COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN MARIANA ISLANDS

VOLUME 17 NUMBER 01



JANUARY 15, 1995

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER VOLUME 17 NUMBER 01 JANUARY 15, 1995

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FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor

TROPICAL STORM BOBBIE (39W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

DATE: 12/22/94

EMERGENCY DECLARATION NO. 22-94

DECEMBER 22, 1994; and

Execution of the Commonwealth of the Northern SUBJECT:

Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands declared readiness TROPICAL STORM CONDITION II for the islands of SAIPAN, TINIAN and ROTA effective 7:00 P.M.,

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration puts into execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be executed, effective 7:00 P.M., DECEMBER 22, 1994, on the islands of SAIPAN, TINIAN and ROTA, continuing so long as required by the emergency situation.

JÆSUS C. BORJA

Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor

TROPICAL STORM BOBBIE (39W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5

Fax: (670) 322-5102

EMERGENCY DECLARATION NO. 23-94

DATE: 12/23/94

SUBJECT:

Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has UPGRADED TROPICAL STORM CONDITION II to TROPICAL STORM CONDITION I for the islands of SAIPAN and TINIAN, effective 1:30 A.M., DECEMBER 23, 1994; and

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration maintains in execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be maintained in execution, effective 1:30 A.M., DECEMBER 23, 1994, on the islands of SAIPAN and TINIAN continuing so long as required by the emergency situation.

JESUS C. BORJA / Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO

JESUS C. BORJA Lt. Governor

TROPICAL STORM BOBBIE (39W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

EMERGENCY DECLARATION NO. 24-94 DATE: 12/23/94

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has DOWNGRADED TROPICAL STORM CONDITION II to TROPICAL STORM CONDITION III for the island of ROTA effective 9:30 A.M., DECEMBER 23, 1994; and

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration maintains in execution the operational portions of the Plan:

NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be maintained in execution, effective 9:30 A.M., DECEMBER 23, 1994, on the islands of ROTA continuing so long as required by the emergency situation.

JESUS C. BORJA

Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

TROPICAL STORM BOBBIE (39W)

EMERGENCY DECLARATION	N NO2	25-94	DATE:	12/23/94
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SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has declared an "ALL CLEAR CONDITION" for the island of ROTA effective 1:30 P.M., DECEMBER 23, 1994; and WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration terminates the operational portions of the Plan; NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 1:30 P.M., DECEMER 23, 1994, on the island of ROTA.

JESUS C. BORJA

Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor TROPICAL STORM BOBBIE (39W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

EMERGENCY DECLARATION NO. 26-94 DATE: 12/23/94

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has **DOWNGRADED TROPICAL STORM CONDITION I** to **TROPICAL STORM CONDITION II** for the islands of **SAIPAN** and **TINIAN**, effective 1:30 P.M., **DECEMBER 23**, 1994; and

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration maintains in execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be maintained in execution, effective 1:30 P.M., DECEMBER 23, 1994, on the islands of SAIPAN and TINIAN continuing so long as required by the emergency situation.

JESUS C. BORJA

Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor

TROPICAL STORM BOBBIE (39W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

EMERGENCY DECLARATION NO. 27-94

DATE: 12/23/94

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has DOWNGRADED TROPICAL STORM CONDITION II to TROPICAL STORM CONDITION III for the islands of SAIPAN and TINIAN, effective 6:30 P.M., DECEMBER 23, 1994; and

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration maintains in execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be maintained in execution, effective 6:30 P.M., DECEMBER 23, 1994, on the islands of SAIPAN and TINIAN continuing so long as required by the emergency situation.

JESUS C. BORJA

Acting Governor

Commonwealth of the Northern



FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

TROPICAL STORM BOBBIE (39W)

EMERGENCY DECLARA	TION NO	28-94	DATE:	12/24/9	4
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SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Acting Governor of the Commonwealth of the Northern Mariana Islands has declared an "ALL CLEAR CONDITION" for the islands of SAIPAN and TINIAN effective 1:00 A.M., DECEMBER 24, 1994; and

WHEREAS, in accordance with the provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration terminates the operational portions of the Plan; NOW, THEREFORE, pursuant to the executive powers vested in the Acting Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 1:00 A.M., DECEMBER 24, 1994, on the island of SAIPAN and TINIAN.

ESUS C. BORJA

Acting Governor

Commonwealth of the Northern

PUBLIC NOTICE

NOTICE OF EMERGENCY AND ADOPTION OF REGULATIONS GOVERNING INTERMENTS AND DEAD BODIES

DEPARTMENT OF PUBLIC HEALTH

Emergency: The Secretary of the Department of Public Health finds that pursuant to Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC §2605(f), the public interest requires the adoption, on an emergency basis, of the regulations governing interments and dead bodies. The Secretary of Public Health further finds that it is in the interest of the public that the regulations governing interments and dead bodies become effective immediately upon concurrence by the Governor and filing with the Registrar of Corporations, and shall remain effective for a period of 120 days.

Reason for the Emergency: From time to time, the bodies of deceased individuals are abandoned in the morgue of the Commonwealth Health Center. In these instances, the Department of Public Health expends significant time and effort attempting to locate family and/or friends who will claim the body and remove it from the morgue for proper burial. If the Department of Public Health is unsuccessful in locating persons to claim the body, it must assume responsibility for removal and burial of the body. Presently, the body of a deceased individual has remained in the morgue for over six weeks. Because of the injuries sustained by the individual which precipitated death, the body is decomposing rapidly. Efforts by the Department of Public Health to locate relatives and friends have been unsuccessful. By adopting the regulations governing interments and dead bodies on an emergency basis, the Department of Public Health will be able to promptly remove the body from the morgue and provide a proper burial for the individual.

<u>Contents</u>: Attached to this Notice of Emergency are the regulations governing interments and dead bodies.

Public Comments: In adopting these regulations governing interments and dead bodies, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedures Act, specifically 1 CMC §9104. Copies of the proposed regulations governing interments and dead bodies 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 regulations governing interments and dead bodies may be sent to the Secretary of the Department of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.

<u>Authority</u>: The Department of Public Health is authorized to implement these regulations governing interments and dead bodies pursuant to 1 CMC §2605(f).

Certified By:

DR. ISAMU\J. ABRAHAM

Secretary

Department of Public Health

Certified By:

FROILAN C. TENORIO

Governdr

Date of Filing:

SOLEDAD B. SASAMOTO Registrar of Corporations

Date

Date

REGULATIONS GOVERNING INTERMENTS AND DEAD BODIES

DEPARTMENT OF PUBLIC HEALTH COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Authority

The Department of Public Health is authorized to implement these regulations governing interments and dead bodies pursuant to 1 CMC §2605(f).

Bodies Abandoned in the Commonwealth Health Center Morgue

- 1. Upon the death of an individual who is a patient at the Commonwealth Health Center, Commonwealth Health Center staff will attempt to locate family members or friends to advise them about the death, and to request that they take possession of the body.
- 2. If Commonwealth Health Center staff are unable to locate the decedent's family members or friends within the period of two weeks, the Commonwealth Health Center shall place a public notice in a newspaper of general circulation announcing the person's death, and that the body is being held at the Commonwealth Health Center morgue.
- 3. If, after one week following the announcement in the newspaper, the body remains unclaimed, the Department of Public Health shall have the power to supervise and conduct a burial of the patient within the CNMI.
- 4. In those instances where the Commonwealth Health Center staff have made significant efforts to locate family members and friends of the decedent, but have been unsuccessful in locating such individuals, and maintaining the remains of the patient in the Commonwealth Health Center morgue poses an immediate threat of communicable disease, the Commonwealth Health Center may dispense with the requirement of public notice, and may supervise and conduct a burial of the patient after the patient has remained unclaimed in the morgue for a period of two weeks.

BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDED POLICIES

The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain proposed policies. The amended policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policies involve the following subject area:

1. Amend. Policy

408 Graduation

408.2(a) 1) High School

408.2(a) 2) High School

408.2(a) 3) High School

2. Amend. CNMI Public School System Functional/Organizational Chart

The text of the proposed amended policies are published following this notice. Anyone interested in commenting on the policies may do so by submitting comments in writing to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

January 15) 1995

Chairman, Board of Education

Received By:

Donna Cruz/, Goy

Filed By:

Soledad B. Sasamoto

BOARD OF EDUCATION

NUTISIA POT I PROPOSISION MA'AMENDA POLICIES

I Board of Education, Commonwealth of the Northern Mariana Islands, ha emfofotma i pupbliku henenat pot i entension-ña na para u fanadapta manmapoposa na policies. I na amendasion policies u gai fuetsa taiguihi ha' i lai ni macho'gue sigun aturidat i Education Act of 1988 yan i Administrative Procedures Act.

I policies ha kukubre i sigiente na aria:

1. Amenda Policy 408 Graduation 408.2(a) 1) High

408.2(a) 1) <u>High School</u> 408.2(a) 2) <u>High School</u>

408.2(a) 3) <u>High School</u>

2. Amenda CNMI Public School System Functional/Organizational Chart

I intension i ma proposa na <u>policy</u> siempre u fan mapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas kumento pot este siha na <u>policies</u>, siña ha tuge' papa' ya u sabmiti halom gi <u>Chairperson</u>, <u>Board of Education</u>, P.O. Box 1370 CK, Saipan, MP 96950 gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi <u>Commonwealth</u> Register.

Ineru 15, 1995

Chairman, Board of Education

Received By

Donna Cruz,

Filed By:

Soledad B. Sasamoto

BOARD OF EDUCATION

ARONGORONG REEL FFEERUL ALLEGH

Schóól <u>Board of Education</u>, mellól <u>Commonwealth of the Northern Mariana Islands</u>, rekke arongaar towlap reel mángemángiir igha rebwe adaptáálil allégh kka e efféétá. E pwal yoor bwángil me allégh kka re bwal féérú sángi bwángil me ailééwal <u>Education Act of 1988</u> me <u>Administrative Procedures Act</u>.

Llól allégh kkaal nge e bwal toolong ffél kka faal:

1. Liiwelil Policy 408 Graduation

408.2(a) 1) High School

408.2(a) 2) <u>High School</u>

408.2(a) 3) <u>High School</u>

2. Liiwelil CNMI Public School System Functional/Organizational Chart

Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli <u>Chairperson</u>, <u>Board of Education</u>, <u>P.O. Box 1370 CK</u>, <u>Saipan</u>, <u>MP 96950</u>. Llól eliigh rál sángi igha e toowow arongorong yeel llól <u>Commonwealth Register</u>.

Ineru 15, 1995

Chairman, Board of Education

lyo E Risibiiy:

Donna Cruz,

Iyo E File-li:

Soledad B. Sasamoto

POLICY 408 GRADUATION

408.2(a) High School (effective date: School Year 1995-96)

1) PSS Highest Achievers' Award

This awards goes to the Valedictorian and the Salutatorian who meet the following criteria:

- 1. Student enrolled in the same high school for 4 years. must be enrolled for 3 complete school years in any chartered high school in the CNMI.
- II. Student achieved high grade point averages in all the required courses for graduation as computed in percentages.
- III. Student never took a remedial course or repeated a course.

