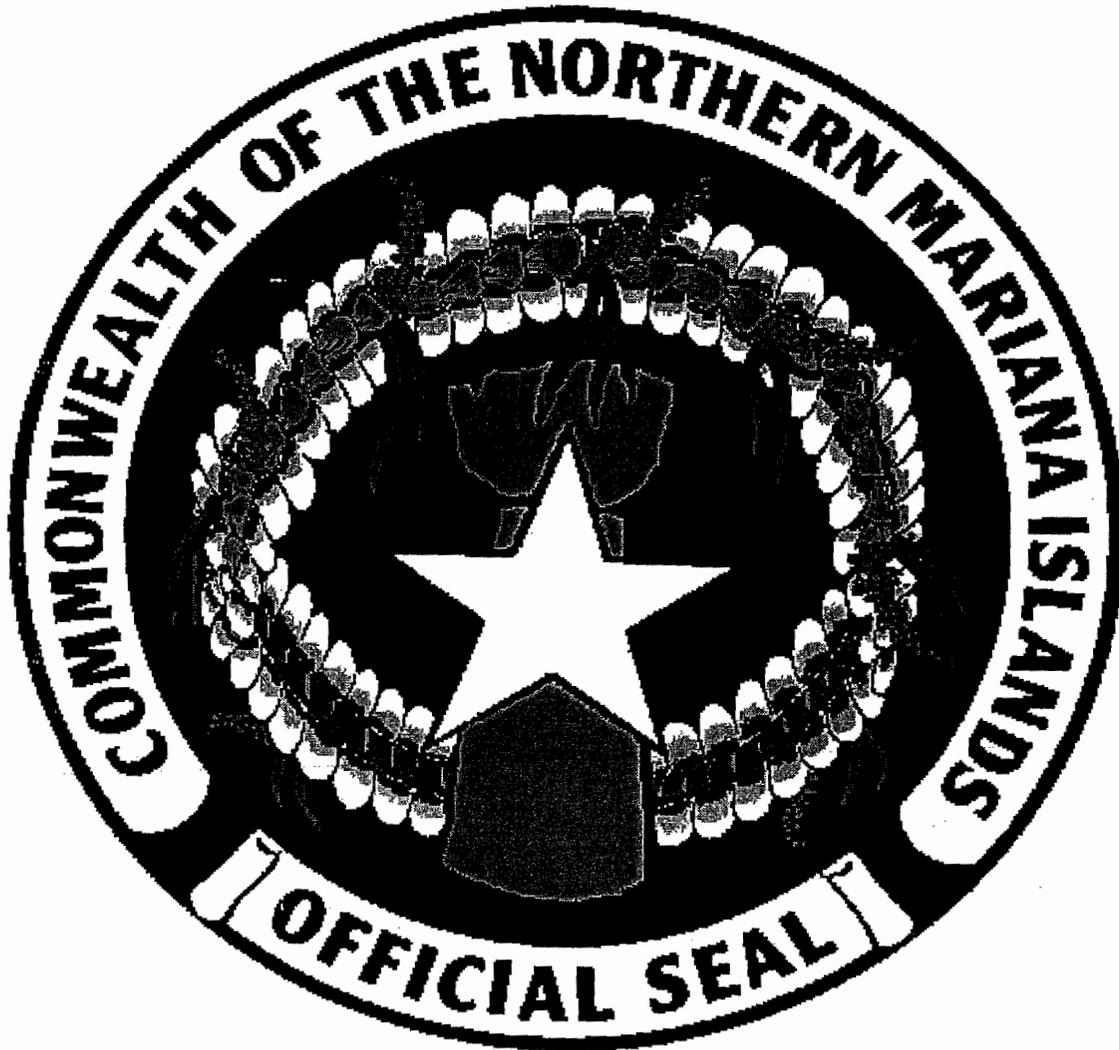


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER

VOLUME 30
NUMBER 07

July 28, 2008

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VOLUME 30

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July 28, 2008

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

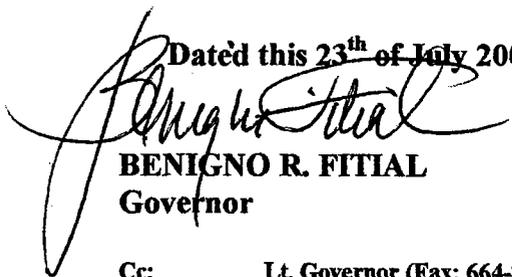
WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency 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prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for a like term, and giving reasons for extending the emergency.

Dated this 23th of July 2008.


BENIGNO R. FITIAL
Governor

Cc: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803)
House Speaker (Fax: 664-8900)
Mayor of the Northern Islands (Fax: 664-2710)
Executive Assistant for Carolinian Affairs (Fax: 235-5088)
Attorney General (Fax: 664-2349)
Secretary Of Finance (Fax: 664-1115)
Commissioner of Public Safety (Fax: 664-9027)
Special Assistant for Management and Budget (Fax: 664-2272)
Special Assistant for Programs and Legislative Review (Fax: 664-2313)
Press Secretary (Fax: 664-2290)
United States Coast Guard (236-2968)

Commonwealth of the Northern Mariana Islands
Department of Finance

Eloy S. Inos, Secretary
Department of Finance, Division of Procurement & Supply, PO Box 510008 CK
Lower Base, Across from Power Plant #1, Saipan MP 96950

tel 670.664.1500; fax:670.664.1515
procurement@pticom.com

**PUBLIC NOTICE OF EMERGENCY REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF
THE DEPARTMENT OF FINANCE, DIVISION OF PROCUREMENT & SUPPLY**

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands, Department of Finance, Division of Procurement & Supply ("the Secretary") finds that:

(1) the attached rules and regulations regarding the procurement for the purchase and/or licensing of computer software and hardware, shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)); and

(2) the same rules and regulations shall be adopted, after a proper notice and comment period, as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC §§ 2553(j)(procurement and supply function), 2557(rules and regulations). See *also* Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

(b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

(c) No regulation adopted is valid unless adopted in substantial compliance with this section. . . .

1 CMC § 9104(b), (c).

THE TERMS AND SUBSTANCE: These Rules and Regulations provide for the

procurement of certain computer software and hardware. Specifically, they provide that updates, continued licenses and continued maintenance may be contracted for without further competitive activity and that computer hardware and software subject to federal General Services Administration ("GSA") contracting may be procured without further competitive actions.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Address the extension, update, and/or continued maintenance of previously procured software without further advertisement or other competitive procurement activity.
2. Provide for purchasing through the GSA's blanket contracts for software and hardware.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Secretary has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. The Commonwealth employs complex software packages for many functions, including the Department's JD Edwards finance and accounting software. This software typically must be updated, corrected, maintained and otherwise improved, while the Government has no intention of changing software or retraining its many staffers to use new software.
2. Following detailed procurement requirements which are intended to enhance competition in purchasing would be irrelevant to the continued ownership of such software. This is particularly so for the continuation and smooth functioning of the Commonwealth's finances. Further, putting such software, its updates, or maintenance, out to re-bid would be extraordinarily disruptive to the Department's functions, and could irreparably damage the Department's ability to timely pay CNMI employees, contractors and vendors.
3. The old, present regulations, if applied in the immediate future, would cause such disruption. Further, changing the old regulations by following the "standard" form of publishing a notice of proposed rules and regulations would delay the date of revising the regulations. This delay would enable, not avoid, the disruption.
5. The Commonwealth's attempts to purchase specialized, federally financed software

and hardware have almost failed due to the old, present regulations' failure to allow expedited purchasing in recognition of the fact that such software and hardware often is negotiated for prices and terms that the federal government, with its enormous buying power, can negotiate, but the CNMI cannot. Adopting the regulations on this emergency basis will permit such procurements to go forward.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (*see* 1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a)(1))

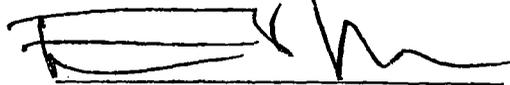
The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)) This is because the Secretary has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health, safety, or welfare. (*Id.*)

TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding these emergency regulations being presented as proposed regulations, in the July, 2008, Commonwealth Register.

These emergency regulations were approved by the Secretary on July 3, 2008.

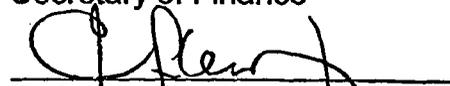
Submitted by:



Eloy S. Inos
Secretary of Finance

7/3/08
Date

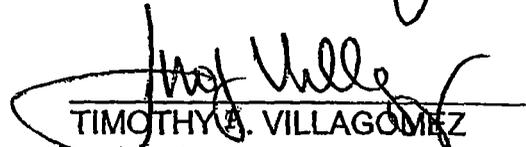
(Received by



Esther S. Fleming
Special Asst for Administration

7/03/08
Date

Concurred by:



TIMOTHY A. VILLAGOMEZ
Acting Governor

7/03/08
Date

Filed and
Recorded by:

Bernadita B. De La Cruz
for BERNADITA B. DE LA CRUZ
Commonwealth Register

7/08/08
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 3rd day of July, 2008.

Matthew T. Gregory

MATTHEW T. GREGORY,
Attorney General

0 NOPR Emergency Regs Software Hardware.wpd

Part 300: Procurement of Construction and Architect-Engineer Services, Professional Services, Vehicles and Special Conditions for Computer Software and Hardware.

70-30.3-320 Computer software and hardware

- (a) Notwithstanding any other provision of these regulations, commercial computer software, including documentation, and hardware may be procured pursuant to this part.
- (b) Commercial computer software, including commercial computer software documentation, may be acquired under a license customarily provided to the public to the extent such license is lawful and satisfies the Government's needs.
- (c) In acquiring commercial software, the Government shall not generally require offerors and contractors to:
 - (1) Furnish technical information related to commercial computer software or commercial computer software documentation that is not customarily provided to the public;
 - (2) Transfer intellectual property rights or otherwise relinquish to, or otherwise provide, the Government the rights to use, modify, reproduce, release, perform, display, or disclose commercial computer software or commercial computer software documentation, except as mutually agreed to by the parties. With regard to commercial computer software and commercial software documentation, the Government shall have only those rights specified in the license therefor.
- (d) Competitive bidding, or competitive procurement shall not be required for commercial software upon a showing that:
 - (1) the software is advertised for sale to the public at prices which are readily determinable from public sources, including but not limited to, sources on the internet;
 - (2) proof of contemporaneous pricing which is actually available to CNMI purchasers is supplied in the contract package; and
 - (3) the other prices shown are within 10 % of the pricing selected, or, the selected vendor will provide support for the software of a value which compensates for the difference in price.
- (e) Competitive bidding, or competitive procurement shall not be required with respect to software for the following:

- (1) software purchased is an updated version of software previously purchased;
 - (2) an extension of the license for previously-purchased software;
 - (3) an extension of maintenance services for previously-purchased software; or
- (f) The purchase of computer hardware, software, and/or related services, which is/are purchased pursuant to a US General Services Administration (GSA) blanket contract which had been negotiated by the federal government, shall be presumptively concluded to be in compliance with the competitive procurement requirements of these Regulations. This presumption shall apply not only to commercially available products, but also to products which are designed, manufactured and/or assembled according to GSA specifications.

0 DoF reg for software hardware procurement.wpd

**NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT
TO ADOPT AMENDMENTS TO THE RULES AND REGULATIONS
GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

EMERGENCY: The Fund's Board of Trustees, tasked with administration of the Northern Mariana Islands Retirement Fund, finds that, pursuant to 1 CMC § 9104(b), the public interest and imminent peril to the public welfare requires the adoption, on an emergency basis, of amendments to the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, as published in the Commonwealth Register Volume 27, Number 09, at pages 25043 to 25141, on October 24, 2005 and in Volume 27, Number 11 at pages 25529 to 25567, on December 30, 2005, and adopted and published in Volume 28, Number 03, at pages 25529 to 25567, on March 30, 2006 (effective date April 9, 2006), and in Volume 30, Number 05, at pages 28507 to 28514, on May 27, 2008, and adopted and published in Volume 30, Number 06 at page 28527, on June 27, 2008 (effective date July 7, 2008).

The Board finds that the public interest and this imminent peril to the public welfare mandates adoption of these amendments to the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Secretary for the Commonwealth Register, subject to the approval of the Attorney General and concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

REASONS FOR EMERGENCY: Pursuant to Public Law 6-17, as amended by Public Law 13-60, and Part 4, Section 4.05 of the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, the Board of Trustees has a fiduciary duty to properly administer the program. This authority includes promulgating rules and regulations necessary for such proper administration of the program.

I. The Board of Trustees has determined that there are *critical, significant, and severe* deficiencies in the Fund's policies and procedures with respect to processing of Disability Benefits applications.

Failure to immediately implement these interim Rules and Regulations will result in:

1. Loss of sustainable income for members who have been terminated from employment while awaiting determination and approval of their Application for Disability.
2. Confusion to Member Services staff regarding processing of Applications.
3. Duplication of efforts should the Rules and Regulations be implemented at a later date, resulting in additional costs and further deterioration of the financial condition of the program, and unnecessary appeals through the administrative process.
4. Potential liability for the Northern Mariana Islands Retirement Fund and/or the Government due to the failure to implement appropriate policies and procedures expeditiously.

II. These amendments to the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund will implement the Policy and Procedures for Disability Benefits.

CONTENTS: The adoption of these amendments to the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund will *effectuate critical changes* to the Northern Mariana Islands Retirement Fund program, *crucial to the proper operation* and the public interest, and will serve the best interests of the members and public and to ensure proper and appropriate procedures are in place pursuant to applicable law.

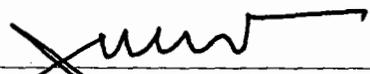
NOTICE OF INTENT TO PERMANENTLY ADOPT: It is the intention of the Board of Trustees to adopt these emergency amendments as permanent amendments to the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund with such adoption pursuant to 1 CMC §§ 9104(a)(1) and (2). Therefore, publication in the Commonwealth Register of these amendments, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedures Act are hereby provided.

- I. Copies of the Rules and Regulations will be available at the Northern Mariana Islands Retirement Fund office, located on the first floor of the Retirement Fund Building, Capitol Hill, Saipan, MP 96950.
- II. Written comments on the Rules and Regulations should be addressed and submitted to the Administrator, Northern Mariana Islands Retirement Fund ("Fund"), P.O. Box 501247 CK, Saipan, MP 96950, or may be delivered to the Administrator at the Fund office on Capitol Hill.
- III. Written comments must be received by the Administrator of the Fund not later than thirty (30) days from the date of this publication.

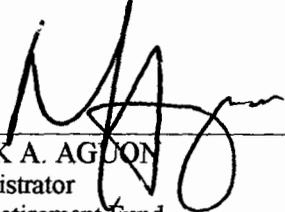
AUTHORITY: The Board of Trustees is authorized to promulgate, publish and adopt these regulations pursuant to Public Law 6-17, as amended.

By signature below, we certify that the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund attached hereto are the true, correct, and complete Rules and Regulations Governing the Northern Mariana Islands Retirement Fund hereby adopted as emergency regulations by the Board of Trustees, and further request and direct that this Notice of Adoption be published in the Commonwealth Register.

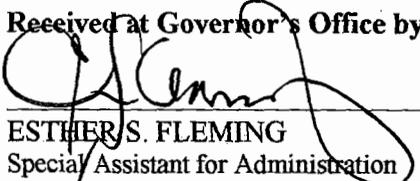
Dated this _____ day of _____ 2008.



 JUAN T. GUERRERO
 Chairman, Board of Trustees
 NMI Retirement Fund

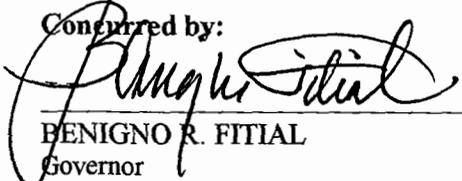


 MARK A. AGOON
 Administrator
 NMI Retirement Fund

Received at Governor's Office by:


 ESTHER S. FLEMING
 Special Assistant for Administration

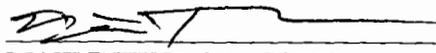
Date: 7/23/08

Concurred by:


 BENIGNO R. FITIAL
 Governor

Date: 7/22/08

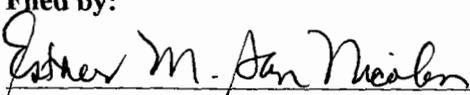
Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the emergency Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.



 MATTHEW T. GREGORY
 Attorney General

adw
7/23/08

Date: 7/23/08

Filed by:


 BERNADITA B. DELA CRUZ
 Secretary, Commonwealth Register

for

Date: 07.23.08

**EMERGENCY AMENDMENTS TO THE RULES AND REGULATIONS
GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

CITATION OF AUTHORITY:

The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund has statutory power to promulgate and effect Rules and Regulations pursuant to 1 CMC § 8315(f).

STATEMENT OF GOALS AND OBJECTIVES:

The Rules and Regulations provide guidelines for the Board to manage the government retirement program, as well as provide government employees and retirees information on how the program functions. The primary goals and objectives of the proposed amendments are to include within the Rules and Regulations the Disability Benefits Policy and Procedures.

SUMMARY OF AMENDMENTS:

These proposed amendments to the Rules and Regulations would provide for comprehensive policy and procedures for members applying for Disability Benefits.

FOR FURTHER INFORMATION:

Contact Mark A. Aguon, Administrator, NMI Retirement Fund, by telephone (670) 322-3863 or facsimile (670) 664-8080.

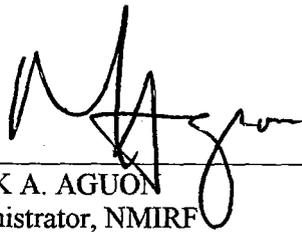
CITATION OF RELATED AND/OR AFFECTED STATUTES, REGULATIONS AND ORDERS:

Public Law 6-17, as amended, and Public Law 13-60; Section 4.05 of the Fund Administrative Rules and Regulations; Commonwealth Register, Volume 27, Number 09, dated October 24, 2005, and Volume 27, Number 11, dated December 30, 2005, and adopted and published in Volume 28, Number 03, dated March 30, 2006, effective April 9, 2006, and Volume 30, Number 05, dated May 27, 2008, and adopted and published in Volume 30, Number 06, dated June 27, 2008, effective July 7, 2008.

Dated this _____ day of _____ 2008.

