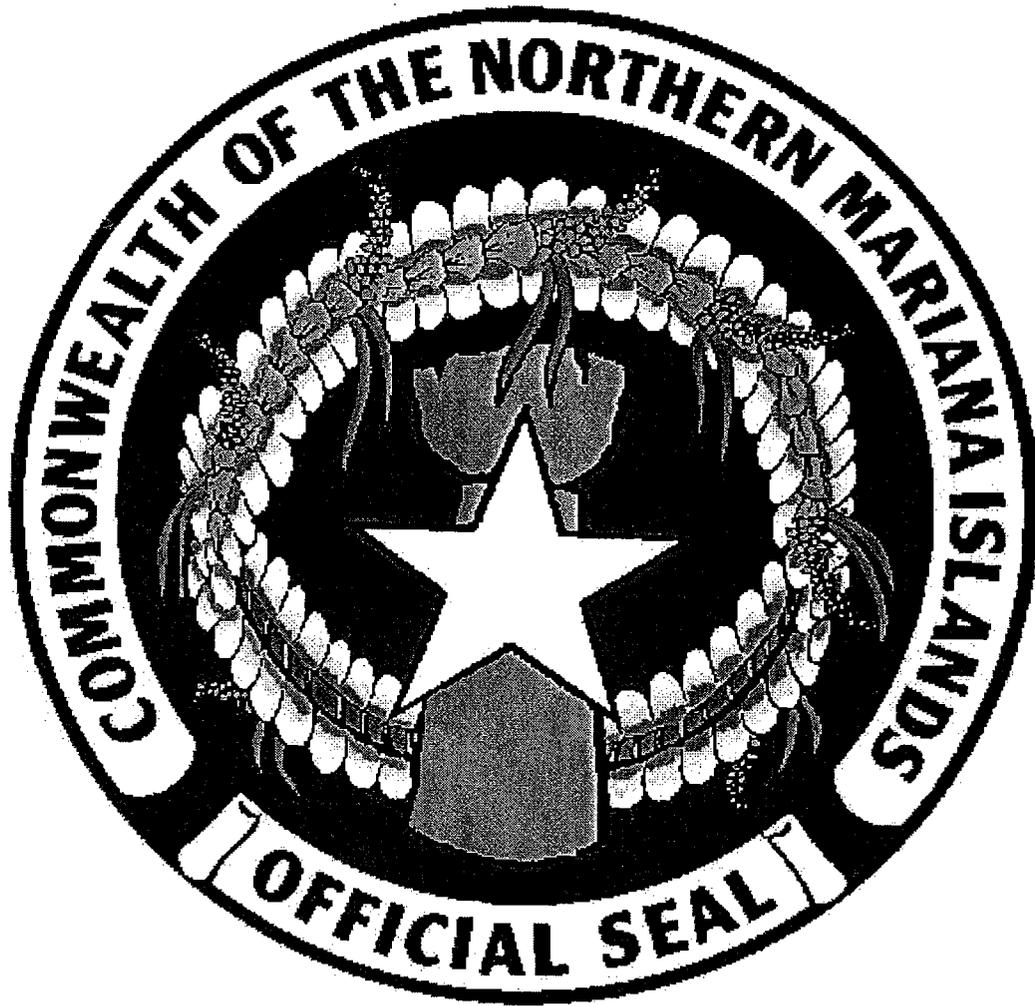


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



COMMONWEALTH REGISTER
VOLUME 27
NUMBER 10

November 25, 2005

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

21 NOV 2005

Juan N. Babauta
Governor

DECLARATION OF A STATE OF EMERGENCY

Diego T. Benavente
Lieutenant Governor

Volcanic Eruption on Anatahan

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 (EMO), 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 of 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. I also declare that the off-limits zone shall continue to be maintained from thirty (30) nautical miles to ten (10) nautical miles around the island of Anatahan.

This Declaration of Emergency shall take effect 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.

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

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



Emergency Management Office
OFFICE OF THE GOVERNOR
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



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

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

MEMORANDUM

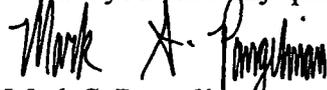
NOV 18 2005

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

With close consultation with the USGS, EMO seismic staff has informed me that the seismicity level decreased to levels amounting to a few percent of the late June 2005 maximum. Satellite imagery has not shown visible ash emissions since September 03, 2005. However, AFWA and the Washington VAAC continue to watch the volcano.

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 limits zone from 30 nautical miles 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** expired on November 20, 2005.

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


 Mark S. Pangelinan

Attachments

cc: Lt. Governor
 SAA
 Mayor, NI



Anatahan Volcano



Anatahan Island, 1994

Summit Elev.: 788 m
Latitude: 16.35°N
Longitude: 145.67°E

The first historical eruption of Anatahan Volcano began suddenly on the evening of May 10, 2003. No one was directly threatened by the initial strong explosive activity, because residents had long before evacuated the small volcanic island.

Anatahan Volcano is located 120 km (75 miles) north of Saipan Island and 320 km (200 miles) north of Guam. The island is about 9 km (5.6 miles) long and 3 km (2 miles) wide. Anatahan is a stratovolcano that contains the largest known caldera in the Northern Mariana Islands.

The Emergency Management Office (EMO) of the Commonwealth of the Northern Mariana Islands invited USGS scientists to provide assistance in tracking the volcano's activity and assessing potential hazards shortly after the eruption began. USGS scientists first arrived in Saipan on May 30, 2003 to work directly with EMO officials to install and maintain monitoring equipment and interpret data from from overflights and a single seismometer operating on Anatahan. This station became operational on June 5.

Current Update

Anatahan Volcano Update for November 7, 2005

Submitted 1400 November 14, 2005 PDT (1000 November 15, 2005 local Anatahan time)
For the week ending November 14, Anatahan has not produced significant amounts of ash.
Seismicity over the past week has been at background levels amounting to a few percent of the late June 2005 maximum.

Satellite imagery has not shown visible ash emissions since September 03, 2005. AFWA and the Washington VAAC continue to watch the volcano. **Seismic Network Status:** ANA2 and SARN are operational

Seismic Network Status: ANA2 and SARN are operational



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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

Governor

Diego T. Benavente

Lieutenant Governor

COMMONWEALTH UTILITIES CORPORATION LACK OF POWER NOVEMBER 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, 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 September 16, 2005 remain in existence and that emergency measures must remain in place in order to insure the safety of the people of the CNMI. I find that the threat or danger to the CNMI caused by the uncertain financial condition of CUC and its ability to make all required fuel payments mandate 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 Emergency dated May 19, 2005, the Renewal of the Declaration of State of Disaster Emergency dated June 19, 2005, the Declaration of State of Disaster Emergency dated July 18, 2005, the Declaration of State of Disaster Emergency dated August 17, 2005, the Declaration of State of Disaster Emergency dated September 15, 2005, the Declaration of a State of Disaster Emergency dated October 17, 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 my authority during the State of Disaster Emergency will be transmitted to the presiding officers of the Legislature as soon as possible.

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

JUAN N. BABAUTA

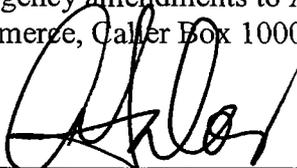
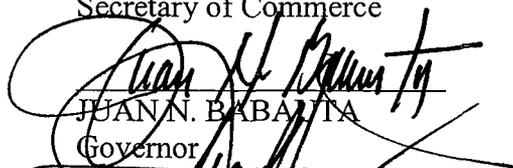
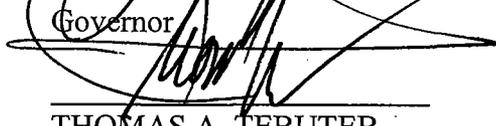
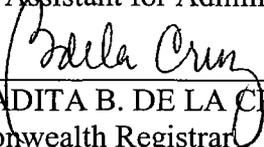
Dated this 16th day of November 2005.

**PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF
INTENT TO ADOPT AMENDMENTS TO TAXICAB REGULATIONS
SECTIONS 1501 AND 1506**

EMERGENCY: The Commonwealth of the Northern Mariana Islands Department of Commerce finds that under 1 CMC § 9104(b), the public interest requires the amendment of Taxicab Regulations 1501 and 1506. Whereas the Secretary of Commerce is authorized to implement such regulations as are needed to ensure competitiveness of the taxicab industry, the Secretary of Commerce hereby adopts these regulations upon fewer than thirty (30) days notice. These regulations shall become effective December 1, 2005, and after filing with the Commonwealth Register, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain effective for 120 days.

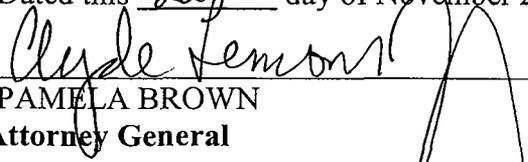
REASONS FOR EMERGENCY: These regulations significantly reduce taxi fares (in addition to other reasons) as one component in the campaign to combat drinking and driving in the Commonwealth. Implementing the amendments prior to the holiday season will reduce the number of drunk driving-related incidents which, historically, has increased dramatically during the month of December.

INTENT TO ADOPT: It is the intent of the Secretary of Commerce to adopt the emergency amendments to the Taxicab Regulations, Sections 1501 & 1506 as permanent, pursuant to 1 CMC § 9104(a)(1) and (2). Accordingly, interested parties may submit written comments on these emergency amendments to Andrew S. Salas, Secretary of Commerce, Department of Commerce, Caller Box 10007, C.K., Saipan MP 96950 or by fax to (670) 664-3067.

Submitted by:	 _____ ANDREW S. SALAS Secretary of Commerce	<u>11/18/05</u> Date
Concurred by:	 _____ JUANN B. BABAJITA Governor	<u>11/23/05</u> Date
Received by:	 _____ THOMAS A. TEBUTEB Special Assistant for Administration	<u>11/23/05</u> Date
Filed and Recorded by:	 _____ BERNADITA B. DE LA CRUZ Commonwealth Registrar	<u>11/23/05</u> Date

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

Dated this 22nd day of November 2005.



PAMELA BROWN
Acting Attorney General

**PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS
TO TAXICAB REGULATION SECTIONS 1501 & 1506**

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

Citation of

Statutory Authority:

The Department of Commerce is authorized to promulgate these regulations pursuant to 1 CMC §2454 and Section 302(a) of Executive Order 94-3.

Short Statement of

Goals and Objectives:

To improve access to and availability of privately-owned public transportation.

Brief Summary of the

Proposed New Section:

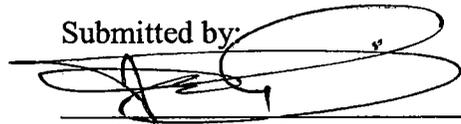
The proposed changes align taxi fares in the Commonwealth with market demand, authorize private "minibus" services on prescribed routes, and ensure Chinese visitors are able to read the mandated fares.

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

The proposed amendments affect or are related to the 9 CMC §1101, et seq. and Bureau of Taxicab Regulations Section 1501 and 1506.

Dated this 25th day of October 2005.

Submitted by:



Daniel L. Camacho
Acting Secretary of Commerce

NOTISIAN PUPBLIKU
INTENSION PARA I MA'ADOPTAN I AMENDASION SIHA PARA I
REGULASION TAXICAB SEKSIONA 1501 yan 1506

Este na regulasion siha man ma'establesi ni kinonsiste ni Administrative Procedures Act. I CMC Seksiona 9101, et. seq.

Annok I Aturidat I Lai: I Dipattamenton I Commerce man ma'aturisa para u establesi este siha na regulasion sigun I lai 1 CMC Seksiona 2454 yan Seksiona 302 (a) ni Executive Order 94-3.

Kada'da' Na Mensáhe Pot Finiho yan Diniseha: Para u adilanta I man muteru yan petsona siha ni man gai' transpotasion pupbliku.

Kada'da' Na Mensáhen I Man Maproponen I Nuebu Na Seksiona: I man mapropone na tinilaika siha kinonsiste ni ápas I setbisiu gi hálom i Commonwealth ni dinimandan i metkao, ma'aturisa na setbision private "minibus" gi mapreskribi na chálan siha, ya u asigura na siña I bisitan Chinu u mataitai I ma'otden na ápas siha.

Annok I Man Achule' Yan/osino Inafekta Na Lai, Areklamento, Regulasion yan Otden Siha: I man mapropone na amendasion siha a afekta osino man achule' ni I lai 9 CMC Seksiona 1101, et. seq. yan I Bureau I Regulasion I Taxicabs Seksiona 1501 yan 1506.

Mafecha este gi mina bente-singko na ha'áne gi Oktubre 2005.

Ninahalom as:

Daniel L. Camacho
Acting Secretary gi Commerce

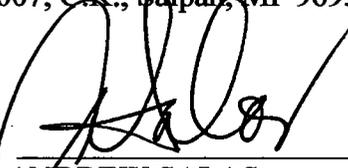
**NOTISIAN PUBLIKU POT ENSIGIDAS NA REGULASION YAN
NOTISIAN INTENSION PARA U ADOPTA I AMENDASION SIHA
PARA I REGULASION TAXICABS SEKSIONA 1501 YAN 1506**

ENSIGIDAS: I Commonwealth I Sankattan Siha Na Islas Marianas gi Dipåtamenton I Commerce masodda na papa I lai 1 CMC Seksiona 9104(b), I interes publiku a rekomenda na I amendasion I regulasion Taxicabs 1501 yan 1506. Enao na I Sekretarion I Commerce ma'aturisa para u establesi I regulasion siha ni manisisita para u na asigura I industriian I taxicab, I Sekretarion I Commerce a adopta este na regulasion siha menos di trenta (30) diha na notisia. Este na regulasion siha debi di u efektibu gi Disembre 1, 2005, ya des pues di mapolu gi Rehistradoran I Commonwealth, yanggen ma'aprueba ni Abugâdu Henerât, yan I kinonfotmen I Gubietno, ya debi di u efektibu esta sientu-bente (120) diha.

RASON PARA I ENSIGIDAS: Este na regulasion siha a ribâha signifkatmente I âpas I taxi (a enklusu palu siha na rason) tat kumo I uno na pätte gi cho'chu' I suhetan I gumimen maneska yan mañugun gi hâlom I Commonwealth. Ma'apilika este na amendasion gi durânten I Tiempon Pâsgua siempre a ribâha I tutât na aksidenten mañuñugun ya gumigimen maneska ni, tumatatkilo gi durânten I Disembre na mes,

Intension Para u Ma'adopta: I intension I Sekretarion I Commerce para u adopta I ensigidas na amendasion siha para I Regulasion Taxicabs, Seksiona 1501 yan 1506 petmanente, sigun I lai 1 CMC Seksiona 9104 (a)(1) yan (2). Kinonsisiste, I man enteresao na petsona siña munahalom tinige' opinion pot I ensigidas na amendasion siha guatto as Andrew Salas, I Sekretarion I Commerce, gi Dipåtamenton I Commerce, gi Caller Box 10007, C.K., Saipan, MP 96950 osino fax guatto gi (670) 664-3067.

Ninahalom as:


ANDREW SALAS
Sekretarion I Commerce

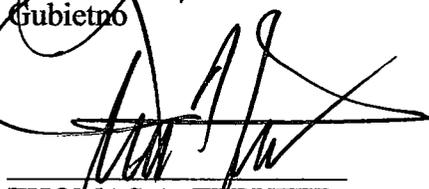
Fecha

Kinonfotme as:


JUAN N. BABAUTA
Gubietno

11/25/05
Fecha

Marisibe' as:


THOMAS A. TEBUTEB
Espisiât Na Ayudânte Para I Atministrasion

Fecha

Pinelo' yan Rinikot as:



BERNADITA B. DELA CRUZ
Rehistradoran I Commonwealth

11/23/05

Fecha

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion siha ni man che'che'ton, esta man ma'ina yan ma'aprueba pot para u fotma yan suficiente ligat ginen I Ofisinan I Abugadu Henerat.

Mafecha este gi mina bente-dos (22nd) na ha'ane gi Nubembre

PAMELA BROWN.
Attorney General

Fecha

**PROPOSED AMENDMENTS TO BUREAU OF TAXICAB
REGULATIONS SECTIONS 1501 and 1506**

Bureau of Taxicab Regulations Sections 1501.1 is amended to read as follows:

1501.1. Definitions

Taxicab means a passenger vehicle for hire, other than a motor bus, which is built for that purpose, and includes a sedan type vehicle having a seating capacity of less than eight passengers, and a "Minibus", meaning a van or mini-van type vehicle having a seating capacity of less than 12 passengers.

Bureau of Taxicab Regulations Sections 1501.2 is added and reads as follows:

1501.2 Minibuses

- a. Unless specifically stated, all requirements set forth in these regulations that pertain to any owner or operator of a Taxicab shall also apply to an owner or operator of a Minibus.
- b. A Minibus shall operate only along prescribed routes as designated by the Secretary of Commerce and approved by the Attorney General, and shall:
 - (1) Pick up any and all passengers anywhere along said route provided the stop will not endanger the passengers, the vehicle or other vehicles and will not unduly impede traffic; and
 - (2) Deposit the passengers at any point along the route provided the stop will not endanger the passengers, the vehicle or other vehicles and will not unduly impede traffic.

Bureau of Taxicab Regulations Section 1506 is repealed in its entirety and restated to read as follows:

1506. Taxi Rates--Charges

- a. If the route is a non-prescribed route, every taxicab owner, taxi company or driver, who owns or has control over any taxicab, shall charge the passenger[s] the following rates, fares or charges:

- FLAG DOWN RATE (good for first one-half mile).....\$2.50
 - Every additional one-half of a mile thereafter.....\$0.25
 - Extras, Heavy or Large Items.....\$1.00
- b. A Minibus may operate only along prescribed routes designated by Secretary and approved by the Attorney General, and shall charge a flat rate of \$2.00 per passenger, per trip.

Bureau of Taxicab Regulations Section 1506.1 is amended to read as follows:

1506.1 Posting of Fares

The schedule of taxicab fares and charges shall be of such size, type and style as prescribed by the Chief. This schedule of taxicab fares shall be printed in English, Chamorro, Carolinian, Japanese, Korean, and Chinese. This schedule shall be posted and readily visible to all passengers seated in the front and rear of the taxicab.

**NOTICE OF EMERGENCY AND ADOPTION OF DEPARTMENT OF FINANCE
REGULATIONS**

EMERGENCY: The Secretary of the Department of Finance (“Secretary”) finds that under CMC § 9104(b)1; CMC § 2552; 2 CMC § 2557; 4 CMC § 1104; 4 CMC § 1402(d); 4 CMC § 1425; 1 CMC § 9101, et seq.; and P.L. 14-35, the public interest and welfare requires the adoption of emergency amendments to establish rules and regulations to aid in the administration and implementation of the duties and responsibilities granted to the Secretary and Department of Finance (“DOF”) and further finds that the public interest and welfare mandates adoption of these emergency amendments upon fewer than thirty (30) days notice. These regulations shall become effective immediately upon filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain in effect for 120 days.

REASON FOR EMERGENCY: P.L. 14-35 grants the Secretary broad responsibilities which require the adoption of procedures to aid in fulfillment of these responsibilities. Specifically, § 1853 provides the Secretary with the authority to collect debts owed to Commonwealth government agency(ies) (“Agencies”) through the reduction in the amount of rebate/refund or other overpayment of taxes that are payable to a debtor. Several Agencies have presented debts to be collected by as offsets against any rebates or overpayments processed by DOF currently or in the future. In order to provide timely processing of both these submitted debts and any affected refunds or overpayments emergency adoption of implementing regulations is required.

ADOPTION: The Secretary of the Department of Finance establishes “DEPARTMENT OF FINANCE REGULATIONS.

DEPARTMENT OF FINANCE REGULATIONS

Date: 9-14-05

Regulation Title: Department of Finance Regulations Format

Regulation Number: DOF Reg. – 9-14-05

Regulation Purpose: The purpose of these regulations is to establish basic structure for the development and maintenance of future regulations for the Department of Finance.

Regulations:

I. Responsibility - Although primary authority and responsibility for the development and administration of Department Regulations resides with the Secretary of Finance, each Division Director (“Director”) has the responsibility to evaluate legal and administrative requirements and make proposals to the Secretary for addressing identified needs.

II. Approval - All future Regulations must be authorized by the Secretary of Finance and approved as to form and legal authority by the Office of the Attorney General. Regulations already in existence prior to adoption of these regulations, that have been legally adopted, shall continue in force.

III. Notice - All regulations will be adopted in compliance with the requirement of the Administrative Procedure Act and will be available for public inspection and copying. 1 CMC § 9101 et. seq.

IV. Format - All future regulations established under the authority of the Secretary of Finance (“Regulations”) must follow standard approved format.

V. Numbering - Regulation numbering shall be based on date submitted for publication or as established by the Secretary of Finance.

ADOPTION: The Secretary of the Department of Finance hereby establishes the “DEPARTMENT OF FINANCE REGULATIONS”

AUTHORITY: The authority for the adoption and promulgation of DOF Regulations is by virtue of the authority vested in the Secretary of Finance including, but not limited to, 1 CMC § 9104(b)1; CMC § 2552; 2 CMC § 2557; 4 CMC § 1104; 4 CMC § 1402(d); 4 CMC § 1425; and, 1 CMC § 9101, et seq.



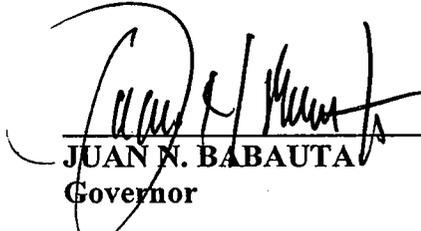
FERMIN M. ATALIG
Secretary

11/23/05
Date



THOMAS TEBUTEB
Special Assistant For Administration

11/22/05
Date



JUAN N. BABAUTA
Governor

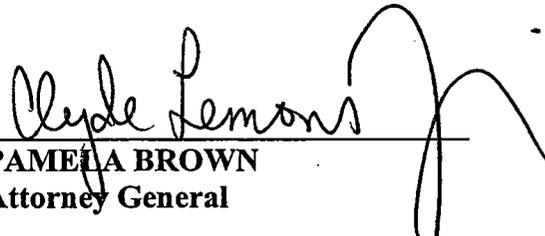
11/23/05
Date



BERNADITA B. DELA CRUZ
Commonwealth Registrar/Secretary

11/23/05
Date

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the emergency regulations attached hereto have been reviewed and approved by the Office of the Attorney General.



PAMELA BROWN
Attorney General
Acting

11/23/05
Date

NOTISIA POT ENSIGIDAS YAN INADOPTASION I REGULASION I DIPÀTTAMENTON I FINANCE

ENSIGIDAS: I Sekretàrion I Dipàttamenton I Finance (“Sekretàrio”) a sodda na papa I lai CMC Seksiona 9104(b); CMC Seksiona 2552; 2 CMC Seksiona 2557; 4 CMC Seksiona 1104; 4 CMC Seksiona 1425; 1 CMC Seksiona 9101, et. seq.; yan Lai Publiku 14-37, I interes yan minaolek publiku a rekomenda I inadoptasion I ensigidas na amendasion siha para u establesi areklamento yan regulasion siha para u asiste I atministrasion yan I makumplen I che’cho’ yan responsabilidat siha ni ma’entrega I Sekretàrio yan I Dipàttamenton I Finance (“DOF”) yan masodda mäs na I interes yan minaolek publiku a otden I inadoptasion este I ensigidas na amendasion gi menos di trenta (30) diha siha na notisia. Este siha na regulasion debi di u efektibu ensigidas di mapolu gi Rehistran I Koporasion, suhetu ni inapruedan I Abugadu Henerat yan I kinonfotmen I Gubietno, ya debi di u efektibu esta sientobente (120) diha siha.

RASON I ENSIGIDAS: I Lai Publiku 14-35 a entrega I Sekretàrion I Kuetpo responsabilidat siha ni a rekomenda I inadoptasion I areklamento siha pot para u asiste I makumplen I responsabilidat siha. Espesifikatmente, Seksiona 1853 a probeniyi I Sekretàrio ni aturidat para u rekohi I debi siha ni madidibi I ahensian gubietnamento (siha) ginen I maribahan I tutat rebate/refund osino palu siha na overpayment I kontribusion (taxes) ni debi di u ma’apasi tatte I madidibi. Loskuantos na ahensia ma presenta I dumidibi siha ni debi di u marikohi kumo kuentayen I madidibi osino kreditu para siha gi DOF gi presente osino I man mamailai na tiempo. Yanggen para u maprobeniyi maolek na maneran inareklun I dos debi yan maseha hafa na refunds osino overpayments manisisita I ensigidas na inadoptasion I makumplen regulasion siha.

INADOPTASION: I Sekretàrion I Dipàttamenton I Finance a establelesi “Regulasion I Dipàttamenton I Finance”.

DIPÁTTAMENTON I FINANCE

Fecha: 09-14-05

Titilun I Regulasion: Fotman I Regulasion Dipáttamenton I Finance

Numirun I Regulasion: DOF Reg. – 9-14-05

Intension I Regulasion: I intension este na regulasion siha pot para u establesi fundamenton estruktura para I inadulántao yan pruteksion I nuebu na regulasion siha para I Dipáttamenton I Finance.

