

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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issued by Commonwealth agencies and required to be published, and other
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in the Commonwealth Register.



Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, HI

June 1981

Cable Address:
P.O. Box 1000

PUBLIC NOTICE

In accordance with Public Law 1-8, Chapter 12, Section 3, the Department of Public Health and Environmental Services has the responsibility of administering all government-owned health care facilities and of adopting relevant regulations as deemed necessary. The Director of Public Health and Environmental Services has the responsibility of carrying out the duties of the Department. In accordance with those duties, the Director of Public Health and Environmental Services has proposed a schedule of dental fees for the provision of dental services.

The Department of Public Health and Environmental Services is soliciting views, opinions, facts and data from the general public for or against the proposed dental fee schedule.

Dated: 3-19- , 1981.


Dr. Genesto R. Kaipat
Acting Director, PHES

PROPOSED DENTAL FEE

	<u>Minimum</u>	<u>Maximum</u>
1. Oral Examination	\$ 2.00	
2. Extraction, Simple	\$ 4.00	\$ 8.00
3. Extraction, Surgical	\$ 15.00	\$ 20.00
4. Alveolectomy	\$ 5.00	\$ 10.00
5. Gingivectomy	\$ 10.00	\$ 15.00
6. Root Canal Therapy	\$ 25.00	\$ 40.00
7. Pulp Treatment	\$ 5.00	\$ 10.00
8. Amalgam Restorations:		
(i) One Surface	\$ 5.00	\$ 8.00
(ii) Two or More Surfaces	\$ 8.00	\$ 15.00
(iii) Pin Amalgam	\$ 15.00	
9. Porcelain Restorations	\$ 5.00	\$ 10.00
10. Temporary Restorations	\$ 3.00	\$ 5.00
11. Oral Prophylaxis	\$ 10.00	\$ 20.00
12. Full Mouth Scaling	\$ 5.00	\$ 10.00
13. X-ray, Single	\$ 2.00	
14. X-ray, Full Mouth	\$ 20.00	
15. Gold Crown	\$ 40.00	
16. Acrylic Crown	\$ 10.00	
17. Dowel Crown	\$ 20.00	
18. Stainless Steel Crown	\$ 10.00	
19. Crown & Bridge - per unit	\$ 30.00	\$ 40.00
20. Wire Clasp (Contoured)	\$ 10.00	
21. Clasp (Casted) - per clasp	\$ 30.00	
22. Gold Inlays:		
(i) One Surface	\$ 20.00	
(ii) Two or More Surfaces	\$ 40.00	
23. Lingual Bar (Contoured)	\$100.00	
24. Lingual Bar (Casted)	\$150.00	
25. Denture, Full Upper or Lower	\$ 75.00	
26. Denture Partial - per tooth	\$ 5.00	
27. Denture Repair	\$ 5.00	\$ 20.00
28. Denture Rebase	\$ 30.00	
29. Denture Reline	\$ 30.00	
30. Facing - each	\$ 5.00	
31. Fracture Management	\$ 50.00	
32. Services not listed - grade fee proportionately.		

MEMORANDUM

TO : Attorney General

DATE: Feb. 26, 1981

FROM : Chairman, Board of Education

SUBJECT: Attached Public Notice on Board of Education
Policies

The Board of Education has adopted the policies identified in the attached Public Notice. We request your assistance to properly publish this notice in the Commonwealth Register. Please alert me as to the date of publication so that we will be prepared for the potential comments from the public.



