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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

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Commonwealth

Register

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The Commonwealth Register is editorially organized according to the Commonwealth or other agency issuing the documents published or having an immediate administrative or enforcement concern over them. Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

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The Commonwealth Register is published on the fifteenth day of each month or on the next succeeding business day, by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950. Distribution is made by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950.

The Commonwealth Register provides a uniform system for making available to the public the regulations, rules, decisions, orders and notices issued by Commonwealth agencies and required to be published and other Commonwealth agency documents of public interest.

The Commonwealth Register will be furnished to subscribers for \$30.00 per Volume (12 issues), payable in advance. The charge for individual copies is \$3.00 for each part as actually bound. Remit check or money order made payable to the Treasurer, Commonwealth of the Northern Mariana Islands, to the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands 96950.

There are no restrictions on the republication of material appearing in the Commonwealth Register.

MEMORANDUM

PRIORITY

TO : Governor

DATE: 9/14/79

FROM : Acting Attorney General

SUBJECT: Executive Order No. 14

I have reviewed the enclosed Executive Order No. 14 and I find it to be in order. Article III, Section 15 of the Constitution requires that this Order be submitted to the Legislature and shall become effective sixty (60) days after submission to the Legislature unless they specifically modify or disapprove it by a majority of the members of each house.

After it is submitted to the Legislature, please have the original returned to the Attorney General's Office for filing and I will include it for printing in the next Commonwealth Register.


James E. Sinding

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 14

WHEREAS the Government of the Commonwealth of the Northern Mariana Islands is committed to Socio-Economic Development; and

WHEREAS to establish a realistic strategy for developing the Commonwealth resources, promote the Commonwealth's economic progress, improve community facilities and services, serve as a basis for a continuing planning and development program; and

WHEREAS the representative citizen participation and harmony of purpose of governmental agencies is essential to socio-economic development;

NOW THEREFORE by the power vested in the Governor of the Commonwealth of the Northern Mariana Islands I have established the Commonwealth Development Commission with the following objectives, powers, duties and responsibilities:

Section 1. Commonwealth Development Commission - The Commonwealth Development Commission is hereby established to act as an advisory group to the Governor on all socio-economic issues.

Section 2. Objectives, Powers, Duties and Responsibilities

- A. The Commonwealth Development Commission shall be responsible for developing and maintaining an acceptable Socio-Economic Strategy.
- B. The Commonwealth Development Commission will review and recommend appropriate Executive action on all matters related to Socio-Economic Development including all public investments and specific private investments that effect or may effect the economy at the present time or in the future.

- C. The Commonwealth Development Commission shall consult and advise the Director of the Department of Finance on matters relating to the financial management activities of the Commonwealth Government.
- D. The Commonwealth Development Commission shall be empowered to conduct research, hold public hearings on major issues and prioritize public investments.

Section 3. Composition - The Commonwealth Development Commission shall be representative of the community so that all view points are considered in discussion and decision making and all available local skills are engaged in program formulation. Representation on the Commission shall include representatives of local government, business, industry, finance, the professions, organized labor, education, cultural minorities and the unemployed or underemployed. The Governor shall appoint all members of the Commonwealth Development Commission to serve for two (2) years as follows:

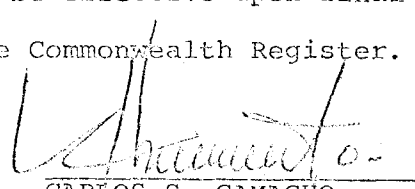
Representing the Executive Branch of Government	1
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Representing Chamber of Commerce	1

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Representing the unemployed or underemployed	1
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Representing Professional Sector	1
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Section 4. Technical Access - The Commonwealth Development Commission shall have access to the Executive Branch of the government's technical expertise by having all Department Directors serving as a Resource Committee to the Commonwealth Development Commission.

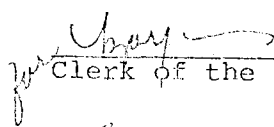
Section 5. Rules and Regulations - The Commonwealth Development Commission shall prepare rules and regulations as deemed appropriate and necessary to perform its function and will submit such rules and regulations to the Governor for concurrence and approval. Said rules and regulations shall be effective upon final publication in the Commonwealth Register.