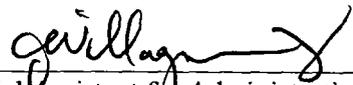


JUAN T. GUERRERO
Chairman, Board of Trustees, NMIRF



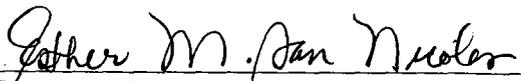
MARK A. AGUON
Administrator, NMIRF

RECEIVED BY:



Special Assistant for Administration
Date: 07-23-08

FILED AND RECORDED BY:



Secretary, Commonwealth Register
Date: 07.23.08

**Emergency Amendments to the
NORTHERN MARIANA ISLANDS RETIREMENT FUND
ADMINISTRATIVE RULE AND REGULATIONS**

To incorporate as part of the Administrative Rules and Regulations the "Disability Benefits Policy and Procedures" as follows:

I. POLICY

A. All full-time defined benefit plan members ("regular employees") disabled from an occupational cause are eligible for consideration for Disability benefits. All regular employees allegedly disabled from a non-occupational cause who had been a member prior to December 5, 2003 with more than 18 months of membership service and who did not refund their contributions are eligible for consideration of non-occupational Disability Benefits. All regular employees allegedly disabled from a non-occupational cause who became a member after December 5, 2003 with more than five years of membership service and who did not refund their contributions are eligible for consideration for non-occupational Disability Benefits. Disability Benefits shall be based on applicable law at the time of a Board finding of disability, pursuant to 1 CMC § 8347.

B. Benefits are available only to a regular employee who is under a duly licensed physician's care, and as certified by the Board of Trustees. The Board of Trustees shall certify a List of Physicians, Specialists, and/or Vocational Rehabilitation Counselors. The Physicians to certify the starting, continuing, and ending dates of the employee's disability on the Disability Certification Form may not be the Applicant's primary care physician. The Vocational Rehabilitation Counselor must also, certify, with limited exception, that the member is totally and permanently disabled for the further performance of the duties of any assigned position in the service of the government. The Administrator retains authority to prescribe applicable forms for Disability Applicants and to further request information/medical reports.

C. Reconfirmation of disability by the certifying Physicians, Specialists, and/or Vocational Rehabilitation Counselors will be required by the Fund annually for a five year period, and once for every following three year period, unless a certified Physician or Specialist in the hemodialysis field certifies the Applicant is diagnosed with End Stage Renal Disease with permanent hemodialysis as the only treatment plan.

D. Following five years of continuous disability, an assessment will be made to see if the employee qualifies for disability benefits as a Long-Term Disability Applicant. In the event the qualification for Long Term Disability is met, a reconfirmation of the disability by the certifying Physicians, Specialists, and/or Vocational Rehabilitation Counselors will be required by the Fund once for every following three year period, with limited exceptions as noted *supra*, which may be elaborated based on Board Resolution.

E. Under no circumstances will the combined benefits from a Disability Plan or the Disability program exceed the highest salary received by the member prior to the Board finding of disability.

II. RESPONSIBILITIES

A. The Member is responsible for completing his/her section of the Disability Certification Form and for obtaining the necessary information from the certifying Physicians, Specialists, and/or Vocational Rehabilitation Counselors, if applicable. These certifying Physicians and/or Specialists must certify the nature, extent of illness or injury and projected duration of the disability on the Disability Certification Form.

B. The Member is responsible for completing the annual certification of disability during the first five years of the disability period. In the event the Member is certified as a Long-Term Disability Annuitant, the Member is responsible for complying with the certification process once every following three year period. The certifying Physicians and/or Specialists must also certify the nature, extent of illness or injury during each following three year period of the Member's disability on Disability Certification Forms.

III. PROCEDURES

A. The Member obtains applicable physicians' statements (Disability Certification Forms), certifying the nature, extent and duration of illness/disability and forwards it to the Administrator or the Administrator's designee, for initial review and compliance, and accompanies these Forms with Certification from a Vocational Rehabilitation Counselor, unless the Board makes a finding of *in extremis* or grave and exceptional circumstances.

- The physician must fill out the form by printing the information if it cannot be typed, to include height, weight and blood pressure of the patient. Submissions that are illegible or incomplete will be returned to the patient who has the obligation to see that the information is supplied in satisfactory format. The employee then obtains the certification of a Vocational Rehabilitation Counselor pursuant to applicable law.
- The physician must sign a disclaimer that if the information provided is knowingly false or misleading, in an attempt to defraud the CNMI government, they may be guilty of a misdemeanor under applicable Commonwealth or Federal law.
- The Member applying for disability on the basis of End Stage Renal Disease that will be starting on hemodialysis must submit a treatment plan from an attending physician with a certification as a specialist or work assignment in the Hemodialysis Unit.
- If the disability is related to a disease that required surgery, or was caused as a complication of surgery, the Operative Report must be submitted along with the application form.
- If the diagnosis related to the primary disability required hospitalization, a copy of the Discharge Summary must accompany the application form.
- The primary diagnosis must be assigned an ICD-9 Code. The ICD-9 Code of any secondary diagnosis that impacts upon the extent or duration of the patient's disability must be included. The Board reserves the policy decision to update ICD Codes in the future.

- If the condition(s) causing the disability require standard radiologic examination (X-ray) or imaging examinations (CT scan, Magnetic Resonance Imaging, ultrasound, echocardiography, angiography, bone density scans, etc.) or any other examination modality, a copy of those reports must accompany the initial application for disability.
- Disability upon a psychiatric diagnosis must include an evaluation by a licensed and board certified psychiatrist or licensed clinical psychologist with specialized training/certification in the disability asserted.
- Disability related to physical limitations must be documented by an evaluation by the Vocational Rehabilitation Counselor or an Occupational Therapist and/or licensed Physical Therapist.
- Disability related to malignant disease must be accompanied by a pathology report if any surgery or biopsies were used to establish the diagnosis.
- Presumptive disability such as sudden blindness, bilateral amputations, major organ transplant (e.g. heart/lung), severe burns over 70% of the body, etc. must be accompanied by medical records justifying such presumptive disability, and/or grave and exceptional circumstances.

B. The Administrator, the Benefits Branch Director, or the Administrator's designee, reviews the documentation and may request additional information or request additional medical reports from the applicable physician to confirm illness/disability before forwarding this information to the Board for its review and/or approval or disapproval.

C. The Administrator, the Benefits Branch Director, or the Administrator's designee, in the event the Board makes a finding of disability, initiates a Status Change Form authorizing Short-Term Disability benefits, and obtains the Applicant's signature on it.

D. The Administrator, the Benefits Branch Director, or the Administrator's designee, estimates the benefit amount the employee is expected to receive from the Short-Term Disability annually during the five-year period of the Short-Term Disability.

E. The Administrator, the Benefits Branch Director, or the Administrator's designee, may terminate the Short-Term Disability benefits when the member's illness/disability prognosis improves, or at the end of the initial five-year period unless a duly licensed Physician or Specialist in Nephrology certifies the Applicant is diagnosed with End Stage Renal Disease requires chronic hemodialysis as the only treatment plan for their disease. Other diagnoses by a duly licensed Physician or Specialist of terminal conditions such as terminal Cancer or diseases like Cystic Fibrosis, Myasthenia Gravis, etc. may be considered a permanently disabling condition/disease.

F. The Member obtains applicable physician's statements (Disability Certification Form), certifying nature, extent and duration of a long term illness/disability and forwards it to the Administrator or the Benefits Branch Director, or the Administrator's designee, for initial review and compliance with Long-Term Disability Benefits.

G. The Administrator, the Benefits Branch Director, or the Administrator's designee, reviews the documentation and may request additional information or request additional

medical reports from the applicable physician to confirm illness/disability before forwarding this information to the Board for its review and approval or disapproval.

H. The Administrator, the Benefits Branch Director, or the Administrator's designee, in the event the Board makes a finding of long-term disability, initiates a Status Change Form authorizing Long-Term Disability benefits, and obtains the Applicant's signature.

I. The Administrator, the Benefits Branch Director, or the Administrator's designee, estimate the annual benefit amount expected to be received from Long-Term Disability.

J. The Administrator forwards this estimated annual Long-Term Disability Annuity Form to the Board for its review and approval and certification of expenditure of funds.



Northern Mariana Islands RETIREMENT FUND

"Investing For The Future Financial Security Of Our Members"

DISABILITY REPORT FORM

SECTION 1 – INFORMATION ABOUT THE DISABLED PERSON

Please mark the box with an X or ✓ if this form is being completed by someone else because the Applicant cannot read or understand English. Indicate accordingly in Section H below.

A. NAME (First, Middle Initial, Last)

B. SOCIAL SECURITY NUMBER

C. DAYTIME TELEPHONE NUMBER (If you have no number where you can be reached, give us a daytime number where we can leave a message for you.)

Area Code _____ Number _____ Your Number Message Number None

D. Give the name of a friend or relative that we can contact (other than your doctors) who knows about your illnesses, injuries or conditions and can help you with your claim.

NAME _____ RELATIONSHIP _____

ADDRESS _____
(Number, Street, Apt. No. (if any), P.O. Box, or Rural Route)

City _____ State _____ ZIP _____ DAYTIME PHONE _____
Area Code _____ Number _____

E. What is your height without shoes?
_____ feet _____ inches

F. What is your weight without shoes?
_____ pounds

G. Do you have a medical assistance card? (For Example, Medicaid or Aetna) If "YES," show the number here: YES NO

H. Can you speak and understand English? YES NO If "NO," what is your preferred language? _____

NOTE: If you cannot speak and understand English, we will provide an interpreter, free of charge.

If you cannot speak and understand English, is there someone we can contact who speaks and understands English and will give you messages? YES NO (If "YES," and that person is the same as in "D" above show "SAME" here. If not, complete the following information.)

NAME _____ RELATIONSHIP _____

ADDRESS _____
(Number, Street, Apt. No. (if any), P.O. Box, or Rural Route)

City _____ State _____ ZIP _____ DAYTIME PHONE _____
Area Code _____ Number _____

I. Can you read and understand English? YES NO

J. Can you write more than your name in English? YES NO

SECTION 2
YOUR ILLNESSES, INJURIES OR CONDITIONS AND HOW THEY AFFECT YOU

A. What are the illnesses, injuries or conditions that limit your ability to work? _____

B. How do your illnesses, injuries or conditions limit your ability to work? _____

C. Do your illnesses, injuries or conditions cause you pain or other symptoms? YES NO

D. When did your illnesses, injuries or conditions first bother you?

Month	Day	Year
-------	-----	------

E. When did you become unable to work because of your illnesses, injuries or conditions?

Month	Day	Year
-------	-----	------

F. Have you ever worked? YES NO (If "NO," go to Section 4.)

G. Did you work at any time after the date your illnesses, injuries or conditions first bothered you? YES NO

H. If "YES," did your illnesses, injuries or conditions cause you to: (check all that apply)

- work fewer hours? (Explain below)
- change your job duties? (Explain below)
- make any job-related changes such as your attendance, help needed, or employers? (Explain below)

I. Are you working now? YES NO

If "NO," when did you stop working?

Month	Day	Year
-------	-----	------

J. Why did you stop working? _____

SECTION 3 - INFORMATION ABOUT YOUR WORK

A. List all the jobs that you had in the 15 years before you became unable to work because of your illnesses, injuries or conditions.

JOB TITLE <i>(Example: Cook)</i>	TYPE OF BUSINESS <i>(Example: Restaurant)</i>	DATES WORKED <i>(month & year)</i>		HOURS PER DAY	DAYS PER WEEK	RATE OF PAY <i>(Per hour, per week, month, or year)</i>	
		From	To			\$	
						\$	
						\$	
						\$	
						\$	
						\$	
						\$	
						\$	

B. Which job did you hold or perform the longest? _____

C. Describe this job. What did you do all day? (If you need more space, write in the "Remarks" section.) _____

D. In this job, did you:

- Use machines, tools or equipment? YES NO
- Use technical knowledge or skills? YES NO
- Do any writing, complete reports, or similar duties? YES NO

E. In this job, how many total hours each day did you:

- Walk? _____ Stoop? *(Bend down & forward at waist.)* _____ Handle, grab or grasp big objects? _____
- Stand? _____ Kneel? *(Bend legs to rest on knees.)* _____ Reach? _____
- Sit? _____ Crouch? *(Bend legs & back down & forward.)* _____ Write, type or handle small objects? _____
- Climb? _____ Crawl? *(Move on hands & knees.)* _____

F. Lifting and Carrying *(Explain what you lifted, how far you carried it, and how often you did this.)*

G. Check **heaviest** weight lifted:

- Less than 10 lbs 10 lbs 20 lbs 50 lbs 100 lbs Other _____

H. Check weight **frequently** lifted: *(By frequently, we mean from 1/3 to 2/3 of the workday.)*

- Less than 10 lbs 10 lbs 20 lbs 50 lbs 100 lbs Other _____

I. Did you supervise other people in this job? YES *(Complete items below)* NO *(If NO, go to J.)*

- How many people did you supervise? _____
- What part of your time was spent supervising people? _____
- Did you hire and fire employees? YES NO

J. Were you a lead worker? YES NO

SECTION 4 – INFORMATION ABOUT YOUR MEDICAL RECORDS

- A. Have you been seen by a **doctor/hospital/clinic** or anyone else for the illnesses, injuries or conditions that limit your ability to work? YES NO
- B. Have you been seen by a **doctor/hospital/clinic** or anyone else for emotional or mental problems that limit your ability to work? YES NO

If you answered "NO" to both of these questions, go to Section 5.

C. List other names you have used on your medical records. _____

Tell us who may have medical records or other information about your illnesses, injuries or conditions.

D. List each **DOCTOR/HMO/THERAPIST/OTHER**. Include your next appointment.

1.

NAME			DATES	
STREET ADDRESS			FIRST VISIT	
CITY	STATE	ZIP	LAST SEEN	
PHONE <small>Area Code Phone Number</small>	PATIENT ID # (if known)		NEXT APPOINTMENT	
REASONS FOR VISITS _____				

WHAT TREATMENT WAS RECEIVED? _____				

2.

NAME			DATES	
STREET ADDRESS			FIRST VISIT	
CITY	STATE	ZIP	LAST SEEN	
PHONE <small>Area Code Phone Number</small>	PATIENT ID # (if known)		NEXT APPOINTMENT	
REASONS FOR VISITS _____				

WHAT TREATMENT WAS RECEIVED? _____				

SECTION 4 – INFORMATION ABOUT YOUR MEDICAL RECORDS (Continuation)

DOCTOR/HMO/THERAPIST/OTHER

3.

NAME			DATES	
STREET ADDRESS			FIRST VISIT	
CITY	STATE	ZIP	LAST SEEN	
PHONE <small>Area Code Phone Number</small>		PATIENT ID # (if known)		NEXT APPOINTMENT
REASONS FOR VISITS _____ _____ _____				
WHAT TREATMENT WAS RECEIVED? _____ _____ _____				

If you need more space, use Remarks, Section 9.

E. List each HOSPITAL/CLINIC. Include your next appointment.

1.

HOSPITAL/CLINIC				TYPE OF VISIT		DATES	
NAME				<input type="checkbox"/> INPATIENT STAYS <small>(Stayed at least overnight)</small>	DATE IN	DATE OUT	
STREET ADDRESS							
CITY	STATE	ZIP		<input type="checkbox"/> OUTPATIENT VISITS <small>(Sent home same day)</small>	DATE FIRST VISIT	DATE LAST VISIT	
PHONE							
				<input type="checkbox"/> EMERGENCY ROOM VISITS	DATE OF VISIT		

Next appointment _____ Your hospital/clinic number _____

Reasons for visits _____

What treatment did you receive? _____

What doctors do you see at this hospital/clinic on a regular basis? _____

SECTION 4 – INFORMATION ABOUT YOUR MEDICAL RECORDS (Continuation)

HOSPITAL/CLINIC

HOSPITAL/CLINIC			TYPE OF VISIT		DATES	
NAME			<input type="checkbox"/> INPATIENT STAYS <i>(Stayed at least overnight)</i>	DATE IN	DATE OUT	
STREET ADDRESS						
CITY			<input type="checkbox"/> OUTPATIENT VISITS <i>(Sent home same day)</i>	DATE FIRST VISIT	DATE LAST VISIT	
STATE	ZIP					
PHONE			<input type="checkbox"/> EMERGENCY ROOM VISITS	DATE OF VISIT		
<small>Area Code</small>	<small>Phone Number</small>					

Next appointment _____ Your hospital/clinic number _____

Reasons for visits _____

What treatment did you receive? _____

What doctors do you see at this hospital/clinic on a regular basis? _____

If you need more space, use Remarks, Section 9.

F. Does anyone else have medical records or information about your illnesses, injuries or conditions (Workers' Compensation, insurance companies, prisons, attorneys, welfare), or are you scheduled to see anyone else?

YES (If "YES," complete information below.) NO

NAME			DATES	
STREET ADDRESS			FIRST VISIT	
CITY	STATE	ZIP	LAST SEEN	
PHONE			NEXT APPOINTMENT	
<small>Area Code</small>	<small>Phone Number</small>			
CLAIM NUMBER (if any) _____				
REASONS FOR VISITS _____				

If you need more space, use Remarks, Section 9.

SECTION 5 – MEDICATIONS

Do you currently take any **medications** for your illnesses, injuries, or conditions?

YES

If "YES," please tell us the following: *(Look at your medicine bottles, if necessary.)*

NO

NAME OF MEDICINE	IF PRESCRIBED, GIVE NAME OF DOCTOR	REASON FOR MEDICINE	SIDE EFFECTS YOU HAVE

If you need more space, use Remarks, Section 9.

SECTION 6 – TESTS

Have you had, or will you have, any **medical tests** for illnesses, injuries or conditions?

YES NO

If "YES," please tell us the following: *(Give approximate dates, if necessary.)*

KIND OF TEST	WHEN DONE OR WHEN WILL IT BE DONE? (Month, day, year)	WHERE DONE? (Name of facility)	WHO SENT YOU FOR THIS TEST?
EKG (HEART TEST)			
TREADMILL (EXERCISE TEST)			
CARDIAC CATHETERIZATION			
BIOPSY – Name of body part			
HEARING TEST			
SPEECH/LANGUAGE TEST			
VISION TEST			
IQ TESTING			
EEG (BRAIN WAVE TEST)			
HIV TEST			
BLOOD TEST (HEMATOLOGY, CHEMISTRIES, RENAL FUNCTION, THYROID FUNCTION, ETC., NOT INCLUDING HIV)			
BREATHING TEST			
X-RAY – Name of body part			
MRI/CT SCAN – Name of body part			

If you have had other tests, list them in Remarks, Section 9.

