

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



COMMONWEALTH REGISTER
VOLUME 27
NUMBER 01

January 17, 2005

COMMONWEALTH REGISTER

VOLUME 27

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January 17, 2005

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

Diego T. Benavente
Lieutenant Governor

DECLARATION OF EMERGENCY

DEC 30 2004

Volcanic Eruption on Anatahan

I, DIEGO T. BENAVENTE, by the authority vested in me as Acting Governor pursuant to Article II, 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 is 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 Acting 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.

DIEGO T. BENAVENTE
Acting Governor

cc: Governor (2211)
Senate President (322-0519)
House Speaker (664-8900)
Mayor of the Northern Islands (233-6466)
Director of Emergency Management (322-7743)
Commissioner of Public Safety (664-9027)
Attorney General (2349)
Secretary of Finance (1115)
Special Assistant of Management and Budget (2272)
Special Assistant for Programs and Legislative Review


**PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF
INTENT TO ADOPT AMENDMENTS TO THE ALIEN LABOR
RULES AND REGULATIONS SECTION II.**

EMERGENCY: The Commonwealth of the Northern Mariana Islands, Office of the Attorney General and Department of Labor find that under 1 CMC § 9104(b), the public interest requires that the hiring of alien workers from abroad be conducted with the participation of agencies approved to engage in such activities by the country of origin of the prospective employees. This procedure minimizes fraud in the hiring process, assures the skill level of the alien worker, reduced recruiting abuses, and builds accountability into the hiring process. To effectuate such a system, the Office of the Attorney General and Department of Labor have entered into Memoranda of Understanding with various foreign nations to implement agreements addressing these concerns. One such recent agreement went into effect January 1, 2005. The Office of the Attorney General further finds that the public interest mandates adoption of these regulations upon fewer than thirty (30) days notice, and that these regulations shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain effective for 120 days.

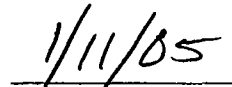
REASONS FOR EMERGENCY: On November 23, 2004, the Office of the Attorney General and the CNMI Chinese Economic Development Association entered into a Superceding Agreement to the Memorandum of Understanding regarding the employment of alien workers from the People's Republic of China in the Commonwealth of the Northern Mariana Islands. The agreement came into effect January 1, 2005. The Attorney General and Secretary of Labor find that the adoption of these regulations upon fewer than thirty (30) days notice is necessary because the Superceding Agreement has already come into effect. The thirty-day notice period would delay the implementation of the Superceding Agreement. Accordingly, the Office of the Attorney General and Department of Labor find that in the interest of the public, it is necessary that these regulations are approved and adopted immediately

INTENT TO ADOPT: It is the intent of the Office of Attorney General to adopt these emergency amendments to the Alien Labor Rules and Regulations, Section II as permanent, pursuant to 1CMC § 9104(a)(1) and (2). Accordingly, interested persons may submit written comments on these emergency recommendations 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, or to Dr. Joaquin A. Tenorio, Secretary of Labor, Department of Labor, Afetnas Square Building, San Antonio, Saipan, MP 96950 or by fax to (670) 236-0990..


Submitted by:



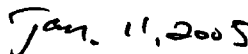
PAMELA BROWN
Attorney General



Date

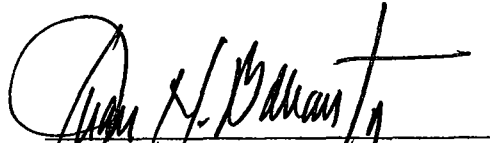


DEAN O. TENORIO
Acting Secretary of Labor



Date

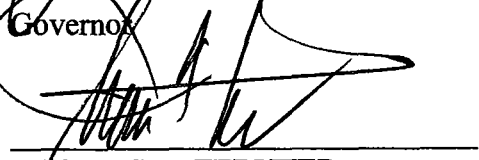
Concurred by:



JUAN N. BABAUTA
Governor

01/13/05
Date

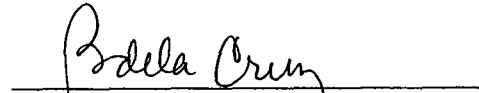
Received by:



THOMAS A. TEBUTEB
Special Assistant for Administration

1/14/05
Date

Filed and Recorded by:

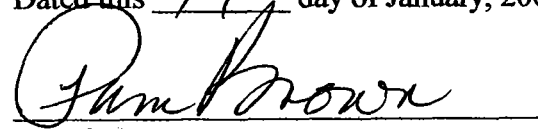


BERNADITA B. DE LA CRUZ
Commonwealth Register

1/13/05
Date

Pursuant to 1CMC §2153, as amended by Public Law 10-50, the emergency 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 14 day of January, 2005.



Pamela Brown
Attorney General

PUBLIC NOTICE
EMERGENCY AMENDMENTS TO THE ALIEN LABOR
RULES AND REGULATIONS SECTION II.

This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Office of the Attorney General and the Department of Labor are amending the Alien Labor Rules and Regulations Section II. that were published in the Commonwealth Register, Vol. 26, No. 06, June 24, 2004, and adopted in the Commonwealth Register, Vol. 26, No. 7, July 26, 2004.

Citation of

Statutory Authority:

The Secretary of Labor is authorized to promulgate regulations regarding the requirements for employment of alien workers under 3 CMC § 4424(a)(1). 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 emergency amendments to the Alien Labor Rules and Regulations Section II will implement as Commonwealth law agreements between the Commonwealth government and foreign nations regarding the procedures for application to hire alien workers from abroad. The CNMI currently has in effect agreements with the Philippines, administered by the Consul General of the Philippines, and with the People's Republic of China, administered by the Chinese Economic Development Association.

Brief Summary of the

Proposed New Section:

These emergency amendments to the Alien Labor Rules and Regulations Section II are promulgated to:

- (1) Establish as part of published Commonwealth law that agreements between the Commonwealth and foreign nations must be complied with by employers seeking to employ alien workers in the Commonwealth;
- (2) Provide that proof of compliance with these agreements and approval of the employment by both the representative organization of the foreign government and the CNMI Department of Labor is a precondition to the issuance of an Authorization for Entry or Authorization to Board for persons entering the Commonwealth as alien workers.

**For Further
Information Contact:**

Kevin A. Lynch, Assistant Attorney General for the Department of Labor, Office of the Attorney General, telephone (670) 236-0900 or facsimile (670) 236-0992.

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

The emergency amendments affect the Alien Labor Rules and Regulations Section II.

Dated this 11th day of January, 2005.

Submitted by:



Dean O. Tenorio
Acting Secretary of Labor

EMERGENCY AMENDMENTS TO SECTION II OF THE ALIEN LABOR RULES AND REGULATIONS

The Alien Labor Rules and Regulations are amended by adding a new section designated as Section II.L. as follows:

- L.. Compliance with agreements between the CNMI and foreign governments:
- a. In addition to the application requirements stated earlier in this section, the Department of Labor shall require that an application bear proof of compliance with any agreement entered into between the CNMI and a representative organization of a foreign government. The Department shall also require that any forms required to be submitted by an applicant shall conform to the requirements of any such agreement.
 - b. Proof of compliance may be shown by notification of approval of the employment to the Department of Labor by the representative organization of the foreign government by a stamp or certification placed on the employment contract by the organization, by an original attachment accompanying the application, by a separate writing to the Department by the organization, or by any similar means as agreed upon by the Department and the organization.
 - c. The Department shall make information available to prospective employers informing them of any special conditions or procedures required by an agreement. The Department shall not approve a nonresident worker application unless the conditions of the agreement have been satisfied. A nonconforming application shall be found to be deficient and shall be denied if the deficiency is not cured within the time allowed by these rules.
 - d. In the event the foreign organization rejects an employment application, the Department's Division of Administrative Hearings does not have jurisdiction to address a worker's or employer's challenge to the rejection.
 - e. The Division of Immigration Services of the Office of the Attorney General shall not issue an Authorization to Board, and the Department shall not issue an Authorization for Entry for an alien worker whose employment contract has not been certified as approved by the foreign representative organization.

NOTISIAN PUPBLIKU

INALULA NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION HOTNALERUN TAOTAO HIYONG SEKSIONA II

Sigun i lai 1 CMC Seksiona et.seq. ma'establesi este na amendasion ni kinonsiste yan i Akton Areklamenton i Atministrasion. I Ofisinan i Abugao Henerât yan i Dipâtamenton i Hotnaleru para hu ma amemenda i Areklamento yan Regulasion Hotnalerun Taotao Hiyong Seksiona II ni mapupblika gi Rehistran i Commonwealth, Volume 26, Numiru 06, Hunio 24, 2004, ya ma'adopta gi Rehistran i Commonwealth, Volume 26, Numiru 07, gi Hulio 26, 2004.

Annok i Aturidât

i Lai:

Sigun i lai 3 CMC Seksiona 4424 (a) (1) ma'aturisa i Sekretârión i Hotnaleru para hu establesi regulasion siha ni tineteka i nisisidât siha para i hotnalerun taotao hiyong. Ma'aturisa i Ofisinan i Abugao Henerât para hu establesi regulasion siha para i entrâda yan dipottasion i taotao hiyong gi Commonwealth I Sankattan Siha Na Islas Marianas sigun i Otden Eksekatibu 03-01 yan i lai 3 CMC Seksiona 4312 (d).

Kada'da' Na Mensâhe Pot Finiho yan Diniseha:

I Inalula Na Amendasion Siha Para I Areklamento yan Regulasion Hotnalerun Taotao Hiyong Seksiona II siempre ma implimenta kumo Lai gi Commonwealth kumo kontrâta siha gi entalo i Gubietnamenton i Commonwealth yan i nation taotao hiyong i manera ni tineteka i areklamento siha para i aplikasion man empleha hotnalerun taotao hiyong ginen ottro tâno'. I CNMI gi prisente guaha kontrâta yan Filipinas, ma'atminestreha ni Akonsiheru Henerât Filipinas, yan i Chino, inatminestra ni Asosasion Inadilântan Ekonomian i Chino.

Kada'da Na Sumeria Pot I Mapropone Na Seksiona:

Este Inalula Na Amendasion Siha Para I Areklamento yan Regulasion Hotnalerun Taotao Hiyong Seksiona II ma'establesi para:

(1) Ma'establesi na pätte' gi mapupblika na Lai i Commonwealth na i kontrâta gi entalo' i Commonwealth yan i nation taotao hiyong debi di hu Kinimple nu i man emplelehu ni man aliligao empleao taotao hiyong gi halom i Commonwealth.

(2) Probeniyi ebidensia ni humafakcha yan este na kontrâta ya ma'aprueba i empleo ni todû i dos na representanten i otganisasion i gubietnamenton taotao hiyong yan i Dipâtamenton i Hotnaleru gi CNMI, na un areklamento para i ma'entregan i Aturisasion Entrâda pat Aturisasion kumahulo gi Batkon aire (Authorization to Board) para i petsona siha ni hu halom gi Commonwealth kumo hotnalerun taotao hiyong siha.

Para Mâs

Infotmasion Âgang: Si Kevin A. Lynch, Ayudânten i Abugao Henerât para i Dipâtamenton Hotnaleru, gi Ofisinan i Abugao Henerât, gi Tilifon (670) 236-0900 pat sino Fax gi (670) 236-0992.

**Annok i Man Achule'
yan/pat Inafekta Na
Lai, Areklamento,
Regulasion yan
Otden Siha:**

I Inalula Na Amendasion Siha ha afekta I Areklamento yan Regulasion Hotnalerun Taotao Hiyong Seksiona II.

Mafecha este gi mina 17th na ha'âne gi Ineru, 2005.

Ninahalom:



Dean O. Tenorio
Acting Secretary gi Hotnaleru

ARONGOL TOULAP
GHITIPWOTCHOL LLIWEL KKAAL NGÁLI ALLÉGHÚL ALIEN LABOR TÁLIL II

Lliwel yeel nge e akkaté bwelle Administrative Procedure Act, 1 CMC táilil 9101, et seq. Bwulasiyool Sów Bwungúl Allégh me Bwulasiyool Labor nge rebwe fillóóy Alléghúl Alien Labor Tálil II. ikka re ayoora llól Commonwealth Register, Vol. 26, No. 06 Alimaté (June) 24, 2004 me fillooy llol Commonwealth Register Vol. 26, No. 7, Wuun (July) 26, 2004.

Akkatéél bwángil: Samwoolul Labor nge e mweiti ngali akkatéél allégh kkaal bwelle yááyál ngáli schóól angaang kka aramasal lúghúl faal 3 CMC táilil 4424 (a)(1). Bwulasiyool Sów Bwungúl Allégh Lapalap nge eyoor bwángil ebwe akkaté allégh kkaal reel atotoolong me assefálil aramasal lúghúl mellól Commonwealth Teel Faluwasch Marianas sangi akkuleeyal Sow Lemelem 03-01 me 3 CMC talil 4312 (d).

Aweewel kkapasal Allégh: Ghitipwotchol lliwel kkaal ngáli Alléghúl Alien Labor me Allégh kka Tálil II iye rebwe ayoora bwe alléghúl Commonwealth leepital Commonwealth government me falúw tóttómwogh kkaal bwelle mwóghutul tittingor (application) igha rebwe umwumw schóól angaang kka aramasal lúghúl. Ighila nge CNMI me Philippines ekke malaw schagh yaar appelúghúlúgh, sángi mwóghútúl Consul General mellól Philippines, me bwal Republic of China, iye e toowow mereel Chinese Economic Development Association.

Aweewel akkááw pomwol Allégh kka e ffé: Ghitipwotchol lliwel kkaal ngáli Alléghúl Alien Labor me Alléghúl Tálil II ikka aa akkatééwow reel:

(1) Rebwe ayoora bwe e pwal schu ngáli alléghúl Commonwealth leefilal Commonwealth me foreign nations iye employers rebwe atabweey reel ghutul angaang ngáliir aramasal lúghúl (Alien workers) llól Commonwealth;

(2) Ayoora alúghúlúgh bwe re tabweey (compliance) ngáli aweewe me alúghúlúghúl angaang sángi schóókka ruschay, representative organization mellól foreign government me bwal CNMI Depattamentool Labor nge ebwe ammwel sefál isisiwowul tittingór reel schóól toolong me ngáre bwángil Board reer schóókka rebwe toolong llól Commonwealth bwe ngáre iir schóól angaang kkewe aramasal lúghúl.

Reel ammataf faingi: Kevin A. Lynch, Sow Alillisi S'w Bwung'ul Allégh Lapalap ngali
Depattamentool Labor, Bwulasiyool S'w Bwung, tilifoon (670)
236-09000 me ngare facsimile (670) 236-0992.

Akkatéél akkaaw pomwol allégh: Ghitipwotchol Iliwel kkaal nge rebwe ghutchuwul'ó allégh'ul
Táil II.

Rállil ye 17th Ilól Schoow (January), 2005

Isaliyallong:



Dean O. Tenorio
Acting ngali Samwoolul Labor

PUBLIC NOTICE

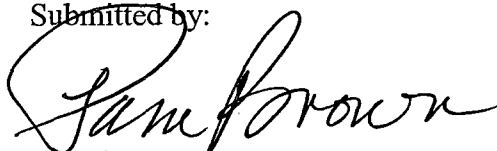
**PROPOSED REGULATION REGARDING CERTIFICATION FOR INITIATIVE,
REFEREDUM, AND RECALL PETITIONS**

These regulations are promulgated in accordance with the Administrative Procedures Act, 1 CMC § 9101, et seq. The Attorney General is promulgating these regulations regarding certification of initiative, referendum, and recall petitions.

Citation of Authority:	The Attorney General is authorized to promulgate regulations pertaining to certification of initiative, referendum, and recall petitions pursuant to Articles IX and XVIII of the N.M.I. Constitution.
Short Statement of Goals and Objectives:	The regulations further define the requirements of Articles IX and XVIII of the N.M.I. Constitution and set the procedures followed by the Attorney General for issuing certifications.
Brief Summary of the Proposed Regulations:	These regulations set forth the requirements for collecting signatures for petitions regarding initiatives, referendums, and recalls. The regulations also set forth the deadlines and requirements for obtaining certification from the Attorney General so that petition questions may be placed on the ballot at general and special elections.
Citation of Related and/or Affected Statutes, Rules, and Regulations:	None.
For Further Information Contact:	James D. Livingstone, Assistant Attorney General, Office of the Attorney General, Civil Division, 2nd Floor Hon. Juan A. Sablan Memorial Building, Caller Box 10007, Capitol Hill, Saipan, MP, 96950, tel: 670-664-2341 or fax: 670-664-2349.

Dated this 6th day of January 2005.

Submitted by:



Pamela Brown
Attorney General

PUBLIC NOTICE

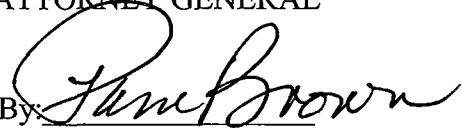
**PROPOSED REGULATION REGARDING CERTIFICATION FOR INITIATIVE,
REFEREDUM, AND RECALL PETITIONS**

The Attorney General notifies the general public of her intention to adopt new regulations regarding certification of initiative, referendum, and recall petitions. The regulations are attached and are promulgated pursuant to the Attorney General's authority as set forth in Articles IX and XVIII of the N.M.I. Constitution.


All interested persons may examine the proposed regulations and submit written comments, positions, or statements for or against the regulations to the Attorney General Pam Brown, Office of the Attorney General, Civil Division, 2nd Floor Hon. Juan A. Sablan Memorial Building, Caller Box 10007, Capitol Hill, Saipan, MP, 96950, tel: 670-664-2341 or fax: 670-664-2349, within thirty (30) calendar days following publication of this notice in the Commonwealth Register. Comments, positions, or statements should be directed to the attention of James D. Livingstone, Assistant Attorney General.

Dated this 16th day of January 2005 on Saipan, Commonwealth of the Northern Mariana Islands.

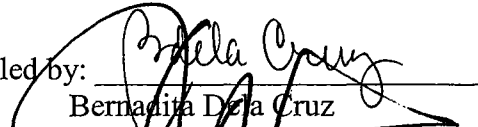
ATTORNEY GENERAL


By: 
Pam Brown
Attorney General

Pursuant to 1 CMC § 2153, as amended, the proposed regulation regarding certification of initiative, referendum, and recall petitions, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

By: 
James Livingstone
Assistant Attorney General

1/6/05
Date

Filed by: 
Bernadita Deza Cruz

Rec'd by: 
Thomas Tetuteb
Special Assistant for Administration

1-14-05
Date

1/17/05
Date

NOTISIAN PUPBLIKU

MAPROPONE I REGULASION SIHA NI TINETEK A I SETIFIKASION INITIATIVE,
REFERENDUN, YAN PETITION RECALL SIHA

Ma'establesi este na regulasion siha sigun gi Akton i Areklamenton i Atministrasion, i lai 1 CMC Seksiona 9101, et.seq. I Abugao Henerat ha establelesi este siha na regulasion ni tineteka i Setifikasion Initiative, Referendum yan i Petition Recall siha.

Annok i Aturidât

i Lai:

Sigun gi NMI Constitution i Atikulu IX yan XVIII, i Abugao Henerât ma'aturisa para hu establelesi regulasion siha ni tineteka i Setifikasion Initiative, Referendum yan i Petition Recall siha.

**Kada'da' Na
Mensâhe Pot i
Finiho yan
Dineseha:**

I regulasion siha hana klâru mas i areklamenton i setifikasion siha ginen i Abugao Henerât sigun i ginagagao gi papa i NMI Constitution Atikulu IX yan XVIII.

**Kada'da' Na
Sumeria Pot i
Mapropone Na
Regulasion Siha:**

Este na regulasion siha ha fotma i manera taimano para marikohin finitman Petition siha ni tineteka i Initiative, Referendum yan i Petition Recall siha. Ha mensiona lakkue i uttimo na ha'âne yan i nisisidât siha ni para hu na guaha setifikasion ginen i Abugao Henerât, kosaki i kuestion siha gi Petition hufan mapolu gi balotu gi spesiât pat henerât na botasion.

**Annok i Man Achule'
yan/pat Inafekta Na
Lai, Areklamento yan**

Regulasion siha: Tâya.

Para Mâs

Infotmasion Âgang: Si James D. Livingston, i Ayudânten i Abugao Henerât, gi Ofisinan i Abugao Henerât, gi Dibision Sibet, gi mina dos bibienda gi as Honorâpble Juan A. Sablan Building, Caller Box 10007, giya Capitol Hill, Saipan, MP 96950, gi tilifon 670-664-2341 pat fax gi 670-664-2349.

Mafecha este gi mina _____ na ha'âne gi Ineru 2005.

Ninahalom as:

Pamela Brown
Abugao Heneråt

NOTISIAN PUPBLIKU

MAPROPONE I REGULASION SIHA NI TINETEKI I SETIFIKASION INITIATIVE,
REFERENDUN, YAN PETITION RECALL SIHA

I Abugao Henerát ha infotma i publiku henerát pot i intension-fia ni para hu adopta nuebu na regulasion siha ni tineteka i Setifikasion Initiative, Referendum yan i Petition Recall siha. I Constitution NMI Atikulu IX yan XVIII ha mensiona i aturidat i Abugao Henerát para hu establesi i sigente siha na regulasion ni man che'che'ton guine.

Todu i man enteresao na petsona sifia ma'eksamina i mapropone na regulasion siha ya hu masatmiti tinige' opinion, pusision, pat mensáhe kao ha aksepta pat ha kokontra i regulasion siha guatto gi Abugao Henerát, Dibision Sibat, gi mina dos bibienda gi Honoráple Juan A. Sablan Memorial Building, Caller Box 10007, Capitol Hill, giya Saipan MP 96950 tilifon 670-664-2341 pat fax 670-664-2349 gi halom trenta (30) dias despues de mapupblika este na notisia gi Rehistran i Commonwealth. Debi di hu masatmiti i opinion, pusision pat mensáhe guatto gi atension James D. Livingston, i Ayudánten i Abugao Henerát.

Mafecha este gi mina _____ na ha'áne gi Ineru 2005 giya Saipan, Commonwealth I Sankattan Siha Na I slas Mariana.


ABUGAO HENERÁT

Ginen as: _____
Pamela Brown
Abugao Henerát

Sigun i lai 1 CMC Seksiona 2153, ni ma'amenda, i mapropone na regulasion ni tineteka i Setifikasion Initiative, Referendum yan i Petition Recall siha, ni man che'che'ton guine, esta man ma'ina yan ma'aprueba i fotma kumo sufisiente na ligat ginen i Ofisinan i Abugao Henerát i CNMI.

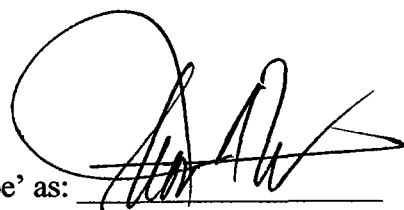
Ginen as: _____
James Livingston
Ayudánten i Abugao Henerát

Fecha

Pinelo' as: 
Bernadita B. Dela Cruz
Rehistran i Commonwealth

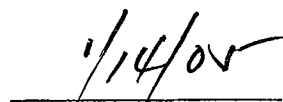
1-14-05
Fecha

Marisibe' as:



Thomas A. Tebuteb

Espesiât Na Ayudânte Para i Atministrasion



Fecha

ARONGOL TOULAP
POMWOL ALLEGH REEL ALUGHULUGHUL MMWAL AGHIYEGHIL,
REFEREDUM, ME AMMWEL ASSEFALIL PETITION KKAAL

Allegh kkaal nge e akkatewow bwelle reel Administrative Procedures Act, 1 CMC talil 9101, et seq. Sow bwungul allegh ekke akkate allegh kkaal bwelle alughulughul mmwal aghiyegh, referendum, me assefalil petition kkaal.

- Akkateel bwangil: Sow Bwungul Allegh nge e mweiti ngali akkateel allegh kkaal bwelle reel alughulughul mmwal aghiyegh, referendum, me assefalil petition kkaal sangi Articles 1X me XVIII ngali N.M.I. allegh lapalapa NMI.
- Aweewel pomwol lliwel: Allegh kkaal nge e sobwosobw yaar schungi yaayal ngali Article IX me XVIII ngali Allegh Lapalapa NMI me allegheló mwoghutul iye tooto mereel Sow Bwungul Allegh Lapalapa reel isisiwowul scheel alughulugh (certifications).
- Aweewel pomwol allegh: Ammwel kkaal nge e allegheló tingórol signatures reel petitions bwelle mmwal aghiyegh, referendum, me assefalil petition kkaal. Allegh kkaal ebwal alughulughul rallil me tingórol igha rebwe akkawasch alughulugh (certification) mereel Sow Bwungul Allegh bwelle igha, kkapasal petition nge rebwe ayoora ballot ngaliir toulap me rallil affil (election).
- Aweewel akkaaw allegh: Esóor
- Reel ammataf faingi: James D. Livingstone, Sow Alillisil Sow Bwungul Allegh Lapalapa, Bwulasiyool Sow Bwung, Civil Division, aruwowal pwo Hon. Juan A. Sablan Memorial Building, Caller Box 10007, Capitol Hill, Seipel, MP, 96950, tel: 670-6642341 me fax: 670-664-2349.

Rallil ye _____ llol Schoow 2005.

Isaliyallong:

Pamela Brown
Sow Bwungul Allegh Lapalapa

ARONGOL TOULAP
POMWOL ALLÉGH REEL ALÚGHÚLÚGHÚL MMWAL AGHIYEGHIL
REFEREDUM, ME ASSEFÁLIL PETITION KKAAL

Mángemángil Sów Bwungúl Allégh Lapalap igha ekke arongaar toulap bwe ebwe fillóoy allégh kka e ffé bwelle alúghúlúghúl mmwal aghiyegh, referedum, me assefálil petition kkaal. Allégh kkaal ikka e appasch me akkatééwow mereel bwángil Sów Bwungúl Allégh iye aa allégheló mellól Article 1X me XVII ngáli Allégh Lapalapal NMI.

Schóókka eyoor mángemángiir reel pomwol allégh kkaal nge rebwe ischilong, kkapasal, me ngáre aweewe reel aingiingil allégh kkaal ngáli Sów Bwungul Allégh Lapalap Pamela Brown, Bwulasiyool Sow Bwungul Allegh Lapalap, Civil Division, aruwowal pwo Hon. Juan A. Sablan Memorial Building, Caller Box 10007, Capitol Hill, Seipél, MP, 96950, tel: 670-664-2341 me fax: 670-664-2349, llol eliigh (30) raalil mwiril yaal arongowow ammataf yeel mellol Commonwealth Register. Aghiyegh, kkapasal me aweewe nge ebwe akkafang ngáli James D. Livingstone, Sów alillisil Sów Bwungúl Allégh Lapalap.

Rállil ye _____ llól Schoow 2005 wóól Seipél, Commonwealth Téél Falúwasch Marianas.

SÓW BWUNGÚL ALLÉGH LAPALAP

Sángi: _____
Pamela Brown
Sow Bwungul Allegh Lapalap

Sangi allégh ye 1 CMC táilil 2153, iye aa lliwel, pomwol allégh bwelle alúghúlúghúl mmwal aghiyegh, referendum, me assefalil petition kkaal, tiliighial iye e appasch, nge raa takkal amweri fischiy me allegheló mereel Bwulasiyool Sów Bwungul Allégh Lapalap.

