COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN MARIANA ISLANDS

VOLUME 17 NUMBER 12



DECEMBER 15, 1995

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995

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Commonwealth of the Northern Mariana Islands Office of the Governor Department of Lands and Natural Resources Lomer Base 1.O. Box 10007 Saipan, Mariana Islands 96950

Cable Address: Gov. RAI Saipan Telephone: 322-9830/9834/9854 fax: 322-2633

NOTICE OF EMERGENCY REGULATIONS

0 publics interest and welfare requires the adoption of the following emergency regulations when loss that adoption of the following The Secretary of Lands and Natural Resources finds that the emergency regulations upon less that 30 days notice. The regulations will take effect upon filing with the Registrar of Corporations and will allow the Department of Lands and Natural Resources to distribute regulations to affected vessels owners.

The regulations adopts a procedure for compensating the Commonwealth for emergency overtime required in the capture or disposal of brown tree snakes from or near vessels. The number of occurrences of said snakes recently being of considerable concern indicating a lack of care of vessel crews and operators coming into the Saipan Ports. These regulations are issued pursuant to the authority conferred by the Constitution and CNMI Statutes.

ISSUED BY:

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BENIGNØ M. SABLAN, SECRETARY DEPARTMENT OF LANDS AND NATURAL RESOURCES

in

ARNOLD I. PALACIOS, DIRECTOR DIVISION OF FISH & WILDLIFE

CONCURRED BY: **GOVERNO**

RECORDED BY:

REGISTRAR OF CORPORAT

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 13839 PAGE

Commonwealth of the Northern Mariana Islands Office of the Governor

> Department of Lands and Natural Resources Lower Base 1.O. Box 10007 Saipan, Mariana Islands 96950

Cable Address: Bov. NALI Saipan Telephone: 322-9830/9834/9854 fax: 322-2633

EMERGENCY AND PROPOSED PERMANENT REGULATIONS AMENDING **REGULATIONS ON IMPORTATION AND** INTRODUCTIONS, PART 5 OF THE

PART 5. SECTION 2. COMPENSATION

Any vessel in the Saipan lagoon as defined in 3 CMC Section 5412 (e), that has introduced species, especially the brown tree snake, on board or nearby the vessel, that requires disposal or capture during over-time periods shall compensate the Commonwealth of all overtime costs incurred by the Department of Lands and Natural Resources personnel. Any vessel owner and operator entering or mooring in the Saipan lagoon shall be notified of his/her responsibility for the above costs.

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SECRETARY, DEPARTMENT OF LANDS LANDS AND RESOURCES

Hori DIRECTOR, DIVISION OF FISH & WILDLIFE

CONCURRED WITH GOVERNOR

FILING:

REGISTRAR OF CORPORATIONS

04,199<u></u> DATE

DATE

<u>NOTICE OF EMERGENCY</u> <u>ADOPTION OF AMENDMENTS TO RULES & REGULATIONS</u> <u>FOR THE OPERATION OF PACHINKO SLOT MACHINES</u> <u>IN THE CNMI</u>

The Secretary of Finance for the Commonwealth of the Emergency: Northern Mariana Islands finds that pursuant to Title 1 CMC Division 9, Chapter 1, and in particular 1 CMC § 9104(b), that the public interest requires the adoption, on an emergency basis, of Amendments to the "Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands" (Pachinko Rules), Regulation No. 2400 as published in Commonwealth Register Vol. 17, No. 07, July 15, 1995 commencing at page 13582. The adoption of the Amendments to the Pachinko Rules on an emergency basis will assure the integrity and reliability of the machines so licensed and increase the public trust regarding the honesty and reliability of the process of regulating play of these machines in the CNMI. The Secretary of Finance further finds that the public interest requires these amendments to become effective immediately upon concurrence of the Governor and filing with the Registrar of Corporations; and shall remain effective for a period of 120 days, as more fully hereinafter set forth.

Reason for Emergency: The public interest requires adoption of the Amendments to the Pachinko Rules upon fewer than thirty (30) days notice due to the fact that such amendments are necessary to collect and deposit all fees, duties and taxes pursuant to 1 CMC § 2553(a) and to assure that there exists a reliable basis to detect any defective or malfunctioning pachinko slot machine as mandated by § 1506(a) of Public Law 9-22 and to implement, on an orderly basis, the issuance of licenses and/or renewal of licenses for pachinko slot machines. Publication in the Commonwealth Register of the proposed Amendments to Pachinko Rules attached hereto could occur no sooner than December 15, 1995; and awaiting public comment for a period of thirty (30) days before such amendments could be finally adopted and become effective would disrupt the orderly licensing and/or renewal of licensing process for pachinko slot machines.

<u>Contents</u>: These Amendments to Pachinko Rules provide for a procedure to assure the integrity of each pachinko slot machine, to detect defective or malfunctioning pachinko slot machines and to assure that all fees and taxes due and payable by a pachinko slot machine operator to the CNMI government are paid. The Amendments to Pachinko Rules are published immediately following this Notice.

Public Comments: It is the intention of the Secretary of Finance to adopt the Amendments to Pachinko Rules as additions to the Pachinko Rules with such adoption pursuant to 1 CMC §§ 9104(a)(1) and (2). Therefore, publication in the Commonwealth Register of these Amendments to Pachinko Rules, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act, are hereby provided. Comments on the Amendments to Pachinko Rules may be sent to: Antonio R. Cabrera, Secretary of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950 or delivered in person to the Office of Secretary of Finance in the building immediately adjacent to the CHRB Post Office.

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Authority: The Secretary of Finance is authorized to publish the Amendments to Pachinko Rules pursuant to one or more of the following: 1 CMC § 2553(a); 1 CMC § 2557; P.L. 9-22 § 1506(a) [4 CMC § 1506(a) as amended]; the CNMI Administrative Procedure Act, 1 CMC § 9101 et seq.; Pachinko Rules §§ 2400.2; 2400.20; 2400.22; 2400.27; and, other applicable Commonwealth law.

Certified by: An onio R. Cabrera Secretary of Finance Certified by: TEMORIO FRC ΔN Governor Filed with: ffice vernor's

Filed with

Date

SOLEDAD B. SASAMOTO Registrar of Corporations

Date

NUTISIAN I GOTPE NA MA'ADOPTAN AMENDASION AREKLAMENTON PARA MA'USAN MAKINAN PACHINGKO' GI NOTTE MARIANAS, CNMI

Sinenten Pubpleko: I entension i Sikritarion Fainansiat i para u adopta i Amendasion Areklamenton Pachingko' komo ma'omenta gi Areklamenton Pachingko' anai este na adopsion ginagagao sigun gi 1 CMC §§ 9104 (a)(1) yan (2). Put ayo na, i pubplekasion gi Rehistron i Commonwealth put este siha na amendasion para i areklamenton Pachingko', este na nutisia, mana'guahayi apottunidat i pubpleku para u mana'halom hafa hinasson-niha pat sinenten-niha sigun gi ginagagao ni Akton Areklon Atmenestrasion i CNMI. Todu sinente, upinion put i Amendasion i Areklamenton Pachingko' sina mana'hanao esta as sinot: Antonio R. Cabrera, Sikritarion Fainansiat, P.O. Box 5234 CHRB, Saipan MP 96950 osino na'halom petsonamente gi ufisinan Fainansiat ni uma'afana' yan i ufisinan SAGAN KATTA (POST OFFICE, CHRB)

AMENDMENTS TO RULES & REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Regulation No. 2400

The Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands (Pachinko Rules) Regulation No. 2400, published and adopted in Commonwealth Register Vol. 17, No. 07 July 15, 1995 at page 13582 <u>et seq.</u> are hereby amended as follows: Deletion from the Pachinko Rules are indicated by a line through the language deleted. Additions to the Pachinko Rules are indicated by underlining.

Section 2400.5 (a) shall be amended to read as follows.

Section 2400.5 <u>Renewal of Licenses</u>

(a) <u>Pachinko slot machines licenses shall be valid for one</u> <u>year from the date of issuance</u>. Pachinko slot machines licenses must be renewed annually. On or before December 31 of the year preceding the year for which the renewal application is submitted. All applications for renewal of a pachinko slot machine license shall be submitted no sooner than sixty (60) days before expiration of such license and must be submitted no later than thirty (30) days before the expiration of such license.

Section 2400.6(c)(2)(1) shall be amended by adding thereto subparagraph (B) which reads as follows.

(B) In addition to any license fee imposed by the Legislature for the right to operate a pachinko slot machine, such pachinko slot machine licenses shall pay to the Department of Finance the amount of US\$250.00 per pachinko slot machine for the acquisition and installation of an electronic security and accounting

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system acceptable to the Secretary of Finance which system shall be installed and maintained in such pachinko slot machine. In addition to the initial acquisition fee which is a one-time charge, payable to the Secretary of Finance with each license application, an annual maintenance fee in the amount of US\$50.00 shall also be payable to the Secretary of Finance with each license application or license renewal. The one-time acquisition fee of US\$250.00 plus the annual maintenance fee of US\$50.00 shall be kept and maintained by the Secretary of Finance solely for the purpose of acquiring, maintaining, repairing and replacing the security and accounting system installed in each pachinko slot machine.

Section 2400.6(d)(1) shall be amended by adding thereto subparagraph (ii) which in its entirety reads as follows.

(ii) In addition to any license fee imposed by the Legislature for the right to operate a pachinko slot machine, each pachinko slot machine licensee shall pay to the Department of Finance the amount of US\$250.00 per pachinko slot machine for the acquisition and installation of an electronic security and accounting system acceptable to the Secretary of Finance which system shall be installed and maintained in each pachinko slot machine. In addition to the initial acquisition fee which is a one-time charge payable to the Secretary of Finance with each license application, an annual maintenance fee in the amount of US\$50.00 shall also be payable to the Secretary of Finance with each license application or license renewal. The one-time acquisition fee of US\$250.00 plus the annual maintenance fee of US\$50.00 shall be kept and maintained by the Secretary of Finance solely for the purpose of acquiring, maintaining, repairing and replacing the security and accounting system installed in each pachinko slot machine.

Section 2400.13, previously "Reserved" is hereby amended by adding thereto the following.

Section 2400.13 <u>Electronic Security and Accounting</u> System

(a) Each Pachinko slot machine licensed in the CNMI shall contain an electronic security and accounting system acceptable to the Secretary of Finance. Such system shall be compatible with the pachinko slot machine; shall detect any defects or malfunctioning in such machine; shall ensure the integrity of the pachinko slot machine game being played; and shall monitor and calculate the play of each machine to secure full and complete payment of all applicable CNMI taxes.

(;

(b) Such security and accounting equipment installed in each pachinko slot machine shall be purchased on behalf of the pachinko slot machine licensee by the CNMI Secretary of Finance and shall be the property of the CNMI Secretary of Finance.

(c) The Secretary of Finance may assess an acquisition fee to defray the cost of acquisition of such security and accounting equipment as well as assess an annual fee for the maintenance and repair or replacements of such security and accounting system.

Section 2400.23(c)(2) is amended to read as follows.

(2) Alters the software programs, pay back percentages, jackpots, meters, <u>security and accounting system or related equipment</u> or any other equipment that implies a modification of the condition under which the machines were approved; or

Dated this 22 day of November, 1995. Mun Antonio R. Cabrera Secretary of Finance

CERTIFICATION OF THE ADOPTION OF THE AMENDMENTS TO THE PACHINKO RULES

I, Antonio R. Cabrera, Secretary of Finance of the Department of Finance which has promulgated the "Rules and Regulations for the Operation of Pachinko Slot Machine in the CNMI" (Pachinko Rules) by signature below, do hereby certify that such Amendments to the Pachinko Rules, as hereinabove set forth, are a true, complete and correct copy of the Amendments to the Pachinko Rules adopted by the CNMI Secretary of Finance to govern the operation of pachinko slot machines in the CNMI.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 22 r f day of November, 1995 on the island of Saipan, Commonwealth of the Northern Mariana Islands.

Antonio R. Cabrera

Secretary of Finance

m Filed by:

SOLEDAD B. SASAMOTO Registrar of Corporations

Filed by: DONNA J. CRUZ Governor's Office

11/27/95 Date

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13848

ADDENDUM TO NOTICE OF EMERGENCY ADOPTION OF AMENDMENTS TO RULES & REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE CNMI PROMULGATED NOVEMBER 22, 1995

Through inadvertence and oversight the following amendment was omitted from the NOTICE OF EMERGENCY ADOPTION OF AMENDMENTS TO RULES AND REGULATIONS FOR THE OPERATION OF PACHINKO SLOT MACHINES IN THE CNMI, (Pachinko Rules). The following shall be deemed incorporated into the Pachinko Rules previously adopted on an emergency basis and shall be subject to public comment and adoption on a permanent basis as are the Pachinko Rules previously adopted.

Section 2400.3(p)(6)(ii) shall be amended to read as follows:

(ii) the machine must be able to provide the following signals at a minimum the following cumulative and retentive metered information on a meter which is easily readable from the outside of the machine:

- (A) Coin-in signals meter
- (B) Coin-out signals

(C) Regular Bonus hit signals

(D) Big Bonus hit signals

CERTIFICATION OF THE ADOPTION OF THE ADDENDUM TO THE EMERGENCY AMENDMENTS TO THE PACHINKO RULES

I, Antonio R. Cabrera, Secretary of Finance of the Department of Finance which has promulgated the "Emergency Amendments to the Rules and Regulations for the Operation of Pachinko Slot Machine in the CNMI" (Pachinko Rules) by signature below, do hereby certify that the Addendum to the Pachinko Rules, as hereinabove set forth, are a true, complete and correct copy of the Addendum to the Pachinko Rules adopted by the CNMI Secretary of Finance to govern the operation of pachinko slot machines in the CNMI.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the $\frac{1}{1}$ day of December, 1995 on the island of Salipan, Commonwealth of the Northern Mariana Islands.