Lorenzo LG. Cabrera

Attachment: as stated



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
SAIPAN, CM 96950

Phone: 9311/9812/91
9827

PUBLIC NOTICE

Enzo G. Cabrera
Chairperson

Elorence M. Botschneider
Vice-Chairperson

Joaquin S. Mangiona
Member - Rota

Estanislao Deceq
Member - Tinian

Felicitas P. Abraham
Member - Saipan

Dr. Ignacio De La Cruz
Member - Saipan

Sr. Mary Louise Baltarini
Member - Saipan

Jesus Fariña
Member - Saipan

Member - Piti

Student Representative

PROPOSED DEPARTMENT OF EDUCATION REGULATIONS

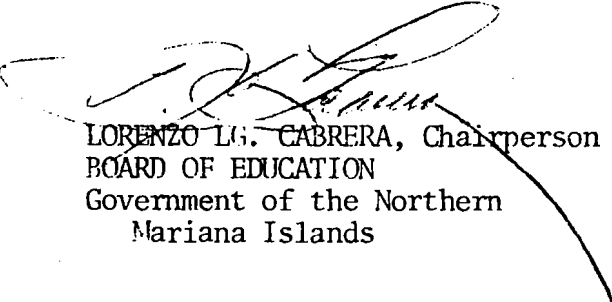
The Board of Education of the Northern Mariana Islands, pursuant to the authority of Section 9 of Chapter 14 of Public Law No. 1-8, and in accordance with the provisions of Section 4(1) of Title 17 of the Trust Territory Code, hereby give notice to the public of its intention to adopt regulations for the Department of Education concerning the following: Philosophy of Education, Governance, Management and Administration, Instructional Program, Personnel and Staff, Pupil Personnel, and Miscellaneous Provisions.

Reading copies of the Proposed Regulations are available in the principal's office of each of the public schools and from the Superintendent, Department of Education, Government of the Northern Mariana Islands, Lower Base, Saipan, CM. 96950. Additional copies may be obtained at a cost of 10¢ per page.

All interested persons will be given a reasonable opportunity to submit data, views, or arguments, in writing, concerning the proposed Regulations. Written comments must be submitted to the

Islands, not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

If no comments have been received at the expiration of the notice period provided for herein, the said Regulations shall become effective without further notice or publication.



LORENZO L.G. CABRERA, Chairperson
BOARD OF EDUCATION
Government of the Northern
Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
SAIPAN, CN 96950

Phone: 9311/9812/9823
9827

NOTISIAN PUBLIKO

PROPOSITO NA REGULASION EDUKASION

- Lorenzo G. Tabares
Chairperson
- Ernest M. Dotschneider
Vice-Chairperson
- Joaquin S. Maglona
Member - Tota
- Estanislao B. Ong
Member - Tapan
- Hicetas P. Abraham
Member - Saipan
- Dr. Ignacio Belacruz
Member - Saipan
- Sr. Mary Louise Balzarini
Member - Saipan
- Jesus L. ...
Member - Saipan
- Member - ...
- Student Representative

I Board of Edukasion para i San Katan na Islas Marianas, sigun gi atoridad nu i Seksiona 9, Kapitulo Numero 14, Lai Publiko 1-8, yan sigun gi probision nu i Seksiona 4(1), Kapitulo Numero 17 gi Kodikun Trust Territory, malago para u infotma i publiko pot intension para uma adopta regulasion pot i Depattamenton Edukasion para i man-siguiente siha: Philosophy of Education, Governance, Management and Administration, Instructional Program, Personnel and Staff, Pupil Personnel, and Miscellaneous Provisions.

Kopian este na regulasion sina machule gi ofisinan principal kada eskuelan publiko yan gi ofisinan Superintendent, Depattamenton Edukasion, Gobietnon Katan na Islas Marianas, Lower Base, Saipan. Komo unnesisita mas kopia, este siha mabebendi dies sentimo pot un ohas.

Haye interesao para u-nahalum opinionna pot este na proposito na regulasion Edukasion, u-tugi ya una halom gi Depattamenton Edukasion, Gobietnon Katan na

Islas Marianas, gi halom trenta (30) dias, este siha
na regulasion ufan efektibo sin ufan ma'publika talo.

/s/ Lorenzo LG. Cabrera
LORENZO LG. CABRERA, Chairperson
BOARD OF EDUCATION
Government of the Northern
Mariana Islands

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POLICY 101 GENERAL PHILOSOPHY

- 101.1 The Commonwealth of the Northern Mariana Islands' most important resource is its children. It is the responsibility of each individual, parents, and community and other agencies to provide the opportunity to help these children develop into happy, self-respecting, understanding and contributing members of Society.
- 101.2 Central to this developmental process is: a) The teaching of basic academic and vocational skills; the foundation upon which intellectual and practical development is based; b) The creation of an educational environment which offers equal opportunity, fosters enthusiasm for learning, and develops diverse cultural awareness and knowledge and understanding appropriate to the Commonwealth's heritage and traditions as well as those of other peoples and cultures.
- 101.3 Therefore, the ultimate goal of education in the Commonwealth should be to prepare the children for a world of rapid change and unforeseeable demands.
- 101.4 The needs of all children are not the same. The educational program must offer diverse approaches to education so that the full intellectual, emotional, moral, cultural, physical and social development of every child in the Commonwealth can be achieved.