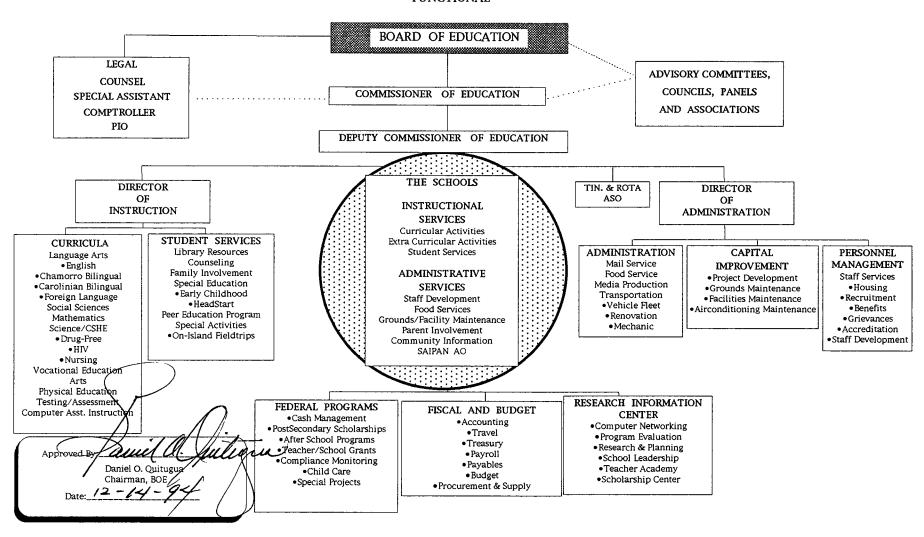
The PSS Highest Achievers' Award recipients shall deliver the valedictory and salutatory speeches. The Valedictorian shall receive the Board of Education award and the Salutatorian shall receive the Commissioner's Award.

2) These 10 awards include the two PSS Highest Achievers and the next 8 students with the highest grade point averages as computed in percentage and who—meet—the required 4 years attendance in the respective high school. have attended for 3 years at any chartered high school in the CNMI requirement. Students who are in the ten never took remedial courses or repeated any course.

3) Honorable Mention

Students who maintained high grade point averages but have not met the school attendance requirement of 4 3 years shall be accorded honorable mention during the graduation ceremony and awards may be presented as appropriate.

PUBLIC SCHOOL SYSTEM FUNCTIONAL



FUNCTIONAL CHART DELINEATION of DUTIES

Board of Education

- * 5 voting members elected at large on a non-partisan basis to serve 4 years
- * 3 Governor appointed non-voting ex-officio members to serve 4 years, except for the student representative.

Duties Include the Power to:

- * formulate policies and exercise control over the Public School System through the Commissioner of Education
- * establish and revise as necessary the rules, regulations, and policies for the operation of the Public School System, including policies relating to the appointment, promotion, and removal of all PSS staff; to health and welfare benefits; to financial affairs and to budgeting
- * approve and establish curricula and course of instruction and administration policies of the Public School System, including special projects and federally funded programs

(for information on additional powers, functions, and duties, please refer to Section 1522 Board of Education Policy Manual)

Commissioner of Education Serves at the pleasure of the Board of Education

Expenditure Authority Approving authority for purchase orders not to exceed \$100,000

Functions

- * is the executive officer of the Board of Education with power to initiate and recommend policies to the Board for its consideration and approval
- * shall manage all of the affairs of the schools with the assistance of staff, using as the basis, the policies adopted and authorizations approved by the Board
- * directly responsible to the Board of Education but all other PSS employees except for Board staff, comptroller, and PIO are responsible to the Commissioner
- * Shall be responsible for the appointment of all PSS personnel except Board staff. Concurrence of the Board required for Deputy, and Directors.
- * all instructions from the Board shall go to the Commissioner who shall be the directing center to the PSS
- * in cases of an emergency in administrative matters not suitably covered by any policy of the Board, the Commissioner may act and report such action in the most expeditious manner
- * may delegate to other employees of PSS, the exercise of any powers and the discharge of any duties imposed upon the Commissioner by these policies or by vote of the Board unless limited by the Board in specific instances the delegation or power of duty however shall not relieve the Commissioner of final responsibility for the action taken under such delegation

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- * implements of Board of Education policies
- * shall recommend to the Board of Education objectives, program plans, functional, and personnel organizations, policies, budgets, and capital improvement plans
- * develops and recommends for approval of the Board, a comprehensive accountability program for all phases of the Public School System
- * presents concise reports periodically at Board meetings covering, but not limited to, the following:
 - (a) Public School System objectives, plans, and progress toward them
 - (b) major program developments, accomplishments and problems
 - (c) enrollment development, class size, teacher-pupil ratios and projected enrollments.
 - (d) personnel development and staffing assignments
 - (e) budget status, current fiscal year and plans for the next fiscal year
 - (f) major accomplishments and problems
 - (g) outlook for the future
- * makes presentations for action by the Board. Such presentations should include:
 - (a) alternative recommendations a concise statement of the action proposed
 - (b) need for the action including a concise statement of all information, pro and con
 - (c) educational implication
 - (d) personnel implications
 - (e) facilities implications
 - (f) financial implications
- * works with the Chairman of the Board and the Special Assistant to the Board in formulating the agenda for Board meetings
- * plans and develops short and long range programs within the budgetary requirements, facilities needs, and transportation requirements
- * plans and develops administrative and instructional programs
- * providing leadership in the development of positive and creative personnel relationships
- * developing and maintaining a positive communication system among employees
- * provides resources for the effective work of the Board of Education
- * maintains liaison on behalf of the Public School System with the Commonwealth legislature, the Governor, various Commonwealth departments, agencies, and the people of the Commonwealth
- * keeps the Board of Education informed of significant developments

Deputy Commissioner of Education Reports to the Commissioner of Education

The Deputy Commissioner of Education is the first line supervisor of PSS and serves as the Acting Commissioner in the absence of the Commissioner of Education.

In the absence of the Deputy Commissioner of Education, the Director of Administration will be delegated the authority to act in the capacity of the Deputy Commissioner of Education. In the absence of the Director of Administration, the Director of Instruction will be delegated the authority to act in the capacity of the Deputy Commissioner of Education.

Expenditure Authority Approving authority for purchase orders not to exceed \$10,000

Duties

- * oversees financial allotments to the schools including non-public schools based on the criteria established by law or by policy
- * provides technical assistance to the Commissioner in the applicable educational programs
- * provides leadership in the area of educational administration, curriculum, and instruction
- * reviews and approves program plans, budgetary presentations, staffing, CIP, and other administrative functions and instructional programs of PSS
- * coordinates the development of research and statistical information regarding PSS
- * coordinates the development of grant proposals and the implementation of grant awards
- * oversees procurement of needed supplies and instructional materials
- * implements short and long range plans of the Board and the Commissioner

Director of Administration Reports to the Deputy Commissioner of Education

In the absence of the Director of Administration, the Deputy Commissioner of Education will recommend any supervisory staff within the Administration Division to act in the capacity of the Director of Administration.

Expenditure Authority
Approving authority for orders not to exceed \$6,000

- * oversees the timely processing of all personnel and fiscal documents
- * coordinates recruitment and staff development activities
- * oversees adequate and safe transportation of students
- * oversees the maintenance and repairs of all PSS transportation vehicles
- * supervises CIP, maintenance and security of PSS facilities, and equipment
- * supervises food services to schools, both public and non-public
- * coordinates with Civil Defense in times of emergency
- * supervises mail service and media production

Director of Instruction
Reports to the Deputy Commissioner of Education

In the absence of the Director of Instruction, the Deputy Commissioner of Education will delegate any supervisory staff within the Instructional Division to act in the capacity of the Director of Instruction.

Expenditure Authority
Approving authority for purchase orders not to exceed \$6,000

Duties

- * coordinates the development of instructional programs and curriculum
- * provides assistance to the schools for teacher observations, curriculum implementation, and selection of appropriate instructional materials
- * provides assistance in the supervision and training of newly adopted instructional materials
- * coordinates information gathering reflecting the effectiveness of adopted curriculum and instructional programs
- * coordinates the administration and interpretation of results for all standardized and curriculum based assessments
- * oversees the development and coordination of core curricula
- * oversees the development and coordination of student services programs
- * oversees the development and implementation of programs and disciplines

Administration Program Managers

Reports to the Director of Administration. In the absence of the Program Manager, the respective program activities are referred to the Director of Administration.

Duties

* perform as provided in the Job Description and as assigned by the Director of Administration

Instruction Program Managers

Report to the Director of Instruction. In the absence of the Program Manager, the respective activities are referred to the Director of Instruction.

- * coordinate the development of instructional programs and curriculum
- * provides assistance to the schools for teacher observations, curriculum implementation, and selection of appropriate instructional materials
- * provide assistance in the supervision and training of newly adopted instructional materials
- * oversee the development and coordination of core curricula
- * oversee the development and coordination of student services programs
- * oversee the development and implementation of programs and disciplines

Principals

Report to the Deputy Commissioner of Education

In the absence of the Principal, the Principal, will appoint the Vice Principal or the Vice Principal for Administration to act in the capacity of the Principal.

Expenditure Authority

Approving authority for purchase orders not to exceed \$2,500

Duties

- * oversee the day to day operation of the school
- * coordinate the procurement of needed supplies and instructional materials for the school
- * recommend hiring of staff for the school
- * conduct classroom observations and evaluate the performance of school staff
- * provide administrative and instructional leadership to school staff
- * plans, conducts, and or coordinates training of school staff
- * plan and direct the most effective and efficient utilization of staff and physical plant to maximize student benefits
- * prepare proposed school budget plan for submission to the Deputy Commissioner of Education
- *-coordinate the administration of the breakfast and lunch program at school level
- * coordinate the maintenance of school grounds, facilities, and equipment
- * keep an account for all funds expenditure for the school

Administrative Services Officers for Rota and Tinian Report to the Director of Administration

In the absence of the Administrative Services Officer, the Administrative Services Officer will recommend the next supervisor in line to act in the capacity of the Administrative Services Officer.

- * coordinate with the school principals adequate and safe transportation of students
- * coordinate with the school principals the maintenance and repairs of school transportation vehicles
- * coordinate with the school principals Capital Improvement Projects and maintenance and security of school grounds, facilities, and equipment
- * coordinate with the school principals food services to schools both public and non-public
- * recommend hiring of Administrative Services Office staff
- * coordinate with the school principals and Civil Defense in times of emergency
- * Supervises employees assigned to the office

Finance & Budget Officer
Reports to the Deputy Commissioner of Education

In the absence of the Finance & Budget Officer, the Deputy Commissioner of Education will delegate any supervisory staff within the F & B office to act in the capacity of the Finance & Budget Officer.

Duties

- * Plans, organizes, controls, supervises and directs the overall requirements of the Public School System.
- * Provides guidance and direction to all staff within the Finance & Budget Office.
- * Plans and executes program development to facilitate and coordinate the financial activities of the Public School System.
- * Formulates financial policies, standards and techniques, directives relative to the overall financial activities of the Public School System.
- * determines and submits realistic annual budget for the Public School System.
- * Insures that all moneys due to the Public School System are collected in a timely manner and deposited in the PSS bank accounts such as:
 - a. CIP funding are collected from CDA in a timely manner.
 - b. All federal grants are properly billed and drawdown and deposited accordingly.
 - C. All claims against the PSS are closely scrutinized to assure validity and propriety of settlement.
- * Performs other duties as assigned.