Antonio R. Cabrera Secretary of Finance

Filed by:

Remedio fr. Hollnean SOLEDAD B. SASAMOTO

Registrar of Corporations

Filed by:

DONNA J. /CRUZ

Governor"s Øffice

<u>NOTICE OF EMERGENCY</u> <u>ADOPTION OF AMENDMENTS TO RULES & REGULATIONS</u> FOR THE OPERATION OF POKER MACHINES

Emergency: The Secretary of Finance for the Commonwealth of the Northern Mariana Islands finds that pursuant to Title 1 CMC Division 9, Chapter 1, and in particular 1 CMC § 9104(b), that the public interest requires the adoption, on an emergency basis, of Amendments to the "Rules and Regulations for the Operation of Poker Machines" in the Commonwealth of the Northern Mariana Islands (Poker Machine Rules), Regulation No. 2300 as published in Commonwealth Register Vol. 17, No. 04, April 15, 1995 commencing at page 13218 as amended and adopted in Commonwealth Register Vol. 17, No. 6, June 15, 1995 at page 13539. The adoption of the Amendments to the Poker Machine Rules on an emergency basis will assure the integrity and reliability of the machines so licensed and increase the public trust regarding the honesty and reliability of the process of regulating play of these machines in the CNMI. The Secretary of Finance further finds that the public interest requires these amendments to become effective immediately upon concurrence of the Governor and filing with the Registrar of Corporations; and shall remain effective for a period of 120 days, as more fully hereinafter set forth.

<u>Reason for Emergency:</u> The public interest requires adoption of the Amendments to the Poker Machine Rules upon fewer than thirty (30) days notice due to the fact that such amendments are necessary to collect and deposit all fees, duties and taxes pursuant to 1 CMC § 2553(a) and to assure that there exists a reliable basis to detect any defective or malfunctioning poker machine as mandated by § 1506(a) of Public Law 9-22 and to implement, on an orderly basis, the issuance of licenses and/or renewal of licenses for poker machines. Publication in the Commonwealth Register of the proposed Amendments to Poker Machine Rules attached hereto could occur no sooner than December 15, 1995; and awaiting public comment for a period of thirty (30) days before such amendments could be finally adopted and become effective would disrupt the orderly licensing and/or renewal of licensing process for poker machines.

<u>Contents</u>: These Amendments to Poker Machine Rules provide for a procedure to assure the integrity of each poker machine, to detect defective or malfunctioning poker machines and to assure that all fees and taxes due and payable by a poker machine operator to the CNMI government are paid. The Amendments to Poker Machine Rules are published immediately following this Notice.

Public Comments: It is the intention of the Secretary of Finance to adopt the Amendments to Poker Machine Rules as additions to the Poker Machine Rules with such adoption pursuant to 1 CMC §§ 9104(a)(1) and (2). Therefore, publication in the Commonwealth Register of these Amendments to Poker Machine Rules, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act are hereby provided. Comments on the Amendments to Poker Machine Rules may be sent to: Antonio R. Cabrera, Secretary of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950 or delivered in person to the Office of Secretary of Finance in the building immediately adjacent to the CHRB Post Office.

Authority: The Secretary of Finance is authorized to publish the Amendments to Poker Machine Rules pursuant to one or more of the following: 1 CMC § 2553(a); 1 CMC § 2557; P.L. 9-22 § 1506(a) [4 CMC § 1506(a) as amended]; the CNMI Administrative Procedure Act, 1 CMC § 9101 <u>et seq.</u>; Poker Machine Rules §§ 2200.2; 2300.20; 2300.22; 2300.28; and, other applicable Commonwealth law.

Certified by: Cabrera An onio R. Sed retary of Finance INN Certified by: FRÓTI TENØRIO AN Governor Filed with: Governo⁄r′ Office Filed with SOLEDAD B. SASAMOTO

SOLEDAD B. SASAMOTO Registrar of Corporations

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NUTISIAN I GOTPE NA MA'ADOPTAN AMENDASION I AREKLAMENTON PARA MA'USAN MAKINAN POKA OSEHA MAKINAN HUEGON SALAPPE'

Sinenten Pubpleko: I entension i Sikritarion Fainansiat para u adopta i Amendasion para i Areklamenton Makinan Poka oseha Makinan Huegon Salappe' komu ma'omenta gi Areklamenton Makinan Poka sigun gi ginagagao na ma'adopta-na gi 1 CMC §§ 9104(a)(1) yan (2). Put ayo na, pubplekasion gi Rehistron 'Commonwealth' put este na amendasion i Areklamenton i Makinan Huegon Poka, este na nutisia mana'guaha put para u mana'i apottunidat i pubpleku para u mana'halom upinion-niha pat sinenten-niha sigun gi ginagagao na akton i Areklon Atmenestrasion gi CNMI. Todu upinion pat sinente put este na amendasion para i Areklon Makinan Huegon Poka sina mana'hanague si sinot: Antonio R. Cabrera, Sikritarion Fainansiat, P.O. Box 5234 CHRB, Saipan, MP 96950 osino na'halom petsonatmente gi ufisinan Fainansiat ni uma'afana' yan i ufisinan Sagan Katta (POST OFFICE)

AMENDMENTS TO RULES & REGULATIONS FOR THE OPERATION OF POKER MACHINES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Regulation No. 2400

The "Rules and Regulations for the Operation of Poker Machines" in the Commonwealth of the Northern Mariana Islands (Poker Machine Rules) Regulation No. 2300, published in the Commonwealth Register Vol. 17, No. 4, April 15, 1995 commencing at page 13218 and adopted in Commonwealth Register Vol. 17, No. 06 June 15, 1995 at page 13539 are hereby amended as follows. Deletion from the Poker Machine Rules are indicated by a line through the language deleted. Additions to the Poker Machine Rules are indicated by underlining.

Section 2300.7, previously "Reserved" is hereby amended by adding thereto the following.

Section 2300.7 <u>Electronic Security and Accounting</u> <u>System</u>

(a) Each poker machine licensed in the CNMI shall contain an electronic security and accounting system acceptable to the Secretary of Finance. Such system shall be compatible with the poker machine; shall detect any defects or malfunctioning in such machine; shall ensure the integrity of the poker machine game being played; and shall monitor and calculate the play of each machine to secure full and complete payment of all applicable CNMI taxes.

(b) Such security and accounting equipment installed in each poker machine shall be purchased on behalf of the poker machine licensee by the CNMI Secretary of Finance and shall be the property of the CNMI Secretary of Finance.

(c) The Secretary of Finance may assess an acquisition fee to defray the cost of acquisition of such security and accounting equipment as well as assess an annual fee for the maintenance and repair or replacement of such security and accounting system. Section 2300.8, previously "Reserved" is hereby amended by adding thereto the following.

Section 2300.8 Cost for Electronic Security and Accounting System.

In addition to any license fee imposed by the Legislature for the right to operate a poker machine, each poker machine licensee shall pay to the Department of Finance the amount of US\$250.00 per poker machine for the acquisition and installation of an electronic security and accounting system acceptable to the Secretary of Finance which system shall be installed and maintained in each poker machine. In addition to the initial acquisition fee which is a one-time charge payable to the Secretary of Finance with each license application or license renewal application, an annual maintenance fee in the amount of US\$50.00 shall also be payable to the Secretary of Finance with each license application or license renewal application. The one-time acquisition fee of US\$250.00 plus the annual maintenance fee of US\$50.00 shall be kept and maintained by the Secretary of Finance solely for the purpose of acquiring, maintaining, repairing or replacing the security and accounting system installed in each poker machine.

Section 2300.23(c)(2) is amended to read as follows.

(2) Alters the software programs, pay back percentages, jackpots, meters, <u>security and accounting system or</u> related equipment or any other equipment that implies a modification of the condition under which the machines were approved; or

Dated this 22nd day of November, 1995. ntónio R. Cabrera Secretary of Finance

CERTIFICATION OF THE ADOPTION OF THE AMENDMENTS TO THE POKER MACHINE RULES

I, Antonio R. Cabrera, Secretary of Finance of the Department of Finance which has promulgated the "Rules and Regulations for the Operation of Poker Machines" in the CNMI (Poker Machine Rules) by signature below, do hereby certify that such Amendments to the Poker Machine Rules, as hereinabove set forth, are a true, complete and correct copy of the Amendments to the Poker Machine Rules adopted by the CNMI Secretary of Finance to govern the operation of poker machines in the CNMI.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the $\frac{22m}{day}$ of November, 1995 on the island of Saipan, Commonwealth of the Northern Mariana Islands.

Ant

R. Cabrera

Secretary of Finance Filed by:

SOLEDAD B. SASAMOTO Registrar of Corporations

Filed by:

DONNA Governor's/Office

Date

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13856

December 5, 1995

PUBLIC NOTICE

OFFICE OF THE ATTORNEY GENERAL

PROPOSED AMENDMENTS TO THE COMMONWEALTH BUSINESS CORPORATION REGULATIONS

The Office of the Attorney General and the Registrar of Corporations, with the approval of the Governor, pursuant to 1 CMC 9104, hereby gives notice to the public of the intention to adopt amendments to the Commonwealth Business Corporation Regulations, Commonwealth Register Vol 12 No. 5, May 15, 1990, pages 6960, 6980 - 6997. The purpose of these amendments is to establish parameters for corporate audits and to ensure that corporations are in compliance with the laws and regulations of the Commonwealth. The amendments to these regulations are promulgated under the authority given to the Office of the Attorney General by 1 CMC 2153, 4 CMC 4104 and 4203, Executive Order 94-3, The Commonwealth Administrative Procedure Act, 1 CMC 9101 et seq, and other authority as provided in the Commonwealth Code.

The proposed amendments to the regulations are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Office of the Attorney General. The public may submit written comments and recommendations regarding the proposed regulations during the thirty day period following the date of publication in the Commonwealth Register. Any comments or recommendations should be sent to the Office of the Attorney General at the following address:

> Office of the Attorney General 2nd Floor, Administration Building Capitol Hill, Saipan, MP 96950

Issued by:

C. SEBASTIAN Å

Attorney General (Acting)

12/6/95

Filed with:

GOVERNOR

Date

Filed with:

of Corporations

VOLUME 17 NUMBER 12

COMMONWEALTH REGISTER

DECEMBER 15, 1995 PAGE 13857

CERTIFICATION

OFFICE OF THE ATTORNEY GENERAL

PROPOSED AMENDMENTS TO THE COMMONWEALTH BUSINESS CORPORATION REGULATIONS

I, C. Sebastian Aloot, Acting Attorney General, am publishing these Proposed Amendments to the Commonwealth Business Corporation Regulations. This is a true, correct and complete copy of the proposed amendments proposed by the Office of the Attorney General. I request and direct this certification and the Proposed Amendments to the Commonwealth Business Corporation Regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the $\underline{C} \underline{H}_{\Delta}$ day of December, 1995, at Saipan, Commonwealth of the Northern Mariana Islands.

C. SEBASTIAN ALČ

Acting Attorney General

NOTISIA PARA I PUBLIKO OFISINAN I ATTORNEY GENERAL Amendasion Business Corporation pot Regulasion

I Ofisinan i Attorney General yan i Registrahiran Corporation ni ma apreba ni Gobetno, pursuant to 1 CMC § 9104, man ma notitisia i publiko pot i Commonwealth Register Vol. 12, No. 5 Mayo dia kinsi mit nuebi sientos nubentai nuebi (May 15, 1995) pages 6960, 6980-6997.

I propositu pot este na amendasionpara u ma establisa este na Corporation Audit yan para u ma asigura na I Corporation ma implimenta este na lai yan regulasion gi Commonwealth. I amendasion siha pot este na regulasion ginen I aturidat ginen I ofisinan I Commonwealth Administrative Procedure Act, 1 CMC § 9101, et seq. yan otro siha na aturidat pot I Commonwealth Code.

I proositun Amendasion pot i regulasion man publika gi Commonwealth Registra. I Commonwealth Registrahira sina man ma gagao guato gi Ofisinan I Attorney General. I publiko sina ma submiti ma seha hafa na recomendasion pot este na propositu pot I regulasion trenta dias (30 days) diste i publikasion este na propositu.

I recomendasion pot este na propositu debi di u ma chuli'e guato gi Ofisinan I Attorney General.

AMENDMENTS TO CORPORATION REGULATIONS

Proposed amendments to the Commonwealth Business Corporations Regulations, Commonwealth Register Volume 12 No. 05, May 15, 1990, pages 6960, 6980 - 6997 are listed below. They are numbered according to the applicable sections of the existing Regulations. Additions to the existing Regulations are indicated by <u>underlining</u>. Deletions to the existing Regulations are indicated by <u>striking</u>.

CORPORATION REGULATIONS

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CORPORATION REGULATIONS

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(b) <u>The corporation may seek appropriate legal remedies in its appeal to the Commonwealth</u> <u>Superior Court.</u> The court may summarily order the Registrar of Corporations to file the document or take other action the court considers appropriate.

CHAPTER 2. INCORPORATION.

2.02 Articles of Incorporation.

(a) The articles of incorporation must set forth:

(1) <u>The corporate name a corporate name for the corporation</u> that satisfies the requirements of section 4.01.

(2) <u>The purposes for which it is formed, including a statement in a separate</u> paragraph identifying the specific business in which the corporation is primarily to engage.

(3) The district where the principal office for the transaction of the business of the corporation is located.

(4) The number of its directors and the name and address of each person appointed to act as a first director. The number so stated constitutes the authorized number of directors until changed by amendment of the articles or unless, the articles provide otherwise, or by a bylaw duly adopted by the shareholders.

(5) The minimum number of directors authorized shall be three; provided, however, that:

(i) before shares are issued, the minimum number shall be one,

(ii) if a corporation only has one shareholder, the minimum number shall be one.

and

(iii) if a corporation has only two shareholders, the minimum number shall be two. (6) (2) The number of shares that the corporation is authorized to issue;

(i) If the corporation is authorized to issue only one class of shares of stock, the articles shall state the total number of shares which the corporation is authorized to issue and (a) the aggregate par value, if any, of all shares, and the par value of each share, or (b) that all shares of stock are to be without par value;

(ii) If the corporation is authorized to issue more than one class of shares, the articles shall state the total number of shares that are to have par value, and (a) the number of shares of each class that are to have a par value, and the par value of each share of each share of each share of each class that are to have a par value, and the par value of each share of each share of each share of each class that are to be without par value.

(iii) If the shares are to be classified, or if any class of shares is to have two or more series, the articles shall state the preferences, privileges, and restrictions granted to or imposed upon the respective classes or series of shares or the holders thereof, and the number of shares constituting each series. The articles may authorize the board of directors, within the limits and restrictions stated therein to fix or alter the dividend rights, dividend rate, conversion rights, voting rights and terms of redemption, the redemption price or prices, the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares, or the number of shares constituting any unissued series of any class and the designations of such series, or all or any of them.