Regulasion siha:

- I. Responsiblidát Siha – Maseha primet na aturidát yan responsiblidát para I inadulántao yan atministrasion I Regulasion I Dipáttamento gaige gi Sekretárion I Finance, kada Direktot I Dibision (“Direktot”) gai’ responsiblidát para u ina I nisisidát ligát yan atministrasion ya u fan mamatinas propositu para I Sekretário para u madeskuti I manisisita na nisisidát siha.
- II. Inaprueba – Todu I man nuebu na regulasion siha debi di u ma’aturisa ni Sekretárion I Finance yan ma’aprueba pot para u fotma yan ligát ni I Abugádu Henerát. I Regulasion ni esta man eksiste sigun I inadoptasion este na regulasion siha, ni man ma’adopta ligát, debi di u makontinua ma’enfuetisa.
- III. Notisia – Todu I regulasion siha debi di u ma’adopta ya u konsiste ni nisisidát I Administrative Procedures Act ya debi di u muteru para I publiku ni para u ma’ina yan kopia. 1 CMC Seksiona 9101 et. seq.
- IV. Fotma – Todu I man nuebu na regulasion siha ni ma’establesi papa I aturidát I Sekretárion I Finance (“Regulasion siha”) debi di u matatiyi I areklamenton I fotman I inaprueba.
- V. Manumiru – I manumirun I Regulasion u tatiyi I fechan I mana halom para publikasion osino anai ma’establesi ni Sekretárion I Finance.

Inadoptasion: I Sekretárion I Dipáttamenton I Finance a establesi I “REGULASION I DIPÁTTAMENTON I FINANCE”

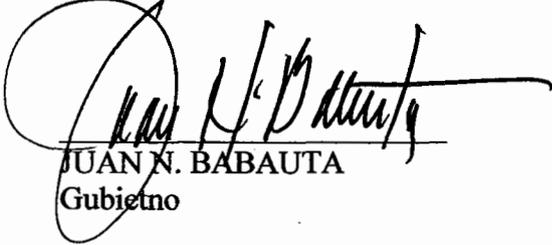
ATURIDÁT: I aturidát para I inadoptasion yan i ma’establesin I Regulasion DOF bitot I aturidát ni ma’entrega I Sekretárion I Finance a enklulusu, lao ti ma midi para, 1 CMC Seksiona 9104(b)1; CMC Seksiona 2552; 2 CMC Seksiona 2557; 4 CMC Seksiona 1402(d); 4 CMC Seksiona 1425; yan, 1 CMC Seksiona 9101, et. seq.


VERMIN M. ATALIG
Sekritario

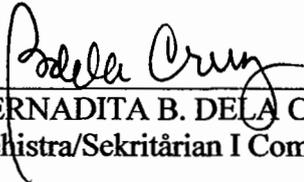
11/28/05
Fecha


THOMAS A. TEBUTEB
Espisiat Na Ayudante Para I Administrasion

Fecha


JUAN N. BABAUTA
Gubietno

11/25/05
Fecha


BERNADITA B. DELA CRUZ
Rehista/Sekritarian I Commonwealth

11/23/05
Fecha

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, I ensigidas na regulasion siha ni man che'che'ton esta man ma'ina yan ma'aprueba ni I Ofisinan I Abugadu Henerat

PAMELA BROWN
Abugadu Henerat

Fecha

**NOTICE OF EMERGENCY AND INTENT TO ADOPT DEPARTMENT OF
FINANCE REGULATIONS**

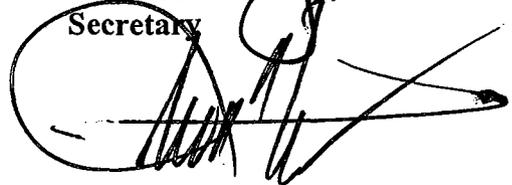
EMERGENCY: The Secretary of the Department of Finance ("Secretary") finds that under P.L. 14-35 §1853, the public interest and welfare requires the adoption of emergency regulations to aid in the administration and implementation of the duties and responsibilities granted to the Secretary and Department of Finance ("DOF") and further finds that the public interest and welfare mandates adoption of these emergency amendments upon fewer than thirty (30) days notice. These regulations shall become effective immediately upon filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain in effect for 120 days.

REASON FOR EMERGENCY: P.L. 14-35 grants the Secretary broad responsibilities which require the adoption of procedures to aid in fulfillment of these responsibilities. Specifically, § 1853 provides the Secretary with the authority to collect debts owed to another Commonwealth government agenc(ies) ("Agencies") through the reduction in the amount of rebate or other overpayment of taxes that are payable to a debtor. Several Agencies have presented debts to be collected by as offsets against any rebates or overpayments currently being processed by DOF. In order to provide timely processing of both these submitted debts and any affected refunds or overpayments emergency adoption of implementing regulations is required.

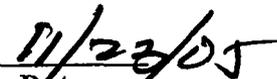
AUTHORITY: The authority for the adoption and promulgation of DOF Regulations is by virtue of the authority vested in the CNMI Constitution and Commonwealth Code, including but not limited to, 1 CMC § 9104(b); 1 CMC § 2552; 2 CMC § 2557; 4 CMC § 1104; 4 CMC § 1402(d); 4 CMC § 1425; 4 CMC § 1818; 1 CMC § 9101, et seq.; and P.L. 14-35.



FERMIN M. ATALIG
Secretary



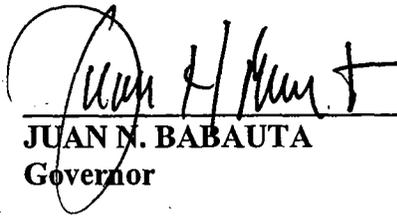
THOMAS TEBUTEB
Special Assistant For Administration



Date



Date



JUAN N. BABAUTA
Governor

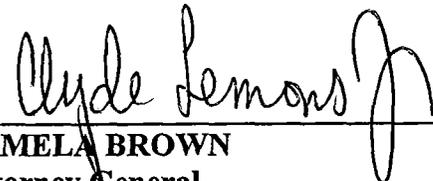
11/23/05
Date



BERNADITA B. DELA CRUZ
Commonwealth Registrar/Secretary

11/23/05
Date

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the emergency regulations attached hereto have been reviewed and approved by the Office of the Attorney General.



PAMELA BROWN
Attorney General

11/23/05
Date

NOTISIA POT ENSIGIDAS YAN INADOPTASION I REGULASION I DIPÁTTAMENTON I FINANCE

ENSIGIDAS: I Sekretáron I Dipáttamenton I Finance (“Sekretário”) a sodda na papa I Lai Pupbliku 14-37 Seksiona 1853, I interes yan minaolek pupbliku a rekomenda I inadoptasion I ensigidas na amendasion siha para u establesi areklamento yan regulasion siha para u asiste I atministrasion yan I makumplen I che’cho’ yan responsabilidát siha ni ma’entrega I Sekretário yan I Dipáttamenton I Finance (“DOF”) yan masodda mäs na I interes yan minaolek pupbliku a oden I inadoptasion este I ensigidas na amendasion gi menos di trenta (30) diha siha na notisia. Este siha na regulasion debi di u efektibu ensigidas di mapolu gi Rehistran I Koporasion, suhetu ni inaprueban I Abugádu Henerát yan I kinonfotmen I Gubietno, ya debi di u efektitibu esta siento-bente (120) diha siha.

RASON I ENSIGIDAS: I Lai Pupbliku 14-35 a entrega I Sekretáron I Kueto responsabilidát siha ni a rekomenda I inadoptasion I areklamento siha pot para u asiste I makumplen I responsabilidát siha. Espesifikátmente, Seksiona 1853 a probeniya I Sekretário ni aturidát para u rekohi I debi siha ni madidibi I ahensian gubietnamento (siha) ginen I maribáhan I tutát rebate/refund osino palu siha na overpayment I kontribusion (taxes) ni debi di u ma’apási tatte I madidibi. Loskuántos na ahensia ma presenta I dumidibi siha ni debi di u marikohi kumo kuentáyen I madidibi osino kreditu para siha gi DOF gi presente osino I man mamailai na tiempo. Yanggen para u maprobeniya maolek na maneran inareklun I dos debi yan maseha háfa na refunds osino overpayments manisisita I ensigidas na inadoptasion I makumplen regulasion siha.

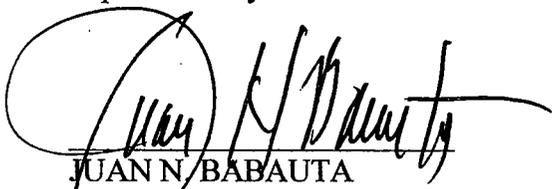
ATURIDÁT: I aturidát para I inadoptasion yan i ma’establesin I Regulasion DOF bitot I aturidát ni ma’entrega ni I Constitution I CNMI yan I Kodigun I Commonwealth a enklulusu, lao ti ma midi para, 1 CMC Seksiona 9104(b)1; CMC Seksiona 2552; 2 CMC Seksiona 2557; 4 CMC Seksiona 1104; 4 CMC Seksiona 1402(d); 4 CMC Seksiona 1425; 4 CMC Seksiona 1818, 1 CMC Seksiona 9101, et. seq., yan Lai Pupbliku 14-35.

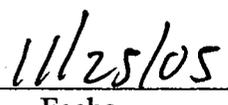

FERMIN M. ATALIG
Sekretário


Fecha


THOMAS A. TEBUTEB
Espisiát Na Ayudánte Para I Atministrasion

Fecha


JUAN N. BABAUTA
Gubietno


Fecha



BERNADITA B. DELA CRUZ
Rehista/Sekritarian I Commonwealth

11/23/05
Fecha

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Publiku 10-50, I ensigidas na regulasion siha ni man che'che'ton esta man ma'ina yan ma'aprueba ni I Ofisinan I Abugâdu Henerât

PAMELA BROWN
Abugâdu Henerât

Fecha

DEPARTMENT OF FINANCE REGULATIONS

Date: 9-14-05

Regulation Title: Accounts Payable/Receivable Offset Procedures

Regulation Number: 09-14-05

Date of Adoption:

Date of Amendment(s):

Regulation Purpose: The purpose of these regulations is to aid the Department of Finance in the fulfillment of the duties assigned by P.L. 14 -35, which provides the Secretary with authority to offset debts owed to Commonwealth Agencies against any tax rebates and/or overpayments due to the debtor and to provide structure for voluntary canceling of debts between the CNMI and individuals/entities.

Regulation: The Commonwealth of the Northern Mariana Islands ("CNMI") is a significant economic enterprise and daily processes numerous payments to vendors and taxpayers and receives significant payments of accounts payable. In order to provide the CNMI with additional flexibility in meeting the requirements of accounts payable and receivable the Department of Finance has developed regulations that permit the offsetting of accounts receivable and payables when an individual/entity has balances in both of these accounts ("offsetting").

In order to avoid the violation of accounting principles and to ensure tracking of all offsets, this procedure is to be strictly limited to the type of transactions approved in this regulation and that comply with the requirements stated herein. There are two types of offset procedures; 1) voluntary; and 2) involuntary. These procedures are discussed in the sections that follow.

I. Voluntary Offset Procedures

Voluntary offset is used when a individual/entity agrees to allow the Department of Finance to offset accounts payable owed to the individual/entity from the CNMI by accounts receivable owed by the individual/entity. Voluntary offset can be initiated either by the CNMI or the individual. Implementation of voluntary offset requires the completion of an approved agreement between the Department of Finance and the affected individual/entity and procedures listed below.

1. Completion of approved voluntary offset agreement form ("Agreement");
2. If the individual/entity has an existing CNMI contract and wishes to offset CNMI liabilities against contract payments, upon proper presentation of payment claim/invoice, a check will be issued by the CNMI on contract funds due to the

individual/entity but payable to the CNMI for the amount of the agreed upon offset. Upon issuance, the contract balance will be reduced to reflect disbursement and check amount will be deposited and credited towards payment of individual/entity liability and both the individual and affected agency will be provided receipt of transaction.

II. Involuntary Offset Procedures

Involuntary offset is defined as actions undertaken by the Department of Finance unilaterally, or at the request of another CNMI agency ("Agency"), to offset tax overpayment or rebate due to a taxpayer by any accounts receivable or debts owed to the CNMI. The following procedures are to be used in involuntary offset procedures.

1. Only taxpayer liabilities of CNMI general fund accounts are eligible for participation in the involuntary tax offset program.
2. Agencies submitting taxpayer liabilities for participation in this program must receive prior certification from the Office of the Attorney General that the debts have complied with required standards to ensure that they are legally enforceable.
3. Debts presented by Agencies for inclusion must include certification by appropriate representative on forms provided by DOF.
4. Upon presentation of required certification to the Department of Finance, the affected taxpayer is to be provided notification prepared by Agency and mailed by DOF of pending tax offset via certified mail sixty days prior to any offset. Notice will be provided on DOF form and mailed to most recent address information provided by taxpayer to DOF for tax purposes. Notice will advise Taxpayer that he has sixty (60) days to meet with representatives of the submitting Agency to present evidence that all of the debt is not past-due, legally enforceable, or to resolve any outstanding disputes and the opportunity for a hearing on the validity of this debt should he/she so desire.
5. In instances where taxpayer has filed a joint return in the most recently filed income tax return, a duplicate notice will be sent to the non-debtor spouse. Notice provided to taxpayers and non-debtor spouse will advise that in instances where a joint return is to be affected the offset will be against the whole amount of the joint return overpayment/rebate unless the non-debtor spouse provides acceptable evidence within sixty-day notice period establishing that debt is not part of community liability. Determination of debt liability will be at the sole discretion of the Department of Finance.
6. At the end of the sixty (60) day period, the Agency will make adjustments to debt information to reflect any changes made in accounts receivable due to information provided by taxpayers and re-certify information.

7. Upon re-certification, listing will be final, and DOF will send notice to affected taxpayer of the amount of debt and that future overpayments/rebates will be withheld until amount of liability is satisfied. Affected Agency will be provided copy of this notice.

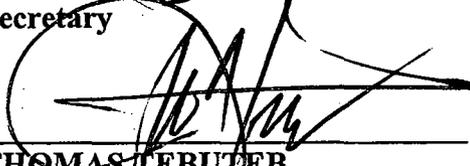
ADOPTION: The Secretary of the Department of Finance hereby establishes the "DEBT OFFSET REGULATIONS"

AUTHORITY: The authority for the adoption and promulgation of DOF Regulations is by virtue of the authority vested in the Secretary of Finance including, but not limited to, 1 CMC § 9104(b)1; CMC § 2552; 2 CMC § 2557; 4 CMC § 1104; 4 CMC § 1402(d); 4 CMC § 1425; PL 14-35 § 1853 and, 1 CMC § 9101, et seq.



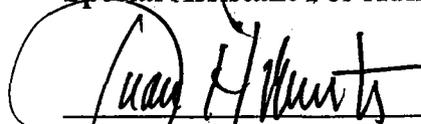
FERMIN M. AJALIG
Secretary

11/23/05
Date



THOMAS TEBUTEB
Special Assistant For Administration

11/22/05
Date



JUAN N. BABAUTA
Governor

11/23/05
Date

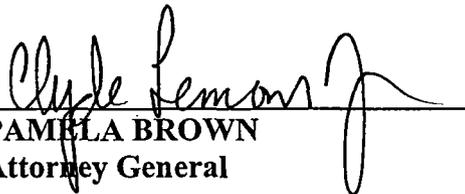


BERNADITA B. DELA CRUZ
Commonwealth Registrar/Secretary

11/23/05
Date

APPROVAL AS TO FORM AND CAPACITY:

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the emergency regulations attached hereto have been reviewed and approved by the Office of the Attorney General.

Acting


PAMBLA BROWN
Attorney General

11/23/05
Date

Exhibits

A. Voluntary Accounts Receivable/Payable Offset Agreement

B. Involuntary Accounts Receivable/Payable Offset

B.1 Certification of debt

B.2 Notice of pending tax offset*

B.3 Notice of tax offset

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF FINANCE

VOLUNTARY ACCOUNTS PAYABLE/RECEIVABLE OFFSET AGREEMENT

An agreement ("Agreement") between debtor identified below (Debtor") and the Commonwealth of the Northern Mariana Islands Department of Finance ("CNMI") (collectively "Parties") to offset balancing accounts receivable ("debt") and payable ("Offset"). By signature below Debtor authorizes CNMI to reduce any accounts payable due to Debtor until identified Debt is paid in full.

Debtor

Social Security Number or taxpayer ID #

Address

Debt Description (include any identifying account #):

- a. Amount \$ _____
- b. Account Number _____
- c. Description _____

DULY AUTHORIZED AND AGREED TO AS WRITTEN:

Debtor* /Date

Witness to Signature of Debtor /Date

* If Debtor is an entity other than an individual, agreement requires proof of entity authorization

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF FINANCE

CERTIFICATION OF DEBT FOR INVOLUNTARY TAX OFFSET PURPOSES

Date: _____
Agency: _____
Obligor/Taxpayer: _____
Address _____

Social Sec. No./Taxpayer I.D. #: _____

Amount of Debt (as of current date): \$ _____

Date of Delinquency: _____

Identification of underlying debt: _____

Notification History (Identify all written notifications of payment demands)

Date of presentation of initial billing _____

Second notice of debt _____

Third notice of debt _____

Date of any previous installment agreement _____

Comments: _____

CERTIFICATION

I certify that:

1. the written information provided above is correct;
2. the Taxpayer/Obligor has been provided prior notice of this outstanding debt;
3. the Taxpayer/Obligor has been provided an opportunity to present evidence to challenge validity of this debt and request a hearing;
4. the Taxpayer/Obligor has failed to either pay this amount, present evidence sufficient to challenge validity of debt; or to enter into and/or comply with an installment agreement for payment of this debt.
5. Collection of debt is not under agreement with a collection agency

Authorized Official (signature) / Date

Name (Print)

Department/Division

Date of taxpayer notification of pending offset: _____

Final amount of debt after Obligor/Taxpayer opportunity to challenge \$ _____

Agency official authorizing amendment to Original debt/obligation: _____

Signature of Agency official authorizing amendment to Original debt/obligation: _____

For information concerning this debt contact:

Agency Contact: _____

Tel. No.: _____

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF FINANCE

NOTICE OF PENDING TAX OFFSET

Date:

Name:

Social Security No/Taxpayer ID No.:

Address:

Amount of Debt (as of current date): \$ _____
Date of Delinquency: _____
Identification of debt/obligation: _____

NOTICE

In accordance with P.L. 14-35, this notice is to advise you that a claim has been made against any tax rebates and/or overpayments due you by an Agency of the Commonwealth of the Northern Mariana Islands for the obligation shown above.

This debt will be offset against any future tax refund or rebates due you until the amount of debt identified above is fully satisfied. Attached for your review is a certification of debt upon which this tax offset is based.

If you do not believe that this claim is valid, or if you file a joint tax return and do not believe this debt is a joint obligation, you are advised to immediately contact the Agency at the number listed below to: obtain additional information concerning this claim; enter into an installment agreement for payment; or to request a hearing to present evidence to dispute the legal validity of this claim.

You are advised that failure to resolve this outstanding claim within sixty days of date of this notice will result in implementation of a tax offset against future tax rebates or overpayments for the amount indicated.

Contact person: _____

Telephone number: _____

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF FINANCE

NOTICE OF TAX OFFSET

Date: _____

Name: _____

Social Security No/Taxpayer ID No.: _____

Address: _____

Amount of Debt (as of current date): \$ _____

Date of Delinquency: _____

Identification of debt/obligation: _____

NOTICE

In accordance with P.L. 14-35, this notice is to advise you that a claim has been made against any tax rebates and/or overpayments due you by an Agency of the Commonwealth of the Northern Mariana Islands for the obligation shown above. This debt will be offset against any future tax refund or rebates due you until the amount of debt identified above is fully satisfied.

Contact person: _____

Telephone number: _____



Commonwealth of the Northern Mariana
Islands

Department of Public Health

Office of the Secretary

PUBLIC NOTICE

NOTICE OF FINDINGS AND STATEMENT OF REASONS FOR
EMERGENCY ADOPTION OF AMENDMENTS
TO THE RULES AND REGULATIONS GOVERNING THE
ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM
(Addition of Approved Facility)

Emergency: The Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC section 2605, hereby finds that the public interest requires adoption on an emergency basis of amendments to the Rules and Regulations Governing the Administration of the Medical Referral Program.

The proposed amendment to alter Attachment 1 would add University of California San Diego Hospital and Anaheim Memorial Hospital as recognized Medical Referral sites.

The Secretary of Public Health finds that it is in the best interest of the public that the amendment to the regulation becomes effective immediately upon concurrence by the Governor and the Office of the Attorney General and filing with the Registrar of Corporations. Once approved, the emergency amendment to the regulations shall remain in effect for a period of 120 days.

Reason for the Emergency: The Medical Referral Program has identified this additional provider as specializing in performing unique medical procedures and services not available in the CNMI. The Secretary would like to expand the Medical Referral Program to allow services at this specialty medical center to further meet the medical needs of CNMI patients.

Contents: Attached to this Notice of Emergency is the amended provision.

Intent to Adopt: It is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedures Act, specifically 1 CHC section 9104, in amending the Rules and Regulations. Copies of the proposed Rules and Regulation may be obtained from the Office of the Secretary of Public Health located on the ground floor of the Commonwealth Health Center. Comments on the proposed Rules and

Regulations may be sent to the Office of the Secretary of Public Health, Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.

Authority: The Department of Public Health is authorized to implement these amendments to the Rules and Regulations Governing the Establishment and Administration of the Medical Referral Program pursuant to 1 CMC section 2605.

Issued by:


DR. JAMES T. HOFSCHEIDER, M.D.
Secretary of Public Health
Department of Public Health

Date 11/24/05

Concurred by: 
JUAN N. BABAUTA
Governor

Date 11/23/05

Received by: 
THOMAS TEBUTER
Special Assistant for Administration

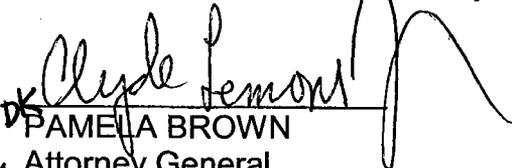
Date 11/23/05

Filed by: 
BERNADITA B. DELA CRUZ
Commonwealth Registrar

Date 11/23/05

Certification by Office of the Attorney General

Pursuant to 1 CMC section 2153, the emergency amendments to the rules and regulation attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.

Certified by: 
Acting PAMELA BROWN
Attorney General

Date 11/23/05

**Emergency Amendments to the Rules and Regulations
Governing the Administration of the Medical Referral Program**

Citation of Statutory Authority: 1 CMC Section 2605 authorizes the Department of Public Health to adopt rules and regulations regarding those matters over which it has jurisdiction. 1 CMC section 2603 (f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities. This includes the authority to operate the Medical Referral Program.

Short Statement of Goals/Objectives: The purpose of the change to Attachment 1 is to recognize University Of California San Diego Hospital and Anaheim Memorial Hospital as official providers of medical care for authorized medical referral patients.

Brief Summary of the Proposed Rule: The amendment to Attachment 1 would establish University of California San Diego Hospital and Anaheim Memorial Hospital as recognized "referral health care facilities" for medical referral patients from the CNMI.

Contact Person(s): Ben Borja, Medical Referral Program, Department of Public Health.

Citation of Related and/or affected Statutes, Regulations, and Orders: Rules and Regulations Governing the Administration of the Medical Referral Program, Commonwealth Register Volumes and Numbers: 18-04, 18-07, 20-02, 20-06, 22-05, 22-07, 23-09, 24-02, 26-01, 26-02, 26-05, 26-07.

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
University Of California San Diego
Hospital
Anaheim Memorial Hospital

State of Texas

The Brown Schools of Central Texas
(San Marcos Treatment Center, Health
Care Rehabilitation Center, etc.)

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
Tripler Army Medical Center
Island Cardiology
Kahi Mohala
Castle Medical Center

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.

Commonwealth of the Northern Mariana Islands
Commonwealth Board of Accountancy
James N. Whitt, Chair
Caller Box 10007, Capitol Hill, Saipan, MP 96950
(Office of the Governor, 2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan)
tel: 670.664.2200 fax: 670.664.2211

PUBLIC NOTICE OF PROPOSED REGULATIONS
OF THE Commonwealth Board of Accountancy

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Board of Accountancy ("BoA"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The BoA intends to adopt them as permanent, and hereby gives at least 30 days' notice of its intent. (*Id.*) The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The BoA is required by the Legislature to adopt rules and regulations regarding those matters over which the BoA has jurisdiction, including its internal affairs. PL 13-52, the "Accountancy Act of 2002," (not codified as of this writing), and section 4(h).

THE TERMS AND SUBSTANCE:

The Regulations provide the basic framework for the BoA to meet and deliberate and give notice. They recite the Board's powers and duties, a conflict of interest policy, and procedures for internal administration. They also provide clear legal authority for the BoA to meet "virtually", rather than in person, as long as others may attend the meeting fully at the announced meeting site, under the CNMI's Open Meetings Act, 1 CMC § 9901, *et seq.* Typically one or more Board members would attend through a telephone conference, with a speaker phone in the designated meeting room. The Regulations define the virtual meeting and set out the requirements for public participation.

These Regulations are the first of the BoA's Regulations. These create Regulations Part 001 through Part 1300. Many of the sections are reserved, with no content presently.

THE SUBJECTS AND ISSUES INVOLVED: There are independent, but related, reasons for the promulgation of these regulations.

1. The Regulations address the internal administration of the Board, its hiring of staff and its procedures for making decisions.