Federal Programs Coordinator Reports to the Deputy Commissioner of Education

In the absence of the Federal Programs Coordinator, the Deputy Commissioner of Education will delegate any supervisory staff within the Federal Programs office to act in the capacity of the Federal Programs Coordinator.

Duties '

- * Maintains familiarity with all current Federal and Territorial Education Programs and the laws applicable to the Commonwealth.
- * Provides guidance to all education elements through communications with the Attorney General's Office on interpretation of Federal Grants Laws, and their implementation.
- * Reviews all (State Territorial) plans for grant programs for conformity with regulations.
- * Reviews program content of all project proposals before submission for Federal approval.
- * Oversees the compiling of all Federal programmatic reports. Supervises the preparing of plans and project submissions.
- * Provides for allocation distribution of grant funds.
- * Coordinates and supervises all fiscal record keeping and reconciliation with PSS Fiscal Office.
- * Acts as the contact person between the PSS, the U.S. Department of Education and Extra-State Jurisdiction component of the Council of Chief State School Officer.

Research Information Officer Reports to the Deputy Commissioner of Education

In the absence of the Research Information Officer, the Deputy Commissioner of Education will delegate any supervisory staff within the RIC office to act in the capacity of the Research Information Officer.

- * Plans, coordinates and directs overall planning, research, coordination and information management of the program by developing and formulating divisional policies and objectives.
- * Designs and implements a system for use in conducting study assessment of educational needs.
- * Produces decisional and supportive analysis for perusal of the Commissioner of Education, Deputy Commissioner, Directors and the Program Managers.
- * Provides technical assistance and services in program research, evaluation, development and implementation.
- * Establishes liaison procedures to facilitate information collection and communication between Central Office and Schools in Saipan, Tinian and Rota.
- * Prepares and reports to Congressional and other official information inquires as requested.
- * Evaluates the work performance of subordinates.
- * Performs other duties as assigned.

Comptroller
Reports to the Board of Education.

In the absence of the Comptroller, the Board of Education Chairman will delegate any supervisory staff within the F & B office to act in the capacity of the Comptroller.

- * Establishes and maintains a system of internal administrative controls and a computerized accounting system that conforms to the Governmental Accounting, Auditing and Financial Reporting (GAAFR) Statement.
- * Implements and maintains internal accounting control that safeguard assets and ensure the accuracy and reliability of the financial records.
- * Utilizes the accounting staff in reporting financial information.
- * Supervises the preparation and representation of financial statements that conforms to Generally Accepted Accounting Principal.
- * Supervises the creation of customized reports including financial projections forecasting expenditures for both federal and local accounts.
- * Establishes an interactive budgeting process.
- * Assists external auditor to reduce costs and improve the system of internal controls and coordinates the response to all audit issues. Prepares monthly cash flow analysis and conducts variance analysis on payroll on a bi-weekly basis, reviews selected system and makes recommendation on the effective and efficient use of resources and ways to reduce operating costs and increases revenues.
- * Complies with established policies, procedures and applicable laws. Ensures accomplishments of objectives.
- * Furnishes management with analysis, recommendations and pertinent comments concerning areas reviewed.
- * Performs other related duties as assigned.

Special Assistant, BOE Reports to the Board of Education.

In the absence of the Special Assistant, the Board of Education Chairman will delegate any supervisory staff within the BOE office to act in the capacity of the Special Assistant.

Duties

- * Conducts research on specialized issue and compiles data and information for review and consideration by the Board.
- * Assists the Board, Commissioner and the Legal Counsel in the preparation of legislative documents, policies, procedures and regulation.
- * Prepares highly technical documents such as position statements, policies, proposed legislation, correspondence and reports as directed by the Chairman of the Board of Education.
- * Carries out administrative duties of the Board of Education as assigned.
- * Reviews and finalizes the minutes of the BOE conferences prepared by the Administrative Officer.
- * Assists in carrying out the Board responsibilities with National Board of Education organizations and other similar groups.
- * Assists in writing press releases pertaining to the Board of Education's activities.
- *-Assists the Board Chairman for the planning and coordination of conference schedules and agendas.
- * Performs other related duties as assigned.

Legal Counsel

Reports to the Board of Education.

- * Prepares drafts of Public School System's policies and procedures for the Board's approval.
- * Represents the Board in all legal matters involving Public School System.
- * Represents the Board of Education and the PSS involving other government and private agencies.
- * Drafts legislation pertaining to PSS for the Board's review.
- * Writes and issues legal opinions on matters affecting the Public School System.
- * Writes legal documents for the Public School System and the Board. Writes testimony on legislation affecting the PSS and the Board.
- * Conducts research relative to legal matters affecting the Public School System and the Board of Education.
- * Performs other related duties as assigned by the Board Chairman and the Commissioner of Education.

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247 **SAIPAN, MP 96950** PHONE: (670) 234-7228 FAX: (670) 234-9624

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS OF THE NMI RETIREMENT FUND

The Board of Trustees, pursuant to 1 CMC 8315(f) and the Administrative Procedure Act, 1 CMC 9101, et. seq., hereby serves notice that it proposes to adopt rules and regulations for the NMI Retirement Fund in compliance with the Americans with Disabilities Act (ADA) of 1990.

Copies of the proposed rules and regulations are available at the Retirement Fund's office on the first floor of the Nauru Building, Susupe, Saipan.

The Board of Trustees urges the public to summit written recommendations regarding the proposed rules and regulations within 30 days after first publication in the Commonwealth Register to the following address:

> NMI Retirement Fund P. O. Box 1247 Saipan, MP 96950

day of January, 1995. Dated this

Dino/M. Jones Chairman

Board of Trustees

Filed by:

DONNA J. CRUZ Governor's Office

Filed by: SOLEDAD B. SASAMOTO

Registrar of Corporations

Edward H. Manglona

Administrator

NMI Retirement Fund

Date: 1/10/95

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247 SAIPAN, MP 96950 PHONE: (670) 234-7228 FAX: (670) 234-9624

NOTISIAN PUBLIKO POT I MAPROPOPONE NA TINILAIKA GI AREKLAMENTION I PROGRAMAN RETIREMENT FUND

I, Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi atoridat i lai gi 1 CMC 8315(f), yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae noticia gi publiko pot i ha propopone na tanilaika gi areklamenton i programan Retirement Fund.

Copian este na tinilaika guaha gi ofisinan i Retirement Fund nui gaige gi primet piso gi Nauru Building, Susupe, Saipan.

I Board of Trustees ha sosojo i publiko para ufan satmiti rekomendasion osino komentos pot este na tinilaika gi halom 30 dias despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo redomendasion gi sigente na address:

NMI Retirement Fund P. O. Box 1247 Saipan, MP 96950

Mafecha gi, 6th dia de Enero, 1994.

Dino M. Jones

Chairman

Board of Trustees

Filed by:

DONNA J. CRUZ Governor's Office

Filed by:

SOLEDAD B. SASAMOTO Registrar of Corporations Edward H. Manglona

Administrator

NMI Retirement Fund

Date: <u>1/10/9.5</u>

Date: 1/10/95

PROPOSED ADA GRIEVANCE PROCEDURE REGULATIONS

The Board of Trustees, Northern Mariana Islands Retirement Fund and Workers' Compensation Commission, in compliance with the Americans with Disabilities Act (ADA) of 1990 hereby proposes to promulgate and adopt these rules and regulations to satisfy any questions, concerns, and complaints not otherwise disposed by the ADA Compliance Coordinator.

PART I. GENERAL PROVISIONS

Section 1. <u>Authority</u>. Under any by virtue of the provisions of 1 CMC Section 8315(f), and the Administrative Procedure Act at 1 CMC 9101, et. seq., the Board of Trustees of the Northern Mariana Islands Retirement Fund hereby proposes to adopt these ADA rules and regulations.

Section 2. <u>Purpose</u>. The purpose of this grievance procedure is to provide a mechanism for the resolution of discrimination issues as is required by ADA.

PART II. GRIEVANCE PROCEDURE

Any person who believes that he/she is being discriminated against for reason of disability should follow the administrative grievance procedure to properly resolve the issues.

1. <u>Meeting With ADA Compliance Coordinator</u>. Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall prepare either a written, oral or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint stating why he/she believe a violation of ADA exists; or

Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall contact by phone or personally visit the ADA Compliance Coordinator for the Retirement Fund/Workers' Compensation Commission.

The ADA Compliance Coordinator shall upon receipt of the written, oral or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint of discrimination pursuant to the ADA shall investigate the grievance to make sure the policies and practices of the programs are not discriminatory. If the findings of the ADA Compliance Coordinator is consistent with the aggrieved party, the ADA Compliance Coordinator shall discuss with the Administrator the need to correct the situation.

If a resolution is not made, the ADA Coordinator shall forward such complaint to the Administrator for proper disposition.

2. <u>Appeal to the Administrator</u>. If the issue is not resolved by the ADA Compliance Coordinator, the aggrieved party may seek an audience with the Administrator of the

Retirement Fund/Workers' Compensation Commission. This can be accomplished by the ADA Coordinator preparing a request for the Administrator to entertain the issue; or the aggrieved party may contact the Administrator stating that he/she is not satisfied with the conclusion or findings of the ADA Compliance Coordinator.

Upon receipt of this notice, the Administrator shall schedule a meeting within 15 days of receipt of the notice to appeal the findings of the ADA Compliance Coordinator. The Administrator shall hear the appeal within 30 days and the findings issued within 20 working days.

3. <u>Appeal to the Board</u>. If the aggrieved party is still not satisfied with the decision of the Administrator, he/she can appeal the decision to the Board of Trustees/Workers' Compensation Commission within 30 days of receipt of the Administrator's decision, in writing, oral or through the aid of a personal assistant or a sign language interpreter.

The full Board of Trustees/Workers' Compensation Commission shall within a reasonable time hear the appeal.

4. <u>Appeal to the Court.</u> Upon receipt of the decision of the Board and the aggrieved party is not satisfied, he/she may appeal the decision to the Commonwealth Superior Court pursuant to the Administrative Procedures Act which can be found in the Commonwealth Code.

REPRESENTATION. Throughout the appeal process, the aggrieved party may be represented by an attorney licensed to practice law in the Commonwealth. Further, the aggrieved party may be accompanied by an expert or a teacher of the Sign Language for communication purposes.

ADOPTED this 29th day of December, 1994.

Dino M. Jones, Chairman

Board of Trustees and

Workers' Compensation Commission

NOTICE OF ADOPTION

BOARD OF EDUCATION POLICY

The Board of Education of the Northern Mariana Islands hereby notifies the general public that it has adopted an amended school policy pursuant to the Education Act of 1988 and the Administrative Procedures Act.

The policy adopted were published in Commonwealth Register Vol.16-No.11 (November 15, 1994) in proposed form for public comment. The policy adopted is:

1. Amend. Policy Special Education Program Regulations (Revised) 1994

Copy of the policy may be obtained from the Office of the Comissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

In accordance with 1 CMC Sec. 9105(b), the adopted policy shall take effect ten (10) days after the date of publication of this Commonwealth Register issue.

