

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN MARIANA ISLANDS

VOLUME 17 NUMBER 05



MAY 15, 1995

***COMMONWEALTH***

***REGISTER***

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**COMMONWEALTH REGISTER**  
**VOLUME 17 NUMBER 05**  
**MAY 15, 1995**

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Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Department of Lands & Natural Resources

DIVISION OF PUBLIC LANDS

P.O. Box 10007  
Saipan, Mariana Islands 96950  
Tel.: 322-6914/6915/7142  
Fax: 322-4336



PUBLIC NOTICE

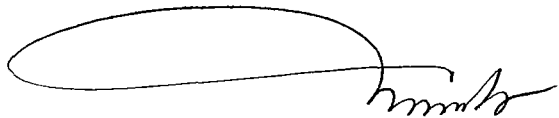
PROPOSED RULES AND REGULATIONS  
GOVERNING THE ADMINISTRATION OF THE  
PUBLIC PURPOSE LAND EXCHANGE  
AUTHORIZATION ACT OF 1987, AS AMENDED

The Division of Public Lands of the Department of Lands and Natural Resources, pursuant to its duties and responsibilities under Executive Order 94-3, Section 306, and the authority given to it by and through the Public Purpose Land Exchange Authorization Act of 1987 (Public Law 5-33, 2 CMC Section 4141 et seq.), as amended, hereby gives public notice that it has developed and established the revised proposed rules and regulations that will govern the administration and implementation of the Public Purpose Land Exchange Authorization Act of 1987, as amended. The rules and regulations to be promulgated are authorized pursuant to P.L. 5-33.


The Division of Public Lands hereby advise the general public that the proposed Rules and Regulations Promulgated Pursuant to the Public Purpose Land Exchange Authorization Act of 1987, as amended are available at the Division of Public Lands Office, Capitol Hill, Mariana Islands. Interested persons may obtain copies of the proposed rules and regulations for review and comment in writing, addressed to the Director, Division of Public Lands, Department of Lands & Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. Copies may be obtained between the hours of 8:00 a.m. - 4:00 p.m., Monday through Friday.

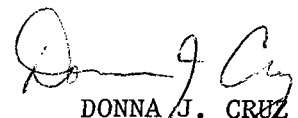
All comments must be in writing and submitted within thirty (30) days of the date of this notice for consideration and review. The proposed rules and regulations shall become effective ten (10) days after adoption and final publication.

Dated this 10<sup>th</sup> day of May, 1995.

  
Filed by: SOLEDAD B. SASAMOTO  
Registrar of Corporations

DIVISION OF PUBLIC LANDS

By:   
Bertha T. Camacho  
Director

  
Filed by: DONNA J. CRUZ  
Office of the Governor



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Department of Lands & Natural Resources

DIVISION OF PUBLIC LANDS

P.O. Box 10007  
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Tel.: 322-6914/6915/7142  
Fax: 322-4336

NUTISIAN PUPBLIKU

I MAPRUPOPONI SIHA NA AREKLAMENTO YAN REGULASION  
PARA U GUBETNA I ADMINISTRASION GI  
PUBLIC PURPOSE LAND EXCHANGE  
AUTHORIZATION ACT OF 1987, NI M AMENDA

I Dibision Public Lands gi halom Dipattamenton Lands and Natural Resources, sigun gi che'cho-na gi papa Otden Eksekatibu 94-3, Seksina 306, yan i aturidat gineen Public Purpose Land Exchange Authorization Act gi 1987 na sakkan (Lai Pupbliku 5-33, 2CMC Seksiona 4141 et seq.), ni amenda ginen este ha nutitisia i pupbliku na esta ha establesi yan ribisa i maprupoponi siha na areklamento yan regulasion para u gubetna i administration yan ma implementan i Public Purpose Land Exchange Act of 1987, ni ma amenda. I areklamento yan i regulasion siha ni para u fanmacho'gue manmaturisa sigun gi P.L. 5-33.

I Dibision i Public Lands ginen este ha abibisa i pupbliku henerat na i manmaprupoponi siha na Areklamento yan Regulasion ni manacho'gue sigun gi Public Purpose Land Exchange Authorization Act of 1987 ni ma amenda guaha kopia gi Ufusinan Division of Public Lands Office, Capitol Hill, Mariana Islands. Hayi interesao siha na petsona sina manmanule kopia yan tu'ge papa komentun-niha put i maprupoponi siha na areklamento yan regulasion ya u ma satmiti guatu gi Direktot, Division of Public Lands, Department of Lands & Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. I Kopian este shiha na areklamento yan regulasion sina manmachule guine siha na ora i desde 8:00 A.M. gi ega'an asta alas 4:00 P.M. gi pupuenge, Lunes asta Betnis.

Todu i komentu siha debi di u fanmatu'ge ya u fanmasatmiti halom trenta (30) dias desde mafechan este na nutisia para u ma'ina yan konsidera. I maprupoponi na Areklamento yan Regulasion u efektibu gi halom dies (10) dias despues di ma adapta yan ma publika huyong uttimu.

Ma fecha gi May 10, 1995

Filed by: SOLEDAD B. SASAMOTO  
Registrar of Corporations

Filed by: DONNA J. CRUZ  
Office of the Governor

DIVISION OF PUBLIC LANDS

Ginen: Bertha T. Camacho  
Direktot



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Department of Lands & Natural Resources

P.O. Box 10007  
Saipan, Mariana Islands 96950  
Tel.: 322-6914/6915/7142  
Fax: 322-4336

DIVISION OF PUBLIC LANDS

ARONGORONGOL TOWLAP

FFEERUL ALLEGH YE EBWE LEMELI  
ADMINISTRATION-UL  
PUBLIC PURPOSE LAND EXCHANGE  
AUTHORIZATION ACT OF 1987, IGHA E LLIWEL




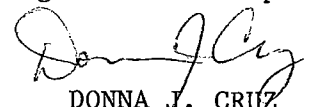
Division-ul Public Lands mellol Dipatamentool Lands and Natural Resources, sangi yaal lemelem me angaang faal mille Executive Order 94-3, Talil ye306, me bwang ye e mwet sangi Public Purpose Land Exchange Authorization Act of 1987 (Alleghul Towlap ye 5-33, 2CMC Talil ye 4141 et. seq.) igha e lliiwel, nge ekke arongaar towlap igha aa feeru me ayoorra allegh ye ebwe lemeli administration me mwoghutughutul Public Purpose Land Exchange Authorization Act of 1987, igha e lliiwel. Allegh kk rebwe feerul nge sangi bwangil Alleghul Towlap ye P.L. 5-33.

Division of Public Lands, sangi milleel nge ekke arongaar towlap bwe kopiyaal Allegh kka re feeru sangi bwangil mille Public Purpose Land Exchange Authorization Act of 1987, igha e lliiwel nge emmwel schagh bwe aramas ye e tipali ebwe lo bweibwogh mellol Bwulasiyool Division of Public Lands, Capitol Hill, Mariana Islands. Aramas ye e tipali nge emmwel ebwe lo bweibwogh koopiya bwe ebwe amwuri nge aa ischiitiw metas mangemangil me ngare tipal nge aa adress ngali Director, Division of Public Lands, Department of Lands and Natural Resources, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. Koopiya kkaal nge emmwel schagh bwe aramas ebwe lo bweibwogh llol otol kka 8:00 A.M. leesor mwet ngali 4:00 P.M. leepal, Luunis mwet ngali Bennis.


Alongal tiip, mwuschal me mangemang nge rebwe ischiitiw nge raa atolonooy llol eliigh (30) ral sangi igha e toowow arongorong yeel bwe rbwew amwuri fischiiy. Allegh kkaal nge ebwe alleghelo llol seigh (10) ral sangi igha re adaptaali me aighuughul yaar atoowowu.

E ffeer llol raali ye May 10, 1995

  
Filed by: SOLEDAD B. SASAMTO  
Registrar of Corporaitons

  
Filed by: DONNA J. CRUZ  
Office of the Governor

DIVISION OF PUBLIC LANDS

Sangi:   
Bertha T. Camacho  
Director

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LANDS AND NATURAL RESOURCES  
DIVISION OF PUBLIC LANDS

Rules and Regulations Promulgated Pursuant to the Public  
Purpose Land Exchange Authorization Act of 1987, As Amended

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

1. AUTHORITY

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

2. PURPOSE

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

3. DEFINITIONS

- A. "Government" as used herein means the Division of Public Lands of the Department of Lands and Natural Resources and other respective agencies involved in the land exchange process.
- B. "Owner" as used herein means the person or entity qualified to receive a land exchange under the Public Purpose Land Exchange Authorization Act of 1987, as amended.

4. BASIC ACQUISITION POLICIES

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

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

3. Soundness of the the appraiser's opinion of the fair market value of the property.

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

- H. The fair market value to be offered to the Owner shall not be more than the fair market value estimate set forth in the approved appraisal report.
- I. Public land to be used in the acquisition must be appraised and the fair market value shall be the basis for the ratio of exchange. The size of public land to be used as compensation may be more or less than the private land to be acquired depending on the comparison of the fair market values of the two parcels.
- J. Notwithstanding Rule 4 (I), the Government shall use its best efforts to exchange public land which is equal in size and value to the private land which has been taken or is to be acquired.
- K. The Government is aware that lands which are equal in size are not always equal in value. Therefore, whenever the private land which has been taken or is to be acquired is equal in size to, but greater in value than, the public land to be exchanged, the Government may offer the Owner monetary compensation in addition to a land exchange for the purpose of meeting the value for value requirement of the law.
- L. All proposed land exchanges shall be published in a newspaper of general circulation and broadcast on the local radio and/or television in the CNMI, both in English and the vernacular, once a week for at least four consecutive weeks. Requests for a public hearing which are received within the time frame allocated for the public notice shall be heard as requested.



- M. Private land which has less than nine hundred twenty-nine (929) square meters or which has a fair market value of less than \$5,000 shall not be acquired through a land exchange since the value of the parcel will be much less than the associated cost of the land exchange process.
- N. Prioritization of land acquisition is hereby established as follows:
1. First priority includes all current use of private land by the public where no alternative sites are readily available on public land.
  2. Second priority includes private land required to accomplish a public project where public land is not readily available for such project.
  3. Third priority includes sites certified to be of historical significance and shoreline and beachfront properties.
  4. Fourth priority includes all wetlands.
- O. Any land exchange agreement entered into by the Government prior to the effective date of Public Law 5-33 which accomplished a public purpose as defined in this Act, is hereby deemed to be a lawful and binding agreement in the same manner and to the same extent as if entered into after the effective date of this Act. Provided, however, this Section shall not affect pending agreements to exchange all future claims, pursuant to Public Law 5-5, or exchanges related to 1944 land actions, until such claims have been completed.
- P. Any land exchange agreement entered into by the Government for the purpose of settling a lawsuit shall be exempt from the requirements set forth in these rules and regulations.

5. ACQUISITION AND LAND EXCHANGE PROCEDURE

A. Determination to Acquire: Governor's Certification.

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

1. The public purpose(s) for which the Government is acquiring the land parcel certified by the Governor.
2. Certified title evidence as to ownership, boundary survey and/or legal description, identification of encumbrances and disputes. The Government may require the Owner to furnish a preliminary title report which verifies that he/she has unencumbered title to the property he/she wishes to exchange whenever there is insufficient title evidence as to his/her ownership of the property in question.

B. Issuance of Preliminary Acquisition Notice

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

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

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

C. Survey and Appraisal of Real Property to be Acquired

1. Upon receipt of the Owner's authorization, the Government shall survey the subject property and secure an approved plat. Concurrently, the Government shall solicit and contract for an independent appraiser to appraise the

property to be acquired in accordance with the CNMI Procurement Regulations and the basic acquisition policies of these rules and regulations.

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

D. Establishment of Review Committee

1. There is hereby established a Review Committee which shall be responsible for reviewing and approving all exchange requests and appraisal reports.
2. The Review Committee shall have five (5) members including the Secretary of the Department of Public Works, the Director of the Division of Public Lands, the Director of Land Registration, a representative of the Office of the Governor and a representative of the Office of the Lieutenant Governor. The representative of the Office of the Governor and the representative of the Office of the Lieutenant Governor shall be selected to serve on the Review Committee by the Governor and Lieutenant Governor, respectively.

E. Completion, Review of Appraisal and Establishment of Fair Market Value of Real Property to be Acquired

1. Upon completion and submittal of the appraisal report, the Review Committee shall either accept the report or require a review. If a review is required, the Government's staff review appraiser or an independent review appraiser retained for such purpose shall have thirty (30) working days to review the appraisal report for any deficiencies. The review appraiser shall be given additional time to review the report if such is warranted by its complexity.
2. If the review appraiser finds any deficiencies in the appraisal report, the Government shall notify the appraiser of such deficiencies, give the appraiser reasonable time to make corrections and re-submit the appraisal

report. If the appraiser refuses to make corrections or if the review appraiser finds any deficiencies after re-submittal, the review appraiser shall submit his own recommendation as to the fair market value of the property.

3. The Government shall be responsible for the custody of the appraisal report and the report, if any, of the review appraiser.

F. Written Offer to Owner

1. Within thirty (30) days after the approval of the appraisal report by the Review Committee, the Government shall send or deliver a written offer to the Owner. The written offer shall include the following:

- a. A recital of the fair market value of the property.
- b. A copy of the approved appraisal report.

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

2. Within thirty (30) days, the Owner must either reject or accept the written offer. After the expiration of thirty (30) days, the Government shall deem that the owner has rejected the written offer and shall initiate other means of acquisition.
3. The Owner shall be given a reasonable opportunity to present material which he/she believes is relevant to determining the value of his/her property. If the Review Committee determines that the evidence presented by the Owner warrants a revision of the appraisal report, the Review Committee shall have the appraisal report revised upon approval by the review appraiser.

G. Action after Receipt of Owner's Response

1. If the Owner indicates in his/her acknowledgement receipt that he/she does not want a land exchange or rejects the appraised fair market value, the Government shall negotiate for monetary compensation, subject

to the Governor's approval, or recommend condemnation proceedings if needed.

2. If the Owner indicates that the proposed land exchange is acceptable, the Government shall create a file, if it has not already done so, which must contain the following documents:
  - a. Governor's Certification
  - b. Title Certification or Preliminary Title Report
  - c. Preliminary Acquisition Notice and Receipt
  - d. Owner's Response to Acquisition Notice
  - e. Appraisal Solicitation
  - f. Appraisal Selection
  - g. Approved basic and severance maps
  - h. Approved appraisal report
  - i. Written notice to owner
  - j. Owner's acceptance of written offer

H. Negotiation with the Owner

1. The Government must explain its Land Exchange Rules and Regulations and the basis for establishing the fair market value of the Owner's property.
2. The Government must explain to the Owner that certain public land parcels have been designated and reserved for land exchange purposes and inform him/her of the established fair market value of these land parcels based on the latest approved appraisal reports.
3. The Owner shall be given, if requested, copies of the latest approved appraisal reports of the public land parcels and may have them reviewed by an independent review appraiser retained by the Owner at the Owner's expense.
4. If the Owner agrees to the written offer or the final offer made in the course of the negotiation, the Government must document the agreement. The documentation must include the following:
  - a. Amount
  - b. Public land parcel(s) the Owner agrees to accept in exchange for his/her private land

- c. Signatures of the Owner and the Director of the Division of Public Lands
- I. Upon final acceptance of the proposed exchange by the Owner, the Government shall within thirty (30) days publish the proposed exchange pursuant to Rule 4 (L).
- J. Processing and Execution of Land Exchange
  - 1. Within seven (7) days of the successful conclusion of the negotiation, subject to the availability of funds, the Government shall:
    - a. Solicit and select a surveyor in accordance with the CNMI Procurement Regulations to survey the public land parcel(s) to be exchanged.
    - b. Prepare a Quitclaim Deed of Land Exchange.
  - 2. Upon completion of the required surveys and Quitclaim Deed of Land Exchange, the Government shall arrange for the execution of the deed, subject, however, to the final approval of the Governor.
  - 3. If the Owner's property is occupied or being used by the Owner upon the execution of the deed, the Government shall notify the Owner that he/she must vacate the premises. If the Owner needs time to relocate, the Government shall grant him/her reasonable time to do so.
- K. Disposition of Acquisition Records, Documents, and Reports

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

- 1. Governor's Certification
- 2. Preliminary Acquisition Notice
- 3. Solicitation for Appraisal
- 4. Selection and Agreement for Appraisal Services
- 5. Approved Appraisal Report
- 6. Review Appraiser's Recommendation (if any)

7. Written offer to Owner
8. Written Offer Return Receipt  
Mail/Acknowledgement Receipt
9. Rejection/Request for Negotiation Letter  
from Owner (if any)
10. Final Offer
11. Original Title & Deeds of Owner's  
Property or Preliminary Title Report
12. Survey Plat(s)
13. Quitclaim Deed of Exchange
14. Notification to Owner to Vacate the  
Property (if any)
15. Any Correspondence Pertaining to the Land  
Exchange

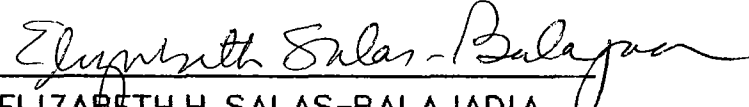
NOTICE OF PROPOSED AMENDMENTS  
TO THE  
RULES OF PROFESSIONAL CONDUCT  
OF THE  
BOARD OF PROFESSIONAL LICENSING

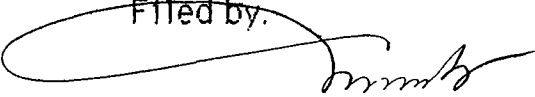
The Board of Professional Licensing hereby notifies the General Public that it proposes to amend the Rules of Professional Conduct. Interested persons may obtain copies of the proposed amendment from the Board of Professional Licensing.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date this notice is published in the Commonwealth Register. Such comments should be sent to:

Chairperson  
Board of Professional Licensing  
P.O. Box 2078  
Saipan, MP 96950


Dated this 9<sup>th</sup> day of May, 1995.

  
ELIZABETH H. SALAS-BALAJADIA  
Chairperson

Filed by:   
\_\_\_\_\_  
Soledad B. Sasamoto  
Registrar of Corporations

5/9/95  
Date

1:35 p.m.  
Time

Received by:  
  
\_\_\_\_\_  
Donna J. Cruz  
Governor's Office

5/9/95  
Date

1:30 p.m.  
Time



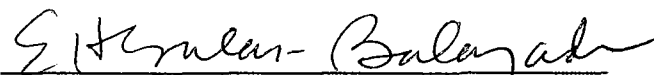
NUTISIA PUT I MAPRUPOPONI NA AMENDASION  
PARA I  
AREKLAMENTO SIHA PUT AKSION  
BOARD OF PROFESSIONAL LICENSING

I Board of Professional Licensing ginen este, ha nutitisia i pupbliku henerat na ha prupoponi ma amenda i Areklamenton Aksion Profesionat. Hayi interesao na petsona siña mañule kopian i maprupoponi siha na amendasion gi Ufusinan Board of Professional Licensing.

Hayi interesao muna'halom komentu put i maprupoponi na amnedasion, siña ma tuge papa ya u manahanao' guatu gi Ufusinan Board of Professional Licensing , gi halom trenta (30) dias despues di malaknos este na nutisia gi Rehistran Commonwealth. I komentu siha debi di para guatu gi sigiente na address:

CHAIRPERSON  
BOARD OF PROFESSIONAL LICENSING  
P.O. BOX 2078  
SAIPAN, MP 96950

Ma fecha este na dia i 9<sup>th</sup> guine na mes Mayo 1995.

  
ELIZABETH H. SALAS MALAJADIA  
CHAIRPERSON


ARONGORONG REEL FFÉÉRÚL LJIWEL  
MELLÓL ÓWTOL ALLÉGHÚL  
PROFESSIONAL CONDUCT  
ME  
BOARD OF PROFESSIONAL LICENSING

Schóól Board of Professional Licensing nge rekke arongaar towap igha ebwe fféer lliiwel mellól ówtol alléghúl Professional Conduct. Aramas ye e tipáli nge emmwel schagh bwe ebweló bweibwogh kopiyaal allégh kkaal mellól Bwulasiyool BNoard of Professional Licensing.

Aramas ye e tipáli nge emmwel schagh bwe ebwe atotoolong meta mángemángil me tipal reel lliiwel kkaal llól eliigh (30) rál sáangi igha e toowow arongorong yeel llól Commonwealth Register nge rebwe afanga ngáli address ye faal:

CHAIRPERSON  
BOARD OF PROFESSIONAL LICENSING  
P.O.BOX 2078  
SAIPAN, MP 96950

E Fféer llól ráalil ye 9<sup>th</sup> maram ye May, 1995

  
ELIZABETH H. SALAS BALAJADIA  
CHAIRPERSON

# BOARD OF PROFESSIONAL LICENSING

## Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects

### Preamble

In order to safeguard the life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following Rules of Professional Conduct shall be binding on every individual holding a certificate of registration and on all partnerships, associations, corporations, or joint ventures holding certificates of authorization and on all temporary permit holders authorized to offer or perform engineering, architecture, land surveying or landscape architecture in the Commonwealth of the Northern Mariana Islands.

These Rules of Professional Conduct promulgated herein are an exercise of the police power vested in the Board of Professional Licensing by virtue of the acts of the Commonwealth Legislature.

All persons, corporations and temporary permit holders registered under P.L. 4-53 are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering, architecture, land surveying and landscape architecture is a privilege granted by the Commonwealth government, as opposed to a right.

#### I. Competence

1.1 In the practice of engineering, architecture, land surveying, and landscape architecture a sole practitioner, partnership, association, corporation or joint venture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by registered engineers, architects, land surveyors and landscape architects of good standing, practicing in the same locality.

1.2 In designing a project, an engineer, architect, land surveyor or landscape architect shall take into account all applicable federal, Commonwealth and municipal building laws and regulations. While the engineer, architect, land surveyor, or landscape architect may rely on the advice of other professionals (e.g., attorneys, **consultants**, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an engineer, architect, land surveyor, or landscape architect shall not knowingly design a project in violation of such laws and regulations.

- 1.3 An engineer, architect, land surveyor, or landscape architect shall undertake to perform professional services only when he or she, together with those whom the engineer, architect, land surveyor, or landscape architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.
- 1.4 No person shall be permitted to practice engineering, architecture, land surveying, or landscape architecture if, in the Board's judgement, such person's professional competence is substantially impaired by physical or mental disabilities.

## II. Conflict of Interest

- 2.1 An engineer, architect, land surveyor, or landscape architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties.
- 2.2 An engineer, architect, land surveyor, or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- 2.3 When acting as the interpreter of construction contract documents and the judge of contract performance, an engineer, architect, land surveyor, or landscape architect shall render decisions impartially, favoring neither party to the contract.
- 2.4 **The engineer, architect, land surveyor, or landscape architect shall avoid all known conflicts of interest with his or her employer or client and shall promptly inform his or her employer or client of any business association, interests, or circumstances which could influence his or her professional judgment or the quality of his or her services.**
- 2.5 **The engineer, architect, land surveyor, or landscape architect shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Engineers, architects, land surveyors, or landscape architects serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private company, shall not participate in decisions with respect to professional services offered or provided by said company to the governmental body which they serve.**

III. Full Disclosure

- 3.1 An engineer, architect, land surveyor, or landscape architect, making public statements on engineering, architectural, land surveying or landscape architecture questions, shall disclose when he or she is being compensated for making such statements.
- 3.2 An engineer, architect, land surveyor, or landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- 3.3 If, in the course of his or her work on a project, an engineer, architect, land surveyor, or landscape architect becomes aware of a decision taken by his or her employer or client, against the engineer's, architect's, land surveyor's, or landscape architect's advice, which violates applicable federal, Commonwealth or municipal building laws and regulations and which will, in the engineer's, architect's, land surveyor's, or landscape architect's judgement, materially affect adversely the safety to the public of the finished project, the engineer, architect, land surveyor, or landscape architect shall:
  - (a) report the decision to the Building Official or other public official charged with enforcement of the applicable federal, Commonwealth or municipal building laws or regulations; and
  - (b) refuse to consent to the decision; and
  - (c) in circumstances where the engineer, architect, land surveyor, or landscape architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination in accordance with clause (c), the engineer, architect, land surveyor, or landscape architect shall have no liability to his or her client or employer on account of such termination.
- 3.4 An engineer, architect, land surveyor, or landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with his or her application for registration or renewal.
- 3.5 An engineer, architect, land surveyor, or landscape architect shall not assist the application for registration of a person known by the engineer, architect, land surveyor, or landscape architect to be unqualified in respect to education, training, experience or character.
- 3.6 An engineer, architect, land surveyor, or landscape architect possessing knowledge of a violation of these rules by another engineer, architect, land surveyor, or landscape architect shall report such knowledge to the Board.

**3.7 An engineer, architect, land surveyor, or landscape architect shall not knowingly associate with, or permit the use of his or her name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.**

IV. Compliance with Laws

- 4.1 An engineer, architect, land surveyor, or landscape architect shall not, in the conduct of his or her practice, knowingly violate any federal or Commonwealth Criminal Law.
- 4.2 An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the engineer, architect, land surveyor, or landscape architect is interested.
- 4.3 An engineer, architect, land surveyor, or landscape architect shall comply with the Registration Laws and Regulations governing his or her professional practice in the Commonwealth.

V. Professional Conduct

- 5.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a resident registered engineer, architect, land surveyor, or landscape architect, as the case may be, regularly employed in that office having direct knowledge and supervisory control of such work.
- 5.2 An engineer, architect, land surveyor, or landscape architect shall not sign or seal drawings, specifications, reports, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the engineer's, architect's, land surveyor's, or landscape architect's consultants, registered under the professional registration laws of the Commonwealth, the engineer, architect, land surveyor, or landscape architect may sign or seal that portion of the professional work if the engineer, architect, land surveyor, or landscape architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.
- 5.3 An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any gifts, other than gifts of nominal value, including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the engineer, architect, land surveyor, or landscape architect is interested.
- 5.4 An engineer, architect, land surveyor, or landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

- 5.5 An engineer, architect, land surveyor, or landscape architect shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, architect, land surveyor, or landscape architect nor indiscriminately criticize other engineer's, architect's, land surveyor's, or landscape architect's work.

VI. Solicitation of Work

- 6.1 An engineer, architect, land surveyor, or landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work and shall charge a professional fee for all professional services rendered. He shall not solicit or submit proposals for professional services on the basis of competitive bidding contrary to applicable law.

"Competitive bidding" means the formal or informal submission or receipt, of verbal or written estimates of costs of proposals in terms of dollars, man days of work required, percentage of construction cost, or any other measure or compensation whereby the prospective client may compare engineering, architecture, land surveying, or landscape architecture services on a price basis prior to the time that one engineer, architect, land surveyor, or landscape architect or one engineering, architecture, land surveying, or landscape architecture organization has been elected for negotiation.

- 6.2 The engineer, architect, land surveyor, or landscape architect shall not falsify or permit misrepresentation of his or her, or his or her associates' academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his, her or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her work.

NOTICE OF PROPOSED AMENDMENTS  
TO THE  
REGULATIONS FOR  
ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS  
OF THE  
BOARD OF PROFESSIONAL LICENSING

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects. Interested persons may obtain copies of the proposed amendment from the Board of Professional Licensing.


Anyone interested in commenting on the proposed amendments may do so within 30 days from the date this notice is published in the Commonwealth Register. Such comments should be sent to:

Chairperson  
Board of Professional Licensing  
P.O. Box 2078  
Saipan, MP 96950

Dated this 9<sup>th</sup> day of May, 1995.

  
ELIZABETH H. SALAS-BALAJADIA  
Chairperson

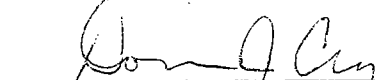
Filed by:

  
Soledad B. Sasamoto  
Registrar of Corporations

5/9/95  
Date

1:36 PM  
Time

Received by:

  
Donna J. Cruz  
Governor's Office

5/9/95  
Date

1:30 PM  
Time



NUTISIA PUT I MAPRUPOPONI NA AMENDASION SIHA  
GI HALOM REGULASION  
ENGINEERS, ARCHITECTS, LAND SURYEORS YAN LANDSCAPE ARCHITECTS  
PARA  
BOARD OF PROFESSIONAL LICENSING

I Board of Professional Licensing ginen este ha nutitisia i pupbliku henerat na manrupoponi para u amenda i Regulasion para Engineers, Architects, Land Surveyors yan Landscape Architects. Hayi interesao na petsona siña mañule kopian i maprupoponi siha na amendasion guatu gi Ufusinan Board of Professional Licensing>

Hayi interesao na petsona malago' mamatinas komentu put i maprupopni siha na amendasion siña ha' matuge papa ya u manahalom gi haolm trenta (330) dias depues di malaknos este na nutisia gi Rehistran Commonwealth ya u manahanao guatu gi sigiente na address:

CHAIRPERSON  
BOARD OF PROFESSIONA LICENSING  
P.O. BOX 2078  
SAIPAN, MP 96950

Ma fecha gi dia 9<sup>th</sup> guine na mes May, 1995

  
ELIZABETH H. SALAS BALAJADA  
CHAIRPERSON

ARONGORONG REEL FFEÉRÚL LLIWELI ÓWTOL ALLÉGH  
YE YE GHIL NGÁLIIR  
ENGINEERS, ARCHITECTS, LAND SURVEYORS ME LANDSCAPE ARCHITECTS  
MELLÓL  
BOARD OF PROFESSIONAL LICENSING

Schóol Board of Professional Licensing nge rekke arongaar towlap igha ebwe ffeér lliwel mellól ówtol allégh ye e ghil ngáliir Engineers, Architects, Land Surveyors me Landscape Architects. Aramas ye e tipáli nge emmwel schagh bwe ebweló bweibwogh kopiyaal allégh kkaal mellól Bwulasiyool Board of Professional Licensing.

Aramas ye e tipáli bwe ebwe atotoolong tipal me mángemángil reel lliwelil allégh kkaal, nge ebwe ischiitiw nge aa atolongooy llól eliigh (30) rál sangi igha e toowow arongorong yeel llól Commonwealth Register., nge rebwe afanga ngáli address ye faal iye:

CHAIRPERSON  
BOARD OF PROFESSIONAL LICENSING  
P.O. BOX 2078  
SAIPAN, MP 96950

E ffeér llól ráálil ye 9<sup>th</sup> maram ye May, 1995

  
ELIZABETH H. SALAS BALAJADIA  
CHAIRPERSON

**REGULATIONS  
of the  
BOARD OF PROFESSIONAL LICENSING  
for  
Engineers, Architects, Land Surveyors and Landscape Architects**

**PART I. GENERAL PROVISIONS**

- 1.1 **PURPOSE.** The purpose of adopting these rules and regulations is to clarify and implement Public Laws 1-8, 4-53 and 5-43, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.
- 1.2 **AUTHORITY.** The Regulations of the Board of Professional Licensing are adopted herewith pursuant to authority vested in the Board under P.L. 4-53.
- 1.3 **FORCE AND EFFECT.** The Regulations of the Board and Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities registered under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding certificates or registration, certificates of authorization and temporary permits. No person except those exempted by 4 CMC 3213 and 3215 shall practice professional engineering, architecture, land surveying or landscape architecture unless registered hereunder.
- 1.4 **RULES OF ORDER.** The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

**PART II. DEFINITIONS**

- 2.1 ABET. The letters "ABET" shall mean Accreditation Board for Engineering and Technology.
- 2.2 **"Advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure or advertising through the media. Advertising through the "media" means newspapers, magazines, and telephone directories including all listings in the yellow pages or commercials broadcast through radio or television or any other means of dissemination.**
- 2.3 APPROVAL INSTITUTION OF HIGHER EDUCATION. The term "approved institution of higher education" shall mean institutions offering curricula leading to a Ph. D. or master's degree in engineering or architecture accredited by the Accreditation Board for Engineering and Technology, Inc. and the National Architectural Accreditation Board, respectively.

- 2.4 APPROVED SCHOOL OR COLLEGE. The term "approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by the Accreditation Board for Engineering and Technology, Inc., or the NCEE Ad Hoc Subcommittee on Foreign Education of the International Relations committee, the National Architectural Accreditation Board or Council of Landscape Architects Registration Boards.
- 2.5 ARE. The letters "ARE" shall mean Architect Registration Examination prepared by NCARB.
- 2.6 ARCHITECT. The term "architect" shall mean a person who has been duly registered by the Board to engage in the practice of architecture within the Commonwealth.
- 2.7 BASE STATE. The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially registered or the jurisdiction to which an applicant has transferred his base state status.
- 2.8 BOARD. The term "the Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by Chapter 1 of 4 CMC, Division 3.
- 2.9 BRANCH. The term "branch" of engineering shall mean the various subdivisions of the engineering profession, i.e. civil, structural, mechanical, electrical, marine etc.
- 2.10 CLARB. The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- 2.11 CERTIFICATION. The term "certification" or "certify" shall mean the sealing and signing of documents prepared under the responsible charge of the individual affixing his seal and signature.
- 2.12 CERTIFICATE OF AUTHORIZATION. The term "certificate of authorization" shall mean that documents issued by the Board to a sole practitioner, partnership, corporation, association or joint venture in the name of the firm and identifies the firm as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- 2.13 CERTIFICATE OF REGISTRATION. The term "certificate of registration" shall mean that document issued by the Board to an individual in his or her own name, which identifies the individual as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.

2.14 CIVIL ENGINEERING. That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways,, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena and forces of nature; preparation and/or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals and valuations and inspection of the construction of engineering structures.

