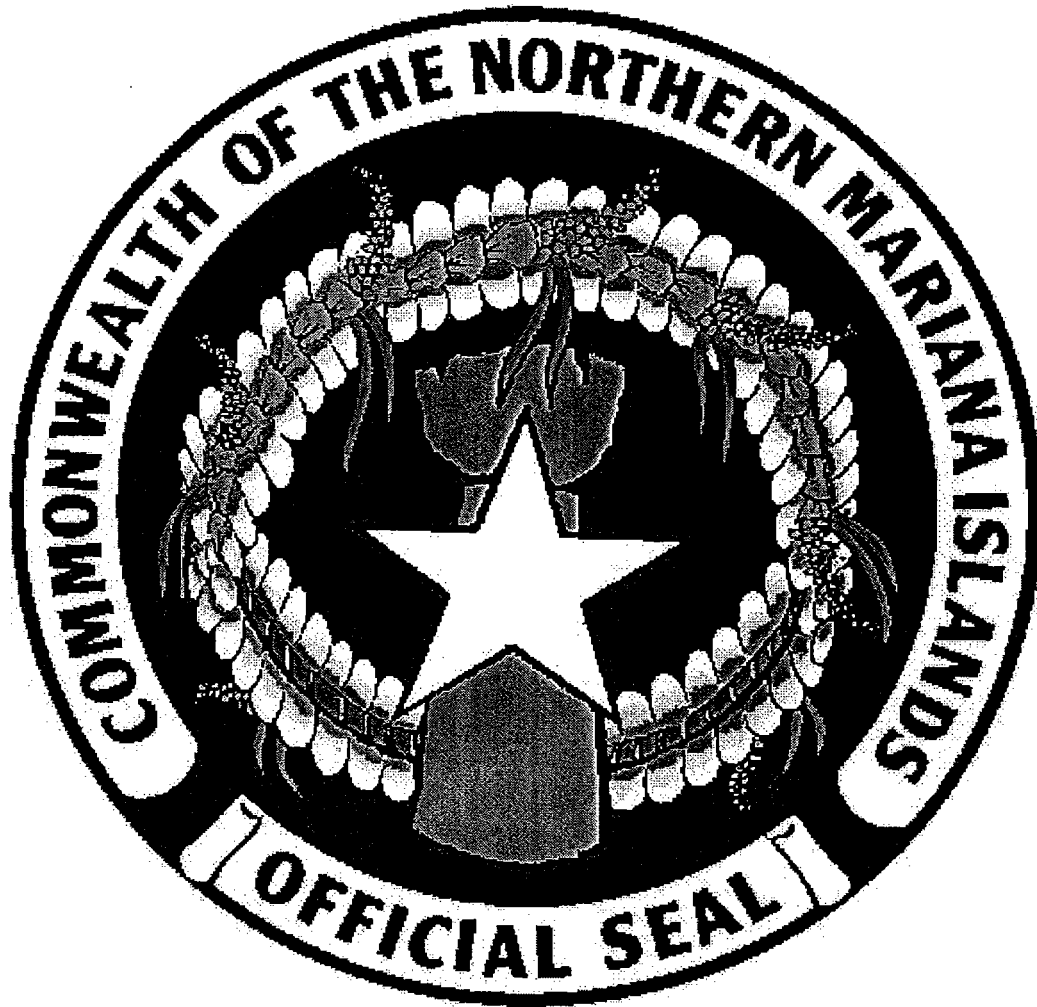


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



COMMONWEALTH REGISTER
VOLUME 27
NUMBER 06

JULY 20, 2005

COMMONWEALTH REGISTER

VOLUME 27
NUMBER 06
July 20, 2005

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta

Governor

Diego T. Benavente

Lieutenant Governor

RENEWAL OF DECLARATION OF A STATE OF EMERGENCY:

COMONWEALTH UTILITIES CORPORATION
LACK OF POWER JUNE 2005.

I, JUAN N. BABAUTA, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Natural Disaster Relief Act of 1979, to declare a continued State of Emergency for the Commonwealth of the Northern Mariana Islands (CNMI), with respect to the Commonwealth Utilities Corporation (CUC) and its inability to provide service.

This Declaration of a State of Disaster Emergency is made in accordance with the findings, recommendations and justifications that existed for the Declaration of a State of Disaster Emergency on May 19, 2005. In addition, I find that the threat or danger to the CNMI caused by the lack of 'back-up' or reserve power generation capacity, the continued need to initiate critical maintenance and repair of power generation facilities; and the uncertain financial condition of CUC and its ability to make all required fuel payments, mandates the renewal of the State of Disaster Emergency Declaration dated May 19, 2005.

I find, therefore, that this Declaration is necessary to insure the continued provision of power to critical CNMI public health and public safety facilities, the continued provision of electricity to our schools, homes, and work places, and the continued operation of our water and wastewater systems. This Declaration is to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

The Declaration of State of Disaster Emergency dated May 19, 2005 and all measures taken in accordance with such Declaration of State of Disaster Emergency, therefore, shall remain in effect for an additional thirty (30) days unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. The underlying justification for any such further extension, as with this Declaration of a State of Emergency, shall be set forth in a detailed communication to the Legislature.

A handwritten signature in black ink, appearing to read "Juan N. Babauta".

JUAN N. BABAUTA

Dated this 19th Day of June 2005.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta **DECLARATION OF A STATE OF DISASTER EMERGENCY:**
Governor

COMONWEALTH UTILITIES CORPORATION

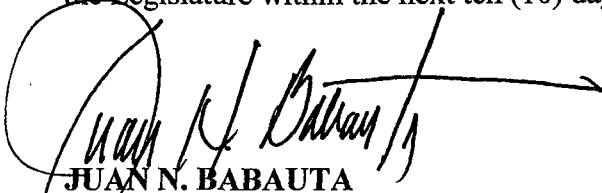
Diego T. Benavente **LACK OF POWER JULY 2005.**
Lieutenant Governor

I, JUAN N. BABAUTA, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Natural Disaster Relief Act of 1979, do declare a continued State of Emergency for the Commonwealth of the Northern Mariana Islands (CNMI), with respect to the Commonwealth Utilities Corporation (CUC) and its inability to provide power generation service to the CNMI.

This Declaration of a State of Disaster Emergency is made after finding that the recommendations and justifications that existed for the Declaration of a State of Disaster Emergency on June 19, 2005 remain in existence and that emergency measures must remain in place in order to insure the safety of the people of the CNMI. In addition, I find that the threat or danger to the CNMI caused by the lack of 'back-up' or reserve power generation capacity, the continued need to initiate critical maintenance and repair of power generation facilities; and the uncertain financial condition of CUC and its ability to make all required fuel payments, especially given the proposed repeal of the ability of CUC to impose a fuel surcharge, mandates the issuance of this State of Disaster Emergency Declaration.

I further find that this Declaration is necessary to insure the continued provision of power to critical CNMI public health and public safety facilities, the continued provision of electricity to our schools, homes, and work places, and the continued operation of our water and wastewater systems. This Declaration is to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

The Declaration of State of Disaster Emergency dated May 19, 2005, the Renewal of the Declaration of State of Disaster Emergency dated June 19, 2005, and all memoranda, directives and other measures taken in accordance with such Declarations, therefore, shall remain in effect for an additional thirty (30) days unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of this authority for the first sixty (60) days of the State of Disaster Emergency shall be transmitted to the presiding officers of the Legislature within the next ten (10) days.


JUAN N. BABAUTA



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JUL 1 1 2005

Juan N. Babauta

Governor

DECLARATION OF A STATE OF EMERGENCY

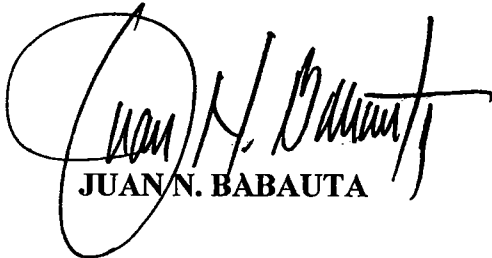
Volcanic Eruption on Anatahan

Diego T. Benavente

Lieutenant Governor

I, JUAN N. BABAUTA, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Natural Disaster Relief Act of 1979, declare a State of Emergency for the island of Anatahan. This Declaration of a State of Emergency is in accordance with the recommendations and justifications presented by the Emergency Management Office (EM), Commonwealth of the Northern Mariana Islands and the United States Geological Survey (USGS) such recommendations and justifications being attached and incorporated by reference. I further declare that the island of Anatahan is unsafe for human habitation and do therefore restrict all travel to the island Anatahan except for such travel deemed to be for scientific purposes, provided however, that such scientific expeditions be permitted only upon prior notification to the Director of the EMO or his designee.

This Declaration of Emergency shall take immediately and shall remain in effect for thirty (30) days unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. The underlying justification for any such further extension, as with this Declaration of a State of Emergency, shall be set forth in a detailed communication to the Legislature.



JUAN N. BABAUTA

CC: Lt. Governor
Senate President
House Speaker
Mayor of the Northern Islands
Director, Emergency Management Office
Commissioner, Department of Public Safety
Attorney General
Secretary of Finance
Special Assistant of Management and Budget
Special Assistant for Programs and Legislative Review



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Emergency Management Office
Office of the Director



Juan N. Babauta, Governor
 Diego T. Benavente, Lt. Governor

Rudolfo M. Pua, Director
 Mark S. Fangelinan Dep., Director

MEMORANDUM

To: Governor
From: Acting Director
Subject: Declaration of Emergency

11 JUL 2005

The EMO seismic staff and USGS, once again with close consultation has informed me that during June 28, Anatahan volcano continues in a state of constant eruption. The current eruptive episode began on May 18. Last month continuously high seismicity levels during June 17-26. The seismicity was at its highest since the eruption to 50,000 feet on April 5. On June 27, we lost the second of our three seismic stations and we lost the last of our acoustic sensors on the island owing to the usually heavy ash fall recently. Repair will be attempted as soon as the eruptive vigor drops and wind direction change. Unfortunately, telemetry problems began to occur from the last remaining seismic station on Anatahan ANA2. On July 07, we loss all seismic stations on Anatahan, largely due to the repair effort by Juan Camacho and Ray Chong at the CNMI Emergency Management Office on July 08. For the remainder of the day, tremor amplitudes averaged about 2/3 the high levels of June 17-26.

Therefore, we are once again respectfully soliciting your assistance in extending the **Declaration of Emergency** for the island of Anatahan for another thirty (30) days and to maintain the *off limit to 10 nautical miles* around Anatahan until further notice. Under these conditions, restriction of entry to the said island should continue until a thorough scientific study is done and that the findings suggest otherwise. The current **Declaration of Emergency** has expire on April 29, 2005.

Should you have any question or concern, please call our office at 322-9528/29.

