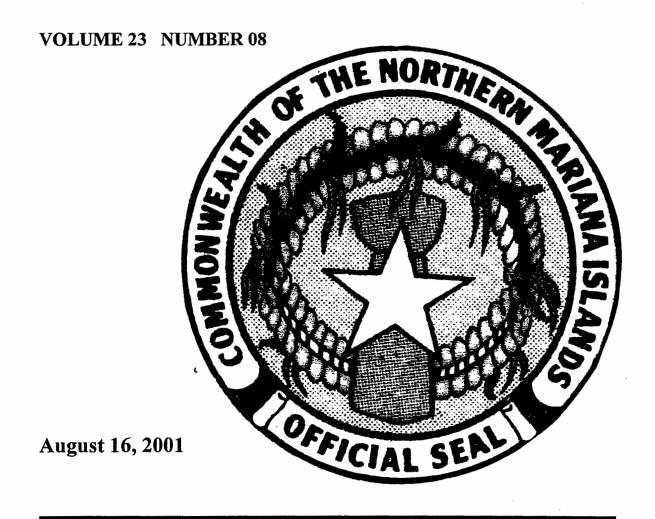
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS 96950



COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER

Volume 23 Number 08 August 16, 2001

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PUBLIC NOTICE

PROPOSED REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TELECOMMUNICATION COMMISSION

Pursuant to the authority granted the Telecommunication Commission by 4 CMC § 8301(PL 12-39) to promulgate rules and regulations regarding the Telecommunication industry in the Commonwealth. The Telecommunication Commission, acting through its Chairman and on its behalf is proposing these regulations as the initial regulations necessary for the commission to form, conduct business, set up a framework for the adjudication of complaints made by the public, requirements for the application for certification of public convenience as well as tariff request filings.

The proposed regulations may be inspected at, and copies obtained from, the Office of the Executive Director (Acting) located at the Telecommunication Commission Office currently located at the Office on the 2nd Floor Administration Building between the Governor's suite of Offices and the Office of the Attorney General. These proposed regulations are published in the Commonwealth Register. The Telecommunication Commission is soliciting comments on these proposed regulations from the general public.

Anyone interested in commenting on these proposed regulations may do so in writing addressed to the Commonwealth Telecommunication Commission Caller Box 10007; 2nd Floor Administration Building, Saipan, MP 96950. Written comments may also be delivered to the Telecommunication Commission office or faxed to (670) 664-2211. All comments must be received in 30 days from the date this notice is published in the Commonwealth Register.

The Telecommunication Commission intends to adopt these regulations.

Certified By:	Renons	July 03, 200	
	NORMAN TENORIO, CHAIRMAN	(D)ATE	
	Commonwealth Telecommunication		
	Commission	. /	
Filed By:	a symen	8/16/01	
•	SOLEDAD B. SASAMOTO	DATE	
	Registrar of Corporations	,	
Received by:	VIW	08/11/01	
	JOSE I. PELEON/GUERERRO	DATE	
	Special Assistant for Administration		
	Office of the Governor		

Pursuant to 1 CMC 2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this day of Jul

Atterney General

NUTISIAN PUPBLIKU

MAPROPOPONE SIHA NA REGULASION PARA COMMONWEALTH I SUMANGKATTAN SIHA NA ISLAS MARIANAS KUMISION TELECOMMUNICATION

Sigun i aturidat ni maentrega i Kumision Telecommunication ni 4 CMC § 8301 (Lai Pupbliku) para u famatinas areklamento yan regulasion put indastrian Telecommunication gi halom Commonwealth. I Kumision Telecommunication, entre i Chairman yaun enkuenta di guiya mapropopone este siha na regulasion komu primet na regulasion yan ni nisisariu i Kumision pa ru a fotma, kondukta bisnis, na guaha frame work para satbasion kumplen siha ginen pupbliku, man nisisiasiriu siha na aplikasion yan sttifikasion para minaolek pupbliku tanto mafile rekuestan apas.

I mapropopone siha na regulasion siña ha ma ina gi, yan guaha lokkue' kopia para hayi malago guato gi Ofisinan Direkto Eksekatibo (Acting) ni daige mina segundo bibenda gi Administration Building enta'lo Ofisina Gubetno yan Ofisinan Abugadon Henerat. I manmapropopone siha na regulasion manma puplika gi Rehistran Commonwealth. I Kumision "Telecommunicatiion ha sosoyu i pupbliku henerat para u fana' halom komento gi tinige'.

Hayi interesao mamatinas komento put imanmapropopone siha na regulasion siña ha' ma tuge' ya u manahanao guato gi sigiente na adres: Commonwealth Telecommunication Commission Caller Box 100007; Segundo bibenda Administration Building, Saipan MP, 96950. osino ma fax futo gi este na numiru (670) 664-2211. Todo komento ni manmatuge' debi di u manafanhalom trenta (30) dias despues di mapupblika este na nutisia gi Rehistran Commonwealth.

I Kumision Telecommunication ha intensiona para u adapta este siha regulasion.

Sinettefika as:_	Menor	July 3, 2001
	NORMAN TENORIO, CHAIRMAN	FECHA
MA FILE AS:	moto	8/16/01
	SOLEDAD B. SASAMOTO	FECHA
RINISIBI AS:	REHISTRADORAN KOTPORASION SIHA	08/15/01
	JOSE/I. DELEON GUERRERO	FECHA
	Spesial Assistant for Administration	
	V Ofisinan Gubetno	

Sigun 1 CMC 2153, ni inamenda ni lai Publiku 10-50, i areklamento yan regulasion siha ni chechetton guine estaa manmaribisa yan apreba ni Ofisinan CNMI Attorney Genral.

Ma fecha guine gi mina' 15 Huliu, 2001

HERBERT D. SOLL Attorney Genral

/s/ ELLIOTT A. SATTLER Elliot A. Sattler, Assitant Attonrey General

ARONGORONGOL TOULAP POMWOL FFEERUL ALLEGHUL COMMONWEALTH METAWAL WOOL FALUW KKA MARIANAS MWIISCHIL TELECOMMUNICATION

Sángi bwáng ye re ngaleey Mwiischil <u>Telecommunication</u> reel 4 CMC § 8301 (Alléghúl Toulap) 12-39) igha ebwe fféeer alléghúl; Mwiischil <u>Telecommunication</u> Ilól <u>Commonwealth</u>. Lemelemil Mwiischil <u>Telecommunication</u> faal ital Chairman igha rekke pomwoli allégh kkaal igha e auschheya bwe rebwe ayoora bisnis, ayoora arongorong reel weirás kka toulap re atotoolong, tingór reel <u>application</u> me <u>certification</u> igha ebwe mescherágh ngáliir tuolap abwós meigha rebwe isáli.

Fféérul pomwol Allégh kkaal nge emmwel schagh aramas ye e tipáli ebwe ló bwiebwogh mellól Bwulasiyool <u>Executive Director (Acting)</u> iye elo <u>Telecommunication Office</u> aruwoowal <u>Bibenda Administration Building</u> lepetal Bwulasiyool Sówlemewlem me <u>Attorney General</u>. Pomwol fféerúl allégh kkaal nge e bwal toowow llól <u>Commonwealth Register</u>. Mwiischil <u>Telecommunication</u> nge ekke tingór sángiir toulap mángemáng me tiip bwe rebwe ischiitiw nge ra atoolongooy.

Arams ye e tipáli bwe ebwe atotoolong mángemángil me tiip reel pomwol fféérúl allégh kkaal nge emmwe schagh bwe ebwe ischiitiw nge a afanga ngáli <u>adress</u> ye <u>Commonwealth Telecommunication Commission Caller Box 10007; 2nd Floor Administration Building</u>, Seipél, MP 96950. Milikka re ischiitiw nge emmwel schagh repwal bwughiiló Bwulasiyool Telecommunication ngáre fax-li ngáli numuro ye (670) 2211. Alongal mángemáng me tiip nge ebwe toololong llól eliigh (30) rál sángi igtha e rongoló arongorong yeel llól <u>Commonwealth Register</u>.

Mwiischil Telecommunication nge ebwe adoptl-li allégh kkaal.

Alléghúúyál:	Menon	,	July 3 2001
J ,	NORMAN TENORIO, CHAIRMAN		√ Rál
	Commonwealth Telecommunication Commission		
lsáliiyal:			
	SOLEDAD B. SASAMOTO		Rál
Bwughiiyal:	JOSE I. DELEON GUERRERO Special Assistant for Administration Ewulasiyool Sów-Lemelem		08/15/01 Rái
	CMC 2153, igha e lliiwel merreel Alléghúl yool CNMI Attorney General.	Toulap 10-50, allégh kkaal nge a	a takkal mwir sángi me alllégh
E fféér ráálili ye	maram ye Wuun, 2001		
		HERBERT D. SOLL Attorney General	

/s/ ELLIOTT A. SATTLER
Elliott A. Sattler, Assistant Attorney General

PROPOSED REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TELECOMMUNICATION COMMISSION

Statutory Authority: 4 CMC § 8301 et. seq. which grants the Telecommunication Commission the authority to draft rules and regulations for the orderly regulation of the Telecommunication industry in the Commonwealth.

Goals and Objectives: The Commonwealth enacted the Commonwealth Telecommunications Act on February 23. 2001, PL 12-39. That law created a regulatory framework for the telecommunication industry and created a body, towit the Commonwealth Telecommunications Commission to accomplish that regulation. Much of the Telecommunication industry is regulated by the Federal Communication Commission, but certain aspects of regulation are left to local governing bodies, such as applications for certification of public convenience, investigation and adjudication of consumer complaints, also fee and tariff schedules. These regulations are the first step in enacting those regulations that are properly within the purview of the local governing body.

Brief Summary of the Proposed Rules: These rules and regulations address several primary areas. They set up a framework for the internal operations of the Telecommunication Commission, to include practice and procedures for doing business with the Commission. The rules also set up the governance and conduct of hearings, proceedings, appeals and investigations before the commission. They establish rules for the payment of charges and fees. The regulations also establish a regulatory framework for the issuance, renewal and revocation of certificates of public convenience and necessity. They establish requirements for the sale of a Telecommunications company doing business in the Commonwealth. They effect procedural requirements for the filing of tariff requests with the Commission, or in other words the proposed charges to consumers and businesses by a Telecommunications company in the Commonwealth. Finally the regulations require open access to the public of the books and other records kept by a Telecommunications company, as well as the setting of standards of operations for Telecommunications companies in the Commonwealth.

Contact Person: Interested parties with questions may contact Bob Webb, Executive Director (Acting) of the Commonwealth Telecommunication Commission at (670) Written comments may be directed to the Commonwealth Telecommunication Commission at Caller Box 10007; 2nd Floor Administration Building; Saipan, MP 96950, faxed to (670) 664-2211 or delivered to the Commission's office located on the 2nd Floor of the Administration Building, Capitol Hill in an Office between the Governor's suite of Offices and the Office of the Attorney General. Comments are due within 30 days of publication of these proposed rules and regulations.

Related or Effected Statutes, Regulations and Orders: These proposed regulations would effect the comprehensive Commonwealth Telecommunications Act, 4 CMC § 8301-8334.

Dated: July 3, 2001

NORMAN TENORIO

CHAIRMAN

Telecommunication Commission

COMMONWEALTH TELECOMMUNICATIONS COMMISSION TELECOMMUNICATIONS REGULATIONS

Article 1 - Organization and Internal Operations.

Section 1-100 Purpose.

This part describes the organization and operation of the Commonwealth Telecommunications Commission.

Section 1-200 Scope of Rules.

Promulgated pursuant to the Commonwealth Telecommunications Act, Chapter 3, Section 8301, et. seq. of Commonwealth Public Law No. 12-39, these rules shall apply to all matters before the Commission.

Section 1-300 Definitions.

As used in these rules herein, except as otherwise provided by context:

"Commonwealth" means the Commonwealth of Northern Mariana Islands.

"CTA" means the Commonwealth Telecommunications Act (Public Law No. 12-39).

"CTC" means the Commonwealth Telecommunications Commission.

Section 1-400 Office and Hours.

The principal office of the Commission is located at 2nd Floor Juan Atalia Sablan Memorial Administration Building, Saipan, MP 96950. The commission's mailing address shall be as follows: Commonwealth Telecommunications Commission Caller Box 10007; Saipan, MP 96950. The office of the Commission will be open Monday through Friday from 7:30 a.m. through 4:30 p.m.

Section 1-500 Seal.

The official seal of the Commission is a vignette of the official flag of the Commonwealth surrounded by the words "Commonwealth Telecommunications Commission."

Section 1-600 Employment/Compensation of Experts, Consultants, Examiners, Office Clerks and Other Personnel.

The Commission in compliance with applicable CNMI law and Procurement Regulations shall have the power to employ experts, consultants, attorneys, examiners, office clerks and other personnel as it may deem necessary to carry out the provisions of the CTA or to perform the duties and exercise the powers conferred by law upon the Commission. Such experts, consultants, attorneys, examiners, office clerks and other personnel of the Commission shall receive such compensation as may be fixed by the Commission.