Sangi: _____
James Livingstone
Sów alillisil Sów Bwungul Allegh

Rál

Aisis sangi: _____
Bernadita Dela Cruz

1-14-06

Rál

Mwir sangi: _____
Thomas Tebuteb
Sów alillisil Sów Lemelem

1/14/05

Rál

**REGULATIONS GOVERNING THE
CERTIFICATION OF SIGNATURES FOR INITIATIVE,
REFERENDUM, AND RECALL PETITIONS**

ARTICLE I. GENERAL PROVISIONS

Section 1-101. Purposes.

Articles IX and XVIII of the N.M.I. Constitution provide that the Attorney General must certify all popular initiative petitions that propose constitutional amendments and all initiative or referendum petitions that propose amendments to laws of the Commonwealth of the Northern Mariana Islands (the "Commonwealth") or local laws of a Senatorial District of the Commonwealth as well as all recall petitions before the Commonwealth Election Commission places the petition question on the ballot. The intent of these regulations is to establish procedures and guidelines by which the Attorney General shall certify that the requirements of Articles IX and XVIII of the N.M.I. Constitution have been met so that such petitions may be placed on an election ballot.

Section 1-102. Authority.

These regulations are promulgated pursuant to Articles IX and XVIII of the N.M.I. Constitution, whereby the Attorney General is required to issue certifications regarding compliance with the Constitution.

Section 1-103. Severability.

If any provision of these regulations or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations and to this end, the provisions of these regulations are declared to be severable.

ARTICLE II. NUMBER OF SIGNATURES REQUIRED

Section 2-101. Determination Of Individuals Qualified To Vote For Initiative Or Referendum Petitions.

Except as provided for in Section 2-103, for initiative or referendum petitions, the Attorney General shall determine the total number of individuals qualified to vote by using the total number of persons registered to vote in the Commonwealth by the Commonwealth Election Commission one hundred fifty (150) days prior to the next general election.

Section 2-102 Determination Of Individuals Qualified To Vote For Recall Petition.

The Attorney General shall determine the total number of individuals qualified to vote for a recall petition by using the total number of persons registered to vote in the

Commonwealth by the Commonwealth Election Commission. If the party submitting the recall petition seeks to have it included on the ballot in the next general election (“General Election Recall Petition”), the Attorney General shall use the total number of voters registered by the Commonwealth Election Commission one hundred fifty (150) days prior to the next general election. If the party submitting the recall petition seeks to have it included on the ballot in a special election (“Special Election Recall Petition”), the Attorney General shall use the total number of voters registered by the Commonwealth Election Commission on the day the petition is submitted to the Attorney General for certification.

Section 2-103. Determination Of Individuals Qualified To Vote For Initiative Petitions Proposing Constitutional Amendments To Be Included On The Ballot During Special Elections.

If a party submits an initiative petition for a constitutional amendment that the party seeks to have included on the ballot in a special election (“Special Election Popular Constitutional Initiative Petition”), the Commonwealth Election Commission shall determine the total number of registered voters on the day the petition is submitted to the Attorney General for certification.

Section 2-104. Who May Sign Petition.

An individual may sign an initiative, referendum, or recall petition, and the Attorney General shall count such signature, if he or she: (a) is eligible to vote under the N.M.I. Constitution and Commonwealth law, and (b) has properly registered to vote with the Commonwealth Election Commission at the time he or she signs the petition and as of the date of the Commonwealth Election Commission’s determination of the total number of individuals qualified to voter for the petition. All individuals who meet this criteria are considered “qualified to vote,” as that phrase is used in the N.M.I. Constitution.

ARTICLE III. ATTORNEY GENERAL CERTIFICATION

Section 3-101. Submitting Constitutional Initiative Petition to Attorney General.

Except for Special Election Popular Constitutional Initiative Petitions, all petitions regarding amendments to the N.M.I. Constitution shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later than one hundred fifty (150) days prior to the next regular general election. The Attorney General shall not certify any petitions that are submitted after this deadline. Special Election Popular Constitutional Initiative Petitions may be submitted to the Attorney General at any time, except they may not be submitted within one hundred fifty (150) days of a regular general election.

Section 3-102. Submitting Commonwealth-wide Or Local Initiative Or Referendum Petition To Attorney General.

All initiative or referendum petitions regarding Commonwealth-wide or local laws shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one hundred and fifty (150) days prior to the next regular general election. The Attorney General shall not certify any petitions that are submitted after this deadline, except as provided in Section 3-110.

Section 3-103. Submitting Recall Petitions To Attorney General.

For General Election Recall Petitions, the recall petition shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one hundred and fifty (150) days prior to the next regular general election. The Attorney General shall not certify any General Election Recall Petition that is submitted after this deadline, except as provided in Section 3-113. Special Recall Petitions may be submitted to the Attorney General at any time, except they may not be submitted within one hundred fifty (150) days of a regular general election.

Section 3-104. Contact Person.

Every petition submitted to the Attorney General's Office shall be accompanied by a written statement identifying the name of a person submitting the petition, and his or her address and phone number. The Attorney General shall refuse to certify petitions that are not accompanied by this information.

Section 3-105. Petition and Signature Pages.

- (1) Initiative Petitions. Each initiative petition shall contain the full text of the proposed amendment. All signature pages must be attached to a copy of the petition containing the full text of the proposed amendment. If an initiative petition proposes a new law or constitutional amendment, the "full text of the proposed amendment" means the full text of the new proposal. If the initiative petition proposes to modify an existing law or constitution section, the "full text of the proposed amendment" means the full text of relevant sections of the existing law or constitutional section with the proposed changes incorporated and highlighted in bold for new text or with strikethroughs for proposed deleted text. For petitions that propose to modify existing laws or constitutional sections, the sections of the existing law or N.M.I. Constitution that are not proposed to be changed and are not necessary for the understanding of the sections that are proposed to be modified do not need to be attached to the signature pages.

- (2) Referendum Petitions. Each referendum petition shall contain the full text of the law sought to be rejected and all signature pages shall be attached to a copy of the petition containing full text of the law sought to be rejected.
- (3) Recall Petitions. Each recall petition shall identify the public official sought to be recalled by name and office and state the grounds for recall. All signature pages for the recall petition shall be attached to a copy of the petition containing the name and office of the public official sought to be recalled and the grounds for the recall.
- (4) Special Requirements For All Petitions Involving Recall And Popular Constitutional Amendment Petitions. In addition to the other requirements of this section, the party submitting petitions regarding recalls or popular constitutional amendments must indicate whether the petition is to be included on the ballot of a special or general election. This information must also be included on all signature pages. If this information is not included, the party requesting certification shall be deemed to have submitted a petition for inclusion at the next general election.
- (5) Requirements of all petitions. The signature pages for all petitions shall contain a place for the signing party to provide the following information:
 - (a) Signature;
 - (b) Printed name;
 - (c) Date of birth or voter registration affidavit number;
 - (d) Mailing address;
 - (e) Voting district; and
 - (f) Date of signature.

All information must be included for a signature to be certified as valid.

Individuals submitting petitions are encouraged to use the form attached to these regulations as Exhibit A for their signature pages.

Section 3-106. Affidavit Accompanying Petition and Signatures.

Each petition and attached signature pages shall be submitted to the Attorney General with an affidavit signed by the individual or individuals who circulated the petition and obtained the signatures stating the following:

- (1) That the person signing the affidavit is the person who obtained the signatures attached to the petition;
- (2) That the person signing the affidavit witnessed the execution of all signatures attached to the petition, and to the best of his or her knowledge the signatures are of the persons who they purport to be;

- (3) When the signatures were obtained, the information required to be attached or included in the petition by Section 3-105 was attached or included and each person signing was advised of its presence; and
- (4) That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

A declaration made in compliance with 7 CMC § 3305 and consistent with the requirements of this section may be submitted in lieu of an affidavit.

Section 3-107. Attorney General To Advise Petitioning Party Regarding Certification For Petition Regarding Constitutional Amendment.

Except for Special Election Popular Constitutional Initiative Petitions, one hundred ten (110) days prior to the next regular general election, the Attorney General shall notify the party who submitted a petition regarding a constitutional amendment regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If a sufficient number of signatures of the qualified voters in the Commonwealth were submitted, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten (10) calendar days to file additional signatures in support of the petition. If an insufficient number of signatures of the qualified voters in the Commonwealth were submitted as specified in these regulations, the party circulating the petition shall not receive any additional time to obtain signatures.

Section 3-108. Attorney General To Advise Petitioning Party Regarding Certification For Special Election Popular Constitutional Initiative Petitions.

The Attorney General shall notify the party who submitted a Special Election Popular Constitutional Initiative Petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition, forty (40) days after the petition is submitted for certification. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party may re-file the petition with additional signatures at any time. If a re-filed petition is filed within ten (10) days of the Attorney General's denial of certification, the Attorney General shall inform the party how many valid signatures, as determined by the Attorney General, were submitted in support of the petition, within twenty (20) days of the re-filing. If a re-filed petition is filed more than ten (10) days after the Attorney General's first denial of certification, it shall be deemed to be a new petition.

Section 3-109. Attorney General To Advise Petitioning Party Regarding Certification For Initiative Or Referendum Regarding Commonwealth-wide Or Local Law.

One-hundred twenty days (120) days prior to the next regular general election, the Attorney General shall notify the party who submitted a timely initiative or referendum petition regarding a Commonwealth-wide or local law regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If a sufficient number of signatures of the qualified voters in the Commonwealth were submitted as specified in the N.M.I. Constitution, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten (10) days to file additional signatures in support of the petition. If an insufficient number of signatures of the qualified voters in the Commonwealth were submitted, the party circulating the petition shall not receive any additional time to obtain signatures.

Section 3-110. Accepted Late-Filed Petitions Regarding Certification For Commonwealth-wide Or Local Law.

All initiative or referendum petitions regarding amendments to Commonwealth-wide or local laws submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one-hundred and twenty (120) days prior to the next regular general election shall be considered Accepted Late-Filed Initiative Petitions. The Attorney General will accept all such Accepted Late-Filed Initiative Petitions for certification. The Attorney General shall not certify any petitions that are submitted after this deadline.

Section 3-111. Attorney General To Advise Petitioning Party Regarding Certification For Accepted Late-Filed Initiative Petition.

Ninety (90) days prior to the next regular general election, the Attorney General shall notify the party who submitted an Accepted Late-Filed Initiative Petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall not have another opportunity to submit additional signatures in support of the petition.

Section 3-112. Attorney General To Advise Petitioning Party Regarding Certification For General Election Recall Petition.

One hundred twenty days (120) days prior to the next regular general election, the Attorney General shall notify the party who submitted a timely General Election Recall Petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If a sufficient number of signatures of the individuals qualified to vote in the Commonwealth were submitted as specified in the

N.M.I. Constitution, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten (10) days to file additional signatures in support of the petition. If an insufficient number of signatures of the qualified voters in the Commonwealth were submitted as specified in these regulations, the party circulating the petition shall not receive any additional time to obtain signatures.

Section 3-113. Accepted Late-Filed Petitions Regarding Certification For General Election Recall Petition.

All General Election Recall Petitions submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one-hundred and twenty (120) days prior to the next regular general election shall be considered Accepted Late-Filed General Election Recall Petitions. The Attorney General will accept all such Accepted Late-Filed General Election Recall Petitions for certification. The Attorney General shall not certify any petitions that are submitted after this deadline.

Section 3-114. Attorney General To Advise Petitioning Party Regarding Certification For Accepted Late-Filed General Election Recall Petition.

Ninety (90) days prior to the next regular general election, the Attorney General shall notify the party who submitted an Accepted Late-Filed General Election Recall Petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall not have another opportunity to submit additional signatures in support of the petition.

Section 3-115. Special Election Recall Petitions.

Sixty (60) days after receiving a recall petition to be submitted at a special election, the Attorney General shall notify the party who submitted the petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party may re-file the petition with additional signatures at any time. If a re-filed petition is filed within ten (10) days of the Attorney General's denial of certification, the Attorney General shall inform the party how many valid signatures, as determined by the Attorney General, were submitted in support of the petition, within twenty (20) days of the re-filing. If a re-filed petition is filed more than ten (10) days after the Attorney General's first denial of certification, it shall be considered a new petition.

ARTICLE IV. CERTIFICATION TO THE GOVERNOR

Section 4-101. Deadline for Submitting Petition to Governor.

The Attorney General shall submit Special Election Recall Petitions that he or she has certified as complying with Article IX, § 3(a) of the N.M.I. Constitution to the Governor on the day the petition is certified.

ARTICLE V. CERTIFICATION TO LEGISLATURE

Section 5-101. Deadline for Submitting Petition to Legislature.

Except for Special Election Popular Constitutional Initiative Petitions, the Attorney General shall submit all petitions that he or she has certified as complying with Article XVIII, § 4(a) of the N.M.I. Constitution, to the Legislature on the day the petition is certified or ninety (90) days prior to the next regular general election, whichever is earlier. For Special Election Popular Constitutional Initiative Petitions, the Attorney General shall submit all petitions that he or she has certified as complying with Article XVIII, § 4(a) of the N.M.I. Constitution, to the Legislature on the day the petition is certified.

ARTICLE VI. CERTIFICATION TO THE COMMONWEALTH ELECTION COMMISSION.

Section 6-101. Attorney General's Certification to Commonwealth Election Commission Regarding Petitions Seeking To Amend The N.M.I. Constitution.

The Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each petition to amend the N.M.I. Constitution it receives. This certification shall advise the Commonwealth Election Commission whether or not the petition has complied with the requirements of Article XVIII, § 4(a) of the N.M.I. Constitution. Except for Special Election Popular Constitutional Initiative Petitions, this certification shall be provided on the date it is issued or ninety (90) days prior to the next regular general election, whichever is earlier. For Special Election Popular Constitutional Initiative Petitions, the Attorney General shall submit all petitions that he or she has certified as complying with Article XVIII, § 4(a) of the N.M.I. Constitution, to the Commonwealth Election Commission on the day the petition is certified under Section 3-108.

Section 6-102. Attorney General's Certification To Commonwealth Election Commission Regarding Petitions Seeking To Amend Commonwealth-wide Or Local Laws.

For an initiative or referendum petition regarding an amendment to a Commonwealth-wide or local law, the Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each petition that is submitted to the Attorney General. This certification shall advise the Commonwealth Election

Commission whether or not the petition has complied with the requirements of Article IX of the N.M.I. Constitution. The Attorney General shall notify the Commonwealth Election Commission on the day the certification is issued or ninety (90) days prior to the next regular general election, whichever is earlier.

Section 6-103. Attorney General's Certification To Commonwealth Election Commission Regarding Recall Petitions.

The Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each recall petition submitted to the Attorney General. This certification shall advise the Commonwealth Election Commission whether or not the petition has complied with the requirements of Article IX of the N.M.I. Constitution. Except for Special Election Recall Petitions, the Attorney General shall notify the Commonwealth Election Commission on the day the certification is issued or ninety (90) days prior to the next regular general election, whichever is earlier. For Special Election Recall Petitions, the Attorney General shall submit all petitions that he or she has certified as complying with Article IX of the N.M.I. Constitution, to the Commonwealth Election Commission on the day the petition is certified under Section 3-115.

Section 6-104. Amendment Proposed.

A constitutional amendment petition shall be considered proposed, as that term is used in Article XVIII, § 5(a) of the N.M.I. Constitution, when the Attorney General certifies it.

ARTICLE VII. DEADLINES.

Section 7-101. Determination Deadlines.

If any deadline specified in these regulations falls on a Saturday, Sunday, Commonwealth holiday, or other non-work day, the date specified shall be the immediately preceding business day. For any filing under these regulations to be considered timely, it must be filed by 4:30 P.M. on the due date.

Section 7-102. Calendar Days.

Unless the term "business days" is used, all references to "days" mean calendar days. "Business day" means any day that is not a Saturday, Sunday, Commonwealth holiday, or other non-work day.

A PETITION

To the Attorney General:

We, the undersigned, do hereby declare that we are qualified to vote in the () Senatorial District of the Commonwealth of the Northern Mariana Islands and do hereby further affix our signatures pursuant to Article ____, Section ____ of the Constitution of the Commonwealth of the Northern Mariana Islands, and by the authority of the same, petition for the enactment of:

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

	FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
				ELECTION DISTRICT
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Initiative Petition
Page 2.

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
			ELECTION DISTRICT
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
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23			
24			
25			

Initiative Petition
Page 3.

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

	FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
				ELECTION DISTRICT
26				
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28				
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32				
33				
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35				
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Initiative Petition
Page 4.

((Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
			ELECTION DISTRICT
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
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54			
55			

Initiative Petition
Page 5.

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
			ELECTION DISTRICT
56			
57			
58			
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61			
62			
63			
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70			

Initiative Petition
Page 6.

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
			ELECTION DISTRICT
71			
72			
73			
74			
75			
76			
77			
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84			
85			

Initiative Petition
Page 7.

(Title of Initiative)

[NOTE: If the petition is for a recall or a constitutional amendment, indicate if you want the petition to be on the ballot of a special or general election.]

	FULL LEGAL NAME (SIGN AND PRINT)	DATE OF BIRTH	MAILING ADDRESS	DATE SIGNED
				ELECTION DISTRICT
86				
87				
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100				

PUBLIC NOTICE

AMENDMENTS TO THE REGULATIONS OF THE
COMMONWEALTH ELECTION COMMISSION

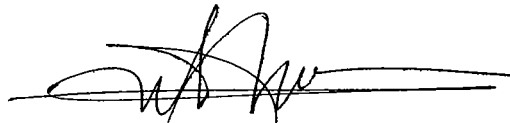
Pursuant to the authority granted the Commonwealth Election Commission by § 6105 of Public Law 12-18, as amended, to promulgate rules and regulations governing elections in the Commonwealth, the Commonwealth Election Commission, acting through its Chairman and on its behalf adopted this amendment to the regulations that will lower the time that the Commission shall retain election ballots from the day of the election from 48 months to 16 months. After 16, rather than 48 months, the Commission may permanently dispose of the election ballots.

The amendment to the regulations may be inspected at, and copies obtained from, the Commonwealth Election Commission's offices at 1313 Anatahan Drive, Capitol Hill, Saipan. The amendment to the regulations are also published in the Commonwealth Register. The Commonwealth Election Commission is soliciting comments on the amendments to the regulations from the general public.

Anyone interested in commenting on the amendments to the regulations may do so in writing to the Commonwealth Election Commission, P.O. Box 500470, Saipan, MP, 96950-0470. Written comments may also be delivered to the Commonwealth Election Commission's offices or faxed to (670) 664-8689. All comments must be in writing and must be received in 30 days from the date this notice is published in the Commonwealth Register.

The Commonwealth Election Commission adopted this amendment on December 17, 2004.

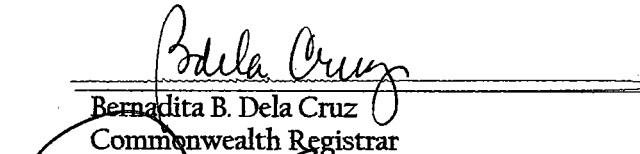
Certified by:



MIGUEL M. SABLAN
Chairman
Commonwealth Election Commission

12-20-04
Date

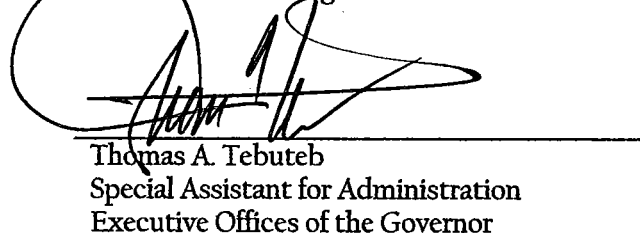
Filed by:



Bernadita B. Dela Cruz
Commonwealth Registrar

1-11-05
Date

Received by:



Thomas A. Tebuteb
Special Assistant for Administration
Executive Offices of the Governor

1/14/05
Date

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



Attorney General



Date

NOTISIAN PUPBLIKU

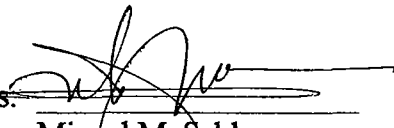
MAN MA'AMENDA NA REGULASION SIHA GI KUMISION BOTASION I COMMONWEALTH

Sigun i aturidat ni ma'entrega i Kumision Botasion i Commonwealth ginen 6105 gi Lai Pupbliku 12-18, ni ma'amenda, para hu establesi areklamento yan regulasion siha ni ginebebietna i botasion siha gi Commonwealth, i Kumision Botasion i Commonwealth, enkuenta de i Kabiseyo yan i membru siha, ma'adopta este na amendasion gi regulasion siha ni pot para hu meños i tiempo i Kumision ni para hu susteni i balotun i botasion siha ginen i ha'anen i botasion desde kuarentai-ochu (48) mesis esta dies i sais (16) mesis. Despues di dies i sais (16) enlugat de kuarentai - ochu(48) mesis, i Kumision siña ha despacha i balotun botasion petmanente.

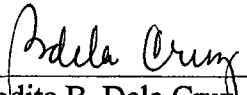
I amendasion para i regulasion siha siña ma'eksamina yan siña man machule' kopia siha ginen, i Ofisinan i Kumision Botasion i Commonwealth gi 1313 Anatahan Drive, gi Capitol Hill, giya Saipan. I amendasion i regulasion siha man mapupblisa lokkue gi Rehistran i Commonwealth. I Kumision Botasion i Commonwealth man gâgâgao opinion siha pot i amendasion i regulasion gi pupbliku henerat.

Maseha hâye' interesao man nâ'i' opinion pot i amendasion para i regulasion siha siña ha' tugi'e' guatto i Kumision Botasion i Commonwealth, P.O. Box 500470, Saipan, MP 96950-0470. Siña lokkue ma'entrega guatto i Ofisinan i Kumision Botasion i Commonwealth ni tinige' opinion pat sino fax guatto gi (670) 664-8689. Todu i tinige' debi di umarisibe' gi halom trenta (30) diha siha desde i fechan este na notisia anai mapupblika gi Rehistran i Commonwealth.

I Kumision Botasion i Commonwealth ma'adopta este na amendasion gi Disiembre 17, 2004.

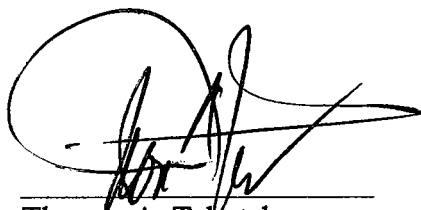
Masetifika as: 
Miguel M. Sablan
Kabiseyo
Kumision Botasion i Commonwealth

12-20-04
Fecha

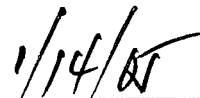
Pinelo' as: 
Bernadita B. Dela Cruz
Rehistran i Commonwealth

1-11-05
Fecha

Marisibe' as:



Thomas A. Tebuteb
Espisiât Na Ayudânte Para i Atministrasion
Ofisinan Eksekatibu gi Gubietno



Fecha

Sigun i lai 1 CMC Seksiona 2153, ni ma'amenda ginen i Lai Pupbliku 10-50, i areklamento yan regulasion siha ni man che'che'ton guine man maribisa yan ma'aprueba ginen i Abugâdo Henerat i CNMI.

Abugâdo Henerat

Fecha

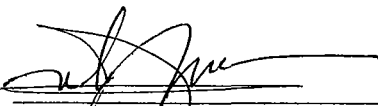
ARONGOL TOULAP
LLIWEL KKAAL NGÁLI ALLÉGÚL COMMONWEALTH ELECTION COMMISSION

Sáangi bwángiy ye re ngálley mereel Commonwealth Election Commission bwelle reel alléghúl Toulap 12-18, iye aa lliwel, igha ebwe akkaté allégh kkaal ye e lemelem election mellól Commonwealth, Commonwealth Election Commission, acting sangi Assamwool me sáangi fillóoy lliwel yeel ngáli allégh kka ebwe fischeli ótol Commission ebwe aisis bwotoo sangi ótol election lll faigh me waluw (48) maram ngáli seigh me oloow (16) maram. mwiril seigh me oloow (16). Mmwal igha faigh me waluw (48) maram, Commission nge emmwel ebwe ayúwúló election ballots.

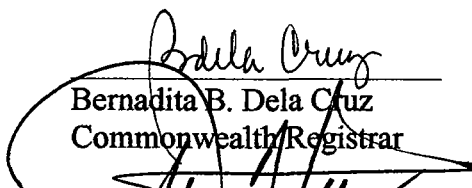
Lliwel yeel ngáli allégh kkaal nge emmwel rebwe amweri mereel, me tiliighial rebwe bwughil mereel, Bwulasiyool Commonwealth Election reel 1313 Anatahan Drive, Capitol Hill, Seipel. Lliwel yeel ngáli allégh kkaal nge aa akatéélong llól Commonwealth Register, Commonwealth Election ebwal mwuschel ghuley sáangi mángemángiir toulap reel lliwel kkaal ngáli alléghúl.

Schóókka eyoor mángemángiir reel lliwel kkaal ngáli allégh kkaal nge emmwel rebwe ischilong reel Commonwealth Election Commission, P.O. Box 500470. Ischil nge ebwal mmwel bwe rebwe afangaaló reel Bwulasiyool Commonwealth Commission me ngáre fax reel (670) 664-8689. Alongal mángemáng nge rebwe ischiy me rebwe bwughil llól eliigh (30) rállil sáangi yaal arongowow mellól Commonwealth Register.

Commonwealth Election Commission e fillóoy lliwel yeel ótol Tumwur (December) 17, 2004.

Alúghúlúgh sáangi: 
MIGUEL M. SABLAN
Assamwool
Commonwealth Election Commission

12-20-04
Rál

Aisis sáangi: 
Bernadita B. Dela Cruz
Commonwealth Registrar

1-11-05
Rál

Mwir sáangi: 
Thomas A. Tebuteb
Sów alillisil Sów Lemelem

1/14/05
Rál

Sáangi allégh ye 1 CMC talil 2153, iye aa lliwel mereel Alléghúl Toulap 10-50, allégh kka e appasch nge raa takkal amweri fischiy me alúghúlúgh sáangi CNMI Sów Bwungúl Allégh Lapalap.

Sów Bwungúl Allégh Lapalap

Rál

PROPOSED AMENDMENTS TO SECTION 5.27 OF THE REGULATIONS
OF THE COMMONWEALTH ELECTION COMMISSION

Section 5.27 of the Commonwealth Election Commission's Regulations published in the Commonwealth Register Volume 23, Number 8, on August 16, 2001, pages 18252 and 18253, is hereby amended to read as follows:

Section 5.27 Counted Ballots (Post-Tabulation Procedures). Once the ballots have been counted for each particular precinct, then they are to remain segregated and identified as counted ballots from that precinct. The ballots must be segregated in a portion of the counting center, and they are to be guarded by at least two people, while the tabulating of ballots is ongoing. The election commission must retain the actual ballots for ~~48~~ 16 months from the date of the election. After ~~48~~ 16 months passed then the commission may permanently dispose the ballots.

**REGULATIONS
AND
NOTICE OF PROPOSED REGULATIONS
DEPARTMENT OF COMMERCE**

COMMERCE REGULATIONS

The Secretary of the Department of Commerce proposes to promulgate new and amended Regulations Governing Insurance and Bonding Companies.

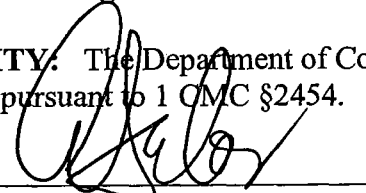
Specifically, these regulations will improve the capacity of the Department of Commerce to monitor the solvency and capital adequacy of the affected businesses.