Date: Sept. 24, 1979


 CARLOS S. CAMACHO
 Governor

ACKNOWLEDGEMENT

It is hereby acknowledged that Executive Order No. 14
 to
 date Sept. 24, 1979, was submitted/and received by the Northern
 Marianas Commonwealth Legislature on Oct. 25, 1979.


 Clerk of the Senate


 Clerk of the House of
 Representative

COMMONWEALTH DEVELOPMENT COMMISSION
RESOURCE COMMITTEE
(NON-VOTING)

1. Commerce and Labor - Director
2. Community and Cultural Affairs - Director
3. Education - Director
4. Finance - Director
5. Health and Environment - Director
6. Natural Resources - Director
7. Planning and Budget Affairs - Officer
8. Public Safety - Director
9. Public Works - Director

DEPARTMENT OF COMMERCE AND LABOR

Pre-Certification of Critical Shortage Occupations

Proposed Rulemaking

1. AUTHORITY: Public Law 1-8, Chapter 9.
2. PURPOSE : To reduce the time period for publication of job vacancy announcements when the occupations involved are critical to the development of the Commonwealth and there is a chronic shortage of qualified resident workers to fill such vacancies.
3. DISCUSSION: The 30-day vacancy announcement period required pursuant to Title 49, Trust Territory Code, often does not serve the purpose of protecting resident workers. With respect to several occupations which are critical to the economic development of the Commonwealth, applications from resident workers are rarely, if ever, forthcoming. In these cases, the 30-day requirement serves merely as a bureaucratic exercise which delays the inevitable granting of an alien worker permit, and increases costs both to the employer and to the consumer. The proposed regulations will establish a Pre-Certification List of occupations which are critical to the development of the Commonwealth, the demand for which routinely cannot be met by resident workers. Occupations on the Pre-Certification List will be subject to a seven-day vacancy announcement period, in lieu of the 30-day period. Compliance with the procedures set out in these regulations will be deemed compliance with Section 8(2)(a) of Title 49.

In the Commonwealth Register dated July 16, 1979, the public was invited to submit nominations of occupations to be included on the initial Pre-Certification List. Such nominations were to be accompanied by a justification for such inclusion. Only one communication has been received and this did not include the required justifications. However, since the initial review which will be required by the proposed regulations was not spelled out in our Notice of Intention, all 28 of the nominated occupations are listed after the text of the regulations. Future nominations will be subject to the new procedures.

Comment on the proposed regulations, or on the inclusion or exclusion of any occupation nominated for pre-certification, should be sent to the Division of Labor, 4th Floor, Nauru Building (Tel. No. 7263), during regular business hours.

The text of the proposed regulations follows:

ALIEN WORKER PERMITS

Chapter II Pre-Certification

- 2.1 Any employer wishing to import alien workers for employment in the

Commonwealth for any occupation pre-certified pursuant to this Chapter shall publicize the job vacancy throughout the Commonwealth for a period of seven (7) days. In addition to any required or voluntary medium of publication, the employer, at his own expense, shall ensure that the offices of the Department of Commerce and Labor on Saipan, Tinian, and Rota, as well as the office of the Mayor of the Northern Islands are notified of such vacancy. The 7-day period shall begin upon receipt by such offices of such notification.