Engineering of structures and buildings by a civil engineer shall be limited to 3 stories in height or 45 feet in height which ever is less in height.

2.15 COMMONWEALTH. The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.

2.16 CONSULTATION. The term "consultation" shall mean meetings, discussions written and verbal messages, reports, etc., involving scientific, aesthetic and technical information, facts, and advice for purposes of planning, designing, deciding, or locating construction or alteration of structures, buildings, works, machines, processes, land areas and projects.

2.17 CONSULTING ENGINEER. The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.

**2.18 DIRECT SUPERVISION. That degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.**

2.19 DESIGN. the term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, statement, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.

2.20 DIRECTLY IN CHARGE OF THE PROFESSIONAL WORK. The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.

- 2.21 **ELECTRICAL ENGINEERING.** That branch of engineering which embraces studies, design and activities relating to the general, transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.
- 2.22 **ENGINEER.** The term "engineer" shall mean a person as defined in 4 CMC 3211(d) who has been duly registered by the Board to engage in the practice of engineering in the Commonwealth.
- 2.23 **ENGINEER-IN TRAINING.** The term "engineer-in-training" shall mean a person who has met the education or experience and character requirements as set forth herein, passed the Board's examination Part I - Engineering Fundamentals and has been duly registered by the Board.
- 2.24 **EVALUATION.** The term "evaluation" shall mean careful research, examination, or inquiry to reveal, determine or estimate the value, worth, merit, effect, efficiency or practicability of planning, design, location, construction or alteration of existing or proposed structures, buildings, works processes, land areas or projects.
- 2.25 **INSPECTION OF CONSTRUCTION.** The term "inspection of construction" shall mean making periodic visits to the site by a registered engineer, architect or landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is progressing in accordance with the contract documents.
- 2.26 **INVESTIGATION.** The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.
- 2.27 **JURISDICTION.** The term "jurisdiction" shall mean the state, commonwealth, territory, possession or country authorized by law to register professional engineers, architects, land surveyors or landscape architects.
- 2.28 **LANDSCAPE ARCHITECT.** The term "landscape architect" shall mean a person as defined in 4 CMC 3211(e) who has been duly registered by the Board to engage in the professional practice of landscape architecture in the Commonwealth.
- 2.29 **LAND SURVEYOR.** The term "land surveyor" shall mean a person as defined in 4 CMC 3211(f) who has been duly registered by the Board to engage in the professional practice of land surveying in the Commonwealth.
- 2.30 **LAND SURVEYOR-IN-TRAINING.** The term "land surveyor-in-training" shall mean a person who has met the education or experience requirement as set forth herein, and in either case has passed the Board's examination on fundamentals of land surveying and has been duly registered by the Board.

- 2.31 LAWFUL EXPERIENCE.** The term "lawful experience" shall mean full-time experience in the appropriate profession or engineering discipline under the direct supervision of a NCEES, NCARB, or CLARB member board registered engineer, architect, land surveyor or landscape architect.
- 2.32 MARINE ENGINEERING. That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.
- 2.33 MECHANICAL ENGINEERING. That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment and systems, including research, design, production, operation, organization, and economic aspects of all the above.
- 2.34 NAAB. The letters "NAAB" shall mean the National Architectural Accreditation Board.
- 2.35 NAVAL ARCHITECT. Is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structures mechanics, elements of ship architecture and ship statics and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- 2.36 NCARB. The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- 2.37 NCEES. The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- 2.38 Person.** Person shall include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, or any other person acting in a fiduciary or representative capacity, or any combination of individuals.
- 2.39 PHOTOCOPY. The term "photocopy" shall mean any mechanical means of photographic reproduction.
- 2.40 PLANNING. The term "planning" shall mean careful research, analysis, examination, calculation, inquiry, study and the formulation and execution of a statement, outline, draft, map, drawing, diagram and picture showing arrangement, scheme, schedule, program and procedure for locating, building and altering existing and proposed buildings, structures, works, machines, processes, land areas and projects.

2.41 PRACTICE OF ARCHITECTURE is defined by 4 CMC 3211 (a)(2) as follows: "A person practices "architecture" who holds himself or herself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, æsthetics, and the physical science."

2.42 PRACTICE OF ENGINEERING is defined by 4 CMC 3211 (d)(3) (A) and (B) as follows: "Practice of Engineering means any service or creative work, the adequate performance of which requires knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with the drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services."

"A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this Chapter or holds himself out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering."

2.43 PRACTICE OF LANDSCAPE ARCHITECTURE is defined by 4 CMC 3211 (e)(2) as follows: "A person practices "landscape architecture" who holds himself or herself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is (A) the preservation and enhancement of land uses and natural land features; (B) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and, (C) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or



facilities. This Chapter shall not empower a landscape architect, registered under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."

- 2.44 PRACTICE OF LAND SURVEYING is defined by 4 CMC 3211 (f)(2) (A) and (B) as follows: "Practice of Land Surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

Any person shall be construed to practice or offer to practice land surveying with the meaning and intent of this Chapter who engages in land surveying or who by verbal, sign, letterhead, card or in any other way represents himself to be a land surveyor or who represents himself as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying."

- 2.45 PROFESSIONAL PRACTICE. Any person shall be construed to practice or offer to practice engineering, architecture, land surveying or landscape architecture within the meaning and intent of P.L. 4-53 who by verbal claim, sign, advertisement, letterhead, card or in any other way or through the use of some other title implies or represents himself to be professional engineer, architect, land surveyor or landscape architect or holds himself out as able to perform or who does perform any engineering, architecture, land surveying or landscape architecture service or work or any other service designated by the practitioner which is recognized as engineering, architecture, land surveying or landscape architecture.
- 2.46 REGISTERED. Registered means having received a Certificate of Registration.
- 2.47 RESPONSIBLE CHARGE. The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a registered Engineer, Architect, Land Surveyor or Landscape Architect.
- 2.48 RULES OF PROFESSIONAL CONDUCT. The term "Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture and land surveying and landscape architecture in the Commonwealth.
- 2.49 SIGNATURE. The term "signature" shall mean the reproducible original signing of ones own name. Rubber signature stamps shall not be acceptable.

- 2.50 SPECIFICATIONS. The term "specifications" shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed, land areas and projects.
- 2.51 STRUCTURAL ENGINEERING. That branch of engineering which deals with investigation, design, selection, and construction supervision of the fore-resisting and load-supporting members, of structures, such as foundations walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae, and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than 3 stories high must be designed by a structural engineer.

### **PART III. APPLICATIONS**

#### **3.1 GENERAL PROVISIONS.**

- (A) Applicants for registration as an Engineer-In-Training or Land Surveyor-In-Training shall be accepted for individuals who believe they are qualified by education and/or experience, in accordance with requirements of the Laws of the Commonwealth, to sit for the Fundamentals of Engineering or Fundamentals of Land Surveying Examination.
- (B) Applications for registration as a professional Engineer, Architect, Land Surveyor or Landscape Architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the Laws of the Commonwealth, to be registered to practice their profession in the Commonwealth.

#### **3.2 FORMS.**

All applications filed with the Board shall be complete, filed on the forms prepared by the Board and prepared in accordance with and contain all the information called for on the form.

#### **3.3 INSTRUCTIONS.**

- (A) Information on Application forms must be typed or neatly lettered in ink. When space available on a form, is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.
- (B) To allow time for the Board to process the Application, receive verification of required information and order examinations booklets, applications for examination must be filed with the board at least ninety (90) days prior to the date established by the Board for the appropriate examination.

- (C) Information on the Application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicants experience record.
- (D) Comity Registration. An applicant shall make such request in writing. File the required application and indicate that he or she has or has not attained a passing score in a written examination equivalent to NCEES, NCARB, or CLARB as set forth in these regulations. A non-refundable fee shall accompany the written request for registration.
- (E) Certificates of Registration submitted to the Board by National Council of Examiners for Engineering and Surveying, National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards shall be accepted in addition to the information required on the form prepared and furnished by the Board.
- (F) All applications shall be accompanied by one endorsed passport-size photograph of the applicant. The photograph may be either black and white or color; unretouched, full-face taken within 30 days of the date of the Application.
- (G) Applications submitted to the Board shall be signed and attested before a notary public.
- (H) The withholding of information, misrepresentation of fact or attesting to untrue statements shall be grounds for the denial or revocation of an application or registration.
- (I) It is the responsibility of the applicant for all documents, references, certificates and or diplomas as required to be submitted on time to the Board.

3.4 FUNDAMENTALS OF ENGINEERING EXAMINATION. An applicant to sit for the Fundamentals of Engineering Examination and registration as an Engineer-In-Training shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

3.5 PRINCIPLES AND PRACTICE OF PROFESSIONAL ENGINEERING EXAMINATION. An applicant to sit for the Principles and Practice of Professional Engineering Examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is conducted by the Board in October. The application must be accompanied by the application fee.

- 3.6 PROFESSIONAL ARCHITECT EXAMINATION. An application to sit for the Architect Registration Examination shall be filed no later than March 01, before examination which is regularly conducted by the Board in June or not later than September 01, for the A.R.E. Division B (graphic) and C which is regularly conducted in December.
- 3.7 LAND SURVEYOR-IN-TRAINING EXAMINATION. An application to sit for the Land Surveyor-In-Training Examination shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or no later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.8 PROFESSIONAL LAND SURVEYOR EXAMINATION. An application to sit for the land surveyor examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.9 LANDSCAPE ARCHITECT EXAMINATION. An application to sit for the Landscape Architect Examination and registration shall be filed no later than March 01, before the examination which is regularly conducted by the Board once a year in June. The application must be accompanied by the application fee.
- 3.10 **Re-examination. A candidate who has failed to successfully complete the examination and wishes to retake it must submit a written request for re-examination, accompanied by the appropriate fees, no later than 90 days prior to the scheduled exam date. A candidate may retake the examination as many times as necessary, but must prepare a new application, as provided in Part III, and submit the required fees, every second year following his or her initial examination session.**
- 3.11 TEMPORARY PERMIT REGISTRATION. In the case of an applicant for a temporary permit pursuant to 4 CMC 3213 (c), the application shall be accompanied by a statement setting forth the reason or reasons for the applicant's desire for registration and identify the project in which the applicant will work.
- 3.12 SUPPORTING DOCUMENTS.
- (A) Applications for registration by comity shall include one (1) copy each of the applicant's:
- 1) college or university diploma or a transcript of all college courses taken;
  - 2) professional registration certificate and current registration card issued by the jurisdiction where the applicant was first registered by examination or the applicant's current base state if different from the jurisdiction of first registration.

Applicants for registration as a NCEES, NCARB or CLARB Certificate holder shall be exempt from this requirement.

- (B) Applications for registration by examination shall include a certified transcript forwarded to the Board by the college or university from which the applicant graduated.

### 3.13 CHARACTER AND EXPERIENCE.

- (A) Applicants for registration shall submit the names and current addresses of five (5) references, three of the references must be registered practitioner in the branch or profession in which registration is requested. References must be able to provide information based upon first hand knowledge of the applicants character, experience and professional qualifications.

### 3.14 VERIFICATION REQUIREMENTS.

- (A) CHARACTER. The Board shall accept completed reference verification forms only when:
  - (1) received from the U.S. Postal Service or other delivery services, from the reference source directly;
  - (2) hand-delivered to the Board Office by the reference himself or herself and the form is signed and sealed by the reference himself or herself.
- (B) EDUCATION. The Board shall accept a copy of a transcript or certificate of graduation from an approved school or college as evidence of having met the education requirement for examination.
- (C) EXPERIENCE. The Board shall accept detailed sealed and signed statements from duly registered practitioners of the branch or profession for which registration is sought, attesting to the term of lawful experience.
- (D) RESPONSES. Slow response or failure of a reference college or university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.
- (E) BASE STATE. In addition to the requirements set forth in (B) and (C) above, the Board shall accept only an official verification of registration forwarded by the jurisdiction when sealed with the Board seal and signed by a responsible board administrator, which issued the applicant's initial registration attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examination as set forth in part IX of these regulations.

- (F) TRANSMITTAL. Verification submitted by or passing thru the hands of the applicant shall not be accepted. Telefax transmittal of Verification shall not be accepted unless followed by the original copy delivered to the Board as set forth in (A) 1 or 2.
- (G) NATIONAL COUNCIL CERTIFICATES. The applicant shall be responsible for requesting the transmittal of Council records to the Board and paying all Council fees associated with the transmittal.

3.15 FOREIGN EDUCATION AND EXPERIENCE.

- (A) All foreign language documents submitted for review by the Board shall be accompanied by a certified translation in English by a competent authority.
- (B) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES, NCARB or CLARB as appropriate.
- (C) An applicant shall be able to speak, read and write in the English language as a requirement for registration.
- (D) Foreign experience under the direct supervision of an Architect, Landscape Architect, Engineer or Land Surveyor as defined herein shall be creditable for a maximum of 2 years experience.

**PART IV. FEES**

4.1 METHOD OF PAYMENT.

Payment of fees shall be made by personal check, money order, cashier's check, traveler's check or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made to the Treasurer.

4.2 APPLICATION FEES.

The receipt issued by the Treasurer upon payment of the application fee shall be attached to the Application when submitted to the Board Office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

4.3 EXAMINATION FEES.

The receipt issued by the Treasurer upon payment of the examination fee shall be attached to the Application when submitted to the Board Office. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies. Examination fees are non-refundable.

4.4 RENEWAL FEES.

**(A) License renewal fees must be paid on or before the license expiration date to avoid assessment of a delinquent fee.**

**(B) Registrants whose fees are received after the renewal date shall be assessed a renewal fee, a delinquent fee for every month the registrant's fees are not received, and a reinstatement fee.**

4.5 SCHEDULE OF FEES.

Application Fees

Initial Application .....	<b>\$ 500.00</b>
Re-Consideration Application .....	<b>250.00</b>
Corporate Application .....	<b>1,000.00</b>
Examination Application .....	<b>250.00</b>

Examination Fees

Fundamentals of Engineering (EIT) .....	<b>100.00</b>
Principles and Practice of Engineering (PE) .....	<b>100.00</b>
<b>Special Civil Seismic Examination.</b> .....	<b>200.00</b>
Special Structural I .....	<b>100.00</b>
Special Structural II .....	<b>250.00</b>
Fundamentals of Land Surveying (FLS) .....	<b>100.00</b>

Principles and Practice of Land Surveying (PLS)

Part I & II together .....	<b>200.00</b>
Part I or II .....	<b>100.00</b>
Part II only .....	<b>100.00</b>
CNMI Land Matters Exam .....	<b>200.00</b>

NCARB A.R.E.

Division A .....	<b>100.00</b>
Division B (written) .....	<b>100.00</b>
Division B (graphic) .....	<b>150.00</b>
Division C .....	<b>250.00</b>
Division D/F .....	<b>100.00</b>
Division E .....	<b>100.00</b>
Division G .....	<b>100.00</b>
Division H .....	<b>100.00</b>
Division I .....	<b>100.00</b>

Registration Fees

<b>E.I.T./L.S.I.T. Registration</b> .....	<b>250.00</b>
Initial Registration .....	<b>500.00</b>
Corporate Registration .....	<b>1000.00</b>
Temporary Permit (all disciplines) .....	<b>250.00</b>

Renewal

<b>Bi-Annual</b> .....	<b>300.00</b>
Delinquent (each month) .....	<b>250.00</b>
Corporate .....	<b>800.00</b>
Delinquent (each month) .....	<b>250.00</b>
Reinstatement .....	<b>250.00</b>
Replacement/Duplication of Certificate .....	<b>100.00</b>

These examination fees will automatically change without notice once NCEES, NCARB, CLARB, ETS or ACT raise fees.

**PART V. REGISTRATION REQUIREMENTS**

- 5.1 CHARACTER AND REPUTATION. An applicant shall be of good moral and ethical character and reputation.
- 5.2 ENGINEER-IN-TRAINING. An applicant for registration as an Engineer-In-Training, shall take and pass the Fundamentals of Engineering Examination and shall:
- (A) Be a graduate of an approved school or college of engineering; or,
  - (B) Be a graduate of a four year non-approved engineering, related sciences or engineering technology program and have four (4) years of full-time lawful experience; or,
  - (C) Have not less than eight (8) years of full-time lawful experience in engineering.
- 5.3 LAND SURVEYOR-IN-TRAINING. An applicant for registration as a Land Surveyor-In-Training shall take and pass the Fundamentals of Land Surveying Examination and shall;
- (A) Have a bachelor's degree in a four year geo-science, civil engineering or general engineering curriculum from an approved school or college; or
  - (B) Have an associate degree in a two year civil engineering technology (survey option) curriculum from an approved community or technical college and also have not less than four (4) years of full-time lawful experience in landsurveying; or
  - (C) Have not less than eight (8) years of full-time lawful experience in land surveying.



5.4 QUALIFICATION FOR REGISTRATION. The qualification for registration is defined by 4 CMC 3216 as amended as follows:

- (A) "No person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect unless:
- (1) Such person is the holder of an unexpired certificate of registration issued to him by any jurisdiction, domestic or foreign, in which the requirements for registration at the time such person was first registered were of a standard satisfactory to the Board; Provided, that such person shall successfully pass a written or oral examination, or both, prescribed by the board and designed to test his or her knowledge of laws and regulations of the Commonwealth for the profession for which registration is desired; or
  - (2) Such person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering or landscape architectural curriculum of four years or more, all as the case may be; and also has had four years of full-time lawful experience in engineering or landscape architecture work, as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both prescribed by the board and designed to test such person's knowledge, skill and competency in the profession for which registration is desired; or
  - (3) Such person has had twelve years of full-time lawful experience in engineering or landscape architecture work as the case may be, of a character satisfactory to the Board, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test such person's knowledge, skill, and competency in the profession for which registration is desired; or
  - (4) (a) Such person holds a masters degree in architecture from an approved institution of higher education with training and education in the field of architecture adequate to the satisfaction of the Board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

- (b) Such person holds a bachelors degree in architecture from a school or college approved by the board as of satisfactory standing, and has completed an architectural curriculum of five years; and has also had two years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (5) Such person is a graduate of a school or college approved school by the Board as satisfactory standing and has completed a pre-architecture or arts and science curriculum of four years or more; and has also had five years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (6) Such person has had 12 years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (7) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed a geo-science, civil engineering or general engineering curriculum of four years or more; and has also had four years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competence in the profession of land surveying; or
- (8) Such person is a graduate of a community college approved by the Board as of a satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had eight years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or

- (9) Such person has had 12 years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (10) Such person was a Registered Land Surveyor under Title 31 of the Trust Territory Code as of December 31, 1979; and applies for registration as a land surveyor under this Chapter by June 30, 1985; or
  - (a) Such person meets all of the qualifications for registration as a Professional Engineer, Architect, or Landscape Architect under any of subsections (1) through (7) of this Section, other than the passage of an examination prescribed by the Board; and has been a domiciliary of and practiced such profession in the Commonwealth for at least four years up to and including December 31, 1985; and who applies for registration under this chapter by December 31, 1990; and the person is a citizen or national of the United States of America or a permanent resident of the Commonwealth.
  - (b) In addition to the foregoing requirements, the Board, may, in its discretion, require additional proof that the applicant is competent to practice professionally, and whenever the Board is not fully satisfied from the results of an examination that an applicant is competent to practice professionally, it may give the applicant a further examination or examinations.
  - (c) Except as provided in the Commonwealth constitution, Schedule on Transitional Matters, no person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect who is not of good character and reputation. Notwithstanding any other provision of this Section 3216, no person shall be eligible for registration as an engineer under the provisions of subsection (2) or (3) of this Section unless such person shall first have passed the Principles of Engineering Examination (P.E.) or a written or oral examination, or both, prescribed by the Board.

5.5 INTERVIEW. An applicant for examination shall appear before the Board for a personal interview **if necessary.**

5.6 COMITY. No person shall be eligible for a certificate of registration pursuant to 4 CMC 3109 unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same profession or branch.

- 5.7 TEMPORARY PERMIT. No person shall be eligible for a certificate of registration pursuant to 4 CMC 3213 (c) unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same branch or discipline.
- 5.8 LAND MATTERS. Applicants for comity registration as a Land Surveyor shall be required to pass an examination testing such person's knowledge of CNMI land matters when such examination is in existence.
- 5.9 EXEMPTIONS. Persons practicing professional engineering, architecture, land surveying and landscape architecture shall be exempted for registration pursuant to 4 CMC 3213, who are defined as follows:
- (A) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the United States.
  - (B) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the Commonwealth during the terms of office or employment of such persons.
  - (C) Such nonresident persons as may be granted temporary permits by the Board to practice professional engineering, architecture, land surveying or landscape architecture for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the Board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be cancelled at any time at the pleasure of the Board. The fee for each temporary permit shall be fixed by the Board by regulation.
- 5.10 PUBLIC WORK. In accordance with 4 CMC 3214 as amended, "the Commonwealth and its officers shall not engage in the construction of any public works involving professional engineering, architecture or landscape architecture for which plans, specifications and estimates have not been made and the construction of which is not supervised by a professional engineer, architect or landscape architect duly registered or exempted hereunder, provided, that nothing in this section shall apply to any public works involving professional engineering, architecture or landscape architecture projects wherein the total aggregate contractual cost thereof does not exceed the sum of \$200,000 and the officer is a citizen or national of the United States of America or a permanent resident of the Commonwealth. All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a registered land surveyor or professional exempted hereunder, provided the surveyor is a citizen of the United States of America."

## **PART VI. EDUCATION**

### **6.1 ENGINEERING AND LAND SURVEYING.**

- (A) The term "approved school or college" shall be interpreted by the Board to mean:
- 1) a baccalaureate degree in a professional engineering curriculum accredited by the Accreditation Board for Engineering and Technology, Inc.; or
  - 2) a foreign degree in an engineering curriculum recognized by the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations Committee as a program that "would appear to have" acceptable academic qualifications.

### **6.2 ARCHITECTURE.**

- (A) The term "approved school or college" is interpreted by the Board to mean:
- 1) a baccalaureate degree in a 5-year architecture curriculum accredited by the National Architectural Accreditation Board; or
  - 2) Certificate issued by NCARB. The accreditation statement shall be based within (2) years before graduation.

### **6.3 LANDSCAPE ARCHITECTURE.**

- (A) The term "approved school or college" is interpreted by the Board to mean:
- 1) a baccalaureate in a 4-year landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board.

## **PART VII. EXPERIENCE**

### **7.1 GENERAL PROVISIONS.**

- (A) The term "lawful experience" shall be interpreted by the Board to mean experience in the appropriate profession or engineering branch under the supervision of a NCEES, NCARB or CLARB member board registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (B) An applicant's Application to Practice must confirm lawful experience as follows:
- 1) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors or Landscape Architects;

- 2) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors, Landscape Architects, Planners or Interior Designers when the experience is gained out of the profession or branch for which registration is sought; and
  - 3) Teaching above the second year level in an accredited Engineering, Architecture, Land Surveying or Landscape Architecture school or college. One year teaching shall be considered to be a total teaching load of twenty (20) semester credit hours or thirty (30) quarter credit hours.
- (C) Experience history must indicate a progressive increase in the quality and complexity of projects worked on and an increase in responsibility.
  - (D) Successful completion of graduate study leading to a Master's degree in engineering following a Baccalaureate Degree in engineering is creditable for one year of experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The two years credit includes the one year credited for the Master's Degree. If the Ph.D. is obtained without a Master's Degree or with a Master's Degree in a non-engineering curriculum the total creditable experience shall be one (1) year.
  - (E) Experience as a contractor in the execution of work designed by a professional Engineer, Architect or Landscape Architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
  - (F) Only full-time work is creditable.
  - (G) Experience may not be anticipated. The required experience must have been gained prior to submittal of an application for examination.
  - (H) Experience may not be gained in violation of Commonwealth Law.

7.2 ENGINEERING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified engineering experience as an employee working in the office of a registered Engineer. Credit Allowance: 100% Maximum Credit: Unlimited

An Organization will be considered to be the "office of an Engineer" if: a) the engineering practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Engineer, b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified engineering experience as an employee of an organization (other than offices of Engineers) when the experience is under the direct supervision of a registered Engineer.  
Credit Allowance: 100%      Maximum Credit: 2 years
- (C) Experience directly related to engineering when under the direct supervision of an Engineer but not qualifying as diversified experience or when under the direct supervision of a registered Architect, Landscape Architect or Surveyor or Planner.  
Credit Allowance: 50%      Maximum Credit: 6 months
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction or experience involving physical analysis of existing structures.  
Credit Allowance: 50%      Maximum Credit: 6 months
- (E) Doctoral or Master's Degree in engineering, except when the degree is a first professional degree.  
Credit Allowance: 100%      Maximum Credit: 1 year
- (F) Teaching or reasearch in an ABET accredited engineering program.  
Credit Allowance: 100%      Maximum Credit: 1 year

7.3 ARCHITECTURE. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified architectural experience as an employee working in the office of a registered Architect.  
Credit Allowance: 100 %      Maximum Credit: Unlimited
- An organization will be considered to be the "office of an Architect" if; a) the architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.
- (B) Diversified architectural experience as an employee of an organization (other than offices of Architects) when the experience is under the direct supervision of a registered Architect.  
Credit Allowance: 100%      Maximum Credit: 2 years
  - (C) Experience directly related to architecture, when under the direct supervision of an Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Landscape Architect, Planner, or Interior Designer.  
Credit Allowance: 50%      Maximum Credit: 6 months

- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.  
Credit Allowance: 50%      Maximum Credit: 6 months
- (E) Master's Degree in Architecture except when the degree is a first professional degree.  
Credit Allowance: 100%      Maximum Credit: 1 year
- (F) Teaching or research in an NAAB accredited architecture program.  
Credit Allowance: 100%      Maximum Credit: 1 year

7.4 LAND SURVEYING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified land surveying experience as an employee working in the office of a registered Land Surveyor.  
Credit Allowance: 100%      Maximum Credit: Unlimited

An organization will be considered to be the "office of a Land Surveyor if: a) the land surveying practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Land Surveyor.

- (B) Diversified land surveying experience as an employee of an organization (other than offices of Land Surveyors) when the experience is under the direct supervision of a registered Land Surveyor.  
Credit Allowance: 100%      Maximum Credit: 2 years
- (C) Experience directly related to land surveying, when under the direct supervision of a Land Surveyor but not qualifying as diversified experience or when under the direct supervision of a registered Civil Engineer or Planner.  
Credit Allowance: 50%      Maximum Credit: 6 months
- (D) Master's Degree in Land Surveying except when the degree is a first professional degree.  
Credit Allowance: 50%      Maximum Credit 1 year
- (E) Teaching or research in a ABET accredited Land Surveying or Civil Engineering Program.  
Credit Allowance: 100%      Maximum Credit 1 year

7.5 LANDSCAPE ARCHITECTURE. In evaluating an applicant's experience the following will be considered:

- (A) Diversified landscape architectural experience as an employee working in the office of a registered Landscape Architect.  
Credit Allowance: 100%      Maximum Credit: Unlimited



An organization will be considered to be the "office of a Landscape Architect" if: a) the landscape architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Landscape Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified landscape architectural experience as an employee of an organization (other than offices of Landscape Architects) when the experience is under the direct supervision of a registered Landscape Architect.  
Credit Allowance: 100%     Maximum Credit: 2 years
- (C) Experience directly related to landscape architecture, when under the direct supervision of a Landscape Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Architect, or Planner.  
Credit Allowance: 50%     Maximum Credit: 1 year
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.  
Credit Allowance: 50%     Maximum Credit: 6 months
- (E) Master's Degree in Landscape Architecture except when the degree is a first professional degree.  
Credit Allowance: 100%     Maximum Credit: 1 year
- (F) Teaching or research in a CLARB accredited landscape architecture program.  
Credit Allowance: 100%     Maximum Credit: 1 year

## **PART VIII. REFERENCES**

### 8.1 **GENERAL PROVISIONS.**

- (A) References shall be individuals who are personally acquainted with the applicant and are able to pass the judgement on the applicant's character and reputation, ability and experience.
- (B) Relatives of the applicant may not be used as references.
- (C) No member of the Board may be used as a reference.**
- (D) The applicant is responsible for providing current and correct addresses of living character and experience references and ensure that the referenes return the verification forms to the Board promptly.

- (E) In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.

## 8.2 CONFIDENTIALITY.

Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information shall not be divulged except when required by law.

## 8.3 APPLICANT'S RESPONSIBILITY.

- (A) The applicant is responsible for insuring that the mailing address of each reference is current and correct.
- (B) Each applicant is responsible for assuring that the references return the completed reference form to the Board within a reasonable time. The responsibility included education and employment records and verification of registration and examination from other jurisdictions. All required supporting documents shall be received by the Board Office prior to the Board taking any action.

## 8.4 EXPERIENCE.

Applicants for registration shall submit at least five experience references as stated in 3.13 of these Regulations.

## 8.5 CHARACTER AND REPUTATION.

- (A) Of the five references required for Engineer, Architect, Land Surveyor and Landscape Architect applicants, three shall be from persons who are registered to practice such profession and who have personal knowledge of the applicant's character, reputation and lawful experience in such profession.
- (B) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

## 8.6 VERIFICATION.

The Board shall forward a verification form to each reference given and duly consider the responses prior to rendering a decision on the application.

## PART IX. EXAMINATIONS

### 9.1 GENERAL PROVISIONS.

- (A) The application and experience record submitted by an applicant for registration by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time devoted to professional work but also to the degree of responsibility and nature of the work.
- (B) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board received from NCEES, NCARB and CLARB for distribution to the examinees at least thirty (30) days prior to the examination date.
- (C) Applicant shall submit exam fee.
- (D) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten (10) days after receipt of notification from the Board that he or she has been qualified to sit for the exam.

The Board shall assume that a candidate receives the notification no later than three (3) days from the date of mailing.

- (E) A qualified applicant shall be given two (2) consecutive opportunities to take the examination. In the event the applicant fails to sit for the examination without cause acceptable to the Board, the application will be considered null and void and the applicant shall file new application and qualify to sit for a subsequent examination. The first scheduled examination following approval of an applicant to sit for the examination shall be considered the applicant's first opportunity.
- (F) The Board shall adopt the recommendations of NCEES, NCARB and CLARB on cutoff, raw and converted scores for the grading of engineering, land surveying, architecture and landscape architecture examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

### 9.2 ENGINEERING.

- (A) Classifications. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as an Engineer as follows:
  - (1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants; and
  - (2) PE - Principles of Engineering Examination (8 hours) for Professional Engineers (**civil, chemical, electrical, environmental, mechanical, structural I & II, etc.**)

**(3) CE- All civil engineering applicants (comity or examination) are required to take and pass the Special Civil Seismic Examination before they could qualify for registration. Grading shall conform to current practices of the California Board of Registration for Professional Engineers and Land Surveyors.**

(B) Waiver of Examination. The examination requirement may be waived, upon approval by the board, for an applicant who:

(1) Has taken and passed an examination administered by another NCEES member Board, is a registered Professional Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.

(C) Qualification Requirements.

(1) No applicant may sit for the FE or PE examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.

(2) An applicant for the Professional Engineer Examinations shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.

(3) An applicant for registration as an Engineer-In-Training shall become eligible to sit for the Fundamentals of Engineering Examination during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved school or college of engineering. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college directly to the Board.

**(D) Passing Score. Grading shall conform to current practices of NCEES.**

### 9.3 STRUCTURAL ENGINEERING.

(A) Classifications. The Board shall adopt and administer the examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as a Structural Engineer as follows:

(1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants;

- (2) PE - Principles and Practice of Engineering Examination (8 hours) for Civil Engineers; and
  - (3) SE - Principles and Practice of Structural Engineering Examination (16 hours). Structural I - 8 hours and Structural II - 8 hours.
- (B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:
- (1) Has taken and passed a written examination administered by another NCEES member Board, is a registered Professional Structural Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.
- (C) Qualification Requirements.
- (1) No applicant may sit for the Principles and Practice of Structural Engineering Examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the structural examination.
  - (2) An applicant for the Principles and Practice of Structural Engineering Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering and the Principles and Practice of Engineering Examination (Civil).
- (D) Passing Score. Grading shall conform to current practices of NCEES.

#### 9.4 ARCHITECTURE.

- (A) Classifications. The Board shall adopt and administer the Architect Registration Examination (36 hours) prepared by the National Council of Architectural Registration Boards as the standard for examination of applicants for registration as Professional Architect.
- (B) Qualification Requirements.
- (1) No applicant may sit for the ARE until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (C) Passing Score. Grading shall conform to current practices of NCARB.**

9.5 LAND SURVEYING.

- (A) Classification. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors as the standard for examination of applicants for registration as a Land Surveyor as follows:
- (1) FLS - Fundamentals of Land Surveying Examination (4 hours) for Land Surveyors-In-Training applicant;
  - (2) An applicant for the Professional Land Surveyor Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Land Surveying Examination.
  - (3) PLS - Principles and Practice of Land Surveying Examination (4 hours - NCEES and 4 hours - CNMI Land Matters for a total of 8 hours) for Professional Land Surveyors (if CNMI Land Matters exam is in existence).
- (B) Qualification Requirements.
- (1) No applicant may sit for the FLS or PLS examination until the Board has determined that all the required documentation has been received and approved and the applicant has otherwise met all the requirements for registration except passage of the examination.
  - (2) An applicant for registration as a Land Surveyor-In-Training shall become eligible to sit for the Fundamentals of Land Surveying Examination during his or her senior year of enrollment in an engineering or land surveying curriculum leading to a baccalaureate degree at an approved school or college of engineering or land surveying. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college to the Board.
- (C) **Passing Score. Grading shall conform to current practices of NCEES.**

9.6 LANDSCAPE ARCHITECTURE.

- (A) Classification. The Board shall adopt and administer the Landscape Architect Examination prepared by the Council of Landscape Architectural Registration Boards (CLARB) as the standard for examination of applicants for registration as a Professional Landscape Architect.
- (B) Qualification Requirements.