18. Do you expect disability to last longer than 12 months from date of this report? <input type="checkbox"/> YES <input type="checkbox"/> NO	19. If "Yes" to item (18), how long? _____ (Months/Years)
22. Could recovery be hastened if patient sought Rehabilitative Assistance? <input type="checkbox"/> YES <input type="checkbox"/> NO	23. In the event of total disability, when should Disabled Member return for next medical examination? _____

24. Additional Comments/Remarks, if any. Attach additional page(s), if necessary.

By affixing signature below, the named attending physician hereby declares, under penalty of perjury, that the information provided in this report is true and correct to the best of his/her knowledge. Knowingly providing any false or misleading information, in an attempt to defraud the CNMI government, would be considered a misdemeanor and punishable under the laws of the Commonwealth of the Northern Mariana Islands.

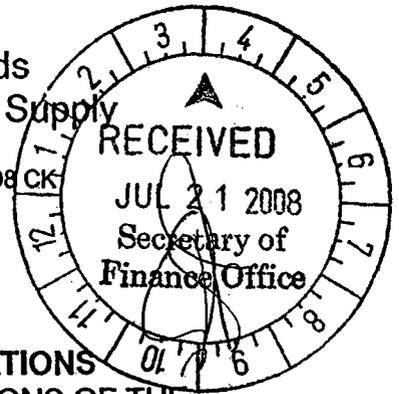
Name and Signature of Attending Physician: _____	Date:
Name and Address of Clinic (P.O. Box or Street Number):	Medical License Number:

Commonwealth of the Northern Mariana Islands
Department of Finance - Division of Procurement & Supply

Eloy S. Inos, Secretary

Department of Finance, Division of Procurement & Supply, PO Box 510008 CK
Lower Base, Across from Power Plant #1, Saipan MP 96950

tel 670.664.1500; fax:670.664.1515
procurement@pticom.com



**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
DEPARTMENT OF FINANCE, DIVISION OF PROCUREMENT & SUPPLY**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:
The Commonwealth of the Northern Mariana Islands, Department of Finance, Division of Procurement & Supply ("P&S") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC §§ 2553(j) (procurement and supply function), 2557 (rules and regulations). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide that the procurement and continued maintenance of certain computer software may be contracted for without further competitive activity and that computer hardware and software subject to federal General Services Administration ("GSA") contracting may be procured without further competitive action.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

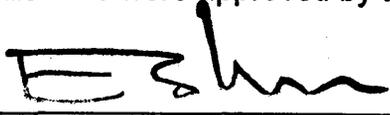
1. Address the extension, update, and/or continued maintenance of previously procured software without further advertisement or other competitive procurement activity.
2. Provide for purchasing through the GSA's blanket contracts for software and hardware.

CONCURRENT ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Board has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these Proposed Regulations on an emergency basis for 120 days. The Governor signed the emergency regulations on July 3, 2008. The emergency regulations are now in effect.

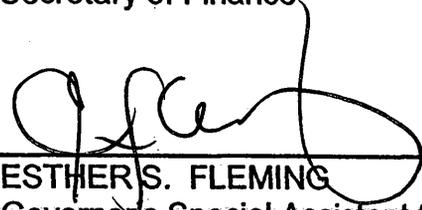
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to Herman S. Sablan, *Attn: New Procurement and Supply Regulations*, at the above address, fax or email address, with the subject line "New Procurement and Supply Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

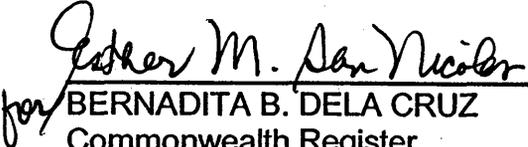
These proposed regulations were approved by the Secretary on July 3, 2008.

Submitted by: 
Eloy S. Inos
Secretary of Finance

JUL 23 2008
Date

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for Administration

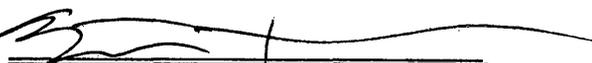
JUL 23 2008
Date

Filed and Recorded by: 
for BERNADITA B. DELA CRUZ
Commonwealth Register

07.23.08
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 23rd day of July, 2008.


MATTHEW T. GREGORY,
Attorney General

Part 300: Procurement of Construction and Architect-Engineer Services, Professional Services, Vehicles and Special Conditions for Computer Software and Hardware.

70-30.3-320 Computer software and hardware

- (a) Notwithstanding any other provision of these regulations, commercial computer software, including documentation, and hardware may be procured pursuant to this part.
- (b) Commercial computer software, including commercial computer software documentation, may be acquired under a license customarily provided to the public to the extent such license is lawful and satisfies the Government's needs.
- (c) In acquiring commercial software, the Government shall not generally require offerors and contractors to:
 - (1) Furnish technical information related to commercial computer software or commercial computer software documentation that is not customarily provided to the public;
 - (2) Transfer intellectual property rights or otherwise relinquish to, or otherwise provide, the Government the rights to use, modify, reproduce, release, perform, display, or disclose commercial computer software or commercial computer software documentation, except as mutually agreed to by the parties. With regard to commercial computer software and commercial software documentation, the Government shall have only those rights specified in the license therefor.
- (d) Competitive bidding, or competitive procurement shall not be required for commercial software upon a showing that:
 - (1) the software is advertised for sale to the public at prices which are readily determinable from public sources, including but not limited to, sources on the internet;
 - (2) proof of contemporaneous pricing which is actually available to CNMI purchasers is supplied in the contract package; and
 - (3) the other prices shown are within 10 % of the pricing selected, or, the selected vendor will provide support for the software of a value which compensates for the difference in price.
- (e) Competitive bidding, or competitive procurement shall not be required with respect to software for the following:

- (1) software purchased is an updated version of software previously purchased;
 - (2) an extension of the license for previously-purchased software;
 - (3) an extension of maintenance services for previously-purchased software; or
- (f) The purchase of computer hardware, software, and/or related services, which is/are purchased pursuant to a US General Services Administration (GSA) blanket contract which had been negotiated by the federal government, shall be presumptively concluded to be in compliance with the competitive procurement requirements of these Regulations. This presumption shall apply not only to commercially available products, but also to products which are designed, manufactured and/or assembled according to GSA specifications.

0 DoF reg for software hardware procurement.wpd

**Téel Falúw kka Efang Marianas mellól Commonwealth
Bwulasiyool Finance-Dibisionul Procurement me Supply
Eloy S. Inos, Sekretario (Samwool)
Bwulasiyool Finance, procurement me Supply Lower Base Peighilongol Power Plant
#1, Seipél MP 96950**

Tel 670. 6641500 fax 670. 664. 1515
Procurement@pticom.com

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKA AA LLIWEL MELLÓL
ALLÉGHÚL BWULASIYOOL FINANCE, PROCUREMENT ME SUPPLY**

MWIISCHIL EBWE FILLOOY POMWOL ALLEGH KKAAL: Téel Faluw kka Efang Marianas mellól Commonwealth, Bwulasiyool Finance, Procurement me Supply (P&S) e mángi ebwe fillóoy pomwol allégh kka e appasch bwe ebwe allégh ffósch (permanent), sángi mwóghutul Alléghúl Administrative ye 1 CMC 9104 (a). Allégh kkaal ebwe allégh llól seigh (10) rál mwiril yaal filló. (1 CMC 9105 (b))

BWÁNGIL : Samwool re mweiti ngáli bwángil mereel Imwal Sów Fféerúl Allégh (Legislature) bwe ebwe fillóoy alléghúl llól bwulasiyo me ammwelil mwóghutughutul 1 CMC 2553 (j) (Mwóghutul Procurement me Supply), 2557 (amwmeilil me alléghúl). Bwal piipi Exec. Order ye 94-3 (ye e allégheló wóól Ogusto 23, 1994, iye e lugheey sefáli bwulasiyool Executive).

AWEEWEL ME KKAPASAL: Ammwelil me Allégh kkaal re ayooa bwelle procurement ebwe mmwelil sóbweilo maintenance ngáli akkááw computer software, me ebwe mmwelil contract (pwol) nge essópwwal aingiing (competitive) me computer hardware me software faal federal General Services Administration (GSA) yaal contract ebwe mmwelil procure nge essópwwal competitive. (aingiing).

AWEEWE KKA E TOOLONG: Allégh kkaal:

1. Ebwe address extension, update, me /me ngáre maintenance igha ebwe sobweiló, reel software kka aa bweibwogh (procure) nge essóbw schiwel advertise (akkate) me ngáre akkááw aingiingil mwóghutul bweibwogh (procurement).
2. Ayooa purchasing (akkame) sangi GSA blanket contract kkaal reel milikka software me hardware.

ALÚGHÚLÚGHÚL GHITIPWOTCHOL POMWOL ALLÉGH LLÓL 120 RÁL:: Mwiisch yeel e attabweey alléghúl 1 CMC 9104(b) me (c) igha ebwe fillóoy Pomwol Allégh kkaal llól ghitipwotchol, llól ebwughúw reweigh (120) rál. Sów Lemelem aa makkeiló Pomwol Allégh kkaal llól ghitipwotchol wóól Ulliyo 3, 2008. Iwe ghitipwotchol allégh kkaal aa allégheló. (in effect).

**KINONFOTMAN ADÁPTASION REGULASION ENSIGIDAS SIHA
PARA SIENTO BENTE DIHA SIHA (120):**

I Board ha tattitiyi i areklo siha gi 1 CMC § 9104(b) yan (c) para u ma'adápata este siha i Manmaproponen Regulasion gi chinaddek na manera gi para sientu bente diha(120). I Gubietno ha fitma ensigidas i regulasion siha gi Hulio 3, 2008. I ensigidas na regulasion esta pá'go umifektibu.

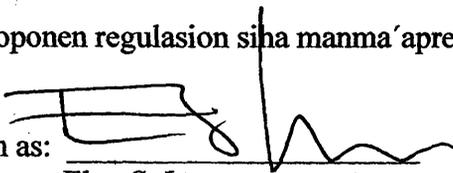
Páhina Dos (2)

DIREKSION PARA MAPEGA YAN PUPBLIKASION: Este i Maproponen Regulasion siha debi na u mapupblika gi Rehistran Commonwealth gi halom i seksiona ni mapropone yan i nuebu na manma'adâpta na regulasion siha (1 CMC § 9102(a)(1) yan i manmapega gi todû i mankonbiniete na lugât siha gi halom civic center yan gi ofisinan gubietno siha gi kada Distriton Senedot, todû i dos English yan i prinsipât na lengguâhen natibu. 1 CMC § 9104(a)(1)

PARA U MAPROBENIYI OPINION SIHA: Na'hânâo pat deliba i opinion-mu guatu gi as Herman S. Sablan, atension: I Nuebu na siha na Regulasion Procurement yan Supply, gi sanhilo' na address, fax pat email address, yan i asuntun râyan "Nuebu siha na Regulasion Procurement yan Supply". i opinion manmanesesita gi halom i trenta diha ginen i fechan i notisian pupublikasion. Pot fabot na'hâlom i infotmasion, opinion yan testimonio. (1 CMC § 9104(a)(2)

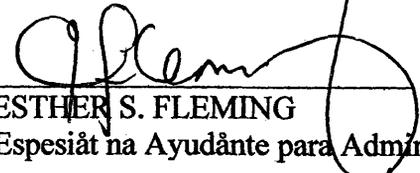
Este i maproponen regulasion siha manma'apreba ni Sekretârio gi Hulio 3, 2008.

Nina' hâlom as:


Eloy S. Inos
Sekretârión Finance

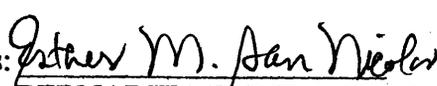
7/25/08
Fecha

Rinesibi as:


ESTHER S. FLEMING
Espesiât na Ayudânte para Administrasion Gubietno

7/25/08
Fecha

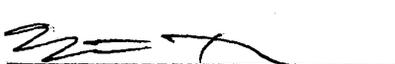
Minota yan Rinekot as:


para si BERNADITA B. DELA CRUZ
Rehistran Commonwealth

07.25.08
Fecha

Sigun gi 1 CMC § 2153(e) (Abugâdu Henerât ha apreba i regulasion siha ni macho'gue kumo mafotma) yan 1 CMC § 9104(a)(3) (chinile' ni aprebasion Abugâdu Henerât) I maproponen regulasion ni chechetton gaige guine na esta marebisa yan ma'apreba kumo suficiente ligât ni i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion areklamento yan regulasion siha.

Mafecha gi 25 diha Hulio, 2008


MATTHEW T. GREGORY
Abugâdu Henerât

1)NOPR Software P&S.wp

Pâhina Tres (3)

Commonwealth Islan Notte Marianas
Depattamenton Finance – Dibision Procurement & Supply
Eloy S. Inos, Sekretario
Depattamenton Finance, Dibision of Procurement & Supply, PO Box 51008 CK
Lower Base, Hayan i Power Plant #1, Saipan MP 96950

Tel. 670.664.1500; Fax: 670.664.1515

procurement@pticom.com

**NOTISIAN PUPBLIKU POT I MAPROPONEN AREKLAMENTO YAN
REGULASION SIHA NI MANMA'AMENDA PARA I DEPATTAMENTON
FINANCE, DIBISION PROCUREMENT YAN SUPPLY**

**MA' INTENSIONA NA AKSION PARA U MA'ADAPTA I AREKLAMNTO
YAN REGULASION SIHA:**

I Commonwealth Islan Notte Marianas, Depattamenton Finance, Dibision Procurement yan Supply (“P&S”) ha intensiona para u adapta kumo petmanente na regulasion siha ni mañechetton sigun I Akton Areklamenton Administrasion, 1 CMC § 9104(a). I Regulasion para u ifektibu dies dihas (10) despues di adaptasion. (1 CMC § 9105(b))

ATURIDÁT: I Sekretario maná’i kapasidátña ginen i Lehislatura para u adapta i Areklamento yan regulasion siha para u atministra yan enfuetsa i lai ni ha gobietna i aktibidát-ña siha. I 1 CMC §§ 2553(j) (kinalamten i procurement yan supply), 2557 (areklamento yan regulasion siha). Atan lökkue’ Otden Eksekatibu 94-3 (ifektibu gi Agosto 23, 1994, mata’lon otganisa i Rãmas Eksekatibu..

SUSTANSIAN I PALABRA SIHA: I Areklamento yan i Regulasion ha probeni na i procurement yan ha kontinuha maintenance i palu na computer software anai siña mahedu para táya’ mäs aktebidát kompetensia yan ayo i computer hardware yan software gi minåndan i federal General Services Administratin (“GSA”) siña i kontráta ha procured sin mäs na aksion kompetensia.

I ASUNTO YAN PUNTO SIHA NI MANTINETEKKA’:

Este siha i areklamento yan regulasion:

1. Tuka’ pot i ekstension, update, yan/pat makontinuhan maintenance i ma’pos na ginanye’ software sin mäs na pinupblika pat otro aktibidát kompetensian procurement.
2. Pribeniya para i finahan ginen i GSA’s blanket kontráta para i software yan i hardware.

Pähina Unu (1)

AFALAFAL REEL AISIS GHATCH ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register llól táilil we me pomwol me allégh kka raa fillóoy (1 CMC Talil 9102(a)(1)) me appaschetá llól civic center me llól bwulasiyool gobenno kkaal llól senatorial district, ii me eluw Amerikkónu me Remeraalis/Refalúwasch. (1 CMC Tálil 9104(a)(1))

ISISILONGOL AGHIYEGH: Afanga me ngáre ischiilong mááfiyómw reel Harman S. Sablan, Att: New Procurement and Supply Regulations, address imwu weilang, fax me email address, kkapas ye "New Procurement and Supply Regulations". Aghiyegh kkaal nge ebwe atoolong llól eliigh (30) ráalil mwiril yaal akkatééló arong yeel. Óutu ghal soong, ischilong mááfiyámi (1 CMC Talil 0104(a)(2))

Pomwol allégh kkaal nge aa allégheló mereel Samwool ótol Alimaté 3, 2008.

Isáliyallong: _____

Eloy S. Inos
Samwoolul Finance

7/25/08
Rál

Mwir sáangi: _____

ESTHER S. FLEMING
Sow Alillisil Sow Lemelem

7/25/08
Rál

Ammwel sáangi: _____

BERNADITA DELA CRUZ
Commonwealth Register

07.25.08
Rál

Sáangi allégh ye 1 CMC Tali 2153(e) Alúghúlúgh mereel AG ebwe akkaté) me 1 CMC Tálil 9104(a)(3) (bwughi alúghúlúghúl AG) pomwol allégh kka e appasch nge raa amweri fischi me aléghélégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkaté, 1 CMC Tálil 2153(f) (Akkatéél allégh kkaal).

Ráalil yeel ____ llól Alimaté, 2008

MATTHEW T. GREGORY
Sów Bwungul Allégh Lapalap

Commonwealth of the Northern Mariana Islands
Commonwealth Zoning Board
Henry S. Hofschneider, Chair
Caller Box 10007, Saipan, MP 96950 Tel. 670-234-9663, FAX 670-234-9666
2nd Floor, Joeten Dan Dan Building
E-mail ZoningBoard@zoning.gov.mp

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
COMMONWEALTH ZONING BOARD**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:
The Commonwealth of the Northern Mariana Islands, Commonwealth Zoning Board ("the Board"), intends to adopt the attached Proposed Regulations as permanent regulations, amending NMIAC Title 165-30.1, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The Zoning Board is required by the Legislature to adopt rules and regulations regarding those matters over which the Zoning Board has jurisdiction. (2 CMC § 7221 (d))

THE TERMS AND SUBSTANCE: The Rules and Regulations provide changes to five topic areas: editing to eliminate overlap with the Saipan Zoning Law of 2007; definitions of "major" and "minor" site plans; fees for copying, for permits, and for other approvals; requirements for permitting of wind energy systems; and establishment of an adult business overlay zone.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations provide for the following:

1. References in the regulations are changed to cite the new Saipan Zoning Law of 2007 that was enacted in December 2007, instead of the Saipan Zoning Law of 1993. Also, definitions are deleted from the regulations that are covered in the Saipan Zoning Law of 2007.
2. Definitions of major and minor site plans are established to implement Section 1306(e) of the Saipan Zoning Law of 2007. These definitions determine the steps and time lines that the Zoning Office must follow in reviewing different types of site plan permit applications.
3. The regulations on fees are changed to waive fees for government entities, to require a fee for verification of nonconformity, and to reduce fees for several types of

permits.

4. Requirements for location and operation of wind energy systems are established. The requirements would apply to any wind energy system regulated under the Saipan Zoning Law. The requirements define two types of systems: large wind energy systems and small wind energy systems. The requirements address issues such as noise, safety, height and setbacks from adjacent properties, dwellings and public facilities, maintenance, appearance, abandonment and removal.