COPIES OF REGULATIONS: The proposed Regulations are hereby published in the Commonwealth Register. Copies of the proposed regulations may be obtained from Secretary of the Department of Commerce, Caller Box 10007, Saipan, MP 96950.

PUBLIC COMMENTS: It is the intent of the Secretary of the Department of Commerce to adopt the regulations as permanent regulations pursuant to 1 CMC Section 9104 (a) (1) and (2). The regulations are being published as proposed regulations and the public is provided an opportunity to comment on the proposed regulations.

All interested persons may submit written statements, data, views, or arguments about the proposed regulations to the Secretary, Department of Commerce, Caller Box 10007, Saipan, MP 96950, not later than thirty (30) days from the date of this publication in the Commonwealth Register.

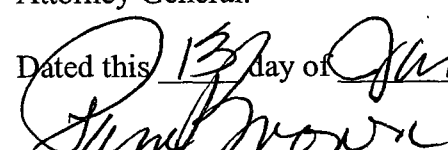
AUTHORITY: The Department of Commerce is authorized to promulgate these regulations pursuant to 1 CMC §2454.

Issued by: 
Andrew Salas, Secretary
Department of Commerce

1/14/05
Date

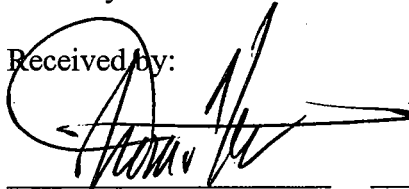
1-14-05
Date

Pursuant to 1 CMC § 2153, the rules and regulations attached hereto have been reviewed as to form and legal sufficiency, and approved by the CNMI Office of the Attorney General.

Dated this 13 day of Jan., 2005.

Pamela S. Brown

Attorney General

Received by:




1/14/05

Thomas A. Tebuteb
SAA

Date

Recorded by:



1-14-05

Bernadita Delacruz
Commonwealth Register

Date

**REGULASION SIHA
YAN
NOTISIA POT I MAN MAPROPONE NA REGULASION SIHA
DIPÀTTAMENTON I KOMETSIO (COMMERCE)**

REGULASION SIHA GI KOMETSIO

I Sekretàrion i Dipàttamenton i Kometsio ha prpopone para hu establesi nuebu ya ma amenda i Regulasion siha ni Ginebebietna i Kompanian Insurance yan Bonding siha.

Spesifikàmente, este na regulasion siha siempre ha adilànta i kapasidat i Dipàttamenton i Kometsio para hu ina i salàpe yan guinahan kapitat siha ni man inafekta na bisnis siha.

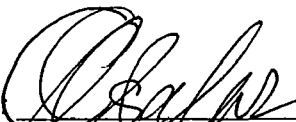
KOPIAN I REGULASION SIHA: Mapupblika i mapropone na regulasion gi Rehistran i Commonwealth ya siña hu fan machule' i kopia siha gi Sekretàrion i Dipàttamenton i Kometsio, gi Caller Box 10007, Saipan MP 96950.

OPINION I PUPBLIKU: I intension i Sekretàrion i Dipàttamenton i Kometsio para hu adopta este na regulasion siha gi petmanente sigun i lai 1 CMC Seksiona 9104 (a)(1) yan (2). Mapupblika ya maprobeniyi opotunidat i pupbliku para hu fan gai' opinion pot i mapropone na regulasion siha.

Todu i man enteresao na petsona siña ma satmiti i tinige', deklarasion, infotmasion, opinion, pat mensàhe kao ha aksepta pat ha kokontra i mapropone na regulasion siha guatto gi Sekretàrio gi Dipàttamenton i Kometsio, Caller Box 10007, giya Saipan MP 96950, ti menos de trenta (30) dias desde i ha'änen i pupblikan este na Notisia gi Rehistran i Commonwealth.

ATURIDÁT: Sigun i lai 1 CMC Seksiona 2454, ma'aturisa i Dipàttamenton i Commerce para hu establesi este na regulasion siha.

Linaknos


Andrew A. Salas, Sekretàrio
Dipàttamenton i Commerce

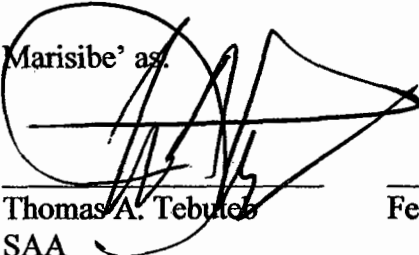
1/14/05
Fecha

1/14/05
Fecha

Sigun i lai 1 CMC Seksiona 2153, i areklamento yan regulasion ni man che'che'ton guine esta man ma'ina yan ma'apueba i fotma kumo suficiente na ligat ginen i Ofisinan i Abugao Henerat i CNMI.

Mafecha este gi mina _____ na ha'ane gi _____, 2005.

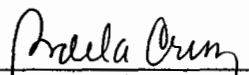
Pamela Brown
Abugao Henerat

Marisibe' as.


Thomas A. Tebuteb
SAA

Fecha

Rinikot as:



Bernadita B. Dela Cruz
Rehistran i Commonwealth

1-17-05
Fecha

PROPOSED AMENDMENT TO THE INSURANCE RULES AND
REGULATIONS, Comm. Reg. Vol. 20, No. 6, at 15914-17
(June 15, 1998) (effective date, November 25, 1998).

Citation of Statutory Authority: 1 CMC § 2454 modified by Exec. Order 94-3 (effective 8/23/94) authorizes the Secretary of the Department of Commerce to promulgate regulations over matters which the Department has jurisdiction.

Statement of Goals/Objectives: The purpose of the new proposed regulation is to cause Insurance Providers of Labor Bonds to retain percentages of their premiums and raise this rate of retained premiums over time to better suit the risk of exposure to claims based upon the Labor Bonds. The initial rate of retained premiums is ten (10) percent raised over the next four years to ultimately require twenty-five (25) percent retained premiums in accounts monitored quarterly by the Department.

Brief Summary of the Regulation: The regulation provides for the retention of certain premium reserve requirements for labor bonding companies on a graduated scale over the next four years to ultimately result in a twenty-five (25) percent retention of premiums in addition to the requirement for the \$100,000 time deposit or the \$100,000 irrevocable letter of credit.

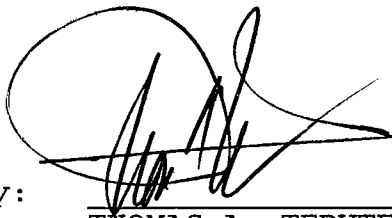
Contact Person(s): Jesse S. Palacios; Insurance Administrator; (670) 664-3017.

Citation of Related and/or the Affected Statutes, Regulations 4 CMC §§ 7101, et seq, Comm. Reg. Vol. 20, No. 6, at 15914-17 (June 15, 1998) (effective date November 25, 1998); Comm. Reg. Vol. 16, No. 11 at 12586-12604 (November 15, 1994).

Date: January 14, 2005.



Andrew S. Salas
Secretary of Commerce



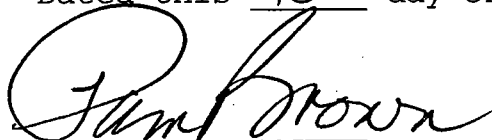
Received by:

THOMAS A. TEBUTEB
Special Assistant
for Administration

Date: 1/14/05

Pursuant to 1 CMC § 2153, the rules and regulations attached have been received and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 13 day of January, 2005.



PAMELA S. BROWN
Attorney General

Filed and Recorded by:


Bernadita De la Cruz

Date: 1-14-05

SECTION 15. SECOND RULE. SECURITY DEPOSIT

- A. As security for the faithful performance of its obligations each insurer, as a condition of engaging in the business of issuing surety bonds for nonresident worker labor-related risk exposure, as required by the Director of Labor for the bonding of nonresident worker labor-related risk exposure, for calendar year 2005 shall deposit on a monthly basis with a duly licensed bank in the Commonwealth ten (10) percent of its premiums written each month on every surety (labor) bond for nonresident workers, **in addition** to the required One Hundred Thousand (\$100,000) Dollars in time deposits for a period of one year, or the One Hundred Thousand (\$100,000) Dollars irrevocable letter of credit in a duly licensed bank in the Commonwealth, for the benefit of labor-related risk exposure of nonresident workers, with such deposits to be maintained at all times. Each following calendar year, the same insurer shall, in addition to the required One Hundred Thousand (\$100,000) Dollars in time deposits for a period of one year, or the One Hundred Thousand (\$100,000) Dollar irrevocable letter of credit, shall increase the monthly deposit by an additional five (5) percent of its labor-related risk exposure for nonresident workers. The additional calendar year five (5) percent increases in monthly deposits shall continue until the monthly deposits reach twenty-five (25) percent of the total nonresident worker labor-related risk exposure. For example: for calendar year 2005 the monthly deposit shall be ten percent (10%) of the total nonresident worker labor-related premiums written; for calendar year 2006 the monthly deposit shall be fifteen percent (15%) of the total nonresident worker labor-related premiums written; for calendar year 2007 the monthly deposit shall be twenty percent (20%) of the total nonresident worker labor-related premiums written; and, for calendar year 2008 the monthly deposit shall be twenty-five percent (25%) of the total nonresident worker labor-related premiums written. The Insurance Commissioner prescribes the following procedures and guidelines:
1. On or before renewal of an insurer's Certificate of Authority it must present to the Insurance Commissioner the required security deposits or irrevocable letter of credit and a quarterly listing of all nonresident labor bonds. The listing shall include such items as names of insured, employers, amount of coverage, and dates of the expiration of such bonds;
 2. Time deposit account or irrevocable letter of credit must show "Insurance company" and "Insurance Commissioner" as holders of the account or as beneficiaries;
 3. The Commissioner shall turn over the time deposit to the Treasurer for safekeeping;
 4. The savings/escrow account for the reserve requirement as percentage of premiums written must show "Insurance company" and "Insurance Commissioner" as holders of the account. Deposits to this account must be made on a monthly basis;
 5. Release of the Security deposits and demand on letter of credit shall be accompanied

by authority from the Insurance Commissioner and only upon satisfaction of the following conditions:

6. A reasonable determination by the Insurance Commissioner and after making findings that the circumstances surrounding the release warrants for such release. Reasons, findings, and determinations must be documented.
7. All its outstanding labor bonds have either expired, unearned premiums returned, or have been assumed by another bonding company.
8. All existing claims arising out of insurance transacted in the CNMI have been paid in full.
9. The bonding company shall cause publication of a notice of its intention to petition for the release of its security deposits and demand on letter of credit in a newspaper of general circulation in the CNMI once a week for four (4) consecutive weeks, and shall cause said newspaper to file an affidavit of publication with the Commissioner.
10. If the Director of Labor or any person shall object to such release within one (1) week from date of last publication, and give good and sufficient cause therefore, the Commissioner may order that the release be denied.
11. If the insurer has complied with the provisions of this section and no objection has been made, or if objection is made but without good and sufficient cause, the Commissioner shall order the release of the security deposits and demand on letter of credit.

PUBLIC NOTICE

PROPOSED REGULATION REGARDING EMPLOYMENT OF PERSONS WITH REFUGEE STATUS

This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Department of Labor is adopting rules and regulations regarding the employment of Refugees.

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). The terms of employment regarding refugees is established by Article 17 of the 1967 United Nations Protocol Relating to the Status of Refugees, 19 U.S.T. 6223 (entered into force November 1, 1968), which is applicable to the Commonwealth by virtue of Section 102 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America

Short Statement of

Goals and Objectives:

The regulations implement the requirements of the 1967 United Nations Protocol Relating to the Status of Refugees the make Commonwealth law consistent with treaties applicable to the Commonwealth

Brief Summary of the Proposed Regulations:

These regulations allow refugees lawfully staying in the Commonwealth to have employment status with the same attributes as a "resident worker" as defined in 3 CMC § 4412(n) who is legally residing without restrictions as to employment in the Commonwealth

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


None.

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 14th day of December 2004.

Submitted by:

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line and a few smaller strokes.

DR. JOAQUIN A. TENORIO
Secretary of Labor

PUBLIC NOTICE


PROPOSED REGULATION REGARDING EMPLOYMENT OF PERSONS WITH
REFUGEE STATUS

The Secretary of Labor notifies the general public of his intention to adopt a new regulation regarding employment of persons with refugee status. The regulations are attached and are promulgated pursuant to the Secretary's authority as set forth in 3 CMC §4424(a)(1).

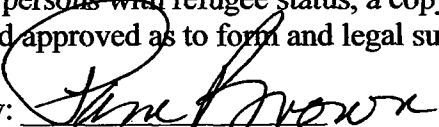
All interested persons may examine the proposed regulations and submit written comments, positions, or statements for or against the regulations to the Secretary of Labor, 2nd Floor Afetna Square Building, San Antonio, Saipan, MP 96950 or by facsimile to 236-0992 within 30 calendar days following publication of this notice in the Commonwealth Register.

Dated this 14th day of December 2004 at Saipan, Northern Mariana Islands.

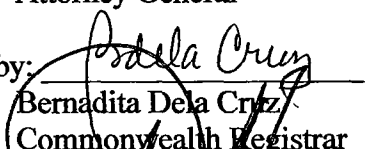
DEPARTMENT OF LABOR

By: 
Dr. Joaquin A. Tenorio
Secretary of Labor


Pursuant to 1 CMC §2153, as amended, the proposed regulation regarding employment of persons with refugee status, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

By: 
Pamela Brown
Attorney General

1/13/05
Date

Filed by: 
Bernadita Dela Cruz
Commonwealth Registrar

1/13/05
Date

Rec'd by: 
Thomas Tebuteb
Special Assistant for Administration

1/14/05
Date

REGULATION REGARDING EMPLOYMENT OF PERSONS WITH REFUGEE
STATUS

A person who has been granted refugee status as a result of application of Federal or Commonwealth law or regulation in implementing the 1967 United Nations Protocol Relating to the Status of Refugees, 19 U.S.T. 6223 (entered into force November 1, 1968) shall be permitted to engage in wage earning employment to the same extent and in the same manner as a "resident worker" as that term is defined in 3 CMC § 4412(n).

NOTISIAN PUPBLIKU

MAPROPONE NA REGULASION POT I ESTAON EMPLEAON TAOTAO HIYONG NI MAN LILIHENG

Ma'establesi este na amendasion sigun gi Akton Areklamenton Atministrasion Lai 1 CMC Seksiona 9101, et. seq. Ma'adodopta i areklamento yan regulasion siha gi Dipåtamenton i Hotnaleru ni tineteka i Empleaon Taotao Hiyong ni man Liliheng

**Annok I Aturidât
i Lai:**

Sigun i Lai 3 CMC Seksiona 4424 (a) (1), ha aturisa i Sekretarion i Hotnaleru para hu establesi regulasion siha pot i empleaon taotao hiyong. I tetmino siha ni tineteka i empleaon taotao hiyong ni man liliheng, ma'establesi ginen Atikulu 17 gi 1967 United Nations Protocol ni tineteka i Estaon Taotao Hiyong ni man liliheng, i 19 U.S.T. 6223 (mana halom ensigidas gi Nubembre 1, 1968) asikumo aplikåtble para i Commonwealth sigun i Seksiona 102 gi Covenant (kontrâta) para hu establesi otganisasion politika gi Commonwealth I Sankattan Siha Na Islas Mariana yan i Estâdos Unidos giya Amerika.

**Kadada Na Finiho
yan Dineseha:**

Sigun i 1967 United Nations Protocol ni Tineteke i Estaon Taotao Hiyong ni man Liliheng para hu na konsiste i Lai gi Commonwealth yan i aplikåtble na kontrâta para i Commonwealth.

**Kadada Na Sumâria
Pot I Mapropone Na
Regulasion Siha:**

Este na regulasion siha ha sedi i Ligât na Taotao Hiyong ni man Liliheng gi Commonwealth na hu guaha estaon cho'chu', gi parehu na pribilehu yan i "resident worker" anai mana klâru gi 3 CMC Seksiona 4412 (n) ni mañâsaga ligât ti mapribi siha para hu fan ma'emplea gi Commonwealth.

**Annok i Man Achule'
yan/pat Inafekta Na
Lai, Areklamento yan
Regulasion Siha:**

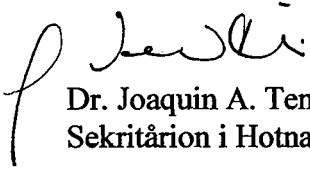
Tâya

**Para Mâs
Infotmasion Ågan:**

Kevin A Lynch, Ayudânten i Abugao Henerât, Kabiseyon i Konsehun Ligât, Dipåtamenton i Hotnaleru gi CNMI, tilifon (670)236-0910 pat facsimile (670)236-0992.

Mafecha este gi mina katoise na ha'ane gi Disembre 2004.

Masatmiti as:



Dr. Joaquin A. Tenorio
Sekritarion i Hotnaleru

NOTISIAN PUPBLIKU

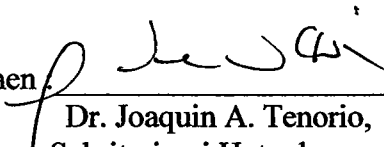
MAPROPONE NA REGULASION POT I ESTAON EMPLEAON TAOTAO HIYONG NI
MAN LILIHENG

I Sekretarion i Hotnaleru para hu adopta nuebu na regulasion ni tineteka i empleao siha ni man liliheng na estao, ya ha notifikika i publiku henerat ni intension-ña. Sigun i Lai 3 CMC Seksiona 4424 (a) (1) anai mamensiona na aturidat i Sekretario para hu establese este siha na regulasion siha ni man enklusu.

Todu man enteresao na petsona siña ma'eksamina i mapropone na regulasion siha ya hu fan nahalom tinige opinion, pusision, pat mensahe kao ha akseptata pat ha kokontra i man mapropone na regulasion siha. Siña matsatmiti este na tinige' guatto gi Sekretarion i Hotnaleru gi segundo bibienda gi Afetna Square Building, giya San Antonio, Saipan MP 96950 osino Fax guatto gi 236-0992 gi halom trenta (30) dias na tiempo despues mapublikata este na notisia gi Rehistran i Commonwealth

Mafecha este gi mina katotse na ha'ane gi Disembre 2004, gi Saipan I Sankattan Siha Na Islas Marianas.

Dipattamenton i Hotnoleru

Ginen 
Dr. Joaquin A. Tenorio,
Sekretarion i Hotnoleru

Sigun gi 1 CMC Seksiona 2153, ni ma'amenda, i mapropone na regulasion siha ni man checheton guine esta man ma'ina yan ma'aprneba i fotma kumo Sufisiente na ligat ginen i Ofisinan i Abugao Henerat gi CNMI.

Ginen as: _____
Pamela Brown
Abugado Henerat

Fecha

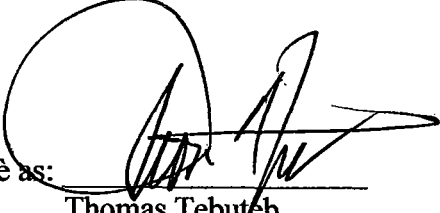
Pine'lo as:


Bernadita Dela Cruz
Rehistran i Commonwealth

1-14-05

Fecha

Marisibiè as:


Thomas Tebuteb
Espesiât Na Ayudante para I Atministrasion

Regulasion Ni Tinetea i Empleao Petsona Siha Ni Man Liliheng Na Estao

I petsona ni ma'entrega nu i estaon liheng pot rason na i aplikasion i Federat pat i Lai gi Commonwealth pat regulasion gi ma'usan i 1967 United Nations Protocol ni Tinetea i Lileng na Estao, 19 U.S.T. 6223 (ma'enfuetsas insigidas gi Nubembre 1, 1968) debi di hu konsiente para hu hutnât gi parehu na manera yan i "resident worker" i tetmino ni mana klâru gi 3 CMC Seksiona 4412 (n).

ARONGOL TOULAP
POMWOL ALLÉGH REEL KKPASAL YAAR ANGAANG REFUGEE

Lliwel yeel nge e akkaté bwellé reel Administrative Procedure Act, 1 CMC táilil 9101, eq seq. Depattamentool Labor bwe ebwe fillóóy allégh kkaal sáangi employment Refugees.

Akkatéél Bwángil: Samwoolul Labor nge e mweiti ngali akkatéél allégh kkaal bwellé umumwul schóól angaang kka aramasal lúghúl sáangi 3 CMC 4424 (a)(1). Ótol yaal angaang refugee reel igha e toolong bwellé Article 17 lloil 1967 United Nations Protocol ye e ghil ngáli kkapasal Refugee, 19 U.S.T. 6223 (rebwe ghatchuw llól Aromwoy 1, 1968), iye bwe fillong llól Commonwealth Téél falúwasch Marianas lloil Political Union ngali United State of America.

Aweewel pomwol lliwel: allégh kkaal e ayoora yááyál ngáli kka llól 1967 United Nations Protocol y e e ghil ngáli kkapasal refugees igha ebwe féérú alléghúl Commonwealth bwe ebwe fil ngáli appelúghúlúgh ye ebwe fillong llól Commonwealth

Aweewel pomwol allégh: Allegh kkaal nge ebwe atiwa alléghúl refugees igha re lollo llól Commonwealth reel rebwe akkamwasch kkapasal angaang bwellé ebwe weewe fengal me “ aramasal faleey kka re kke angaang” iye schééschéél lloil 3 CMC talil 4412 (n) me schééschéél e lollo nge esóór nggowal ebwe angaang llól Commonwealth

Akkatéél akkááw allégh: Esóór.

Aramas ye ubwe faingi: Kevin A. Lynch, Sów Alillisil Sów Bwungúl Allégh Lapalap, Samwoolul Legal Council, CNMI Depattamentool Labor, tilifoon. (670) 236-0910 me ngáre facsimile (670) 236-0992.

Rallil ye seigh me faaral (14th) lloil Tumwur (December) 2004.

Isaliyallong:

DR. JOAQUIN A. TENORIO

ARONGOL TOULAP
POMWOL ALLÉGH REEL KKPASAL YAAR ANGAANG REFUGEE

Samwoolul Labor e kke arongaar toulap bwe ebwe fillóoy pomwol allégh ye e ffé bwelle kapasal yaar angaang refugee. allégh kkaal ikka e appasch me ebwe akkaté sáangi bwańgil Samwool ye allégheló llól 3 CMC talil 4424 (a)(1).

Schoókka eyoor mángemáangiir reel pomwol allégh kkaal nge emmwel rebwe amweri fischiy me ischilong, kkapasal angaang, me ngare aweewe kka re aingiing reel ngáli Samwoolul Labor, 2nd floor Afetna Square Building, San Antonio, Seipél, MP 96950 me ngare facsimile ngáli 236-0992 llol eliigh (30) ráalil mwiril yaal akkatééló arong yeel mellól Commonwealth Register.

Rallil ye seigh me faarál (14th) llol Tumwur (December) me Seipél, Falúwasch Marianas.

BWULASIYOOOL LABOR

Sáangi: _____
Dr. Joaquin A. Tenorio
Samwoolul Labor

Sáangi allégh ye 1 CMC talil 2153, iye aa ssiwel, pomwol allégh yeel bwelle kkapasal yaar angaang refugee, tilighial iye e appasch nge raa takkal amweri fischiy me alúghúlúghúló mereel Bwulasiyool Sów Bwungúl Allégh Lapalap.

Sáangi: _____
Pamela Brown
Sów Bwungúl Allégh Lapalap

Ral

Ammwel sáangi: _____
Bernadita Dela Cruz
Commonwealth Register

1-14-05

Ral

Mwir sáangi: _____
Thomas Tebuteb
Sów Alillisil Sów Lemelem

1/14/05

Ral

ALLÉGH BWELLE KKPASAL YAAR ANGAANG REFUGEE

Aramas kka raa fasúl ngalleer kkapasal refugee sangi tingorol (application) federood me alléghúl Commonwealth me ngare allegh ye ebwe yoorata otol 1967 United Nations Protocol iye ghil ngáli kkapasal Refugees, 19 U.S.T. 6223 (bwe rebwe ghutchuw llól Aremoy 1, 1968) nge rebwe alisi reel ebwe toolong llól wage earning employment iye ebwe eweewe schagh me “ aramasal faleey kka re kke angaang” iye toowow mellól 3 CMC talil 4412 (n).



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

P.O. BOX 501250, Saipan, MP 96950
Tel: (670) 234-5498 Fax: (670) 234-1270

PUBLIC NOTICE

PROPOSED STUDENT DEVELOPMENT POLICY OF THE NORTHERN MARIANAS COLLEGE BOARD OF REGENTS

The Board of Regents of the Northern Marianas College, Commonwealth of the Northern Mariana Islands, pursuant to its duties and responsibilities under Public Law 4-34, hereby gives public notice of its intention to promulgate these proposed Student Development Policy.

Any interested person may examine the proposed Student Development Policy and submit written comments, positions, or statements for or against the proposed policy to the President of the Northern Marianas College, at P. O. Box 501250, Saipan, MP 96950, Office of the President, As Terlaje Campus, Saipan, Commonwealth of the Northern Mariana Islands 96950, no later than thirty (30) calendar days following the date of the publication of the Notice in the Commonwealth Register.

Dated this 29 day of December, 2004 at Saipan, Northern Mariana Islands.

Kimberlyn K. King-Hinds
Chairperson, Board of Regents
Northern Marianas College

Pursuant to 1 CMC § 2153, as amended by PL 10-50, the proposed Student Development Policy of the Northern Marianas College Board of Regents, a copy of which is attached hereto, has been reviewed for legal sufficiency and approved by the Office of Attorney General, Commonwealth of the Northern Mariana Islands.

Pamela Brown
Attorney General

1/13/05
Date

Received by:

Thomas A. Tebuteb
Special Assistant for Administration

1/14/05
Date

Bernadita B. Dela Cruz
Commonwealth Registrar



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

P.O. BOX 501250, Saipan, MP 96950

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NOTISIAN PUPBLIKU

MA PROPOPONE I ARKELAMENTON ADILANTON ESTUDIANTE GI KOLEHUN NOTTE MARIANAS KUETPON I REGENTS

I Kuetpon Regents I Kolehun Notte Mariãnas ginen I Commonwealth I Sankattan Siha Na Islas Mariãnas, sigun I responsabilidât yan checho-ña gi papa' i Lai Pupbliku 4-34, ha publika I intension para hu establese i man mapropone na Areklamenton Adilanton Estudiante.

I man interesao na petsona siha, siña ma'eksamina i ma propopone na Areklamenton Adilanton Estudiante ya hu fan nahalom tinige'opinion, i pusion pat mensahe kao ha aksepta pat ha kokontra i man mapropone na areklamento. Sina masatmiti este na tinige' guatto gi Presidente, gi As Terlaje Campus, giya Saipan, gi Sankattan Siha Na Islas Marianas 97950, gi halom trenta (30) diha desde i fechan i publikasion este na Notisia gi Rehistran i Commonwealth.

Mafecha este gi mina 29 na ha'ane gi Disiembre, 2004 gi ya Saipan, I Sankattan Siha Na Islas Marianas.

Kimberlyn King Hinds
Kabesiya, Kuetpon i Regents
Kolehun Notte Mariãnas

Sigun i Lai 1 CMC §2153 ni ma'amenda genin i Lai Pupbliku 10-50, i man mapropone na Areklamenton Adilanton Estudiante gi Kulehon Notte Mariãnas Kuetpon i Regents I, i kopia ni man chechetun guine esta man maribisa para hu ligat sufisiente yan ma'aprueba ni Ofisinan i Abugãdon Henerãt, gi Commonwealth I Sankattan Siha Na Islas Mariãnas.