POLICY 102 INSTRUCTIONAL AND ACADEMIC GOALS

The instructional and academic goals of the Department of Education are:

- 102.1 To provide an education that allows each student the opportunity to maximize his/her potential.
- 102.2 To develop the ability and skills to read, write, to speak, and listen effectively in the English language and other languages so communication of ideas and feelings can be useful and enjoyable.
- 102.3 To develop background and skills in the use of numbers and mathematics, natural sciences, social sciences and their practical application to problems encountered in daily real-life situations.

- 102.4 To develop respect for individual worth, instill pride of cultural heritage, and appreciation and understanding of all peoples and all cultures.
- 102.5 To provide an equal opportunity for education for all children including the gifted and talented and handicapped student according to their individual needs.
- 102.6 To appreciate the importance of work for self-fulfillment and happiness and have the abilities, attitudes and skills necessary for realizing a productive and useful life.
- 102.7 To develop the awareness of the relationship of people and the physical and natural environment and the extent of one's control over one's future.
- 102.8 To develop an awareness and understanding of the political, economic and social structures within the family, community and the world at large.
- 102.9 To utilize natural resources available in creating traditional and innovative arts and crafts.
- 102.10 To foster understanding and use of the Chamorro and Carolinian languages.

POLICY 103 INSTITUTIONAL GOALS FOR THE DEPARTMENT OF EDUCATION

The institutional goals for the Department of Education are:

- 103.1 To offer equal educational opportunity for all students in grade one through grade twelve by providing optimum curriculum, instruction, community service and work experience in academic and vocational programs based on the different needs of students unhampered by pre-conceived roles or artificial constraints.
- 103.2 To ensure the safety, welfare, and protection of all children from invasion of personal privacy while in the care of the Department of Education.

- 103.3 To provide and assure maintenance of adequate facilities for achieving the Commonwealth's instructional and personal goals.
- 103.4 To provide adequate resources and policies for a systemic process of personnel selection, evaluation (such as clinical supervision) and continuous improvement and upgrading of all staff.
- 103.5 To establish effective participation and communication between parents, administrators, teachers, students, and community for meaningful and productive relationships.
- 103.6 To provide for administrative decentralization and sufficient autonomy to establish programs suitable to each school community through involvement of representatives of all segments of the community in decision-making and sharing of responsibility.

GOVERNANCE

POLICY 201

Creation of the Board of Education. Section 13 of Article III of the Constitution of the Northern Mariana Islands provides that "The Legislature shall establish a Department of Education that shall be headed by a Superintendent of Education appointed by a representative Board of Education.... The Board of Education shall formulate policy and exercise control over the public school system through the Superintendent...". The Board of Education is established by Section 3 of Chapter 14 of Public Law No. 1-8.

POLICY 202

Membership of the Board. The Board of Education consists of nine (9) members, appointed by the Governor, with the advice and consent of the Commonwealth Senate. Two members of the Board are from Tinian, two members of the Board are from Rota, and five members are from Saipan. At least one member of the Board is a woman, and at least one member of the Board is of Carolinian descent. Two members of the Board are parents of students attending public schools in the Commonwealth. One member of the Board is a teacher employed by the Department of Education. No person may be appointed as member of the Board who is not a qualified voter in the Northern Mariana Islands. In addition, one student attending a public school in the Commonwealth is an ex-officio member of the Board.

Tenure of Board Members. Members of the Board serve for four years from the date of their confirmation by the Commonwealth Senate.

POLICY 204

Acts of Board. The concurrence of five members of the Board is necessary to the validity of its acts.

POLICY 205.

Proxy Voting. Voting by proxy is not permitted.

POLICY 206

Compensation. Members of the Board serve without pay, but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties, to the extent that funds are available therefor.

POLICY 207

Officers. A Chairperson and Vice-Chairperson of the Board shall be elected by a majority vote of the members of the Board. The Board may establish such other offices as it shall deem necessary or appropriate. The officers of the Board shall serve for two years.