- 2.2 Relationship to Existing Law. Compliance of an employer with Section 2.1 of this Chapter shall be deemed compliance with Section 8(2)(a) of Title 49, Trust Territory Code.
- 2.3 Pre-Certification List. The Chief of Labor shall maintain, update, and publicize a Pre-Certification List of critical shortage occupations.
- 2.4 Nominations.
 - 2.41 Any employer, wishing to nominate an occupation for inclusion on the Pre-Certification List shall transmit such nomination to the Chief, Division of Labor, together with a justification for such inclusion. Such justification shall state the importance of the occupation to the economic or social development of the Commonwealth and describe prior unsuccessful efforts to fill vacancies with the resident workers.
 - 2.42 The Chief, Division of Labor, shall review any nomination and decide whether or not to publish such nomination in the next available issue of the Commonwealth Register. If the Chief decides that the nomination should not be published for possible inclusion on the Pre-Certification List, he shall inform the employer of his reasons therefor within thirty days of receipt of the nomination.
 - 2.43 Any employer aggrieved by a decision of the Chief not to publish any nomination may appeal to the Director, whose decision shall be final.
 - 2.44 The public shall have not less than thirty days to comment for or against inclusion of a nominated occupation on the Pre-Certification List. The Chief shall review all such comments, or determinations which he deems appropriate. If, in his discretion, the Chief determines there is sufficient interest, he may hold a public hearing on any nomination.
- 2.5 Final Publication. If the Chief, Division of Labor, finds that it is in the best interest of the Commonwealth to pre-certify an occupation nominated pursuant to this Chapter, he shall publish such finding in the next available issue of the Commonwealth Register and include such occupation on the Pre-Certification List.
- 2.6 Deletions. At the request of any person, or on his own initiative,

the Chief, Division of Labor, may consider the deletion of any occupation from the Pre-Certification List. Any proposed deletion shall be publicized in the Commonwealth Register and comments solicited as in Section 2.43 of this Chapter. Occupations will be deleted and notice thereof given in the same manner as provided for inclusion of occupations in Section 2.5 of this Chapter.

- 2.7 Emergencies. Notwithstanding any other provision of this Chapter, the Chief, Division of Labor, may waive any time period, notification or publication, required pursuant to this Chapter or pursuant to Title 49, Trust Territory Code, if he finds that the best interests of the Commonwealth require such action. The Chief shall, at the earliest practical opportunity, publicize such finding to the public in any appropriate fashion and publish it in the next available issue of the Commonwealth Register. If the finding relates to inclusion or deletion of an occupation from the Pre-Certification List, such finding shall be valid for a period of not more than ninety days, within which period the Chief shall follow the usual procedures provided in this Chapter.
- 2.8 Remedies. Any person aggrieved by any finding or other non-discretionary action made by the Chief, Division of Labor, pursuant to this Section, may avail himself of any remedy or procedure provided for in Title 17 Trust Territory Code, or any other remedy provided by law.

4. EFFECTIVE DATE: These regulations shall be effective upon publication in final form in the Commonwealth Register.
5. INITIAL NOMINATIONS: Twenty-eight occupations have been nominated for inclusion on the initial Pre-Certification List. Publication of these nominations does not imply that the the Department of Commerce and Labor endorses pre-certification of such occupations. The nominations follow:

Project Engineers
Construction Superintendent
Cost Accountants
Accountants
Architect/Draftsman
Electrical Engineer/Estimator
General Foreman

Construction Foreman
Purchasing Man
General Estimator
Carpenters
Masons
Plumbers; Electricians; Painters

Steelman
Sheetmetal man
Heavy Equipment Mechanics
Heavy Equipment Operator
Diesel Mechanic
Auto Mechanic
Refrigeration/Airconditioning
Mechanic
Construction Cost Estimator
Mechanical Engineer
Sales Supervisors
Tailor/Dressmaker
Electronic Technician
Store Manager



DAVID L. CAHN
Director

October 15, 1979



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan

PUBLIC NOTICE

DEPARTMENT OF NATURAL RESOURCES
ADOPTED REGULATIONS ON LITTERING AND POSTING SIGNS

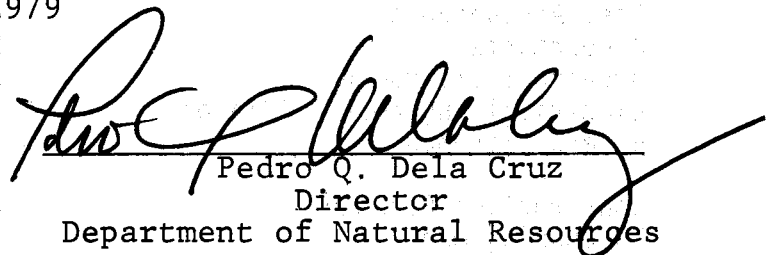
The Director, Department of Natural Resources, in accordance to Chapter 13, Sections 3(c), 3(g) and Section 5 of Public Law 1-8. and as further provided for in Chapter 9.24 of the Code of the Commonwealth of the Northern Mariana Islands, wishes to advise the public that regulations on littering and posting of signs in public land and property and enforcement thereof have been adopted.