(7) The voting rights of the classes of shares. One or more classes of shares together must have unlimited voting rights.

(8) (3) The name and address of the corporation's registered agent and office. The address of the corporations's initial registered office and the name of the initial registered agent at that office; and

(9) (4) The name and address of each incorporator if they are different than the first director or directors.

(10) Disposition of financial surplus and provisions for liquidation of the corporation.

(11) Provisions for amendment of the articles of incorporation.

(b) The articles of incorporation may include any desired provisions:

(1) Granting, with or without limitations, the power to levy assessments upon the shares or any class of shares.

(2) Granting to shareholders preemptive rights to subscribe to any or all issues of shares or securities.

(3) Imposing any limitations and requirements authorized by these regulations and other applicable regulations regulating the business and affairs of the corporation and the powers of the directors and shareholders in a manner not in conflict with law.

(b) The articles of incorporation may set forth:

(1) the names and addresses of the individuals who are to serve as the initial directors;

(2) provisions not inconsistent with law regarding;

(i) the purpose or purposes for which the corporation is organized;

(ii) managing the business and regulating the affairs of the corporation;

(iii) defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders;

(iv) a par value for authorized shares or classes of shares;

(v) the imposition of personal liability on shareholders for the debts of the corporation to a specific extent and upon specific conditions; and

(3) any provision that under these Regulations are required or permitted to be set forth in the bylaws.

(c) The articles of incorporation need not set forth any of the corporate powers enumerated in these Regulations.

2.03 Incorporation.

(a) Each person named in the articles as director shall, and any other persons may personally sign the articles. All signatures shall be personally acknowledged before an officer authorized by the laws of this Commonwealth. Persons authorized to acknowledge include notary public, judge or clerk of a court of record having an official seal. The acknowledgment shall not be by one of the incorporators.

(a) Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

(b) If the articles conform to law and these regulations, the Registrar of Corporations shall file them in her/his office and shall endorse the date of filing. The corporate existence begins upon the filing of the articles and continues until canceled, revoked or involuntarily dissolved.

(b) The Registrar of Corporation's filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the Commonwealth to cancel or revoke the incorporation or involuntary dissolve the corporation.

2.06 Bylaws.

(c) Bylaws may be adopted, amended, or repealed by the vote or the written assent of shareholders entitled to exercise a majority of the voting power of the corporation. Bylaws may be adopted, amended, or repealed by the board of directors, subject of the right of shareholders to do so.

The articles or bylaws may require the vote or written assent of the shareholders entitled to exercise more than a majority of the voting power for the amendment or repeal of bylaws

generally, or of particular bylaws, or for the adoption of new bylaws. The articles or a bylaws adopted by the shareholders may limit or restrict the power of the directors to adopt, amend, or repeal bylaws, or may deprive them of the power to do so.

The bylaws should contain the following provisions if applicable:

(1) The time, place, and manner of calling and conducting, and giving notice of shareholders' and directors' meetings. The bylaws may dispense with notice of all regular or annual meetings of shareholders except as required by law and regulations.

(2) The method of publication of notices of meetings of the shareholders or directors when publication is required.

(3) The manner of execution, revocation and use of proxies.

(4) The number, qualifications, duties and compensation of directors; the time of their annual election; and the requirements of a quorum for a directors' meeting.

(5) The appointment and authority of an executive committee and other committees of the board of directors.

(6) The appointment, duties, compensation and tenure of office of officers other than directors.

(7) Special qualifications of persons who may be shareholders, and reasonable restrictions upon the right to transfer or pledge shares.

(8) The mode of determination of shareholders of record.

(9) The making of annual reports and financial statements to the shareholders or dispensing therewith.

(10) The issue of certificates for shares prior to full payment.

(11) Any other proper and lawful regulations.

(d) Every corporation shall file a copy of its bylaws as amended with the Registrar of Corporations and keep in its principal office for the transaction of its business the original copy of its bylaws as amended or otherwise altered to date. They shall be open to inspection by the shareholders at all reasonable times during office hours.

CHAPTER 5. OFFICE AND AGENT.

5.04 Service on the Corporation.

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(b) If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by <u>first class</u> registered or certified mail, return receipt requested, addressed to the secretary of the corporation at its principal office.

(c) Service is perfected under this subsection at the earliest of:

(1) the date the corporation receives the service mail; or

(2) the date shown on the return receipt, if signed on behalf of the corporation; or

(2) (3) five days after its deposit in the United States mail. as evidenced by the postmark, if mailed postpaid and correctly addressed.

(d) (c)—This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

CHAPTER 9. CORPORATE AUDITS

9.1 Audit Purpose.

The purpose of the corporate audit is to determine whether the corporation is a bona fide corporation operating in compliance with the laws and regulations of the Commonwealth.

Auditors may interview corporate board members and officers, examine corporate documents, records of meetings and financial transactions according to accepted audit procedures.

9.2 General Considerations.

(a) The corporate auditor ("auditor") will focus attention on legal and contractual compliance with Commonwealth laws, rules and regulations as well as corporate articles and bylaws.

(b) The auditor may identify sources of revenue received by the corporation and inquire about restrictions, limitations, terms and conditions under which such revenue is received. The auditor may also review any directly related agreements (for example, loans and grants) and inquire as to the applicability of any overall regulations that apply to the revenue or accounting for the revenue.

(c) In planning and conducting the audit, the auditor may:

(1) Review the corporation's licenses and bonds to insure that it is operating within the allowable provisions of the Commonwealth laws and regulations.

(2) <u>Review corporate documents to insure that corporate reports are sufficiently</u> supported.

(3) <u>Review corporate records to insure corporate compliance with applicable labor</u> and immigration laws and regulations.

(4) Review corporate records to insure that corporate meetings are conducted according to laws and regulations.

(5) <u>Review corporate documents to insure that the corporation is current in its</u> payments of taxes, fees and bonding requirements that may be applicable.

(6) Review corporate records and financial accounting books to determine whether:

- (a) All fixed assets expenditures are recorded in the proper accounts.
- (b) Assets recorded are reported in the proper amounts.
- (c) The recorded assets exist.

(d) The provisions of these regulations are meant to be separate and distinct from the duties and responsibilities of the Office of the Public Auditor.

Chapter 14. DISSOLUTION

Subchapter B. Administrative dissolution

14.20 Grounds for Administrative Dissolution of a Domestic Corporation.

(a) The Registrar of Corporations <u>or the Attorney General</u> may commence a proceeding under section 14.21 to administratively dissolve a corporation if:

(1) The corporation is more than sixty days delinquent in payment of any taxes, applicable bonding requirements does not pay within 60 days after they are due any fees, or penalties imposed by these regulations or other law; or

(2) The corporation is more than sixty days delinquent in delivering does not deliver its annual report to the Registrar of Corporations for more than 60 days or more; or

(3) The corporation is without a registered agent, or registered agent) or registered office in the Commonwealth for 60 days or more; or

(4) The corporation does not notify the Registrar of Corporations within 60 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued; or

(5) The corporation's period of duration <u>as</u> stated in its articles of incorporation <u>has</u> <u>expired</u> (expires); or

(6) The corporation is violating the laws or regulations of the Commonwealth; or

(7) The corporation is operating without the required licenses and bonds as provided by Commonwealth laws and regulations; or

(8) The corporation is not in compliance with applicable labor and immigration laws and regulations; or

(9) The corporate meetings are not conducted in accordance with applicable Commonwealth laws or regulations; or

(10) The corporation is not capitalized as stated in its articles of incorporation, bylaws or annual reports; or

(11) The corporation is contracting with the CNMI government and is in violation of existing procurement laws, rules or regulations.

14.21. Procedure for and Effect of Administrative Dissolution.

(a) If the Registrar of Corporations <u>or the Attorney General determines that</u> one or more grounds exist under section 14.20 <u>as amended</u> for dissolving a corporation, he <u>or she</u> shall serve the corporation written notice of the determination by delivering a copy to the registered office of the corporation, or by mailing a copy by first class mail to the registered agent, or if the registered agent cannot be found, to the secretary of the corporation at its principal office, as disclosed in the records of the Registrar of Corporations.

(b) If the corporation contests the determination of violation by the Registrar of Corporations or by the Attorney General, it must file a written objection to Registrar of Corporations within thirty days of the postmarked date of the notice or the date of service.

(c) Upon receipt of a written objection to the determination of a violation under these Regulations, the objecting corporation will be entitled to a hearing as provided by the Administrative Procedures Act. 1 CMC 9101 et seq.

(d) (b) If the corporation doe not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Registrar of Corporations or the Attorney General that each ground determined by the Registrar of Corporations or the Attorney General does not exist within 60 days after service of notice is perfected under section 14.21 (a), the Registrar of Corporations shall administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The Registrar of Corporations shall file the original of the certificate and serve a copy on the corporation under section 14.21 (a) and shall also serve a copy upon each CNMI government agency with whom the corporation holds licenses.

(e) (c) A corporation that has been administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 14.05 and notify claimants under sections 14.06 and 14.07.

(f) (d) The administrative dissolution of a corporation does not terminate the authority of its registered agent. Such authority shall continue until released by the Registrar of Corporations.

14.23 Appeal From Denial of Reinstatement.

(c) <u>The corporation may seek appropriate legal remedies in its appeal to the Commonwealth</u> <u>Superior Court.</u> The court may summarily order the Registrar of Corporations to reinstate the dissolved corporation or may take other action the court considers appropriate.

Subchapter C. Judicial Dissolution.

14.30. Grounds for Judicial Dissolution.

The Commonwealth Superior Court may dissolve a corporation:

- (1) in a proceeding by the Attorney General if it is established that:
 - (i) the corporation obtained its articles of incorporation through fraud; or

(ii) the corporation has continued to exceed or abuse its authority conferred upon it by law; or,

(iii) The corporation is in violation of the laws or regulations of the Commonwealth including the Commonwealth Business Corporation Regulations as amended.

(2) in a proceeding by a shareholder of the corporation if it established that:

(i) the directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered by the corporation, or that the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders because of the deadlock;

(ii) the directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive or fraudulent.

(iii) the shareholders are deadlocked in voting power and have failed, for a period of at least two consecutive annual meeting dates to elect successors to directors whose terms have expired; or,

(iv) the corporate assets are being misapplied or wasted.

(3) in a proceeding by a creditor if it is established that:

(i) the creditor's claim has been reduced to judgement, the execution on the judgement has been returned unsatisfied and the corporation is insolvent; or,

(ii) The corporation has admitted in writing that the creditor's claims are due and owing and the corporation is insolvent; or,

(4) in a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

CHAPTER 15. FOREIGN CORPORATIONS

Subchapter A. Certificate of Authority.

15.10 Service on Foreign Corporation.

(b) A foreign corporation may be served by <u>first class</u> registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent annual report if the foreign corporation:

(1) has no registered agent or its registered agent cannot with reasonable diligence be served; or

(2) has withdrawn from transacting business in the Commonwealth under section 15.20; or

(3) has had its certificate of authority revoked under section 15.31.

(c) Service is perfected under subsection (b) at the earliest of:

(1) the date the foreign corporation receives the service mail; or

(2) the date shown on the return receipt, if signed on behalf of the foreign corporation; or

(2) (3) five days after its deposit in the United States mail. as evidenced by the postmark if mailed postpaid and correctly addressed.

(d) This section does not prescribe the only means of serving a foreign corporation.

Subchapter C. Revocation of Certificate of Authority.

15.30. Grounds for Revocation.

The Registrar of Corporations or the Attorney General may commence a proceeding under

section 15.31 to revoke the certificate of authority of a foreign corporation authorized to transact business in the Commonwealth if:

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(1) the foreign corporation is more than sixty days delinquent in delivering its annual report to the Registrar of Corporations; or (does not deliver its annual report to the Registrar of Corporations within 60 days after it is due;)

(2) the foreign corporation <u>is more than sixty days delinquent in its payment of taxes</u>, <u>fees, applicable bonding requirements</u> (does not pay within 60 days after they are due any fees) or penalties imposed by these regulations or other law; <u>or</u>

(3) The corporation is without a registered agent in the Commonwealth for 60 days or more; or

(4) the foreign corporation does not inform the Registrar of Corporations under section 15.08 or 15.09 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued; or within 60 days of the change, resignation, or discontinuance;

(5) an incorporator, director, officer, or agent of the foreign corporation signed a document be delivered to the Registrar of Corporations for filing;

(5) The Registrar of Corporations receives an authenticated certificate of dissolution or merger from the secretary of state or other official with custody of the corporate records in the state of country under whose law the foreign corporation is incorporated; or

(6) The Registrar of Corporations receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as a result of a merger.)

(6) The duration of the corporation as stated in its articles of incorporation has expired; or

(7) The corporation is violating the laws or regulations of the Commonwealth; or

(8) The corporation is operating without the required licenses and bonds as provided by Commonwealth laws and regulations; or

(9) The corporation is not in compliance with applicable labor and immigration laws and regulations; or

(10) The corporate meetings are not conducted in accordance with applicable Commonwealth laws and regulations; or

(11) The corporation is not capitalized as stated in its articles of incorporation, bylaws or annual reports; or

(12) The corporation is contracting with the CNMI government and is in violation of existing procurement laws, rules or regulations.

15.31. Procedure for and Effect of Revocation.

(a) If the Registrar of Corporations <u>or the Attorney General</u> determines that one or more grounds exist under section 15.30 <u>as amended</u> for revocation of a certificate of authority, he <u>or she</u> shall serve the corporation written notice of the (his) determination under section 15.10.

(b) If the foreign corporation contests the determination of violation by the Registrar of Corporations or by the Attorney General, it must file a written objection to the Registrar of Corporations within thirty days of the postmarked date of the notice or the date of service.

(c) Upon receipt of a written objection to the determination of a violation under these Regulations, the objecting corporation will be entitled to a hearing as provided by the Administrative Procedures Act. 1 CMC 9101 et seq.

(d) (b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Registrar of Corporations or the Attorney General that each ground determined by the Registrar of Corporations or the Attorney General does not exist within 60 days after service of notice is perfected under section 15.10, the Registrar of Corporations may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The Registrar of Corporations shall file the original of the certificate and serve a copy on the corporation under section 15.10, and shall also serve a copy upon each agency of the CNMI government with whom the corporation held licenses.