POLICY 208

Standing Committees. The following Standing Committees are hereby established: Personnel, Fiscal Affairs, Program and Legislative. Standing Committees shall have such duties and responsibilities as are provided by the Board. Special committees may be established by the Board from time to time. The Chairperson

of the Board shall appoint the Chairpersons ~~and members of a~~ committees provided, however, that in so doing the Chairperson shall give due recognition to the desire of each member to serve upon a particular committee or committees. No member of the Board may serve upon more than two standing committees. No member of the Board may be the chairperson of more than one standing committee. The Chairperson of the Board may not serve as the chairperson of a standing committee.

POLICY 209. Powers and Duties.

209.1 The Board is the governing and policy-making body of the Department of Education. The Board establishes policy, and the Department of Education implements policy and administers programs, which shall include but are not limited to the following:

- a. Education in public schools
- b. Adult education
- c. Vocational training, including on-the-job training
- d. Bilingual and bicultural education programs
- e. Supervision of all educational programs funded in whole or in part by the Department of Education
- f. Special cultural programs and seminars
- g. Enforcement of standards of attendance and laws pertaining to compulsory attendance
- h. The licensing or certification of teachers and teacher aides
- i. The performance of any and all other duties required or permitted by law.

209.2 In addition to those powers and duties provided for elsewhere in this Policy Manual, and without limitation of the generality of Policy 209.1, above, the Board of Education shall have the following specific powers and duties:

- a. To establish and maintain schools and classes to meet the needs of pupils of the Northern Mariana Islands in grades one through twelve, and such adult classes as it deems necessary

- b. To adopt textbooks and courses of study consistent with the needs of students upon the recommendations of the professional staff through the Superintendent of Education
- c. To require proper accounting for receipts and expenditures and to provide for an annual audit as required by law
- d. To authorize the expenditure of funds of the Department of Education
- e. To determine the building needs of the school system, provide for the construction of school buildings and approve the plans for the buildings
- f. To establish the certification standards for all professional positions within the Department
- g. To develop long-range plans for the orderly growth of the school system
- h. To appraise and review its policies and action and the program of education and the performance of the staff
- i. To ratify administrative procedures promulgated by the Superintendent for the purpose of implementing Board policy

POLICY 210 Meetings of the Board.

- 210.1 The Board shall hold an annual organizational meeting on the 2nd Tuesday of November to elect its Officers. The Chairperson of the Board for the preceding year will preside at this meeting until the chairperson for the new fiscal year is elected. If the former chairperson is not still a member or is absent, the vice-chairperson of the preceding year will preside. If the former vice-chairperson also is not still a member or is absent, the members present shall select a temporary chairperson to preside until a chairperson is elected. This meeting is a regular meeting.
- 210.2 The Board will hold regular meetings at the place determined by the Board at its annual organizational meeting. Regular meetings of the Board are open and shall be held at least once every three months.

- 210.3 Special meetings may be called by the Chairperson of the Board, by requesting the Superintendent to send a written notice to all members no less than seven days before the meeting. At the discretion of the Chairperson, special meetings may be open or closed.
- 210.4 Members of the Board shall be notified of regular meetings by the Superintendent, in writing, at least two weeks before the date of the regular meeting.
- 210.5 Notices of meetings, as provided for herein, shall specify the time and place of the meeting and the business to be transacted; and shall, whenever possible, include copies of any documents relevant to matters which will be before the Board for its consideration at the meeting.

POLICY 211

Agenda. The agenda for each regular meeting of the Board shall be submitted with the notice of the meeting. The agenda shall include the following items: call to order, determination of attendance and quorum, adoption of previous minutes, presentation of communications, committee reports, Superintendent's report, discussion of unfinished business, discussion of new business, miscellaneous matters and proposals for subsequent meetings. The agenda shall be prepared by the Superintendent, subject to the direction of the Board.

POLICY 212

Conduct of Meetings. The conduct of all meetings of the Board and its committees shall follow acceptable standards of parliamentary procedure. The Chairperson shall decide all questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote; provided, however, that any two members of the Board may request a secret ballot upon any question before the Board.

POLICY 213

Minutes. The Board shall record or cause to be recorded a summary of the proceedings before it at its meetings. The minutes of Board meetings shall be prepared by the Secretary to the Board, who shall be selected by the Superintendent.

Members of the Board will refer in writing to the Superintendent any suggestions, grievances or other communications concerning the schools. The Superintendent will follow established administrative procedures for handling such suggestions, grievances or other communications, including formal presentation to the Board if appropriate, and, in any case, notification to the reporting Board member concerning disposition of the matter.