Sincerely,


 Maria B. Kazuma

Xc: LT. Governor
 SAA
 Mayor, NI



Northern Mariana Islands Volcanic Activity

[Anatahan Home](#) | [Current Update](#) | [Archive of Updates](#) | [Photo Gallery](#) |

Activity Update

The first historical eruption of Anatahan Volcano began suddenly on the evening of May 10. An eruption column as high as 10 km resulted in a far-reaching eruption cloud to the west. No one was directly threatened by the initial activity, because residents had long before evacuated the small volcanic island (9 km long and 3 km wide). Thus far, the eruption has consisted of a nearly continuous small eruption column (less than 5 km) punctuated by stronger explosive activity. In early June, a small lava flow erupted in the volcano's east crater, but was mostly destroyed by subsequent explosive activity.

[Eruption Overview](#) | [Washington VAAC Volcano Ash Advisories](#) |

Anatahan Volcano Update

Filed 1730 PDT 6/28; 0030 UT, 1030 MI 6/29/2005

Today, June 28, Anatahan continues in a state of constant eruption. The current eruptive episode began on May 18, following a nearly continuous eruption from January through April of this year. Today the seismicity level has bounced back from a low of 17% yesterday back to about 50% of the continuously high seismicity levels during June 17-26 when the seismicity was at its highest since the eruption to 50,000 feet on April 6 (4/05 UT). Three days ago, we lost the second of our three seismic stations and a week ago we lost the last of our acoustic sensors on the island owing to the unusually heavy ash fall recently. Repairs will be attempted as soon as the eruptive vigor drops and wind directions change.

Ash Observations: Satellite imagery from the Air Force Weather Agency (AFWA) shows that a moderately dense cloud of ash and steam rises to 10,000 feet, moves west at 15-20 knots, and extends about 179-70 nautical miles (nm) to the west of the island. Thin ash and VOC extends 100 nm west of the island and extends to southern Japan.

Visibilities of only 5-6 nm have been reported from within the area of VOG.

On April 6, 2005, the largest historical eruption of Anatahan occurred, expelling roughly 50 million cubic meters of ash. The eruption column and the amplitude of harmonic tremor both grew slowly over about 5 hours and both peaked about 0300 on 6 April local time, 1700 April 5 UT, when the eruption column topped at about 50,000 feet. The peak of the eruption lasted about one hour and then the activity declined rapidly over the following hour.

The Emergency Management Office, Office of the Governor, CNMI, has placed Anatahan Island off limits until further notice and concludes that, although the volcano is not currently dangerous to most aircraft within the CNMI airspace, conditions may change rapidly, and aircraft should pass upwind of Anatahan or beyond 30 km downwind from the island and exercise due caution within 10 km of Anatahan.

Background:

The first historical eruption of Anatahan began 10 May 2003 after several hours of increasing seismicity. A phreatomagmatic eruption sent ash to over 30,000 feet and deposited about 10 million cubic meters of material over the island and sea. A small craggy dome extruded in late May and was destroyed during explosions on 13-14 June after which the eruption ceased.

The second historical eruption began about 9 April 2004 after a week or so of increasing seismicity. That eruption primarily comprised phreatomagmatic (steamy strombolian) explosions every minute or so and occasionally sent ash up to several thousand feet. That eruption ended on 26 July 2004.

The third historical eruption of Anatahan began on 6 January 2005 after three days of precursory seismicity. Frequent phreatomagmatic explosions began to occur, occasionally throwing one meter bombs a hundred meters in the air and sending ash 10,000 feet high and 60 km downwind. By 20 January explosions were occurring 3 to 10 seconds apart and fresh ejecta and small lava flows had filled the innermost crater to nearly the level of the pre-2003 East Crater floor. The eruption peaked during 26 January 26 through 2 February, during which time ash rose as high as 15,000 to 20,000 feet and blew 150 km downwind, and vog nearly 600 miles downwind. The eruption apparently died out on 14 February, by which time the 2003 crater floor had essentially

been entirely covered by fresh lava to a diameter of about one kilometer. The eruption restarted on 14 March for three days but never reached more than 10-20% of the intensity of the late-January phase of this eruption. The eruption restarted again for five days on 21 March and again late on 28 March, both times with seismic amplitudes peaking at about half the maximum intensity of the late January phase of the 2005 eruption. During the last two weeks of March a small new cinder cone has formed and near the peak in activity on the 25th, ash briefly rose as high as about 19,000 feet altitude.

Contact persons:

Juan Takai Camacho, Geophysical Seismic Technician, EMO Saipan; tel: (670) 322-9528, fax: (670) 322-7743, email: juantcamacho@hotmail.com

Ramon Chong, Geophysical Instrument Specialist, EMO Saipan; tel: (670) 322-9528,
Frank Trusdell, Geologist, USGS; tel: (808) 967-8812, fax: (808) 967-8890, email: trusdell@usgs.gov.



Northern Mariana Islands Volcanic Activity

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Activity Update

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[| Eruption Overview](#) | [| Washington VAAC Volcano Ash Advisories](#) |

Anatahan Volcano Update

Submitted Saturday, May 28, 2005 (1000 local Anatahan time on May 29)

On May 18, volcanic activity at Anatahan resumed. Tremor increased to a peak on May 20 then declined slowly to about 1/3 of that peak level by May 23. Since May 23, tremor amplitudes have increased beyond the May 20 level but the rate of increase has slowed considerably over the last 72 hours.

Ash Observations: Satellite imagery from the Air Force Weather Agency (AFWA) indicates a plume of ash and steam, more dense than yesterday, rising 15,000 to 18,000 feet, blowing northwest at 10-15 knots and extending about 400 nautical miles northwest of Anatahan. A thin plume of ash and VOG extends about 1100 nautical miles from west-southwest to northwest of the summit. Yesterday two ships in the Philippine Sea beneath this plume of VOG reported visibilities of just 1.2 and 2.5 nautical miles.

On April 6, 2005, the largest historical eruption of Anatahan occurred, expelling roughly 50 million cubic meters of ash. The eruption column and the amplitude of harmonic tremor both grew slowly over about 5 hours and both peaked about 0300 on 6 April.

local time, 1700 April 5 UT, when the eruption column topped at about 50,000 feet. The peak of the eruption lasted about one hour and then the activity declined rapidly over the following hour.

Restricted Access: The Emergency Management Office, Office of the Governor, CNMI, has placed Anatahan Island off limits until further notice and concludes that, although the volcano is not currently dangerous to most aircraft within the CNMI airspace, conditions may change rapidly, and aircraft should pass upwind of Anatahan or beyond 30 km downwind from the island and exercise due caution within 10 km of Anatahan.

Background:

The first historical eruption of Anatahan began 10 May 2003 after several hours of increasing seismicity. A phreatomagmatic eruption sent ash to over 30,000 feet and deposited about 10 million cubic meters of material over the island and sea. A small craggy dome extruded in late May and was destroyed during explosions on 13-14 June after which the eruption ceased.

The second historical eruption began about 9 April 2004 after a week or so of increasing seismicity. That eruption primarily comprised phreatomagmatic (steamy strombolian) explosions every minute or so and occasionally sent ash up to several thousand feet. That eruption ended on 26 July 2004.

The third historical eruption of Anatahan began on 6 January 2005 after three days of precursory seismicity. Frequent phreatomagmatic explosions began to occur, occasionally throwing one meter bombs a hundred meters in the air and sending ash 10,000 feet high and 60 km downwind. By 20 January explosions were occurring 3 to 10 seconds apart and fresh ejecta and small lava flows had filled the innermost crater to nearly the level of the pre-2003 East Crater floor. The eruption peaked during 26 January 26 through 2 February, during which time ash rose as high as 15,000 to 20,000 feet and blew 150 km downwind, and vog nearly 600 miles downwind. The eruption apparently died out on 14 February, by which time the 2003 crater floor had essentially been entirely covered by fresh lava to a diameter of about one kilometer. The eruption restarted on 14 March for three days but never reached more than 10-20% of the intensity of the late-January phase of this eruption. The eruption restarted again for five days on 21 March and again late on 28 March, both times with seismic amplitudes

peaking at about half the maximum intensity of the late January phase of the 2005 eruption. During the last two weeks of March a small new cinder cone has formed and near the peak in activity on the 25th, ash briefly rose as high as about 19,000 feet altitude.

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Activity Update

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| [Eruption Overview](#) | [Washington VAAC Volcano Ash Advisories](#) |

Anatahan Volcano Update

Filed 2300 4/25 PDT; 0600 UTC, 1600 MI 4/26 2005

The seismic stations ANAT located 3 km west of the active vent and ANA2 located 2 km east of the vent both show harmonic tremor at levels that occasionally saturate amplifiers at both stations. The RSAM level indicates that the tremor amplitude is roughly half that of the maximum levels attained during peaks in activity in late January through February 2 and in late March 2005 and may be roughly one quarter the level during the explosive eruption of April 6. These tremor amplitudes have been increasing slowly over about the last day and a half.

The Washington VAAC reports that ash appears somewhat thicker during the last 5 hours but still topping out below 15,000 feet. If this increase in eruptive activity continues, it is possible that the ash could become a problem to aircraft. The current wind direction is toward the northwest and is forecast to become northerly about 12 hours from now, 0400 CNMI, 1800 UT.

The VAAC, AFWA, EMO, Guam Meteorological and Guam FAA have been advised of the increasing level of activity and to keep an eye out for possible further increases in the next few hours to days..

The Emergency Management Office, Office of the Governor, CNMI, has placed Anatahan Island off limits until further notice and concludes that, although the volcano is not currently dangerous to most aircraft within the CNMI airspace, conditions may change rapidly, and aircraft should pass upwind of Anatahan or beyond 30 km downwind from the island and exercise due caution within 10 km of Anatahan.

Background:

The first historical eruption of Anatahan began 10 May 2003 after several hours of increasing seismicity. A phreatomagmatic eruption sent ash to over 30,000 feet and deposited about 10 million cubic meters of material over the island and sea. A small craggy dome extruded in late May and was destroyed during explosions on 13-14 June after which the eruption ceased.

The second historical eruption began about 9 April 2004 after a week or so of increasing seismicity. That eruption primarily comprised phreatomagmatic (steamy strombolian) explosions every minute or so and occasionally sent ash up to several thousand feet. That eruption ended on 26 July 2004.

The third historical eruption of Anatahan began on 6 January 2005 after three days of precursory seismicity. Frequent phreatomagmatic explosions began to occur, occasionally throwing one meter bombs a hundred meters in the air and sending ash 10,000 feet high and 60 km downwind. By 20 January explosions were occurring 3 to 10 seconds apart and fresh ejecta and small lava flows had filled the innermost crater to nearly the level of the pre-2003 East Crater floor. The eruption peaked during 26 January 26 through 2 February, during which time ash rose as high as 15,000 to 20,000 feet and blew 150 km downwind, and vog nearly 600 miles downwind. The eruption apparently died out on 14 February, by which time the 2003 crater floor had essentially been entirely covered by fresh lava to a diameter of about one kilometer. The eruption restarted on 14 March for three days but never reached more than 10-20% of the intensity of the late January phase of this eruption. The eruption restarted again for five

days on 21 March and again late on 28 March, both times with seismic amplitudes peaking at about half the maximum intensity of the late January phase of the 2005 eruption. During the last two weeks of March a small new cinder cone has formed and near the peak in activity on the 25th, ash briefly rose as high as about 19,000 feet altitude.