January 15, 1995

Daniel O. Suitagua Chairman, Board of Education

Received By:

Filed By:

Soledad B. Sasamoto

NUTISIA POT MA'ADAPTAN

BOARD OF EDUCATION POLICY

I Board of Education gi halom i <u>Northern Mariana Islands</u> ginen este ha nutitisia i pupbliku henenat na esta manadapta amendasion para areklamento eskuela sigun i ginaga gao i <u>Education Act of 1988</u> yan i <u>Administrative</u> Procedures Act.

I areklamento ni manma'adapta manmapupblika huyong gi <u>Commonwealth</u> <u>Register</u> Vol. 16, No. 11 (Novembre 15, 1994) gi fotman i mapropoponi para i pupbliku. Estague' i sigiente na manma'adapta na <u>policy</u> siha:

1. Amenda Policy Special Education Program Regulations (Revised) 1994

Hayi malago' siña' ha' mañule' kopian este siha na <u>policy</u> gi Ufusinan <u>Commissioner of Education</u>, <u>Public School System</u>, <u>Lower Base</u>, <u>Saipan</u>, <u>MP</u> 96950.

Sigun i fuetsan 1 CMC Sec. 9105 (b), i manma'adapta siha na <u>policy</u> u fanefektibu gi halom dies (10) dias despues di mapupblika huyong este na nutisia gi <u>Commonwealth Register</u>.

Ineru 15, 1995

Chairman, Board of Education

Received By:

Donna Craz, 100 vegnor o

Filed By:

Soledad B. Sasamoto Registrar of Corperations

ARONGORONGOL ADAPTAAL

ALLEGHUL BOARD OF EDUCATION

Schóól <u>Board of Education</u> me llól <u>Northern Marianas Islands</u> re kke aghuleey ngaliir aramas towlap bwe ra adaptálil alléghúl imwal rágháfishch kkewe re amendáli sángi <u>Education Act of 1988</u> me <u>Administrative Act</u>.

Allégh kka re adaptáálil nge aa takkal toowow llól <u>Commonwealth Register</u> Vol.16-No.11 (Novembre 15, 1994) igha re féérú reel <u>proposed form</u> bwe towlap rebwe iraalong meeta tipeer me mángemángiir.

Allégh kka re adaptáálil nge ikka faal:

1. Liiwelil Policy Special Education Program Regulations (Revised) 1994

Kkopiyaal allégh kkaal nge emmwel aramas ebwe ló bweibwogh sángi Office of the <u>Commissioner of Education</u>, <u>Public School System</u>, <u>Lower Base</u>, <u>Saipan</u>, <u>MP 96950</u>.

Reel bwángil me aileewal 1 CMC Sec. 9105 (b), nge allégh kka re adaptaalil ebwe aléghéléghéló llól seigh (10) rál sángi igha e toowow arongorong yeel mellól <u>Commonwealth Register</u>.

Inexu 15, 1995

Daniel O. Quitugua Chairman, Board of Education

Iyo E Risibiiy:

Donna Cruz// Goy⁄rnor Office

Iyo E File-li:

Soledad B. Sasamoto Registrar of Corperations

CERTIFICATION OF RULES REGARDING THE PUBLIC SCHOOL SYSTEM

ADOPTED POLICY

BOARD OF EDUCATION

I, Daniel O. Quitugua, Chairman, Board of Education, which is promulgating the rules regarding the Public School System to be published in the Commonwealth Register Adopted Board of Education policy numbers as Special Education Program Regulations (Revised) 1994, by signing below hereby certify that such Rules are a true, complete, and correct copy of the policies regarding the Public School System formally Adopted by the Board of Education. I further request and direct that this certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Policies regarding the Public School System referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration will be executed on the 15th day of January 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

Chairman / Board Education

Received By:

Donna Cruz, Governor

Filed By:

Soledad B. Sasamoto



Department of Finance

Office of the Secretary Commonwealth of the Northern Mariana Islands 祖母. 邓ox 5234 四组讯邓 Saivan. MP 96950

Cable Address Gov. NAI Saipan Bhone: 664-1100 Farsimile: 664-1115

PUBLIC NOTICE ADOPTION OF AMENDMENTS TO GROUP HEALTH INSURANCE PROGRAM REGULATIONS UNDER THE AUTHORITY OF §307(c) of E.O. 94-3 and 1 CMC §2557

The Secretary of the Department of Finance, Commonwealth of the Northern Mariana Islands (CNMI), under the authority of §307(c) of E.O. 94-3 and 1 CMC §2557, amends and revises the existing CNMI Group Health Insurance Regulations. The purposes of these amendments are to increase the hospital room and board benefits of the Group Health Insurance Program and to increase employee contribution rates so that total program costs are covered by total contributions.

The Department of Finance has received written comments on the proposed amendments which it has fully considered. In accordance with 1 CMC §9105(b), these amendments become effective on January 25, 1995, or as later determined by the Secretary of Finance.

Date: 1/12/95Date: 1/12/95Date: 1/12/95

MARIA D. CABRERA

Secretary of Finance

SOLEDAD B. SASAMOTO

Filed by: Registrar of Corporations

Filed by: OFFICE OF THE GOVERNOR



Department of Finance

Office of the Secretary Commonwealth of the Northern Mariana Islands 10 Box 5234 CHRI Saipan, MP 96950

Cable Address Gon. NAI Sainan Phone: 664-1100 Macaimile: 664-1115

NUTTSIAN PUPBLIKU MA ADAPTAN REGULASION GROUP HEALTH INSURANCE OSINO PROGRAMAN INSURANCE HINEMLO' PARA GURUPU SIGUN GI ATURIDAT §307 (c) POT E.O. 94-3 YAN 1 CMC §2557

I Sekreterian Dipatamenton Fainansiat gi halom i Commonwealth gi Sankattan siha na Islan Marianas (CNMI), sigun gi sinangan 1 CMC §9104a(1) yan (2), na ha amenda yan ribisa esta i eksisite na Regulasion Group Health Insurance osino Programan Insurance Hinemlo, para Gurupu. I minito'n este na amendasion siha pot para umana quaha hatsamienton i kuatton hospitat yan benifisiun nengkano siha pot i Group Health Insurance na Programa yan pot i hatsamienton apas kontribusion emplea'o kosa ki i tutat programa na gasto u kubre i tutat na kontribusion.

I Dipatamenton Fainansiat man risibi tinige siha na commento pot i ma propopone na amendasion siha ya esta todu man ma aksepta. Sigun ginagagao i 1 CMC §9105(b), este na amendasion siha u mama' efektibu gi Enero dia bente i sinko, mit nuebi sientos nobenta i sinko, pat despues i ditetminan i Sekretarian Fainansiat.

Fecha: 1/12/95 MARIA D. CABRERA, Secretary

Dipatamenton Fainansiat

SOLEDAD B. SASAMOTO

Filed by: Registrar of Corporations

DONNA J. CRUZ

Filed by: OFFICE OF THE GOVERNOR



Department of Finance

Office of the Secretary Commonwealth of the Northern Mariana Islands 祖母. 强ox 5234 CHR强 Saipan, MP 96950

Cable Address Gou. NAI Saivan Phone: 664-1100 Facsimile: 664-1115

ARONGORONGOL TOWLAP ADOPTION-UL LLIIWEL MELLÓL ALLEGHÚL PROGRAMAAL GROUP HEALTH INSURANCE SáNGI BWáNGIL §307 (C), E.O. 94-3 ngáli 1 CMC §2557 Sángi DIPATEMENTOOL FINANCE

Sehóól iiseh Dipatamentool Finance mellól Commonwealth of the Northern Mariana Islands (CNMI) llól authoridadá §307(c), E.O. 94-3(C) me 1 CMC §2557 ayoora lliiwel me ebwe alléghúlRegulation ka ellóllol Programaal Group Health Insurance. Propossoldadál lliiwel me alléghká ebwe atomogatai beneficial me sebesiól hospitál, we we me kwota'l ngere si ló lóól, ebwe bwal laplaa abwóssul insuranse premiem ngaliir towlap schóól ka re tolong lóól Programaal CNMI Group Health Insurance.

Dipatamentó ól Finance ra risibi fóós kka re ghal ischiitiw rel allegh kka re kke mángii me allégh ye 1 CMC §9105(b), allégh kka re siiweli nge ebwe efféétá wóól Inero 25, 1995, ngare e towow me rel sehóól iiseh Dipatementool Finance mwiril llól.

Rál: 1/12/95
Rál: 1/12/95

MARIA D. CABRERA, Secretary

naiia D Calver

Dipatamentool Finance

SOLEDAD B. SASAMOTO

Filed by: Registrar of Corporations



Department of Finance

Office of the Secretary Commonwealth of the Northern Mariana Islands PG. Box 5234 CHRB Saivan, MP 96950

Cable Address Gov. NAI Saipan Phone: 664-1100 Vacsimile: 664-1115

CERTIFICATION

I, Maria D. Cabrera, the Secretary of Finance which is promulgating the revisions to the Group Health Insurance Program as hereinabove set forth, by signature below I hereby certify that such Revisions to the Regulations are a true, complete, and correct copy of the revisions of the Regulations regarding the Group Health Insurance Program formally adopted by the Department of Finance. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 12 th day of January, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

Maria D. Cabrera Secretary of Finance

maria D Cahren

DEPARTMENT OF FINANCE

REVISIONS TO GROUP HEALTH INSURANCE PROGRAM REGULATIONS

These amendments to the current CNMI Group Health Insurance Program Regulations, published in the Commonwealth Register, Volume 16, Number 12, December 15, 1994, pages 12663 through 12670, are promulgated under the authority of §307(c) of E.O. 94-3 and 1 CMC §2557 and are intended to change the benefits for room and board and increase employee premiums in order to make the Group Health Insurance Program self-supporting. The revised language is highlighted in bold print and the amended sections shall read as set forth below.

Page 5 of "The Group Health Insurance Program" brochure, "Hospital Room and Board Expenses," "Allowable Expenses," the first indentation bullet of which establishes charges for semi-private or ward accommodations, is amended as follows:

O Charges for semi-private or ward accommodations, meals and special diets, and general nursing care. The maximum hospital room and board expenses is not to exceed \$250 per day. This does not apply to intensive care room and board expenses which will be paid up to the maximum permitted by each option.

Ppage 21 of "Group Health Insurance Program" brochure, presented as a table, "ENROLLMENT INFORMATION FOR THE CNMI GROUP HEALTH INSURANCE PROGRAM" is amended as follows:

Self only High Option	Total cost Government pays	\$27.43 _5.57
	Employee pays	\$21.86
Self and Family High Option	Total cost \$7 Government pays 1	
	Employee pays	\$57.25

Self Only Low Option	Total cost Government pays	\$17.25 3.50
	Employee pays	\$13.75
Self and Family low Option	Total cost Government pays	\$41.50 <u>8.40</u>
	Employee pays	\$33.10

PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS REPEALING AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS AND NOTICE OF INTENT TO ADOPT THE REPEAL OF THESE AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS

EMERGENCY: The agency finds that the public interest requires the repeal of the emergency consensual transfer relief regulations, upon less than thirty (30) days notice of regulations, that provides nonresident workers the opportunity to employment, upon the condition that the current employer and prospective employer agree to the terms and conditions of such transfer. Since the implementation of said regulations, over 800 cases have been submitted to the Division of Labor for processing. This has resulted in a heavy back log of cases, abuse of the system by the nonresident workers, and prejudiced local workers from applying for the positions in question. In addition, the Department has received numerous complaints by employers who have expended valuable resources in recruiting these workers. repeal of said regulations would allow the Department to stop the back log in processing of these cases, would allow local employees the opportunity to apply for the positions, and allow employers to save their economic resources.