(e) (e) The authority of a foreign corporation to transact business in the Commonwealth ceases on the date shown on the certificate revoking its certificate of authority.

(f) (d) The Registrar of Corporation's revocation of a foreign corporation's certificate of authority appoints the Registrar of Corporations <u>as</u> the foreign corporations's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to do business in the Commonwealth. Service of process on the Registrar of Corporations under this subsection is service upon the foreign corporation. Upon receipt of process, the Registrar of Corporations shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communication received from the corporation, stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

(g) (c) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation. The responsibility of the registered agent to receive documents and correspondence directed to the corporation shall continue until released by the Registrar of Corporations.

Chapter 17. TRANSITION PROVISIONS.

17.01 Application to Existing Domestic Corporations.

<u>All domestic corporations authorized to transact business in the Commonwealth on the</u> <u>effective date of these Regulations and their amendments are subject to these Regulations and</u> <u>their amendments.</u>

These Regulations apply to all domestic corporations in existence on its effective date of incorporation that were incorporated under any general statute of the Commonwealth providing for incorporation of corporations for profit.

17.02. Application to Qualified Foreign Corporations.

<u>All foreign corporations</u> A foreign corporation authorized to transact business in the Commonwealth on the effective date of these Regulations and their amendments are is subject to these Regulations and their amendments. but is not required to obtain a new certificate of authority to transact business under these Regulations.

17.03. Saving Provisions.

(a) Except as provided in subsection (b), the repeal of a regulation by these Regulations and their amendments do not affect:

(1) the operation of the regulation <u>or amendment</u> or any action taken under it before its repeal;

(2) any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the regulations <u>or amendments</u> before its repeal;

(3) any violation of the regulation <u>or amendment</u>, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal;

(4) any proceeding, reorganization, or dissolution commenced under the regulation <u>and its amendments</u> before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the regulation <u>and its amendments</u> as if it had not been repealed.

(b) If a penalty or punishment imposed for violation of a regulation repealed by these Regulations <u>and amendments</u> is reduced by these Regulations <u>or amendments</u>, the penalty or punishment if not already imposed shall be imposed in accordance with these Regulations <u>and their amendments</u>.

17.04. Severability.

If any provision of these Regulations <u>or amendments</u> or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to the end the provisions of the Act are severable.

17.06. Effective Date.

These Regulations and their amendments take effect upon adoption by the Registrar of Corporations and compliance with 1 CMC 9101 et seq.



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

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

PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE FOREIGN INVESTMENT REGULATIONS OF THE DEPARTMENT OF COMMERCE

CONTENTS: PROPOSED AMENDMENT TO THE FOREIGN INVESTMENT REGULATIONS, Commonwealth Register, vol. 17, no. 1, at 12740-41 (January 15, 1995), Section 1001 B, 3 a:

> DEPARTMENT OF COMMERCE PROPOSED AMENDMENTS TO THE LONG TERM BUSINESS CERTIFICATE

> > (See Attached Proposed Amendments)

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 January 16, 1996.

AUTHORITY: The Secretary of Commerce is authorized to promulgate regulations pursuant to 1 CMC § 2454, and Executive Order 94-3 (effective date June 24, 1994).

EDRO Q. DELA CROZ

Secretary, Department of Commerce

Received by:

Donna J

Office of the Governor

F11-ed_by

Soledad B. Sasamoto Registrar of Corporations

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

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

NUTISIAN PUBLIKU PUT I INTENSION PARA U MA ADAPTA I AMDNDASION GI AREKLAMENTO FOREIGN INVESTMENT DIPATTAMENTON KOMETSIANTE

SUHETU: I MA PROPOPONI NA AMENDASION AREKLAMENTON FOREIGN INVESTMENT Commonwealth Register Vol. 15, No. 1, gi 12740-41 (Enero 15, 1995), na Seksiona 1001 B, 3 a:

DIPATTAMENTO KOMETISIO HA PROPOPONI AMENDASION GI AREKLAMENTON BISNES GI HALOM COMMONWEALTH PARA AYO SIHA NA PETSONAS NUI TI SIUDADANU ESTADUS UNIDOS.

KOMENTUN PUBLIKU:

Todo petsonas nui man entresao pot este na amendasion, pot fabot bisita i ofisinan dipattamento kometsio osino agaan i numeron telefon 664-3000 para mas infotmasion cosa que siña una chule kopian este na dokumento.

ATURIDAT: I Dipattamento kometsio ina aturisa nui Kodikon Commonwealth 1 CMC 2454, yan loke ginen i Otden Eksekatibu 94-3 (efektibu Junio 24, 1994).

PEDRO Q. DELA CRUZ Secretary of Commerce

Received by:

DONNA J. Office of the Gevernor

Filed by:

SOLEDAD B. SASAMOTO Registrar of Corporations



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

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

DEPARTMENT OF COMMERCE PROPOSED AMENDMENTS TO THE LONG TERM BUSINESS CERTIFICATE

PROPOSED AMENDMENTS:

Section 1001 B, 3 a will read as follows:

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

a. the amount of capital invested by the alien investor, of which, investments by individuals must not be less than \$50,0000;

Section 1001 B 4 a will read as follows:

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

a. the amount of capital invested by the alien investor. Minimum investments of \$150,000 in a public organization or \$50,000 in a private enterprise are required;

PUBLIC NOTICE INTENT TO ADOPT AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS

CONTENTS: PROPOSED AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS, Commonwealth Register, vol. 10, no. 4 at 5526, (April 15, 1988):

(See Attached Proposed Regulations)

PUBLIC COMMENTS: All interested persons may submit written data, views, or arguments about the proposed amendments to the Secretary, Department of Labor and Immigration, Caller Box 10007, Saipan, MP 96950, on or before January 15, 1996.

AUTHORITY: The Department of Labor and Immigration is authorized to promulgate regulations pursuant to 1 CMC §2454, and §9104.

THOMAS O. SABLAN

12/11-155-DATE

DATE

Secretary, Department of Labor and Immigration

plister

DATE

SOLEDAD B. SASAMOTO Filed by Registrar of Corporations

DONNA CRUZ Received at Governor's Office

NUTISAN PUBLIKU PUT I INTENSION PARA U MA ADAPTA I AMENDASION SIHA GI AREKLAMENTO YAN REGULASION ALIEN LABOR

SUHETU: PROPOSITU NA AMENDASION GIREGULASION YAN AREKLAMENTON ALIEN LABOR Commonwealth Register, vol. 10, no. 4, gi 5526, (Abrit 15, 1988):

(Areglos Propositu Gaigi Na)

KOMENTUN PUBLIKU: Todu man enteresau na taotao pot i propositu amendasion, pot fabot, tugi papa ya un na halom gi Ofisinan Sekretariu, Depattamenton Labor yan Immigration, Caller Box 10007, Saipan, MP 96950 gi dia Ineru 15, 1996.

ATURIDAT: I Depattamenton Labor yan Immigration ma aturisa para u famatinas Regulasion sigun gi sinangan i 1 CMC §2454 yan §9104.

Vennel

THOMAS O. SABLAN Secretariu, Depattamenton Labor yan Immigration

SOLEDAD B. SASAMOTO Ha file i Registrar of Corporations

DONNA CRUZ/ Ma risibi ginen i Offsina i Gobetnu

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ARONGORONGOL TOWLAP REKKE MANGIIY BWE REBWE ADAPTAALIL LLIIWEL KKA LLOL OWTOL ALLEGHUL <u>ALIEN LABOR</u>

OWTOL:NGELAR LLIWEL MELLOL OWTOL ALLEGHUL <u>ALIEN LABOR</u> Commonwealth Register, vol. 10, no. 4, rel 5526 (Abrit 15, 1988):

(Atool kkal Alleghul)

TIPEER ME MANGEMANGIIR TOWLAP: Aramas ye e tipali nge emmwel schagh bwe ischiitiw meta tipal me mangemangil reel lliiwel kkaal nge raa afanga ngali Secretariu, Dipatamentool Labor me Immigration, Caller Box 10007, Saipan, MP 96950 mwal Ineru 15, 1996.

BWANG: Dipatamentool Labor me Immigration eyoor bwangil bwe ebwe ffeer Alleghul sangi bwangil me aileewal mille 1 CMC §2454 me §9104.

THOMAS O. SABLAN Secretariu, Depatamentool Labor me Immigration

SOLEDAD B. SASAMOTO File-liiyal Registrar of Corporations

DÓNNA CRUZ Iyo E Risibiiy Governor's Office

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12/12/95

PROPOSED RULES AND REGULATIONS DEPARTMENT OF LABOR AND IMMIGRATION

<u>AUTHORITY.</u>

I.

The Department of Labor and Immigration, pursuant to its powers, duties, and authorities under 3 CMC § 4435, 3 CMC § 4424, and Executive Order 94-3, Reorganization Plan No. 2, effective August 24, 1994.

PURPOSE OF REGULATIONS

The proposed regulations would create new rules and regulations regarding the new Division of Employment Services and amend the rules and regulations governing the issuance of Nonresident Workers Certificates. The proposed regulations are a repromulgation of the current regulations, but will modify certain procedures and requirements in the processing of nonresident worker's applications. Additional regulations dictate new procedures to handle the placement of resident workers by the Division of Employment Services, as well as the placement of nonresident workers who are in the CNMI working on Temporary Work Permits, but are unable to find temporary employment.

II. <u>APPLICATION PROCEDURES</u>

- A. <u>PRE-APPLICATION PROCEDURES.</u> Permission to hire nonresident workers in the CNMI may be granted by the Director of Labor, or his designee, upon strict compliance with the provisions of Public Law No. 3-66, as amended, these rules, and the submission of the following documents and information:
 - 1. <u>Preference for Resident Workers.</u>
 - a. Every employer shall give preference in employment to resident workers in any job vacancy for which such workers are available and qualified.
 - b. To qualify for preferential treatment, a resident worker must register for work with the Division of Employment Services.
 - c. A resident worker who is registered with the Division of

Employment Services shall be prequalified by the Division of Employment Services and will be deemed available and qualified for the job vacancy if the worker, by education, training, experience, or combination thereof, can perform, or is capable of performing with minimal (not more than three (3) months) on-the-job training, the duties involved, and is willing to accept the job offer. The requisite job qualifying requirements shall be in accordance with the Dictionary of Occupational Titles (DOT) and Guide to Occupational Exploration (GOE).

- d. On-the-job training must be designed to provide knowledge or skills essential to the full and satisfactory performance of the duties and responsibilities of the job. Such training and reasonable efforts to recruit resident workers shall be a continuing responsibility of the employer for as long as the employer has nonresident workers on its payroll.
- e. Vacancy Announcements shall contain occupational requirements that the Director of Employment Services determines are reasonably necessary to ensure that a worker is capable of performing a job safely and efficiently. Any requirements not meeting this standard may be removed from the announcement, including wage rates that are not comparable to wages of identical positions in the same industry.

Referrals.

a.

2.

First Referral. If an employer on its own initiative is unable to locate a sufficient number of resident workers to fill job vacancies, the employer shall report such vacancies in DOL Form 88-001 (Job Vacancy Announcement) to the Director of Employment Services or his designee. Upon receipt of DOL Form 88-001 (Job Vacancy Announcement), the Director of Employment Services shall, within five (5) working days, send applications to the prospective employer of resident workers or if no resident workers are available, nonresident workers qualified for a Temporary Work Authorization (TWA), registered with the Division of Employment Services (DOL Form 88-002 Referral/Certification of Qualified Local Resident Form Letter or list of qualified nonresident workers on TWA).

The employer shall have ten (10) working days to act on all such referrals and shall notify the Director of Employment Services or his designee in writing within that period (unless an extension is requested) of actions taken on the referrals. Failure to act on the referral(s) shall be grounds for disapproval of the vacancy announcement submitted to the Division of Employment Services and subsequently to the Division of Labor for approval of Nonresident Worker applications, pursuant to 3 CMC §4434.

If the Director of Employment Services is unable to refer a sufficient number of resident workers or nonresident workers eligible for Temporary Work Authorization, he may authorize or cause the existence of such vacancies to be publicized for a period of fifteen (15) days of advertisement in a newspaper of general circulation in the Commonwealth, broadcasting on local radio or television, and posting of such vacancies in at least three (3) public places in the Commonwealth.

- b. Second Referral. The Director of Employment Services shall initiate or cause to be sent a second referral letter to the employer within five (5) working days after the expiration of the vacancy announcements, listing the names of all registered resident workers who responded to the job vacancy announcement at the Division of Employment Services or qualified nonresident workers who are qualified for a TWA, and the employer shall report to the Director on all such referrals as follows: Seven (7) days for the first applicant, and additional three (3) working days for every other applicant on the list.
- c. Failure to act within the prescribed time (unless an extension is requested) shall be deemed conclusive as to the employer's acceptance of the qualification and fitness for the job vacancy announced of the resident workers or nonresident workers eligible for a TWA, or that the employer does not desire to fill the vacancy. In the event that the employer does not wish to fill the vacancy, the Division of Employment Services is to notify the Division of Labor of prospective employer's intent not to fill the vacancy. Upon notification by the Division of Employment Services, the Director of Labor or his designee shall not accept or consider any application for the employer to hire, employ, or otherwise engage for compensation any nonresident worker to perform services or labor in the Commonwealth for a period of six (6) months from the date of the expiration of the Job Vacancy Announcements made Section II(B)(1)(e) for the same or similar job classifications.

B. <u>APPLICATION PROCEDURES.</u>

1. INITIAL APPLICATION.

- a. REQUIRED DOCUMENTS. Upon a finding by the Director of Employment Services or his designee that resident workers or nonresident workers eligible for TWA are not available to fill a job vacancy and upon compliance with Paragraph 2 above, an employer may file an application to employ a nonresident worker by submitting to the Division of Labor the following:
 - DOL FORM 88-001 (Job Vacancy Announcement) and dated copies of fifteen (15) consecutive days of help wanted ads for the job vacancy in a local weekly newspaper and a radio/TV certification. The last ad must be no more than sixty (60) days old.
 - 2) Copy of the business license, if applicable.
 - 3) DOL FORM 88-004 (Employer's Application and Nonresident Employment Agreement).
- b. REVIEW OF EMPLOYER'S AGREEMENT. The Director of Labor or his designee shall review and take appropriate action on the agreement (DOL Form 88-004 Employer's Application and Nonresident Employment Agreement) within fifteen (15) working days of its receipt.
- c. SUBMISSION, REVIEW OF OTHER REQUIRED DOCUMENTS. Upon approval of DOL Form 88-004 (Employer's Application and Nonresident Employment Agreement), the employer shall submit:
 - 1) The original DOL Form 88-005 (Employment Contract) or employer's approved contract and two (2) copies executed by the employer and the nonresident worker and properly notarized.

i. Contracts executed by an agent or representative of an employer must be accompanied by certified copy of a power of attorney or authorization, which must be attached to the employment contract.

ii. Contracts which have been smeared, amended by correction fluid, erased, or scratched off shall

not be accepted.