POLICY 215

Removal of Members. The Board shall recommend to the Governor the removal of a member who impedes the function of the Board due to excessive, unexcused absences from regular Board meetings and/or for other just cause as determined by the Board.

POLICY 216 Public Records.

216.1 In order to promote confidence in and support of the Marianas Public School System, the Board of Education declares that citizens of the Commonwealth shall have access to information contained in its public records.

216.2 Public records as defined in this Policy are open for inspection during office hours of the school system. Every citizen has a right to inspect any public school record except those records for which disclosure is exempt or prohibited.

216.3 "Public records" include all official board minutes, maps, drawings, curricular materials and other documents prepared, owned, used or retained by the Northern Marianas Public School System regardless of physical form or characteristics.

MANAGEMENT AND ADMINISTRATION

POLICY 301 APPOINTMENT OF SUPERINTENDENT OF EDUCATION

301.1 The Board of Education shall appoint a Superintendent of Education and delegate to that person the responsibility for managing and administering the Department of Education and the Public Schools of the Northern Mariana Islands in accordance with applicable law and policies adopted by the Board.

301.2 The Board shall consult with the Superintendent of Education concerning the appointment of Associate Superintendent(s).

POLICY 302 Functions of the Superintendent

302.1 The Superintendent of Education is the executive officer of the Board with power to initiate and recommend policies for its consideration and approval. The Superintendent shall manage all of the affairs of the schools with the assistance of staff, using as the basis therefor the policies adopted and authorization approved by the Board.

302.2 The Superintendent is directly responsible to the Board, but all other employees are responsible to the Superintendent. The Superintendent shall be responsible for the appointment of all department personnel with the exception of the Associate Superintendent(s), which appointment(s) shall be made with the advice and consent of the Board of Education. All instructions from the Board shall go to the Superintendent who shall be the directing center of the Department. In cases of an emergency in administrative matters not suitably covered by any policy of the Board, the Superintendent may act and report such action to the Board in the most expeditious manner.

302.3 The Superintendent may delegate to other employees of the Department the exercise of any powers and the discharge of any powers and the discharge of any duties imposed upon the Superintendent by these policies or by vote of the Board unless limited by the Board in specific instances. The delegation of power or duty, however, shall not relieve the Superintendent of final responsibility for the action taken under such delegation.

POLICY 303 Duties and Responsibilities of the Superintendent

In addition to such other duties and responsibilities as are specified elsewhere in this Policy Manual, the Superintendent of Education shall:

303.1 Execute Board policies

303.2 Recommend to the Board of Education objectives, program plans, personnel assignments, regulations, budgets and capital improvements plans

- 303.3 Develop and establish, with the approval of the Board, a comprehensive accountability program for all phases of the Department of Education
- 303.4 Present concise reports periodically at Board meetings covering, but not limited to, the following:
- a. Department of Education objectives, departmental plans and progress toward them
 - b. Major program developments, accomplishments and problems
 - c. Enrollment developments, class size, teacher-pupil ratios and projected enrollments
 - d. Personnel development
 - e. Budget status, current fiscal year and plans for the next fiscal year
 - f. Major accomplishments and problems
 - g. Outlook for the future
- 303.5 Make presentations for action by the Board. Such presentations shall include:
- a. Alternative recommendations - a concise statement of the action proposed
 - b. Need for the recommendations including a concise statement of all information, pro and con
 - c. Educational implications
 - d. Personnel implications
 - e. Facilities implications
 - f. Financial implications
- 303.6 Work with the Board Chairperson in building the agenda for the meeting and apprising the Chairperson of the significance of each agenda item
- 303.7 Provide leadership in the development and maintenance of positive and creative personnel relationships

303.8 Provide resource support for the work of the Board of Education

303.9 Maintain liaison on behalf of the Department of Education, with the Commonwealth Legislature, the Governor, the various Commonwealth departments and the people of the Commonwealth, keeping the Board informed of significant developments

POLICY 304 Staff Organization and Assignments

The Superintendent shall present an annual plan of staff organization and assignment for Board approval at the August meeting of the Board. The approved plan constitutes official Board policy.

POLICY 305 Administrative Procedures

The Superintendent shall prepare written administrative procedures which specify required actions for the operations of the schools. The administrative procedures shall be consistent with the policies adopted by the Board. They shall be codified in such a way as to identify the Board policies to which they are related and will be submitted to the Board for review and approval. If and to the extent required by law, such procedures shall be promulgated in the manner provided by law.