CONTENTS: The Secretary of the Department of Labor and Immigration hereby repeals Section VI (F) (11) (b) of the Alien Labor Rules and Regulations published in the Commonwealth Register, vol. 16, no. 06 at page 12094, (June 15, 1994) effective May 23, 1994.

Section VI (F) (11) (b) states: The consensual agreement between the nonresident worker, the employer of the nonresident worker, and the prospective employer, and the payment of the transfer relief fee by the prospective employer shall be grounds for the Granting of Transfer Relief by the Chief of Labor.

PUBLIC COMMENTS: The repealed emergency are being published and the public is provided an opportunity to comment. All interested persons may submit written data, views or arguments about the proposed amendments to the Secretary, Department of Labor and Immigration, Airport Road, Saipan MP 96950, on or before January 1, 1995.

AUTHORITY: The Secretary of the Department of Labor and Immigration is authorized to promulgate and repeal regulations pursuant to Executive Order Section 301, 94-3 Reorganization Plan No. 2, 1994 and 3 CMC Division 4 §4312 B.

RAYNALDO M. CING, SECRETARY

Kingnallo Maje

Department of Labor and Immigration

/-/3-95⁻

FROILAN TENORIO
Governor

1/13/95

1/13/95

SOLEDAD B. SASAMOTO Registrar of Corporations

DATE

CERTIFICATION

I, Raynaldo M. Cing, Secretary of Labor and Immigration, hereby certify and declare under penalty of perjury, that the following repeal of emergency regulations is a true, complete and correct copy of such repeal of emergency regulations.

DATED at Saipan, CNMI: 1-13-95

RAYNALDO M. CINC

Department of Labor and Immigration

FILED AND RECEIVED AT GOVERNOR'S OFFICE:

DONNA CRUZ

DATE

NOTICE OF ADOPTION AND CERTIFICATION OF RULES AND REGULATIONS DEPARTMENT OF COMMERCE

COMMERCE REGULATIONS

The Secretary of the Department of Commerce is adopting final Commerce rules and regulations which were published as emergency and proposed rules and regulations on September 15, 1994 and subsequently revoked, revised, and re-published as proposed rules and regulations on November 15, 1994. The published regulations covered three parts: Part I, Business License; Part II, Foreign Investments; and Part III, Insurance Company Regulations. The Insurance Company Regulations were adopted on November 15, 1994.

The regulations provide for a consolidation of all regulations relating to business licensing and foreign investment requirements in a single place. The Immigration Rules and Regulations on Regular (90 days) and Long Term Business Entry Permits are repealed and adopted in these regulations under Part II, Foreign Investments.

The public was provided the opportunity to comment on the proposed regulations. Comments were considered; and certain refinements were consolidated into final rules and regulations.

The undersigned, certify and adopt the foregoing final rules and regulations:

Pedro Q. Dela Cruz Secretary of Commerc

Becretary or commerce

Soledad B. Sasamoto Registrar of Corporations

Donna J. Cruz Secretary to the Governor

COMMONWEALTH REGISTER VOLUME 17 NUMBER 01 JANUARY 15, 1995 PAGE

NOTISIA POT I MA ADOTTA YAN MA SETTIFIKA NA AREKLAMENTO YAN REGULASION DIPATTAMENTON COMMERCE

I Sekretarion Commerce para u adotta i uttimo na areklamento yan regulasion ni ma pupblika komo inensinahyao yan mosion na areklamento yan regulasion gi Septiembre dia 15, 1994, yan i tumattate, man ma richasa, man marenueba, yan man ma'agon pupblika komo nuebo na propositon areklamento yan regulasion gi Nobiembre dia 15, 1994. I ma pupblika na regulasion ha kukubre tres patte: Patte Uno, Business License; Patte Dos, Foreign Investment; Patte Tres, Regulasion Kompanian Insurance. I Insurance Company na regulasion ma adotta gi Nobiembre 15, 1994.

Este siha i man nuebo na regulasion fuetsao para una guahayi areklamento yan regulasion para todo Business Licensing yan Foreign Investment gi un lugat. I areklamento yan regulasion Immigration regulat (90 dias) yan "Long Term" na Entry Permits man madiroga yan man ma adotta enkuenta de i patte dos, gi regulasion Foreign Investment.

Man mana'guahayi i pupbliku opottunidat para u ma' oppe yan uma na'halom i pueston niha pot este siha i man ma propoposito na regulasion. Ayu siha na ineppen i pupbliku pot este siha i man nuebo na regulasion man ma' oppe. Yan pot ginen este siha na ineppen i pupbliku, mana' fan danna, ya mana'guahayi uttimo yan fiet na areklamento yan regulasion.

I manman fitma, manman settifika yan manman adotta gi i mefe'na na mansangan yan man mensionao komo este i uttimo na areklamento yan regulasion.

Pedro Q. Dela Cryz

Secretary of Commerce

Soledad B. Sasamoto

Registrar of Corporations

Donna J. Cryz

Secretary to the Governor

<u>v 13, 19</u>90 Date

Date

Date

ARONGORONG REEL ADOPTION ALLÉGHÚL ME DIPATAMENTOOL COMMERCE

ALLEGHUL COMMERCE

Reel ghatchúúr towlap nge eghi auscheeyá bwe rebwe kkáyil adaptááli Allegh kkaal llol eliigh (30) rál sángi igha e toowow arongorong. As ghi sségh fitighoogho reel meta kka mwóghutulghutul business licenses. Alleghul Business Licensing kkaal nge eghi fil bwe ebwe yoor bwe reel ebwe areepiyaar tolwap reel mwoghutughutul me ebwe aghatchu lemelem ngare administration reel meta kka e nisisita.

Alleghul business licensing yeel nge ebwe ayoora aweewe reel alongal statutes ikka ebwal toolong mwoghutughutul business licensing mellól eew bwulé. Milikka statutory requirements nge ikkaal aweewe kka re yááyá mellól Revenue and Taxation Act of 1982 3-11) nge e bwal toolong llól allégh kkaal. kkaal nge ebwe arongorongolo ngare schagh e toowow arongorong yeel.

Mangemang me Tipeer Towlap: Mángmemángil Sehóól Dipatamentool Commerce bwe ebwe adtaali Allegh yeel ngare ebwe aleghéléghélé sángi bwangil me ailééwal 1 CMCM Section 9104 (a) (1) me(2).

I alughulugh me adaptááli allegh kka e ghil ngál.

Fedro Q. Dela Cruz, €hool iiseh

Dipatamentool Commerc

Cru Donna J.

Sekretoriyaal Gubenno

Soledad B. Sasamoto

Registrar of Corporation

DEPARTMENT OF COMMERCE

PART I - BUSINESS LICENSE REGULATIONS

SECTION 101. AUTHORITY. These regulations are promulgated pursuant to 1 CMC §2454 which authorizes the Secretary of Commerce to promulgate regulations regarding those matters over which the Department of Commerce has jurisdiction. The Department of Commerce (the "Department) has jurisdiction over the issuance of business licenses under 1 CMC §2453 and 4 CMC §1503 (Business License Fees and regulation (a) thru (f) regulation of private investment, including foreign investment).

SECTION 201. DEFINITIONS. FOR THE PURPOSES OF THIS PART, THE FOLLOWING DEFINITIONS SHALL APPLY:

- A. "Business" includes all activities whether personal, professional or incorporated, carried on within the Commonwealth of the Northern Mariana Islands (the "Commonwealth" or "CNMI") for either direct or indirect economic benefit, as determined by the Secretary of Finance, provided that one who qualifies as an employee shall not be considered a business.
- B. "Line of business" is a distinct and separate economic or business activity. The <u>Standard Industrial Classification Manual</u> established by the Executive Office of the President of the United States of America, Office of Management and Budget shall be used as a guideline.
- C. "Resident agent" is a person, as defined in definition G(1), residing in the Commonwealth.
 - D. "Secretary" means the Secretary of the Department of Commerce.
- E. "Manufacturer" is any business engaged in combining or processing components or materials to increase their value for sale in the ordinary course of business.
- F. "Wholesaler" is any business engaged in the sale of tangible personal property to another for resale for direct or indirect economic benefit.
- G. "Person" is (1) any individual, estate, firm, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association or any other entity; or (2) a foreign government, the United States government, the Freely Associated States of Micronesia, the Marshall Islands and Palau (FAS), the Commonwealth government or any agency or instrumentality of these entities.
- H. "Public utility" is any person exclusively franchised by any government entity to sell:
 - (1) Electric energy, gas, water, garbage, or sewage disposal services;
 - (2) Public transportation services as a common carrier; or
 - (3) Telephone, telegraph, or television services.
- SECTION 301. LICENSE REQUIRED. In order to lawfully engage in a business, a person must obtain from the Secretary a business license to engage in that business by submitting a completed application to the Secretary and paying all applicable fees and penalties.
- SECTION 401. LICENSE APPLICATION. A resident agent, an employee of the license applicant or other individual designated by the license applicant may be the license applicant but not a nonresident worker. Every applicant shall complete a Business License Application adopted by the Secretary which shall include the following information:
 - A. The applicant's name, address and telephone number;

- The trade name, assumed name or business name if different from the name of the applicant;
- The location or locations of the business, including building name, C. floor and sketch showing the location of the business;
 - D. The lines of business;
- The type of business, partnership, sole proprietorship, nonprofit or E. business corporation;
- F. The Commonwealth immigration classification if applicable of the sole proprietor or partners or shareholders;
 - The country or place of incorporation of the corporation;
- With respect to corporations, the name of the registered agent as Η. defined in the existing Business Corporation Regulations, and the address of the registered office of the corporation;
- All trade names, assumed names and fictitious names used by the applicant, in conjunction with any activity, business or otherwise;
 - The taxpayer identification number;
- The latest annual corporation report which has been filed with the CNMI ĸ. Registrar of Corporations;
- The year in which the applicant first commenced business in the Commonwealth under the line or lines of business covered by the application; and

SECTION 501. LICENSE TERMS.

- Duration. All business licenses shall be issued for a period of one year and shall expire one year from date of issue. Fees will not be prorated.
- Conditions. The following conditions are placed on all license В. applications:
- Fictitious names, doing business as (dba's), trade names and (1) assumed names shall be respected and the Secretary shall not grant to any two persons the same business name.
- One business license shall be granted to each distinct business (2) activity. The Standard Industrial Classification Manual established by the Executive Office of the President of the United States of America, Office of Management and Budget shall be used as a guideline.
 - The required documentation shall include:
- Where one is required, the authority for a corporation or business entity to transact business must be obtained from the appropriate government agency or agencies such as the municipal council, Casino Gaming Commission and Lottery Commission, Director of Banking, Insurance Commissioner, Alcoholic Beverage control and Taxicab Bureau.
 - A copy of the certificate of incorporation or registration. (b)
- A statement indicating that the applicant is good standing (C) with the CNMI Division of Revenue and Taxation, Workers Compensation Commission, and where applicable, clearance from the Division of Environmental Quality.
- The following classes of nonimmigrants or aliens are prohibited from engaging in business in the Commonwealth:
 - (a) Tourist
- (b) Long term tourist
 (c) Nonresident worker and their immediate relatives (as defined in 4 CMC Section 4337(j).
 - (d) Foreign press
 - (e) Minister of Religion
 - (f) Religious missionary

SECTION 601. AUTHORITY TO REQUEST FOR SUPPORTING DOCUMENTS. The Secretary or his or her designee may from time to time request the applicant for a business license to provide documents to substantiate representations made in the initial application for the business license.