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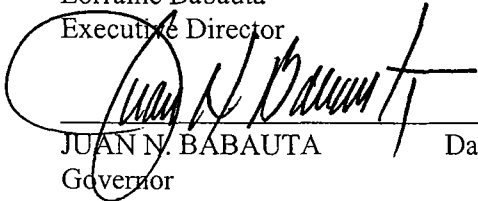
PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT AMENDMENTS TO COMMONWEALTH UTILITIES CORPORATION RULES AND REGULATIONS

EMERGENCY: The Commonwealth of the Northern Mariana Islands, Commonwealth Utilities Corporation finds that under 1 CMC § 9104(b), the public interest requires an amendment to the Commonwealth Utilities Corporation Rules and Regulations, regarding customer deposits for electrical, water and sewer services. The current regulations concerning commercial electrical service security deposits are inappropriate to the needs of the utility. The Commonwealth Utilities Corporation has a duty to provide proper notice to all commercial electrical and other utility service customers who have existing security deposits with the utility. Due to the harm that could occur to the utility due to current restrictions on these funds, the Commonwealth Utilities Corporation finds that the public interest mandates adoption of these regulations upon fewer than thirty (30) days notice, and that these regulations shall become effective immediately after filing with the Register of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain effective for 120 days.

REASONS FOR EMERGENCY: The Commonwealth Utilities Corporation finds that the adoption of these regulations upon fewer than thirty (30) days notice is necessary to protect continuation of utility services, and because the notice period would prevent application of the regulations during period of notice. Accordingly, the Commonwealth Utilities Corporation finds that in the interest of the public, it is necessary that these regulations are approved and adopted immediately.

INTENT TO ADOPT: It is the intent of the Commonwealth Utilities Corporation to adopt the emergency amendments to the Commonwealth Utilities Corporation Board Rules and Regulations, as permanent, pursuant to 1 CMC § 9104(a)(1) and (2). Accordingly, interested parties may submit written comments on these emergency amendments to Lorraine Babauta, Executive Director, Commonwealth Utilities Corporation, P.O. Box 501220, La Fiesta 3 Third Floor Suite 301, Dandan, MP 96950 or by fax to (670) 664-6131.

Submitted by:  6-23-05
Lorraine Babauta Date
Executive Director

Concurred by:  6/29/05
JUAN N. BABAUTA Date
Governor

Filed and Recorded by:

Bernadita B. De La Cruz
BERNADITA B. DE LA CRUZ
Commonwealth Register

6-29-05
Date

Pursuant to 1CMC §2153, as amended by Public Law 10-50, the emergency regulation amendments attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 24th day of June 2005.

Pamela Brown
PAMELA BROWN
Attorney General

PUBLIC NOTICE
EMERGENCY AMENDMENTS TO THE COMMONWEALTH UTILITIES
CORPORATION RULES AND REGULATIONS
ARTICLE IX

These regulations are promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq.

Citation of

Statutory Authority: The Commonwealth Utilities Corporation Board is authorized to promulgate regulations pursuant to 4 CMC § 8157.

**Short Statement of
Goals and Objectives:**

The proposed additions to the Commonwealth Utilities Corporation Rules and Regulations will provide greater financial flexibility and accountability with respect to customer security deposits for utility services..

**Brief Summary of the
Proposed New Section:**

The proposed additions to the Commonwealth Utilities Corporation Rules and Regulations are promulgated to provide greater financial flexibility and accountability with respect to customer security deposits for utility services..

**For Further
Information Contact:**

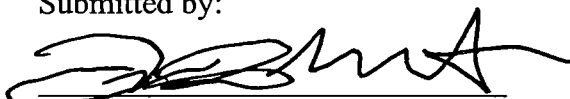
Lorraine Babauta, Executive Director, of the Commonwealth Utilities Corporation, telephone (670) 664-6131

**Citation of Related
and/or Affected Statutes,
Rules and Regulations,
and Orders:**

The proposed amendments affect the Commonwealth Utilities Corporation Rules and Regulations.

Dated this 23rd day of June 2005.

Submitted by:



LORRAINE BABAUTA
Executive Director

NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT
TO ADOPT AMENDMENTS TO REGULATIONS OF THE
COMMONWEALTH UTILITIES CORPORATION REGULATIONS
GOVERNING THE USE OF CUC WATER SYSTEM

Emergency: The Commonwealth of the Northern Mariana Islands, COMMONWEALTH UTILITIES CORPORATION, finds that, pursuant to Title 1 CMC, Division 9, Chapter 1, and: (1) pursuant to 1 CMC § 9104(b), the public interest requires the adoption of the attached regulations without prior notice or hearing, and (2) that pursuant to 1 CMC § 9105(b)(2) the public interest mandates adoption of these amendments to the Regulations Governing the Use of CUC Water System upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor. These regulations shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

Reasons for the Emergency: The public interest requires adoption of these regulations on an emergency basis for the following reasons. CUC's regulations require immediate changes in order to allow the substitution of metered service for flat rate service as new, "smart" meters are installed. The smart meters immediately help to conserve CUC's limited water supply and distribution capacity and protect the public health.

Saipan is short of potable water and CUC and its customers have limited funds. CUC's inability to provide a 24 hour supply of water to all of its customers is critical; it is particularly critical during dry periods of the year, when there is even less water to share. CUC is now installing "smart" meters, which are a core part of the solution to this problem. The changes in the regulations insure that the smart meters can be used as intended. It is necessary to implement the change in the regulations immediately to meet the following needs:

1. Conservation: If all customers use only the water they really need we can conserve water supplies. Meters are a critical part of this solution because they give the customers the consumption and price signals they need to determine that they use only what they need, when they need it.
2. Fairness to customers: Billing through metered service is more equitable than billing from flat rates. Metering distributes costs to the customers in proportion to each customer's use of the service and facilities of CUC.
3. Public health: Using the meters helps protect the public health because the meters prevent water from feeding back into the water system from customer homes, businesses and other premises. This keeps pollutants and bacteria out of the system.

4. Saving water: The meters allow remote reading of each meter electronically. With equipment in place CUC can find leaks immediately and insure that the leaks are fixed.
5. Saving money: Because the meters can be read remotely CUC can substantially cut the costs of meter reading, thereby cutting the costs of water to its customers.
6. Saving capital expenditures: By conserving and rationally distributing water, CUC can defer additions to plant, keeping customer costs down.

None of these benefits can be realized unless and until the smart meters are used. The regulation changes allow for immediate use of the smart meters. Thus, it is in the public interest to implement these regulations as emergency regulations effective immediately.


Contents: These changes in the Regulations allow the use of state-of-the art water meters, called “smart” meters, by CUC’s customers. The changes provide that metered customers pay only for the water that they use. The changes largely substitute the word “metered” for the phrase “24 hour”.

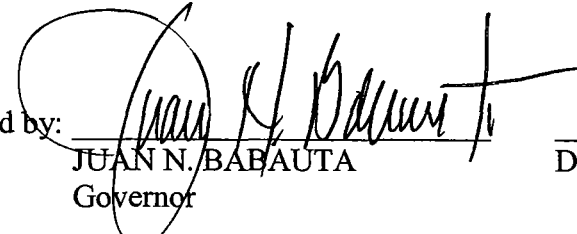
These Regulations shall be amendments to the CUC’s Regulations. They shall be included in the Commonwealth Utilities Corporation Regulations Governing the Use of CUC Water System, as changes to Article X, Schedule of Rates and Charges, Paragraph 4 as published in the Commonwealth Register, Vol. 17, No. 09 (September 15, 1995), p. 13720, and Vol. 17, No. 06 (June 15, 1995), p. 13513.

Notice of Intent to Permanently Adopt: It is the intent of CUC, pursuant to 1 CMC § 9104(b), to adopt these Emergency Regulations as permanent regulations, pursuant to the procedures of 1 CMC § 9104(a)(1) and (2), with publication in the Commonwealth Register.

FILING AND PUBLICATION: These Regulations shall be filed with the Registrar of Corporations, and copies mailed under registered cover to the Governor in compliance with the provisions of 1 CMC 9105(b)(2). This Notice and these findings shall be filed with the regulation and CUC shall take appropriate measures to make these emergency regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)), including publication in the next edition of the Commonwealth Register.

FOR FURTHER INFORMATION: Contact Lorraine A. Babauta, Executive Director, La Fiesta III Building, San Roque, Saipan MP 96950, or phone 664-6188/6168.

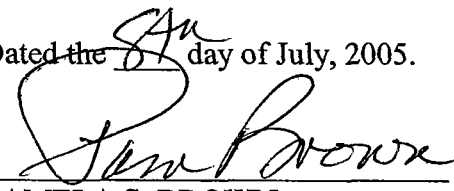
Submitted by:  7/8/05
LORRAINE A. BABAUTA Date
Executive Director

Concurred by:  7/8/05
JUAN N. BABAUTA Date
Governor

Filed and Recorded by:  7/8/05
BERNADITA B. DE LA CRUZ Date
Commonwealth Register

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the emergency regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published pursuant to 1 CMC § 2153(f) in the Commonwealth Register.

Dated the 8th day of July, 2005.


PAMELA S. BROWN,
Attorney General

AMENDMENTS TO THE REGULATIONS OF
THE COMMONWEALTH UTILITIES CORPORATION:

REGULATIONS GOVERNING THE USE OF CUC WATER SYSTEM
PURSUANT TO PUBLIC LAW 4-47

ARTICLE X, SCHEDULE OF RATES AND CHARGES

In Article X, Paragraph 4 of the Regulations Governing the Use of CUC Water System, the term "receive 24 hour" shall be replaced by the term "receive metered", the term "receiving 24 hour service" shall be replaced by "receiving metered service" and the term "receiving less than 24 hour service" shall be replaced by "receiving other than metered service". Duplications shall be eliminated. The descriptive sentence for paragraph 4 shall be added, as "All water service shall be charged as follows", and typographical errors shall be corrected. As amended, the regulations shall read as follows:

Article X. Schedule of Rates and Charges

4. All water service shall be charged as follows:
- A. All customers shall pay a monthly service charge based on the size of the service connection, as set forth in the service charge chart F below.
 - B. Customers who receive metered water service, as determined by the Corporation, will also pay for the number of gallons of water consumed as registered on a water meter. The consumption charge shall be pursuant to the rate schedule chart D below.
 - C. Customers who do not receive metered water service, as determined by the Corporation, will also pay for the number of gallons of water consumed. Residential customers who do not receive metered water are deemed to consume 6,000 gallons per month. Commercial customers who do not receive metered water are deemed to consume 18,000 gallons per month. The consumption charge shall be pursuant to the rate schedule in chart E below.
 - D. Rate Schedule for Residential and Commercial Customers receiving metered service:

Usage	Rate
0 to 3,000 gallons	\$1.00 per 1,000 gallons
3,001 to 15,000 gallons	\$2.40 per 1,000 gallons

15,001 to 30,000 gallons	\$3.00 per 1,000 gallons
30,001 to 60,000 gallons	\$3.50 per 1,000 gallons
above 60,000 gallons	\$4.00 per 1,000 gallons

E. Rate Schedule for Residential and Commercial Customers receiving other than metered service:

Usage	Rate
0 to 3,000 gallons	\$0.50 per 1,000 gallons
3,001 to 15,000 gallons	\$1.20 per 1,000 gallons
15,001 to 30,000 gallons	\$1.50 per 1,000 gallons
30,001 to 60,000 gallons	\$1.75 per 1,000 gallons
above 60,000 gallons	\$2.00 per 1,000 gallons

F. Monthly Service Charge:

Meter Size	Monthly Charge
5/8 inch, 3/4 inch	\$6.00 per month
1 inch	\$7.00 per month
1 ½ inch	\$11.00 per month
2 inch	\$14.00 per month
3 inch	\$35.00 per month
4 inch	\$55.00 per month
6 inch	\$75.00 per month
8 inch	\$110.00 per month
10 inch	\$155.00 per month
12 inch	\$200.00 per month

**EMERGENCY REGULATIONS AMENDING THE COMMONWEALTH
UTILITIES CORPORATION REGULATIONS GOVERNING THE USE OF THE
WATER SYSTEM**

The Commonwealth Utilities Corporation notifies the general public of the emergency amendment of the regulations Commonwealth Utilities Corporation Regulations Governing the Use of Water System. This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Commonwealth Utilities Corporation is adopting the emergency amendments to allow the use of state-of-the art water meters, called “smart” meters to bill customers for actual water usage.