Article 2 - Practice and Procedures.

Section 2-100 Communications.

All communications to the Commission shall be addressed to the Executive Director unless otherwise specifically directed. Applications, pleadings and other papers required to be filed with the Commission shall be filed with the Office of the Executive Director within the time limit for such filing. Unless otherwise specifically provided, all communications and documents are officially filed only upon receipt at the Office of the Executive Director.

Section 2-200 Number of Copies.

Unless otherwise specifically provided, an original and seven (7) copies are required for filings made with the Commission. The Commission may request additional copies. Since originals are required no facsimile copy filings will be allowed, nor will computer file transfers be allowed.

Section 2-300 Maintenance of Dockets and Records.

The Executive Director shall have custody of the Commission's official dockets and records and shall be responsible for the maintenance and custody of the docket and records.

Section 2-400 Public Availability of Dockets and Records.

(a) The reports, records, accounts, files, papers and memoranda of every nature in the possession of the Commission are open to the public at reasonable times. All requests for records or for copies of records maintained by the Commission shall be directed to the Executive Director. All requests must comply with the Open Government Act, pursuant to 1 CMC Section 9901 et. seq. All release of government records will be in accordance with that Act.

Section 2-500 Informal Adjudication of Complaints.

- (a) A complaint in writing may be made by any person against any telecommunications company subject to Commission jurisdiction. The complaint shall conform to the requirements of § 8329 of the CTA, and shall contain the name and address of the complainant, the name of the telecommunications company against which the complaint is made, a clear and concise statement of the facts involved and a request for affirmative relief, such as, but not limited to, requests for refund from the telecommunications company or that the telecommunications company should cease and desist from a practice.
- (b) The Commission will assign a number to each complaint. A complaint is deemed filed on the date it is received by the Commission. All supporting papers, including, but not limited to, bills, letters, and notices, should be submitted at the time of filing; otherwise the complaint may be returned as incomplete.
- (c) If after a review by the Executive Director and informal consultation with the Commission it is decided that the complaint appears to be susceptible to informal adjudication, a copy or a statement of the substance of the complaint may be transmitted by the Commission to the telecommunications company in an effort to have the complaint satisfied by correspondence or conference without the need for a formal adjudication process. In the event that the Commission cannot resolve the complaint to the satisfaction of the complainant, the complainant may file a formal complaint with the Commission.
- (d) If a formal adjudication is requested by the complainant, the processing of the informal adjudication of the complaint shall be discontinued. However, the date of the formal complaint shall relate back to the date that the informal complaint was received by the Commission.

Section 2-501 Formal Complaints and Formal Adjudication Process

- (a) Any person may file a formal complaint against any telecommunications company subject to Commission jurisdiction.
- (b) Formal complaints shall:
 - (1) Be in writing;
 - (2) Comply with Section 2-200 of these rules;
 - (3) State the full name and address of each complainant;

- (4) State the name of the telecommunications company against which the complaint is made;
- (5) Contain a clear and concise statement of the facts involved;
- (6) Contain a request for affirmative relief; and
- (7) Clearly specify the particular provisions of law or applicable rules or regulations which are alleged to have been violated.
- (c) If two or more sections or subsections of the law or two or more requirements established pursuant to law are alleged to be violated, the facts claimed to constitute violation of one section, subsection or requirement shall be stated separately from those claimed to constitute a violation of another section, subsection or requirement whenever that can be done without undue repetition.
- (d) If the formal complaint substantially complies with this Section, the Commission shall serve a copy upon the telecommunications company, together with an order requiring that the complaint be answered within twenty (20) days after the date of service. Two copies of the formal complaint shall also be served on the Office of the Attorney General. In emergency cases, the Commission may require the filing of an answer within a shorter time.
- (e) If the formal complaint is not in substantial compliance with this Section, the Commission shall return the complaint to the complainant with an explanation of the reasons why the formal complaint does not comply with this chapter.

Section 2-502 Answers to Formal Complaints.

The telecommunications company shall, within twenty (20) days after service of the formal complaint by the Commission file its answer with proof of service on the complainant and the Office of the Attorney General. All grounds of defense, both of law and of fact, shall be raised in the answer. If the telecommunications company has no information or belief upon the subject sufficient to enable an answer to the allegation, it may so state in the answer and place its denial upon that ground.

Section 2-503 Hearings on Formal Complaints.

When a telecommunications company has filed its answer, the Commission may set a hearing on the formal complaint in accordance with Section 2-600 et. seq. of these rules. The Executive Director shall mail the notice of hearing by first class mail to the complainant and the telecommunications company at least ten (10) days before the hearing, setting forth the date, time, and place of hearing.

Section 2-504 Discovery.

The Commission may, in any proceeding properly brought before it, order discovery, disclosure and/or exchange of information between the parties, including but not limited to the taking of depositions and fulfillment of data requests.

Section 2-505 Commission Investigations.

The Commission may at any time investigate matters subject to its jurisdiction. The Executive Director shall serve notices or orders instituting investigation, indicating the nature of the matters to be investigated and the name of the respondent(s) being investigated. A respondent need not file a pleading in response to the investigatory order unless so directed. All hearings pursuant to an investigation shall be open to the public unless otherwise directed by the Commission.

Section 2-506 Violations and Penalties.

In the event that the Commission determines that a telecommunications company has violated any law, or Commission rule, regulation or order in any matter properly brought before it, the Commission may, in its discretion, impose penalties, fines or sanctions upon the telecommunications company, or take any other such appropriate action, pursuant to Sections 8329(d), 8329(e) and 8329(f) of the CTA.

Section 2-600 Waiver of Hearings.

With approval of the Commission, any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

Section 2-601 Notice Required.

The Commission shall give, or shall require any designated party to give, notice of a hearing in any pending matter to all parties and to such other persons as the Commission designates.

Section 2-602 Ex parte Communications.

(a) No person, whether or not a party to or participant in any Commission hearing, shall consult or communicate with any commissioner or any member of the Commission staff on any issue of fact in a contested case proceeding before the Commission, except as otherwise authorized in this section or by law.

- (b) All written and oral ex parte communications received by any commissioner or hearings examiner which may affect the decision in the proceeding and which are known and unauthorized at the time of receipt, shall be immediately sent to all interested parties to the proceeding and made an official part of the record.
- (c) The following classes of ex parte communications are authorized:
 - (1) Communication between the Commission and Commission staff;
 - (2) Communication that relates solely to matters which a Commissioner or hearings examiner is authorized to dispose of on an *ex parte* basis;
 - (3) Communication with counsel or staff for the Commission relating solely to matters of law, practice or procedure; and
 - (4) Communication had after adequate notice and opportunity for all parties to participate.

Section 2-603 Records of Hearings.

Unless otherwise directed by the Commission, a full and complete record shall be kept of all hearings. Interested parties may arrange to obtain copies of such records at their own expense.

Section 2-604 Intervention.

Any person not a party to a proceeding may make written application for leave to intervene by showing the extent of the person's interest in the matter. Upon its granting by the Commission, the person shall thereafter be an intervener in the hearing.

Section 2-605 Briefs and Oral Arguments.

If counsel for any party requests permission to file a brief or make an oral argument, the Commission upon finding that the filing of briefs and/or oral arguments is appropriate may fix the time for hearing such argument or the filing of briefs.

Section 2-606 Motions and Pleadings.

Formal pleadings are not required in proceedings before the Commission. Any party to a proceeding may make written presentations to the Commission in accordance with these rules, or those issued in a particular proceeding, which presentation must clearly state the position of the party on whose behalf it is filed. Such presentation must be properly served upon the Commission and other parties to that proceeding.

Section 2-607 Prehearing Conference.

In any proceeding, the Commission or hearings examiner, on its own initiative or at the request of the parties, may convene a prehearing conference to consider simplification of the proceeding. Where a prehearing conference is held, the Commission shall enter a prehearing order which recites the action taken at the conference.

Section 2-700 Decisions and Orders.

A hearing stands submitted for decision by the Commission after the taking of evidence and the filing of any briefs and the presentations by the parties. In all proceedings, the Commission shall make a final decision and order after considering all statements, comments, views and documents of record. After issuance of a final decision, the Executive Director shall serve the decision and order of the Commission upon the parties, participants or their counsel.

Section 2-800 Judicial Review.

Any person aggrieved by a final decision of the Commission may seek judicial review pursuant to Section 8330 of the CTA.

Article 3 - Fees, Charges and Assessments.

Section 3-100 Assessment of Quarterly Fee.

All telecommunications companies enjoying the privilege of operating in the Commonwealth shall pay an annual charge to the Commission pursuant to Section 8327(b) of the CTA, which shall be assessed by the Commission on a quarterly basis.

Section 3-101 Payment of Quarterly Fee.

Payment of the quarterly fee should be by check payable to the Commission.

Section 3-102 Reporting of Revenue; Invoicing

- (a) Each telecommunications company subject to the jurisdiction of the Commission shall report on a quarterly basis, by a date specified by the Commission, its gross revenues derived from the provision of telecommunications services in the Commonwealth for the prior quarter for the purposes of calculating its quarterly fee obligation pursuant to the formula established in Section 8327(b) of the CTA.
- (b) Upon calculating the quarterly fee amounts due from each telecommunications company, the Commission shall provide invoices for such sums to telecommunications companies.

Section 3-103 Timeliness of Payment.

Payment of the quarterly fee is due thirty (30) days after the date of issuance of the invoice referenced in Section 3-102 of these rules. Telecommunications companies shall pay a penalty pursuant to Section 8327(e) of the CTA in the event that payment is not received within thirty days after the date of issuance of the invoice.

Article 4 - Application and Certification to Provide Telecommunications Service.

Section 4-100 Application for Certificate of Authority.

- (a) Any telecommunications company seeking to offer, initiate or provide telecommunications service in the Commonwealth must apply in writing to the Commission for a certificate of authority. The application must:
 - (1) Include information on the:
 - (A) Type of telecommunications service to be offered;
 - (B) Geographical scope of the telecommunications company's proposed operation;
 - (C) Type of equipment to be employed in the service;
 - (D) Rates or charges to be imposed and the regulations that will govern the proposed service;
 - (E) Name, address, citizenship and principal business of any entity or individual that directly or indirectly owns at least ten percent (10%) of the equity of the applicant, and the percentage of equity owned by each of those entities or individuals (to the nearest one percent); and
 - (F) Applicant's financial ability to render the proposed service, including a copy of its most recent audited financial statements and, if more than three months have elapsed since the date of the most recent audited financial statements, current, unaudited financial statements.
 - (2) Comply with all applicable Commission orders and rules; and
 - (3) Publish notice of its application in a newspaper of general circulation in the Commonwealth at least twice with no less than 5 days separating the date of each such publication and no more than 10 days separating the date of each such publication. Such notice must be published within fourteen (14) days of

the filing of the application. Original proof of publication must be filed with the Commission within fourteen (14) days of publication of the notice.

The Commission may reject any application that fails to meet any of these requirements or is otherwise incomplete.

(b) Where exempted by federal law from entry regulation by the Commonwealth, a telecommunications company seeking to offer, initiate or provide telecommunications service shall submit an informational registration statement with the Commission by supplying the information covered under Section 4-200(a)(1)(A)-(E) and (a)(2) only. A telecommunications company filing informational registration statements pursuant to this subsection must file revised statements within thirty (30) days of the date of any change in any of the information previously submitted to the Commission.

Section 4-200 Issuance or Denial of Certification.

- (a) The Commission shall issue a certificate of authority to any qualified applicant, authorizing the whole or any part of the telecommunications service covered by the application, if it finds that:
 - (1) The applicant possesses sufficient technical, financial and managerial resources and abilities to provide the proposed service in the Commonwealth;
 - (2) The applicant is fit, willing and able to properly perform the proposed telecommunications service and to conform to the terms, conditions, and rules prescribed or adopted by the Commission; and
 - (3) The proposed telecommunications service is, or will be, in the public interest.
- (b) Any certificate of authority issued by the Commission shall:
 - (1) Specify the telecommunications service to be provided;
 - (2) Delineate the geographic area in which the service is to be provided; and
 - (3) Define the terms and conditions of the certificate of authority as the Commission may reasonably prescribe.
 - (c) Minimum criteria that an applicant must show proof of prior to the grant of a certificate of authority are as follows:

- (1) A physical presence in the CNMI, such as an office.
- (2) A mailing address in the CNMI.
- (3) A minimum capital value of assets no less than \$50,000 of either cash or equipment or both.

Section 4-300 Limitations.

- (a) No certificate of authority or certificate of registration issued by the Commission to any telecommunications company may be construed as granting a monopoly or exclusive privilege, franchise or charter for the provision of telecommunications service in the Commonwealth.
- (b) The issuance of a certificate of authority or certificate of registration does not preclude the Commission from issuing any additional certificates of authority to any other telecommunications company seeking to offer, initiate or provide the same or similar telecommunications service in the same geographic area.
- (c) Except as otherwise provided by federal or Commonwealth law, and in order to protect the public interest and to preserve the Commonwealth's commitment to universal service, the Commission may establish reasonable terms and conditions for the entry of telecommunications companies into the Commonwealth.