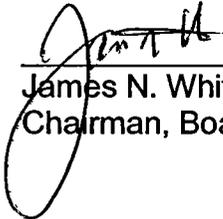
2. The Regulations provide that the Board's offices will be determined and published by the Board.
3. The Regulations provide that the Board will publish its schedule of regular meetings.
4. The Regulations provide procedures for the Board to conduct its meetings when one or more of the Board members is not physically present. This is necessary because of complexities of the travel schedules of the Board members, and the difficulties of travel in bad weather. The Regulations allow one or more of the members to call in to the announced meeting place, a practice common in the business world.
5. The Regulations provide procedures that conform to the CNMI's Open Meetings Act to insure that any member of the public may attend a BoA meeting and hear and view everything that every BoA Board member can hear and view, subject to the Act's exceptions for executive sessions and other applicable law regarding confidential or proprietary material. If one or more Board members are communicating by telephone, the person(s) attending must either be connected through a telephone set or be able to listen to a speaker phone in the room. If the meeting is through the internet, the attendees must have access to a computer to see and hear what the Board members see and hear.
6. The Regulations provide for computer access to computerized meetings that happen over a longer time period. These are similar to computer bulletin boards – one person posts a message, another responds later, sometimes days or hours later, and so on, until the text-based interchange is declared closed.
7. The Regulations provide that the Board will develop a schedule of fees for specifically enumerated items.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to BoA Chairman James N. Whitt, c/o Office of the Governor, *Attn: New BoA Regs*, Box 10007, Capitol Hill, Saipan MP 96950 or fax 670.664.2211 or email to BoAChair@gmail.com with the subject line "New Commonwealth Board of Accountancy regs". Comments are due 30 days after this notice is published in the Commonwealth Register. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

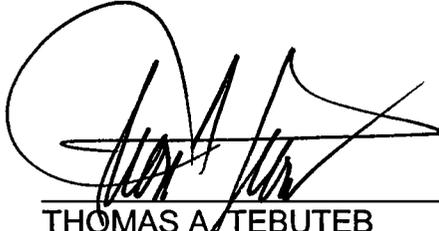
Proposed regulations approved by the BoA on October 18, 2005, and

Submitted by:



James N. Whitt
Chairman, Board of Accountancy

Nov. 22, 2005
Date



Received by:

THOMAS A. TEBUTEB
Governor's Special Assistant for Administration

Date

Filed and
Recorded by:



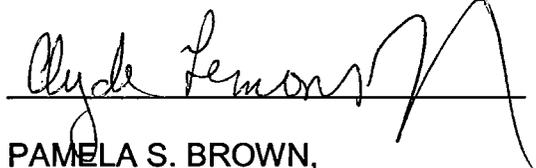
BERNADITA B. DE LA CRUZ
Commonwealth Registrar

11-22-05

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 23rd day of November, 2005.



Acting

PAMELA S. BROWN,
Attorney General

0 BoA NOPR Meetings Nov 2005.wpd

Commonwealth I Sankattan Siha Na Islas Marianas
Kuetpon I Kontadot I Commonwealth

James N. Whitt, Chair

Caller Box 10007, Capitol Hill, Saipan, MP 96950

(Ofisinan I Gubietno, mina dos bibienda gi Juan A. Sablan Building, Capitol Hill, Saipan)

Numirun Tilifon: 670-664-2200 Fax: 670-664-2211

**NOTISIAN PUBLIKU POT I MAN MAPROPONE NA
REGULASION SIHA GI**

Kuetpon I Kontadot I Commonwealth

INTENSION AKSION POT INADOPTASION I MAN MAPROPONE SIHA NA REGULASION: I Commonwealth I Sankattan Siha Na Islas Marianas, gi Kuetpon I Kontadot I Commonwealth (“BoA”), ma’intensiona para u ma’adopta I Man Mapropone na Regulasion siha petmanente sigun I areklamenton I Administrative Procedures Act, I CMC Seksiona 9104 (a). I Kuetpon I Kontadot I Commonwealth ma’intensiona para u ma’adopta petmanente, ya lokkue man nãã’i’ trenta (30) diha siha na notisia pot I intension-niha. I regulasion siha siempre man efektibu dies (10) diha siha des pues I inadoptasion. (I CMC Seksiona 9105 (b)).

ATURIDÁT: I Kuetpon I Kontadot I Commonwealth ma’otden nui Lehislatura para u ma’adopta I areklamento yan regulasion siha ni tineteka ayu siha na asunto ni gai’aturidát I Kuetpon I Kontadot, a enklulusu I asunton I hálom I Ofisina. “Lai Pubblica 13-52, I Accountancy Act I 2002,” (ti makodigu ni este na tinige’), yan seksiona 4 (h).

I REGULASION YAN I SUSTANSIAN-NIHA:

I Regulasion siha a probeniyi prinsipát na fundamento para I Kuetpon I Kontadot pot para u fan etnun, deskuti, yan laknos notisia. Mamensiona I responsabilidadát yan pudet I Kuetpo, areklamenton I conflict of interest, yan I areklamenton I hálom I atministrasion. I Regulasion siha maprobeniyi mäs kláru na ligát aturidát para I Kuetpon I Kontadot na para u fan hunta “Konfiriensian Ilektrisidát” (“virtually”) adimás hu gaige petsonát, tatkomo u ma’atiende ni pumalu siha na taotao anai ma anunsia i lugát i hunta, papa i Akton i CNMI pot Atbietton I Hunta, I CMC Seksiona 9901, et. seq. Sesso tenga uno pat mäs na membrun komision hu atiende ginen i konfiriensian tilifon, ni gai spika gi anai ma hunta i dinaña. I regulasion madefina i konfiriensian ilektrisidát ya ma na guaha nisisidát siha para i patisipaon i pupbliku.

Este na Regulasion siha, primet gi Regulasion I Kuetpon I Kontadot. A establesi Regulasion siha gi Pátte’ 001 esta Pátte’ 1300. Meggai gi este na seksiona man mapolu’, sin sinaguan gi presente.

I PUNTO YAN ASUNTO SIHA NI MAN TINETEKKA: Man independiente, lao man achule’, rason pot para u ma’establesi este na regulasion siha.

1. I Regulasion siha a mensiona I hálom I atministrasion I Kuetpo, I ma'emplean I empleao siha yan I areklamenton mafatinas disision siha.
2. I Regulasion siha a probeniyi I Ofisinan I Kuetpo siempre maditetmina yan mapupblika ni I Kuetpo.
3. I Regulasion siha a probeniyi na I Kuetpo siempre a publika I masiñála na regulát na dinaña siha.
4. I Regulasion siha maprobeniyi areklamento siha para i Kuetpon I Kontadot pot makonduktan i huntan-niha yanggen uno osino más na membru siha ti man gaige petsonátmente. Nisisário este pot rason na guaha membrun i komisina ma prisenenta ottro siha na tano' gi islá-ta siha ya guaha na besis nai bumába i tiempo, parehu ha' yan i siñálan i batkon aire para i Komisina siha. I Regulasion siha a sesedi uno osino más na membrun komisina para u ma'ágang hálom gi lugát i hunta, sesso este na prinaktika gi bisnis i tano'.
5. I Regulasion siha a probeniyi lokkue areklamento anai siña makonfotma i Akton i Atbietton i Huntan i CNMI para u ma'asigura na masecha háyi na petsoná siña ma'atiende para u ma'ekungok yan ina todú i háfa i membrun komisina mahuhungok yan i'ina, fuerra di ayu siha i man mapetmiti sikretu na pribilehu sigun i lai. Yanggen uno osino más na membrun komisina man a'agang gi tilifon, i petsona ni ha atetiende debi di u na setbi i speakerphone anai siña u fan a'hungok gi ságan i hunta. Yanggen makondukta i hunta gi Internet, i mu atetiende debi di u manasetbe Computer anai siña u fan a'hungok yan a'li'e' yan I pumalu komisina.
6. I Regulasion siha a probeniyi lokkue para u guaha Computer anai siña makondukta I hunta yanggen masusedi ya gai annoko i tiempon-niha. Parehu ha' este yan i gasétan i computer, yanggen un petsona ha infotma i mensáhe, ya i ottro u oppe' gi biráda, guaha na besis nai tinaka diha siha osino gi ora, estaki munáyan i asunto.
7. I Regulaion siha a probeniyi na I kuetpo siempre mana guaha listan ápas siha para spesifikámente I kosas ni man matufung.

DIREKSION YANGGEN PARA U MAPOLU YAN MAPUPBLIKA: Este siha I Man Mapropone na Regulasion debi di u mapupblika gi Rehistradoran i Commonwealth gi seksiona ni man mapropone ya nuebu anai ma'adopta (1 CMC Seksiona 9102 (a)(1)) ya i notisia debi di u malaknos gi konbiniente na lugát siha gi civic center yan ofisinan gobietnamento siha gi kada distritun senadot siha, todú i dos Engles yan i lengguáhen prinsipat ni Natibu, Chamorro yan Refaluwasch. (1 CMC Seksiona 9104 9(a)(1)).

YANGGEN PARA UN NA GUAHA OPINION SIHA: Nahalom osino nahanágge' I opinion siha guatto gi Kuetpon I Kontadot as James N. Whitt, I Kabesiyu, gi Ofisinan I Gubietno, *ATTN.*: Nuebu na Regulasion I Kuetpon I Kontadot, gi Box 10007, Capitol Hill, Saipan MP 96950 osino fax gi 670-664-2211 osino email guatto BoAchair@gmail.com ni I titilu "Nuebu na Regulasion I Kuetpon I Kontadot". I opinion siha man uttimo trenta (30) diha siha despues este na notisia anai mapupblika gi Rehistran I Commonwealth. Pot fabot nahálom infotmasion pot I man mapropone na regulasion yanggen un kokontra, opinion osino mensáhe. (1 CMC Seksiona 9104 (a)(2))

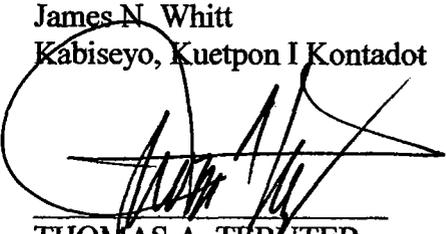
I Man Mapropone na regulasion siha man ma'apueba ni I Kuetpon I Kontadot gi Oktubre 18, 2005, ya

Manahalom as:

James N. Whitt
Kabiseyo, Kuetpon I Kontadot

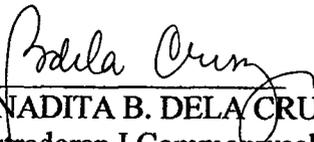
Fecha

Maresibe' as:


THOMAS A. TEBUTEB
Espisiat Na Ayudante Para I Atministration

Fecha

Pinelo' yan
Marikot as:


BERNADITA B. DELA CRUZ
Rehistradoran I Commonwealth

11-22-05
Fecha

Sigun i lai 1 CMC Seksiona 2153 (e) (i inapueban i Abugado Henerat ni regulasion siha ni para u ma'establesi pot para u fotma) yan 1 CMC Seksiona 9104 (a)(3) (ma'apueba ni Abugado Henerat) i man mapropone na regulasion siha man che'che'ton esta man ma'ina yan ma'apueba pot para u fotma yan ligat suficiente ni Abugado Henerat ya debi di u mapuplika (1 CMC Seksiona 2153 (f) (publikasion i areklamento yan regulasion siha)).

Mafecha gi este mina _____ na ha'ane gi _____, 2005

PAMELA S. BROWN
Abugadu Henerat

0 BoA NOPR Meetings Nov 2005.wpd

ARONGOL TOULAP
REEL POMWOL ALLÉGH KKAAL MELLÓL COMMONWEALTH BOARD OF
ACCOUNTANCY

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:
Commonwealth Téel faluwasch Marianas, Commonwealth Board of Accountancy (“BoA”), e mángi bwe ebwe fillóóy allégh kka ebwe schééschéél allégheló pomwol allégh kka e appasch, sáangi mwóghútúl Administrative Procedure Act, 1 CMC Tálil 9104(a). BoA e mángi bwe ebwe schééschéél fillóóy, me ebwe ayoora eliigh (30) ráálil yaal arongowow ammataf yeel. (Id.) Allégh kkaal nge ebwe fis llól seigh (10) ráálil mwiril yaal filló. (1CMC Talil 9105 (b))

BWÁNGIL: BoA nge e yááyá ngáliir Sów Allégh igha rebwe fillóóy allégh kkaal bwelle reel mwóghútúl kka eyoor bwangil BoA reel, ebwal toolong internal affairs. PL 13-52, “ Alléghúl Accountancy llól 2002.” (ese aghikkil sáangi ischil yeel), me Talil 4 (h).

AWEEWE ME NGÚLÚWAL:

Allégh kkaal nge e ayoora basic framework ngÁli BoA igha ebwe tabweey me aweweey me atotoowow ammataf. Ebwe ghol fengál bwángiir mwiisch me yaar angaang, reel fitighoghol allégh, me mwóghutul llól Bwulasyool. Rebwe affata bwángil ngali BoA igha ebwe fil “ Virtually”, mmwal igha weleffatal, ngáre schagh amweyút re tabweey mwiisch ighila re fili iye, faal CNMI’s Open Meetings Act, 1 CMC Tálil 9901, et seq. Schééschéél escháy me ngáre fitimal membrool mwiisch ye emmwel rebwe rongorong sáangi tilifoon, fengál me speaker phone llól leliyel mwiisch. Allégh kkaal ekke apasa ghatchúl mwiisch me atotoowow tittingór kkaal bwelle alillisiir toulap.

Allégh kkaal nge mmwal Alléghúl BoA. Milleel nge e ayoora allégh kka peigh 100 mwete ngáli Peigh 1000. Soghúl Tálil kka aa aisis ghatch, me esáál yoor kkapasal ighila.

ALLÉGH ME AWEEWE KKA E FIL FENGÁL: Eyoor milikka e independent, nge e ghil fengál, kkapasal igha ebwe akakaté allégh kkaal.

1. Allégh kkaal ekke bwáári international administrative ngáliir mwiisch, reel umwumul staff me mwóghutul bwelle fféerúl awewe kkaal.
2. Allégh kkaal nge re ayoora Mwiischiir membro bwelle rebwe alúghúlúgh sáangi me akkaté sangi mwiisch
3. Allégh kkaal nge re ayoora bwelle mwiisch (board) rebwe akkaté ótol mwiisch kkaal.

4. Allégh kaal e ayoora mwóghutuúr mwiisch reel rebwe ayoora ótol mwiisch igha escháy me ngare akkáscháy membro rese ipighil lo. E ghi welepakk milleel bwelle weires kka emmwel ebwe ghulaar ótol fáarághiir membro kkaal, me weiresil ótol raal nngów. Allégh yeel nge emmwel ebwe tepengi escháy me ngare fitimal membro kka rebwe faffailong reel mwiisch reel iya igha ebwe lo iye. Fasúl féfféer sáangi falúw tóttómwógh kkaal.

5. Allégh kkaal nge eyoorátá mwóghut kkaal igha ebwe alúghúlúghúw CNMI Open Meeting Act reel ebwe ffat bwe inaamwo iyo meleir membro mellól toulap emmwel ebwe tabweey mwiischil BoA me rongorong me amweri fischiy meeta mwiischil BoA rebwe rongorong me wooriiló, kkapasal allégh igha ebwe akkayúúló mwo reel executive session me akkáaw allégh kka ebwe fisch bwelle amwólómwólul me propriety material. Ngáre escháy me fitimal membroot mwiisch rekke tittillap mellól tilifoon, aramas ye ebwe toolong nge rebwe atolongow tilifoon me ebwe rongorong sangi speaker phone mellól kwotto. Ngáre mwiisch e toowow mellol internet, schookka relo nge ebwe yoor jaar eccess ngali computer bwe rebwe weri me rongorong meeta membroot mwiisch re weri me rongorong.

6. Allégh kkaal nge re ayoorallong bwelle computer access igha ebwe computerized yéélágh ikka re ayoora nge e laalay ótol. Milikkaal nge e weewe fengál schagh computer bullentin boards – escháy aramas e isisilong yaal ammataf, escháy ebwe appalawal sefal, eyoor igha e fitiralló fitiwowuló oora, me mweteló mmwal, ngáre schagh text-based e ffateló yaal tittiló.

7. Allégh kkaal nge re ayoorallong bwelle mwiisch (board) rebwe fféer ótol óbwóssul enumerated items

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal nge ebwe akkatééló llól Commonwealth Register mellól Tálil pomwol yeel me fillóól allégh kka e ffé 1 CMC Tálil 9102 (a)(1) me arong nge ebwe ammwello igha e fil iye mellól civic center me mellól local government offices llól alongal senatorial district, ii me ruwoow llól Amerikkónu me Remeraalis/Rafalúwasch. (1 CMC Talil 9104(a)(a))

Atotoolongol Aghiyegh: Amwetaaló me ngáre afanga yóómw mángemáng ngáli Assamwool James N. Whitt, c/o Buwlasiyool Sów Lemelem, Attn: BoA Regs, Box 10007, Capitol Hill, Seipél MP 96950 me ngáre reel 670.664.8315 me email reel BoAChair@mail.com fengál me ótul róza ye “ Board of Accountancy regs”. Mángemáng nge ebwe atotoolong ótol eliigh (30) ráálil mwiril schagh yaal ammataf yeel akkatéélong llól Commonwealth Register. Atotoolong yóómw data, ghuleyómw me ngáre mafiyómw. 9 1 CMC Talil 9104(a)(2))

Pomwol allégh kkaal nge e aléghéléghéló mereel BoA ótol Sarobwel 18, 2005 me

Isaliyallong:

JAMES N. WHITT
Assamwool,

Rál

Mwir sáangi:

THOMAS A. TEBUTEB
Sów Alillisil Sów Lemelem

Rál

Ammwel sáangi:

BERNADITA B. DELA CRUZ
Commonwealth Register

Rál

Sáangi allégh ye 1 CMC Tálil 2153 (e) (Alúghúlúghúl allégh kkaal mereel Sów Bwungúl Allégh Lapalap igha ebwe schééschéél akkatééló me 1 CMC Talil 9104(a)(3) (bwughi alúghúlúghúl AG) pomwol allégh kka e appasch ikka raa takkal amweri fischiy me aléghéléghéló mereel CNMI Sów Bwungúl Allégh Lapalap me ebwe akkatéél llól (1 CMC Tálil 2153(f) (akkatéél allégh kkaal me ammwelil)).

Rállil ye _____ llól _____, 2005

PAMELA S. BROWN
Sów Bwungúl Allégh Lapalap

Commonwealth of the Northern Mariana Islands

Northern Mariana Islands Administrative Code Title _____
Office of the Governor

Chapter _____ - Commonwealth Board of Accountancy Regulations

Chapter Authority: PL 13-52 § 4(h), as amended.

Regulation History: PL 13-52 (effective when approved by Governor Juan N. Babauta, May 20, 2003), the "Accountancy Act of 2002," not codified as of this writing. The Act created a Board of Accountancy, without placing it in any Department. The Board is authorized to license accountants in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 13-52. Sec. 4(h) empowers the Board to adopt rules and regulations consistent with the act and necessary to carry out its provisions.

[Comment on numbering outline format: The hierarchy /outline is as follows, from top to bottom: Title; Chapter; Part 001-900; Section 101-999; (a); (1); (i); (A). The numbering for the title and chapter are left blank pending the adoption of the Northern Mariana Islands Administrative Code. Citations are to PL 13-52, as amended.]

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[Comment: The Table of Contents is not part of the regulation, but is placed here for the convenience of the reader.]

Part 001 General Provisions

 Section 001 Currency of these regulations.

These regulations are current through November, 2005, CNMI Register Volume 27 No. 10 (11/ /2005)

 Section 002 History.

- (a) History is not part of the operative language of the Regulation, and is included by the Board for the convenience of the reader.
- (b) The Board shall attempt to publish a brief history with each change to these regulations, identifying date and Commonwealth Register citation for the change.
- (c) The history is: Accountancy Act passed and signed by Governor Juan N. Babauta, May 20, 2003. Proposed Regulations adopted by resolution of the Board of Accountancy on October 19, 2005. Proposed regulations were published in the Commonwealth Register, Vol. 27, No.10 (11/xxx/2005). Final regulations were promulgated by publication in the Commonwealth Register Vol. 28, No. xxx (xxx/xxx/2006).

Section 003 Numbering of resolutions and other acts.

- (a) Resolutions shall be signed by the Secretary, Chair or Acting Chair and numbered to indicate year, month and successive number of resolutions in the month, and shall indicate briefly their subject matter. For example: "Res. 2004-10-04 (Budget)".
- (b) Other actions of the Board shall be similarly identified. For example: "Personnel Policy Amendment 2005-03-01 (Travel)".

Section 004 Office.

The board shall designate the location of its principal office, of testing centers, and may establish branch offices in other locations.

Section 005 Organization and officers.

- (a) The officers of the Board are Chair, Vice-Chair, Secretary, and a Secretary-Treasurer, or a Secretary and a Treasurer.
- (b) The Board shall elect its officers for the calendar year at the first regular meeting of the year.
- (c) The officers shall assume the duties of their respective offices as soon as they have been elected.
- (d) The officers of the Board shall continue in office until their successors are elected and qualify.
- (e) The Chair shall preside at all meetings of the board, and in the event of his absence or inability to act, the Vice-Chair shall preside. Other duties of the officers shall be such as the Board may prescribe.

Section 006 Appointments, vacancies and removal from office.

- (a) Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced.
- (b) The Board shall remove from the Board any member who has become unqualified to serve.
- (c) The Board shall recommend to the Governor, after hearing, the removal of any member of the Board for neglect of duty or other just cause.

Section 007 Oath.

- (a) The Board shall adopt an oath of office.
- (b) Within 30 days after their appointment, the members of the board shall take and subscribe to an oath of office administered by a suitable public official and shall file a signed copy of the same with the Board.
- (c) The Executive Director shall take and sign an oath of office, administered by the Chair of the Board or other suitable public official.

Section 008 Definitions

For the purposes of this Chapter, and the administration and/or interpretation of the Accountancy Act, the following terms shall be defined as set forth in Public Law 13-52, sec. 3:

- (a) Board;
- (b) Certificate;
- (c) Firm;
- (d) License;
- (e) Licensee;
- (f) Permit;
- (g) Practice of (or practicing) public accountancy;
- (h) Quality review;
- (i) Report;
- (j) Rule;
- (k) State;

Section 009 Additional definitions.

For the purposes of this Chapter, and the administration and/or interpretation of the Accountancy Act, the following definitions shall apply:

- (a) "Accountancy Act. "Accountancy Act" as used in these regulations means PL 13-52, as amended, and codified.
- (b) "Certified public accountant" or "CPA" means any person who has received from the board a certificate of certified public accountant and who holds a valid permit to practice under the provisions of this chapter.
- (c) "Client", as used in any context in this chapter, means any person for whom public accountancy services are performed or to whom financial products, financial services, or securities are sold or provided at the licensee's public accountancy practice or through referral to any other location or business in which the certified public accountant has a material interest.
- (d) "Electronic means" includes telephone, video-conference, electronic-telecommunications-mediated written, aural and/or video means, including, but not limited to, mediated through the internet, and/or email.
- (e) "Firm" shall also mean a sole proprietorship, a corporation, a partnership, or a limited liability company.
- (f) "Include" or "including" shall be read as though followed by "but not limited to".
- (g) "Person" includes individual, partnership, firm, association, government entity, limited liability company, or corporation, unless otherwise provided by law.
- (h) "Public accountant" means any person who has registered with the Board as a public accountant and who holds a valid permit for the practice of public accountancy.
- (i) "Virtual" or "Virtually" when used with respect to a meeting means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.
- (j) In construing these regulations, the singular shall also mean the plural, the masculine the feminine, and conversely.

Section 010 Record keeping.

- (a) The Board shall keep records of all proceedings and actions by and before the Board and before its committees.
- (b) In any proceeding in court, civil or criminal, copies of those records certified as correct by the executive officer of the Board or the Secretary, and under seal of the Board, shall be admissible in

evidence and shall be prima facie evidence of the correctness of the contents thereof.

Section 011 Seal.

The Board shall have a seal and shall provide for its use.

Section 012 Authority of Officers and Committees.

- (a) All officers, as between themselves and the Board, shall have such authority, and perform such duties, as may be provided by or pursuant to resolution or order of the Board, or, in the absence thereof, as may be determined from these regulations.
- (b) An Executive Committee, consisting of the Chair, Vice-Chair, and the Secretary or the Treasurer shall have the power to act on behalf of the Board between Board meetings as follows:
 - (1) In emergencies;
 - (2) Where Board action is required on a ministerial act and convenience requires that the action be taken; and
 - (3) Other actions where Board action is required but it is unreasonable to schedule and conduct a Board meeting;
 - (4) Provided that no such action shall violate the Open Meetings Act, xxx.
 - (5) Exception: The Executive Committee shall not have any power or authority as to the following:
 - (i) The adoption, amendment or repeal of these regulations.
 - (ii) The amendment or repeal of any resolution or decision of the Board.
 - (iii) Vacating or discharging Board members.
 - (6) The Executive Committee shall meet from time to time, as the Chair requires.
 - (7) The meetings of the Executive Committee may be conducted virtually, and shall be noticed to the Board with instructions on how to attend a meeting, if virtual.
 - (8) Any Board member shall have the right to attend a meeting of the Executive Committee.
- (c) Standing Committees. The Board, or the Chair with the Board's subsequent approval, may determine and create such standing committees as it believes reasonable or necessary; and it shall determine the duties and responsibilities of each standing committee.
- (d) Special Committees. The Board or the Chair, respectively, may determine and create such special committees as they believe reasonable or necessary.

Section 013 Operations, staff and contractors.

- (a) The Board may enter into such contracts, leases, licenses, and other agreements as it may determine necessary for the conduct of its affairs.
- (b) The Board may employ such staff, agents and contractors, except as provided otherwise specifically by statute or in these regulations, to assist in the performance of its duties, and pay salaries, costs and expenses.
- (c) The Board may appoint an executive officer as its chief operating officer.

- (1) Such person may be an employee or a contractor.
 - (2) Such person shall serve ex officio on all committees, without vote.
 - (3) Such person shall attend the meetings of the Board and may attend committee meetings, and shall make recommendations to the Board.
 - (4) Except as otherwise provided by law, the Board may furnish a bond for the executive officer and other staff, the cost of which bond shall be paid by from among the Board's funds.
- (d) The Board may collect, receive and disburse funds as provided by law, and may delegate such functions to its executive officer.