SECTION 701. RENEWAL. A business may renew its business license by filing a Business License Renewal application adopted by the Secretary and by paying the license fee at least thirty (30) days prior to the expiration of the current business license.

SECTION 801. BUSINESS LICENSE NOT TRANSFERABLE. A business License is not transferable.

SECTION 901. AMENDMENT TO BUSINESS LICENSE. Any change(s) in the business information, corporation, partnership, non-profit organization, or association status and information and business activity(ies) and respectively all such changes made with the Registrar of Corporations must be reported to the Business License Office within 10 working days of such change(s). Failure to report any change(s) above to the Business License Office may be grounds for revocation of business license.

SECTION 1001. DISPLAY OF BUSINESS LICENSE. The business license shall be displayed in a conspicuous place at the licensee's principal place of business. Copies of the Business License shall be displayed at all other locations from which the licensee conducts business.

SECTION 1100. GROUNDS FOR REVOCATION OR SUSPENSION OF BUSINESS LICENSE. The Secretary may revoke or suspend any license upon finding after two weeks public notice and a hearing pursuant to 1 CMC §9108-9111 that:

- A. The application of the licensee contained false or fraudulent information;
- B. The licensee bribed or otherwise unlawfully influenced any person to issue the license other than on the merits of application;
- C. The licensee presented false or fraudulent information to any person in support of the application;
- D. The licensee violated any provision of Commonwealth law or any rule or regulation; or
- E. The license application prohibits the licensee from owning a business or engaging in business by reason of the licensee's immigration status.
- F. The application is incomplete or not accompanied by information required to be submitted with the application.

SECTION 1200. APPEAL OF LICENSE DENIAL, SUSPENSION OR REVOCATION. Any person aggrieved by the denial, suspension or revocation of a business license is entitled to seek judicial review of the action pursuant to 1 CMC §9112.

SECTION 1300. FEES. The following non-refundable fees shall be paid to the Secretary of Commerce for the following classes of licenses at the time of filing the application.

- A. Security dealers, \$300;
- B. Security brokers, \$50;
- C. Investment advisors, \$50;
- D. Banks, \$50;
- E. Finance, \$300;
- F. Trust, \$300;
- G. Mortgage companies, \$50;
- H. Credit unions, \$50;
- Foreign exchange, \$50;
- J. Insurance companies, \$300;
- K. Insurance brokers, \$100;
- L. Insurance agents, \$75.00;
- M. Insurance solicitors, \$50;
- N. Insurance Adjusters, \$100;
- O. Public utilities, \$300;
- P. Manufacturers, \$50;
- Q. Wholesalers, \$50;
- R. Nonprofit organizations, \$50;
- S. Roadside vendors selling local agricultural and fishery products, \$5;
- T. Commercial Fishing License, \$50 per net tonnage of vessel;
- U. Scuba Diving Instruction, \$100.00;

- V. Scuba Diving Tour Operations, \$100;
- W. General business license covering all other businesses, \$50 for each distinct business activity;
 - X. License amendment fee, \$25;
 - Y. License replacement fee, \$25.

SECTION 1400. PENALTY FOR CONDUCTING BUSINESS WITHOUT A LICENSE.

- A. Every person who is required to obtain a business license and who engages in business without first obtaining or renewing a business license shall be subject to a civil penalty in the amount of 10% of the applicable license fee for a period of less than one month and 10% of the applicable license fee for each additional month or portion thereof, not to exceed 100% of the applicable licensee fee.
- B. In addition to the penalty imposed by subsection A, interest at the rate of 15% per annum shall be imposed on all unpaid license fees.
- C. A returned check used for payment of a business license shall be assessed a penalty twice the amount of the fees.

SECTION 1500. ENFORCEMENT. The Secretary may delegate his authority under these regulations to any employee for the purposes of enforcing any and all of these regulations. The enforcement of all activities under jurisdiction of the Secretary of Commerce shall be coordinated by the various heads of the different divisions, and shall be directed by a designated Chief of Enforcement.

PART II - FOREIGN INVESTMENTS

- SECTION 101. AUTHORITY. These regulations are promulgated pursuant to 1 CMC §2454 which authorizes the Secretary of Commerce to promulgate regulations regarding those matters over which the Department of Commerce has jurisdiction. These regulations are promulgated pursuant to 1 CMC §2453 (a) thru (f), and 2454, 4 CMC §1503 and 3 CMC Div. 4 §4331(e) and (j).
- SECTION 201. DEFINITIONS. For the purposes of this Part, the following definitions shall apply:
- A. "Alien" means an individual who is not a United States citizen, a citizen of the former Trust Territory of the Pacific Islands, a CNMI permanent resident or a holder of a CNMI Certificate of Identity.
- B. "Alien investor" is an alien who has expressed a willingness to invest, has invested in or is in the process of investing in an enterprise in the Commonwealth of the Northern Mariana Islands (the "Commonwealth" or "CNMI"). An alien investor shall not be an excludable alien under section 4322 of the Commonwealth Entry and Deportation Act of 1983, as amended. An alien investor does not include entities such as corporations, partnerships or other entities existing solely by virtue of the law.
- C. "Approved investment" is an investment approved by the Foreign Investment Review Committee.
- D. "Approved letter" means a letter issuable by the Secretary certifying the acceptance of an approved investment subject to the minimum investment criterias and standards set forth in section 901 for a regular term business certificate, section 1001 for a long term business certificate and section 1101 for a foreign investor certificate.
- E. "Commerce certificate" means a certificate issued by the Secretary to an applicant whose application has been approved by the Foreign Investment Review Committee.
- F. "Capital" means cash, equipment, inventory, other tangible property and cash equivalents, such as certificates of deposits, Treasury bonds, or other instruments that can be readily converted into cash used or committed to be use in an enterprise in the form of equity or ownership interest.
- G. "Domestic corporation" means a corporation authorized by law to issue stock, organized under the laws of the Commonwealth of the Northern Mariana Islands.
- H. "Enterprise" means a commercial or business activity carried on for profit in the Commonwealth. This enterprise is limited to one corporation, branch, office, subsidiary or facility of a foreign corporation, a partnership, or association which is an approved investment.
 - 1. "New enterprise" means an enterprise existing or prospective which has been established by an alien investor for the purpose of doing business within the Commonwealth. This may include creation of a new business; purchase of an existing business which would undergo restructuring or reorganization resulting in a new commercial enterprise.
 - 2. "Existing enterprise" means a present or existing enterprise that is engaged in business in the Commonwealth and in which the alien investor previously had no ownership interest. Investments in existing businesses must result in increase in the networth of the

company and expansion of existing business.

- I. "Foreign corporation" means a corporation formed under the laws of a jurisdiction other than the Commonwealth of the Northern Mariana Islands.
- J. "Foreign investment" means a direct investment or investments by an alien investor or foreign corporation that is incorporated outside the United States in a business entity, existing or proposed in the Commonwealth.
 - K. "Foreign national" means an alien.
- L. "Immediate family" means the spouse, parents and natural or adopted children under the age of 21.
- M. "Public organization" means a Commonwealth public corporation or agency of the Commonwealth government.
 - N. "Secretary" means the Secretary of the Department of Commerce.
- SECTION 301. PURPOSE. To provide for standards and criterias for the issuance of Commerce certificates to aliens who invest in business entities in the Commonwealth; to transfer the processing, approval, issuance and renewal of Regular Term Business Entry Permits from the Department of Labor and Immigration to the Department of Commerce; to transfer the processing, approval, issuance and renewal of Long Term Business Entry Permits from the Department of Labor and Immigration to the Department of Commerce; these transfers are accomplished through the Secretary of Labor and Immigration's repeal and the Secretary of Commerce's adoption of applicable provisions of the Immigration's rules and regulations; to amend the Foreign Investor Certificate program; to establish a Foreign Investment Review Committee and for other purposes.
- SECTION 401. FOREIGN INVESTMENT POLICY. The Secretary makes the following declarations:
- A. It is declared that all investments in the Commonwealth by foreign nationals shall fall under the classification of foreign investment;
- B. It is declared that all investments by foreign nationals in existing enterprises shall fall under the foreign investment classification;
- C. It is declared that all investments by foreign nationals or foreign corporations, proposed or actual, in new enterprises which are not engaged in business, but are proposed to engage shall fall under the classification of foreign investment.
- D. It is declared that if an investment in a proposed or existing enterprise cannot be categorized as falling under foreign investment, the Secretary must make findings and determine whether such an investment should be classified as a foreign investment or an investment by United States citizens, and
- E. These regulations should provide foreign investors a sense of direction and guideline to proceed onto the next phases of investor classifications from short term business entry permit holder to regular term business certificate or two year term business certificate and ideally to the foreign investor certificate classification. Holders of a one year term business entry permits are encouraged to apply for the two year business certificate.
- SECTION 501. TRANSFER OF AUTHORITY. The responsibilities of the Department of Labor and Immigration over the processing, approval, issuance and renewal of regular term business entry permits under section 706A of the Immigration Rules and Regulations and long term business entry permits under section 706N of the

Immigration Rules and Regulations are repealed by the Secretary of Labor and Immigration, and are adopted by the Secretary of Commerce in these regulations. "Regular term business entry permits" shall henceforth be renamed "regular term business certificates" and "long term business entry permits" shall be renamed "long term business certificates".

SECTION 601. CERTIFICATION. The Secretary or his or her designee shall certify that an alien investor has met the requirements for a Commerce certificate before an immigration business of foreign investor visa could be processed by the Division of Immigration under the Department of Labor and Immigration. The certification by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No business or foreign visa shall be issued or granted by the Director of the Immigration Service without the expressed approval by way of certification of the Secretary.

SECTION 701. FOREIGN INVESTMENT REVIEW COMMITTEE. There is hereby created a Foreign Investment Review Committee (hereafter "Review Committee") composed of the Secretary or his or her designee and the Attorney General or his or her designee and any other person(s) whom the Secretary deems appropriate. The Attorney General's presence on the Review Committee is limited to ensuring that the activities of the Review Committee are in compliance with the laws of the Commonwealth.