- (1) No applicant may sit for the examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.

**(C) Passing Score. Grading shall conform to current practices of CLARB.**

9.7 EXAMINATION DATES AND LOCATIONS.

- (A) Examination dates are determined by the Board based on recommendations by NCEES, NCARB and CLARB respectively. The dates for each exam are available at the Board Office.
- (B) The location of each examination is determined by the Board and is based upon the availability of acceptable examination space. Information is available from the Board Office.

9.8 LANGUAGE. All examinations shall be in English language. The examinations shall not be translated into another language either orally or in writing.

9.9 STUDY INFORMATION. The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his own preparation material.

9.10 EXAMINATION REFERENCE MATERIALS. Instructions prior to each examination will inform the candidates if an exam part is to be open or closed book exam.

9.11 FAILURE TO SIT FOR EXAMINATION.

- (A) A candidate who fails to sit for an examination for which he or she has been qualified by the Board shall forfeit his or her examination fee. In cases of severe illness, death in the immediate family or other unavoidable causes which the candidate can attest under oath, witnessed by a notary public, the examination fee shall not be forfeited.
- (B) Failure of a candidate to sit for an examination for which he or she has been qualified shall not be considered as a failure of the examination.

9.12 EXAMINATION RESULTS. Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his score if below the passing score.

9.13 REVIEW OF EXAMINATIONS. An applicant who fails to make a passing score on a written examination may request to be allowed to review his examination paper within 30 days after notice of results of his examination has been mailed to him. The review must be done in the office of the Board under the supervision of a staff member.

9.14 EXAMINATION FOR RECORD PURPOSES.

- (A) An Engineer, Architect, Land Surveyor or Landscape Architect registered by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fee.
- (B) Failure to pass an examination will in no way affect the candidates current registration.

9.15 RE-EXAMINATION.

- (A) Retaking parts failed. Applicants for Architect registration only for re-examination may retake part(s) failed at a regularly scheduled examination under Article 3.10 above.
- (B) Examinations. A candidate failing one examination may apply for re-examination which may be granted upon payment of a fee established by regulation of the Board. Before re-admission to the examination, in the event of a second failure, the examinee may, at the discretion of the Board, be required to appear before the Board with evidence of having acquired the necessary additional knowledge to qualify.
- (C) Architect Registration Examination (A.R.E). To pass the A.R.E. an applicant must achieve a passing grade on each division. Scores from the individual divisions may NOT be averaged. The Council does not require applicants to take all divisions of the A.R.E. at their initial sitting for the examination nor that they take all previously failed divisions at any subsequent sitting for the examination. For purpose of certification, the Council permits applicants unlimited opportunities to retake divisions previously failed.
- (D) **Re-examination. A candidate who has failed to successfully complete the examination and wishes to retake it must submit a written request for re-examination, accompanied by the appropriate fees, no later than 90 days prior to the scheduled exam date. A candidate may retake the examination as many times as necessary, but must prepare a new application, as provided in Part III, and submit the required fees, every second year following his or her initial examination session.**



## **PART X. CLASSIFICATIONS OF REGISTRATION**

### 10.1 ENGINEERING.

- (A) An applicant approved for registration as an Engineer shall be registered as an:
  - (1) Engineer-In-Training; or
  - (2) Professional Engineer
- (B) Professional Engineers shall be registered in one of the recognized NCEES branches of engineering.

### 10.2 ARCHITECTURE.

- (A) An applicant approved for registration as an Architect shall be registered as a:
  - (1) Professional Architect

### 10.3 LAND SURVEYING.

- (A) An applicant approved for registration as a Land Surveyor shall be registered as a:
  - (1) Land Surveyor-In-Training; or
  - (2) Professional Land Surveyor

### 10.4 LANDSCAPE ARCHITECTURE.

- (A) An applicant approved for registration as a Landscape Architect shall be registered as a:
  - (1) Professional Landscape Architect

## **PART XI. CERTIFICATES OF REGISTRATION**

- 11.1 ISSUANCE OF CERTIFICATES. Upon completion of all the requirements for registration, the Board shall issue a Certificate of Registration to an applicant. The Certificate shall identify the applicant as an Engineer-In-Training, a Professional Engineer, Professional Architect, Land Surveyor In-Training, Professional Land Surveyor or a Professional Landscape Architect, as the case may be.

- 11.2 PROHIBITED ACT. It is expressly prohibited, and is a violation of these regulations for any registrant to use his/her registration and authorization hereunder to apply a seal or stamp of approval to any plans or work over which he/she does not have proper control or supervision. Further, no registrant may use his/her authorization hereunder for any plans or work performed by any other person or entity unless the registrant is a full time employee of such person or entity, or a partner or officer of such entity; and such acts of the registrant must be in full compliance with the terms of these regulations.
- 11.3 REGISTRATION NUMBER. Each registrant shall be assigned a registration number at the time registration is approved by the Board. Numbers are issued consecutively and separately for professional Engineers, Architects, Land Surveyors and Landscape Architects in the order in which the applications are approved.
- 11.4 FORM. The certificate shall be in the form required by Law, and as otherwise approved by the Board.
- 11.5 ENGINEERING BRANCHES. The Certificate of Registration for a professional engineer or engineering firm shall designate the branch in which such person or firm is registered to practice.
- 11.6 DISPLAY. Every person registered as an individual and every partnership, corporation, association and joint venture maintaining an office or other place of business for the practice of his/its profession, shall display his or its original Certificate of Registration or Certificate of Authorization or permit together with evidence of current validation in a conspicuous manner, in his or its principal office of place of business.
- 11.7 REPLACEMENT. Upon submittal of a request and a notarized affidavit attesting to loss, destruction or mutilation of the original certificate, a registrant in good standing will be furnished a new certificate upon payment of a replacement fee.

## **PART XII. TEMPORARY PERMITS**

### **12.1 GENERAL PROVISIONS.**

The Board may grant a Temporary Permit for a limited period to a non-resident, sole practitioner, partnership, corporation, association or joint venture who or that has no established place of business in the Commonwealth but desires to practice or offer to practice engineering, architecture, land surveying or landscape architecture in the Commonwealth.

## 12.2 REQUIREMENTS.

- (A) No person shall be eligible for a Temporary Permit under 4 CMC 3213(c) unless such person possesses the same qualifications as are required of other applicants for certificate of registration in the same discipline or branch.
- (B) Requests for a Temporary Permit shall be submitted in writing setting forth reasons for the desired permit.
- (C) Temporary Permits issued, shall be for one project only. A Temporary Permit grants the permittee the right to practice engineering, architecture or landscape architecture for only the duration of the project identified on the permit.
- (D) A Temporary Permit may not be renewed or extended to include any other project.

## **PART XIII. SEALS**

13.1 BOARD SEAL. The official seal of the Board shall consist of a latte stone with star super imposed surrounded by the words "CNMI Board of Professional Licensing".

## 13.2 INDIVIDUAL SEAL.

- (A) Authorized Design. The holder of a Certificate of Registration shall be authorized and required to use a seal or rubber stamp of the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1-5/8 in diameter. The name of the registrant and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Registered Professional Engineer," "Registered Professional Architect", "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect" together with the registrant's certificate number, shall appear in the center space.

- (B) Required Use. All drawings, specifications, maps, reports, surveys and descriptions prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect, shall be stamped with the authorized seal or stamp and authenticated as provided in Part XIV below.

## **PART XIV. AUTHENTICATION OF DOCUMENTS**

### **14.1 GENERAL PROVISIONS.**

- (A) As contained in 4 CMC 3219 the contents of certificates and use of seal are defined as follows:
- (1) "Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the Board to practice professional engineering, architecture, land surveying, or landscape architecture."
  - (2) "In the case of a certificate issued to a person authorizing such person to practice professional engineering, the certificate shall also indicate the major branch or branches of engineering in which the person has specially qualified."
  - (3) "Every registered person may use a seal or rubber stamp of a design authorized by the Board bearing such person's name and the words "registered professional engineer", "registered architect", "registered land surveyor", or "registered landscape architect", or otherwise as may be authorized by the Board."
  - (4) "All plans, specifications, maps, and reports prepared by or under the supervision of a registered engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the certificate of the registrant name thereon has expired or has been revoked or suspended unless such certificate has been renewed or reissued."
  - (5) "No official of the Commonwealth who is or may hereafter be charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this Chapter; and no map or survey prepared after the effective date of this Chapter shall be filed with any official of the Commonwealth unless stamped with the seal of a registered land surveyor."

- (B) The seal and signature of the responsible registrant shall be placed on all complete drawings, specifications, maps, reports, surveys, plans, designs and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under his or her direct supervision.
- (C) The registrant's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.
- (D) When a document contains more than one sheet or page, the first sheet or title page shall be sealed and signed by all registrants who were in direct charge and are responsible for the work. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. When the work is performed by a firm, partnership or corporation, each sheet shall be sealed and signed by the principal in responsible charge.
- (E) The seal and signature shall be placed on work only when the work was done under the registrant's direct supervision and control.
- (F) When a registrant in another jurisdiction has a Temporary permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the Temporary Permit number to all work done in the Commonwealth.
- (G) When a CNMI registrant certifies the work of an out-of-state registrant, the CNMI registrant shall have complete dominion and control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

14.2 SEAL AND SIGNATURE.

- (A) Design Authentication. All design work prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

\_\_\_\_\_  
Signature

- (B) Construction Inspection. In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly registered professional Engineer, Architect or Landscape Architect charged with inspection of the construction pursuant to this rules and regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCTION OBSERVATION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

---

Signature

In the event the registered Engineer, Architect or Landscape Architect whose seal or stamp and signature appears in connection with the foregoing statement concerning inspection of construction shall be removed, replaced or otherwise unable to discharge his or her duties, such registered Engineer, Architect or Landscape Architect shall so notify the Board within fifteen (15) days, and such notification shall include the name, if known, of the registered Engineer, Architect or Landscape Architect charged with continuing the construction inspection.

- (C) Design and Construction Inspection. When an Engineer, Architect or Landscape Architect has responsibility for the design and construction, the authentication shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION INSPECTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION:

---

Signature

- (D) Temporary Permit Holder. The holder of a Temporary Permit shall be authorized and required to use the seal or stamp authorized by the Board with which he or she is permanently registered on all work and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

Temporary Permit No. \_\_\_\_\_

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

---

Signature

In addition to the foregoing requirements, documents submitted for building or construction permits involving public safety or health, prepared by a temporary permit holder, shall bear the permit holders authorized seal or stamp and be authenticated as prescribed in subsections (A), (B) and (C) above.

#### 14.3 ENGINEER'S SEAL.

- (A) The seal and signature of a registered professional Engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form which involves the practice of engineering as defined herein.
- (B) The seal and signature of an Engineer, registered in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:
  - (1) All portions of documents for single family detached dwellings may be sealed and signed by a professional civil or structural engineer;
  - (2) Documents for the structural portion of buildings no greater than three (3) stories or thirty (30) feet in height may be sealed and signed by a Civil Engineer.
- (C) Documents for multi-family dwelling and residential subdivisions shall be sealed and signed by professional Engineers registered in the appropriate branches as well as an Architect.
- (D) Documents for foundations of pre-engineered structures sealed and signed by a professional Engineer registered in another jurisdiction shall also be reviewed and sealed and signed by a Structural or Civil Engineer registered in the Commonwealth.

#### 14.4 ARCHITECT'S SEAL.

- (A) The seal and signature of an Architect shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.
- (B) The seal of an Architect shall be placed on documents for multi-family dwelling units and subdivisions as well as the seals and signatures of Engineers in the appropriate branches.

## PART XV. RENEWAL

### 15.1 NOTICES.

- (A) Certificates shall be renewed on a biannual basis. Renewal of all certificates shall be every two years following their issuance or renewal.
- (B) A renewal notice shall be mailed by the Board to the last known address of each individual registrant holding a Certificate of Registration and to each partnership, corporation, association or joint venture holding a Certificate of Authorization indicating the date of expiration of the certificate and the amount of the renewal fee.
- (C) Temporary permits shall not be renewable.

### 15.2 FEES.

- (A) Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal.
- (B) Failure of a registrant to renew before the renewal date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired by failure to renew must file a new application and receive Board approval for reinstatement.
- (C) A registrant who supplies the Board with an affidavit that he or she is no longer practicing in the Commonwealth before the expiration date of his or her certificate may retain the certificate for later use upon reinstatement and payment of a reinstatement fee.
- (D) Renewal fees paid by mail shall be considered as paid if the envelope bears a postmark **no later than the date of expiration.**
- (E) Responsibility for the timely payment of the renewal fee rests solely with the registrant.

## PART XVI. NOTIFICATION AND FILING

### 16.1 NAMES, ADDRESS AND CHANGES.

General. Each sole practitioner holding a Certificate of Registration and each corporation holding a Certificate of Authorization or Temporary Permit to practice in the Commonwealth shall file his or her mailing address and the name and address of his or her employer, as applicable, with the Board and shall immediately notify the Board in writing of any and all changes.



16.2 PARTNERSHIPS AND CORPORATIONS. Pursuant to 4 CMC 4101 et. seq. and 4 CMC 3220, a partnership or corporation may engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth, provided the person or persons connected with the partnership or corporation directly in charge of the professional work is or are duly registered hereunder. Such persons in direct charge shall be full-time employees, principals, and/or full-time partners of the partnership or corporation, and their names shall be filed with the Board as required in subsection (C) below.

**All partnerships or corporations who have person(s) registered with the Board of Professional Licensing to practice engineering, architecture, land surveying or landscape architecture, whether they are residing and have an office in the Commonwealth or not; whether they are practicing their profession in the Commonwealth or not, must be registered for a Certificate of Authorization with the Board.**

**It is in violation of these regulations for a partnership or corporation to engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth unless the partnership or corporation is holding a Certificate of Authorization issued by the Board of Professional Licensing.**

**It is also a violation of these regulations for partnerships or corporations to advertise the practice of any branch of engineering, architecture, land surveying or landscape architecture unless the partnership or corporation is registered with the Board of Professional Licensing and holds a Certificate of Authorization.**

(A) Form of filing. Such filing shall be in the form of a notarized statement from the partnership or corporation and shall contain the following:

Partnership or Corporation Filing: A signed statement by an authorized partner or corporate officer that the person whose name is being filed is duly registered and possesses a valid certificate therefor in the Commonwealth in the appropriate profession; that such person is designated as being directly in charge of the professional work, including construction observation, performed by the partnership or corporation that such person is a full-time employee or partner of a partnership or; officer of the corporation; that such person has been delegated the legal authority to bind the partnership or corporation in all matters relating to the professional work; and that should there be any change in the status of any person on file, whether as to valid Certificate of Registration, direct charge of the professional work, full-time employment, partnership or principalship or legal authority to bind the corporation or partnership, the partnership or corporation shall so notify the office of the Board within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, file the name of another qualified person.

(B) The following "FORM C-64 shall be used for filing:

FORM C-64

BOARD OF PROFESSIONAL LICENSING  
P.O. BOX 2078  
SAIPAN, MP 96950

Form for Partnership and Corporations to File with the Board Names of Persons directly in charge of Professional Work

I, \_\_\_\_\_ being an authorized

\_\_\_\_\_ of \_\_\_\_\_  
(Partner/Officer) (Name of Partnership/Corporation)

whose address is \_\_\_\_\_ said company being engaged in the practice of professional

Engineering

( ) Civil

( ) Architecture

( ) Electrical

( ) Land Surveying

( ) Mechanical

( ) Landscape Architecture

( ) Structural

( ) Other - Specify \_\_\_\_\_

do hereby declare, under penalty of perjury, as follows:

1. That the following persons are duly registered and possesses valid certificates therefor in the Commonwealth of the Northern Mariana Islands in their respective professions and branches:

<u>Person's Name</u>	<u>Person's Signature</u>	<u>Profession</u>	<u>Certificate Number</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. That the above named person(s) is/are designated as being directly in charge of the professional work, including construction observation, performed by this Company;
3. That the above named person(s) is/are full-time employees and/or partners of this Company;

4. That the above named person(s) has/have been delegated the legal authority to bind this company in all matters relating to the professional work; and
5. That should there be any change in the status of the above named person(s), whether as to valid Certificate of Registration, direct charge of the professional work, including construction observation, full-time employment or partnership, or legal authority to bind this Company, this Company will so notify the Board by letter within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, will file in the manner herein prescribed, the name of another qualified person.
6. That the corporation or partnership was lawfully formed or registered under, and is currently operating in compliance with the laws of the Commonwealth. **(Enclose a copy of the Certificate of Registration or a Certificate of Incorporation issued by the Registrar of Corporations of the Office of the Attorney General and a copy of the business license issued by the office of the CNMI Department of Commerce).**

\_\_\_\_\_  
Name of Partnership or Corporation

\_\_\_\_\_  
Signature & Title of Authorized Officer

\_\_\_\_\_  
Date

- (C) Each engineering, Architectural, Landscape Architectural or Land Surveying services shall have a resident registered professional in charge.

Each partnership or corporation is responsible with and for the conduct or acts of the agents, employees or officers in respect to any professional engineering, architecture, land surveying, or landscape architecture, services performed or to be executed in the Commonwealth. No individual practicing professional engineering, architecture, land surveying or landscape architecture is relieved of the responsibility for his conduct or acts performed by reason of his employment by or relationship with such partnership or corporation.

- (D) A registrant may not perform work for a corporation or partnership unless that corporation or partnership is in compliance with the registration requirements of the Commonwealth of the Northern Mariana Islands Registrar of Corporations of the Office of the Attorney General.**

**It is the duty of each professional working in the CNMI for a corporation or partnership to obtain and file with the Board a copy of the following:**

- 1. A Certificate of Registration for a corporation not incorporated in the CNMI (also known as a foreign**
- 2. A Certificate of Incorporation for a corporation formed in the CNMI; or**
- 3. A file stamped Partnership Registration statement.**
- 4. A business license issued by the office of the Department of Commerce.**

**The registrant must file said documents with the Board for each corporation or partnership for whom he/she performs work in the CNMI, as such work occurs, and as part of the license application and renewal process.**

## **PART XVII. PROFESSIONAL CONDUCT**

### **17.1 RULES OF PROFESSIONAL CONDUCT.**

The Board has prepared and adopted Rules of Professional Conduct for Professional Engineers, Architects, Land Surveyors and Landscape Architects practicing in the Commonwealth.

### **17.2 KNOWLEDGE OF THE RULES.**

All persons registered to practice professional Engineering, Architecture, Land Surveying or Landscape Architecture in the Commonwealth are charged with having knowledge of the existence of the Rules of Professional Conduct as well as amendments from time to time which shall be made known in writing to every registrant and applicant for registration.

### **17.3 CONVICTIONS.**

Any individual or corporate registrant of this Board who has been fined; received a reprimand; had a certificate to practice revoked, suspended or denied by another jurisdiction; **been convicted of a crime related to the engineering, architectural, land surveying or landscape architect profession; or who** for reasons or causes which this Board finds would constitute a violation of the law or any provision of these regulations governing the practice of engineering, architecture,

land surveying or landscape architecture in the Commonwealth shall be subject to fine, reprimand, revocation or suspension by this Board of the certificate to practice in the Commonwealth.

It is the duty of each registrant to report a conviction to the Board within 10 days following entry of such conviction, notwithstanding any appeal.

### **XVIII. ADVERTISING PRACTICES**

**18.1 ADVERTISING. It is in violation of these regulations for any individual, partnership or corporation to advertise as a professional engineer, architect, land surveyor or landscape architect unless such individual, partnership or corporation holds a certificate of registration or certificate of authorization.**

### **XIX. RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS**

#### **19.1 RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS.**

- (A) An applicant whose application for a professional license has been disapproved by the Board of Professional Licensing (Board) may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:
- (1) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within forty-five (45) days of the date of the notice of disapproval.
  - (2) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:
    - (a) Mistake of fact or law;
    - (b) New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
    - (c) Any other evidence or reason justifying a petition for reconsideration.
  - (3) Only one petition for reconsideration shall be accepted by the Board.

- (4) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

#### **PART XX. VIOLATIONS; PENALTIES**

20.1 **COMPLIANCE.** Pursuant to 4 CMC Section 3222, states that, any person:

- (A) who practices, offers to practice, or holds himself out as authorized and qualified to practice professional engineering, architecture, land surveying, or landscape architecture in the Commonwealth, except as provided in Sections 3213 and 3215; or
- (B) who uses the title "engineer", "architect", "land syrveyor", or "landscape architect", or any title, sign, card, or device to indicate that such person is practicing professional engineer, architecture, land surveying or landscape architecture, or is a professional engineer, architect, land surveyor or landscape architect, without having first registered in acordance with this chapter and without having a valid unexpired certificate of registration; or
- (C) who uses or attempts to use as his own the seal or the certificate of registration of another; or
- (D) who falsely impersonates any duly registered practitioner hereunder; or
- (E) who uses or attempts to use an expired, suspended, or revoked certificate of registration; or any firm or corporation which advertises that it will furnish architectural, engineering or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, without first having complied with Section 3220; or
- (F) any firm or corporation which furnishes or offers to furnish architectural, engineering or landscape architectural services for the construction of any building, structure, project, or utility in the Commonwealth, without first having complied with Section 3220; or
- (G) any person or firm who violates any of the provisions of this Chapter:

shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

## **PART XX1 ENFORCEMENT**

- 21.1 **ENFORCEMENT.** The Board may initiate disciplinary action in cases where the Board has reason to believe that a person's actions are in violation of 4 CMC, Div. 3 or these regulations. The Attorney General of the Commonwealth of the Northern Mariana Islands has the authority to enforce the provisions of 4 CMC, Div. 3, and to assist the Board in ensuring compliance with these regulations. The Attorney General serves as legal advisor to the Board and renders such legal assistance as may be necessary in carrying out these provisions.

## **PART XXII. SUSPENSION OR REVOCATION OF CERTIFICATES.**

### **22.1 Suspension or Revocation of Certificates.**

- (A) "The Board may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, incompetency, or misconduct in the practice of his profession, or who is convicted of violating this Chapter or the rules or regulations of the Board.
- (B) Any person, including a Board member, may prefer charges in writing with the Secretary of the Board against any person holding a certificate. The charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they were filed, and at a time and place to be fixed by the Board.
- (C) **A copy of the charges, together with the notice of the time and place of the hearing, shall be sent by registered mail to the accused at least thirty days before the date fixed for hearing. Mailing the charges along with the notice to the accused's last known place of business or residence shall constitute sufficient service.**
- (D) It shall require a unanimous vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty by the Board shall, in its discretion, either revoke or suspend the certificate of registration of the accused."

## **PART XXIII. DISCIPLINARY ACTION**

### **23.1 DISCIPLINARY ACTIONS.** The Board may take disciplinary action against a registrant who is found guilty of the following:

- (A) Any Act or omission which fails to meet the generally accepted standards of engineering, architectural, land surveying and landscape architect practice;

- (B) Conviction of or pleading guilty to a **crime related to the engineering, architectural, land surveying or landscape architect profession.** A certified copy of the judgement of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purpose of any hearing under this part. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction;
- (C) Violation of, or aiding or abetting in the violation of the provisions of this part, any rule or regulation adopted by the board, or any order of the board issued in conformance with the provisions hereof;
- (D) Use of false, deceptive, or misleading advertising;
- (E) Performing services beyond one's competency, training, or education;
- (F) Failure to report to the board any registrant known to have violated any provision of any board order or rule or regulation;
- (G) Failure to report to the board any malpractice claim against such registrant or any firm partnership, corporation, or joint-stock association of which he is a member, that is settled or in which judgement is rendered, within sixty days of the effective date of such settlement or judgement, if such claim concerned professional services performed or supervised by such registrant.
- (H) **Signing or affixing the registrant's seal, or permitting the registrant's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents or calculations, or revisions thereof which have not been prepared or completely checked by the registrant or under the registrant's direct supervision.**
- (I) An disciplinary action concerning licensure or enrollment in another state jurisdiction on grounds substantially similar to those that would constitute a violation under this shall be prima facie evidence of grounds for disciplinary action, including denial licensure.

## 23.2 DISCIPLINARY PROCEEDINGS.

Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a registrant or until final agency action is otherwise taken by the board.



**PART XXIV. REINSTATEMENT**

24.1 PETITION FOR REINSTATEMENT.

An individual registrant or corporation holding an expired or revoked Certificate of Registration or Certificate of Authorization may petition the Board for reinstatement. The petition must clearly and concisely set forth reasons for requesting reinstatement.

24.2 BOARD ACTION.

For reason(s) the Board deems sufficient, an expired or revoked Certificate of Registration or Certificate of Authorization may be reinstated.

**PART XXV. BOARD RECORDS**

25.1 RETENSION OF RECORDS.

Applications received by the Board may be approved, disapproved or deferred, pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board.

Application from either an individual or corporation in which a violation of Commonwealth Law was evident shall be retained indefinitely by the Board.

25.2 DISPOSAL OF RECORDS.

(A) Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those items submitted by the applicant.

(B) The following is the schedule of retention time for applications submitted to the Board:

Disapproved	2 years
Examination, Inactive	2 years
Expired Certification	

**PART XXVI. SEVERABILITY**

If any provision of these Regulations, or the application of any such provision, to any person or corporation or under any circumstances shall be held invalid by a court of competent jurisdiction, the remaining provisions of these Regulations and the application of such remaining provisions to persons or corporations or under circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these Regulations are and shall be severable.

**PART XXVII. ADOPTION AND AMENDMENT OF REGULATIONS**

**THE END**



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

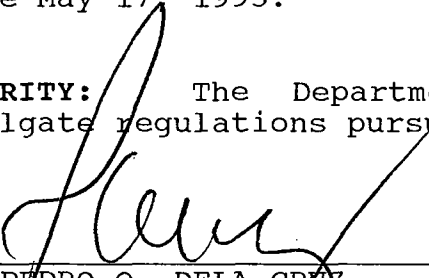
**PUBLIC NOTICE OF INTENT TO REPEAL REGULATIONS  
BY THE DEPARTMENT OF COMMERCE**

**CONTENTS:            PROPOSED REPEAL OF REGULATIONS OF THE  
                                 DEPARTMENT OF COMMERCE:**

(See Attached Proposed Repealed Regulation)

**PUBLIC COMMENTS:**    All interested persons may submit written data, views, or arguments about the proposed amendments to the Secretary, Department of Commerce, P.O. Box 10007, Saipan, MP 96950, on or before May 17, 1995.

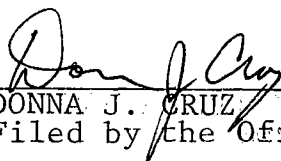
**AUTHORITY:**            The Department of Commerce is authorized to promulgate regulations pursuant to 1 CMC §§ 2454, 9104.

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ  
Director, Department of Commerce

4/24/95  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Filed by Registrar of Corporations

4/25/95  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
DONNA J. CRUZ  
Filed by the Office of the Governor

4/26/95  
\_\_\_\_\_  
Date



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

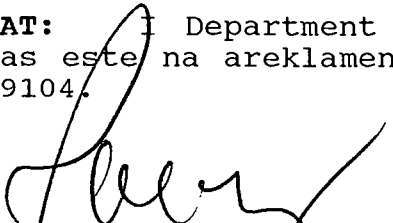
NUTISIAN PUPBLIKU POT I INTENSION PARA UMA DIROGA  
AREKLAMENTO GI HALOM I DEPARTMENT OF COMMERCE

SUHETU: PROPOSITU POT PARA UMA DIROGA I  
AREKLAMENTO GI DEPARTMENT OF COMMERCE

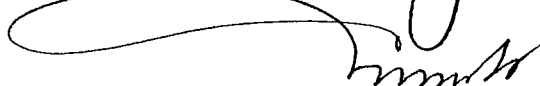
(Atan I Areklamento Ni Mapropositu Para Uma Diroga)

KOMENTUN PUPBLIKU: Todo man interresante na petsonas pot este na asunto pot i intension i Department of Commerce nui para unaguaha areklamento pot ma diroga, sina mana halom komento guato gi Secretary of Commerce, P.O. Box 10007, Saipan, MP 96950 antes de Mayo dia 17, 1995.

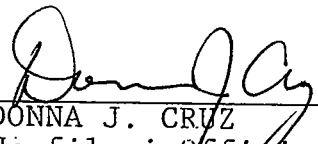
ATURIDAT: Department of Commerce guaha aturidatna na para ufatinas este na areklamento como tinetika gi seksiona 1 CMC §§ 2454, 9104.

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ  
Secretariu, Dipattamenton Commerce

4/24/95  
Fecha

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Ha file i Registrar of Corporations

4/25/95  
Fecha

  
\_\_\_\_\_  
DONNA J. CRUZ  
Ha file i Officinan i Gobetno

4/26/95  
Fecha



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

**DEPARTMENT OF COMMERCE REPEAL  
OF MORATORIUM ON ISSUANCE OF BUSINESS  
LICENSES TO GARMENT MANUFACTURERS**

Comm. Reg. Vol. 9, No. 9, at 5277, Section 4(a) allows for a moratorium from the business license requirements of 4 CMC § 5611 for the purpose of garment manufacturing. It is the intent of the Secretary of Commerce to repeal this moratorium and that the business license requirements of 4 CMC § 5611 apply to garment manufacturing. This Section reads as follows:

Section 4. Moratorium.

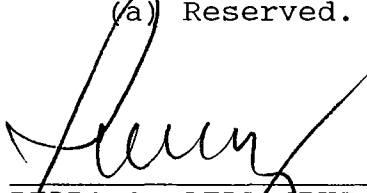
(a) Issuance of Business Licenses. No employee of the Department of Commerce and Labor shall issue or cause to be issued to any applicant a business license for the purpose of garment manufacturing.

Comm. Reg. Vol. 9, No. 9, Section 4(a), at 5277 (October 15, 1987).


It is the intent of the Secretary that this Section 4(a) be repealed and that this Section shall read as follows:


Section 4. Moratorium.

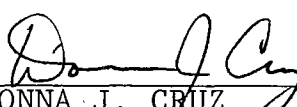
(a) Reserved.


  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ  
Director, Department of Commerce

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Filed by Registrar of Corporations

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
DONNA J. CRUZ  
Filed by the Office of the Governor

  
\_\_\_\_\_  
Date

**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 the amended school policies pursuant to the Education Act of 1988 and the Administrative Procedures Act.

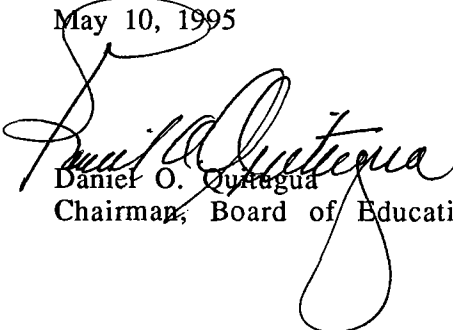
The policies adopted were published in the Commonwealth Register Vol.17-No.03 (March 15, 1995) in proposed form for public comment. The policies adopted with amendments are:

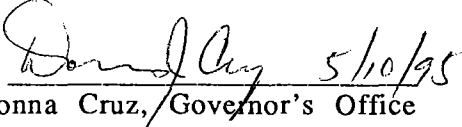
1. Amend. PSPSPRR 4219(E) Premium Pay
2. BOE Resolution "Multi-Track" for MHS & HJHS

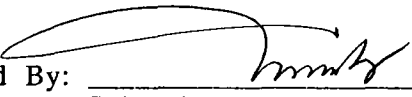
Copy of the policies may be obtained from the Office of the Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

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

May 10, 1995

  
Daniel O. Quirigua  
Chairman, Board of Education

Received By:  5/10/95  
Donna Cruz, Governor's Office

Filed By:   
Soledad B. Sasamoto  
Registrar of Corporations

NUTISIA POT MA'ADAPTAN

BOARD OF EDUCATION POLICY

I Board of Education gi halom i Notte Mariana Islands ginen este ha nutisia i pupbliku henerat na esta manadapta amendasion siha para areklamenton sigun i ginagagao gi Education Act of 1988 yan i Administrative Procedures Act.

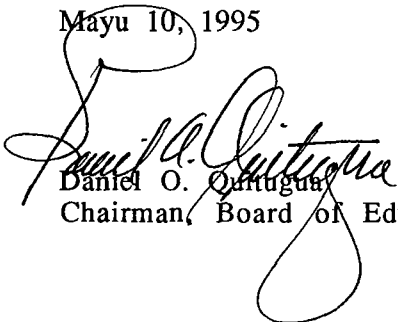
I areklamento siha ni manma'adapta manmapublika huyong gi Commonwealth Register Vol. 17, No. 03 (Matso 15, 1995) gi fotman i mapropoconi para i pupbliku. Estague' i sigiente na manma'adapta na policies siha:

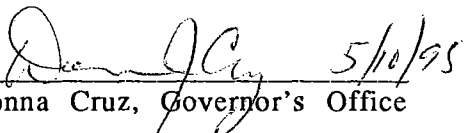
1. Amenda PSPSPRR 4219(E) Premium Pay
2. BOE Resolution "Multi-Track" for MHS & HJHS


Hayi malago' siña ha' mañule' kopian este siha na policies gi Ufisinan i Atkaten i Edukasion, Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

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

Mayu 10, 1995

  
Daniel O. Quintigua  
Chairman, Board of Education

Received By:  5/10/95  
Donna Cruz, Governor's Office

Filed By:   
Soledad B. Sasamoto  
Registrar of Corporations

ARONGORONGOL ADAPTAAL

ALLEGHUL BOARD OF EDUCATION

Schóól Board of Education me llól Northern Marianas Islands re kke aghuleey ngaliir aramas towlap bwe ra adaptáilil alléghúl imwal rágháfishch kkewe re amendáli sáangi Education Act of 1988 me Administrative Procedures Act.