Section 014 Advisory Committees.

The Board may, for the purpose of obtaining technical expertise and public input, appoint advisory committees of non-Board-members to provide advice and assistance related to the Board's functions. Such committees shall act only in an advisory capacity, shall have no authority to initiate any disciplinary action against a licensee, and shall only be authorized to report findings and/or make recommendations from any investigation, deliberation or hearing.

Section 015 Conflict of Interest.

- (a) No member of the Board, or any business in which a Board member or her/his immediate family serves as staff, officer, owner or director, or by contract represents, shall transact any pecuniary business of any kind with the Board, unless the following preconditions are met:
- (1) Notification to all Members in advance, in writing, or by oral notification to the Members in a meeting at which the notification is transcribed and placed in the minutes of the Board, of his/her potential business or personal interest in the transaction; and
 - (2) The Member abstains from Board vote regarding the transaction; and
 - (3) The vote of each Member is recorded.
- (b) Loans to Officers and Members Prohibited.
- (1) No loans shall be made by the Board to its Members or to members of their immediate families.
 - (2) The Members who vote for, or assent to, the making of a loan to a Member, and any officer of officers participating in the making of such loan, shall be jointly and severally liable to the Board for the amount of such loan until the repayment thereof, and their action shall not be subject to indemnification.
 - (3) Exception: The following undertaken on behalf of, or for the benefit of, the Board shall not be a loan within the meaning of these regulations:
 - (i) An advance to participate in a conference, meeting or other event.;
 - (ii) An advance for a filing with a government agency or membership organization; or
 - (iii) An advance made pursuant to an indemnification.

Part 00100 Administration and Conduct of Meetings (sec. 4(h)(1))

Section 001 Business meetings.

- (a) The Board shall conduct its affairs at its meetings.
- (b) All meetings of the board shall be open and public, as provided by law.
- (c) A majority of the board shall constitute a quorum for the transaction of any business at any meeting of the board.
- (d) Notice to the members of regular meetings shall be given at least seven days in advance by the Chair or, upon the Board's designation, by the Chair, Acting Chair or executive officer.
- (e) Notice of meetings may be waived in writing either before or after the meeting by unanimous consent of all members.
- (f) The Board shall meet at the call of the Chair or the executive officer, but not less than twice each year.
- (g) Any two members of the Board may call a special meeting, and the executive officer, upon receiving that notice, shall call a meeting pursuant to the procedure prescribed herein.

Section 002 Executive session.

- (a) The board may hold executive sessions as provided by law.
- (b) Specifically, and without limitation, the Board may deliberate in executive session:
 - (1) on the decision to be reached upon the evidence introduced in a quasi-judicial proceeding;
 - (2) on personnel matters;
 - (3) on litigation;
 - (4) on matters related to individual tests; and
 - (5) to prepare, approve, grade, or administer examinations.

Section 003 Notice.

- (a) Notice to the members shall be given in any way, including virtually, reasonably calculated to give actual notice. When actual notice may not be given, notice shall be given by US Postal Service, first class mail, and shall be deemed given when mailed.
- (b) Notice to the public shall be given as provided by statute.

Section 004 Robert's Rules of Order.

Meetings of the Members shall be conducted according to Robert's Rules of Order, most recent revision, unless:

- (a) otherwise specified in these Regulations, or otherwise by law; or
- (b) the Rules are suspended pursuant to a vote of two-thirds (2/3) of those present and voting.

Section 005 Reserved

Section 006 Reserved

Section 007 Public Meetings

- (a) In general.
 - (1) The Board shall act at its meetings, or as otherwise provided in these Regulations.
 - (2) The Board shall make provision for the virtual attendance of Members, if a Member so requests.
 - (3) Meetings shall be noticed as required by law.
 - (4) A copy of meeting materials distributed to the Members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.
- (b) Time. The time for the regular meetings of the Board shall be set by the Board each year and published, except as otherwise permitted or provided by law.
- (c) Location.
 - (1) Meetings shall be held at such place as the Chair may determine unless otherwise provided by the Board, and the location shall be properly noticed to the public.
 - (2) The Board may meet virtually, and any Member may attend a meeting virtually.
 - (3) When the Board meets virtually, access to the virtual meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending Member at the site. Typically this will include use of a speaker phone for a conference call meeting.
 - (4) Votes of Members may be received by electronic means and announced at a meeting.
- (d) Regular Meetings. Regular meetings shall be held as determined by the Board's Regulations and as additionally determined by the Board.
- (e) Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Board.
- (f) Executive Session. Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in Executive Session, for the following purposes:
 - (1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;
 - (2) To discuss pending or potential litigation or investigations;
 - (3) To discuss aspects of the Board's business affairs that are confidential and/or proprietary by law;
 - (4) To address a matter that may give rise to a conflict of interest, or an appearance of a conflict, in the absence of the Member(s) related thereto; and
 - (5) To address other matters permitted by law.
- (g) Virtual discussions.
 - (1) The Board may discuss a matter virtually over time, as well as in real time, provided that access to the virtual discussion shall be freely given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating Member.
 - (2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.
 - (3) Such discussion shall be noticed according to these Regulations and shall comply with CNMI law regarding open meetings.
 - (4) The Board shall arrange for a person, upon request, the reasonable use of a publicly-available computer with internet access in order to allow review of the discussion.

- (h) Accessibility. The Board shall comply with the accessibility requirements required by law and may, upon a person's request accommodate other special needs relating to sight, sound, language or location.

(This section is adopted pursuant to 1 CMC § 9908(a) (times and places of meeting) and PL 13-52 § (4)(h)(8) of the Accountancy Act of 2002.)

- Part 00200 Conduct of investigations and hearings (§ 4(h)(2))
- Part 00300 Educational and experience qualifications for certificates and continuing education (§ § 4(h)(3), 5(i), 6(c)(2)(C), 6(d))
- Part 00400 Professional conduct rules (§ 4(h)(4))

Section 001 The rules of professional conduct adopted by the Board shall be printed as a part of the application blanks for both certificates and registration and every applicant for either a certificate or registration shall subscribe thereto when making an application.

- Part 00500 Holding oneself out as a licensee (§ 4(h)(5))
- Part 00600 Use of titles "Certified Public Accountant" and "CPA" (§ 4(h)(6))
- Part 00700 Quality reviews and quality review body (for firms, § § 4(h)(7), 7(g), 9(b))
- Part 00800 Fees (§ 4(h)(8))

The Board shall, by resolution, adopt a schedule or schedules of fees for the following services.

- (a) Annual registration
- (b) Disciplinary system assessment
- (c) Application (§ 6(e))
- (d) Application for a firm (§ 7(e))
- (e) Examination section (§ 5(h))
- (f) Re-examination (§ 5(h))
- (g) License
- (h) Provisional or temporary license
- (i) Renewal (§ 6(e))
- (j) Renewal for a firm (§ 7(e))
- (k) Quality review for a firm
- (l) Late fees
- (m) Reinstatement of licensure
- (n) Certificate, domestic
- (o) Certificate, foreign
- (p) In forma pauperis waiver
- (q) Special services
- (r) Continuing education application fee
- (s) Continuing education application renewal
- (t) Verification of license fee
- (u) Copies
- (v) Certified copies
- (w) Research of licensure status
- (x) Hearing transcripts

- (y) Preparation of record on appeal
- (z) Administrative fines (§ 9(a))
- (aa) Costs of enforcement proceedings (§ 9(c))

Part 00900 Examinations (§ 4(h)(8), § 5(d))

Part 001000 Applications (§ § 4(h)(8), 6(b))

Part 001100 Reports (§ 4(h)(8))

Section 001 Annual reports

The board shall, from time to time, but not less than twice each year, prepare and distribute to all licensees, a report of the activities of the board, including amendments to this chapter and regulations adopted by the board, and may likewise distribute reports of other matters of interest to the public and to practitioners.

Section 002 Other reports

The Board shall compile and maintain, or may have compiled and maintained on its behalf, a register of licensees that contains information that the Board determines is necessary for the purposes for which the board was established. The board shall make the register available to any licensee and to the public.

Part 001200 Construction of requirement for a public audit.

Whenever any statute or regulation requires that a report, financial statement, and/or other document for any department, division, board, commission, or other instrumentality of the CNMI be prepared by a certified public accountant, the requirement shall be construed to mean a licensee or licensees with a valid permit to practice public accountancy.

Part 001300 Licensee's ownership of papers; furnishing papers and records to clients.

Reserved.

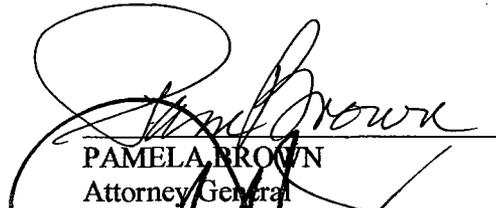
0 Accountancy Bd Regs Proposed 0511.wpd

PUBLIC NOTICE

PROPOSED IMMIGRATION REGULATION SECTIONS 706(S) and 1402

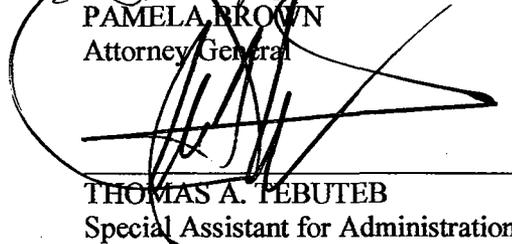
The Commonwealth of the Northern Mariana Islands, Office of the Attorney General, notifies the general public of proposed Immigration Regulation §706(S) and proposed Immigration Regulation §1402. It is the intent of the Attorney General to adopt these proposed regulations pursuant to 1 CMC §9104(a)(1) and (2), as permanent. This publication of the proposed regulation in the Commonwealth Register provides notice and opportunity for comment. If necessary, a public hearing will be provided. All interested persons may submit written comments on the proposed amendments to Pamela Brown, Attorney General, Office of the Attorney General, Second Floor, Juan A. Sablan Memorial Building, Capitol Hill, Saipan, MP 96950, or by fax at (670) 664-2349 during the thirty (30) day period immediately following the publication of this proposed regulation.

Submitted by:


PAMELA BROWN
Attorney General

11/18/05
Date

Received by:


THOMAS A. TEBUTEB
Special Assistant for Administration

11/22/05
Date

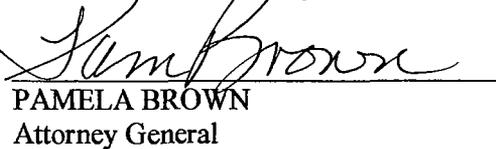
Filed and Recorded by:


BERNADITA B. DE LA CRUZ
Corporate Register

11/22/05
Date

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

Dated this 18th day of November 2005.


PAMELA BROWN
Attorney General

PUBLIC NOTICE
PROPOSED IMMIGRATION REGULATION SECTIONS 706(S) and 1402

**Citation of
Statutory Authority:**

The Office of Attorney General is authorized to promulgate regulations for entry and deportation of aliens in the Commonwealth of the Northern Marianas pursuant to Executive Order 03-01 and 3 CMC § 4312(d).

**Short Statement of
Goals and Objectives:**

It is the objective of Immigration Regulation §706(S) and Immigration Regulation §1402 to provide a safe haven for international victims of human trafficking and forced prostitution, particularly ethnic Vietnamese living in the Kingdom of Cambodia. The Attorney General finds that the proximity of the CNMI to Southeast Asia and its plenary power over immigration provides a useful tool in fighting the global problem of human trafficking and forced labor. This regulation is intended to allow approved non-profit charitable corporations to establish a safe, healthy environment for victims while carefully continuing to monitor the entry of aliens into the Commonwealth.

**For Further
Information Contact:**

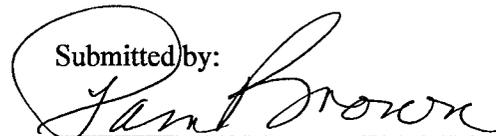
Ian M. Catlett, Assistant Attorney General, Office of the Attorney General, telephone (670) 664-2366 or facsimile (670) 234-7016.

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

3 CMC §4301 The Commonwealth Entry and Deportation Act.

Dated this 18th day of November 2005.

Submitted by:



PAMELA BROWN
Attorney General

NOTISIAN PUPBLIKU

MAN MAPROPONE NA REGULASION SEKSIONA 706 (S) yan 1402

I Commonwealth I Sankattan Siha Na Islas Mariana, gi Ofisinan I Abugâdu Henerât, a notifikika I pupbliku henerât pot I man mapropone na Regulasion Imigrasion Seksiona 706 (s) yan I mapropone na Regulasion Imigrasion Seksiona 1402. I intension I Abugâdu Henerât para u adopta este man mapropone na regulasion sigun I lai 1 CMC Seksiona 9104 (a)(1) yan (2), petmanente. Este na publikasion I man mapropone na regulasion gi Rehistran I Commonwealth a probeniyi notisia yan opottunidât para opinion. Yanggen nisisârio, u mana guaha inetnun pupbliku u maprobeniyi. Todu I man enteresao na petsona siña u ma'entrega I tinige' opinion pot I man mapropone na amendasion siha guatto as Pamela Brown, I Abugâdu Henerât, gi Ofisinan I Abugâdu Henerât, gi mina dos na bibienda, gi as Juan A. Sablan Memorial Building, gi Capitol Hill, giya Saipan, MP 96950, osino fax guatto gi (670) 664-2349 durântan I trenta (30) diha na tiempo ensigidas tinatituyi ni publikasion este I man mapropone na regulasion siha.

Ninahalom as:

Pamela Brown
Abugâdu Henerât

Fecha

Marisibe' as:

Thomas A. Tebuteb
Espisiât Na Ayudânte Para I Atministrasion

Fecha

Pinelo' yan Rinikot as:



Bernadita B. Dela Cruz
Rehistran I Koporasion

11/20/05

Fecha

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, I mapropone na regulasion siha ni man che'che'ton, esta man ma'ina yan ma'aprueba pot para u fotma yan suficiente ligât ginen I Ofisinan I Abugâdu Henerât.

Mafecha este gi mina dies-I-ochu na ha'âne gi Nubembre 2005.

Pamela Brown
Abugâdu Henerât

NOTISIAN PUPBLIKU

MAN MAPROPONE NA REGULASION SEKSIONA 706 (S) yan 1402

Annok I Aturidât I Lai: I Ofisinan I Abugâdu Henerât ma'aturisa para u establese regulasion siha para I entrâda yan dipottasion I estrangheru siha gi halom I Commonwealth I Sankattan Siha Na Islas Marianas sigun I Executive Order 03-01 yan 3 CMC Seksiona 4312 (d).

**Kada'da' Na Mensâhe
Pot Finiho yan Diniseha:**

I dinisehan I Regulasion Imigrasion Seksiona 706 (S) yan Imigrasion Regulasion Seksiona 1402 para u probeniyi sâfu na lugât para estrangheru siha ni man biktiman human trafficking, mafuetsa na u prostitution, patikulâtmente nasyon Bietnamis ni mañâsaga giya Kingdon of Combodia. I Abugâdu Henerât masodda na I uriyan I CNMI esta Southeast Asia yan I enteru I fuetsan kontra Imigrasion a probeniyi maolek na ramenta ni para u kontra I prubleman global pot human trafficking yan fuetsan hotnaleru. Este na regulasion ma'intensiona para u sedi I ma'aprueba na otganisasion non-profit charitable para u establese safu, maolek na hinemlo lugat para I biktima siha mientras magogof adahi I entradan I estrangheru siha gi halom I Commonwealth.

**Para Mas Infotmasion
Âgang:**

Si Ian M. Catlett, Ayudânten I Abugâdu Henerât, gi Ofisinan I Abugâdu Henerât, numirun tilifon (670)664-2366 osino facsimile (670)234-7016.

**Annok I Man Achule'
Yan/pat Inafekta Na
Lai, Areklamento,**

Regulasion yan Otden siha: 3 CMC Seksiona 4301 I Commonwealth Entry yan Deportation Act.

Mafecha este gi mina _____ na ha'âne gi Nubembre 2005.

Ninahalom as:

PAMELA BROWN
Abugâdu Henerât

Immigration Regulation §706(S) SAFE HAVEN ENTRY PERMIT

Permits an alien to legally enter and remain in the Commonwealth for an initial period of ninety (90) days, extendable to one year and renewable thereafter at the discretion of the Attorney General, under the terms and conditions set forth in Immigration Regulation 1402. A permit holder under this subsection is not eligible to work or to transfer status to a permit that would enable the holder to work.

XIV. INTERNATIONAL HUMANITARIAN PROTECTION

**Immigration Regulation §1401 PROTECTION FROM REFOULEMENT
(UNCHANGED.)**

**Immigration Regulation §1402 INTERNATIONAL SAFE HAVEN
ORGANIZATIONS**

A. Applicability.

1. **Definition of Organization.** An International Safe Haven Organization (“ISHO”) is defined as a charitable non-profit entity incorporated pursuant to §501(c)(3) of the United States Internal Revenue Code and 4 CMC §1701, which focuses exclusively on the detection and removal to the Commonwealth of individuals of ethnic Vietnamese origin living in the Kingdom of Cambodia who are victims of human trafficking and/or forced prostitution, and on the rehabilitation, education and eventual relocation of such individuals.
2. **Definition of Protected Child.** A victim entering the CNMI sponsored by an approved entity shall be defined as “Protected Child”, and his or her entry shall be made pursuant to Immigration Regulation §1402(D).
3. **Location.** The physical location of the ISHO’s headquarters and relocation center shall be in Saipan, CNMI, and the organization shall be registered with the CNMI Department of Commerce as a nonprofit, tax-exempt entity. An approved ISHO may establish additional educational facilities on the islands of Saipan, Rota or Tinian provided the institution complies with all applicable laws and regulations, including those regulations set forth herein and the terms and conditions of the MoA described in Section B.

- B. Approval.** The CNMI government must approve all organizations operating under this section. Final approval shall be made through execution of a

Memorandum of Agreement (MoA) between the CNMI Office of the Attorney General and the applying entity. Prior to execution of the MoA, an ISHO shall:

1. Submit a written Prospectus detailing the proposed authorities, operations and procedures for the program, and demonstrating that the ISHO is in full compliance with all applicable local, federal and international laws, the laws of any other nations implicated by their Safe Haven activities, and all provisions of Section 1402(A) of these regulations.
2. Be reviewed and inspected by, and have received a written endorsement from, the Helsinki Commission established by the Organization for Cooperation and Security in Europe ("OSCE").

C. Limitations.

1. Capacity. The total number of Protected Children permitted to enter the CNMI under the sponsorship of an approved Safe Haven Anti-Trafficking Organization shall be a maximum of thirty (30) at any one time.
2. Age. Only children between eight (8) and sixteen (16) years of age are eligible for entry under this section. Permits issued pursuant to Section 1402(D) shall not be extended or renewed after the Protected Child reaches sixteen (16) years of age.
3. Schools. An ISHO-established school for Protected Children must be accredited pursuant to Immigration Regulation §706(H). Any school established for this purpose shall also be subject to the approval of the Board of Education (BOE) of the Public School System (PSS).
4. Employment. Protected Children shall not be permitted to work in any capacity, except as may be permitted under Immigration Regulation §706(H)(2).
5. Transfers. Protected Children may not transfer their immigration status without first departing the Commonwealth and complying with all applicable laws and regulations, except that a Protected Child may transfer status to a Foreign Student Entry Permit, pursuant to Immigration Regulation §706(H) without first departing the Commonwealth, provided the Protected Child will be attending the ISHO-established school. After at least two (2) years of satisfactory attendance and performance at the ISHO-established school, the Protected Child may, if otherwise eligible, transfer to other schools approved pursuant to Immigration Regulation §706(H)(5), but may not then transfer to any other status without first departing the Commonwealth and complying with all applicable laws and regulations.

6. Memorandum of Agreement. The MoA between the Office of the Attorney General and the ISHO may contain additional limitations as deemed necessary by the Office of the Attorney General to protect the interests of the CNMI and/or the Protected Children.

D. Entry.

1. Bonding Requirement. Approved Safe Haven Anti-Trafficking Organizations shall be required to post bond for each Protected Child entering the CNMI to assure full compliance with local immigration laws. In the alternative, an approved ISHO shall be permitted to establish a line of credit for this purpose. The terms and conditions of the line of credit shall be set forth in the MoA between the organization and the CNMI government. The amount of bond or credit shall be set by the Attorney General.
2. Entry Permits. Protected Children shall be issued an entry permit pursuant to Immigration Regulation §706(S). Initial permits shall be issued for a period of ninety (90) days. Permits may be extended at the discretion of the Attorney General for up to one (1) year and are renewable at the discretion of the Attorney General thereafter.
3. Applications for Entry Permit. In order to obtain an entry permit for a Protected Child the sponsoring organization shall at a minimum provide:
 - a. The name and date of birth of the child (if available);
 - b. Copies of any available travel documents belonging to the child;
 - c. Copies of any other identifying paperwork belonging to the child;
 - d. Any available health information pertaining to the child;
 - e. An affidavit, sworn to by a senior officer of the ISHO, describing the circumstances of how contact with the child was made, how the child was removed from Cambodia, and any places the child traveled en route from Cambodia to the CNMI; and
 - f. An affidavit of full financial support from the ISHO.

- E. Termination of Protected Child Status. In the event that a Protected Child leaves the ISHO without prior notice to and authorization from the Office of the Attorney General, overstays an entry permit, or otherwise violates CNMI law, that Protected Child shall become deportable. The approved ISHO shall report such

violations to the Attorney General immediately or face sanctions pursuant to Section 1402(F).

- F. **Sanctions.** In the event that an approved ISHO fails to comply with the terms and conditions of these regulations, the approved status of that organization may be revoked or other sanctions may be imposed at the discretion of the Attorney General. Revoked organizations shall be responsible for the immediate costs of relocations and repatriation of all sponsored Protected Children, any other costs of detection and investigation of a protected child, and for fulfilling all terms provided for in their MoA with the Office of the Attorney General.

PUBLIC NOTICE

DEPARTMENT OF LABOR
PROPOSED REGULATIONS REGARDING THE RECRUITMENT OF
ALIEN WORKERS

The Secretary of Labor hereby notifies the general public of proposed regulations. These regulations clarify and interpret existing statutes that pertain to the recruiting of alien workers who are or seek to be employed within the Commonwealth. The regulations also provide penalties for unlawful recruiting practices and define the jurisdiction of the Department of Labor when enforcing the law and preventing hiring abuses.

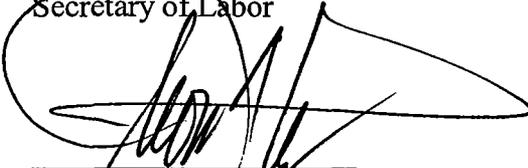
It is the intent of the Department of Labor to adopt the proposed regulations as permanent, pursuant to the Administrative Procedures Act 1 CMC §9104(a)(1) and (2). The publication of these regulations in the Commonwealth Register provides notice and opportunity for the public to comment. All interested persons may submit comments on the proposed regulations to Dr. Joaquin A. Tenorio, Secretary of Labor, Afetna Square Building, San Antonio, Saipan, MP 96950 or by fax to (670) 236-0991 during the thirty-day period immediately following publication of the proposed amendments.

Submitted by:


Dr. Joaquin A. Tenorio
Secretary of Labor

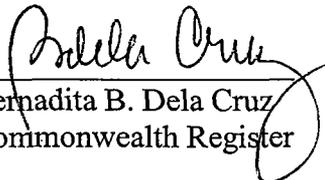
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Received by:


Thomas A. Tebuteb
Special Assistant for Administration

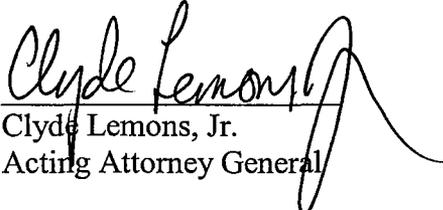
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Date

Filed and Recorded by:


Bernadita B. Dela Cruz
Commonwealth Register

11/23/05
Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.


Clyde Lemons, Jr.
Acting Attorney General

11/23/05
Date

PUBLIC NOTICE

PROPOSED REGULATIONS REGARDING THE RECRUITMENT OF ALIEN WORKERS

This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Department of Labor is adopting rules and regulations regarding the recruitment of alien workers.

Citation of

Statutory Authority:

The Secretary of Labor is authorized to promulgate regulations pertaining to the employment of nonresident workers pursuant to 3 CMC §§ 4421 and 4424(a)(1).

Short Statement of

Goals and Objectives:

The regulations govern the recruiting of alien workers and define which activities constitute lawful recruiting practices, and which activities are unlawful. The regulations clarify and interpret existing statutes and restrict practices that lead to violations of labor and immigration laws. They also recognize lawful recruiting practices while eliminating opportunities for economic coercion of alien workers.

Brief Summary of the

Proposed Regulations:

These regulations prohibit “kickbacks” and other unlawful practices that occur when an alien worker is compelled to pay an employer in exchange for receiving or renewing a job. They prohibit sponsorship relationships that occur when a worker is not truly employed by his or her employer of record. The regulations also address violations of the Nonresident Workers Act committed by alien workers and others who engage in recruiting. The regulations require that recruiters be licensed to do business in the Commonwealth and require that recruiters register with the Department of Labor.

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

3 CMC §§ 4424 (a)(5), 4433, 3343 (c), 4437 (d) and (h), and 4447.

For Further

Information Contact:

Kevin A. Lynch, Assistant Attorney General, Chief Legal Counsel, CNMI Department of Labor, telephone (670) 236-0910 or facsimile (670) 236-0991.

Dated this 23rd day of November 2005.