2) DOL Form 88-006 (Nonresident Worker's Affidavit).

i. any supporting document submitted with the Nonresident Worker's Affidavit which has been amended by correction fluid, erased, or scratched off shall not be accepted and may be grounds for denial of the application.

- 3) Statement of Compliance with 3 CMC §4436(a).
- 4) Statement of Compliance with 3 CMC §4434(g), if applicable.
- 5) Proof of Availability of Work or Project covering a minimum period of six (6) months.
- 6) Living Quarters or Housing Inspection Clearance issued by the Department of Public Health & Environmental Services or the Department of Labor and Immigration, if housing is being provided by the employer pursuant to the employment contract.
- 7) A copy of Employer's Quarterly Witholding Return and Employer's Gross Revenue Tax Returns (most recent four quarters) or an individual employer's income tax return.
- 8) Payment of a nonrefundable and non-transferrable application fee.
- d. ACTION BY THE DIRECTOR OF LABOR OR HIS DESIGNEE. The Director or his designee shall have thirty (30) calendar days to approve, reject, or modify the nonresident worker's application for a labor identification certificate and employment contract. A notice of deficiency or any notice modifying the employment contract shall correspondingly extend the period in which the Director of Labor or his designee must take action.
- e. BOND. After receiving notice from the Director of Labor or his designee that the application for a labor certificate and the employment contract have been approved, the employer shall deliver within thirty (30) days to the Director of Labor or his designee a bond, written third-party guaranty, or deposit of

funds into a Commonwealth approved or managed escrow account, or combination thereof.

- 1) The minimum amount of the bond shall be equal to one hundred and ten percent (110%) of the cost of one-way transportation between the point of hire as specified in the employment contract and the point of employment within the Commonwealth, and two months salary as specified in the contract of employment, up to a maximum of \$1,500 per employee. The financial assurances of the bond or surety are to be in addition to, not a substitute for, any other financial guarantees currently required or which may be required in the future by the Commonwealth.
- 2) Any bond, written third party guarantee, or deposit of funds shall, upon demand and execution, be payable to the Treasurer of the Commonwealth of the Northern Marianas for deposit into a restricted account available only for the repatriation of a nonresident worker to his or her country of origin and the payment, in whole or part, of wages due the employee from the employer under final order of a court of competent jurisdiction.
- 3) The written terms and conditions of all bonds, guarantees, or escrow deposits shall specify the following:

i. That the bond, guarantee, or escrow deposit shall be subject to demand and execution by the Commonwealth, or where authorized by a court of competent jurisdiction, a representative of the complaining nonresident worker; and

ii. that the bond, guarantee, or escrow deposit shall be held liable for any unpaid wages or costs or repatriation determined by a court of competent jurisdiction to be based on or arising from actions or inactions by the employer during the period of employment specified in the contract of employment between the nonresident worker and the employer; and

iii. that the bond, guarantee, or escrow deposit shall be subject to demand and execution for a period no shorter than the period of employment specified in the employment contract plus the statutory period for filing a claim for unpaid wages (as codified under 4 CMC Div. 9 § 9246) or repatriation, plus 30 days;

iv. that upon receipt of a "Notice of Potential Claim", the period for filing a claim shall be tolled; and

v. that no changes in the terms and conditions of the bond, guaranty, or escrow deposit shall be effective unless and until it is approved in writing by the Director of the Division of Labor or his designee; and

vi. that the termination or shortening of time within which a claim on the bond, guaranty, or escrow deposit may be made, shall not be effective unless and until it is approved in writing by the nonresident worker, if available, and the Director of the Division of Labor, or his designee, provided that in no case shall liability be less than the period of employment specified in the employment contract plus 30 days.

4) Within ten (10) days of receipt of, or within five (5) days of determining that the Department of Labor and Immigration has administrative jurisdiction over, a complaint, whichever is later, alleging an unlawful termination or contract or the failure to pay wages required under CNMI Nonresident Worker Act or the wage and hour statutes and regulations of the Commonwealth, the Director of the Division of Labor or his designee shall transmit a "Notice of Potential Claim" to the bonding company, third-party guarantor, or administrator of the CNMI approved or managed escrow account.

5) Within ten (10) business days of receipt of a "Notice of Potential Claim", the bonding company, third-party gurantor, or administrator of the CNMI approved or managed escrow account will provide written evidence to the Commonwealth that sufficient funds are available and have been reserved to satisfy the bond, guarantee, or escrow account deposit made in connection with the employment of a complaining nonresident worker. 6) Payment of bond, guarantee, or escrow deposit funds necessary to satisfy any final order of a court of competent jurisdiction for unpaid wages and/or the costs of repatriation, plus ten percent (10%) shall be made to the Treasurer of the Commonwealth within 10 business days of the receipt of a "Notice of Claim".

> In the absence of written evidence of payment by an employer, a "Notice of Claim" shall be sent to the bonding company, third party guarantor, or adminsitrator of the CNMI approved or managed account within twenty-five (25) business days following issuance of a final order by a court of competent jurisdiction against the employer awarding unpaid wages and/or costs or repatriation in favor of the nonresident worker.

> The CNMI government shall be entitled to retain the ten percent (10%) extra payment as an administrative charge.

- 7) Within ten (10) business days of the deposit of the deposit of the bond, guarantee, or escrow deposit funds into the Treasury of the Commonwealth, a check drawn from the General Fund of the Commonwealth shall be issued to the foreign employee or authorized service provider for the amount deposited, less the ten percent (10%) administrative fee.
- 8) Notice must be given to the Division of Labor upon any attempt to cancel a bond, terminate a guaranty, or escrow deposit. Guarantors failing to give proper notice to the Division of Labor at least five (5) days before the anticipated cancellation will be held accountable for any claims made against the bond, guaranty, or escrow deposit.
- 9) Any employer whose bond, guaranty, or escrow deposit is cancelled at any time prior to the expiration of an employee's employment contract covered by the bond, guaranty, or escrow deposit, will be subject to sanctions provided for in the Nonresident Wroker's Act and immediate cancellation of all permits issued to that employer.
- f. ISSUANCE OF CERTIFICATE. Upon certification by the Director of Labor or his designee that the bond is acceptable, the Director of the Division of Labor or his designee shall issue

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a labor identification certificate and forward the certificate to the Division of Immigration within fifteen (15) working days.

2. <u>RENEWAL OF LABOR CERTIFICATES.</u>

a. **PROCEDURES AND REQUIREMENTS.**

- 1) Payment of nonrefundable and nontransferrable application fee.
- 2) DOL Form 88-007 (Application for Renewal of Labor Certificate);
- 3) Labor Identification Certificate (Work Permit) and Entry Permit;
- 4) Proof of physical examination within forty-five (45) days prior to expiration of the existing work certificate;
- 5) Police Clearance showing the employee has not been convicted of a crime carrying a penalty of one (1) year or more in prison;
- 6) Proof of Employee's Payroll, Employer's Quarterly Withholding Return and Employer's Gross Revenue Tax Returns (most recent four quarters) or in the case of an individual employer, the most recent CNMI Income Tax return;
- 7) Form of Conditional Waiver (Certification by the Director of Employment Services that there are no nonresident workers available to fill the job vacancy.
- 8) Affidavit of nonresident worker waiving any or all claims arising from the previous period of employment.
- b. All renewal applications and supporting documents to be submitted with the application must be filed with the Division of Labor at least fifteen (15) calendar days prior to the expiration of the labor identification certificate. Applications filed within fourteen (14) or days or less of the expiration of the permit will be assessed a filing penalty of fifty dollars (\$50.00) for each day beyond the fifteen (15) day filing deadline.
- c. Any renewal applications with supporting documents filed with the Division of Labor after the expiration of the nonresident

worker's current labor certificate shall be denied.

- d. No application for any renewal shall be permitted if the employer has not complied with the provisions of an employment agreement of any nonresident worker under their employment.
- e. As a precondition of renewal, the nonresident worker must waive any or all claims against the renewing employer which may have arisen during the previous period of employment.

3. OTHER PROVISIONS AND REQUIREMENTS.

- a. Incomplete applications shall not be accepted. If during the review process the supporting documents of the application are not in compliance with all legal requirements, the employer applicant shall be contacted by phone or notified in writing to correct the deficiency. Failure to correct the deficiency within ten (10) days or within the time prescribed by the Director of Labor or his designee shall be a basis for the denial of the application.
- b. The identification certificate shall be issued for a period not to exceed one (1) year, provided that the Director may, at his discretion, authorize the issuance of certificates for more than one year.
- c. An employer whose contract with a nonresident worker is to take effect upon the worker's departure from the point of hire may have the expiration date of the worker's identification certificate extended to a date one (1) year from the date of arrival in the Commonwealth. The date shall be extended by the Director of Labor or his designee upon presentation by the employer of (1) approved employment contract and employer's agreement (2) the worker's identification certificate, and (3) Division of Immigration Form I-958 (Immigration Arrival and Departure).
- d. In the case of renewals, the period may be extended one year from the expiration of the prior identification certificate.
- e. An identification certificate shall be returned by the employer to the Division of Labor upon its expiration. It may be cancelled by the Division of Labor for refusal by the employer or employee to comply with the labor laws, rules or regulations of the Commonwealth. It is issued in conjunction with an entry

permit from the Immigration Office for the same period.

- f. Nonresident workers may enter the Commonwealth to work only if they have a valid identification certificate, entry permit, and certificate of freedom from communicable disease, executed and validated not more than thirty (30) days preceding the date of entry into the Commonwealth by a physician licensed to practice medicine in the country of origin.
- g. If a nonresident worker fails to enter the Commonwealth after ninety (90) days from the date of issuance of the identification certificate, the identification certificate shall be void.
- h. Within ten (10) days after authorized entry into the Commonwealth for employment, the nonresident worker shall present himself or herself, together with all accompanying family members, to the Department of Public Health and Environmental Services for a physical examination.
 Examinations conducted by private health care providers will not be accepted in lieu of examination by the Department of Public Health. The cost of physical examinations shall be borne by the employer or as provided in the employment contract.
- i. Any employers who are determined by the Director of Labor or his designee to be unable to meet forecasted financial obligations to employees shall result in the denial of all pending applications.

4. <u>MINIMUM FINANCIAL REQUIREMENTS FOR NON-BUSINESS</u> <u>EMPLOYERS.</u>

a. Non-business employers are defined as those employers who may employ nonresident workers, but have not obtained a business license. Nonresident workers employed by non-business employers include, but are not limited to the following job classifications: farmers for subsistence farming and domestice helpers.

b. Non-business employers must meet the following minimum financial guidelines:

No. of persons in household		Gross Monthly Income
1		\$1,583
2		\$2,083

3	••••••	\$2,583
4		\$3,083
5		\$3,583

For every additional person living in the household, add another \$500 to the minimum amount required.

c. Any non-business employers failing to meet the financial minimum guidelines stated in these regulations shall be denied approval of any permits submitted to the Division of Labor.

d. Any persons in the household who wish to have their income considered for purposes of meeting the minimum financial guidelines must execute the nonresident worker's employment agreement and become an a co-employer of record or execute an affidavit assuming joint and several liability of any claims brought about by the nonresident worker arising from the period of the employment.

III. CONDITIONS OF EMPLOYMENT.

- A. <u>Possession of Identification Certificate</u>. Nonresident workers shall keep on their person at all times their identification certificates during working hours. Failure to do so shall constitute a violation and subject the nonresident worker and/or employer to sanctions or penalties provided for in the Nonresident Workers Act or these regulations.
- B. <u>Workplace Conditions.</u> Every employer shall furnish and ensure the use of such safety devices and safeguards and shall adopt and use such means and practices as are reasonably adequate to render safe the employment and place of employment of all employees. The employer shall not require the worker to work hours which are excessive so as to be damaging to the worker's mental or physical health. The employer shall provide an adequate supply of drinking water and sufficient and sanitary toilet facilities at the worksite or reasonable access thereto.

C. <u>Deductions.</u>

1. MAXIMUM DEDUCTIONS FOR FOOD AND HOUSING. The maximum deduction to be made from the wages of a nonresident worker for food and housing shall be \$100.00 per monthly for food and \$100.00 per month for housing, **provided**: the nonresident worker voluntarily elects to accept food and housing provided by the employer; in writing, in the official language of the point of recruitment, and with the option to withdraw from employer-provided food and housing upon one month's written notice to the employer. Food and housing deductions which do not comply with the provisions of this regulation shall be presumed to be unlawful deductions. No deductions for food and housing shall be made from the wages of nonresident workers earning less than the minimum wage.

2. NON-OVERTIME WORKWEEK DEDUCTIONS. Deductions from the nonresident worker's wages during a nonovertime workweek are allowed so long as the nonresident worker's hourly wage does not fall below the statutory minimum wage during that workweek as specified in subsection 4, *infra*.

3. OVERTIME WORKWEEK DEDUCTIONS. Deductions from the nonresident worker's wages during an overtime workweek are not allowed, except as specified in subsection 4.

4. AUTHORIZED DEDUCTIONS. The following class of deductions made from a nonresident worker's wages are legal deductions:

- i. CNMI taxes;
- ii. Social Security;
- iii. cost for room and food pursuant to the guidelines of subsection 1;
- iv. medical insurance premiums.
- D. <u>Return of Identification Certificate.</u> Just prior to a nonresident worker's termination and departure from the Commonwealth, the nonresident worker shall surrender the identification certificate over to the employer who shall then return it to the Division within ten (10) days of the worker's departure. An employer failing to secure a worker's identification certificate prior to the worker's termination and departure shall give written notice to the Division of the worker's name and identification certificate number within ten (10) days of the worker's departure.
- E. <u>Notice of Termination for Cause</u>. If a nonresident worker is terminated by an employer for cause before the end of the worker's contract, the employer shall give written notice to the worker and to the Division at least ten (10) days prior to the worker's expected departure from the Commonwealth. The notice shall state the name and identification certificate number of the worker, the reasons for

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termination and the expected departure from the Commonwealth. The worker's identification certificate shall be attached to the notice to the Division. The worker may choose to accept termination and to depart immediately, subject to any legal action taken against such worker.