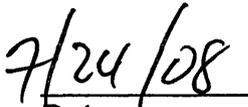
5. An adult business overlay zone is established on land within 200 feet of each side of the centerline of Chalan pale Arnold (Middle Road) from Chalan Msgr. Guerrero north to a line extending along the center of Commonwealth Avenue (south side of Sugar King Park). The Zoning Law provides that, once the overlay zone is established, adult businesses anywhere on Saipan outside the overlay zone would have one year to move into the zone. It also allows these businesses the opportunity to request an extension. New adult businesses would only be allowed in this zone. Within the zone, adult businesses would have to be separated from churches, parks, schools and day care centers by 500 feet. A proposed amendment to the Saipan Zoning Law would also require adult businesses to be separated from each other by 500 feet.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to Steve Tilley, Zoning Administrator, *Attn: New Regulations 2008*, at the above address, fax or email address, with the subject line "New Regulations 2008" plus your concern (e.g., "wind", or "adult business"). Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Board prior to and at its meeting of July 10, 2008.

Submitted by: 
Henry S. Hofschneider
Chair, Commonwealth Zoning Board


Date

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for Administration


Date

Filed and
Recorded by:

for Esther M. San Nicolas
BERNADITA B. DELA CRUZ
Commonwealth Register

07.24.08
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 24th day of July, 2008.


MATTHEW T. GREGORY,
Attorney General

0 NOPR 5 items incl adult zone and wind.wpd

1 **Proposed Amendments to Zoning Board Regulations**
2 **July 11, 2008**

3
4 **CHAPTER 165-30**
5 **SAIPAN COMMONWEALTH ZONING BOARD**

6
7 **Subchapters**

8 **§ 165.30.1 Saipan-Commonwealth Zoning Board Regulations**

9
10 **CHAPTER 165-30.1**
11 **SAIPAN COMMONWEALTH ZONING BOARD REGULATIONS**

12
13 **§ 165-30.1-005 Authority**

14 The regulations in this subchapter are promulgated pursuant to PL 6 - 32, § 1(d), as amended, 2
15 CMC § 7221(d) (Zoning Board: Regulations.), and 1 CMC § 9908(a) (times and places of
16 meeting). See also 10 CMC § 3511 Section 309 Zoning Board 11112.B (“Administration and
17 enforcement of this Zoning Law”) and .K (“Authority to Establish Fees”).

18
19 Authority lies in: PL 6 - 32 (effective June 27, 1989), the “Zoning Code of the Commonwealth
20 of the Northern Mariana Islands.” PL 6-32 § 1; 2 CMC § 7201. The zoning code is codified at 2
21 CMC §§ 7201, et seq., and creates the Zoning Board. PL 6-32 § 1(a), as amended by PL 7-41, §
22 2, and modified; and by PL 8-10, §§ 3, 4, 5. (Source: LRC Comment to 2 CMC § 7221.) The
23 Saipan Zoning Law is 10 CMC §§ 3511 1000—15200 and the Zoning Map.

24
25 The Zoning Code empowers the Board to regulate all zoning in the Commonwealth and
26 administer its provisions. PL 6-32 § 1(b) and (c), 2 CMC § 7221(b) and (c).

27
28 ~~The regulations in this subchapter are being promulgated by emergency regulation in September~~
29 ~~2005, and by proposed regulation in October 2005. The resulting regulations are to be codified.~~

30
31 **165-30.1.025 Principal Office**

32 The principal office of the Board shall be at the ~~Coastal Resources Management Office, 2nd~~
33 ~~Floor Morgen Building, San Jose, Saipan, or at such other place as the Board shall designate by~~
34 ~~resolution.~~

35
36 **§ 165-30.1-055 Definitions**

37 When used in the regulations in this subchapter the following terms shall have the respective
38 meanings set forth for each such term:

- 39 (a) ~~“Administrator” means the Zoning Administrator, as described by the Zoning Code,~~
40 ~~or other chief executive officer of the Board fulfilling such function, his/her~~
41 ~~designee, or, in the case of a hearing conducted pursuant to these regulations, the~~
42 ~~term may include an administrative hearing officer assigned pursuant to the~~
43 ~~Administrator’s or Board’s order of reference.~~
44 (a) “Law” means the Saipan Zoning Law of 2007.

- 1 (b) ~~“Board” means the Commonwealth Zoning Board and its successor agencies, as well~~
 2 ~~as an instrumentality of the CNMI that is authorized by the Board, or otherwise by~~
 3 ~~law, in writing to undertake specific notice, complaint, decision, enforcement and/or~~
 4 ~~other regulatory action of the matters addressed in these Regulations.~~
- 5 (c) ~~“Delivered” or “Presented”. The term means:~~
 6 ~~(1) delivered in person;~~
 7 ~~(2) deposited in the mail, with postage paid;~~
 8 ~~(3) faxed, and a memo generated automatically by the sending fax machine or fax~~
 9 ~~modem that the fax was received; or~~
 10 ~~(4) emailed with an acknowledgment by the recipient that the email had been~~
 11 ~~received.~~
- 12 (d) ~~“Electronic communication” means communication mediated by the following~~
 13 ~~electronic means: fax, email, internet posting that allows the reader to access the~~
 14 ~~information and download a copy of it, CD-ROM, DVD, diskette, thumb drive or~~
 15 ~~other portable memory device.~~
- 16 (e) ~~“Electronic Means” includes telephone, video conference, electronic-~~
 17 ~~communications mediated written, aural and/or video means, including mediated~~
 18 ~~through the internet, and/or email.~~
- 19 (f) ~~“Decision” includes the adoption of a plan, regulation, rule, resolution, opinion,~~
 20 ~~order or directive. Typically a decision is reduced to writing and includes a~~
 21 ~~description or discussion of the reasons for it.~~
- 22 (g) ~~“Include” or “including” shall be read as though followed by “but not limited to”.~~
- 23 (h) ~~“Mail” means one of the following mail services: U. S. Postal Service (USPS) first~~
 24 ~~class mail, or priority mail, or Express Mail; overnight mail by one of the following~~
 25 ~~private carriers, if they serve the CNMI: Airborne Express; DHL; FedEx; UPS; or~~
 26 ~~the national postal services of the following countries, using service equivalent to or~~
 27 ~~better than USPS airmail: Australia; China; Japan; Korea; Republic of the~~
 28 ~~Philippines; any FAS state.~~
- 29 (i) ~~“Person” includes, but is not limited to a natural person, non-governmental~~
 30 ~~organization, firm, association, partnership, limited liability company, corporation,~~
 31 ~~and/or a government agency or other government corporation, political subdivision~~
 32 ~~or instrumentality of the CNMI or the United States.~~
- 33 (j) ~~“Real time” or “real-time” means immediately before, during and/or after, as in “as it~~
 34 ~~happens”.~~
- 35 (k) ~~“Signature” or “Signed” means as follows: The term includes a hard copy or an~~
 36 ~~electronic communication that bears the hallmark of legitimacy, including original~~
 37 ~~hard copy, xerox of an original, fax copy, electronic signature through use of a~~
 38 ~~digital code, and an electronic copy of a hard copy signature if separately confirmed~~
 39 ~~as true and correct.~~
- 40 (b) “Site Plan, Major” means a site plan for a development that is not a minor site plan.
- 41 (c) “Site Plan, Minor” means:
 42 (1) A new building or structure with less than 500 square meters in gross floor area and
 43 less than 20 parking spaces (except a single family residence that is constructed by
 44 the owner or lessee on an individual lot);
 45 (2) A single family residence that is not constructed by the owner or lessee on an
 46 individual lot ;

- 1 (3) Enlarging a building or structure from 25% to 50%, or by 500 square meters,
- 2 whichever is less;
- 3 (4) Demolishing and reconstructing a building or structure up to 50% of the gross floor
- 4 area or 500 square meters, whichever is less,
- 5 (5) Adding one floor with less than 500 square meters to an existing building or structure;
- 6 (6) Enlarging the land area used for an existing development by from 25% to 50% or by
- 7 1,000 square meters, whichever is less;
- 8 (7) Adding 11 to 20 parking spaces; or
- 9 (8) Development that the Zoning Administrator determines does not have a potential for
- 10 significant adverse impact on:
- 11 (A) pedestrian movement or vehicular traffic;
- 12 (B) neighborhood character;
- 13 (C) stormwater runoff;
- 14 (D) habitat for endangered species;
- 15 (E) wetlands;
- 16 (F) air quality;
- 17 (G) views;
- 18 (H) property values;
- 19 (I) utility demand;
- 20 (J) infrastructure; and
- 21 (K) public services including schools, police, ambulance, or fire.
- 22 (d) “Virtual” or “Virtually”, when used with respect to a meeting, means by electronic means
- 23 that provide for real-time communication to and from the participants in such a manner
- 24 that each participant can hear and/or read the comments of each other participant.
- 25 ~~(l) —“Writing” includes hard copy, and electronic communications including such~~
- 26 ~~electronic formats as fax, email, pdf format and word processing formats which are~~
- 27 ~~generally commercially available.~~

29 **Part 100 Meetings**

30 **§ 165-30.1-101 In General**

31 (c) Meetings shall be publicly noticed as required by law. Ordinarily such notice shall be by

32 publication in at least one newspaper of local circulation at least one time each week for two

33 weeks prior to a meeting. [2 CMC § 7221(j)(2); 10 CMC § ~~3511-1111-D-2.b~~] If a meeting

34 includes a “public hearing”, as defined by the Zoning Law, the notice must be published at a

35 minimum of one notice per week for two consecutive weeks, no more than 21 days and no less

36 than five days prior to the date of the meeting. [10 CMC § ~~3511-3201-A~~]

38 **Part 400 Fees, Charges and Assessments**

39 **§ 165-30.1-401 Fees for Zoning Permits and Actions and Other Services**

- 40 (a) Fees for zoning permits applications, approvals, or petitions and actions shall be assessed
- 41 according to Table 1. Zoning Fees and other provisions of this section.
- 42 (b) Provided, fees shall be waived for government entities.

Table 1. Zoning Fees		
Permit or Action	Project Construction Cost	Base Fee (Cost may be added. See below)
Minor Subdivision	All projects	\$100.00
Minor Site Plan	All projects Any amount	\$50.00
Major Site Plan, Preliminary Plat Major Subdivision, Conditional Use, or Variance	Up to \$50200,000	\$100.00
	\$5200,001 to \$99500,000	\$200.00
	\$1500,001 to \$51,000,000	\$7500.00
	Over \$51,000,000	\$1,25000.00
<u>Preliminary Plat - Major Subdivision</u>	<u>Any amount</u>	<u>\$200.00</u>
Final Plat - Major Subdivision	All projects	\$2100.00
<u>Conditional Use</u>	<u>Up to \$200,000</u>	<u>\$200.00</u>
	<u>\$200,001 to \$500,000</u>	<u>\$300.00</u>
	<u>\$500,001 to \$1,000,000</u>	<u>\$700.00</u>
	<u>Over \$1,000,000</u>	<u>\$1,200.00</u>
Limited or Temporary Use	All projects	2550.00
Zoning Permit	All projects	\$3050.00
Sign Permit	All projects	\$25.00
<u>Verification of a Nonconformity</u>	<u>All projects</u>	<u>\$30.00</u>
Beneficial Use	All projects	\$2100.00

- 2 (1) In addition to the base application fee in Table 1, an applicant shall reimburse the
3 Zoning Office for the costs of professional engineers and other consultants hired
4 by the Zoning Administrator to review and inspect the applicant's proposal when
5 the Zoning Office is unable to do so with existing in-house staff.
- 6 i. These professional services may include, but are not limited to: legal;
7 planning; hearing examiner; environmental review; financial; accounting;
8 soils; and civil, environmental, traffic, mechanical, and structural
9 engineering.
- 10 ii. In the event that a project requires special staff analysis beyond that which
11 is included in the base fee, the applicant shall reimburse the Zoning Office
12 at a rate of \$25.00 per hour for this extra staff time.
- 13 iii. The Zoning Administrator may require the applicant to deposit an amount
14 with the CNMI Treasurer to cover anticipated costs of retaining
15 professional consultants or performing special staff analysis.
- 16 (2) If a permit category is not listed in Table 1, the Zoning Administrator or his/her
17 designee shall determine the fee schedule for that category, subject to Zoning
18 Board approval.
- 19 (3) In the event of unique and unusual circumstances or economic hardship, the
20 Zoning Administrator may waive or reduce a fee. The Zoning Administrator shall

1 notify the Zoning Board of any waivers or reductions, and shall rescind any
2 charges deemed inappropriate by the Zoning Board.

3 (c) Fees for documents and related services shall be as follows:

- 4 (1) Photocopies: less than 120 copies –no charge; 2110 or more copies within the
5 same week: \$0.50 per page
6 (2) Electronic files on CD: \$10.00 for each CD
7 (3) Electronic files on DVD: \$20.00 for each DVD
8 (4) Copies of meeting minutes on cassette tape: \$15.00 per tape
9 (5) If complying with a request for information takes longer than one hour, labor shall
10 be charged at the rate of \$20.00 per hour.
11

12 **Part 500 Wind Energy Systems**

13 **§ 165-30.1-501 Wind Energy System Definitions**

14 When used in this subchapter, the following terms shall have the respective meanings set forth
15 for each such term:

- 16 (a) “Large Wind Energy System” means a wind energy conversion system consisting of a
17 wind turbine and associated control or conversion electronics that has a rated nameplate
18 capacity of more than 30 kW or that is intended primarily to generate power for sale.
- 19 (b) “Rated Nameplate Capacity” means the maximum rated output of electric power
20 production equipment. This output is typically specified by the manufacturer with a
21 “nameplate” on the equipment.
- 22 (c) “Small Wind Energy System” means a wind energy conversion system consisting of a
23 wind turbine and associated control or conversion electronics which has a rated nameplate
24 capacity of not more than 30 kW and that is intended primarily to reduce on-site
25 consumption of utility power.
- 26 (d) “Tower Height” means the height of a wind turbine measured from natural grade to the tip
27 of the rotor blade at its highest point, or blade-tip height.
- 28 (e) “Wind Facility” means all equipment, machinery and structures utilized in connection with
29 the conversion of wind to electricity. This includes, but is not limited to, transmission,
30 storage, collection and supply equipment, substations, transformers, service and access roads,
31 and one or more wind turbines.
- 32 (f) “Wind Turbine” means a device that converts kinetic wind energy into rotational energy
33 that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body,
34 and a rotor with two or more blades.

35 **§ 165-30.1-502 Small Wind Energy System Requirements**

- 36 (a) A small wind energy system is an accessory use and shall be processed as a minor site plan.
- 37 (b) In addition to meeting all other requirements of the Saipan Zoning Law, a small wind energy
38 system shall meet the following requirements:
- 39 (c) Design Approval. A small wind turbine design must have been approved under a small wind
40 certification program recognized by the American Wind Energy Association.

1 (1) Wind Tower Height and Setbacks. Setbacks shall be as shown in Table 1. Provided, the
 2 Zoning Administrator may reduce the minimum setback if written permission is granted
 3 by the entity with care and control over the affected asset or lot.

4 **Table 1. Wind Tower Height and Setbacks**

<u>Lot size (square meters)</u>	<u>Tower Height (maximum)</u>	<u>Setback from Lot Line (minimum)</u>	<u>Setback From: Inhabited Structure; Overhead Utility Line; or Public Road Right-of-Way (minimum)</u>
<u>Up to 2,500</u>	<u>The higher of: 45 feet; or 25 feet above the peak of the roof.</u>	<u>10 feet</u>	<u>Distance equal to tower height</u>
<u>Over 2,500</u>	<u>The higher of: 60 feet; or 30 feet above the peak of the roof.</u>	<u>20 feet</u>	<u>Distance equal to tower height</u>

5 (d) Noise. A small wind energy system shall not exceed 50 decibels (dBA), as measured at the
 6 closest lot line except during short-term events such as utility outages and severe wind
 7 storms.

8 (e) FAA compliance. A system must comply with applicable FAA regulations, including any
 9 necessary approvals for installations close to airports.

10 (f) CUC notice. CUC shall be notified, prior to installation, of the customer's intent to install an
 11 interconnected customer-owned generator. Off-grid systems shall be exempt from this
 12 requirement.

13 (g) Paint and finish. The wind generator and tower shall remain painted or finished the non-
 14 reflective color or finish that was originally applied by the manufacturer, unless approved in
 15 the building permit.

16 (h) Lighting. Wind turbines shall be lighted only if required by the Federal Aviation
 17 Administration. Lighting of other parts of the small wind energy system, such as appurtenant
 18 structures, shall be limited to that required for safety and operational purposes, and shall be
 19 reasonably shielded from abutting properties.

20 (i) Signs and advertising. Signs and advertising shall be restricted to reasonable identification
 21 of the manufacturer or operator of the small wind energy facility and shall defer to the
 22 requirements of the Saipan Zoning Law.

23 (j) Removal requirements. A small wind energy system that has been abandoned is considered
 24 to be a public nuisance and shall be removed. A small wind energy system shall be
 25 considered abandoned when it fails to operate for 364 consecutive days (52 weeks). The
 26 Zoning Administrator may follow the procedures in Section 1209 of the Saipan Zoning Law
 27 to obtain removal.

28 (k) System maintenance. The applicant shall maintain the small wind energy system in good
 29 condition. Maintenance shall include, but not be limited to, painting, structural repairs, and
 30 security measures.

- 1 (l) Unauthorized access. Wind turbines or other structures part of a small wind energy system
2 shall be designed to prevent unauthorized access. For instance, the tower shall be designed
3 and installed so as to not provide step bolts or a ladder readily accessible to the public for a
4 minimum height of 8 feet above the ground.
- 5 (m) Temporary meteorological (Met) towers. A Met tower shall be permitted under the same
6 standards as a small wind system, except that the requirements apply to a temporary
7 structure. A permit for a temporary Met tower shall be valid for a maximum of 3 years after
8 which an extension may be granted. Wind monitoring shall be permitted in all zoning
9 districts subject to issuance of a zoning permit for a temporary structure.