Allégh kka re adaptáilil nge aa takkal toowow llól Commonwealth Register Vol.17-No.03 (Matso 15, 1995) igha re féerú reel proposed form bwe towlap rebwe iraalong meeta tipeer me mángemángiir.

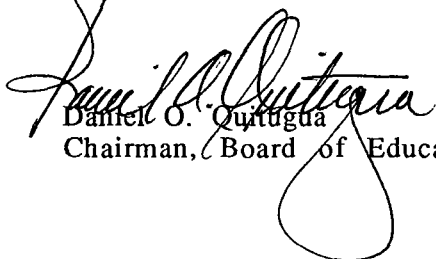
Allégh kka re adaptáilil nge ikka faal:


1. Liiwelil PSPSPRR 4219(E) Premium Pay
2. BOE Resolution "Multi-Track" for MHS & HJHS

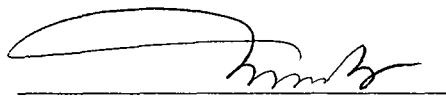
Kkopiyaal allégh kkaal nge emmwel aramas rebwe ló bweibwogh sáangi Office of the Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

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

Mayo 10, 1995

  
Daniel O. Quitugua  
Chairman, Board of Education

Iyo E Risibiiy:  5/10/95  
Donna Cruz, Governor Office

Iyo E File-li:   
Soledad B. Sasamoto  
Registrar of Corporations



**PSSPRR 4219**

**4219(E) Premium Pay**

After-school differential, coaching differential, summer school differential and Saturday school differential may be paid to PSS personnel who meet all BOE Teacher certification requirements, have previously consulted and obtained written approval from the COE. This differential shall be paid based on rates approved by BOE, provided funds are available. Persons receiving an after-school differential, coaching differential, summer school differential and/or a Saturday school differential shall not be eligible to receive overtime compensation. Coaches may receive a waiver of the certification requirement from the Commissioner for up to four years.

Proposed Differentials:

Coaches : \$30/sports season  
After-School : \$30/daily session (not to exceed two hrs.)  
Saturday : \$60/half day session  
Before School : \$15/daily session (not to exceed one hr.)  
Summer School : \$100/full day (6 periods)  
: \$15/half day (up to 4 periods)  
Intercessions : \$15/hour

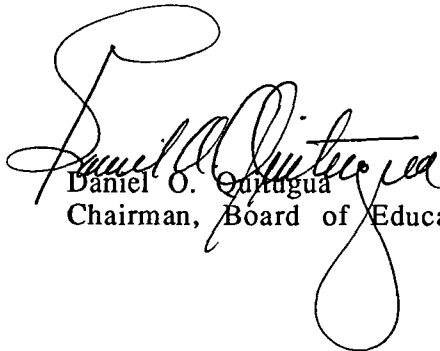
**CERTIFICATION OF RULES REGARDING THE PUBLIC SCHOOL SYSTEM**


**ADOPTED POLICY**

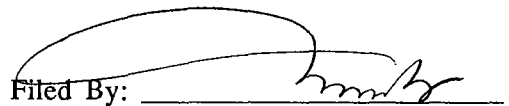
**BOARD OF EDUCATION**

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 follows: **Amend. PSPSPRR 4219(E) Premium Pay, BOE Resolution "Multi-Track" for MHS & HJHS**, 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 May 1995** at Saipan, Commonwealth of the Northern Mariana Islands.

  
Daniel O. Quitugua  
Chairman, Board of Education

Received By:  5/10/95  
Donna Cruz, Governor Office

Filed By:   
Soledad B. Sasamoto  
Registrar of Corporations

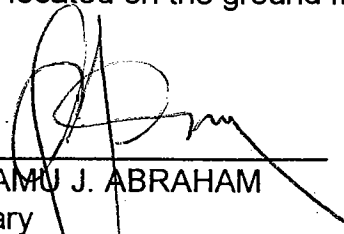
**NOTICE OF ADOPTION**

**DEPARTMENT OF PUBLIC HEALTH**

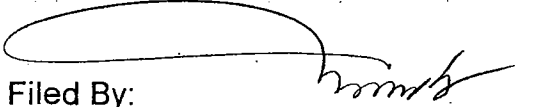
**Adoption Of Amendments to the  
Regulations Governing Interments and Dead Bodies**

The Secretary of the Department of Public Health hereby gives notice to the public of the adoption of the Regulations Governing Interments and Dead Bodies, pursuant to 1 CMC §2605(f). The Regulations Governing Interments and Dead Bodies were originally published in the March 15, 1995 Commonwealth Register, Volume 17, Number 3, pages 13019-13022, and are hereby adopted, without amendment.

Copies of the Regulations Governing Interments and Dead Bodies may be obtained from the Office of the Secretary of the Department of Public Health, located on the ground floor of the Commonwealth Health Center.

  
\_\_\_\_\_  
DR. ISAMU J. ABRAHAM  
Secretary  
Department of Public Health

Date: 5/5/95

  
Filed By: \_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Date: 5/9/95

  
Received By: \_\_\_\_\_  
Governor's Office

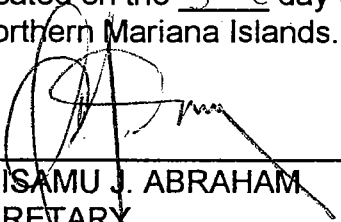
Date: 5/9/95

Certification Of Adoption of  
Regulations Governing Interments and Dead Bodies  
Department of Public Health

I, Dr. Isamu J. Abraham, am the Secretary of the Department of Public Health, which is promulgating the Regulations Governing Interments and Dead Bodies, published in the Commonwealth Register on March 15, 1995 at pages 13019-13022. By signature below, I hereby certify that such regulations are a true, complete, and correct copy of the Regulations Governing Interments and Dead Bodies adopted by the Department of Public Health. 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 by the Office of the Governor to the Regulations Governing Interments and Dead Bodies.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 5th day of May, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

By: \_\_\_\_\_

  
DR. ISAMU J. ABRAHAM  
SECRETARY  
Department of Public Health



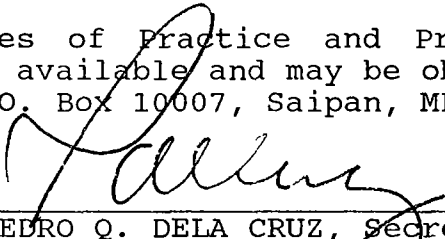
**DEPARTMENT OF COMMERCE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CALLER BOX 10007  
C.K., SAIPAN, MP 96950**

**PUBLIC NOTICE OF ADOPTION OF DEPARTMENT  
OF COMMERCE RULES OF PRACTICE AND PROCEDURE  
UNDER THE AUTHORITY OF 1 CMC § 2454, EXECUTIVE ORDER 94-3  
BY THE DEPARTMENT OF COMMERCE**

The Secretary of the Department of Commerce of the Commonwealth of the Northern Mariana Islands, in accordance with 1 CMC § 2454 and Executive Order 94-3, proposed DEPARTMENT OF COMMERCE RULES OF PRACTICE AND PROCEDURE at Commonwealth Register, vol. 17, no. 4, at 13273-13276 (April 15, 1995). The proposed rules pertain to rules of practice and procedure in the Department of Commerce.

Copies of these Rules of Practice and Procedure in the Department of Commerce are available and may be obtained from the Department of Commerce, P.O. Box 10007, Saipan, MP, 96950.

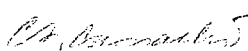
5/1/95  
Date

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ, Secretary  
Department of Commerce

5/3/95  
Date

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Filed by Registrar of Corporations

5/10/95  
Date

  
\_\_\_\_\_  
DONNA J. CRUZ  
Received by Office of the Governor



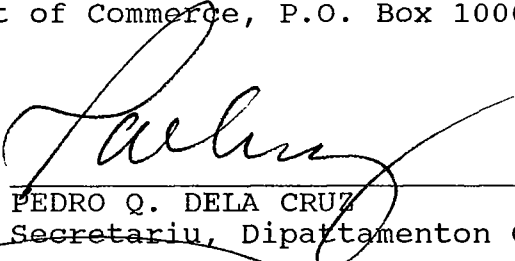
**DEPARTMENT OF COMMERCE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CALLER BOX 10007  
C.K., SAIPAN, MP 96950**

**NUTISIAN PARA I PUPBLIKU POT I ADAPTASION SIHA  
PARA I REGULASION YAN AREKLAMENTON "DIPATTAMENTON COMMERCE"  
GI PAPA' AOTORIDAT I 1 CMC § 2454, OTDEN EXSAKATIBU  
94-3 GINEN I DIPATTAMENTON I COMMERCE**

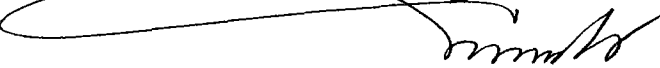
I Secretariu I Dipattamenton i Commerce gi Commonwealth of the Northern Mariana Islands, sigun i 1 CMC § 2454, Otden Exsakatibu 94-3, ha propoposa adaptasion para i Regulasion Yan Areklamenton "Dipattamenton Commerce" gi Commonwealth Register, vol. 17, no. 4, gi 13273-76 (Abrit 15, 1995). I mapropoposa na adaptasion tiniteka i "Areklamenton Nui Para Mapraktika gi Halom i Department of Commerce gi Duranten Inekogok Apela Yangin Siakasu Madesapreba Aplikasion Bisnes Para Kometsio."

Kopian i "Areklamenton Nui Para Mapraktika gi Halom i Department of Commerce gi Duranten Inekogok Apela Yangin Siakasu Madesapreba Aplikasion Bisnes Para Kometsio" guaha yan sina machuchule' gi Department of Commerce, P.O. Box 10007, Saipan, MP 96950.

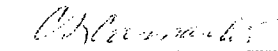
5/1/95  
Fecha

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ  
Secretariu, Dipattamenton Commerce

5/3/95  
Fecha

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Ha file i Registrar of Corporations

5/03/95  
Fecha

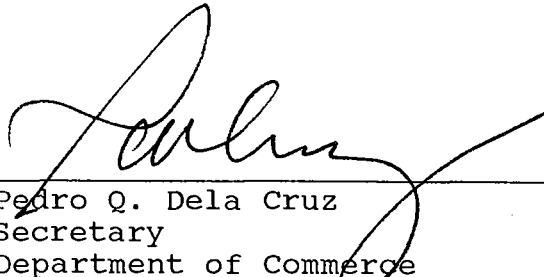
  
\_\_\_\_\_  
DONNA J. CRUZ  
Marisibisi gi Ofisinan Gobietno



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

CERTIFICATION

I, Pedro Q. Dela Cruz, Secretary of the Department of Commerce, which is promulgating the DEPARTMENT OF COMMERCE RULES OF PRACTICE AND PROCEDURE as hereinabove set forth, by signature below I hereby certify that such regulations are a true, complete, and correct copy of the DEPARTMENT OF COMMERCE RULES OF PRACTICE AND PROCEDURE formally adopted by the Department of Commerce. I hereby declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15<sup>th</sup> day of May, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

  
Pedro Q. Dela Cruz  
Secretary  
Department of Commerce



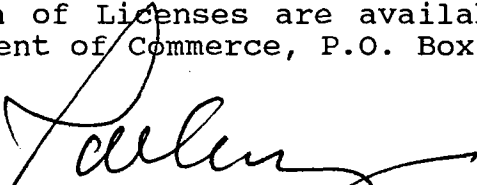
**DEPARTMENT OF COMMERCE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CALLER BOX 10007  
C.K., SAIPAN, MP 96950**

**PUBLIC NOTICE OF ADOPTION OF AMENDMENTS  
TO THE ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS  
UNDER THE AUTHORITY OF 4 CMC § 5575, EXECUTIVE ORDER 94-3  
BY THE DEPARTMENT OF COMMERCE**

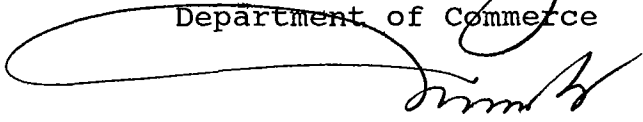
The Secretary of the Department of Commerce of the Commonwealth of the Northern Mariana Islands, in accordance with 4 CMC § 5575 and Executive Order 94-3, proposed amendments to the ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS at Commonwealth Register, vol. 17, no. 4, at 13277-13279 (April 15, 1995). The proposed amendment pertains to Qualifications of Licensees and Procedures for Revocation and Suspension of Licenses.

Copies of the Qualifications of Licensees and Procedures for Revocation and Suspension of Licenses are available and may be obtained from the Department of Commerce, P.O. Box 10007, Saipan, MP, 96950.

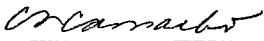
5/1/95  
Date

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ, Secretary  
Department of Commerce

5/3/95  
Date

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Filed by Registrar of Corporations

5/10/95  
Date

  
\_\_\_\_\_  
DONNA J. CRUZ  
Received by Office of the Governor





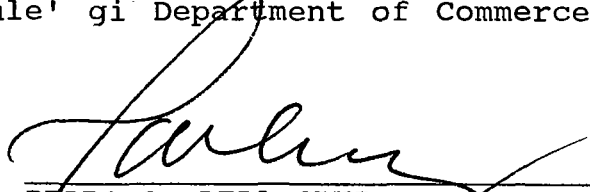
**DEPARTMENT OF COMMERCE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CALLER BOX 10007  
C.K., SAIPAN, MP 96950**

**NUTISIAN PARA I PUPBLIKU POT I ADAPTASION SIHA  
PARA I REGULASION YAN AREKLAMENTON "ALCOHOL BEVERAGE  
CONTROL" GI PAPA' AOTORIDAT I 4 CMC § 5575, OTDEN EXSAKATIBU  
94-3 GINEN I DIPATTAMENTON I COMMERCE**

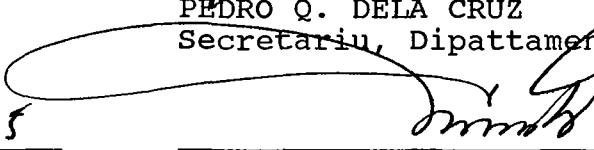
I Secretariu I Dipattamenton i Commerce gi Commonwealth of the Northern Mariana Islands ("CNMI"), sigun i 4 CMC § 5575, Otden Exsakatibu 94-3, ha propoposa amendasion para i Regulasion Yan Areklamenton "Alcohol Beverage Control" gi Commonwealth Register, vol. 17, no. 4, gi 13280-82 (Abrit 15, 1995). I mapropoposa na amendasion tiniteka i "Kualificasion Lugat" yan "Mayuti mamanteine maneska."

Kopian i "Kualificasion Lugat" yan "Mayuti mamanteine maneska" guaha yan sina machuchule' gi Department of Commerce, P.O. Box 10007, Saipan, MP 96950.


5/11/95  
Fecha

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ  
Secretariu, Dipattamenton Commerce

5/13/95  
Fecha

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Ha file i Registrar of Corporations

5/03/95  
Fecha

  
\_\_\_\_\_  
DONNA J. CRUZ  
Marisibisi gi Ofisinin Gobietno



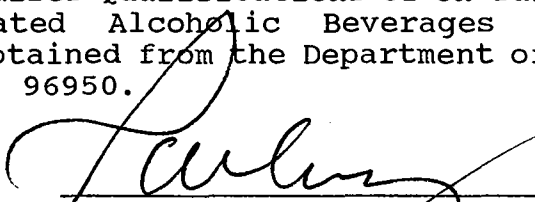
**DEPARTMENT OF COMMERCE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CALLER BOX 10007  
C.K., SAIPAN, MP 96950**

**PUBLIC NOTICE OF ADOPTION OF AMENDMENTS  
TO THE ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS  
UNDER THE AUTHORITY OF 4 CMC § 5575, EXECUTIVE ORDER 94-3  
BY THE DEPARTMENT OF COMMERCE**

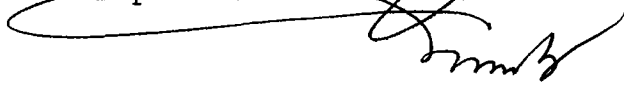
The Secretary of the Department of Commerce of the Commonwealth of the Northern Mariana Islands, in accordance with 4 CMC § 5575 and Executive Order 94-3, proposed amendments to the ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS at Commonwealth Register, vol. 17, no. 4, at 13280-13282 (April 15, 1995). The proposed amendment pertains to Premises Qualifications of on-sale licensees and Disposal of Confiscated Alcoholic Beverages.

Copies of the Premises Qualifications of on-sale licensees and Disposal of Confiscated Alcoholic Beverages Regulation are available and may be obtained from the Department of Commerce, P.O. Box 10007, Saipan, MP, 96950.


5/1/95  
Date

  
\_\_\_\_\_  
PEDRO Q. DELA CRUZ, Secretary  
Department of Commerce

5/3/95  
Date

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Filed by Registrar of Corporations

5/03/95  
Date

  
\_\_\_\_\_  
DONNA J. CRUZ  
Received by Office of the Governor



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

**NUTISIAN PARA I PUPBLIKU POT I ADAPTASION SIHA  
PARA I REGULASION YAN AREKLAMENTON "ALCOHOL BEVERAGE  
CONTROL" GI PAPA' AOTORIDAT I 4 CMC § 5575, OTDEN EXSAKATIBU  
94-3 GINEN I DIPATTAMENTON I COMMERCE**

I Secretariu I Dipattamenton i Commerce gi Commonwealth of the Northern Mariana Islands ("CNMI"), sigun i 4 CMC § 5575, Otden Exsakatibu 94-3, ha propoposa amendasion para i Regulasion Yan Areklamenton "Alcohol Beverage Control" gi Commonwealth Register, vol. 17, no. 4, gi 13277-79 (Abrit 15, 1995). I mapropoposa na amendasion tiniteka i "Kualificasion para Iman Malicensia" yan "Pena siha para i man madiroga yan man ma suspende siha na licencia."

Kopian i "Kualificasion para Iman Malicensia" yan "Pena siha para i man madiroga yan man ma suspende siha na licencia" guaha yan sina sina machuchule' gi Department of Commerce, P.O. Box 10007, Saipan, MP 96950.

5/1/95  
Fecha

*[Signature]*  
PEDRO Q. DELA CRUZ  
Secretariu, Dipattamenton Commerce

5/3/95  
Fecha

*[Signature]*  
SOLEDAD B. SASAMOTO  
Ha file i Registrar of Corporations

5/03/95  
Fecha

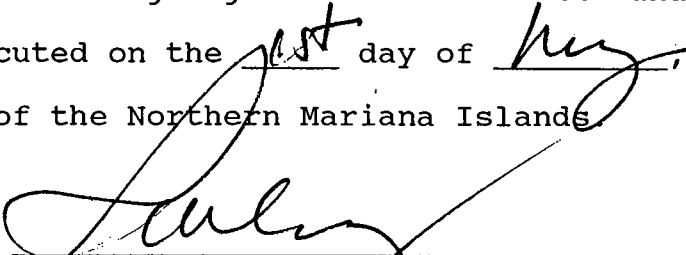
*[Signature]*  
DONNA J. CRUZ  
Marisibisi gi Ofisinan Gobietno



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

**CERTIFICATION**

I, Pedro Q. Dela Cruz, Secretary of the Department of Commerce, which is promulgating the amendment to the ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS as hereinabove set forth, by signature below I hereby certify that such amendments to the regulations are a true, complete, and correct copy of the amendments to the ALCOHOL BEVERAGE CONTROL RULES AND REGULATIONS formally adopted by the Department of Commerce. I hereby declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 1st day of May, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

  
Pedro Q. Dela Cruz  
Secretary  
Department of Commerce



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION

P.O. BOX 5150 CHR  
SAIPAN, COMMONWEALTH MARIANAS 96950  
TEL. NOS: (670) 234-6925/7327/6958/8036  
FAX NO: (670) 234-1013

**NOTICE OF ADOPTION OF AMENDMENTS TO THE  
EXCEPTED SERVICE PERSONNEL REGULATIONS  
AND  
PERSONNEL SERVICE SYSTEM  
RULES AND REGULATIONS**

Having received no comments on the proposed amendments to the Excepted Service Personnel Regulations and the Personnel Service System Rules and Regulations as published in the Commonwealth Register on March 15, 1994, the Civil Service Commission hereby adopts the aforesaid proposed amendments.

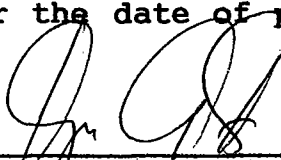
The amendments to the Excepted Service Personnel Regulations provide for Compassionate, Maternity and Paternity Leaves, and provide procedures for implementing the Sick Leave Bank authorized by Public Law 8-25.

The amendments to the Personnel Service System Rules and Regulations provide for major changes in calculation of overtime and differentials. These changes are intended to provide greater management control and to comply with the Fair Labor Standard Act. The amendments also provide for simplification of performance evaluation procedures.


The policies were published in Volume 16, Number 3 (March 15, 1994) of the Commonwealth Register in proposed form for public comment.

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


Date: 5/9/95

  
\_\_\_\_\_  
EUGENE A. SANTOS  
Chairman, Civil Service Commission

Filed by: \_\_\_\_\_  
Date: 5/9/95

  
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Registrar of Corporation

Received by: <sup>Di</sup> \_\_\_\_\_  
Date: 5/2/95

  
\_\_\_\_\_  
DONNA J. CRUZ  
Governor's Office



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION

P.O. BOX 5150 CHR  
SAIPAN, COMMONWEALTH MARIANAS 96950  
TEL. NOS: (670) 234-6925/7327/6958/8036  
FAX NO: (670) 234-1013

**NUTISIA PUT I MA ADAPTAN  
I AMENDASION SIHA GI REGULASION EXCEPTED SERVICE PERSONNEL  
YAN I  
AREKLAMENTO YAN REGULASION I  
PERSONNEL SERVICE SYSTEM SIHA**

Komu taya komento siha manma resibi put i manma propoconi siha na amendasion gi Regulasion Excepted Service Personnel yan i Areklamento yan Regulasion Personnel Service System Siha ni manma pupblika gi halom i Rehistran Commonwealth gi Matso 15, 1994, i Komision Setbision Sibit osino i Civil Service Commission ginen este na nutisia ha adapta i manma sangan siha na priniponen amendasion.

I amendasions siha guato gi i Regulasion Excepted Service Personnel ma pribebeni para i Compassionate, Maternity yan Paternity Leaves yan areklo siha para i ma implementa na i Sick Leave Bank ni ma attorisa nu i Lai Pupbliku Numiru 8-25.

I amendasion siha gi Areklamento yan Regulasion Personnel Service System Siha ma pribebeni para mayot siha na tinilaika gi ma katkulan obataim (overtime) yan hafa na diferensiat (differentials) siha. Este siha na tinilaika ma intensiona para u pribeni mas ancho na minaneha yan para u konsiste yan i Fair Labor Standards Act. I amendasion ha pribeniniyi lokkue para i mas libiano na areklamenton performance evaluation.

I areklamento siha manma pupblika gi halom i baluma 16 Numiru 3 na Rehistran Commonwealth (Matso 15, 1994) gi fotmat priniponi para komenton pupbliku.

Komu konsiste yan i 1 CMC Seksiona 9105(b), i manma adapta siha na regulasion para u fanefektibu dies (10) dias despues di fechan i ma publikan este na edision Rehistran Commonwealth.


Fecha: 5/9/95

  
EUGENE A. SANTOS  
Chairman, Civil Service Commission

Ma satmiti as:  
Fecha: 5/9/95

  
SOLEDAD B. SASAMOTO  
Rehistradot Kotporasion

5/9/95  
Ma resibi as:  
Fecha:

  
DONNA J. CRUZ  
Ufisinan Maga'lahi



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION

P.O. BOX 5150 CHRB  
SAIPAN, COMMONWEALTH MARIANAS 96950  
TEL. NOS: (670) 234-6925/7327/6958/8036  
FAX NO: (670) 234-1013

**ARONGORONGOL ADOPTION-UL LLIWEL MELLO'L  
ALLE'GHU'L EXCEPTED SERVICE PERSONNEL  
ME BWA AL  
ALLE'GHU'L PERSONNEL SERVICE SYSTEM**

Igha esoor mangemang me tiip kka e atotoolong reel lliiwelil owtol Alleghul Excepted Service Personnel me Personnel Service System igha e toowow mellol Commonwealth Register Wool Motso 15, 1994, nge Civil Service Commission sangi arongorong yeel aa adaptaali lliiwel kkaal.

Lliiwel kka illol Alleghul Excepted Service Personnel nge ebwe ayoora Compassionate, Maternity, me Paternity Leaves, me epwal ayoora mwoghutughut reel ffeerul Sick Leave Bank iye e bwang sangi Alleghul Towlap ye 9-25.

Lliiwel Kka llol owtol Personnel Service System nge reliwili alongal mwoghutughutul kadhulaal overtime me differentials. Lliiwel kkaal nge bwelle igha rebwe alapaalo lemelemil me rebwe attabweey mille Fair Labor Standards Act. Lliiwel kkaal nge epwal ayoora mille rebwe agahatchu mwoghutughutul me feerul performance evaluation.

Allegh kkaal nge e toowow llol Volume 16, Nuumuro 3 (Matso 15, 1994) mellol Commonwealth Register igha rebwe atotoolong towlap meta mangemangiir me tiipeer.

Sangi bwangi mille 1 CMC Sec. 9105(b), nge allegh ka raa adaptaliilo nge ebwe alleghelo llol seigh (10) ral sangi igha e toowow arongorong yeel mellol Commonwealth Register.


Ral: 5/9/95

  
EUGENE A. SANTOS  
Chairman, Civil Service Commission

File-liiyal  
Ral: 5/9/95

  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Aramas ye ebwughi:  
Ral: 5/9/95

  
DONNA J. CRUZ  
Bwulasiyool Gubenno

**NOTICE OF ADOPTION OF AMENDMENTS TO THE  
EXCEPTED SERVICE PERSONNEL REGULATIONS  
AND  
PERSONNEL SERVICE SYSTEM  
RULES AND REGULATIONS**

Having received no comments on the proposed amendments to the Excepted Service Personnel Regulations and the Personnel Service System Rules and Regulations as published in the Commonwealth Register on March 15, 1994, the Civil Service Commission hereby adopts the aforesaid proposed amendments.

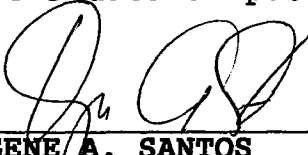
The amendments to the Excepted Service Personnel Regulations provide for Compassionate, Maternity and Paternity Leaves, and provide procedures for implementing the Sick Leave Bank authorized by Public Law 8-25.

The amendments to the Personnel Service System Rules and Regulations provide for major changes in calculation of overtime and differentials. These changes are intended to provide greater management control and to comply with the Fair Labor Standard Act. The amendments also provide for simplification of performance evaluation procedures.

The policies were published in Volume 16, Number 3 (March 15, 1994) of the Commonwealth Register in proposed form for public comment.

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

Date: 5/9/95

  
\_\_\_\_\_  
**EUGENE A. SANTOS**  
Chairman, Civil Service Commission

Filed by: \_\_\_\_\_  
Date: 5/9/95

  
\_\_\_\_\_  
**SOLEDAD B. SASAMOTO**  
Registrar of Corporation

Received by: \_\_\_\_\_  
Date: 5/9/95

  
\_\_\_\_\_  
**DONNA J. CRUZ**  
Governor's Office



**NUTISIA PUT I MA ADAPTAN  
I AMENDASION SIHA GI REGULASION EXCEPTED SERVICE PERSONNEL  
YAN I  
AREKLAMENTO YAN REGULASION I  
PERSONNEL SERVICE SYSTEM SIHA**

Komu taya komento siha manma resibi put i manma propoconi siha na amendasion gi Regulasion Excepted Service Personnel yan i Areklamento yan Regulasion Personnel Service System Siha ni manma publika gi halom i Rehistran Commonwealth gi Matso 15, 1994, i Komision Setbision Sibit osino i Civil Service Commission ginen este na nutisia ha adapta i manma sangan siha na priniponen amendasion.

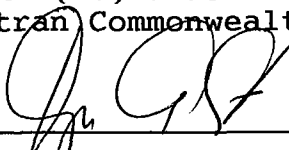
I amendasions siha guato gi i Regulasion Excepted Service Personnel ma pribebeni para i Compassionate, Maternity yan Paternity Leaves yan areklo siha para i ma implementa na i Sick Leave Bank ni ma attorisa nu i Lai Publiku Numiru 8-25.

I amendasion siha gi Areklamento yan Regulasion Personnel Service System Siha ma pribebeni para mayot siha na tinilaika gi ma katkulan obataim (overtime) yan hafa na diferensiat (differentials) siha. Este siha na tinilaika ma intensiona para u pribeni mas ancho na minaneha yan para u konsiste yan i Fair Labor Standards Act. I amendasion ha pribeniniyi lokkue para i mas libiano na areklamenton performance evaluation.

I areklamento siha manma publika gi halom i baluma 16 Numiru 3 na Rehistran Commonwealth (Matso 15, 1994) gi fotmat priniponi para komenton publiku.

Komu konsiste yan i 1 CMC Seksiona 9105(b), i manma adapta siha na regulasion para u fanefektibu dies (10) dias despues di fechan i ma publikan este na edision Rehistran Commonwealth.

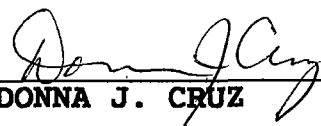
Fecha: 5/9/95

  
\_\_\_\_\_  
**EUGENE A. SANTOS**  
Chairman, Civil Service Commission

Ma satmiti as:  
Fecha: 5/9/95

  
\_\_\_\_\_  
**SOLEDAD B. SASAMOTO**  
Rehistradot Kotporasion

Ma resibi as:  
Fecha: 5/9/95

  
\_\_\_\_\_  
**DONNA J. CRUZ**

**ARONGORONGOL ADOPTION-UL LLIWEL MELLO'L  
ALLE'GHU'L EXCEPTED SERVICE PERSONNEL  
ME BWA AL  
ALLE'GHU'L PERSONNEL SERVICE SYSTEM**

Igha esoor mangemang me tiip kka e atotoolong reel lliiwelil owtol Alleghul Excepted Service Personnel me Personnel Service System igha e toowow mellol Commonwealth Register Wool Motso 15, 1994, nge Civil Service Commission sangi arongorong yeel aa adaptaali lliiwel kkaal.

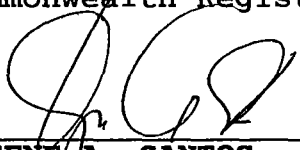
Lliiwel kka illol Alleghul Excepted Service Personnel nge ebwe ayooro Compassionate, Maternity, me Paternity Leaves, me epwal ayooro mwoghutughut reel ffeerul Sick Leave Bank iye e bwang sangi Alleghul Towlap ye 9-25.

Lliiwel Kka llol owtol Personnel Service System nge reliwili alongal mwoghutughutul kadkulaal overtime me differentials. Lliiwel kkaal nge bwelle igha rebwe alapaalo lemelemil me rebwe attabweey mille Fair Labor Standards Act. Lliiwel kkaal nge epwal ayooro mille rebwe agahatchu mwoghutughutul me feerul performance evaluation.

Allegh kkaal nge e toowow llol Volume 16, Nuumuro 3 (Matso 15, 1994) mellol Commonwealth Register igha rebwe atotoolong towap meta mangemangiir me tiipeer.

Sangi bwangi mille 1 CMC Sec. 9105(b), nge allegh ka raa adaptaliilo nge ebwe alleghelo llol seigh (10) ral sangi igha e toowow arongorong yeel mellol Commonwealth Register.

Ral: 5/9/95

  
\_\_\_\_\_  
**EUGENE A. SANTOS**  
Chairman, Civil Service Commission

File-liiyal  
Ral: 5/9/95

  
\_\_\_\_\_  
**SOLEDAD B. SASAMOTO**  
Registrar of Corporations

Aramas ye ebwughi:  
Ral: 5/9/95

  
\_\_\_\_\_  
**DONNA J. CRUZ**  
Bwulasiyool Gubenno

**EXCEPTED SERVICE PERSONNEL REGULATIONS  
(EFFECTIVE JUNE 15, 1990)**

**INTRODUCTION**

- 1.1 **GENERAL.** These parts and sub-parts provide the regulations to appoint, reassign or transfer, promote or demote, or otherwise change status of, and to remove from the government service employees who are excepted from the Commonwealth Personnel Service System pursuant to 1 CMC Subsection 8131 and Amendment 41 of the Constitution of the Northern Mariana Islands. These parts also provide the full range of personnel administration for the service of personnel employed under the excepted service, and provide for administration of the sick leave bank for all government employees.

To the extent necessary, the obligations, rights and entitlements of employees are specifically defined in several subparts hereof.