Submitted by:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JOAQUIN A. TENORIO
Secretary of Labor

NOTISIAN PUPBLIKU

DIPÀTTAMENTON I HOTNALERU

MAN MAPROPONE I REGULASION SIHA NI TINETEKAN I MAN MA'EMPLEHA NA HOTNALERUN ESTRANGHERU SIHA

I Sekretarion I Hotnaleru a notifiká I pupbliku henerát pot I man mapropone na regulasion siha. Este na regulasion siha a klarifika yan esplikáyi I man eksiste na lai siha ni tineteka pot I emplehan hotnalerun estrangheru siha ni man aliligao cho'chu gi hálom I Commonwealth. I regulasion siha a probeniyi lokkue pena siha para I ti man ligát na prinaktikan man empleha ya madefina I aturidát I Dipàttamenton I Hotnaleru yanggen ma'enfuefuetsa I lai ya mapribebeni I abusun man empleha.

I intension I Dipàttamenton I Hotnaleru para u adopta I mapropone na regulasion siha petmanente, sigun I Administrative Procedures Act 1 CMC Seksiona 9104 (a)(1) yan (2). I pupublikasion este na regulasion siha gi Rehistradoran I Commonwealth a probeninyi notisia yan opottunidát para opinion pupbliku. Todu I man enteresao na petsona siña ma'entrega hálom I opinion siha pot I man mapropone na regulasion guatto as Dr. Joaquin A. Tenorio, Sekretarion I Hotnaleru, gi Afetna Square Building, gi San Antonio, giya Saipan, MP 96950osino fax guatto gi (670)236-0991 duránten I trenta (30) diha na tiempo ensigidas tinatituyi I pupublikasion este I man mapropone na amendasion siha.

Ninahalom as:

Dr. Joaquin A. Tenorio
Abugádu Henerát

Fecha

Marisibe' as:

Thomas A. Tebuteb
Espisiát Na Ayudánte Para I Atministrasion

Fecha

Pinelo' yan Rinikot as:

Bernadita B. Dela Cruz
Rehistradoran I Commonwealth

Fecha

11/23/05

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion siha ni man che'che'ton, esta man ma'ina yan ma'aprueba pot para u fotma yan suficiente ligát ginen I Ofisinan I Abugádu Henerát.

Clyde Lemons, Jr.
Acting Attorney General

Fecha

NOTISIAN PUPBLIKU

DIPÁTTAMENTON I HOTNALERU

MAN MAPROPONE I REGULASION SIHA NI TINETEK A I EMPLEHAN NA HOTNALERUN ESTRANGHERU SIHA

Este na amendasion ni ma'establesi ni kinonsiste ni Administrative Procedures Act, 1 CMC Seksiona 9101, et. seq. I Dipáttamenton I Hotnaleru ma'adodopta I areklamento yan regulasion siha ni tineteka I emplehan hotnalerun estrangheru siha.

Annok I Aturidát I Lai: I Sekretarion I Hotnaleru ma'aturisa para u establesi regulasion siha ni tineteka I emplehan hotnalerun estrangheru siha sigun I lai 3 CMC Seksiona 4421 yan 4424 (a)(1).

**Kada'da' Na Mensáhe
Pot Finiho yan Diniseha:** I regulasion siha a oden I emplehan estrangheru siha ya madefina háfa na aktibidát siha man ligát yan ti ligát na praktikan empleha. I regulasion a klarifika yan esplikáyi I man eksiste na lai siha a rektuyi I prinaktika siha anai siña dinirihe' mona I kontradiksion I lain hotnaleru yan imigrasion siha. A rekogninisa lökkue man ligát na prinaktika siha pot empleha mientras malalaknos I opottunidát para u diteni I ekonomian I hotnalerun estrangheru siha.

**Kada'da' Na Mensahe
Pot I Man Mapropone
Na Regulasion siha:**

Este na regulasion siha a prohibi finahan yan palu ni ti man ligát na praktika siha yanggen I hotnalerun estrangheru maobliga para u apási I para u inempleha pat para u marinueba I chicho-ña. Maprohibi I inatungo sponsor yanggen I hotnalerun estrangheru ti macho'cho'chu magáhet gi mu'empleleha gue' gi rikot-ña. I regulasion a sásangan I kontradiksion I Nonresident Workers Act ni makomiti ni hotnalerun estrangheru siha yan palu ni man empleleha. I regulasion a rekomenda na I man empleleha debi di u malisensia yanggen para u kondukta bisnis gi hálom i Commonwealth ya a obliga na I man empleleha u marehistra siha gi Dipáttamenton I Hotnaleru.

**Annok I Man Achule'
Yan/pat Inafekta Na
Lai, Areklamento
yan Regulasion siha:**

3 CMC Seksiona 4424 (a)(5), 4433, 3343 (c), 4437 (d) yan (h), yan 4447.

**Para Mås Infotmasion
Ågang:**

Kevin A. Lynch, Ayudánten I Abugádu Henerát, Chief Legal Council, gi Dipáttamenton I Hotnaleru gi CNMI, numirun tilifon (670)236-0910 osino fax gi (670) 236-0991.

Mafech este gi mina bente-uno na ha'áne gi Nubembre 2005.

Ninahalom as:

**DEAN O. TENORIO
Acting Secretary gi Hotnaleru**

CNMI DEPARTMENT OF LABOR

REGULATIONS REGARDING THE RECRUITING OF ALIEN WORKERS.

An employer in the Commonwealth of the Northern Mariana Islands may recruit alien workers from abroad through a recruiter or recruiting agency subject to the conditions stated in this Regulation and as otherwise provided by law. Where the Commonwealth has entered into an Agreement, Memorandum of Understanding or similar protocol with another country regarding the recruiting of alien workers, all hiring must be done in conformity with said protocol.

I. Definitions:

- a. "Kickback" means any payment received by an employer in exchange for giving employment. The term does not include the customary fees paid by a prospective employee to a recruiter in exchange for the recruiter's services in attempting to secure or securing employment for the prospective employee as long as the recruiter does not make or offer payment to the employer or his agent for providing the job. The term also includes any person's collection or attempt to collect money or other consideration from a alien worker in exchange for an offer of employment or renewal of employment if that person is not a recruiter. Payment of a "finder's fee" to an employer is a "kickback."
- b. "Recruit" means to engage in an act or acts intended to result in the employment of a prospective employee by an employer.
- c. "Recruiter" means an individual, agent or business that engages, for a fee, in activities intended to place a worker with an employer at the request of the employer, or that engages in activities intended to find an employer for a worker at the request of the worker. To be considered a "recruiter" under these regulations, it is not necessary that the employee becomes employed by the employer or that an employment contract be approved by the Department of Labor. The term includes a representative of a recruiter or recruiting business whose principal place of operations is within or without the Commonwealth. It is not required that the fee or any portion thereof be paid within the Commonwealth or remitted to a person or entity in the Commonwealth.
- d. "Sponsorship" means an arrangement where an application is approved for a worker to perform labor or services for a specific employer, but the worker does not perform according to the contract due to the statements or actions of the employer or by mutual agreement between the worker and the employer. It does not include situations where no work is provided to an employee due to reduction in business activity or other legitimate reason and the Department of Labor has been notified of the circumstances by the employer or employee.

- II. Overseas recruiters shall, upon request by the Department, provide proof that they are licensed to perform as a recruiter in their home country.

- III. Local representatives of domestic and overseas recruiters must register with the Department of Labor, Processing Section and must provide the following information:
- a. The name, local business address, map to the business location, and telephone number of the recruiter.
 - b. The name, address, telephone number, and contact person of an overseas recruiter represented by the recruiter within the Commonwealth.
 - c. A copy of the recruiter's CNMI business license.
 - d. A recruiter shall provide to the Department of Labor any agreement between the recruiter and an alien worker or between the recruiter and an employer.

IV. Employer's Role in Local Recruiting Activities:

The Department of Labor recognizes that lawful recruiting benefits workers and employers alike. However, the employer is expected to maintain a strict position of neutrality regarding the employee-recruiter relationship.

Therefore, an employer may not:

- a. Condition the worker's receipt of the worker's copy of the contract or LIIDS card, or hold onto the worker's passport or travel documents, paycheck or other personal property as a condition of the worker complying with any obligation to the recruiter;
- b. Directly or indirectly collect any money from a worker on behalf of any recruiter;
- c. Condition renewal of an employment contract upon the worker's fulfillment of an obligation to a recruiter.

An employer may:

- d. Allow business premises to be used for meetings between workers and recruiters;
- e. Deliver mail or messages between recruiters and workers;

V. Unlawful Acts and Penalties:

- a. An employer, prospective employer, or third person shall not receive a kickback from any person in exchange for the employment or offer of employment to a prospective employee.
- b. A alien worker shall not receive compensation or consideration of any kind in exchange for recruiting or promising employment or renewal of employment to another person, except that a alien worker who is lawfully employed by a recruiting agency may engage in recruiting provided it is done in the ordinary course of business and provided the worker does not directly benefit from the recruiting efforts. An alien worker may make introductions or recommend a person for employment provided there is no compensation or consideration involved. A manager, line leader, supervisor or employee may not receive any consideration from a worker or person acting on his or her behalf for a recommendation regarding employment or renewal.
- c. A person or agency shall not engage in recruiting as a principal or agent unless licensed to do so by the Department of Commerce, and the Department of Labor

may seek injunctive or other relief against an unlicensed recruiter, including banning the recruiter from employing alien workers or seeking an administrative award requiring reimbursement to an alien worker for any funds paid..

- d. The Department of Labor may seek revocation of the employment permit of a alien worker who violates these regulations by engaging in unlawful recruiting.
- e. Disputes arising between a recruiter and alien worker or between a recruiter and employer arising from recruiting activities are not within the jurisdiction of the Department of Labor. However, claims alleging unlawful acts committed by recruiters, employers or third persons (such as kickbacks or unlawful recruiting) are within the jurisdiction of the Department.
- f. Fees charged by a recruiter for all recruiting services and related duties performed in the CNMI may not exceed 12.5% of the base rate of the contract (Calculated at 40 hours per week multiplied by the hourly wage rate multiplied by the number of weeks in the contract period, and does not include actual or projected overtime compensation).
- g. Sponsorship arrangements are strictly prohibited.
- h. A worker, recruiter and/or employer engaging in unlawful recruiting or a sponsorship is subject to the penalties in the Nonresident Workers Act, 3 CMC § 4411 *et seq.* and the penalties set forth in this regulation.

VI. Territorial Applicability.

- a. A person is in violation of these regulations for his or her own conduct or the conduct of another for which the person is legally accountable, if:
 - 1. The violation or any act toward commission of the violation occurs within the Commonwealth;
 - 2. Any act done outside the Commonwealth results in an act which has an impact within the Commonwealth.
- b. Any person, whether or not a citizen or resident of the Commonwealth, who in person or through an agent does any of the acts enumerated in this section, thereby submits such person, and, if not an individual, its personal representative, to the jurisdiction of the Department of Labor.

PUBLIC NOTICE

DEPARTMENT OF LABOR
AND
OFFICE OF THE ATTORNEY GENERAL

PROPOSED REGULATIONS ADOPTING A CODE OF ETHICS FOR
TRANSLATORS AND INTERPRETERS IN LABOR, IMMIGRATION AND
REFUGEE PROTECTION MATTERS

The Secretary of Labor and Attorney General hereby notify the general public of proposed regulations. These regulations establish a code of conduct for translators and interpreters who appear before the Department of Labor, and the Attorney General's Office on immigration and refugee protection matters.

It is the intent of the Department of Labor to adopt the proposed regulations as permanent, pursuant to the Administrative Procedures Act 1 CMC §9104(a)(1) and (2). The publication of these regulations in the Commonwealth Register provides notice and opportunity for the public to comment. All interested persons may submit comments on the proposed regulations to Dr. Joaquin A. Tenorio, Secretary of Labor, Afetna Square Building, San Antonio, Saipan, MP 96950 or by fax to (670) 236-0991 during the thirty-day period immediately following publication of the proposed amendments.

Submitted by:



Dr. Joaquin A. Tenorio
Secretary of Labor

11/23/05
Date



Clyde Lemons, Jr.,
Acting Attorney General

11/23/05
Date

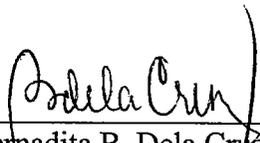
Received by:



Thomas A. Tebutés
Special Assistant for Administration

11/23/05
Date

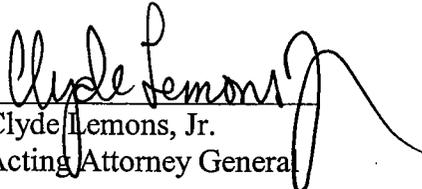
Filed and Recorded by:



Bernadita B. Dela Cruz
Commonwealth Register

11/23/05
Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.


Clyde Lemons, Jr.
Acting Attorney General

11/23/05
Date

PUBLIC NOTICE

REGULATIONS ADOPTING A CODE OF ETHICS FOR TRANSLATORS AND INTERPRETERS IN LABOR, IMMIGRATION AND REFUGEE PROTECTION MATTERS

This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Department of Labor is adopting rules and regulations regarding the recruitment of alien workers.

Citation of

Statutory Authority:

The Secretary of Labor is authorized to promulgate regulations pertaining to the employment of nonresident workers and enforcement of the Nonresident Workers Act pursuant to 3 CMC §§ 4421 and 4424(a)(1).

Short Statement of

Goals and Objectives:

The regulations establish a code of conduct for translators and interpreters that applies in administrative hearings within the Department of Labor and in immigration-related proceedings, including refugee protection proceedings conducted by the Attorney General.

**Brief Summary of the
Proposed Regulations:**

These regulations establish a code of conduct that must be observed by translators and interpreters. The Canons address conflict of interest, confidentiality, and competency issues. Translators and interpreters are required to adhere to the standards stated in the regulations, and a tribunal may refuse the services of the person offering the service if they refuse to follow the standards.

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

3 CMC § 4444 (b)(2).

**For Further
Information Contact:**

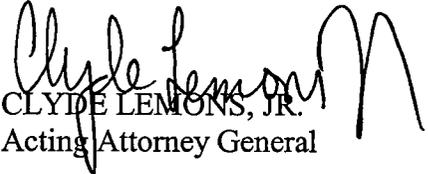
Kevin A. Lynch, Assistant Attorney General, Chief Legal Counsel, CNMI Department of Labor, telephone (670) 236-0910 or facsimile (670) 236-0991.

Dated this 23rd day of November 2005.

Submitted by:



JOAQUIN A. TENORIO
Secretary of Labor



CLYDE LEMONS, JR.
Acting Attorney General

**NOTISIAN PUBLIKU DIPÁTTAMENTON I HOTNALERU
YAN
I OFISINAN I ABUGÁDU HENERÁT**

**MAN MAPROPONE NA REGULASION NI ADODOPTA I CODE OF
ETHICS PARA TRANSLADOT YAN INTETPITI SIHA GI
HOTNALERU, IMIGRASION YAN ASUNTON PRUTEKSION I
MAN LILIHENG NA ESTRANGHERU SIHA**

I Sekretáron I Hotnaleru yan I Abugádu Henerát a notifika I publiku henerát pot I man mapropone na regulasion siha. Este na regulasion siha a establese I code of conduct para I transladot yan I intetpiti siha ni man annok gi menan i Dipáttamenton I Hotnaleru, yan I Ofisinan I Abugádu Henerát pot asunton imigrasion yan man liliheng na hotnalerun estrangheru siha.

I intension I Dipáttamenton I Hotnaleru para u adopta I man mapropone na regulasion siha petmanente, sigun I Administrative Procedures Act 1 CMC Seksiona 9104(a)(1) yan (2). I publikasion este na regulasion siha gi Rehistradoran I Commonwealth a probeniyi notisia yan opottunidát para opinion publiku. Todu I man enteresao na petsona siña ma'entrega hálom I opinion-niha pot I man mapropone na regulasion siha guatto as Dr. Joaquin A. Tenorio, Sekretáron I Hotnaleru, gi Afetna Square Building, gi San Antonio, giya Saipan, MP 96950 osino fax guatto gi (670) 236-0991 duránten I trenta (30) diha na tiempo ensigidas tinititiyi ni publikasion I man mapropone na amendasion siha.

Ninahalom as:

Dr. Joaquin A. Tenorio
Sekretáron I Hotnaleru

Fecha

Clyde Lemons, Jr.
Acting Attorney General

Fecha

Marisibe' as:

Thomas A. Tebuteb
Espisiát Na Ayudánte Para I Atministrasion

Fecha

Pinelo' yan Rinikot as: Bernadita B. Dela Cruz
Bernadita B. Dela Cruz
Rehistradoran I Commonwealth

11/23/05
Fecha

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Publiku 10-50, I areklamento yan regulasion siha ni man che'che'ton, esta man ma'ina yan ma'aprueba pot para u fotma yan suficiente ligat ginen I Ofisinan I Abugadu Henerat.

Clyde Lemons, Jr.
Acting Attorney General

Fecha

NOTISIAN PUPBLIKU

REGULASION NI ADODOPTA I CODE OF ETHICS PARA TRANSLADOT YAN INTETPITI SIHA GI HOTNALERU, IMIGRASION YAN ASUNTON PRUTEKSION I MAN LILIHENG NA ESTRANGHERU SIHA

Este na amendasion ni ma'establesi ni kinonsiste ni Administrative Procedures Act, 1 CMC Seksiona 9101, et. seq. I Dipättamenton I Hotnaleru ma'adodopta I areklamento yan regulasion siha ni tineteka I emplehan hotnalerun estrangheru siha.

Annok I Aturidât I Lai: I Sekretarion I Hotnaleru ma'aturisa para u establesi regulasion siha ni tineteka I emplehan hotnalerun estrangheru siha sigun I lai 3 CMC Seksiona 4421 yan 4424 (a)(1).

**Kada'da' Na Mensâhe'
Pot Finiho yan Diniseha:** I regulasion siha a establesi I code of conduct para I transladot yan intetpiti siha ni a aplilika I inekungok atministrasion gi hâlom I Dipättamenton I Hotnaleru yan I asunton imigrasion siha, a enklulusu I pruteksion I man liliheng na hotnalerun estrangheru siha ni makondukta ni Abugâdu Henerât.

**Kada'da' Na Mensâhe'
Pot I Man Mapropone
Na Regulasion siha:** Este na regulasion siha a establesi I code of conduct ni debi di u ma'ina ni transladot yan intetpiti siha. I areklamento a mensiona I conflict of interest, konfidensiât, yan asunton abilidadât. I transladot yan intetpiti siha marekomenda na u matatiyi I areklamento siha ni mamensiona gi regulasion siha, I koti siña a rinunsia I setbision I petsona ni a ofreresi I setbisiu yanggen ti a tatiyi I areklamento siha.

**Annok I Man Achule'
yan/pat Inafekta Na
Lai, Areklamento yan
Regulasion siha:** 3 CMC Seksiona 4444 (b)(2).

**Para Mâs Infotmasion
Âgang:** Kevin A. Lynch, Ayudânten I Abugâdu Henerât, Chief Legal Council, gi Dipättamenton I Hotnaleru gi CNMI, numirun, tilifon (670)236-0910 osino fax gi (670) 236-0991.

Mafech este gi mina _____ na ha'ane gi Nubembre 2005.

Ninahalom as:

DEAN O. TENORIO
Acting Secretary gi Hotnaleru

CLYDE LEMONS, JR.
Acting Attorney General

CNMI DEPARTMENT OF LABOR
AND THE
OFFICE OF THE ATTORNEY GENERAL

REGULATIONS ADOPTING A CODE OF ETHICS FOR
TRANSLATORS AND INTERPRETERS IN LABOR, IMMIGRATION
AND REFUGEE PROTECTION MATTERS

I. APPLICABILITY

These regulations shall guide and be binding upon all persons, agencies and organizations who administer, supervise, use, or deliver translating or interpreting services to the CNMI Department of Labor, or to the Office of the Attorney General for immigration and refugee-related matters.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

CANON 4: PROFESSIONAL Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or

engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate authority.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing legal interpreting and translating.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

II. ACKNOWLEDGEMENT

- a. The Department of Labor and the Office of the Attorney General may require that as a condition of appearing before the agency as a translator or interpreter, the person performing those duties must certify that he or she has read the above Canons and agrees to adhere to the standards of conduct stated in within them.
- b. For guidance in applying the Canons, the commentary available from the National Center for State Courts should be consulted: Hewitt, William E., ed. *Court Interpretation: Model Guide - Chapter 9: Code of Professional Responsibility for Interpreters in the Judiciary*, National Center for State Courts (1995), http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuideChapter9Pub.pdf.
- c. An administrative tribunal may decline the services of a translator/interpreter who violates the standards established by the Canons.



Commonwealth of the Northern Mariana Islands

Department of Public Health

Office of the Secretary

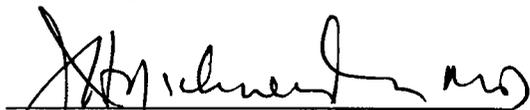
**PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES
DEPARTMENT OF PUBLIC HEALTH**

The Secretary of the Department of Public Health (DPH), Commonwealth of the Northern Mariana Islands (CNMI), hereby notifies the public that DPH proposes to amend specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety and adopted in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995, and Volume 17, Number 4, dated April 15, 1995, respectively, and amended in part (forensic, Transitional Living Center, and eye rates) in the Commonwealth Register Volume 26, Number 2, dated February 23, 2004.

These rules and regulations are proposed pursuant to the authority of 1 CMC Section 2605, which authorizes the Department of Public Health to adopt rules and regulations regarding those matters over which it has jurisdiction. 1 CMC section 2603 (f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities. The purpose of the proposed amendments is to allow the Department of Public Health to revise its fee schedule in order to more accurately reflect the actual cost of providing health services and to accurately describe the types of services that are now being provided.

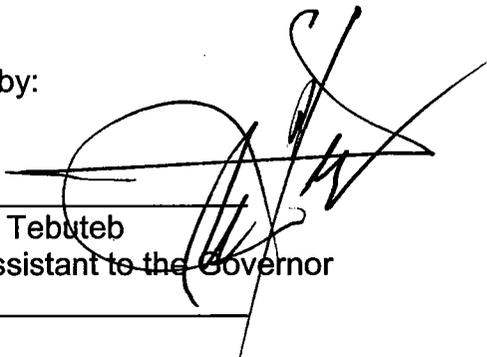
In accordance with 1 CMC § 9104(a), the Secretary is soliciting comments and recommendations regarding these proposed amendments. Written comments must be directed to: Secretary Dr. James Hofschneider, M.D., Office of the Secretary of Public Health, Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950. The Secretary must receive comments within thirty (30) days of the first publication of this notice in the Commonwealth Register. Copies of the proposed revisions are available at the Office of the Secretary of Public Health at the Commonwealth Health Center in Saipan.

Issued by:


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

Date 11/21/05

Received by:



Thomas I. Tebuteb
Special Assistant to the Governor
Date: _____

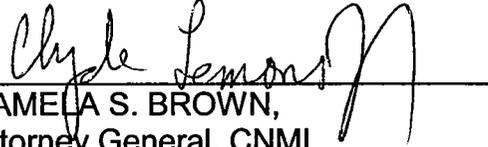


Bernadita B. Dela Cruz
Commonwealth Registrar
Date: 11-23-05

Certification of the Office of Attorney General

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated the ____ day of November 2005.

DK 

Acting PAMELA S. BROWN,
Attorney General, CNMI

**PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES
DEPARTMENT OF PUBLIC HEALTH**

Citation of Statutory Authority:

1 CMC §2605 states that "the Department of Public Health ... shall adopt rules and regulations regarding those matters over which it has jurisdiction, including but not limited to regulations deemed necessary to the public health and safety respecting: (j) Hospitals, clinics ..." 1 CMC §2603(f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities.

Short Statement of Goals & Objectives:

The Department of Public Health must revise its fee schedule from time to time in order to reflect the actual cost of providing health services and to accurately describe the types of services that are now being provided.

Brief Summary of the Proposed Rule:

To establish fees for services provided at the various health care facilities operated by the Department of Public Health, including the Commonwealth Health Center, the Tinian Health Center, the Rota Health Center, the Division of Public Health, the San Antonio Clinic, and the Transitional Living Center.

Contact Person(s):

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

Citation of Related and/or

Department of Public Health Fee Schedule, published in

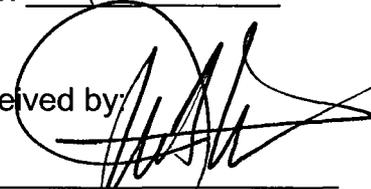
Affected Statutes, Regulations, and Orders:

Vol. 17, No. 2 of the Commonwealth Register, pages 12752-12948 (February 15, 1995), and amendments thereto in the Commonwealth Register Volume 26, Number 2, dated February 23, 2004.

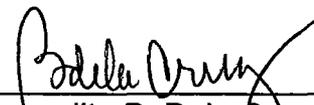
Date: 11/21/05

Submitted by:

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

Received by: 

Thomas I. Tebuteb
Special Assistant to the Governor
Date: 11/23/05


Bernadita B. Dela Cruz
Commonwealth Registrar
Date: 11/23/05

Commonwealth I Sankattan Siha Na
Islas Marianas

Dipattamenton Hinemlo Publiku

Ofisinan I Sikritarion Hinemlo Publiku

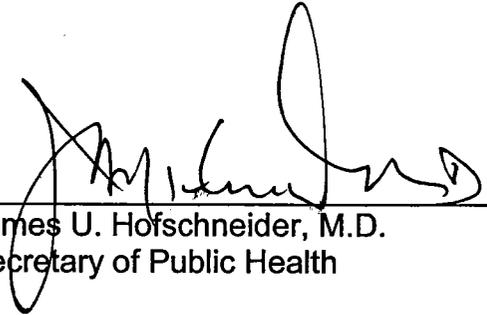
Prinuponi siha na Amendasion gi Listan Apas
Dipattamenton Hinemlo Publiku

I Titulu gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12, yan patilulatmente I CMCs2603(f) yan 2605(j), ha pribebeni I Sikritarion Dipattamenton Public Health (DPH), osino Dipattamenton Himemlo Publiku, na para guiya u atministra todus fasilidata gobetno siha yan u enfuetsa todus areglamento yan regulasion siha para minaolek mana'en setbision hinemlo gi halom I islas Marianas (CNMI).

