

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



**COMMONWEALTH REGISTER
VOLUME 26
NUMBER 03**

MARCH 23, 2004

COMMONWEALTH REGISTER

**VOLUME 26
NUMBER 03
March 23, 2004**

TABLE OF CONTENTS

EMERGENCY DECLARATION:

Vocanic Eruption on Anatahan Emergency Management office.....	22107
--	--------------

PROPOSED RULES AND REGULATIONS:

Public Notice of the Proposed Amendments to the Immigration Rules and Regulations Section 703 Office of the Attorney General/Division of Immigration.....	22110
--	--------------

Public Notice of Proposed Amendments to the Amended Rules and Regulations for the Operation of the Commonwealth of the Northern Mariana Islands Lottery Department of Finance.....	22121
---	--------------

Public Notice of the Proposed Amendments to the Department of Labor Alien Labor Rules and Regulations Department of Labor.....	22149
---	--------------

Public Notice of the Proposed Amendments to the NMI Village Homestead Rules and Regulations Marianas Public Land Authority.....	22158
--	--------------

NOTICE AND CERTIFICATION ON ADOPTION OF REGULATIONS:

Notice and Certification of Adoption of Amendments to the Immigration Regulations Title VIII /Public Notice Order of the Attorney General Office of the Attorney General/Division of Immigrations.....	22170
---	--------------

Notice and Certificate of Adoption of Amendments to the Immigration Regulations Section 706H Office of the Attorney General/Division of Immigrations.....	22190
--	--------------

COMMONWEALTH REGISTER

**VOLUME 26
NUMBER 03
March 23, 2004**

TABLE OF CONTENTS

Notice and Certification of Adoption of Amendments to Customs Service Regulations NO. 2200 et.seq. Department of Finance/Division of Customs.....	22193
Notice and Certification of Adoption of Board of Education Regulations regarding Employee Certification and Internet Use Public School System.....	22194
 <u>LEGAL OPINIONS:</u>	
RE: Legal Authority of the CNMI Service Commission to promulgate "Excepted Service Personnel Regulations for Excepted Service Employees of the CNMI Government. Office of the Attorney General Legal Opinion #04-05.....	22196
RE: Agency Jurisdiction Over Wildlife Management Office of the Attorney General Legal Opinion #04-06.....	22209
RE: Status of the 1993 Saipan Zoning Law Office of the Attorney General Legal Opinion #04-07.....	22213



MAR 10 2004

DECLARATION OF EMERGENCY

Volcanic Eruption on Anatahan

I, JUAN N. BABAUTA, by the authority vested in me as Governor pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the recommendations of the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey (attached hereto and incorporated herein by this reference) hereby declare another 30-day extension of the May 13, 2003 Declaration of Emergency for the island of Anatahan and the declaration that the island of Anatahan as unsafe for human habitation and further do hereby restrict all travel to said island with the exception of scientific expeditions. Therefore, the provisions of the May 13, 2003 Declaration of Emergency remain in effect maintaining the off-limits zone from 30 nautical miles to 10 nautical miles.

This Declaration shall become effective upon signature by the Governor and shall remain in effect for thirty (30) days unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been extended for a like term. The Governor shall give reason for extending the emergency.

JUAN N. BABAUTA
Governor

CC: Lt. Governor (F: 664-2311)
Senate President (F: 322-0519)
House Speaker (F: 664-8900)
Mayor of the Northern Islands (F: 233-6466)
Director of Emergency Management (F: 322-7743)
Commissioner of Public Safety (F: 664-9027)
Attorney General (F: 664-2349)
Secretary of Finance (F: 664-1115)



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Emergency Management Office
Office of the Director



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

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

MEMORANDUM

FEB 27 2004

To: Governor
From: Director
Subject: Declaration of Emergency

The EMO seismic staff and USGS, once again with close consultation has informed me that Anatahan volcano episode of volcanic earthquakes from February 1st to 8th have ended but continues to emit steam and release sulfuric gaseous vapors. In addition, tremors and seismic energy release are at their lowest levels, similar to the month of January, caused by the volcanic activity are frequently recorded by the seismograph at EMO.

Therefore, we are once again respectfully soliciting your assistance in extending the **Declaration of Emergency** for the island of Anatahan for another thirty (30) days and to maintain the *off limits zone from 30 nautical miles to 10 nautical miles* around Anatahan until further notice. Under these conditions, restriction of entry to the said island should continue until a thorough scientific study is done and that the findings suggest otherwise. The current **Declaration of Emergency** will expire on March 11, 2004.

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

Sincerely,

Rudolfo M. Pua

FAXED
By *[Signature]* Fmr 2/27

Xc: LT. Governor
SAA
Mayor, NI



Northern Mariana Islands Volcanic Activity

Activity Update

The first historical eruption of Anatahan Volcano began suddenly on the evening of May 10. An eruption column as high as 10 km resulted in a far-reaching eruption cloud to the west. No one was directly threatened by the initial activity, because residents had long before evacuated the small volcanic island (9 km long and 3 km wide). Thus far, the eruption has consisted of a nearly continuous small eruption column (less than 5 km) punctuated by stronger explosive activity. In early June, a small lava flow erupted in the volcano's east crater, but was mostly destroyed by subsequent explosive activity.

| [Eruption Overview](#) | [Washington VAAC Volcano Ash Advisories](#) |

Anatahan Volcano Update

Anatahan Volcano Update

Submitted Monday, February 23, 2004 at 1230 local Anatahan time

During the past day Anatahan volcanic seismicity has been at a low background level. There were no apparent eruption signals or precursory events. Tremor and seismic energy release are at very low levels.

Contact persons:

Juan Takai Camacho, Geophysical Seismic Technician, EMO Saipan; tel: (670) 322-9528, fax: (670) 322-7743, email: juantcamacho@hotmail.com

Ramon Chong, Geophysical Instrument Specialist, EMO Saipan; tel: (670) 322-9528, fax: (670) 322-7743, email: rchongemo@hotmail.com

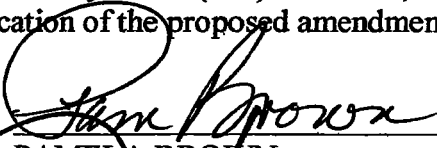
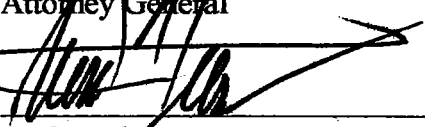

Frank Trusdell, Geologist, USGS; tel: (808) 967-8812, fax: (808) 967-8890, email: trusdell@usgs.gov

| Technical support for this web site is provided by the [Hawaiian Volcano Observatory](#),
[U.S. Geological Survey](#)

PUBLIC NOTICE
PROPOSED AMENDMENTS TO THE IMMIGRATION RULES AND REGULATIONS
SECTION 703

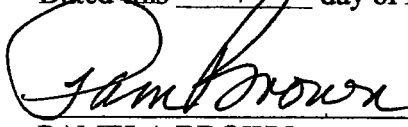
The Commonwealth of the Northern Mariana Islands, Office of the Attorney General notifies the general public of proposed amendments to the Immigration Rules and Regulations Section 703, adopted as amended in Commonwealth Register, Vol. 25, No. 10, November 17, 2003. Subsequent amendments were proposed to Subsections E and G in Commonwealth Register, Vol. 26, No. 1, January 22, 2004. Based on comments received on said proposed amendments, and in light of additional amendments that the Attorney General now recommends, it is hereby proposed that all pending and new amendments be incorporated herein and Section 703 be amended and restated in its entirety upon proper adoption, after the requisite period for public comment and with such changes as may be appropriate.

It is the intent of the Office of Attorney General to adopt the proposed amendments to the Immigration Rules and Regulations Section 703 as permanent, pursuant to 1 CMC § 9104(a)(1) and (2). This publication of the proposed amendments in the Commonwealth Register provides notice and opportunity for comment. If necessary, a public hearing will be provided. All interested persons may submit written comments on the proposed amendments to Pamela Brown, Attorney General, Office of the Attorney General, Second Floor, Juan A. Sablan Memorial Bldg, Capitol Hill, Saipan MP 96950 or by fax to (670) 664-2349, during the thirty-day period immediately following publication of the proposed amendments.

Submitted by:	 PAMELA BROWN Attorney General	<u>3/11/04</u> Date
Received by:	 THOMAS A. TEBUTEB Special Assistant for Administration	<u>3/15/04</u> Date
Filed and Recorded by:	 BERNADITA B. DE LA CRUZ Corporate Register	<u>3-15-04</u> Date

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

Dated this 11th day of March 2004.


PAMELA BROWN
Attorney General

PUBLIC NOTICE
PROPOSED AMENDMENTS TO THE IMMIGRATION RULES AND REGULATIONS
SECTION 703

This amendment is proposed in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Office of the Attorney General is proposing to amend the Immigration Rules and Regulations that were adopted as permanent in Commonwealth Register, Vol. 25, No. 10, November 17, 2003.

Citation of

Statutory Authority:

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

Short Statement of

Goals and Objectives:

The proposed amendments to, and restatement of, the Immigration Rules and Regulation Section 703 will incorporate several proposed revisions and additions in order to make the Visitor Entry Permit process more clear and effective.

**Brief Summary of the
Proposed New Section:**

These proposed amendments to the Immigration Rules and Regulations are promulgated to:

- (1) Exempt permanent and certain temporary residents of countries listed the Exempt Countries List from requiring a VEP.
- (2) Impose a \$100 fee to expedite applications received less than seven days prior to arrival.
- (3) Clarify that the Attorney General or his or her designee must authorize a VEP.
- (4) Require the Division of Immigration to conduct a BMS and LIIDS search of each applicant prior to approval.
- (5) Clarify that an examining official may deny a VEP if it is in the best interest of the Commonwealth.
- (6) Require airlines to provide passenger manifests for international flights.
- (7) Clarify that the VEP application is submitted under penalty of perjury.
- (8) List examples for proving sufficient means of support.

- (9) Require that travel agencies seeking customers from countries where a VEP is required are sufficiently established, reputable, and have adequate resources to ensure compliance with immigration laws and Commonwealth security requirements.

**For Further
Information Contact:**

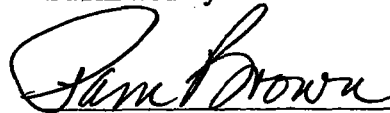
Eric S. O'Malley, Assistant Attorney General, Office of the Attorney General, telephone (670) 664-2426 or facsimile (670) 234-7016.

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

The proposed amendments affect the Immigration Rules and Regulations, Section 703, and 3 CMC § 4322.

Dated this 11th day of March 2004.

Submitted by:



PAMELA BROWN
Attorney General

NOTISIAN PUPBLIKU

MAN MAPROPONE NA AMENDASION SIHA PARA I AREKLAMENTO YAN
REGULASION IMIGRASION SEKSIONA 703

I Commonwealth I Sankattan Siha Na Islas Mariana, Ofisinan i Abugâdo Henerât a notitisia i publiku henerât pot i man mapropone na amendasion siha para i Areklamento yan Regulasion Imigrasion Seksiona 703, ma'adopta ni inamenda gi Rehistran i Commonwealth, Baluma 25, Numiru 10, gi Nobembre 17, 2003. Man atitiye'na amendasion siha man mapropone para Subsection E yan G gi Rehistran i Commonwealth, Baluma 26, Numiru 1, gi Ineru 22, 2004. Sigun i mensâhe siha ni marisibe' gi man masângan na amendasion siha ni man mapropone, ya gi man ma'omenta na amendasion siha ni i Abugâdo Henerât a rekomenda pâgu, pâgu na momento man mapropone na todû i ti man munâyan yan nuebu na amendasion siha u fan manafandafña guine yan Seksiona 703 na u ma'amenda ya u fan masângan dinuebu ni enterufña gi propio na adoptasion, despues di i manisisita na tiempo para opinion publiku yan i matulaika siha na u fan propio.

Intension i Ofisinan Abugâdo Henerât para u adopta i man mapropone na amendasion siha para i Areklamento yan Regulasion Imigrasion Seksiona 703 na petmanente, sigun i 1 CMC Seksiona 9104 (a) (1) yan (2). Este na publikasion i man mapropone na amendasion siha gi Rehistran i Commonwealth a probeniyi notisia yan opotunidât para sinangan. An nisisârio, dinaña publiku u maprobeniyi. Todû i man interesao na petsona siha siña u fan na'halom tinige' opinion siha pot i man mapropone na amendasion siha para as Pamela Brown, Abugâdo Henerât, Ofisinan i Abugâdo Henerât, mina dos na bibienda, gi Juan A. Sablan Memorial Bldg., ensigidas tinatitiye' i publikasion este man mapropone na amendasion siha.

Ninahalom as: _____
Pamela Brown
Abugâdo Henerât

Fecha

Marisibe' as: _____
Thomas A. Tebuteb
Especiât Na Ayudânte
Para i Atministrasion

Thomas A. Tebuteb
Acting Governor

3-19-04

Fecha

Pine'lo yan
Rinikot as: _____
Bernadita B. Dela Cruz
Rehistran i Koporasion

3-19-04

Fecha

Sigun i 1 CMC Seksiona 2153, ni inamenda ginen i Lai Publiku 10-50, i areklamento yan regulasion siha ni man che'che'ton este na momento man marisibe yan aprueba pot para u fotma yan ligat suficiente ginen i Ofisinan i Abugado Henerat CNMI

Mafecha este mina _____ na diha gi Matso, 2004.

Pamela Brown
Abugado Henerat

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

NOTISIAN PUPBLIKU

Man Mapropone Na Amendasion Siha Para I Areklamento yan Regulasion Imigrasion Seksiona 703

Este na amendasion mapropone ni kinensisiste yan i Akton Areklamenton Atministradot 1 CMC Seksiona 9101, et.seq. I Ofisinan i Abugâdo Henerât mapropopone para u amenda i Areklamento yan Regulasion Imigrasion siha ni man ma'adopta petmanente gi Rehistran i Commonwealth, Baluma 25, Numiru 10, gi Nobembre 17, 2003.

Sitasion i Aturidât i Lai: I Ofisinan i Abugâdo Henerât ma'aturisa para u establese regulasion siha para i man hâlom yan madipottan taotao hiyong siha gi Commonwealth I Sankattan Siha Na Islas Marianas sigum para i Otden Eksekatibu 03-01 yan 3 CMC Seksiona 4312 (d).

Kada'da' Na Mensâhe

Pot Goals yan Objectives: I man mapropone na Amendasion siha para, yan matalun masângan i, Areklamento yan Regulasion Imigrasion Seksiona 703 siempre mana guaha palu ni man mapropone na tinilaika yan man ma'omenta pot para u la'klâru yan la'efektibu i machoguena i Petmisun Entrâdan Bisita siha.

Kada'da' Na Mensâhe

Pot i Man Mapropone

Na Nuebun Seksiona:

Este man mapropone na Amendasion siha para i Areklamento yan Regulasion siha man ma'establese para:

- (1) Diniseha petmanente yan loskuantos na tempurârio na residente siha ginen bâriu siha ni malista gi Exempt Countries List na manisisita i Petmisun Entrâdan Bisita (VEP).
- (2) Mana guaha âpas sientu pesos (\$100.00) para u ma'alulâye' i aplikasion siha ni marisibe' menos di siette dihas ântes di u fâtto.
- (3) Klarifika na i Abugâdo Henerât pat i madesigna na debi di u aturisa i Petmisun Entrâdan Bisita.
- (4) Manisisita i Dibision Imigrasion para u kondukta i BMS yan LIIDS na para u machekek gi kada manapliplika ântes di ma'apruba.
- (5) Klarifika na i maneksamimina na ofisiât siña a rinunsia i Petmisun Entrâdan Bisita an gaige gi minaolek interes i Commonwealth.

(6) Manisisita i Kompanian plen para u probeniyi listan pasaheru siha para i man gugupu na plen siha gi International.

(7) Klarifika na i Petmisun Entrádan Bisita u fan ma'entrega hálom papa i penalty of Perjury.

(8) Listan i pot i hemplo siha para u testigu i suficiente na sinapottasion

(9) Manisisita i ahensian buetta (travel agencies) ni man aliligao customer siha ginen báriu siha anai manisisita i Petmisun Entrádan Bisita ni man ma'establesi suficiente, maolek masangáña, yan guaha maolek na fengkas siha para u ensura i areklamenton i Lain Imigrasion siha yan nisisidát asiguridát i Commonwealth.

Para Mås Infotmasion

Ágan: Eric S. O'Malley, Ayudánten i Abugádo Henerát, Ofisinan i Abugádo Henerát, tilifon (670) 664-2426 pat facsimile (670) 234-7016.

**Sitasion i Manachule'
yan/pat Maninafekta
Na Lai Siha,
Areklamento yan
Regulasion siha, yan
Otden siha:**

I man mapropone na amendasion a afekta i Areklamento yan Regulasion Imigrasion, Seksiona 703, yan 3 CMC Seksiona 4322.

Mafecha este mina _____ na diha gi Mátso', 2004

Ninahalom as:

Pamela Brown
Abugádo Henerát

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

**ARONGOL TOULAP
REEL POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL
IMMIGRATION TÁLIL 703**

Commonwealth Téel Falúw kka Falúwasch Efang Marianas, Bwulasiyool Sów Bwungúl Allégh Lapalap ekke arongaar Toulap reel pomwol lliwel kkaal ngáli Alléghúi Immigration Tálil 703, ye aa filló lliwel yeel mellól Commonwealth Register, Vol, 25, No. 10, November 17, 2003. fasúl lliwel kkaal ikka re pomwoli llól Tálil E me G llól Commonwealth Register, Vol. 26, No. 1 Schoow 22, 2004. Sáangi aghiyágh kka re bwughil mereel pomwol lliwel kkaal, me bwelle akkáaw lliwel kka Sów Bwungúl Allégh ekke aghiyághi, ekke pomwoli bwe alongal meeta kka ese takk me lliwel kka e ffé ebwe akkaté , me Tálil 703 ebwe lliwel me ebwe sefáleti ótol fillóól, mwiril aghiyághiir toulap me ngáre eyoor lliwel nge emmwel ebwe allégheló

Mángemángil Bwulasiyool Sów Bwungúl Allégh reel ebwe fillóby lliwel kkaal ngáli alléghúi Immigration Tálil 703 bwe ebwe allégheló, sáangi allégh ye 1CMC tálil 9104 (a) (1) me (2) . Arongorongol pomwol lliwel yeel mellól Commonwealth Register ebwe ayoora ammataf me tiip reel aghiyágh. ngáre e welepakk, arongol toulap iye rebwe ayoora. Schóókka eyoor aghiyághiir nge emmwel rebwe ischilong reel pomwol lliwel yeel ngáli Pamela Brown, Sów Bwungúl Allégh Lapalap, Bwulasiyool Sów Bwungúl Allégh Lapalap, aruwowal pwo, Juan A. Sablan Memorial Bldg, Capitol Hill, Seipél MP 96950 me ngáre fax ngáli (670) 664-2349, ótol eligh (30) rááil mwiril schagh yaal akkaté pomwol lliwel kkaal.

Isaliyallong: _____
PAMELA BROWN
Sów Bwungúl Allégh Lapalap

Rái

Mwir sáangi: _____
THOMAS A. TEBUTEB
Sów Alillisil Sów Lemelem

3-19-04

Rái

Aisis sáangi: _____
BERNADITA B. DELA CRUZ
Corporate Register

3-19-04

Rái

Sáangi allégh ye 1CMC táilil 2153, ye aa liweli Alléghúl Toulap 10-50, allégh kka e appasch nge raa takkal amweri fischiiy me alúghúlúghúló mereel CNMI Bwulasiyool Sów Bwungúl Allégh Lapalap.

Rááilil ye _____ llól maram ye Mááilap 2004.

PAMELA BROWN
Sów Bwungúl Allégh Lapalap

**ARONGOL TOULAP
REEL POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL
IMMIGRATION 703**

Lliwel yeel nge re pomwoli bwelle Administrative Procedure Act, 1CMC táilil 9101, et seq. Bwulasiyool Sów Bwungúl Allégh ekke pomwoli bwe ebwe liweli Alléghúl Immigration ikka e filló bwe ebwe schééschééi mellól Commonwealth Register, Vol. 25, No. 10, November 17, 2003.

Akkatéel Bwángil: Bwulasiyool Sów Bwungúl Allégh nge eyoor bwángil bwe ebwe akkaté alléghúl atotoolong me assefálil aramasal lughúl mellól Commonwealth, Falúw Kka Falúwasch Efang Marianas sáangi akkúleyal Sów Lemelem 03-01 me 3 CMC talil 4312 (d).

Aweweel Kkapasal Allégh: Pomwol liweli kkaal ngáli me assefálil reel, alléghúl Immigration Táilil 703 ebwe allégheló akkaaw pomwol ssiwel kkaal me sóbwósóbwólóó bwe igha ebwe fféer lisensial schóó tooto ye ebwe ffat me allégh.

Aweweel pomwol Iliwel:

Pomwol Iliwel yeel ngáli Alléghúl Immigration ikka akkatééwow reel.

- (1) Essóbw allégh mwóghutúl me akkááw tempororiyol aramasal falúw kka re lo líbíl lista ye e essóbw allégh mwóghutul sáangi yááyái VEP.
- (2) Isisilong ebwughuw (\$ 100.00) reel bwe ghutchuw tittingór kka rebwe bwughil ye essóbw toori fisiral (7) mmwal igha ebwe tooto.
- (3) Affatal igha Sów Bwungúl Allégh me ii mwaal laal me ngare ii schóóbwut la layúl schóól akkúle ebwe mweiti ngáli VEP.
- (4) Yááyái sáangi Division of Immigration reel rebwe affata BMS me LIIDS reel alongal tittingór mmwal igha ebwe alúghúlúghúló.
- (5) Affatal igha schóól ammwel nge emmwel rebwe asefááli ngáre ebwe ghatch ngáli Commonwealth.
- (6) Yááyá sáangi airline reel rebwe bwaári paseero ngáli international flights.
- (7) Affatal bwe tittingór mereel VEP nge ebwe lo faal penalty of perjury.
- (8) Listaal aweewe kka ebwe alúghúlúgh sáangi alillis.
- (9) Tittingór bwe travel agencies kkaal rebwe ghut customers mereel falúw igha VEP rebwe yááyá sáangi ghatchúl akkaté.

Reel ammataf faingi: Eric S. O' Malley, Sów allisil Sów Bwungúl Allégh,
Bwulasyoo Sów Bwungúl Allégh , tilifoon (670) 664-
2426 me ngare facsimile (670) 234-7016.

Akkatéél bwángil allégh: Pomwol Iliwel kkaal iye fisch Alléghul Immigration,
Talil 703, me 3 CMC talil 4322.

Rááilil ye _____ Ilól maramal Maailap 2004.

Isaliyallong:

PAMELA BROWN
Sów Bwungúl Allégh Lapalap

EMERGENCY SUPPLEMENT

to

COMMONWEALTH REGISTER

Volume 26, Number 10

March 23, 2004

Notice is hereby given that eight (8) pages, containing the proposed amended and restated Immigration Regulation §703, were erroneously omitted from publication in the March 23, 2004 volume. The omitted pages, attached hereto as pages 22120A-22120H, should be inserted between pages 22120 and 22121 of the Commonwealth Register.

**[PROPOSED] AMENDMENTS TO SECTION 703 OF
IMMIGRATION RULES AND REGULATIONS**

Immigration Regulation, Section 703 is hereby repealed in its entirety and re-enacted to read as follows:

Section 703. Visitor Entry Permit

A. Applicability

A Visitor Entry Permit is required for entry by aliens who are seeking to enter the CNMI for tourism purposes. The term "tourism purposes" is defined as traveling for pleasure or recreation by an alien who has a residence in a foreign country which he has no intention of abandoning and who is visiting the Commonwealth of the Northern Mariana Islands temporarily for pleasure or recreation. Such visitors shall not include those visiting the Commonwealth for purposes of business, work, or for other purposes requiring an Authorization to Board.

B. Visitor Entry Permit Exemptions

The following aliens do not require a Visitor Entry Permit in order to enter the CNMI:

1. Any alien with a valid United States entry visa which is valid for at least 60 days from the date of entry into the CNMI provided that the United States visa permits re-entry back into the United States after entry and departure from the CNMI.
2. Any alien who is a national or citizen of a country that is permitted to enter the United States under the United States visa waiver program.
3. Any alien who is a citizen, national, permanent resident, or holds a status as a temporary resident authorized to work in and unconditionally reenter a country that appears on the Commonwealth Visitor Entry Permit Exempt Countries List, which shall be issued from time to time by the Attorney General, and made available to members of the public at their reasonable request.
4. United States residents who present evidence of a valid, un-expired form I-551 issued by U.S. Immigration and Naturalization Service (INS). The following shall be acceptable as providing evidence of such status:
 - a. Form I-551 – Permanent Resident Card
 - b. Form I-551 – Alien Registration Receipt Card
 - c. A Lawful Permanent Resident may present a valid un-expired passport containing a valid un-expired temporary residence stamp. (Processed for I-551 Temporary Evidence of Lawful Admission)

C. Carrier Responsibility

- a. The carrier at the point of embarkation shall not board an alien seeking to travel to the CNMI for tourism purposes unless: (1) the individual presents a valid, unexpired Visitor Entry Permit; or (2) the individual satisfies one of the exempt categories set forth in Immigration Regulation 703(B) above.
- b. For all flights or cruises originating from a port outside the authority of United States immigration, carriers shall provide to the Division of Immigration an electronic manifest listing the names and nationalities of all passengers prior to arrival in the Commonwealth.

D. Persons Not Permitted to Enter

- a. No alien may enter the CNMI by exiting their country of citizenship or point of origin with a Visitor Entry Permit as described under these regulations and then entering the CNMI with a work entry permit issued under Section 706 of these regulations.
- b. No alien is entitled to a Visitor Entry Permit by right. Citizens of countries not exempt from the Visitor Entry Permit requirement pursuant to Immigration Regulation 703(B) may enter only under the terms contained herein.

E. Application

- a. In order to obtain a Visitor Entry Permit, the applicant must submit an application via fax, e-mail, or posted mail to the CNMI Division of Immigration, Office of the Attorney General. The Visitor Entry Permit application shall be submitted under penalty of perjury and shall include the following information:
 1. Name;
 2. Certified copy of valid passport;
 3. Home address, telephone number, fax number, place of birth;
 4. Length of time at home address;
 5. Expected date and time of arrival;
 6. Expected date and time of departure;

7. Name and address of sponsor/reference/hotel in the CNMI;
8. Proof of financial responsibility;
9. Copy of round trip ticket or e-ticket or verified itinerary;
10. Indication whether applicant has visited NMI previously; and
11. Indication whether applicant has ever applied and been denied entry or an entry permit.