Section 4-400 Suspension or Revocation.

Upon the petition of any telecommunications company, any customer, or any other person, or the Commission's own motion, the Commission may, after notice and hearing, suspend or revoke, in whole or in part, a certificate of authority, if the certificate holder:

- (a) Fails to timely remit its telecommunications annual fee assessment as required by Article 3 of these rules, or to timely remit any other fees or charges assessed by the Commission;
- (b) Fails to make contributions required by the universal service fund;
- (c) Fails to provide adequate telecommunications service;
- (d) Fails to maintain access to emergency services; or
- (e) Violates any applicable:

- (1) Federal laws or regulations; or
- (2) Commonwealth laws, Commission orders, rules or regulations.

Article 5 - Transactions and Capitalization.

Section 5-100 Application for Approval of Sale, Assignment or Transfer of Certificate and/or Encumbrance of Assets/Stock.

A person or entity seeking to obtain authorization under Section 8315(a) of the CTA shall submit an application jointly with the certificate holder containing the following information:

- (a) The names (including fictitious names-d/b/a), addresses, internet email addresses and websites, telephone and fax numbers, and Federal Employment Identification numbers (or social security numbers, if individuals) of the parties to the transaction;
- (b) The organizational structure of each party to the transaction (e.g., individual, corporation, partnership). If incorporated within the Commonwealth, proof of incorporation must be provided. If incorporated outside of the Commonwealth, the foreign state of incorporation should be identified and proof of authority to operate in the Commonwealth must be provided;
- (c) A description of the transaction, including whether the applicants are seeking:
 - (1) Approval of a transfer of an existing certificate (e.g., a non-certificated individual or entity seeks to purchase an existing certificated telecommunications company and desires to retain the original Certificate of Authority); or
 - (2) Approval of an assignment of an existing certificate (e.g., a certificated telecommunications company seeks to purchase an existing certificated telecommunications company and desires to retain the Certificate of Authority of that telecommunications company); or
 - (3) Approval of a transfer of control (e.g., an individual or entity seeks to purchase a greater than 50% interest in the certificated telecommunications company). The Commission must approve the new controlling entity; or
 - (4) Approval to mortgage or otherwise encumber substantial assets, franchises, Certificates of Authority and/or certificates of capital stock of a telecommunications company.

- (d) An indication of whether any of the officers, directors, or any of the ten largest stockholders of any of the parties to the transaction have previously been:
 - (1) Adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If yes, a full explanation must be provided; and/or
 - (2) An officer, director, partner or stockholder in any other Commonwealth certificated or registered telecommunications company. If yes, the name of the telecommunications company and the relationship must be provided. If no longer associated with the telecommunications company, a reason should provided as to why not.
- (e) The name, title, address, internet email and website addresses, telephone and fax numbers of the individual who will serve as liaison to the Commission regarding:
 - (1) The application;
 - (2) The ongoing operations of the certificated telecommunications company which is the subject of the transaction; and
 - (3) Customer complaints and inquiries.
- (f) A list of countries (if U.S., list states) in which the applicant has operated as a telecommunications company, is currently authorized as a telecommunications company, and has applications pending to be authorized as a telecommunications company.
- (g) A list of countries (if U.S., list states) where the applicant has been denied authority to operate as a telecommunications company, has had regulatory penalties imposed for violations of telecommunications or other statutes and the circumstances involved, or has been involved in civil court proceedings with another telecommunications company and the circumstances involved.
- (h) Resumes of employees and corporate officers of the applicant for those individuals who would be directly involved on a day-to-day basis with the management and operations of the CNMI market. Each such resume shall state the following:
 - (1) Indicate sufficient managerial experience of each; and
 - (2) Indicate sufficient technical experience or indicate what individual or entity is under contract with the applicant to conduct technical maintenance;

(i) Audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall be so stated in the application. Unaudited financial statements should be signed by the applicant's Chief Executive Officer and Chief Financial Officer affirming that the statements are true and correct and should include, at a minimum, a balance sheet, income statement, and statement of retained earnings.

Further, the application should provide a written explanation (including supporting documentation) that the applicant has sufficient financial capability:

- (1) To provide the requested service in the geographic area proposed to be served;
- (2) To maintain the requested service; and
- (3) To meet its lease and/or ownership obligations.
- (j) A list of all physical assets, such as but not limited to points of presence, switches (including type of switch) and transmission facilities to be purchased/leased, including addresses of each.
- (k) An affidavit signed before a notary public within three business days of the date of the filing of the application that states under the penalty of perjury:
 - (1) The information provided in the application is true and correct and that the signing officer has the authority to sign on behalf of the individual or entity; and
 - (2) That the applicant understands that all telecommunications companies in the Commonwealth are subject to an annual fee assessed quarterly and other assessments, contributions and taxes, and that the applicant will meet all such regulatory obligations on a timely and complete basis.
- (l) The Commission shall establish a purchaser's minimum capital requirement for sale or transfer of a certificate of authority, prior to the grant or denial of a transfer request.

Section 5-200 Penalties Associated with Nunc Pro Tunc Applications.

Prior Commission approval shall be obtained for any of the transactions described under Section 8315(a) of the CTA. Any late applications made on a nunc pro tunc basis (i.e., "as if on time") to the Commission under these rules shall subject all parties to the transaction to potential penalties as provided by law. This authority does not empower the commission to apply ex post facto fines for

late applications as a result of the commission not being fully formed or these regulations not being published. This regulatory fine-assessing power is only prospective in nature from the date these regulations are adopted.

Article 6 - Tariffs.

Section 6-100 Tariff Format.

Tariffs shall be filed in loose-leaf form. Each tariff page shall contain the following information:

- (a) The name and address of the telecommunications company centered on top of the page;
- (b) The name and number of the tariff centered directly under the name of the telecommunications company;
- (c) The page number of the tariff in the upper right hand corner of the page; and
- (d) The page number shall identify revised and canceled pages (e.g., 4th Revised Page No. 25 cancels 3rd Revised Page No. 25).

Section 6-101 Tariff Content.

Tariffs shall contain the following, in the order named:

- (a) Title Page. The title page shall contain the name of the telecommunications company and a brief description of the contents of the tariff;
- (b) Check Sheet. The check sheet shall list all tariff pages and shall identify the current revision for each page;
- (c) Table of Contents. The table of contents shall show each subject covered by the tariff and the number of the page where each subject may be found;
- (d) Definitions and Abbreviations. The list of definitions and abbreviations used for technical and other important terms used in the tariff;
- (e) Symbols. A list of symbols shall be provided along with a clear definition of each symbol used in the tariff;
- (f) Rules and Regulations. Rules and other provisions affecting the application of rates or charges and other provisions applicable to the services covered in the tariff;

- (g) Description of Services. A brief description of types and classes of services rendered; and
- (h) Rates. A list of applicable rates and charges for services.

Section 6-200 General Filing Instructions.

Tariffs shall be filed with the Commission accompanied by an advice letter. Ten (10) copies of each tariff and advice letter shall be filed with the Commission. Advice letters shall be numbered consecutively and shall include the following:

- (a) Detailed information as to the reasons for the filing;
- (b) Dates on which the tariff sheets are proposed to become effective;
- (c) A statement indicating the increase, decrease or other change thereby made in the existing rates, charges, tolls or rule and regulations, if applicable; and
- (d) A statement that the tariff sheets proposed do not constitute a violation of Commission Rules.

Section 6-300 Tariffs Require 60 Days Notice to the Commission.

Unless otherwise provided by the Commission, all telecommunications companies must file with the Commission all tariffs, including both original tariffs as well as tariffs containing changes in rates, tolls, charges, rules or regulations, at least 60 days before the effective date of such changes.

Section 6-301 Announcement of Tariff Changes.

At least 60 days prior to the effective date of the proposed tariff changes filed with the Commission, a telecommunications company shall inform its customers of the tariff changes.

- (a) The telecommunications company shall inform its customers by inserting a display announcement, not less than a three column standard advertising unit by ten-inch advertisement, at least once in a newspaper of general circulation throughout the Commonwealth;
- (b) The announcement shall include:
 - (1) The currently effective rate, fee, term or condition to be changed;
 - (2) The proposed rate, fee, term or condition;

- (3) A brief statement of the reasons why the telecommunications company seeks the change;
- (4) The place, date and time at which the public hearings (if applicable) on the proposed change will take place;
- (5) The approximate annualized amount of the proposed total change, expressed both in dollar and in percentage terms;
- (6) The mailing address and telephone number, of the telecommunications company's office that customers may contact for additional information about the filing.

Section 6-400 Information to the Public.

All telecommunications companies shall maintain, open for public inspection at their main office, a copy of the complete tariffs and advice letters filed with the Commission. All telecommunications companies shall post in a conspicuous place in their business office, a notice to the effect that copies of the schedule of applicable rates are on file and may be inspected by the public. All telecommunications companies' filed tariffs will also be available for public inspection at the Commission during normal business hours.

Article 7 - Depreciation.

Section 7-100 Depreciation.

Depreciation rates are to be designed in conformity with the Uniform System of Accounts for Telecommunications Companies ("USOA") as prescribed by the Federal Communications Commission in the current version of Title 47, Code of Federal Regulations, Part 32.

Article 8 - Books and Accounts.

Section 8-100 Location and Preservation of Records.

All records that a telecommunications company is required to keep, by reason of these rules or regulations prescribed by the Commission, shall be kept at the office or offices of the telecommunications company within the Commonwealth unless otherwise authorized by the Commission.

Section 8-200 Reimbursement for Inspection of Records.

(a) Any telecommunications company that keeps its records outside the Commonwealth

shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during the review of the out-of-state records of the telecommunications company or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the CNMI Government to its employees. The telecommunications company shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

- (b) The reimbursement requirement in Section 8-100(a) shall be waived:
 - (1) For any telecommunications company that makes its out-of-state records available at the telecommunications company's office located in the Commonwealth or at another mutually agreed upon location in the Commonwealth within 10 business days from the Commission's initial request. If 10 business days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the telecommunications company to bring records into the state.

Section 8-300 Uniform System of Accounts.

Each telecommunications company shall maintain its accounts and records in conformity with the Uniform System of Accounts for Telecommunications Companies ("USOA") as prescribed by the Federal Communications Commission in the current version of Title 47, Code of Federal Regulations, Part 32.

Article 9 - Standards for Telecommunications Service.

Section 9-100 Operating Standards for Telecommunications Service.

A telecommunications company shall:

- (a) Employ prudent management and engineering practices that ensure the availability of sufficient facilities and personnel to achieve the standard of service quality required by prudent telecommunications industry practice, and this section;
- (b) Design, construct, install, operate and maintain its facilities and equipment in a manner consistent with prudent and generally accepted telecommunications industry practices and standards;
- (c) Make reasonable provision for emergencies resulting from unusual and prolonged increases in telecommunications traffic, lack of personnel, typhoon, earthquake, fire, flooding, storm, or other acts of God;

- (d) Adopt and adhere to a maintenance program to ensure safe, adequate and reliable service at all times;
- (e) Adopt and maintain customer response procedures and standards; and
- (f) Maintain sufficient records of its operations and make such records available to the Commission at any time upon request.

Section 9-200 Exchange Area Maps.

Each telecommunications company shall file with the Commission a description of its exchange service area. The description must clearly delineate the boundaries of the territory within which a service is provided. As appropriate, the telecommunications company shall attach to the description a map of the service territory.

Section 9-300 Service Installation.

A telecommunications company shall make all reasonable efforts to respond to a customer's request for primary connection service within five (5) business day. All reasonable efforts to maintain the standard shall be measured by the following:

- (a) Eighty-five percent of all customers provided service within five business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.
- (b) Ninety-five percent of all customers provided service within ten business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.

Section 9-400 Service Disruption.

- (a) If service is disrupted, a telecommunications company shall make all reasonable efforts to reestablish service in the shortest time practicable with due regard to safety.
- (b) An "unreasonable service outage", for purposes of this section, is defined as when a customer's service is disrupted and remains out of service for more than 24 consecutive hours after being reported to the telecommunications company or being found by the telecommunications company to be out of service, whichever occurs first. In the event of an unreasonable service outage, the telecommunications company shall refund to the customer upon request the pro rata part of that month's charges for the period of days during which the telephone was out of order. This

- refund may be accomplished by a credit on a subsequent bill for telephone service.
- (c) In the case of a declared emergency in the Commonwealth or a natural disaster resulting in the disruption of normal telecommunications service, the telecommunications company may temporarily interrupt service to its customers to provide necessary service to civil defense or other emergency service agencies until normal service can be restored.
- (d) If service is to be disrupted for scheduled repairs or maintenance, or if the occurrence of a disruption in service is otherwise known to the telecommunications company, the telecommunications company shall promptly notify its affected customers and, as appropriate, fire and law enforcement agencies, before the disruption occurs. Repair and maintenance work shall be performed at a time that will cause the least inconvenience to its customers.