Citation of

Statutory Authority:

The Commonwealth Utilities Corporation is authorized to promulgate regulations regulating water utility services; meter bill, and collect fees in a fair and rational manner from all consumers of utilities it has not privatized and to strengthen the existing system of metering, billing and collecting fees for utility services pursuant to P.L. 4-47, as amended.

Short Statement of

Goals and Objectives:

The Commonwealth Utilities Corporation finds that these changes are necessary to strengthen the metering, billing and collecting fees with the installation of “smart” water meters and to ensure that customers only pay for water used.

Brief Summary:

These changes in the Regulations allow the use of state-of-the art water meters, called “smart” meters, by CUC’s customers. The changes apply to the bills that customers pay, by providing that metered customers pay only for the water that they use. The changes largely substitute the word “metered” for the phrase “24 hour”.

For Further Information:

Contact Lorraine A. Babauta, Executive Director, La Fiesta III Building, San Roque, Saipan MP 96950, or phone 664-6188 or -6168 (Ask for “meter regulations notice”).

**Citation of Related and/or
Affected Statutes**

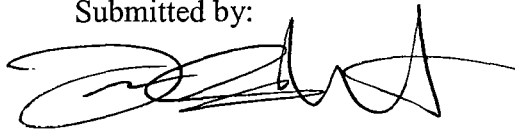
These Regulations shall be amendments to the CUC’s Regulations. They shall be included in the Commonwealth

**Rules and Regulations
and Orders:**

Utilities Corporation Regulations Governing the Use of
CUC Water System, Schedule of Rates and Charges, as
changes to Article X, Schedule of Rate and Charges
Paragraph 4 as published in the Commonwealth Register,
Vol. 17, No. 09 (September 15, 1995), p. 13720, and Vol.
17, No. 06 (June 15, 1995), p. 13513.

Dated this 8th day of June, 2005.

Submitted by:

A handwritten signature in black ink, appearing to read 'Lorraine Babauta', with a long horizontal flourish extending to the right.

Lorraine Babauta
Executive Director

**NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO
ADOPT AMENDEMENT TO PROCUREMENT REGULATIONS,
SECTION 3-108**

Emergency: The Secretary of Finance for the Commonwealth of the Northern Mariana Islands find that pursuant to Title 1 CMC, Division 9, Chapter 1 and specifically under 1 CMC § 9104(b), the public interest requires the adoption on an emergency basis, of amendments to the Procurement Regulations, Section 3-108. These Procurement Regulations were enacted as published in the Commonwealth Register Vol. 12, No. 10 on October 15, 1990, amended as published in Commonwealth Register Vol. 22, No.08 on August 18, 2000 and as published in the Commonwealth Register Vol. 23, No. 05, on May 24, 2001 and amended as published in the Commonwealth Register, Vol. 26. No.2 on February 23, 2004.

The Secretary of Finance further finds that the public interest mandated the adoption of these amendments to the procurement regulations upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Acting Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

Reasons for the Emergency: The Commonwealth of the Northern Mariana Islands has an urgent need for safe, potable drinking water. The availability of 24-hour water service is an essential requirement for the safety and well being of the community. The Secretary of Finance finds that the existing Procurement Regulations do not provide the framework necessary for the Commonwealth of the Northern Mariana Islands to procure the equipment and services necessary to implement a 24-hour safe water supply in an expeditious fashion. The adoption of these amendments will provide a modified competitive procurement process in certain circumstances. The adoption of these amendments to the Procurement Regulations will allow the CNMI Water Task force to expeditiously acquire good and secure services in furtherance of the stated goal of bringing a safe 24-hour water supply to the CNMI.

Intent to Adopt: It is the intention of the Department of Finance to adopt these emergency regulations, pursuant to 1 CMC § 9104(1) &(2). Accordingly interested persons may submit written comments on these regulations to: Director, Procurement and Supply Division, Department of Finance at (670) 664-1500.

Date: June 27, 2005

Submitted by: 
Hermin Atalig, Secretary of Finance

Date: June 27, 2005

Approved by: 
Juan M. Babuata,
Governor

**Emergency Re-peal and Re-actment of Sections 3-106 and 3-108 and to amend
Section 5-101 of the CNMI Procurement Regulations**

Section 3-108 is hereby amended as follows:

“Section 3-108 Expedited Purchasing in Special Circumstances

1. When special circumstances require the expedited procurement of goods or services, the official with expenditure authority may request that the Director approve expedited procurement without the solicitation of bids or proposals ~~for the purpose of facilitating the process of obtaining needed critical infrastructure funding in order to harden and enhance the capability of protection critical infrastructures of the Commonwealth, the official with expenditure authority may request that the director approve expedited procurement without the solicitation of bids for proposals.~~
2. The factors to be considered by the Director in approving or disapproving this request shall be:
 - a. The urgency of the government’s need for the good or services especially if procuring vehicles and equipment specifically designed for chemical, biological, nuclear exposure and bomb detection and critically needed emergency medical supplies as described by the Office of Domestic Preparedness;
 - b. The urgency of the government’s need for good or services to facilitate implementation of a safe 24-hour water supply;**
 - c. The urgency of the government’s need for professional services to facilitate obtaining critical infrastructure funding in order to harden and enhance critical infrastructures of the Commonwealth or for the implementation of a safe 24-hour water supply.**
 - d. The comparative costs of procuring the goods or service from a sole source or through the competitive process;
 - e. The availability of the goods or service in the Commonwealth and the timeliness in acquiring it; and

- f. Any other factors establishing the expedited procurement is in the best interest of the Commonwealth Government.
3. Upon the Director's written determination that the factors in (2) above justify an expedited purchase, he shall process the necessary document(s) and assist the official with the expenditure authority in procuring the required goods or services in the most efficient manner.
4. If the Director determines that the request for the expedited procurement did not meet the criteria in (2) above, he shall promptly notify the official with the expenditure authority of his disapproval in writing.
5. The expedited procurement shall be as competitive as possible under the circumstances. **Whenever possible, the official with expenditure authority shall solicit a minimum of three (3) quotations from qualified vendors.**
6. The total amount of goods or service that may be approved under this section shall not exceed \$25,000 except when:
 - a. such goods or services are procured for the purpose of facilitating the process of obtaining needed critical infrastructure funding in order to harden and enhance the capability of protecting critical infrastructures of the Commonwealth including procuring vehicles and equipment specifically designed for chemical, biological, nuclear exposure and bomb detection and critically needed emergency medical supplies as described by the Office of Domestic Preparedness, or
 - b. **goods or services are procured for the purpose of facilitating the process of implementation of a 24 hour water supply for the Commonwealth.**

Public Notice
Department of Finance

**EMERGENCY REPEAL AND RE-ACTMENT OF PROCUREMENT
REGULATIONS, SECTION 3-108**

Citation of
Statutory Authority: Pursuant to Article X, Section 8 of the
Commonwealth Constitution and 1 CMC § 2553(j)
and 1 CMC § 2557.

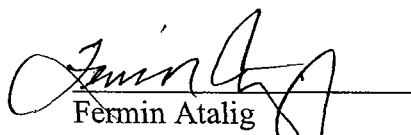
Short Statement of
Goals and Objectives: To provide expedited procurement through the
CNMI Water Task Force for goods and services
necessary to facilitate the implementation of a 24-
hour water supply in the Commonwealth.

Brief Summary of
The Rule: Expedited procurement regulations are amended to
provide for modified competitive procurement.

For Further
Information Contact: Director, Procurement and Supply Division,
Department of Finance at (670) 664-1550.

Citation of Related and/or
Affected Statutes, Regulations
And Orders: CNMI Procurement Regulations, Section 3-108.

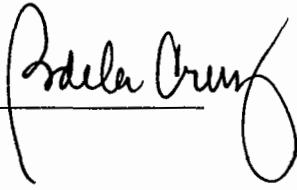
Submitted by:



Fermin Atalig
Secretary of Finance

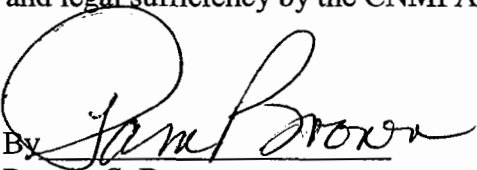
4/30/05
Date

Date: 6/30/05

Filed and Recorded by: 
Bernadita B. Dela Cruz

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

Dated: 6/30/05

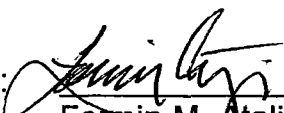
By 
Pamela S. Brown
Attorney General

PROPOSED REGULATIONS FOR THE COMPUTATION OF RETROACTIVE SALARY ADJUSTMENT PAYMENT FOR OVERTIME HOURS EARNED DURING THE PAY PERIOD ENDING JUNE 1, 1991 THROUGH PAY PERIOD ENDING AUGUST 20, 1994.

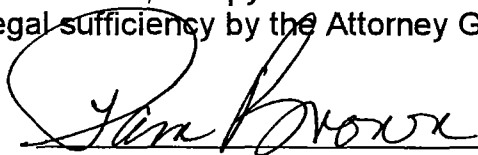
The Secretary of the Department of Finance for the Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt regulations for the computation of retroactive salary adjustment payment for overtime hours for former and current government employees who have yet to receive this payment. The proposed regulations are promulgated pursuant to 1 CMC Section 2557 and Public Law 7-31, 14-17, as appropriated pursuant to Saipan Local Law 13-8, as amended by Saipan Local Law 13-11. Specifically, this regulation will provide the method of calculating the retroactive salary adjustment payment for overtime hours for government employees using information from the Northern Mariana Islands Retirement Fund, Individual Contribution Record.

All interested persons may examine the proposed regulations and submit written comments to the Secretary of Finance, P.O. Box 5234 CHRB, Saipan MP 96950 or by facsimile at 670-664-1115 within 30 calendar days following the publication of this notice in the Commonwealth Register.