Sigum gi este na aturidat, I Sikritario ha amemenda espisifiku siha na presiu ginen I lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na yan ma adapta gi Rehistran Commonwealth Volune 17, Numero 2, gi Feberu 15, 1995 yan Volume 17, Numero 4, gi Abril 15, 1995, yan Volune 26, Numero 2, gi Feberu 23, 2004. Prisisu este siha na mendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta I dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na nutisia ya umana patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi dipattamento ni ma adapta.

Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona I Dipattamenton Hinemlo Publiku kumumple I kondesion siha ni manma establese nu I "Administrative Procedure Act" na akto, espesiatment I 1CMCS9104. Kopia siha put I manma prupoponi na amendasion gi Listan apas siha sina manmachuchule gi Ofisinan I Sikritarion Hinemlo Publiku gi primet bibenda, Commonwealth Health Center, giya Saipan, Dokumento siha put I manma prupoponi na amendasion gi Listan Apas sina manafan hahanao guato gi Ofisinan Sikritarion Hinemlo Publiku, P.O. Box 500409, Saipan MP 96950. Todo dokumento siha debidi u fanma risibi gi halom trenta (30) dias despues di I fecha ni ma publika gi Rehistran Commonwealth.

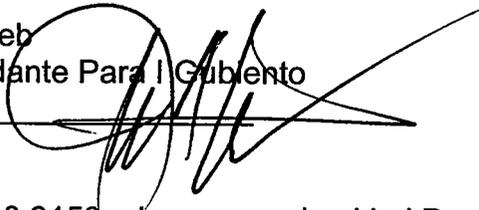
Fecha: 11/21/05


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

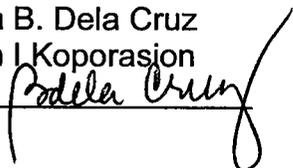
Marisibe' as:

Marisibe' as:

Thomas I. Tebuteb
Espisiat Na Ayudante Para I Gubierno
Fecha: _____



Bernadita B. Dela Cruz
Rehistran I Koporasion
Fecha: _____



Sigun gi 1 CMC § 2153, ni ma amenda gi Lai Pupbliku 10-50, I checheton na Areklamento yan Regulasion siha man maribisa yan man ma-aprueba nui Ofisinan Atbogadu Hinerat CNMI.

Fecha: _____

PAMELA S. BROWN,
Atbogadu Hinerat

Ginen As: _____

DEPARTMENT OF PUBLIC HEALTH		
AMENDMENT TO THE SCHEDULE OF MEDICAL AND		
OTHER RELATED FEES		
		PROPOSED
DESCRIPTION	CPT CODE	FEE
		SCHEDULE
Office or Other Outpatient Services-New Patient		
Office or other outpatient visit-new	99201	\$ 27
Office or other outpatient visit-new	99202	\$ 53
Office or other outpatient visit-new	99203	\$ 81
Office or other outpatient visit-new	99204	\$ 100
Office or other outpatient visit-new	99205	\$ 125
Office or Other Outpatient Services-Established Patient		
Office/outpatient visit-established	99211	\$ 25
Office/outpatient visit-established	99212	\$ 33
Office/outpatient visit-established	99213	\$ 61
Office/outpatient visit-established	99214	\$ 80
Office/outpatient visit-established	99215	\$ 110
Hospital Observation Services		
Observation care discharge	99217	\$ 75
Initial observation care, per day	99218	\$ 75
Initial observation care, per day	99219	\$ 130
Initial observation care, per day	99220	\$ 150
Hospital Inpatient Services		
Initial hospital care, per day	99221	\$ 76
Initial hospital care, per day	99222	\$ 126
Initial hospital care, per day	99223	\$ 176
Subsequent hospital care, per day	99231	\$ 38
Subsequent hospital care, per day	99232	\$ 63
Subsequent hospital care, per day	99233	\$ 89
Observation or Inpatient Care Services		
Observation or inpatient hospital care	99234	\$ 151
Observation or inpatient hospital care	99235	\$ 200
Observation or inpatient hospital care	99236	\$ 250
Hospital Discharge Services		
Hospital discharge day, 30 minutes or less	99238	\$ 80
Hospital discharge day, more than 30 minutes	99239	\$ 109
Office or Other Outpatient Consultations		
Office consultations, new or established patients	99241	\$ 38
Office consultations, new or established patients	99242	\$ 78
Office consultations, new or established patients	99243	\$ 105
Office consultations, new or established patients	99244	\$ 155
Office consultations, new or established patients	99245	\$ 205
Initial Inpatient Consultations		
Initial inpatient consultations, new or established	99251	\$ 40
Initial inpatient consultations, new or established	99252	\$ 81
Initial inpatient consultations, new or established	99253	\$ 111
Initial inpatient consultations, new or established	99254	\$ 160
Initial inpatient consultations, new or established	99255	\$ 220
Follow-up Inpatient Consultations		
Follow-up inpatient consultations, established	99261	\$ 26

025244

DEPARTMENT OF PUBLIC HEALTH		
AMENDMENT TO THE SCHEDULE OF MEDICAL AND		
OTHER RELATED FEES		
DESCRIPTION	CPT CODE	PROPOSED
		FEE
		SCHEDULE
Follow-up inpatient consultations, established	99262	\$ 51
Follow-up inpatient consultations, established	99263	\$ 75
Confirmatory Consultation		
Confirmatory Consultation, new or established	99271	\$ 27
Confirmatory Consultation, new or established	99272	\$ 52
Confirmatory Consultation, new or established	99273	\$ 73
Confirmatory Consultation, new or established	99274	\$ 105
Confirmatory Consultation, new or established	99275	\$ 138
Emergency Department Services		
Emergency department visit	99281	\$ 35
Emergency department visit	99282	\$ 45
Emergency department visit	99283	\$ 110
Emergency department visit	99284	\$ 125
Emergency department visit	99285	\$ 145
Pediatric Critical Care Patient Transport		
Critical care services by physician, inter facility trans	99289	\$ 291
Critical care services by physician, inter facility trans	99290	\$ 146
Critical Care Services		
Critical care, first 30-74 minutes	99291	\$ 231
Critical care, each additional 30 minutes	99292	\$ 116
Pediatric Critical Care		
Initial pediatric critical care	99293	\$ 926
Subsequent pediatric critical care	99294	\$ 459
Neonatal Critical Care		
Initial neonatal critical care	99295	\$ 1,045
Subsequent neonatal critical care	99296	\$ 461
Intensive(non-critical) Low Birth Weight Services		
Subsequent intensive care, per day	99298	\$ 162
Subsequent intensive care, per day	99299	\$ 153
Domiciliary, Rest Home, or Custodial Care Services		
Domiciliary or rest home visits, new patient	99321	\$ 51
Domiciliary or rest home visits, new patient	99322	\$ 76
Domiciliary or rest home visits, new patient	99323	\$ 97
Domiciliary or rest home visits, established	99331	\$ 47
Domiciliary or rest home visits, established	99332	\$ 61
Domiciliary or rest home visits, established	99333	\$ 76
Home Services		
Home visit, new patient	99341	\$ 69
Home visit, new patient	99342	\$ 104
Home visit, new patient	99343	\$ 149
Home visit, new patient	99344	\$ 201
Home visit, new patient	99345	\$ 245
Home visit, established patient	99347	\$ 55
Home visit, established patient	99348	\$ 87
Home visit, established patient	99349	\$ 135

025245

DEPARTMENT OF PUBLIC HEALTH		
AMENDMENT TO THE SCHEDULE OF MEDICAL AND		
OTHER RELATED FEES		
		PROPOSED
DESCRIPTION	CPT CODE	FEE
		SCHEDULE
Home visit, established patient	99350	\$ 196
Prolonged Services-Direct Face to Face		
Prolonged services, office, first hour	99354	\$ 104
Prolonged services, office, each addition 30 minutes	99355	\$ 103
Prolonged services, inpatient, first hour	99356	\$ 101
Prolonged services, inpatient, each additional 30 min	99357	\$ 101
Prolonged Services-W/out Direct Face to Face		
Prolonged services, w/out contact, first hour	99358	\$ 183
Prolonged services, w/out contact, each add 30 min	99359	\$ 91
Physician Standby Services		
Physician standby services	99360	\$ 125
Case Management Services		
Team Conference, approximately 30 minutes	99361	\$ 104
Team Conference, approximately 60 minutes	99362	\$ 183
Telephone Calls, simple or brief	99371	\$ 17
Telephone Calls, intermediate	99372	\$ 42
Telephone Calls, complex or lengthy	99373	\$ 83
Care Plan Oversight Services		
Home health care supervision, 15-29 minutes	99374	\$ 67
Home health care supervision, 30 minutes or more	99375	\$ 147
Hospice care supervision, 15-29 minutes	99377	\$ 67
Hospice care supervision, 30 minutes or more	99378	\$ 166
Nursing fac care supervision, 15-29 minutes	99379	\$ 67
Nursing fac care supervision, 30 minutes or more	99380	\$ 105
Preventive Medicine Services		
Preventive visit, new, infant	99381	\$ 72
Preventive visit, new, age 1-4	99382	\$ 82
Preventive visit, new, age 5-11	99383	\$ 82
Preventive visit, new, age 12-17	99384	\$ 93
Preventive visit, new, age 18-39	99385	\$ 93
Preventive visit, new, age 40-64	99386	\$ 114
Preventive visit, new, age 65 & over	99387	\$ 125
Preventive visit, est, infant	99391	\$ 62
Preventive visit, est, age 1-4	99392	\$ 72
Preventive visit, est, age 5-11	99393	\$ 72
Preventive visit, est, age 12-17	99394	\$ 82
Preventive visit, est, age 18-39	99395	\$ 82
Preventive visit, est, age 40-64	99396	\$ 93
Preventive visit, est, age 65 & over	99397	\$ 104
Counseling and/or Risk Factor Reduction Intervention		
Preventive counseling, individual, approx 15 minutes	99401	\$ 29
Preventive counseling, individual, approx 30 minutes	99402	\$ 59
Preventive counseling, individual, approx 45 minutes	99403	\$ 88
Preventive counseling, individual, approx 60 minutes	99404	\$ 118
Preventive counseling, group, approx 30 minutes	99411	\$ 9

025246

DEPARTMENT OF PUBLIC HEALTH		
AMENDMENT TO THE SCHEDULE OF MEDICAL AND		
OTHER RELATED FEES		
		PROPOSED
DESCRIPTION	CPT CODE	FEE
		SCHEDULE
Preventive counseling, group, approx 60 minutes	99412	\$ 15
New Born Care		
Initial care, normal newborn , hospital	99431	\$ 68
Newborn care, not in hospital	99432	\$ 73
Subsequent care, normal newborn, hospital	99433	\$ 36
Newborn care, assessed & discharged same day	99435	\$ 88
Attendance, birth	99436	\$ 86
Newborn resuscitation	99440	\$ 169
Medical Nutrition Therapy		
Medical nutrition therapy, initial, each 15 minutes	97802	\$ 22
Medical nutrition therapy, re-assess, each 15 minutes	97803	\$ 22
Medical nutrition therapy, group, each 30 minutes	97804	\$ 9
Medical nutrition therapy, re-assess, each 15 minutes	G0270	\$ 22
Medical nutrition therapy, group, each 30 minutes	G0271	\$ 9
OTHER RELATED FEES		
Forensic Services, per hour		\$ 250

The Municipality of Saipan

Office of the Mayor of Saipan

Proposed Rules and Regulations for the Saipan Higher Education Financial Assistance
Program

AMENDMENT TO THE SHEFA REGULATIONS

SECTION EIGHT, SUBSECTION FOUR

PRIORITY FIELD OF STUDY FOR SAIPAN

Section Eight, Subsection Four of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined.)

SECTION EIGHT, SUBSECTION FOUR

All recipients of any SHEFA loan pursuant to Section 8(3) of these rules and regulations made available to a student from Saipan in pursuit of post-secondary education at any U.S. accredited institution of higher education shall have a legal obligation of paying back twenty-five percent (25%) of the total loan amount received and providing a minimum of three (3) years service in either the private or public sector on Saipan on all loan amounts received while in school. However, for purposes of entering into a promissory note / memorandum of agreement with SHEFA and the recipient, the recipient will be deemed and classified as a debtor of SHEFA funds unless all conditions, requirements and stipulations of the note and SHEFA rules and regulations are abided to at all times during the term or life of the agreement, and after completion of his/her studies, or non-enrollment from school or termination from the institution of record.

* *Priority Field of Study for Saipan* includes Accounting; Nursing; Teaching / Specialized Special Education / Early Childhood Ed. / Library Science / Counseling / Bilingual Ed.; Business Management and Administration; Hospitality & Information Technology, Anthropology / Sociology for Teaching; Biology (Science) for Teaching; Criminal Justice leading to Forensic Science; Lab Technology; Psychology other than leading to Counseling; Human Resources Development / Personnel Management; Social Worker; Mathematics for Teaching; Engineering / Architect (A&E); Medical and Allied Fields, including Psychiatry; Environmental Studies / Conservation (e.g., natural resources, volcanology, marine biology, fish & wildlife, meteorology & archeology); and Computer Graphics, including technical or specialized trades such as journalism, management information, computer programming and other fields of study sanctioned by the board in accordance with the administrative procedures act.

Citation of Statutory Authority: The proposed regulations for the Saipan Higher Education Financial Assistance are promulgated pursuant to Saipan Local Law (SLL) 13-21.

Statement of Goals and Objectives: To implement the provisions of Saipan Local Law 13-21 for qualified residents of Saipan relative to the priority fields of study for Saipan beginning Spring, 2006 semester / quarter.

Brief Summary of the Rules: The rules and regulations will delineate the fields of study that are deemed a priority for Saipan for purposes of awarding the priority field of study supplementary financial assistance for qualified residents of Saipan pursuing post-secondary education on Saipan or abroad at U.S. accredited institutions of higher learning.

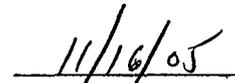
For Further Information, Contact: Chairperson, Saipan Higher Education Financial Assistance Program, P.O. 10001, PMB 3648, Saipan MP 96950, telephone: (670) 233-5995 or by facsimile at (670) 233-5996 or at E-mail: contact@saipanshefa.com

Citation of Related and / or Affected Statutes, Regulations and Orders: Saipan Local Law 13-21 and SHEFA Rules and Regulations.

Submitted By:



Felicidad T. Ogunoro
Chairperson, SHEFA Board



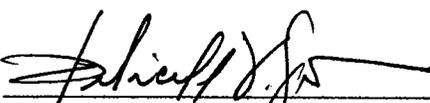
Date

PUBLIC NOTICE
PROPOSED AMENDMENT TO RULES AND REGULATIONS FOR
THE SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAM
(SHEFA)

The Saipan Higher Education Financial Assistance Board for the Saipan Higher Education Financial Assistance Program under the Office of the Mayor of Saipan hereby notifies the general public of its intention to adopt amendments to Section Eight Subsection Four of the rules and regulations governing the SHEFA program. These amended regulations are promulgated pursuant to the authority set forth in Saipan Local Law 13-21. Specifically, the amendment to the rules and regulations expands the list of fields of study that are deemed a priority for Saipan for purposes of awarding the priority field of study supplementary financial assistance for qualified residents of Saipan pursuing post secondary education on Saipan or abroad at U.S. accredited institutions of higher learning.

All interested persons may examine the proposed amended regulations and submit written comments to the Chairperson, Saipan Higher Education Financial Assistance Program, P.O. 10001, PMB 3648, Saipan MP 96950 or by facsimile at (670) 233-5996 or E-mail: contact@saipanshefa.com within 30 calendar days following the publication of this notice in the Commonwealth Register.

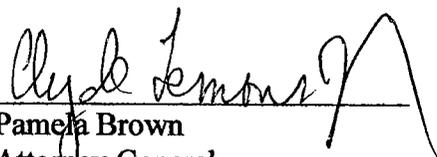
Dated this 16th day of November, 2005, at Saipan, Northern Mariana Islands.

Submitted by: 
Felicidad T. Ogumoro
Chairperson, SHEFA Board

11/16/05
Date

Pursuant to 1 CMC & 2153, as amended by PL 10-50, the proposed regulations for the Saipan Higher Education Financial Assistance Program, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 16th day of Nov, 2005,


Pamela Brown
Acting Attorney General

Filed and Recorded by: Bernadita B. Dela Cruz
Bernadita B. Dela Cruz
Commonwealth Register

11-18-05
Date

Received by: Thomas A. Tebuteh
Thomas A. Tebuteh
Special Assistant for
Administration

11-18-05
Date

I MUNISIPALIDAD SAIPAN

OFISINAN I ATKÂTDIN SAIPAN

MAN MAPROPONE NA AREKLAMENTO YAN REGULASION SIHA PARA I PROGRÂMAN ASISTIMENTON SALÂPE' PARA LA'TAKKILO' NA EDUKASION GIYA SAIPAN (SHEFA)

AMENDASION PARA I REGULASION I PROGRÂMAN ASISTIMENTON SALÂPE' PARA LA'TAKKILO' NA EDUKASION GIYA SAIPAN (SHEFA) SEKSIONA OCHU, PÂTTE' KUÂTTRO MAN PRISISU NA ESTUDIU GIYA SAIPAN

Seksiona Ochu, Pâtte' Kuâttro gi Areklamento yan Regulasion I Progrâman Asistimenton Salâpe' Para La'takkilo' Na Edukasion Giya Saipan (SHEFA) man ma'amenda pot para u mataitai: (I Ma'amenda na infotmasion man marâya.)

SEKSIONA OCHU, PÂTTE' KUÂTTRO

Todu I man manrisesibe' I ayudun salâpe gi SHEFA sigun I Seksiona 8 (3) ginen este siha na areklamento yan regulasion mana guaha para I estudiante siha ginen Saipan yanggen para u makontinua I edukasion niha gi maseha amânu na institution ni accredited ni Estâdus Unidos, para la'takkilo' na edukasion debi di u gai' responsiblidât para u apâsi tatte' bente-singko pot siento (25%) ginen I tutât na salâpe' ni a risibe' na ayudu ya u probeniyi menos di tres (3) âños na setbisiu gi maseha pribet osino gubietnamento na ahensia giya Saipan, ni todun I a risibe' na ayudun salâpe' mientras humeskuekuela. Lao, yanggen para un hâlom gi kontrâtan peña/memorandum inakomprende gi entalo I SHEFA yan I murisesibe' I ayudun salâpe' siempre makonsidera yan maklasifika hao kumo I dumidibe' I Fundun I SHEFA solu I kondision, nisisidât yan probensyon I nota yan I areklamento yan regulasion I SHEFA matatiyi durânten I tiempon I kontrâta, despues di makomple I estudiantun-niha, osino ti ma'enlista ni eskuela osino matetmina gi record I Institution.

- **I man prisisu na estudiantun siha giya Saipan a enklulusu Accounting; Enfetmera; Ma'estran Special Education / Edukasion Early Childhood / Library Science / Counseling / Edukasion Bilingual; Business Management yan Administration; Hospitality yan Information Technology, Anthropology / Ma'estran Sociology; Ma'estran Biology (Science); Criminal Justice para Forensic Science; Lab Technology; Psychology fuerra di u counseling; Human Resources Development / Personnel Management; Social Worker; Ma'estran Mathematics; Engineering / Architect (A&E); Medical yan Allied Fields, a enklusu Psychiatry; Estudiantun yan Konsetban Environmental (e.g., guinahan naturât, butkân, marine biology, guihan yan gaga tâno, meteorology yan archeology); yan Computer Graphics, a enklusu teknikât osino espisiât na cho'chu' tatkumo journalism, infotmasion**

manehãnte, computer programming yan palu na estudiun cho'chu' siha ni masedi siha ni kuetpo ni kinonsiste ni Administrative Procedures Act.

Annok I aturidãt I Lai: I man mapropone na regulasion siha para I Asistimenton Salãpe' Para La'takkilo' Na Edukasion Para Saipan man ma'establesi sigun I Saipan Local Law (SLL) 13-21.

Mensãhen Finiho yan Diniseha: Para u aplika I probension siha gi Saipan Local Law 13-21 para I man kuãlifkão na residenten Saipan siha ni tineteka I man prisisuna estudiun cho'chu' siha para Saipan matutuhon gi Spring, 2006 na semester / quarter.

Kada'da' na Mensãhe pot I Areklamento siha: I areklamento yan regulasion siha siempre madifina I estudiun cho'chu' siha ni makonsidera kumo prisisu para Saipan pot rason na u premiu I prisisu na estudiun cho'chu' mas na asistimenton salãpe para I man kualifikão na residenten Saipan siha ni para u makontinua I edukasion-niha para la'takkilo' na edukasion gi otro na institution Estados Unidos ni accredited.

Para mãs infotmasion, Ågang: I kabiseyon, I Progrãman Asistimenton Salãpe' Para La'takkilo' Na Edukasion Giya Saipan (SHEFA), P.O. Box 10001, PMB 3684, Saipan MP 96950, Numirun tilifon: (670) 233-5995 osino facsimile gi (670) 233-5996 osino E-mail: contact@saipanshefa.com.

Annok I man Achule' yan/osino Inafekta na Lai, Regulasion, yan Otden siha: Saipan Local Law 13-21 yan Areklamento yan Regulasion SHEFA.

Ninahalom as:

Felisidad T. Ogumoro
Kabiseya, Kuetpon I SHEFA

Fecha

NOTISIAN PUPBLIKU

MAN MAPROPONE NA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA PARA I PROGRAMAN ASISTIMENTON SALAPE' PARA LA'TAKKILO' NA EDUKASION GIYA SAIPAN (SHEFA)

I Kuetpon I Programan Asistimenton Salape' Para La'takkilo' Na Edukasion Giya Saipan (SHEFA) papa I Ofisinan I Atkåtden Saipan a notifikika I pupbliku heneråt pot I intension para u adopta I amendasion siha para Seksiona Ochu Påtte' Kuåtto gi areklamento yan regulasion siha ni gumibebietna I Programan SHEFA. Este man ma'amenda na regulasion siha man ma'establesi sigun I areklamento yan regulasion siha ni a ekstiende I listan I estudiun cho'chu' ni makonsidera kumo man prisisu para Saipan pot rason na u premiu I prisisu na estudiun cho'chu' mas na asistimenton salape' para I man kualifikao na residenten Saipan siha ni para u makontinua I edukasion-niha para la'takkilo' na edukasion gi ottro na institution Estados Unidos ni accredited.

Todu I man enteresao na petsona siña ma'ina I man mapropone ni man ma'amenda na regulasion ya u ma'entrega I tinige' opinion guatto I Kabiseyon, I Programan Asistimenton Salape' Para La'takkilo' Na Edukasion Giya Saipan, P. O. Box 10001, PMB 3648, Saipan MP 96950 osino Facsimile guatto gi (670) 233-5996 osino E-mail: contact@saipanshefa.com gi halom trenta (30) diha siha gi kalendario ya tinatitiji I pupblikasion este na notisia gi Rehistradoran I Commonwealth.

Mafecha este gi mina dies-I-sais na ha'ane gi Nubembre, 2005, giya Saipan I Sankattan Siha Na Islas Mariana.

Ninahalom as:

Felisidad T. Ogumoro
Kabiseya, Kuetpon I SHEFA

Fecha

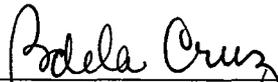
Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Publiku 10-50, I mapropone na regulasion siha para Prográman Asistimenton Salápe' Para La'takkilo' Na Edukasion Giya Saipan, I kopia siha ni man che'che'ton, esta man ma'ina yan ma'apueba pot para u fotma yan sufisiente ligát ginen I Ofisinan I Abugádu Henerát.

Mafecha este gi mina dies-I-sais na ha'áne gi Nubembre, 2005.

Pamela Brown
Abugádu Henerát

Fecha

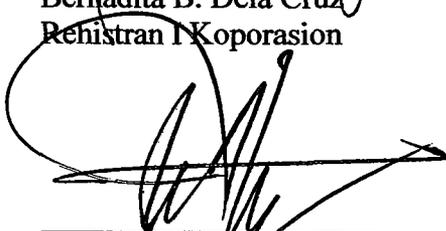
Pinelo' yan Rinikot as:


Bernadita B. Dela Cruz
Rehistran I Koporasion

11/23/05

Fecha

Marisibe' as:


Thomas A. Tebuteb
Espisiát Na Ayudánte Para I Atministrasion

Fecha

Commonwealth of the Northern Mariana Islands
Saipan Zoning Board
Henry Hofschneider, Chair
Caller Box 10007, Capitol Hill, Saipan, MP 96950
(Coastal Resources Management Office, 2nd Floor Morgen Building, San Jose, Saipan)
tel: 670. 664.8300 fax: 670.664.8315

**PUBLIC NOTICE OF PROPOSED REGULATIONS
OF THE SAIPAN ZONING BOARD**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Saipan Zoning Board ("SZB"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The SZB intends to adopt them as permanent, and hereby gives at least 30 days' notice of its intent. (*Id.*) The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The SZB is required by the Legislature to adopt rules and regulations regarding those matters over which the SZB has jurisdiction, including its internal affairs. PL 6 - 32 (effective June 27, 1989), the "Zoning Code of the Commonwealth of the Northern Mariana Islands." PL 6-32 § 1; 2 CMC § 7201. The Zoning Code is codified at 2 CMC §§ 7201, et seq., and creates the Zoning Board. PL 6-32 § 1(a), as amended by PL 7-41, § 2, and modified; and by PL 8-10, §§ 3, 4, 5. (Source: LRC Comment to 2 CMC § 7221.) The Saipan Zoning Law is 10 CMC §§ 1000 - 15200 and the Zoning Map.