Additional information may be required as needed.

- b. The application shall be free of charge if submitted more than more than seven (7) days prior to the expected date of arrival. If the application is received less than seven (7) days prior to the expected date of arrival, the applicant must submit a non-returnable processing fee of one hundred dollars (\$100). Expedited processing fees must be received prior to issuance of a VEP.

F. Finding of Deficiency

Once the Division of Immigration receives an application for a Visitor Entry Permit, it will review the application to determine whether all of the information required has been provided. This deficiency review will be completed within three working days after receipt of the application. If the application is found to be complete, it will be reviewed in accordance with the Standards For Review provided herein. If the application is found to be deficient, then the deficiencies shall be listed and forwarded to the applicant by the third day of the deficiency review period in the same manner as the application was received.

G. Standards for Review

- a. Once a Visitor Entry Permit application is determined to be complete, within three working days it will be reviewed for substantive compliance and approved by the Attorney General, or her duly-appointed designee, based on the following requirements:
 1. valid passport for at least sixty (60) days after expected time of departure from the CNMI;
 2. copy of a round trip ticket or verified electronic itinerary (*i.e.*, e-ticket);
 3. finding that person resides permanently in place of residence and is reliably expected to return there;

4. finding that there is no reasonable cause to believe the visit is for purposes other than tourism;
5. either (a) acceptable sponsorship and affidavit of support from a party residing in, or an entity located in, the Commonwealth who has not been found in violation of prior sponsorships; or (b) acceptable proof (such as a bank account statement, letter of credit, or proof of a valid credit card with an equivalent available credit) of means sufficient to support a stay for the duration of the trip (which shall be no less than \$100 per day, per day); and
6. determination and finding of accuracy in application.

- b. A Visitor Entry Permit may be denied if the examining official has reasonable cause to believe that the individual is excludable pursuant to 3 CMC § 4322, or reasonable cause to believe that the individual's entry is not in the best interest of the Commonwealth.

H. Issuance of Permit – Decision Within Seven Working Days

Once a Visitor Entry Permit application is determined to be complete and all of the substantive Standards For Review are determined to be satisfied, then a Visitor Entry Permit will be granted within seven working days after the initial receipt of the application. If any of the standards are determined to be in non-compliance, the application shall be denied and the applicant shall be notified of the denial within two working days of the determination.

A copy of the approved Visitor entry permit shall be delivered to the applicant with a copy to the airline carrier in the CNMI. The airline carrier in the CNMI shall forward a copy of the Visitor Entry Permit to the point of embarkation to the CNMI. The airline carrier at the point of embarkation shall not board a Visitor Entry Permit holder if the holder's copy does not match the carrier's copy.

I. Duration of Visitor Entry Permit

Once the application is approved, it will be valid for a single entry and for thirty (30) days from the original date of entry to the CNMI. An alien may apply for an extension as permitted by law.

J. No Transfer of Permit

An alien with a valid Visitor Entry Permit shall not seek and may not obtain a work permit under Section 706K of these regulations during a visitor permit entry. An alien who violates this provision shall be subject to criminal prosecution and/or deportation pursuant to applicable statutes and regulations.

K. Admission

No alien may seek or obtain entry into the Commonwealth as a matter of right. Nothing in these regulations shall be construed to entitle any alien, to whom a Visitor Entry Permit has been issued, to enter the Commonwealth of the Northern Mariana Islands, if, upon arrival at a port of entry in the Commonwealth, he is found to be excludable under any provision of law. If entry is denied to a valid Visitor Entry Permit holder, the applicant may be temporarily admitted at the discretion of the Director of Immigration under such conditions as will insure the visitor's availability for further proceedings, including retaining the visitor's passport and return airline ticket. An alien so admitted shall be deemed not to have entered the Commonwealth. The exclusion or removal of a temporarily admitted alien shall not require deportation proceedings.

L. Approval of Travel Agencies

Any travel agency, as that term is defined by the Secretary of Commerce, or similar organization seeking to arrange travel or process documents for persons requiring a VEP shall have satisfied the conditions set forth herein and shall have received prior written authorization from the Office of the Attorney General.

a. Eligibility-

Only travel agencies certified by the United States under the visa program or NCLEX agencies are eligible to apply for status as authorized agencies.

b. Petition-

An eligible travel agency shall file a signed petition with the Office of the Attorney General, Division of Immigration. Such petition shall include: (1) a description of the travel agency, including the number of operational offices and estimated annual revenues, as well as the services it seeks to provide; (2) any associations or institutions with which the travel agency is affiliated; (3) the anticipated number of alien visitors per year; (4) the number of employees, both in the Commonwealth and in the location of departure, and their positions and qualifications; and (5) a description of the travel agency's procedures for conducting background and medical searches, and for returning alien visitors who fail to comply with the terms of entry.

c. Interview of petitioner-

Petitioner may be required to appear in person, under oath, before the Attorney General or her duly appointed designee prior to approval. Petitioner may also request an interview.

d. Approval of petition-

Subject to the bonding requirement described in paragraph (j) of this Section 703L, the Attorney General may approve a petition upon a determination that the travel agency is capable of and intends to comply with Commonwealth laws and

regulations and will, if necessary, take all reasonable measures to assist the DOI in performing its functions. The Attorney General shall notify the petitioner in writing whether the petition has been approved or denied. An approval may be revoked in accordance with the provisions of paragraph (h) of this Section 703L, and is subject to annual review and renewal.

e. Denial of petition and opportunity to cure-

If the petition is denied, the petitioner shall be notified of the reasons thereof and of the right to cure any deficiency in the petition within fifteen (15) days after service of the written denial. Should the petitioner fail to satisfactorily cure the deficiency within the prescribed cure period, the petitioner shall be ineligible to reapply for a period of sixty (60) days after expiration of such cure period.

f. Recordkeeping requirements-

An approved travel agency must keep records of the names, date and place of birth, country of citizenship, address and telephone number, and a photocopy of the passport and entry permit for each alien visitor. Such records shall be readily available to the DOI and shall be retained for a period of two years following the departure of the alien visitor.

g. Reporting requirements-

Approved travel agencies are required to immediately report to the DOI the following:

1. An alien visitor is arrested or detained for any reason;
2. An alien visitor fails to depart the Commonwealth as scheduled;
3. An alien visitor requires hospitalization due to illness or injury; or
4. Any event, whether in the Commonwealth or in the country of origin, that could potentially prevent the scheduled repatriation of the alien visitor.

h. Revocation of approved status-

1. Revocation on notice-

The approval may be revoked on notice by the Attorney General for a failure to comply with Commonwealth law and regulation or for any valid and substantive reason. If a travel agency's approval is revoked on notice pursuant to this paragraph, the travel agency shall be ineligible to reapply for a period of one year after the effective date of the revocation.

2. Automatic revocation-

If an approved travel agency terminates its operations or experiences a change in ownership that results in a change of control, approval will be automatically revoked as of the effective date of such events.

i. Revocation proceeding-

Should the DOI believe that a travel agency is no longer entitled to approval, the DOI shall serve notice of intent to revoke the approval. Such notice shall describe the grounds for revocation and shall inform the travel agency that it may, within fifteen (15) days of the date of service of the notice, file an appeal to the Attorney General. A statement setting forth the grounds for contesting the revocation of the approval shall support such appeal. The Attorney General shall promptly issue a written decision either revoking approval or granting continued approval, including a discussion of the evidence and findings. The Attorney General may rely solely on the record, or may supplement the record with new evidence. The decision of the Attorney General shall constitute a final agency decision for purposes of judicial review.

j. Bonding Requirement-

1. Once a travel agency has received a written approval from the Attorney General but prior to making travel arrangements for any alien visitor, the travel agency shall deliver to the DOI a bond or other surety from a recognized insurance company in a form acceptable to the DOI to secure the faithful performance of the duties and responsibilities of the travel agency, to ensure the departure of all alien visitors as scheduled and prior to expiration of the alien visitor's tourist permit, and to indemnify the Commonwealth for reasonable costs incurred as a result of the travel agent's negligence or failure to comply with these regulations.
2. If the travel agency fails to make reasonable efforts to repatriate an alien visitor, thereby allowing that alien visitor to become an illegal alien, then all costs of deportation shall be paid by the travel agency or deducted from the bond or surety, subject to the provisions of the Administrative Procedure Act 1 CMC § 9101 et seq.. All such payments or deductions shall be made to the Alien Deportation Fund.
3. The amount of the bond shall be determined and maintained at:
(i) at least two thousand dollars (\$2,000) per alien visitor if the expected number of alien visitors in the next fiscal quarter is less than 200; (ii) at least five hundred thousand dollars (\$500,000) if the expected number of alien visitors in the next fiscal quarter is more than 200 but less than 500; (iii) at least seven hundred and

fifty thousand dollars (\$750,000) if the expected number of alien visitors in the next fiscal quarter is greater than 500 but less than 1,000; and (iv) at least one million dollars (\$1,000,000) if the expected number of alien visitors in the next fiscal quarter is greater than 1,000.



Office of the Secretary
Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

TEL. (670) 664-1100 FAX: (670) 664-1115

**PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE AMENDED RULES AND REGULATIONS
FOR THE OPERATION OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY**

The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing to amend the Amended Rules and Regulations for the Operation of the CNMI Lottery, as originally published in the Commonwealth Register, Volume 22, No.6, June 20, 2000, Commonwealth Register, Volume 24, No. 8, August 21, 2002 and Commonwealth Register, Volume 25, No. 8, September 18, 2003. This amendment is made pursuant to the Department's authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §9305, 1 CMC §9306, the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and Executive Order 94-3.

The purpose of these amendments are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement, regulate and supervise the operation of the CNMI Lottery. These Rules and regulations shall have the force and effect of law.

The proposed regulations may be inspected at, and copies obtained from the Secretary's Office, EDP Bldg., Capitol Hill, Saipan, MP. 96950. The proposed regulations are published in the Commonwealth Register.

The Secretary of Finance is soliciting comments on this proposed amendment to the Amended Rules and Regulations for the Operation of the CNMI Lottery from the general public. Anyone interested in commenting on this proposed amendment may do so in writing. Comments may be addressed to the Secretary of Finance, Department of Finance, P.O. Box 5234 CHRB, Saipan, MP. 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

Certified By:

Fermin M. Atalig
Acting Secretary of Finance
Department of Finance

Date: 3/18/04

Filed By:

Bernadita B. Dela Cruz
Commonwealth Register

Date: 3-19-04

Received By:

Thomas A. Tebuteb
SAA, Office of the Governor

Date: 3/19/04

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

Dated this 19th Day of March 2004.

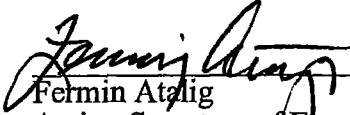
A handwritten signature in black ink, appearing to read "Pamela Brown", written over a horizontal line.

Pamela Brown
Attorney General

DEPARTMENT OF FINANCE
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY

- Citation of Statutory Authority: The proposed amendments to the Rules and Regulations for the Operation of the CNMI Lottery are promulgated pursuant, but not limited to 1 CMC §9306, 1 CMC §9313(c) and the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and Executive Order 94-3.
- Statement of Goals and Objectives: To amend the Rules and Regulations for the Operation of the CNMI Lottery, as published in the Commonwealth Register, Volume 22, No. 6, June 20, 2000, Commonwealth Register, Volume 24, No. 8, August 21, 2002 and Commonwealth Register Vol. 25, No. 8, September 18, 2003.
- Brief Summary of the Rules: The rules and regulations provide the policies and procedures required to implement and regulate and supervise the operation of the CNMI Lottery. These rules and regulations may be amended, modified or repealed as deemed appropriate by the CNMI Department of Finance. This proposed amendment will amend the rules of Jueteng to allow a Three Number Game; amend the prize structure for the Pick Three game; and will authorize two new games known as the Marianas Pick Three Scramble and Pick Three Straight; and adds an additional draw date and changes the prize structure for the 5 of 38 game.
- For Further Information, Contact: Fermin Atalig, Acting Secretary of Finance. Telephone number 664-1100 and facsimile number 664-1115.
- Citation of Related and/or Affected Statutes, Regulations and Orders: 1 CMC §9301 *et. seq.*; Commonwealth Register, Volume 22, No. 6, June 20, 2000, Commonwealth Register, Volume 24, No. 8, August 21, 2002 and Commonwealth Register Volume 25, Number 8, September 18, 2003.

Submitted by:



Fermin Atalig
Acting Secretary of Finance



Date

**PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY**

Rule 31 Rules for the Marianas Lottery is hereby repealed and reenacted to read as follows:

RULE 31 – GAME RULES FOR MARIANAS LOTTERY

31.0 Definitions

For the purposes of “Marianas Lottery”, a 5 of 38 lotto game with an optional selection of a Supplemental Number and a 4 of 28 lotto game, the following definitions apply unless the contract requires a different meaning or is otherwise inconsistent with the intention of the rules adopted by the Commonwealth Department of Finance:

- (a) “Authorized Retailer” means a person under contract with the Marianas Lottery Licensee to sell Game Tickets to the public.
- (b) “Central Computer System” means the computer system maintained by the Marianas Lottery Licensee for the recording of Tickets sold for a particular Drawing.
- (c) “Drawing” means that process whereby the Lottery Licensee through the use of a random number generator selects five winning numbers between 1 and 38 for the Friday game with the option to select a Supplemental Number, and four numbers between 1 and 28 for the Thursday game.
- (d) “Drawing Coordinator” means the person designated by the Marianas Lottery Licensee to develop and implement procedures for conducting drawings.
- (e) “Game” means the opportunity provided a player to purchase a ticket with the chance to win a prize by purchase of that ticket.
- (f) “Game Ticket” or “Ticket” means a ticket produced by a Terminal, which contains the caption “Marianas Lottery”, a game play of which has five numbers with an optional Supplemental Number from 1 through 38 for the Friday game, or four numbers from 1 through 28 for the Thursday game, followed by the drawing date, the price of the ticket, a retailer number, and a serial number.
- (g) “Marianas Lottery Licensee” means the person licensed by the Commonwealth Department of Finance to operate the Marianas Lottery lotto pursuant to these rules.
- (h) “Person” means any natural person, corporation, partnership, limited partnership, limited liability company, or any other entity recognized under the laws of the Commonwealth of the Northern Mariana Islands.
- (i) “Play” or “Game Play” means the five different numbers with an optional Supplemental Number from 1 through 38 for the Friday game, or four different numbers from 1 through 28 for the Thursday game, which appear on Ticket and are to be played by player in a game.

- (j) "Quick Pick" means the random selection by a terminal of five different numbers with an optional Supplemental Number from 1 through 38 for the Friday game, or four different numbers from 1 through 28 for the Thursday game, which appear on a Ticket and are to be played by player in the game.
- (k) "Random Number Generator" means a computer- driven electronic device or mechanical device capable of producing numbers at random.
- (l) "Supplemental Number" means the random selection of a sixth number after the selection of the initial five numbers from the same number pool.
- (m) "Terminal" means a device owned by the Marianas Lottery Licensee and leased to an Authorized Retailer and is the only device that can issue Game Tickets.
- (n) "Winning Numbers" means the five numbers with an optional Supplemental Number between 1 and 38 for the Friday game or four numbers between 1 and 28 for the Thursday game, randomly selected at each drawing, which shall be used to determine winning plays contained on a game ticket.

31.1 Price

- (A) Game plays shall sell for \$1 each. Game plays and tickets may only be purchased through an Authorized Retailer.
- (B) An offer to buy and an offer to sell a Marianas Lottery ticket shall be made only at a location which has a contract with the Marianas Lottery Licensee or only by a method which is approved by the Commonwealth Department of Finance.

31.2 Ticket Purchase, Characteristics and Restrictions

- (A) Marianas Lottery is a pari-mutuel lotto game. A player must select a set of five different numbers with an optional Supplemental Number, between 1 and 38 or four different numbers between 1 and 28, depending on the game played, for input into a terminal. Tickets can be purchased from a terminal operated by an Authorized Retailer. The player may provide the numbers to the authorized retailer or by requesting "Quick Pick" from the retailer. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number set or Quick Pick number set that constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular Drawing 60 minutes before the scheduled drawing.
- (B) A ticket shall be the only valid receipt for claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.
- (C) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. A Marianas Lottery ticket may not be voided or cancelled by returning the ticket to the retailer, including tickets

that are printed in error. The placing of plays is done at the player's own risk through the authorized retailer who is acting on behalf of the player in entering the player's plays.

Rule 31.3 Drawings

- (A) Marianas Lottery Drawings shall normally take place twice a week every Thursday and Friday night at 7:00 PM. The Thursday drawing will be for the 4 of 28 game, and the Friday drawing will be for the 5 of 38 game. Drawings on those nights shall never take place prior to 7:00 PM, but may take place at some later times.
- (B) The Marianas Lottery may add additional draw dates provided that three days advance notice is given to the Department of Finance prior to the beginning of sales for the draw.
- (C) The Marianas Lottery Licensee shall designate a Drawing Coordinator. Drawings shall be conducted pursuant to the procedures developed by the Drawing Coordinator. The objective of a drawing shall be to randomly select five winning numbers with an optional Supplemental Number between 1 and 38. For any Drawing, the Drawing Coordinator may choose to draw a Supplemental Number. Drawings may be conducted with the aid of mechanical drawing equipment or a random number generator or other such devices as the Drawing Coordinator may determine.
- (D) The equipment used to determine the winning combination shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. No prizes shall be paid until after all post-inspection checks have been completed.
- (E) If, during a drawing for a game, a mechanical or electronic failure or operator error causes an interruption in the selection of numbers or symbols, the Drawing Coordinator will call a "technical difficulty". Any number drawn prior to a "technical difficulty" being declared will stand and be deemed official after passing inspection and certification by the Drawing Coordinator. The drawing of the remaining numbers shall commence only after the Drawing Coordinator finds that the "technical difficulty" has been corrected. Nothing in this subsection shall supersede the determination by the Marianas Lottery Licensee of equipment malfunction, tampering, or fraud resulting in the voiding of the entire drawing.
- (F) The Marianas Lottery Licensee will delay payment of all prizes if any evidence exists or there are grounds for suspicion of equipment malfunction, tampering, or fraud. Payment shall be made after an investigation is

completed and the Marianas Lottery Licensee approves the drawing will be conducted to determine an actual winner.

Rule 31.4 Determination of Prize Winners

(A) (i) Prizes for the 5 of 38 Drawing shall be drawn in the following order and determined and awarded on the following basis:

(a) First Prize – Match 5 numbers excluding any Supplemental Number – Minimum Pool amount to be divided equally among valid tickets will be the greater of \$45,000.00 or the amount described in Rule 31.6(A).

(b) Second Prize – Match 4 numbers excluding any Supplemental Number – \$500 each ticket with a maximum cumulative payout per Drawing of \$30,000. Should the number of winning tickets sold multiplied by the prize payout per Drawing exceed \$30,000.00, the \$30,000.00 will be divided equally among the valid winning tickets.

(c) Third Prize – Match 3 numbers excluding any Supplemental Number – \$5.00 each ticket with a maximum cumulative payout per Drawing of \$5,000. Should the number of winning tickets sold multiplied by the prize payout per Drawing exceed \$5,000.00, the \$5,000.00 will be divided equally among the valid winning tickets.

(d) Supplemental Prize – An additional ball will be drawn after the first five balls are drawn. This ball is only used for participants that won the 4 of 5 numbers drawn (2nd prize winners). Any of those winners of the 4 of 5 numbers and the supplemental number will be eligible to win or share a special prize pot. This supplemental winning will be in addition to their 2nd place prize winnings. The minimum supplemental prize pot shall be \$5,000 and will be divided equally among the valid eligible winning tickets.

(ii) Prizes for the 4 of 28 Drawing shall be drawn in the following order and determined and awarded on the following basis:

(a) First Prize – Match 4 numbers – Minimum Pool amount to be divided equally among valid tickets will be \$2,000.

(b) Second Prize – Match 3 numbers – Minimum Pool amount to be divided equally among valid tickets will \$1,000.

(B) Validated winning Tickets may be redeemed for a prize only through the Marianas Lottery Licensee from the hours of 11:00 am through 6:00 pm,

Monday through Friday excluding legal holidays as defined by the government of the Commonwealth of the Northern Mariana Islands. The Commonwealth Department of Finance shall keep on record the current address and locations of the Marianas Lottery Licensee for purposes of redeeming winning Tickets.

- (C) Prize winners shall have 60 days from the date of the drawing in which to redeem their prize. Unclaimed prizes shall lapse on the 61st day.
- (D) Unclaimed prizes, including any unclaimed portion of a minimum pool that was divided equally among winning tickets shall lapse in accordance with 1 CMC §9315.
- (E) Marianas Lottery licensee shall not be bound by any rule or agreement made between syndicate or group entrants.
- (F) Subject to Rule 31.4(G) and even though a ticket may bear only the name of a syndicate, Marianas Lottery will recognize only the person(s) by whom the ticket is surrendered as the absolute owner (and where more than one in equal shares) and except as ordered by a court of competent jurisdiction shall not be bound to take notice or see to the execution of any trust, whether express, implied or constructive to which any such ticket may be subject. Payment by Marianas Lottery to the person(s) surrendering the ticket of any prize money payable thereon shall be a good discharge to Marianas Lottery, notwithstanding any notice Marianas Lottery may have of the right, title, interest or claim of any other person(s) to such prize money.
- (G) Subject to the discretion of the Marianas Lottery, no prize money shall be payable except on surrender of the prize winning ticket to Marianas Lottery. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment. Claimant shall also indicate his Social Security Number (SSN) or Taxpayer Identification Number (TIN) on the ticket.

31.5 Ticket Validation Requirements

- (A) To be a valid ticket and eligible to receive a prize, all the following requirements must be satisfied:
 - (i) The Ticket data must have been recorded in the central computer system prior to the drawing and the information appearing on the Ticket must correspond with the computer record;
 - (ii) The Ticket shall be intact to the extent that all information appearing on the Ticket corresponds with the Marianas Lottery Licensee's computer records;
 - (iii) The Ticket shall not be altered, mutilated or tampered with in any manner;

- (iv) The Ticket shall not be counterfeit;
 - (v) The Ticket must have been issued by an Authorized Retailer in an authorized manner;
 - (vi) The Ticket must not have been stolen or canceled;
 - (vii) The Ticket must not have been previously paid;
 - (viii) The Ticket is subject to all other confidential security checks of the Lottery.
- (B) Except as provided in Rule 31.3, a Ticket shall be the only valid receipt for claiming a prize. A copy of a Ticket or a play slip has no pecuniary or prize value and shall not constitute evidence of Ticket purchase or of numbers selected.
- (C) A Ticket shall be validated through the Lottery's computer system.
- (D) In the event of a dispute between the Marianas Lottery Licensee and a claimant as to whether a Ticket is a winning Ticket, and if the Marianas Lottery Licensee determines that the Ticket is not a winning Ticket, the Marianas Lottery Licensee may replace the disputed Ticket with a Ticket of at least the equivalent sales price for a future drawing of the same game. This shall be the sole and exclusive remedy of the claimant.
- (E) In the event a defective Ticket is purchased, the only responsibility or liability of the Lottery or the Authorized Retailer shall be the replacement of the defective Ticket with another Ticket for a future drawing of the same game.
- (F) The final decision on whether a prize will be paid shall be made by the Marianas Lottery Licensee.

31.6 Allocation of Revenues

- (A) In the event it is determined that there are no valid winning tickets for a First Prize in any given drawing, all monies allocated for that particular prize for the Thursday's 4 of 28 game or Friday's 5 of 38 game drawing, as applicable, shall be carried forward and accumulated with the monies allocated for that particular prize for particular day's next drawing. For example, the monies allocated for the Thursday 4 of 28 First Prize drawing shall be carried forward and accumulated for the following Thursday drawing, while the monies allocated for the Friday 5 of 38 game First Prize drawing shall be carried forward and accumulated for the following Friday 5 of 38 game drawing. This process shall continue until such time as there is one or more valid winning ticket(s) for the First Prize.
- (B) In the event the "Marianas Lottery" game is terminated for any reason whatsoever, any prizes which were not won shall be reallocated by the

Marianas Lottery Licensee. Any prizes which were won but not claimed within sixty (60) days of the drawing shall revert to the CNMI government.

- (C) Nothing in these regulations shall prohibit the Marianas Lottery Licensee from declaring prizes larger than the minimum amounts set forth herein prior to any drawing. Such declaration shall only be made by delivering to the CNMI Secretary of Finance a notarized notice from the Marianas Lottery Licensee setting forth the prizes to be offered for a specified drawing.

31.7 Probability of Winning

The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations of five drawn from a field of 38 numbers with an optional Supplemental Number.

First Prize	1 in 501,942
Second Prize	1 in 3,042
Third Prize	1 in 95
Supplemental Prize	1 in 100,388
Any Prize	1 in 92

31.8 Governing Law

All players must abide by all laws, rules, regulations, and procedures applicable to the Marianas Lottery Lotto game. The Marianas Lottery Licensee shall make all final decisions regarding the game, including but not limited to, all final decisions regarding the determination of prize winners and the validation of tickets.

31.9 Suspension of Marianas Lottery Lotto Game

At the discretion of the Marianas Lottery Licensee, the Marianas Lottery Lotto Game may be suspended or terminated at any time to be effective prior to any scheduled drawing. In case of a terminated drawing, the sole remedy for holders of tickets for such drawing shall be the refund of the ticket purchase price.