Section 9-401 Record and Notification of Service Disruption.

A telecommunications company shall maintain an accurate record of service disruption or any other trouble reports made by its customers. The record must include the identity of the customer and service affected, the time, date and nature of the report, and the action taken to clear the problem. The telecommunications company shall make the record available to the Commission at any time upon request. The telecommunications company shall serve a copy of any and all reports of notification of service outage filed with the FCC, as required by 47 C.F.R. 63.100, upon the Commission.

Article 10-Miscellaneous

Section 10-100 Severability

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

Section 10-200 Effective Date.

These regulations shall take effect upon the Notice of Adoption and upon final publication in the Commonwealth Register.

COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS OFFICE OF THE GOVERNOR

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS OF THE **CNMI BOARD OF PAROLE**

The Board of Parole of the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intent to adopt the proposed Rules and Regulations. These Rules and Regulations are promulgated under Public Law 12-41, 6 CMC §4206, and in accordance with the Administrative Procedures Act 1 CMC §9109, et. seq.

Copies of the proposed Rules and Regulations are available at the Board of Parole Office, Susupe, Saipan, MP 96950.

The Board of Parole urges the general public to submit written comments and recommendations regarding the above mentioned Rule and Regulations within thirty (30) days after the publication of this Notice in the Commonwealth Register. Comments on the proposed Rules and Regulations may be mailed or delivered to the Chief Parole Officer of the Board of Parole, P.O. Box 502641, Saipan, MP 96950-2641.

Dated this _	day of August, 2001.	
	Michael H. San Micolas Chairman, Board of Parole	. · -
Received By:	Jose I. Deleon Guerrero	08/14/0/ Date
Filed and Recorded By:	Special Assistant for Administration	8/14/01
	Soledad B. Sasamoto, Registrar of Corporation 153. as amended by PL 10-50, the proposed Rules and approved by the CNMI Attorney General	Date Regulations attached heret
Dated this	day of August, 2001.	rbert D. Soll

Attorney General

COMMONWEALTH I SUMANGKATTAN SIHA NA ISLAS MARIANAS PAPA I OFISINAN I MAGALAHI

NUTISIAN PUPBLIKU PUT PRINIPONEN AREKLAMENTO YAN REGULASION GI CNMI BOARD OF PAROLE

I Kuetpo i Parole giya Commonwealth i Sumangkattan siha na Islas Marianas ginen este mana'na'e' nutisia para i pupbliku henerat put i intension-ña para u adapta i priniponen Areklamento yan Regulasion. Este siha na Areklamento yan Regulasion manmafatinas sigun fuetsan Lai Pupbliku 12-41, 6 CMC §4206, yan sigun gi Administrative Procedures Act 1 CMC §9109, et. seq.

Kopian i mapropopone na Areklamento yan Regulasion guaha gi ofisinan i Board of Parole Office, Susupe, Saipan, MP 96950.

Kuetpo i Parole masosoyu' i pupbliku henerat para u fana'halom komento yan rekomendasion gi tinige' put i sumanhilo' siha na Areklamento yan Regulasion ya u masatmiti halom trenta (30) dias despues di mapupbliku este na nutisia gi Rehistran Commonwealth. Todu komento put i priniponen Areklamento yan Regulasion sina ha manahanao guato para i Chief Parole Officer gi Ofisinan i Kuetpo i Parole, P.O. Box 502641, Saipan, MP 96950-2641.

Ma fecha	a guine gi mina' na dia este na mes Agusto, 2	2001.
	Michael H. San Nicolas Chairman, Board of Parole	
Rinisibi as:	Jose I. Deleon Guerrero Special Assistant for Administration	88/14/6/ Date
Ma file yan Rinekod as:	Soledad B. Sasamoto, Rehistradoran Kotporasion	8/14/01 Date

Sigun 1 CMC §2153. ni inamenda nu i Lai Pupbliku 10-50, mapropopone siha na Areklamento yan Regulasion ni chechetton guine esta manmaribisa yan apreba ginen i Ofisinan i Abugadun Henerat giya CNMI.

Ma fecha guine gi mina' 10 na dia este na mes Agusto, 2001. /s/ ELLIOTT A. SATTLER

Herbert D. Soll

Abugadun Henerat

COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS OFFICE OF THE GOVERNOR

ARONGORONGOL TOULAP REEL FFÉÉRÚL ALLÉGH REEL MILLE MELLÓL CNMI BOARD OF PAROLE

<u>Board of Parole</u> mewóól <u>Commonwealth</u> Metawal Wóól Falúwal Marianas ekke arongaar toulap reel igha e tipáli ebwe adopt li pomwol allégh kkaal reel mille. Allégh kkaal a akkatééló faal aileéwal Alléghúl toulap ye 12-41 bwal ebwe ghol ngali <u>Administrative Procedures Act, 1 CMC §9109, et. seq.</u>

<u>Copies</u> reel pomwol allégh kkaal reel mille nge eyoor reel Bwulasiyol <u>Board of Parole</u>, Susupe, Saipan, MP 96950.

<u>Chief Parole Officer</u> mellól Bwulasiyol <u>Board of Parole</u> ekke amwescheliir toulap bwe rebwe ischilong yaar mángemáng me aisiis bwelle reel Allégh kka e apasal weiláng nge ebwe llól eliigh (30) rál mwiril toolongol arong yeel mereel <u>Commonwealth Register</u>. Mángemáng bwelle reel pomwol Allégh kkaal nge ebwe akkafang ngáli <u>Chief Parole Officer</u> mellól Bwulasiyol <u>Board of Parole, P. O. Box</u> 502641, Saipan, MP 96950-2641.

96950-2641.		•				•
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		Michael H. Chairman, Bo			_	
Bwuhigyal:	Jose I. Deleon	1 W	-		18/14/ Date	'o/
Isáliyal:	Soledad B. S	mm/ Gasamoto, Regis	trar of Cor	poration	Date	4/01
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COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS OFFICE OF THE GOVERNOR

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS OF THE CNMI BOARD OF PAROLE

Statutory Authority: Pursuant to 6 CMC § 4206 as amended by Public Law 12-41.

Short Statement of

Goals and Objectives: To carry out the intent of Public Law 12-41 section 5, amending 6 CMC § 4206, authorizing the Board of Parole to adopt Rules and Regulations governing eligibility for parole, the conduct of parole hearings and executive meetings, conditions to be imposed on parolees, revocation of parole, and re-parole after revocation.

Brief Summary of the Proposed Rules and Regulations: The proposed Rules and Regulations set forth the guidelines to be utilized by the Board of Parole Office in the parole process.

Contact Person: Interested parties may contact Mr. Vincent S. Attao, Chief Parole Officer of the Board of Parole Office at (670)664-3300/1/2.

Related or Affected Statutes,

Regulations, and Orders: Board of Parole Rules and Regulations Procedures for compliance of Parole Hearing Investigation and Enforcement, Volume 14, Number 10 of the Commonwealth Register; 6 CMC § 4206.

DATE: 8-08-01

CNMI BOARD OF PAROLE

BOARD OF PAROLE RULES AND REGULATIONS

- I. AUTHORITY: The Board of Parole is authorized and mandated by Public Law 12-41 and 6 CMC § 4206 to adopt rules and regulations.
- II. PURPOSE: The purpose of these rules and regulations is to establish procedures to be utilized in the parole process.

III. DEFINITIONS:

- A. "Inmate" herein means an incarcerated person that is applying to the Board for Parole or Re-parole.
- B. "Parole" herein means a conditional release from imprisonment;
- C. "Revocation" herein means a rescission of parole.
- D. "Re-parole" herein means a conditional release from imprisonment subsequent to revocation of parole.
- E. "Parolee" herein means an inmate released from prison on parole subject to conditions of parole.
- F. "Corrections" herein means the Commonwealth of the Northern Mariana Islands Division of Corrections or predecessor thereof.

IV. ELIGIBILITY CRITERIA:

In order to be eligible for a hearing before the Board of Parole, to request the privilege of parole, an inmate must meet all of the following criteria:

- (1) Is eligible under the laws governing parole;
- (2) Has no pending criminal charges in the Commonwealth of the Northern Mariana Islands or any other jurisdiction;
- (3) Has made a formal application for parole to the Board of Parole as set forth below;
- (4) Accepts and agrees to abide by all terms and conditions of parole which may be imposed;

- (5) Accepts and agrees that parole may be revoked at any time by the Board of Parole for violation of any of the terms and conditions of parole;
- (6) Has had, during the past twelve (12) months prior to application for parole, or since the inception of the inmate's incarceration, whichever is shorter, a satisfactory record of behavior during incarceration. Satisfactory record of behavior is a record showing inmate has been in compliance with all the rules of Corrections pertaining to the imprisonment of persons or inmates under the supervision of Corrections, and any applicable regulations. Additionally, during that period, the inmate shall have had:
 - (a) no adverse disciplinary actions requiring severe sanctions, as defined by Corrections, imposed while incarcerated;
 - (b) no escape, escape attempt or reported involvement in an escape;
 - (c) no alcohol possession or use;
 - (d) no illegal drug possession or use;
 - (e) no contraband possession or use; and
 - (f) no controlled substance possession or use, unless inmate has a valid current prescription from a practicing medical doctor for such controlled substance;
- (7) Has completed all rehabilitative treatment requirements as ordered by the Court or Corrections or the Residential Substance Abuse and Treatment Program; and,
- (8) Has complied with all other orders of the Court.

V. PAROLE APPLICATION PROCESS:

A. Application for parole shall be made on the form prescribed by the Board of Parole Office. An inmate desiring parole, shall complete the application, and shall set forth therein a specific parole plan. The parole plan shall include details regarding the life inmate intends to lead if released. The parole plan must

include information regarding where and with whom inmate will reside and inmate's proposed employment plan, including, but not limited to, type of work, hours to be worked, employer's name and place of employment.

B. Application Processing:

- (1) Once the completed application is submitted to the Board of Parole Office, the Office shall have sixty (60) days to process the application.
- (2) The Chief Parole Officer shall, during the sixty (60) day processing period, review the inmate's application for parole and the records available to the Board of Parole Office and shall make a determination as to whether or not an inmate has met the above eligibility criteria set forth in Section IV. If the inmate has met the eligibility criteria, as determined by the Chief Parole Officer, the inmate shall be eligible to appear at a hearing before the Board of Parole. If the inmate does not meet the eligibility criteria, as determined by the Chief Parole Officer, the inmate shall not be eligible to appear at a hearing before the Board of Parole until inmate meets all such eligibility criteria.
- (3) During processing, the Parole Officers may request additional information and documents from the inmate. Inmate shall cooperate with the Parole Officer(s) in the collection of additional information.
- (4) At the conclusion of the sixty (60) day period, the Chief Parole Officer shall notify the inmate either:
 - (a) That inmate is eligible under the eligibility criteria in Section IV herein for a hearing before the Board of Parole and when inmate will be advised of inmate's hearing date; or,
 - (b) That inmate is not currently eligible under the criteria in Section IV, specifying which criteria inmate has failed to meet.
- (5) If an inmate is not eligible for parole under the criteria set

- forth in Section IV, inmate may re-apply once inmate has met the eligibility criteria set forth in Section IV.
- (6) If an inmate is not eligible, or if inmate's application is withdrawn by the inmate for any reason, the Board of Parole Office shall have an additional sixty (60) days to process the inmate's application upon resubmission.

C. Hearings Calendar:

- (1) The Chief Parole Officer shall maintain a list of processed and eligible parole applicants. The Chief Parole Officer shall report to the Board of Parole at each regularly scheduled meeting, in as much detail as the Board of Parole requests, as to the inmates that have applied and are eligible for parole. The Board of Parole shall schedule a date for hearing for those inmates that are eligible for parole.
- (2) The Board of Parole Office shall give each inmate set for hearing fourteen (14) days notice of the date, time, and place of inmate's hearing.

VI. BOARD OF PAROLE HEARINGS AND DECISIONS:

- A. Regular hearings of the Board of Parole shall be conducted as deemed necessary by the Board of Parole.
- B. Following the hearing the Board of Parole shall issue a formal written order granting or denying parole. If parole is granted, it shall be effective on the date the inmate is eligible under the law or at such later date as is specified by the Board of Parole in its order.
- C. Parole revocation hearings shall be scheduled by the Board of Parole and conducted as set forth in Section VIII herein.
- D. Reapplication for parole after revocation shall be handled in the same manner as initial application for processing and hearing purposes. However, an inmate who has been denied parole may

re-apply for parole no sooner than:

- (1) Six (6) months from the date of denial; or,
- (2) In the event inmate is serving a life sentence or a sentence of 20 years or longer, twenty-four (24) months from the date of denial.