Pamela Brown
Abugãdon Henerãt

Marisibe' as:

Thomas A. Tebuteb
Espisiãt Na Ayudãnte Para Atministracion

Fecha

1/14/05

Fecha

Pine'lon:

Bernadita B. Dela Cruz
Rehistran I Commonwealth



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

P.O. BOX 501250, Saipan, MP 96950

Tel: (670) 234-5498 Fax: (670) 234-1270

ARONGORONGOL TOULAP

POMWOL STUDENT DEVELOPMENT POLICY MELLÓL NORTHERN MARIANAS MWIISCHIL COLLEGE REGENTS

Mwiischil Regents mellól Northern Marianas College, Commonwealth Téél fakywasch Marianas, sáangi yaal lemelem llól Alléghúl Toulap 4-34 iye ee arongaar toulap igha ebwe atééw pomwol Student Development Policy.

Schookka eyoor mangemangiir nge emmwel rebwe amweri ghatchuw pomwol Student Development Policy me atotoolong ischil me ngare aingiingil ngali President mellol Northern Marianas College, reel Terlaje Campus, P.O. Box 501250, Seipel, MP 96950, bwulasiyool President, As Terlaje Campus, Seipel, Commonwealth Téél Falúwasch Marianas 96950, essóbw luuló eliigh (30) rállil sangi yaal arongow mellól Commonwealth Register.

Rállil ye 29 llól Tumwur (December), 2004 me Seipél, Téél Falúwasch Marianas

Kimberlyn K. King-Hinds
Samwoolul, Board of Regents
Northern Marianas College

Sáangi outol 1 CMC §2153 iye aa liwel mereel Alleghúl Toulap 10-50, me pomwol Student Development Policy mellol Board of Regents Northern Marianas College, tilighial ye ee appasch, nge raa takkal amweri fischiy me alúghúlúghúlo mereel Bwulasiyool Sów Bwungúl Allégh, Lapalap, Commonwealth Téél Falúwasch Marianas.

Pamela Brown
Sów Bwungúl Allégh Lapalap

Rál

Mwir sáangi:

Thomas A. Tebuteb
Sów Alillisil Sów Lemelem

1/14/05
Rál

Bernadita B. Dela Cruz
Commonwealth Registrar

Rál

Northern Marianas College
Board Policy: Student Development

8001

ADMISSION AND ENROLLMENT

The Northern Marianas College (NMC) shall admit any Commonwealth of the Northern Mariana Islands (CNMI) resident possessing a high school diploma or the equivalent or any other CNMI resident at least 16 years of age who is capable of profiting from the instruction offered. Admission of other categories of students (high school students, vocational students, students in special programs, non-residents) is contingent upon certain additional criteria specified in admission procedures, Policy 8.1.2 (Special Admissions of K-12 Students), and/or the College Catalog. Readmission of students is granted subject to standards of performance in work previously completed at NMC.

NMC is also committed to serve all students who can profit from its instructional programs, to ensure them equal educational opportunities, to provide them the necessary services for optimizing their opportunities for success, and to help students obtain the appropriate information/assistance for achieving their educational goals. NMC will develop and maintain appropriate procedures to implement this Board policy. A student who does not remain in continuous enrollment, either as a part time or full time student, is subject to all academic policies and requirements as stated in the College Catalog in effect at the time of their resumption of enrollment.

It shall be the policy of the Board of Regents to establish special requirements and admission procedures for programs where the health, safety, and/or legal requirements of the facility are limiting factors in the conduct of a course. Prerequisites, requirements, and fair and equitable procedures to meet such limitations shall be established.

An international student shall be admitted in approved study programs in conjunction with regulations established by the CNMI Department of Immigration. NMC will maintain specific admission criteria, requirements, and procedures that govern the selection of international student applicants for admission.

8001.1

RESIDENCY CLASSIFICATION

For tuition purposes only, the Northern Marianas College (NMC) Board of Regents has fixed the following definitions of a resident student who registers at NMC.

A resident student is defined as a person:

Who is a U.S. citizen and domiciliary of the CNMI for more than one year;

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Who is not a U.S. citizen, but is married to a U.S. citizen who is a domiciliary of the CNMI for more than one year;

Who is not a U.S. citizen, but was born in the CNMI between August 1, 1974 and November 3, 1986;

Who is not a U.S. citizen, but is a permanent resident of a signatory of the Pacific Postsecondary Educational Council (PPEC) agreement regarding resident tuition; PPEC entities include Guam, Hawaii, American Samoa, the Republic of Belau, the Republic of the Marshall Islands, and the Federated States of Micronesia. (Proof of permanent residency under this provision must be provided); or

Who is not a U.S. citizen but has been residing in the CNMI for more than three years. Domiciliary means physical presence with the intent to make the CNMI one's permanent home. Examples of proof of one's intent can include, but are not limited to: registering to vote and voting in a CNMI election, designating the CNMI as your permanent address on all school and employment records, and paying CNMI taxes.

The domiciliary of an unmarried minor will be based on the domiciliary of his or her parents, or, if parents are separated, then the domiciliary of the parent with whom the minor is living.

Furthermore, resident status will not be lost solely because of absence from the CNMI if a student is continuously enrolled at NMC during breaks during academic terms.

A student not meeting any of the above definitions shall be classified as a nonresident student.

The burden of proof is upon the student who is making the claim to resident student status. The student who knowingly provided false information or who conceal or refuses to reveal information for the purpose of achieving resident status may be charged non-resident tuition rate and be subject to cancellation of admission to NMC.

The above policies affect residency status for NMC tuition purposes only.

8001.2
SPECIAL ADMISSIONS OF K-12 STUDENTS

Northern Marianas College may permit the admission of K-12 students who, in the opinion of the President or his/her designee, can benefit from NMC's advanced scholastic or vocational curricula.

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The intent of this policy is to provide educational opportunities for students who meet special admission standards.

NMC also reserves the right to develop special programs for K-12 students that do not duplicate or detract from those programs offered by local schools.

NMC reserves the right to exclude or limit enrollment into programs where the health, safety, instructional methodology, facility constraints, and/or legal requirements are deemed inappropriate for special admission students.

Special admission students shall conform to the NMC's policies, procedures, rules, and regulations and the code of conduct expected of all college students. The chief academic officer will consider appeals to decisions regarding special admission.

**8001.3
REGISTRATION AND ENROLLMENT**

It shall be the policy of the Northern Marianas College (NMC) that, unless specifically exempted by statute or approved College policy, every course, course section, or class wherever offered by NMC, shall be fully open to enrollment by any CNMI resident admitted to the College and who meets such prerequisites as may be established.

Students must receive a satisfactory grade in a prerequisite course in order to enroll in the target course. A satisfactory grade is defined as a grade of "Pass" or "C" or better.

Students register for classes according to standards uniformly administered by appropriately authorized employees in the office of admissions. The College will adopt equitable systems of prioritized registration.

It shall be the policy of the Board to establish special requirements and admission procedures for programs where health, safety, legal requirements, and/or the facility is a limiting factor in the conduct of a course. Prerequisites, requirements, and fair and equitable procedures to meet such limitations shall be established.

Students by petition to and approval from both instructors and the chief academic officer may be granted approval to enroll in overlapping classes when the hours of overlap can be made up (and documented) under appropriate supervision.

Students may repeat enrollments in courses for the number of times so identified in the catalog. In addition, students may repeat enrollment in courses for credit only once to remediate substandard grades. Repeated courses will be included in computations

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affecting GPA but the course repeated may be credited toward degrees and certificates only once.

**8001.4
FEES AND REFUNDS**

It shall be the policy of the Northern Marianas College (NMC) to maintain a current schedule of fees and refunds. Registration fees are so identified in the Schedule of Courses each semester, along with a listing of deadlines for refunds.

NMC reserves the right to require students to provide instructional and other materials required for a credit or noncredit course.

It shall be the policy of NMC to withhold registration privileges, recording of grades, and/or diplomas from any student or former student who is delinquent on any debt due to the College. Applicable debts include, but are not limited to, tuition, required fees, student loan repayments, and unreturned or uncompensated NMC property.

Tuition or fee waivers shall be permitted for individual students by approval of the President.

Tuition and fee deferments are authorized when deemed necessary by any Dean or the chief fiscal officer for students who demonstrate financial hardship of a temporary nature. Any granted deferments must be accompanied by authorized promissory notes, documented Memorandum of Agreement, or other officially documented payment schedules or plans.

**8001.5
ATTENDANCE REQUIREMENTS**

It shall be the policy of the Northern Marianas College that any student enrolled in a course who is not present or who has not made prior arrangements with his or her instructor by the second meeting roll call or within the first week of instruction, which ever may come first, may be dropped from the course by the instructor.

International students, who miss three consecutive classes, without notifying his or her instructor, will be reported to the Department of Immigration.

**8001.6
AUDITING OF CLASS**

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To qualify to audit any course, a student must complete all admission and registration procedures, including payment of tuition and fees. Students are permitted to audit certain courses with the written consent of the instructor. Auditing of laboratory science courses is generally not allowed. Students who wish to audit a course must submit the signed Instructor Approval Form authorizing the audit to the Office of Admissions and Records within the first week of instruction. There is no limit to the number of courses that may be audited by any individual, provided permission has been received from each instructor. The extent of classroom participation is at the discretion of the instructor.

No credit is given at any time for an audited course and the symbol "AU" will be recorded for the course on the student's transcript.

Where facilities are limited, students taking the course for credit have registration priority over auditing students.

8001.7
STUDENT UNIT LOAD

It shall be the policy of the Northern Marianas College to consider a student's normal academic full time load to be 12-17 units. Students with a "C" average or higher may be limited to no more than 18 units; students with a "B" average or higher the preceding semester may carry a maximum of 20 units. Students requesting to carry 21 or more units must have prior approval the chief academic officer upon recommendation by the appropriate chair or director.

8001.8
CHANGE OF PROGRAM

It shall be the policy of the Northern Marianas College to permit students to change their courses within the deadline dates published annually in the schedule of classes.

8001.9
COMMENCEMENT

It shall be the policy of the Northern Marianas College that whenever feasible, appropriate commencement exercises will be held at the conclusion of a semester for the purpose of conferring degrees.

8001.10
RECOGNITION OF ACHIEVEMENT

Graduation Honors and Awards

Academic honors are awarded to graduating students in a degree program with cumulative GPAs as follows:

Summa Cum Laude	3.96 – 4.00
Magna Cum Laude	3.75 – 3.95
Cum Laude	3.50 – 3.74

A student's GPA will be based on all courses taken at the Northern Marianas College (NMC), including all postsecondary accepted transfer credits from other institutions.

Refer to Policy 8.1.17 (Repeating Courses) for the purpose of repeating a course to improve a grade.

The graduating student in a degree program with the highest cumulative GPA will receive an Academic Achievement Award.

The graduating student in a degree program who has demonstrated leadership on campus and has manifested the potential to become a leader in the local community and the CNMI will receive a Student Leadership Award. The Dean of Student Development may develop other requirements as needed.

A Student Leadership Award may be awarded to another student at another NMC campus site(s) provided that a separate commencement exercises is held on the site.

Semester Achievement Lists

It shall also be the policy of NMC to recognize students who maintain high levels of academic achievement each semester by means of the President's List, Dean's List, or Part-time Honors list of outstanding students. The student must be enrolled in a degree program in courses at the 100 level or above, and grades received must be academic letter grades in order for the student to be recognized with honors.

President's List. Full-time students whose term grade point average is 3.96 or above are listed on the President's List. This honor is printed on the student's grade report and permanent academic record.

Dean's List. Full-time students whose term grade point average is 3.75 to 3.95 inclusive are listed on the Dean's List. This honor is printed on the student's grade report and permanent academic record.

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Part-time Student Honors. Students who are carrying from six to 11 credits (inclusive) per term, and whose term grade point average is 3.96 or above, are listed as receiving honors on their grade report and academic permanent record.

8001.11 TIME LIMIT FOR COURSEWORK

In areas of study in which the subject matter changes rapidly, material in courses taken long before graduation may become obsolete or irrelevant. Course work that is more than eight years old is applicable to completion of degree requirements at the discretion of the student's major department. Departments may accept such coursework, reject it, or request that the student revalidate its substance. The eight-year limit on course work applies except when program accreditation agencies limit may also require students to satisfy current major requirements rather than major requirements in earlier catalogs, when completing earlier requirements is no longer possible or educationally sound.

8001.12
STUDENT EDUCATIONAL LEAVE

Students in good standing who are not on probation and who have completed at least one semester of attendance at Northern Marianas College are eligible for one educational leave of up to one academic year in length. Students on approved leaves maintain a continuing status. A student desiring to apply for educational leave shall submit a writing request to the chief student development officer in advance. The chief student development officer approves educational leave.

8001.13
STATUS OF TRANSFERRING STUDENTS

Northern Marianas College (NMC) reserves the right to admit students under the same academic standing as they were at the time of leaving the institution of last attendance.

NMC reserves the right to refuse admission to students who are not in good standing at the last college attended, are on disciplinary probation, or have been suspended or disqualified. The chief student development officer will consider appeals from students admitted under this policy.

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8001.14

**GOVERNMENT EMPLOYEES PROFESSIONAL DEVELOPMENT ASSISTANCE
PROGRAM (GEPDAP)**

Northern Marianas College reaffirms its commitment to assist all government employees with their education and training needs in order to provide quality services and become productive employees of the CNMI government. NMC shall develop and maintain appropriate procedures to implement this Board policy.

Government employees who are eligible for this program will receive a fifty-percent (50%) reduction in tuition for regular degree credited courses. The participant will be responsible for paying all applicable fees.

8001.15

CREDIT FOR ADVANCED PLACEMENT (AP) TEST SCORES

Northern Marianas College (NMC) shall award course waiver or credit for students submitting official Advanced Placement scores to the office of admissions. A student receiving a score of 3 on an official College Board Advanced Placement (AP) test will be waived from taking the course corresponding to that test; a student receiving a score of 4 or 5 will be given credit with a grade of P for the corresponding course. The office of admissions will determine which NMC course corresponds to the appropriate Advanced Placement test; a listing of those AP tests and NMC courses will be kept on file in the office of admissions.

8001.16

ACCESS FOR STUDENTS WITH DISABILITIES

It is the policy of the Northern Marianas College (NMC) to provide equal educational opportunities for students with disabilities in accordance with commonwealth and federal law and regulations including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Pursuant to such mandates, NMC has developed the Disability Support Services Program under Counseling Programs and Services to assist students with disabilities in securing appropriate instruction, academic accommodations and auxiliary aids. It is the intent of NMC that such individuals be served by regular classes and programs whenever possible. To that end, students with disabilities shall be admitted to courses and programs on an equal basis with all other students. To ensure equality of access for students with disabilities, academic accommodations and auxiliary aids shall be provided to the extent necessary to comply with commonwealth and federal law and regulations. For each student, academic accommodations and auxiliary aids shall specifically address those functional

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limitations of the disability which adversely affect equal educational opportunity. When the severity of the disability of an otherwise qualified student precludes successful completion of a course required for graduation from NMC, despite an earnest effort on the part of the student to complete the course and despite provision of academic accommodations and/or auxiliary aids, a course substitution or waiver of the course requirement shall be considered (Core courses can not be substituted or waived).

NMC will maintain specific criteria and procedures to implement this policy.

8001.17
GRADUATION REQUIREMENTS

Credit hours and course requirements vary among the degree and certificate programs offered by NMC. Degree programs include course work in the following areas: core course requirements, General Education requirements, program requirements, and electives. See department offerings for specific credit and course requirements. A minimum cumulative GPA of 2.0 is required in order to be considered for graduation. Courses below the 100 level do not meet graduation requirements. Nonpayment of financial obligations will cause diplomas and/or certificates to be withheld.

8002
STUDENT RIGHTS AND RESPONSIBILITIES

As the pivotal members of the campus community, students shall receive the consideration and respect they deserve as individuals and citizens.

It shall be the policy of Northern Marianas College (NMC) to honor and protect the rights of each student. These rights include freedom of expression, including peaceable assembly, peaceable picketing, dissemination of literature on campus, political ads, and access to the policies, procedures, rules, and regulations of NMC, and the right of petition for the waiving of such rules and regulations, for change of administrative officer's finding or verdict, or for a hearing related to alleged dispute with an instructor or staff member.

In addition, NMC recognizes that a student enrolled at the College must assume certain responsibilities.

1. The exercise of student rights imposes a responsibility for the recognition and acceptance of the rights and privileges of fellow students and other members of the campus community.

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2. The student is expected to know and observe the policies, procedures, rules, and regulations of NMC. Failure to do so may result in disciplinary action.

8002.1
NON-DISCRIMINATION

The Northern Marianas College (NMC), in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, or disability in any of its policies, procedures, rules, and regulations; nor does NMC, in compliance with the Age Discrimination in Employment Act of 1975, discriminate against any employees or applicants for employment on the basis of their age. This non-discrimination policy covers admission, access and treatment in NMC programs and activities—including but not limited to academic admissions, financial aid, educational services and athletics—and application for NMC employment. In conformance with the requirements of Title II of the Educational Amendments of 1976, amending the Vocational Education Act of 1963, NMC is committed to overcoming sex discrimination and sex stereotyping in all academic and non-academic programs.

In conformance with Federal law and College policy, the NMC is an equal opportunity employer.

8002.2
STUDENT GRIEVANCES/COMPLAINTS

At Northern Marianas College (NMC), students who feel their rights as students have been violated may take their complaint to the appropriate department chair or administrator. The College's organizational structure provides a procedural process of appeal through which such a complaint can be pursued. The exception to this process would be those complaints which deal with Title VI and VII of the Civil Rights Act, Title IX of the Education Amendment of 1972 and Section 504 of the Rehabilitation Act of 1973. Complaints in these areas are addressed by the Office of the Dean of Student Development. Complaints by students about the acts of other students are addressed by the Dean of Student Development. Procedures are covered under the NMC's Student Conduct Standards and Due Process/Discipline Procedure and the Student Grievance Process.

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Board Policy: Student Development**

8002.3

ACCESS TO STUDENT RECORDS

It shall be the policy of the Northern Marianas College (NMC) to guarantee students the right to inspect their college records, permit students to challenge any part of their academic record through informal or formal hearings, and severely limit access to college records, or the release of information in such records, without their written consent. This policy covers all college education records, files, documents, and other materials that directly relate to individual students. The policy excludes personnel records, personal notes, and memos kept by the instructors to assist in determining accurate grades. Also excluded are records of students made or maintained by a physician or other professionals that are created and utilized in connection with treatment of the student.

Whenever there is included in any student record information concerning a disciplinary action taken at NMC, the student shall be allowed to include in the record a written statement or response concerning the disciplinary action.

The NMC is committed to the maintenance and destruction of all student records in accordance with the legal guidelines established by the Northern Marianas College Board of Regents. To this end, a schedule for the retention, microfilming, and destruction of student records shall be maintained by the Office of Admissions and Records.

Student Rights Regarding their Records. Concerning their academic records, NMC students have the right to:

- review the content of their records,
- obtain copies of their records, and
- have a hearing to challenge the content of their records.

Exercising the right to review the content of one's academic records must be done by appointment during regular business hours.

Procedures for challenging the contents of one's academic records may be obtained from the Office of the Dean of Student Development.

Official copies of academic records (transcripts) from other academic institutions are the property of NMC and may not be released to students.

(See also: Procedure 8.2.4, Student Educational Rights and Privacy)

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8002.4
STUDENT EDUCATIONAL RIGHTS AND PRIVACY

Northern Marianas College (NMC) shall maintain educational records of students who enroll in accordance with the Family Educational Rights and Privacy Act of 1974. NMC will maintain printed policy and procedures regarding privacy, access, review, and directory information regarding all records received and used after January 1, 1981.

8002.5
STUDENT DISCIPLINE

Northern Marianas College shall maintain standards of conduct for students and due process procedures related to student discipline.

8002.6
PROBATION, DISMISSAL, AND READMISSION

It shall be the policy of the Northern Marianas College to maintain procedures on student probation, dismissal, and readmission to coincide with Commonwealth and federal laws.

8002.7
STUDENT REGULATIONS

As an academic community, the Northern Marianas College (NMC) places emphasis on individual responsibility. Maintaining an environment conducive to learning, scholarship, and the free exchange of ideas is considered essential to the mission of NMC. Complete and detailed information on student regulations is found in the Student Rights and Responsibilities Handbook.

Student Responsibilities. Having responsibilities toward themselves and others, NMC students are expected to behave in a manner that:

- shows respect for the rights of others,
- shows care and respect for NMC property and for the property of others,
- preserves the social and academic atmosphere necessary for the goals of NMC to be realized, and
- demonstrates knowledge about NMC policies, procedures, rules, and regulations, program requirements, established deadlines, etc.

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It is the responsibility of students to be informed of and to comply with the rules, regulations, and policies affecting their academic standing and life as college students.

The ultimate responsibility for meeting academic deadlines, completing prerequisites, selecting appropriate courses, and fulfilling degree/certificate requirements rests with the student.

Class Attendance. Students are expected to attend all meetings of their classes, not only because they are responsible for material presented and discussed therein, but because active class participation by every student is frequently essential to ensure maximum benefit for all members of the class.

Absence from more than 10% of scheduled classes may be considered grounds for a failing grade in that course. Students who miss a class should report to their instructor upon their return to inquire about make-up work. Students who know in advance that they will miss class should inform their instructor prior to the absence in order to be given upcoming assignments.

Student Conduct. In general, regulations governing student conduct at NMC are the same as those governing society at large. Though there is no rigid code of conduct at NMC, students are expected to maintain reasonable standards of behavior.

The sale, possession, or consumption of alcohol or alcoholic beverages and controlled substances on property belonging to the Northern Marianas College or at NMC sponsored activities in which students are in attendance is strictly prohibited as mandated under the College Drug Free Campus Federal Regulation compliance. A violation of the College Drug Free Campus Regulation or policy shall cause the student/students to be liable to suspension following a hearing designated for that purpose. Should any student be caught with an illegal substance NMC reserves the right to contact the proper law authorities and release the student's identity for formal investigation.

Smoking or betel nut chewing is not allowed in any NMC classroom, office, or laboratory, or in the Library. Violation of these regulations may result in suspension or dismissal from NMC for one semester, and the student will automatically receive a failing grade in all courses.

Academic Dishonesty. Academic dishonesty will not be condoned by NMC. Such dishonesty includes cheating and plagiarism (examples of which are given below), which may result in suspension or dismissal from NMC.

Cheating includes, but is not limited to, giving or receiving unauthorized help during an examination, obtaining unauthorized information about an examination before it is administered, using inappropriate sources of information during an examination, altering the record of any grade, altering answers after an examination has been submitted,

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falsifying any official College record, or misrepresenting facts in order to obtain exemptions from course requirements.

Plagiarism includes, but is not limited to, satisfying any academic requirement by submitting any document that has been copied in whole or part from another individual's work without identifying that individual; neglecting to identify as a quotation a documented idea that has not been assimilated into the student's language and style, or paraphrasing a passage so closely that a reader is misled as to the source; submitting the same written or oral material in more than one course without obtaining authorization from the instructors involved; "dry labbing," which includes (a) obtaining and using experimental data from other students without the express consent of the instructor, (b) utilizing experimental data and laboratory write-ups from other sections of the course or from previous terms during which the course was conducted, or (c) fabricating data to fit the expected results.

Students found guilty of academic dishonesty, including cheating and plagiarism, shall be liable to suspension or dismissal from NMC. A student may request to challenge the infraction charged against him/her.

The Office of the Dean of Student Development addresses all student misconduct.

8002.8

STUDENT WITHOUT PREREQUISITE FOR A CLASS

The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring the prerequisite, provided, however, that enrollment may be permitted pending verification that the student has met the prerequisite or co-requisite. If verification efforts show that the student has failed to meet the prerequisite, the student may be involuntarily dropped from the course and the applicable enrollment fees promptly refunded. Otherwise, a student may only be involuntarily removed from a course by the instructor due to excessive absences or as a result of disciplinary action taken pursuant to law, or to the Northern Marianas College's policies, procedures, rules, and regulations, or the student code of conduct.

8002.9

MEDICAL WITHDRAWAL

When a student is unable to continue enrollment after the withdrawal deadline in his/her course/s due to illness, injury, or mental health reasons, the student is required to obtain a Medical Withdrawal Form from the Office of Admissions, Records and Financial Aid. The Medical Withdrawal Form must be signed by the student's physician

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and approved by the student's advisor and the Dean of Student Development. After these three signatures, the student will be officially withdrawn from the course and a "W" will show on the student's transcript.

8002.10
CHANGING STUDENT GRADES

Northern Marianas College (NMC) recognizes the responsibility of each faculty member to comply with program objectives and performance standards for a course, and to apply these to individual students. While NMC stands ready to correct demonstrable injustices to students, it holds that the instructor's judgment at the time the original grade was assigned is generally more reliable than a later reconsideration of the matter. A change of grade may be made only in the case of a clerical or other administrative error, fraud, or incompetency. The definition of a clerical error is an error in calculating or recording the grade by the instructor or by an Office of Admissions, Records and Financial Aid personnel. A change of grade may not be made as a re-judgment or an afterthought.

In order to be accepted by the OARFA, appeals for a grade change due to clerical or calculation error must be approved by the instructor and the Department Chair. A grade change due to fraud or incompetency must be approved by the Department Chair and the Dean of Academic Programs and Services. Change of Grade Forms are available at OARFA.

All requests for a change of grade must be initiated within six months of the grade being issued.

The NMC Fairness Committee stands ready to serve students who wish to appeal a grade decision made by an instructor. A Grievance Form is available through the office of the Dean of Student Development.

8002.11
ALCOHOL BEVERAGES; STUDENTS

Possession and consumption of alcoholic beverages on property belonging to the Northern Marianas College or at NMC sponsored activities in which students are in attendance is prohibited as mandated under the College Drug Free Campus Federal Regulation compliance. A violation of the College Drug Free Campus Regulation or policy shall cause the student/students to be liable to suspension following a hearing designated for that purpose.

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**8003
STUDENT DEVELOPMENT SERVICES**

Recognizing that the quality of one's education is dependent upon not only the activities in the classroom but also circumstances external to it, the Board of Regents authorizes the creation of student development programs that focus on student learning outcomes and that are designed to complement the instructional program.

**8003.1
ARTICULATION/TRANSFER**

The Northern Marianas College recognizes, as part of its mission, that it shall provide transfer programs of high quality. To this end, the College shall maintain carefully and continuously articulated programs with other post secondary institutions. Counseling Programs and Services shall be available to facilitate the transfer of students to four-year schools.

**8003.2
COUNSELING**

It shall be the policy of the Northern Marianas College (NMC) to maintain counseling services as an essential part of the educational mission of the College. Such services will conform to Federal and Commonwealth requirements and regulations and may include specific services for special groups of students. Counseling services shall include, but not be limited to:

Educational counseling, in which the student is assisted in assessing, planning, and implementing their immediate and long range educational program through clarifying academic goals and selecting a major, educational planning for transfer, graduating from NMC with an AS or BS degree, and certificate programs, referral to other support services when indicated; and intervention when a student's academic performance is at risk;

Academic Advising in which the student is advised their degree plan;

Personal counseling in which the student is helped to develop their ability to function with social and personal responsibility; and

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Pre-enrollment services in which the student is assisted in transitioning to college through counseling services during high school and through reentry and community outreach.