RULE 32 – RULES FOR THE “MARIANAS PICK 3 SCRAMBLE” and MARIANAS PICK 3 STRAIGHT GAME

Rule 32.0 Definitions

For the purposes of “Marianas Pick 3 Scramble” and “Marianas Pick 3 Straight”, the following definitions apply unless the context requires a different meaning or is otherwise inconsistent with the intention of the rules adopted by the Commonwealth Department of Finance:

- (a) “Authorized Retailer” means a person under contract with the Marianas Lottery Licensee to sell Game Tickets to the public.
- (b) “Central Computer System” means the computer system maintained by the Marianas Lottery Licensee for the recording of Tickets sold for a particular Drawing.
- (c) “Drawing” means that process whereby the Lottery Licensee through the use of a random number generator selects three single-digit winning numbers, each from zero to nine, and the order in which they occur.
- (d) “Drawing Coordinator” means the person designated by the Marianas Lottery Licensee to develop and implement procedures for conducting drawings.
- (e) “Game” means the opportunity provided a player to purchase a ticket with the chance to win a prize by purchase of that ticket.
- (f) “Game Ticket” or “Ticket” means a ticket produced by a Terminal, which contains the caption “Marianas Lottery Pick 3”, a game play of which has three numbers, each from zero through nine followed by the drawing date, the price of the ticket, a retailer number, and a serial number.
- (g) “Marianas Lottery Licensee” means the person licensed by the Commonwealth Department of Finance to operate a Marianas Lottery Pick 3 pursuant to these rules.
- (h) “Marianas Pick 3” means the Marianas Pick 3 Scramble and the Marianas Pick 3 Straight games.
- (i) “Person” means any natural person, corporation, partnership, limited partnership, limited liability company, or any other entity recognized under the laws of the Commonwealth of the Northern Mariana Islands.
- (j) “Play” or “Game Play” means the three different numbers, each from zero through nine, which appear on a Ticket and are to be played by a player in a game.

(k) "Quick Pick" means the random selection by a terminal of three different numbers, each from zero through nine, which appear on a Ticket and are to be played by a player in the game.

(l) "Random Number Generator" means a computer-driven electronic device or mechanical device capable of producing numbers at random.

(m) "Terminal" means a device owned by the Marianas Lottery Licensee and leased to an Authorized Retailer and is the only device that can issue Game Tickets.

(n) "Winning Numbers" means the three numbers, each from zero through nine, randomly selected at each drawing, which shall be used to determine winning plays contained on a game ticket.

32.1 Price

(a) Game plays shall sell for \$1 each. Game plays and tickets may only be purchased through an Authorized Retailer.

(b) An offer to buy and an offer to sell a Marianas Lottery ticket shall be made only at a location which has a contract with the Marianas Lottery Licensee or only by a method which is approved by the Commonwealth Department of Finance.

32.2 Ticket Purchase, Characteristics and Restrictions

(a) A player must select a set of three numbers, each from zero through nine for input into a terminal. Tickets can be purchased only from a terminal operated by an Authorized Retailer. The player may provide the numbers to the authorized retailer or by requesting "Quick Pick" from the retailer. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number set or Quick Pick number set which constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular Drawing 60 minutes before the scheduled drawing.

(b) A ticket shall be the only valid receipt for claiming a prize or prizes. A Play Slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.

(c) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the Ticket. A Marianas Lottery Ticket may not be voided or cancelled by returning the Ticket to the Authorized Retailer after the drawing, including tickets that are printed in error. The placing of plays is done at the player's own risk through the Authorized Retailer who is acting on behalf of the player in entering the player's Plays.

32.3 Drawings

(a) Marianas Lottery Drawings shall normally take place a minimum of once a week on Monday at 7:00 PM. Drawings for a particular week shall never take place prior to 7:00 PM, but may take place at some later times.

(b) The Marianas Lottery Licensee shall designate a Drawing Coordinator. Drawings shall be conducted pursuant to the procedures developed by the Drawing Coordinator. The objective of a drawing shall be to randomly select three winning numbers each from zero through nine. Drawings may be conducted with the aid of mechanical drawing equipment or a random number generator or other such devices as the Drawing Coordinator may determine.

(c) The equipment used to determine the winning combination shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. No prizes shall be paid until after all post-inspection checks have been completed.

(d) If, during a drawing for a game, a mechanical or electronic failure or operator error causes an interruption in the selection of numbers or symbols, the Drawing Coordinator will call a "technical difficulty". Any number drawn prior to a "technical difficulty" being declared will stand and be deemed official after passing inspection and certification by the Drawing Coordinator. The drawing of the remaining numbers shall commence only after the Drawing Coordinator finds that the "technical difficulty" has been corrected. Nothing in this subsection shall supersede the determination by the Marianas Lottery Licensee of equipment malfunction, tampering, or fraud resulting in the voiding of the entire drawing.

(e) The Marianas Lottery Licensee will delay payment of all prizes if any evidence exists or there are grounds for suspicion of equipment malfunction, tampering, or fraud. Payment shall be made after an investigation is completed and the Marianas Lottery Licensee approves the drawing and authorizes payment. If the drawing is not approved, it will be void and another drawing will be conducted to determine an actual winner.

32.4 Determination of Prize Winners

(a) The Marianas Lottery may choose between the following games and prize structures on different draw dates provided that three days advance notice is given to the Department of Finance prior to the beginning of sales for the draw.

(b) Marianas Pick Three Straight – The drawing for this game shall be held on Monday and Wednesday. Prizes for this drawing shall be determined and awarded on the following basis:

(1) First Prize – Match three numbers in the order drawn. For each Game Ticket with a three number match in the order drawn, a \$400 prize shall be awarded. The aggregate prize amount per Drawing will be subject to a maximum payout of \$50,000. Should the product of the total winning Game

Tickets sold multiplied by the prize payout per game exceed \$50,000.00 for a particular Drawing for this prize group, the prize per Game Ticket shall be equal to \$50,000.00 divided by the number of winning Game Tickets sold.

(c) Marianas Pick 3 Scramble – This drawing shall be held on Tuesday. Prizes for this drawing shall be determined and awarded on the following basis:

(1) First Prize – Match three numbers in the order drawn - \$400 for each Game Ticket with a three number match in the order drawn. The aggregate prize amount per Drawing for this prize group will be subject to a maximum total payout of \$40,000.00. Should the product of the total winning Game Tickets sold multiplied by the prize payout per game exceed \$40,000.00 for a particular Drawing for this prize group, the prize per Game Ticket shall be equal to \$40,000.00 divided by the number of winning Game Tickets sold.

(2) Second Prize – Match three numbers in the reverse of the order drawn - \$50 for each Game Ticket with a three number match in the reverse of the order drawn. The aggregate prize amount per Drawing for this prize group will be subject to a maximum total payout of \$8,000.00. Should the product of the total winning Game Tickets sold multiplied by the prize payout per game exceed \$8,000.00 for a particular Drawing for this prize group, the prize per Game Ticket shall be equal to \$8,000.00 divided by the number of winning Game Tickets sold.

(3) Third Prize - Match three numbers in any order drawn - \$10 for each Game Ticket with all three numbers in any order drawn. The aggregate prize amount per Drawing for this prize group will be subject to a maximum total payout of \$2000.00. Should the product of the total winning Game Tickets sold multiplied by the prize payout per game exceed \$2,000.00 for a particular Drawing for this prize group, the prize per Game Ticket shall be equal to \$2,000.00 divided by the number of winning Game Tickets sold.

(d) Each winning game ticket shall be entitled only to the highest prize available for such winning ticket. *Example:* If the numbers 747 are drawn, the ticket with this number is eligible only for the first place prize, and is not eligible for the second place and/or third place prizes.

(e) Validated winning Tickets may be redeemed for a prize only through the Marianas Lottery Licensee from the hours of 11:00 am through 6:00 p.m., Monday through Friday excluding legal holidays as defined by the government of the Commonwealth of the Northern Mariana Islands. The Commonwealth Department of Finance shall keep on record the current address and location of the Marianas Lottery Licensee for purposes of redeeming winning Tickets

(f) Nothing in these regulations shall prohibit the Marianas Lottery from declaring prizes larger than the minimum amounts set forth herein prior to any drawing.

32.5 Ticket Validation Requirements

To be a valid Ticket and eligible to receive a prize, all the following requirements must be satisfied:

- (a) To be a valid winning Ticket, all of the following conditions must be met:
- (1) The Ticket data must have been recorded in the central computer system prior to the drawing and the information appearing on the Ticket must correspond with the computer record;
 - (2) The Ticket shall be intact to the extent that all information appearing on the Ticket corresponds with the Marianas Lottery Licensee's computer records;
 - (3) The Ticket shall not be altered or tampered with in any manner;
 - (4) The Ticket shall not be counterfeit or a duplicate of another winning Ticket;
 - (5) The Ticket must have been issued by an Authorized Retailer in an authorized manner;
 - (6) The Ticket must not have been stolen or canceled;
 - (7) The Ticket must not have been previously paid;
 - (8) The Ticket is subject to all other confidential security checks of the Lottery.
- (b) Except as provided in section (d) of this rule, a Ticket shall be the only valid receipt for claiming a prize. A copy of a Ticket or a play slip has no pecuniary or prize value and shall not constitute evidence of Ticket purchase or of numbers selected.
- (c) A Ticket shall be validated through the Lottery's computer system.
- (d) In the event of a dispute between the Marianas Lottery Licensee and a claimant as to whether a Ticket is a winning Ticket, and if the Marianas Lottery Licensee determines that the Ticket is not a winning Ticket or not valid and a prize is not paid, the Marianas Lottery Licensee may replace the disputed Ticket with at least a Ticket of equivalent sales price for a future drawing of the same game. This shall be the sole and exclusive remedy of the claimant.
- (e) In the event a defective Ticket is purchased, the only responsibility or liability of the Lottery or the Authorized Retailer shall be the replacement of the defective Ticket with another Ticket for a future drawing of the same game.
- (f) The final decision on whether a prize will be paid shall be made by the Marianas Lottery Licensee.

32.6 Probability of Winning

The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations of three numbers, each from zero through nine.

First Prize	1 in 1,000
Second Prize	1 in 1,000
Third Prize	1 in 250
Any Prize	1 in 167

32.7 Governing Law

All players must abide by all laws, rules, regulations, and procedures applicable to the Marianas Lottery Pick 3 Game, and all other Lottery Rules and Regulations as published and adopted in the Commonwealth Register. The Marianas Lottery Licensee shall make all final decisions regarding the Game, including but not limited to, all final decisions regarding the determination of prize winners and the validation of Tickets.

32.8 Suspension of Marianas Lottery Lotto Game

At the discretion of the Marianas Lottery Licensee, the Marianas Lottery Lotto Game may be suspended or terminated at any time to be effective prior to any scheduled drawing. In case of a terminated drawing, the sole remedy for holders of tickets for such drawing shall be the refund of the ticket purchase price.

Rule 24 of the Amended Lottery Rules and Regulations relating to the game of Jueteng are hereby repealed and reenacted as follows:

RULE 24 – JUETENG DEFINITIONS

24.0 Definitions. For the purposes of Jueteng, a One Number game, or a Two Number game, the following definitions apply:

- (a) "Authorized Retailer" means a person under contract with the Jueteng Licensee to sell Game Tickets to the public.
- (b) "Central Computer System" means the computer system maintained by the Jueteng Licensee for the recording of Tickets sold for a particular Drawing.
- (c) "Drawing" means that process whereby the Lottery Licensee through the use of a random number generator selects one number, two numbers, or three numbers, depending on the type of game, as explained further in Rule 25 of these Regulations. With respect to the two number game, the first number generated will be for the first number of that game, and the second number generated will be for the second number of that game. With respect to the three number game, the first number generated will be for the first number of that game, and the second number generated will be for the second number of that game and the third number generated will be for the third number of the game.
- (d) "Drawing Coordinator" means the person designated by the Jueteng Licensee to develop and implement procedures for conducting drawings.
- (e) "Game" means the opportunity provided a player to purchase a ticket with the chance to win a prize by purchase of that ticket.
- (f) "Game Ticket" or "Ticket" means a ticket produced by a Terminal, which contains the name of the Jueteng Lottery Operator, a game play of which is either a One Number Game, a Two Number Game, or a Three Number Game as further described in Rule 25, followed by the drawing date, the price of the ticket, a retailer number, and a serial number.
- (g) "Jueteng Lottery Licensee" means the person licensed by the Commonwealth Department of Finance to operate the Jueteng Lottery pursuant to these rules.
- (h) "Number Pick" means the random selection by a terminal of one number, or two numbers, depending on the game played, ranging from 1 through 38 which appear on a Ticket and are to be played by player in the game.
- (i) "Person" means any natural person, corporation, partnership, limited partnership, limited liability company, or any other entity recognized under the laws of the Commonwealth of the Northern Mariana Islands.
- (j) "Play" or "Game Play" means for the One Number Game, one number from 1 through 38, for the Two Number Game, two numbers from 1 through 38, and for the Three Number Game, three numbers from 1 through 38 which appear on Ticket and are to be played by player in a game.
- (k) "Random Number Generator" means a computer- driven electronic device or mechanical device capable of producing numbers at random.

- (l) "Terminal" means a device owned by the Jueteng Lottery Licensee and leased to an Authorized Retailer and is the only device that can issue Game Tickets.
- (m) "Winning Numbers" means the one numbers between 1 and 38 for the One Number Game, the two numbers between 1 and 38 for the Two Numbers Game and the three numbers between 1 and 38 for the Three Numbers Game. All winning numbers shall be listed in the exact sequence as the winning numbers randomly generated for the respective number game, which shall be used to determine winning plays contained on a game ticket.

Rule 25 – The Game Rules for Jueteng is hereby repealed and reenacted to read as follows:

RULE 25 – GAME RULES FOR JUETENG GAME

Rule 25.0 One Number Game.

A one number game is a game ticket, or tickets which are sold to players. A player will receive a "Number Pick" from a retailer. The player selects a number from the pre-printed Number Pick between 1 and 38, and prints it on the Number Pick. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number or Number Pick that constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular drawing 60 minutes before the scheduled drawing.

Rule 25.1 Two Number Game.

A two number game is played similarly to the One Number Game as described in Rule 25.0, immediately above, except the player selects two numbers from the Number Pick and prints one number in each box on the game ticket. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number or Number Pick that constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular drawing 60 minutes before the scheduled drawing.

Rule 25.2 Three Number Game.

A three number game is played similarly to the One and Two Number Game as described in Rules 25.0 and 25.1, immediately above, except the player selects three numbers from the Number Pick and prints one number in each box on the game ticket for a total of three numbers. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number or Number Pick that constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular drawing 60 minutes before the scheduled drawing.

Rule 25.3 Procedure for Drawing.

- (a) The Jueteng Lottery Licensee shall designate a Drawing Coordinator. Drawings shall be conducted pursuant to the procedures developed by the Drawing Coordinator. The objective of a drawing shall be to randomly select one winning number between 1 and 38 for the One Number Game, two winning numbers between 1 and 38 for the

Two Number Game and three winning numbers between 1 and 38 for the Three Number Game. Drawings shall be conducted with a random number generator.

(b) A player's ticket having the number or numbers selected matching to the number or numbers drawn is entitled to the winning prize for that particular drawing date and game. The player must have the winning numbers listed in the exact sequence as the winning numbers drawn. Any order of numbers not listed in sequence with the drawn winning combination does not win the grand prize.

(c) The equipment used to determine the winning combination shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. No prizes shall be paid until after all post-inspection checks have been completed.

(d) If, during a drawing for a game, a mechanical or electronic failure or operator error causes an interruption in the selection of numbers or symbols, the Drawing Coordinator will call a "technical difficulty". Any number drawn prior to a "technical difficulty" being declared will stand and be deemed official after passing inspection and certification by the Drawing Coordinator. The drawing of the remaining numbers shall commence only after the Drawing Coordinator finds that the "technical difficulty" has been corrected. Nothing in this subsection shall supersede the determination by the Jueteng Lottery Licensee of equipment malfunction, tampering, or fraud resulting in the voiding of the entire drawing.

(e) The Jueteng Lottery Licensee will delay payment of all prizes if any evidence exists or there are grounds for suspicion of equipment malfunction, tampering, or fraud. Payment shall be made after an investigation is completed and the Jueteng Lottery Licensee approves the drawing and authorizes payment. If the drawing is not approved, it will be void and another drawing will be conducted to determine an actual winner.

(f) A ticket shall be the only valid receipt for claiming a prize or prizes. A play slip or Number Pick slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.

(g) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. A Jueteng Lottery ticket may not be voided or cancelled by returning the ticket to the retailer, including tickets that are printed in error. The placing of plays is done at the player's own risk through the authorized retailer who is acting on behalf of the player in entering the player's plays.

25.4 Ticket Cost. The cost of a 1 number game ticket shall be \$1.00 for each ticket. The cost of a two number game shall be \$1.00 for each ticket. The cost of a three number game shall be \$1.00 for each ticket.

25.5 Prize Pool for One and Two Numbers Game. The prize pool available each day for the Two Number game is \$50,000. The prize pool available each day for the One Number game shall be a minimum of \$1,000. Each one number winning ticket receives \$30.00, payable at the time of the drawing. Each two number winning ticket receives \$600.00 payable at the time of the drawing. If there is more than one winner, each winner receives \$600.00 for the two number games or \$30.00 for the one number game up to the limit of the respective game's prize pool. Before any winner of any game is paid, the licensee shall determine the number of winners and if the sum of all prizes exceeds the prize pool, each winner shall receive a pro-rata share of the prize pool.

25.6 Prize Pool – Three Numbers Game.

(a) **Prize Pool for Three Numbers Game.** The prize pool available each day for the Three Number game is \$50,000. Of this \$50,000 prize pool, \$40,000 shall be used to pay the winning numbers of the three number game that are drawn in the same order as they are put on the winning ticket. Each three number winning ticket will receive \$4,000 payable at the time of the drawing. If there is more than one winner, and the total amount to all winners is less than the \$40,000 prize pool, all winners shall receive \$4,000. If, however, the total amount awarded to all winners exceeds \$40,000, each winning ticket shall receive a pro-rata share of the prize pool based upon the number of winning tickets. Before any winner of any game is paid, the licensee shall determine the number of winners and if the sum of all prizes exceeds the prize pool, each winner shall receive a pro-rata share of the prize pool.

(b) **Consolation Prize for Three Numbers Game.** The remaining \$10,000 shall be used to pay the winning numbers of the consolation prize. The consolation prize will consist of \$200.00 per winning ticket. It will be awarded for any three numbers picked on the Game Ticket which match, in any order, the three numbers drawn. Before any winner of any game is paid, the licensee shall determine the number of winners and if the sum of all prizes exceeds the prize pool, each winner shall receive a pro-rata share of the prize pool.

25.7 Prize Trust Account. To assure the Department that all prizes will be paid and there is sufficient money to pay each days winners, the Jueteng Lottery Licensee shall deposit and maintain a balance of not less than \$50,000 in a Prize Trust Account for the Two Number game, a balance of not less than \$50,000 in a separate Prize Trust Account for the Three Numbers game, and a balance of not less than \$1,000 in a Prize Trust Account for the One Number game, on terms and conditions established by the Department.

25.8 Drawing Time. Drawing for the games are to be held once daily, not later than 10:00 p.m. Tickets shall not be sold after 9:00 p.m. A second of subsequent drawing shall not be conducted without the written approval of the Department.

25.9 Claiming of Prizes. Prize winners shall have 60 days from the date of the drawing in which to redeem their prize. Unclaimed prizes shall lapse on the 61st day.

- 25.9 Video Tape of Drawing. Drawing for winning number(s) are open to the public for viewing. For each drawing a video tape of the drawing is to be made and maintained for one year subsequent to the drawing unless erasures or destruction of the video tape(s) is authorized in writing by the Department.
- 25.9 Applicability of other Rules. In addition to the specific rules relating to the play and/or record keeping for the Jueteng game, the holder of a Jueteng Lottery License shall also be bound and strictly adhere to, Rules 6.1 through Rule 23 of these Rules and Regulations.

Ofisian i Sekretario

Dipáttamenton i Finance

P.O.Box 5324 CHRB Saipan, MP 96950

Tel. (670) 664-1100

Fax (670) 664-1115

NOTISAN PUPBLIKU POT I MAN MAPROPONE NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION SIHA PARA I KINALAMTEN I LOTTERY GI COMMONWEALTH I SANKATTAN SIHA NA ISLAS MARIANAS.

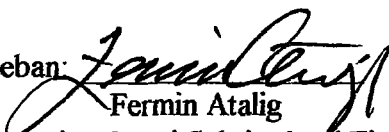
I Sekretarion i Finance man nãná'i' notisia para i pupbliku henerát na i Dipáttamenton i Finance a propopone para u ma'amenda i Man ma'amenda Na Areklamento yan Regulasion siha para i kinalamten i Lottery Gi Commonwealth I Sankattan Siha Na Islas Marianas (CNMI), oriyinát mapupblisa gi Rehistra: Commonwealth, Baluma 22, Numiru 6, gi Junio 20, 2000. Rehistran i Commonwealth, Baluma 24, Numiru 8, gi Agosto 21, 2002 yan Rehistran i Commonwealth, Baluma 25, Numiru 8, gi Septiembre 18, 2003. Este na amendasion mafatinas sigun para i aturidát yan dinirihe i Dipáttamenton ni mamensiona gi Kodigun i Commonwealth ni inenklusu, lao ti mapribi para, i Lai I CMC Sek. 9305, Lai I CMC Seksiona 9305, i Akton Areklamenton Atministradot, Lai I CMC Seksiona 9101 et. seq. yan otden Eksekatibu 94-3.

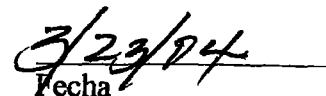
I rason este siha na amendasion man ma'otdena para u ma'implimenta, intepeti, otden yan klarifika i areklamento yan minaneha siha ni manisisita para u ma'implimenta, gobietna yan maneha i kinalamten i CNMI Lottery. Este siha na Areklamento yan Regulasion debi di u gaifuetsa yan enefektbun i lai.

I mapropone na regulasion siha sina ma'inspekta gi, yan u ma'chule' i kopia siha ginen i Ofisinan i Sekretario, gi EDP Bldg., giya Capitol Hill, Saipan MP 96950. I mapropone na regulasion siha man mapupblisa gi Rehistran i Commonwealth.

I Sekretarion i Finance man rikuekuesta opinion siha pot i man mapropone na amendasion para i man ma'amenda na Areklamento yan Regulasion siha para i Kinalamten i Lottery gi Commonwealth I Sankattan Siha Na Islas Marianas ginen i pupbliku henerát. Hãye' man enteresao munahalom opinion pot este man mapropone na amendasion u fan nahalom tinige'. I opinion siha u mahanãgue guatto i Sekretarion i Finance, Dipáttamenton i Finance, gi P.O. Box 5234 CHRB, Saipan MP 96950. Todu i opinion siha debi di u marisibe' gi hãlom trenta (30) dihas ginen i mafechan este na notisia anai mapupblisa gi Rehistran i Commonwealth.

Inapruuban:


Fermin Atalig
Acting Para i Sekretarion i Finance
Dipáttamenton i Finance


Fecha

Pine'lo as: Bernadita B. Dela Cruz
Bernadita B. Dela Cruz
Rehistran i Commonwealth

3-23-04
Fecha

Sigun i Lai 1 CMC Seksiona 2153, ni inamenda ginen i Lai Publiku 10-50, i regulasion siha ni man che'che'ton este na momento man maribisa yan ma'aprueba ginen i Abugâdo Henerât i CNMI.

Mafecha este mina _____ na diha gi Mâtso', 2004.

Pamela Brown
Abugâdo Henerât

Dipáttamneton i Finance

**MAN MAPROPONE NA AMENDASION SIHA POT I AREKLAMENTO YAN
REGULASION SIHA PARA I KINALAMTEN I LOTTERY GI COMMONWEALTH I
SANKATTAN SIHA NA ISLAS MARIANAS**

Sitasion i Aturidát i Lai: I Man Mapropone Na Amendasion Siha Pot I Areklamento yan Regulasion Siha Para I Kinalamten I Lottery Gi Commonwealth I Sankattan Siha Na Islas Marianas man ma'establesi sigun, lao ti mamidi para 1 CMC Seksiona 9306, 1 CMC Seksiona 9313 (c) yan i Akton Areklamenton i Atministrasion gi Commonwealth, 1 CMC Seksiona 9101 et.seq., yan Otden Eksekatibu 94-3.

**Mensáhe' Pot i Goals
yan Objectives:** Para u ma'amenda i Areklamento yan Regulasion siha Pot i Kinalamten i Lottery gi Commonwealth I Sankattan Siha Na Islas Marianas, anai mapupblisa gi Rehistran i Commonwealth, Baluma 22, Numiru 6, gi Junio 20, 2000, Rehistran i Commonwealth Baluma 24, Numiru 8, gi Agosto 21, 2002 yan Rehistran i Commonwealth Baluma 25, Numiru 8, gi Septiembre 18, 2003.

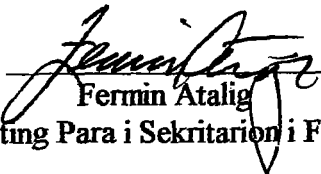
**Kada'da' Na Mensahe'
Pot i Areklamento:** I Areklamento yan Regulasion siha maprobeniyi i manera yan maneha siha ni manisisita para u ma'implimenta yan establesi yan pulan i Kinalamten i Lottery gi Commonwealth I Sankattan Siha Na Islas Marianas. Este siha na Areklamento yan Regulasion sina man ma'amenda, matulaika pat ma'otdena pot para u maolek ginen i Dipáttamenton i Finance gi Commonwealth i Sankattan Siha Na Islas Marianas. Este man mapropone na amendasion siempre a amenda i Areklamenton i Jueteng pot para u sedi i Huegun Tres Numiru, amenda i premu para i Huegun Ayek Tres; yan siempre a aturisa dos na nuebun huegu matungo-na i Ayek tres ni para un na maseha háfa taimanu Marianas (Marianas Pick Three Scramble) yan Ayek Tres ni para un na tunas; yan a omentaye' mas fechan hinalla yan tinilaika siha gi premu para i 5 gi 38 na huegu.

**Para Más Infotmasion,
Ágan:** Fermin Atalig, Acting para i Sekretarion i Finance. Tilifon numiru 664-1100 yan facsimile numiru 664-1115.

Sitasion i Man Achule'
yan/pat Inafekta Na
Lai Siha, Regulasion
Siha yan Otden Siha:

1 CMC Seksiona 9301 et. seq., Rehistran i Commonwealth Baluma 22,
Numiru 6, gi Junio 20, 2000, Rehistran i Commonwealth Baluma 24,
Numiru 8, gi Agosto 21, 2002 yan Rehistran i Commonwealth Baluma
25, Numiru 8, gi Septiembre 18, 2003.