- F. <u>Review of Termination Notice.</u> Upon receipt of a written termination notice, the Director of Labor or his designee shall immediately review the reasons for termination. If the Director of Labor or his designee finds that there is a question as to whether the employer has complied with relevant contractual provisions in terminating the worker or if the terminated worker files a grievance with the Division regarding the termination, the Director of Labor or his designee shall immediately initiate an investigation.
- G. <u>Re-entry After Early Termination</u>. Nonresident workers sent home for violating or prematurely terminating their contractual agreement without cause shall not be allowed to return to work in the Commonwealth for a minimum of one (1) year,
- H. <u>Living Conditions.</u> Nonagricultural employer shall be responsible for meeting the following conditions where the employer provides housing to workers, where the employer controls the occupancy of the housing, and where the workers use the facilities of the housing in common.
 - 1. <u>Site of Housing.</u>
 - a) Grounds around worker housing shall be adequately drained to prevent flooding, collection of waste water, and mosquito breeding.
 - b) Grounds around worker housing shall be maintained in a clean and sanitary condition, free of rubbish, debris, waste paper, garbage, and other refuse. Occupants of worker housing are responsible for assisting in this responsibility to the degree that they generate such refuse.
 - c) Whenever worker housing is closed between projects or on a permanent basis, the employer shall insure that all garbage, waste and other refuse that would cause a nuisance is collected and disposed of and that the grounds and housing are left in clean and sanitary condition.
 - 2. <u>Shelter.</u>

- a) Worker housing shall be constructed in a manner which will provide protection against the elements, including wind, rain and flood, and fire.
- b) Each room for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided. Employers whose facilities were constructed and occupied by workers prior to the effective date of this paragraph shall have ninety (90) days to comply. Extension may be granted for an additional ninety (90) days or less for good cause.
- c) Separate bedding, which may include bunks, shall be provided for each occupant:
 - Spacing of single bedding shall not be closer than 36" both side-to-side and end-to-end.
 - ii) Elevation of single bedding shall be at least 12" from the floor.
- d) Where workers cook, live, and sleep in a single room, a minimum of 100 square feet per person shall be provided.
- e) Natural ventilation consisting of openable windows shall be provided, the area of which shall not be less than 1/4 the floor area of the living quarters. In lieu of natural ventilation, mechanical ventilation shall provide at least 15 cubic feet of fresh air per person per minute.
- f) All exterior openings shall be screened with at least 16mesh per inch material.
- g) Each room in the housing shall be provided with adequate lighting.
- h) An adequate and convenient water supply shall be provided for drinking, cooking, bathing, and laundry purposes.
- 3. <u>Toilet Facilities.</u>
 - a) The number of sit down toilets to be provided shall be no less than one per fifteen (15) persons. Where there are ten (10) or more persons of different sex using the toilet

facility, separate toilet facilities, appropriately identified, shall be provided for each sex.

- b) Toilet facilities shall be located within 200 feet of the sleeping quarters. No toilet facility shall be located in a room used for other than toilet purposes.
- c) Natural ventilation consisting of openable windows or other openings shall be provided, the area of which shall not be less than 1/10 of the floor area of the toilet facility. In lieu of natural ventilation, mechanical ventilation capable of exhausting at least 2 cubic feet per minute per foot of floor area may be provided.
- d) All outside openings shall be screened with at least 16mesh per inch material.
- e) Toilet facilities shall be of sanitary and easily cleanable construction and shall be maintained in sanitary condition by the individual using the facilities or by the employer.
- f) Toilet facilities shall have adequate lighting.
- g) An adequate supply of toilet paper in housing for more than four (4) persons shall be assured by the employer.
- h) Access to toilet facilities shall not intrude upon private sleeping quarters.

4. Laundry, Handwashing and Bathing Facilities.

- a) Sanitary laundry, handwashing and bathing facilities shall be provided in the following ratio:
 - i) One laundry tub per every fifteen (15) or less persons or an equivalent laundry alternative.
 - ii) One handwash basin per family or per six (6) or less persons.
 - iii) One shower head for every ten (10) or less persons.
- b) Facilities shall be of sanitary and easily cleanable construction and shall be maintained by individuals using the facilities, or by the employer. Floors shall be of a

smooth, but not slippery, surface.

- 5. <u>Sewage and Refuse Disposal.</u>
 - a) Where public sewers are available, all sewer lines and floor and sink drains from toilet, laundry, handwashing, bathing, or kitchen facilities shall be connected thereto. Septic tanks shall be installed or constructed where public sewers are not available.
 - b) Garbage shall be stored in disposable or cleanable containers that are secured from flies, rodents, other vermin, and water. Containers shall be kept clean. Containers shall be emptied not less than twice a week.

6. Food Storage, Kitchen and Eating Facilities.

- a) Cooking facilities are to be provided wherever workers are provided common living quarters.
- b) Cooking facilities shall be in an enclosed and screened shelter.
- c) Food shall be stored safe from contamination by water, dirt, poisonous substances, rats, flies, or other vermin.
- d) Refrigeration facilities shall be provided for storage of perishable food.
- e) Facilities shall be adequate for insuring sanitary maintenance of eating and cooking utensils.

7. <u>Health Measures.</u>

- a) Adequate first aid supplies shall be available at the living site for the emergency treatment of injured persons.
- b) The employer shall report to the Division of Health Services the name and address of any nonresident worker known to have or suspected of having a communicable disease.
- c) The employer shall report to the Division of Health Services any cause of food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom.

- I. <u>Record Maintenance.</u> The employer shall keep the following records for presentation upon demand by the Secretary of the Department of Labor and Immigration or his designee, or the Director of Labor or his designee:
 - 1. The name, address, age, legal residence, citizenship, point of hire, work permit expiration date, job classification, and wage rate of each nonresident worker.
 - 2. Payroll records in the form of timecards or an acceptable method of accounting, showing the number of hours worked each day, each week, the compensation earned, and deductions made for each nonresident and resident employee.
 - 3. The number of employment related accidents involving workers, the name of any injured worker, the type of injuries, the treatment, the outcome of treatment, the worker's subsequent employment status, the amount of time lost from work, and whether hospitalization was required.
 - 4. The number of illnesses of nonresident workers, the names of such workers, the types of illness, the treatment, the outcome of treatment, the worker's subsequent employment status, the amount of time lost of work, and whether hospitalization was required.

IV. LABOR COMPLAINTS.

- A. <u>Filing of Complaint.</u> Any employer or nonresident worker may file a complaint with the Division of Labor regarding violation of any provision of the Nonresident Worker's Act, the rules and regulations promulgated herein, or breach of any provision of the employer's agreement or employment contract within a reasonable time after the violation or breach of contract has occurred.
- B. <u>Form of Complaint</u>. The complaint shall be in writing and signed by the complainant, and shall contain the following:
 - 1. The caption setting forth the name of the Division of Labor;
 - 2. The names and mailing addresses of the parties;
 - 3. The specific allegations of violations of each individual complainant and the time frame of the violations;

- 4. The relief requested or demanded.
- C. <u>Appearance of the Complainant.</u> Each individual complainant must personally appear before the Director of Labor or his designee to be interviewed. The complainant must present documents of identification and supporting documents regarding the factual basis of the allegations contained in the complaint.
- D. <u>Filing Fee.</u> The complaint shall be accompanied with a filing fee of Twenty Dollars (\$20.00). Indigent complainant may file in In Forma Pauperis.
- E. <u>Service of Complaint.</u> Immediately upon filing and no later than five (5) days after the filing of the complaint, the complainant shall serve a copy of the complaint to the respondent. Within two (2) days of the service of the complaint, the complainant shall file with the Division of Labor an affidavit or proof of such service. Failure to file an affidavit or proof of service shall not affect the validity of the service.
 - 1. Personal service of complaint, notice, or order shall be made anywhere within the territory limits of the Commonwealth of the Northern Mariana Islands.

2. Service by mail will constitute adequate service of process where

the complaint, notice, or order is mailed to the last known mailing address of the party by Certified Mail.

F. The respondent, within ten (10) calendar days upon receiving the complaint, shall file a written answer with the Division of Labor and serve such answer to the complainant or his counsel or representative.

V. <u>ENFORCEMENT.</u>

- A. <u>Compliance Monitoring.</u> The Director of Labor or his designee shall conduct inspections as he deems necessary to monitor compliance with the Nonresident Worker's Act, or the Rules and Regulations promulgated herein, or the employment agreement or contract entered into by the employer or the nonresident worker, or conditions or practices, or housing conditions of the nonresident worker.
- B. <u>Investigation</u>. The Director of Labor or his designee shall immediately conduct an investigation upon the receipt of any complaint as he deems appropriate and necessary to enforce the Act, or the rules and

regulations promulgated herein, or the employment agreement, or the employment contract entered into by the employer or the nonresident worker, or housing conditions of the nonresident workers.

- C. <u>Entry.</u> In connection with any compliance monitoring or any investigation of a complaint, the Director of Labor or his designee shall have the authority to enter and inspect any worksite or housing of any nonresident worker, question or interview any employer, nonresident worker or any other person, review or check any documents or records, including making a copy of such documents or records, relative to the employment status of the nonresident worker to determine whether any provision of the Act or the rules and regulations has been violated, or whether any provision of the employment agreement or employment contract has been breached.
- D. <u>Inspection or Investigation.</u> If upon an inspection for purposes of compliance monitoring or investigation of the complaint, the Director of Labor finds any provision of the Act or the rules and regulations promulgated herein has been violated or any provision with the employment agreement or contract has been breached, he shall within ten (10) days either:
 - 1. Issue a warning to the responsible party to correct the violation or the breach. If the warning to correct the violation or breach has not been complied within ten (10) days, the agency shall immediately issue an notice of violation and conduct a hearing; or
 - 2. Issue a notice of violation and conduct a hearing pursuant to §9109 of Title 1 of CMC.
 - 3. If no violation is found, the Director of Labor shall issue a report to that effect.

VI. ADMINISTRATIVE HEARING.

- A. <u>Petition for Hearing</u>. Any party aggrieved by a finding of determination of the Director of Labor or his designee may petition hearing with the Hearing Officer within fifteen (15) days of the issuance of such finding and determination. If no petition is filed within the fifteen (15) days, such finding or determination shall be unreviewable administratively.
- B. <u>Form of Petition.</u> The petition shall be typewritten and signed by the petitioner or appellant or his counsel.
 - a. Filing Fee. The appeal or petition shall be accompanied with

a filing fee of Twenty-Five Dollars (\$25.00).

- b. Failure to pay the required fee pursuant to the rules and regulations would constitute a non-filing of the appeal or petition and subject the matter to immediate dismissal.
- C. <u>Service of Appeal or Petition.</u> Immediately upon filing and no later than five (5) days after the filing of the appeal or petition for a hearing, the appellant or petitioner shall serve a copy of the appeal or petition to the appellee. Within two (2) days of the service of the appeal or petition, the appellant or petitioner shall file with the agency an affidavit or proof of such service. Failure to file an affidavit or proof of service shall not affect the validity of the service.
- D. <u>Hearing Officer</u>. The Secretary of the Department of Labor and Immigration shall serve as Hearing Officer or shall appoint a person or persons as Hearing Officer(s) who are deemed competent, impartial, and familiar with the administrative hearing processes.
- E. <u>Notice of Hearing.</u> The notice of hearing shall set the date, time, and place of the hearing, the nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held, the particular sections of the statutes or codes and the regulations involved, and the matters asserted. Further, the notice must also include the names of all parties and other persons to whom notice is being given by the hearing officer, and the official file or other reference number given to a particular labor case. The hearing officer shall conduct the hearing within fifteen (15) days from the issuance of the notice of hearing.
- F. <u>Hearing: Procedure and Conduct.</u>
 - 1. The hearing officer shall regulate the course of the proceedings in conformity with 1 CMC Section 9109 and Section 9110.
 - 2. To the extent necessary for a full disclosure of all revelent facts and issues, the hearing officer shall afford to all parties the opportunity to respond, conduct direct or cross-examination, and submit rebuttal evidence, except as restricted by the hearing officer.
 - 3. The hearing officer may give nonparties an opportunity to present oral or written statements. If the hearing officer proposes to consider a statement by a nonparty, the hearing officer shall allow all parties an opportunity to rebut or challenge it and, on motion of any party, the hearing officer shall require the statement to be given under oath or affirmation.

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- 4. The hearing officer shall cause the hearing to be recorded at the agency's expense. The agency is not required at its expense to prepare a transcript unless required to do so by provision of law of the Commonwealth. Any party, at the party's expense, may cause a person approved by the hearing officer to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption.
- 5. The hearing is open to the public's observation, except for the parts that the hearing officer states to be closed, pursuant to a provision of law expressly authorizing closure.
- 6. The hearing officer may dispose a contested case by stipulation, consent, order, or default unless precluded by law.
- 7. A party or any other person may be represented in the hearing by counsel of his or her own choosing and expense.
- 8. The hearing officer may cause the appearance or attendance of any person at the hearing pursuant to a properly executed subpoena(s). The Director of Labor may also cause the production of evidence or data within a reasonable time under penalty of contempt for failure to comply. For such failure, the Director of Labor may impose a monetary fine upon the failing party, as provided for in the Nonresident Workers Act.
- 9. Transfer Relief. The following criterion shall be grounds for the granting of transfer relief by a hearing officer upon the conclusion of an administrative hearing:
 - a. The employer has abandoned his employees and fled the jurisdiction of the Commonwealth;
 - b. The employer has been declared insolvent or has filed a petition for relief under applicable bankruptcy laws;
 - c. The employer's business establishment has been destroyed by natural disaster, fire, or other acts of Gods;
 - d. The relief available upon the conclusion of a 3 CMC § 4444 (a) (2-3) administrative hearing provided the employee was not equally in the wrong concerning the matters which gave rise to the filing of the labor complaint.