NMC is authorized to mandate counseling or advising as a condition for enrollment for students whose needs for such services have been identified.

8003.3
ACADEMIC ADVISEMENT

Northern Marianas College (NMC) shall maintain an academic advisement program to meet the needs of students who require guidance with the College's programs and to prepare faculty and other personnel for advising duties.

Every student at NMC shall be assigned an academic advisor who will work with the student throughout his/her college career. Students are assigned advisors in accordance with the policies and procedures stated in the College Catalog and as established by the Dean of Student Development and by the Counseling Programs and Services department.

Academic advisement at NMC is coordinated through Counseling Programs and Services. The coordinator, working closely with other departments and appropriate committees, disseminates information, trains advisors, and facilitates the assessment and improvement of advising services at the College.

8003.4
CAREER SERVICES

It shall be the policy of the Northern Marianas College (NMC) to maintain, when feasible, a Career Services Center to serve the career and educational planning needs of students. The services and resources shall include career counseling, job placement, interest testing, a comprehensive career library, career related workshops and seminars, job search resources, and other student services that fit the needs of students as NMC deems necessary. The Career Service Center will be responsible for:

- Career counseling, in which the student is assisted in assessing their aptitudes, abilities, and interests in order to make realistic career decisions;
- Job placement, in which the student is assisted in finding off-campus employment when they are available or to be a distribution point for companies/agencies wishing to hire NMC students on a part-time/full-time basis, and;
- Service Learning, in which the student will receive in-class credit for volunteering at off-campus work places.

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Board Policy: Student Development**

**8003.5
STUDENT EMPLOYMENT TRAINING / CLASSIFICATION AND WAGES**

The Northern Marianas College (NMC) shall maintain an on-campus and off-campus student employment/training program for students enrolled at NMC to provide these students with an understanding of employment and to provide these students with career experiences. The duration and term of student employment/training shall be on a semester/session basis and will not be considered as permanent employment.

NMC degree and/or certificate seeking students, with internship requirements, will be considered first for any student employment/training opportunities. Student employees who complete their degree or certificate and who no longer are enrolled in courses may not continue working as student employees.

**8003.6
ASSESSMENT**

It shall be the policy of the Northern Marianas College to recognize the importance of appropriate assessment of student abilities, aptitudes, and interests and shall maintain, where deemed necessary, services which support such assessment and testing for the purposes of providing information, academic placement, and general course selection.

**8003.7
RE-ENTRY**

It shall be the policy of the Northern Marianas College (NMC) to maintain, when feasible, a Re-entry Program to serve adult students who have been out of school for five years or more. They will be assisted with the transitional process of beginning or continuing their college education. Services provided shall include information concerning financial aid and community agencies, services provided by NMC, referrals to community agencies, and comprehensive counseling services.

**8003.8
VETERAN SERVICES**

It shall be the policy of the Northern Marianas College to provide a program of veterans assistance to students who are eligible to receive Veterans Benefits from the Veterans Administration. Such a program will reflect regulations of the Federal government under

**Northern Marianas College
Board Policy: Student Development**

the authority of the Veterans Administration. Detailed procedures will be maintained and revised as required by law.

**8003.9
FINANCIAL AID AND SCHOLARSHIP SERVICES**

It shall be the policy of the Northern Marianas College to provide a program of financial assistance to students which may include but is not limited to scholarships, grants, loans, tuition waived, and work and employment programs. Such programs will include guidelines, procedures, and standards that incorporate Federal and Commonwealth regulatory requirements. Detailed procedures will be maintained by the Office of Financial Aid and revised as necessary.

Furthermore, it shall be the policy of the NMC to establish, publish, and apply satisfactory academic progress standards for students who participate in Federal, Commonwealth, and College financial assistance programs.

**8003.10
HOUSING**

It shall be the policy of the Northern Marianas College (NMC) to maintain a current list of available off-campus housing. It shall also be the policy of NMC to inspect and certify all off-campus housing as adequate and appropriate for NMC students to occupy. A checklist of accepted standards shall be listed in 8.3.9P – Housing Procedures.

**8003.11
STUDENT FEES**

It is the policy of the Northern Marianas College to charge fees to students consistent with requirements of the Board of Regents.

**8004
STUDENT AFFAIRS**

Northern Marianas College (NMC) recognizes that the acquisition of knowledge, the free and open exchange of ideas, and the development of personal and social

**Northern Marianas College
Board Policy: Student Development**

responsibility are of central importance to student life. To enhance these processes, it shall be the policy of NMC to provide a diverse program of extra-curricular and co-curricular student activities that support student learning outcomes.

8004.1
STUDENT GOVERNMENT

The Northern Marianas College (NMC) has authorized the organization of the Associated Students of Northern Marianas College (ASNMC) as the student governing body. A constitution, subject to approval and adoption by the constituents and approval by the Board of Regents, sets forth the duties and responsibilities of the organization and its officers.

Two employees of the College shall be designated as advisors. At least one advisor or designee must be present at the meetings of the Student Government Assembly and the Inter-Club Council in order for these groups to conduct business. Minutes shall be kept by the ASNMC secretary at all such meetings. The Inter-Club Council shall be defined as the council in which at least one representative from each NMC sanctioned club meets on a regular basis.

The funds of ASNMC are derived from a student activity fee and from activities sponsored by the organization. The governing body of the ASNMC formulates, adopts, and expends the annual budget with the advice and assistance of its advisors in accordance with the financial code of the ASNMC. The Finance Office reviews the overall financial control of these funds.

It is the policy of NMC to financially assist, when possible, activity programs sponsored by the ASNMC.

8004.2
STUDENT CLUBS, ORGANIZATIONS OR AD HOC GROUPS

It shall be the official policy of the Northern Marianas College to encourage the formation of student organizations and to further encourage student participation in these organizations. Such student clubs shall not exercise selectivity of membership based on vote of their members. Further, the Board of Regents prohibits the use of any device or practice which in effect implements selectivity and expects compliance in spirit and fact with the policy of open membership.

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8004.3

STUDENT PRODUCTION OF GOODS AND SERVICES

It shall be the policy of Northern Marianas College (NMC) to permit students to produce services and materials for community organizations or groups only to the extent that such production furthers such students' educational development. Care must be exercised by the administration in interpreting this policy to avoid student exploitation and unfair competition with local commercial enterprise.

The President or his/her designee is empowered to sell to any student personal property of NMC which has been fabricated by the student at the cost to NMC of the materials from which it was made. Materials necessary for the making of articles may be sold to the students at not less than their cost to NMC, and the article made from the material is the property of the student.

8004.4

STUDENT PUBLICATIONS

The Northern Marianas College (NMC) recognizes that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and in intellectual exploration. They serve as a means of bringing student concerns to the attention of the NMC community and the public and of formulating student opinion on various issues.

In the delegation of editorial responsibility to students, it shall be the policy of NMC to provide an adequate amount of editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

8004.5

SPEAKERS

It shall be the policy of the Northern Marianas College to maintain procedures and regulations for off-campus speakers, speakers for college clubs or organizations, "College hour" activities, and open forum assemblies.

8004.6

SOLICITATION OF FUNDS, AND DISTRIBUTION OF LITERATURE ON CAMPUS

**Northern Marianas College
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Soliciting funds, sales or posting of advertising for commercial enterprises shall not be permitted on campus, except for those business transactions directly related or necessary to the operation of the College or its programs. Exceptions must receive specific approval of the President or his/her designee.

**8004.7
IDENTIFICATION CARDS**

It shall be the policy of the Northern Marianas College (NMC) that every enrolled student and all full-time employees shall be eligible to receive an NMC identification card. The ID card should be carried at all times while on and off campus for access and identification purposes.

**8004.8
TRAVEL/EXTRA CLASS ACTIVITIES**

It shall be the policy of the Northern Marianas College to maintain detailed guidelines for any student travel related to extra-class activities. Procedures and details will be maintained and updated when necessary. Off-island travel by students must receive prior approval of the President or his/her designee.

**8004.9
POSTING OF FLYERS AND OTHER INFORMATION ON CAMPUS**

It shall be the policy of the Northern Marianas College (NMC) to maintain procedures and regulations regarding the posting of flyers and other information on on-campus bulletin boards by NMC clubs, organizations, and individuals. This applies to off-campus individuals and organizations as well.

**8004.10
FUND RAISING**

Northern Marianas College, as a community institution, invites the use of College facilities for fund raising or benefit events when facilities are not required to support the programs of the College.

Fund raising and benefit events cannot be held for commercial purposes and must conform to campus policy regarding "Use of Facilities" and "Publicity".

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Board Policy: Student Development**

The College and the programs associated with NMC do not endorse individuals or groups in political, commercial, religious, or private enterprises.

8005
MATRICULATION

The Northern Marianas College (NMC) is committed to serving all students who can profit from its instructional programs, to ensure equal educational opportunity, to provide the necessary services for optimizing their opportunities for success, and to help obtain the appropriate information/assistance for achieving their educational goals. NMC will develop and maintain appropriate procedures to implement this Board policy.



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

P.O. BOX 501250, Saipan, MP 96950
Tel: (670) 234-5498 Fax: (670) 234-1270

PUBLIC NOTICE

PROPOSED FACILITIES MANAGEMENT POLICY OF THE NORTHERN MARIANAS COLLEGE BOARD OF REGENTS

The Board of Regents of the Northern Marianas College, Commonwealth of the Northern Mariana Islands, pursuant to its duties and responsibilities under Public Law 4-34, hereby gives public notice of its intention to promulgate these proposed Facilities Management Policy.

Any interested person may examine the proposed Facilities Management Policy and submit written comments, positions, or statements for or against the proposed policy to the President of the Northern Marianas College, at P. O. Box 501250, Saipan, MP 96950, Office of the President, As Terlaje Campus, Saipan, Commonwealth of the Northern Mariana Islands 96950, no later than thirty (30) calendar days following the date of the publication of the Notice in the Commonwealth Register.

Dated this 29 day of December, 2004 at Saipan, Northern Mariana Islands.

Kimberlyn K. King-Hinds
Chairperson, Board of Regents
Northern Marianas College

Pursuant to 1 CMC § 2153, as amended by PL 10-50, the proposed Facilities Management Policy of the Northern Marianas College Board of Regents, a copy of which is attached hereto, has been reviewed for legal sufficiency and approved by the Office of Attorney General, Commonwealth of the Northern Mariana Islands.

Pamela Brown
Attorney General

1/13/05
Date

Received by:

Thomas A. Tebuteb
Special Assistant for Administration

1/14/05
Date

Bernadita B. Dela Cruz
Commonwealth Registrar



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

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NOTISIAN PUPBLIKU

MA PROPOPONE I ARKELAMENTON POT I FASILIDAT MANEHANTE SIHA GI I KOLEHUN NOTTE MARIANAS KUETON I REGENTS

I Kuetpon Regents I Kolehun Notte Mariãnas ginen I Commonwealth I Sankattan Siha Na Islas Mariãnas, sigun I responsabilidat yan checho-ña gi papa' i Lai Pupbliku 4-34, este na momento man nãna'i notisia para i pupbliku put i intension-ña para hu establese I Areklamenton Pt I Fasilidat Manehante Siha.

I man interesao na petsona siha, siña ma eksamina I ma propopone na Areklamento Pot I Fasilidat Manehante Siha ya hu fan nahalom tinige' opinion, i pusision pat mensahekaio ha aksepta pat ha kokontra I man mapropone na areklamento. Sina masatmiti este tinige' guatto gi Presidente, gi As Terlaje Campus, giya Saipan, gi Sankattan Siha Na Islas Marianas 97950, gi halom trenta (30) diha desde I fechan I publikasion este na Notisia gi Rehistran I Commonwealth.

Mafecha este gi mina 29 na ha'ane gi Disiembre, 2004 gi ya Saipan, I Sankattan Siha Na Islas Marianas.

Kimberlyn King Hinds
Kabesiya, Kuetpon i Regents
Kolehun Notte Mariãnas

Sigun i Lai 1 CMC §2153 ni ma'amenda genin i Lai Pupbliku 10-50, i man mapropone na Areklamenton Pot i Fasilidat Manehante Siha gi Kulehon Notte Mariãnas Kuetpon i Regents I, i kopia ni man chechetun guine esta man maribisa para hu ligat sufisiente yan ma'aprueba ni Ofisinan i Abugadon Henerat, gi Commonwealth I Sankattan Siha Na Islas Mariãnas.

Pamela Brown
Abugadon Henerat

Marisibe'as:

Thomas A. Tebuteb
Espisat Na Ayudante Para Atministracion

Fecha

1/14/05

Fecha

Pine'lon:

Bernadita B. Dela Cruz
Rehistran I Commonwealth



NORTHERN MARIANAS COLLEGE

BOARD OF REGENTS

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ARONGORONGOL TOULAP

POMWOL FACILITIES MANAGEMENT POLICY MELLÓL NORTHERN MARIANAS MWIISCHIL COLLEGE REGENTS

Mwiischil Regents mellól Northern Marianas College, Commonwealth Téél fakywasch Marianas, sáangi yaal lemelem llól Alléghúl Toulap 4-34 iye ee arongaar toulap igha ebwe atéew pomwol Facilities Management Policy.

Schookka eyoor mangemangiir nge emmwel rebwe amweri ghatchuw pomwol Facilities Management Policy me atotoolong ischil me ngare aingiingil ngali President mellol Northern Marianas College, reel Terlaje Campus, P.O. Box 501250, Seipel, MP 96950, bwulasiyool President, As Terlaje Campus, Seipel, Commonwealth Téél Falúwasch Marianas 96950, essóbw luuló eliigh (30) rállil sangi yaal arongow mellól Commonwealth Register.

Rállil ye 29 llól Tumwur (December), 2004 me Seipél, Téél Falúwasch Marianas

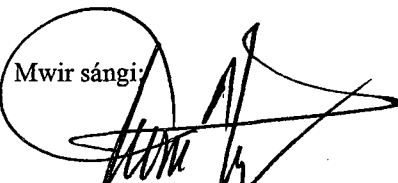


Kimberlyn K. King-Hinds
Samwoolul, Board of Regents
Northern Marianas College

Sáangi outol 1 CMC §2153 iye aa liwel mereel Alleghúl Toulap 10-50, me pomwol Facilities Management Policy mellol Board of Regents Northern Marianas College, tilighial ye ee appasch, nge raa takkal amweri fischiy me alúghúlúghúlo mereel Bwulasiyool Sów Bwungúl Allégh, Lapalap, Commonwealth Téél Falúwasch Marianas.

Pamela Brown
Sów Bwungúl Allégh Lapalap

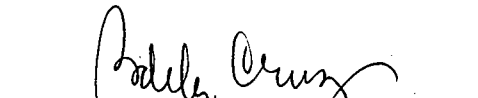
Rál

Mwir sáangi:


Thomas A. Tebuteb
Sów Alillisil Sów Lemelem



Rál



Bernadita B. Dela Cruz
Commonwealth Registrar

6000
INSTITUTIONAL RESEARCH

Northern Marianas College will develop systems for the evaluation of program performance, institutional effectiveness, and community needs.

6001
FACILITIES PLANNING

Recognizing that the appropriate development of physical facilities supports the College's academic and vocational educational programs, it is the policy of the Board to have an accurate and current facilities master plan. The master plan will reflect current and projected instructional needs and programs. The facilities master plan shall incorporate student and community population projects, site acquisition and development needs, College plant placement, and the determination of the financial requirements needed to fund facility projects.

The Capital Improvement Projects Plan shall represent the cooperative efforts of faculty, students, and administrative staff. To assist in the development of College facilities, a College facilities planning committee (FPC) representing the interests of faculty, administration, students, and classified staff shall advise the Director of Financial and Administrative Services as to the appropriateness of capital improvement projects. The Director of Financial and Administrative Services shall provide planning information and data to the College President and the Board of Regents.

The College construction program involves four broad phases:

1. Identifying facility needs and requirements;
 2. Planning;
 3. Designing specific projects; and
 4. Construct College facilities.
-

6001.1
FACILITIES NEEDS ASSESSMENT

The Board of Regents recognizes the importance of providing appropriate College facilities. To assure a comprehensive approach to evaluating, projecting, and planning needs, the following factors will be considered:

1. The expanding and changing educational needs of the Commonwealth;
2. The College's role in the community;
3. Plant and site aesthetics;
4. Demographic changes of the Commonwealth's population;
5. Community planning, zoning and environmental impact;
6. Student, faculty and staff accessibility, safety, welfare and security issues;
7. Relationships between new and existing facilities;
8. Financial ability; and
9. Cost benefits and economies reflecting true value in relation to expenditures of public funds.

**Northern Marianas College
Board Policy: Facilities Management**

The President is directed to establish such administrative arrangements as may be necessary to assess the facility needs of the College. A variety of resources may be utilized, including the local public utilities, commercial and industrial enterprises, professional consultants, and governmental agencies.

**6001.2
EXISTING STRUCTURES**

All existing facilities will be evaluated periodically for their spatial, health, safety, sonic, seismic, energy, aesthetic, and accessibility requirements related to educational programming and structural soundness.

**6001.3
ADDITIONS AND REMODELING**

Planning for rehabilitation and remodeling of campus facilities shall be incorporated in a continuously updated Five-Year Capital Improvements Plan. The President will direct staff to address program functionality, accessibility, energy utilization, health, and safety considerations as well as aesthetic design issues as integral parts of the refurbishing and remodeling of campus facilities

**6001.4
FACILITIES EDUCATIONAL SPECIFICATIONS**

To insure that College facilities are designed to enhance the educational program and student services, the President will direct the Director of Financial and Administrative Services to provide for the establishment of educational specifications as a guide in the planning and constructing or leasing of facilities.

Educational specifications will be developed in consultation with appropriate Academic Affairs and/or Student Services representatives and shall include the following:

1. Description and justification of educational and student services program(s) to be housed;
 2. Information about student needs and special requirements (e.g., disabled access requirements, technical specifications related to a particular program or instructional methodology, etc.);
 3. Justification for the type, functional requirements and amount of furniture and equipment required; and
 4. Consideration of aesthetics, energy conservation, health and safety, security, traffic patterns, community use, and the relationship between the facility and the balance of the campus.
-

**6002
FACILITIES CAPITAL IMPROVEMENT PLANNING**

To insure that College facilities are planned in an effective and economical manner, the President shall provide the Board an annual Five Year Capital Improvement Plan (CIP). The purpose of the CIP is to insure that adequate facilities and equipment are available for instructional, student services, and administrative program support. The CIP will consider new facility needs, acquisitions, scheduled

Northern Marianas College
Board Policy: Facilities Management

maintenance, space utilization, energy conservation, health and safety, security, and major equipment installation.

6002.1
SPACE INVENTORY AND UTILIZATION

The College will maintain an appropriate inventory of all assignable physical space and properties and achieve appropriate lecture and laboratory space utilization.

6002.2
FIVE-YEAR CAPITAL IMPROVEMENT PLAN

The President will provide the Board of Regents a Five-Year Capital Improvement Plan. The CIP will provide facilities needed to implement the College's Strategic Academic Plan.

Specifically, the Five-Year Capital Improvement Plan will include the following:

1. Statement of educational plans;
 2. Statement of energy plans;
 3. Statement of disabled barrier removal plan;
 4. Location of program delivery;
 5. Location of other owned lands;
 6. College-wide priority lists;
 7. College-wide capacity/load ratios;
 8. College-wide supporting detail; and
 9. Environmental Review Documents (where appropriate).
-

6002.3
SCHEDULED MAINTENANCE PROGRAM

The President will submit to the Board of Regents an annual Scheduled Maintenance Program. The purpose of the Scheduled Maintenance Program is to address those facility maintenance problems that need major corrective action. The criteria for preparing projects within the annual Scheduled Maintenance Program include:

1. Health and safety problems;
2. Age of problem; and
3. Existence of continuing preventative maintenance measures.

The following deferred maintenance categories are in priority order:

1. Roof problems;
 2. Utility line problems;
 3. Mechanical system problems;
 4. Building exterior problems; and
 5. Other problems.
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**Northern Marianas College
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6002.4

HAZARDOUS MATERIALS REMOVAL PROGRAM

The President will submit to the Board of Regents an annual Hazardous Materials Removal Program. The purpose of the Hazardous Materials Removal Program is to address hazardous substances that may need removal from College sites. The criteria for preparing projects within the annual Hazardous Materials Removal Program shall follow Federal and local governmental agency guidelines.

6003

[Reserved for future use]

6004

FACILITIES DESIGN

Facility designs will be appropriate to the campus and the surrounding community and reflect the input of the Board, President, and appropriate committees.

Professional Architectural and Engineering services will be contracted as required. Architects and engineers will assist the College in developing facilities that appropriately service the educational program and student services.

6004.1

FACILITIES DESIGN STANDARDS

It is the policy of the Board of Regents to have architectural and engineering design standards available for the appropriate planning of College facilities. The purpose of such design standards is to provide for a consistent and well-coordinated development of College sites. Design standards will address structural, mechanical, electrical, civil, access, health and safety, security, aesthetic, and major equipment issues. Project architects and engineers will be required to incorporate College design standards in specific project plans.

6004.2

FACILITIES DRAWINGS AND SPECIFICATIONS

There shall be four basic stages included in major project design services provided by architects and engineers:

1. Schematic Design Phase -- includes conferences with professionals and the preparation of schematic sketches based upon the scope and function of the project;
2. Design Development Phase -- includes the development from the College-approved schematic design studies of those drawings necessary to integrate the design, explain the project fully, and provide the basis for an accurate, preliminary estimate of costs. Design drawings, site plans, elevations, and other drawings must include outline specifications of structural, mechanical, and electrical systems and equipment;

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3. Construction Documents Phase -- includes the preparation of contract working drawings and specifications, based upon the College-approved design development documents, prescribing in workmanship, finishes and equipment required, and including structural, mechanical and electrical work, integrated site work, and service connected equipment; and
4. Construction Administration Phase -- includes assisting the College in obtaining proposals, awarding and preparing construction contracts, and preparing addenda. Also included is the general administration of the contract between the College and the contractor, which involves periodically visiting the site, checking the shop drawings, checking contractors' requests for payment, authorizing payment of approved amounts, and preparing change orders in the work approved by the College.

6004.3
CONSTRUCTION RELATED EQUIPMENT

There are two types of construction related equipment. Group I (built-in) equipment items are built into the project and specified as part of the construction bid documents. Group II (moveable) equipment items are those, which are movable and can be installed after the major construction has been completed.

Both Group I and Group II equipment requests will be reviewed and evaluated by the President's designee prior to committing funds for purchase. Equipment items will be evaluated as to their necessity and usefulness to the facility and to the College's instructional program.

6005
SITE DEVELOPMENT

The Board of Regents believes that the College is an integral and inseparable part of the total community. As such, the College has an obligation to insure that site selection and subsequent development reflect community interests and needs.

The Board retains the sole responsibility for selecting College sites. The President is responsible for establishing such criteria and procedures as are necessary to fully inform the Board as to the best alternatives available.

All sites selected and developed shall comply with federal and CNMI laws and regulations.

Included in selection criteria shall be the following considerations:

1. Accessibility;
2. Proximity to utilities;
3. Aesthetics and historical consequences;
4. Environmental Impact;
5. Cost; and
6. Size.

6005.1
FACILITIES: ACQUISITION

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The Board of Regents, commitment with applicable law, may enter into an agreement with the owner of property for a proposed College site whereby the College, for an annual consideration to be borne by the College, is given an option to purchase, or lease with an option to purchase, such property at an unspecified future date.

6005.2
LAND USE

Every College or campus site shall be planned for efficient and effective development. Planning shall be incorporated into a Strategic Plan and shall include appropriate locations of all facilities, utilities, energy conservation and mechanical devices, technology infrastructures, parking areas, access roads, and landscaping.

Should all planned components not be constructed in the initial phase of construction, then planned incremental site development shall be specified.

6006
FACILITY PROJECT FINANCIAL MANAGEMENT

It shall be the responsibility of the President or designee to provide construction project fiscal management. The Director of Financial and Administrative Services shall work closely with consultants, contractors, local officials, and Business Services staff to ensure proper fiscal management of each project.

6006.1
FACILITIES: COST ESTIMATING

It shall be the responsibility of the President or designee to ascertain projected construction and/or remodeling costs for College capital improvement projects. Cost estimates will be developed on the basis of current and expected projections for construction projects within Commonwealth of the Northern Mariana Islands. All necessary cost factors shall be considered and analyzed, including site development, utilities, and structural, mechanical, energy equipment items, and economy-induced construction cost projections.

6006.2
PAYMENT TO CONSULTANTS AND CONTRACTORS

Payments to consultants and contractors shall be made in the usual course of College business after presentation by the consultant or contractor of a claim, approved by the College's authorized representative, designating services performed, method of computation of amount payable, and amount payable.

6006.3
FACILITIES PROGRESS PAYMENTS

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When the College is the contracting agency payment shall be made as follows:

Payments on account of basic services shall be made as the consultant's or contractor's performance progresses on an agreed-upon schedule.

For architects and engineers, unless otherwise noted and agreed to by the College in a written contract, the standard progress payment schedule shall be as follows:

UPON COMPLETION OF	CUMULATIVE PERCENTAGE OF FEES
ARCHITECTURAL AND ENGINEERING PHASE (includes Construction Management)	
Schematic Design Phase	15%
Design Development Phase	35%
Construction Development Phase	
(50% complete)	50%
(100% complete and accepted)	75%
Bid Phase	80%
Construction Phase	---
Signing of contract	
(25% complete)	85%
(50% complete)	90%
(75% complete)	95%
(100% complete and accepted)	100%

Payments to contractors shall be as follows:

Payments to contractors shall be specified in the contract. Payment schedules may be designed to pay contractors as phases of the project are completed (i.e. foundation; rough in walls/roof, exterior finishing, interior finishing) or as work progresses as explained below.

By the last day of each month, the contractor will estimate the value of the work done in the performance of the construction contract between the firm and the College. These estimates shall be subject to the review and acceptance of the consultant (architect or engineer) and the College representative. The first such estimate shall be of the value of the work done after the contractor commences the performance of the contract; every subsequent estimate, except for the final estimate, will be of the value of the work done after that included in the last preceding estimate. Such estimates will be based on labor, materials, and equipment incorporated into the work, and items of materials and equipment delivered to the project. Within thirty (30) calendar days after the approval of each estimate by the College for progress payment, the College will pay to the contractor an amount equal to 90 percent of said approved estimate.

Payments may at any time be withheld if in the judgment of the College the work is not proceeding in accordance with the contract, or the contractor is not complying with the requirements of the contract.

6006.4
CHANGE ORDERS, RETENTION AND FINAL PAYMENTS

Alternate 1

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Change orders may require Board of Regents approval. Change orders must include cost figures and will be reviewed by the consultant (architect or engineer) prior to submission to the College.

Alternate 2

Change orders in excess of 10% or \$100,000, whichever is less, must be approved by the BOR. Change orders must include cost figures and will be reviewed by the consultant (architect or engineer) prior to submission to the College.

Alternate 3

The President may approve change orders not in excess of \$100,000 or 10% of the construction cost whichever is less. All change orders exceeding this amount must be approved by the BOR. Change orders must include cost figures and will be reviewed by the consultant (architect or engineer) prior to submission to the College.

Ten percent (10%) of progress payment requests will be held as retention payments, which are due and payable upon the completion and final acceptance of the project. Retention funds may, by mutual consent, be held in a separate interest bearing escrow account.