Dated this 15th day of July, 2005, at Saipan, Northern Mariana Islands.

By: 
Fermin M. Atalig
Secretary of Finance

Pursuant to 1 CMC Section 2153, as amended by P.L. 10-50, the proposed regulations for the Secretary of Finance, a copy of which is attached hereto, have been received and approved as to form and legal sufficiency by the Attorney General's Office.

By: 
Pamela Brown, Attorney General

Date: 7/13/05

Filed by: 
Bernadita Dela Cruz
Commonwealth Registrar

Date: 7/18/05

Received by: 
Thomas Tebuteb
Special Assistant for Administration

Date: 7-19-05

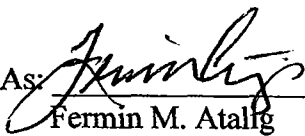
NOTISIAN PUPBLIKU

I MAN MA PROPONE NA REGULASION SIHA POT PARA U MA KATKULA YA U MA SÁTBA I RETROACTIVE NA SUETDUN OVERTIME DURANTEN PAGAMENTO GI JUNIO 1, 1991 ESTA I AGOSTU 20, 1994 I UTTIMO' NA PAGAMENTO

I Sekretarion i Dipårtamenton i Finance gi Commonwealth I Sankattan Siha Na Islas Marianas, ha notifika i pupbliku henerat pot i intension niha para u ma adopta i regulasion siha pot i katkulun i retroactive na suetdun overtime para i man presente yan i man hagas na empleao siha gi gobietnamento ni trambia ti ma risisibe i ápas niha. I man ma propone na regulasion man ma establesi sigun i lai 1 CMC Seksiona 2557 yan Lai Pupbliku 7-31, 14-17, ni ma probeniyi sigun i Lai Munisipalidadat Saipan gi 13-8, ni inamenda ni Lai Munisipalidadat Saipan 13-11. Spesifikátmente, este na regulasion siempre a probeniyi manera anai para u ma katkula i retroactive na suetdun overtime i empleaon siha gi gobietnamento ni mu'usa i infotmasion gi Record i Kontribusion Indibiduat Na Fundon Riterao gi Notte Marianas.

Todu i man enteresao na petsona siña ma ina i man ma propone na regulasion siha ya hu fan nahalom tinige' opinion siha guatto i Sekretarion i Finance, gi P.O.Box 5234 CHRB, Saipan MP 96950 pat facsimile gi 670-664-1115 gi halom trenta (30) dias siha gi kalendario des di i fechan i pupplikasion este na Notisia gi Rehistradoran i Commonwealth.


Ma Fecha este gi mina 15th na ha'ane gi Julio, 2005, giya Saipan, Gi Sankattan Siha Na Islas Marianas.

Ginen As: 
Fermin M. Atallg
Sekretarion i Finance

Sigun i Lai 1 CMC Seksiona 2153, ni inamenda nu i Lai Pupbliku 10-50, i mapropone na regulasion siha para i Sekretarion i Finance, i kopia siha ni man ch'che'ton, esta man ma ina yan ma aprueba pot para u fotma yan suficiente ligát ginen i Ofisinan i Abugão Henerát.

Ma'apueba ginen as: _____
PAMELA BROWN
Abugâdo Henerât i CNMI

Fecha: _____

Marisibe' as: _____

THOMAS TEBUTEB
Espesiât Na Ayudante Para I Atministrasion

Fecha: 7-19-05

Pine'lo as: _____

BERNADITA B. DELA CRUZ
Rehistran i Commonwealth

Fecha: 7/18/05

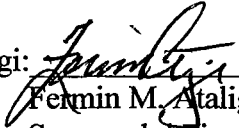
ARONGOL TOULAP

POMWOL ALLÉGH NGALI KKPAS RETROACTIVE SALARY REEL OVERTIME HOURS YE RE BWUGHIL ÓTOL AMWUTCHUL PAY PERIOD YE JUNE (ALIMATE) 1, 1991 NGALI PAY PERIOD ENDING YE AUGUST (ELUWEL) 20, 1994.

Samwoolul Depattamentool Finance mellól Commonwealth Téél Faluw kka Falúwasch efáng Marianas, ekke arongaar toulap igha ebwe fillóoy allégh kkaal ngáli kkapasal óbwóssul retroactive salary reel overtime ngáli fasul me schóoy angaangal gobenno iye resaal bwughi óbwóssul ighila. Pomwol allégh kkaal ikka aa akkatééwow bwelle allégh ye 1 CMC Tálil 2557 me Alleghul Toulap 7-31, 14-17, iye aa ffeerlo sáangi Alleghul Seipel 13-11. Sscheescheel, allegh yeel nge ebwe ayoorá mwóghutul retroactive salary reel overtime hours ngáli schóoy angaangal llól gobenno iye ebwe yááyá sáangi mwóghútúl salapial Northern Marianas Retirement. Yaar record atotoolong aramas.

Schóókka eghal yoor yaar mángemáng nge emmwel rebwe amweri me ischilong pomwol allegh kkaal reel Samwoolul Finance P.O Box 5334 CHRB, Seipel MP 96950 me ngáre facsimile reel 670-664-1115 llól eliigh (30) rállil sangi schagh yaal akkatééwow arong yeel mellól Commonwealth Register.

Rállil ye 15 llól Julio, 2005, me Seipél, Teel Falúw kka Falúwasch Marianas.

Sáangi: 
Fermin M. Atalig
Samwoolul Finance

Sáangi allegh ye 1 CMC Tálil 2153, iye aa ssiwelo mereel Alléghúl Toulap 10-50, pomwol allégh ngáli Samwoolul Finance, tilighial iye e appasch, nge raa takkal amweri fischiy me allégheló mereel Bwulasiyool Sów Bwungúl Allégh Lapalap

Sáangi: _____
Pamela Brown, Sów Bwungúl Allégh Lapalap

Rál _____

Aisis sáangi: 
Bernadita Dela Cruz
Commonwealth Register

Rál 7/18/05

Mwir sáangi: _____
Thomas Tebuteb
Sów alillisil Sów Lemelem

Rál 7-19-05

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF FINANCE

Citation of Statutory Authority: The proposed regulations for the Secretary of the Department of Finance are promulgated pursuant to 1 CMC Section 2557, and Public Law 7-31, 14-17, as appropriated pursuant to Saipan Local Law 13-8, as amended by Saipan Local Law 13-11.

Statement of Goals and Objectives: The proposed regulations are intended to provide a standardized method of calculating the retroactive salary adjustment payment for overtime hours for current and former government employees who have not received this payment because they no longer have possession of their payroll check stubs for the affected years. The regulations will allow the use of the Individual Contribution Record from the Northern Mariana Island Retirement Fund to compute the payment. Up until this point, only employees who submitted their check stubs to the Department of Finance were paid the salary adjustment for overtime hours.

Brief Summary of the Rules: Former and current employees will be required to submit their Individual Contribution Records for fiscal years 1991, 1992, 1993, and 1994 to the Department of Finance for computation. Employees will be required to sign a Waiver of Liability upon acceptance of the computed amount. Because fund for this payment comes from the poker license fees from the Third Senatorial District, only Saipan employees are entitled to this payment.

For Further Information: Secretary, Department of Finance, P.O. Box 5234 CHRB Saipan, MP 96950, telephone 670-664-1100, or by facsimile at 670-664-1115.

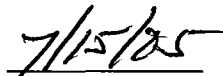
Citation of Related and/or Affected Statutes, Regulations and Orders: 1 CMC Section 2557; Public Law 7-31, 14-17, as appropriated pursuant to Saipan Local Law 13-8, as amended by Saipan Local Law 13-11.

Submitted by:



Fernin M. Atalig, Secretary
Department of Finance

Date:



PROPOSED REGULATIONS FOR THE COMPUTATION OF RETROACTIVE SALARY
ADJUSTMENT PAYMENT FOR OVERTIME HOURS EARNED DURING THE PAY PERIOD
ENDING JUNE 1, 1991 THROUGH PAY PERIOD ENDING AUGUST 20, 1994.

Purpose

Pursuant to P.L. 7-31, certain employees of the CNMI government are to receive overtime pay for the time period between the pay period ending June 1, 1991, through the pay period ending August 20, 1994, when there were insufficient funds available to pay overtime as earned. The purpose of these regulations is to address the method of proving entitlement to such overtime and the methods of calculating amounts owed to eligible employees.

Definitions

The following definitions shall be applicable to these regulations.

Eligible Time Period – The retroactive salary adjustment payment for overtime hours covers the period beginning, Pay Period Ending June 1, 1991 through Pay Period Ending August 20, 1994.

Individual Contribution Record – a record provided by the Northern Mariana Islands Retirement Fund, showing the gross amount earned and contribution made for each employee by pay period in a fiscal year.

Notification of Personnel Action Record – the “NOPA” record is provided by the Office of Personnel Management. The record shows among other things, the effective date of any salary adjustment earned by the employee, the old salary level, the new salary level if the salary adjustment were made, the difference between the old and new salary level, and the number of days that the salary level was in effect.

Pay Stub – That portion of a CNMI government or agency payroll check given to the employee at time of pay showing hours worked, overtime, and leave.

Premium Pay – any form of earnings pay other than the base, 80 hours per pay period authorized by law. These include but is not limited to, overtime hours, typhoon hours, holiday hours, night differential, hazardous pay, stand-by pay, or on-call pay.

Required Documents

Pay Stubs as Evidence of Overtime

Any employee desiring to obtain unpaid overtime for the Eligible Time Period shall submit original or copies of Pay Stubs for those pay periods in which the employee is seeking payment of previously unpaid overtime. Upon satisfactory compliance and verification of the submitted Pay Stubs, the Department of Finance will initiate and process the overtime payment request.

Lack of Pay Stubs

Where an employee claiming unpaid overtime for the Eligible Time Period is unable to submit original or copies of Pay Stubs for those pay periods, the following procedure may be available. The employee, or former employee, claiming a retroactive salary adjustment payment for overtime hours may submit a copy of their Individual Contribution Record, from the Northern Mariana Islands Retirement Fund, for fiscal years 1991, 1992, 1993, and 1994. Since such records do not specifically delineate overtime from other premium pay (which may include sums not eligible for payment under this program), the following formula will be used to calculate the amount such employee may receive where the original or copies of Pay Stubs are not available.

Computation Method

Take the Gross Amount in the Individual Contribution Record for each pay period less the Old Pay Level in the NOPA record for each period to get the Premium Pay for each pay period. Take the Old Pay Level per pay period from the NOPA records divided by 80 hours and then multiply the amount by 1.5 hours to get the Hourly Overtime Rate. Next take the Premium Pay for each pay period divided by the Hourly Overtime Rate to get the Retroactive Salary Adjustment for Overtime Hours owed to the employee. Add up the adjustment for each pay period to get the Total adjustment owed for the entire period. The following is the formula for computing the retroactive salary adjustment for overtime hours:

1. Gross Amount Per Pay Period – Old Pay Level Per Pay Period = Premium Pay
2. (Old Pay Per Pay Period/ 80 hours) x 1.5 hours = Hourly Overtime Rate
3. Premium Pay/Hourly Overtime Rate = Retroactive Salary Adjustment
4. Sum up the Retroactive Salary Adjustment for each pay period to get the total adjustment owed.