10 **§ 165-30.1-503 Large Wind Energy System Requirements**

- 11 (a) A large wind energy system shall meet the requirements for a commercial renewable energy
12 facility as defined in the Saipan Zoning Law (10 CMC § 3511). In addition to meeting the
13 requirements of Section 702 General Requirements for all Conditional Uses of the Saipan
14 Zoning Law and all other requirements of the Saipan Zoning Law, a large wind energy
15 system shall meet the following requirements.
- 16 (a) Height. A wind facility shall be no higher than 400 feet above the current grade of the land,
17 provided that a wind facility may exceed 400 feet if:
 - 18 (1) The applicant demonstrates by substantial evidence that such height reflects industry
19 standards for a similarly sited wind facility; and
 - 20 (2) Such excess height is necessary to prevent financial hardship to the applicant.
- 21 (b) Setbacks
 - 22 (1) A wind turbine shall be set back a distance equal to 1.5 times the tower height of the
23 wind turbine from the nearest existing residential or commercial structure and 100 feet
24 from the nearest property line and private or public way.
 - 25 (2) The Board may reduce the minimum setback distance as appropriate based on site-
26 specific considerations, if the project satisfies all other criteria for the granting of a
27 conditional use permit.
- 28 (c) Color and Finish. The Board shall have discretion over the turbine color, although a neutral,
29 non-reflective exterior color designed to blend with the surrounding environment is
30 encouraged.
- 31 (d) Lighting. A wind turbine shall be lighted only if required by the Federal Aviation
32 Administration. Lighting of other parts of the wind facility, such as appurtenant structures,
33 shall be limited to that required for safety and operational purposes, and shall be reasonably
34 shielded from abutting properties.
- 35 (e) Signage. Signs on the wind facility shall comply with the requirements of the Saipan Zoning
36 Law, and shall be limited to:
 - 37 (1) Those necessary to identify the owner, provide a 24-hour emergency contact phone
38 number, and warn of any danger.
 - 39 (2) Educational signs providing information about the facility and the benefits of renewable
40 energy.

- 1 (f) Advertising. A wind turbine shall not be used for displaying any advertising except for
2 reasonable identification of the manufacturer or operator of the wind energy facility.
- 3 (g) Appurtenant structures.
- 4 (1) All appurtenant structures, including but not limited to, equipment shelters, storage
5 facilities, transformers, and substations, shall be architecturally compatible with each
6 other and shall be contained within the turbine tower whenever technically and
7 economically feasible.
- 8 (2) Structures shall only be used for housing of equipment for the particular site.
- 9 (3) Whenever reasonable, structures should be shaded from view by vegetation and/or
10 located in an underground vault and joined or clustered to avoid adverse visual impacts.
- 11 (h) Support Towers. Monopole towers are the preferred type of support for wind facilities.
- 12 (i) Emergency Services. The applicant shall provide a copy of the project summary and site
13 plan to the Department of Public Safety or Emergency Management Office, as designated by
14 the Board. Upon request the applicant shall cooperate with these agencies in developing an
15 emergency response plan.
- 16 (j) Unauthorized Access. Wind turbines or other structures part of a wind facility shall be
17 designed to prevent unauthorized access.
- 18 (k) Shadow/Flicker. A wind facility shall be sited in a manner that minimizes shadowing or
19 flicker impacts. The applicant has the burden of proving that this effect does not have
20 significant adverse impact on neighboring or adjacent uses through either siting or
21 mitigation.
- 22 (l) Noise
- 23 (1) The wind facility and associated equipment shall not:
- 24 (A) Increase the broadband sound level by more than 10 dB(A) above ambient, or
- 25 (B) Produce a "pure tone" condition – when an octave band center frequency sound
26 pressure level exceeds the two adjacent center frequency sound pressure levels by 3
27 decibels or more.
- 28 (2) These criteria are measured both at the property line and at the nearest inhabited
29 residence. Ambient is defined as the background A-weighted sound level that is
30 exceeded 90% of the time measured during equipment hours. The ambient may also be
31 established by other means with consent from Zoning Administrator. An analysis
32 prepared by a qualified engineer shall be presented to demonstrate compliance with
33 these noise standards.
- 34 (m) Facility Condition. The applicant shall maintain the wind facility in good condition.
35 Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of
36 security measures. Site access shall be maintained to a level acceptable to the Department of
37 Public Safety. The project owner shall be responsible for the cost of maintaining the wind
38 facility and any access road, unless accepted as a public way, and the cost of repairing any
39 damage occurring as a result of operation and construction.

1 (n) Modifications. All material modifications to a wind facility made after issuance of the
2 conditional use permit shall require approval by the Board.

3 (o) Removal Requirements. Any wind facility that has reached the end of its useful life or has
4 been abandoned shall be removed. When the wind facility is scheduled to be
5 decommissioned, the applicant shall notify the Zoning Administrator by certified mail of the
6 proposed date of discontinued operations and plans for removal. The owner/operator shall
7 physically remove the wind facility no more than 150 days after the date of discontinued
8 operations. At the time of removal, the wind facility site shall be restored to the state it was in
9 before the facility was constructed or any other legally authorized use. More specifically,
10 decommissioning shall consist of:

11 (1) Physical removal of all wind turbines, structures, equipment, security barriers and
12 transmission lines from the site.

13 (2) Disposal of all solid and hazardous waste in accordance with local and state waste
14 disposal regulations.

15 (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning
16 Board may allow the owner to leave landscaping or designated below-grade foundations
17 in order to minimize erosion and disruption to vegetation.

18 (p) Abandonment. Absent notice of a proposed date of decommissioning, the facility shall be
19 considered abandoned when the facility fails to operate for more than 364 consecutive days
20 (52 weeks) without the written consent of the Board. The Board shall determine in its
21 decision what proportion of the facility is inoperable for the facility to be considered
22 abandoned. If the applicant fails to remove the wind facility in accordance with the
23 requirements of this section within 182 days (26 weeks) of abandonment or the proposed date
24 of decommissioning, the Board may declare the facility to be a public nuisance and take
25 appropriate action.

26
27 **Part 600 Adult Businesses**

28 **§ 165-30.1-601 Adult Business Overlay Zones**

29
30 (a) An Adult business overlay zoning district is established pursuant to Section 513 of the Saipan
31 Zoning Law of 2007. The district is comprised of land within 200 feet of each side of the
32 centerline of Chalan Pale Arnold (Middle Road) as follows: from Chalan Msgr. Guerrero north
33 to a line extending along the center of Commonwealth Avenue (south side of Sugar King Park).

Commonwealth Islan Notte Marianas
Kuetpon Commonwealth Zoning
Henry S. Hofschneider, Kabiseyo
Caller Box 10007, Saipan, MP 96950 Tel: 670-234-9663, FAX: 670-234-9666
2nd Floor, Joenten Dan Dan Building
E-mail ZoningBoard@zoning ov.mp

**NOTISIAN PUBLIKU I MAPROPONEN AREKLAMENTO YAN
REGULASION SIHA**

**ANAI I AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION
SIHA GI KUETPON COMMONWEALTH ZONING GI KUETPON
COMMONWEALTH ZONING**

**MA INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE I MAN
MAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:**

I Kuetpon Commonwealth Zoning ("Kuetpo") gi Commonwealth Islan Notte Marianas ha intensiona para u adapta i chechetton na Maproponen Regulasion siha kumo petmanente na regulasion siha, inamemenda NMIAC Titulu165-30.1 sigun gi areklo siha gi Akton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempre u ifektibu dies dihas despues di ma'adaptã-ña. (1 CMC §9105(b))

ATURIDÁT: I Kuetpon Zoning ma'engkátga ginen i Lehislatura para u adapta i areklamento yan i regulasion siha sigun ayo siha na kãsu gi hilo' anai i Kuetpon I Zoning guaha aturidãtña. (2 CMC § 7221 (d))

I SUSTANSIAN I PALÁBRA SIHA: I Areklamento yan i Regulasion siha ha na guahayi tinilaika para i singko na dineskuten ária siha: mana'dinadanche para mapuno' ya u afakcha' yan i Lain Saipan Zoning gi 2007; definision siha i "mayot" yan "menus"plãnon lugát siha, ápas para kopia siha, para lisensia, yan palu na aprebasions siha;manesesita para lisensian sisteman fuetsan manglo'; yan i inestapblesen nu i kometsion adult gi overlay zone

I ASUNTO YAN I PUNTO SIHA NI MANTINEKKA': I areklamento yan Regulasion ni maprobeniyi gi sigiente siha:

1. Referensia gi halom i regulasion manmatulaika ni para u masita (cite) gi nuebu na Lai gi Saipan Zoning gi 2007 anai ma'odetna gi Disiembre 2007, enlugát na i 1993 na Lai Saipan Zoning. Lokkue' i definision siha mana'fañuha.
2. I definision i mayot yan menot na plãnon lugát siha manma'estapblesi para u ma'emplimenta gi Seksiona 1306(e) gi Lai Saipan Zoning gi 2007. Este siha

na definision ha detetmina i pãsu siha yan i tiempo gi anai i Ofisinan i Zoning debi na u matattiyi i rinibisan i disferentes klãsen plãnon lugãt lisensian aplikasion.

3. I regulasion âpas siha manmatulaika ni para u mana'pãra i apas para i sisteman gobietnamento, ni para u obliga âpas para u mana'klãru i ti matattiyi, yan para u maribãha i apas para palu na klãsen lisensia siha.

4. Ginagão siha para lugãt yan operasion i sisteman (fuetsan mãnglo') wind energy ni ma'estapblisa. I dimãndasion siempre inaplika gi maseha hãfa na sisteman (fuetsan mãnglo') wind energy) ni minaneha gi papa' i Lai Saipan Zoning. I dinimãndan ha defina dos na klãsen sistema : dãngkolu na sisteman (fuetsan mãnglo') wind energy yan i dikike' na sisteman fuetsan mãnglo' siha. i dimandasion ha apunta i punto siha kumo buruka, sinãfo', linekka' yan sumahnge ginen i propiadãt gi uriya, guinaddok, yan fasilidãt pupbliku, maitenance, pusion, inabandona yan mana'suhãña.

5. I kumetsion adult ha overlay i ma'estapblisan tãno' gi halom 200 pie gi kada bãnda gi rãyan sentro gi Chalan Pãle' Arnold (Middle Road) ginen i Chalan Msgr. Guerrero kãttan asta i rãya ni ha ekstetende asta i sentro gi Commonwealth Avenue (luchan na bãnda gi Sugar King Park). I Lai i Zoning ha probeniyi siha kumo, un biãhe i overlay zone ni ma'estapblesi, i kumetsion adult maseha mãnu Saipan gi sanhiyon ni overlay zone kumo guaha un ãño para mana'suha asta i halom i zone. Siña mansinedi este siha na kometsion âpotunidãt para u fan mamaisen inekstende. I nuebu na kometsion ãmko' siha ayo ha' siña masedi gi halom este na zone. Gi halom este na zone, i kometsion manãmko' siempre manmasepãra kinientos pea (500 ft.) kontra i Guma' Yu'us, parks, eskuela, yan sentron day care. I maproponen I amendasion para I Lai Saipan Zone siempre lokkue' ha dimanda I kometsion amko' na debi u masepara kinientos pea (500ft.) kontra unu yan otro.

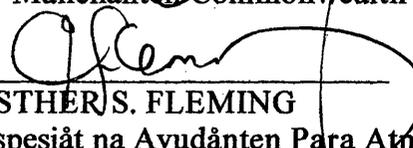
DIREKSION PARA MANOTA YAN PUPBLIKASION: Este siha i Manmapropone na Regulasion debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adãptan regulasion siha (1CMC § 9102(a)(1) yan mapega gi mankombiniete na lugãt siha tãt kumo i civic center yan i ofisinan gubietno siha gi kada distriton senedot, kontodu fino' English yan i dos na lengguãhen natibu. (1CMC§ 9104(a)(1).

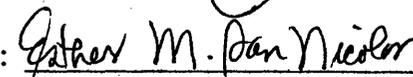
PARA U MAPROBENIYI OPINION SIHA: Na' hanao pat deliba i opinion-mu guatu gi as Steve Tilley, Atministradot Zoning, Attension: Nuebu na Regulasion siha 2008, gi sanhilo' address, fax pat email address, yan i asunto gi rãya "Nuebu na Regulasion 2008" yan i hinasso-mu (tãt komu: bisinis, "wind", pat adult"). Todu opinion manmanesesita gi halom i trenta dihas(30) siha ginen i fechan pupblikasion nu este na notisia.

Pot fabot na'háloom i infotmasion-mu, hinasso pat i testimonion kinontra siha.

Este siha i manmapropone na regulasion manma'apreba ni Board ántes di yan gi hunta gi Hulo 10, 2008.

Ni na'halom as:  7/25/08
Henry S. Hofschneider
Manehánten Commonwealth Zoning Kuetpo
Fecha

Rinesibi as:  7/25/08
ESTHER S. FLEMING
Espesiát na Ayudánten Para Atministrasion Gubietno
Fecha

Manota yan Rinekot as:  07-25-08
para si BERNADITA B. DELA CRUZ
Rehistran Commonwealth
Fecha

Sigun gi 1CMC § 2153(e) (I Abugádu Henerát ha apreba i regulasion siha ni para u macho'gue kumo fotma) yan i 1CMC § 9104(a)(3) (sinusteni i inaprebasion Abugádu Henerát) i mapropone na regulasion siha ni mañechetton guine ni esta manmarebisa yan manma'apreba kumo fotma yan suficiente ligát ginen i Abugádu Henerát CNMI yan debi na u mapublika, 1 CMC § 2153(f) (publikasion areklamento yan regulasion siha.

Mafecha gi diha 25, Hulo, 2008.


MATTHEW T. GREGORY,
Abugádu Henerát

**ARONGORONGOL TOULAP REEL POMWOL ALLÉGH KKAAL
IGHA EBWE SSIWEL ALLÉGHÚL COMMONWEALTH ZONING BOARD**

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Commonwealth Téel FalÚw kka Efang Marianas, Commonwealth Zoning Board (“Mwiisch”) re tipeli rebwe schéschéél fillóóy Pomwol Allégh kka e appasch, siweli NMIAC Title 165-30. 1, bwelle mwóghutul Administrative Procedure Act, 1 CMC Talil 9104 (a). Allegh ebwe fis llol seigh raalil (10 days) ngare raa fillooy. (1CMC Talil 9105(b))

BWÁNGIL: Sów fféerúl Allégh nge e ngálleey bwángil Mwiischil Zoning ebwe fillóóy allégh kkaal. (2 CMC Talil 7221 (d))

ÓUTOL ME KKEPASAL: Allégh kkaal nge e siweli limoow tappal aweewe (topic areas): ebwe tilifischi Alléghúl Saipan Zoning llól 2007; aweeweel “major” plóónol bwuley; óbwóssul tiliighi, reel lisensia, me akkááw alúghúlúgh; tingórol igha ebwe isisilong ammwelil wind energy; me leliyeer ngare bwuleyúur adult.

AWEEWE ME ANGIING KKA E TOOLONG: Re ayooralong allégh kkaal bwelle táilil kka faal:

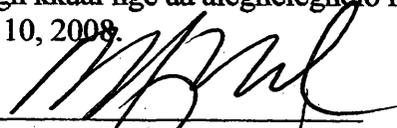
1. Kkpasal llól allégh kkaal ebwe ssiwel bwe ebwe tabweey Alléghél Saipan Zoning Law ye e ffé llól 2007 ye e allégh sefál ótol Tumwur 2007, mmwal Alléghúl Zoning ye 1993. Bwal eew, aweewe kkaal ebwe akkat’éwow mellól allégh kka raa atéew mellól Alléghúl Saipan Zoning llól 2007.
2. Aweewe reel plóónol major me minor re atéew bwelle rebwe ayoorá Tálil 1306(e) mellól Alléghél Saipan Zoning sáangi 2007. Sáangi aweewe kkaal nge e lúghúlúgh reel fáaráághil me ótol igha Bwulasiyool Zoning ebwe attabweey plóónol bwuley bwelle reel lisensial application.
3. Alléghúl óbwós kkaal nge aa ssiwel bwelle ebwe akkayúúló yaal óbwós government entities, me ayoorá salapial (ammwel) verification reel nonconformity, me fischelitiw salapial akkááw tappal lisensia.
4. Tingórol bwuley me mwóghutul ammwelil wind energy ikka aa yoor. Tingór kkaal nge ebwe ghatch ngáli alongal tappal ammwelil wind energy ye e alléghewow mereel Saipan Zoning Law. Tingór kkaal nge ekke apasa ruwoow tappal yááyál: large wind energy systems me small wind energy systems. Tingór kkaal nge ekke apasa ngare tchorongol, alléghél, llapal me weires lefilal bwuley, iimw me leliyeer toulap, (ammwelil) maintenance, abandonment me (atotoowowul) removal.
5. Leliyel adult nge ebwe lo llól bwuley ye 200 feet leefilal Chalan pale Arnold (Middle Road) sáangi Chalan Msgr. Guerrero efáng ngáli Commonwealth Avenue (efángil Suger King Park). Alléghúl Zoning nge ekke ira bwe, ngare re ayoorá overlay zone, Leliyel adult kkaal, inaamwo iya mewóól Seipel, re ngálleer eew ráágh rebwe toolong llól zone yeel. Emmwel bwe business kkaal rebwe tingór extension. New Adult Business schagh ebwe túútá llól zone yeel. Llól zone yeel, adult business ebwe attááw sáangi imwal liyoos, parks, imwal

gakko me day care centers ebwe yoor 500 feet. Pomwol lliwel kkaal ngáli Saipan Zoning Law ebwe mweiti ngáli adult business igha ebwe ataaw sefang ngáre 500 feet.

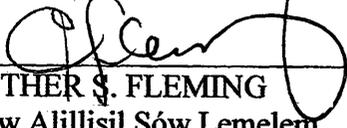
AFALAFAL REEL AISIS GHATCH ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register sáangi Tálil ye rekke pomwoli me allégh kka raa fillóoy (1 CMC Tálil 9102(a)(1)) me appaschetá llól civic center me bwal llól bwulasiyool gobenno kkaal me leir senatorial district, e weewe schagh reel Amerikkonu me Remeraalis/Refalúwasch. (1 CMC Talil 9104(a)(1))

ISISILONGOL AGHIYEGH: Afanga me ngáre bwughiiló reel Steve Tilley, Assamwoolul Zoning, Att: New Regulations 2008, address imwu weilang, fax me ngáre email address reel kkapas ye “New Regulations 2008” me mááfíyómw (e.g., “wind”, me “adult business”). Ischil mángemáng nge essóbw luuló eliigh (30) ráálil yaal akkatééló. Iisisilong mááfíyómw, aingiingil. (1 CMC Talil 9104(a)(2))

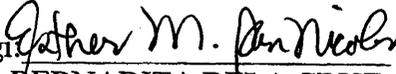
Pomwol allégh kkaal nge aa aléghéleghélo mereel Mwiisch mmwal schagh yaar schu llól otol Alimaté 10, 2008.

Isaliyallong: 
Henry S. Hofschneider
Assamwoolul, Commonwealth Zoning Board

7/25/08
Rál

Mwir sangi: 
ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

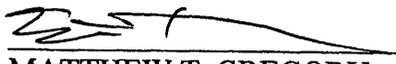
9/25/08
Rál

Ammwel sáangi 
for BERNADITA DELA CRUZ
Commonwealth Register

07.25.08
Rál

Sáangi allégh ye 1 CMC Tálil 2153(e) (alúghúlúgh mereel AG sáangi allégh kkaal ikka ebwe akkaté ighila me 1 CMC Tálil 9104(a)(3) (bweibwogh alúghúlúgh mereel AG) pomwol allégh kkaal nge raa takkal amweri fischi me allégheló mereel CNMI Sow Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC Talil 2153(f) (akktatéél allégh kkaal).