POLICY 306 Public Observances

306.1 Flags

All schools will endeavor to display the Commonwealth, United Nations and United States flags on properly erected flag poles on the school premises. Proper respect and care of the flags will be exercised at all times.

306.2 Period of Public Mourning

The Northern Mariana Islands School System shall observe a period of public mourning when such a period is declared pursuant to applicable laws or executive orders.

Such observance will be conducted in accordance with such laws or executive orders.

- 307.1 The Board wishes to distribute the resources of the system equally to all students. The Superintendent shall recommend attendance zones to keep, as far as possible, a balance of pupil attendance consistent with the number of classrooms available at each school location.
- 307.2 The Superintendent shall consider the number of pupils to be housed at the school, the location of the relation to the number of pupils and possible hazards to movement of pupils and the effects on the programs of study prior to making a recommendation to the Board.
- 307.3 The Board is more concerned with the individual than with subject matter. The child should be the center and the focus of the educational resources of the Northern Mariana Islands. Therefore, the Board directs the Superintendent to make exceptions when appropriate programs of study are not available at a given school, or when an extreme hardship is created to the home and the requested transfer does not create a hardship to the receiving school.

INSTRUCTIONAL PROGRAM

POLICY 401 Responsibility of the Superintendent

It shall be the responsibility of the Superintendent to develop and maintain a coordinated, articulated program of studies to meet the needs of all children in the Public Schools of the Northern Mariana Islands.

The program of instruction shall be reviewed and evaluated annually and a report submitted to the Board of Education for appropriate action.

POLICY 402 Organization of the Instructional Program

The instructional program will be organized into two parts, elementary education and secondary education.

- a. Elementary education - Grades 1-7
- b. Secondary education - Grades 8-12

The Board recognizes the need for students to acquire basic skills and the business of the schools is to equip all children with the skills, tools, and attitudes which will lay the basis for learning now and in the future. This means giving highest priority to developing skills in reading, writing, speaking, listening and solving numerical problems.

The Board recognizes that children need more than literacy, the schools need to give them opportunities to develop their capacities for thinking, working, creating, and gaining satisfaction out of life, each in their own way. To meet these Board goals, the Superintendent shall recommend, and the Board shall approve daily school sessions for all grades and schools in the system.

Minimum Daily School Sessions

403.1	Elementary Schools Grades 1-7	Three Hundred (300) minutes exclusive of recesses and lunch periods.
403.2	Secondary Schools Grades 8-12	Three Hundred (300) minutes exclusive of passing time, activity periods and lunch break.

POLICY 404 Student-Teacher Ratios

Acceptable Student/Teacher Ratios, governing class size for instruction, will be based on the following guidelines:

Elementary School Class Size, Regular Program

Maximum 30/1

Minimum 20/1

Secondary School Class Size, Regular Program

Maximum 30/1

Minimum 20/1

Special Education Class (Mild Handicapped)

Maximum 15/1

Minimum 7/1

Special Education Class (Severely Handicapped)

Maximum 4/1

Minimum 1/1

Vocational Education Class Size

Maximum 25/1

Minimum 10/1

Special programs (such as remedial reading) and single class offerings at the secondary level (such as Typing) shall not be governed by this Policy.

Exceptions to the parameters established in the policy will be made only with the express approval of the Superintendent, with justification available to the Board upon request for review purposes.

PERSONNEL - STAFF

POLICY 501 Employment Practices

The employment practices of the Department of Education shall in all cases be governed by laws and regulations applicable to the Public Service System.

The policies set forth in this Chapter are intended to establish guidelines for use by the Superintendent in implementing such laws and regulations.

POLICY 502 Physical Examinations

502.1 Evidence of Freedom from Active Tuberculosis

No person shall be initially employed by the Mariana Department of Education in a certificated or classified position or in any other position which requires contract with students unless the person has submitted to an examination within the past 60 days to determine that he or she is free from active tuberculosis and has submitted to the Superintendent evidence that he or she was examined and found to be free from active tuberculosis.

Hereafter each employee shall be required to undergo the foregoing examination at least once each four years and to submit evidence to the Superintendent that he or she is free of active tuberculosis.