Assumptions

Because the Individual Contribution Record does not indicate regular hours, overtime hours, or any other form of premium pay, the following assumptions are being made to adjust for this lack of information.

1. Fifteen percent (15%) of the retroactive salary adjustment payment will be deducted from all Police, Fire, Corrections, Customs, Immigration and Quarantine employees to factor out Night Differential Pay. This is based on the assumption that at least a portion of premium pay for these employees is not eligible for this retroactive overtime payment.
2. Any typhoon overtime hours will be paid at 1.5 rate rather than the 2.0 rate.

Source of Funding and Eligibility

The funding source for the payment of any retroactive salary adjustment for overtime hours shall be made from local poker fee revenues generated in the Third Senatorial District. Only employees from Saipan will be eligible for this payment. In the event amounts are made available for employees from other Senatorial Districts, these rules may be similarly applied.

Waiver of Liability

Each employee accepting the terms of this regulation shall sign a waiver and release form releasing the CNMI government from any liability upon acceptance of the computed amount of retroactive salary adjustment owed.

PUBLIC NOTICE

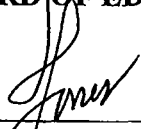
PROPOSED AMENDMENTS TO PUBLIC SCHOOL SYSTEM REGULATIONS REGARDING PRAXIS REQUIREMENT AND TEACHER CERTIFICATION

The Board of Education for the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intention to amend current regulations regarding the above items. Once finally promulgated, these regulations will amend Public School System Regulations for Certified Personnel, Chapter 2 Sections (b)(10), (e)(4), (f)(1)(A)(iii)(g), (f)(2)(A)(iv), and (f)(3)(A)(iv) and Chapter 1 Part F Sections 1601 through 1603. The amended regulations are attached with changes noted and are promulgated pursuant to the authority provided by Article XV of the CNMI Constitution and Public Law 6-10.

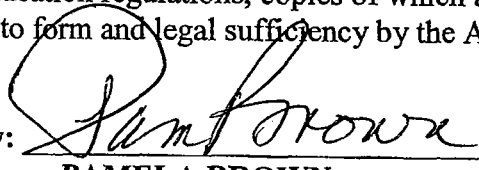
All interested persons may submit written comments, positions, or statements for or against the changes to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 or by facsimile to 664-3711 within thirty (30) calendar days following the date of the publication of this Notice in the Commonwealth Register.

Dated this 14th day of July 2005, at Saipan, Northern Mariana Islands.

BOARD OF EDUCATION

By: 
ROMAN C. BENAVENTE
Board of Education Chairperson

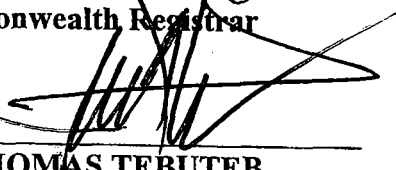
Pursuant to 1 CMC Section 2153, as amended by Public Law 10-50, the proposed Board of Education regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

gr By: 
PAMELA BROWN
CNMI Attorney General

Date: 7/18/05

Filed By: 
BERNADITA B. DELA CRUZ
Commonwealth Registrar

Date: 7/18/05

Received By: 
THOMAS TEBUTEB
Special Assistant for Administration

Date: 7/18/05



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950

Roman C. Benavente
Chairman

Dino M. Jones
Vice Chairman

Marji Lee C. Taitano
Secretary/Treasurer

Members
Frances H. Diaz
Herman T. Guerrero

Scott Norman
Non Public School Rep.

Ms. Aubry Mangiona Hocog
Student Representative

Ambrose Bennett
Teacher Representative

PROPOSED AMENDMENTS TO PUBLIC SCHOOL SYSTEM REGULATIONS REGARDING PRAXIS AND TEACHER CERTIFICATION

Commissioner of Education
Rita Hocog Inos, Ed.D

Statutory Authority: The proposed amendments to PSS regulations are promulgated pursuant to the Board of Education's (Board) authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

Goals and Objectives: The No Child Left Behind Act of 2001 (NCLB) mandates that all elementary and secondary school teacher in the United States and its territories, no later than August of 2006, must:

- Possess a bachelor's degree or higher;
- Have attained full State Certification; and
- Demonstrate subject matter competency on a rigorous test.

PRAXIS II meets the rigorous testing requirement. Therefore, PSS will require PRAXIS II of all teachers, including early childhood, special education and elementary school teachers.

Summary of Proposed Amendments: The proposed amendments will:

1. Ensure that the CNMI meets the definition of highly qualified teachers pursuant to the NCLB by requiring PRAXIS II, which meets the rigorous testing mandate.
2. Clarify that PRAXIS I and II are required for all teachers, except licensed related service providers.
3. Extend the deadline for passing PRAXIS examinations for current teachers to August 1, 2006 rather than the expiration of their individual contracts.
4. Allow current teachers, regardless of contract expiration date, and teacher applicants to have the same deadline of August 1, 2006 to pass PRAXIS examinations.

Citation of Related and/or Affected Board Regulations:


1. Public School System Regulations for Certified Personnel, Chapter 2 Sections (b)(10), (e)(4), (f)(1)(A)(iii)(g), (f)(2)(A)(iv), and (f)(3)(A)(iv). CNMI Register History: Proposed 1/22/04; Adopted 3/23/04; Proposed Amend 8/26/04; Amend Adopted 10/25/04; Proposed Amendment 6/ 20/05.
2. Public School System Regulations for Certified Personnel, Chapter 1 Part F Sections 1601 through 1603. CNMI Register History: Proposed 8/26/04 and Adopted 10/25/04.

Contact Person: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 664-3727 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments.

Dated this 14th day of July 2005, at Saipan, Northern Mariana Islands.

BOARD OF EDUCATION

By: _____


ROMAN C. BENAVENTE
Board of Education Chairperson

NOTISIAN PUPBLIKU

I MAN MAPROPONE NA AMENDASION SIHA PARA I REGULASION SISTEMAN ESKUELAN PUPBLIKU NI TINETEKKA I SETIFIKASION YAN KUÁLIFIKASION MA'ESTRA / MA'ESTRO (PRAXIS TEST)

I Kuetpon i Edukasion para i Commonwealth I Sankattan Siha Na Islas Mariana ha notifikika i publiku henerát pot i intension para hu ma'amenda i presente na regulasion siha ni tineteka i asunto ni ma'enlista gi sanhilo'. Des pues di ma establesi, este na regulasion siha siempre ma amenda i Regulasion Sistemán Eskuelan Públiku para i Man Ma Setifika na Empleao, Kapitulu 2 Seksiona (b)(10), (e)(4), (f)(1)(A)(iii)(g), ma amenda na regulasion siha ni man che'che'ton yan i tinilaika siha ni man manota yan ma establesi sigun i aturidát ni maprobeniyi ni Atikulu XV ni Lai Supremo (Constitution) i CNMI yan i Lai Públiku 6-10.

Todu i man enteresao na petsona siña hu fan nahalom tinige' opinion, pusision, pat deklarasion kao hungan osino ha kokontra i mapropone na amendasion siha guatto i Kabiseyon i Kuetpo, Kuetpon i Edukasion, gi P.O. Box 501370 CK, Saipan, MP 96950, pat fax gi 664-3711 gi hálom trenta (30) dias siha gi kalendário des di i fechan i publikasion gi Rehistradoran i Commonwealth pot este na Notisia.

Mafecha este gi mina 14th na ha'áne gi Julio 2005, giya Saipan, gi Sankattan Siha Na Islas Mariana.

KUETPON I EDUKASION

Ginen as: _____

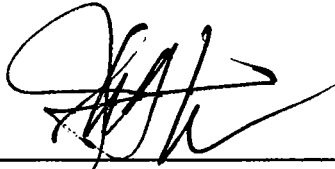
Roman C. Benavente
for **ROMAN C. BENAVENTE**
Kabiseyon i Kuetpon i Edukasion

Sigun i Lai 1 CMC Seksiona 2153, ni inamenda nu i Lai Públiku 10-50, i mapropone na regulasion yan amendasion ni Kuetpon i Edukasion i kopia siha ni man ch'che'ton, esta man ma ina yan ma aprueba pot para u fotma yan suficiente ligát ginen i Ofisinan i Abugáo Henerát.

Ma'aprueba ginen as: _____
PAMELA BROWN
Abugáo Henerát i CNMI

Fecha: _____

Marisibe' as:



THOMAS TEBUTEB

Espesiât Na Ayudante Para I Atministrasion

Fecha:



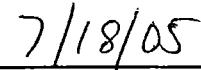
Pine'lo as:



BERNADITA B. DELA CRUZ

Rehistran i Commonwealth

Fecha:



COMMONWEALTH I SANKATTAN SIHA NA ISLAS MARIANA

Kuetpon i Edukasion Estâdos
Sisteman Eskuelan Publiku
P.O. Box 501370
Saipan, MP 96950

I MAN MAPROPONE NA AMENDASION SIHA PARA I REGULASION SISTEMAN ESKUELAN PUBLIKU NI TINETEK A I SETIFIKASION YAN KUÁLIFIKASION MA'ESTRA / MA'ESTRO (PRAXIS TEST)

Aturidât i Lai: I man mapropone na amendasion para i regulasion i Sisteman Eskuelan Publiku man ma'establesi sigun i aturidât i Kuetpon i Edukasion ni maprobeniyi ginen i Atikulu XV gi Lai Supremo (Constitution) i Commonwealth I Sankattan Siha Na Islas Marianas, Lai Publiku 6-10 yan i Akton Areklamenton i Atministrasion i CNMI.

Finiho, Asunto, yan Kada'da' Na Mensâhe Pot I Man Mapropone Na Amendasion Siha: I Akton i No Child Left Behind (NCLB) gi sâkkan 2001 a mâmânda na todû i man ma'estra/ma'estron i elementario yan ge' hilo' na eskuela gi halom Estados Unidos yan Teritorio siha, antes di Agosto 2006, ya debi di:

- * Hu gai' Bachelor's Degree pat mas
- * Hu gai' Setifikasion Ustados; yan
- * Hu na'annok na kualifikao gue' para i rekto na eksaminasion.

I PRAXIS II ha na annok i nisisidat i rekto na eskaminasion. Enao na, i Sisteman Eskuelan Publiku ha nonombra na todû i man ma'estra/ma'estro hu fan gaige gi PRAXIS II, enklusu i man ma'estra/ma'estron i Early Childhood Development, Special Education yan elementario siha.

Mensahen i Man Ma Propone na Amendasion siha: I man ma propone na amendasion siempre:

1. Hu asigura na i CNMI hu tattiyi i ma manifesta gi takhilo' na kuálifikasion i ma'estra/ma'estro sigun i No Child Left Behind (NCLB) ni ha nonombra i PRAXIS II, ya hu komple i rekto na eksaminasion ni ma mâmânda.
2. Klarifika na i PRAXIS I yan II ha nonombra todû i man ma'estra/ma'estro siha, fuerra di i ma lisensia yan i man a'achule' siha na setbisio ni man ma probeniyi.