Ráálil ye 15 llól Alimaté, 2008


MATTHEW T. GREGORY
Sów Bwungul Allégh Lapalap

PUBLIC NOTICE

**NOTICE OF PROPOSED ADOPTION OF AMENDMENTS TO GAMBLING
EVENT CERTIFICATE REGULATIONS**

Under the authority established by 1 CMC §§ 2153, 9101 et seq.; and 6 CMC § 3166, the Attorney General hereby amends Chapter 5-20 ("Gambling Exemption Certificates") regulations.

All interested persons may submit written comments, positions, or statements for or against these proposed regulations to the Office of the Attorney General, Caller Box 10007, Saipan, MP 96950 within thirty (30) calendar days following the date of publication of this notice in the Commonwealth register.

Dated this 22nd day of July 2008, Saipan, Northern Mariana Islands.

Pursuant to 1 CMC Section 2153, as amended by P.L. 10-50, these proposed regulations have been received and approved as to form and legal sufficiency by the Attorney General's Office.

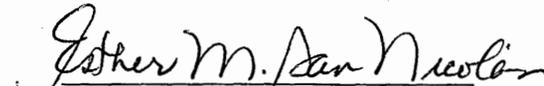
By:



Matthew T. Gregory
Attorney General

7/17/08
Date

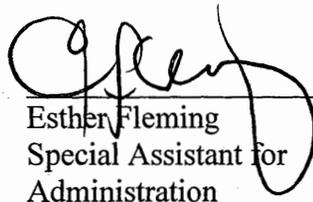
Filed by:



Bernadita Dela Cruz
Commonwealth Registrar

07.22.08
Date

Received by:



Esther Fleming
Special Assistant for
Administration

071808
Date

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF ATTORNEY GENERAL**

Gambling Exemption Certificate Regulation Amendments

Citation of Statutory Authority:	1 CMC §§ 2153, 9101 et seq.; 6 CMC § 3166
Statement of Goals and Objectives:	The purpose of these regulations is to amend existing Gambling Exemption Certificate Regulations as deemed necessary by the Attorney General
Brief Summary of the Regulation:	The regulation establishes the procedures to be followed in the application and operation of Specific Event Gambling Exemptions
For Further Information:	Matthew T. Gregory, Attorney General (670) 664-2341
Citation of Related and/or affected Statutes, Regulations, and Orders:	6 CMC §§ 3161 – 3166; Commonwealth Administrative Regulations Title 5: Office of the Attorney General Chapter 5-20 "Gambling Exemption Certificates."

**OFFICE OF ATTORNEY GENERAL
AMENDMENTS TO GAMBLING EXEMPTION CERTIFICATE
REGULATIONS**

The following amendments are made to the Commonwealth Administrative Regulations, Title 5: Office of the Attorney General, Chapter 5-20: Gambling Exemption Certificates.

1. Section 5-20-010(b)(1) Existing Language is deleted and replaced with the following:

In order to comply with the requirements of a "Charitable Purpose" as identified in 3 CMC 3162(g), applicants for gambling exemption certificates must have received recognition by the Commonwealth Division of Revenue & Taxation as a tax-exempt charitable organization as defined by NMTIT § 501(c)(3) and be in current compliance with all applicable requirements.

No applicant for a Specific Event Gambling exemption may have individuals who serve as officers and or directors who serve on more than one 501(c)(3) tax exempt organization that has previously applied or been granted a specific occasion gambling exemption within the previous 36 months prior to the current application.

2. Section 5-20-010 is amended to include the following:

(i) "Applicant" means an entity which has submitted an application for a gambling exemption certificate

(j) "Gambling Exemption" means an exemption from the prohibition of gambling activities of 6 CMC § 3152 et seq. under authority of 6 CMC § 3161.

(k) "Exemption Holder" means an entity duly authorized under authority of 6 CMC § 3161 et seq. and these regulations to operate limited gambling activities.

(l) "Specific Occasion Gambling Activities" means gambling activities authorized under the authority of 6 CMC § 3162 and these regulations.

(m) "Gambling Devices" means any device or equipment used in the performance of gambling activities including but not limited to roulette wheels, cards, or dice.

(n) "Security Plan" means a written plan submitted by the Applicant as part of application for gambling exemption. The Security Plan must analyze security needs of crowd control, protection of funds, protection of cashier area, protection of poker chips, and compliance with all game rules.

3. Section 5-20-105 is amended by deletion of the first paragraph, and replacement by the following language:

Every Applicant for a gambling exemption shall complete and submit all information and certifications required on the application forms developed by the Office of the Attorney General. Failure to submit complete, accurate, and timely application forms shall be cause for denial of exemption application. The required information shall include, but not limited to the following:

4. Section 5-20-105(l) is deleted in its entirety and replaced with the following language:

(l) An acknowledgement that the total cost of the specific gambling exemption event will not exceed \$2,000 ("Expense Limit") including but not limited to: salaries, commissions, rent, consulting fees, equipment rental, and utilities unless specific written approval of the Attorney General is provided. This Expense Limit shall not include any fees paid the Commonwealth Department of Finance or Office of the Attorney General for required personnel as established in other sections of these regulations or the value of prizes awarded.

5. The following sections and language as presented below shall be added to the Commonwealth Administrative Regulations Title 5 Chapters 5-20

Section 5-20-116: Operation of Gambling Activities

All Specific Occasion Gambling Activities must comply with the following

- (a) All gambling shall be limited to operation during the hours of 1 p.m. and 1 a.m.
- (b) All gambling activities shall be limited to the following games: 1) roulette; 2) blackjack; 3) poker; and 4) raffles.
- (c) All game rules and gambling devices; must have prior approval of the Office of the Attorney General
- (d) No wager by any one person may exceed twenty-five dollars \$25 in cumulative or total amount.
- (e) All games must use poker chips issued by the Commonwealth Department of Finance ("DOF") for indication of wager and award of winnings.
- (f) No games may use cash or any other form of wager other than approved poker chips issued by the DOF ("Poker Chips").
- (g) The DOF shall serve as the cashier in all Specific Occasion Events and all transactions involving purchase and redemption of chips is to be done through DOF personnel only.
- (h) No cash, prizes or any other compensation of any nature other than Poker Chips shall be authorized.

- (i) At the beginning of each day of authorized gambling activity, the Exemption Holder will be allowed to establish change and award banks at each game table.
- (j) At the end of each day of gambling activity, all poker chips shall be cashed in to DOF cashier by the Exemption Holder
- (k) The Office of the Attorney General will provide an investigator of the staff of the Attorney General Investigative Unite ("AGIU") to be present from one hour prior to opening of even to one hour after closing to ensure compliance with all rules and regulations.
- (l) The cost for personnel from the DOF as cashier and AGIU staff shall be borne by the Special Occasion Licensee and shall be deducted from revenues prior to transfer to the licensee.
- (m) AGIU personnel assigned to monitor the gambling activity is authorized to order any game and or all gambling activity to cease operation if any violation of 6 CMC § 3161 et seq. or these regulations is found.
- (n) Any violation of these requirements shall result in the termination of any future permits for this organization and its associated Directors.
- (o) All funds are to be retained by the DOF after termination of the event to allow counting, itemization and deduction of DOF and AGIU costs. Funds shall not be transferred until an accounting of all expenses is presented by the Special Occasion applicant.
- (p) Three weeks prior to event, Special Occasion Licensee must present identification of no more than ten individuals who will operate Games to the Office of Attorney General for approval.
- (q) Only those individuals who have received approval of Office of Attorney General will be allowed to operate Games.
- (r) Operation of Games is limited to individuals who are U.S. citizens or individuals who are authorized nonresident alien workers.
- (s) No individual who has prior criminal history shall be allowed to operate Games
- (t) Within 48 hours of event, prior to transfer of revenues from the DOF, Exemption Holder is required to present a signed estimate of all expenses from an agent authorized by the exemption holder to be a reasonable estimate based on all known costs.
- (u) Within five working days of termination of specific event, the DOF will present final accounting of revenue collected, approval of expenses, and transfer of all revenues. However, transfer of funds to the Exemption Holder will be delayed if the cost estimates for the event have not been presented to DOF.
- (v) Failure to comply with proposed budget and expense limitations will be reason for denial of future licenses and withholding of transfer of funds from DOF unless reasonable cause beyond the control of organizers for failure to comply with budget constraints is presented to DOF.

- (w) Cost of DOF and AGIU personnel is to be included in the projected budgets submitted with the application.
- (x) Exemption Holder must prepare and present a security plan for approval to the Office of the Attorney General fifteen days before the event as part of their application. The security plan must provide a plan for maintaining order during the event, maintaining security of: poker chips; cashier area; and transfer of funds in and out of cashier booth. The Security Plan requires approval of the Office of the Attorney General and the Exemption Holder must comply with any additional requirements deemed appropriate by the Office of the Attorney General.

NOTISIAN PUPBLIKU

**NOTISIA PUT I MAPROPONEN I ADAPTASION AMENDASION PARA I
SETTIFIKASION EVENT GAMBLING REGULASION SIHA**

Gi papa' i aturidat ni ma'establesi ni 1 CMC §§2153, 9101 et seq.; yan 6 CMC § 3166, i Abugadu Henerat sigun gi ha amenda siha na kapitulu 5-20 ("Gambling Exemption Certificates") na regulasion siha.

Todu manteresao na petsona siha siha masapmiti i respuestan tinige', pusion, pat sinangan para pat kontra este siha na propositon regulasion para i Ofisinan Abugadu Henerat, Caller Box 10007, Saipan, MP 96950 gi halom trenta (30) diha siha gi kalendario ya tinattiyi ni fechan i publikasion ni este na notisia gi halom i Rehistran i Commonwealth.

Mafecha este _____ diha _____ 2008, Saipan, Sankattan na Islan Marianas siha.

Sigun i 1 CMC Seksiona 2153, kumo ma'amenda ni P.L. 10-50, este siha na maproponen regulasion manmaresibi yan ma'apreba kumo fotma yan suficiente ligat ginen i Ofisinan Abugadu Henerat.

Ginen:

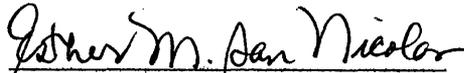


Matthew T. Gregory
Abugadu Henerat

7/25/08

Fecha

Manota as:

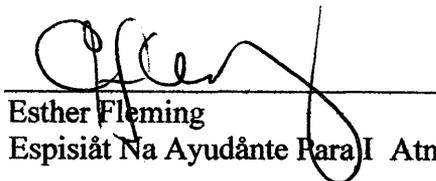


para si Bernadita Dela Cruz
Rehistran Commonwealth

07.25.08

Fecha

Maresibi as:



Esther Fleming
Espisiat Na Ayudante Para I Administrasion

7/25/08

Fecha

**COMMONWEALTH ISLAS NOTTE MARIANAS
OFISINAN ABUGÁDU HENERÁT**

Amendasion Para Regulasion Settifikon Gambling Exemption

Sitasion Aturidát Estatua:	1 CMC §§ 2153, 9101 et seq.; 6 CMC §3166
Sinangan Finihu yan Diniseha:	I rason este siha na regulasion para u ma'amenda i presente na Regulasion Gambling Exemption Settifiko kumo ginagagão na nesesário ni Abugádu Henerát
Kada'da' na Sumárian Regulasion:	I regulasion ha estaplesi i areklo ni para u matattiyi i aplikasion yan operasion i Specific Event Gambling Exemptions
Para Mås Infotmasion:	Matthew T. Gregory, Abugádu Henerát (670) 664-2341
Sitasion ni Manachule' yan/pat	6 CMC §§ 3161 – 3166; Commonwealth
Inafekta na Estatua Siha,	Administrative Regulasion Titulu 5:
Regulasion yan Otden Siha:	Ofisinan Abugádu Henerát Kapilulu 5-20 "Gambling Exemption Certificates".

OFISINAN ABUGÁDU HENERÁT
AMENDASION REGULASION SIHA PARA SETTIFIKONGAMBLING
EXEMPTION

I sigiente na amendasion mafa'tinas para i Commonwealth Administraive Regulasion siha, Titulu 5: Ofisinin Abugádu Henerát, Kapitulu 5-20: Gambling Exemption Certificates.

1. Seksiona 5-20-010(b)(1) I presente na Lengguáhi mana'suha nui matulaika yan i sigiente siha:

Yanggen para u makomple i ginagagão na dimândasion siha put i" Charitable Purpose" kumo ma'aidentifika gi 3 CMC 3162(g), aplikánten i gambling exemption certificates debi di u guaha maresibi rekognision ginen i Commonwealth Dibision Revenue & Taxation kumo tax-exempt charitable na otganisasion kumo madefina ni NMTIT § 501(c)(3) yan debi makomple yan todú inaplilika ni ginagagão siha.

Tâya' aplikánte para i Specific Event Gambling exemption siña guaha na indibiyuát ni ha setbe kumo ofisiát yan pat direktot ni ha setbe mäs ki unu 501(c)(3) i tax exemption na otganisasion ni esta inaplilika pat esta maná' i ni specific occasion gambling exemption gi halom i ma'pos trenta i sais (36) meses ántes di i presente na aplikasion.

2. Seksiona 5-20-010 ni ma'amenda para u inengklusu i sigiente siha:

- (i) "Aplikánte" kumeke ilekña guiya muna' hálom aplikasion para i gambling exemption certificate.
- (j) "Gambling Exemption" kumeke ilekña na exemption ginen i prehiniben i aktibidát huegu 6 CMC § et seq. gi papa' aturidát 6 CMC § 3161.
- (k) "Exemption Holder" kumeke ilekña na guiya maná' i aturidát gi papa' 6 CMC § 3161 et seq. yan este siha i regulasion para u mina'neha i minidiyen i aktibidát huegon saláppe'.
- (l) "Specific Occasion Gambling Activities" kumeke ilekña na i aktibidát siha gi huegu ma'aturisa gi papa' i aturidát i 6 CMC § 3162 yan este siha na regulasion.
- (m) "Gambling Devices" kumeke ilekña na maseha háfa na ramenta pat kosas mana'setbe gi prugrâman aktibidát huegu inengklusu lão ti prenihibe para i roulette wheels, cards, pat dice.

- (n) "Security Plan" kumeke ilekña na i matuge' na plánu masubmite ni aplikánte kumo pátte gi aplikasion para exemption huegu. I Security Plan debi na u mana' siguru i nesisidát i crowd control, pruteksion fondo siha, pruteksion i árian i kahera, pruteksion i poker chips, yan tinattiyen todú areklon huegu.

3. Seksiona 5-20-105 ma'amenda ni mana'suhan i finene' na na paráfu, yan i tinilaikan i sigiente siha na lengguáhi:

Kada aplikánte para i gambling exemption debi u komple yan u na'háлом todú infotmasion yan settifikasion ni manesesita gi fotman aplikasion siha ni mafa'tinas ginen i Ofisinan Abugádu Henerát. I ti muna'háлом kabáles, dinanche, yan kontiempo na fotman aplikasion debi di u marinunsia i aplikasion exemption. I manesesita na infotmasion debi na u inengklusu, láo ti minidiyi para i sigiente siha:

4. Seksiona 5-20-105(1) mana'suha enteramente yan tinilaika ni sigiente na lengguáhi:

- (1) Rinekognisan i tutát na gásto ni hemplo specific gambling exemption event na ti u más ki dos mit pesos \$2,000 (Expense Limit) inengklulusu láo ti minidiyi para: suetdo, kumision, atkilo, ápas konsutta, ramenta, atkilon, yan kándet solo espesifiku na aprebasion tinige' ni prenibiyen i Abugádu Henerát. Este na Minidiyen Gásto ti debi na u inengklusu maseha háfa na ápas inapási i Depattamenton Finance Commonwealth pat Ofisinan Abugádu Henerát para manesesita na personnel ni ma'estapblesi gi halom i otro na seksiona siha gi este na regulasion siha pat i balen i presion premiu.

5. I sigiente siha na seksiona yan lengguáhi manpresente gi sampapa' ni debi na u mana'dañña' gi Regulasion Administrative Commonwealth Titulu 5 Kapitulo 5-20

Seksiona 5-20-116 Operasion Aktibidát Huegon Saláppe'

Todú Specific Gambling Activities debi di u kumple i sigiente siha:

- (a) Todú huegu debi di u minediyi para i operasion gi ora ala una gi talo' áni yan oran ala una gi tatalo' puenge.
- (b) Todú aktibidát huegu debi di u minediyi para i sigiente siha na huegu: 1) roulette; 2) blackjack; 3) poker; yan 4) rifa siha.
- (c) Todú areklon huegu yan trástes siha; debi di u ma'apreba finene' na ni Ofisinan Abugádu Henerát.
- (d) Táya' ni un táotáo siña mamaráda siña inipos bente i singko pesos \$25.00 gi halom cumulative pat todú bálen totát.

- (e) Todu huegu debi na uma'usa i poker chips ni maná'i i Depattamenton Finance (DOF) para indikasion i mamarárada yan premion i manggána.
- (f) Tâya' huegu siña umusa saláppe' pat háfa otro na fotman ápas fuera ki ma'apreban poker chips ni ma'laknos ginen i Depattamenton Finance DOF ("Poker Chips").
- (g) I Depattamenton Finance (DOF) debi guiya u setbe kumo kaheron saláppe' gi todú Specific Occasion Events siha yan todú transakсион ni mañásáonáo gi finahan yan i matulaikan i chips debi di u macho'gue ginen i DOF personnel ha'.
- (h) Tâya' saláppe', premiu pat otro klásen kompensasion gi naturát fuera ki Poker Chips ni ma'aturisa.
- (i) Gi tinituhon kada ha'áni ni ma'aturisan aktibidát huegu, I Exemption Holder para u masede u ma'establisa tinilaika yan bångkon premiu gi kada lamasan huegu.
- (j) Gi uttimon i kada ha'áni ni aktibidát huegu, todú poker chips debi na u matulaika hálom gi DOF kaheru ni Exemption Holder.
- (k) I Ofisinan Abugádu Henerát para u prebiniyi i enbestigadot Attorney General Investigative Unite ("AGIU") para u gaige un na'ora ántes di u mababa kon todú un na'ora despues di mahuchom para u mana' siguru kinemplen todú areklo yan regulasion siha.
- (l) I gásto para personnel ginen DOF kumo kaheru yan baston AGIU debi na u finañágu ni Special Occasion Licensee yan debi u mana' suha ginen ápas ántes di u matransferi para i licensee.
- (m) AGIU personnel ma'engátga para u atan i aktibidát huegu ni ma'aturisa para u ná'i otden maseha háfa na huegu pat todú aktibidát huegu para u na'pára i operasion yanggen guaha kontradiksion ni 6 CMC § 3161 et seq. pat este siha masodda' na regulasion.
- (n) Maseha háfa na kontradiksion este siha na dimandasion debi i resutta u mana'pára (terminate)gi mamamaila' na manlisensia para este na otganisasion yan i associated Directors.
- (o) Todú fondo para u fan masusteni ni DOF despues di tetminasion i event para u sedi tumufong, itemization yan niribáhan gásto gi DOF yan AGIU. Fondo siha ti debi na u matransferi esta ki makuenta put todú gásto mapresenta ni aplikánten Special Occasion.