1.2 **ORGANIZATION**

- A. These regulations are organized in several parts and subparts, each describing and defining policies and practices appropriate to the nature of the excepted service to which individuals may be appointed.
- B. The parts are comprised of:
- Part I - Appointments to the Excepted Service**
- Part II - Other Excepted Service Appointments**
- Part III - Sick Leave Bank**
- C. Contents of the parts are devoted mainly to those aspects of personnel policies in the government service which differ from elements in the competitive service. To the extent necessary and in those instances where the regulations apply equally to both services, the specific part or sub-part of the regulations for the competitive service are referenced rather than rewritten herein.
- D. Part III provides for administration of the Sick Leave Bank created by Public Law 8-25. Its provisions are applicable to all CNMI government employees.

## EXCEPTED SERVICE PERSONNEL REGULATIONS

### PART I APPOINTMENTS TO THE EXCEPTED SERVICE

- I.1 **PURPOSE.** The regulations in this part provide for the employment, payment of salary, allowances, benefits, and separations of persons excepted from the personnel service system.
- I.2 **ELIGIBILITY.** All persons, otherwise, qualified, are eligible for appointment pursuant to the provisions of this part and applicable law.
- I.3 **POLICY.** It is declared to be the policy of the Commonwealth Government to encourage the professional, technical and skilled-trade education and training of resident citizens in filling positions in the government service whether by appointment, transfer or promotion. It is also declared for the purpose of this policy that residents of the Commonwealth be given preferential treatment, whether by appointment, transfer or promotion, unless otherwise waived by the Governor.
- I.4 **SEARCH FOR QUALIFIED PERSONS.**
- A. Upon receipt of a Request for Personnel Action from an authorized management official who seeks to fill a vacant position, the Director of Personnel Management will initiate a search for available and qualified persons to fill the vacancy. The Director of Personnel Management shall use the examining system provided for under Part III.A of the Personnel Service System Rules and Regulations.
- B. A position is deemed to be vacant upon expiration of the present employment contract. The position shall be announced sixty (60) days before the termination of such contract before the incumbent is offered the position. The appointing authority may request that the Director of Personnel Management waive announcement of the position.

**I.5**

**EFFECTIVE DATES.**

**A. Appointments.**

- (1) Appointments from outside the Commonwealth shall be effective on the date of departure from place of residence for direct travel to the duty station, adjusted for stop-overs en route for the convenience of the employee.
- (2) Appointments from within the Commonwealth shall be effective the date of entrance of duty with a stipulated time limit.
- (3) The Governor and the Director of Personnel Management are authorized to provide Conditions of Employment to excepted service contracts not inconsistent with the provisions of these regulations.

**B. Without Cause Separation.** Any Separation, without cause, from duty station shall be effective upon arrival of employee at his place of residence after travel by the most direct route from the duty station, adjusted for en route stop-overs, not to exceed more than three (3) days, for the convenience of the employee. Should the employee decide to go some place other than his place of residence at the time of hire, his separation date will be computed using his return to the place of hire as a maximum. If any additional cost is involved in his travel to the place of choice, it is borne by the employee. If the termination date is to be advanced ahead of the date shown on the appointment form by the government, the government shall provide a minimum of two (2) weeks advance written notice.

**I.6**

**DUTY STATION AND WORK ASSIGNMENT.**

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

- B. In the event of a transfer of employment and duty station, the employee shall be entitled to transportation for self and dependents, if any, to shipment of household effects not to exceed 1,500 pounds for single status and 3,000 pounds for employees with dependent(s), and to shipment of one privately owned automobiles.

**1.7 COMPENSATION AND WORK SCHEDULES.**

- A. Salary shall be negotiated based on the qualifications of the individual, labor market conditions and other pertinent factor used in the selection processes, and will be expressed in terms of the gross amount to be paid on a bi-weekly basis.
- B. The employee shall earn his salary, as stated in his appointment, on the basis of a twelve (12) month year consisting of twenty-six (26) bi-weekly pay periods. When not actually engaged in work, as assigned, the employee may be in leave status, with or without pay as appropriate.
- C. The employee's workday and workweek may vary from time to time according to the needs of the government. Every effort shall be made to maintain a reasonable five (5) day, forty (40) hour workweek. Pursuant to 1 CMC Subsection 8131 (2), excepted service employees shall be deemed executive, administrative or professional personnel. Therefore, an excepted service employee shall not qualify for overtime, compensatory time-off or standby rates of pay unless the Civil Service Commission certifies an exception to the Governor and Presiding Officers of the Legislature pursuant to PL 4-32 as codified at 1 CMC Subsection 8249.

**I.8 EMPLOYEE BENEFITS.**

- A. **Household Goods.** Shipment and storage of household goods and personal effects may be authorized in the Conditions of Employment for excepted service employees.

**B. Housing.** An employee recruited under the excepted service may receive either housing or housing allowance, but not the two simultaneously.

- (1) The employee is responsible for utility and trash collection costs.
- (2) The employee is responsible for returning government and furniture/appliances to the Director of Personnel Management at the termination of his contract of employment, in a similar condition as that at the beginning of his occupancy of the government housing, ordinary wear and tear excepted. The employee will be assessed a deposit fee payable to the government within 45 days subsequent to his occupancy of government housing, to cover the costs of any damage to premises and/or furniture/appliances, or clean-up. At the termination of the employee's contract, the subsequent to the employee's departure from the premises, the Director of Personnel Management or his designee shall inspect the premises. If no repairs or cleanup are required by the government, the employee's deposit shall be refunded in his final payroll check.
- (3) The employee is responsible for taking reasonable action to protect government housing entrusted to the employee from damage caused by a storm.
- (4) The employee shall comply with any housing regulations promulgated by the Director of Personnel Management.
- (5) Government housing is intended for the use of the employee and the employee's dependent. No person who is not a dependent may occupy government housing unless it is approved, in writing, by the Director of Personnel Management.

**C. Workmen's Compensation.** In the event of work related injury or illness, the employee shall be entitled to benefits under the Workmen's Compensation insurance coverage currently in force in the Commonwealth Government. The employee is responsible to promptly submit a written report to his or her supervisor of any work related injury or illness.

- D. **Group Insurance.** Group health and group life insurance coverage are available for those who wish to apply. The government will pay part of the cost of this insurance, in accordance with the current agreement between the government and the insurance carriers.
- E. **Limitation on Insurance.** The government provides no insurance except that as provided in Paragraphs C and D above, and the government assumes no liability for loss or damage to household goods and personal effects of the employee and his dependents located in housing furnished by the government or otherwise present in the Commonwealth.
- F. **Annual Leave.** Annual leave, or vacation, shall be granted for the purpose of rest and relaxation. Employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period; except that newly appointed or recruited employees shall undergo a waiting period of ninety (90) calendar days before being credited with annual leave. Employees with three (3) but less than six (6) years of creditable service shall earn annual leave at the rate of six (6) hours per pay period. Employees who have six (6) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period.

Annual Leave accrual rate per pay period for excepted service employees in the Department of Public Health and Environmental Services, Gubernatorial appointees (personal secretaries and special assistants of Governor and Lt. Governor), Legal Profession practitioners, Resident Department Heads, and Principal Boards and Commissions shall be:

- (1) Determined at the time of the initial employment by the appointing authority and the Director of Personnel Management;
- (2) Specific to each employee;
- (3) Based upon (a) the critical need to fill the position; (b) the availability of qualified applicants; and (c) the amount and quality of related training and experience possessed by the employee; as determined by the Director of Personnel Management;



- (4) Between four (4) and eight (8) hours; and
- (5) On a scale that provides a maximum of eight (8) hours to an employee who is maximally qualified and 7, 6, 5 and 4 hours to an employee with maximal to minimal qualifications.

Employees occupying Excepted Service positions shall accrue annual leave at the appropriate rate set forth above for each biweekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

Annual Leave requests for more than three (3) working days must be made in advance on a leave request form. All annual leave requests must be approved by the employee's immediate supervisor. In smaller organizations where divisions may not exist, the heads of such organizations shall approve annual leave. A denial of request for annual leave is subject to employee's Grievance Rights.

Employees serving on government boards and commissions and who elect to take leave without pay during such performance on a board or commission shall accrue annual leave for that service time.

An employee permanently separated from Excepted Service employment for any reason shall receive a lump-sum payment for all annual leave accrued to his or her credit at the time of separation and payable to him or her at the next regular pay period. However, where an offer and acceptance for a new period of employment with the government is agreed upon under a new employment contract, all accrued and unused annual leave credits from the prior contract shall be carried over under such employment contract, or may be paid to the employee at the next regular pay period upon the employee's request. The lump-sum payment for such carried over accrued and unused annual leave credits shall be paid at the salary rate at which they were earned.

G. **Sick Leave.** Sick leave shall accrue to the employee at the rate of four (4) hours per pay period, provided the employee has been in pay status for the entire ten days; otherwise there shall be no accrual for such period. Government employees serving on government boards and commissions who elect to take leave without pay (LWOP) during such performance shall accrue leave for that service time.

- (1) The employee is entitled to use sick leave from the time sick leave is first earned.
- (2) Any absence on sick leave where the employee misses more than three (3) continuous days of work must have the illness verified by a note from a medical doctor in order to claim sick leave.
- (3) Upon completion of an employment contract or termination of employment, whichever occurs first, no payment will be made for accrued and unused sick leave credits.
- (4) Where an offer and acceptance for a new period of employment is agreed upon under a new employment contract, all accrued and unused sick leave credits from the prior contract will be carried over, provided that if such employee is separated from government service for a period longer than three (3) years, he shall be divested of accumulated sick leave.
- (5) If the employee's supervisor believes the employee is misusing sick leave, or requesting sick leave for purposes other than illness, the supervisor may request proof of illness for a period of less than three days. If the proof is not provided, or is unpersuasive, the supervisor may deny the request for sick leave.
- (6) Sick leave may be accumulated without limit.

H. **Leave Without Pay.** Leave without pay for 90 days or less may be taken only after obtaining the written approval of the department director. Leave without pay in excess of 90 days must be approved by the Director of Personnel Management upon recommendation by the employee's department director.

- I. **Administrative Leave With Pay.** Administrative leave with pay is granted by the Governor only in exceptional circumstances such as typhoons and state funerals. Administrative leave with pay may be granted by the employee's department director to an employee serving on government boards and commissions, provided the employee does not receive compensation from the boards and commissions.
- J. **Holidays.** The employee shall be released from work on all legal holidays, except during emergencies without loss of pay or charge to leave account.
- K. **Advance Leave.** Where, for good reason, the employee requires an advance of annual or sick leave, the Director of Personnel Management may grant leave in advance up to a maximum of one-half (1/2) of the total earnable leave credits for one (1) year from the date the request is approved or for the remainder of the employment contract, whichever is shorter. Subsequent leave earnings shall serve to replace the amount of advance leave granted and taken. In the event an employee resigns from his employment, any annual or sick leave overdraft must be paid as part of the final clearance of the employee.
- L. **Court Leave.** The government encourages its employees to fulfill their obligations as citizens and residents of the Commonwealth. Thus, employees who are called upon to serve as jurors may, at their option, be granted Court Leave for such period as the jury may be impaneled. Employees who are called to jury duty shall present their Juror Summons to their immediate supervisor together with a completed Request for Leave for his signature and processing. Employees who serve as jurors using Court Leave to cover the period of absence shall turn over to the Commonwealth Treasurers such jury fees (as distinct from expense allowances) as they receive from the Court. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted. An employee subpoenaed as witness, except a government witness, shall charge such absence to annual leave or leave without pay. Court leave shall be granted to an employee subpoenaed in litigation in which the government has no interest, to serve as a witness in his official capacity as a government employee, and who will be required to present government records in testimony. Such employee must inform his department director of the required testimony as soon as possible after being subpoenaed.

- M. **Compassionate Leave.** Full-time excepted service employees may be granted compassionate leave of no more than five (5) consecutive work days in cases of death in the immediate family of the employee. For the purpose of this sub-part, the term "immediate family" shall include an employee's mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), still born child, grandfather, grandmother, grandchild, mother-in-law, or father-in-law. Compassionate leave must be taken within eighteen (18) days after the death of the immediate family member. The appointing authority is responsible for granting compassionate leave requests.
- N. **Maternity Leave.** Maternity leave shall be granted to a female excepted services employee who is absent from work because of confinement for childbirth. The appointing authority shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed fifteen (15) work days, shall be in addition to any accumulated sick leave, and shall be any fifteen (15) work days encompassing the date of childbirth. Any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave.
- O. **Paternity Leave.** Paternity leave shall be granted to a male excepted services employee who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two (2) work days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.
- P. **Tardiness.** Tardiness shall be charged to leave without pay (LWOP) at the end of the pay period. The timekeeper shall determine the total number of minutes the employee has been late at the end of the pay period, and charge LWOP to the nearest hour.

**I.9 TERMINATION OF SERVICES TO THE GOVERNMENT.**

- A. The government may terminate the employee without cause upon written notice sixty (60) days in advance of termination of employment. This time may be shortened only by specifying in the employment contract a lesser period of advance notice.

- B. The government may terminate the employee with cause upon written notice seven (7) days in advance of termination of employment.
- C. When resigning, the employee must give sixty (60) days advance written notice in terminating employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice, or at the time of resignation, the employee's department director may waive the advance written notice requirement.
- D. For compelling reason(s), the Governor may permit an employee an early resignation of employment upon employee's satisfactory proof for such resignation, and upon request of the employee's department, agency, or office head and recommendation of the Director of Personnel Management.

**I.10 EMPLOYEE OBLIGATIONS AND CONDUCT.**

- A. **Outside Employment, Incompatible Activities and Conduct.** The employee and his dependents are subject to the laws, rules and regulations of the Commonwealths they concern conduct and activities while living in the Commonwealth.
- B. **Employment Status and Tax Obligations.** Persons appointed or recruited under the excepted service employment are employees of the Commonwealth Government and not the United States Government or any other government. They are subject to the applicable CNMI Income Tax laws.
- C. **Code of Ethics.** All persons in government service must comply with the **Code of Ethics** published in the **Commonwealth Register, Volume 6, No. 7** and provided under **Part V.C of the Personnel Service System Rules and Regulations.**

- I.11 EMPLOYEE'S DEPENDENTS DEFINED.** Employee's dependent(s) means spouse, minor children, unmarried and under 21 years of age, physically or mentally handicapped children incapable of supporting themselves regardless of age, wholly dependent parents of employee or spouse, or children by previous marriage for whom the employee or spouse have legal custody. Children by a previous marriage who are primarily domiciled by court order in other than the employee's household are not considered

dependents. With respect to the foregoing, if a household member of an employee reaches the age of 21 years, such member, at government expense, will be returned to employee's point of recruitment upon his or her consent.

**I.12**      **NEPOTISM.**

There shall be no limit to the number of members of the same household who may be employed under other excepted service appointments, provided:

- A. No member of the same household may supervise another.
- B. All other qualifications for employment are met.
- C. No costs, other than for salary and employment benefits as provided by regulation, shall accrue to the government as a result of hiring persons from a household containing another employee.

**I.13**      **PERFORMANCE EVALUATION**

All excepted service employees other than gubernatorial, mayoral, board and commission appointees, staff physicians, dentists, veterinarians, and attorneys shall be subject to the Performance Evaluation System described in **Part VIII of the Personnel Service System Rules and Regulations**, except that **Part VIII.H** shall not apply.

## PART II

### OTHER EXCEPTED SERVICE APPOINTMENTS

- II.1 **PURPOSE.** This part provides the regulations appropriate to the several categories of excepted service appointments prescribed by 1 CMC Subsection 8131 and Amendment Number 25 of the Constitution of the Northern Mariana Islands.
- II.2 **EMERGENCY APPOINTMENTS AND TEMPORARY POSITIONS FOR 90 DAYS.**
- A. **1 CMC Subsection 8131(3).** Positions of a temporary nature needed in the public interest where certified by the Director of Personnel Management and when the need for the same does not exceed 90 days. If a major disaster is declared by the Governor, the Director of Personnel Management may extend the 90-day period for a maximum of an additional 180 days for positions engaged in relief, repair, or rehabilitation as a result of such disaster.
  - B. Department directors may appoint personnel under the provisions of this part with certification by the Director of Personnel Management. Pay shall be established by the Director of Personnel Management commensurate to the work to be performed.
  - C. These employees receive no benefit except Workmen's Compensation in event of work related injury or illness.
- II.3 **HOUSEHOLD AND DOMESTIC EMPLOYEES OF THE GOVERNOR.** 1 CMC Subsection 8131(4). These employees are selected by and serve at the pleasure of the Governor, after submission of proper applications for employment. The Director of Personnel Management will establish the reasonable rates of pay. these employees are entitled to Workmen's Compensation in the event of work related injury or illness. These employees are also entitled to Annual and Sick Leave hours pursuant to Sections F and G of Part I.8 of these regulations. These employees shall have the opportunity to enroll in or waive Group Life insurance coverage.

II.4 **ELECTION INSPECTORS, ELECTION CLERKS AND OTHER ELECTION EMPLOYEES.** 1 CMC Subsection 8131(5). Persons in this category, except full-time employees occupying permanent positions, are employed by the Board of Elections and paid at a rate and under conditions established by it.

They have no standing rights, benefits or privileges of personnel service system employees. Civil Service employees who serve in any of the positions in this category may take leave with or without pay and are entitled to be paid at the rate established for election workers.

II.5 **PERSONS APPOINTED BY THE GOVERNOR.** 1 CMC Subsection 8131(6). Persons appointed by the Governor to fill executive positions serve at the pleasure of the Governor. They may be terminated by the Governor with or without cause and without prior written notice. They are entitled to earn annual and sick leave at the prescribed rates in Part I.8 of these regulations, Workmen's Compensation, to enroll in or waive the group life insurance coverage, and to such other benefits and allowances stipulated in their appointment or as provided by law. They have no rights under adverse action procedures or reduction-in-force regulations.

II.6 **INTERMITTENT APPOINTMENTS.** 1 CMC Subsection 8131(9). Persons appointed to fill positions involving intermittent performance which does not require more than 40 hours in any one month are given an Appointment-Intermittent. Under this type of appointment, the employee works only when called upon to do so. He has no entitlement to benefits or other rights except coverage by Workmen's Compensation for work related injury or illness.

II.7 **POSITIONS OF A PART-TIME NATURE REQUIRING SERVICES OF FOUR HOURS OR LESS PER DAY.** 1 CMC Subsection 8131(10). Positions in this class are filled not to exceed one year. Any person given, or appointed to, a part-time position must meet the minimum qualifications for the class of position which they are given or appointed to. An appointee to a part-time position who serves for less than twenty (20) hours per week shall not be entitled to Group Life Insurance coverage; however, an appointee shall be entitled to Workmen's Compensation for work related injury or illness.



**II.8**      **POSITIONS OF A TEMPORARY NATURE.**    1 CMC Subsection 8131(11). Appointments are made to positions of a temporary nature which involve special projects having specific completion dates which shall not exceed one (1) year. The employees are entitled to earn annual and sick leave at the rates prescribed in Part I.8 of these regulations, provided the employee has been in pay status for the entire ten days, otherwise there shall be no accrual for such period; Workmen's Compensation coverage; and the opportunity to enroll in or to waive Group Life insurance. They have no rights under adverse action procedures or reduction-in-force regulations.

**II.9**      **POSITIONS OF RESIDENT DEPARTMENT HEADS.** Section 3(g) and Section 17(b) of Amendment Number 25 of the Constitution of the Northern Mariana Islands mandate that the mayors of Rota and Tinian and Aguigan shall appoint, in consultation with the head of the respective executive branch department, all resident department heads and that public services on Rota, and Tinian and Aguigan shall be headed by a resident department head in the department providing the services, respectively. These employees are appointed by and serve at the pleasure of the appointing mayor. These employees are entitled to earn annual and sick leave at the rates prescribed in **Part I.8 of these regulations**, to Workmen's Compensation and to enroll in or waive group life insurance coverage. They have no rights under adverse action procedures or reduction-in-force regulations.

**EXCEPTED SERVICE PERSONNEL REGULATIONS**

**PART III  
GOVERNMENT EMPLOYEES SICK LEAVE BANK**

- III.1**     **PURPOSE.**     The regulations in this part provide for creation and administration of the Northern Mariana Islands Government Employees Sick Leave Bank created by Public Law NO. 8-25.
- III.2**     **ELIGIBILITY.**    All persons, except for elected officials, employed by the Commonwealth government, its agencies or instrumentalities may apply for sick leave hours from the sick leave bank. No employee may request for sick leave beyond the term of his or her term of appointment. Employees must qualify for sick leave, and such leave is appropriate only for illness, injury or quarantine of the employee.
- III.3**     **CONTRIBUTIONS.**   Any person may contribute excess sick leave hours to the sick leave bank on forms prescribed by the Director of Personnel Management.
- A.**     Employees separating from or terminating employment with the Commonwealth government may donate all of their sick leave hours to the sick leave bank. If they return to service with the Commonwealth government within three (3) years, they may request that donated leave, up to a maximum of eighty (80) hours, be restored to their sick leave balance.
- B.**     Persons presently employed by the Commonwealth government may donate sick leave to the sick leave bank at any time, provided that after such donation their sick leave balance is at least eighty (80) hours.
- C.**     Employees may donate sick leave to the sick leave bank for the specific use of a designated person. If the person designated does not ask for use of such sick leave within two pay periods, the leave will be combined with all other donated sick leave for the use of any eligible person.
- III.4**     **REQUESTS FOR USE OF SICK LEAVE BANK.**   Any eligible employee may apply for up to eighty (80) sick leave hours from the sick leave bank, on forms prescribed by the Director of Personnel Management, provided that:

- A. The request is supported by a certified medical statement from the attending physician, including an estimate of the time the employee must be absent. Appointing authorities may ask that the attending physician state that the medical condition does not constitute a permanent disability which would prevent the employee from performing the essential duties of his or her job. The presence of any such permanent disability may be grounds for disability retirement of the employee; and
- B. Request must be received at the Office of Personnel Management at least five (5) working days before the proposed effective date, with all supporting documents; and
- C. The employee has exhausted all sick leave and all annual leave; and
- D. The employee has exhausted his or her allowable advance sick leave, or has been granted the maximum allowable advance sick leave and is in the process of exhausting such leave; and
- E. Sufficient sick leave hours have been donated to the sick leave bank to accommodate the employee's request.
- F. Employees may apply for an additional eighty (80) hours from the sick leave bank, but such requests must be justified in the same manner as original requests.

III.5 Requests for sick leave from the sick leave bank shall be considered in the order they are received, and the employee with the earliest request shall prevail if the sick leave hours donated are not sufficient to accommodate all requests.

III.6 Leave from the sick leave bank borrowed and taken:

- A. Constitutes a legal contract between the employee and the government; and
- B. Must be repaid, even if the employee separates from government service. Recovery of sick leave that is

unpaid may be through the government's assumption of the employee's accrued unused leave, payroll deductions, matched reduction of service time and/or recourse to the courts.

**III.7** The Director of Personnel Management or his designee shall maintain a centralized record of all sick leave donated to the sick leave bank.

**PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

**PART III, SUB-PART B  
POSITIONS AND APPOINTMENTS**

**III.B1 TYPES OF POSITIONS**

All positions in the Personnel Service shall be identified in the records of the Office of Personnel Management as permanent, or such other status as is authorized by law.

**III.B2 PERMANENT POSITION**

A permanent position is a full-time position which is established based upon the continuing need of the Government and which is authorized to continue longer than one (1) year.

**III.B3 TYPES OF APPOINTMENTS**

Appointments in the Personnel Service System are placed in the classes defined in the following:

- A. Probationary Appointment. An appointment in which the appointee is selected from an eligible list resulting from an open examination to fill a permanent position. The appointee shall serve a period of not less than six (6) and not more than twelve (12) months from the beginning of the probationary appointment and shall demonstrate the capacity for 26 consecutive weeks of satisfactory performance before being eligible to be converted to a permanent appointment. Separations during a probationary appointment are not processed under adverse action procedures or reduction-in-force (RIF).
- B. Permanent Appointment. An employee who has been appointed to a permanent position and who has satisfactorily completed a probationary period is entitled to the full benefits of these Regulations. Permanent appointment may be made to less than full-time positions with a regularly scheduled tour of duty.

- C. **Limited-Term Appointment.** A Limited-Term appointment is one in which the appointee is appointed for a period of not more than one (1) year. An employee serving a limited-term may serve in either a full-time or part-time position. Any person given a limited-term appointment must meet the minimum qualifications for the class of position to which appointed. Appointing authorities shall justify, in writing, to the Director of Personnel Management, requests for new Limited-Term Appointments following expiration of one (1) year appointments. Limited-Term Appointments may be converted to Permanent Appointments at the end of one year, if the position has been found to be permanent, provided that the employee has demonstrated the capacity for 52 consecutive weeks of satisfactory performance.
- D. **Provisional Appointment.** A provisional appointment is usually limited to ninety (90) days and is used to fill a permanent position in the absence of an appropriate eligible list. The Director of Personnel Management may authorize extension of a provisional appointment beyond ninety (90) days for a maximum of one hundred and eighty (180) days when the examination fails to make available an adequate number of qualified candidates. Any person given a provisional appointment must meet the minimum qualifications for the class of position to which appointed.
- E. **Emergency Appointment.** An emergency appointment may be authorized by the Director of Personnel Management for any one of the following purposes:
- (1) When a serious emergency exists; or
  - (2) to prevent stoppage of essential public services.

An emergency appointment shall be limited to thirty (30) calendar days but may be extended by the Director of Personnel Management, if the appointing authority so requests in writing, when the cause is determined to be good and sufficient, and the extension does not exceed twenty (20) additional working days.

All persons receiving emergency appointments shall be required to meet the minimum qualification requirements of the class of position to which appointed.

- F. **Temporary Appointment.** A temporary appointment is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if the employee meets the qualification standards of the new position. See Part IV.B6.
- G. **"Acting" Appointment.** An "acting" appointment is the official written designation that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30) day period, a new designation shall be made for an additional thirty (30) days. The thirty (30) day renewal of an "acting" assignment may be repeated until the supervisor returns to the position.

Whenever the "acting" assignment exceeds ninety (90) days, the employee shall be temporarily promoted/appointed to the position if the employee meets the qualification standards of the position. See Part IV.B7.

### **III.B4 PRE-EMPLOYMENT CONDITION STANDARDS**

All persons appointed to positions in the Personnel Service System must be examined by medical personnel (see Part III.B5) and certified as physically capable of performing the duties of the position. They must be free from communicable diseases and any present or potential medical condition which would be detrimental to successful performance of duty or the health of other employees, or reflect discredit upon the Personnel Service System.

### **III.B5 ADMINISTRATION OF PHYSICAL AND MEDICAL EXAMINATIONS**

Physical and medical examinations shall be administered by medical personnel authorized by the Commonwealth Government to conduct such examinations for employment purposes, and shall be recorded on forms prescribed by the Director of Personnel Management.

**III.B6      PROHIBITED ACTIONS**

- A.    Employment of any person without an approved personnel action is prohibited. Supervisors or management officials who permit an employee to report to work without an appropriate and formally approved personnel action shall be held personally liable for any claim for compensation resulting from such improper appointment as provided by 1 CMC Subsection 8101, et seq.
  
- B.    Retroactive personnel actions shall not be made unless approved by the Director of Personnel Management prior to commencement of such action.

**III.B7      REEMPLOYMENT**

An employee who has successfully completed a probationary period in the Personnel Service and subsequently left the Personnel Service for any reason shall be granted reemployment eligibility for a period following the separation equal to the employee's total full years of creditable service with the Government. This means that the former employee may be reappointed to the former position in the Personnel Service at the same pay level and step that the employee held upon separation. If re-appointed to a higher or lower class, the employee shall be allowed to retain the former rate of pay.

The possession of reemployment eligibility does not thereby provide the person with any mandatory reemployment rights. This means that the individual may be considered for employment only after persons with higher rating on the reemployment priority list have been considered. If it is in the public interest, such person may be reemployed, provided such person meets the noncompetitive qualifications for the position to be filled.

**III.B8      ORIENTATION**

New employees shall receive a standardized orientation to government service as soon as is practical after being appointed, and at least within one month of appointment.



**PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

**PART IV, SUB-PART B  
COMPENSATION**

**IV.B1      GENERAL**

All persons subject to the provisions of 1 CMC Subsection 8101, et seq., and Constitutional Amendment No. 41 shall be compensated in accordance with such laws and the provisions of this part.

**VI.B2      COMPENSATION PLAN**

The classes in the position classification plan, when assigned to appropriate pay levels of the Base Salary Schedule as established, shall constitute the basic compensation plan. The Director of Personnel Management shall assign all classes in the position classification plan to appropriate pay levels in the Base Salary Schedule in accordance with the following:

- A. Kind and level of work;
- B. Degree of difficulty and responsibility;
- C. Kind, quality and level of qualification requirements;
- D. Relationship to other classes in its occupational group and of its occupational group to other occupational groups.

**IV.B3      PERIODIC REVIEW OF COMPENSATION PLAN**

The Director of Personnel Management shall periodically conduct necessary and appropriate studies of rates of compensation and compensation practices in all geographic areas from which employees are normally recruited, and shall recommend and transmit the same to the Civil Service Commission for its review. Following such review, the Commission shall submit the same, together with its comments and recommendations, to the Legislature for review and approval as stated in 1 CMC Subsection 8101, et seq.

**IV.B4      ESTABLISHING SALARY UPON APPOINTMENT**

- A. Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to

recruit, and is appropriate to the qualifications of the applicant, the salary may be fixed at any succeeding step. Payment of salary above Step 1 of pay level must be approved by the Director of Personnel Management.

- B. When a person may be reemployed after a break in service of one (1) or more days into a position in a class and pay level lower than the highest class and pay level previously held, the salary may be set at the highest previous rate held, provided the rate does not exceed the salary range of the lower pay level. (See Part III.B7).

#### **IV.B5      PROMOTIONS**

An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of two (2) step increases in the old pay level. The rate of compensation must not exceed the rate of the maximum step in the higher pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. An employee shall not be promoted into a supervisory position until and unless such employee has satisfactorily completed training in workshops sanctioned by the Office of Personnel Management in the areas of Basic and/or Advanced Supervisory Management. Retroactive promotions shall not be made except when directed by a decision of the Civil Service Commission pursuant to an employees appeal.

#### **IV.B6      TEMPORARY PROMOTIONS**

A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if such employee meets the qualifications standards of the new position. The employee temporarily promoted shall be compensated at the step in the new pay level which is at least equal to an increase of two steps at the current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary promotion, the employee will be returned to the former salary (level and step) that she/he would be receiving had the employee remained in the former position. No temporary promotion shall exceed a period of one (1) year except when the temporary promotion is to replace an employee on educational leave outside the Commonwealth. In this instance, the temporary promotion may continue for not longer than two (2) years.

#### **VI.B7      "ACTING" ASSIGNMENT**

An "acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30)-day period, a new designation shall be made for an additional thirty (30) days. This thirty (30)-day renewal of the acting assignment is repeated until the supervisor returns to the position. Whenever the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if the employee meets the qualifications standards of the position. If the acting assignment exceeds ninety (90) days and the employee does not meet the qualifications standards of either the target level or the intermediate level, the employee shall be compensated with two (2) steps in the current pay level, but may not exceed the maximum step.

When an employee in the classified service is designated for an acting assignment in the excepted service, the employee shall be required to resign from the classified service in order to accept the said acting assignment. While in the acting assignment, the employee may be entitled to receive a salary equivalent to the salary received by the previous incumbent of the position.

Upon expiration of the acting assignment, the employee will be reinstated to the former position and salary (level and step) that the employee would be receiving had the employee remained in the former position.

#### **IV.B8      DETAIL**

A detail is the temporary assignment of an employee to a different position for a specified temporary time period, with the employee returning to the regular position and duties at the end of the detail. Technically, a position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. Normally, whenever it is anticipated that the need for a detail will exceed ninety (90) days, it is more appropriate to effect a temporary promotion (See Part IV.B6) if the employee is qualified at the higher grade. Individuals who do not meet the qualification standards of the promotion at the higher grade cannot be temporarily promoted, however, and must voluntarily agree to any period for which the detail exceeds ninety (90) days. An employee also may be detailed to a set of duties, which must be specifically described in the task list, when the government's need for necessary or emergency services cannot be obtained by other desirable or practical recruitment means.

**IV.B9      DEMOTION**

An employee demoted because of abolishment of position or reallocation of position to a lower pay level, except at the employee's own request, shall be compensated at the salary rate which does not exceed the employee's current pay rate. Where the employee's current rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step. An employee demoted as a disciplinary measure shall have his/her compensation reduced to the corresponding step of the lower pay level, and may, with the approval of the Director of Personnel Management, be compensated at a lower step.

An employee demoted at his/her own request shall have pay set at the step in the lower pay level which corresponds to the step held in the higher level.

**IV.B10     TRANSFER**

An employee who is transferred to a different position at the same pay level shall receive no change in compensation. An employee may transfer from the classified service in one branch of government to the classified service in another branch of the government with no loss of benefits. A minimum of two weeks' notice must be given the losing supervisor or appointing authority prior to effecting a transfer.

**IV.B11     EFFECT ON SERVICE ANNIVERSARY DATE**

An employee's service anniversary date will not be affected by a detail, acting assignment, or temporary promotion.