- 10. Transfer Relief. The following criterion shall be grounds for the Granting of Transfer Relief by the Director of Labor:
 - a. The bona fide merger, acquisition, reorganization, or incorporation of a valid business entity. A request for such transfer relief must include:
 - A statement of intent to <u>reorganize</u>, <u>merge</u>, <u>incorporate</u>, or <u>acquire</u> and justifications for doing so by the business entity seeking to transfer its employees;
 - Transfer Reliefs sought under "acquisition", submit a copy of an executed document showing that an acquisition had taken place between the affected entities;
 - iii) **Copy of complete, updated corporate files** of affected entities as recorded at the Registrar of Corporations;
 - iv) **Copy of business license** of affected entities as issued by the Business Licensing Section of the Department of Commerce;
 - v) An affidavit signed under penalty of perjury by the employer of record naming all the nonresident workers affected by the reorganization; releasing each of them of any obligations under the existing employment contract and consenting to the transfer to the new employer;
 - vi) Affidavits signed under penalty of perjury by the affected nonresident workers stating that he or she voluntarily consents to the transfer and that the employer of record has met all the terms and conditions of the existing employment contract, including payment of all wages and benefits owed to him or her up to the date of the actual transfer. Additionally, they must state that they have neither filed nor intend to file a labor complaint against their employer of record;
 - vii) An affidavit signed under penalty of perjury by the head of the business entity seeking transfer

relief stating that the job category of record of each nonresident worker will be the same as with those with the new employer; and,

viii) A statement printed on the new employer's letterhead stationery of his intention to accept the terms and conditions of the existing employment contract for the duration of the contract. The new employer upon approval of the transfer shall execute the assumption of liability form with the Division.

An acquisition, merger, incorporation, or reorganization of a business entity may be subjected to a barracks inspection if the affected nonresident workers are to be relocated to living quarters which have not been inspected for compliance with the living accomodations specifications detailed in the Alien Labor Rules and Regulations.

All affidavits prepared by each of the affected nonresident workers must be signed before a Division of Labor official for it to be acceptable. This is to ensure the integrity of the transfer.

b. **RESERVED**

- 11. Upon conclusion of the hearing, the hearing officer shall issue findings and order within ten (10) days pursuant to §9110 of Title One of the Commonwealth Code.
- G. <u>Settlement.</u> A settlement agreement may be reached between the parties to a complaint during the investigation or hearing process. A record of such settlement specifying its conditions and signed by all parties shall be submitted to the Director of Labor and the hearing officer for review and approval. Within ten (10) days of receipt of the settlement agreement, the hearing officer shall give written notice to all parties of its acceptance or rejection by either the hearing officer or the Director of Labor, in part or in whole, specifying the reasons for rejection of any part.

H. ALIEN LABOR RULES OF PRACTICE AND PROCEDURE.

RESERVED

VII. FEE SCHEDULE.

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A. Application for and renewal of Labor Identification Certificate.

One Year - \$200

B. Penalty fee for filing of a renewal application for the period beginning fourteen (14) days prior to the expiration of the Labor Identification Certificate, including the date the application is submission-

\$50 per day

- C. Duplicate Labor Identification Certificate- \$40
- D. Copying Costs for a copy of any document in the custody of the Department of Labor and Immigration-

\$0.50 per page

E. Filing Fee of Labor Grievance or Complaint-

\$20

F. Filing Fee of Labor Appeal-

\$25

G. Transcript of Labor Hearing -

\$1.50 per page for original and \$.75 per page for each copy on 8 1/2 inch by 11 inch paper.

H. Short Term Extension of Work Permit-

\$10 per month or fraction thereof.

VIII. FORMS AND NOTICES. The Secretary of Labor and Immigration or his designee may, at any time, amend, modify, alter, or substitute any of the forms and notices under this section or waive the application thereof by written memorandum, when it is determined by the Secretary of Labor and Immigration that such waiver is necessary.

IX. SHORT TERM EXTENSION OF WORK PERMIT.

Short term extension of labor identification certificate may be issued for a period not to exceed ninety (90) days from the expiration of the current certificate. To acquire a short term extension, the employer must submit, at least five (5) days prior to the expiration of the certificate a letter requesting such extension, accompanied by the original certificate, accompanied by a nonrefundable application fee of Ten Dollars

(\$10) per month or fraction thereof.

X. <u>TEMPORARY WORK PERMIT</u>

- A. <u>GUIDELINES TO ISSUE A TEMPORARY WORK PERMIT.</u> Temporary Work Permit may be granted by the Director of Labor or his designee:
 - 1. Upon a showing by the nonresident worker of an unsuccessful good faith attempt with the Director to settle the dispute he or she has with the employer; or
 - 2. Upon a showing that the employer has abandoned its workers; abandonment for the purposes of this section is defined as one or more of the following:
 - a) the employer has failed or is unable to provide adequate housing; or
 - b) the employer has failed to provide full-time work for its workers as specified in the employment contract; or
 - c) the employer has failed to repatriate its workers as specified in the employment contract: or
 - d) the employer has closed business or has ceased operation and has failed to repatriate its workers; or
 - e) the employer has failed to pay the employee's wages for a month or more; or
 - f) the employer has refused to permit the employee to continue working and that the employee was not equally in the wrong on any matters which gave rise to the filing of the complaint; or
 - 3. Upon a showing that the employer has been declared insolvent by a court; or has filed for bankruptcy relief; or
 - 4. Upon a showing that the employer's business establishment has been destroyed by natural disaster, fire, or other acts of God; or
 - 5. Upon a showing that the employer has surrendered his business license to the Department of Commerce; or
 - 6. Upon a showing that the employee is a witness in a criminal case in the CNMI Superior Court; or

- 7. Upon a showing that there is an imminent danger to the health and safety of the employee and the employer is unable to cure the defect or remove all the health and safety risks immediately or within a reasonable time depending on the seriousness of the risk; or
- 8. Upon a showing that illegal deductions from wages were made and that the employer refuses to take immediate corrective action; or
- 9. Upon showing that the nonresident worker has filed a claim with the appropriate Federal agency or court which could otherwise be filed with the Division of Labor.
- 10. Upon a showing that the issuance of such Temporary Work Permit is equitable and in the best interests of the parties.

B. PROCEDURE FOR ISSUANCE OF TEMPORARY WORK PERMIT

- 1. The nonresident worker will see the case investigator in charge of his or her case and request a Temporary Work Permit.
- 2. The case investigator will prepare an authorization form, which must be cleared by the supervisor, and give the nonresident worker a TWA requirement form to give to the potential employer.
- 3. The employer who will hire the nonresident worker under a new Temporary Work Permit must appear at the Division of Labor with the nonresident worker and must submit the following documents:
 - a) Application for Temporary Work Authorization;
 - b) Proof of Availability of Project or an approved service contract agreement covering a minimum period of three (3) months;
 - c) Copy of current Business License;
 - d) Living Quarters Clearance or a waiver from the employee;
 - e) Statements of Compliance with 2 CMC 4 §4436(e) (re: resident workers) (20%), §4434(h) (re: waitresses) if applicable, and §4436(c) (status of workers for the last four (4) years from the date of application);
 - f) Copy of most recent Business Gross Tax Report (BGR) and Quarterly Tax Withholding;

- g) Surety Bond for the Period of the Temporary Work Authorization (to be submitted after request is approved);
- h) Copy of Work Permit/Registered Alien Card/Entry Permit;
- i) Copy of employment contract with original employer;
- j) Employment contract with prospective employer (original);
- k) Employers Agreement (original);
- m) Certificate of Employment (original stationary or letterhead);
- n) Police Clearance (original);
- q) Bank Certification (proof of financial ability);
- r) Directional map to business facility for new businesses;
- s) Any other information and/or documents as requested.
- 4. The employer who will renew the nonresident worker under a Temporary Work Permit must submit the following documents:
 - a) Application for Temporary Work Authorization;
 - b) Copy of the Bi-Weekly pay slips/check stub, showing earning and deductions;
 - c) Proof of payment to the Department of Revenue and Taxation of the required tax deduction (monthly tax form 500);
 - d) Surety Bond over the renewal period; and
 - e) Any other information and/or documents as requested.
- 5. Upon submission of the required documents, the Director of Labor or his designee will review the application, and may issue a Temporary Work Permit within thirty (30) days of submission of the application.
- 6. The Temporary Work Permit may be valid for a period of up to ninety (90) days, as determined by the scheduled administrative hearing date and other circumstances deemed by the Director as necessary to be accommodated.

C. CONDITIONS FOR APPROVAL OF A TEMPORARY WORK PERMIT

- 1. No Temporary Work Permit will be issued to an employer who has a pending labor case filed at the Division of Labor except:
 - a) In cases where the employee has abandoned his or her employment;
 - b) The Director has determined that the complaint is frivolous.
- 2. All conditions set forth in the original employment contract must remain the same, e.g. job classification, salary, housing, food. On a case-by-case basis, the Director of Labor may modify the employment contract for the purposes of issuance of the Temporary Work Permit upon determination by the Director of Labor:
 - a) That no positions are available in the job classification set forth in the original employment contract; and
 - i) The employee qualifies for the new job classification; and
 - The job duties under the new job classification are closely related to the duties under the original job classification as defined by the Dictionary of Occupational Titles; or
 - b) That the former employer or his representative misrepresented the job classification offered in the employment contract to the nonresident worker at the point of hire; or
 - c) That a modification would be in the best interests of the Commonwealth.
- 3. The employer must assume all liabilities for the nonresident worker for the effective period of the Temporary Work Permit, except costs for repatriation. These liabilities include, but are not limited to:
 - 1. Reasonable or approved housing expenses;
 - 2. Food expenses, if applicable; and
 - 3. Medical expenses.

4. Nonresident workers eligible for Temporary Work Authorization, but are unable to find an employer within ten (10) days after the determination of elibility, must register with the Division of Employment Services for job placement. Nonresident Workers eligible for Temporary Work Authorization will be given secondary preference in hiring where the Division of Employment Services determines that no resident workers are not available to fill the job vacancies.

Nonresident workers eligible for Temporary Work Authorization who fail to register with Employment Services within the time prescribed will be ineligible to obtain a Temporary Work Authorization on any future requests.

- XI. <u>DELEGATION OF AUTHORITY.</u> The Secretary of the Department of Labor and Immigration hereby delegates his authority under Public Law 3-66, as amended, to the Director of Labor and the Administrative Hearing Officers. Written delegation of authority previously issued shall remain in force and effect until rescinded, altered or modified as circumstances require.
- XII. <u>SEVERABILITY</u>. If any provision of these rules and regulations, or the application of such rules and regulations to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of such rules and regulations, or the application of such regulations to person or circumstance other than those to which it is held invalid, shall not be affected thereby.

BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDED POLICY

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

The policy involves the following subject area:

1. Amend. PSPSRR 4207 "Acting" Assignment

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

December 12, 1995 Chairman, Board of Education Filed By:

Filed By:

Donna Cruź.

Soledad B. Sasamoto Registrar of Corporations

AKONSEHERON EDUKASION

NUTISIA POT I MANMAPRUPOPONE NA AMENDASION GI ALEKGRAMENTO

I Akonseheron Idukasion i notte Marianas, ha emfofotma i pupblekon hinirat pot i entension-ña na para u fanadapta manmaproponi na areklamento. I nuebo na amendasion areklamento u gai fuetsa taiguihi ha' i lai ni macho'gue sigun gi aoturidat i <u>Education Act of 1988</u> yan i Akton Idukasion i 1988 yan i Akton Areklamenton Atmenestrasion.

I areklamento ha kukubre i sigente na patte siha:

1. Ma'amenda PSPSRR 4207 "Kuentan" malasikna

I entension i manmapruponen amendasion na areklamento siempre u fanmapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas rikumendasion pot este siha na areklamento, siña ha tuge' papa' sinente-ña ya u na'halom gi Ge'hilo', Akenseherm Idukusion, <u>P.O. Box 1370 CK, Saipan, MP 96950</u> gi halom trenta (30) dihas despues di mapupblika huyong este na nutisia gi <u>Commonwealth Register</u>.

Decembre 12, 1995

Ge'hilo', Akenseherin Idukusion

Inarekla As:

Donna Cruz, Governor's Office

Inarekla As:

Soledad B. Sasamoto Registrar of Corporations

BOARD OF EDUCATION

Arongorong Reel Fféérúl Allégh

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

Llól allégh yeel nge e bwal toolong ffél iye faal:

1. Liiwelil PSPSRR 4207 <u>"Acting" Assignment</u>

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

Disembre 12 *'*1995 Da ona Chairman, Board of Education

Ivo E File-li: Donna Cruz, Governor's

Iyo E File-li:

112/15

Soledad B. Sasamoto Registrar of Corporations

PSPSRR 4207 "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 his position. Whenever the acting assignment exceeds ninety (90) thirty (30) days, the employee shall be temporarily promoted if he/she meets the qualification standards of the position. If the acting assignment exceeds ninety (90) thirty (30) days and the employee does not meet the qualification standards of the position, the employee may be temporarily promoted standards of the position, the employee may be temporarily promoted to an intermediate grade if one exists and he/she meets the qualification requirements, or if the employee does not meet the qualification standards of either the target grade or the intermediate grade, he/she shall be compensated with two (2) steps in his/her current pay level, but may not exceed the maximum step.



BOARD OF PROFESSIONAL LICENSING Commonwealth of the Northern Mariana Islands P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897 Fax No.: (670) 234-6040

PUBLIC NOTICE OF PROPOSED AMENDMENTS **TO THE REGULATIONS FOR** ENGINEERS, ARCHITECTS, LAND SURVEYORS, & LANDSCAPE ARCHITECTS

The Board of Professional Licensing, hereby gives notice to the general public that it has approved the proposed amendments to the Regulations for Engineers, Architects, Land Surveyors, and Landscape Architects pursuant to its authority under 4 CMC, Div. 3.

The purpose of these amendments is to give more detail information on this particular portion of the regulations so as to provide effective administration of 4 CMC Div. 3, and the regulations, and for other purposes.

The Board is soliciting comments and recommendations regarding these proposed amendments which must be received by the Board within 30 days of first publiction of this notice.

Copies of these proposed amendments may be obtained at the Board of Professional Licensing Office on the 2nd floor of the Island Commercial Center, Middle Road, Gualo Rai, Saipan.

Dated this 12th day of Alecember, 1995.