The adopted regulations on littering and posting signs include the following subjects:

1. Authority
2. Purpose
3. Littering
4. Posting of Signs
5. Definitions
6. Enforcement
7. Penalty for violation

Copies of the adopted regulations may be obtained from the Office of the Director, Department of Natural Resources, Saipan, CM.

Dated this 15th day of August 1979


Pedro Q. Dela Cruz
Director
Department of Natural Resources



Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. RMI Saipan

ADOPTED REGULATION CODE OF COMMONWEALTH REGULATION

DIVISION OF PARKS & RECREATION
DEPARTMENT OF NATURAL RESOURCES
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, COMMONWEALTH MARIANAS 96950

A. Authority:

Pursuant to Chapter 13, Sections 3(c), 3(g) and Section 5 of Public Law 1-8, and as further provided for in Chapter 9.24 of the Code of the Commonwealth of the Northern Mariana Islands, subject Regulations have been adopted.

B. Purpose:

To establish regulations on littering and posting of signs in public land and property. These regulations shall apply to all persons and islands within the Commonwealth of the Northern Mariana Islands except the island of Medinilla.

C. Littering:

1. No person shall throw, place or put any rubbish, garbage, cans, bottles, debris or other litters upon any road, highway, or upon any public land within the Commonwealth of the Northern Mariana Islands, unless designated as a dumping area.
2. It is prohibited to overload government, business or private dump trucks and other vehicles, i.e. pick-up truck flatbed truck, trailers, etc. thereby causing spillage of coral rocks, sand, aggregate, garbage, debris, trash or any other substance on public road, public highway, road shoulder or upon any public land.

D. Posting of Signs:

No person shall place any signs, advertisements, political notices:

1. On any public land

2. On government right of way
3. Upon any tree within public land
4. Upon telephone poles
5. On any public buildings and facilities thereby damaging, defacing or interrupting the normal situation of the above public property, except on approved bulleting boards and walls.

E. Definition:

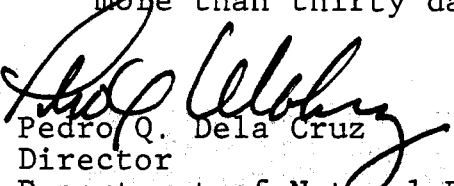
1. Dumping area - is the approved location for disposal of garbage, rubbish, bottles, cans debris, and other litters.
2. Litter - waste paper, garbage, straw, hay, leaves, twigs, tree branches, tree stumps, etc.

F. Enforcement:

The provisions of these regulations shall be enforced by the Department of Public Safety and/or special enforcement personnel of the Department of Natural Resources deputized by the CNMI.

G. Penalty for Violations:

Violators, upon conviction, shall be fined not more than one hundred dollars or imprisoned for a period of not more than thirty days, or both such imprisonment and fine.


Pedro Q. Dela Cruz
Director
Department of Natural Resources

DEPARTMENT OF COMMERCE AND LABOR

FEEES FOR ALIEN WORKING PERMITS

FINAL RULEMAKING

1. AUTHORITY: Public Law 1-8, Chapter 9.
2. PURPOSE: To partially offset the administrative costs of processing and issuing alien worker permits by levying application and permit fees against those wishing to import such workers. It is expected that sufficient revenue will be generated pursuant to these rules to fund the additional positions necessary to achieve greater efficiencies in the processing of such permits.
3. DISCUSSION: Proposed regulations were published in the Commonwealth Register dated July 16, 1979. No comments were received during the allotted period. In addition to a technical correction, the Department has added a section giving the Chief, Division of Labor, discretion to grant waivers of fees when in the best interests of the Commonwealth.

The text of the new regulations follows.