Ninahalom as:


Fermin Atalig
Acting Para i Sekretarion i Finance

3/23/04
Fecha

BWULASIYOOOL SAMWOOL MELLÓL FINANCE

ARONGOL TOULAP REEL POMWOL LLIWEL KKAAL NGALI ALLEGH KKA RE SIWELI MWOGHUTUL LOTTERY MELLÓI COMMONWEALTH TÉEL FALÚW KKA FALÚWASCH MARIANAS.

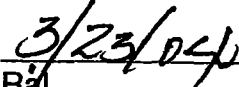
Samwolul Finance ekke arongaar aramas toulap bwe Depattamentool Finance ekke pomwoli ebwe liweli allegh kkewe e ssiwel reel mwóghutul CNMI Lottery, ye ebwe schééschéél akkaté mellóí Commonwealth Register, Vol 22, No. 6, Alimate 20, 2000, Commonwealth Register, Vol 24, No. 8, Eluwel 21, 2002 me Commonwealth Register, Vol 25, No. 8, Maan 18, 2003. Lliwel yeel nge e fféerlò bwelle bwángil Depattamento me alúghúlúgh mellóí Commonwealth Code me bwal, iye ese aighúlúgh ngáli 1 CMC táilil 9101 et. seq., me akkúleyal Sów Lemelem 94-3.

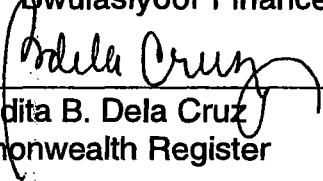
Bwulúí lliwel kkaal igha ebwe allégh sefál bwelle rebwe ayoora, sów sásssáí kkapasal me affatal allégh me mwóghutul kka ebwe yááyá ngáli akkatéél, mwóghut ágháli me amweri fischiy mwóghutul CNMI Lottery. Allégh kkaal nge ebwe ghutchuw me fis bwe ebwe allégh.

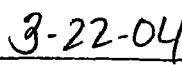
Pomwol allégh yeel nge emmwel rebwe alleta ghatchuw mereel, me kkopial rebwe bwughil mereel Bwulasiyool samwool, EDP Bldg., Capitol Hill, Seipél, MP. 96950. Pomwol allégh kkaal ye aa akkatéélò llóí Commonwealth Register.

Samwolul Finance ekke tittingór aghiyágh mereel aramas toulap reel pomwol lliwel ye ssiweli allégh ye mwóghutul CNMI Lottery. schóókka eyoor mángemángiir reel pomwol lliwel yeel nge ebwe ischilong reel Samwolul Finance, Depattentool Finance, P.O..Box 5234 CHRB, Seipél, MP. 96950. Alongal aghiyágh nge rebwe bwughil llóí eliigh (30) ráí sángi ótol yaal akkaté mellóí Commonwealth Register.

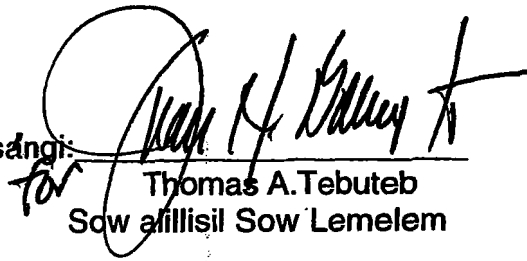
Alúghúlúgh sángi: 
Fermin M. Atalig
Acting Samwolul Finance
Bwulasiyool Finance


Ral

Aisis sángi: 
Bernadita B. Dela Cruz
Commonwealth Register


3-22-04

Mwir sáangi:


Thomas A. Tebuteb
Sow aillisil Sow Lemelem

3/23/04
Rái

Sáangi allégh ye 1 CMC táilil 2153, ye aa liweli alléghúl Toulap 10-50, allégh kka e appasch nge raa takkal amweri fischiiy alúghúlúgh mereel CNMI Sow Bwungul Allegh Lapalap.

Rááilil ye _____ lídí maramal Mááilap 2004.

Pamela Brown
Sów Bwungul Allégh Lapalap

**DEPATTAMENTOOL FINANCE
POMMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL IMMIGRATION
REEL MWÓGHÚTÚL LOTTERY MELLÓL COMMONWEALTH**

Akkatéelí bwángil: Pomwol liwel kkaal ngáli allégh kkaal reel mwóghútúl CNMI Lottery ye e akkatééwow bwelle , me ese bwal aighúgh ngáli 1 CMC talil 9306, 1 CMC táliil 9313 (c) me Commonwealth Administrative Procedure Act 1 CMC talil 9101 et, eq., me akkúleyal Sów Lemelem 94-3.

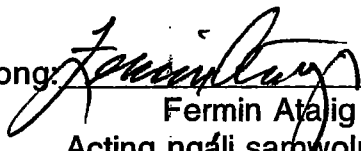
Aweweel kkapas allégh: Ebwe liwel allégh kkaal reel mwóghútúl CNMI Lottery , ye aa akkateelo lol Commonwealth Register, Volume 22, No. 6, Alimaté 20, 2000, Commonwealth Register, Volume 24, No. 8, Elúwel 21, 2002 me Commonwealth Register Vol. 25, No. 8, 2003.

Aweweel pomwol liwel: Allégh kkaal iye ebwe ayoora alléghul me mwóghut ye ebwe mweiti ngáli fillongol me mwóghút ágháli me ammwula mwóghútúl CNMI Lottery. Allégh kkaal nge emmwel ebwe liwel , me akkayuulo iye e allegh sangi CNMI Depattamentool Finance. Pomwol liwel nge ebwe liweli alléghúl Jueteng igha ebwe mmwelil Three number game ebwe siweli prize structure reel Pick Three game; me ebwe mweiti ngáli game kka ruwoow ye e ffé, sibwe ira Marianas Pick Three Scramble me Pick Three Straight; me aschuw akkááw draw date me siweli prize structure reel 5 ngali 38 game.

Reel ammataf, faingi: Fermin Atalig, Acting ngali Samwolul Finance, Tilifoon number 664-1100 me facsimile number 664-1115.

Akkatéelí bwángil akkááw allégh: 1 CMC táliil 9301 et. seq., Commonwealth Register, Volume 22, No. 6, Alimaté 20, 2000, Commonwealth Register, Volume 24, No. 8, Elúwel 21, 2002 me Commonwealth Register Volume 25, Number 8, Maan 18, 2003.

Isáliiyallong:


Fermin Atalig
Acting ngáli samwolul Finance


Rái


PUBLIC NOTICE

DEPARTMENT OF LABOR PROPOSED AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS

The Secretary of Labor hereby notifies the general public of proposed regulations. These regulations significantly amend the current Alien Labor Rules and Regulations to bring them into conformity with existing law. They also address areas that were not addressed in the previous regulations and clarify and standardize procedures at the Department of Labor for the hiring of resident and nonresident workers.

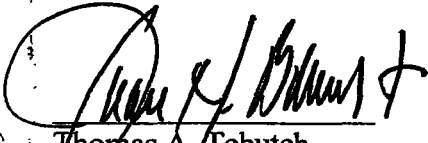
It is the intent of the Department of Labor to adopt the proposed amendments to the regulations as permanent, pursuant to the Administrative Procedures Act 1 CMC §9104(a)(1) and (2). The publication of these regulations in the Commonwealth Register provides notice and opportunity for the public to comment. All interested persons may submit comments on the proposed regulations to Dr. Joaquin A. Tenorio, Secretary of Labor, Afetna Square Building, San Antonio, Saipan, MP 96950 or by fax to (670) 236-0992 during the thirty-day period immediately following publication of the proposed amendments.

Submitted by:


Dr. Joaquin A. Tenorio
Secretary of Labor

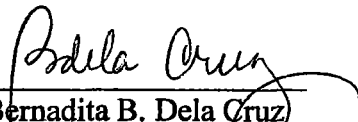
3/11/04
Date

Received by:


Thomas A. Tebuteb
Special Assistant for Administration

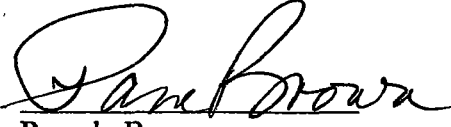
3/18/04
Date

Filed and Recorded by:


Bernadita B. Dela Cruz
Commonwealth Registrar

3-18-04
Date

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


Pamela Brown
Attorney General

3/18/04
Date

PUBLIC NOTICE

**PROPOSED AMENDMENTS TO THE
ALIEN LABOR RULES AND REGULATIONS**

These amendments are promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Department of Labor is adopting rules and regulations amending the Alien Labor Rules and Regulations.

Citation of

Statutory Authority:

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

Short Statement of

Goals and Objectives:

This is a comprehensive set of regulations addressing the employment of resident and nonresident workers and the procedures followed by the Commonwealth Department of Labor.

Brief Summary of the

Proposed Regulations:

These regulations are promulgated to:

- (1) Clarify and supplement the present regulations regarding the employment of resident and nonresident workers.
- (2) Amend various fee provisions relating to the employment of nonresident workers.
- (3) Provide a set of procedural rules applicable to the Administrative Hearing Office.
- (4) Make the regulations applied by the Department of Labor consistent with the current state of statutory law.

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

Alien Labor Rules and Regulations formerly adopted in the Commonwealth Register Vol. 10, No. 4, April 15, 1988, pp. 510-528 and amendments thereto.

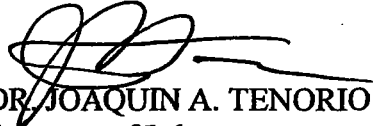
For Further

Information Contact:

Kevin A. Lynch, Assistant Attorney General, Chief Legal Counsel, CNMI Department of Labor, telephone (670) 236-0910 or facsimile (670) 236-0992.

Dated this 11th day of Feb 2004.

Submitted by:



DR. JOAQUIN A. TENORIO
Secretary of Labor

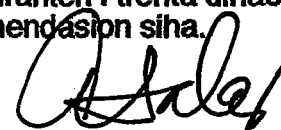
NOTISIAN PUBLIKU

DIPATTAMENTON I HOTNALERU MA'PROPONE NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION SIHA PUT HOTNALERUN TAOTAO HIYONG

I Sekretarion i Hotnaleru este na momento a notisia i pupliku henerat put i man ma'propone na signifikante a amenda i presente na Areklamento yan Regulasion siha put i Hotnalerun Taotao Hiyong para u na'i siha Konfotmalidat ni lai ni man eksiste. Lokkue a adingangani punto siha ni ti man ma'sangan gi halacha na regulasion siha yan klaru na areklamento yan minaneha gi Dipattamenton i Hotnaleru para i ma'empleha i residente yan ti man residente na Hotnaleru siha.

I intension i Dipattamenton i Hotnaleru para u adopta i man ma'propone na Amendasion siha para i Petmanete na regulasion, sigun i Akton Areklamento Atministradot 1CMC Sek. 9104 (a) (1) yan (2). I publikasion este na regulasion siha gi Rehistran i Commonwealth a probeniya notisia yan opotunidat para i opinion pupliku. Todu i man entresao na petsona siha put i man ma'propone na regulasion siha para as Dr. Joaquin A. Tenorio, Sekretarion i Hotnaleru, gi Afetna Square Building, giya San Antonio, Saipan, MP 96950 pat ginen fax para (670) 236-0992 duranten i trenta dihas na tiempo imidiamente tinatitaye i publikasion i man ma'propone na amendasion siha.

Nina halom as :

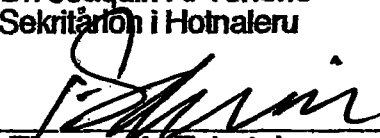


Dr. Joaquin A. Tenorio
Sekretarion i Hotnaleru

3-19-04

Fecha

Ma Risibe as :

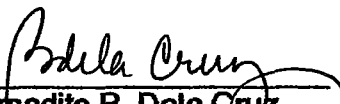


Thomas A. Tebuteb
Especiāt Na Ayudante Para i Atministradot

3-19-04

Fecha

Pine'lo yan Rinikot As :



Bernadita B. Dela Cruz
Rehistran i Commonwealth

3-19-04

Fecha

Sigun i Lai 1 CMC Sek, 2153, ni inamenda ginen i Lai pupliku 10-50, i Areklamento yan Regulasion siha ni man che'cheton put para u fotna yan ligat sufisienta ginen i ofisinan Abugado Henerat gi CNMI.

Pamela Brown
Abugado Henerat

Fecha

Trinansladan : Charlene S. Cruz
Transladoran Chamorro, CCLPC

NOTISIAN PUBLIKU

I MAN MA'PROPONE NA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA PUT HOTNALERUN TAOTAO HIYONG

Este na amendasion siha man ma'establesi sigun i Akton Areklamenton Atministradot, 1 CMC Sek 9101, et. seq. I Dipattamento i Hotnaleru a adopta i Areklamento yan Regulasion siha ni amemenda i Areklamento yan Regulasion siha put Hotnaleru Taotao Hiyong.

**Sitasion put
I Aturidat i Lal :**

I Sekretarion i Hotnaleru ma'aturisa para u establesi regulasion siha ni kinensisiste i empleaon hotnalerun taotao hiyong sigun i 3 CMC 4424 (a) (1).

**Kada'da Na
Mensahe Put
Goals yan
Objectives :**

Todu este kabales na regulasion siha a sasangan i empleaon residente yan ti residente na hotnaleru siha yan i areklamento siha tinatitiye' ginen i Dipattamenton i Hotnaleru gi Commonwealth.

**Kada'da' Na
Mensahe Put i
Man Ma Propone
Na Regulasion
siha :**

Este na regulasion siha man ma'establesi para:

- (1) Klarifika yan kuentaye' i presente na regulasion siha ni tineteka i empleaon residente yan ti man residente na hotnaleru siha.
- (2) Amenda difirientes klases apas probensyon siha ni tineteka i empleaon i ti man residente na hotnaleru siha.
- (3) Probeniyi muntohon minanehan areklamento siha ni aplikao para i Ofisinan i Administrative Hearing.
- (4) Fatinas i Regulasion siha ni ma'aplika ginen i Dipattamenton i Hotnaleru ni kinensisiste ni i presente na estaon i aturidat i Lal.

**Sitasion i Man
Achule' yan/pat
ManMa Afekia
Na Lai Siha,
Areklamento yan
Regulasion siha :**

Areklamento yan Regulasion siha put Hotnalerun Taotao Hiyong ni man ma'adopta finenina gi Rehistran i Commonwealth Baluma 10, Numiru 4, Abrit kinse, mit nuebe sienta ochienta ochu (April 15, 1988), pahina 510-528 yan amendasion siha.

Para Mås

Infotmasion Ágan: Kevin A. Lynch, Ayudante Para i Abugado Henerat, Ka'magas Konsihilion Ligat, Dipattamenton i Hotnaleru gi CNMI, tilifon (670) 236-0910 pat facsimile (670) 236-0992.

Ma fecha este mina 19th na diha gi March, dos mit kuattro na sakkan.

Ninahalom as:


Dr. Joaquin A. Tenorio
Sekritarion i Hotnaleru

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

**ARONGORONGOL TOULAP
DEPATTAMENTOOL LABOR
POMWOL LLIWEL NGALI ALLÉGHÚL ALIEN LABOR**

Samwoolul Labor ekke arongaar toulap reel pomwol allégh kkaal. schéeschéél allégh kkaal ebwe lliweli alléghúl Alien Labor igha ebwe fil ngáli alléghúl ighila. Rebwe adress-li ngáli fasúl allégh me affata me alléghuw mwóghútúl mereel Depattamentool Labor reel umwumwul schóól angaangal kka aramasal falúw me schóól angaang kka aramas lúghúl.

Aghiyághil Depattamentool Labor igha ebwe fillóby pomwol lliweli kkaal ngáli allégh igha ebwe schéeschéél, sáangi Administrative Procedures Act 1 CMC táilil 9104 (4) me (2). Akkatéél allégh kkaal mellól Commonwealth Register reel ebwe ayoora ammataf me tepáng reel aghiyághiiir toulap. Schóókka eyoor mángemángiir reel pomwol allegh kkaal nge emmwel ebwe ischilong reel Dr. Joaquin A. Tenorio, Samwoolul Labor, Ghafeetiya Square Building, San Antonio, Seipél MP 96950 me ngáre fax ngáli (670) 236-0992 ótol eliigh ráalil mwirilóól akkaté yeeh reel pomwol lliweli kkaal.

Isáliiyallong:


Dr. Joaquin A. Tenorio
Samwoolul Labor

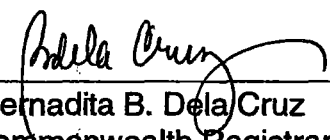
3-19-04
Rál

Mwir sáangi:


Thomas A. Tebuteb
Sów Aiillisil Sow Lemelem

3/19/04
Rál

Aisis sáangi:


Bernadita B. Dela Cruz
Commonwealth Registrar

3-19-04
Rál

Sáangi allégh ye 1 CMC táilil 2153 ye aa lliweli mereel Alléghúl Toulap 10-50, allégh kka e appasch nge raa takkal amweri fischiiy me akúghúlulghuló mereel CNMI Bwulasiyool Sów Bwúngúl Allégh Lapalap.

Pamela Brown

Rál

ARONGORONGOL TOULAP

POMWOL LLIWEL KKAAL NGALI ALLEGHUL ALIEN LABOR

Lliwel kkaal nge ebwe akkatééwow bwelle Administrative Procedure Act, 1 CMC táilil 9101, et seq. Depattamentool Labor ebwe fillóóy alléghúl Alien Labor ye e Ssiwel.

Akkatéél bwángil Allégh: Samwoolul Labor nge eyoor bwángil ebwe akkate allegh kka e ghil ngali schóól angaang kka aramasal lúghúl, bwelle reel 1CMC 4424 (a) (1).

Aweweel kkapasal Allégh : Lapalapa allégh kkaal ye ekke apasa schóól angaang ikka schóól igheey me schóól angaang kka aramasal lúghúl me mwóghútúghútúl ye tabweey Commonwealth Department of Labor .

Aweweel Pomwol Iliwel: Allégh kkaal ye aa akkatééló reel:

(1) Affata me aschuul allégh kkaal bwelle reel schóól angaang ikka schóól igheey me schóól angaang kka aramasal lúghúl.

(2) Ssiweli akkááw kkapasal óbwos ye ghil ngali schóól angaang kka aramasal lúghúl.

(3) Ayoora mwóghútúl allégh ye e fil ngáli Administrative Hearing Office.

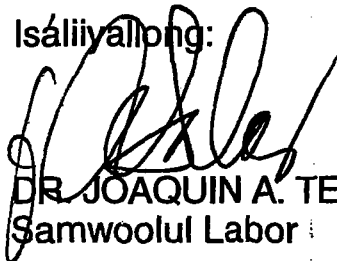
(4) Fféér allégh kka ebwe fil ngáli Depattamentool Labor ye ghil me alléghul ighila.

Akkatéelí Bwángil Akkáaw Allégh: Alléghúl Alien Labor me Allégh
ye ebwe fillong Ilól Commonwealth Register
Vol. 10, No. 4, Sééta 15, 1988, pp. 510-528 me
Iliwel kkaal.

Reel ammataf faingi: Kevin A. Lynch, Sów alillisil Sów Bwúngúl
Allégh Lapalapa, Chief Legal Counsel, CNMI
Depattamentool Labor, tilifoon (670) 236-0910 me
ngare fax (670) 236-0992.

Rááilil ye 19th Ilól March 2004.

Isáliiyallong:


DR. JOAQUIN A. TENORIO
Samwoolul Labor

PUBLIC NOTICE

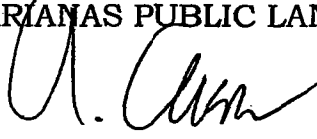
**PROPOSED AMENDMENTS TO THE NMI VILLAGE HOMESTEAD
RULES AND REGULATIONS**

The Board of Directors of the Marianas Public Lands Authority, Commonwealth of the Northern Mariana Islands, pursuant to its duties and responsibilities under Public Law 12-33, as amended, hereby gives public notice of its intention to promulgate these proposed NMI Village Homestead Rules and Regulations.

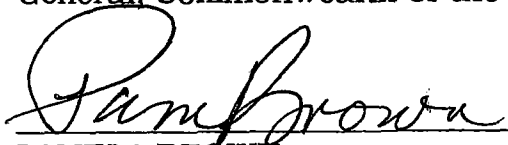
Any interested person may examine the proposed regulations and submit written comments, positions or statements for or against the proposed regulations to the Commissioner of the Marianas Public Lands Authority, at P.O. Box 500380, Saipan, MP 96950, Ground Floor, V.S. Sablan Plaza, Chalan Pi'ao, no later than thirty (30) calendar days following the date of publication of this Notice in the Commonwealth Register.

Dated this 11th day of March, 2004 at Saipan, Northern Mariana Islands.

BOARD OF DIRECTORS
MARIANAS PUBLIC LANDS AUTHORITY

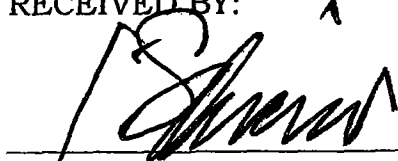
By: 
ANA DEMAPAN-CASTRO
Chairperson

Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the proposed amendments to the NMI Village Homestead Rules and Regulations of the Marianas Public Lands Authority, a copy of which is attached hereto, has been reviewed for legal sufficiency and approved by the Office of the Attorney General, Commonwealth of the Northern Mariana Islands.

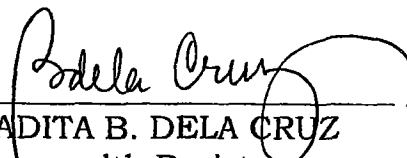

PAMELA BROWN
Attorney General

3/18/04
DATE

RECEIVED BY:


THOMAS A. TEBUTEB
Special Assistant for Administration

FILED BY:


BERNADITA B. DELA CRUZ
Commonwealth Register

DATE: 3/19/04

DATE: 3.19.04

**MARIANAS PUBLIC LANDS AUTHORITY (MPLA)
PROPOSED AMENDMENTS TO THE
NMI VILLAGE HOMESTEAD
RULES AND REGULATIONS**

*Citation of
Statutory Authority:*

These NMI Village Homestead Rules and Regulations are established pursuant to Public Law 1-42, as amended.

*Short Statement of
Goals and Objectives:*

To provide rules and regulations statutorily required for the efficient processing and administration of single dwelling residential lots in village homestead subdivisions to eligible applicants of Northern Marianas descent.

*Brief Summary
Of the Regulations:*

These NMI Village Homestead Rules and Regulations set forth the procedures for a comprehensive method of processing village homestead applicants, distributing village homestead permits, monitoring homestead permittees for compliance, and for the efficient administrative hearing process in settling disputes arising there from.


*For Further
Information Contact:*

Henry S. Hofschneider, MPLA Commissioner, telephone nos. 234-3751/2, fax no. 234-3755, or e-mail at mpla@vzpacifica.net.

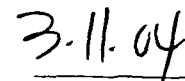
*Citation of Related
And/or Affected
Statutes, Regulations,
And Orders:*

None

Submitted by:



Ana Demapan-Castro
Chairperson, Board of Directors
Marianas Public Lands Authority



Date

NOTISIAN PUPBLIKU

MAPROPONE I AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION PUT SENGSONG HOMESTEAD

I Kuetpon I Direktot siha gi Aturidát I Tano' Puplicun Marianas (MPLA), Commonwealth I Sankattan Siha Na Islas Marianas, sigun I che'cho' yan responsiblidát-niha papa I Lai Puplicu 12-33, ni inamenda, este na momento man náná'i' notisian puplicu put I intension para u establesi este man mapropone na areklamento yan regulasion siha put Sengsong Homestead giya NMI.

An háye' na petsona enteresao síña ma'eksamina I mapropone na regulasion siha ya u ma'entrega tinige' opinion, pusision pat sinangan siha para pat I kumokontra I man mapropone na regulasion siha guatto I Komisina gi Aturidát I Tano Puplicun Marianas, gi P.O. Box 500380, Saipan, M.P. 96950, finenina na bibienda, gi V.S. Sablan Plaza, giya Chalan Pi'aó, ti menos di trenta (30) dihas gi kalendarío tinatitiye' I fechan I publikasion este na Notisia gi Rehistran I Commonwealth.

Mafecha este mina 11 na diha gi _____ dos mit kuáttro na sakkan giya Saipan, Sankattan Siha Na Islas Marianas.

KUETPON I DIREKTOT SIHA
ATURIDÁT I TANO'
PUPBLIKUN MARIANAS

Ginen as:



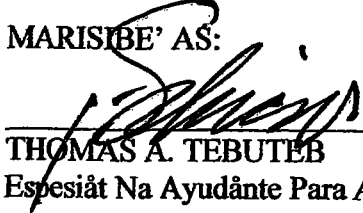
ANA DEMAPAN-CASTRO
KABISEYA

Sigun I Lai 1 CMC Seksiona 2153, ni inamenda ginen I Lai Puplicu 10-50, I mapropone na amendasion siha para I Areklamento yan Regulasion siha put Sengsong Homestead giya NMI ginen I Aturidát I Tano' Puplicun Marianas, I kopia ni che'che'ton, esta man maribisa para u ligát suficiente yan man ma'aprueba ginen I Ofisinan I Abugádo Henerát gi Commonwealth I Sankattan Siha Na Islas Marianas.

PAMELA BROWN
ABUGÁDO HENERÁT

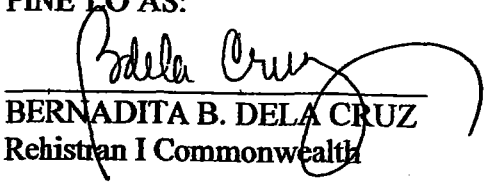
FECHA

MARISIBE' AS:



THOMAS A. TEBUTEB
Especiát Na Ayudánte Para Atministrasion

PINE'LO AS:



BERNADITA B. DELA CRUZ
Rehistran I Commonwealth

Trinansladan: *Charlene S. Cruz*
Transladoran Chamorro, CCLPC

**ATURIDÁT I TANO' PUPBLIKUN MARIANAS MAPROPONE NA
AMENDASION PARA I AREKLAMENTO YAN REGULASION
SIHA POT SENGSONG HOMESTEAD GIYA SANKATTAN SIHA
NA ISLAS MARIANAS**

Sitasion I Aturidát

I Lai:

Este na Areklamento yan Regulasion Siha Pot Sengsong Homestead giya NMI man ma'establesi sigun para I Lai Pupbliku 1-42, ni inamenda

Kada'da' Na Mensáhe

Pot Goals yan

Objectives:

Para u probeniyi aturidát I Areklamento yan Regulasion siha ni Para u maolek I machogue'gue'na ya u atministreha I uniko na tano' residente siha gi sengsong homestead na subdivision siha para u kuálifikao I man apliika siha ni man taotao Marianas.