It is mutually understood and agreed that when under any provision of a construction contract, the College shall charge any sum of money against the contractor; the amount of such charge shall be deducted and retained by the College from the amount of the contract.

6006.5
LIQUIDATED DAMAGES

The Board of Regents shall issue guidelines fixing liquidated damages. The contractor shall become liable to the College in the amount specified in the contract per calendar day for each day said contract remains uncompleted beyond the time for completion and/or for any direct documented additional College expenses incurred due to the contractor's delay, as and for liquidated damages or direct expenses and not as a penalty.

6007.0
CONSTRUCTION

The President or designee shall supervise college construction projects. The College designee shall monitor the progress of all construction work along with inspection of workmanship, completion of work to meet design and specifications, and the suitability of proposed changes to scope and original design standards.

6007.1
BIDDING AND DOCUMENTATION

Upon approval of final drawings and specifications, the Board of Regents may authorize the public bidding of the project. Bid documents, including specifications and contracts, bonds, etc., shall be prepared and assembled by the College's consultant (architect or engineer). Bid documents will be reviewed and approved as to content and form by the College and its legal counsel.

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The College will follow its procurement and supply policies and procedures.

6007.2
FACILITIES PROJECT SUPERVISION AND INSPECTION

The President or designee shall be responsible for supervising the construction projects. As part of contracted services, the College's consultant (architect or engineer) shall represent the College and report to the President or designee.

The College may hire a qualified consultant to perform construction management services. This service shall include construction document review, change order review, site inspections to ensure compliance with construction contract, project specifications, and other documents, and shall ensure quality workmanship.

6007.3.
FACILITIES ACCEPTANCE

Upon completion of all contracted work, the contractor shall file a request for final inspection. The final inspection shall be conducted by the consultant (architect or engineer), the CNMI approved inspector and College staff as designated by the President

Upon completion of the final inspection the President shall review and may approve recommendations to accept completed projects. Any items to be completed must meet with College approval prior to acceptance and final payment of retained funds.

6007.4
FACILITIES MEMORIALS AND DEDICATIONS

The Board of Regents may name permanent memorials.

6008
FACILITIES OPERATIONS

A systematic plan shall be developed for the maintenance and operation of all campus facilities, equipment, and other properties of the College.

The welfare and safety of students, staff and the public's investment of school buildings and grounds shall be maintained and conserved through a planned program of inspections and maintenance.

Procedures shall be established to provide necessary personnel, supplies, and equipment to maintain college properties in a safe and functional condition through appropriate planning and budgeting.

The College shall maintain a competent staff of craftspeople's to provide adequate preventative maintenance and/or repairs to the buildings, grounds and service systems.

Facilities Management maintenance and operations work schedules will be maintained in such a manner that efficient use of time and skills are utilized and will also provide for time to respond to emergencies.

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6008.1
SAFETY AND HEALTH

The Board of Regents believes that safety is every employee's responsibility. The Board of Regents expects all employees to use safe work practices and to report and correct any unsafe conditions that may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement. It is the policy of Northern Marianas College to assure a healthy and safe work environment for all employees, students, and the public.

The welfare and safety of students, staff, and the public's investment of facilities and grounds shall be maintained and conserved through a planned program of inspections and maintenance.

All college activities, educational and research programs, and work areas shall be designed, conducted, and / or maintained in a manner that protects the safety and health of all employees, students, and the public. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal and local laws, and regulations.

No employee shall be required to work under unsafe or hazardous conditions or to perform tasks that endanger his/her health, safety, or well-being or the well-being of others.

All students and employees have the right to know of any safety and health hazards that might be present in the work or educational environment.

The College shall maintain a competent staff to provide preventative maintenance and/or repairs to the buildings, grounds, and service systems.

Maintenance work schedules will be maintained in such a manner that efficient use of time and skills is utilized and will also provide time to respond to emergencies.

There shall be established a written program and procedures for identifying and evaluating hazards, and the methods for correcting unhealthy conditions and work practices in a timely manner.

The College will develop guidelines for the storage and disposal of hazardous materials and wastes in compliance with federal and local regulations and health standards.

Appropriate records shall be maintained to insure there is documentation of College compliance with applicable standards.

All visitors to the College shall adhere to the safety and health policies of the College.

6008.2
SECURITY

The U.S. Congress has passed the Crime Awareness and Campus Security Act and the Board of Regents of the Northern Marianas College intends to comply with the requirements of that act.

The President shall prepare, publish, and distribute policy statements that comply with the letter and spirit of the Crime Awareness and Campus Security Act of 1990. The statements shall be issued covering a) Procedures for students to report criminal activities; b) Security at campus; c) Availability and authority of campus law enforcement; d) Programs available to inform students about security and the prevention

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crime; e) Recording of crime through local police agencies; and f) Possession, use and sale of alcohol and drugs.

The President shall also prepare, publish and distribute statistical reports that identify the occurrence of campus crimes and the number of campus arrests for crimes specified in the Crime Awareness and Campus Security Act of 1990.

The policy statements and statistical reports should be published in publications or mailings that are available to students and employees, as well as prospective students and the higher education community, upon request.

6008.3
EMERGENCY PREPAREDNESS

In view of the increasing threats of violence as well as other emergencies and disasters, natural or otherwise the Board of Regents recognizes the need to be prepared at all times.

The primary purpose of this policy is the protection of students, employees, and visitors of the Northern Marianas College as well as property and other resources. In addition, it provides for a formal and systematic process that reduces confusion and ensures timely and appropriate action and flow of information in the event of a disaster or emergency.

The President is directed to implement an emergency preparedness plan that shall include, but not limited to, the following:

1. Procedures for notifying civil authorities of an emergency or disaster;
2. Procedures for notifying college officials during non-duty or non-work hours;
3. Procedures for "first responders;"
4. Procedures for evacuating (partial and total) college facilities and grounds;
5. Provisions for equipment such as emergency lighting, exit signs, fire extinguishers, personal protective equipment, and storage and handling equipment for hazardous material;
6. Training of employees and students; and
7. Procedures to follow in the event of typhoons and tropical storms.

There shall be an annual budget in support of the emergency preparedness plan. Amounts in this budget shall be protected and may not be reprogrammed or cut without BOR approval.

6008.4
USE OF TOBACCO AND BETEL NUT

It is the intent of the Board of Regents of the Northern Marianas College to promote a safe and healthy environment for its students, faculty, staff, and visitors of NMC by reducing the health risks associated with the use of tobacco and betel nut and by minimizing discomfort and inconvenience to all. It is the intent of this policy to protect the rights of the nonsmoking/nonchewing campus community to breathe smoke-free air and avoid the expectorations of those who chew. Facilities and vehicles owned or occupied by NMC are to be tobacco and betel nut free environments. Smoking is prohibited in the outside areas where smoke can come inside a building and affect the occupants and within fifteen feet of commonly used entrances.

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Those individuals who smoke outdoors are expected to extinguish their smoking materials and dispose of them properly in appropriate receptacles to avoid fires and littering. Those who chew betel nut or tobacco outdoors should do so in a manner that does not leave stains.
The sale of tobacco and betel nut products is prohibited on campus.

6009.0
COMPUTER AND COMMUNICATIONS TECHNOLOGY USE

The Northern Marianas College (NMC) encourages the use of computer and communications technology, including computer networking, in order to enhance both the College's operation and the learning environment for students, faculty, staff, and the community. In order to prevent the misuse of such technology, the College shall develop and regularly update procedures related to campus administrative computing, campus instructional computing, and network access to these systems, along with College-sponsored websites, computer bulletin boards, and other such electronic communication systems.

PUBLIC NOTICE

REVISION OF PROPOSED COMPREHENSIVE IMMIGRATION REGULATIONS AND EXTENSION OF PERIOD FOR PUBLIC COMMENT

The Commonwealth of the Northern Mariana Islands, Office of the Attorney General hereby notifies the general public that the Proposed Adoption of the Amended and Restated Immigration Regulations, published in the Commonwealth Register, Vol. 26, No. 12, December 15, 2004 at pages 23699 to 23758, are hereby revised as indicated, and the period within which the public may submit written comments is hereby extended for a period of thirty (30) days after publication of this notice in the Commonwealth Register. Based upon comments received 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 the Immigration Regulations 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.

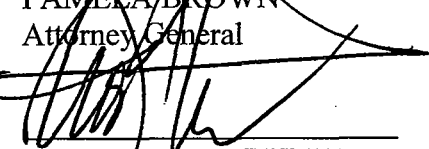
It is the intent of the Attorney General to adopt these Immigration Regulations as permanent pursuant to 1 CMC § 9104(a)(1) and (2). This publication provides notice and opportunity for comment. If necessary, a public hearing will be provided. Written comments on the revised proposed regulations should be sent 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.

Submitted by:


PAMELA BROWN
Attorney General


1/14/05
Date

Received by:


THOMAS A. TEBUTEB
Special Assistant for Administration

1/17/05
Date

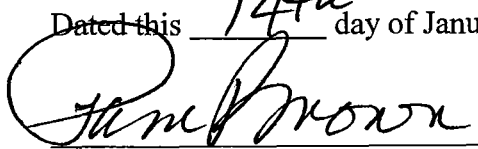
Filed and Recorded by:


BERNADITA B. DELA CRUZ
Corporate Register

1-17-05
Date

Pursuant to 1CMC §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 14th day of January 2005.

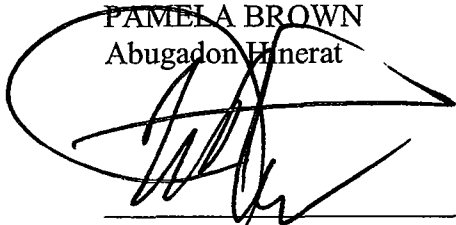

PAMELA BROWN
Attorney General

NOTICIA PARA I PUBLICO POT I MATULAI-KAN I MA PROPOPOSITO NA
KOMPRESHENSIVE REGULACION IMIGRACION SIHA YAN MA-EXTETENDE I
TIEMPO PARA UFAN COMENDA I PUBLIKO

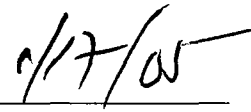
I noticia pago guine man-mananae komo, petsuante i autoridad gi papa Executive Order 03-01 yan 3 CMC Sectiona 4312(d), i Ofisinan i Abugadon Hinerat ha propoposu ayu i mana-dadana na amendacion siha guato i ma Amenda yan Manadana i Imigrasion na Regulacion siha, ma-publika gi Commonwealth na Registratura, I mina Vol. 26, numeru 12, Diciembre dia 15, 2004. Este gui siha i preposito: (1) i man clarifcao na documento siha man ma necisita para entrada; (2) ma estab-blesti regulacion para i esponsors i papit Entrada para i Bisita-siha; (3) u-mana guaha papit entrada para famaguon taotao hiyon ni mana-nang-ga para ufan ma adopta; (4) umaconfotma na guaha bonding; (5) Papit i extension i Comity na entrada; yan (6) mana-claro i regulacion i taotao hiyon na estudiante na entrada.

Sina un-na hanao I tinige-mu pot este na comendacion para guato gi as Senora Pamela Brown, Attorney General, Office of the Attorney General, Juan A. Sablan Memorial Bldg, Capitol Hill, Saipan, MP 96950 o-sino na hanao gi este na fax: (670)664-3449.

Ma Submitte as:


PAMELA BROWN
Abugadon Hinerat

Date




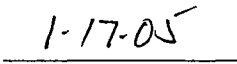
Ma Resibe as:

THOMAS A. TEBUTEB
Especiat na Asistant para i Adminitrasion

Date

Ma na halom yan
Ma record as:


BERNADITA B. DELA CRUZ
Rehistran I Commonwealth



Date

Petsuante i 1CMC sectiona 2153, ni ma amenda i Li Publico 10-50, I regulasion siha man-dadana guine, esta man ma apreba gi legat na manera as CNMI Ofisina Abugadon Hinerat.

Ma fet-cha gi dia _____ de Inero, 2005.

PAMELA BROWN
Abugadon Hinerat

PUBLIC NOTICE
RE-PROPOSED RESTATEMENT AND ADOPTION OF COMPREHENSIVE
IMMIGRATION REGULATIONS

The following amendments to the proposed comprehensive Immigration Regulations are proposed in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq.

Citation of

Statutory Authority:

The Office of Attorney General is authorized to promulgate regulations governing the movement of aliens into and away from the Commonwealth of the Northern Marianas Islands pursuant to Executive Order 03-01 and 3 CMC § 4312(d).

Short Statement of

Goals and Objectives:

In addition to the amendments previously proposed to the Comprehensive Immigration Regulations, these additional amendments are proposed to enable the Attorney General and the Division of Immigration to meet the rapidly changing needs of the Commonwealth's social and economic environment, which is increasingly dependent on foreign markets.

Brief Summary of

Proposed Amendments:

The proposed amendments to the comprehensive Immigration Regulations are promulgated to:

- (1) Clarify Section 701 to include a Nonresident Workers Permit as a document required for entry.
- (2) Establish requirements under Sections 703(D)(3) and 703(E)(1)(h) for serving as a sponsor to persons traveling on a Visitor Entry Permit.
- (3) Amend Section 703(D) to include alien children whose adoption is pending in the Commonwealth Superior Court.
- (4) Comport Sections 703(L)(10) and 804(C)(1)(a), governing bonding requirements, to reflect recent proposed changes to regulations governing the insurance industry.
- (5) Amend Sections 706(C) and 706(Q)(4) to allow that the holder of a Comity Entry Permit may apply for and receive one Long Term Tourist Entry Permit as an extension of the Comity Entry Permit.

- (6) Eliminate the distinction between a Post-Secondary Student Entry Permit under Section 706(H)(1) and a Limited Term Student Entry Permit under Section 706(H)(2), and to clarify the circumstances under which foreign students may work in the Commonwealth.
- (7) Amend Section 707(A) to clarify that the Division of Immigration must be satisfied as to the authenticity of documents submitted in support of an Authorization for Entry before processing will be completed.

**For Further
Information Contact:**

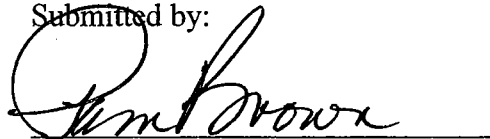
Eric S. O'Malley, Assistant Attorney General, Office of the Attorney General, telephone (670) 664-2366 or facsimile (670) 234-7016.

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

The proposed amendments affect the Immigration Regulations.

Dated this 14th day of January 2005.

Submitted by:



PAMELA BROWN
Attorney General

**AMENDMENTS TO PROPOSED AMENDED AND RESTATED
COMPREHENSIVE IMMIGRATION REGULATIONS**

• **Section 701: Permit Entry Requirements**

Current Division of Immigration procedure permits aliens who are not otherwise exempt to enter the Commonwealth by producing either a Visitor Entry Permit, an Authorization For Entry or a Nonresident Worker Permit (accompanied by a reentry letter if the alien already resides in the Commonwealth). The following amendment to Immigration Regulation Section 701 codifies this procedure:

Section 701. Requirement. An alien may enter the CNMI only upon evidence of a valid entry permit (either a Visitor Entry Permit, Nonresident Worker Permit, or an Authorization For Entry) granted in advance of his arrival at the port of entry.

• **Sections 703(D) and (E): Sponsor Qualifications**

The Division of Immigration has experienced difficulty in holding sponsors of visitors accountable for visitors who overstay their Visitor Entry Permit or work illegally. This has led to widespread abuse, especially by Nonresident Workers, suggesting a need to clarify qualifications of sponsors for Visitor Entry Permits. The Commonwealth thereby proposes the following amendments to Sections 703(D) and (E):

D. ~~Persons Not Permitted to Enter~~ Limitations.

1. 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 an Authorization for Entry or work entry permit issued under Section 706(K) of these regulations.
2. 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.
3. An alien present in the Commonwealth pursuant to a permit issued under Immigration Regulation Section 706(K) may serve as sponsor for no more than two applicants for a Visitor Entry Permit at any given time, provided, however, that the sponsoring alien may sponsor additional visitors if he or she submits satisfactory evidence that he or she is able to fulfill the obligations set forth in the affidavit required by Immigration Regulation Section 703(E)(1)(h).

E. Application for VEP.

1. 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:
 - a. Name;
 - b. Certified copy of valid passport;
 - c. Home address, telephone number, fax number, place of birth;
 - d. Length of time at home address;
 - e. Expected date and time of arrival;
 - f. Expected date and time of departure;
 - g. Name and address of sponsor/reference/hotel in the CNMI;
 - h. Proof of financial responsibility by either:
 - (1) if the visitor is self-sponsored, satisfactory evidence that the visitor is capable of supporting themselves while in the Commonwealth (at least \$100 per day) and of purchasing a return air ticket; or
 - (2) if the visitor is sponsored by a party residing in the Commonwealth, an Affidavit of Support signed under penalty of perjury that at a minimum affirms that the sponsor: (i) has not been found in violation of prior sponsorships; (ii) has sufficient income or financial resources to support the visitor during their entire stay, including the ability to pay for food, lodging, medical and transportation costs; (iii) is willing to pay such costs should it become necessary; (iv) will reimburse the Government of the CNMI for all expenses incurred as a result of the visitor becoming a deportable alien pursuant to Commonwealth law and regulation, which costs may include (among other things) the expenses of detection, detention, prosecution and repatriation; and

(v) will report to and assist the Division of Immigration should the visitor violate any condition of entry or other U.S. or Commonwealth immigration law or regulation.

- i. Copy of round trip ticket or e-ticket or verified itinerary;
- j. Indication whether applicant has visited CNMI previously; and
- k. Indication whether applicant has ever applied and been denied entry or an entry permit.

Additional information may be required as needed.

- **Section 703(D): Children with Adoption Pending**

Commonwealth law governing adoption currently requires a child to reside in the Commonwealth for a period of one year prior to adoption, yet Commonwealth immigration laws and regulations provide no legal status for such children. The Commonwealth thereby proposes to amend Immigration Regulation Section 703(D) as follows:

- D. Immediate Relative of Non-alien Entry Permit – permits immediate relatives of persons who are not aliens to remain in the CNMI for one (1) year so long as the immediate relative status is in effect, and permits aliens who have filed a Petition for Adoption with the Commonwealth Superior Court before the alien's eighteenth birthday to remain in the Commonwealth for a period of up to one (1) year, as may be necessary to satisfy the requirements for adoption. The permit may be renewed at the discretion of the Director of Immigration.

- **Bonding Requirements**

The Commonwealth has initiated regulatory amendments governing local insurance companies in an effort to ensure viability of bonds. As such, the Division of Immigration intends to rely more exclusively on bonds as opposed to other forms of security. The Commonwealth thereby proposes to amend Immigration Regulations Section 703(L)(10), governing accreditation of agencies that process Visitor Entry Permits, as follows:

10. Bonding Requirement.
 - a. 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 domestic insurance company licensed to conduct business in the

CNMI and certified by the Insurance Commissioner to be in full compliance with all financial and security reserve requirements and 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.

- b. 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.

In addition, the Commonwealth proposes to amend Section 804(C)(1)(a), governing Preliminary Waivers and required bonds for visitors from Excluded Location as follows:

- a. 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

• **Sections 706(C) and 706(Q)(4): Extensions for Comity Entry Permit**

Based on the success of the Comity Entry Permit under Immigration Regulation Section 706(Q), and requests to extend the permissible periods, the Commonwealth hereby proposes to amend Sections 706(C) as follows:

- B. Long-Term Tourist Entry Permit – permits alien to remain in the CNMI for up to sixty (60) days. No Long-Term Tourist Entry Permit shall be granted within thirty (30) days of the expiration of any previous tourist entry permit, except that one Long-Term Tourist Entry Permit may be issued as an extension to a Short-Term Tourist Entry Permit or to a Comity Entry Permit. Alien shall not conduct business or perform services during stay. The Division of Immigration may impose a reasonable fee for processing and/or issuing a Long-Term Tourist Entry

Permit. A Long-Term Tourist Entry Permit will be granted only upon a determination that it is in the best interests of the Commonwealth.

In addition, the Commonwealth proposes to amend and 706(Q)(4) as follows:

4. A Comity Entry Permit may not be issued within thirty (30) days of the expiration of any other permit, nor may a Comity Entry Permit be extended or renewed, except that one Long Term Tourist Entry Permit may be issued as an extension of a Comity Entry Permit pursuant to Immigration Regulation § 706(C).

- **Foreign Student Entry Permit**

Current Immigration Regulation Section 706(H) provides for two separate Foreign Student Entry Permits, one for Post-Secondary Institutions and one for "Training Programs". In practice, this distinction has proven neither practicable nor useful. In order to simplify the Immigration Regulations and to clarify under what circumstances a foreign student may work, the Commonwealth proposes to delete Immigration Regulations Sections 706(H)(1) and (2) in their entirety, to be replaced as follows:

H. Foreign Student Entry Permits –.

1. Student Eligibility–

- a. For the purposes of this section "approved institution" shall refer to institutions approved pursuant to Immigration Regulation Section 706(H). "Full-time" under this subsection is defined as a degree program of study of at least twelve (12) credit hours per semester or, for a training program, at least twelve (12) hours of active participation in course work or training per week.
- b. In order to qualify for entry into the CNMI under this subsection, an applicant must be admitted to matriculate full-time in an approved institution.
- c. Applicants may apply for a Foreign Student Entry Permit prior to formal enrollment with an approved institution, but the permit will not be issued until proof of enrollment is received and verified by the Office of the Attorney General, Division of Immigration (DOI). Upon receipt and preliminary approval by the DOI of a Foreign Student Entry Permit application and supporting materials (see Section 3 and 4, below), the DOI will issue a "Student Authorization For Entry" that will allow the individual to travel to and enter the CNMI temporarily, in order to enroll in their approved institution and obtain a permit.
- d. Permission to remain in the CNMI, as granted by this subsection, shall expire upon completion of a degree or certificate program or school or training program or upon notification by the institution to the DOI that the student is no longer a full-time active student.

- e. A permit issued pursuant to this subsection shall be valid for no more than one (1) year and is renewable if the applicant continues to meet all conditions of the original issuance. In any case, the duration of a Foreign Student Entry Permit shall not exceed the length of the degree or training program plus reasonable time necessary for repatriation. All applicants must comply with paragraphs 3 and 4 of this section.

- f. Dependents (which includes only children, under the age of eighteen, and spouses) of a holder of a Foreign Student Entry Permit issued pursuant to this subsection may be granted "Immediate Relative of Alien" entry permits pursuant to Immigration Regulation 706(E); provided, however, that in addition to the requirements of that Regulation, the applicant must also submit proof that sufficient funds are or will be available from an identified and reliable source to defray all living expenses during the period of the applicant's Foreign Student Entry Permit. Provided, further, that in addition to the repatriation bond required by Immigration Regulation 706(E), the applicant also must secure a three thousand dollar (\$3,000) bond for each dependent for health care services or provide proof of valid medical insurance coverage. An Immediate Relative of an Alien entry permit issued pursuant to this subsection shall only be valid for the same term as the Foreign Student Entry Permit.

2. Employment-

Except for students participating in an on-campus work/study program intended to defray the cost of tuition and /or living expenses, nothing in this section shall authorize the holder of a Foreign Student Entry Permit to work in the Commonwealth.



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ATTORNEY GENERAL OPINION No. 04-13

Date: 10-20-04

To: Juan S. Reyes, Secretary of Public Works
James U. Hofschneider, M.D., Secretary of Public Health
Fermin M. Atalig, Secretary of Finance
Edward S. Tenorio, Director of Management and Budget
Herman Sablan, Director of Procurement & Supply

From: Clyde Lemons, Jr., Acting Attorney General
James Stump, Assistant Attorney General

Re: Medical Supply Warehouse Roofing, Contract No. 424519-OC

We have reviewed the issues raised concerning the contract for repair to the medical supply building, Contract No 424519-OC to determine whether this contract may proceed. In the sections below, our analysis is presented.

I. ISSUES

Two issues were presented for examination:

1. Did the contractor fulfill the requirements of the CNMI procurement regulations?
2. Is contract No. 424519-OC a proper use of procurement regulations associated with "expedited purchasing in special circumstances" procedures?

II. SHORT ANSWER

1. Yes. The bond provided by the Contractor fulfills the requirements of the procurement regulations.
2. No. However, this project qualifies for emergency procurement and justification should be submitted to the Director of Procurement & Supply by the Department of Public Health.

III. BACKGROUND

The Commonwealth of the Northern Mariana Islands (“CNMI”) Department of Public Health (“DPH”) received three grants for Hospital Bio-terrorism Preparedness federal program. The grants provided funds for improvements to a storage facility for bio-terrorism medical supplies. The specific project was for repair of a storage building that is used to house emergency medical supplies. This structure is in a deteriorated condition that allows rain and other elements to contaminate medical supplies. These medical supplies are critical for hospital operation and protection of the public in times of emergency.

In addition to the harm caused by exposure of medical supplies to elements, this project is grant-funded and in danger of losing its award. All funds must be expended by November 30, 2004.

The nature of this project, to facilitate protection against bio-terrorism and in furtherance of public health, the Department of Public Health chose to procure this project under “expedited purchasing in special circumstances” procedures. Proc. Reg. § 3-108. These regulations reduce the amount of procurement procedures applicable to projects that are associated with enhancing protection against bio-terrorism. Proc. Reg. § 3-108.1.

On August 13, 2004, the Secretary of Public Health requested the use of these procedures, which was subsequently approved. In spite of having a waiver of bid requirements, the Department of Public Works solicited bids and received four proposals. Upon review of the proposals, the lowest responsive bidder, Solid Builders, (“Contractor”) was selected and recommended for award of the contract pending submittal of additional documents. The contractor submitted these documents, and the Department of Procurement & Supply approved the completed processing of Contract No 424519-OC and authorized the Contractor to proceed with construction.

Subsequent to the notice to proceed with Construction, the Division of Procurement & Supply determined that the provided performance bonds were unacceptable. The specific problem related to conditions placed on the performance bonds such that the issuer could cancel them. These conditions were subsequently removed. However, as part of removal of these conditions, the Secretary of Public Works agreed to notify the Surety should there “of any and all change orders to the contract.” The Office of the Attorney General issued an opinion stating that the agreement of the Secretary of Public Works to notify the Surety of

changes in the contract constituted a condition of the surety performance and payment bonds, and was unacceptable. On 10-19-04, the Secretary of Public Works issued a letter to the bonding company rescinding any connection of his agreement to notify the surety of changes in the contract to bond requirements, although he stated that he would keep them informed as a courtesy. In this communication, the Secretary stated that if the unconditional provision of bonds was not acceptable to the surety, they should notify him accordingly.

In an October 12 communication, the Office of the Public Auditor (“OPA”) requested clarification from the Director of Procurement & Supply as to the financial responsibility of the Contractor and whether the proper procurement regulations were used. The question of whether the contractor fulfilled the financial responsibility requirements was addressed to the Division of Procurement & Supply and is not addressed in this opinion.

IV. ISSUES

The Director of Procurement and Supply raises two issues:

1. Do the bonds presented by the Contractor meet the requirements of the CNMI procurement regulations?
2. Is contract No 424519-OC a proper use of “expedited purchasing in special circumstances” procedures?

V. ANALYSIS

A. Bond Requirements

The question initially raised by the Division of Procurement & Supply was whether the bonding provided by the Contractor met bid requirements. Procurement Regulation require that when the CNMI enters into construction projects in excess of \$25,000 the contractor must provide performance and payment bonds that are “satisfactory” to the government by a surety authorized to do business in the CNMI equal to 100% of the of the price specified in the contract. CNMI Proc Reg. § 4-101(3)(a)(i)-(ii). Bonds are determined to be satisfactory if the pledged assets of the surety are sufficient to cover bond obligations. CNMI Proc Reg. § 4-101(3)(b).