ALIEN WORKER PERMITS


Chapter I - Permit Fees

- 1.1 Application Fee. After the expiration of any required period during which a job vacancy must be announced within the Commonwealth of the Northern Mariana Islands, any person wishing to employ an alien worker to fill such vacancy shall make application to the Division of Labor pursuant to Title 49, Trust Territory Code, and these regulations. Such application shall be accompanied by a non-refundable fee of Fifteen Dollars (\$15.00). This fee may be paid in cash, or by check or money order payable to the Commonwealth Treasury. A single check may be submitted by a single employer at one time. A penalty fee of Five Dollars (\$5.00) will be assessed by the Chief, Division of Labor, for any check returned by the bank.
- 1.2 Permit Fee. After final approval of an application, the Chief, Division of Labor, shall issue an alien worker permit. Prior to release of such permit, a fee of Ten Dollars (\$10.00) shall be collected from the employer. This fee may be paid in cash, or by check or money order payable to the Commonwealth Treasury. A single check may be submitted to cover the total amount due for all permits released to a single employer at one time. A penalty fee of Five (\$5.00) will be assessed by the Chief, Division of Labor, for any check returned by the bank.
- 1.3 Renewals. Application for renewal of an alien worker permit shall, after

the expiration of any required vacancy announcement, be made on a simplified form provided for such purpose by the Chief, Division of Labor. A permit fee shall be collected from the employer pursuant to Section 1.2 of this Chapter for such renewal. An application fee shall not be required for renewal unless, in the discretion of the Chief, Division of Labor, the job title and duties of such alien are sufficiently changed to require re-application. This Section shall only apply to renewal requests by the alien's current employer.

- 1.4 Transfers. Upon approval of a request to transfer an alien worker from one employer to another, the gaining employer shall pay a permit fee pursuant to Section 1.2 of this Chapter, regardless of the time remaining in the current contract. No application fee shall be required for such transfer unless, in the discretion of the Chief, Division of Labor, the job title and duties of the alien are sufficiently changed to require re-application.
 - 1.5 Waivers. The Chief, Division of Labor, is empowered to waive payment of all or part of any fee imposed by this Chapter when, in his discretion, such waiver would be in the best interests of the Commonwealth.
4. EFFECTIVE DATE: These regulations shall take effect upon publication in final form in the Commonwealth Register.

October 15, 1979


DAVID L. CAHN
Director

COMMONWEALTH HEALTH PLANNING AND DEVELOPMENT AGENCY

STATEMENT OF POLICY ON ACCESS TO AGENCY RECORDS

As a general policy, the Commonwealth Health Planning and Development Agency (CHPDA) provides full public access to agency data and records. Decision-making meetings of the Agency and documents emanating from such meetings are, where practical, available for examination, in the agency offices, at the time of request. Special procedural provisions apply to requests for documents relating to certificate of need applications.

With the exception of U. S. Civil Service employees, who may be employed by CHPDA, the limitations of access to records established by the Federal Privacy Act Regulations (5 U.S.C. 301, 5 U.S.C. 552a) are not applicable in the NMI Commonwealth. Similarly, the Sunshine Act language, contained in the Administrative Procedures Act (Chapter 5, Title 5, Sec 552, U.S.C. Annotated) does not apply in the several territories of the United States, including Guam.

Specific records available for review, in the offices of CHPDA, 5th floor, Suru Building, Susupe, Saipan, include:


- correspondence;
- records pertaining to grants;
- raw, unrefined, health data;
- inter-agency and intra-agency memoranda of a factual nature;
- contracts
- bid procedure analysis formats;
- reports on grantee, contractor or provider performance (following transmission of such documents to the grantor, contractor or provider);
- research, development and demonstration project records; and
- all preliminary and final state plan documents.

Records relating to the review process for certificate of need (CON) applications are available for public inspection. Procedures for the inspection and copying of certificate of need documents are specified in the CHPDA CON Manual, Part II, C and F (Policies), Rule 1.5, B and (Public Information) and Rule 3.10 (Written Notice). Should a request for access be denied, by the CON Program Administrator, the applicable appeal procedure would be the same as described elsewhere in this policy statement.