VII. CONDITIONS OF PAROLE:

- A. If an inmate is released on parole, the Board of Parole shall require, as a condition of parole, that the parolee refrain from engaging in criminal conduct. The Board of Parole may also require, as a condition of parole, either at the time of parolee's release on parole or at any time while parolee is under parole supervision, that parolee:
 - (1) Support parolee's dependent(s) and meet other family responsibilities;
 - (2) Devote himself/herself to an approved employment or occupation;
 - (3) Remain within the geographic limits fixed in parolee's certificate of parole, unless granted written permission by the Chief Parole Officer to leave such limits;
 - (4) Report, as directed, upon release to parolee's Parole Officer at such regular intervals as may be required, answer all reasonable inquiries by the Parole Officer, and permit the officer to visit parolee at reasonable times at parolee's home or elsewhere:
 - (5) Reside at any place fixed in parolee's certificate of parole;
 - Reside in a boarding home, hospital, or other parole residence facility, for such period and under such supervision or treatment as the Board of Parole may deem appropriate;
 - (7) Shall not possess firearms or other dangerous weapons;
 - (8) Submit to available medical or psychiatric treatment as directed;
 - (9) Shall not associate with persons that engage in criminal

- activities or, without permission of the Chief Parole Officer, with persons that have been convicted of a crime;
- (10) Pay any Court ordered fine and/or restitution;
- (11) Satisfy any other conditions reasonably related to parolee's rehabilitation or to the public safety and security;
- (12) Submit to a search, and seizure of appropriate, with or without a search warrant, of parolee's place of residence, work and property, day or night, by any Parole Officer, and any accompanying law enforcement officer(s);
- (13) Adhere to the instructions of the Parole Officer;
- (14) Perform Community Work Service (CWS) as determined by the Board of Parole at the hearing;
- (15) Submit to drug testing as ordered by the Board of Parole or Parole Officer;
- (16) Maintain a suitable sponsor while on parole and adhere to any sponsorship agreement;
- (17) Notify the Parole Office within twenty-four (24) hours of any change in address or employment;
- (18) Abide by any curfew or driving restrictions imposed by the Board or Office of Parole;
- (19) Shall not consume alcohol or any illegal substances; and,
- (20) Shall not enter any nightclubs, bars or gambling establishments.
- B. In addition to any regular conditions of parole, the Board of Parole may also require special conditions of parole, either at the time of the parolee's release on parole or at any time while parolee remains under parole. Special conditions vary, but in imposing them, the Board of Parole is guided by the following criteria:
 - (1) Reasonable relationship between the condition imposed and the inmate's previous conduct present situation and capabilities;
 - (2) Reasonable balance between the parolee's liberty, expression, association and the community's safety; and,
 - (3) Sufficient specificity to aid in supervision and conduct.

- C. Prior to release on parole, the inmate shall be provided with a Certificate of Parole setting forth the conditions of parolee's parole. Inmate shall sign a statement agreeing to such conditions prior to inmate's release on parole.
- D. Reasonably and necessary changes to a parolee's conditions of parole may be temporarily imposed by the Chief Parole officer by giving written notice of the new condition and the reason for such imposition to the parolee and the Board of Parole. Such temporary modification shall be imposed for a period not to exceed thirty (30) days. If within the thirty (30) days the Board of Parole, or any Board of Parole Member authorized by the Board to do so, agrees with the imposition of the change the condition will be permanently imposed on parolee and notice of same shall be given to parolee. The Board of Parole, or any Board of Parole Member authorized by the Board to do so, may impose additional reasonable and necessary changes to a parolee's terms and conditions of parole, at any time, with notice of same to the parolee.
- E. A parolee may request a temporary exemption or permanent change to parolee's terms and conditions of parole. Such request must be made in writing to the Chief Parole Officer, and shall set forth the reason for the desired change or exemption. The request must be submitted three (3) working days in advance of the desired temporary exemption or permanent change. If, and only if, the Chief Parole Officer agrees that that exemption or change should be granted, the Chief Parole Officer will, as soon as practical, bring the request to the attention of the Board of Parole Member authorized by the Board to grant such changes and exemptions. The change or exemption authorization shall be valid only after the authorized Member concurs with the Chief in writing. In the event that the Board of Parole Member authorized by the Board to grant such changes and exemptions deems that the request should be heard by the entire Board of Parole, the requested change will be submitted to the Board of Parole within a reasonable time.

VIII. REVOCATION PROCEEDINGS:

- A. The Board of Parole, or any Board of Parole Member authorized by the Board, may, if parolee is alleged to have violated parolee's parole, summon a parolee to appear at a preliminary hearing. Alternatively, if parolee is alleged to have violated parolee's parole, the Board of Parole, or any Board of Parole Member authorized by the Board, may issue an order suspending parolee's parole and a warrant ordering parolee to be apprehended and held.
- B. If a Parole Officer has probable cause to believe that a parolee has violated a condition of parole and that an emergency situation exists, so that awaiting an order of the Board of Parole would create an undue risk to the public or to the parolee, the Parole Officer may cause the parolee to be arrested with or without first issuing a warrant for parolee's detention, and may call on any law enforcement officer to assist in the arrest. The parolee shall be detained on the written order of the Parole Officer in a local jail, lockup, or other detention facility, pending action by the Board of Parole. The Board of Parole, or any Board of Parole Member authorized by the Board to do so, may, after such detention, issue an order suspending parole or for the conditional or unconditional release of the parolee and take such other action as is authorized in this section with respect to a parolee arrested under its warrant.
- C. If, pursuant to subsection B, a Parole Officer has a parolee arrested and detained, the Officer shall, within seventy-two (72) hours of such arrest and detention, obtain a warrant of arrest and/or an order suspending parole from the Board of Parole, or any Board of Parole Member authorized by the Board to issue such warrants or orders. If such warrant and/or order is not obtained within that period, parolee shall be released.
- D. A parolee who has been summoned or retaken for an alleged violation of parolee's parole shall be scheduled for a preliminary hearing before the Board of Parole, or any Board of Parole Member authorized by the Board to conduct such hearings, within

- twenty (20) days of arrest or of summons. A parolee may knowingly and intelligently waive his or her right to preliminary hearing and/or to representation at the hearing.
- E. The Board of Parole, or any Board of Parole Member authorized by the Board to do so, shall determine if there is probable cause to believe that a parolee has violated a condition of parolee's parole. If probable cause is found, the Board of Parole or the designated representative shall:
 - (1) Notify the parolee, in writing, of its finding and of the date, time, and place, of parolee's revocation hearing; and,
 - (a) Order the parolee held under its warrant pending a revocation hearing; or,
 - (b) Order the release of the parolee upon a finding that incarceration of the parolee pending revocation proceedings is unwarranted because the parolee does not pose a flight risk and does not constitute a danger to the community.

or,

- (2) In the event the alleged violation is a pending criminal charge, notify the parolee that parolee's parole is and shall be suspended pending the disposal of the criminal suit against parolee. In such cases, a revocation hearing shall not be set until such time as the criminal suit against the parolee is disposed of by the Court or otherwise dismissed.
- F. If the Board of Parole, or any Board of Parole Member authorized by the Board, determines that probable cause exists, but that continuation of revocation proceeding is not warranted, the Board of Parole, or any Board of Parole Member authorized by the Board to do so, may subsequently order that the parolee be released and required to conform with one or more additional conditions of parole which may be imposed in accordance with Section VII B herein.

- G. Where probable cause has been found that a parolee has violated a condition of parolee's release, a revocation hearing shall be conducted by the Board of Parole within sixty (60) days of the probable cause determination.
- H. At the revocation hearing, the parolee may admit, deny, or explain the violation charged, and may present evidence that the condition was not violated or that inmate's violation was excusable. Parolee shall be permitted to consult with any persons whose assistance parolee reasonably desires, including parolee own legal counsel, in preparing for a hearing before the Board of Parole. Parolee may confront and cross-examine adverse witnesses, unless the Board of Parole finds reason for not permitting such cross-examination.
- I. A parolee whose parole is revoked for violation of the conditions of parole shall be recommitted for the term not to exceed the balance of the sentence imposed. Any parolee whose parole has been revoked, may, on or after the date the Board of Parole has set for re-application, upon submission of application, and eligibility, be considered by the Board of Parole for re-parole in accordance with the provisions of sections IV, V, and VI herein. In the event a parolee has eighteen months or more remaining in parolee's sentence, and the Board of Parole has not set a date for reapplication, the parolee may re-apply:
 - (1) after twelve (12) months from the date of revocation if parolee has eighteen months or more remaining in parolee's sentence to be served; or,
 - (2) after twenty-four (24) months from the date of revocation if parolee has sixty (60) months or more remaining in parolee's sentence to be served.

IX. REPEALER:

The Rules and Regulations promulgated pursuant with previous Public Laws and 6 CMC Section 4206 published in the Commonwealth Registrar on October 15, 1992 and adopted on December 15, 1992, are hereby repealed in their entirety upon the effective date of these Rules and Regulations.

X. SEVERABILITY PROVISION:

If any provision, or the application of any provision, of these Rules and Regulations shall be held invalid by a court of competent jurisdiction, the remaining of these Rules and Regulations shall not be affected thereby.

XI. SAVINGS:

The repeal of the Rules and Regulations of the Board of Parole, the notice of adoption of which was published in the Commonwealth Registrar on October 15, 1992 and adopted on December 15, 1992 does not release or extinguish any penalty, forfeiture, or liability incurred or right occurring or secured under such laws. The Rules and Regulations shall be deemed in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, or forfeiture.

XII. EFFECTIVE DATE:

These Rules and Regulations shall become effective upon their publication in the Commonwealth Registrar and the announcement having expired without comments or changes made therein.

IN WITNESS WHEREOF, the undersigned has executed these Rules and Regulations this 8th day of August, 2001.

Michael H. San Nicolas Chairperson

CNMI Board of Parole



Commonwealth of the Northern Mariana Islands Department of Public Health

Office of the Secretary

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 §2603(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 §9104. 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:	JOSEPH K.P. YILLAGOMEZ SECRETARY	8 06 200 1 DATE
	Department of Public Health	
Filed By:	mm o	8-14-01
•	SOLEDAD B. SASAMOTO	DATE
	Registrar of Corporations	•
Received By:	Y/W	08/14/01
	Jose I Delean Guerrero	DATE
	SAA// /	
	Governor's Office	

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this day of August 2001.



Commonwealth of the Northern Mariana Islands Department of Public Health

Office of the Secretary

NUTISIAN PUBLIKU

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 §2603(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 §9104. 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.

Mas settefika nu a	s: Adlagomes	8	06	2001
	Joseph K.P. Villagomez Sekretariu	Fed	ha	1
	Dipatamenton Publi Health	œ	, , [0.1
Ma Rikot nu as: _	SOLEDAD B. SASAMOTO	Fed		01
	Registrar of Corporation			
Ma Resibi as:	Y // W		114	101
	Jose I. Deleoh Guerrero SAA	Fecl	na	
	Governor's Office			

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this __7_ day of August 2001.

Herbert Soll Attorney General (Acting)

By: /s/ ELLIOTT A. SATTLER
Elliot/Sattler, AAG



Commonwealth of the Morthern Mariana Islands Department of Public Health

Office of the Secretary

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES DEPARTMENT OF PUBLIC HEALTH

Citation of Statutory Authority:

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

Short Statement of Goals & Objectives:

The Department of Public Health must revise its fee schedule from time to time in order to reflect the actual cost of providing health services, or to add fees for services that become available as a result of new equipment acquisitions or the addition of medical personnel in a particular specialty area.

Brief Summary of the Proposed Rule:

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

Contact Person(s):

Lina Villagomez, Technical Analyst, CHC.

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

Department of Public Health Fee Schedule, published in Vol. 17, No. 2 of the Commonwealth Register, pages 12752-12948 (February 15, 1995), and amendments thereto.

Date: 9/6/0/

Nancy Gottfried, Legal Counsel Department of Public Health

DEPARTMENT OF PUBLIC HEALTH COMMONWEALTH HEALTH CENTER PROPOSED AMENDMENT TO SCHEDULE OF FEES **MEDICAL AND OTHER RELATED FEES**

Childhood Immunization Administration Fee

\$10.00 per Visit

(A \$10.00 immunization administration fee is being charge for the administration of the immunization vaccine for children ages from 0 to 16 years of age. The \$10.00 fee is per visit.)

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ELECTION COMMISSION

Pursuant to the authority granted the Election Commission by 1 CMC § 6105(PL 12-18) to promulgate rules and regulations regarding elections in the Commonwealth, the Election Commission, acting through its Chairman and on its behalf is proposing these regulations which will set up standards for marking and tabulating ballots with the ES & S Model 150 Vote Tabulating Machine.

The proposed regulations may be inspected at, and copies obtained from, the Election Commission Office located at Building 1313 in Capitol Hill. These proposed regulations are also published in the Commonwealth Register. The Elections Commission is soliciting comments on these proposed regulations from the general public.