**IV.B12     REALLOCATION/RECLASSIFICATION OF POSITION TO HIGHER PAY**

An employee whose position is reallocated/reclassified to a higher class shall be compensated at the lowest step in the higher pay level which at least equals the amount of two (2) step increase in the lower pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The anniversary date of the new reallocation/reclassification shall be recycled.

**IV.B13     EFFECTIVE DATE OF POSITION CHANGE**

The effective date of all position changes shall be the beginning of the first pay period immediately following the approval of the action by the Director of Personnel Management. Exceptions to this rule may be made by the Director of Personnel Management only for such reasons as will expedite public business and not result in an inequitable situation.

**IV.B14****WITHIN-GRADE INCREASE**

- A. Within-grade increases may be granted to employees upon completion of fifty-two (52) consecutive calendar weeks of satisfactory performance.
- B. Employees who are included under the Personnel Service System and assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to a standard work year of 2,080 hours and such work has been satisfactory. Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.
- C. the effective date of a within-grade increase shall be the first day of the first pay period following completion of the required waiting period.
- D. For all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to exceed eighty (80) hours, is creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty (80) hours will extend the waiting period by at least one pay period or by the amount of time such AWOL or LWOP exceeds the eighty (80) hours, whichever is greater.
- E. Time served in a LWOP status for purposes of job-related education or training is credited toward within-grade increases, the same as if the employee had been in a pay status for that period of time on LWOP, provided that the employee is a registered or enrolled student. To be creditable toward the waiting period, the education program in which the employee is enrolled must be clearly and directly applicable to the employee's present position or one to which the employee may reasonably aspire, and for which the employee is released from full-time status and placed in an approved leave without pay (LWOP) status, and in which the employee performs satisfactorily as determined by management and the Director of Personnel Management.

- F. A former employee reemployed with a break in service is assigned and begins a new waiting period for a within-grade increase. NO credit will be given toward the completion of this new waiting period for any time served under a former waiting period prior to the break in service.
- G. Time served during provisional status shall not be counted toward the required waiting period in receiving a within-grade step increase.

**IV.B15      WORKSHOPS**

An employee occupying a permanent position, who after July 1, 1983 successfully completes 120 hours of training workshops that are supervised, sponsored and/or sanctioned by the Director of Personnel Management may be given a salary increase equivalent to one (1) step.

- A. No employee may receive more than one (1) step increase under this sub-part in any one calendar year regardless of the number of training workshops that are successfully completed. Employees who are employed on an intermittent basis are not eligible to receive this increase.
- B. Upon determination of the appointing authority that such employee is eligible to receive a salary increase as provided for in this sub-part, the appointing authority shall prepare, sign and submit a Request for Personnel Action to the Director of Personnel Management for final approval.
- C. The effective date of a training workshop salary increase shall be the beginning of the pay period immediately following the approval of the Director of Personnel Management.
- D. this increase shall not affect the anniversary date of the employee.

**IV.B16      OVERTIME COMPENSATION, COMPENSATORY TIME AND CONTROL**

Any employee who exceeds forty (40) hours actually worked in a week shall be paid overtime at the rate of one and one-half (1-1/2) times the regular rate of pay except as provided below.

A. **Exceptions.** Bonafide Executive, Administrative and Professional employees are exempt from payment for overtime. The criteria used in justifying such exemptions must be documented in the employees' job descriptions. Employees being paid typhoon emergency differential are not eligible to receive overtime pay for the same work hour(s).

(1) **Executive Employees.** The term Executive shall include employees:

(a) Who customarily and regularly supervise at least two employees; and

(b) Who make recommendations for hiring, firing, advancement or promotion that are given particular weight; and

(c) Whose primary duty is management of a department, division, section or other customarily recognized subdivision of the government.

(2) **Administrative Employees.** The term Administrative shall include employees whose work is office or non-manual work directly related to management policies or general operations.

(3) **Professional Employees.** The term Professional shall include employees whose primary duty is work requiring knowledge of an advanced type in a field of science or learning customarily acquired by prolonged courses of study. Physicians and Attorneys are examples.

B. **Hours Actually Worked.** Overtime compensation will only be paid for hours actually worked in excess of forty (40) hours a week. Paid leave shall not be included in the computation of hours actually worked, except for administrative leave allowed pursuant to Part VII.A4(G) (1) or VII.A4(g) (4). Time during which an employee is required to remain at a prescribed workplace shall be included in the hours actually worked, even if no work is performed.

C. **Payments Included in Regular Rate of Pay.** The regular rate of pay shall include the following compensation for employment:

- (1) Basic pay for the first forty (40) hours actually worked in the workweek, including work on a holiday; and
- (2) Any hazardous work differential earned during the regularly scheduled workweek; and
- (3) Any night work differential earned during the regularly scheduled workweek; and
- (4) Any premium earned for remaining on call for duty during a regularly scheduled period in excess of a forty (40) hour week; and
- (5) Payment for housing or transportation to and from work provided to the employee, or the fair value of those benefits if they are provided directly by the government, pro-rated to determine the amount for that workweek. The fair value shall be the amount specified by the Secretary of Finance for tax purposes.

**D. Calculation of Regular Rate of Pay.** The regular rate is an hourly rate. The weekly payments included pursuant to IV.B16(C) shall be added together then divided by forty (40), to determine the regular rate.

**E. Compensatory Time.** If funds are not available for overtime compensation, compensatory time off may be granted at the rate of one and one-half hours for each hour actually worked of overtime, provided that:

1. The employee signs a statement agreeing to compensatory time in place of overtime; and
2. The maximum authorized accumulation of compensatory time is eighty (80) hours. When an employee has accumulated eighty (80) hours of compensatory time off, all overtime must be paid in cash; and
3. An employee's request to use compensatory time off must be granted within a reasonable time unless the responsible official determines the time off would be unduly disruptive to operation of the activity; and



4. Accrued balances of compensatory time off at the termination of employment must be paid at the average basic pay of the employee over the last three years of employment or the final basic pay, whichever is higher.
5. Transition Provision. All compensatory time off carried "off the books" through an in-house agreement or arrangement shall be converted to official compensatory time off as of the effective date of this amendment. The approving official shall be personally liable for any compensatory time off granted through a non-official in-house agreement or arrangement after the effective date of this amendment. An employee who has a balance of more than eighty (80) hours of compensatory time because of this transition provision must be paid immediately for the balance exceeding eighty (80) hours. If funds are not available for such immediate payment, the balance will be converted to annual leave.

F. Reduction and Control of Overtime. Intelligent and responsible control of overtime is a continuing management function and certain steps are to be taken by all appointing authorities and supervisors to reduce overtime. Overtime work should be directed to a specific objective or goal, and should not be work that can be completed during the regular workday, nor postponed to the following day or days. Management should:

- (1) Ensure that every effort is made to improve management of the worker-hours available during the 40-hour work week; eliminate unessential or low priority work; make certain that reasonable discipline is maintained with respect to hours of work, leave, punctuality, industry and individual productivity.
- (2) Examine the purpose of overtime to determine whether the work to be accomplished requires immediate completion. No overtime should be approved to complete any work that could be delayed without undue hardship.
- (3) Where recurring overtime appears necessary, compare the relative cost of additional personnel versus

the current cost of overtime. Where additional personnel would result in less cost to the government, reassign employees in less essential positions, wherever possible.

- (4) Pool clerical personnel and loan employees from one activity to another as the needs require. No situation should be allowed to exist wherein employees are not fully occupied in necessary work the full eight hours a day.
- (5) use available recognition devices, merit increase, performance awards and priority consideration for promotion to reward employees who make extra efforts on behalf of their organizations. This will encourage other employees to raise their sights.
- (6) Ensure that timekeeping duties are accomplished during regular working hours. Overtime shall not be authorized for timekeeping.
- (7) Minimize use of compensatory time off. Excessive use of compensatory time will take employees away from the workplace in the future and create a need for more overtime.

**G. Approval of Overtime.** Overtime must be approved, in advance, by the appropriate management official on forms prescribed by the Director of Personnel Management. Such officials are Secretaries or their equivalent, or Directors or their equivalent when this authority is delegated.

- (1) An employee who is suffered or permitted to work overtime without authorization shall be paid, because the time represents an obligation of the government.
- (2) The responsible management official has an obligation to discourage overtime which is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization. The Director of Personnel Management may request documentation of the steps taken by management to control unauthorized overtime.

(3) As a general policy, an employee who has taken annual or sick leave or who plans to take annual or sick leave within the same work week will not be scheduled to work overtime.

H. Supervisors Working Overtime. As a general policy, management officials should refrain from directing supervisory personnel to work overtime.

I. Supervisor of Overtime Work. In the event three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

#### IV.B17 STANDARD WORK WEEK

The standard work week commences on Monday at 7:30 a.m. and ends on the following Friday at 4:30 p.m. of each week.

#### IV.B18 USE OF NON-STANDARD WORK WEEK

Non-standard work weeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for non-standard work weeks shall be devised, in advance, by the appointing authority, not to exceed forty (40) hours per week. When it becomes necessary to change an employee from a standard work week to a non-standard work week, the employee shall be given notice ten (10) working days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, the employee shall be compensated at the overtime rate for those days worked within the first ten (10) working days which do not fall within the standard work week.

#### IV.B19 HOLIDAYS

All government employees shall receive leave with pay on each legal holiday.

A. Payment for Work on Holidays. An employee required to work on a legal holiday shall be compensated at the base salary rate or the adjusted base salary rate for the hours actually worked, and shall also be paid for the holiday leave with pay.

B. Holiday Pay in a Non-Standard Work Week. When holidays fall on a regular non-work day for employees whose basic work week is other than the standard work week, the work day immediately preceding or succeeding the holiday shall

be designated (as determined by the department head) as the holiday in lieu of such holiday which occurs on the employee's scheduled non-work day:

- (1) Such employees who have designated holidays in lieu of the official holiday shall, if possible, be excused from duty on the designated holiday.
- (2) Such employees who are required to work on their designated holidays shall receive the basic salary rate for work performed on that day, and shall also receive holiday leave with pay.

#### **IV.B20      MERIT INCREASE**

An employee with a minimum of four (4) exceptional ratings may additionally be granted a merit increase not to exceed one (1) step increase in the base salary upon completion of fifty-two (52) consecutive calendar weeks of sustained superior work performance. Such additional merit increase shall not alter the waiting period required for qualifying for the next within-grade step increase. No employee shall be compensated above the maximum step prescribed for the employee's pay level except where the employee was receiving such compensation pursuant to law.

A request for merit increase is initiated and signed by the supervisor, attached to an approval recommendation from the appointing authority, and then forwarded to the Director of Personnel Management for review and final approval.

The effective date of all merit increases shall be the beginning of the pay period immediately following the final approval of the Director of Personnel Management. Exceptions to this rule may be made by the Director of Personnel Management only for such reasons as might expedite public business and not result in an inequitable situation.

#### **IV.B21      PREMIUM PAY**

See Part IV.B22 for approval of proposals to provide premium pay or differentials.

- A. **Hazardous Work.** All employees meeting the qualification criteria below, whose occupation involves unusual and extreme hazards to their health and safety, shall be paid a differential of twenty-five percent (25%) of their base salary rate for any hour actually worked while exposed to the hazard. Eligibility will be for a specified period

up to 90 days, and any renewal must be reviewed in the same manner and for the same maximum period as an original request for the differential. To qualify for payment of a hazardous work differential, the following conditions of work must be met:

- (1) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;
- (2) The hazard, on which a request for payment of such differential might be based, has not previously been recognized in the establishment of the pay level for the class which covers the position(s) and work involved;
- (3) Exposure to the particular unusual and extreme hazard must constitute a reasonable amount of time so as to be clearly recognizable. For example, several repeated exposures to such a hazard may occur for a brief period of time, but collectively measured over a period of time, e.g., one day, may possibly provide a valid basis for recognition of the hazard. Conversely, clear and sustained exposure to an unusual and extreme hazard is readily more recognizable and measurable.
- (4) Upon receipt of a request to renew a hazardous differential, the Director of Personnel Management shall:
  - (a) Review the pay level assigned to the class which covers the position involved and the hours actually worked by employees with that classification while exposed to the hazard involved, and determine whether the pay level should be adjusted for the entire class; and
  - (b) Review the justification provided by management to determine whether the employee is still eligible for the hazardous work differential.

**B. Night Work.** Additional compensation in the form of a night work differential of fifteen percent (15%) of base salary rate is paid for all hours worked

between 4:30 p.m. and 7:30 a.m., when such hours are included within a regularly scheduled tour of duty.

(1) Control Criteria. To be eligible to receive payment of a night work differential, the following criteria must be met:

(a) Payment will be made only for actual hours worked which fall between 4:30 p.m. and 7:30 a.m.

(b) The above is restricted to include only those regularly scheduled work hours within the specified time period which constitute all or a part of the employee's regular hours of duty.

(2) Non-payment of Night Work Differential. Payment of a night work differential will not be made for the following situations:

(a) An employee whose regular hours of duty included scheduled hours during the period of 4:30 p.m. to 7:30 a.m., is absent and does not actually perform work for the hours involved;

(b) An employee required to perform work during the hours of 4:30 p.m. to 7:30 a.m. which is not a part of the employee's regularly scheduled hours of night work duty; or

(c) An employee who is paid for remaining on call to duty in excess of the normal forty (40) hour work week shall not be eligible for payment of night differential for any work performed while on call.

C. On-call. Employees who are required to remain on-call to duty outside of their regular working hours shall be fit to report for duty while on call and shall be paid a premium of one dollar and fifty cents (\$1.50) per hour they are scheduled to be on-call, provided that:

- (1) Employees shall be compensated for hours actually worked instead of receiving an on-call premium for all hours in which they are required to be at a prescribed work place; and
- (2) Hours of on-call duty must be for a regularly scheduled period of time in excess of the regular forty (40) hour work week. On-call schedules must be submitted to the timekeeper before the beginning of the work week involved; and
- (3) There is a bonafide reason for the employee to be on call; and
- (4) Eligibility to be placed on-call is for a period of one (1) year, and may be renewed for additional one (1) year periods.

D. **Typhoon Emergency.** Employees who are required by the government to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared by the Governor shall be compensated as follows:

- (1) For the employee's regularly scheduled work hours during which other government employees are released from work as a result of the emergency, the employee shall receive pay for administrative leave, and shall also receive pay for the actual hours worked; and
- (2) For all other hours such employees are required to work while such declaration of emergency shall remain in force, compensation shall be at the rate of two and one-half (1-1/2) times the base salary rate. Employees being paid typhoon emergency differential are not eligible to receive any other premium pay or overtime pay for the same time period.

E. **Outside Commonwealth Service.** An employee of the Personnel Service residing in the Commonwealth and assigned a permanent change of duty station to work at locations outside the geographic boundaries or administrative control limits of the Commonwealth shall receive, in addition to base salary, fifty percent (50%) of the base salary. Employees receiving housing benefits shall not be eligible for this differential.

- F. **Special Medical.** A Medical Officer or Dental Officer who occupies a position with duties predominantly clinical, as opposed to administrative in nature, shall receive, in addition to the base salary, a Special Medical Differential of thirty percent (30%) of the base salary for the pay level and step of the position.
- G. **Advanced Professional.** An employee who has achieved advanced professional preparation through obtaining an L.L.B. or J.D. Degree, a Doctorate in Medicine or Dentistry, or an earned doctorate in any other field from an accredited United States University or any other university accredited in the United States, and who is employed in a position having a requirement for such degree, shall receive, in addition to the base salary, a premium of fifty percent (50%) of the base salary for the pay level and step of the position.

#### **IV.B22 APPROVAL OF PREMIUM, PAY OR DIFFERENTIAL**

Proposals to either begin or discontinue premium pay differentials shall be submitted on a Request for Personnel Action to the Director of Personnel Management for review and approval. The request must be accompanied by a letter of justification addressing each of the criteria required to support the particular differential. Discontinuance of differentials does not constitute a "reduction in pay" and does not require a formal adverse action under Part III.D.

#### **IV.B23 BAR TO DUAL COMPENSATION OR DUAL EMPLOYMENT**

No employee shall receive compensation for two positions or two appointments in the Personnel Service. When an employee is engaged in government work other than in the employee's regular position, such employee shall be (1) placed in LWOP from the regular position, or (2) continue the government salary and reject the salary for the second position, whichever is to the employee's personal advantage.

**Exception:** When an employee is engaged as a classroom teacher outside the employee's regular work day to teach Adult Basic Education or classes for the Northern Marianas College, such employee shall be paid for work as a teacher at the prevailing rate. Other exceptions may be made upon proper justification with the specific written approval of the Director of Personnel Management.



**IV.B24      SEVERANCE PAY**

Employees who are separated from the Personnel Service by reduction-in-force (RIF), not eligible to receive immediate retirement pay, are entitled to severance pay computed as follows:

- A. For each full year of creditable service with the government, the employee is entitled to one-half (1/2) of the employee's biweekly pay rate in effect upon separation by RIF.
- B. For each full three (3) months of service beyond the total full years of service, the employee is entitled to twenty-five percent (25%) of the pay for a biweekly period at the rate in effect upon separation by RIF. Not more than seventy-five percent (75%) of the pay for one biweekly period shall be paid under this part year provision.

Severance pay is paid at the regular biweekly sequences until the entitlement is exhausted. If an employee separated by RIF is reemployed by the government in any capacity before the allowable severance pay liability is satisfied, the employee sacrifices the unpaid balance upon return to duty. If the employee's total creditable service is less than one (1) full year, there is no entitlement to severance pay.

**IV.B25      TIMEKEEPERS**

It is essential that the Civil Service Commission and the government have available accurate data concerning the time and attendance of employees. The information assists forecasting of future personnel needs and analysis of current practices. To provide the needed information, it is necessary that competent timekeepers be appointed and certified.

- A. **Appointment and Certification of Timekeeper.** Each appointing authority shall appoint timekeepers from among the employees assigned to such office. Each timekeeper shall be assigned designated employees for whom the timekeeper will be responsible. Every employee (classified service and excepted service) shall be required to be assigned a timekeeper. Upon the appointment, each timekeeper will undertake a course of instruction in timekeeping procedures as specified by the Director of Personnel Management and the Secretary of Finance.

Upon satisfactory completion of such instruction, the Director of Personnel Management may certify as acting timekeeper an employee who has not yet completed the required instruction, where circumstances dictate. No person may perform the duties of timekeeper without certification.

- B. **Duty of the Timekeeper.** Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. Timekeeping duties shall be accomplished during regular working hours. Overtime shall not be authorized for timekeeping. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Director of Personnel Management and the Secretary of Finance.

Time and attendance records, kept by the Timekeeper are subject to audit by the Director of Personnel Management or his designee at least once a year. Non-compliance to this part shall subject the Timekeeper to immediate decertification and appropriate disciplinary action(s).

- C. **Protection of the Timekeeper.** It is essential that timekeepers be able to fulfill their duties without harassment. No person may attempt to coerce, threaten or otherwise attempt to hinder the timekeeper. Any person violating this provision shall be reported promptly by the timekeeper to the Director of Personnel Management. Any person violating this provision may be subject to disciplinary and/or criminal sanctions.

- D. **Employees' Rights to Challenge Timekeeping Records.** Any employee who wishes to challenge the accuracy of any timekeeper's records may institute an employee appeal under the Grievance Procedure, Part III.

**PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

**PART III, SUB-PART F  
EMPLOYEE APPEALS**

**III.F1 GENERAL**

This sub-part establishes the Personnel Service Appeals System. Any employee of the Personnel Service may appeal, personally and/or in writing, a decision to take adverse action resulting from reduction-in-force procedures, or an "unsatisfactory" or "satisfactory" performance rating.

**III.F2 RIGHTS OF THE PARTIES**

In any appeal the appealing employee and the appointing authority have certain rights which shall not be denied. These include:

- A. **Right to a Hearing.** Upon the filing of an appeal by an employee, both the responsible management official and the employee are entitled to a full and fair hearing before the Civil Service Commission or a hearing officer designated by the Commission, to present evidence and to be represented by counsel. At the hearing, although technical rules of evidence shall not apply, the testimony shall be recorded. The Commission shall render its findings of fact and final decision in writing with service on all parties.

Only one (1) hearing is held, unless the Commission determines that unusual circumstances require a second hearing. It should be noted that the hearing provided by this sub-part is separate and distinct from the employee's answer and presentation of evidence in response to a letter of proposed adverse action. Any evidence may be presented at the hearing which the Commission or hearing officer allows, that bears on the issue of whether adverse action taken was justified and proper.

B. **Denial of a Hearing**

- (1) The Commission may make the determination to deny a hearing on the appeal when a hearing is impractical by reason of unusual location or other extraordinary circumstance. In this event the Commission must notify both parties in writing of the reason(s) for denying a hearing.
- (2) If the Commission determines that no hearing is reasonably possible, the appointing authority and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision can be made on the record without a hearing

C. **Freedom from Reprisal or Interference.** Unless an employee feels free to use the appeal system, the system will not serve the intended purpose of giving a means for review of dissatisfaction. An employee and the employee's representative, therefore, must be free to use the system without restraint, interference, coercion, discrimination or reprisal.

An employee, whether acting in an official capacity for the government or on any other basis, must not interfere with, or attempt to interfere with, another employee's exercise of rights under this sub-part. To be fully effective, the spirit as well as the letter of the requirement must be enforced. It is not enough for an official to abstain from overt acts or interference. The official must also refrain from making any statement or taking any action that has the appearance of a threat, interference or intimidation.

D. **Employee Representation.** Employees have the right to present an appeal without representation. They also have the right to be accompanied, represented and advised by a representative of their choice at any stage of the proceeding. Employees may change their representative, but to do so, they must notify the Commission of the change, in writing.

Employees may select other government employees as their representative, provided that such employees are willing to represent them. In addition, the representatives must be free to do so, e.g., not be disqualified because of conflict of position or unavailability to serve in that capacity because of priority needs of the service or reasonable cost to the government as determined by the appointing authority or management official. Employees are free to select as their representative anyone outside the government service, but entirely at their own expense.

- E. **Government Representation.** The appointing authority's representative at Civil Service Commission hearings must be the Attorney General or designee.
- F. **Employee Entitled to Official Time to Prepare an Appeal.** Employees are entitled to a reasonable amount of official time to prepare their appeal if they are otherwise in an active duty status. If the employees' representatives are employees of the government, they are also entitled to a reasonable amount of official time to prepare the appeal if they are otherwise in an active duty status. Both the employees who appeal and the employees who act as representatives shall make arrangements with the Director of Personnel Management for use of official time. The Director of Personnel Management shall determine the reasonable amount of official time that is to be granted and will inform the supervisors of the employees and of the employees' representatives. The time to be allowed must necessarily depend on the facts and circumstances of each case, e.g., the number and nature of the reasons stated in the letter of decision, the specifics, the volume of the supporting evidence compiled by the management official, the availability of documents, witnesses, assistance at the employee's place of employment and similar considerations. If preparation requires more official time than was originally considered reasonable, the employees or their representatives may request the Director of

Personnel Management for more time. The request should explain fully why more time is needed. The Director of Personnel Management will determine if the request is reasonable and should be granted. If granted, the Director of Personnel Management will make the necessary arrangements.

### **III.F3 EMPLOYEE APPEAL**

An employee must file an appeal within fifteen (15) calendar days after delivery of the letter of decision. The appeal must be in writing and must be delivered personally or by Certified or Registered Mail to the Civil Service Commission. The appeal must give the employee's reasons for contesting the adverse action, together with any offer of proof and pertinent documents the employee desires to submit. It should also include a request for hearing if the employee so desires. Employees located away from Saipan must also meet the fifteen (15) calendar days period for filing an appeal to the Commission. If Certified or Registered mail is utilized, the appeal must be postmarked no later than the 15th calendar day.

### **III.F4 PREPARATION FOR HEARING**

- A. When the Civil Service Commission grants a hearing and establishes a hearing date, it will notify the Director of Personnel Management, giving the employee's name, title, grade and organizational unit.
- B. The Director of Personnel Management must meet the employee and representative and the appointing authority and representative (either simultaneously or at different times) within seven (7) calendar days, if possible, after receiving notice that a hearing has been granted. If it is not possible to hold the meeting or meetings within the seven (7) calendar days, the meeting or meetings will be held as soon thereafter as possible. In such event, the Director of Personnel Management will inform the Commission of the delay and request a hearing date if necessary. Separately, the employee and the appointing authority will be required to furnish the Director of Personnel Management and the other party the following information:
  - (1) Employee's list of witnesses containing the name, location and occupation of each witness;

a summary of each witness; anticipated testimony; and the availability of each witness in the area of the employee's duty station during the next thirty (30) days.

- (2) Management's list of witnesses containing the name, location and occupation of each witness; a summary of each witness' anticipated testimony; and the availability of each witness in the area of the employee's duty station during the next thirty (30) days.
  - (3) The availability of the employee and representative and the appointing authority and representative, in the area of the employee's duty station during the next thirty (30) days.
- C. The Director of Personnel Management shall direct the appointing authority to make available to the Office of Personnel Management and to the employee the appointing authority's entire adverse action file for review and reproduction.
- D. The employee may inspect and copy any part of the appeal file upon making request.
- E. The employee may request that the government, at its own expense, produce at the hearing those witnesses who are employed by the government and whose testimony the employee alleges, in writing, to be pertinent to the issues and necessary to the employee's defense. The employee may include in the list of witnesses non-governmental individuals, but arrangements for their presence at the hearing are the obligation of the employee and will be at the expense of the employee unless otherwise ordered by the Commission.

### **III.F5 APPEAL FILE**

When an employee files an appeal from adverse action with the Commission, the Office of Personnel Management must establish and maintain an appeal file containing copies of all available pertinent documents; in addition, that Office must immediately forward originals of all pertinent documents to the Commission. The employee appeal file is independent, separate and distinct from the Official Personnel Folder (OPF). The employee appeal file, both with the Office of Personnel Management and the Commission, must contain all documents pertinent to the appeal, such as:

- A. A copy of the delegation of authority of the management official taking the action;
- B. A copy of the letter of proposed adverse action;
- C. The material relied on by the management official to support the reason(s) listed in the letter of proposed adverse action;
- D. The employee's written answer, if any;
- E. A transcript or summary of the employee's presentation of oral evidence and copies of documents presented;
- F. A copy of the letter of decision;
- G. The employee's written notice of appeal;
- H. Any pertinent evidence developed after issuance of the letter of proposed adverse action;
- I. The lists of witnesses submitted by both parties;
- J. The reason(s) for not granting a hearing when one is requested but not granted;
- K. The reason(s) for not producing witnesses at the hearing;
- L. The transcript of the Commission hearing when a hearing is held;
- M. The recommendation(s) of the Commission's hearing officer, if any; and
- N. A copy of the notice of decision of the Civil Service Commission.

### **III.F6 PROCEDURAL DEFECTS**

If at any time after the appeal has reached the Commission, it finds a regulatory or procedural defect which would warrant reversal of the action taken by the appointing authority, the Commission will prepare a report of its findings on the issue and order that the action be dismissed. Copies of the findings and the order will be served on all parties.



**III.F7      STATUS OF EMPLOYEE DURING APPEAL**

If an employee appeals an appointing authority's decision given in accordance with adverse action procedures, that decision shall remain in effect unless and until the Commission has entered its findings and decision on the appeal. The Commission may enter such findings and decision on appeals decided by it as it finds the circumstances of the case require and that it deems just and proper.

**III.F8      PERFORMANCE RATING APPEAL**

- A. In the event an employee disagrees with a performance rating Report, such employee may appeal an "unsatisfactory" performance rating to the Commonwealth of the Northern Mariana Islands Civil Service Commission. The appeal to the Civil Service Commission must be in writing, stating the reasons for the appeal and must be filed to the Director of Personnel Management within thirty (30) calendar days after the date of the employee's signature on the Performance Rating Report. If a statement of disagreement is not received, the Performance Rating Form shall be processed as received.
- B. An employee has a right to representation of his choice as provided in part III.F2.D.
- C. Upon receipt of the statement of disagreement, the Director of Personnel Management will appoint an ad hoc committee of three (3) to review the rating and evaluate the objection of the employee. The ad hoc committee shall be selected from among the employees (1) who are on at least equal rank as the appellant; (2) who are not in the supervisory line above the appellant; and (3) at least one of whom must have an understanding of the work the employee is performing. The Director of Personnel Management or designee shall serve as Executive Secretary and advisor to the committee.
- D. The ad hoc committee shall review the content of the appeal, make such inquiries of the rating supervisor and the employee as are considered necessary and, in closed session, arrive at a judgment. The committee may (1) refer the rating and the appeal to the rating supervisor and the reviewing official for reevaluation, or (2) determine that the performance rating should stand.

- E. In the event the committee determines that the appeal is justified and re-rating is required, it shall direct the rating supervisor to correct the rating. The committee's original orders shall be in writing and shall state specifically where the original rating was deficient. All documentation in support of this conclusion must accompany the rating when referred back to the rating supervisor.
  
- F. If the employee is not satisfied with the decision of the ad hoc committee, the employee may appeal to the Civil Service Commission, using the procedure defined in this sub-part for appeals from adverse action decisions.

**PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

**PART VIII  
PERFORMANCE EVALUATION**

**VIII.A GENERAL**

This Part prescribes the employee work performance review system which seeks to recognize, evaluate and reward employees and their contributions toward increasing efficiency and economy in the Personnel Service.

**VIII.B EMPLOYEE PERFORMANCE EVALUATION**

Employee performance evaluation is essential to:

1. Improve employee effectiveness by:
  - A. Providing the working atmosphere in which an employee may be motivated to achieve the highest performance potential; and
  - B. Identifying work performance standards agreed to by both management and employee.
2. Strengthen the employee-supervisory relationship by:
  - A. Establishing a framework for continuing employee-supervisor communications regarding performance standards and development of employee potential; and
  - B. Guaranteeing employees the opportunity to participate in the establishment of performance standards.
3. Provide management with an objective basis for relating employee work performance to a wide variety of pertinent personnel management activities.

**VII.C POLICY**

Appointing authorities shall ensure that supervisors in their respective jurisdictions reach and maintain a clear understanding

with their subordinates of the standards of work performance which must be met in order to successfully accomplish assigned work. The supervisor and the employee, on a person-to-person basis, must understand and agree on the work objectives set, the manner in which they can be reached, and the way they will be evaluated. A review of the employee's position description is necessary, therefore, to assure such understanding of the duties, performance standards and work objectives established.

**Annually**, commencing at the employee's employment date, based upon the preceding twelve (12) months performance rating report and other pertinent factors, an annual written rating of performance shall be submitted by the supervisor, and concurred by the activity head, on CSC-P-07 forms prescribed by the Director of Personnel Management, for each permanent, probationary, and limited-term employee. The Director of Personnel Management, through an authorized representative, shall administer the performance rating report and be alerted to changes needed for necessary improvement of such system.

Non-Commonwealth employees shall not be delegated the authority to supervise employees of the Commonwealth.

#### **VIII.D RESPONSIBILITIES**

1. The Director of Personnel Management shall be responsible to:
  - A. Develop, evaluate and improve the Personnel Service annual employee review system and performance rating report; and
  - B. Provide advice, assistance and supervision in the administration of the system.
2. The appointing authorities shall be responsible to implement, administer and obtain compliance with the purposes of the system, including:
  - A. Provide assistance to supervisors and employees in developing performance rating report;
  - B. Provide training to supervisors so they can effectively evaluate employee performance; and

- C. Assure that employees understand the provisions, procedures and objectives of the performance evaluation plan.
3. Supervisors are responsible to:
- A. Assure that position descriptions accurately reflect the duties and responsibilities assigned;
  - B. Determine jointly with each employee the performance standards to be met and keep each employee advised of strengths, weaknesses and opportunities for improvement;
  - C. Conduct the annual employee performance reviews; and
  - D. Initiate appropriate personnel actions in cases of continuing unsatisfactory performance.
4. The employee is responsible to:
- A. Request clarification from the supervisor of any performance ratings, work objectives or duties which are not clearly understood;
  - B. Advise the supervisor of any fact or circumstance which the employee believes should be considered during the review process;
  - C. Participate in performance appraisal discussions, in the development of performance standards, and make suggestions for improving performance; and
  - D. Certify the performance appraisal ratings.

In the event the employee disagrees with any of the ratings, the employee must so indicate on the Performance Rating Form (CSC-P-07) and must submit a written statement to the Director of Personnel Management as required by Part III.F8 of these regulations.

#### **VIII.E      RELATIONSHIP TO OTHER PERSONNEL MANAGEMENT ACTIVITIES**

By using the employee anniversary date system (as contrasted to a fixed due date), supervisors may better consider and evaluate each employee as an individual and coordinate the performance evaluation with the other appraisal actions which make up the totality of the employee review system.

Supervisors do not have a right to retain an employee in a position in which the employee's overall rating is "unsatisfactory". To permit such a situation would not be in the best public interest and would not be consistent with good management principles. Supervisors must initiate the necessary personnel action to have such an employee reassigned, demoted or separated from the position at the earliest possible date.

An employee with a current official rating of "Outstanding/Exceptional" has an additional two (2) points of retention credits for reduction-in-force purposes.

#### **VIII.F      PERFORMANCE APPRAISAL RATING**

A completed Performance Rating Report (CSC-P-07) must be submitted to the Office of Personnel Management on an annual basis for appropriate action.

#### **VIII.G      RATING PROBATIONARY EMPLOYEES**

The final rating shall be completed for probationary appointees a month prior to being eligible for conversion to a permanent appointment.

#### **VII.H      APPEALS**

Employees who believe their ratings are unjust shall be entitled to appeal as provided for in Part III.F8 of these Regulations.



# Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMJ Saipan

Phone: 664-1100

Facsimile: 664-1115

May 12, 1995

## PUBLIC NOTICE

### DEPARTMENT OF FINANCE

#### PROPOSED CUSTOMS SERVICE REGULATIONS

NO. 3300

The Secretary of the Department of Finance hereby provides public notice of the Proposed Customs Service Regulations No. 3300. The purpose of these regulations is to implement, interpret, prescribe and clarify the policies and procedures required to implement, enforce, and administer the provisions of law administered and enforced by the CNMI Division of Customs Service. These regulations are promulgated by virtue of the authority and directions given to the Secretary of Finance as set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402(d), 4 CMC §1818, and the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq.

The proposed regulations are published in the Commonwealth Register. Copies of the proposed regulations may be obtained from the Office of the Secretary of Finance, Capitol Hill, P.O. Box 5234, CHRB, Saipan, MP 96950.

Anyone interested in commenting on these regulations may do so in writing addressed to the Secretary of Finance, Commonwealth of the Northern Mariana Islands, at the above-referenced address not later than thirty (30) days from the date of its publication in the Commonwealth Register.

Issued by: *Dolores S. Guerrero* *5/12/95*  
DOLORES S. GUERRERO Date  
Acting Secretary of Finance

Concurred by: *Jesus C. Borja* *5/15/95*  
FROILAN C. TENORIO *Jesus C. BORJA* Date  
Acty Governor

Filed and Recorded by: *Remedio M. Ho Chan* *5/15/95*  
for: SOLEDAD B. SASAMOTO Date  
Registrar of Corporations



# Department of Finance

Office of the Secretary

Commonwealth of the Northern Mariana Islands  
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Saipan, MP 96950

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Gov. NMI Saipan  
Phone: 664-1100  
Facsimile: 664-1115

Mayu 12, 1995

## NUTISIAN PUBLIKU

### DEPATTAMENTON FAINANSIAT

#### I MAPRUPONI SIHA NA REGULASION I SETBISION CUSTOMS NUMERU 3300

I Sekretarian i Depattamenton i Fainansiat ginen este ha prubiniyi nutisian publiku pot i mapruponi siha an Regulasion i Sebtision Customs Numeru 3300. I propositun este siha na regulasion pot para uma implementa, intetpeti, preskribi yan mana klaru huyong areklamento yan direksion nu debi u guaha para uma implementa, enfuetsa, yan administra probision lai siha nu i ma administra nu i Dibision Setbision Customs gi halom i CNMI. Este siha na regulasion manma fatinas sigun gi aturidat i mana'e i Sekretarian i Fainansiat ginen i aturidat i 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402(d), 4 CMC §1818, yan i Administrative Procedures Act, 1 CMC 9101 yan segenti siha.

I mapruponi na regulasion manmapublika huyong gi Rehistran i Commonwealth, yan hayi interesao na petsona sina manule kopia ginen i Ofisinan i Sekretarian i Fainansiat, Capitol Hill, Saipan, MP 96950.

Hayi interesao mamatinas komentu pot i mapruponi siha na regulasion sina ha hatugi papa ya una halom guato gi Sekretarian i Fainansiat gi address na a anak gi sanhilu, ti u mas di trenta (30) dias despues di malaknos este na nutisia gi halom i Rehistran i Commonwealth.

Linaknos:

DOLORES S. GUERRERO  
Sekretarian i Fainansiat  
(Acting)

5/12/95  
Fecha

Kinenfotma as:

FROILAN C. TENORIO  
Gobetno

5/15/95  
Fecha

Ma File yan  
Rekod as:

SOLEDAD B. SASAMOTO  
Registrar of Corporation

5/15/95  
Fecha





# Department of Finance

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## CERTIFICATION

### DEPARTMENT OF FINANCE

#### PROPOSED CUSTOMS SERVICE REGULATIONS NO. 3300

I, Dolores S. Guerrero, the Acting Secretary of the Department of Finance who is publishing these Proposed Customs Service Regulations No. 3300, by signature below hereby certifies that the Proposed Customs Service Regulations is a true, correct, and complete copy of the regulations proposed by the Department of Finance. I further request and direct that this certification and the Proposed Customs Service Regulations be published in the Commonwealth Register.

I declare under penalties of perjury that the foregoing is true and correct and that this declaration was executed on the 12th day of May, 1995, at Saipan, Commonwealth of the Northern Mariana Islands.

---

Dolores S. Guerrero,  
Acting Secretary of Finance



# Department of Finance

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## DEPARTMENT OF FINANCE CUSTOMS SERVICE REGULATIONS NO. 3300

### Part I - Section 3300 - General Provisions

**Section 3300.1. Authority.** The authority for the promulgation and issuance of Customs Service Regulations No. 3300 is by virtue of the authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC 2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402(d), and 4 CMC §1818.

**Section 3300.2. Purpose and Scope.** The purpose of the Customs Service Regulations No. 3300 is to establish policy and procedures to implement and provide uniform enforcement of the laws of the Commonwealth of the Northern Mariana Islands administered by the Division of Customs Service; to require complete customs service to control imports of all articles, wares, or merchandise for the assessment and collection of taxes; and for the interception of harmful elements and other contraband.

### **Section 3300.3. Customs Service.**

(a) Administration and Enforcement. The Customs Service Division of the Commonwealth of the Northern Mariana Islands shall consist of trained men and women under the supervision of the Director of Customs Service Division. Men and women of the Customs Service are law enforcement officers who are engaged in the enforcement of the excise tax laws, the Commonwealth Controlled Substances Act, the Weapons Control Act, the Anti-Drug Abuse Act of 1991, and other local and federal laws enforced at the ports of entry; and in the interception of other contraband, such as items quarantined by law.

(b) Other Government Agencies. By agreement, the Director of Custom Service Division may utilize the personnel services and facilities of other agencies of the Commonwealth Government of the Northern Mariana Islands or other government agencies for proper enforcement of excise tax laws, other laws enforced at the ports of entry, and these and other related regulations.

**Section 3300.4**     Function. The Customs Service Division of the Commonwealth of the Northern Mariana Islands shall administer and enforce all taxes and fees imposed by Chapter 4, Division 1, of Title 4 of the Commonwealth Code and shall intercept illicit imports of narcotics, nonregistered weapons, and other contraband at the ports of entry. The Customs Service Division is hereby authorized to develop procedures and policies, including procedures and policies for the purpose of conducting searches on individuals, not covered by these Regulations, necessary for the proper functioning of the Customs Service. All monies due pursuant to Chapter 4, Division 1, of Title 4 of the Commonwealth Code shall be collected by the Customs Service Division and be deposited with the Treasurer of the Commonwealth Government.

**Section 3300.5**     Records. The Customs Service Division of the Commonwealth of the Northern Mariana Islands shall maintain all records and documents associated with the administration and enforcement of laws enforced and administered by the Customs Service Division. Only authorized employees of the Customs Service Division and other persons authorized by CNMI law shall have access to these records and documents. Except as authorized by law, employees of the Customs Service Division are not authorized to furnish any information to any person regarding another person's records maintained pursuant to law and these and other related regulations.

**Section 3300.6.**   Rota and Tinian District Offices. The Customs Service Division shall have district offices in Rota and Tinian for its activities in these senatorial districts. The functions of the district operations shall be under the supervision of the Secretary of Finance or his/her designee. Personnel supervision of the district offices shall be under each respective Resident Director of Finance.

**Section 3300.7.**   Regulations Superseded. Except for §1302.33(e)(1) of Customs Service Regulations No. 1300, Customs Service Regulations No. 3300 supersedes all rules and regulations issued by the CNMI Department of Finance and/or the CNMI Customs Service Division which were published prior to the adoption of Customs Service Regulations No. 3300 which pertain to taxes, fees, and all other laws administered by the Customs Service Division including those rules and regulations issued under Customs Service Regulations No. 1300, Customs Service Regulations No. 9101, and all amendments thereto.

**Section 3300.8.**   Definitions.

(a) Aircraft: Every description of craft or other contrivance used or capable of being used as a means of transportation for flight in the air.

(b) Annual: Unless the context otherwise requires, means a calendar year.

(c) Bill of Lading or Air Waybill: Documents prepared by the operator or agent of a carrier or non-vessel operating common carrier (NVOCC) listing and describing the contents of the cargo carried on a vessel or aircraft consigned to a person. "Bill of Lading" shall also mean "Air Waybill".

(d) Business: The term "business" shall have the same meaning as a "trade or business" as that term is applied under §162 of the Northern Marianas Territorial Income Tax; thus, "business" normally means any regular and continuous activity carried on by a person for the purpose of earning income or profit. Except as otherwise provided, an employee shall not be considered as operating a business, and a partnership or a corporation shall be considered as operating a business.

(e) Calendar Month: the period extending from the date in one month to the same date in the succeeding month.

(f) Carrier: Unless the context requires otherwise, means any description of craft or other contrivance used or capable of being used as a means of transportation on the water or in the air, including pleasure vessels, vessels and non-vessel operating common carriers, and private aircraft.

(g) Consignee: person to whom items subject to Chapter 4, Division 1, of Title 4 of the Commonwealth Code are shipped for first sale, use, manufacture, lease, or rental.

(h) Construction Equipment and Machinery: goods used primarily in the construction of a building such as cement mixer, cement trucks, and compactors. "Construction equipment and machinery" does not include equipment and machinery not used primarily in the construction of a building such as pick-up trucks, flat-bed trucks, office equipment, or office machinery.

(i) Consumer: A person who receives, purchases, uses, conserves, dissipates or squanders goods and services.

(j) Cosmetics: includes all preparations used as applications to the hair or skin, lipsticks, eye shadows, mascara, pomades, powders, makeup and other preparations not having medicinal properties or hygienic purposes. "Cosmetics" shall also include hair spray, hair gel, hair jellies, hair conditioner, body lotion, and body creams.

(k) Customs Agent: Customs Supervisor, Customs Officer,

Customs Inspector, Customs Captain, Customs Lieutenant, Customs Major, Customs Technician, and any person authorized to perform the duties of a customs agent including persons employed by another government agency.

(l) Customs Jurisdiction: All compounds of all official ports of entry listed in subsection (aa) of this section shall be under the jurisdiction of the Customs Service for clearance purposes in international travel. Customs jurisdiction shall also extend to all U.S. Post Offices located within the CNMI pursuant to agreement between the U.S. Postal Service and the Commonwealth.

(m) Customs Territory: The islands and territorial waters which lie within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude, and east of 144° east longitude, as extended by the Marine Sovereignty Act.

(n) Director: The Director of the Customs Service Division. Any references to the term "Chief" as used within these Regulations or the laws administered by the Division of Customs is deemed to refer to the Director of the Division of Customs.

(o) Domestic Travel: Any travel originating from within the Commonwealth and terminating in the Commonwealth, without transiting or traveling by way of any port outside of the Commonwealth.

(p) Foodstuff: Any food which has nutritional value, or is necessary for the sustenance of life, and suitable for human consumption including dairy products, bottled drinking water, 100% fruit or vegetable juices, and any ingredient primarily used in the preparation of food. "Foodstuff" shall include animals only if such animals are imported into the CNMI for the primary purpose of human consumption.

(q) Gross Vehicle Weight: The value specified by the manufacturer as the loaded weight of a single vehicle.

(r) Hygiene Products. Any goods, merchandise or products necessary for the personal health, safety, and cleanliness of an individual except for child care products exempted under §1402(b)(5) of Chapter 4 of Title 4 of the Commonwealth Code. "Hygiene products" shall include toothpaste, shower soap, toilet tissue, shampoo, deodorant, tooth brush, hair brush, dental floss, women's sanitary napkins or tampax, kleenex. "Hygiene products" shall not include hair spray, hair gels and jellies, hair conditioner,

papers towels, napkins.

(s) International Travel: Any travel originating from within the Commonwealth and terminating at any port outside the Commonwealth, or terminating at a port in the Commonwealth by transiting or traveling by way of any port outside the Commonwealth, or any travel originating from outside of the Commonwealth and terminating at any port in the Commonwealth.

(t) Jewelry: All articles made of precious metal or precious or semi-precious stones and capable of being worn for personal adornment. "Jewelry" does not include watches capable of being worn for adornment having a value not exceeding \$500 per unit. "Jewelry" also does not include articles containing precious metal or precious or semi-precious stones which are capable of being worn for adornment which have a value of no more than \$500 per unit.

(u) Leather Goods or Related Products. Articles made of fur on the hide, pelts, or any animal skin dressed for use or in which such article has a component fur on the hide, pelts, or any animal skin. "Leather goods or related products" shall not include footwear or watches containing leather bands capable of being worn for adornment which have a value not exceeding \$500 per unit.

(v) Manifest: A summary list of passengers or cargo on board a carrier, unless the context requires otherwise.

(w) Manufacture: The art of making raw material into a product suitable for use, sale, lease, or rental, and includes the technique and methods of converting finished merchandise into another product for use, sale, lease, or rental.

(x) Merchandise: Goods, wares, and chattels of every description and includes merchandise the importation of which is prohibited or restricted.

(y) Normal Working Hours/Days: Except as otherwise provided, the term "normal working hours" or "normal working days" means those established hours or days scheduled by the Director, up to maximum of eight (8) hours per day and forty (40) hours per week.

(z) NVOCC: Whenever this abbreviation is used in these Regulations, it means Non-Vessel Operating Common Carrier.

(aa) Official Customs Port of Entry: All vessels and aircraft on international travel and authorized entry into the Customs Territory of the Commonwealth must enter and obtain

customs clearance from any of the following official Customs ports of entry:

(1) Saipan. The primary official Customs ports of entry on the island of Saipan are Tanapag Harbor (Charlie Dock) and Isley Field (Saipan International Airport). The secondary official Customs ports of entry on the island of Saipan are Sugar Dock, Baker Dock, Smiling Cove, and Garapan Fishing Complex. Secondary official Customs ports of entry are authorized points of entry provided twenty-four (24) hour advance notice of such use is made to the Customs Division.

(2) Rota. The official Customs ports of entry on the island of Rota are the Harbor (West Dock) and Rota International Airport.

(3) Tinian. The official Customs ports of entry on the island of Tinian are the Harbor and West Tinian Airport.

A vessel or aircraft in distress may anchor or land at any port in the Commonwealth but shall immediately notify the nearest Customs Service office for immediate Customs clearance.

(bb) Person: means any individual, firm, corporation, company, joint venture, association, partnership, receiver, club, syndicate, cooperative association, or any other entity.

(cc) Personal and Office Computer Equipment: includes only computers and related equipment imported for personal or business use by a consumer. "Personal and Office Computer Equipment" shall not include computers and related equipment imported for the primary purpose of resale.

(dd) Precious Metals, Precious or Semi-Precious Stones or Related Commodities: includes any metal, stone, or related commodity valued for its rarity or appearance such as gold, diamonds, emeralds, rubies, or sapphires.

(ee) Prescription Drug: A controlled substance, as identified at schedules I through V of 6 CMC Div. §§2113 through 2122, that is obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(ff) Public Utility: Any person that owns, controls, operates, or manages a business which supplies or furnishes the public with commodities, equipment, or services such as

telephone, telegraph, electricity, airlines, and shipping lines.

(gg) Raw Material: An article or merchandise that is changed in form or substance or combined with other article(s) in a manufacturing process to become a part of a finished product or to form a new product which is produced in a factory.

(hh) Secretary: The Secretary of the Department of Finance of the Commonwealth Government.

(ii) Service: Unless the context otherwise requires, the Customs Service Division of the Commonwealth.

(jj) Softdrink: any and all readily drinkable carbonated or non-carbonated, non-alcoholic beverage. "Softdrink" shall not include drinkable dairy products, 100% fruit or vegetable juices, or bottled drinking water.

(kk) Vessel: The word "vessel" includes every description of craft or other contrivance used, or capable of being used, as a means of transportation on the water.

(ll) Wine. means a beverage for human consumption consisting of the product of the normal alcoholic fermentation of the juice of any fruit or any natural produce and not containing more than 24 percent (24%) alcohol by volume but shall not include any beverage which contains distilled alcohol such as liqueurs, cordials, and similar compounds. "Wine" shall include cooking wines to the extent such cooking wines fit within the above definition.

(mm) Working Days: The term "working days" includes holiday work, paid annual and sick leave, and administrative leave.



Part II - Section 3301 - Excise Taxes

**Section 3301.1. Taxing Provision.** For the privilege of first sale, use, manufacture, lease or rental of goods, commodities, resources, or merchandise in the Commonwealth for business purposes or for personal use exceeding the value specified in §1402(c) of 4 CMC, there is imposed an excise tax in the rates established under §1402(a).

**Section 3301.2. Exemptions** The following items shall not be subject to the excise tax of §1402 of 4 CMC:

(a) Capital equipment and machinery. Capital equipment and machinery used in businesses primarily engaged in manufacturing in the CNMI for export outside the CNMI with a fair market value exceeding \$1,000 per unit and raw materials used in businesses primarily engaged in manufacturing in the CNMI for export;

(b) Churches. Items brought into the CNMI by churches for the purpose of carrying on the religious functions of the church. Items under this exemption shall include items such as sacramental wine for use in religious rites of a religious organization, and chalice, habits, cassocks, vestments, and other items to be used by a religious order.

(c) Computer. "Personal and office computer equipment" as defined by §3300.8(cc) having a value of less than \$5,000, including CPUs, monitors, keyboards, and hard drives, but not including accessories, floppy disks, or software;

(d) Display. Goods, commodities, resources, or merchandise brought into the Commonwealth temporarily and solely for the purpose of display or demonstration and not for the purpose of sale. Any goods, commodities, resources, or merchandise temporarily imported under this subsection must be entered pursuant to a written application as follows:

(1) Any items temporarily imported under this section, in order to be free of tax, must be entered pursuant to and following a written application filed with the Secretary of Finance. The application filed with the Secretary should specify at the minimum, the following:

(A) the type and amount of goods to be temporarily imported;

(B) the reason(s) for the temporary importation;

- (C) the expected date and method (air, sea, hand carry, etc.) of importation and the expected date and method of re-exportation of the items;
- (D) the name and address of the importer as well as that of the local contact person or firm(s); and
- (E) the value of the goods and the location(s) of the display or demonstration sites for the items.

(2) The Secretary of Finance will review any such written application for temporary importation for the purpose of display or demonstration and will issue, if he finds it appropriate, a written permit for such temporary importation, which shall be free of tax.

(3) The Secretary of Finance may place restrictions on any temporary importation free of tax under this subsection, including a reasonable fee for Customs inspection and supervision of the items. In addition, he may require the posting of a bond to ensure the departure of the goods, impose appropriate security requirements, impose requirements for periodic Customs inspection of the items at the site(s) of display or demonstration, and any other reasonable restrictions to ensure that all relevant items are in fact used only for temporary display or demonstration and are reexported from the Commonwealth at the close of the display or demonstration period.

(4) A copy of any written permit issued by the Secretary of Finance under this subsection shall be filed with the Customs Service upon the entry of the items into the Commonwealth in order to exempt such items from tax.

(5) As a general rule, applications under this subsection will not be approved from persons or firms already licensed to do business in the Commonwealth. The primary use of this subsection is intended for trade shows, conventions, and regional sales meeting, and the like, held in the Commonwealth;

(e) Educational Materials. Books and other educational materials purchased for non-business use by a public or private school or a library open to the public. This exemption includes only books and other educational materials purchased for non-business use directly by a public or private

school or a library open to the public and does not include books and other educational materials imported for the primary purpose of the resale of such items to a public school, private school, library open to the public, or any other person. Educational materials shall not include equipment and furniture such as video cassette recorder/player, audio cassette recorder/player, overhead projector, phonograph, movie projector, slide projector, and other instructional audio, video, and visual aids, chairs, desks, and other furniture;

(f) Filming. Merchandise or other commodities brought in by a filming or advertising company where its sole purpose is to film commercials, video, or other movies in the Commonwealth for a brief period of time;

(g) Films. Rented or leased motion picture films and video tapes brought in by a commercial movie or television company for telecasting or public viewing in a theater. This exemption shall not apply to motion picture films and video tapes which are brought in for sale, lease or rental;

(h) Handicap Items. Merchandise, equipment, devices, and other items, including wheelchairs, hearing aids, braille material, canes, walkers, prosthetic devices, braces, crutches, or prescription lenses and eye glasses brought in by persons to be used by handicapped individuals who are either residing or visiting in the Commonwealth. This exemption shall not apply to merchandise, equipment, devices, and other gear brought in for sale, lease, or rent to the handicapped;

(i) Infant Items. As determined by the Director, merchandise, equipment, devices, hygiene products, cribs, strollers, diapers, lotions, creams, powders, and other products primarily intended for use in the daily and ordinary care of infants;

(j) New or Returning Residents. Automobiles with a Blue Book Value of \$10,000 or less and personal household goods imported into the Commonwealth. This exemption shall apply only if these aforementioned items are brought into the Commonwealth by a returning resident or a new resident for the purpose of establishing a household and only if they were not purchased and shipped directly from a seller. For purposes of this exemption, "returning resident" includes only those persons who have resided outside the Commonwealth for at least two (2) years from the time they last resided in the Commonwealth;

(k) Repair and Inflight Supplies. Engines, parts, other

navigational tools, equipment, and inflight supplies brought in by an airline or shipping line, whose commercial operations are not based in the CNMI, to repair, maintain, or supply its own vessel or aircraft. For purposes of this exemption, "inflight supplies" shall include only those supplies brought into the CNMI by such airline or shipping line;

(1) Repairman Tools. Tools of repairman brought in to repair or maintain equipment sold, leased, or rented to consumers in the Commonwealth. Tools shall only be exempt under this subsection if such tools are exported from the CNMI within a reasonable time after the equipment is repaired or maintained;

(m) Section 1402(c) Non-Business Use Exemptions.

(1) Exclusion. Except as otherwise provided, any person may bring for personal use and consumption exempt from the excise tax the items specified in §1402(c) of 4 CMC. If the value or quantity of the non-business item exceeds that specified in §1402(c)(1)-(6), the item will be subject to the excise tax only to the extent that the value or quantity of the items exceeds the value or quantity specified in §1402(c)(1)-(6).

Example No. 1: John Doe imports an automobile into the Commonwealth for personal use having a value of \$24,000. Mr. Doe will be subject to the excise tax under 4 CMC §1402(a)(12) as follows:

Ad valorem on vehicle:	\$24,000.00
Exemption of \$1,000.00 per §1402(c)(1)	<u>(1,000.00)</u>
Tax Base	\$23,000.00
Excise Tax at 5%	\$ 1,150.00

Example No. 2: Mahi Fishing imports a boat into the Commonwealth for business purposes having a value of \$54,000. Mahi Fishing will be subject to the excise tax under 4 CMC §1402(a)(15) as follows:

Ad valorem on boat:	\$54,000.00
Tax Base	\$54,000.00
Excise Tax at 10%	\$ 5,400.00

(2) Cigarettes and Tobacco Products. The exemption specified under 4 CMC §1402(c)(2) and §1402(c)(3) for cigarettes and tobacco items shall only apply to individuals 18 years of age or older.

(3) Alcoholic beverages. The exemptions specified under 4 CMC §1402(c)(4), (5), and (6) for alcoholic beverages, etc., shall only apply to individuals 21 years of age or older.

(n) Solar. Solar panels and other such devices for the conversion of solar energy into heat or electricity. This exemption shall not include such solar panels and other such devices imported for the primary purpose of the resale of such items to a consumer;

(o) Tax exempt organizations. Persons granted tax-exempt status by the CNMI Division of Revenue and Taxation. In order to qualify for this exemption, the person must present to the Customs Division a copy of the letter issued by the CNMI Division of Revenue and Taxation granting the person tax-exempt status. While an application for tax-exempt status is pending with the Division of Revenue and Taxation, the person is not exempt from taxes imposed under Chapter 4, Division 1, of Title 4 of the Commonwealth Code; however, if the person is later determined by the Division of Revenue and Taxation to be exempt from taxation, the person may apply pursuant to the procedures established by the Customs Division for a refund for all taxes imposed under Chapter 4, Division 1, of Title 4 of the Commonwealth Code imposed after (but not before) the person submitted its application to the Division of Revenue and Taxation;

(p) Visitors. Items brought into the Commonwealth by visitors if such items are for the visitors' personal use and consumption and are in a reasonable quantity; and

(q) U.S. and CNMI Government: Goods, commodities, resources or merchandise of the U.S. Government or CNMI Government, their agencies or instrumentalities. However, this exemption shall not extend to goods, commodities, resources, or merchandise of private parties with whom the U.S. government or CNMI Government does business such as federal or CNMI contractors.

**Section 3301.3** Government Sale. All articles, goods, wares, or merchandise imported by a government agency for use by the government and later sold to a private person or imported by the government for sale to a private person are required to be assessed excise tax as provided in Chapter 4, Division 1, of Title

4 of the Commonwealth Code and must be paid by the purchaser. The excise tax shall be assessed on the selling price of the article, good, ware, or merchandise. For purposes of this section, selling price excludes overhead charge or other administrative charges imposed by the government agency.

**Section 3301.4**      **Sale of Unclaimed Merchandise.**      All unclaimed articles, goods, wares, or merchandise not confiscated by the Service pursuant to §3305.9 of these Regulations and sold by the Service pursuant to Part VII of these Regulations which the Service allows to be sold by the terminal operator, operator of carrier, or shipping company, are required to be assessed excise tax as provided in Chapter 4, Division 1, of Title 4 of the Commonwealth Code and must be paid by the seller. The excise tax shall be assessed on the selling price of the article, good, ware, or merchandise.

**Section 3301.5.**      **Damage or Nonreceipt.**

(a) **Nonreceipt of Non-Concealed Damages.**      Any merchandise subject to tax which is not received by the importer or which is received in damaged condition may be exempt from taxation upon presentation of a certificate of damage or nonreceipt from the carrier or his agent. Provided, however, that the carrier or his agent shall either deny the claim or furnish the certificate of damage or nonreceipt within seven (7) days after such damage or nonreceipt is reported by the importer.

(b) **Concealed Damages.**      Within the time prescribed by 4 CMC §1809(a)(3), importers may apply for a refund of taxes paid to the extent of losses incurred on damaged merchandise, nonreceipt, or manufacture defect where such damage was concealed. However, the damage shall be inspected by the Customs agent, who, depending on his or her findings may recommend a tax refund.

(c) **Limitations Upon Refund.**      No tax refund shall be authorized under subsections (a) or (b) for the following:

(1) damage resulting from improper handling, inadequate or improper storage facility, prolonged storage, or other causes due to the importer's failure to provide such security, proper handling, and storage;

(2) merchandise or commodities wherein the date set by the manufacturer as to date for sale or use has expired or been exceeded; or

(3) merchandise or commodities which were not used,

sold, or distributed due to obsolescence.

(c) No Duty to Inspect. Terminal operators or the carrier of the imported merchandise shall not be required to open shipments for damage inspection.

**Section 3301.6. Payment of Taxes - Release of Goods.**

(a) Customs Clearance. In case of goods, commodities, resources, or merchandise whose first use in the Commonwealth requires Customs inspection and clearance, payment shall be made within 30 days after entry. Such goods, commodities, resources, or merchandise may be released prior to payment of excise tax as prescribed by 4 CMC §1407(b) and provided the consignee has no delinquent taxes, fees, or charges due and owing the Commonwealth. Where the actual amount of tax cannot be determined within 7 calendar days after the entry, an estimated tax shall be paid within 30 days after entry; any refund of excess estimated tax paid must be applied for within the time prescribed by 4 CMC §1809(a)(3).

(b) Non-Customs Clearance. Reserved.

**Section 3301.7. Procedure - Permanent Deposit.** A permanent deposit may be authorized to permit the release and delivery of dutiable merchandise prior to making formal entry and paying the actual tax due when required.

**Section 3301.8. Nonpayment of Excise Taxes When Due.** In addition to the penalty and interest provisions of Division 1, Title 4 of the Commonwealth Code, consignees owing the Commonwealth excise taxes which are not paid within thirty (30) calendar days after the entry of the goods, commodities, or merchandise, shall be denied clearance and released on future imports of goods, commodities, or merchandise. The Customs Service shall require the consignee to pay the excise tax on imported goods, commodities, or merchandise prior to the release of such goods, commodities, or merchandise.

**Section 3301.9. Customs Exemption for Domestic Travelers.**

(a) Duty-Free Purchases. Passengers and crew members in domestic travel as defined in §3300.8(o), and passengers and crew members boarding a carrier in international travel in Saipan, Rota, Tinian and other islands in the Commonwealth, or vice-versa and destined for any port in the Commonwealth may bring with them no more than two fifths of a wine gallon of distilled alcoholic beverages and not more than three (3) cartons of cigarettes in the port of destination in the

Commonwealth, if such beverages and cigarettes were purchased from a duty free retail concession at the port of embarkation in the Commonwealth.

(b) Excise Taxes. Passengers and crew members bringing alcoholic beverages and cigarettes in excess of the amount authorized in this section shall be assessed an excise tax in accordance with Chapter 4, Division 1, of Title 4 of the Commonwealth Code.

**Section 3301.10 Installation of Parts/Accessories on Luxury Automobiles and Boats/Yachts.**

(a) In General. Except as provided in subsection (c) and §1402(e)(3), pursuant to §1402(e), a tax is imposed upon an owner, lessee, or operator of any passenger vehicle, boat, or yacht taxable under §1402(a)(13) and §1402(a)(15) (determined without regard to price) who installs or causes to be installed any part or accessory on such article within 6 months after the date the article was first placed in service.

(b) Rate. The amount of the tax imposed under subsection (a) and §1402(e) shall be equal to:

(1) 10% of the total price of such installed part or accessory; plus

(2) 10% of the ad valorem at importation of the vehicle, boat, or yacht on which the part or accessory is to be installed; less

(3) the amount of tax previously imposed under §1402(a)(13) or (a)(15) on the vehicle, boat, or yacht specified in (b)(2) above imposed on the owner, lessee, or operator of such vehicle, boat or yacht.

(c) Exceptions. The tax imposed under subsection (a) and (b) shall not apply in the following situations:

(1) replacement parts or accessories; and

(2) if the aggregate price of the parts or accessories described in subsection (a) does not exceed \$200;

(3) if the accessory or part is installed after 6 months following the date the vehicle, boat, or yacht specified in (b)(2) of this section was first placed in service. "Installed" shall include imported with the



intent to install the accessory or part.

(d) Example.

Example No. 1: On March 15, 1995, Mahi Fishing Company imports a boat without an engine into the Commonwealth with an ad valorem value of \$70,000 and paid an excise tax on the boat in the amount of \$7,000. On April 20, 1995, Mahi Fishing imports an engine to install on the boat with an ad valorem of \$10,000. The engine is installed on May 5, 1995. The amount of the tax imposed under §1402(e) shall be equal to \$1,000.00 calculated as follows:

\$1,000.00	10% of price of engine
7,000.00	10% of ad valorem of boat
<u>(7,000.00)</u>	Tax previously paid
\$1,000.00	

**Part III - Section 3302 - Customs Entry Procedures -  
Freight/Cargo**

**Section 3302.1. Freight -- Entry and Declaration of Imports**

(a) Entry of Imports - Requirement and Time. Except as otherwise provided, the consignee of imported merchandise shall make entry as provided by subsection (b) of the imported merchandise either in person or by an agent authorized by him at the Division of Customs Service within seven (7) calendar days after the entry of the importing carrier.

(b) Entry Documents.

(1) Entry shall be made upon presentation to a Customs agent of a nonnegotiable copy of the bill of lading or non-vessel operating common carrier's freight bill or bill of lading, and vendor's invoices covering all merchandise arriving on one carrier and consigned to a consignee. If proper documents are not available within seven (7) calendar days after the arrival of the merchandise, the estimated tax shall be paid using the fair retail value in the Commonwealth for such commodities subject to adjustment when the documents arrive. However, no release shall be authorized if the consignee has a prior unpaid tax, fee, or charge.

(2) In addition to providing a copy of the nonnegotiable copy of the bill of lading or non-vessel operating common carrier's freight bill or bill of lading, and vendor's invoices, each importer or consignee shall sign an "Entry Certificate" stating under penalties of perjury that the vendor's invoices are true and correct and that no alterations or changes have been made thereto. The Entry Certificate shall be obtained from a Customs agent and signed at the time of entry.

**Section 3302.2. Freight -- Arrival of Cargo By**

(a) In General. Cargo shall be retained at the place of unloading until permission is given by a Customs agent for its release. Any cargo not released shall remain in the physical possession of the terminal operator or the operator of the carrier at the expense of the consignee but under technical Customs custody until entry is made and the tax paid, or otherwise directed by Customs. The appropriate action taken shall be indicated either on the container of the merchandise or on the bill of lading, or NVOCC's freight bill or bill of lading.

<b>HOLD</b>	<b>CONDITIONAL RELEASE</b>	<b>PASS</b>
ORDER OF CUSTOMS COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS		
_____	_____	_____
Agent	Badge	Date

(b) Release Procedure.

(1) Pass. If cargo is to be released to the consignee, the inspector shall circle the words "PASS" and put his initials, badge number, and the date.

(2) Hold. If the cargo is to be retained, the word "HOLD" shall be circled and the initials and the badge number of the agent and the date will be indicated.

(3) Conditional Release.

(A) Seaport. At the seaport, items may be conditionally released by a Customs inspector to allow the items to be removed from the container yard to the consignee's premises; however, such items may not be opened until final clearance by a Customs agent.

(B) Airport. At the airport, items may be conditionally released by a Customs inspector to a consolidator; however, such items may not be released to the consignee until final clearance by a Customs agent.