Hearing & Human Francisco Q. Guerrero Chairman

FiledBv

Soledad B. Sasamoto **Registrar of Corporations**

Received By:

Donna J 2ruz Governor's Office

 $\frac{13/17/95}{\text{Date}} = \frac{1.15}{1.15} \text{p.m.}$

195 1:10 pm

NUTISIAN PUPBLEKO PUT I MAPROPONI NA AMENDASION PARA I AREKLAMENTON PUT ENYINERIA, ATKETEKTO, AGRAMENSOT TANO' YAN ATKETEKTON HATDINERU

I AKONSEHERON i Manlisensian Prufesionat, mannana'i nutisia para i hinirat pupbleko na ha aprueba i mapruponi na Areklamento put enyineria, atketekto, agramensot tano' yan atketekton hatdineru sigun gi papa' aoturidat 4CMC, Dib. 3.

I ginagagao este na amendasion i para u fanna'i mas emfotmasion put pattekulat patte gi areklamento asi komo para u na'guaha ifektibu na atmenestrasion i 4CMC Dib. 3 yan i areklamento yan ottro ginagao siha.

Manggagagao i akonsiheru ayudu yan rikumendasion put este i maproponi na amendasion ya u marisibi gi halom trenta (30) dihas desde i mapupbleka-ña este na nutisia.

Siña machule' kopian este na amendasion gi ufisinan i Akonseheron Manlisensian Prufesionat gi sigundo bibenda i Island Commercial Center, Chalan Pale' Arnold giya Gualo' Rai, Saipan.

Mafecha gi <u>Dese</u> diha gi <u>Decembre</u>, 1995.

Francico Q. Guerrero

Francisco Q.' Guerrero Ge'hilo'

Inarekla As:

Soledad B. Sasamoto Rihistran Kotperasion

Rinisibi As: Cruz

Ufisinan Gubetno

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12

DECEMBER 15, 1995

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Schulappal Lisensiyal Engina, Garaminsood me Ischil Akkayúl Meeta Commonwealth of the Northern Mariana Islands P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897 Fax No.: (670) 234-6040

Arongoronngol Towlap Reel Silwel kka Re Amallátá Ngeli Alléghil Engina, Schóól Fféér Tillighil Reel Ululul Meeta, Garaminsood, Ischil Akkáyúl Meeta

Schulappal Lisensiyal Aramas kka weiláng e kke arongóór towlap bwe aa bwungiw fengelli siiwel kka re amallátá reel alléghli Engina, Schóól Fféér Tillighil Reel Ululul Meeta, Garaminsood, Ischil Akkáyúl Meeta ye tooto mereel 4 CMC. Div. 3.

Bwulut silwet kkaat nge ebwe ngallet maas aweewe me ftél llót allégh kkaat bwe ebwe aghatchúló mwóghuttughuttul schulap yeel ye e lo llót 4 CMC Div. 3 me bwat akkáw aweewe.

Schulap yeel e kke tingóór ngell towlap bwe rebwe iselillong meeta meflyeer liól illigh ráál igha schagh e toowow arongorong yeel.

Schéél arongorong yeel nge emmwel aubwe bwughi mereel Schulap yeel aruwowwal <u>bibenda</u> me Island Commerical Center, Middle Road, Gualo Rai, Saipan,

Francisco Q. Guerrero Chairman

Amwelaaló mereel:

Soledad B. Sasamoto Schóól Ischil Koporasion

Re bwughi reel:

Governor's Office

18 Átol

COMMONWEALTH REGISTER

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The Board of Professional Licensing pursuant to 4 CMC, Div. 3, hereby proposes to amend the regulations for Engineers. Architects, Land Surveyors, and Landscape Architects.

Amendments

4.4 <u>RENEWAL FEES</u>

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

15.2 <u>FEES</u>

4.

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(B) Failure of a registrant to renew <u>on or</u> before the <u>expiration</u> renewal date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired and <u>lapsed for more</u> <u>than one year</u> by failure to renew must file a new application and received Board approval for reinstatement.





GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES DEPARTMENT OF PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC SS2603(f) and 2605(j), provides that the Secretary of the Department of Public Health(DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC S9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By:	MAT The	12/13/95
	DR. ISAMU J. ABRAHAM	DATE
	SECRETARY Department of Public Health	
Filed By:	Remellis M. Ho Claca	12/13/95
de:	SÓLEDAD B. SASAMOTO	DATE
	Registrar of Corporations	()
Received By		12/13/95
	DONNA CRUZ, Governor's Office	΄ DATE
	U U	

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CHC 62-0448





GOVERNMENT OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PRINUPONI SIHA NA AMENDASION GI LISTAN APAS DIPATTAMENTON HINEMLO' PUBLIKU

I Tituilu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC s2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku, na para guiya u atministra todu fasilidat gobetno siha yan u enfuetsa todu areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numero 4, gi Abrit 15, 1995. Prisisu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumumple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC s9104. Kopia siha put i manma prupoponi na amendasion gi Listan Apas siha sina manmachuchule' gi Ufisinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokomento siha put i manma' prupoponi na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todu dokomento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth.

	The wing	12/12/01
Mas settefika nu as:		121120
	DR. ISAMU J. ABRAHAM	Fecha
	Sektretariu	
	Dipatamenton Publi Health	
Ma Rikot nu as:	Remedio In. Hollaca	12/13/2
h	SOLEDAD B. SASAMOTO	Fecha
0	Registrar of Corporation	
Received By:	A) ACu	12/13/95
	Donna Cruz, Gøvernor's Office	⁷ Fécha

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13916

CHC 62-0448

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DEPARTMENT OF PUBLIC HEALTH SERVICES COMMONWEALTH HEALTH CENTER AMENDMENTS TO THE SCHEDULE OF MEDICAL AND OTHER RELATED FEES 1995

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СРТ #	CPT SHORT DESCRIPTION	AN (in	MOUN US	
MEDI	C A L			
DELETED: 94050	INCENTIVE SPIROMETRY			40
CORRECTI	ON:			
	REMOVAL OF SUTURES UNDER ANESTHESIA. SAME SURGEON			48
	(correct fee from \$158 to \$48) THERAPEUTIC OR DIAGNOSTIC INJECTION; INTRA-ARTERIAL THERAPEUTIC OR DIAGNOSTIC INJECTION; INTRAVENOUS (correct fee from \$10 to \$19 & \$23 respectively)			19 23
ADDITION	S:			
21325	OPEN TREATMENT OF NASAL FRACTURE:UNCOMPLICATED			370
	PARTIAL EXCISION, PHALANX OF TOE			404
29590	DENIS-BROWNE SPLINT STRAPPING			49
36261	REVISION OF IMPLANTED INTRA-ARTERIAL INFUSION PUMP			350
	VENIPUNCTURE, CUTDOWN; UNDER AGE 1 YR.			72
	VENIPUNCTURE. CUTDOWN;AGE 1 OR OVER			39
	CANNULA DECLOTTING W/ BALLOON CATHETER			356
	RENAL BIOPSY BY SURGICAL EXPOSURE OF KIDNEY			865
	CATHETERIZATION, URETHRA; SIMPLE			34
61055	CISTERNAL OR LATERAL CERVICAL PUNCTURE; WITH INJECTION OF DRUG OR OTHER SUBSTANCE			189
62284	INJECTION OF DRUG OR OTHER SUBSTANCE INJECTION PROCEDURE FOR MYELOGRAPHY AND/OR COMPUTERIZED AXIAL TOMOGRAPHY, SPINAL			179
76512	OPTHALMIC ULTRASOUND; CONTACT B-SCAN			148
	OPTHALMIC BIOMETRY BY ULTRASOUND ECHOGRAPHY A-SCAN WITH INTRAOCULAR LENS POWER CALCULATION			121

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NOTICE OF ADOPTION OF AMENDMENT TO THE PERSONNEL SYSTEM RULES AND REGULATIONS FOR THE GOVERNMENT EMPLOYEES SICK LEAVE BANK

Having received no comments on the proposed amendment to the PSSR for the government employees sick leave bank, the Civil Service Commission hereby adopts the emergency amendment as published in the Commonwealth Register as emergency regulations on August 16, 1995.

The said regulations, as amended, take effect ten (10) days after this publication in the Commonwealth Register.

Dated this 13/4 day of December, 1995

Eugéné A. Santos Chairman Civil Service Commission

Received by:

Donna J. Cruz Governor's Office

Filed by:

Kemellis M. Hollaca

12/13/95

13/90

Date

Soledad B. Sasamoto **Register of Corporations**

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

Komu taya komento siha manma resibi put i ma proponi na amendasion gi Areklamento yan Regulasion Personnel Service System Siha ni ma pupblika gi halom i Rehistran Commonwealth gi Augusto 16, 1995, i Komision Setbision Sibit osino i Civil Service Commission ginen este na nutisia ha adapta i ma sagan na priniponen amendasion.

I ma adapta na regulasion para u efektibu dies (10) dias despues di fechan i ma pupblikan este na edision Rehistran Commonwealth.

Fecha: 12/13/95

Qu CA

EUGENE A. SANTOS Chairman, Civil Service Commission

Ma satmiti as:/ Fecha:______/3/95____

Remedies Mr. Hollacan

SOLEDAD B. SASAMOTO Rehistradot Kotporasion

Ma resibi as:// Fecha:<u>/2/13/95</u>

DONNA J. CRUZ

Ufinisinan Maga'lahi

ARONGORONGOL ADOPTION-UL LLIIWEL MELLO'L ALLE'GHU'L PERSONNEL SERVICE SYSTEM

Igha esoor mangemang me tiip kka e atotoolong reel lliiwelil owtol Alleghul Personnel Service System igha e toowow mellol Commonwealth Register Wool Agosto 16, 1995, nge Civil Service Commission sangi arongorong yeel aa adaptaali lliiwel kkaal.

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: 12/13

EUGÉNE A. SANTOS Chairman, Civil Service Commission

File-liiy Ral: 10

Β. SASAMOTO

Registrar of Corporation

DONNA J. CRUZ Bwulasiyool Gubenno

Aramas ye ebwughi: Ral: <u>12/13/95</u>

CERTIFICATION OF ADOPTION OF AMENDMENT TO THE PERSONNEL SYSTEM RULES AND REGULATIONS FOR THE GOVERNMENT EMPLOYEES SICK LEAVE BANK

I, Eugene A. Santos, Chairman of the Civil Service Commission, which is promulgating this amendment to the Sick Leave Bank Regulations as published in the Commonwealth Register on August 16, 1995, by signature below hereby certify that such Rules are true, complete and correct copy of the Rules as adopted by the Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the <u> 13^{24} </u> day of December, 1995, at Saipan, Commonwealth of the Northern Marianas.

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Eugéné A. Santos Chairman Civil Service Commission





OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

NOTICE OF ADOPTION OF THE AMENDMENTS TO THE SCHEDULE OF MEDICAL AND OTHER RELATED FEES DEPARTMENT OF PUBLIC HEALTH

The Secretary of the Department of Public Health(DPH) notifies the Public that DPH has adopted the amendments to the Schedule of Medical and Other Related Fees. The amendments to the Schedule of Medical and Other Related Services were published in the Commonwealth Register Volume 17, Number 11, dated November 15, 1995. The adoption is pursuant to Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC SS2605(j). Copies of the adopted amendments to the Schedule of Medical and Other Related Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of the Commonwealth Health Center.

12/13/95 DATE:

DR. ISAMU J. ABRAHAM SECRETARY Department of Public Health

Filed By: Kem

12/13/95 Willie Received by:

Ms. Donna Cra

A. Ms. Soledad Sasamoto Registrar of Corporations

Governor's Office

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13922

CHC 62-0448





GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE SCHEDULE OF MEDICAL AND OTHER RELATED FEES DEPARTMENT OF PUBLIC HEALTH

I, Dr. Isamu J. Abraham, am the Secretary of the Department of Public Health, the Department which is promulgating the Amendments to the Schedule of Medical and Other Related Fees, published in the Commonwealth Register on November 15, 1995 at pages 13816 to 13818. By signature below I hereby certify that the amendments published in the Commonwealth Register are a true, complete, and correct copy of the Amendments to the Schedule of Medical and Other Related Fees formally 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 Registrar of Corporations and the Office of the Governor to the Schedule of Medical and Other Related Fees as referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th of December, 1995 at Saipan, Commonwealth of the Northern Mariana Islands.

Signature: DR. ISAMU J. ABRAHAM SECRETARY DEPARTMENT OF PUBLIC HEALTH

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13923



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

NUTISIAN PUPBLIKU GI MA ADAPTA SIHA NA AMENDASION GI LISTAN APAS MEDIKU YAN OTRO SIHA NA APAS NI MAN APLIKAO DIPATTAMENTON HINEMLO PUPBLIKU

I SIKRITARION DIPATTAMENTON HINEMLO PUPBLIKU HA NUTITISIA I PUPLIKU NA MAN MA ADAPTA AYU SIHA I LISTAN APAS MEDIKU YAN OTRO SIHA NA APAS NI MAN APLIKAO NI MAN MA AMENDA, YAN ESTA MA PUPLIKA GI NOVEMBRE DIA 15, 1995, GI REHISTRAN COMMONWEALTH, VOLUME 17, NUMIRO 11.

I MA ADAPTAN-NIHA ESTE SIHA NA AMENDASION SIGUN GI TITULU I GI KODIKON COMMONWEALTH(CMC) DIBISION 2, KAPITULU 12, YAN PATIKULATMENTE I 1 CMC SS2605(J).

KOPIAN I MA ADAPTA SIHA NA AMENDASION NA LISTAN APAS MEDIKU YAN OTRO SIHA NA APAS NI MAN APLIKAO SINA MANMACHUCHULE GI UFISINAN I SIKRITARION HINEMLO PUPLIKU GI PRIMET BIBENDA GI CHC.

DATE:

DR. ISAMU J. ABRAHAM SECRETARY DEPARTMENT OF PUBLIC HEALTH SERVICES

FILED BY:

. MS. SOLEDAD SASAMOTO REGISTRAR OF CORPORATIONS

RECEIVED BY: MS. DONNA CAUZ GOVERNOR'S OFFICE

13/3/95 DATE:

DATE:

COMMONWEALTH REGISTER VOLUME 17 NUMBER 12 DECEMBER 15, 1995 PAGE 13924

CHC 62-0448

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