- A. Duties. The Review Committee shall review all applications for or renewals of regular term business certificates, long term business certificates, and foreign investor certificates. The standard of review are set forth in section 901 for a regular term business certificate, section 1001 for a long term business certificate, and section 1101 for a foreign investor certificate. The Review Committee through the Secretary shall regularly consult with the Governor regarding the Commonwealth's policies with respect to foreign investments.
- B. Procedures. The Review Committee shall establish in writing standard operating procedures for the review of all applications for a Commerce certificate and other applications assigned to it by the Secretary. The Review Committee shall communicate its findings and decision in writing regarding each application for a Commerce certificate to the Secretary no later than 30 calendar days from the date the application form is filed with the Department of Commerce. The Secretary shall notify the applicant of the decision of the Review Committee within 5 working days of receipt of the decision of the Review Committee. The Secretary shall issue an approved letter to an applicant whose application has been approved. An application which has been received the Department of Commerce and has not received an approval or denial on the 91st day after its receipt shall be deemed approved with conditions stipulated for completeness.
- C. Appeal. The applicant whose permit has been disapproved shall have up to seven (7) working days in which to appeal the decision of the Review Committee. The request for appeal shall be made in writing and presented to the Secretary. The Secretary shall comply with the requirements of the Administrative Procedures Act regarding the appeals process. Appeals received after the seven days shall be denied.
- D. Authority to Request for Documents, Interviews, and Public Hearings. The Review Committee shall have the authority to request the applicant to provide documents to substantiate representations made in the application for a Commerce certificate through correspondences or interviews. The Review Committee may request and hold public hearings from time to time on the type of investments needed in the Commonwealth.
- SECTION 801. CLASSIFICATION. The Review Committee may classify an alien who owns an interest in a foreign corporation that incorporates in the Commonwealth as an alien investor if the alien satisfactorily establishes his or her ownership

interest in the foreign corporation and meets the requisite criterias and standards of the Commerce certificate applied for. The Review Committee may review, upon request and submission of sufficient documentation, the status of an alien not owning any interest in a Commonwealth Corporation, and who is requesting issuance of either a 90 day business certificate and visa or a 2 year term business certificate and visa. The Review Committee may qualify such alien for any of the two business entry certificates. This exclusion shall only be limited to applicants from existing enterprises and corporations whose investments have been approved by the Review Committee and in which applicant will engage in a managerial or policy-making capacity and consistent with CNMI Laws.

SECTION 901. REGULAR TERM BUSINESS CERTIFICATE.

A. Conditions.

- 1. A holder of a regular term business certificate entitles the alien investor to lawfully engage in business in the Commonwealth for not more than ninety (90) days within a 12 month period.
- 2. The application fee for a regular term business certificate shall be paid to the CNMI Treasurer prior to filing an application for a regular term business certificate with the Secretary.
- 3. All applications for a regular term business certificate must be made only after the applicant has lawfully entered the Commonwealth. Only a holder of a short term business entry permit is allowed to apply for a regular term business entry certificate.
- 4. Applicants for a regular term business certificate must file the application with the Secretary at least 10 days prior to the expiration of the applicant's immigration permit. Applications received with less than 10 days from expiration of applicant's short term business entry permit shall be denied.
- B. Standard of Review. The standard of review of the regular term business certificate shall be determined by the Secretary. The criterias, requirements, and basis of approval shall be contained in standard operating procedures held at the Office of the Secretary.
- C. Application Process. Applicants for a regular term business certificate shall file with the Department of Commerce a completed application form approved by the Secretary. The procedures for the review of regular term business certificates are set forth in section 701 of this Part.

SECTION 1001. LONG TERM BUSINESS CERTIFICATE.

A. Conditions.

- 1. A holder of a long term business certificate entitles the alien investor to lawfully engage in business in the Commonwealth for a period of two (2) years.
- 2. The application fee shall be paid to the CNMI Treasurer prior to filing an application for a long term business certificate with the Secretary.
- 3. Holders of a short term business entry permit or a regular term business certificate are eligible to apply for a long term business certificate.
- 4. Applicants for this certificate must file an application with the Secretary ten (10) days prior to the expiration of the applicant's entry permit or visa. Applications received with less than 10 days from expiration of applicant's Commerce certificate and entry visa shall be denied.

B. Standard of Review.

1. Approved Investment - General Standard.

An approved investment is one which the Review Committee finds that the Alien has invested or is actively in the process of investing a significant amount of capital in a bona fide enterprise which benefits the Commonwealth. A certificate holder shall not deviate from an approved investment.

- 2. The Review Committee shall determine the criterias for approval of the application for a Long Term Business Certificate, which may include, but are not limited to, the following:
- a. The representations made by the alien in his or her application and representations made through interviews by members of the Review Committee;
- b. The length of time for which the Long Term Business Certificate may be granted before it shall be subject to reconsideration for renewal;
- c. The types and scope of business activities in which the alien may engage;
- d. The creation and guarantees of employment preferences for Commonwealth residents; and,
 - e. Such other conditions as the Review Committee deems appropriate.
 - 3. Evaluation Factors New Enterprises.

In determining whether a proposed investment in a new enterprise is an approved investment, the Review Committee shall consider the following:

- a. The amount of capital invested or to be invested by the alien investor, of which, investments by individuals must not be less than \$50,000.
 - b. The type of enterprise proposed by the alien investor;
 - c. The reputation and business experience of the alien investor;
- d. The number and type of employment opportunities to be created for Commonwealth residents by the enterprise;
 - e. The number of alien workers to be employed by the enterprise;
 - f. The demand for the type of enterprise and existing competition;
 - g. The island or islands on which the enterprise will be located;
- h. The extent to which the enterprise will reduce imports and increase exports;
- i. The extent of which the enterprise will increase the availability of goods and services at competitive prices to Commonwealth residents;
- j. The extent to which the enterprise will support or enhance existing industries in the Commonwealth;
- ${\tt k.}$ The extent to which the enterprise will develop the resources of the Commonwealth;
 - 1. The extent of any equity participation in the enterprise by

Commonwealth residents;

- m. Whether the enterprise will be a substantial, on going business, as distinct from a marginal enterprise established solely for the purpose of earning a living for the alien and his family; and
- n. The extent to which the enterprise will contribute to the overall economic well-being of the Commonwealth without adversely affecting existing social, cultural, and ethnic conditions in the Commonwealth;
 - 3. Evaluation Factors Existing Enterprises.

In determining whether a proposed investment in an existing enterprise is an approved investment, the Review Committee shall consider the following:

- a. The amount of capital invested or to be invested by the Alien Investor. Minimum investments of \$150,000 in a public organization or \$50,000 in a private enterprise are required;
 - b. The type of business engaged in by the existing enterprise;
 - c. The size and financial integrity of the existing enterprise;
 - d. The ownership of the existing enterprise; and
- e. The nature and extent of the Alien Investor's participation in the management of the existing enterprise;
- f. The number of resident employees shall not be less than 20% of total employees of the existing enterprise.
 - C. Application Process.
- 1. The applicant shall file an application for a long term business certificate with the Secretary. The application will not be accepted without the necessary supporting documents and shall become the property of the Secretary once submitted. All documents shall be filed out under penalty of perjury.
 - 2. The following documents shall be attached to a completed application form:
 - a. Certified copy of birth certificate,
- b. Any document deemed necessary by the Secretary to substantiate the applicants immigration entry classification;
- c. One and one-quarter inch $(1\frac{1}{4})$ frontal photograph in either black and white or color; and,
- d. Evidence that capital has been invested may include bank statements showing amounts deposited in CNMI business accounts, invoices, receipts or contracts for assets purchased, stock purchase transaction records, loan or other borrowing agreements, land leases, financial statements, Business Gross Tax Receipts, and any other agreements supporting application.
- e. Evidence that applicant has invested or is actively in the process of investing amount required. These may include evidence of assets which have been purchased for use in the enterprise, evidence of property transferred from abroad for use in the enterprise, evidence of monies transferred or committed to be transferred to the new or existing enterprise in exchange for shares of stock, any loan or mortgage, promissory note, security agreement or other evidence of borrowing which is secured by assets of applicant.

- f. Business plan/proposal incorporating evaluation factors for new enterprises;
- g. Articles on incorporation, by-laws, partnership agreements, joint venture agreements, corporate minutes and annual reports, affidavits, declarations or certifications of paid-in capital;
 - h. Current business license(s)
- i. Foreign business registration records, recent tax returns of any kind, evidence of other sources of capital.
 - j. Listing of all resident and nonresident employees.
- k. Listing of all holders of business certificates for the business establishment.
 - 1. Listing of all corporations held by applicants.
 - m. Any other documents required by the Secretary.
- 3. Applicants for a long term business certificate shall file with the Department of Commerce a completed application form approved by the Secretary. The procedures for the review of an application for a long term business certificates are set forth in section 701 of this Part.
- D. Renewal of a long term business certificate (two year term and one year term business permits/certificate). The holder of a long term business certificate has no absolute right to renewal of the certificate. An application for renewal will be denied when the Review Committee finds:
- 1. That the application has remained incomplete for at least 30 days since submission; or
- 2. Applicant obtained business entry permit illegally, or that applicant should not have been granted a permit in the initial application; or
 - 3. Applicant violated any provision of these rules and regulations; or
- 4. Applicant has not maintained an approved investment in continuing compliance with standards of issuance of business certificates; or
- 5. Applicant committed fraud or misrepresentation in any material assertion in the application for the initial or renewal of application; or
- 6. Applicant has been subjected to adjudication of bankruptcy regarding the approved investment.
- 7. An alien may apply for a renewal by submitting an application for a renewal with the Secretary at least 90 days prior to the expiration of the alien investor's previously issued long term business entry permit. Applications received after the expiration of the entry visa and Commerce certificate shall be denied.

The applicant shall be afforded the 90 day business certificate opportunity to take steps necessary to liquidate, transfer, or dispose of assets of an approved investment following termination or non-renewal of application.

The Long Term Business Certificate may be renewed if the Review Committee finds that the alien's investment continues to be in compliance with the standards set forth in this Part. Holders of long term business entry permits

with investments of less than the required amount must meet requirement within two years after the final adoption of these rules and regulations.

SECTION 1101. FOREIGN INVESTMENT CERTIFICATE.

A. Conditions.

- l. A Certificate of Foreign Investment is a certificate issued to an alien who has met all the standards and conditions enumerated in this Part as proof of the holder's participation as an alien investor in an approved investment in the Commonwealth. The holder shall have the right to lawfully engage in business in the Commonwealth as long as the alien investor complies with the terms upon which the certificate was issued.
- 2. The application fee for a foreign investor certificate shall be paid to the CNMI Treasurer prior to filing an application for this certificate with the Secretary.
- 3. All applications for a foreign investor certificate must be made only after the applicant has lawfully entered the Commonwealth. Holders of a short term business entry permit, a regular term business certificate, or a long term business certificate shall be eligible to apply for a foreign investor certificate.
- B. Standard of Review. An approved investment for the purposes of this section means an investment approved by the Secretary, which approval shall be subject to the following standards:
- 1. Minimum Amount of Investment. The amount of the "Approved Investment" shall be \$100,000 per person in an aggregate "Approved Investment" in excess of \$2,000,000; or \$250,000 by an individual in a single "Approved Investment".
- 2. Approved Investment Standards. In reviewing the acceptability of an Approved Investment for purposes of determining issuance or denial of a Certificate of Foreign Investment, the Secretary shall consider:
- a. The relative need for or desirability of the type of enterprise described by the applicant;
- b. Whether or not the proposed enterprise is in compliance with local and/or federal laws;
- c. The number and description of employment positions created by the enterprise or which will be created for qualified Commonwealth residents and the extent to which non-residents personnel are or will be utilized at the outset of the applicant's enterprise, the quality and projected performance of a resident employee training program, if any;
- d. The effect which the enterprise will have upon the ecology of the Commonwealth including its pollutant or non-pollutant status, its potential impact on the fresh water table, and the likelihood of creating waste products that would be detrimental to the environment.
- e. The personal integrity and business reputation of the Alien Investor and any associate investors involved in the enterprise;
- f. To the extent that such factor can be determined, the likelihood that the enterprise will continue its operation in the Commonwealth for a substantial period of time;

- g. The extent to which contractors, subcontractors, labor and materials and other supplies available locally have been or will be utilized in the establishment, construction and operation of the enterprise;
- h. The extent to which the enterprise will impact upon power and water resources in the Commonwealth, whether or not the enterprise includes water catchments, separate power plant, separate water wells, other independent water or power resource; and if not, the amounts of water and power necessary for establishment, construction, and operation of the enterprise;
- i. The likelihood that the enterprise has not been organized in good faith or with a permanent character or that the issuance of a Certificate of Foreign Investment will be misused;
- j. Nothing in these standards shall preclude the Foreign Investor from investing in an ongoing enterprise.