Anyone interested in commenting on these proposed regulations may do so in writing addressed to the Commonwealth Election Commission PO Box 500470, Saipan, MP 96950. Written comments may also be delivered to the Election Commission office or faxed to (670) 664-8689. All comments must be received in 30 days from the date this notice is published in the Commonwealth Register.

The Election Commission intends to adopt these regulations.

Certified By:

Chairman¹

Commonwealth Election

Commission

Filed By:

SOLEDAD B. SASAMOTO

Registran of Corporations

Received by:

1/ DELEON GUERERRO

Special Assistant for Administration

Office of the Governor

Pursuant to 1 CMC § 2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this day of August 2001

HERBERT D. SOLL

Elliott A. Sattler

Assistant Attorney General

 $\frac{8-10-0}{\text{DATE}}$

NUTISIAN PUPBLIKU

MAPROPOPONE SIHA NA AMENDASION GI REGULASION KUMISON ELEKSION IYA COMMONWEALTH I SUMANGKATTAN SIHA NA ISLAS MARIANAS

Sigun aturidat ni ma entrega i Kumision Eleksion ginen 1 CMC papa seksiona 6105 (Lai Pupbliku 12-18) para u famatinas areklamento yan regulasion put eleksion siha gi halom Commonwealth, i Kumision Eleksion entre i Chairman yan enkuenta di guiya ha propopone este siha na regulasion i para u na'guaha kondison gi matufong balotu siha gine E S yan S Model 150 Vote Tabulating Machine.

I mapropopone siha na regulasion siña manma inspekta, yan guaha lokkue' kopia gi Ofisinan Kumision Eleksion gi Building 1313 giya Capitol Hill. Este i manmapropopone siha na areklamento yan regulasion manmapublika gi Rehistran Commonwealth. I Kumision Eleksion ha sosoyu komento put priniponen regulasion ginen pupbliku henerat.

Hayi malago' mamatinas komento put i mapropopone siha na regulasion siña ha' macho'gue gi tinige' ya u ma adres guato para Commonwealth Election Commission P.O. Box 500470, Saipan MP 96950. I manmatuge' siha na komento siña lokkue' machule' guato gi Ofisinan Kumision Elekison osino ma fax guato gi (670) 664-8689. Todo komento debi di u fanma risibi gi halom trenta (30) dias despues di mapublika este na nutisia gi Rehistran Commonwealth.

I Kumision Eleksion	n ha imtensiona para u adapta e	ste siha na regulasion.
Sinettefika as:		8-10-01
MIGU	JEL M. SABLAN	FECHA
Kabe	esiyu \	
Comr	monwealth Kumision	
Elel	re ton	
	1	
Pine'lo as:	In June	8-14-01
	D B. SASAMOTO	FECHA
Rehist/	Padoran Kotporasion	
Rinisibi as:	M/W	08/14/01
JOSE /	. DELEON GUERRERO	FECHA
Speckal	l Assistant for Administration	
Ofis i na	an Gubetno	

Sigun 1 CMC papa seksiona 2153 ni inamenda ni Lai Pupbliku 10-50, i areklamento yan regulasion ni chechetton guine esta manmaribisa yan apreba ginen Ofisinan Abugadon Henerat giya CNMI.

Ma fecha gi mina 10 na dia, Agusto 2001

HERBERT D. SOLL Abugadon Henerat

/s/ ELLIOTT A. SATTLER

Elliott A. Sattler Assitant Attorney General

PROPOSED REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ELECTION COMMISSION

Statutory Authority: 1 CMC § 6105 which grants the Election Commission the authority to draft rules and regulations for the orderly conduct of all aspects of elections in the Commonwealth.

Goals and Objectives: The Commonwealth amended the Election Code in September of 2000, PL 12-18. That law created substantial changes in the election, registration and voting process. It specifically required the Election Commission to re-write the rules and regulations regarding the conduct of elections so that they would be consistent with the new law. The Commission has just recently acquired an automated tabulation machine to improve the vote tabulation and counting process. These regulations will create specific articulate standards for how to properly mark a ballot that will be read and tabulated by this machine. These regulations also attempt to address deficiencies in election procedures that were highlighted as a result of the 2000 U.S. Presidential Election.

Brief Summary of the Proposed Rules: These proposed rules are a compliment to the comprehensive Commonwealth Election Law that was passed in September of 2000, and the regulations that were recently adopted regarding Conduct of Elections. The recent election controversy in Florida highlighted problems when there are not articulate standards for how to properly mark a ballot. The Commonwealth has acquired the E S & S Model 150 Central Ballot Scanner. These regulations will set requirements for how to properly mark a ballot for that machine.

Contact Person: Interested parties with questions may contact Gregorio C. Sablan, Executive Director of the Election Commission at (670) 664-VOTE (8683). Written comments may be directed to the Election Commission at PO Box 500470 Saipan, MP 96950, faxed to (670) 664-8689 or delivered to the Commission's office on Saipan, Building 1313, Capitol Hill, within 30 days of publication of these proposed rules and regulations.

Related or Effected Statutes, Regulations and Orders: These proposed regulations would effect the comprehensive Election Law, 1 CMC § 6001-6706, as well as the previous rules and regulations of the Election Commission as published in Volume 23 No. 3 pages 17724 - 17744, March 22, 2001 in the Commonwealth Register, and adopted Volume 23 No. 5 page 17854, May 24, 2001

Dated: 8-10-01

MIGUEI M. SABLAN

Election Commission

Regulations of the Commonwealth of the Northern Mariana Islands Election Commission

Section 1 General Provisions

- Section 1.1 Authority. The authority for the adoption and promulgation of the Commonwealth of the Northern Mariana Islands Election Commission Rules and Regulations is by virtue of the authority and directions set forth in 1 CMC §6000 et. seq. and the Commonwealth Administrative Procedures Act, 1 CMC §9101 et. seq.
- Section 1.2 Purpose and Scope. The purpose of these regulations is to provide rules and guidelines on voting procedures for use with the E S & S Model 150 Central Ballot Scanner. These amendments relate to the CNMI Election Commission Regulations, as published in the Commonwealth Register Vol. 23 No. 3, page 17724, March 22, 2001 and adopted Volume 23, No. 5, page 17854, May 24, 2001.

Section 5 Voting Procedures

Section 5.1 Voting Ballot. The Commonwealth of the Northern Mariana Islands currently uses the paper ballot method of voting. The Commonwealth of the Northern Mariana Islands currently uses a paper ballot for use with the ES & S Model 150 Central Ballot Scanner. Prior to the election the Commission shall print a ballot for each voting precinct on paper, capable for use with the above-referenced vote tabulating machine. The ballot which shall list all candidates who have met the requirements to be listed on the ballot. In addition to the names of the candidates, the candidates political party affiliation, if any, shall be listed on the ballot as well as the office that each candidate seeks. In the case of offices such as Municipal Council and Board of Education, or Independently independently nominated candidates for any office no political party affiliation shall be listed, as those offices or candidates are by their very nature considered non-partisan. No independently nominated candidate who previously had a political affiliation may use that affiliation unless he is nominated for that office by that political party.

All candidate names shall be printed with a sufficient font size for all voters to read, but no candidate shall have a different font size then than any other candidate. The ballot shall be organized in a columnar format for

each political party or independent non-partisan nomination of candidacy that is listed at the top of the ballot above the names of the nominated candidate for each office. The columns shall as nearly as possible be equal in size, except where a candidate's name requires additional space then that column will provide that additional space to accommodate the name of the candidate.

Ballot Instructions. Each polling place ballot shall have instructions for the voters on how to properly mark their ballot. The instructions shall state the voter is to mark the box next to the name of the candidate of their choice with either an "X" or a "\scrtw" blacken the corresponding oval next to the candidate's name that the voter intends to vote for. If applicable, the instructions shall also state the voter may choose only as many candidates for the number of offices available in each precinct. The following marks are defined as proper, marginal and improper. No vote on a ballot with an improper mark may be counted.

1. Example of a proper mark:



2. Examples of marginal marks are:



3. Examples of improper marks are:



- Section 5.5 Ballot Marks. Only an "X" or a "✓" are allowed on the ballot. The following markings are not proper and will result in the voter's vote for that particular office not being counted:
 - 1. Circling the candidate's name.
 - 2. Circling the square next to the candidate's name.
 - 3. Writing the word yes next to the candidate's name.
 - 4. Writing the word yes in the box next to the candidate's name.
 - 5. Drawing a line from the candidate's name to the box. oval.
 - 6. Drawing a "→" from the candidate's name to the box. <u>oval.</u>
 - 7. Placing a " " in the box.
 - 8. Puncturing a hole in the box. oval.
 - 9. Underlining the candidate's name.
 - 10. Any other marking on the ballot by the voter other than an "X" or a "\sqrt{".}
- Polling Place Observers. Any candidate, political party or proponent or Section 5.15 opponent of an issue or referendum may have no more than two "polling place observers" inside a polling place to observe the election. Any new or recognized political party may have at least one observer per senatorial district, except that no more than two observers per new and recognized political parties may be present at any polling place or tabulating location at any one time. Any candidate not affiliated with a new or recognized political party or proponent or opponent of an issue or referendum may have one observer per senatorial district, election district or municipality depending on the office sought or the issue being supported or opposed. The observers shall be allowed to be present at any time the a polling place is open. The observers may not wear any buttons, t-shirts or other identifying items that reveal the candidate or issue they support. Any observer who attempts to campaign on their candidate or issue's behalf shall be removed by the polling place supervisor and will not be allowed to return to that polling place. Campaigning is defined as:
 - 1. Making oral statements to voters to vote for a candidate or support an issue, initiative or referendum.
 - 2. Making oral statements to voters to support a candidate, issue, initiative or referendum.
 - 3. Wearing, displaying or handing out any materials that reflect which candidate, issue, initiative or referendum they are supporting.

The observers are not in anyway to disrupt the voting process in any

polling place. Observers may not be a candidate for any office that is appearing on the ballot. Any such observer will be asked to leave the polling place area immediately by the polling place supervisor.

- Section 5.21 Voting Procedure at the Polls for Central Ballot Scanner Votes. A

 demonstration of the proper method to use in marking the ballot shall be
 available to all voters at the polling place. A card or poster of instruction
 detailing the method of marking ballots and voting shall be posted outside
 the polling place and in each voting booth. After the voter receives the
 ballot, the voter shall proceed into the voting booth and shall properly
 mark the ballot as prescribed in the card or poster of instruction. Within
 the voting booth the voter shall designate each choice by completely
 filling in the left hand block or blocks next to the name of the candidate
 for whom the voter desires to vote or the question on the ballot for which
 the voter desires to vote.
- Section 5.22 Counting Center Procedures (Authorized Persons). The tabulating and counting of ballots shall be observed in accordance with Section 5.15 of these regulations. The official observers shall observe the processes within the counting center, and shall report any changes or deviations from the rules or procedures to the Chairman or members of the Election Commission. No person shall be permitted into the counting center without an official badge to be provided by the Election Commission.
- Section 5.23 Counting Center Procedures (Receipt of Ballots). Assigned staff or commissioners of the election commission at the counting center shall receive and sign for the sealed ballot boxes for each precinct polling location. The ballot boxes shall be unsealed and opened in such a fashion to guarantee the integrity and sanctity of the election process. The ballots in the ballot boxes shall be placed in containers with appropriate district and precinct identification.
- Section 5.24 Counting Method (Primary and Alternate). The primary method of tabulating and counting ballots shall be through the E S & S Model 150 Central Ballot Scanner. The alternate method shall be by hand count. If the Election Commission decides that under the circumstances the primary method cannot be used, and they decide that the alterrnate method must be used then all ballots in the Commonwealth shall be hand counted. Nothing in this section will prevent the Commission from inspecting a ballot rejected by the machine to determine if there is a legal vote on that ballot.
- Section 5.25 Counting Center Procedures (Inspection and Preparation of Ballots). Each

election districts' ballots shall be segregated from each other election district and there shall be no intermingling of the ballots among districts. Once the ballot box is opened and the district's ballots are retrieved from the box the ballots shall be processed through the Central Ballot Scanner for tabulation, in accordance with proper procedures for that machine. This will include placing the ballots through the ballot jogger for final preparation before being placed in the Central Ballot Scanner.