(c) Partial Release. A partial release of cargo may be authorized by a Customs officer making the following notation on the bill of lading or NVOCC's freight bill and by initialing each line item to be released. Items not initialed shall not be released.

"The merchandise identified by my initials on each line of this bill of lading may be released to the consignee."

\_\_\_\_\_ Date \_\_\_\_\_ Customs Agent

(d) Inspections, clearance, and other services provided by the Division of Custom Services may be made without any charge to the consignee, agent, postal services, or operator of the carrier from 0730 hour to 1630 hour, Monday to Friday, except holidays, or any other time frame set by the Division of Customs. For assessment and payment of taxes and inspection and release of merchandise at any other time, individuals requiring such service must be assessed a Customs Service Charge pursuant to the provisions of §3307.3 or §3307.4, as applicable, of these Regulations.

**Section 3302.3. Release of Perishable Merchandise.** The Customs agent is authorized to permit the release and delivery, prior to formal entry thereof, of perishable articles, and other merchandise, the immediate delivery of which is considered necessary, such as where adequate holding or storage facilities are not available. Such merchandise shall remain under technical Customs custody and no disposition of such merchandise by the consignee is authorized until a formal entry is made, and the tax paid, if required.

**Section 3302.4. Release of Merchandise Without Customs Clearance.** No carrier, agent, or terminal operator shall release or turn over to a consignee any merchandise or parcel without the prior approval of Customs. In the event a release was made by the carrier, agent, or terminal operator without prior clearance of Customs and the tax on the merchandise released cannot be paid by the consignee, the tax liability plus the penalty and interest imposed by Division 1 of Title 4 of the Commonwealth Code shall become the liability of the carrier, agent, or terminal operator and shall continue to accumulate such penalty and interest until the tax liability is paid in full. The Service shall notify the carrier, agent, or terminal operator of the consignee's inability to pay and the determination of the Service to transfer such liability from the consignee to the carrier, agent, or terminal operator.

**Part IV - Section 3303 - Customs Entry Procedures -  
Masters**

**Section 3303.1. Master's Responsibilities - Arrivals.**

(a) In General.

(1) Document Delivery. Immediately upon arrival, the master of a vessel or aircraft shall deliver to the Customs agent one (1) copy of the following:

- (1) passenger and cargo manifests;
- (2) bills of lading or NVOCC's freight bills or bills of lading and general declaration;
- (3) a true and correct copy of any correction of such manifests, bills of lading, and/or NVOCC's freight bills; and
- (4) a general declaration filed on entry of his vessel or aircraft.

If the master is aware of any error in the manifests, bills of lading, NVOCC's freight bills, or general declaration and does not make correction, he shall be guilty of perjury and shall also be subject to the penalty of (7) of this subsection.

(2) The master and his vessel or aircraft, passengers and cargo aboard such vessel or aircraft may be denied Customs clearance, at the discretion of the Customs Service, if the documents referenced in (1) above are not presented to the Service upon arrival. Clearance may be granted provided the penalty of (7) of this subsection is agreed upon by the master of the vessel or aircraft. The penalty is subject to collection when the actual assessment is made by the Service.

(3) Advance copies of manifests and bills of lading required in (1) above may be submitted to the Service; however, the official manifests and bills of lading shall be presented at the time of arrival. The Service will accept manifests and bills of lading only at the time of arrival of the carrier.

(4) Passenger and Cargo Manifests. Vessels arriving in the Commonwealth from more than one (1) port of departure shall deliver to the Service, immediately

upon arrival, separate passenger and cargo manifests for all passengers and cargo boarded at each port of departure, regardless of whether passengers or cargo were boarded at any one particular port in the travel itinerary of the carrier.

(5) Transiting. Passengers and cargo transiting on the same flight or voyage arriving in the Commonwealth must be clearly identified on the manifest by indicating in parenthesis the point of final destination immediately after the passenger's name or the consignee of the cargo.

(6) Terminating. Passengers on a flight or a voyage which terminates in the Commonwealth and are discharged in the Commonwealth for the purposes of immediate connection on another flight or voyage for points outside of the Commonwealth shall be reported to the Customs Service, immediately upon arrival of the carrier, in one of the following methods:

(A) File a separate manifest for each port of final destination of such passengers; or

(B) Identify on the manifest such passengers by enclosing in parenthesis the point of final destination and the connecting flight or voyage number immediately after the names of the passengers.

(7) For each and every violation of (1), (4), (5), or (6) of this subsection, a penalty is imposed in the amount of the greater of \$500.00 for each violation or \$100.00 per hour or a fraction of an hour for each and every violation from the time of arrival until the appropriate documents are presented to the Service.

(8) All cargo, including ship's stores and operator's pouch mail or cargo, or U.S. Mail, carried on the vessel or aircraft entering the Commonwealth must be included in the manifests and related bills of lading. Willful failure to so include such cargo or mail or the presentation of a willfully falsified manifest shall be deemed to be a violation of these regulations and is subject to the penalty provisions of (7) of this subsection, and/or a penalty of fifty U.S. dollars (US \$50) for each line item not so included in the manifest.

(9) All passengers and crew members' baggage must be transported directly from the carrier to the arrival area at the port. All cargo not part of any passengers'

or crew members' baggage must be transported directly from the carrier to the warehouse or place designated as the cargo storage area of the carrier.

(10) Upon arrival at the airport, all passenger exit doors, cargo compartment doors, and galley service doors of the aircraft shall remain closed. At the request of the Service, only one passenger exit door may be opened for the purpose of clearing the flight. All other doors may be opened for disembarkation of passengers and cargo only at the approval of the Service.

(11) Upon arrival at the pier, no passenger or crew members may disembark, nor may cargo be unloaded until approval to do so is granted by the Service.

(b) Sealing of Stores. Upon the arrival of a vessel from a port outside of the Commonwealth, or a vessel engaged in the foreign trade from a port within the Commonwealth, sea stores and ship's stores not required for immediate use or for the delivery of goods to be consumed on board while the vessel is in port and articles acquired abroad by officers and members of the crew for which no permit to land has been issued, shall be placed under seal, unless the Customs agent is of the opinion that the circumstances do not require such action. Customs agents in charge of the vessel, from time to time, as in their judgment and necessity requires, may issue stores from under seal for consumption on board the vessel by its passengers and crew.

(c) Boarding of vessels and Aircraft. The Customs agent may board and examine any vessel or aircraft arriving in the Commonwealth when it is necessary to carry out the provisions of applicable laws of the Commonwealth, or any rule or regulation promulgated thereunder and require the master or captain thereof to exhibit for examination by the Customs agent the manifest or any documents or papers, or any trunk, package or cargo on board, or any compartment, storage area, cabin, galley, cockpit, lavatory, or any section of the vessel or aircraft. The master or captain of the carrier shall ensure the safety of the Customs employees from the time of boarding the vessel or aircraft until such employees disembark.

**Section 3303.2. Master's Responsibilities - Departure.**

(a) Delivery of Documents. Prior to departure, the master of a vessel or aircraft shall deliver to the Customs agent the following documents:

(1) One (1) copy of the general declaration for the port of destination; and

(2) One (1) copy of passenger and cargo manifests for the port of destination; and

(3) If the flight or voyage has intermediate stops before reaching its final destination, one copy of the passenger and cargo manifests for each intermediate port.

(b) Official Customs Clearance Certificate. All vessels and aircraft destined for ports outside of the Commonwealth must obtain an "Official Customs Clearance Certificate" prior to departure. A Customs Clearance Certificate must be requested at least twelve (12) hours prior to expected departure.

(c) Violation. Vessels and aircraft not complying with this subsection may be denied future customs clearance upon arrival in the Commonwealth and may be subject to either one of the following penalties:

(1) The vessel or aircraft and all passengers, crew members and cargo on board may be returned to the point of origin or other port outside of the Commonwealth; or

(2) The master, owner or operator of the vessel or aircraft may pay a fine of one thousand U.S. dollars (US \$1,000) per violation.

(d) Private Aircraft and Pleasure Vessels. The requirements of subsection (a) shall not apply to private aircraft and pleasure vessels.

(e) Domestic. Strictly domestic flights or voyages may be exempted from the requirement of this section.



Part V - Section 3304 - Customs Entry Procedures -  
Passengers and Crew Members

Section 3304.1. Passengers and Crew Members -- Destination  
and Disembarkation.

(a) Terminating Passengers and Crew Members. Upon arrival at the destination and upon approval to disembark, all passengers and terminating crew members must proceed directly from the carrier to the arrival area at the terminal, by way of passage designated for use by arriving passengers and crew members to gain access to the immigration and the customs inspection area.

(b) Transit Passengers and Crew Members. All passengers and crew members transiting in the Commonwealth to points outside of the Commonwealth are permitted to:

(1) Disembark and proceed directly to the designated area at the terminal area for embarking passengers for reboarding; or

(2) Disembark and proceed with terminating passengers to the customs inspection area and go through customs formalities which authorize them access to other facilities at the port; or

(3) Remain on board.

(c) Transfer of Passengers' and Crew Members' Baggage and Hand Carried Articles. Passengers' and crew members' baggage and hand carried articles on international travel arriving in the Commonwealth and requiring immediate connection aboard another carrier to points outside of the Commonwealth may be waived customs inspections provided such baggage and hand carried articles are transferred to the connecting aircraft or vessel by the owner, agent, or operator of the carrier that brought such passengers' and crew members' baggage and under the supervision of the Customs Service.

(d) Northern Islands Destination. Carriers, crew members, passengers, baggage and cargo on international travel, as defined in these regulations, destined for any islands north of Saipan are required to go through customs formalities at the authorized and designated ports of entry, before continuing on the journey. After customs clearance in Saipan, the flight or voyage is classified domestic travel.

(e) International Travelers Boarding Domestic Flight or

Voyage. All passengers and crew members, including their baggage and hand-carried parcels, in international travel, aboard a carrier destined to another point in the Commonwealth with a stopover in Saipan, Rota, or Tinian are required to undergo customs inspection and clearance immediately upon arrival at the first port of entry in the Commonwealth in order to board any carrier cruising or flying a domestic itinerary. The first port of entry arrived at in the Commonwealth by passengers and crew members is considered the port of destination for such passengers and crew members.

**Section 3304.2. Passengers and Crew Members -- Customs Entry and Declaration.**

(a) Customs Entry Form - Requirement.

(1) All passengers and crew members regardless of citizenship must make a Customs entry and declaration, "Customs Entry and Declaration", Form CS-1350, upon arrival in the Commonwealth.

(2) All articles or merchandise acquired abroad and their value (price actually paid for or, if not purchased, fair retail value in the Commonwealth) must be declared in writing.

(3) Written declarations must be signed and presented to the Customs agent on duty before examination pursuant to the inspection requirements of Part VI of these Regulations.

(4) All information furnished by passengers, whether orally or in writing, shall be testimony provided under oath and subject to all applicable penalties including §3308.11(a).

(5) No passenger or crew member required by this section to make a Customs Entry and Declaration may be cleared by a Customs agent without completing the required form.

(6) To facilitate inspection, the prescribed form for making customs entry and declaration may be printed in foreign languages in addition to English. However, all prescribed customs entry and declaration forms in foreign languages must be completed by the passengers and crew members in Roman characters only.

(7) Individuals unable to read or write are required to seek the assistance of an agent of the

carrier in making a Customs Entry and Declaration. Individuals unable to write may sign the prescribed customs entry and declaration form with an "X" mark, witnessed by a Customs agent.

(b) Children Under 12 -- Accompanied. Children under age of 12 traveling with friends or relatives may be claimed as immediate family members of the relatives or friends. The full name of the children must be written on the customs entry and declaration.

(c) Children Under 12 - Unaccompanied. Unaccompanied children under the age of 12 are required to make a Customs Entry and Declaration. An agent of the carrier shall render necessary assistance to minor children in making a Customs Entry and Declaration.

(d) Domestic Travellers. Passengers boarding international flights or voyages from Tinian or Rota destined for Saipan or vice versa, are not required to make a Customs Entry and Declaration. Such passengers would be required to obtain customs departure clearance at the point of embarkation.

(e) Family Customs Entry and Declaration. A single "Customs Entry and Declaration", Form CS-1350, may be filed with the Customs officer upon arrival for immediate family members if traveling together. For purposes of this section, immediate family members are limited only to husband, wife, sons and daughters. Parents, brothers, sisters, grandparents, grandchildren, nephew, nieces, uncles, aunts, married daughters, married sons, and all other persons are not considered immediate family members for purposes of this subsection and, therefore, must make a separate Customs Entry and Declaration.

(f) In Transit. All passengers and crew members on international travel boarding domestic carriers for continuation of their travel to other points in the Commonwealth must make a Customs Entry and Declaration at the first port of entry in the Commonwealth.

(g) Terminating Crew Members. Terminating crew members who will be in the Commonwealth for the purpose of boarding a subsequent flight or voyage departing the Commonwealth within two (2) hours after their arrival are not required to file a "Customs Entry and Declaration", Form CS-1350, if the crew member does not have in his or her possession at the time of arrival dutiable goods, contraband, or agricultural commodities.

**Section 3304.3. Carriers' Duty to Supply Customs Entry and Declaration**

(a) The "Customs Entry and Declaration Form", a form prescribed by the Division of Customs Service and approved by the Director, shall be furnished to all carriers. The carriers shall print the forms, following the format and specifications established by the Division of Customs Service, and furnish them to their passengers for use upon arrival in the Commonwealth.

(b) It shall be the responsibility of the carriers to publish and maintain an adequate supply of the "Customs Entry and Declaration Forms", without any cost to the passengers or the Commonwealth Government of the Commonwealth.

(c) The logo and other notations of the carrier may be printed on the form provided that such logo and notations comply with the specifications of the Division of Customs.

**Section 3304.4 Prohibited Access.** Transit passengers and crew members are prohibited access to areas at the port other than those designated for transit passengers and crew members. Transit passengers and crew members are strictly prohibited from leaving the airport or wharf compound for any length of time prior to their departure from the Commonwealth without going through customs formalities.

Part VI - Section 3305 - Customs Inspection Procedures

Section 3305.1. Reserved.

Section 3305.2. Inspection of Passenger

(a) International Flights. All individuals as well as their baggage and hand carried articles in international travel regardless of their point of embarkation, shall be inspected by the Service prior to leaving or being taken away from the port of entry. Passengers clearing customs and leaving the inspection area without their belongings shall be authorized to make a declaration and obtain customs inspection and clearance only after the processing of international passengers.

(b) International Transit. Those individuals who may be inspected under subsection (a) include all individuals on domestic travel, as defined, who enter or pass through Customs' jurisdiction at the ports during the process of clearing international travellers, are required to go through all customs formalities except the requirements of filing a Customs Entry and Declaration.

(c) Violations of Law. The Customs agent may inspect without warrant any person arriving in the Commonwealth to determine whether such person is violating the Controlled Substances Act, the Weapons Control Act, the Anti-drug Abuse Act of 1991 and/or other laws and regulations enforced at the ports of entry. A strip search may be performed if there is real or reasonable suspicion supported by objective and articulable facts that the passenger is concealing evidence of a crime or contraband upon his person. A Customs agent may perform a body cavity search (intrude into a body cavity) if there is a clear indication or plain suggestion that there is contraband concealed within the body of the individual.

(d) Security Area

(1) Any person who voluntarily enters a security area at the airport or wharf is subject to customs inspection as provided for in this Part.

(2) Prospective passengers who enter a security area at the airport or wharf and later decide not to leave are required to go through customs inspection and clearance in the same manner as an arriving passenger on international travel.

(e) Foreign Diplomats. An inspection may be waived of diplomats of any foreign country on official travel with a valid and proper U.S. visa for entering the Commonwealth.

**Section 3305.3**            Reserved.

**Section 3305.4.**        Inspection of Baggage A Customs agent may inspect without warrant the baggage and hand carried parcels of persons arriving in the Commonwealth in order to ascertain what articles are contained therein and whether the articles are taxable, prohibited, or restricted.

**Section 3305.5.**        Inspection of Cargo. The Customs agent may inspect without warrant any cargo, package, receptacle, aircraft and vessel arriving in the Commonwealth, and may seize prohibited or restricted articles or merchandise including narcotics and other items of contraband.

**Section 3305.6.**        Crew Members with Baggage. All crew members who have baggage and/or hand carried parcels must go through customs inspections with all their baggage and hand carried parcels.

**Section 3305.7**        Penalty The master of a carrier, other crew members, operator of the carrier or its agent, and all individuals who willfully aid any other individuals to conceal any item brought on board with the intention to violate any of the laws of the Commonwealth or the United States of America, may be punished by a fine and/or imprisonment equal to the maximum penalty provided by the law which the individual(s) intended to violate.

**Section 3305.8.**        High Risk Area.

(a) The Director shall have the authority to classify any place or port in any country or territory as a "high risk" area in order to ensure effective enforcement of Chapter 4, Division 1, of 4 CMC, the Controlled Substance Act, the Weapons Control Act, the Anti-Drug Enforcement Act of 1991, and other laws and regulations enforced at the ports of entry.

(b) Passengers and crew members, including their baggage and hand carried parcels, and all cargo from areas classified "high risk" shall undergo thorough inspections and examinations whenever appropriate.

(c) All cargo from high risk areas shall be inspected and cleared only in the presence of the consignee or his authorized agent.

(d) Perishable commodities from high risk areas may be

imported into the Commonwealth if the consignee of such commodities agrees to make entry and claim the cargo immediately upon arrival in the Commonwealth. Perishable commodities from high risk areas which are not claimed immediately upon arrival in the Commonwealth shall not be inspected and/or released until they are claimed. The carrier, its authorized agent, terminal operator, and the Service shall not be liable for spoilage or damage to perishable merchandise resulting from the consignee's failure to make entry and claim the cargo immediately upon arrival.

**Section 3305.9. Confiscation of Merchandise.**

(a) Merchandise - Prohibited. Prohibited or restricted merchandise imported into the Commonwealth and found during inspection shall be confiscated by the Service and turned over to an appropriate Commonwealth Government agency within a reasonable time for proper disposition.

(b) Merchandise - Non-payment of Tax. Merchandise on which the tax is not collected shall also be confiscated. Merchandise confiscated by the Service due to nonpayment of tax must be claimed and the tax paid by the owner or consignee within ten (10) days from the date the merchandise was confiscated.

**Section 3305.10 Unclaimed Baggage**

(a) Unclaimed Baggage. Passenger or crew member's baggage not claimed at the customs inspection area shall be retained by the carrier and secured in a safe place within the inspection area at the port. Unclaimed baggage which is required to be stored in another location due to inadequate storage facilities within the inspection area at the port may be transferred by an authorized representative of the carrier liable for the security of the unclaimed baggage; PROVIDED, HOWEVER, the representative of the carrier obtains the approval of the Customs Service and the shipper accepts the condition that spoilage and/or damage to the cargo is the liability of the shipper. Cargo released to the carrier or terminal operator for storage and/or security shall not be opened by the carrier or terminal operator. The Customs Service shall have the right to take into custody any part of or all unclaimed baggage when such officer has probable cause to believe that the baggage contains dutiable, prohibited, or restricted merchandise. The Customs Service may open and inspect such baggage in the presence of a representative of the carrier, even if the passenger or crew member is not present.

(b) Storage Charge.

(1) Unclaimed baggage not properly stored by the carrier liable for the security of the same may be taken into custody, and shall be released to the carrier only upon the carrier's payment to the Service of a storage charge of five dollars (\$5.00) per day or a fraction of a day, for each piece stored. Unclaimed baggage in the custody of the Service may be claimed by the carrier during regular working hours only, from 0730 hours to 1130 hours and from 1230 hours to 1630 hours, Monday through Friday. Passengers or crew members shall not be authorized to claim any unclaimed baggage in the custody of the Service. The Service shall not be liable for damages to the container or damages to and /or loss of the contents.

(2) Unclaimed baggage in the custody of the carrier may be released to the passenger or crew member only after inspection and clearance by the Customs agent.

(3) Unclaimed baggage in the custody of the carrier, or the Service, which is not claimed within ten (10) days, shall be opened and inspected by a Customs agent and released to the carrier for storage at another location, provided the storage charge in paragraph (1) of this subsection is paid.



**Part VII - Section 3306 - Customs Procedures - Confiscated  
and Unclaimed Merchandise**

**Section 3306.1. Unclaimed Merchandise.** Merchandise confiscated by the Service due to nonpayment of the tax due may be sold at auction if no claim was made pursuant to §3305.9(b) of these Regulations, provided, however, that:

(a) The Service notified the owner or consignee in writing that the provisions of §3305.9(b) of these Regulations for making a claim expired and the owner or consignee was given an additional ten (10) days to claim the merchandise and pay the tax due plus related penalty and interest;

(b) If the merchandise was not claimed and the tax liability not paid at the end of the period allowed in Subsection (a) of this section, the Service shall send a final written notice to the owner or consignee of the merchandise advising that the merchandise will be sold at auction if not claimed in ten (10) days commencing from the date of the final written notice;

(c) After the expiration of the final notice, if the merchandise is still unclaimed and the tax liability unpaid, the owner or consignee shall not be allowed to claim the merchandise once the merchandise has been processed and advertised for auction.

**Section 3306.2. Auction.** The Service shall advertise to the public in a local newspaper once per week for three (3) consecutive weeks, that merchandise on which excise taxes remain unpaid will be sold at auction. Proceeds from the sale shall be distributed and applied as follows:

(a) To pay the excise tax liability.

(b) To pay applicable penalty and interest charges imposed by law and these regulations.

(c) To reimburse the Service for advertising, storage and other related expenses.

(d) To pay part, or all of any other outstanding tax liabilities, fees, penalties, or interest.

(e) To pay the owner or consignee any amount remaining which is over five dollars (\$5.00). Amounts of five dollars (\$5.00) or less may be paid to the owner or consignee only upon written request by the owner or consignee.

**Part VIII - Section 3307 - Request for Customs Service  
and CIQ Overtime Charges**

**Section 3307.1. Request Cancellation, Delay and Charges.**

(a) Request Requirement. All air and sea carriers and other persons whose operations require the service of Customs agent of the Commonwealth are required to make a request for such service. The request must be made on a form prescribed by the Customs Service.

(b) Blanket Request. All carriers and other persons operating on a planned schedule must make a request to the Customs Service at least thirty (30) days before the effective date of their schedule of operation. A single request will be sufficient for the duration of one set of schedules. Any unforeseen changes in a set of schedules require a special request to the Service at least twenty-four (24) hours before the occurrence of such changes. If such change is to occur during weekends and holidays, the request must be made twenty-four (24) hours in advance of the last normal working day. All carriers and other individuals making a permanent change in their schedule are required to submit a new blanket request at least thirty (30) days before the effective date of the new schedule.

(c) Special Request. All carriers and other persons operating unscheduled flights or operating a charter, technical stop, or extra flight or voyage are required to make a special request at least twenty-four (24) hours in advance of the last normal working day before arrival. All sea carriers are required to submit a special request for customs clearance.

**Section 3307.2 Failure to Make Request.** When a carrier, its master, operator, owner, or authorized agent fails to make a request as required by §3307.1, upon arrival of such carrier, one or all of the following shall apply:

(a) During the normal working hours, the Service will arrange for clearance based on the availability of personnel and the number of blanket and special requests for the day. If Customs service cannot be rendered during normal working hours, clearance will be furnished after regular working hours provided the carrier agrees and pays customs charges as provided for in §3307.3 of these Regulations prior to rendering such service.

(b) All vessels, including pleasure boats, on

international travel arriving after regular working hours are prohibited to anchor at the pier until cleared by the Service. They must remain out in the harbor until the next regular working day except for emergencies as determined by the Customs Service. While anchored out in the harbor, crew members, and passengers are prohibited from disembarking. All baggage and Cargo are prohibited from unloading or removal from the vessel until cleared by the Service.

(c) Air carriers arriving after normal working hours may be denied customs clearance unless adequate Customs personnel are readily available and the carriers pay the necessary Customs overtime charge. Passengers and crew members including their baggage and hand carried articles and all cargo on board are prohibited to disembark or to be unloaded until cleared by the Service.

(d) Cancellation and/or Delay of Arrivals. The operator of a carrier or its agent shall notify the Service of all the cancellations and/or delays of arrivals at least four (4) hours before the end of a normal working day concerning the initial schedule of the arrival being canceled or delayed. In the absence or delay of such notification, the charge to be imposed shall be in accordance with §3307.3 or §3307.4, as applicable, of these Regulations.

**Section 3307.3**            **Reserved.**

**Section 3307.4**            **Reserved.**

**Part IX - Section 3308 - Administrative**

**Section 3308.1. Production of Records of Taxpayers Pursuant to CNMI Tax Laws.**

(a) For the purposes of ascertaining the correctness of any declaration, determining the liability of any person in respect of any tax or fee, or collection of any such liability, the Director or his delegate is authorized to:

(1) Examination of Records. Examine or request any books, papers, records, substantiating documents, and other data with or without the taxpayer's consent from any person which may be relevant or material to such inquiry. The required records shall be made available not later than ten (10) days beginning with the date when the request is received;

(2) Summons. Summon the person liable for the tax or fee, or the person required to perform the act, or any officer or employee of such person or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for the tax or the fee, or the person required to perform the act, or any other person the Director or his designee may deem proper to appear before the Director or his delegate at the time and place named in the summons and to produce such books, papers, records, substantiating documents, and other data, and to give such testimony, under oath, as may be relevant or material to such inquiry;

(3) Testimony. Take such testimony of the person concerned under oath, as may be relevant or material to such inquiry.

(b) English Requirement. All invoices accompanying merchandise subject to the provisions of Chapter 4, Division 1, of Title 4 of the Commonwealth Code shall be written in English and prepared prior to arrival in the CNMI and presentation to custom officials.

**Section 3308.2. Record Maintenance**. All books and records of all business transactions necessary to determine fees and taxes imposed by the Commonwealth Government under Chapter 4, Division 1, of Title 4 of the Commonwealth Code are to be maintained within the Commonwealth at the central office of the business operation and shall be made available for examination not later than ten (10) days beginning with the date when the request is received. A full

and accurate record of all business transactions necessary to determine taxes and fees must be maintained for a minimum of three (3) years after the date of such transaction.

**Section 3308.3. Time for Performance of Acts Where Last Day Falls on Saturday, Sunday, or Legal Holiday.** When the last day prescribed under authority of Chapter 4, Division 1, of Title 4 of the Commonwealth Code for performing any act falls on Saturday, Sunday, a legal holiday, or days authorized by the Governor for government offices to be closed, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, a legal holiday, or a day authorized by the Governor for government offices to be closed. For purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time. The term "legal holiday" means a legal holiday in the Commonwealth.

**Section 3308.4 Oaths.** The Customs supervisor and all other authorized Customs agents are empowered to administer any oaths required or authorized by these regulations in respect of any matter coming before such officers in the performance of their official duties. No compensation or fee shall be demanded or accepted for administering any oaths under the provisions of this section.

**Section 3308.5. Payments.** All taxes, fees, and charges, except where other provisions of these regulations govern, shall immediately become due and must be paid in cash, or by U.S. Postal Money Order, or check drawn at a bank in the Commonwealth, or a bank in any of the states in the United States of America. Any check returned by the bank due to insufficient funds or any other reason must be replaced by either cash, U.S. Postal Money Order, or certified check. Any tax, fee, or charge paid by a check and returned by the bank due to insufficient funds is construed to have not been paid when due and the owner or consignee shall be assessed penalties and interest, in addition to all charges arising as a result of the check being returned, including those charges authorized pursuant to 7 CMC §2442, and bank services charges for returned checks. The Division of Customs shall have the right to reject any or all personal checks and demand payment in the form of cash, U.S. Postal Money Order, or certified checks.

**Section 3308.6. Spectators.** Only individuals directly associated with the enforcement of the laws of the Commonwealth or applicable laws of the Federal Government which are administered at the ports of entry in the Commonwealth, and individuals who provide maintenance and service of a carrier, and arriving passengers or arriving crew members shall be permitted entry into any area between the carrier and the customs inspection area including all

ramps, aprons, gangplanks, escalators, elevators, stairways, walkways, and all passageways and lavatories accessible and used by arriving passengers and crew members; and all areas accessible and used by the operator of a carrier for transporting cargo from the carrier to the operator's warehouse or storage facility. Unauthorized individuals found in any of these areas shall be deemed to be in violation of these regulations and shall be punished accordingly.

**Section 3308.7. Bribery of Customs Officials or Employees.**

If, upon investigation, it is determined that money or anything of value was given, offered, or promised to a Customs agent or any other employee of the Division of Customs with the intent to control or influence such officer or employee in the performance of his official duties, the matter shall be referred to the Attorney General of the Commonwealth for prosecution as provided by law.

**Section 3308.8. Informer's Name Confidential.** An informer's name and address shall be kept confidential. No files or information concerning an informer shall be disclosed to unauthorized individuals. No information shall be revealed which might aid the offenders in identifying the informer.

**Section 3308.9. Pass.**

(a) A temporary pass may be issued to a nonpassenger to enter the passenger/baggage inspection area at the ports for purposes of meeting official guest(s) of the Commonwealth, a disabled passenger, unaccompanied children under the age of six (6) years, and other government dignitaries. A pass may be issued to employees of private companies if the presence of such employees in the arrival areas is necessary to the operation of the company. A detailed justification for all temporary passes must be submitted to the Division of Customs for review and approval. All temporary passes must be requested and approved by the Director or his delegate at least twelve (12) hours before the arrival of a special passenger. All temporary passes issued must be returned to the Service upon leaving the passenger/baggage inspection area.

(b) A special pass is one that authorizes entry into the sterile area beyond the customs baggage area. Government employees may be issued special passes, only if such employees are required to be in the arrival areas in order to carry out their duties and responsibilities. Special passes are not required for law enforcement personnel whose presence in the sterile area are required to carry out their duties services, provided however that prior notification and approval by the Director or Supervisor in charge is provided. To qualify for

a special pass, both the employee and the employer must file together an application to the Division of Customs which satisfies the following requirements:

(1) The employer must submit a copy of the determination made by the Service as specified in this section.

(2) The employer must have a valid Commonwealth Airport Authority Security Pass or Port Security Pass and must be authorized to enter the "Aircraft Operation Areas" at the airports or the "Port Security Compound" at the wharf.

(3) A ten dollar (\$10.00) processing fee plus two (2) color pictures, 1-1/8" x 1-1/8", must accompany the application. Polaroid pictures are not acceptable. The processing fee is waived for government employees. However, lamination fee will be charged to the requesting department's operation account.

(4) In addition to all requirements specified in the application form for a special pass, the employer must agree and accept the following conditions:

#### CONDITIONS AND ACCEPTANCE

Special Pass No. \_\_\_\_\_ issued on \_\_\_\_\_ to \_\_\_\_\_ (recipient on behalf of) \_\_\_\_\_ (employer/applicant) is the property of the Commonwealth Government of the Northern Mariana Islands. The Division of Customs may at any time revise, revoke, and/or cancel the special pass which must be returned upon request. The special pass is to be used only in designated areas approved and indicated on the pass by the person to whom it was issued and only while on duty as an employee of the employer shown above.

In case of loss or theft, a loss charge of fifty dollars (\$50.00) must be paid to the Division of Customs. The employer must report such loss or theft immediately to the Division of Customs, and the employer shall bear the expense of the loss. Failure to report the loss or theft will result in the cancellation of all special passes issued on behalf of the employer. A lost or stolen pass may be replaced provided another application together with ten dollars (\$10.00) application fee plus the charge of fifty dollars (\$50.00) is paid to the Division of Customs.

(c) Unlawful use of any pass issued by the Division of Customs shall be subject to the applicable penalties of these provisions.

**Section 3308.10** Penalties Imposed in Chapter 4,  
Division 1, 4 CMC.

(a) Reasonable Cause Waiver. The Secretary has the authority to waive the civil penalties imposed under 4 CMC §1407(d), §1411(a), §1423, or these Regulations on the basis of reasonable cause.

(b) §1411(a) Penalty Calculation. The penalty imposed under 4 CMC §1411(a) shall be equal to 100% of the value of the goods, commodities, resources, or merchandise but only to the extent of the value of such items which is underdeclared or undeclared, as applicable.

**Section 3308.11** Additional Penalties.

(a) Any person who knowingly shall swear to or verify under oath, any false or fraudulent statement with the intent to evade any tax imposed under Chapter 4, Division 1, of Title 4 of the Commonwealth Code shall be guilty of a felony, punishable by a fine of not more than ten thousand U.S. dollars (\$10,000) or imprisonment for not more than two (2) years or both.

(b) Any person who willfully intends to evade or otherwise violate these and any other regulations and procedures governing inspection and clearance of crew, passengers, baggage, cargo, or other goods, shall be guilty of a felony, punishable by a fine of not more than ten thousand U.S. dollars (\$10,000) or imprisonment for not more than two (2) years or both.

(c) Any person who negligently fails to follow these or any other regulations and procedures governing the inspection and clearance of crew, passenger, baggage, cargo or other goods shall be subject to a civil penalty in an amount not to exceed two thousand U.S. dollars (\$2,000) per violation.



Part X - Section 3309 - Severability

**Section 3309.1. Severability.** If any provision of these regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

Issued by: *Duerr* 5/12/95  
Dolores S. Guerrero Date  
Acting Secretary of Finance

Concurred by: *José C. Borsa* 5/15/95  
*Acty* ~~Freilan C. Tenorio~~ JESUS C. BORSA Date  
Governor

Filed and Recorded by: *Remedio M. Halloran* 5/15/95  
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Registrar of Corporations