Kada'da' Na Mensáhe

Pot I Regulasion

Siha:

Este I Areklamento yan Regulasion Siha Pot Sengsong Homestead Giya Sankattan Siha Na Islas Marianas a na guaha enteru na Areklamento pot I preparasion I man apliika Sengsong Homestead, I linaknos petmisun Sengsong Homestead, machehek I murisibe I petmisun homestead kao matatitiye' I areklamento siha, ya para u atministreha maolek na preparasion inakomprende ni para u masátba I problema siha pot homestead.

Para Mäs

Infotmasion Ágan:

Henry S. Hofschneider, Kumisionarion, Aturidat Tano' Pupblikon Marianas, tilifon numiru 234-3751, fax numiru 234-3755, pat email gi mpla@vzpacifica.net.

Sitasion I Man

Achule' yan/pat


Inafekta Na Lai Siha,

Regulaion siha, yan

Otden siha:

Täya

Ninahalom:


ANA DEMAPAN-CASTRO
Kabiseya, Kuetpon I Direktot siha
Aturidát I Tano' Pupblikon Marianas

3/11/04

Fecha

Trinansladan: *Charlene S. Cruz*

Transladan Chamorro, CCLPC

**ARONGORONGOL TOULAP
POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL NMI VILLAGE
HOMESTEAD**

Board of Directors mellól Marianas Public Lands Authority,
Commonwealth matawal wóól falúwasch Marianas, sáangi yaal
angaang lemelemil faal alléghúl Toulap 12-33, iye aa lliwel, ekke
arongaar reel mángemángil igha ebwe akkaté pomwol alléghúl NMI
Village Homestead.

Schóókka re tipeli nge emmwel rebwe amweri fischiiy pomwol allégh
kkaal, me ischilong, kkapasal me ngáre aingiingil reel pomwol allégh
kkaal ngáli Commissioner mellól Marianas Public Lands Authority,
reel P.O Box 500380, Seipél MP 96950, Ground floor, V.S. Sablan
Plaza, Chalan Pi'ao, essóbw luuló eliigh (30) ráálil mwiril yaal
akkateeló llól Commonwealth Register.

Ráálil _____ llól _____, 2004 wóól Seipél, falúw kka
falúwasch Marianas.

**BOARD OF DIRECTORS
MARIANAS PUBLIC LANDS AUTHORITY**

SÁNGI: _____


ANA DEMAPAN-CASTRO
Chairperson

Sáangi allégh ye 1CMC táлил 2153, iye aa lliwel mereel Alléghul Toulap
10-50, pomwol lliwel kkaal ngáli alléghúl NMI Village Homestead
mellól Marianas Public Lands Authority, kkopial kka e appasch , nge
raa takkal amweri fischiiy me alúghúlúghúló mereel Bwulasiyool Sów
Bwungúl Allégh Lapalap, Commonwealth matawal wóól falúw kka
falúwasch efáng Marianas.

PAMELA BROWN
Sów Bwungúl Allégh Lapalap

Mwir sángi:




THOMAS A. TEBUTEB
Sów Alillisil Sów Lemelem

Rái

Rái

Aisis sángi:



BERNADITA B. DELA CRUZ
Commonwealth Register

3-19-04

Rái

**MARIANAS PUBLIC LANDS AUTHORITY (MPLA)
POMWOL LLIWEL NGÁLI ALLÉGHÚL VILLAGE HOMESTEAD**

Akkatéel Bwángil Allégh: Alléghúl NMI Homestead e akatééwow bwelle
Alléghúl Toulap 1-42, iye aa lliwel.

Aweweel Kkapasal Allégh: Ebwe ayoora allégh ye ebwe yááyá ngáli
mwóghútúl me angaangal igha ebwe yááyá
village homestead ye e ghilighil ngáliir schóól
tingórol falúw kka aramasal falúw .

Aweweel Pomwol Lliwel; Alléghúl NMI Village Homestead ye aa féerló
mwóghútúl igha rebwe ghommwal mwóghut
ágháli schóól tingórol villige homestead,
isisiwowul lisensial village homestead, ye
rekke weti yaar schóól homestead reel yaar
palawal me angaangal hearing process igha
rebwe ayoora ótol aweewe.

Reel ammataf faingi; Henry S. Hofschneider, MPLA Commissioner,
tilifoon. 234-3751/2, fax no. 234-3755, me
ngáre email ngáli mpla@zpacifica.net.

Akkatéel Bwángil Akkááw Allégh: Esóór

Isáliiyallong: _____

Ana Demapan-Castro
Chairperson, Board of Directors
Marianas Public Lands Authority

3-11-04

Rái

**RULES AND REGULATIONS PROMULGATED
PURSUANT TO THE NORTHERN MARIANA ISLANDS VILLAGE
HOMESTEADING ACT OF 1979, AS AMENDED**

SECTION 1: AUTHORITY

These Rules and Regulations are hereby promulgated and issued by the Marianas Public Lands Authority (MPLA), pursuant to its duties and responsibilities under Article XI of the CNMI Constitution, P.L. 12-33, as amended, and 2 CMC § 4331, *et seq.*

SECTION 2: PURPOSE

The purpose of these Rules and Regulations is to repeal and re-promulgate the Village Homestead Rules and Regulations, as published in the Commonwealth Register, Volume 3, Number 2 at page 1189 and Volume 12, Number 6 at page 7107; to provide the standard of eligibility, a system for issuing permits, deeds, notices, and appeal rights. .

SECTION 3: DEFINITIONS

- A. *Abandon*: To leave a village homestead lot neglected or showing no improvement during the permit period or to allow a mortgage on the homestead property to go into default, thereby placing the property at risk of foreclosure.
- B. *Administrative Procedure Act (APA)*: The Commonwealth Administrative Procedure Act, codified at 1 CMC § 9101, *et seq.*
- C. *Applicant*: An individual, married couple or joint applicant who submits a single application for a village homestead lot.
- D. *Authorized Person*: A person duly empowered through a valid power of attorney, to act on behalf of an applicant or homesteader.
- E. *Board of the Marianas Public Lands Authority (Board)*: The policy-making body for the Marianas Public Lands Authority.
- F. *Commissioner*: The Commissioner of the Marianas Public Lands Authority.
- G. *Hearing Officer*: The MPLA Hearing Officer, including hearing officers *pro-tempore* appointed by the Board to conduct administrative hearings on homestead matters in accordance with the APA and the MPLA Administrative Hearing Procedure Rules and Regulations.
- H. *Homesteader*: A person granted a village homestead permit.
- I. *Joint Applicants*: Persons who have submitted a village homestead application in their names.
- J. *Land Interest*: Title to or an interest in a parcel of land qualifying as a village lot in the Commonwealth.
- K. *Lottery*: The drawing of a village homestead lot.

- L. *Marianas Public Lands Authority (MPLA)*: An independent public corporation under the control and general supervision of the Board, and headed by a Commissioner to execute, implement and enforce the policies of the Board.
- M. *Village Lot*: A parcel of land determined by the Marianas Public Lands Authority to be suitable for the construction of a residence and is, or will be, reasonably accessible to water and power utilities.

SECTION 4: APPLICATION PROCEDURE

- A. Any person applying for a village homestead lot shall fill out and sign under penalty of perjury the Village Homestead Application provided by MPLA.
- B. Any person who submitted an application for a village homestead lot before the passage of the Northern Mariana Islands Village Homesteading Act of 1979, as amended, must also fill out and sign under penalty of perjury the Village Homestead Application.
- C. An applicant shall pay a reasonable application processing fee as set by the Board.
- D. The MPLA shall review the application and may require the applicant to appear before the MPLA to verify accuracy and completeness.
- E. An applicant determined ineligible shall be informed of such determination in writing and the reasons therefor.

SECTION 5: STANDARDS OF ELIGIBILITY

- A. An applicant is not eligible for a village homestead lot if the applicant, an applicant's spouse or joint applicant:
 - (1) Has been a recipient of a village homestead lot under this program or any previous homestead program;
 - (2) Owns a village lot; or
 - (3) Has an ownership in a village lot, including an owner of land who has divested himself or herself of his or her possessory right through lease.
- B. In determining whether an applicant, has an interest in a village lot, the following shall be considered:
 - (1) Whether an applicant has an undivided interest in land, through inheritance or otherwise, that meets the definition of a village lot; or
 - (2) Whether an applicant has conveyed his or her interest in a village lot to a corporation, trust or other entity owned, in whole or in part, by him or her.
- C. If an applicant knowingly and willfully submits false information under penalty of perjury to MPLA, he or she shall be permanently disqualified from participating in the village homestead program.

SECTION 6: HOMESTEAD ISSUANCE PROCESS

- A. The granting of a homestead lot shall be based on the date the applicant submits a completed application and required documents to MPLA.
- B. An applicant eligible to participate in a lottery shall be informed in writing of the date, time, and location of the lottery and location of homestead lots to be distributed. An applicant need not be present at the time of the lottery, but must designate, through a power of attorney, a person who will participate in the lottery on his or her behalf.

SECTION 7: HOMESTEAD PERMIT PROCESS

- A. A lottery participant shall be issued a homestead permit to the homestead lot drawn.
- B. The homesteader shall be given a copy of the homestead permit and shall be shown the actual boundaries of the lot. The homesteader must sign a form indicating he or she was shown the lot and its boundaries.

SECTION 8: HOMESTEAD REQUIREMENTS

- A. A homesteader shall:
 - (1) Enter, use and improve the homestead lot within 120 days and complete a single family residence within two years after the issuance of a homestead permit;
 - (2) Commence to reside in his or her homestead as his or her principal place of residence no later than the end of the second year after the issuance of the homestead permit, and continually reside throughout the third year; and
 - (3) Not lease, assign, sell, or transfer the homestead lot during the permit period.

SECTION 9: HOMESTEAD PERMIT REVOCATION

- A. A homestead permit may be revoked if the homesteader:
 - (1) Fails to clear the homestead lot and construct a single-family residence within two years after issuance of the permit;
 - (2) Fails to comply with the homestead permit or as otherwise provided in these Rules and Regulations;
 - (3) Fails to use the homestead lot as his or her principal residence within two years after issuance of the permit;
 - (4) Abandons the homestead lot during the permit period;
 - (5) Sells or attempts to sell, conveys, leases or rents the homestead;
 - (6) Allows another person to occupy the homestead in place of the homesteader without securing written authorization from MPLA;

- (7) Fails to maintain the homestead lot in a clean, safe and sanitary condition; or
- (8) Provides false information in the Village Homestead Application or other required documents.

SECTION 10: VILLAGE HOMESTEAD WAIVER PROCEDURES

- A. Any person who has continuously used and occupied public land for at least fifteen years prior to January 9, 1978 is eligible for a village homestead lot, provided that the following procedures and requirements shall be applicable:
- (1) The applicant must be eligible to homestead a village lot and must fill out a Village Homestead Application provided by the MPLA;
 - (2) The applicant must submit an affidavit or declaration under penalty of perjury that he or she has been continuously using and occupying the public land for at least fifteen years prior to January 9, 1978;
 - (3) After submission of an application, the MPLA shall review the application, and may require additional proof to substantiate the claim; and
 - (4) Upon approval of the application by MPLA, a certificate of compliance shall be issued to the applicant for the parcel of public land he or she has been using and occupying, which shall not exceed 1,000 square meters, provided that an official survey plat is prepared prior to issuance of the certificate of compliance. Upon approval of the Board a quitclaim deed shall be issued to the applicant.

SECTION 11: APPEAL

Any person or party aggrieved by an adverse action by MPLA may appeal to the Hearing Officer pursuant to the MPLA Administrative Hearing Procedure Rules and Regulations.

SECTION 12: SEVERABILITY

If a court of competent jurisdiction shall hold any provision of these Rules and Regulations invalid, the remainder of these Rules and Regulations, other than those held invalid, shall not be affected.

SECTION 13: EFFECTIVE DATE

These Rules and Regulations shall take effect upon notice of their final adoption as provided by the APA.

**NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS TO THE
IMMIGRATION REGULATIONS TITLE VIII**

I, Pamela Brown, the Attorney General of the Commonwealth of the Northern Mariana Islands, which is promulgating the Immigration Regulations regarding the authority of the Attorney General to restrict entry into the Commonwealth for persons arriving from certain countries, published as Emergency Regulations in the Commonwealth Register Vol. 26, No. 1 on January 22, 2004 at pages 21523 to 21526, by signature below hereby certify that, as published herein, such Immigration Regulation Section 804 regarding the authority of the Attorney General to restrict entry into the Commonwealth of aliens for reasons of a threat to public safety, as previously proposed by the Office of the Attorney General which, after the expiration of appropriate time for public comment, have hereby been adopted with the attached modifications or amendments. 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 17th day of March 2004, in Saipan, Commonwealth of the Northern Mariana Islands.



PAMELA BROWN
Attorney General
Commonwealth of the Northern Mariana Islands

**AMENDMENTS TO TITLE VIII
OF IMMIGRATION RULES AND REGULATIONS**

Immigration Regulation Title VIII is hereby amended to add the following Section 804:

Section 804. Threat to Public Safety.

A. Discontinuance of Entry Permits

The Attorney General at his discretion may discontinue issuance of entry permits to nationals, citizens, subjects or residents of any country, or any state, province, subsection, territory, division or subdivision thereof, if the Attorney General determines: (i) that the government of such country, state, province, subsection, territory, division or subdivision is unable to provide adequate information regarding backgrounds of the persons embarking from that location; (ii) that the Commonwealth is unable to promptly and accurately assess the backgrounds of such persons; or (iii) that admission of such persons poses an unacceptable risk to the security, health and welfare of the Commonwealth.

B. Publication of Notice

Determinations made pursuant to Section 804A may take effect immediately, but shall in every case be published in the next printed edition of the Commonwealth Register and shall be subject to bi-annual review and renewal. The discontinuance of entry permits may be terminated by future order of the Attorney General, may be renewed indefinitely, or may be for a set period of time.

C. Preliminary Waiver

The Attorney General at his discretion may issue a preliminary waiver, on a case-by-case basis, of the exclusion of a person from an excluded country, state, province, subsection, territory, division or subdivision, provided that the person has satisfied all other requirements for entry under the applicable laws and regulations, and has provided evidence that the following additional conditions have been satisfied prior to embarkation:

- (1) Except as set forth in Subsection (C)(2) below, if the person is coming to the Commonwealth for purposes of tourism, or under a Short-Term Business Entry Permit, Regular-Term Business Entry Permit, Immediate Relative of a Nonalien Entry Permit, Immediate Relative of Alien Entry Permit, Foreign Student Entry Permit, Foreign Press Entry Permit, Distinguished Merit Entry Permit, Nonresident Worker Permit, Minister of Religion Permit, Religious Missionary permit, or Retiree Investor Entry Permit the person must:

- (i) provide, or have his or her sponsor provide, a bond issued by an approved bond company for the sum of Five Thousand Dollars (\$5,000), or an equivalent surety satisfactory to the Attorney General, such amounts to be used to offset any expense reasonably incurred by the Commonwealth should the person be convicted of any crime or should the person violate any condition of entry; and

- (ii) if the person is embarking from an excluded country which the Attorney General determines has repeatedly caused undue delays or refused to accept the return of its nationals, citizens, subjects or residents, such person must bear an original, written statement, bearing the official seal of the relevant immigration or government authority in the excluded country, declaring that such country will unconditionally accept the return of the person without delay, such letter to be signed by a person authorized to expedite entry into that country and including the title and official contact information of said signatory.

- (2) If the person coming to the Commonwealth is a medical professional seeking to enter the Commonwealth for the purpose of rendering medical services or is the spouse or child of said medical professional, is the spouse or child of a U.S. national or citizen currently residing in the Commonwealth whose purpose for coming to the Commonwealth is to reside permanently with said U.S. national or citizen, or is an official government representative traveling to the Commonwealth for the sole purpose of conducting official government business or is the spouse or child of said government representative, such person must obtain a certification to that effect from the Attorney General.

A signed letter issued by and bearing the seal of the Office of the Attorney General, and imposing any additional conditions as the Attorney General may see fit, shall be delivered to the applicant and shall evidence the issuance of a waiver under this Section.

D. Exempt Aliens

The following Aliens shall be exempt from the requirements of this Section 804:

- (1) United States permanent residents who present a valid, un-expired Form I-551 – Permanent Resident Card, Form I-551 – Alien Registration Receipt Card, or a valid un-expired passport containing a valid un-expired temporary residence stamp (“Processed for I-551 Temporary Evidence of Lawful Admission”);
- (2) Any alien who holds the equivalent of U.S. Lawful Permanent Resident status, or holds status as a temporary resident authorized to work in and unconditionally return to a country that is listed on the Visitor Entry Permit Exempt List pursuant to Immigration Regulation 703(B)(3);
- (3) Any alien with a valid United States entry visa which is valid for at least 60 days from the date of entry into the CNMI provided that the United States visa permits re-entry back into the United States after entry and departure from the CNMI;
- (4) Any alien legally in the Commonwealth on the effective date of this regulation, provided such alien remains continuously in legal status. Such aliens may freely depart and return to the Commonwealth subject to compliance with other applicable law and regulation; or
- (5) Children of an alien legally traveling to or residing in the Commonwealth who will be under the age of twelve (12) on the date of departure from the Commonwealth.

PUBLIC NOTICE

ORDER OF THE ATTORNEY GENERAL

I. Visitor Entry Exempt Countries

Pursuant to Immigration Regulation § 703(B)(3), the following countries comprise the Commonwealth of the Northern Mariana Islands Visitor Entry Permit Exempt Countries List:

- Australia
- Canada
- Hong Kong,
Special Administrative Region of China
- Japan
- Ireland
- South Korea
- United Kingdom

A national, citizen, permanent resident, or holder of a temporary resident status who is authorized to work in and unconditionally return to one of the above-listed countries, does not require a Visitor Entry Permit to enter the Commonwealth, provided however, that such person shall not be entitled to enter the Commonwealth if, upon arrival at a port of entry in the Commonwealth, he or she is found to be excludable under any provision of law. A permanent resident of, or temporary resident authorized to work in and return to, one of the above-listed countries shall also be exempted from the requirements of Immigration Regulation §804.

II. Excluded Locations

The following list of Excluded Locations, initially issued on January 15, 2004 pursuant to Emergency Immigration Regulation § 804, is hereby re-issued with the following clarification: Excluded Locations marked with a "*" are hereby designated as having caused undue delays or having refused to accept the return of nationals, citizens, subjects or residents, and therefore, such persons seeking a preliminary waiver will require a letter guaranteeing an expedited return pursuant to Immigration Regulation § 804(C)(1)(ii).

- Afghanistan
- Algeria
- Bahrain
- Bangladesh*
- Cuba
- Egypt
- Eritrea
- Fujian Province of China
- Indonesia
- Iran
- Iraq
- Jordan
- Kuwait
- Lebanon
- Libya
- Morocco
- Myanmar
- North Korea
- Oman
- Pakistan
- Qatar
- Saudi Arabia
- Somalia
- Sri Lanka*
- Sudan
- Syria
- Tunisia
- United Arab Emirates
- Yemen

III. Visitor Entry Permit Background Check

Pursuant to the authority vested in this Office by Immigration Regulation § 703(E), the Division of Immigration is hereby ordered to require a police background clearance, issued within six (6) months of the date of embarkation by a competent government authority in the Alien's current place of residence, for each Alien over the age of twelve seeking a VEP. Evidence of the police clearance must be submitted with the VEP application and accompanying documents.

IV. United States Visa Waiver Program


Additional notice is hereby given that for purposes of Immigration Regulation 703(B)(2), the following countries are current participants in the United States Visa Waiver Program:

- Andorra
- Australia
- Austria
- Belgium
- Brunei
- Denmark
- Finland
- France
- Germany
- Iceland
- Ireland
- Italy
- Japan
- Liechtenstein
- Luxembourg
- Monaco
- The Netherlands
- New Zealand
- Norway
- Portugal
- San Marino
- Singapore
- Slovenia
- Spain
- Sweden
- Switzerland
- United Kingdom

A national or citizen from one of the above-listed countries does not require a Visitor Entry Permit to enter the Commonwealth, provided however, such persons shall not be entitled to enter the Commonwealth if, upon arrival at a port of entry in the Commonwealth, he or she is found to be excludable under any provision of law.

This Order shall be effective as of March 15, 2004, and shall be published in the Federal Register pursuant to 1 CMC § 9102 and Immigration Regulation § 804(B). The discontinuance of entry permits for Excluded Locations, as well as the designation of Excluded Locations requiring a letter of expedited return, shall continue until further notice, but shall, in any event, be subject to review and renewal on or before six months from the date of this Order.

Dated this 7th day of March 2004.


PAMELA BROWN
Attorney General

**NOTISIAN SETIFIKASION POT I MAN MA'ADOPTA NA AMENDASION SIHA
PARA I AREKLAMENTO YAN REGULASION IMIGRASION TITILU VIII**

Guåhu as, Pamela Brown, i Abugådo Heneråt gi Commonwealth I Sankattan Siha Na Islas ni u estableblesi i Regulasion Imigrasion siha ni tineteka i Aturidåt i Abugådo Heneråt para u rektuye' i entråda gi hålom i Commonwealth ni i petsona siha, ni man máfatto ginen palu na bårü siha, mapupblisa na Regulasion ensigidas gi Rehistran i Commonwealth, Baluma 26, Numiru 7, gi Ineru 22, 2004 gi pãhinan 21523 para 21526, ginen i fitmåku gi sanpapa este na momento hu setifika na anai mapupblisa, i Regulasion Imigrasion Seksiona 804 ni tineteka i Aturidåt i Abugådo Heneråt para u rektuye' i entråda gi hålom i Commonwealth ni taotao hiyong pot rason i pineligro para i sinafun publiku, anai mapropone gi halacha ginen i Ofisinan i Abugådo Heneråt ni, despues i finakpo-ña i propio na tiempon opinion i publiku, man ma'adopta este na momento yan i man che'che'ton na tinilaika, pat amendasion siha. Dimås u rikuesta yan Dirihe' na este na Notisia yan Setifikasion i Inadoptasion u fan mapupblisa gi Rehistran i Commonwealth gi CNMI.

Hu deklåra papa i chatmanhula na hãfa mamensiona na man magåhet yan dinanache' ya este na deklårasion malaknos gi _____ na diha gi Matso', gi Saipan Commonwealth I Sankattan Siha Na Islas Marianas.

Pamela Brown
Abugådo Heneråt
Commonwealth I Sankattan
Siha Na Islas Marianas

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

MAN MA'AMENDA SIHA PARA I AREKLAMENTO YAN REGULASION IMIGRASION TITILU VIII

Regulasion Imigrasion Titilu VIII este na momento ma'amenda para u omentâye' i tinatitiye' na seksiona 804:

Seksiona 804. Pineligro Para i Sinafun Publiku

A. Ti makontinua i Petmisun Entrâda Siha

I Abugâdo Henerât ni dinisidina siña ti a kontinua i linaknos i petmisun entrâda para nasionât siha, suidâno siha, suhetu pat residenten otro na bâriu, pat maseha amânu na Estâdos, probensia, subsection, teritorio, dibision pat subdivision, enao na, an i Abugâdo Henerât a ditetmina siha (i) na i gubietnamenton i bâriu, Estâdos, probensia, subsection, teritorio, dibision pat subdivision ti siña a probeniya maolek na infotmasion ni tineteka i petsonât ni manhâhâlom ginen otro na lugât; (ii) na i Commonwealth ti pumusipble ni para u chek maolek yan ensigidas i infotmasion pot i petsona siha; pat (iii) na i hinalom i petsonât annok na ti ma'aksepta i ariesga para i asiguridât, i hinemlo' yan minaolek i Commonwealth.

B. Publikasion i Notisia

Ditetminasion siha man mafatinas sigun para Seksiona 804 A. siña muefektibu ensigidas, lao debi di gi kada kaosa u mapupblisa gi otro na edition emprinta gi Rehistran i Commonwealth ya debi di u suhetu marinueba yan maribisa kada sais mesis. I ti makontinua i Petmisun Entrâda siña mana pâra ginen i mamaila na odda (order) siha ginen i Abugâdo Henerât, siña marinueba indefinitu, pat siña mafatinas tiempo-ña.

C. Preliminary Waiver

I Abugâdo Henerât ni dinisehan-niha siña malaknos i Preliminary Waiver, gi manehan kaosa pot kaosa, ginen i linaknos petsona ginen i ti ma'enklusu na bâriu, Estâdos, probensia, subsection, teritorio, dibision pat subdivision, probeniya na i petsona a na guaha todû i nisisidât siha para i entrâda papa i lai yan regulasion siha ni man aplikao, ya a probeniya ebidensia na i sigente siha na kondision ni ma'omentâye' na guaha ântes di adingo' i tano-na.

(1) Fuerra di mamensiona gi subsection (C) (2) gi sanpapa, an i petsona para u hâlom gi Commonwealth pot rason na turista, pat papa i Petmisun Entrâdan Bisnis ni Kada'da' tiempo-ña, Petmisun Entrâdan Bisnis ni Kada'da' Regulât Tiempo-ña, Petmisun Entrâdan Hihot na Parientes i Taotao hiyong, Petmisun Entrâdan Estudiântên Taotao hiyong, Petmisun Entrâdan Foreign Press, Petmisun Entrâdan Distinguished Merit, Petmisun Cho'chu' para Taotao hiyong, Petmisun Ministrôn Rilihon, Petmisun Misenarion Rilihon, pat Petmisun Entrâda Man Riterao na Investor, i petsona debi di:

(i) probeniyi, pat i sponsor u probeniyi, i bond ni ma'apueba na kompanian bond para i tutât singko mit pesos (\$5,000.00), pat hâfa parehun i surety ni para u satisfecho' i Abugâdo Henerât, para u ma'usa i tutât an gumuaha resonâpble na gâsto an sankâsu makombikta gi maseha hâfa na kriminât pat ansankâsu i petsona ti a titiye' i kondision entrâda;

(ii) an i petsona humânao ginen i tima'enklusu na bâriu ni i Abugâdo Henerât a ditetmina sesso' a na attrasao pat a rinunsia para u aksepta i mananalon taotao-niha, suidâno siha, suhetu pat residente siha, i petsona debi di u guaha oriyinât, tinige' mensâhe, ni gai mâtkan ofisiât i imigrasion pat aturidât i gobietnamento i tima'enklusu na bâriu, a deklâklâra ni i bâriu siempre a aksepta i taotao-niha tatte' sen diniha tiempo, i kâtta ni para u mafitma ginen i ma'aturisa na petsona para u hâlom gi bâriu ya ma'emklusu i titilu yan ofisiât na infotmasion an para u ma'ogan i hâye' fumitma i dokumento.