Section 5.26 Rejected Machine Ballots, Overvote Ballots and Undervote Ballots. If the Central Ballot Scanner should reject any ballot in part or in its entirety, or record an Overvote, or record an Undervote then the ballot may be referred to the Election Commission for final determination of the vote. If the election commission finds that the voter marked their ballot with either a proper mark or a marginal mark as defined by section 5.4 of these regulations, then the voter's ballot shall be counted. If the voter marked the ballot with an improper mark as defined by section 5.4 of these regulations then the vote shall not be counted. In other circumstances if a ballot is rejected by the Central Ballot Scanner and upon further review the Election Commission finds that no part of the voters mark was inside the oval next to the candidate's name, then no vote from that ballot shall be recorded for that candidate[s]. Overvote ballots may be examined by the commission to determine if the voter voted for more candidates then are allowed for a particular office. If smudges or marks of some kind are identified clearly as unintentional, but had the effect of registering too many votes for an office then the Election Commission may reproduce the exact duplicate ballot. The commission in the alternative may place an Avery-0-806 Removable Label over the unintentional mark and re-feed the ballot through the Central Ballot Scanner. In all situations where the machine either rejects a ballot, records an overvote, records an undervote or a ballot is damaged or spoiled and the machine cannot read the ballot or record a vote, then the Election Commission may make an exact duplicate ballot that reflects the clear choice of the voter, and that ballot shall be resubmitted through the machine. The Commission may also hand count the subject ballot to determine the clear choice of the voter and such hand

Section 5.27 Counted Ballots (Post-Tabulation Procedures). Once the ballots have been counted for each particular precinct, then they are to remain segregated and identified as counted ballots from that precinct. The ballots must be segregated in a portion of the counting center, and they are to be guarded by at least two people, while the tabulating of ballots is ongoing. The election commission must retain the actual ballots for 48 months from the date of the election. After 48 months have passed then the commission

count totals will be added to the machine count totals for the final count.

may permanently dispose of the ballots.

- Section 12 Severability. If any provision of these regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.
- Section 13 <u>Effective Date</u>. These regulations shall take effect upon the Notice of Adoption and upon final publication in the Commonwealth Register.

COMMONWEALTH DEVELOPMENT AUTHORITY AND THE DIVISION OF REVENUE AND TAXATION, DEPARTMENT OF FINANCE

CERTIFICATE OF ADOPTION

We, Juan S. Tenorio and Maria Lourdes Seman Ada, Board Chairman and Executive Director of the Commonwealth Development Authority, respectively, and Dora S. Taitingfong, Acting Director of Revenue and Taxation of the Department of Finance which are promulgating the Rules and Regulations of the Qualifying Certificate Program, published in the Commonwealth Register, Volume 23, Number 06, on June 19, 2001, at pages 17906 through and including page 17934, by our signatures below, do hereby certify that the final rules and regulations were adopted by the CDA Board of Directors at its regular board meeting on August 8, 2001, with minor modifications as set forth in the Public Notice of Adoption accompanying this certificate. We hereby request and direct that the Public Notice and this Certificate of Adoption be immediately published in the Commonwealth Register.

We declare under penalty of perjury that the aforementioned rules and regulations are true and correct and that this declaration was executed on the 9th day of August, 2001, Saipan, \mathcal{L} ommonwealth of the Northern Mariana Islands.

Juan S. Tenorio, Chairman CDA Board of Directors

I ain Lowell Slaw Al **CDA Executive Director**

Dora S. Taitingfong, Acting Director Division of Revenue & Taxation

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the rules and regulations as described in the foregoing Certificate of Adoption have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office

Hugest wy 2001

Filed by:

Herbert Soll Attorney General

Soledad B. Sasamoto Registrar of Corporation

Received at	the Governor's	Office by:
Date:	08/09/0,	<u> </u>

Jose L'Deleon Guerrero

Special Assistant for Administration

COMMONWEALTH DEVELOPMENT AUTHORITY AND THE DIVISION OF REVENUE AND TAXATION, DEPARTMENT OF FINANCE PUBLIC NOTICE OF THE ADOPTION OF THE RULES AND REGULATIONS OF THE

QUALIFYING CERTIFICATE PROGRAM WITHIN THE

COMMONWEALTH DEVELOPMENT AUTHORITY

The Division of Revenue and Taxation of the Department of Finance and the Commonwealth Development Authority (CDA), of the Commonwealth of the Northern Mariana Islands pursuant to 4 CMC §3323 and in accordance with the Administrative Procedures Act (1 CMC §9101, et seq.) hereby notify the general public that the proposed Qualifying Certificate Program Rules and Regulations as published in the Commonwealth Register, Volume 23, Number 06, June 19, 2001, at pages 17906 through and including 17934, and after expiration of appropriate time for public comment, were adopted by the CDA Board of Directors at its regular meeting on August 8, 2001, a quorum being present, with minor modifications as set forth below:

- 1. Page 1, Chapter I(B)2 "Aquarium" shall mean a place for public exhibition......at least 500 people, has been changed to: "Aquarium" shall mean a place for public exhibition at least 200 people.
- 2. Page 2, Chapter I(B)8 "Convention Center" shall mean a building facility......a group of at least 500 people, has been changed to: "Convention Center" shall mean a building facility....... a group of at least 200 people.
- 3. Page 3, Chapter I(B)9 "Cultural Center" shall mean a place capable of..........at least 500 for the public exhibition......to an island society, has been changed to: "Cultural Center" shall mean a place capable ofat least 200 for the public exhibition......to an island society.
- 4. Page 3, Chapter I(B)10 "Dinner Theater" shall mean a restaurant that presents a show..........for at least 300 people, has been changed to: "Dinner Theater" shall mean a restaurant that presents a show............for at least 200 people.
- 5. Page 4, Chapter I(B)16 "Internet Related Businesses and/or Businesses Engaged in Internet Commerce" shall mean......products on line, has been changed to: "Internet Related Businesses and/or Businesses Engaged in Internet Commerce" shall mean......products and services on line.
- 6. Page 5, Chapter II(B), second sentence The Administrator may delegate any of his or her initial or additional....., has been changed to read: The Administrator may delegate any of his or her <u>primary</u> or additional.....

7. Page 20, Chapter X(A) – The Director of Revenue and Taxation or his or her designee shall be present at all meetings where an application for a Qualifying Certificate is discussed; has been changed to read: The Director of Revenue and Taxation or his or her designee <u>may</u> be present at all meetings where an application for a Qualifying Certificate is <u>formally</u> discussed.

Copies of the Qualifying Certificate Program Rules and Regulations are available at the office of the Commonwealth Development Authority, Gualo Rai, Saipan, MP 96950 or may be obtained by mail at P.O. Box 502149, Saipan, MP 96950.

The adopted regulations become effective ten (10) days after publication of this Notice in the Commonwealth Register.

ated	this 9th day of August, 2001.		
-Alm	Vi	Mgon K	will benn Al
Juan S. Tenor	io, Chairman	Maria Lourdes	
CDA Board o	·	CDA Executive	e Director
	agfong, Acting Director evenue & Taxation		
Received by:	Jose I Deleon Guerrero Special Assistant for Administration		88/89/01 Date
Filed and Rec by:	Soledad B. Sasamoto		8/10/01 Date
	Registrar of Corporations		

PUBLIC NOTICE

NOTICE AND CERTIFICATION OF ADOPTION OF REGULATIONS AMENDING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATIONS OF THE ELECTION COMMISSION

I, Miguel M. Sablan, Chairman of the Election Commission of the Commonwealth of the Northern Mariana Islands, which is promulgating the Regulations amending the CNMI Election Commission Regulations published in the Commonwealth Register Vol. 23 Number 06 on June 19, 2001 pages 17939 to 17964 by signature below hereby certify that as published such amended regulations are true, complete and a correct copy of the regulations amending the CNMI Election Commission Regulations previously published by the Election Commission, which after the expiration of the appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

*Page 17945 Section 1.3a(xiii), on the third line the word "man" is replaced with "person."

*On the 3rd line of the NOTE on page 17945, the word "finance" is replaced with "financial."

*On the title for Section 11 of page 17945, the word "Finance" is replaced with "Financial."

*On Section 11.7 on page 17947, the regulation now reads as follows:

Contributions are for Election Campaigns Only. All contributions from Section 11.7 supporters are to be used for campaigns and election purposes only. Contributions are not to be used for personal use. If a candidate has campaign funds remaining after an election, he or she may retain those funds for a future election campaign, in a designated bank account identified on their Campaign Statement of Account or return the funds to their contributors and supporters. These funds may be used for legitimate purposes in future elections or eampaigns. If the remaining funds are retained for a future election campaign, the candidate shall report the carried-over funds on the future election Campaign Statement of Account. Nothing in this section shall prevent a candidate from using campaign funds for having one or more post-election meetings, rallies or parties within a reasonable time after the election. If the candidate returns the funds to their contributors or supporters, or if they are used for post election meetings, rallies, or parties, or a combination thereof, the candidate shall file an original and two copies of an amended Campaign Statement of Account with the Public Auditor, and provide a copy to the Election Commission (bearing the OPA stamp), within fifteen (15) days

after the return and/or use of such funds. Should the candidate, in good faith, elect to retain remaining campaign funds for a future election, and is later unable or unwilling to run for election, he or she may either return the funds to their original contributors or supporters, or donate the funds to a legally organized charity of their choice. In such case, the candidate shall file an original and two copies of an amended Campaign Statement of Account (bearing the OPA stamp), within fifteen (15) days after the return or donation of such funds.

*On Section 11.15 on page 17949 on the 3rd line after the word "candidates" the period is replaced with a comma, and the word regardless is now lower case and not capitalized.

The Office of the Public Auditor has also added a line to the Mandatory Campaign Statement of Account form to accommodate the change to Section 11.7. The new line includes a place where a candidate may carry over left over funds from a previous election. The new Campaign Statement of Account form is attached to this Notice.

I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register and that these regulations amending the CNMI Election Commission Regulations become effective upon its publication.

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

Certified By:

MIGUEL M.)SABLAN

Chairman

Commonwealth Election

Commission

Filed By:

SOLEDAD B. SASAMOTO

Registrar of Corporations

8-14-01

DATE

Certification of Compliance with Directive No. 183

Received by:

JOSE/I/DELEON GUERERRO

Special Assistant for Administration

VOLUME 23 NUMBER 08

Office of the Governor

0**f**/14/0/ DATE Pursuant to 1 CMC § 2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

_ day of August 2001 Dated this _

> HERBERT D. SOLL Attorney General

Assistant Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS CAMPAIGN FINANCIAL DISCLOSURE

CAMPAIGN	STATE	MENT	OF	ACCO	UNT
GENI	ERAL T	SPECIA	AL E	ELECTIO	N

Report Type:		
Final Report		
Amendment		

(Year)

IMPORTANT: FILE THIS REPORT NOT LATER THAN____.
FILE ORIGINAL AND TWO COPIES WITH THE OFFICE OF THE PUBLIC AUDITOR.

This Campaign Statement of Account form is mandatory. Candidates may use the suggested reports and schedules furnished by the Election Commission, or the may use their own detailed formats. Should you use an alternative schedule format, you must provide, at a minimum, detailed information as required in the A-

Candidate Name (Last Name, First Name, MI):	Office Sought:			
Treasurer Name (Last Name, First Name, MI):	Preferred Mailing (P.O. Box) Address:		Telephone:	
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3. MULTI-CANDIDATE CONTRIBUTIONS	·			
4. RECEIPTS FROM GENERAL CONTRIBUTIONS				
5. OTHER RECEIPTS		·		
6. TOTAL AVAILABLE (Add Lines 1 through 5)				
LESS: DISBURSEMENTS THIS ELECTION PERIOD				
7. DISBURSEMENTS FOR FUNDRAISING EVENTS				
8. MULTI-CANDIDATE EXPENSES				
9. DISBURSEMENTS FOR GENERAL EXPENDITURES				
10. OTHER DISBURSEMENTS				
11. TOTAL DISBURSEMENTS (Add Lines 7 through10)				
12. EXCESS (SHORTFALL) OF RECEIPTS OVER DISBURSEMENTS	(Subtract Line 11 from Line 6)			
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Commonwealth of the Northern Mariana Islands)) s.s. Island of	Commonwealth of the Northern Mari	iana Islands)) s.s)		
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That I am the individual named above; that I prepared the foregoing Campaign Statem Account, that I have used all reasonable diligence in preparing this Statement, and th contents thereof, including the contents of all supporting attachments, are a true, full and a accounting of all contributions received and expenses incurred in aid of the campai understand that providing false information herein may subject me to civil and criminal per as provided by the Northern Mariana Islands Election Reform Act of 2000, 1 CMC §642	hat the the contents thereof, including the contexplicit accounting of all contributions receiving. I understand that providing false inform as provided by the Northern Mariana	tents of all supporting attachr ived and expenses incurred nation herein may subject me	ments, are true, full and explicit If in aid of the campaign. I It to civil and criminal penalties	
. Signature of Candidate Date (Month, Day, Ye	Signature of Treasurer		Date (Month, Day, Year)	
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D-001, Revised July 2001				



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS CAMPAIGN FINANCIAL DISCLOSURE

CAMPAIGN STATEMENT OF ACCOUNT

Report Type:		
Final Report		
Amendment		

FOR GOVERNOR AND LT. GOVERNOR CANDIDATES ☐ GENERAL ☐ SPECIAL ELECTION

IMPORTANT: FILE THIS REPORT NOT LATER THAN_____.
FILE ORIGINAL AND TWO COPIES WITH THE OFFICE OF THE PUBLIC AUDITOR.