THE TERMS AND SUBSTANCE:

The Regulations provide the basic framework for the SZB to meet and deliberate and give notice. They recite the Board's powers and duties, a conflict of interest policy, and procedures for internal administration. They also provide clear legal authority for the SZB to meet "virtually", rather than in person, as long as others may attend the meeting fully at the announced meeting site, under the CNMI's Open Meetings Act, 1 CMC § 9901, *et seq.* Typically one or more Commission members would attend through a telephone conference, with a speaker phone in the designated meeting room. The Regulations define the virtual meeting and set out the requirements for public participation.

These Regulations are the first of the SZB's Regulations. These create Regulations Part 100 through Part 1000. Many of the sections are reserved, with no content presently.

THE SUBJECTS AND ISSUES INVOLVED: There are independent, but related, reasons for the promulgation of these regulations.

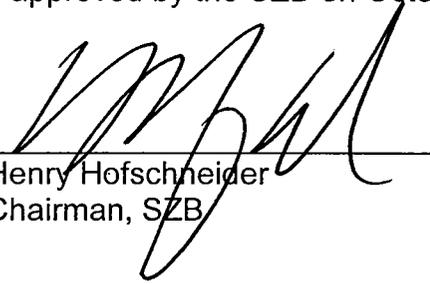
1. The Regulations address the internal administration of the Board, its hiring of staff and its procedures for making decisions.
2. The Regulations provide that the Board's office will be at the Coastal Resources Management Office, 2nd Floor Morgen Building, San Jose, Saipan, until further notice.
3. The Regulations also provide that the Board's regular meetings shall ordinarily be the first Thursday of every month at 6:00 p.m.
4. The Regulations provide procedures for the Board to conduct its meetings when one or more of the Board members is not physically present. This is necessary because of complexities of the travel schedules of the Board members, and the difficulties of travel in bad weather. The Regulations allow one or more of the members to call in to the announced meeting place, a practice common in the business world.
5. The Regulations also provide procedures that conform to the CNMI's Open Meetings Act to insure that any member of the public may attend a SZB meeting and hear and view everything that every SZB Board member can hear and view, subject to the Act's exceptions for executive sessions and other applicable law regarding confidential or proprietary material. If one or more Board members are communicating by telephone, the person(s) attending must either be connected through a telephone set or be able to listen to a speaker phone in the room. If the meeting is through the internet, the attendees must have access to a computer to see and hear what the Board members see and hear.
6. The Regulations also provide for computer access to computerized meetings that happen over a longer time period. These are similar to computer bulletin boards – one person posts a message, another responds later, sometimes days or hours later, and so on, until the text-based interchange is declared closed.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to SZB Chairman Henry Hofschneider, *Attn: New SZB Regs*, Box 10007, Capitol Hill, Saipan MP 96950 or fax 670.664.8315 or email to SZBchair@gmail.com with the subject line "New Saipan Zoning Board regs". Comments are due 30 days after this notice is published in the Commonwealth Register. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

Proposed regulations approved by the SZB on October 6, 2005, and

Submitted by:


Henry Hofschneider
Chairman, SZB

Nov. 22, '05
Date



Received by:

THOMAS A. TEBUTEB
Governor's Special Assistant for Administration

Date

Filed and
Recorded by:



BERNADITA B. DE LA CRUZ
Commonwealth Registrar

11-23-05

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 23rd day of November, 2005.



PAMELA S. BROWN,
Attorney General

Acting

0 ZB NOPR Meetings Nov 2005.wpd

TITLE _____ [to be added by codifier]
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN ZONING BOARD REGULATIONS

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Part 100 - General Regulations

Section 101. Purpose

These Regulations describe the organization, powers, duties and operations of the Commonwealth Zoning Board. They also provide the rules of procedure required in 2 CMC § 7221(j)(2).

Section 102. Authority

These Regulations are promulgated pursuant to PL 6 - 32, § 1(d), as amended, 2 CMC § 7221(d) (Zoning Board: . . . Regulations.), and 1 CMC § 9908(a) (times and places of meeting). See also 10 CMC § 11112.B ("Administration and enforcement of this Zoning Law") and .K ("Authority to Establish Fees").

Authority lies in: PL 6 - 32 (effective June 27, 1989), the "Zoning Code of the Commonwealth of the Northern Mariana Islands." PL 6-32 § 1; 2 CMC § 7201. The Zoning Code is codified at 2 CMC §§ 7201, et seq., and creates the Zoning Board. PL 6-32 § 1(a), as amended by PL 7-41, § 2, and modified; and by PL 8-10, §§ 3, 4, 5. (Source: LRC Comment to 2 CMC § 7221.) The Saipan Zoning Law is 10 CMC §§ 1000 - 15200 and the Zoning Map.

The Zoning Code empowers the Board to regulate all zoning in the Commonwealth and administer its provisions. PL 6-32 § 1(b) and (c), 2 CMC § 7221(b) and (c).

These Regulations are being promulgated by emergency regulation in September 2005, and by proposed regulation in October 2005. The resulting regulations are to be codified.

Section 103. Numbering and headings

These Regulations are organized as follows:

- (a) There is a "Table of Contents", which summarizes the provisions. There are headings for each Part and Section. There are also citations and comments to statutes in brackets. The Table of Contents, headings and citations and comments are NOT part of the

1 Regulation, and are placed there for the convenience of the reader. When in doubt as to
2 meaning, the reader should look to the text and NOT to the heading, citation or comment.
3 Exception: the heading for a definition is part of the definition.
4

5 (b) There are outline divisions to the Regulations, as follows:
6

- 7 (1) There are "Parts", like this Part 100.
8 (2) Each Part may be divided into "Sections", like Section 1.03.
9 (3) Each Section may be divided into subsections, then paragraphs, and sub-
10 paragraphs, and so forth, each indicated by double parentheses, like Section
11 1.03, subsection (a), paragraph (1), subparagraph (i), sub-subparagraph (A).
12 (4) Further divisions may be provided after/below outline level "(A)" in single
13 parentheses, like 1), then a), then i), and A).
14

15 (c) There may be Annexes containing graphic or other detailed material. Each Annex may
16 be divided into Sections, Subsections, Paragraphs and Subparagraphs.
17
18

19 **Section 104. Scope of Regulations**
20

21 These Regulations shall apply to all matters before the Board.
22
23

24 **Section 105. Seal**
25

26 The official seal of the Board is a vignette of the official flag of the Commonwealth surrounded by the
27 words "Commonwealth Zoning Board."
28
29

30 **Section 106. Principal Office**
31

32 The principal office of the Board shall be at the Coastal Resources Management Office, 2nd Floor Morgen
33 Building, San Jose, Saipan, or at such other place as the Board shall designate by resolution.
34
35

36 **Section 107. Organization and membership**
37

38 (a) Officers.
39

40 (1) Chair.
41

42 (i) A Chairman or Chairwoman ("Chair") shall be elected by a majority vote
43 of the Board each December for a term of one year from January to
44 December. S/he is eligible for re-election without limitation.
45

46 (ii) The Chair shall preside over all meetings and hearings, appoint such
47 committees as directed by the Board and shall affix his/her signature in
48 the name of the Board.
49

50 (iii) The Chair shall serve as the Board's expenditure authority for the
51 purposes of signing checks, receiving funds, and making deposits. The
52 Chair may, with the Board's approval, delegate some or all of this
53 authority to the Zoning Administrator.
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(2) Vice-Chair.

- (i) A Vice-Chair shall be elected annually by a majority vote of the Board in the month of December for a term of one year. S/he is eligible for re-election without limitation.
- (ii) The Vice-Chair shall preside as Acting Chair in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board during the absence of the Chair.

(3) Secretary.

- (i) A Secretary shall be elected annually by a majority vote of the Board in the month of December for a term of one year. S/he is eligible for re-election without limitation.
- (ii) The Secretary shall preside as Acting Chair in the absence of the Chair and Vice-Chair, and shall have the full powers of the Chair on matters that come before the Board during such absence.
- (iii) The Secretary shall be responsible for the recording of minutes, publishing of notices and maintenance of the books and records of the Board. The Secretary shall sign all orders and other decisions on which the Board's signature is required.

(4) Treasurer.

- (i) The Board may elect a Treasurer annually by majority vote in the month of December for a term of one year. S/he is eligible for re-election without limitation.
- (ii) The Treasurer shall be responsible for the maintenance of the Board's accounts and the reporting and auditing of the Board's funds. If there is no Treasurer, the Secretary shall be given this responsibility.

(b) Committees

- (1) The Board may provide by resolution for standing and ad hoc committees.
- (2) Once a committee is designated, the Chair shall appoint the members.
- (3) The Chair may provide for and appoint the members of ad hoc committees.

(c) Removal of Members

- (1) A member may be removed by a majority vote of the Board for breach of fiduciary duty or for an intentional violation of conflict of interest prohibitions, as provided in the Zoning Code. [2 CMC § 7221(I)]
- (2) Such a member shall be promptly brought before the Board for a vote of the members.
- (3) The Chair shall give such a member prior notice and an opportunity to defend him/herself before the Board.
- (4) The Chair shall notify the Governor if any member has been absent in any 12-

1 month period from more than 50 percent of, or from three consecutive, duly
2 noticed, regular meetings, unless such absence is the result of a documented
3 health problem. [2 CMC § 7221(i)]
4
5

6 **Section 108. Conflicts of interest**
7

8 Any Zoning Board member, staff or consultant having a personal or financial interest in any official
9 proceeding of the Board, or a familial relationship to the fourth degree of consanguinity with any party to a
10 proceeding or decision, shall disqualify himself or herself from officially hearing or ruling in the proceeding
11 or decision. [2 CMC § 7254(c)]
12
13

14 **Section 109. Powers and duties**

15
16 (a) Specific powers. The Board shall have all powers provided it by law to ensure compliance
17 with the requirements of these Regulations, including:

- 18
19 (1) inspection at reasonable times;
20 (2) use of or entry upon private land;
21 (3) giving of notices;
22 (4) granting of permits;
23 (5) conduct of hearings and issuance of orders; and
24 (6) levying of fines, penalties and suspension and/or revoking of permits.
25

26 (b) Enforcement and delegation of power. These regulations shall be read to authorize their
27 enforcement by the Board, by the Zoning Administrator, and by any other instrumentality
28 of CNMI government, including, the Office of a Mayor, as provided by the Board's written
29 designation.
30

31 (c) Public Safety. The Board may request the assistance of the Department of Public Safety
32 in enforcing the provisions of these Regulations and/or protecting the public health, safety
33 and welfare with respect to them.
34

35 (d) Zoning Administrator. The Board may employ a Zoning Administrator, as provided by
36 statute. [2 CMC § 7222]
37

38 (1) Form. The Board, may, by agreement, provide for an instrumentality of the CNMI
39 Government to provide the services of the Administrator, subject to statutory
40 qualifications.
41

42 (2) Duties and responsibilities.

43 (i) The Administrator shall have the duties provided by statute:

- 44 (A) to act as staff to the Board;
45 (B) to maintain and keep custody of the dockets, files and records of
46 the Board;
47 (C) to prepare and maintain all necessary land use and zoning maps;
48 and
49 (D) to carry out the Board's directives. [2 CMC § 7222(b)]
50

51 (ii) The Administrator shall have the following additional duties:
52
53
54

- 1 (A) negotiate and administer contracts and other agreements;
- 2 (B) receive and collect fees, gifts, appropriations and other funds;
- 3 (C) manage the day-to-day affairs of the Board;
- 4 (D) hire and supervise staff and consultants;
- 5 (E) sign checks, as authorized by the Board;
- 6 (F) take part in contested case proceedings as a party;
- 7 (G) sue and defend lawsuits on the Board's behalf;
- 8 (H) enforce compliance with the Zoning Code and the Zoning Law.
- 9

10 (3) Consultants and employees. The Administrator may employ and/or retain
11 executive staff, in-house and consulting attorneys, planners, engineers,
12 architects, and other experts, consultants, secretaries, office clerks and other
13 personnel as it may deem necessary to carry out the provisions of the Zoning
14 Code and the Zoning Law and/or to perform the duties and exercise the powers
15 conferred by law upon the Zoning Board.

16
17 (4) The Administrator may negotiate with and provide for such persons' and/or their
18 firms' compensation and other payment.

19
20
21 **Section 110. Decisions as orders**

- 22 (a) The Board shall issue its decisions whenever practicable as orders, which shall be titled
23 and numbered, signed by the Secretary and indicate votes by the Board.
- 24 (b) The Administrator shall whenever practicable issue his/her decisions as orders, which
25 shall be titled, numbered and signed.
- 26 (c) The Board's decisions shall ordinarily be those of the majority of the members transacting
27 business. A majority of the Board members is required to transact official business. [2
28 CMC § 7221(j)(2)].

29
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34 **Section 111. Internal administration**

- 35 (a) The Board, in compliance with applicable CNMI law and procurement regulations, may
36 delegate to the Administrator, the Chair or the Officers, as an Executive Committee, the
37 management of the internal affairs of the Board.
- 38 (b) These affairs shall include, but not be limited to, managing office space, securing
39 materials, services and supplies, budgeting, bookkeeping and financial management,
40 development of educational activities and publications.

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44
45 **Section 112. Definitions**

46
47 When used in these Regulations the following terms shall have the respective meanings set forth for each
48 such term:

- 49 (a) "Administrator" means the Zoning Administrator, as described by the Zoning Code, or
50 other chief executive officer of the Board fulfilling such function, his/her designee, or, in
51 the case of a hearing conducted pursuant to these regulations, the term may include an
52 administrative hearing officer assigned pursuant to the Administrator's or Board's order of
53 reference.

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- (b) "Board" means the Commonwealth Zoning Board and its successor agencies, as well as an instrumentality of the CNMI that is authorized by the Board, or otherwise by law, in writing to undertake specific notice, complaint, decision, enforcement and/or other regulatory action of the matters addressed in these Regulations.
- (c) "Delivered" or "Presented". The term means:
 - (1) delivered in person;
 - (2) deposited in the mail, with postage paid;
 - (3) faxed, and a memo generated automatically by the sending fax machine or fax modem that the fax was received; or
 - (4) emailed with an acknowledgment by the recipient that the email had been received.
- (d) "Electronic communication" means communication mediated by the following electronic means: fax, email, internet posting that allows the reader to access the information and download a copy of it, CD-ROM, DVD, diskette, thumb drive or other portable memory device.
- (e) "Electronic Means" includes telephone, video-conference, electronic-communications-mediated written, aural and/or video means, including mediated through the internet, and/or email.
- (f) "Decision" includes the adoption of a plan, regulation, rule, resolution, opinion, order or directive. Typically a decision is reduced to writing and includes a description or discussion of the reasons for it.
- (g) "Include" or "including" shall be read as though followed by "but not limited to".
- (h) "Mail" means one of the following mail services: U. S. Postal Service (USPS) first class mail, or priority mail, or Express Mail; overnight mail by one of the following private carriers, if they serve the CNMI: Airborne Express; DHL; FedEx; UPS; or the national postal services of the following countries, using service equivalent to or better than USPS airmail: Australia; China; Japan; Korea; Republic of the Philippines; any FAS state.
- (i) "Person" includes, but is not limited to a natural person, non-governmental organization, firm, association, partnership, limited liability company, corporation, and/or a government agency or other government corporation, political subdivision or instrumentality of the CNMI or the United States.
- (j) "Real time" or "real-time" means immediately before, during and/or after, as in "as it happens".
- (k) "Signature" or "Signed" means as follows: The term includes a hard copy or an electronic communication that bears the hallmark of legitimacy, including original hard copy, xerox of an original, fax copy, electronic signature through use of a digital code, and an electronic copy of a hard copy signature if separately confirmed as true and correct.
- (l) "Virtual" or "Virtually", when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.
- (m) "Writing" includes hard copy, and electronic communications including such electronic

1 formats as fax, email, pdf format and word processing formats which are generally
2 commercially available.

3
4
5 Section 113. Notices and mailings.

6
7 Any notice or mailing for which these Regulations provide may be given as an electronic communication,
8 except for public notices specifically required to be given otherwise.
9

10
11 **Part 200 - Meetings**

12
13 Section 201. In general.

- 14
15 (a) The Board shall make its decisions at its public meetings. [2 CMC § 7221(j)(2); 1 CMC §
16 9901 (1) - (16)] The Board shall otherwise act as provided in these Regulations.
17
18 (b) The Board shall make provision for the virtual attendance of Board members, if a Board
19 member so requests.
20
21 (c) Meetings shall be publicly noticed as required by law. Ordinarily such notice shall be by
22 publication in at least one newspaper of local circulation at least one (1) time each week
23 for two weeks prior to a meeting. [2 CMC § 7221(j)(2); 10 CMC § 11111.D.2.b] If a
24 meeting includes a "public hearing", as defined by the Zoning Law, the notice must be
25 published at a minimum of one (1) notice per week for two (2) consecutive weeks, no
26 more than 21 days and no less than five (5) days prior to the date of the meeting. [10
27 CMC § 13201.A]
28
29 (d) A copy of meeting materials distributed to the Board members shall be available to any
30 person for review at the meeting site, except for materials subject to confidentiality or
31 privilege as permitted or required by law. [See 2 CMC § 7221(j)(2); 1 CMC § 9901 (17) -
32 (18)]
33

34
35 Section 202. Time and frequency.

- 36
37 (a) The Board shall meet monthly, or as the Board determines is as often as necessary to
38 discharge its responsibilities without undue delay. [2 CMC § 7221(j)(2)]
39
40 (b) The day for the regular meeting of the Board shall be the first Thursday of every month,
41
42 (c) The regular meeting shall begin at 6:00 p.m., except as the Chair shall otherwise provide
43 by notice.
44
45 (d) The Chair may change the regular meeting date for any month by providing notice to the
46 Board two weeks in advance of the regular meeting.
47
48 (e) The Board may change the date and time by resolution.
49

50
51 Section 203. Location.

- 52
53 (a) Meetings shall be held at such place as the Chair may determine unless otherwise
54 provided by the Board. The location shall be properly noticed to the public. Ordinarily the

1 Board shall meet at its principal office.

- 2
- 3 (b) The Board may meet virtually, and a Board member shall have the right to attend a
- 4 meeting virtually.
- 5
- 6 (c) When the Board meets virtually, access to the virtual meeting shall be freely given
- 7 through the noticed site so that any person attending at the site shall have the same
- 8 access to the meeting as each attending Board member. Typically this will include use of
- 9 a speaker phone for a conference call meeting.
- 10
- 11 (d) Votes of Board members may be received by electronic means and announced at a
- 12 meeting.
- 13

14

15 Section 204. Calling a meeting.

16

17 Either the Chair or any three (3) members may call a meeting. [2 CMC § 7221(j)(2)]

18

19

20 Section 205. Types of Meetings.

- 21
- 22 (a) Regular Meetings. Regular meetings shall be held as determined by the Board's
- 23 Regulations, except as otherwise determined by the Board, by resolution. The Board
- 24 shall publish the schedule and place for regular meetings in the Commonwealth Register.
- 25 [1 CMC sec. 9909]
- 26
- 27 (b) Special Meetings. Special meetings may be held from time to time, and shall be duly
- 28 noticed by the Board. [see 1 CMC sec. 9911]
- 29
- 30 (c) Executive Session. Ordinarily the Board's meetings shall be open to the public. [2 CMC
- 31 § 7221(j)(2); 1 CMC § 9901 (1) - (16)] The Board may meet privately, in Executive
- 32 Session, for the following purposes:
- 33
- 34 (1) To discuss termination, hiring, or discipline of the Zoning Administrator [2 CMC §
- 35 7221(j)(2)];
- 36
- 37 (2) To discuss other personnel matters, including the hiring, firing and discipline of
- 38 staff and/or contractors [1 CMC § 9912(a)(3) - (5)];
- 39
- 40 (3) To discuss acquisition of an interest in real estate when public discussion would
- 41 likely cause the price to increase [1 CMC §9912(1) - (2)];
- 42
- 43 (4) To consult with legal counsel [1 CMC § 9912(a)(6)];
- 44
- 45 (5) To discuss a matter which may infringe on a person's right to privacy, including
- 46 confidential medical or financial information [1 CMC § 9912(a)(7)];
- 47
- 48 (6) To discuss aspects of the Board's business affairs that are confidential and/or
- 49 proprietary by law; and
- 50
- 51 (7) To address other matters permitted by law for discussion in a non-public meeting.
- 52
- 53 (8) In order to meet in an executive session, the Board must:
- 54

- 1 (i) have the presiding officer publicly announce the purpose of excluding the
2 public and the time when the executive session will conclude;
3 (ii) vote by roll call;
4 (iii) secure the vote of 2/3 of those members present; and
5 (iv) record these matters in the minutes. [1 CMC §9912(b) - (d)];
6
7 (d) Virtual discussions.
8
9 (1) The Board may discuss a matter virtually over time, as well as in real time,
10 provided that access to the virtual discussion shall be freely given to the public so
11 that a person seeking to review the discussion as it happens shall have
12 substantially the same access to the discussion as each participating Board
13 member.
14
15 (2) Typically such a discussion shall be by electronic bulletin board open to the view
16 of the public.
17
18 (3) Such discussion shall be noticed according to these Regulations and shall comply
19 with CNMI law regarding open meetings [1 CMC § 9901 (1) - (16)].
20
21 (4) The Board shall arrange for a person, upon request, the reasonable use of a
22 publicly-available computer with internet access in order to allow review of the
23 discussion.
24
25 (5) No electronic communication may be used to circumvent the spirit or requirement
26 of open, public meetings to make a decision or deliberate toward a decision upon
27 a matter over which the Board has supervisory control, jurisdiction, or advisory
28 power, as provided in these Regulations [1 CMC sec. 9912(d)]
29

30
31 Section 206. Accessibility.

- 32
33 (a) The Board shall comply with the accessibility requirements required by law and may, upon
34 a person's request, accommodate other special needs relating to sight, sound, language
35 or location.
36
37 (b) Ordinarily the Board shall meet on a ground floor or on a floor accessible by elevator.
38
39

40 Section 207. Meeting Rules.

- 41
42 (a) Meetings of the Board members shall be conducted according to Robert's Rules of Order,
43 most recent revision, unless:
44
45 (1) otherwise specified in these Regulations; or
46
47 (2) the rules are suspended pursuant to a vote of two-thirds (2/3) of those present
48 and voting.
49
50 (b) Quorum.
51
52 (1) A quorum shall be a majority of the Board members. [2 CMC § 7221(j)(1)]. A
53 majority of the Board's members is required to transact business, except as
54 provided in the following subsection. [2 CMC § 7221(j)(2)]

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(2) The Board shall meet upon the declaration of a quorum. Except that if a quorum does not exist due to a conflict of interest involving one or more of the members, then three (3) members shall constitute a quorum. [2 CMC § 7221(j)(1)]

(c) Votes.

(1) A vote on a motion before the Board shall be either by voice, show of hands, or roll call.

(2) A vote by show of hands or roll call may be required by any member of the Board.

(3) Any motion that does not receive a majority affirmative vote is thereby rejected and cannot be re-introduced in its same form at the same Board meeting, except that a motion to reconsider may be brought.

(4) All decisions shall be made by a majority vote of the members present and voting, unless otherwise specifically stated in these Regulations or in the Zoning Code or Zoning Law.

(d) Motions.

(1) A motion to be put before the Board must be raised in definitive form, either orally or in writing, by one of the members of the Board.

(2) A motion must then be seconded promptly or it shall fail.

(3) Once a motion has been properly introduced and seconded, that motion shall be restated by the Chair before debate. Debate shall continue until the Chair closes the debate and calls for a vote on the motion.

(4) Any motion may be withdrawn by the initiator at any time before it has been adopted.

(e) Rulings of the Chair.

(1) A ruling of the Chair is final.

(2) The Board may reverse a ruling of the Chair.

(3) A member may appeal a ruling of the Chair to the Board. When an appeal is made from a ruling of the Chair, the member making the appeal shall be allowed to state his/her reasons briefly.

(4) The question shall be immediately put in the following form: "Shall the ruling of the Chair be sustained?"

(f) Agendas.

(1) Each agenda shall provide an opportunity for the participation of the public. [2 CMC § 7221(j)(2)]

(2) The Chair shall prepare an agenda for each scheduled meeting listing the items of new and old business to be considered at the meeting.

(3) The agenda ordinarily shall be transmitted to the Board members at least 48

hours before the meeting for their review, in writing.

(g) Minutes.

- (1) Minutes shall be kept for all the meetings, and thereafter reviewed and approved by the Board.
- (2) Proposed minutes shall ordinarily be transmitted in writing to the members of the Board at least 48 hours before the next meeting.

(h) Committee reports.

- (1) A Committee report does not require a second to be submitted to the Board for discussion or approval.
- (2) The minority on a Committee report shall be given a brief opportunity to state its position and the reasons for it.

Part 300 - Practice and Procedure - Reserved

Part 400 - Fees, Charges and Assessments - Reserved

Part 500 - Reserved

Part 600 - Reserved

Part 700 - Reserved

Part 800 - Reserved

Part 900 - Reserved

Part 1000 - Other

Section 1001. Severability

If any provision of these Regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.

Section 1002. Effective Date

These Regulations shall take effect upon the notice of adoption and upon final publication in the Commonwealth Register, or if promulgated by emergency regulation, at such earlier time.