(2) Yanggen i petsona ni para u hâlom gi Commonwealth profesionât gi bandan medikât a aliligao empenu para u hâlom gi Commonwealth pot rason na para u fañetbe setbisiun medikât pat asagua osino patgon i profesionât medikât, asagua pat pâtgon i nasionât Estados Unidos pat suidânu gi presente sumâsaga gi hâlom Commonwealth pot para u sâga petmanente yan i nasionât Estâdos Unidos pat suidâno, pat ofisiât na reipresenten gobietno ni humâhanao pot bisnis pat asagua pat pâtgon i reipresenten i gobietno, i petsona debi di u guaha setifikasion ginen i Abugâdo Henerât.

I mafatinas na kâtta ginen ya guaha ofisiât na mâtka ginen i Ofisinan i Abugâdo Henerât, yan a na guaha mâs kondision siha ni para i Abugâdo Henerât para u li'e', debi di u ma'achule' guâtto para i aplikânte ya debi di u testigu i nina'en i wavier papa este na seksiona.

D. Taotao hiyong ni man Madespensa

I sigente siha debid id u fan madespensa ginen i nisisidât siha gi este na seksiona 804:

(1) Petmanente na residente siha gi Estâdos Unidos ni a presenta i gai bâlle, ti māmâtai tiempo-ña i Form I-551-kâttan petmanente na residente, Form I-551 kâttan risibun Rehistran Taotao hiyong, pat i bâlle ya timāmâtai tiempoña i passport ni a saguaniniye' i bâlle' ya ti māmâtai na residence stamp (machogue para I-551 Ebidensia na Tempupariogi hinalom i lai”):

(2) Maseha hâye' na taotao hiyong ni a gugu'ot i parehu na estaon Residenten Petmanenete gi lai, pat a gugu'ot i estao na aturisasion residenten tempurario pat para u facho'cho' gi yan tikondision para u bira tatte' gi bâriu ni malista gi listan man madespensa na Petmisun Entrâdan Bisita sigun i Regulasion Imigrasion 703 (B) (3);

(3) Maseha háye' na taotao hiyong ni gai bálle' na visan Entrádan Estâdos Unidos ni gai bálle para achok sisienta (60) dihas ginen i fechan i entrâda gi hâlom CNMI probeniyi na i visan Estados Unidos petmite' na u hâlom tatte' Estados Unidos despues di entrâda yan humanoao ginen i CNMI;

(4) Maseha háye' na taotao hiyong ni man ligât gi Commonwealth gi efektibun i fechan este na regulasion, maprobeniyi na i taotao hiyong a kontinua muligât i estaona. I taotao hiyong siña u hânao yan u bira gue tatte' para i Commonwealth suhetu na a komple i man aplikao na lai yan i regulasion; pat

(5) Famagu'on i taotao hiyong ni man buebuetta ligât para pat u fan residente gi Commonwealth ni siempre man papa dosse' (12) na idat gi fechan i hinanao ginen i Commonwealth.

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

Commonwealth I Sankattan Siha Na Islas Marianas
Ofsinan i Abugâdo Henerât
Mina Dos Na Bibienda gi Honorable Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

Abugâdo Henerât/Dibision Sibet
Tilifon: 670-664-2341
Fax: 670-664-2349

Dibision Kriminât
Tilifon: 670-664-2366/2367/2368
Fax: 234-7016

**NOTISIAN PUPBLIKU
OTDEN I ABUGÂDO HENERÂT**

I. Bâriu siha ni man madespensa ni Entrâdan Bisita

Sigun i Regulasion Imigrasion Seksiona 703 (B)(3), i sigente siha na bariu kinensiste i Commonwealth I Sankattan Siha Na Islas Marianas Listan Bâriu ni man madespensa ni Petmisun Entrâdan Bisita

- Australia
- Canada
- Hong Kong
- Espesiat Atministrasion Region i China
- Hapon
- Ireland
- South Korea
- United Kingdom

Nasionât, Suidânu, Petmanente na Residente, pat i gumugu'ot i estaon temporario na residente ni ma'aturisa para u facho'cho' gi yan ti gi sanhilo na bariu, ti manisisita i Petmisun Entrâda Bisita ni para u halom gi Commonwealth probeniyi na i petsona ti debi di u gai'direcho na u halom gi Commonwealth yanggen, i puetton i finattoña i entrâda gi Commonwealth, an masodda' debi di u malaknos papa maseha hâfa na probension i lai. I petmanente na residenten i, pat ma'aturisa na temporario na residente para u facho'cho' gi yan u bira gue para, uno gi malista na bariu gi sanhilo debi di u madespensa ginen i nisisidât siha gi Regulasion Imigrasion Seksiona 804.

II. Ti ma'enklusu na Lugât siha

I sigente na lista pot i ti ma'enklusu na lugât siha, malaknos inisiât gi Ineru 15, 2004 sigun i Ensigidas na Regulasion Imigrasion Seksiona 804, este na momento matalun malaknos yan i sigente na klarifikasion: Ti ma'enklusu na lugât siha man mamâtka "*" man madesigna na siha muna guaguaha taifinakpo na diniteni pat marinunsia para u ma'aksepta i mananalon i

taotao-niha, suidânun-niha, suhet pat residenten-niha, ya enao na, i petsona ni man aliligao preliminary waiver debi di manisisita katta na u garentia i ensigidas na hinanao tatte' sigun i Regulasion Imigrasion Seksiona 804 (C) (ii).

- Afghanistan
- Algeria
- Bahria
- Bangladesh
- Cuba
- Egypt
- Eritrea
- Fujian Province i China
- Indonesia
- Iran
- Iraq
- Jordan
- Kuwait
- Lebanon
- Libya
- Morocco
- Myanmar
- Oman
- Pakistan
- Qatar
- Saudi Arabia
- Somalia
- Sri Lanka
- Sudan
- Syria
- Tuni sia
- United Arab Emirates
- Yemen

III. Machek Infotmasion Petmisun Entrâdan Bisita

Sigun i aturidât ni ma'entrega i Ofisina ginen i Regulasion Imigrasion Seksiona 703 (E), i Dibision i Imigrasion este na momento ma'otden para u guaha police clearance, malaknos sais (60 mesis ginen i ha'anen i hinanao ginen i kuâlifikao na aturidât gobietnamento gi presente na lugât residenten i taotao hiyong , para kada taotao hiyong mas di idât dosse'(12) ni aliligao i Petmisun Entrâdan Bisita. Ebidensian i Police clearance debi di u mana hâlom yan i aplikasion i petmisun Entrâdan Bisita yan i manisisita na dokumento.

IV. Programan Waivern Visan Estados Unidos

Más na notisia este na momento malaknos na para i rason Regulasion Imigrasion 703 (B) (20, i sigente siha na bariu gi presente man patisipao gi prográman Waivern Visan Estados Unidos;

- Andorra
- Australia
- Belguim
- Brunei
- Denmark
- Finland
- France
- Germany
- Iceland
- Ireland
- Italy
- Japan
- Liechenstein
- Luxembourg
- Monaco
- The Netherlands
- New Zealand
- Norway
- Portugal
- San Marino
- Singapore
- Slovenia
- Spain
- Sweden
- Stitzerland
- United Kingdom

Nasionát siha, pat suidánu ginen uno' ni malista gi sanhilo na báriu, ti manisisita i Petmisun Entrádan Bisita ni para u hálom gi Commonwealth, probeniya na i petsona ti debi di u gai' direcho' na u hálom gi Commonwealth, an masodda' debi di u laknos papa maseha háfa na probension i lai.

Este na otden debi di u efektibu gi Mátso' 15, 2004, ya debi di u mapupblisa gi Rehistran Fedurát sigun i, 1 CMC Seksiona 9102 yan Regulasion Imigrasion Seksiona 804 (B). I ti makontinua i entrádan petmisu para i ti ma'enklusu na lugát siha, parehu ha yan i designiasion i ti ma'enklusu na lugát siha ni manisisita káttá pot ensigidas mabira, debi di u makontinua esta mamensiona despues, lao debi di maseha háfa na sinisede, suhetu u maribisa yan rinueba gi pat ántes di sais (6) mesis ginen i fechan este na otden.

Mafecha este mina _____ na diha gi Mátso', 2004

Pamela Brown
Abugádo Henerát
Commonwealth I Sankattan Siha
Na Islas Marianas

NOTISIAN PUBLIKU PUT IMIDIAMENTE NA REGULASION SIHA YAN NOTISIAN INTENSION PARA U MA'ADOPTA I AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION IMMIGRASION TITILUN VIII

IMIDIAMENTE: I Commonwealth I Sankattan Siha Na Islas Marianas, Ofisinan i Abugádo Henerát ma sodda' na papa i Lai 1 CMC Seksiona 9104 (b), i enteres publiku ma'nisisita i amendasion para Titilu VIII gi Areklamento yan Regulasion Immigrasion ni siña mana pára i entrádan i petsona siha ni man mafatto ginen i lugát siha anai i Commonwealth ti siña para u suficiente ditetmina i infotmasion i petsona siha, put rason i inadet nilámen siha, ni a enkluklusu posibilidát i terrorist attack pat epidemia, ni siña rinisutta ginen i man ma'sesedi i petsona siha ni ti ma'tungo' i infotmasion niha put kriminát ni para u fan hálom gi Commonwealth, i Ofisinan i Abugádo Henerát a sodda' na i enteres publiku a sedi i inadoptasion este na regulasion siha gi menos di trenta (30) dihas na notisia, na este na regulasion siha debi di u efektibu imidiamente despues i pine'lon i Rehistran i Koporasion, depende gi inaprueban i Abugádo Henerát yan i konfotmen i Gubietno ya debi di u efektitibu para siento bente (120) dihas.

RASON PARA IMIDIAMENTE: I Ofisinan i Abugádo Henerát ma'sodda' na i inadoptasion este na regulasion siha gi menos di trenta (30) dihas na notisia na nisisario put rason na u omentáye' i spantaon i terrorist kontra i Estados Unidos, i umannok na (appearance) i SARS na chetnot patte' gi Asia, ya put i tiempon notisia u atáha i aplikasion put i regulasion siha duránten i tiempon mineggain turista, anai i piniligro man gaige gi na tinatkilo. Kinensisiste, i Ofisinan i Abugádo Henerát ma'sodda' na i enteres i publiku, nisisario este na regualsion siha man ma'aprueba yan adopta imidiamente.

INTENSION PARA U MA'ADOPTA: Intension i Ofisinan i Abugádo Henerát para u Adopta Imidiamente i Amendasion Para i Areklamento yan Regulasion Immigrasion, Titilu VIII petmanente, sigun i imidiamente na amendasion para si Pamela Brown, i Abugádo Henerát, Ofisinan i Abugádo Henerát, gi mina dos bibienda, gi Juan A. Sablan Memorial Bldg, giya Capitol Hill, Saipan MP 96950 pat fax para (670) 664-2349.

Ninaháлом as:

Pamela Brown
Abugádo Henerát

Fecha

Ma Aprueba as:

Juan N. Babauta
Gubietno

3/16/04

Fecha

Pinelo' yan Rinikot as:


Bernadita B. Dela Cruz
Rehistran i Koporasion

3-16-04

Fecha

Sigun i Lai 1 CMC Sek. 2153, ni inamenda ginen i Lai Pupbliku 10-50, i amendasion siha man che'che'ton este na momento esta man ma'ribisa yan aprueba put para u fotma yan ligat suficiente ginen i Ofisinan i Abugado Henerat gi CNMI.

Ma fecha este mina _____ na diha gi lneru, dos mit kuattro na sakkan.

Pamela Brown
Abugado Henerat

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

NOTISIAN PUPBLIKU

IMIDIAMENTE NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION IMMIGRASION TITILU VIII

Este na regulasion siha man ma'establesi ni kinensisiste ni Akton Areklamenton Atministradot, Lai 1 CMC Sek. 9101, et seq.

Sitasion i Aturidat

i Lai :

I Ofisinan i Abugado Henerat ma'aturisa para u establesi regulasion siha para i entrada yan dipottasion i taotao hiyong siha gi Commonwealth I Sankattan Siha Na Islas Marianas sigun i Otden Eksekatibu 03-01 yan Lai 3 CMC Sek. 4312 (d).

Kada'da' Na Mensahe

Put Goals yan

Objectives :

I man ma'omenta para i Areklamento yan Regulasion Immigrasion man ma'establesi para:

- (1) Establesi areklamento yan minaneha ni siha i Abugado Henerat ti a kontinua mulaknos i petmisun entrada para i petsona ginen patikulatmente na lugat siha, yan
- (2) Para u ensura na i areklamento, minaneha yan ditetminasion siha mutero para i pupbliku.

Para Mas

Infotmasion Agan :

Eric S. O'Malley, Ayudante Para i Abugado Henerat, Ofisinan i Abugado Henerat, tilifon (670) 664-2426 pat facsimile (670) 234-7016.

Sitasion i Man Achule yan/pat Man Ma Afekta Na Lai Siha, Areklamento yan Regulasion siha, yan Otden siha :

I Man Mapropone na Amendasion siha a afekta i Areklamento yan Regulasion Immigrasion siha, Titilu VIII

Ma fecha este mina tresse na diha gi Ineru, dos mit kuattro na sakkan.

Ninahá·lom as:

Pamela Brown
Abugá·do Henerá·t

Trinansladan: Charlene S. Cruz
Transladoran Chamorro, CCLPC

**ARONGOL TOULAP REEL ALLEGHÚL GHITIPWOTCH ME
ARONGOL IGHA EBWE FILLÓÓY LLIWEL KKAAL NGÁLI
ALLEGHÚL IMMIGRATION TITLE VIII**

Ghitipwotch: Commonwealth Téel Falúw kka Falúwasch Efang Marianas, Bwulasiyool Sów Bwúngúl Allégh e schungi bwe faal 1CMC táilil 9140 (b), llól tipeer Toulap igha rebwe yááya ngáli lliwel yeel ngáli Title VIII mereel alléghúl Immigration. Ighila nge esóor bwángil allégh ye Bwulasiyool Immigration ye emmwel bwe aramas ebwe akkayuwuló tolongoor igha e tooto meiya igha Commonwealth ese ffat reel yaal background aramas kkaal. Bwelle igha serious harms, ebwal toolong terrorist attack me epidemic, emmwel, bwelle reel atotoologol aramas kka rese ffat me criminal backgrounds mellol Commonwealth, Bwulasiyool Sów Bwúngúl Allégh e schungi bwe llól tipeer toulap bwe rebwe ghutchuw fillóól allegh kkaal ye essóbw luuló eliigh (30) ráálil yaal arong, meigha allégh kkaal ebwe fis mwirilóól yaal aisisiló llól Register of Corporations, kkapasal igha e alúghúlúghúló mereel Sów Bwungul Allégh Lapalap me alúghúlúghúl Sów Lemelem, ye ebwe fis ótol ebwúghúw ruweigh (120) rállil.

Bwulul Ghitipwotch: Bwulasiyool Sów Bwúngúl Allégh e schungi bwe fillóól allégh kkaal ye essóbw luuló eliigh (30) ráálil ammataf yeel e welepakk bwelle igha terrorist threats yeel ngáli United State, me bwáátol SARS Virus mellól sóóbw kka Asia, me bwelle ótol ammataf yeel ebwe affáli tittingor (application) allégh kkaal ótol terrorist, igha filiwas e ghi kke llang, schééschéél, Bwulasiyool Sów Bwúngúl Allégh Lapalap e schungi bwe llól tipeer toulap, bwe rebwe ghutchuw alúghúlúghúl me fillóóy allégh.

Aghiyaghil fillóól: Mángemángil Bwulasiyool Sów Bwúngúl Allégh igha ebwe fillóóy lliwelil ghitipwotch yeel ngáli alléghúl Immigration kkaal, Title VIII igha ebwe schééschéél, sáangi allégh ye 1CMC táilil 9104 (a) (1) me (2) . faráághil, schóókka e mángemangiir reel lliwelil ghitipwotch yeel, nge emmwel rebwe ischilong reel Pamela Brown, Sow Bwungul Allegh Lapalap, arowal pwó, Juan A. Sablan Memorial Bldg, Capitol Hill, Seipel MP 96950 me ngare fax ngali (670) 664-2349.

Isáliiyallong :

PAMELA A. BROWN
Sów Bwungul Allegh Lapalap

Rái

Alúghúlúgh sáangi:


JUAN N. BABAUTA
Sów Lemelem

Rái

3/16/04

Aisis sáangi: Bernadita B. Dela Cruz
BERNADITA B. DELA CRUZ
Commonwealth Register

3.16.04
Rái

Sáangi allegh ye 1CMC táilil 2153, ye e liweli Alléghul Toulap 10-50, Iliwel kkaal nge raa takkal amweri me alúghúlúghúló mereel CNMI Bwulasiyool Sów pbwúngúl Allegh Lapalap.

Rááilil ye _____ Ilól Schoow 2004.

PAMELA BROWN
Sów Bwungul Allégh Lapalap

**ARONGOL TOULAP
REEL GHITIPWOTCHOL LLIWEL KKAAL NGÁLI ALLEGHUL
IMMIGRATION TITLE VIII**

Allegh kkaal ikka e akkateewow bwelle reel Administrative Procedure Act,

Akkatéel bwángil allégh: Bwulasiyool Sów Bwungul Allégh e mweiti ngáli akkatéel allégh kkaal reel atotoolong me assáfáilil aliens mellól Commonwealth falúw kka falúwasch Marianas sangi akkuléeyal Sów Lemelem 03-01 me 3CMC táilil 4312 (d).

Aweweel kkapasal Allégh: Akkáaw pomwol kkaal ngáli Alléghúl Immigration ye ebwe aghutchuweló bwángil Sów Bwungul Allégh igha ebwe alléghuw mwoghútúl atotoolong mellól Commonwealth me ebwe affalli yaal borders.

Aweweel pomwol Iliwel: Akkáaw pomwol Iliwel kkaal ngáli alléghúl Immigration ikka aa akkatéewow reel:

- (1) Akkaté mwóghutul me fárághil igha Sów Bwúngúl Allégh emmwel ebwe akkayuwuwuló isisiwowul lisenstial atotoolong ngáli aramas me akkáaw bwuley; me
- (2) ebwe alúghúlúghúw ngáre mwóghútúl, fárághil me aghiyaghil igha ebwe fis ngaliir aramas toulap.

Reel ammataf faingi: Eric S. O' Malley, Sów alillisil Sów Bwúngúl Allégh, Bwulasiyool Sów Bwúngúl Allégh Lapalap, tilifoon (670) 664-2426 me ngare fax (670) 234-7016.

Akkatéel Bwangil Akkáaw Allégh: pomwol Iliwel kkaal ye ebwe fis reel Alléghúl Immigration kkaal, Title VIII.

Rááilil ye _____ Iliól Schoow 2004.

PAMELA BROWN
Sów bwúngúl Allégh Lapalap

**NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS TO THE
IMMIGRATION REGULATIONS SECTION 706H**

I, Pamela Brown, the Attorney General of the Commonwealth of the Northern Mariana Islands, which is promulgating the Immigration Regulations regarding the accreditation of Commonwealth education institutions to accept foreign students, proposed in the Commonwealth Register Vol. 27, No. 1 on January 22, 2004 at pages 21591 to 21608, by signature below hereby certify that as published therein, and with such modifications set forth herein, such Regulations are a true, complete and correct copy of the Regulations governing the accrediting of educational institutions to accept foreign students. The allotted time for public comment having expired (discussion of comments received and resulting changes are in italics below), the Regulations are hereby adopted with the following modifications or amendments:

1. Immigration Regulation 706H(5), Page 21601 is adopted with the following modification:

Prior to issuance of any Student Authorization to Board or Foreign Student Entry Permit, the DOI must approve in writing the school in which a foreign student intends to enroll pursuant to the regulations set forth in this Section 706H(5). Such regulations shall only affect a school's ability to accept students who are in the Commonwealth or seeking to enter the Commonwealth under a Foreign Student Entry Permit and shall in no way affect or impinge upon the school's accreditation by the Board of Regents or other accreditations, or the school's operation except as it relates to students who are aliens.

Comments expressed concern that these Regulations would impinge upon or usurp the powers and responsibilities properly exercised by the Board of Regents. These changes clarify that the Division of Immigration's oversight is limited to areas that directly relate to the enrollment of students seeking Foreign Student Entry Permits.

2. Immigration Regulation 706H(5)(a)(2), Page 21601 is adopted with the following modification:

A "transitional school", meaning a school which specializes in preparing for entry into post-secondary institutions in the Commonwealth or the United States those foreign students who: (i) have successfully completed the full course of publicly-offered secondary education in their home country; and (ii) are at least ~~fifteen~~ fourteen years of age as of the date of enrollment but who may not have reached the age of eighteen, shall be eligible provided that it shall have satisfied any additional requirements under this Section 706H, and shall have assumed legal guardianship for each foreign student who has not achieved the age of eighteen and who does not otherwise have a legal guardian in the Commonwealth, while the foreign student is in the Commonwealth.

Comments suggested lowering the age to fourteen because this is the average age of a student entering the ninth grade. A suggestion that the age deadline be set at the end of December was rejected because this would allow children as young as thirteen to enter as students—the Attorney General feels this is too young. Comments also suggested allowing friends or relatives

in the Commonwealth to assume legal guardianship. The Attorney General agrees that this should be an option.

3. Immigration Regulation 706H(5)(b)(4), Page 21602 is adopted with the following modification:

Transitional schools shall submit an additional certificate, signed by a designated official, as that term is defined in paragraph 5.k. of this Section, stating that prior to the foreign student's arrival in the Commonwealth, the school: (1) has assumed (or will have assumed) legal guardianship for each foreign student who has not achieved the age of eighteen while they reside in the CNMI or that the foreign student has a legal guardian already in the Commonwealth; and (2) can provide adequate room and board, and full-time adult supervision.

Conforming modification.

4. Immigration Regulation 706H(5)(f)(11), Page 21604 is adopted with the following modification:

For a transitional school, an original or certified copy of the document whereby the school or a legal guardian already present in the Commonwealth has assumed legal guardianship of each student who has not achieved the age of eighteen.

Conforming modification.

5. Immigration Regulation 706H(5)(i), Page 21605 is deleted in its entirety and replaced with the following:

A school must send to the DOI a copy of any advertisement, catalogue, brochure, pamphlet, literature, or other material hereafter printed, reprinted or published, including via the internet, by or for an approved school containing any statement concerning attendance by foreign students. Such copies must be received by the DOI prior to distribution.

Comments suggested that requiring a priori approval of advertising materials was unduly burdensome, restrictive and would result in delays. The Attorney General emphasizes the need to prevent, as opposed to just punish, false or fraudulent advertising, but nonetheless agrees to the modification as a compromise between the two positions.

6. Immigration Regulation 706H(5)(l), Page 21606 is adopted with the following modification:

If a school's approval is revoked on notice pursuant to this paragraph, the school is not eligible to file another petition for approval until one year after the effective date of the revocation. The approval of a petition by a school for the attendance of foreign students ~~will~~ may be revoked on notice by the DOI in its discretion for any valid and substantive reason including, but not limited to, the following:

Comments suggested that "shall" could be interpreted as meaning that the DOI did not have the discretion to refrain from a revocation for minor or inadvertent violations. The Attorney General notes that discretionary language is already included but agrees to this clarification.

7. Immigration Regulation 706H(5)(1)(viii), Page 21606 is deleted in its entirety and replaced with the following:

Failure to provide the DOI with the materials as prescribed in paragraph 5.i. of this Section or if the Attorney General finds that such materials contain materially false or misleading statements.

Conforming modification and clarification that a failure to provide accurate statements may constitute grounds for revocation.

8. Immigration Regulation 706H(5)(1)(ix), Page 21606 is adopted with the following modification:

For a transitional school, failure to assume legal guardianship for foreign students under the age of eighteen who do not have legal guardians already in the Commonwealth, or failure to provide adequate facilities and supervision appropriate to such student's age level.

Conforming modification.

I 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 23rd day of March 2004, in Saipan, Commonwealth of the Northern Mariana Islands.



PAMELA BROWN

Attorney General

Commonwealth of the Northern Mariana Islands



Office of the Secretary
Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

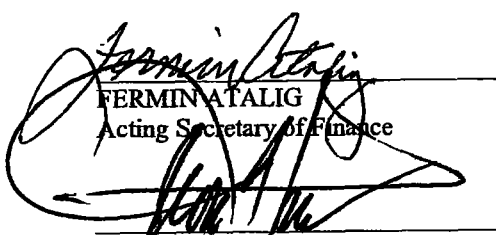
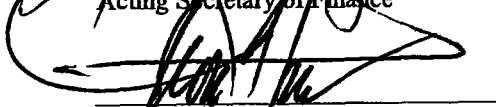

TEL. (670) 664-1100

FAX: (670) 664-1115

**NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS TO
CUSTOMS SERVICE REGULATIONS
NO. 2200 *et. seq.***

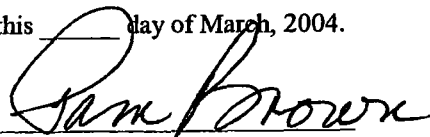
I, Fernin Atalig, the Acting Secretary of the Department of Finance that previously promulgated emergency regulations with notice of intent to adopt those emergency regulations as permanent amendments to Revenue and Taxation Regulations No., 2200 *et. seq.*, as published in the Commonwealth Register, Volume 25, Number 10, November 17, 2003, at pages 21452 through and including 21459, by signature below hereby certify that as published, such emergency amendments to Revenue and Taxation Regulations No., 2200 *et. seq.* are a true, complete and correct copy of the amendments to Revenue and Taxation Regulations No., 2200 *et. seq.*, which after expiration of the appropriate time for public comment have been adopted to Revenue and Taxation Regulations No., 2200 *et. seq.*, as new Sections 2700.1 through and including Section 2700.8 without modification. These new Sections govern the reporting of excise tax payments on cigarettes and roll-your-own tobacco products.