This Campaign Statement of Account form is mandatory. Candidates may use the suggested reports and schedules furnished by the Election Commission, or they

Candidate Name (Last Name, First Name, MI):	Office Sought:			
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7. DISBURSEMENTS FOR FUNDRAISING EVENTS				
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I,, being	(Candidate for Lt. Governor)	, being	(Treasure	, being
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That I am the individual named above; that I prepared the foregoing Campaign Statement of Account, that I have used all	That I am the individual named above; that foregoing Campaign Statement of Account, t	hat I have used all	That I am the individual name Campaign Statement of Accoun	nt, and the contents thereof,
reasonable diligence in preparing this Statement, and that the contents thereof, including the contents of all supporting attachments, are a true, full and explicit accounting of all	reasonable diligence in preparing this Staten contents thereof, including the contents attachments, are a true, full and explicit	of all supporting	including the contents of all support full and explicit accounting of a expenses incurred in oid of the	It contributions received and
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may subject me to civil and criminal penalties as provided by the Northern Mariana Islands Election Reform Act of 2000, 1	may subject me to civil and criminal penalti the Northern Mariana Islands Election Refor	es as provided by	Election Reform Act of 2000, 1 (
CMC §6428.	CMC §6428.	, .		
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GD-001(0/LG), Revised July 2001	<u></u>	······································	· · · · · · · · · · · · · · · · · · ·	

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED REGULATIONS REGARDING CURRICULUM, INSTRUCTION, ADMISSION, SERVICES AND STUDENT RIGHTS AND CONDUCT

I, Anthony Pellegrino, the Chairman of the Board of Education for the Commonwealth of the Northern Mariana Islands ("Board") that is promulgating regulations regarding public school curriculum, instruction, admission, services and student rights and conduct pursuant to the authority provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act and published in the June 19, 2001 Commonwealth Register, hereby certify that as published such regulations are an accurate and complete copy of the regulations regarding these matters, which after the expiration of the appropriate time for public comment, have been adopted with the minor modifications as set forth below:

- 1) Regulation 2520(a) should read "satisfactory" completion versus "satisfactorily".
- 2) Regulation 2520 (b)(2) should read when "reviewing" versus "review".
- 3) Regulation 6210 (a)(1) should read "[e]ach public elementary school will provide a minimum of 180 minutes of instructional time to kindergarten students in the thematic approach to instruction" versus "[a] minimum of 180 minutes of instructional time will be provided to kindergarten students in the thematic approach to instruction".
- 4) Regulation 6210 (b)(1) should read "[e]ach public junior high school will provide 350 minutes daily instructional time for students in grades seven and eight" versus "[a] minimum of 300 minutes daily instructional time shall be provided in the public junior high schools".
- 5) Regulation 2700 (a)(1) the end of the first sentence should read "molested by any person in a manner which harms or threatens to harm the child's physical or mental health and well-being" versus "molested by a parent or person responsible for the child's welfare".
- 6) Regulation 2700(a)(4) is added to read "[m]olestation includes all exhibitionism, sexual contact, and sexual exploitation as set forth in 6 CMC Section 1311 and 6 CMC Section 1321 et seq."
- 7) Regulation 2700(b)(1) should read "subjected to abuse, molestation, or neglect" versus "subjected to abuse or neglect".
- 8) Regulation 2700(b)(2) should read "[u]pon notice of abuse, molestation, or neglect, the building principal or designee will, if necessary, quickly conduct a preliminary investigation. If there is reasonable cause to suspect that a child has been or may be abused, neglected or sexually molested, the building principal or designee shall make an immediate oral report to the Department of Public Safety (DPS) and the Division of Youth Services (DYS)" versus "[u]pon notice of abuse, molestation, or neglect, the building principal or designee will make an immediate oral report to the Department of Public Safety (DPS) and the Division of Youth Services (DYS)".

By my signature below, I certify that the proposed regulations as published in the June 19, 2001 Commonwealth Register and as amended herein are the accurate and complete amended regulations regarding public school curriculum, instruction, admission, services and student rights and conduct and hereby repeal and replace Board of Education Policies 400 - 419 and 600 - 624. I further request that this Notice and Certification of Adoption be published in the Commonwealth Register.

ANTHONY PELLEGRINO

Board of Education Chairman

Pursuant to 1 CMC §2153 as amended by P.L. 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this ______ day of August, 2001.

HERBERT D. SOLL Attorney General

ELLIQUE A. SAPPLER

Assistant Attorney General

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Medical Profession Licensing Board

NOTICE OF CERTIFICATION OF ADOPTION OF AMENDMENT TO THE RULES AND REGULATIONS GOVERNING THE IMPORATION, STORAGE, SALES AND DISTRIBUTION OF DRUGS AND PHARMACEUTICAL PRODUCTS

I, DAVID HARDT, M.D., the Acting Chairman of the Medical Profession Licensing Board which is promulgating Rules and Regulations Governing the Importation, Storage, Sales and Distribution of Drugs and Pharmaceutical Products published in the Commonwealth Register Vol. 23, No. 6 on June 19, 2001, at pages 17935 to 17938, by signature below hereby certify that as published such Rules are a true, complete and correct copy of the Rules and Regulations Governing the Importation, Storage, Sales and Distribution of Drugs and Pharmaceutical Products previously proposed by the Medical Profession Licensing Board which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10th day of August, 2001 at Saipan, Commonwealth of the Northern Mariana Islands.

DAVID HARDT, M.D.

Medical Profession Licensing Board

Commonwealth of the Northern Mariana Islands Office of the Governor

Department of Lands and Natural Resources Lower Base Caller Box 10007

Caller Box 10007 Saipan, Mariana Islands 96950

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Cable Address: Bov. KMI Saipan Telephone: 322-9830/9834/9854

fax: 322-2633

NOTICE AND CERTIFICATION of ADOPTION OF RULES REGARDING AMENDMENTS TO THE NON-COMMERCIAL FISH AND WILDLIFE REGULATIONS

I, Joaquin A. Tenorio, the Secretary of the Department of Lands and Natural Resources which is promulgating the Rules Regarding Amendments to the Non-commercial Fish and Wildlife regulations published in the Commonwealth Register Vol. 23, No. 04 on April 23rd, 2001 at pages 17846 to 17853, by signature below hereby certify that as published Rules are a true, complete and correct copy of the Rules regarding Amendments to the Non-commercial Fish and Wildlife Regulations proposed by the Department of Lands and Natural Resouces which after the expiration of appropriate time for public comment have been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct that this declaration was executed on the 3rd day of August, 2001 at Saipan, Commonwealth of the Northern Mariana Islands.

Joaquin A. Tenorio, Secretary

Department of Lands and Natural Resources



Pedro P. Tenorio

Caller Box 10007 Saipan, MP 96950

Governor

Telephone: (670) 664-2200/2300

Jesus R. Sablan Lt. Governor

Fax: (670) 664-2211/2311

TROPICAL STORM MAN-YI (12W)

EMERGENCY DECLARATION NO. 01-2001

DATE: 8/03/2001

SUBJECT:

Executive of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

declared readiness TROPICAL STORM CONDITION II for the Islands of SAIPAN,

TINIAN and ANATAHAN effective 9:00 A.M., AUGUST 3, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan, the declaration automatically puts into

execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

executed, effective 9:00 A.M., AUGUST 3, 2001, on the islands of SAIPAN, TINIAN

and ANATAHAN, continuing so long as required by the emergency situation.

PEDRO P. TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio Governor Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Fax: (670) 664-2211/2311

Jesus R. Sablan

Lt. Governor

TROPICAL STORM MAN-YI (12W)

EMERGENCY DECLARATION NO. <u>02-2001</u>

DATE: 8/03/2001

SUBJECT:

Termination of the Commonwealth of the Northern

Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DECLARED an "ALL CLEAR CONDITION" for the Islands of SAIPAN and

TINIAN effective 2:30 P.M., AUGUST 3, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically

terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 2:30 P.M., AUGUST 3, 2001, on the islands of SAIPAN and

TINIAN.

PEDRÓP. TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio

Governor

Jesus R. Sabian Lt. Governor

Caller Box 10007

Saipan, MP 96950

Telephone: (670) 664-2200/2300

Fax: (670) 664-2211/2311

TROPICAL STORM MAN-YI (12W)

EMERGENCY DECLARATION NO. 03-2001

DATE: 8/03/2001

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has UPGRADED TROPICAL STORM CONDITION II to TROPICAL STORM

CONDITION I for the Island of ANATAHAN and DECLARED TROPICAL

STORM CONDITION II for the island of ALAMAGAN effective 6:00 P.M.,

AUGUST 3, 2001; and

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

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be executed, effective 6:00 P.M., AUGUST 3, 2001, on the islands of ANATAHAN and

ALAMAGAN.

EDRO P. TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio

Caller Box 10007 Saipan, MP 96950

Governor

Telephone: (670) 664-2200/2300 Fax: (670) 664-2211/2311

Jesus R. Sablan

Lt. Governor

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. 04-2001

DATE: 8/03/2001

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has UPGRADED TROPICAL STORM CONDITION I for the island of

ANATAHAN, TROPICAL STORM CONDITION II for the island of ALAMAGAN

and TROPICAL STORM CONDITION III for the island of AGRIHAN to

TYPHOON CONDITION I effective 7:30 P.M., AUGUST 3, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan, the declaration automatically puts into

execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

executed, effective 7:30 P.M., AUGUST 3, 2001, on the islands of ANATAHAN,

ALAMAGAN and AGRIHAN.

. TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio Governor

Caller Box 10007 Saipan, MP 96950

Jesus R. Sablan

Lt. Governor

Telephone: (670) 664-2200/2300 Fax: (670) 664-2211/2311

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. 05-2001

DATE: 8/03/2001

SUBJECT:

Termination of the Commonwealth of the Northern

Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DECLARED an "ALL CLEAR CONDITION" for the Island of ANATAHAN effective 11:00 P.M., AUGUST 3, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 11:00 P.M., AUGUST 3, 2001, on the island of ANATAHAN.

PEDRO P. TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio

Caller Box 10007 Saipan, MP 96950

Governor

Telephone: (670) 664-2200/2300 Fax: (670) 664-2211/2311

Jesus R. Sablan

Lt. Governor

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. <u>06-2001</u>

DATE: <u>8/04/2001</u>

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DOWNGRADED TYPHOON CONDITION I to TYPHOON CONDITION II

for the island of ALAMAGAN effective 3:00 A.M., AUGUST 4, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan, the declaration automatically puts into

execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

maintained in execution, effective 3:00 A.M., AUGUST 4, 2001, on the island of

ALAMAGAN.

. TENORIO

Commonwealth of the Northern



Pedro P. Tenorio Governor

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300

Jesus R. Sablan

Lt. Governor

Fax: (670) 664-2211/2311

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. 07-2001

DATE: 8/04/2001

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DOWNGRADED TYPHOON CONDITION II to TYPHOON CONDITION III

for the island of ALAMAGAN effective 5:30 A.M., AUGUST 4, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan, the declaration automatically puts into

execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

maintained in execution, effective 5:30 A.M., AUGUST 4, 2001, on the island of

ALAMAGAN.

Governor

Commonwealth of the Northern



Pedro P. Tenorio Governor

Caller Box 10007 Saipan, MP 96950

Telephone: (670) 664-2200/2300

Jesus R. Sablan Lt. Governor

Fax: (670) 664-2211/2311

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. 08-2001

DATE: 8/04/2001

SUBJECT:

Execution of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DOWNGRADED TYPHOON CONDITION I to TYPHOON CONDITION III

for the island of AGRIHAN effective 8:30 A.M., AUGUST 4, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan, the declaration automatically puts into

execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

maintained in execution, effective 8:30 A.M., AUGUST 4, 2001, on the island of

AGRIHAN.

TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio Governor

Caller Box 10007 Saipan, MP 96950

Telephone: (670) 664-2200/2300

Jesus R. Sablan Lt. Governor

Fax: (670) 664-2211/2311

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. 09-2001

DATE: 8/04/2001

SUBJECT:

Termination of the Commonwealth of the Northern

Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DECLARED an "ALL CLEAR CONDITION" for the Island of ALAMAGAN

effective 8:30 A.M., AUGUST 4, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern

Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically

terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is

directed that the operational portions of the CNMI Emergency Operation Plan be

terminated, effective 8:30 A.M., AUGUST 4, 2001, on the island of ALAMAGAN.

TENORIO

Governor

Commonwealth of the Northern



Pedro P. Tenorio Governor

Jesus R. Sablan Lt. Governor Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Fax: (670) 664-2211/2311

TYPHOON MAN-YI (12W)

EMERGENCY DECLARATION NO. <u>10-2001</u>

DATE: 8/04/2001

SUBJECT:

Termination of the Commonwealth of the Northern

Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands

Has DECLARED an "ALL CLEAR CONDITION" for the Island of AGRIHAN

effective 2:30 P.M., AUGUST 4, 2001; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 2:30 P.M., AUGUST 4, 2001, on the island of AGRIHAN.

PEDRO P/TENORIO

Governør

Commonwealth of the Northern