3. Ma ekstiende Agostu 1, 2006 i uttimon i ha'áne para i man presente na ma'estra/ma'estro ni para u ma pása i PRAXIS na eksaminasion. Enlugát di i uttimon i kontrátan-niha.

4. Para u fan ma sedi i presente na man ma'estra/ma'estro yan i man aplikánte man ma'estra/ma'estro para u parehu i uttimon i ha'áne Agostu 1, 2006 ni para u ma pása i eksaminasion i PRAXIS kibâmuS kao empas esta i kontrâta.

Nota Pot i Man Tineteka osino Inafekta Na Regulasion i Kuetpo:

1. Regulasion Sisteman Eskuelan Pupbliku Para i Man Ma Setifika na Empleao, Kapitulu 2 Seksiona (b)(10), (e)(4), (f)(1)(A)(iii)(g), (f)(2)(A)(iv), yan (f)(3)(A)(iv). Historian Rehistradoran i CNMI: Ma Propone gi 1/22/04; Ma adopta gi 3/23/04; Ma Propone na Amendasion gi 8/26/04; Ma Amenda i Adoptasion 10/25/04; Ma Propone na Amendasion gi 6/20/05.

2. Regulasion Sisteman Eskuelan Pupbliku Para i Man Ma Setifika na Empleao, Kapitulu 1 Patte' F Seksiona 1601 esta 1603. Historian Rehistradoran i CNMI: Ma Propone gi 08/26/04 yan Ma Adopta gi 10/25/04.

Petsona Para Ma Tonpadiset: Todu i man enteresao na petsona siña ma'eksamina i man mapropone na amendasion ya hu fan nahalom tinige' opinion, pusion, pat deklarasion kao hungan osino ha kokontra i mapropone na amendasion siha guatto i Kabiseyon i Kuetpo, Kuetpon i Edukasion, gi P.O. Box 501370 CK, Saipan, MP 96950, âgang i numiru 664-3727 pat fax gi 664-3711 gi halom trenta (30) dias siha gi kalendârio des di i fechan i pupublikasion gi Rehistradoran i Commonwealth pot este man mapropone na amendasion siha.

Mafecha este gi mina 14th na ha'áne gi Julio 2005, giya Saipan, gi Sankattan Siha Na Islas Mariana.

KUETPON I EDUKASION

Ginen as: 
ROMAN C. BENAVENTE
Kabiseyon i Kuetpon i Edukasion

**REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF CERTIFIED PERSONNEL
PROPOSED AMENDMENT July 2005**

Chapter 1

F. Core Knowledge Testing Requirement

§1601 PRAXIS. All teacher applicants and current teachers, upon contract renewal, shall submit proof to PSS that he or she has received a passing grade on the PRAXIS core knowledge examinations. The PRAXIS requirement shall apply to all ~~K-12th-grade-level~~ teacher applicants and all current teachers ~~for these grades~~, except professionally licensed related services providers. Passing scores will be determined by the Commissioner of Education and announced to teachers and applicants. Once the passing scores are set by the Commissioner of Education, the passing score may only be altered with Board of Education approval.

§1602 Procedure.

- ~~a) PRAXIS shall be administered to all teacher applicants prior to placing their names on the list of eligible applicants for teaching positions.~~
- b)a) All current PSS teachers and teacher applicants shall be required to pass complete PRAXIS I and ~~, if a secondary school teacher, PRAXIS II~~ prior to August 1, 2006. ~~the expiration date of their current employment contracts.~~
- e)b) The results of the PRAXIS I and ~~, if a secondary school teacher, PRAXIS II~~ examinations will determine a current teacher's eligibility for contract renewal and an applicant's eligibility for employment.
- d)c) A current teacher's failure to take the test or to obtain a passing score shall result in his or her employment contract not being renewed.
- e)d) A teacher applicant's failure to take the test or to obtain a passing score shall result in ineligibility for employment.

§1603 Timeline.

- a) PRAXIS testing will be offered to teachers and teacher applicants beginning in school year (SY) 2004/2005.
- b) All newly recruited PSS teachers for SY 065/076 shall be required to have taken and passed the PRAXIS I and ~~, if a secondary school teacher, PRAXIS II~~ entrance examinations in order to qualify for employment with PSS.
- e) ~~All current PSS teachers whose contracts expire after August 31, 2005 shall be required to take and pass the PRAXIS I and, if a secondary school teacher, PRAXIS II entrance examinations prior to contract renewal.~~
- d)c) Beginning August 31, 2006, all teachers employed by PSS will have taken and passed the PRAXIS I and ~~, if a secondary school teacher, PRAXIS II~~ exams.

**REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF CERTIFIED PERSONNEL
CHAPTER 2 - CERTIFICATION
PROPOSED AMENDMENTS JULY 2005**

1. **Section (b)(10):** “Professionally Licensed Related Services Provider” means a related services provider who is licensed by any state or appropriate professional board.

*This change is not intended to revoke the existing section (b)(10). The current section (b) (10) will become (b)(11) with the remainder of section (b) renumbered with a total of 15 definitions.
2. **Section (e)(4):** Core Knowledge Examination: All teacher certification applicants ~~for grades K-12~~, excluding professionally licensed related services providers, must take and pass PRAXIS I and II exams starting August 1, 2006. ~~Provisional and Specialized~~ certification applicants must take and pass PRAXIS I. All Provisional, Basic, ~~and Standard~~ and Professional certification applications must take and pass PRAXIS I and II, ~~if a secondary school teacher~~.
3. **Section (f)(1)(A)(iii)(g):** Effective August 1, 2006: Test Result showing that an applicant has taken and passed PRAXIS I and II exams ~~for K-12 grade teachers~~, excluding professionally licensed related services providers.
4. **Section (f)(2)(A)(iv):** Test Result showing that an applicant has taken and passed PRAXIS I.
5. **Section (f)(3)(a)(iv):** Test Result showing that a teacher applicant ~~for grades 7-12~~, excluding professionally licensed related services providers, has taken and passed the PRAXIS II exam.



**Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality**



P.O. Box 501304 C.K., Saipan, MP 96950-1304
Tels.: (670) 664-8500 /01
Fax: (670) 664-8540

**NOTICE AND CERTIFICATION OF ADOPTION
OF
AMENDMENTS
TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DRINKING WATER REGULATIONS**

The Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), pursuant to the *Commonwealth Environmental Protection Act*, 1982, P.L. 3-23, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103) of the Commonwealth of the Northern Mariana Islands, and in accordance with the *Administrative Procedures Act* (1 CMC§9101, *et seq.*) hereby notify the general public that the proposed Amendments to the Commonwealth of the Northern Mariana Islands Drinking Water Regulations as published in the Commonwealth Register, Volume 27, Number 4, May 18, 2005, at pages 24166 through and including 24443, and after the expiration of appropriate time for public comment, and having received no public comments, have been adopted without modification or amendment.

I, John I. Castro, Jr., Director of the Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), which is promulgating the Amendments to the CNMI Drinking Water Regulations, published in the Commonwealth Register, Volume 27, Number 4, May 18, 2005, at pages 24166 through and including 24443, by signature below hereby certify that the Amendments to the CNMI Drinking Water Regulations as published are a true, correct, and complete copy of the Amendments to the CNMI Drinking Water Regulations adopted by DEQ. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ~~28th~~ 29th day of June, 2005 at Saipan, CNMI.

John I. Castro, Jr., Director
Division of Environmental Quality



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality




P.O. Box 501304 C.K., Saipan, MP 96950-1304
Tels.: (670) 664-8500 /01
Fax: (670) 664-8540

**NOTICE AND CERTIFICATION OF ADOPTION
OF
ABOVEGROUND STORAGE TANK REGULATIONS**

I, John I. Castro, Jr., Director of the Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), which is promulgating the Aboveground Storage Tank Regulations published in the Commonwealth Register, Volume 27, Number 04, May 18, 2005, at pages 24139 through and including 24165, by signature below hereby certify that as published such rules are true, complete, and correct copy of the Aboveground Storage Tank regulations previously proposed by DEQ which, after the expiration of appropriate time for public comment, have been adopted. By signature below, I hereby certify that the Aboveground Storage Tank Regulations attached hereto and published herewith, are a true, correct, and complete copy of the Aboveground Storage Tank Regulations adopted by DEQ. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 11th day of July, 2005 at Saipan, Commonwealth of the Northern Mariana Islands.


JUL 11 2005
John I. Castro, Jr., Director
Division of Environmental Quality



Commonwealth of the Northern Mariana Islands

Department of Public Health

Office of the Secretary

NOTICE AND CERTIFICATION OF FINAL ADOPTION OF AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM

I, Dr. James U. Hofschneider, M.D., Secretary of the Department of Pubic Health of the Commonwealth of the Northern Mariana Islands, which has promulgated AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM as originally published in the Commonwealth Register, volume 27, number 3, page 024099, March 17, 2005, by signing below hereby certify that as published such Rules and Regulations are a true, complete, and correct copy of the Rules and Regulations previously proposed which, after the expiration of appropriate time for public comment, have been finally adopted with modification. During the notice period, the Department received comment indicating that the Brown School of Central Texas, which provided rehabilitation services, was no longer operational and that another facility, Laurel Ridge Treatment Center in San Antonio, Texas, should be substituted for Brown. This change has been made along with the addition of Children's Hospital of Los Angeles.

ATTACHMENT 1

For purposes of these Rules and Regulations, the following health care facilities, and those health care providers and ancillary care providers associated with these facilities, shall be recognized as "referral health care facilities" for medical referral patients from the CNMI:

Territory of Guam

- Dededo Polymedic Clinic
Espaldan Clinic, Inc.
Family Medical Clinic
Good Samaritan Clinic
Guam Memorial Hospital
Guam Pacific Medical Clinic
Guam Seventh Day Adventist Clinic
Specialty Clinic
St. Anthony Clinic
The Doctor's Clinic
Cancer Institute of Guam
Naval Hospital Guam
MR Imaging Group
Guam Eye Clinic

- Guam Public Medical Clinic
Simard Cardiology Group
Guam SurgiCenter

State of California

- San Diego Children's Hospital
*California Pacific Medical Center
Good Samaritan Hospital, Los Angeles
Children's Hospital of Los Angeles

State of Texas

- Laurel Ridge Treatment Center of San Antonio

State of Hawaii

Kapiolani Medical Center
Kuakini Medical Center
Queen's Medical Center
Rehabilitation Hospital
Shriner's Hospital For Crippled Children
St. Francis Medical Center
Straub Clinic and Hospital
Cancer Institute of Maui
Renal Treatment Center
Island Cardiology
Tripler Army Medical Center
Kahi Mohala

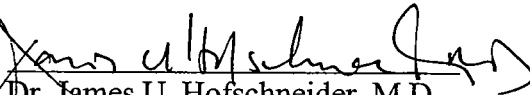
Republic of the Philippines

Makati Medical Center
Saint Luke's Medical Center
Philippine General Hospital
Asian Hospital and Medical Center


* Referral to these referral health care facilities shall be authorized only for infant heart surgery, kidney transplant, or other highly sophisticated surgical procedures as substantiated and approved by the Medical Referral Committee.