Wherever possible, the staff of the Commonwealth Health Planning and Development Agency will make records and data available upon request. In any case where the subject request involves the location, reproduction and assembly of a considerable quantity of material, the request will be honored within a reasonable period of time, in no instance to exceed five (5) working days. Reproduced documents, where applicable, will be charged at a rate of ten cents (.10) per sheet.

In any case where a request for access to CHPDA records is denied, the written policy relating to such denial shall be provided the individual or individuals initiating the request. Initial appeal of such a denial shall be made to any available officer of the Commonwealth Health Coordinating Council (CHCC). Council member lists, including addresses and office phone numbers, will be kept current and available within the offices of the state health planning agency. The decision to uphold or reverse the Agency's denial of a request for access to records may be made by the full Health Coordinating Council, or an executive body of that Council; in either instance, such a decision shall be rendered no later than the next regular meeting of the CHCC following transmittal of the appeal.

Reviewed by the Office of the CNMI Attorney General prior to submission to the U.S. Department of Health, Education, and Welfare:



James E. Sinding
Acting Attorney General



Commonwealth of the Northern Mariana Islands
ECONOMIC DEVELOPMENT LOAN FUND
Nauru Building, 4th Floor, Tel. 7145 & 7146
Saipan, CM 96950

Cable Address:
Gov. NMI

PUBLIC NOTICE

Adopted Regulations: Loan Policy and Procedure Manual for the
Economic Development Loan Fund

Agency: Economic Development Loan Fund

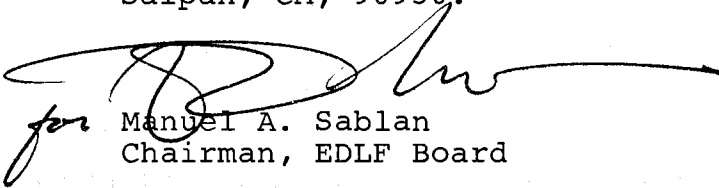
Action: Notice of Adopted Regulation

The Governor and the Chairman of the Economic Development Loan Fund Board of Directors wish to advise the general public that the revised rules and regulations published in the Commonwealth Register, Volume 1, No. 10 dated July 16, 1979, have been adopted.

The adopted rules and regulations include the following subjects:

- I. Establishment and Source of Funds
- II. Purpose of Funds
- III. General Policy for Loans
- IV. Guarantees
- V. Management
- VI. Duties of the Board and the Loan Committee
- VII. Prohibited Loans
- VIII. Basic Terms of Loans or Guarantees
- IX. Terms of Loan
- X. Schedule of Payments and Penalties
- XI. Appraisal
- XII. Loan Documentation
- XIII. Loan Application
- XIV. Investment Equity
- XV. Amount of Loan
- XVI. Loan Fees
- XVII. Amount of Loan Guarantees
- XVIII. Disbursement
- XIX. Insurance
- XX. Servicing of Loan
- XXI. Collection and Foreclosures
- XXII. Investigation and Audits
- XXIII. Privileged Information
- XXIV. Amendment of Policy and Procedure Manual
- XXV. Effective Date

Copies of the regulations may be obtained from the Economic Development Loan Fund office, Nauru Building, 4th Floor, CNMI, Saipan, CM, 96950.


for Manuel A. Sablan
Chairman, EDLF Board

COMMONWEALTH HEALTH PLANNING AND DEVELOPMENT AGENCY

STATEMENT OF POLICY ON ACCESS TO AGENCY RECORDS

As a general policy, the Commonwealth Health Planning and Development Agency (CHPDA) provides full public access to agency data and records. Decision-making meetings of the Agency and documents emanating from such meetings are, where practical, available for examination, in the agency offices, at the time of request. Special procedural provisions apply to requests for documents relating to certificate of need applications.

With the exception of U.S. Civil Service employees, who may be employed by CHPDA, the limitations of access to records established by the federal Privacy Act Regulations (5 U.S.C. 301, 5 U.S.C. 552a) are not applicable in the NMI Commonwealth. Similarly, the Sunshine Act language, contained in the Administrative Procedures Act (Chapter 5, Title V, Sec. 500, U.S.C. Annotated) does not apply in the several territories of the United States, including Guam.