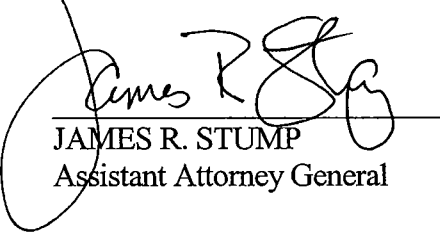
In this case, on October 6, 2004 the surety Marianas Insurance Company provided the Director of Procurement and Supply with performance and payment bonds. These bonds conformed to all requirements of CNMI procurement division as they are unconditional in the security provided and have fulfilled financial standards of the Division of Procurement & Supply. The October 20, 2004 memo from Secretary Reyes stating that he would provide information on changes to the contract was not a condition of the surety guarantee, and therefore does not affect the validity of this bond. The provision of acceptable bonding by a contractor fulfills the bonding requirements of the procurement regulations.

B. Compliance with Procurement Procedures

The second issue raised by the Public Auditor in his communication of 10-18-04 concerned whether Procurement Regulations § 3-108(6) were appropriate for this project. The specific question of the Public Auditor was whether permissible activity under this statute included "construction." Section 3-108 of the Procurement regulations state allows CNMI agencies to expedite "procurement of goods or services." Proc. Reg. § 3-108(1). The procurement regulations define "construction" as "the process of building, altering, repairing, improving, or demolishing of a public structure or building . . . but does not include routine maintenance of existing structures." Proc. Reg. § 1-201.1. The term "goods" is defined as "all property, including but not limited to equipment materials, supplies, and other tangible personal property of any kind." Proc. Reg. § 1-201.9. Services means the furnishing of time, labor or effort by a person other than an employee, and not involving the delivery of a specific end product other than reports or incidental documents. Proc Reg. § 1-201.22.

In this case, the contract is for the repairing of a CNMI building roof. This type of activity is clearly included under the Procurement Regulation definition of "construction, Proc. Reg. § 1-201.1, an activity which is not included authority granted under "expedited purchasing in special circumstances." Proc. Reg. § 3-108.1. The more appropriate procurement process that should have been used is 3-107, "Emergency Procurement." The emergency procurement procedures allow the government to waive procurement procedures when there is a "threat to public health, safety or welfare." Proc. Reg. 3-107.

Here, this construction involves repair and replacement of sheet metal of a building that is used for storage of critical medical supplies. These supplies are used for operation of the Commonwealth Health center and for protection in case of a bio-terrorism attack. The current condition of this facility is such that these supplies are being destroyed due to leaks in the roof. Delay in this project has resulted in loss and/or damage to some of these supplies and should be corrected immediately. This project qualifies for "emergency procurement" procedures and should have been used for this specific activity. The Department of Public Health should submit a written justification of the basis of this emergency. Proc. Reg. 3-107. This justification should be submitted immediately so as not to further threaten the loss of these funds which must be spent by the end of November and to remove this threat to medical supplies from further storm damage.



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ATTORNEY GENERAL LEGAL OPINION No. 04-15

Date: December 17, 2004

To: Fermin Atalig, Secretary of Finance
Joaquin A. Tenorio, Secretary of Labor

CC: Santiago Tudela, Commissioner of the Department of Public Safety
Andrew Salas, Secretary of Commerce

From: Pamela Brown, Attorney General
Arin Greenwood, Assistant Attorney General *AG*

Re: Constitutionality of 9 CMC §2301(b)

Per your request, we have reviewed the issue of whether 9 CMC §2301(b) – the section of the Taxicab Regulation Act of 1991 concerning who is eligible to apply for a taxicab license – is constitutional.

I. Issue

Pursuant to 9 CMC §2301(b), “an applicant for a taxicab’s license must be a citizen of the United States, or any territory under the administration of the United States . . .” 9 CMC §2301(b). Does this statute violate the Equal Protection clause of the 14th Amendment?

II. Short Answer

This statute probably violates the Equal Protection clause of the 14th Amendment, since it (1) discriminates on the base of alienage; and (2) probably does not substantially relate to an important state interest or bear a rational relationship to a legitimate state end.

III. Background

9 CMC §2301(b) – which is a small part of the “Taxicab Regulation Act of 1991” – requires that applicants for taxicab licenses be United States citizens, or citizens of any territory under the administration of the United States.

Despite 9 CMC §2301(b)’s restrictions, a group of ineligible applicants have been granted taxicab licenses in the past. The ineligible applicants who have been granted taxicab licenses in the past are, I am told, Immediate Relative visa-holders (“IRs”) as well as several people from Palau.

This year, however, it is reported that these IRs and Palauans are being denied the opportunity to apply for their taxicab licenses - the clerk at the Department of Motor Vehicles evidently will not accept their applications on the ground that these previous license-holders are not United States citizens or citizens of a territory under the United States’ administration, and are therefore ineligible to apply for the license.

These applicants have retained a lawyer – Joe Hill – who will try to secure taxicab licenses for his clients. Mr. Hill will argue that 9 CMC §2301(b) is an unconstitutional violation of his clients Equal Protection rights – and he may be right.

IV. Analysis

Under the United States Constitution’s 14th Amendment, “No state shall...deny to any person within its jurisdiction the equal protection of the laws.” The 14th Amendment is applicable to the CNMI through section 501(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

“The Equal Protection Clause of the Fourteenth Amendment commands that no State shall ‘deny to any person within its jurisdiction the equal protection of the laws,’ which is essentially a direction that all persons similarly situated shall be treated alike.” *City of Cleburne, Tex. v. Cleburne Living Center*, 105 S.Ct. 3249, 3254 (1985).

Equal Protection analysis has two steps: “First, an appellant must show that the statute in question ‘results in members of a certain group being treated differently from other persons based on membership in that group.’ (citations omitted) . . . [I]n the next step, a court assesses the legitimacy of a discriminatory statute under the appropriate level of scrutiny.” *Sagana v. Tenorio*, 384 F.3d 731, 740 (9th Cir. 2004).

Step one: In this case, the statute in question clearly results in members of a certain group being treated differently from other persons based on membership in that group. Only U.S. citizens and citizens of territories under U.S. administration may apply for taxicab licenses; all others may not.

Step two: It isn’t clear which level of scrutiny a court will use in examining 9 CMC §2301(b). In *Sagana*, the court wrestled with this very question and decided to use two levels of scrutiny – intermediate scrutiny and rational relationship. This analysis will proceed using both levels of scrutiny, as well.

Rational relationship scrutiny requires a state to show that the discriminatory laws are “narrow enough in scope and grounded in a sufficient factual context for us to ascertain some relation between the classification and the purpose it served.” *Romer v. Evans*, 116 S.Ct. 1620, 1627 (1996).

Intermediate scrutiny requires a state to show that its statutory classification is “substantially related to an important governmental objective.” *Clark v. Jeter*, 108 S.Ct. 1910, 1914 (1988).

No matter which standard of scrutiny one applies in this case, there is no evidence in the legislative record of any legitimate state interest this discriminatory statute furthers.¹ In fact, there is no mention whatsoever of either Equal Protection concerns – or of what purpose this discriminatory statute serves – anywhere in the legislative record.

Additionally, there is a long series of U.S. Supreme Court cases striking down state statutes that are similar to 9 CMC §2301(b):

For example, in *Bernal v. Fainter*, 104 S.Ct. 2312 (1984), the U.S. Supreme Court struck down a Texas law that notary publics be U.S. citizens. In *Bernal*, the petitioner was a resident alien whose application to become a notary public was denied because he was not a U.S. citizen. The court in this case applied the strict scrutiny standard of review, *Id.* at 2316, and found one narrow exception to the general rule that statutes which prohibit aliens from participating in professions will be struck down: “We have, however, developed a narrow exception to the rule that discrimination based on alienage triggers strict scrutiny. This exception has been labeled the “political function” exception and applies to laws that exclude aliens from positions intimately related to the process of democratic self-government.” *Id.* at 2316. This political function exception doesn’t seem applicable in the case at hand.

Sugarman v. Dougall, 93 S.Ct. 2842 (1973) is another U.S. Supreme Court case in which the court struck down a state law which prohibited aliens from being employed in a certain field. In *Sugarman*, the U.S. Supreme Court struck down a New York State law that only U.S. citizens may hold permanent positions in New York’s competitive class of the state civil service. The court held that New York’s law was too broad and didn’t effect any legitimate purpose. The court did leave open the possibility that a more narrow statute might have passed muster where the restriction had some rational relationship with the special demands of the particular position: “A restriction on the employment of noncitizens, narrowly

¹ Take, for example, the Standing Committee Report for this statute. In the Standing Committee Report, the purpose of the bill is recorded thusly:

“The purpose of the proposed bill is to regulate the taxicab industry in order to provide safe, clean, and dependable transportation to the guests and residents of the Commonwealth.” What is the relationship between the discriminatory portion of the statute and this purpose? There is no answer in the committee report.

The Attorney General’s opinion on this bill is similarly unhelpful:

- “[E]xcellently drafted, clear and easy to understand...”
- “They are necessary. Saipan’s taxi drivers, like our hotel workers, are ambassadors to our foreign visitors. Their treatment of their passengers and the condition of their vehicles are instrumental in making or breaking the international reputation and economic prosperity of our islands.”
- “They are fundamentally fair. They will protect the passengers and they will operate in the best interests of the drivers, operators, and owners of these business.”

confined, could have particular relevance to this important state responsibility, for alienage itself is a factor that reasonably could be employed in defining ‘political community.’” Id. at 2851.

In *Application of Griffiths*, 93 S.Ct 2851 (1973), the U.S. Supreme Court struck a Connecticut State Bar rule which prohibited non-citizens from becoming members of the state bar. In its opinion, the court noted that “Resident aliens, like citizens, pay taxes, support the economy, serve in the Armed Forces, and contribute in myriad other ways to our society. It is appropriate that a State bear a heavy burden when it deprives them of employment opportunities.” Id. at 2856.

The general rule is that laws prohibiting aliens from participating in certain jobs will only be upheld in certain narrow circumstances. Is this – the restrictions of 9 CMC §2301(b) – one of those circumstances? It’s hard to give a straight answer to this question given how fact-specific Equal Protection analysis is – and, considering that the courts themselves seem unable to decide what level of scrutiny to use in alienage cases. The dearth of information relating to why the CNMI excludes aliens from applying for taxicab licenses suggests that there is no important state interest furthered by this discriminatory legislation.

There is at least one case which suggests that the CNMI’s discriminatory labor laws may pass constitutional scrutiny: In examining the constitutionality of the Nonresident Workers Act as a whole, the *Sagana* court recognized “The CNMI legislature has seen fit to create a temporary class of employees for the purpose of bolstering the CNMI economy, giving job preference to its residents, and protecting the wages and conditions of resident workers while enforcing a system to control and regulate its visiting laborers. These are reasonable, important purposes.” Id. at 741.

However, in *Sagana*, the 9th Circuit was looking at the NWA as a whole – the court left open the possibility that even if the NWA as a whole passes constitutional muster, specific provisions of the NWA might be struck down as violative of the 14th Amendment: “In holding that the NWA as a whole passes both rational basis review and intermediate scrutiny, we take no position on whether individual sections of the NWA would satisfy a more focused Equal Protection challenge. Our decision does not foreclose the possibility that discrete elements of the CNMI’s temporary worker program could violate the equal protection rights of nonresident workers.” Id. at 741-742.

IV. Conclusion

9 CMC §2301(b) may be upheld if the CNMI can convince the court that its discrimination is important. The cases striking down statutes similar to this one recommend ending the discrimination instead.



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January 4, 2005

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ATTORNEY GENERAL OPINION No. 05-01

This opinion is issued in response to your request that the Attorney General's Office review a legal opinion from Senate Legal Counsel Michael Ernest to Senator Pete Reyes concerning the pending appointment of the members of the Zoning Board.

BACKGROUND

In the opinion provided to Senator Reyes the Senate Legal Council stated that since the positions on the Zoning Board had been vacant for in excess of 30 days the Governor no longer had the legal authority to appoint the members of the Zoning Board pursuant to 2 CMC §7721(e)(3). The opinion further states that under §7721(e)(3), the power to appoint belongs to the chairman of the Saipan Local Delegation. The opinion from the Senate Legal Council did not examine the constitutionality of this statutory provision. This opinion will discuss the constitutional questions raised by the Senate Legal Counsel's opinion.

QUESTIONS PRESENTED

1. Can the Legislature constitutionally provide itself with the authority to appoint members of the executive branch?
2. Can the Legislature, without specific constitutional authority require that officials of the executive branch face Legislative confirmation?

ANALYSIS

Can the Legislature constitutionally provide itself with the authority to appoint members of the executive branch?

The answer to this question has been answered with a resounding NO in *Camacho v Civil Service Commission et.al.*, 666 F2d 157, (CA 9, 1982). In *Camacho* the issue was the provision in CNMI Public Law 1-9 that authorized the legislature to appoint members to the Civil Service Commission. In its opinion the Ninth Circuit noted that unlike any of the fifty states, the CNMI is bound by strict observance of the doctrine of separation of powers because of Section 203 of the Covenant to establish the Commonwealth of the Northern Mariana Islands. (*Camacho* at 1263). The *Camacho* court goes on to discuss that in addition to the restrictions imposed by the Covenant there are additional restrictions on legislative action in the CNMI Constitution. The *Camacho* court provides the following quote from *Springer v. Philippine Islands*, 277 U.S. 189, 48 S.Ct. 480, 72 L.Ed. 845 (1928)

It may be stated then, as a general rule inherent in the American constitutional system that, unless otherwise expressly provided or incidental to the powers conferred the legislature cannot exercise either executive or judicial powers... Legislative power as distinguished from executive power is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement. The latter are executive functions.

Camacho at 1263 citing *Springer* at 201-02, 48 S.Ct. at 482. The issue before the Senate Legal Council was the same as before the Ninth Circuit in *Camacho*. As the ruling in *Camacho* makes unmistakably clear, the chairman of a local delegation has no legal authority to appoint any member of the executive branch, including the members of the Zoning Board.

Can the Legislature, without specific constitutional authority require that officials of the executive branch face Legislative confirmation?

While not expressly discussed by the legal opinion presented to Senator Reyes, it is central to the functioning of the Zoning Board, since the Senate Legal Council advised the Saipan Delegation to take no action on the nominations. The power to appoint individuals to boards and commissions is given to the Governor by Article III §21 of the Constitution of the Northern Mariana Islands. Unlike other provisions such as §11, which says the Governor shall appoint the Attorney General with the advice and consent of the senate, §12 which says the Governor shall appoint the Public Auditor with the advice and consent of the senate, and §14 which requires the Governor to appoint the heads of executive departments with the advice and consent of the senate, §21 does not require the advice or consent of any portion of the legislature before the individuals appointed to the various boards and commissions may take office. This position is the one taken by the Commonwealth District Court in *Mafinas v. Camacho* (D.N.M.I. Civ. No 80-0012 decided October 21, 1980).

In *Mafinas*, the Court was examining Chapter 1, Section 1 of P.L. 1-8, which contained language requiring the advice and consent of the Legislature for the positions of Special Assistant for Planning and Budgeting, Special Assistant for Programs and Legislative Review, and Public Information and Protocol Officers. The *Mafinas* Court ruled this provision to be unconstitutional. The Court went on

to explain that only those offices that the Constitution requires advice and consent from any portion of the Legislature may be subject to Legislative approval. To subject any other individuals appointed by the Governor to positions within the Executive Branch to a Legislative confirmation process would violate the constitutionally required separation of powers.

Conclusion

Not only is the Chairman of the Saipan Delegation prohibited by the Constitution from appointing any members of the Zoning Board, the members of the Zoning Board that have been designated by the Governor are not subject to any confirmation process before the Saipan Delegation. The members appointed by the Governor may take office as soon as the Governor instructs them to.



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ATTORNEY GENERAL LEGAL OPINION NO. 05-02

TO: Department of Labor and Division of Immigration
FROM: Pamela Brown, Attorney General *Pamela Brown*
DATE: January 5, 2005
RE: §706D Entry Permits and Taxi Licenses

Issue: Are non-resident spouses of FSM and Palau citizens entitled to taxi licenses?

Brief Answer: Yes, as immediate relatives of non-alien, these §706D permit holders are entitled to taxi licenses if they are otherwise qualified.

As a result of two decisions of the U.S. District Court, District of the N.M.I., the first two sentences of 9 CMC §2301(b) requiring that taxicab drivers be U.S. citizens and “bona fide” residents of the Commonwealth are unconstitutional as applied to citizens of the FSM and Palau and their immediate relatives. Further, the permit status of non-citizen spouses of FSM and Palau citizens residing in the CNMI should be “immediate relative of non-alien” under Reg. §706D.

In 1994, the Court found, by way of summary judgment, that the first two sentences of §2301(b) requiring taxi operators to be U.S. Citizens and bona fide CNMI residents (i.e. over 18 yrs of age and registered to vote) are unconstitutional as applied to the immediate relative of a Palauan citizen. See *Syed v. Chief, Bureau of Taxicabs*, Civil No. 93-00031 (Dist. N.M.I. 1994). The Court ordered the issuance of a license to the Plaintiff and permanently enjoined the Defendants from discriminating against the Plaintiff.

In 1996, the Court ruled that the act of changing the status of an alien spouse of a Palauan citizen from “Immediate Relative of Non-Alien” (§706D) to “Immediate Relative of Alien” (§706E) without notice and a hearing was a violation of equal protection, and in violation of federal and CNMI law. See *Syed v. Aloom*, Civil Action No. 95-00025 (Dist. N.M.I. 1996). The Court held that under Covenant §503 the

Commonwealth's control over immigration cannot be inconsistent with federal laws applicable to the several states, including the Compacts of Free Association with Palau and the FSM. Therefore, citizens of Palau and the FSM have a right to enter, establish residence, and work in the CNMI, as they would any other U.S. state or territory under the Compact. This right may only be limited by nondiscriminatory U.S. or CNMI statutes. The Court further held that non-citizen immediate relatives of FSM or Palauan citizens residing in the CNMI are entitled to immediate relative of "non-alien" status under Regulation §706D. This decision was not appealed.

Following these two cases, the first two sentences of 9 CMC §2301(b) may not be enforced in determining taxi applications of §706D permit holders. The question of whether the section is unconstitutional as applied to *aliens* and/or their immediate relatives was not reached by the Court. Further, the Division of Immigration should issue spouses of Palau and FSM citizens §706D entry permits rather than §706E. This is because the Compacts override any classification of FSM and Palauan citizens as "aliens." Permit issuance may only be limited by nondiscriminatory U.S. or CNMI legislation.

**SUPERCEDING AGREEMENT
TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
CNMI CHINESE ECONOMIC DEVELOPMENT ASSOCIATION
AND
CNMI OFFICE OF THE ATTORNEY GENERAL**

Based on the Memorandum of Understanding Between the Ministry of Foreign Trade and Economic Cooperation of the People's Republic of China (hereinafter referred to as "MOFTEC") and the Commonwealth of the Northern Mariana Islands (hereinafter referred to as "CNMI") signed on May 8, 1997 and the Memorandum of Understanding Between CNMI Chinese Economic Development Association (hereinafter referred to as "CEDA") and CNMI Office of the Attorney General (hereinafter referred to as "AGO") and Department of Labor (hereinafter referred to as "DOL") on June 23, 1997, in view of the current situation of the manpower cooperation between China and CNMI, CEDA and AGO and DOL agree to sign this Superceding Agreement upon friendly discussions regarding the certifying of Chinese citizens applying to enter CNMI.

I. Targets to be certified by CEDA

CEDA will be responsible for certifying the following Chinese citizens (temporarily excluding ID-holders of the Special Administrative Regions of Hong Kong and Macao and Taiwan Province) applying to enter the CNMI.

1. 706K Entry Permit Applicants;
2. Applicants for student entry permits for attending secondary educational institutions accredited by the CNMI government ;
3. Currently, other Chinese citizens applying to enter CNMI referred to in the Memorandum of Understanding Between CEDA and AGO will not be certified by CEDA and this issue will be tackled through further discussions between CEDA and AGO.

II. CEDA's Certifying Content

CEDA will check whether a Chinese worker to be employed in CNMI is dispatched by an agency (hereinafter referred to as "recruiter") authorized by the Ministry of Commerce of P.R.C (or the former Ministry of Foreign Trade and Economic Cooperation of P.R.C)with the license of conducting manpower cooperation with CNMI.

Pursuant to China's laws and related regulations and in consideration of the specific situation in CNMI, CEDA will certify that the recruiter charges Chinese workers a fee for all services provided for employment in CNMI and that fee does not exceed 12.5% of the base wages agreed in the contract. For purposes of this paragraph, "fee" shall mean any payment by the worker to the recruiter, any deposit by the worker to the benefit of the recruiter whether in the form of a bond, cash payment, loan document, mortgage or other financial indebtedness.

III. Certifying Procedures for Chinese Workers

1. A 706K Entry Permit applicant shall have a form of "Application for Employment of Chinese Workers" and a form of "Submission List" filled in by his/her employer and then submitted to CEDA for certification.
2. CEDA will provide certification within five working days upon receiving the above forms.
3. CEDA will submit to the specific person appointed by DOL via personal delivery a "Certification of Chinese Worker's Employment" with the stamp of CEDA and the signature of the President or Vice-President of CEDA. Samples of the stamp and signature will be filed in Labor and Immigration Identification Data System's (hereinafter referred to "LIIDS") office.
4. CEDA will certify the authenticity of all identification documents for each Chinese Worker.
5. CEDA will certify the criminal background check for each Chinese Worker.
6. CEDA will certify a copy of each Chinese worker's receipt of payment from the recruiter of each and every recruitment fee as defined above.
7. CEDA will certify a copy of the employment contract of each Chinese

worker which is translated into Chinese and signed by the Chinese worker.

8. CEDA will charge the employer \$2.00 per applicant to cover its costs.

IV. Commitments

1. Both parties agree to hold regular meetings to exchange information and views and to solve problems arising in the collaboration through friendly discussions.
2. CEDA reiterates that it only certifies the legitimacy of Chinese workers applying to enter CNMI and that it shall not be responsible for Chinese workers' conduct in the CNMI.
3. AGO reiterates that based on relevant CNMI laws and regulations it has the right to deny entry into CNMI of an applicant certified by CEDA as legitimate for entry into CNMI. AGO will regularly provide CEDA with the list of denied Chinese workers.
4. AGO will not accept any application for entry of Chinese worker without CEDA's certification.
5. CEDA will provide assistance to any Chinese worker requiring passport renewal, replacement or other services provided by consular offices of the Chinese government.
6. CEDA agrees that recruiters shall recognize, honor, and give full faith and credit to DOL and judicial orders regarding Chinese worker's labor complaints against employers pursuant to CNMI law. CEDA will monitor recruiters' compliance with this commitment and will intervene on behalf of any Chinese worker adversely treated in violation of this commitment.
7. Upon notification and justification by the AGO, CEDA agrees to assist the AGO in locating Chinese workers who have returned to the CNMI but reserves the right to deny such a request if it determines that such assistance would adversely affect the Chinese worker.
8. Any Chinese worker with CEDA's certification will be treated according to CNMI's Labor Law and other related laws if he/she breaks the law of CNMI and should be deported back to China. CEDA will assist such a

person to obtain necessary travel documents in case he/she lacks such documents.

9. Both parties agree that any issue that is not covered in this Superceding Agreement will be addressed through consultation and negotiation by both parties in the spirit of friendly cooperation.
10. Both parties further agree that the Addendum to the Superceding Agreement To The Memorandum Of Understanding Between CNMI Chinese Economic Development Association And CNMI Office Of The Attorney General attached hereto as Exhibit A is incorporated herein as set forth in full.

This Superceding Agreement is written in English and Chinese in two copies, one for each signatory, with both copies having equal authenticity.

This Superceding Agreement will come into effect since Jan. 1, 2005.

CNMI CHINESE ECONOMIC
DEVELOPMENT ASSOCIATION

Signed on 23/11/04, 2004.

By: _____



WANG PEIWEN
President

OFFICE OF THE ATTORNEY GENERAL,
CNMI

Signed on November 23, 2004.

By: _____



PAMELA BROWN
Attorney General

This format and contents of this Agreement has been approved by the Attorney General of CNMI.

**ADDENDUM TO
SUPERCEDING AGREEMENT
TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
CNMI CHINESE ECONOMIC DEVELOPMENT ASSOCIATION
AND
CNMI OFFICE OF THE ATTORNEY GENERAL**

The intent of this document is to incorporate and clarify certain restrictions to the Superseding Agreement between the CNMI Chinese Economic Development Association (CEDA) and the CNMI Office of the Attorney General (AGO). These restrictions are based upon Document No: 8 of MOFTEC 1997, *Notice of the Amendment to the Regulations of Wages of Overseas Laborers Sent by the Foreign Economic and Trade Agencies*.

Regulation provisions of concern to AGO:

1. The regulations approved by the Ministry of Foreign Trade and Economic Cooperation, the amendments thereto, and the supplemental agreement currently being negotiated between CEDA and the CNMI AGO, are premised, in part, on the intent of the government of the People's Republic of China to establish a maximum amount of management fees and handling charges that can be charged to overseas labor. The regulations also purport to set great store in "protecting the legal rights and interests of overseas laborers."
2. The "service fee" (management fees and handling charges) currently allowed under the regulation is up to 25% of the contract amount (12.5% of the contract for those not under contract at the time). The recruiters may also charge various fees, including an additional passport fee, visa fee, physical examination fee, training fee, and travel fee. The amounts charged the workers for these various fees are not supposed to exceed the actual cost of providing those services. Workers who do not get to work overseas due to "irresistible causes" have no right to a refund of any of these fees.
3. The regulations require recruiters to intercede on behalf of the overseas workers if their legal rights and interests are infringed. For example, if a factory owner is not paying his employees, the recruiters are supposed to negotiate with the factory owners on behalf of the employees, and refund all or part of the fees collected to the workers.
4. The regulations also allow the recruiters to collect up to 20% of the

contract amount in advance, ostensibly to guarantee fulfillment of the contract. This 20% deposit is supposed to be returned to the worker, plus interest, if the contract is satisfactorily completed.

CEDA interprets the regulation's provisions of concern to AGO as follows:

- 1、 The Chinese government prescribes that when a Chinese worker is dispatched overseas, three contracts shall be signed between the recruiter, the worker and the employer. Recruiting contract shall be signed between the worker and the recruiter, labor cooperation contract between the recruiter and the employer and employment contract between the worker and the employer. Main terms of the three contracts must be identical. The three required contracts are aimed to guarantee Chinese workers could get a job overseas. In the event of a dispute, Chinese judicial sectors would be able to assist workers in protecting their legal rights and interests in accordance with the contracts.
- 2、 Pursuant to China's related regulations and in consideration of the specific situation in CNMI, the fee charged by recruiters from Chinese workers shall not exceed the 12.5% of the base wages agreed in the contract.
- 3、 "Irresistible causes" include natural disasters (e.g. flood, drought, snowstorm, earthquake, etc.) and the causes other than human behaviors (e.g. war, strike, government ban, etc.)
- 4、 As for deposit, the Chinese government has promulgated a new regulation, which prohibits recruiters from charging deposit from workers since Jan. 1, 2004 to guarantee the fulfillment of contract.