- (p) Tres simâna na tiempo ântes di i event, Special Occasion Licensee debi u presenta aidentifikasion pot lomenus dies na indibiyuât anai siña mamaneha i Huegu para i aprebasion i Ofisinan Abugâdu Henerât .
- (q) Ayo ha' na indibiyuât ni manmanresibi aprebasion i Ofisinan Abugâdu Henerât siña masedi para u fanmaneha Huegu.
- (r) I Operasion Huegu ha mediyi para ayo ha' na indibiyuât ni man U. S. citizen pat indibidyuât ni manma' aturisa na nonresident alien workers.
- (s) Tâya' indibiyuât ni gai historian kriminât siña masedi para u fan maneha Huegu.
- (t) Gi halom i kuarenta i ocho (48) ora siha na event, ântes di u matransferi i revenues ginen i DOF, Exemption Holder ha nesesitya para u presenta i mafitman i makatkula na gâsto ginen ma' aturisa na ahensia ni exemption holder ni para u resonâpble i kâtkulu sigun todû matungo' na gâsto siha.
- (u) Gi halom singko diha siha na ha'ânen cho'cho' i tetminasion i specific event i DOF para u presente i uttimo na tinifong revenue ni marekahi, aprebasion i gâsto siha, yan i transferen todû revenues. Lâo, i matransferen i fondo para i Exemption Holder siempre dinitieni yanggen makatkula i gâsto para i event gi anai ti mapresesenta guatu gi DOF.
- (v) I ti kumuple i maproponen i budget yan minidesion gâsto siha siempre u guaha rason para u renunsia i mamamaila' na lisensia siha yan magogo'te matransferen fondo ginen DOF solo guaha resonâpble na rason mäs ki manehan otganisa para i ti kumuple i budget constraints ni mapresenta para i DOF.
- (w) Gâston i DOF yan i AGIU personnel para u ma' engklusu gi halom i Projected budget ni mana'hâlom yan i aplikasion.
- (x) I Exemption Holder debi u preparâ yan u presenta i security plan para aprebasion i Ofisinan Abugâdu Henerât kinse diha siha ântes di i event kumo pätte gi aplikasion fiha. I security plan debi na u probiniyi plânu para u minantenan i otden gi durânte i event, minantenan siguridât ni: poker chips; ârian kaheru; yan matransferen fondo hâlom yan huyong gi buf kaheru. I Security Plan ha nesesitya aprebasion ginen i Ofisinan Abugâdu Henerât yan i Exemption Holder debi na u makomple yan maseha otro na dinesehan ginagâo ni kombeni ginen i Ofisinan Abugâdu Henerât.

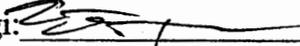
ARONGOL TOULAP
POMWOL FILLÓ REEL LLIWEL KKAAL NGÁLI ALLÉGHÚL GAMBLING
EVENT CERTIFICATE

Sáangi bwaáng ye toowow mereel 1 CMC Tálil kka 2153, 9101 et seq.; me 6 CMC Tálil 3166, Sów Bwungul Allégh Lapalap ebwe siweli Tálil 5-20 alléghúl (“Gambling Exemption Certificates”) regulations.

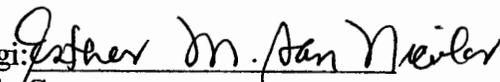
Schóókka eyoor mááfiyeer rebwe ischilong jaar awewee reel Bwulasiyool Sów Bwungul Allégh Lapalap, Caller Box 10007, Seipel, MP 96950 llól eliigh (30) ráalil mwiril yaal isisilong llól Commonwealth Register.

Ráalil yeel _____ llól _____ 2008, Seipél, Téél Falúw Kka falúwasch Efang Marianas.

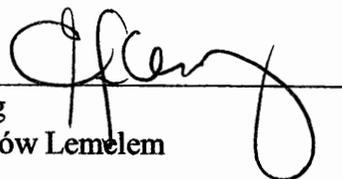
Sáangi allégh ye 1 CMC Tálil 2153, iye aa lliwel mereel Alléghúl Toulap 10-50, pomwol allégh kkaal nge raa takkal amweri fischi mereel Bwulasiyool Sów Bwungul Allégh Lapalap.

Sáangi: 
Matthew T. Gregory
Sów Bwungul Allégh Lapalap

7/25/08
Rál

for Ammwel sáangi: 
Bernadita Dela Cruz
Commonwealth Registrar

07.25.08
Rál

Mwir sáangi: 
Esther Fleming
Sów Alillisil Sów Lemelem

7/25/08
Rál

COMMONWEALTH TÉÉL FALÚW KKA FALÚWASCH EFÁNG MARIANAS
BWUWLASIYOOL SÓW BWUNGUL ALLÉGH LAPALAP

Lliwel kkaal mellól Alléghúl Gambling Exemption Certificate

Akkatéél bwángil: 1 CMC Tálil kka 2153, 9101 et seq.; CMC Tálil 3166.

Aweweel pomwol liwel: Bwulul allégh kaal bwelle ebwe siweli alléghúl Gambling Exemption Certificate iye toowow mereel Sów Bwungul Allégh Lapalap.

Aweweel pomwol Allégh: Allégh kka ebwe mwóghutáágheli application (schéél tingór) me schéschéél Event Gambling Exemptions

Reel ammataf faingi: Matthew T. Gregory, Sów Bwungul Allégh Lapalap (670) 664-2341

Akkatéél akkááw pomwol Allégh me tingór: 6 CMC Tálil kka 3161 – 3166; Commonwealth Administrative Regulations Title 5: Bwulasiyool Sów Bwungul Allégh Lapalap Tálil 5-21 “ Gambling Certificates.”

**BWULASIYOOL SÓW BWUNGUL ALLÉGH LAPALAP
LLIWEL NGÁLI ALLÉGHÚL GAMBLING EXEMPTION CERTIFICATE**

Táílil lliwel kka e fféer ngáli Alléghúl Commonwealth Administrative Regulations, Title 5: Bwulasiyool Sów Bwungul Allégh Lapalap, Táílil 5-20:L Gambling Exemption Certificates.

1 Táílil 5-20-010(b)(1) Kkapasal ighila iye ebwe ataraawow me ssiweli ngáli táílil kka faal:

Ngáre ubwe tabweey tingór kka “Charitable purpose” iye ekke bwáári mellól 3 CMC 3162(g), tingór reel gambling exemption certificate ebwe mwir sáangi Commonwealth Division of Revenue and Taxation (School sepáleti) sibwe ira tax-exempt charitable organization iye e ffatewow mellól NMTTT Táílil 501(c)(3) me tabweey kkapasal tingór kka ighila.

Esóór applicant (schéél tingor) reel Specific Event Gambling ngáliir schóókka re officers me ngare directors kka aa lap sangi eew 501 (c)(3) llól tax exempt organization ikka raa fasúl tingór me ikka raa ngálleer specific occasion gambling exemption llól eliigh me oloow maram (36 months) mmwal tingór ye ighila.

2. Táílil 5-20-010 ye aa ssiwel igha ebwe atotoolong táílil kkaal:

- (i) “Applicant:” sibwe ira schóól tingór ye e isisilong reel gambling exemption certificate
- (j) “Gambling Exemption” sibwe ira bwángil akkayuulóól allégh mereel mwóghutul gambling ngáliir akkáscháy llól 6 CMC Talil 3152 et seq. Faal bwangil 6 CMC Talil 3161.
- (k) “Exemption Holder” sibwe ira bwángil schóól akkamwasch faal bwángil 6 CMC Talil 3161 et seq, me allégh kkaal ebwe fischeli mwóghutul gambling activities.
- (l) “Specific Occasion Gambling Activities” sibwe ira mwóghutul gambling ye e ngálleey bwángil mereel 6 CMC Táílil 3162 me allégh kkaal.
- (m) “Gambling Devices” sibwe ira alongal wiisal gambling e bwal toolong nge ese aighúgh ngáli roulette wheels, cards, me dice.
- (n) “Security Plans” sibwe ira aramas ye e isisilong plóónol gambling bwe tingórol gambling exemption. Security Plan ebwe amweri fischi tipal toulap, ammwelil fundo, ammweler cashier, ammwelil poker chips, me tabweey alléghúl game.

3. Tálil 5-20-105 iye aa lliwel igha aa atotoowow mellól mmwal ischil (paragraph), me siwelil tálil tapelal kka faal:

Alongeer schóoy tingórol (applicant) gambling exemption rebwe atakkaaló me isisilong alongal aweewe (information) me certifications kka re tipeli wóol schéél tingór (application) ye toowow mereel Bwulasiyool Sów Bwungul Allégh Lapalap. Ngáre use kkeyil isisilong, emmwel bwe schéél tingór yeel ebwe mááló (denial). Alongal aweewe nge ebwe atotoowow, nge essóbw aighúgh ngáli tálil kka elo faal:

4. Tálil 5-20-105(1) ebwe akkaschewow alongal me ssiweli tapelal kkepas kka elo faal:

- (1) Ammataf bwe llapal méél specific gambling exemption event nge essóbw luuló \$2,000 (ruwangas) (“Expense Limit:”) ebwal toolong nge ese aighúgh ngáli: óbwos, commissions, rent consulting fees, equipment rental, me denkki ngáre schagh eyoor alúghúlúgh mereel Sów Bwungul Allégh Lapalap. Expense Limit yeel nge essóbw toolong llól tappal óbwós ye Commonwealth Department of Finance (Bwulasiyool Ammwelil Salaapi) me Bwulasiyool Sów Bwungul Allegh Lapalap ye rebwe mweiti ngáli personnel igha re ayooralong llól tálil allégh kkaal me tool óbwós ye re ngálley.

5. Tálil kkaal me kkapasal iye ekke bwáári me faal ebwe schu ngáli Commonwealth Administrative Regulations Tálil 5 Chapter 5-20.

Tálil 5-20-116: Mwóghutul Gambling Activities

Alongal Specific Occasion Gambling Activities ebwe tabweey tálil kka faal.

- (a) Alongal Gambling ebwe ótol 1 p.m. me 1 a.m.(mwiril lealawas, ótol eew me essóbw rál me luughal bwong, ótol eew me essóbw welimmway raal)
- (b) Alongal Gambling ebwe aighugh reel tappal games kaal:
 - 1) roulette; 2) black jack; 3) poker; me 4) raffles.
- (c) Alongal alléghúl games (uur) me wiisal gambling; ebwe mmwal alúghúlúgh mereel Bwulasiyool Sów Bwungul Allégh Lapalap
- (d) Ese mmwel ubwe aposta nge ebwe luuló \$25 dóóla. (ruweigh me limoow dóóla).
- (e) Alongal games rebwe yááyá poker chips ye toowow mereel Commonwealth Department of Finance (“DOF”) reel aposta me ganna.
- (f) Ese mmwel ubwe yááyá cash sáangi games me akkááw tappal aposta mmwa igha rebwe yááyá chips ye toowow mereel DOF (“Poker Chips”).
- (g) DOF ebwe lo bwe cashier llól alongal Specific Occasion Events me alongal mwóghut ye ebwe bwughi me siweli chips ye toowow mereel DOF personnel.

- (h) Ese mmwel cash, prize me akkáaw tappal óbwós mmwal Poker chips kka e fil.
- (i) Bweletáál gambling llól erál, Emmwel bwe Exemption Holder ebwe ayoor ssiwel me óbwóssuw bwonkko kada game table.
- (j) Takkalóól gambling llól erál, alongal poker chips ebwe ssiwel llól DOF cashier sáangi Exemption Holder
- (k) Bwulasiyool Sów Bwungul Allégh Lapalap ebwe asóssót, schóóy allet mellól Bwulasiyool Sów Bwungul Allégh (Attorney General Investigative Unite) (“UGIU”) igha ebwe lo eew oora mmwal igha ebwe suusu me eew oora ebwe lo igha ebwe tittilo bwelle ebwe yoor alúghúlúgh bwe re tabweey allégh kkaal.
- (l) Góstol personnel mellól DOF igha cashier me schóóy AGIU rebwe tabweey Special Occasion Licensee me rebwe ghiliy mereel revenue mmwal igha rbwe mwete ngáli licensee.
- (m) Schóóy AGIU personnel kkaal rebwe ammwela gambling activities nge eyoor bwángiir rebwe tingór alongal tappal games me ngáre gambling activities kka emmwel ebwe ayúúwúló games ngáre ese tabweey allégh ye 6 CMC Tálil 3161 et seq. me allégh kka re schuungi.
- (n) Alongal alléew mellól tittingór kkaal ebwe akkayúúló licensial llól ráálil kka e tooto sáangi mwiisch me assamwool kkaal.
- (o) Alongal fundo nge ebwe lootiw reel DOF ngáre e akkayúúló event (uur) bwelle rebwe páangi, ammwela ghatchúw fengál me góstol DOF me AGIU. Fundo kkaal nge ebwe (alullus) transferred ngáre schagh accountant aa abwáári ngáliir schóóy Special Occasion applicant.
- (p) Eluuw sumwóólaal mmwal event, Special Occasion Licensee ebwe abwáári identification ye essóbw páreló seigh aramasal igha ebwe mwóghutáágheli games sáangi alúghúlúghúl Bwulasiyool Sów Bwungul Allégh Lapalap.
- (q) Schóókka eyoor bwángiir mereel Sów Bwungul Allégh Lapalap rebwe óuru (Games).
- (r) Óurul (Games) nge e aighúgh ngáliir U.S citizens me schóóy lúghúl kka eyoor bwángiir .
- (s) Ese mmwel sów féfféer nngów (criminal history) rebwe óuru urul.
- (t) Llól faigh me waluuw oora ótol event, mmwal rebwe alusu revenue mellól DOF, Exemption Holder ebwe bwáári fitifaay alongal expense (salapial) mereel bwulasiyo ye eyoor bwángil sáangi exemption holder nge ebwe affata salapial.
- (u) Llól limoow ráálil angaang igha e akkayúúló specific event, DOF ebwe bwáári fitoow eyoor, alúghúlúghúl expense, me mwóghutul alongal revenue, Bwal eew, isisilongol fundo ngáli Exemption Holder ebwe mmway ngáre llapal méél event ye esáál toori DOF.
- (v) Ngáre usu tabweey pomwol budget me góstol, emmwel ebwe assefal lisensial llól ráálil kka ekke tooto me akkatéél fundo mereel DOF solo ngáre e fisch mereer mwiisch bwe eyoor weiresil salaapi nge ebwe aronga DOF.
- (w) Góstol DOF me AGIU personnel ebwe schu ngáli wiisal budget fengál me application.
- (x) Exemption Holder ebwe amwela fischi me bwáári security plan igha e alúghúlúgh mereel Bwulasiyool Sów Bwungul Allégh Lapalap llól seigh me

limiral ráálil mmwal igha ebwe yoor event (uur) me kkapasal application.
Security plan ebwe ayoora plóónol bweibwogh (order) ótol event, ammwela :
poker chips; leliyal cashier; me isisilongol fundo me toowowul llól cashier
booth. Security plan ebwe mweiti ngáli alúghúlúgh mereel Bwulasiyool Sów
Bwungul Allégh Lapalap me Exemption Holder ebwe tabweey bwal akkááw
tingór mereel Bwulasiyool Sów Bwungul Allégh Lapalap.

PUBLIC NOTICE

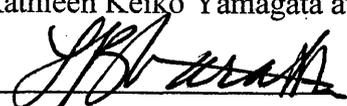
**NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS TO
BOARD OF EDUCATION REGULATIONS REGARDING HEAD START
CERTIFICATION AND COMPENSATION**

I, Lucia L. Blanco Maratita, the Chairperson of the Board of Education for the Commonwealth of the Northern Mariana Islands ("Board") pursuant to the authority provided by Article XV of the CNMI Constitution hereby adopt with modification the proposed amendments to PSS Regulations as published in March 25, 2008 Commonwealth Register Volume 30, Number 03 pages 28330 through 28377. The modifications are set forth below and the final version of the amendments is attached.

1. Pages 28330 through 28340 are informational only and should not be included in the final regulation.
2. Pages 28341 and 28342 should be replaced with the attached pages including the use of proper section headings and number §60.60.525 (c) and (d).
3. The present section §60.60.525(c) and (d) should be repealed and replaced with the attached §60.60.525 (c) and (d).
4. NMIAC 60-30.2-225(b)(2)(ii) regarding Specialized Certificates for Head Start Instructors shall remain unchanged.
5. Pages 28343 through 28377 should be stricken as they are drafts, meeting agendas and notes and internal notices of the changes in the proposed §60.60525 (c) and (d) should not have been included in the Register.

I hereby certify that these amendments with the changed noted above have been adopted after the appropriate time for public comment. Accordingly, I am request that this Notice and Certification of Adoption and corrections be published in the Commonwealth Register; these amended regulations are effective 10 days after publication.

For further information contact: Kathleen Keiko Yamagata at Head Start.

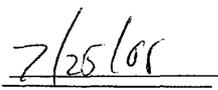
By: 

**LUCIA L. BLANCO-MARATITA
CHAIRPERSON, BOARD OF EDUCATION**

Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the proposed amendments to Board of Education regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.