The language of Public Law 93-641, establishing the national and territories-wide system of health planning agencies, requires every State Agency to develop a State Administrative program regulating that agency's procedures and performance. Among the requirements of the State Administrative Program (Sec. 1522) are provisions that the State Agency must "perform its functions in accordance with procedures and criteria established and published by it", and that the agency is to "(A) conduct its business meetings in public, (B) give adequate notice to the public of such meetings, and (C) make its records and data available, upon request, to the public."

Specific records available for review, in the offices of CHPDA, 5th floor, Nauru Building, Susupe, Saipan, include:

- correspondence;
- records pertaining to grants;
- raw, and refined, health data;
- inter-agency and intra-agency memoranda of a factual nature;
- contracts;
- bid procedure analysis formats;

- reports on grantee, contractor or provider performance (following transmission of such documents to the grantor, contractor or provider);
- research, development and demonstration project records; and
- all preliminary and final state plan documents.

Certain limitations to the general policy of access to records have been mandated by the U.S. Congress in the "Health Planning and Resources Development Amendments of 1979." The reported bill of the conference committee modifies P.L. 93-641 in the following ways with respect to sunshine provisions of the health planning act:

- (1) The Health Systems Agency will not be required to conduct in public those portions of business meetings dealing with personnel matters or participation in judicial proceedings.
- (2) Records and data on agency personnel or participation in judicial proceedings will not have to be made available to the public.
- (3) Policies on access to records, notice to the public on meetings and conduct of such meetings shall be developed by each State Agency in accordance with the respective state laws pertaining.

Additional qualifications to access included in the health planning law amendments specify that an executive committee of the Health Systems Agency governing body shall (1) conduct in public its business and meetings, except for those parts of meetings which involve matters respecting personnel of the agency or participation in judicial proceedings; and (2) give adequate notice of its meetings to those persons who have requested such notice. (NOTE: Notification by means of an agency newsletter is deemed adequate for meeting the latter requirement.)


Finally, the amendments include the congressional expectation that each health planning agency "will establish procedures to govern...the closing of agency or committee meetings and the withholding of records and data. Those procedures should provide that a majority of the members of the board or committee (whichever is applicable) must vote to withhold any record or data or to close a meeting of the board or committee; that the public notice of the agency or committee meeting include a statement as to whether any portion of the meeting will be closed; and that if a meeting is announced as being opened, it is subsequently determined that part or all of the meeting should be closed, that it will be closed only after a majority vote."

Records relating to the review process for certificate of need (CON) applications are available for public inspection. Procedures for the inspection and copying of certificate of need documents are specified in the CHPDA CON Manual, Part II, C and F (Policies), Rule 1.5, B and D (Public Information) and Rule 3.10 (Written Notice). Should a request for access be denied, by the CON Program Administrator, the applicable appeal procedure would be the same as described elsewhere in this policy statement.

Wherever possible, the staff of the Commonwealth Health Planning and Development Agency will make records and data available upon request. In any case where the subject request involves the location, reproduction and assembly of a considerable quantity of material, the request will be honored within a reasonable period of time, in no instance to exceed five (5) working days. Reproduced documents, where applicable, will be charged at a rate of ten cents (.10) per sheet.

In any case where a request for access to CHPDA records is denied, the written policy relating to such denial shall be provided the individual or individuals initiating the request. Initial appeal of such a denial shall be made to any available officer of the Commonwealth Health Coordinating Council (CHCC). Council member lists, including addresses and office phone numbers, will be kept current and available within the offices of the state health planning agency. The decision to uphold or reverse the Agency's denial of a request for access to records may be made by the full Health Coordinating Council, or an executive body of that Council; in either instance, such a decision shall be rendered no later than the next regular meeting of the CHCC following transmittal of the appeal.

Reviewed by the Office of the CNMI Attorney General prior to submission to the U.S. Department of Health, Education, and Welfare:



James E. Sinding
Acting Attorney General