C. Application Process.

- 1. Issuance of Certificates of Foreign Investment.
- a. The alien investor shall submit an application for an approved investment subject to the standards and criteria outlined in this Part. The applicant shall provide all information and supporting documents as deemed necessary by the Secretary.
- b. The Review Committee shall review the application for an approved investment and, in the event that the proposal complies with the standards and criteria outlined in this section, it shall communicate its decision to the Secretary in writing. The Secretary shall inform the applicant of the decision of the Review Committee. If the application is approved, the Secretary shall issue an approval letter to the applicant. The Approval Letter shall not be evidence of a Certificate of Foreign Investment as referenced in section 1(a). The Approval Letter shall be issued or denied within a time period not to exceed forty-five (45) days from the date of application.
- c. After receiving an Approval Letter regarding a proposed Approved Investment, the Alien Investor shall secure the necessary financial backing to proceed with the Approved Investment.
- d. After obtaining necessary financial backing to finance the approved Investment, the Alien Investor shall supply documentary proof of such backing to the Secretary for his review and approval. This documentation shall be sufficient to convince the Secretary that the Alien Investor has sufficient backing to initiate the Approved Investment within one hundred and eighty (180) days following the issuance of a Certificate of Foreign Investment. This documentation may include cash deposits, letters of credit, or any other evidence of financial ability acceptable to the Secretary.
- e. Upon receipt and approval of documentation proving financial ability of the Alien Investor, the Secretary shall issue a Certificate of Foreign Investment. Issuance or denial of the Certificate of Foreign Investment shall be effected by the Secretary within a time period not to exceed thirty (30) days after the receipt of the financial backing documentation.
- f. In the event the Secretary denies issuance of either an Approval Letter or a Certificate of Foreign Investment to any applicant, the Secretary shall deliver the reasons for denial in writing to the applicant within the time periods specified in section 2(b) and or section 2(e).
- 2. Certification. After the issuance of an approval letter to the applicant, the Secretary shall certify to the Director of the Immigration Service

that the applicant is eligible for a foreign investor visa.

- D. Duration of Certificate of Foreign Investment. The duration of the Certificate of Foreign Investment shall be perpetual; provided that the Approved Investment continues to comply with the standards of issuance.
- E. Annual report. The holder of a Certificate of Foreign Investment must submit to the Secretary an annual report of investment activities in the Commonwealth on or before January 1 of each year. The report shall contain the information necessary for the Secretary to determine whether or not the Certificate holder is under continuing compliance with the standards of issuance. This report shall be accompanied with an annual financial audit report performed by an independent certified public accountant.
- F. Fees. An application for a Certificate of Foreign Investment shall be accompanied by a non-refundable fee of \$10,000.00 for the processing of the application.
 - G. Revocation of Certificate of Foreign Investment.
- 1. The Secretary, after permitting the Certificate holder (or his authorized representative) to appear before him, in person, and finding, upon a preponderance of the evidence reviewed by him, that the Alien Investor has:
- a. Not maintained an Approved Investment in continuing compliance with the standards of issuance of a Certificate of Foreign Investment; and/or
- b. Committed fraud or misrepresentation in any material assertion in the application for the Approval Letter, the Certificate of Foreign Investment, or the Annual Report required pursuant to Section 4 herein; and/or
- c. Been subjected to an adjudication of bankruptcy regarding the Alien Investment; and/or
- d. Failed to comply with any conditions or obligations stated in the Certificate of Foreign Investment, after having been afforded by the Secretary reasonable period within which to correct such failure; provided, however, that should the alien Investment fail for reasons beyond the control of the Alien Investor, the Secretary shall provide reasonable time to the Alien Investor within which to refinance the Approved Investment, or secure participation in an alternative Approved Investment.
- e. Been subjected to a finding by the Attorney General that the corporate parent for the enterprise, if any, has been dissolved; and/or
 - f. Violated any provision of these rules and regulations.

The Secretary shall either take steps to secure correction of any insufficiency or non-compliance, or revoke the Certificate of Foreign Investment, the Alien Investor shall be afforded a six-month grace period following termination or revocation of his Certificate, in order to take steps necessary to liquidate, transfer or otherwise dispose of assets connected with the Alien Investor's Approved Investment activity. The Secretary shall inform the Secretary of Labor and Immigration in writing of his decision to revoke and/or deny renewal of the Certificate of Foreign Investment, and compute the six month's grace period date commencing from the date of denial and/or revocation. The Alien Investor's Foreign Investment Visa (and any visas held by members of his immediate family) shall be valid up to and including the final day of the six-month grace period following termination of the Certificate of Foreign Investment.

SECTION 1201. OTHER FOREIGN INVESTMENT. Nothing in these rules and regulations

shall preclude foreign investment in the Commonwealth; however, any other manner of foreign investment shall not entitle the alien investor to a Commerce certificate.

SECTION 1301. FEE SCHEDULE

- A. Regular Term Business Certificate \$200;
- B. Long Term Business Certificate \$1,000;
- C. Renewals of One Year Business Certificate \$750.00;
- D. Foreign Investment Visa
 - a) \$2,500 to a holder of a Foreign Investment Certificate;
 - b) 2,500 per family member;
- E. Foreign Investment Certificate \$10,000;
- F. Penalties for any violation of these rules and regulations: \$100 per day the violation is not resolved and \$100 per violation.

All Fees collected under this Part shall be deposited with the CNMI Treasurer, and the Secretary of Finance shall permit the Secretary of Commerce to use the funds for the enforcement of these regulations. All fees are non-refundable.

FOREIGN INVESTMENT REVIEW COMMITTEE

DAT	E SUBMITTED:	
*	THE FOLLOWING DOCUMENTS WERE SUBMITTED TO THE FOREIGN INVEST COMMITTEE IN ORDER TO CONSIDER APPLICATION.	MENT REVIEW
CHE	CCK LIST	
	Documents to support financial backing	
	Description of proposed project or line of business	
_	Evidence of character and business reputation of all involved	investors
	Immigration status of involved investors and family members Principal:	
	Copy of Certificate of Incorporation	
	Fees paid Receipt no	

FOREIGN INVESTMENT REVIEW COMMITTEE

* Application for Foreign □ Approved □Denied	Investment Certificate for	has been:
Review Committee Date	Review Committee	Date
Review Committee Date	Review Committee	Date
Review Committee Date	Review Committee	Date
COMMENTS:		

LONG TERM BUSINESS ENTRY CERTIFICATE (2 YRS)

* THE FOLLOWING DOCUMENTS ARE TO BE SUBMITTED BEFORE THE REVIEW COMMITTEE IN ORDER TO CONSIDER APPLICATION.

CHECK LIST

COMPLETED LTBEC APPLICATION PHOTO MARRIAGE CERTIFICATE CURRENT POLICE CLEARANCE HEALTH CERTIFICATE COPY OF PASSPORT BIRTH CERTIFICATE BGRT QUARTERLY
WITHHOLDING EMPLOYEE TAX BUSINESS LICENSE OF EXISTING BUSINESS
BY-LAWS
ARTICLES OF INCORPORATION
CORPORATE CHARTER AFFIDAVIT/CERTIFICATION/DECLARATION OF PAID IN CAPITAL
BUSINESS FINANCIAL STATEMENT
LEASE AGREEMENT PRIVATE/PUBLIC
SKETCH OF LOCATION LIST OF DEPENDENTS
INVENTORY OF ASSETS
FILING FEE PAID RECEIPT NO
A. IS APPLICANT ON ISLAND OFF ISLAND B. TYPE OF PERMIT NO C. ANY AMENDMENTS TO BUSINESS(LIST) D. APPLICATION SUBMITTED BY INCORPORATOR AGENT(NAME) E. SOCIAL SECURITY NUMBER OF INCORPORATOR: PREVIOUS # NEW #
DOCUMENTS REVIEWED BY:
STATUS: RECOMMENDED FOR APPROVAL RECOMMENDED FOR DENIAL PENDING
COMMENTS:

FOREIGN INVESTMENT APPLICATION REQUIREMENTS

- * Detailed information on required documents
- A. DOCUMENTS TO SUPPORT FINANCIAL BACKING
 - 1. Corporation authorizes Department of Commerce to do bank inquiry or verification.
 - 2. Bank statements, financial statements, bank references submitted.
 - 3. Does corporation have any loan commitments if so, please provide pertinent documents.
- B. DESCRIPTION OF PROPOSED PROJECT OR LINE OF BUSINESS
 - 1. Should provide a feasibility study or analysis
 - 2. What type of work force, training program
 - 3. Overall economic impact and environmental impact
- C. EVIDENCE OF CHARACTER AND BUSINESS REPUTATION OF ALL INVOLVED INVESTORS
 - 1. Letters of recommendation
 - 2. Affiliations with other corporations
 - 3. Police clearance
- D. IMMIGRATION STATUS OF INVOLVED INVESTORS AND FAMILY MEMBERS
 - 1. Number of Family members
- E. COPY OF CERTIFICATION ON INCORPORATION
 - 1. Proof or copy of Certification of Incorporation

CRITERIAS ON APPROVING 90 DAY BUSINESS ENTRY CERTIFICATES

- 1. The 90 day entry permit sets out the initial stage in the foreign investment process. Due diligence is therefore necessary in the review process. This is a vital stage in the guidance and regulation of foreign investment. Below is a listing of business activities by priority as set forth by the Secretary of Commerce:
 - A. Hotels/Motels
 - B. Manufacturing
 - C. Air Transportation/Transportation Services/Shipping
 - D. Construction
 - E. Banking/Finance
 - F. Agriculture/Fishing
 - G. Professional Service
 - H. Retail/Wholesale Trade
 - I. Restaurants and Bars
 - J. All others
- 2. Business activity to be engaged in must be disclosed. A proposal or a business plan must be submitted incorporating evaluation factors for "new enterprises" A thru M.
- 3. Amount of capital invested or to be invested. Financial statements of principals, including companies owned or affiliated with principals.
- 4. Investment or financing schemes. Bank references, business background/experiences and references must be submitted. Commitment letters from financiers/banks to fund the project.
- 5. With investments of less than \$50,000, equity participations with U.S. citizens are encouraged.
- 6. Number of employees expected to be hired immediately. Training programs, management incentives and other employee benefits.
- 7. Expected duration of stays of applicants in the CNMI to tend to business.
- 8. Criterias in evaluating new enterprises under the Long Term Business Entry Permits program must be incorporated at this stage and not until a business is already opened and operating.