I now request and direct this Notice and Certification to be published in the CNMI Commonwealth Register amending the regulation. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 18th day of July 2005 at Saipan, in the Commonwealth of the Northern Mariana Islands.

Certified by:


Dr. James U. Hofschneider, M.D.
Secretary of Public Health
Department of Public Health


Filed by:


BERNADITA B. DEIA CRUZ
Commonwealth Registrar

Date

7-18-05

Received by:


THOMAS TEBUTEB
Special Assistant for Administration
Executive Offices of the Governor

Date

7-19-05



Commonwealth of the Northern Mariana Islands

Department of Public Health

Office of the Secretary

NOTICE AND CERTIFICATION OF FINAL ADOPTION OF THE PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING WATER AND ICE MANUFACTURING

I, Dr. James U. Hofschneider, M.D., Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, which has promulgated PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING WATER AND ICE MANUFACTURING, originally published in the Commonwealth Register, volume 27, number 4, page 24496, May 18, 2005, by signing below hereby certify that as published such Rules and Regulations are a true, complete, and correct copy of the Rules and Regulations previously proposed which, after the expiration of appropriate time for public comment, have been finally adopted without modification. I further request and direct this Notice and Certification to be published in the CNMI Commonwealth Register. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ___ day of July 2005, at Saipan, in the Commonwealth of the Northern Mariana Islands.

[Signature]
Dr. James U. Hofschneider, M.D.
Secretary of Public Health
Department of Public Health

Received by: [Signature]
THOMAS TEBUTEB
Special Assistant for Administration

Date 7-19-05

Filed by: [Signature]
BERNADITA B. DELA CRUZ
Commonwealth Registrar

Date 7-19-05



Commonwealth of the Northern Mariana Islands Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

ATTORNEY GENERAL LEGAL OPINION NO. 05-09

Civil Division
Tel: (670) 664-2341/42
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/67/68
Fax: (670) 234-7016

Investigative Unit
Tel: (670) 664-2310/12
Fax: (670) 664-2319

**Division of
Immigration**

Saipan
Tel: (670) 236-0922/23
Fax: (670) 664-3190

Rota
Tel: (670) 532-9436
Fax: (670) 532-3190

Tinian
Tel: (670) 433-3712
Fax: (670) 433-3730

**Domestic Violence
Intervention Center**
Tel: (670) 664-4583/4
Fax: (670) 234-4589

TO : Department of Labor, Division of Employment Services and Training
FROM : Assistant Attorney General
DATE : July 5, 2005
RE : Interpretation of 3 CMC § 4437 (I) Regarding Salary Review for Nonresident Worker Who Seeks to Sponsor Immediate Relative

You have asked for a legal opinion regarding 3 CMC § 4437 (i) and review of the salary of a nonresident worker who seeks to sponsor an immediate relative in the CNMI. The section at issue provides:

“(i) Immediate relatives of nonresident workers shall not be issued immediate relative entry permits unless the nonresident worker is paid an annual wage or salary of more than \$20,000 and posts with the Chief of Immigration a bond or other surety guaranteeing the repatriation of the family members for whom the nonresident worker seeks entry; provided, however, the income requirement of this subsection shall not apply for a period of not more than one year to nonresident workers whose immediate relatives were already in the Commonwealth on July 28, 1987.”

This is fundamentally an Immigration statute and the Department of Labor has very limited duties regarding its application, especially since the separation of Labor and Immigration by virtue of Executive Order 03-01 (effective May 10, 2003). It is ultimately up to the Director of Immigration to determine whether an immediate relative should be permitted to accompany the nonresident worker. The function of the Department of Labor, and specifically the Division of Employment Services and Training, is to report to the Director of Immigration the *present* salary of the nonresident worker who has applied to sponsor an immediate relative. The decision as to adequacy of the bond or surety, and any other issues concerning granting an immediate relative permit fall to Immigration.

In your request you suggest that the worker must have already earned a salary of more than \$20,000 per year before they are eligible to sponsor immediate relatives in the Commonwealth. You state, “It has been a practice that we are approving salary on the basis of an approved contract whether ee [employee] just started work for the first month and not having to complete a one year contract. It is my opinion that this is improper due to the fact that they have not made the \$20,000 per annum, yet, we are approving and declaring that they made \$20,000 the previous year.”

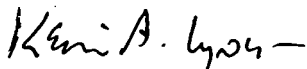
Review of a statute is generally based on a plain reading of the language used. *Pacific Saipan Technical Contractors v. Rahman*, slip op. at 7 (Appeal No. 99-008, decided October 17, 2000). Where, as here, the language is clear and unambiguous, there is no need to resort to extraneous materials for guidance.

The statute is written in the present tense: “unless the nonresident worker *is* paid an annual wage or salary of more than \$20,000. . . .” (emphasis added). Therefore, to determine eligibility of a nonresident worker to sponsor an immediate relative, it is necessary to look only at the nonresident worker’s present salary. Past salary is not a consideration.

The clear intention of the statute is to make certain that immediate relatives of nonresident workers do not become a public charge and to make certain that any costs of repatriation are not borne by the government. By establishing a salary level of \$20,000, the legislature has determined that a person earning that amount is capable of supporting any immediate relatives they bring in without any burden to the Commonwealth. To read the statute as requiring that the nonresident worker must have already earned a salary of more than \$20,000 in a year is to impose a one-year waiting period before allowing immediate relatives to accompany the nonresident worker. This obviously has the effect of separating spouses from each other or parents from their children during this period. It seems very unlikely that the Legislature intended this result.

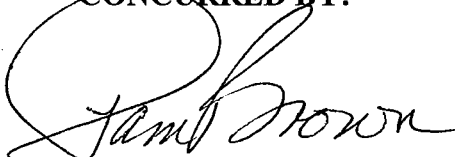
The interpretation of the statute requiring that the nonresident worker have a *present* income of more than \$20,000 per year is consistent with the Immigration Regulations. Regulation 706 (E) governs issuance of permits for immediate relatives of aliens. That regulation states, “an immediate relative of an alien may enter under a permit *for the same term as the alien’s entry . . .*” (emphasis added). To require that the nonresident worker already must have earned \$20,000 the year before an immediate relative permit would be issued contradicts the Immigration Regulations.

In your request you also identify the issue concerning a nonresident worker who previously was eligible to sponsor an immediate relative, but who loses that status by transferring to a job with a salary of \$20,000 or less per year. This is a matter to be reported to the Director of Immigration if it comes to the attention of the Department of Labor. As this is primarily an Immigration statute, any further action to be taken as a result of the change in salary is up to Immigration.



KEVIN A. LYNCH
Assistant Attorney General

CONCURRED BY:



PAMELA BROWN
Attorney General



Commonwealth of the Northern Mariana Islands Office of the Attorney General

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ORDER

July 7, 2005

To: All Immigration Personnel
From: Pamela Brown, Attorney General
Re: Excluded Locations

Pursuant to Immigration Regulation Section 804, notice is hereby given that the Attorney General hereby designates the following locations as Excluded Locations:

- Afghanistan
- Algeria
- Bahrain
- Bangladesh
- Cuba
- Egypt
- Eritrea
- Fujian Province - China
- Indonesia
- Iran
- Iraq
- Jordan
- Kuwait
- Lebanon
- Libya
- Morocco
- Myanmar
- North Korea
- Oman
- Pakistan
- Qatar
- Saudi Arabia
- Somalia
- Sri Lanka
- Sudan
- Syria
- Tunisia
- United Arab Emirates
- Yemen

Please note, the Fujian Province of China has been added to the list. This location is added because the Division of Immigration is experiencing an increasing number of fraudulent papers emanating from this region. This Order shall take effect immediately and shall be published in the next printed edition of the Commonwealth Register pursuant to Immigration Regulation Section 804(B).

Respectfully submitted,

PAMELA BROWN
Attorney General
Commonwealth of the Northern Mariana Islands



**COMMONWEALTH ELECTION COMMISSION
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

P.O. Box 500470
Saipan, MP 96950-0470
<http://www.voteCNMI.gov.mp/>

Tel.: (670) 664-VOTE
Fax: (670) 664-8689
Email: cec@saipan.com

JUL 15 2005

Mr. Raymond D. Palacios
P. O. Box 505951
Saipan MP 96950-5951

Re: Declaratory Ruling

Dear Mr. Palacios:

On June 8, 2005, the executive director wrote to you as a result of your question to him on whether you are qualified to run for office, specifically for the House of Representatives in election district 2. In that letter, he informed you that his reading of 1 CMC § 6303 prevents you from being certified as a candidate because you did not meet the law's requirement that you needed to be registered to vote in election district 2 for two years immediately preceding the date of election (November 5, 2005).

On June 23, 2005, you wrote to him asking that the Commission re-evaluate his position and that you be considered as qualified to run in November 5, 2005. As a result of your June 23, 2005 letter, he invited you to attend the July 5, 2005 Election Commission meeting where you could directly address the Commission in a more formal setting.

On July 5, 2005, the Commission met and provided you the opportunity to address your concerns to the Commissioners. At this meeting, you were also given the opportunity, which you took, to have the Commission consider your June 23, 2005 letter as one requesting a Declaratory Ruling on the meaning of 1 CMC § 6303. This request was made pursuant to 1 CMC § 9107. The Commission amended its Agenda to include your request for a Declaratory Ruling as item "g" under new business.

Pursuant to 1 CMC §6303, "[a] candidate for the House of Representatives shall also be a registered voter and a resident of the election precinct where he or she is a candidate for at least two (2) years immediately preceding the date of election. . ."

The question before the Commission was: does this statute impose a requirement that a candidate for the House of Representatives be a registered voter *in the election precinct where he or she is a candidate* for at least two years before the date of election?

This statute is vague on its face. It is, therefore, the province of the Commission to determine the statute's meaning.

RECEIVED

Office of the Attorney General
Civil Division

Date: 7.18.05

Rec'd by: PAGE 2005

Rec'd by: pde

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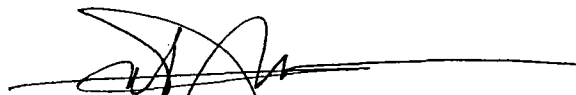
Mr. Raymond D. Palacios
Re: Declaratory Ruling
Page 2.

The Commission voted to declare the law means two distinct and separate requirements for candidates for the House of Representatives: a candidate must be both registered to vote and registered to vote in the election district where he or she is a candidate for at least two (2) years immediately preceding the date of election.

The application of the law in your case means that you are ineligible to run for the House of Representatives in the November 5, 2005 general election because you failed to meet the two (2) year requirement of being a registered voter in the election district where you plan be a candidate. You registered to vote in election district number 2 on May 11, 2005 despite claiming residence in Chalan Kanoa and/or Susupe since 2000.

The Commission must therefore refuse to certify your candidacy for the House of Representatives in election district number 2 should you submit a petition package to be a candidate in the November 5, 2005 general election.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Sablan', with a long horizontal line extending to the right.

MIGUEL M. SABLAN
Executive Director

Cc: Commissioners
Mr. James D. Livingstone, AAG
Ms. Arin Greenwood, AAG
Ms. Bernie B. Dela Cruz, Commonwealth Registrar
Executive Director