Restrictions on recruiters that AGO wants CEDA to require:

1. The current maximums set forth in the regulation are oppressive and unwarranted. A worker who contracts with a garment factory for \$3.05/hr. can be expected to make about \$6,000.00 per annum, in the absence of overtime, exclusive of any deductions. The regulations allow the recruiters to collect, in advance, 45% of that amount (\$2,700), not including the passport fee, visa fee, physical examination fee, training fee, and travel fee. In addition, it is unfair to base these fees, which are essentially administrative and processing fees, on the amount of a worker's contract, since the cost of processing a passport, arranging travel, health screening, etc., would be the same for each worker, irrespective of that worker's wage. Therefore, in the interest of protecting the legal rights and interests of the overseas workers, we propose a provision in the agreement that no fee, charge, deposit, security or advance, separately or in the aggregate, shall exceed 12.5% of the base wages agreed in the contract. In addition, the term "irresistible causes" should be defined, to prevent recruiters from keeping collected fees when the cause for the failure of the contract is attributable to something other than an irresistible cause.

2. Upon information and belief, few, if any workers are refunded any portion of their deposit, whether they fulfill their contracts and timely return or not. Moreover, there is some evidence that recruiters have sought to punish workers who pursue legitimate grievances against their employers by denying them the refund of their deposit, by suing them to collect damages for failure to complete their contracts, or by extorting sums of money from them for the delivery of necessary services, such as passport renewals. Therefore, in the interest of protecting the legal rights and interests of the overseas workers, we propose the inclusion of a provision in the agreement to prohibit the collection of any deposit, refundable or not, for any purpose, and to prohibit CEDA from doing business with any recruiter that attempts to penalize workers for asserting their legal and civil rights. The recruiters should also be prohibited from forming separate contractual agreements with overseas workers that purport to grant the recruiter the right to recover any damages, contractual or otherwise, for the worker's failure to complete his or her contract. In the alternative, CEDA should insist that the recruiter file suit against the worker for breach of contract in the CNMI under CNMI law.
3. Upon information and belief, no recruiter has ever interceded with an employer on behalf of an overseas worker, whether the breach of contract or other violation was the fault of the worker or the employer. Nor has any recruiter ever, to our knowledge, returned a portion of the fees collected from the worker to compensate him or her for the employer's failure to live up to the contract. Therefore, in the interest of protecting the legal rights and interests of the overseas workers, we propose a provision of the agreement that CEDA collect data from the CNMI Department of Labor concerning labor complaints filed by overseas workers, and compliance agency cases initiated on their behalf, and that employers who are found to have violated the rights and interests of overseas workers be struck from the list of employers the recruiters may legally recruit workers to work for.
4. Recruiters must recognize, honor, and give full faith and credit to any administrative order issued by the CNMI Department of Labor or order from a court of competent jurisdiction regarding an overseas worker's labor complaint against an employer and agree to forego any legal or administrative action against an overseas worker upon return to China.
5. Recruiter shall not refuse assistance to any overseas worker in renewing or replacing the overseas worker's passport for any reason except commission of a deportable act by the overseas worker.

CEDA agrees with AGO on the above restrictions on recruiters. CEDA will, together with AGO and in the principle of friendly cooperation, make efforts to promote labor cooperation between recruiters and employers under CNMI laws.

**塞班中国经济发展协会
北马利亚纳群岛联邦司法部**

**关于《确认中国公民申请进入北马利亚纳
群岛联邦的备忘录》的补充协议**

根据中华人民共和国对外贸易经济合作部（以下简称“外经贸部”）与北马利亚纳群岛联邦政府于一九九七年五月八日签署的《中华人民共和国对外贸易经济合作部和北马利亚纳群岛联邦关于双方劳务合作的备忘录》和塞班中国经济发展协会（以下简称“CEDA”）与北马利亚纳群岛联邦政府司法部、劳工部于一九九七年六月二十三日签署的《关于确认中国公民申请进入北马利亚纳群岛联邦的备忘录》的精神，鉴于目前中国与北马利亚纳群岛联邦劳务合作的现状，就落实对中国公民入境北马利亚纳群岛联邦的确认事宜，CEDA与北马利亚纳群岛联邦司法部、劳工部经过友好协商，达成一致意见并签署本补充协议：

一、CEDA确认的对象

CEDA的确认对象为申请进入北马利亚纳群岛联邦的中国公民（暂不包括持中华人民共和国香港、澳门特别行政区和台湾省居民身份证的中国公民）。

确认具体范围：

- （一）706K类工作证申请者；
- （二）到经北马利亚纳群岛联邦政府认证的中等教育机构留学的学生入境许可证申请者；
- （三）由CEDA和北马利亚纳群岛联邦司法部、劳工部签署的《关于确认中国公民申请进入北马利亚纳群岛联邦的备忘录》所述的其他中国公民来北马利亚纳群岛联邦的确认事宜暂时不

列为CEDA确认的对象，留待以后由CEDA和司法部再进行讨论。

二、CEDA确认的内容

对所有派往北马里亚纳群岛联邦工作的中国劳务人员，CEDA确认其是否通过经中华人民共和国商务部（原外经贸部）批准的有对北马里亚纳群岛联邦开展劳务合作经营资格的企业（以下简称“劳务公司”）派出。

根据中国法律和有关规定，结合北马里亚纳群岛联邦的实际情况，CEDA将确认，劳务公司在帮助劳务人员到北马里亚纳群岛联邦工作时，向劳务人员收取的服务费不得超过劳务合同基本工资的12.5%。上述“服务费”应当包括劳务人员向劳务公司支付的所有费用和所有由劳务人员以债券、现金、贷款凭证、抵押或其他金融债务等形式向劳务公司提供、以劳务公司为获益方的保证金或保证物。

三、对申请进入北马里亚纳群岛联邦的中国劳务人员的确认程序

（一）706K类工作证申请者，均由雇主填写《APPLICATION FOR EMPLOYMENT OF CHINESE WORKERS》和《SUBMISSION LIST》两个表格，并送CEDA予以确认。

（二）CEDA收到上述表格后，在五个工作日内予以确认。

（三）CEDA派人将《CERTIFICATION OF CHINESE WORKER'S EMPLOYMENT》送往北马里亚纳群岛联邦劳工部，劳工部指定专人接收。该《CERTIFICATION OF CHINESE WORKER'S EMPLOYMENT》由CEDA会长或副会长签字并盖CEDA专用章[签字与专用章均在劳工部、司法部移民局的身份识别数据系统（简称“LIIDS”）办公室备档]。

（四）CEDA对中国劳务人员的所有身份证明材料的真实性予以确认。

（五）CEDA对中国劳务人员的犯罪记录材料予以确认。

亚纳群岛联邦法律且需遣返回中国时，按北马利亚纳群岛联邦劳工法和其他相关法律处理。

如违犯法律被遣返回中国的人员没有旅行证件，CEDA将协助为其办理必要的旅行证件。

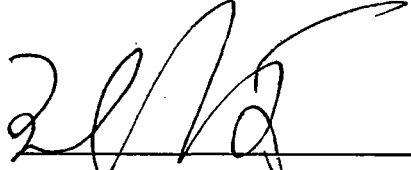
(九)本补充协议未尽事宜，双方将本着友好合作的精神，通过协商解决。

(十)双方进一步同意，将本补充协议的附件——《关于〈确认中国公民申请进入北马利亚纳群岛联邦的备忘录〉的补充协议》附录——全文作为本补充协议的一部分。

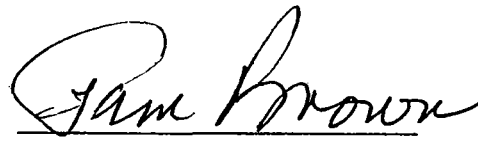
本补充协议分别由中、英文书就，具有同等法律效力，双方各执中、英文协议一份。

本补充协议自2005年1月1日起开始生效。

塞班中国经济发展协会

签署日期: 23/01/04 签署人: 
会长 王培文

北马利亚纳群岛联邦司法部

签署日期: November 23²⁰⁰⁴ 签署人: 
部长 帕姆拉. 布朗

本补充协议形式和内容均已得到北马利亚纳群岛联邦司法部长批准

附件

塞班中国经济发展协会
北马里亚纳群岛联邦司法部

《关于〈确认中国公民申请进入北马里亚纳群岛
联邦的备忘录〉的补充协议》附录

为了对塞班中国经济发展协会（以下简称“CEDA”）与北马里亚纳群岛联邦司法部（以下简称“司法部”）签署的《关于〈确认中国公民申请进入北马里亚纳群岛联邦的备忘录〉的补充协议》（以下简称“补充协议”）增加若干限制条款，并对其加以解释说明，特制定本附录。这些限制条款是针对财政部、外经贸部《关于印发〈对外经济合作企业外派人员工资管理补充规定的通知〉的通知》（财外字[1997]8号）（以下简称“《补充规定》”）有关内容而增加的。

司法部关注的《补充规定》有关条款：

1、由中国外经贸部批准的《对外经济合作企业外派人员工资管理办法》及其《补充规定》和CEDA与司法部正在协商签署的补充协议，都表明中华人民共和国政府希望设定对外派劳务人员收取管理费和手续费的最高限额。有关规定也都声明，要重视“对外派劳务人员合法权益的保护”。

2、根据《补充规定》，目前允许劳务公司向劳务人员收取的“服务费”（包括管理费和手续费）上限为合同工资额的25%（出国时在国内无劳动合同关系的人员为12.5%）。劳务公司还可以向劳务人员收取各种费用，如护照费、签证费、体检费、培训费以及交通费；向劳务人员收取的各项费用不得超过提供

司法部希望CEDA对劳务公司提出如下限制要求:

1、《补充规定》中提出的最高收费标准对劳务人员是不公平的,也是没有根据的。一名劳务人员,和制衣厂签订的合同工资是每小时3.05美元。除掉加班,也不考虑其它需扣减的费用,劳务人员每年能赚到约6000美元。《补充规定》允许劳务公司提前收取的费用是这一数额的45%,即2700美元,这还不包括护照费,签证费,体检费,培训费和交通费。另外,把这些实质上是事务性或办理手续的费用按照劳务人员的合同工资额来计算是不公平的,因为办理护照、安排交通、体检等的成本对于每个劳务人员都是相同的,与劳务人员的工资无关。因此,为保护劳务人员的合法权益,我们建议在补充协议中增加一项条款,即所有服务费、押金、保证金或者预付款,不论单项还是总和都不得超过劳务合同基本工资的12.5%。此外,“不可抗力”这一术语应当加以明确,以防止由于不可抗力以外的其他原因使得合同未能履行时,劳务公司扣留劳务人员所缴的费用。

2、根据获得的信息,司法部认为,不论劳务人员是否履行合同并按时回国,只有极少数人能够拿回履约保证金。而且,有证据表明,一些劳务公司试图对通过法律手段控诉雇主的劳务人员以种种方式进行惩罚:拒绝退还他们缴纳的履约保证金;以劳务人员未能履行完合同为由,起诉劳务人员,并要求赔偿损失;在为劳务人员提供必要的服务(如护照延期)时,索取高额的费用。因此,为保护劳务人员的合法权益,我们建议在补充协议中增加一条规定:禁止劳务公司以任何理由收取任何形式的保证金,不论这些保证金今后能否退还;禁止CEDA与任何企图对维护自身合法民事权利的劳务人员进行惩罚的劳务公司合作;禁止劳务公司为了在劳务人员未能履约时要求其补偿损失而与劳务人员单独签订契约式的协议。CEDA应要求劳务公

司在塞班依照塞班法律来起诉违反合同的劳务人员。

3、根据获得的信息，司法部认为，不论违约或其他违规行为的责任方为劳务人员还是雇主，没有劳务公司曾代表劳务人员同雇主进行过调解。据司法部所知，在雇主违约的情况下，没有任何一家劳务公司将所收的部分费用退还给劳务人员，作为对劳务人员的经济补偿。因此，为保护劳务人员的合法权益，我们建议在补充协议中增加一款内容，即CEDA应当从塞班劳工部收集有关劳务人员提起劳工控诉或由社会规范机构代表劳务人员提起劳工控诉的有关信息；若发现有雇主侵犯了劳务人员的权益，该雇主将因此从劳务公司可合法为之招收劳务人员的雇主名单上被剔除。

4、劳务公司必须认可、尊重并完全信任所有由塞班劳工部或具有法定资格权限的法院就劳务人员控诉雇主而签发的行政命令，并同意在劳务人员回到中国后放弃任何的法律或行政诉讼。

5、除非劳务人员有某种适合被遣返的行为，否则劳务公司不得在护照延期和换发等方面以任何理由拒绝向劳务人员提供帮助。

CEDA同意司法部上述各项要求，并将本着与司法部友好合作的原则，共同促进中国劳务公司与塞班雇主依照塞班法律开展合作。

MEMORANDUM OF UNDERSTANDING
between
the Commonwealth of Northern Mariana Islands
and
the National Tourism Administration of the People's Republic of China
on the Facilitation of Group Travel
by Chinese Tourists to Northern Mariana Islands

The Commonwealth of the Northern Mariana Islands (hereinafter referred to as "the Northern Marianas Side") and National Tourism Administration of the People's Republic of China (hereinafter referred to as "the Chinese Side") the have agreed on the Facilitation of Group Travel by Chinese Tourists to Northern Mariana Islands. Both Sides have reached the following points:

ARTICLE I

1. The Chinese Side shall designate the travel agencies in China (hereinafter referred to as "the Chinese designated travel agencies"), which have been authorized by China National Tourism Administration (CNTA) to operate outbound travel business for Chinese citizens, to organize the outbound group travel of Chinese tourists to Northern Mariana Islands.
2. The Northern Marianas Side shall designate or recommend the travel agencies that are in operation according to the Northern Mariana Islands rules and meet further criteria, and are interested in arranging travel of Chinese tourist groups (hereinafter referred to as the "the Northern Mariana tourism service providers"), to organize the group travel of Chinese tourists in Northern Mariana Islands.
3. Both Sides shall confirm to each other, in writing, the list of their respectively designated or recommended travel agencies, which shall include their company names.

addresses, telephone numbers, fax numbers, email addresses and contact persons, etc. In case of any change in the list of either side, every half year the side that makes the change could inform the other side in writing.

4. The travel agencies indicated in the list of both Sides shall be entitled to select themselves their business partners from the list of the other party, in order to sign contracts with them.

ARTICLE II

1. The legitimate rights and interests of the Chinese citizens travelling to Northern Mariana Islands in tourist groups shall be protected by the relevant laws of China and Northern Mariana Islands. In the case of violation, the agencies in question will be subject to the said laws.

2. The Northern Marianas Side and its tourism institutions or the Northern Mariana Islands tourism service providers shall set up hotlines for consultation and emergency assistance to Chinese tourists. And in the meanwhile, the Northern Marianas Side shall request the Northern Mariana Islands tourism service providers to make relevant information available to the Chinese designated travel agencies, in particular regarding travel possibilities to and within Northern Mariana Islands, services of importance for Chinese tourists and their prices and other information that can help to protect the tourists' legitimate rights.

ARTICLE III

1. The Chinese Side requests that Chinese tourist groups shall depart and return from/to the Chinese territory in groups when they travel to Northern Mariana Islands. The Chinese designated travel agencies must provide a tour leader to each group.

2. The Northern Marianas Side shall request the Northern Mariana Islands tourism service providers to assign a tour guide for each group who will help, through mutual consultation with the Chinese tour leader, to solve any problem to be encountered by the Chinese tourists during the whole trip in Northern Mariana Islands.

ARTICLE IV

1. The Northern Mariana Islands entrust its institution or other companies in China to grant the entry permit to Chinese tourists travelling to Northern Mariana Islands on behalf of Northern Mariana Islands. Meanwhile, the Northern Marianas Side shall provide the relevant information of the said institution or other companies to the CNTA, including the names, addresses, telephone numbers, contact persons and email addresses.
2. Chinese Side shall request every Chinese designated travel agency to appoint at most 5 couriers, who bear ID cards issued by CNTA as a pass for his or her entry into the institution or other companies entrusted, to apply for entry permits for the Chinese tourist groups. The Chinese Side shall provide the relevant information of the representatives as well as the couriers authorized by each designated travel agency to the Northern Marianas Side for record.
3. The Chinese designated travel agencies in dealing with entry permit applications for the Chinese tourist groups organized by them, shall submit the following documents: an official letter signed by the authorized representatives from the designated travel agency, a name list of the tour group, application forms completed by all the members of the tour group, face photographs of applicants and passports valid for at least 6 months.
4. The institution or other companies entrusted shall do its best to simplify the entry permit application procedure for the Chinese tourist groups and provide convenience for those couriers of the Chinese designated travel agencies in entering the institution or other companies entrusted for entry permit application.
5. The institution or other companies entrusted shall not accept entry permit application for Chinese tourist groups to Northern Mariana Islands by any Chinese travel agency, unit or individual other than the Chinese designated travel agencies; or submitted on behalf of Chinese tourist groups, by any organization or individual of Northern Mariana Islands and other countries based in China. If the institution or other companies entrusted in China issues entry permits for the above mentioned applications, the Chinese side shall not be responsible for any problem that may consequently take place within the territory of Northern Mariana Islands.

ARTICLE V

Both Sides shall do their best to solve any other problem that may arise in the course of the travel activities undertaken according to this Memorandum of Understanding.

ARTICLE VI

In order to ensure the sound operation of Chinese tourist groups travelling to Northern Mariana Islands, the relevant departments on both Sides shall exchange information and data timely, and work closely together to improve management measures of the Chinese tourist groups to Northern Mariana Islands.

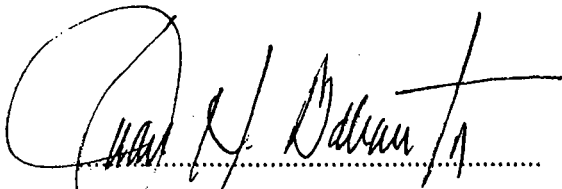
ARTICLE VII

The present Memorandum of Understanding shall enter into force as of the date of signature. It shall be applied until either of the Parties gives written notification of termination with 30 days deadline.

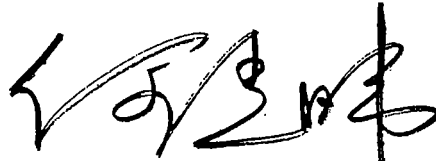
ARTICLE VIII

The business of group travel to Northern Mariana Islands by Chinese tourists shall start as soon as both sides complete the relevant preparation.

This Memorandum of Understanding is signed at Beijing on December 30th, 2004, in two original copies both in English and Chinese languages, both texts being equally authentic.



For the Commonwealth
of the Northern Mariana Islands



For the National Tourism Administration
of the People's Republic of China

Annex:

➤ **CNMI Government recommends the following 2 land operators to service Chinese tourists while visiting Mariana Islands:-**

A. Saipan Travel Inc.

Contact Person: Mr. Tony Kuan
Chairman
Address: Unit D & F, Hanna Building
Garapan, Beach Road
Mailing address: PMB 98, Box 10003
Saipan, MP 96950 U.S.A.
Tel #: 1-670-233-8818
Fax #: 1-670-233-1132
Email Address: saipantravelinc@vzpacifica.net

B. Century Tours

Contact Person: Mr. Henry Pun
Operation Manager
Address: Daiichi Hotel, Ground Floor
Garapan, Saipan
Mailing address: P.O Box 501029
Saipan, MP 96950
Tel #: 1-670-234-7171 Ext #1553
Fax #: 1-670-233-6084
Mobile #: 1-670-287-1326
Email Address: henry_pun@tanholdings.com

➤ **Hot line in the Commonwealth of the Northern Mariana Islands for Chinese tourists is:-**

Mariana Visitor Authority

Tel #: 1-670-664-3200
Fax #: 1-670-664-3237

➤ CNMI Government recommends the following two companies in China to assist in "Visitor Entry Permit" processing for the CNMI Immigration Department:-

A. Foshan Tinian Travel Agency

Contact Person: Stonic Chu
Address: 2nd Fl., Qiaodu Mansion,
#19, Huayuangong Rd.
Foshan, Guangdong Province
P.R.C. 528000
Tel #: 86-757-8320-1199
Fax #: 86-757-8320-1885
Email Address: fttl@tom.com

B. Century Tours Shanghai Office

Contact Person: RonaldChan
General Manager
Address: 9F Industrial United Building
N. 98 Nanjing Rd.
East Shanghai
P.R.C. 200002
Tel #: 86-21-6323-9797 Ext.9168
Fax #: 86-21-6323-9561
Mobile #: 86-13611670518
Email Address: ronald_chan@cthkg.com

附件:

1. 北马里亚纳群岛联邦政府现推荐两间北马群岛接待社承办在北马群岛境内接待中国旅游团队的业务。

• 第一家: 塞班国际旅游有限公司 (Saipan Travel Inc.)

联系人: Tony Kuan 关培根 董事长

电话: 1-670-233-8818

传真: 1-670-233-1132

电子邮件: saipantravelinc@vzpacifica.net

地址: Unit D & F, Hanna Building,

Garapan, Beach Road

Saipan, MP96950

邮箱地址: PMB 98, Box 10003

Saipan, MP 96950

• 第二家: 塞班世纪旅游有限公司 (Century Tours)

联系人: Henry Pun 潘绍贤 营运经理

电话: 1-670-234-7171 Ext # 1553

传真: 1-670-233-6084

手机: 1-670-287-1326

电子邮件: henry_pun@tanholdings.com

地址: Daiichi Hotel, Ground Floor

Garapan, Saipan

邮箱地址: P.O Box 501029

Saipan, MP 96950

23921

2. 北马里亚纳群岛联邦政府属下的北马里亚纳群岛联邦旅游观光局 (Marianas Visitor Authority) 将会为中国旅客提供咨询和救助。

电话: 1-670-664-3200/3201 传真: 1-670-664-3237

3. 北马里亚纳群岛联邦政府将委托在中国境内的两家机构受理赴北马群岛的入境许可申请, 该两家受委托的机构将负责把所收到的入境申请资料传送给北马群岛移民局审批。该两家受委托的机构为:

• 第一家: 佛山天宁国际旅游有限公司

联系人: 朱汉强

地址: 中国广东省佛山市华远东路 19 号侨都大厦 2 楼

电话: 86-757-83201199 传真: 86-757-83201885

电子邮件: fttl@tom.com

• 第二家: 上海骥远商务咨询有限公司

联系人: 陈霆 总经理

地址: 上海市南京东路 98 号工联大厦 9 楼

电话: 86-21-63239797 分机 9168

传真: 86-21-63239561

手机: 86-13611670518

电子邮件: ronald_chan@cthkg.com

第六条

为保证中国旅游团队赴北马里亚纳群岛联邦旅游业务的正常开展，双方有关部门应及时交流信息，沟通情况，密切配合，不断完善管理措施，保证其健康发展。

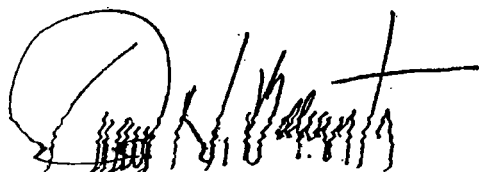
第七条

本备忘录自签字之日起生效，长期有效。一方可以书面形式通知另一方终止本备忘录，本备忘录自另一方收到通知之日起第三十天终止。

第八条

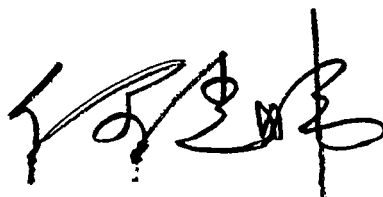
中国旅游团队赴北马里亚纳群岛联邦旅游业务将在双方完成必要的准备工作后开始实施。

本备忘录于二〇〇四年十二月三十日在北京签订，一式二份，每份都用英文和中文写成，两种文本同等作准。



北马里亚纳群岛

联邦代表



中华人民共和国

国家旅游局代表

二、中方要求每家中方组团社最多指定 5 名签证专办员到北马群岛委托的机构或单位为中国旅游团队申办赴北马群岛旅游的入境许可，签证专办员在进入北马群岛委托的机构或单位时需持有中方发放的签证专办员胸卡。中方将把中方组团社授权代表人和签证专办员的有关材料递交给北马群岛以便备案。

三、中方组团社在为本社所组织的赴北马里亚纳群岛联邦的旅游团申办入境许可时，应向北马群岛委托的机构或单位提供以下材料：具有旅行社授权代表人签名的旅行社公函、旅游团名单、每名旅游者本人填写的签证申请表、每名旅游者的照片、旅游者有效期超过 6 个月的有效护照。

四、北马群岛委托的机构或单位应尽量简化中国组团社为旅游团申办赴北马群岛旅游入境许可的手续，并为中方组团社签证专办员进出机构提供方便。

五、北马群岛委托的机构或单位不应接受中方组团社以外的旅行社、单位或个人以及北马里亚纳群岛联邦或其他国家的在华单位、个人代中国旅游团队提出的赴北马里亚纳群岛联邦旅游的入境许可申请。如北马群岛委托的机构或单位为其颁发入境许可，中方对他们北马里亚纳群岛联邦境内发生的问题不承担任何责任。

第五条

双方将协商解决根据本备忘录组织的旅游活动中出现的

问题。

四、双方要求各自旅行社在对方指定或推荐的旅行社中寻找合作伙伴，签订业务合作合同。

第二条

一、双方将根据各自的法律保护前往北马里亚纳群岛联邦旅游的中国旅游团队游客的合法权利和利益。如发现违规行为，将对有关旅行社采取相应处罚措施。

二、北马群岛及其旅游机构或接待社应为中国游客设立热线以提供咨询和救助。同时北马群岛应要求其接待社向中方组团社提供相关材料，尤其是赴北马里亚纳群岛联邦旅行及过程中的旅游条件以及向中方组团社提供重点旅游服务信息和价格，以保护游客合法权益。

第三条

一、中方要求旅游团以团队的形式出入中国和北马里亚纳群岛联邦境域。中方旅行社必须为每个旅游团配备领队。

二、北马群岛要求本地接待社为中国旅游团队配备全程导游，与中方领队共同协商，帮助处理在旅游过程中出现的任何问题。

第四条

一、北马群岛委托其在中国境内的机构或单位受理中方组团社为中国旅游团队申办赴北马群岛的入境许可申请；并将以上机构或单位的信息向中方备案，备案中需有名称、地址、电话、联系人、电子邮件地址等信息。

北马里亚纳群岛联邦
和
中华人民共和国国家旅游局
关于中国旅游团队赴北马里亚纳群岛联邦旅游
实施方案的谅解备忘录

北马里亚纳群岛联邦（以下简称“北马群岛”）和中华人民共和国国家旅游局（以下简称“中方”）就中国旅游团队赴北马里亚纳群岛联邦旅游实施方案达成以下谅解：

第一条

一、中方确定由经其批准的特许经营组织中国公民出国旅游业务的旅行社（以下简称“中方组团社”）承办组织中国旅游团队赴北马里亚纳群岛联邦旅游的业务。

二、北马群岛指定或推荐按照北马里亚纳群岛联邦法规经营、符合标准，且对接待中国旅游团队业务感兴趣的旅行社（以下简称“北马群岛接待社”）承办在北马群岛境内接待中国旅游团队的业务。

三、双方以书面形式确认各自指定或推荐的旅行社名单，名单中应包括旅行社地址、电话、传真、电子邮件和联系人等信息。如一方指定的旅行社发生变动，应每半年以书面形式将所做的变更通知另一方。