I further request and direct this Notice and Certification to be published in the CNMI Commonwealth Register.

Submitted by:	 FERMIN ATALIG Acting Secretary of Finance	<u>3/10/04</u> Date
Received by:	 THOMAS A. TEBUTEB Special Assistant for Administration	<u>3/14/04</u> Date
Filed and Recorded by:	 BERNADITA B. DE LA CRUZ Corporate Register	<u>3.15.04</u> Date

Pursuant to 1 CMC § 2153, as amended, and 1 CMC § 9104(a)(3), these adopted rules and regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this _____ day of March, 2004.


PAMELA BROWN
Attorney General

NOTICE AND CERTIFICATION OF ADOPTION OF BOARD OF EDUCATION REGULATIONS REGARDING EMPLOYEE CERTIFICATION AND INTERNET USE

I, Roman C. Benevente, the Chairman of the Ninth Board of Education for the Commonwealth of the Northern Mariana Islands ("Board") that is promulgating policies and regulations regarding the above pursuant to the authority provided by Article XV of the CNMI Constitution and Public Law 6-10 and published in the January 22, 2004 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 minor modifications, if any, as noted below.


1. **Employee Internet Use Regulations.** There were no changes made to the proposed amendments to Chapter 3: Standards of Conduct for Certified Employees §3512 and Chapter 2: Standards of Conduct for Non-Certified Employees §2511 regarding employee internet use.
2. **Teacher Certification.** The following minor changes, as noted in strikes and italics, to Chapter 2 - Certification have been made:
 - a. **Section (b)(9):** "Special Education Related Services Provider" means any person who is employed by the Public School System in a position from the following specialized areas: Deaf Education, Assistive Technology, Blind Education, Physical Therapy, Occupational Therapy, Educational Psychology, Audiology, Social Work, Recreational Therapy, Speech /Language Pathology, *Behavior Specialist* and any other area needed to comply with the Individual with Disabilities Education Act (IDEA).
 - b. **Section (f)(1)(A):**
 - i. The Provisional Certificate requires that teachers, school librarians, school counselors, school administrators and other professional applicants to possess either a baccalaureate, masters, or doctoral degree resulting from a course of instruction of at least three and one-half years length ~~at a U.S. accredited or state approved college or university or the equivalent as determined by PSS at a college or university recognized by U.S. accreditation commissions approved by PSS.~~ *An applicant who possesses a baccalaureate, masters or doctoral degree resulting from a course of instruction of at least three and one-half years length at a college or university not accredited from an approved commission shall have his/her transcript of courses evaluated and certified to be equivalent to a degree conferred by accredited schools. The certification and evaluation of*


program equivalency shall only be conducted by the agencies identified and approved by PSS. The applicant is responsible for the cost of the program equivalency certification. Failure to obtain such certification shall render an applicant disqualified for failure to meet the education requirement(s) of the position.

- ii. Provisional Certificate for Instructor applicants in specialized areas must meet the minimum requirements as set forth in the PSS classification guidelines.
- iii. Submittal of documentation requirements prior to effective date of employment. Requirements include:
 - a. Complete and signed application form,
 - b. Two passport size photos,
 - c. Official college transcripts,
 - d. Teaching certificate (if any),
 - e. Receipt of payment from PSS Treasurer for certification processing fee, and FBI fingerprint submission.

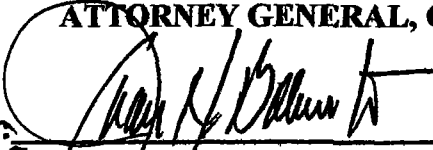
By my signature below, I certify that the proposed policies and regulations as published in the January 22, 2004 Commonwealth Register and as modified herein are the accurate and complete regulations regarding the Board of Education regulations as noted above. I further request that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 12th day of March 2004, on Saipan, CNMI


By: 
ROMAN C. BENAVENTE
Board of Education Chairman

By: 
PAMELA BROWN
ATTORNEY GENERAL, CNMI

Date: 3/15/04

By: 
THOMAS TEBUTEB
SPECIAL ASSISTANT FOR ADMINISTRATION

Date: 3/18/04

Filed By: 
BERNADITA B. DELA CRUZ
REGISTRAR OF CORPORATIONS

Date: 3-15-04

MEMORANDUM

Attorney General Legal Opinion # 04-05

To: Office of the Public Auditor

Thru: Attorney General Pam Brown

CC: Law Revision Commission
Civil Service Commission

From: Angela Bennett, AAG

Date: March 3, 2004

Re: Legal Authority of the CNMI Civil Service Commission to promulgate "Excepted Service" Personnel Regulations for excepted service employees of the CNMI government.

ISSUE

Does the CNMI Civil Service Commission ("CSC") have the legal authority to promulgate Excepted Service Personnel Rules and Regulations ("ESPR") for government employment positions exempted by law from the civil service system?

Short Answer: No.

FACTS

This opinion is based on the following facts:

- (1) Since 1986, the CSC has promulgated regulations for excepted service personnel pursuant to various authorities (see below). These regulations are currently called ESPR. The introduction to these regulations states:

These parts and sub-parts provide the regulations to appoint, reassign or transfer, promote or demote, or otherwise change status of, and to remove from the government service employees who are excepted from the Commonwealth Personnel Service system pursuant to 1 CMC 8131 and Amendment 41 of the Constitution of the Northern Mariana Islands.

See Comm. Reg. Vol. 8, No. 6, September 15, 1986 Page 4647; Comm. Reg., Vol. 16, No. 03, March 15, 1994, Page 11771.

- (2) The CSC issued the initial version of these rules and regulations in September, 1986 and adopted final regulations in October, 1986 pursuant to the authority of Amendment 41 of the Constitution of the Northern Mariana Islands, 1 CMC § 8116 and 8124(a). See Comm. Reg. Vol. 8, No. 6, September 15, 1986 p. 4643; Comm. Reg. Vol. 8 No. 7, October 22, 1986, p. 4695.
- (3) The current version of these rules and regulations was proposed in March, 1994 and adopted as final by the CSC in May, 1995, pursuant 1 CMC § 8117. See Comm. Reg. Vol. 16, No. 3, March 15, 1994, p.11771; Comm. Reg. Vol. 17 No. 5, May 15, 1995, p. 13398.
- (4) The CSC issued proposed amendments in October, 1996 and adopted final amendments in January, 1997 to the ESPR regarding conditions of employment, pursuant to 1 CMC § 8117 and the Commonwealth Constitution, Article XX. See Comm. Reg. Vol. 18, No. 10, October 15, 1996, p. 14370; Comm. Reg. Vol. 19, No. 01, January 15, 1997, p. 14891.
- (5) In 1997, the CSC issued proposed amendments to the ESPR regarding the sick leave bank, pursuant to 1 CMC § 8274. The CSC then adopted final amendments to the ESPR relating to the sick leave bank pursuant to 1 CMC 8275. See Comm. Reg. Vol. 19, No. 9, September 15, 1997, p. 15638; Comm. Reg. Vol. 19, No. 11, Nov. 15, 1997, p. 15758.

ANALYSIS

Applicable Constitutional and Statutory Law

A. Constitutional law:

In 1978, the CNMI Constitution stated in pertinent part:

The legislature shall provide for a ...civil service commission with the duty to establish and administer personnel policies for the Commonwealth government. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches.

N.M.I. Const. art. XX §1.

In 1985, Article XX, § 1 of the CNMI Constitution was amended by Amendment 41. This Amendment changed Article XX § 1 in the following way pertinent to this opinion:

Exemption from the civil service shall be as provided by law, and the commission shall be the sole authority authorized by law to exempt positions from civil service classifications.

N.M.I. Const. art. XX §1.

The CSC has used Amendment 41, or N.M.I. Const. art. XX as the constitutional authority to issue proposed regulations and adopt final regulations for excepted service personnel from 1988 through 1997.

B. Statutory Law

1. CSC's authority to promulgate rules and regulations for the Personnel Service System

(a) Public Law 1-9:

In 1978, the CNMI legislature passed the Northern Marianas Civil Service Act ("Act"). P.L. 1-9. The Act stated in pertinent part:

Statement of Policy: (T)he purpose of this Act is to establish a system of personnel administration . . . the personnel system hereby established be applied and administered in accordance with the following merit principles...

P.L. 1-9 § 2. (emphasis added)

The Civil Service Commission has had the statutory authority to promulgate rules and regulations for the Personnel Service System in order to "carry out the provisions of the Act" since 1978. P.L. 1-9 § 8.

(b) P.L. 3-65 § 2 incorrectly codified at 1 CMC 8116(a):

The following statute is applicable to this analysis because the CSC has used it as the authority to promulgate ESPR since 1994:

1 CMC § 8116(a), not as codified but as expressly stated in P.L. 1-9 §3 (f) (1) and P.L. 3-65 § 2,¹ gives the CSC the power to:

Prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, which shall be hereinafter referred to as the "Personnel Service System," and submit copies thereof to the Governor and the Legislature.

1 CMC § 8116(a) (corrected according to P.L. 3-65 § 2 in underlined section)²

¹ Copy attached

² This correction is based on the following analysis: P.L. 1-9 originally stated that: The commission shall represent the public interest in assuring compliance with basic policy concerning personnel administration and in insuring that the integrity of the system is preserved. To this end, the commission shall have the following powers and duties: (1) To prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, which shall be hereinafter referred to as the "Personnel Service System," and submit copies thereof to the Governor and the Legislature; The plan and policies shall be deemed approved, if not disapproved by the Legislature within thirty (30) days following submission exclusive of the date of

It is significant to this analysis that the codification erroneously deleted the Public Law reference to the "Personnel Service System" when codifying the powers and duties of the CCS to prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth. The addition of those words indicates that the Commission's power to propose personnel policies extends only to the limits of the Personnel Service System. It would not include promulgating regulations for positions exempted from this System pursuant to 1 CMC § 8131.

(c) P.L. 3-65 § 3 incorrectly codified as 1 CMC § 8117

The CSC has also used the following statute since 1994 as authority to promulgate regulations for excepted service personnel:

Pursuant to the Administrative Procedure Act (1 CMC § 9101 *et seq.*) and ~~1 CMC § 8116(a)~~, the Civil Service Commission shall prepare reasonable rules and regulations to carry out the provisions of this act.

1 CMC § 8117 (corrected).³

submission... (5) To perform any other lawful acts required by law or deemed by it to be necessary to carry out its duties under this act. P.L. 1-9 § 3(f)(1), (5) (emphasis added)

In 1983, P.L. 3 amended P.L. 1-9 § 3(f)(1) to delete the necessity for legislative approval for CSC personnel management plans and policies. This law states, in pertinent part, as follows:

Prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, which shall be hereinafter referred to as the "Personnel Service System," and submit copies thereof to the Governor and the Legislature.

P.L. 3-65 § 2 (emphasis added). The specific reference to the "Personnel Service System" contained in P.L. 1-9 was carried over into the amended section.

However, this section has been **erroneously** codified at 1 CMC 8116(a) to read:

To prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, and submit copies thereof to the Governor and the legislature.

1 CMC § 8116(a).

³ The basis for this correction is as follows: The Commission has had the power to promulgate rules and regulations to "carry out the provisions of the Act" since 1978. P.L. 1-9 § 8. This statute stated in pertinent part:

The Civil Service commission shall prepare reasonable rules and regulations to carry out the provisions of this Act. Upon adoption by the Commission and approval by the Legislature, such rules and regulations shall have the force and effect of law.

P.L. 1-9 § 8(a) (emphasis added). In 1983, the Legislature amended the Act through P.L. 3-65. The purpose of P.L. 3-65 was to:

(D)delete the legislative approval of the personnel service system rules and regulations in order that the Civil Service Commission can promulgate, execute, and implement personnel service system rules and regulations without such approval.

Based on the corrected codification, 1 CMC § 8116(a) cannot be interpreted to give the Civil Service Commission any additional authority to promulgate rules and regulations. The Legislature clearly intended that the CSC's authority to promulgate rules and regulations come from 1 CMC § 8117 alone. This authority is specifically limited to promulgation of rules and regulations for the Personnel Service System, not for those exempted by law from it.

(d) The Role of the Personnel Officer in promulgating excepted service regulations:

The Act established a Personnel Office⁴ within the Civil Service Commission. 1 CMC § 8121. (P.L. 1-9, §3(g)) A Personnel Officer heads this Office.⁵ *Id.*

P.L. 3-65 § 1 (emphasis added).

The section of P.L. 3-65 concerning rules and regulations states as follows:

The Civil Service Commission shall prepare reasonable rules and regulations to carry out the provisions of this Act pursuant to Title 17 of the Trust Territory Code and Section 3(f), Chapter 3, Title I, of Public Law 1-8, as amended.

P.L. 3-65, § 3. (emphasis added)

This statute now has been erroneously codified as 1 CMC § 8117 to read in pertinent part:

Civil Service Commission: Rules and Regulations. Pursuant to the Administrative Procedure Act (1 CMC § 9101 et seq.) and 1 CMC § 8116(a), the Civil Service Commission shall prepare reasonable rules and regulations to carry out the provisions of this act.

1 CMC § 8117 (emphasis added).

There is no reference to P.L. 1-9 § 3(f)(1) [later codified as 1 CMC § 8116(a)] in P. L. 3-65. Rather, P.L. 3-65 refers to P.L. 1-8, Title I, Chapter 3, Section 3(f). P.L. 1-8, Title I, Chapter 3(f) states as follows:

The Attorney General ... shall have the following powers and duties:

...(f) To be responsible for the publication, compilation, and codification of laws, rules, regulations and executive orders, PROVIDED, however; that no rules or regulations shall take effect until they have been published for at least thirty(30) days in the Commonwealth Register.

P.L. 1-8, Title I, Chapter 3, Section 3(f). A more accurate codification of P.L. 3-65 as 1 CMC § 8117 would be based on Title 17 of the Trust Territory Code, known as the Administrative Procedure Act, and later amendments to it, and the codification of the Administrative Procedures Act specifically at 1 CMC § 9102, § 9103, and § 9104.

⁴ In 1994, this office was abolished and its functions transferred to the Office of Personnel Management (OPM). E.O. 94-3 § 214 (a).

⁵ The position and most of the duties and powers of Personnel Officer were not affected by E.O. 94-3 § 214. E.O. 94-3 § 214 established a new position, called the Director of Personnel, that is appointed by the Governor, with the advice and consent of the Senate. E.O. 94-3 § 214 (a). The position of Personnel Officer continues to exist in CNMI law, with the person filling it to be nominated by the Civil Service Commission, with the advice and consent of the Senate. 1 CMC § 8121. Even though the Personnel Office was abolished by E.O. 94-3, the following functions of the Personnel Office are "retained by the Civil Service Commission (which may establish an appropriate administrative structure for such purpose) and may be delegated in whole or in part to any or all of the appointing authorities: (1) Exemption of positions from Civil Service classifications. (2) Development, evaluation, and improvement of the Personnel Service Performance Standards and Appraisal System. (3) Recommendation and promulgation of regulations relating to personnel matters. E.O. 94-3 § 214 (d).

The Act states, in pertinent part, that the Personnel Officer has the duty and power to:

“serve as the principal adviser to the Governor and his staff on all matters concerning personnel administration.”

1 CMC 8124(a). (emphasis added)

The CSC used 1 CMC § 8124(a), along with Amendment 41 of the CNMI Constitution and 1 CMC 8116, as its statutory authority to issue proposed regulations and adopt final regulations for excepted service personnel in 1986. However, as stated in this section, the Civil Service Commission, and the Personnel Officer within it, have powers and duties specific to the Personnel Service System. Therefore, the Personnel Officer may advise the Governor and his staff on matters concerning personnel administration of the Personnel Service System. He has no authority to advise the Governor on excepted service personnel administration.

2. Specific legislation that gives the Commission power to promulgate rules and regulations for positions exempted from the “System” under 1 CMC § 8131.

The CNMI legislature has given the CSC express statutory authority to promulgate rules and regulations for positions exempted from the System in only one area: the Sick Leave Bank (“SLB”) established by P.L. 8-25. 1 CMC § 8271 *et seq.* This statute allows any government employee, including those with excepted service status, to contribute to and to apply for sick leave from the SLB. 1 CMC § 8272; 1 CMC § 8273. The CSC administers the sick leave bank. 1 CMC § 8274. The legislature gave express authority to the CSC to promulgate rules and regulations that apply to both excepted service employees and civil service employees in order to administer the SLB.⁶ 1 CMC § 8175.

3. Exemption from the Personnel Service System

From its constitutional inception, CSC’s Personnel Service System did not include certain classes of government employees. In 1978, the framers of the CNMI Constitution exempted positions “filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches.” N.M.I. Const. art. XX §1. In 1985, the Constitution was amended to include another category of positions exempted from the Personnel Service System: those exempted “by law.” *Id.*

From its statutory inception, the legislature exempted certain employees and positions within the Commonwealth government from the Personnel Service System created by P.L. 1-9. These exemptions are found at P.L. 1-9 § 4(a). This section stated, in pertinent part:

⁶ It is significant to note that the legislature chose not to give the CSC express statutory authority to promulgate and adopt any regulations that apply to excepted service personnel beyond the CSC’s limited authority in 1 CMC § 8175.

Exemptions: (a) The System shall apply to all employees of and positions in the Commonwealth Government now existing or hereafter established, except the following, unless this Act is specifically made applicable to them.⁷

Id. (emphasis added)

⁷ Prior to February, 2002, 1 CMC 8131(a) exempted the following persons or positions from the Personnel Service System:

1. Employees and positions covered by the United States civil service system, until and unless exempted by the United States Civil Service Commission or by United States law.
2. Persons or organizations retained by contract where the Personnel Officer has certified that the service to be performed is special or unique, and is essential to the public interest, and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such service through normal public service recruitment procedures.
3. Positions of a temporary nature needed in the public interest where certified by the Personnel Officer and when the need for the same does not exceed 90 days. If a major disaster is declared by the President of the United States or if a disaster is declared by the Governor, the Personnel Officer may extend the 90-day period for a maximum of an additional 180 days for positions engaged in relief, repair, or rehabilitation as a result of such disaster.
4. Household and domestic employees at the official residence of the Governor.
5. Election inspectors, election clerks, and other election employees.
6. Persons appointed by the Governor to fill the executive positions.
7. Positions specifically exempted by any other law of the Commonwealth.
8. Personnel presently under contract of employment not included in subsection (a)(2) of this section during the life of the contract. No contract of employment shall be entered into, renewed, or amended after August 11, 1978, except subject to the provisions hereof.
9. Any position involving intermittent performance which does not require more than 40 hours in any one month.
10. Positions of a part-time nature requiring the services of four hours or less a day but not exceeding one year in duration.
11. Positions of a temporary nature which involve special projects having specific completion dates which shall not exceed one year.
12. Personnel and staff of the mayor's offices of Rota, Tinian, Saipan and the Northern Islands as defined by the FTE (full-time employee) ceilings and established by annual appropriation for those offices.
13. Personnel, staff and other employees of the Commonwealth Utilities Corporation. Source: PL 1-9, § 4, modified; amended by PL 7-17, § 1, modified; PL 8-18, § 17; PL 10-27, § 3.

The CSC, through its Personnel Officer, retained only the power to certify one category of persons or organizations as being exempt from the System. P.L. 1-9 §4 (a)(2). This section has been codified as 1 CMC 8131(a)(2).

In February, 2002 the CNMI legislature passed P.L. 13-1.⁸ P.L. 13-1, § 4(d) repealed 1 CMC 8131(a)(2)⁹ and reenacted it as follows:

Persons or organizations retained by contract where the Personnel Officer appointing authority, with the concurrence of the Governor, has certified that the service to be performed is special and unique and is essential to the public interest and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such service through normal public service recruitment procedures.

P.L. 13-1, §4(d). (strikeouts and emphasis added)¹⁰

Employment positions filled after February, 2002, pursuant to the 1 CMC 8131(a)(2) no longer require CSC certification to exempt them from the Personnel Service System. Therefore, after 2002, the CSC retains no statutory authority over excepted service personnel.

C. Caselaw

The following cases must be considered in this analysis even though they do not specifically address the authority of the CSC to promulgate and adopt ESPR:

In 1992, the CNMI Supreme Court interpreted Art. XX, § 1 of the N.M.I. Constitution as amended and 1 CMC 8131(a) in *Manglona v. CSC*. *Manglona v. CSC*, 3 NMI 243 (1992). The Court in that case determined that the CMNI constitution set up two categories of “excepted service” government positions: (1) those positions which were within the civil service system, but were exempted from civil service classifications by the CSC (“ hereinafter Manglona One”) and (2) those positions that were exempted from the civil service system by law (“ hereinafter Manglona Two”). *Id.* at 249, 250.

⁸ 1 CMC 8131(a)(2) was amended in Feb., 2001, to delete the word “nonpermanent” possibly in response to *Bisom v. CNMI*, No. 96-1320 (order dated November 6, 1998). P.L. 12-38. The *Bisom* court relied on the Personnel System Rules and Regulations (PSR&R) that applied to civil service employees. The PSR&R defines any position of longer than a year to be permanent. *Bisom* determined that an excepted service contract for longer than one year did not fit any excepted service category under 1 CMC 8131 and was therefore a civil service position.

⁹ In 1978, the Civil Service Act provided for eleven exemptions to the system. P.L. 1-9 § 4. The Act was subsequently amended to add new subsections specifically exempting certain positions. 1 CMC 8131(a) On March 28, 1985, P. L. 4-34 added a new paragraph (12) to exempt “officers, faculty and professional employees of the Northern Marianas College.” However, this paragraph was repealed in 1993 by Public Law 8-18.

¹⁰ This statute also added certain specific positions within the executive branch, the personnel and staff of the municipal councils of the CNMI, and the personnel and staff of the Office of the Resident Representative to the United States to the list of positions exempted by law from the Personnel Service System.

The *Manglona* Court held that CSC had administrative authority only over the first category. *Id.* at 251. The CSC is allowed to administer every aspect of the contract with the government, “including the decision to exempt, the processing of the contract, the assurance that the contract complies with the Excepted Service Personnel Regulations, and the enforcement of all other applicable provisions of the Personnel Service System Rules and Regulations.” *Id.* Thus, this case implies that the ESPR applies to Manglona One employees.

The Court held that the CSC had no administrative authority over positions in the second category. *Id.* Taking language from 1 CMC 8131(a)(13) and applying it to Manglona Two positions in general, the Court stated that “the employing agency hires within the FTE ceilings and the annual budget for the exempted position.” *Id.* (emphasis added). It is significant to note that *Manglona* did not address the Commissions’ authority to promulgate rules and regulations for either category of excepted service personnel. However, the Court was clear. The CSC, to the extent that it seeks to regulate Manglona Two categories of employees through the ESPR, has no authority to do so. Additionally, the *Manglona* Court implied that the ESPR does not apply to Manglona Two category of employees.

In July, 2001, the 9th Circuit stated that, under CNMI law, the ESPR govern the termination of CNMI employees exempted from the Personnel Service System under 1 CMC 8131(a)(2). *Sonoda v. Cabrera*, 255 F.3d 1035, (9th Cir. 2001). The court stated that “non-civil service employees may be terminated without cause and are not entitled to any sort of grievance procedure” citing ESPR Part I, subpart 9. *Id.* at 1040. However, the issue in *Sonoda* was whether the ESPR or the Personnel Service System Rules and Regulations (“PSSR&R”) applied to the Plaintiff. As in *Manglona*, *Sonoda* did not address the authority of the CSC to promulgate the ESPR. Contrary to *Manglona*, *Sonoda* did imply that the ESPR applied to employees exempted from the Personnel Service System.

In January, 2003, the 9th Circuit addressed the issue of the non-civil service status of a CNMI government employee and what due process rights attached to that status. *Dyack v. CNMI*, 317 F.3d 1030 (9th Cir. 2003). The *Dyack* court determined that the employee was an excepted service employee, under 1 CMC § 8131(a)(2), whose due process rights were limited to those under the ESPR. *Id.* at 1032, 1033, 1037. It is important for this analysis to note that *Dyack* was an employee within the Manglona Two category. Therefore, the implication spelled out in *Manglona* is not supported in *Dyack*. Again, the *Dyack* court did not analyze the CSC’s authority to promulgate the ESPR.

The Effect of the NMI Constitution and Statutes on the ESPR

In order for an administrative regulation to have the force and effect of law, the statute, which created the administrative agency, must authorize specifically the issuance of rules and regulations by that agency. 1A N. Singer, *Statutes and Statutory Construction* §31.2 (6th Edition, 2002 Revision). As was stated above, the CSC has determined that it has the statutory authority to promulgate ESPR for excepted service employees. The CSC has cited several sources of that authority to include: The CNMI Constitution, Amendment 41, 1 CMC 8116, 1 CMC 8117, 1 CMC 8124(a) and 1 CMC § 8275. Courts must give deference to the CSC’s interpretation of those authorities, unless that

interpretation is contrary to legislative intent. *Dyack, supra* at 1036 (citing *Miller v. Commissioner of Internal Revenue*, 310 F.3rd 640, 644 (9th Cir. 2002)). As demonstrated above, the Civil Service Act gives the CSC the authority to promulgate rules and regulations only for the Personnel Service System. 1 CMC § 8117 as corrected. CNMI law only authorized one government agency to issue proposed regulations or to adopt final ones for those government employees exempted from the Personnel Service System by the N.M.I. Constitution or the legislature. Under the SLB, the legislature gave the CSC clear statutory authority to promulgate rules and regulations for excepted service employees. 1 CMC § 8275.¹¹ If the legislature had intended to confer upon the CSC the authority to propose and adopt regulations in other areas for these employees, it could have. However, the legislature has not.

The ESPR proposed and adopted by the CSC pursuant to these authorities are valid only as applied to personnel service employees whose positions are exempt from Personnel Service System classifications. The ESPR as applied to those exempted from the Personnel Service System by the N.M.I. Constitution and CNMI law have no force and effect because the CSC had no statutory or constitutional authority to propose or adopt them. N.M.I. Const. art. XX § 1; 1 CMC 8131 (a).

The Effect of *Manglona v. CSC*, 3 NMI 243 (1992) on the ESPR

As was noted above, the CSC has no statutory authority to promulgate rules and regulations for excepted service government employment positions exempted by law, except for those pertaining to the SLB. However, under CNMI caselaw, the CSC has authority under the Constitution to determine and administer only exemptions from personnel service classifications. *Manglona, supra*. As applied to these positions only, the ESPR may survive. *Id.* It is important to this analysis to note that the issue before the Court in *Manglona* did not include the validity of the ESPR, or the CSC's authority to promulgate them.