Matthew T. Gregory
Attorney General


Date

Filed by: John M. Dan Mader
for BERNADITA B. DELA CRUZ
Commonwealth Registrar

Date: 07-25-08

Received by: Esther S. Fleming
ESTHER S. FLEMING
Special Assistant of Administration

Date: 7/25/08

Proposed Section 60.60.525

§60.60.525 (b)

Unlike other PSS classroom teachers, the Head Start Program in accordance with the performance standards allows individuals without a baccalaureate (BA/BS) degree to teach in Head Start classrooms. However, advanced degree holders are preferred. ~~And all Head Start lead teachers must meet the minimum qualifications as set forth in regulation 8125.~~

Repeal Section 60.60.525 (c) and (d) and replace with

§60.60.525 (c)

REQUIREMENTS FOR HEAD START EDUCATION INSTRUCTOR

To be eligible as a Head Start Instructor, one must have the following qualifications:

1. Instructor- Level 1

- i. Must have a high school diploma or equivalent
- ii. Possess a Specialized Instructor Certificate in Early Childhood/ Head Start
- iii. At least 2 years of verifiable teacher aide experience
- iv. Certified in First Aid and CPR application

Or

- i. AA/degree plus Specialized Instructor Certificate in Early Childhood/ Head Start preferred
- ii. Certified in First Aid and CPR application

2. Instructor- Level II

- i. Must have an Associates degree in Early Childhood Education or related field
- ii. Possess a Specialized Instructor Certificate in Early Childhood/ Head Start
- iii. At least 2 years of verifiable teacher aide experience
- iv. Certified in First Aid and CPR application

§60.60-525 (d)

For Head Start teachers, instructors and aides, the following titles, educational qualifications and starting salaries, upon availability of funding, should apply:

Classification Title	Education Qualification	Starting Salary	Agency or Grantee
Teacher Assistant II	ECE/ CDA without AA/AS	\$12,608.40	PSS and Head Start
Teacher Assistant III	AA/AS without EDE/ CDA	\$13, 585.24	PSS and Head Start

Head Start Instructor I refer to §60.60-525 (c)(1)		\$18,588.82	Head Start
Head Start Instructor II refer to §60.60-525 (c)(2)		\$23,505.87	Head Start
Classroom Teacher I	BA/BS degree	\$27,911.37	PSS
Classroom Teacher II	BA/BS education major, with ECE/ CDA	\$28,884.60	PSS and Head Start
Classroom Teacher III	BA/BS education major plus 15 graduate credits with ECE/CDA	\$29,906.41	PSS and Head Start
Classroom Teacher IV	MA/MS education major, with ECE/ CDA	\$30,976.96	PSS and Head Start

ARONGOL TOULAP

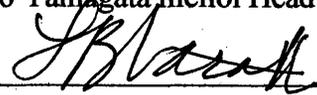
ARONG ME ALÚGHÚLÚGH IGHA REBWE FILLÓÓY LLIWEL KKAAL NGÁLI ALLÉGHÚL MWIISCHIL GAKKO BWELLE ALÚGHÚLÚGHÚL HEADSTART ME ÓBWÓSSUL

Ngaang, Lucia Blanco Maritita, Assamwoolul mwiischil gakko mellól Commonwealth Téél falúw kka falúwasch Marianas (“mwiisch”) sáangi bwáng ye e toowow mellól Article XV llól CNMI Allégh Lapalap ebwe fillóoy lliwel kka re pomwoli ngáli Alléghúl PSS iye aa akkaté ótol Mááilap 25, 2008, Commonwealth Register Volume 30, Numuro 03 peigh kka 28330 ngáli 28377. Ssiwel kkaal ikka elo faal ighila me schéschéél kkapasal aa ssiwel ikka e appasch.

1. Peigh 28330 ngali 28340 nge ammataf schagh nge essóbw toowow bwe schéschéél allegh.
2. Peigh 28341 me 28342 ebwe siweli ngáli peighil kka e appasch fengál me schéschéél tánil headings me numuro kka Tálil.60.60525 (c) me (d).
3. Tálil kka ighila 60.60. 525 (c) me (d) ebwe fféer sefáál me siweli ngáli tánil kka e appasch 60.60.525 (c) me (d).
4. NMIAC 60-30,2-225(b)(2)(ii) reel specialized Certificates ngáli Sów Afal mellól Head Start ebwe lootiw schagh essóbw yoor ssiwel.
5. Peigh 28343 ngali 28377 ebwe toowow bwe, ótol mwiisch me kkapasal me ótol igha ebwe ssiwel mellól pomwol 60.60525 (c) me (d) nge drafts schagh, essóbw atotoolong llól Register.

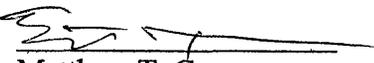
I lúghúlúgh bwe lliwel kkaal fengál me ssiwel kka weiláng nge raa fillóoy mwiril schagh yaar toulap aghiyeghi. Sch’schéél, I tittingór bwe Arong yeel me Alúghúlúghúl filló yeel me affatal ebwe akkatééló llól Commonwealth Register; schéschéél lliwel kkaal ebwe fisiló ótol seigh (10) ráálil yaal akkaté.

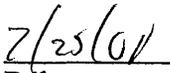
Reel ammataf faingi: Kathleen Keiko Yamagata mellól Head Start.

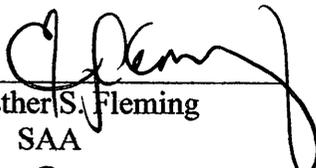
Sáangi: 

**LUCIA L. BLANCO-MARATITA
ASSAMWOOLUL, MWIISCHIL GAKKO**

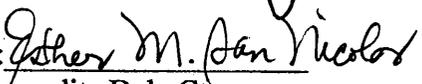
Sáangi allégh ye 1 CMC Tálil 2153, iye aa lliwel mellól Alléghúl Toulap 10-50, pomwol lliwel ngáli Mwiischil Alléghúl Gakko, tilighial kka e appasch, nge raa takkal amweri me aléghélégheéló mereel Bwulasiyool Sów Bwungul Allégh Lapalap.


Matthew T. Gregory
Sów Bwungul allégh Lapalap


Rál

Mwir sáangi: 
Esther S. Fleming
SAA

7/25/08
Rál

Ammwel sáangi: 
for Bernadita Dela Cruz
Commonwealth Register

07.25.08
Rál

Pomwol Tálil ye 60.60.525

Tálil.60.60.525 (b)

Ese weewe me amweyút schóóy afal mellól PSS, bwelle igha Progróomal Head Start fengál me alléghúl ye ebwe mmwelil bwe amweyút kka esóór yaar baccalaureate (BA/BS) degree ebwe afal llól Head Start. Nge schóókka eyoor yaar advance degree e far ghatcheló.

Fféer sefáál Tálil 60.60.525 (c) me (d) me siweli ngáli Gakkool

Talil 60.60. 525 (c)

REQUIREMENTS NGÁLI SÓW AFAL MELLÓL GAKKOOL HEAD START

Ngáre ebwe fil ubwe afal llól gakkool Head Start, schéschéél ebwe yoor tálil kka elo faal:

1 Sów Afal-Level 1

- i. Ebwe yoor high school diploma me ngáre weweel
- ii. Ebwe yoor schéél alúghúlúgh (Certificate) llól Early Childhood/Head Start
- iii. Ebwe yoor ruwoow ráágh (2 years experience) reel afal
- iv. Ubwe kkof llól First Aid me angaangal CPR

Me ngáre

- i. AA/fengál me Specialized Instructor Certificate llól Early Child/ Head Start e far ghatcheló
- ii. Ubwe kkof llól First Aid me angaangal CPR

2. Sów Afal-Level II

- i. Ebwe yoor Associates degree llól Early Childhood Education me ngáre weweel
- ii. Akkamwasch schéél alúghúlúgh (Certificate) reel afal llól Early childhood/Head Start
- iii. Ebwe yoor ruwoow ráágh (2 years experience) llól afal
- iv. Kkof llól First Aid me angaangal CPR

Tálil 60.60-525 (d)

Ngáliir Sów Afal mellól Head Start, sów afal me sów alillisil sów afal, kkapasal kka faal, bwángil ghuleyómw me llapal óbwós, ngáre eyoor salapial, ebwe fis:

Classification Title Bwángil ghuleyómw mmwal óbwós bwulasiyo me grantee

Sów Alillis II ECE/ CDA ese toolong AA/AS \$12,608.40 PSS me Head Start

Sów Alillis III AA/AS ese toolong EDE/CDA 13.585.24 PSS me Head Start

Sów Afal I llól Head Start toolong llól Tálil 60.60-525 (c) (1) \$18,588.82 Head Start

Sów Afal II llól Head Start toolong llól Tálil 60.60.-525 (c)(2) \$23,505.87 Head Start

Sów Afal BA/BS degree 27,911.37 PSS
I

Sów Afal BA/BS major llól education, 28.884.60 PSS me Head Start
II Fengál me ECE/CDA

Sów Afal BA/BS major llól education fengál 29,906.41 PSS me Head Start
III Me 15 graduates me ECE/CDA

Sów Afal MA/MS major llól education, fengál 30,976.96 PSS me Head Start
IV me ECE/CDA

NOTISIAN PUPBLIKU

**NOTISIA YAN SETTIFIKASION NI MA'ADÁPTAN AMENDASION
REGULASION SIHA PARA I KUETPON EDUKASION POT I SETTIFIKASION
SUETDON I HEAD START**

Guáhu si Siñora Lucia L. Blanco Maratita, i kabesiyon i Kuetpon Edukasion para i Commonwealth Islas Norte Marianas ("Kuetpo") sigun gi áturidát ni maprobeniyi ni Attikulo Kinse (XV) gi Konstitusion CNMI ma' adápta yan matulaikan i mapropone na amendasion siha para i Regulasion Sisteman Eskuelan Publiku ni mapublika gi Mátso 25, 2008. I Rehistran i Commonwealth Baluma 30, Numiru 03 páhina 28330 asta 28377. I tinilaika siha mapega gi sampapa' yan i mañechetton na amendasion siha.

1. Páhina 28330 asta i 28340 para infotmasion ha', ya ti debi na u ma'engklusu gi uttimo na regulasion.
2. Páhina 28341 yan páhina 28342 debi na u tinilaika ni chechetton yan i páhina ni inengklulusu i ma'usan i propiu na seksiona gi sanhilo' siha yan i numiru 60.60.525 (c) yan (d).
3. I presente na seksiona 60.60.525 (c) yan (d) debi na umapela yan u tinilaika ni chechetton 60.60.525 (c) yan (d)
4. I NMIAC 60-30.2-225(b)(2)(ii) sigun i Specialized Certification ma'estro/a siha para i Head Start debi na ti u tinilaika.
5. Páhina 28343 asta 28377 debi na u fan malaknos, sa' puru drafts este siha i ayendan i hunta, i nota yan i sanhalom na notisia siha gi tinilaikan i proponen i 60.60.525(c) yan (d) ti debi na u fan ma'engklusu gi halom i Rehistra.

Hu settifika este siha na amendasion ni matulaikan i manota gi sanhilo' ni esta ma'adápata despues gi propiu na tiempo para mensáhen publiku. Enkonsiste, hu fafaisen na este na Notisia yan Settifikon i man makorihe siha u mapublika gi halom i Rehistran Commonwealth; este i ma'amenda na regulasion siha para u ifektibu dies dihas (10days) despues di mapublika.

Para más infotmasion ágang: Si Siñora Kathleen Keiko Yamagata gi Head Start.

Ginen: 

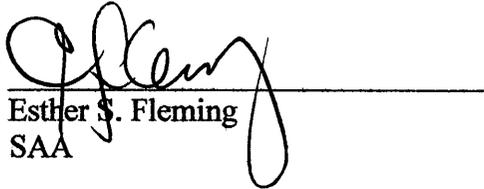
**SIÑORA LUCIA L. BLANCO-MARATITA
KABESİYON KUETPON EDUKASION**

Sigun i Lai 1 CMC2153, kumu ma'amenda ni Lai Publiku 10-50, i mapropone na amendasion siha para i regulasion i Kuetpon Edukasion, i kopia siha ni mañechetton guine esta man marebisa yan ma'apreba kumu fotma yan suficiente ligåt ginen i Ofisinan Abugådu Heneråt.


Matthew T. Gregory
Abugådu Heneråt

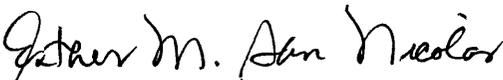
7/25/08
Fecha

Rinesibi as:


Esther S. Fleming
SAA

7/25/08
Fecha

Rinekot as:

para Si 
Bernadita B. Dela Cruz
Rehistran CNMI

07.25.07
Fecha

Maproponen Seksiona 60.60.525

60.60.525 (b)

Ti parehu yan i regulát na ma'estro/an i Sistema Eskuelan Publiku, i Head Start na Prugrâma ha tatittiyi i performance standards para u sedi kada indibiyuât sin u magraduha baccalaureate (BA/BS) degree ni para u famaná'gui gi kuátton i Head Start. Infin, mäs maolekña yanggen guaha advance degree.

Ma diroga i Seksiona 60.60.525 (c) yan (d) yan matulaika ni

60.60.525(c)

IMANMANESESITA SIHA PARA INSTRUCTOR EDUKASION HEAD START

Para un kualifikáo para ma'estron/an Head Start , debi di un guaha sigiente siha na kualifikasion :

1. Instructor (ma'estro) – Level 1

- i. Debi u guaha diploman high school pat equivalent
- ii. Debi di u guaha Specialized Settifikon ma'estron/an gi Early Childhood/Head Start.
- iii. Pot lomenus dos años na ekspiriansian gi finaná'gue kumu ayudánte ma'estro/a.
- iv. Masettifica gi First Aid yan i aplikasion CPR

Pat sino

- i. AA/degree yan Specialized Settifikon ma'estro/a preferet gi Early Childhood/Head Start
- ii. Masettifica gi First Aid yan aplikasion CPR

2. Instructor (ma'estro)– Level II

- i. Debi di u guaha Associates degree gi Early Childhood Education pat i parehu na manera.
- ii. Debi di u guaha Specialized Settifikon Instructor gi Early Childhood/Head Start
- iii. Pot lomenus dos años na ekspiriansian finaná'gue kumu ayudanten ma'estro/a.
- iv. Masettifica gi First Aid yan aplikasion CPR.

60.60.525 (d)

Para i ma'estro/a, instructors, ayudánten ma'estro/an Head Start siha, i sigiente siha na titulu, kuálifikasion edukasion siha yan i tinituhon suetdo, yanggen gumuaha fondon saláppe' nai siña ma'aplika.

Titulon Klasifikasion	Kualifikasion Edukasion	Tinituhon Suetdu	Ahensia pat Grante
Ayudante Ma'estro/a II	ECE/CDA sin AA/AS	\$12,608.40	PSS yan Head Start
Ayudante Ma'estro/a III	AA/AS sin EDE/CDA	\$13,585.24	PSS yan Head Start
Instructor Head Start I	Riferi guatu 60.60-525 (c)(1)	\$18,588.82	Head Start
Instructor Head Start II	Riferi guatu 60.60-525 (c)(2)	\$23,505.87	Head Start
Classroom Teacher I	BA/BS degree	\$27,911.37	PSS
Classroom Teacher II	BA/BS education major, yan ECE / CDA	\$28,884.60	PSS yan Head Start
Classroom Teacher III	BA / BS education major, 15 graduate credits yan ECE / CDA	\$29,906.41	PSS yan Head Start
Classroom Teacher IV	MA / MS education major, ECE / CDA	\$30,976.96	PSS yan Head Start



Commonwealth of the Northern Mariana Islands Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

Attorney General/Civil Division
Tel: (670) 664-2341
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664- 2366/2367/2368
Fax: (670) 234-7016

PUBLIC NOTICE

July 1, 2008

To: General Public, All Immigration Personnel
From: Matthew T. Gregory, Attorney General
Re: Excluded Locations

Pursuant to Immigration Regulation Section 804(B), notice is hereby given that the Attorney General hereby designates the following locations as Excluded Locations:

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

Under Immigration Regulation § 804(C) waivers are issued on a case-by-case basis. However, when a location appears on the list of Excluded Locations the presumption is in favor of excluding all persons seeking to enter the CNMI from those locations. For the information of the general public, below I have outlined some of the factors that will be considered when exercising my discretion in deciding whether to grant or deny a request for a waiver of the exclusion. Note that 1) this is a non-exhaustive list, and that there may be other relevant factors considered in making the decision, 2) an applicant may satisfy one or more of the factors but still be denied for other reasons, and 3) this list does not create any rights, nor should it create an expectation that a waiver will be granted if factors on the list are satisfied by an applicant. Also, the applicant must comply with all other requirements of the Immigration Regulations in the application process, including bonding, sponsor requirements, etc.

For visitors entering the Commonwealth pursuant to a Visitor's Entry Permit (VEP):

Visitors may be allowed entry for humanitarian reasons such as attendance at a funeral or brief visits between a parent and child.

Visitors in transit to embark on commercial fishing or other vessels from a seaport in the CNMI, or crew members of a commercial air or sea vessel may be allowed entry pursuant to a prior agreement between the Attorney General's Office, Division of Immigration and an approved agent for the employer.

Tourists entering under the Electronic Visitor Entry Permit Program when the application has been subjected to scrutiny and approval by the Division of Immigration and all entry requirements under statute, regulation, and any additional requirements stated in any Memorandum of Understanding regarding Electronic Visa Waivers have been met.

For persons applying for entry as alien workers:

The applicant must show that the presence of the worker will substantially benefit the Commonwealth. This benefit must be specific and related to significantly improving the quality of life or economy in the Commonwealth. The ordinary contributions of an alien worker made during the course of employment do not constitute adequate grounds for waiver.

The prospective worker must have knowledge, skills, or abilities that cannot be found in the population present in the Commonwealth, and the applicant must demonstrate that it is not feasible to hire a person of similar knowledge, skills or abilities from a non-excluded location.

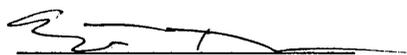
The fact that a prospective worker shares language, culture, or traditions in common with other workers or company management does not constitute adequate grounds for a waiver. The fact that the prospective worker is a relative of the applicant does not constitute adequate grounds.

The fact that a person has been granted a waiver under § 804 for one immigration classification (eg. Tourist) does not guarantee that a waiver will be granted for another purpose (eg. Immediate Relative, student, contract worker, etc.). Generally, any request for a change of status or immigration classification of a person entering the Commonwealth from an excluded location will be denied, and may subject the sponsor of the alien to an assessment against the bond posted pursuant to § 804 (C)(1)(a.).

Special Conditions under Immigration Regulation 804 (C)(2).

Special conditions to be required may include notification that the Division of Immigration may not allow that visitor to change status or immigration classification while in the Commonwealth, such as from Short- or Long-term Tourist to Immediate Relative, Foreign Investor, student, etc. Under no circumstances will a person entering on a tourist status be allowed to transfer to a nonresident worker classification unless the person departs the Commonwealth and separately applies for the new position, which application will be reviewed *de novo*. Special conditions may also prohibit the issuance of a tourist extension and may require adherence to the itinerary submitted with the VEP application. Other conditions may be imposed when deemed appropriate under the circumstances.

Respectfully submitted,



MATTHEW T. GREGORY
Attorney General
Commonwealth of the Northern Mariana Islands