Commonwealth I Sankattan Siha Na Islas Marianas

Kuetpon I Zoning Saipan

Henry Hofschneider, Kabiseyo

Caller Box 10007, Capitol Hill, Saipan, MP 96950

(Ofisinan I Coastal Resources Management, Mina Dos bibienda gi Building Morgen, gi San Jose, Saipan)

Numirun Tilifon: 670-664-8300 fax: 670-664-8315

**NOTISIAN PUBLIKU POT I MAN MAPROPONE NA
REGULASION SIHA GI
KUETPON I ZONING SAIPAN**

INTENSION AKSION POT INADOPTASION I MAN MAPROPONE SIHA NA REGULASION: I Commonwealth I Sankattan Siha Na Islas Marianas, gi Kuetpon I Zoning Saipan (“SZB”) ma’intensiona para u ma’adopta I Man Mapropone na Regulasion siha petmanente sigun I areklamenton I Administrative Procedures Act, I CMC Seksiona 9104 (a). I Kuetpon Zoning Saipan ma’intensiona para u ma’adopta petmanente, ya lakkue man nânâ’i’ trenta (30) diha siha na notisia pot I intension-niha. I regulasion siha siempre man efektibu dies (10) diha siha des pues I inadoptasion. (I CMC Seksiona 9105 (b)).

ATURIDÁT: I Kuetpon I Zoning Saipan ma’otden nui Lehislatura para u ma’adopta I areklamento yan regulasion siha ni tineteka ayu siha na asunto ni gai’aturidát I Kuetpon I Zoning Saipan, a enklulusu I asuntun I hâlom I Ofisina. Lai Publiku 6-32 (Efektibu gi Junio 27, 1989), I “Zoning Code of the Commonwealth of the Northern Mariana Islands.” Lai Publiku 6-32 Seksiona 1:2 CMC Seksiona 7201. I Kodigun I Zoning makodigu gi 2 CMC Seksiona 7201, et. seq., ya ma’establesi I Kuetpon I Zoning. Lai Publiku 6-32 Seksiona 1 (a), ni inamenda ni Lai Publiku 7-41, Seksiona 2, ya matulaika; ya ginen I Lai Publiku 8-10, Seksiona 3, 4, 5. (Source: LRC opinion I 2 CMC Seksiona 7221.) I Lai I Kuetpon I Zoning Saipan 10 CMC Seksiona 1000 – 15200 yan I Mâpan I Zoning.

I REGULASION YAN I SUSTÂNSIAN-NIHA:

I Regulasion siha a probeniyi prinsipât na fondamento para I Kuetpon I Zoning Saipan pot para u fan etnun, deskuti, yan laknos notisia. Mamensiona I responsablidât yan pudet I Kuetpo, areklamenton I conflict of interest, yan I areklamenton I hâlom I atministrasion. I Regulasion siha maprobeniyi mâs klâru na ligât aturidât para I Kuetpon I Zoning Saipan na para u fan hunta “Konfiriensian Ilektridât” (“virtually”) adimâs hu gaige petsonât, tatkomu u ma’atiende ni pumalu siha na taotao anai ma anunsia i lugât i hunta, papa i Akton i CNMI pot Atbietton I Hunta, I CMC Seksiona 9901, et. seq. Sessa tenga uno pat mâs na membrun komision hu atiende ginen i konfiriensian tilifon, ni gai spika gi madesigna na lugât i dinaña. I regulasion madefina i konfiriensian ilektridât ya mafotma nisisidât siha para i patisipaon i pupbliku.

Este na Regulasion siha, primet gi Regulasion I Kuetpon I Zoning Saipan. A establesi Regulasion siha gi Pätte' 100 esta Pätte' 1000. Meggai gi este na seksiona man mapolu', sin sinaguan gi prisente.

I PUNTO YAN ASUNTO SIHA NI MAN TINETEKKA: Man independiente, lao man achule', rason pot para u ma'establesi este na regulasion siha.

1. I Regulasion siha a mensiona I hãlom I atministrasion I Kuetpo, I ma'emplean I empleao siha yan I areklamenton mafatinas disision siha.
2. I Regulasion siha a probeniyi I Ofisinan I Kuetpo para guatto gi Ofisinan I Coastal Resources Management, gi Segundo na bibienda gi Building Morgen, gi San Jose, giya Saipan, des pues di u guaha mãs notisia.
3. I Regulasion a probeniyi lokkue na i regulât na huntan I Kuetpo debi di u mahunta gi fine'nina na Huebis kada mes gi oran alas sais gi pupuenge (6:00 pm).
4. I Regulasion siha maprobeniyi areklamento siha para i Kuetpon I Zoning Saipan pot makonduktan i huntan-niha yanggen uno osino mãs na membru siha ti man gage petsonâtmente. Nisisãrio este pot rason na guaha na basis nai bumãba i tiempo, parehu ha' yan i siñãlan i batkon aire para i Komisina siha. I Regulasion siha a sesedi uno osino mãs na membrun komisina para u ma'ãgang hãlom gi lugât i hunta, sesso este na prinaktika gi tano' bisnis siha.
5. I Regulasion siha a probeniyi lokkue areklamento anai siña makonfotma i Akton i Atbietton i Huntan i CNMI para u ma'asigura na maseha hãyi na petsonã siña ma'atiende para u ma'ekungok yan ina todú i hãfa i membrun komisina mahuhungok yan i'ina, fuerra di ayu siha i man mapetmiti sikretu na pribilehu sigun i lai. Yanggen uno osino mãs na membrun komisina man a'ãgang gi tilifon, i petsona ni ha atetiende debi di u na setbi i speakerphone anai siña u fan a'hungok gi sãgan i hunta. Yanggen makondukta i hunta gi Internet, i mu atetiende debi di u manasetbe Computer anai siña u fan a'hungok yan a'li'e' yan I pumalu komisina.
6. I Regulasion siha a probeniyi lokkue para u guaha Computer anai siña makondukta I hunta yanggen masusedi ya gai annoko i tiempon-niha. Parehu ha' este yan i gasetan i computer, yanggen un petsona ha infotma i mensãhe, ya i ottro u oppe' gi birãda, guaha na basis nai tinaka diha siha osino gi ora, estaki munãyan i asunto.

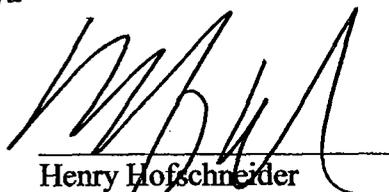
DIREKSION YANGGEN PARA U MAPOLU YAN MAPUPBLIKA: Este siha I Man Mapropone na Regulasion debi di u mapupblika gi Rehistradoran i Commonwealth gi seksiona ni man mapropone ya nuebu anai ma'adopta (1 CMC Seksiona 9102 (a)(1)) ya i notisia debi di u malaknos gi konbiniente na lugât siha gi civic center yan ofisinan gobietnamento siha gi kada distritun senadot siha, todú i dos Engles yan i lengguãhen prinsipat ni Natibu, Chamorro yan Refaluwasch. (1 CMC Seksiona 9104 9(a)(1)).

YANGGEN PARA UN NA GUAHA OPINION SIHA: Nahalom osino nahanãgge' I opinion siha guatto gi Kuetpon I Zoning Saipan as Henry Hofschneider, I Kabesiyu, ,

ATTN.: Nuebu na Regulasion I Kuetpon I Zoning Saipan, gi Box 10007, Capitol Hill, Saipan MP 96950 osino fax gi 670-664-8315 osino email guatto SZBchair@gmail.com ni I titilu "Nuebu na Regulasion I Kuetpon I Zoning Saipan". I opinion siha man uttimo trenta (30) diha siha despues este na notisia anai mapublika gi Rehistran I Commonwealth. Pot fabot nahalom infotmasion pot I man mapropone na regulasion yanggen un kokontra, opinion osino mensáhe. (1 CMC Seksiona 9104 (a)(2))

I Man Mapropone na regulasion siha man ma'aprueba ni I Kuetpon I Zoning Saipan gi Oktubre 06, 2005, ya

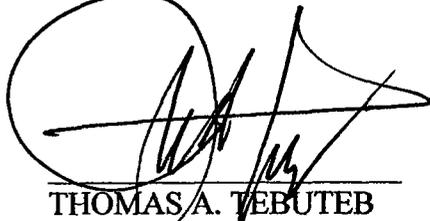
Manahalom as:



Henry Hofschneider
Kabiseyo, Kuetpon I Zoning Saipan

Nov. 22, '05
Fecha

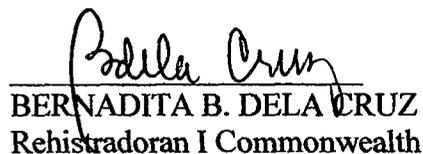
Maresibe' as:



THOMAS A. TEBUTEB
Espisiát Na Ayudánte Para I Atministration

11/23/05
Fecha

Pinelo' yan
Marikot as:



BERNADITA B. DELA CRUZ
Rehistradoran I Commonwealth

11/23/05
Fecha

Sigun i lai 1 CMC Seksiona 2153 (e) (i inaprueban i Abugádo Henerát ni regulasion siha ni para u ma'establesi pot para u fotma) yan 1 CMC Seksiona 9104 (a)(3) (ma'aprueba ni Abugádo Henerát) i man mapropone na regulasion siha man che'che'ton esta man ma'ina yan ma'aprueba pot para u fotma yan ligát suficiente ni Abugádo Henerát ya debi di u mapupblika (1 CMC Seksiona 2153 (f) (publikasion i areklamento yan regulasion siha)).

Mafecha gi este mina _____ na ha'áne gi _____, 2005

PAMELA S. BROWN
Abugâdu Henerât

ARONGOL TOULAP
REEL POMWOL ALLÉGH KKAAL NGÁLI SAIPAN ZONING BOARD

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Commonwealth Téél falúwasch Marianas, Saipan Zoning Board (“SZB”), e mángi bwe ebwe fillóóy allégh kka ebwe schééschéél allégheló pomwol allégh kka e appasch, sáangi mwóghútúl Administrative Procedure Act, 1 CMC Talil 9104(a). SZB e mángi bwe ebwe schééschéél fillóóy, me ebwe ayoora eliigh (30) ráánil yaal arongowow ammataf yeel. (Id.) Allégh kkaal nge ebwe fis llól seigh (10) ráánil mwiril yaal filló. (1CMC Talil 9105 (b))

BWÁNGIL: SZB nge e yááyá ngáliir Sów Allégh igha rebwe fillóóy allégh kkaal bwelle reel mwóghútúl kka eyoor bwangil SZB reel, ebwal toolong internal affairs. PL 6-32 (Sschééschéél otol Alimaté; 27, 1989), Zoning Code mellól Commonwealth Northern Marianas.” PL 6-32 Talil 1; 2 CMC Talil 7201. Mille Zoning Code nge e aghikkil (codified) mereel 2 CMC Tálil kka 7201, et seq., me e fféér Zoning Board. PL 6-32 tálil 1 (a), iye e lliwel mereel PL 7-41, Tálil 2, me fféér sefál; me sáangi PL 8-10, Tálil kka 3,4,5. (alillis kka: LRC aghiyegh ngáli 2 CMC 7221.) Alléghúl Saipan Zoning nge 10 CMC Tálil kka 1000 – 15200 me móopal Zoning.

AWEWEEL ME NGÚLÚWAL:

Allégh kkaal nge e ayoora basic framework ngali SZB igha ebwe tabweey me aweweey me atotoowow ammataf. Ebwe ghol fengál bwángiir mwiisch me jaar angaang, reel fitighoghol allégh, me mwóghútúl llól bwulasiyo. Rebwe affata bwángil ngáli SZB igha ebwe fil “Virtually”, mmwal igha weleffatal, ngáre schagh amweyút re tabweey mwiisch ighila re fili iye, faal CNMI’s Open Meetings Act, 1 CMC Talil 9901, et seq. Schééschéél escháy me ngáre fitimal membroot mwiisch ye emmwel rebwe rongorong sáangi tilifoon, fengál me speaker phone llól leliyel mwiisch. Allégh kkaal ekke apasa ghatchúl mwiisch me atotoowow tittingór kkaal bwelle alillisiir toulap.

Allégh kkaal nge mmwal Alléghúl SZB’s. Milleel nge e ayoora allégh kka peigh 100 mwete ngáli Peigh 1000. Sóghúl Tálil kka aa aisis ghatch, me esáál yoor kkapasal ighila.

ALLÉGH ME AWEEWE KKA E FIL FENGÁL: Eyoor milikka e independent, nge e ghil fengál, kkapasal igha ebwe akakaté allégh kkaal.

1. Allégh kkaal ekke bwáári international administrative ngáliir mwiisch, reel umwumul schooy angaang me mwoghutul bwelle ffeerul aweweé kkaal.
2. Allégh kkaal nge ebwe ayoora bwulasiyool mwiisch iye ebweló Coastal Resources Management Office, 2nd floor Morgan Building, San Jose, Seipel, mille yaal arongorong sefál.
3. Allégh kkaal nge ebwe ayoora ótol jaar mwiisch schu nge ebwe ótol mmwal weipes llól maram ye otol 6: 00 leefááf.

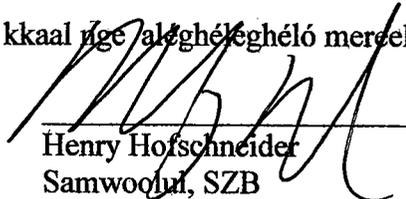
4. Allégh kkaal e ayoora mwóghutuur mwiisch reel rebwe ayoora ótol mwiisch igha escháy me ngáre akkáscháy membro rese ipighil lo. E ghi welepakk milleel bwelle weires kka emmwel ebwe ghulaar ótol fáarághiiir membro kkaal, me weiresil ótol raal nggów. Allégh yeel nge emmwel ebwe tepengi esscháy me ngáre fitimal membro kka rebwe faffailong reel mwiisch reel iya igha ebwe lo iye. Fasúl féfféer sáangi falúw tóttómwógh kkaal.
5. Allégh kkaal nge eyoorátá mwóghut kkaal igha ebwe alúghúlúghúw CNMI Open Meeting Act reel ebwe ffat bwe inaa mwo iyo meleir membro mellól toulap emmwel ebwe tabweey mwiischil SZB me rongorong me amweri fischiy meeta mwiischiiir SZB rebwe rongorong me wooriiló, kkapasal allégh igha ebwe akkayúúló mwo reel executive session me akkáaw allégh kka ebwe fisch bwelle amwólómwólul me propriety material. Ngáre escháy me fitimal membroot mwiisch rekke tittillap mellól tilifoon, aramas ye ebwe toolong nge rebwe atoolongow tilifoon me ebwe rongorong sáangi speaker phone mellól kwóoto. Ngáre mwiisch e toowow mellól internet, schóókka relo nge ebwe yoor yaar access ngáli computer bwe rebwe weri me rongorong meeta membroot mwiisch re weri me rongorong.
6. Allégh kkaal nge re ayoorallong bwelle computer access igha ebwe computerized mwiisch ikka re ayoora nge e lálááy otol. Milikkaal nge e weewe fengál schagh computer bulletin boards – escháy aramas e isisilong yaal ammataf, escháy ebwe appalawal sefál, eyoor igha e fitiralló fitiwowuló oora, me mweteló mmwal, ngare schagh text-based e ffatelo yaal tittilo.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal nge ebwe akkatééló llól Commonwealth Register mellól Tálil pomwol yeel me fillóól allégh kka e ffe 1 CMC Talil 9102 (a)(1) me arong nge ebwe ammweló igha e fil iye mellól civic center me mellól local government offices llól alongal senatorial district, ii me ruwoow llól Amerikkónu me Remeraalis/Rafalúwasch. (1 CMC Talil 9104(a)(a))

Atotoolongol Aghiyegh: Amwetaaló me ngáre afanga yóómw mángemáng ngáli Assamwool Hofschneider, Attn: SZB Regs, Box 10007, Capito Hill, Seipel MP 96950 me ngáre reel 670.664.8315 me email reel SZBchair@mail.com fengál me óutol róóza ye “Saipan Zoning Board regs”. Mángemáng nge ebwe atotoolong ótol eliigh (30) raalil mwiril schagh yaal ammataf yeel akkatéélong llól Commonwealth Register. Atotoolong yóómw data, ghuleyómw me ngáre maffiyómw. 9 1 CMC Tálil 9104(a)(2))

Pomwol allégh kkaal nge alléghéleghélo merceel SZB ótol Sarobwel 6, 2005 me

Isaliyallong:


Henry Hofschneider
Samwoolul, SZB

Nov. 22, '05
Rál

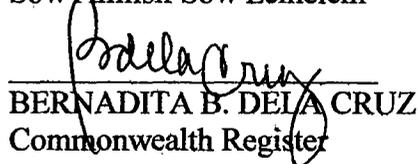
Mwir sáangi:



THOMAS A. TEBUTEB
Sów Alillisil Sów Lemelem

Rál

Ammwel sáangi:



BERNADITA B. DELA CRUZ
Commonwealth Register

Rál

11/23/05

Sáangi allégh ye 1 CMC Tálil 2153 (e) (Alúghúlúghúl allégh kkaal mereel Sów Bwungúl Allégh Lapalap igha ebwe schééschéél akkatééló me 1 CMC Tálil 9104(a)(3) (bwughi alughulughul AG) pomwol allegh kka e appasch ikka raa takkal amweri fischiy me aléghéléghéló mereel CNMI Sów Bwungúl Allégh Lapalap me ebwe akkatéél llól (1 CMC Tálil 2153(f) (akkatéél allégh kkaal me ammwelil)).

Rállil ye _____ llól _____, 2005

PAMELA S. BROWN
Sów Bwungúl Allégh Lapalap

**NOTICE AND CERTIFICATION OF ADOPTION OF THE
REGULATIONS IMPLEMENTING P.L. 11-66 (3 CMC § 4701 *et seq.*).**

I, Pamela Brown, Attorney General, who promulgated Regulations Implementing P.L. 11-66 (3 CMC § 4701 *et seq.*), published in the Commonwealth Register, Volume 27, Number 08, September 22, 2005, at pages 24854 to 24867, by signing below hereby certify that as published such Regulations are a true, complete and correct copy of the Regulations previously proposed which, after the expiration of the time for public comment, have been finally adopted without modification. I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

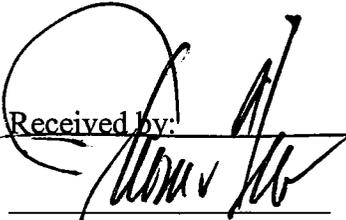
I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 17th day of November 2005 in Saipan, Commonwealth of the Northern Mariana Islands.


Pamela Brown
Attorney General

Filed By:

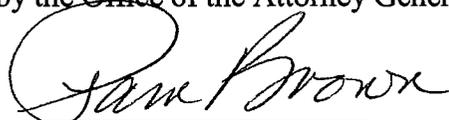

Bernadita B. Dela Cruz
Commonwealth Registrar
Date: 11/18/05

Received by:


Thomas A. Tebuteb
Special Assistant for Administration
Date: _____

Pursuant to 1 CMC § 2153, as amended, the above certification has been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated: 11/14/05


Pamela Brown
Attorney General

**NOTICE AND CERTIFICATION OF ADOPTION OF THE
REGULATIONS REGARDING HUMANITARIAN AID FOR
ABANDONED, UNEMPLOYED ALIENS**

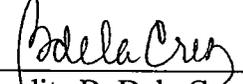
I, Pamela Brown, Attorney General, who promulgated Regulations for Humanitarian Aid for Abandoned, Unemployed Aliens, published in the Commonwealth Register, Volume 27, Number 08, September 22, 2005, at pages 24852 to 24853, by signing below hereby certify that as published such Regulations are a true, complete and correct copy of the Regulations previously proposed which, after the expiration of the time for public comment, have been finally adopted without modification. I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

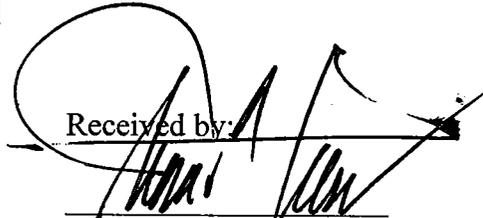
I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 14th day of November 2005 in Saipan, Commonwealth of the Northern Mariana Islands.



Pamela Brown
Attorney General

Filed By:


Bernadita B. Dela Cruz
Commonwealth Registrar
Date: 11/18/05

Received by: 

Thomas A. Tebuteb
Special Assistant for Administration
Date: _____

Pursuant to 1 CMC § 2153, as amended, the above certification has been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated: 11/14/05



Pamela Brown
Attorney General



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

Civil Division

Tel: (670) 664-2341
Fax: (670) 664-2349

Immigration Division

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

Criminal Division

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

ATTORNEY GENERAL LEGAL OPINION No. 05-16

To: Jerry P. Crisostomo, Special Assistant for Homeland Security
CC: Fermin Atalig, Secretary of Finance
From: Pamela Brown, Attorney General
Via: Arin Greenwood, Assistant Attorney General
Re: Office of Homeland Security Funds Reverting To The General Fund

Dear Mr. Crisostomo,

This letter responds to your request for a legal opinion on the question of whether the Office of Homeland Security's funds should be withdrawn and revert to the General Fund at the end of the Fiscal Year.

Short Answer

The Office of Homeland Security's funds should not be withdrawn and revert into the General Fund at the end of the Fiscal Year.

Analysis

Public Law 14-63 establishes the Office of Homeland Security. Section 5 of this Act deals with Funding and Compensation. Pursuant to Section 5(d), "The Office of Homeland Security shall be funded from the indirect cost¹ received by the Department of Finance for administering all federal grants designated by the Office of Homeland Security. All federal grants relating or pertaining to Homeland Security received by the government agencies, including autonomous agencies, shall be assessed the authorized indirect cost charge to fund personnel and operational cost of the Office of Homeland Security. The Director of Finance shall establish an account for the Office of Homeland Security for this purpose."

Pursuant to 1 CMC §7708(a) and (b), "... [n]o funds appropriated pursuant to annual appropriation acts, or by special appropriations acts shall be obligated or expended after the end of the fiscal year for which it is

¹ Indirect costs are costs that cannot be identified with a particular project or grant – they include salaries, administrative expenses, office expenses, and other miscellaneous costs associated with administering an agency. See, e.g., *Nevada Power Co. v. Watt*, 515 F.Supp. 307 (D.C. Utah, 1981).

appropriated . . . [T]he unobligated balance of any expired appropriation shall be withdrawn and revert to the General Fund at the end of a 120 day period immediately following the date of such expiration.” (emphasis added.)

1 CMC §7103 defines “Appropriation” as follows: “‘Appropriation’ means an act of the legislature that allows Commonwealth agencies to incur obligations and make payments from the Treasury for specified purposes. An appropriation is the most common means of providing budgetary authority.”

As an initial matter, it is unclear if the Legislature “appropriates” the indirect costs used to finance the Office of Homeland Security, since the money comes entirely from federal funds provided by the Department of Homeland Security, and the Department of Homeland Security must approve any and all uses of these monies, including incidental costs. The Commonwealth Supreme Court has not addressed this issue, and no other legal or court opinions on this topic were found.

In any case, the question may be obviated here, as the Department of Homeland Security has made clear that the monies it provides to the Office of Homeland Security may not be withdrawn and reverted to the General Fund.

The Office of the Attorney General contacted two parties – Robert Schrack of the Department of Finance, and William Powers, a Preparedness Officer for the Department of Homeland Security – to determine their positions on the issue of whether Office of Homeland Security funds should be withdrawn and revert to the General Fund at the end of the Fiscal Year.

During phone calls made on November 1, 2005, and November 2, 2005, Robert Schrack of the Department of Finance informed Assistant Attorney General Arin Greenwood that the Department of Finance believes that 1 CMC §7708 applies to every agency and government office unless the Legislature has specifically exempted that agency or government office from having its funds withdrawn and reverted to the General Fund at the end of the Fiscal Year. Mr. Schrack said that for the funds to remain in the Office of Homeland Security’s account past the end of the Fiscal Year, the Legislature would have to insert language into the statute creating the Office of Homeland Security saying that ‘The appropriation is not subject to Fiscal Year limitations.’

Because the Legislature did not specifically exempt the Office of Homeland Security from having its funds be withdrawn and revert pursuant 1 CMC §7708, at the end of the Fiscal Year, the Office of Homeland Security’s unobligated funds were withdrawn from its dedicated account and reverted to the General Fund.

The Department of Homeland Security – which provides the money to the Office of Homeland Security - was asked whether DHS has any position on whether the Office of Homeland Security’s funds should lapse at the end of the Fiscal Year.

On November 3, 2005, Alan Fisher, Senior Attorney at the Department of Homeland Security’s Office of General Counsel wrote in an email² that: “When they [the Office of Homeland Security] accepted the grant, they accepted our time frames. If they can’t spend it within our time frames and don’t get an exemption, it comes back to us. Under no circumstances will it ever go into their general fund.”

William Powers, a Preparedness Officer for the Department of Homeland Security, further also wrote in that email: “DHS grant monies, awarded with the timelines of the specific year program guidance, supersede local

² The November 3, 2005 email is attached to this legal opinion.

fiscal policies. If the funds are not obligated within the limit of the program guidance the grantee may seek extensions or de-obligate those funds back to DHS/ODP.”

As provider of the Office of Homeland Security’s monies, the Department of Homeland Security’s proscription against the Office of Homeland Security’s funds reverting to the General Fund takes precedent over the Department of Finance’s position that unless the Legislature specifies otherwise, all funds – including indirect costs – revert to the General Funds. Therefore, the Office of Homeland Security’s funds should not be withdrawn and lapse at the end of the Fiscal Year.

A handwritten signature in black ink, appearing to read "Pamela Brown", written over a horizontal line.

Pamela Brown
Attorney General