The Effect of *Sonoda v. Cabrera*, 255 F3d 1035, (9th Cir. 2001) on the ESPR

Under *Sonoda*, all excepted service positions may be terminated without cause and are entitled only to the grievance procedure to protest their discharge under the ESPR. *Sonoda v. Cabrera*, 255 F3d 1035, 1040 (9th Cir. 2001). *Sonoda* conflicts with *Manglona* regarding the applicability of ESPR. However, as in *Manglona*, the authority of the CSC to promulgate the ESPR, and the validity of the ESPR was not before the court.

Effect of P.L. 13-1, §4(d) on the ESPR

P.L. 13-1 § 4(d) removed from the CSC the power to certify that certain positions are exempted from the civil service system. The power of determining the exemption for these individuals was given instead to the authority appointing the position, as long as the Governor

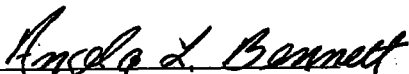
¹¹It is significant to note that the Attorney General's Office reviewed for legal sufficiency only those regulations proposed and adopted as final by the CSC pursuant to 1 CMC § 8275.

concurr. This statute effectively removed the employees who are exempted under 1 CMC 8131(a)(2) from any authority of CSC, including that of promulgating rules and regulations. As was stated in *Manglona*, Amendment 41 granted the legislature the authority to exempt positions from the personnel service system and they did so with this law. *Manglona, supra* at 249, 250.


SUMMARY

According to *Manglona*, the CSC has constitutional authority over those positions exempted from the Personnel Service System classifications by the CSC. The CSC has statutory authority to promulgate ESPR as applied to those positions only. However, the CSC has no statutory authority to promulgate ESPR for government employment positions that are exempted from the personnel service system by law, except for the SLB. Therefore, the ESPR promulgated by the Civil Service Commission, as applied to those positions are null and void.

BY:


Angela L. Bennett
Assistant Attorney General

CONCURRED BY:


Pam Brown
Attorney General

FOURTH REGULAR SESSION, 1983

AN ACT

To delete the requirement for legislative review of Civil Service Commission regulations, to amend Sections 3(f)(1) and 8(a) of Public Law 1-9, as amended, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Purpose. The purpose of this bill is to delete
2 the legislative approval of the personnel service system rules and
3 regulations in order that the Civil Service Commission can
4 promulgate, execute, and implement personnel service system rules
5 and regulations without such approval.

6 Section 2. Amendment to Section 3(f)(1) of P.L. 1-9. Section
7 3(f)(1) of Public Law 1-9, as amended, is amended to read as follows:

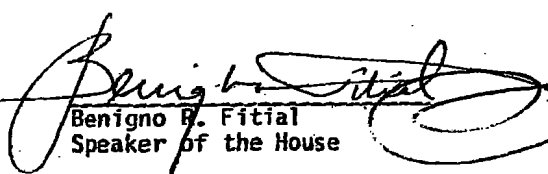
8 "(1) Prepare a comprehensive personnel
9 management plan and proposed personnel
10 policies of the Commonwealth, which shall
11 be hereinafter referred to as the "Personnel
12 Service System" and submit copies thereof
13 to the Governor and the Legislature.

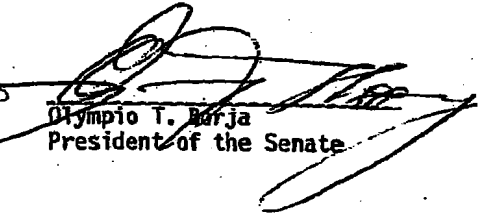
14 Section 3. Amendment. Section 8(a) of Public Law 1-9, as
15 amended, is amended to read as follows:

16 "Section 8. Adoption and Content of Regulations.

17 (a) Adoption. The Civil Service Commission shall
18 prepare reasonable rules and regulations to carry out
19 the provisions of this Act pursuant to Title 17 of the
20 Trust Territory Code and Section 3(f), Chapter 3, Title
21 I, of Public Law 1-8, as amended."

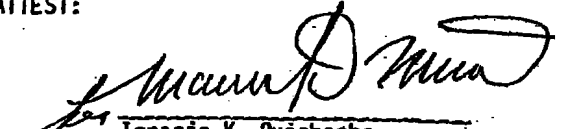
1 Section 3. Effective Date. This Act shall take effect upon
2 its approval by the Governor, or upon its becoming law without
3 such approval.

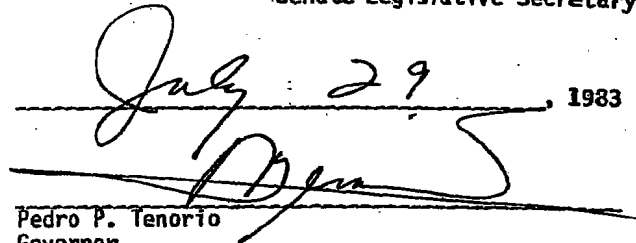

Benigno B. Fitial
Speaker of the House


Olympio T. Barja
President of the Senate

ATTEST:


Herbert S. Del Rosario
Chief Clerk


Ignacio K. Quichocho
Senate Legislative Secretary


July 29, 1983
Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands

MEMORANDUM

ATTORNEY GENERAL OPINION NO. 04-06

To:

Richard Seman
Acting Secretary
Department of Lands and Natural Resources
Lower Base
Caller Box 10007
Saipan, MP 96950

John I. Castro, Jr.
Director Division of Environmental Quality
PO Box 501304
Saipan, MP 96950

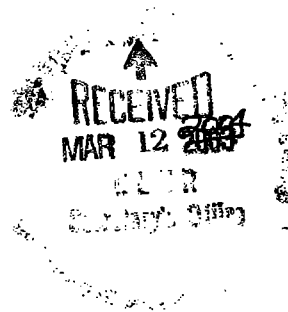
Joaquin D. Salas
Director
Coastal Resource Management Office
PO Box 10007
Saipan, MP 96950

From: Pam Brown, CNMI Attorney General



Date: March 11, 2004

Re: Agency Jurisdiction Over Wildlife Management



This opinion is issued in response to a request from the former Secretary of DLNR, Tom Pangelinan, seeking clarification of responsibilities of the natural resource agencies regarding the management of the wildlife and fishes here in the Commonwealth.

BACKGROUND

The request for an opinion arises from a public disagreement between Division of Environmental Quality (DEQ) and DLNR, specifically its Fish and Wildlife Division (DFW). The incident cited by DLNR occurred in June of 2002. In June of 2002 DEQ announced that it had determined there was a current "outbreak" of the Crown of Thorns Starfish in Lau Lau Bay. In the June 11, 2003 Marianas Variety, DEQ announced a test program to kill the starfish with the help of the Northern Marianas Dive Operators Association (Dive Association). DEQ's program was to provide the local dive shops with syringes of substances toxic to the starfish, which dive leaders would inject into the Crown of

Thorns Starfish when they observed them. Neither DEQ nor the Dive Association obtained a permit from DFW to use the poison, nor did they consult with DFW concerning their plan.

QUESTIONS PRESENTED

1. Which agency or agencies are given the authority to permit the use of poisons to kill marine animals?
2. Which agency or agencies are directed by statute to manage the marine animals and plants of the waters of the CNMI?

ANALYSIS

Which agency or agencies are given the responsibility to permit the use of poisons to kill marine animals?

2 CMC § 5631(Fair Fishing Act) makes it illegal to use poisons to kill fish in the Saipan Lagoon, or within 1,000 feet outside the lagoon or any reef in the coastal waters of the CNMI. The only exception to the prohibition against the use of poison is provided in 2 CMC § 5632. This provision allows the Director of DFW to authorize the use of poisons solely for scientific collections and other purposes determined by the Secretary of DLNR and the Director of DFW. A permit from the Director of DFW is required for all exceptions. 2 CMC § 5634 provides that the violation of 2 CMC §§ 5631 and 5632 is punishable by up to 30 days imprisonment, a \$1,500 fine, or both.

2 CMC § 5102 defines "fish" as any aquatic or marine animal life. Based on this definition the Crown of Thorns Starfish would be considered a fish under the CNMI law. Pursuant to 2 CMC § 5631 *et seq.* the authority to permit the use of poisons on any fish in the near coastal waters lies with the Director of DFW.

It is well established that public entities and officials only have the powers and authority, which are clearly conferred by statute, or necessarily implied from the powers granted. 63A Am. Jur. 2d, Public Officers and Employees, § 300. The powers of the DEQ Director do not include using or authorizing the use of poison substances to control or prevent fish over population. See 2 CMC § 3111, 3113 and 3122.

The location of DEQ's planned elimination of the Crown of Thorns Starfish was at the Lau Lau Bay dive site. The plan announced by DEQ did not require divers to only kill the starfish if they were more than 1,000 feet beyond the reef; it included all Crown of Thorn Starfish in Lau Lau Bay. Therefore, failure to secure a permit from the Director of DFW made the act of injecting a starfish with a poisonous substance to kill it a criminal offense. Without the necessary permit any dive operator or individual diver participating in DEQ's program was subject to the penalties of 2 CMC § 5632. Simply put, DEQ's plan to kill the Crown of Thorns Starfish with a poisonous substance required each person involved to obtain a permit from DFW. DEQ did not have the authority to permit the use of poison to kill the starfish; this authority rests solely with the Director of DFW.

Which agency or agencies are directed by statute to manage the marine animals and plants of the waters of the CNMI?

1 CMC § 2653 states, “[t]he Department of Lands and Natural Resources shall have the following powers and duties:

- (a) To be responsible for the protection and enhancement of the natural resources of the islands, including the marine environment;
- (b) To protect the wildlife resources including fish, game, and endangered species.

This language indicates the legislature did not consider protecting the natural resources of the islands, including the marine environment, as encompassing the duty to protect fish and other wildlife resources. If the protection of the marine environment automatically included the duty to protect the wildlife resources then the provisions of 1 CMC § 2653(b) would be superfluous and unnecessary. Reading the statute so as to render any provision superfluous violates one of the basic rules of statutory construction. “[A] statute must, if possible, be construed in such a fashion that every word has some operative effect.¹

2 CMC § 5104(a) states, “[t]he protection of fish, game, and endangered and threatened species is vested exclusively in this department. 2 CMC § 5104(b)(1) directs DFW to “[d]etermine the status of, and any requirements for the survival of, resident species of fish, wildlife or plants,” § 5104(b)(1) further directs DFW to “[c]onserve and ensure the survival of species of fish, and game of significant value for sport, recreational, subsistence or commercial purpose;” subsections (3) and (4) of § 5104 also require the Director of DFW to ensure the survival of endangered and threatened species and to consider the needs of nongame fish and wildlife and of marine mammals, respectively.

2 CMC § 5104(6) requires DFW to “[a]ccumulate necessary data on fish, game and endangered species.” The broad definition of fish in 2 CMC § 5102 includes such living things as starfish and sea cucumbers because these creatures are echinoderms (**i.e., a phylum in the kingdom of animalia**).

Further, 2 CMC § 5105 requires that any department, agency, ...or other instrumentality of the Commonwealth which plans to conduct ... any activity ... which otherwise adversely affects any fish, game or endangered or threatened species, regulated under this chapter ... shall first consult with the Director”. The reference to “director” is to the Director of DFW, see 2 CMC 5102(d). The reference to “this chapter” is to the Fish, Game and Endangered Species Act, 2 CMC § 5101 *et. seq.*

DEQ’s statutory mandates do not include the management or control of fish or wildlife in any manner. Under 2 CMC § 3111(a)(2), DEQ is required “[t]o establish and enforce environmental standards to

¹*United Steelworkers of America v. North Star Steel Company*, 5 F.3d 39, 42 (3rd Cir. 1993) quoting *United States v. Nordic Village, Inc.*, 112 S. Ct. 1011, 1015, 117 L. Ed. 2d 181 (1992). See generally Sutherland on Statutory Construction § 46:06.

protect and preserve the *marine resources* of the Commonwealth, in implementation of the NMI Const. art. XIV(1)" (emphasis added).

2 CMC § 3122 sets the specific duties of the Director of DEQ. 2 CMC § 3122(e)(1) requires the Director of DEQ to develop and administer a program to prevent or regulate "[d]ischarge of pollution anywhere within the jurisdiction set forth in 2 CMC §3112."

While both DLNR and DEQ have been tasked by the Commonwealth Legislature to protect the marine environment or resources in very important specific ways, based on the plain language of the statutes their specific duties do not overlap. 1 CMC § 2653(a) and (b) indicate the Legislature did not consider the words "natural resources" or "marine environment" to include the creatures living in that environment. If these two terms were seen to include the animals living in the marine environment there would have been no reason for the inclusion of the language of sub-section (b). Therefore a duty to protect the marine environment or marine resources does not imply the authority to manage or control the fish located within it. Any other reading of these statutes would violate the requirement to interpret statutes so every word has some operative effect. This reading of the statutes also is fortified by a second important rule of statutory construction which requires that whenever possible multiple statutes should be construed in a harmonious manner¹

CONCLUSION

DEQ's actions related to the management of the starfish population was not within its authority as defined by Commonwealth statutes. DEQ should not take any direct action concerning the management of fish and other wildlife, except in close coordination with and the expressed permission of DFW. DEQ should limit its activity to that which is developing and implementing the standards necessary to ensure the environmental quality of the marine environment.

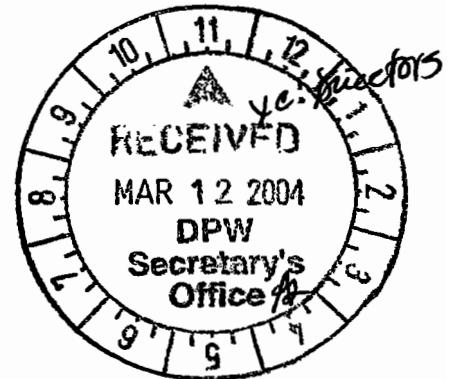
¹ *Anderson v. Federal Deposit Ins. Corp.*, 918 F.2d 1139 (4th Cir. 1990). See generally, Sutherland on Statutory Construction, § 53.01.

MEMORANDUM

ATTORNEY GENERAL OPINION NO. 04-07

To:

Juan S. Reyes
Secretary
Department of Public Works
Caller Box 10007
Saipan, MP 96950



From:

Pam Brown, CNMI Attorney General

Handwritten signature of Pam Brown in cursive.

Date:

March 11, 2004

Re:

Status of the 1993 Saipan Zoning Law

This opinion is in response to your recent inquiry concerning the enforceability of the Saipan Zoning Law, 10 CMC 3511 *et. seq.*

ISSUE

Current Legal Status of the Zoning Plan for the Third Senatorial District

Developed Pursuant to 2 CMC 7201 Et seq.?

Facts

The Sixth CNMI Legislature in Public Law 6-32 enacted the initial zoning statute in 1989. Public Law 6-32 was codified in the Commonwealth Code (Code) at 2 CMC 7201 ET seq. There were several amendments to the original zoning law made by both the

Seventh and Eighth CNMI Legislatures¹. The amendments made by the Eighth Legislature were enacted in January of 1993. The current statute reflects the amendments of both the Seventh and the Eighth Legislatures.

The Saipan Zoning Law (The Law) was enacted in April 1993 pursuant to the authority delegated to the Saipan Legislative Delegation (Delegation) in 2 CMC 7221(c) (4). The enactment was codified at 10 CMC 3511 ET seq. During the Ninth CNMI Legislature, the Delegation passed SLL 9-1², with the intent to suspend The Law in effect for Saipan. Saipan Local Law 9-1 was not enacted pursuant to any grant of authority from the Legislature as a whole.

Legal Analysis

The Commonwealth Constitution provides that matters dealing with issues exclusively arising in one senatorial district may be dealt with by laws affecting only that district. Article II Section 6 empowers the Commonwealth Legislature to define those matters which may be dealt with by local laws enacted by members from a single legislative

¹ Sec. 7213 was amended by PL 8-10(7-8); 7221 was amended by PL 7-41(2) and PL 8-10(3-5); 7223 was amended by PL 8-10(6)(c); 7241 was amended by PL 8-10(9);

² SLL 9-1 was to take affect on August 15, 1994

district. Without this grant of authority the individual delegations have no such authority.

1

To deal with the need for the legislature to define local matters that may be dealt with by the respective legislative delegations the Local Law Act of 1983 was enacted. 1 CMC 1402 (a) contains a list of matters the legislature has defined as being exclusively local matters. The list contained in 1402 (a) does not provide any authority to regulate zoning. While 1402 (a) states local authority is not limited to matters contained on the list, if the matter is not on the list then there must be a separate grant of authority elsewhere in the Commonwealth Code before a local delegation may take action because of the constitutional provision requiring the legislature to define the local matters that may be the subject of laws enacted by the senatorial delegations.²

In the case of creating zoning laws, the entire legislature provided very specific authority to each legislative delegation. In 2 CMC 7221 (c)(4), the individual legislative delegations are limited as to the actions they may take regarding the zoning plan developed by the zoning board. "The legislative delegation of the affected senatorial district shall have 90 days from submission within which to **approve or amend and approve the zoning plan, by a separate local law duly enacted. Failure of the**

¹Constitution of the Northern Mariana Islands Article II, Section 6: "Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of the majority of the members representing that district. **The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, ...**" (emphasis added). See also *The Analysis of the Constitution of the CNMI*, pg 44 (1976) regarding Art.II Section 6 "This section gives the legislature the authority to define local matters. ... It is recognized, however, that some activities which take place on a single island have an impact throughout the Commonwealth and therefore cannot be considered "local matters". ... The location of an activity, therefore does not control whether it is to be considered a local matter..." See also *Commonwealth v. Tinian Casino Gaming Control Comm'n*, 3 N.M.I. 134 (1992).

² Constitution of the Northern Mariana Islands Article II, Section 6, *supra*

legislative delegation to act within this time shall be deemed as approval by the same legislative delegation.” (Emphasis added). Pursuant to this provision the individual delegations had four simple choices when the zoning board presented the initial plan to the delegation; the delegation could reject the plan by voting not to approve the it, they could enact the plan as presented, the third choice available to the delegation was to amend the initial plan or they could take no action thereby allowing the plan as presented to them to become law¹.

The Delegation to the Eighth CNMI Legislature chose to exercise their grant of authority to amend the plan as presented and then enacting a local law putting the plan into effect.² When enacting The Law, the Delegation clearly knew the limit of their grant of authority, because the act begins with “[p] ursuant to 2 CMC 7221 (c)(4), the Third Senatorial District delegation hereby grants its approval of the Saipan Zoning Law ...”³

Nowhere in the Zoning Code contained in Chapter 2 of the Commonwealth Code does the legislature provide the authority of any senatorial district delegation to suspend or modify the zoning law once the initial plan was approved by the delegation. The fact the legislature specified the actions the senatorial delegations could take regarding the proposed zoning plan is very important. “A long standing rule of statutory construction

¹ 2 CMC 7221(c)(4)

² See 10 CMC sections 3515 and 3516 for the amendments to the plan submitted to the delegation.

³ 10 CMC 3511

embodied in the ancient maxim, *expressio unius est exclusio alterius*, instructs that the expression of certain powers implies the exclusion of others.”¹ Another way of saying this is “[a] statute which provides things shall be done in a certain way carries with it an implied prohibition against doing that thing in any other way.”² The rule of *expressio unius* is based on logic and common sense in addition to its long-standing and wide spread legal use. It is the law’s way of stating that when the legislature clearly says one thing it obviously does not mean something else.³ Therefore, by stating precisely what actions the senatorial delegations could take regarding the proposed zoning plan the legislature prohibited the delegations from taking any other type of action dealing with the plan.

In addition to the rule of *expressio unius est exclusio alterius*, additional rules of statutory and constitutional construction must be considered. The courts have routinely held that the legislature cannot delegate its legislative functions wholesale, even if the constitution allows for the delegation. The delegation must be narrowly defined as to 1) what is to be done, 2) who is to accomplish the task and 3) the scope of the authority the legislature has provided to accomplish the task.⁴ In the case of 2 CMC 7221 (c)(4) the Commonwealth Legislature complied with these requirements. The statute specifically states what is to be done, review the plan presented by the zoning board

¹ *Saipan-E-Tours v. Marianas Visitors Authority*, Civ. No. 00-0078(N.M.I. Super. Ct. April 19, 2000), at 7. See generally Sutherland Statutes and Statutory Construction Sec. 47.23. (6th ed. 2000)

² Sutherland subra. Sec. 47.23

³ Sutherland, supra Sec. 47.24

⁴ Sutherland Supra. At 4.2

within 90 days of it being presented. The task is to be done by the delegation from the senatorial district affected. The scope of authority is to take action on the initial plan within 90 days by either enacting it, rejecting the plan, amending and enacting the amended plan or do nothing and let the plan take effect. Once the 90-day period is over there is no grant of authority a delegation to take any further action related to zoning.

An additional factor limiting a delegations authority to act to the 90-day window following the presentation of the plan by the zoning board is the use of mandatory language in 7221 (c)(4). The classification of the provision as mandatory is because of the use of the word "shall" ¹ and also because it is a grant of power to take action to government officials for a public good.² The classification of a statutory provision as one creating mandatory language directed at the party receiving the legislative grant of power has a significant effect on how the statute is interpreted. When a provision is classified as a mandatory provision any action taken outside the expressed limits provide for carrying out the action is simply null and void.³ The Courts hold this to be especially true where authority to act is granted to public officers to act in the public good. "Where authority to act is granted to public officers the described manner of performance is mandatory, even if though performance in the first place may be discretionary."⁴

¹ Sutherland Supra at 57.3 & 57.8

² Sutherland Supra at 57.14

³ Sutherland Supra at 57.1

⁴ Sutherland Supra at 57.14

The general rule of construction when reviewing a legislative grant of power is that the power granted can only be exercised in strict conformity with the language of the statute. In other words the grant of power, in this case taking action on the zoning plan presented by the zoning commission, is strictly limited to the expressed powers contained in 7221 (c)(4). Since the statute is silent on the delegations' power to act once the initial plan presented by the zoning board is approved, the delegation under the law would have no further power to take any action related to the zoning issue.

The limitations placed on the senatorial delegations become clearer when the entire zoning statute in chapter two is examined, as well as the Local Law Act. Examining the entire Code is important to properly interpret the statute. One section of the statute cannot be examined in isolation. The statute must be read as a whole giving each of its words meaning.¹ When the entire Code is read one thing becomes clear, the zoning statute does not provide for the modification of the zoning law by the senatorial delegations once it has been enacted. However, the statute does provide very explicitly that the Zoning Board shall be responsible for making changes in the land use district boundaries, uses, requirements, or imposing such conditions as are deemed necessary to fulfill the intent of the zoning law once the law is enacted.²

Once the entire zoning code statute is reviewed on examination of other statutes that relate to the issue being interpreted should be consulted. Looking to related statutes is

¹ *United Steelworkers of America v North Star Steel Company*, 3 F.3d 39, 42 (3rd Cir. 1993) quoting *United States v Nordic Village Inc*, 112 S.Ct.1011, 1015, 117 L.Ed. 2d 181 (1992). See generally *Sutherland Supra* at 46:06.

² 2 CMC 7221(b) (1-3) and 2 CMC 7242.

known as the rule of *puri materie*. *Puri materie* requires that statutes on the same subject shall construed together¹. In the present situation the subject matter is the legislature's grant of authority to act on local matter to each individual delegation, so the Local Law Act is a logical choice for comparison. The reason for the comparison is the fact the legislature is presumed to be aware of all existing laws when enacting a new law, and the legislature does not intend to repeal existing laws or amend them without expressly stating so. Therefore, to prevent the new law from containing meaningless or illegal acts the laws are to be interpreted in harmony with each other. Also the existing law may provide an indication of other methods the legislature was aware of to accomplish the same function. The Local Law Act does not provide a list of specific actions the individual delegations may take regarding any of the issues defined as local issues. In the Local Law Act the legislature defined local matters, then specified the process for handling local legislation and its format. In the case of the Local Law Act the individual delegations were given substantial discretion concerning the actions they could take to deal with the local issues. This is in sharp contrast to 7221(c)(4) where the specific actions the delegations can take is spelled out along with a 90-day time limit in which they were permitted to act. The Local Law Act clearly demonstrates the Legislature knew how to properly provide individual delegations the authority to enact, repeal, suspend, amend or take any other action they wish related to local laws, and the Legislature expressly chose not to provide that broad type of discretion to the delegations when it came to the enactment of local zoning laws.

¹ Sutherland Supra at 51.02

Based on the discussion above it is clear the individual senatorial delegations were not delegated the power to modify the zoning plan once they had exercised their delegated authority to approve it.

As noted above, the Constitution of the CNMI requires a specific grant of authority, provided by the entire legislature pursuant to a validly enacted statute, to a senatorial district delegation before the delegation can perform a particular legislative function. Without that grant of authority a senatorial district delegation lacks the power to perform that legislative function.¹ Since the Third Senatorial District's Delegation did not possess a specific grant of authority to suspend the previously enacted zoning law, when it enacted what is known as Saipan Local Law 9-1, SLL 9-1 actually had no legal authority.

Conclusion

The proposed suspension of the Saipan Zoning Law done by the local legislative delegation from Saipan during the Ninth Legislature is invalid. The delegation lacked any authority as required by the Commonwealth Constitution in Article II Section 6 to enact such a law. Therefore the Saipan Zoning Law created pursuant to 2 CMC 7201 Et Seq. and approved by the Third Senatorial District Delegation in 1993 by its codification at 10 CMC 3511 Et Seq. is still in force. However, there are some significant steps that must be taken before the zoning plan can actually be implemented. First the members of the Zoning Board must be appointed and approved

¹ Constitution of the Northern Mariana Islands Article II, Section 6

by the respective local delegations. Seven Individuals are to be appointed from the Third Senatorial District, and will be subject to confirmation by that Legislative delegation.¹ Once the members of the Board have been confirmed they will need to schedule at least monthly public meetings² to deal with issues arising from the gradual implementation of the zoning plan on Saipan. The Board will also have to hire someone to fill the position of Zoning Administrator.³ The Administrator and the staff hired by the Administrator will be responsible for the day-to-day implementation of the zoning law. While the zoning law still has full legal affect it will be slow process to create the necessary infrastructure to enforce it.

¹ 2CMC7221(e)(1-3)

² 2CMC7221(j)(2)

³ 2CMC7221(b)(6)