POLICY 503 Teacher Certification

- 503.1 Except as otherwise provided herein, no person shall be initially employed as a classroom teacher unless such person is the holder of or is immediately eligible for the issuance of a Continuing Certificate, as defined herein. The Board of Education may suspend the provisions of this paragraph in the event that, because of a lack of certified classroom teachers, classroom teacher vacancies would exist which would, in the opinion of the Board, be detrimental to the interests of the public school system.
- 503.2 Every person who is employed or to be employed as a classroom teacher is eligible for and shall be issued a Continuing Certificate if such person possesses an associate, baccalaureate, masters, or doctorate degree, or is the holder of a comparable teaching certificate issued by an authority of any jurisdiction of the United States of America or its territories or possessions.
- 503.3 Every person who is employed as a classroom teacher prior to the effective date of this paragraph and who, while not the holder of or eligible for the issuance of a Continuing Certificate, is a high school graduate, shall be eligible for and be issued a Temporary Certificate. A Temporary Certificate is valid for a period of one year from the date of its issuance, and is renewable for additional successive one-year periods if the Superintendent of Education finds that the holder of such Certificate has successfully passed at least 12 credit hours or the equivalent thereof during the previous year; provided, however, that no Temporary Certificate shall be valid after July 1, 1983.

PERSONNEL - STAFF

POLICY 504 Conflict of Interest

- 504.1 No employee of the Department of Education shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with duties and responsibilities.

a. General

- (1) Employees shall not at any time engage in any employment that would affect their usefulness as employees in the system, would compromise or embarrass the school system, would adversely affect their employment status or professional standing, or would create a conflict of interest.
- (2) Employees shall not engage in work of any type where the source of information concerning customer, client or employer originates or results from any information obtained through the school system.

b. During Working Hours

Employees shall not engage in any other employment, or in any private business during the hours required of them by the Department of Education for fulfilling official duties.

c. Responsibility

It is the responsibility of the appropriate official to see that school system employees under his or her authority do not engage in other employment during the hours required of them for fulfilling their official contractual duties and do not engage in any employment contrary to this Policy.

504.3

Gifts

No employee may solicit or accept directly or indirectly any gift, gratuity or favor that has substantial economic value or that might reasonably be interpreted by others as being of such nature that it would affect impartiality.

504.4

Endorsements

Employees shall neither endorse nor recommend specific products or business firms and shall neither endorse nor recommend specific individuals for services that they might render, by virtue of their status or position with, or through knowledge or skill gained through, the school system. As a part of officially assigned duties, the staff may provide reference on employees, or services and items furnished the Board of Education.

504.5 Tutoring

No tutoring by employees for which a remuneration is received shall take place on the public school property of the Mariana Islands District.

504.6 Service on Boards, Councils, etc.

Teachers and other educational personnel shall not accept appointment to serve on more than one Board or Council, etc., in local or Commonwealth government if the requirements of said office require absence from assigned educational responsibilities.

The policy stated above in no sense implies that the Board of Education disapproves of persons employed in the Department of Education seeking appointive or elective office. It does state that if the requirements of such office demand absence from assigned duties in the Department of Education that the employee must choose between holding the office and holding a position in the Department of Education.

POLICY 505 Leaves

505.1 Annual leave will not be approved for school administrators and professional instructional personnel during hours when schools are in session. In cases of bona fide personal emergency or for bona fide religious reasons for which other types of leave are not available, and when a suitable substitute is available, the principal may approve leave without pay, for a maximum of two consecutive days. All other absences by such personnel during such times, unless otherwise authorized, shall be considered absence without leave, and shall be grounds for disciplinary action as the Superintendent deems appropriate.

505.2 Education and Training Leave

- a. Educational and Training Leave may be approved for Department of Education employees as set forth herein.
- b. No employee shall be eligible for Educational and Training Leave unless she/he shall have completed five years of satisfactory service with the Department of Education.
- c. Educational and Training Leave will not be approved for an employee unless the Superintendent determines that a qualified employee is available to assume the

status of the employee who has applied for Educational and Training Leave during such employee's absence from official duty.

- d. Educational and Training Leave shall not be approved unless the employee's application is accompanied by documentation showing acceptance by the education institution to be attended.
- e. The Superintendent shall approve Employment and Training Leave to employees of the Department of Education, to the extent that funds are available for such purpose, in accordance with the following criteria, which are listed in the order of their precedence:
 - (1) Whether the proposed course of study will enable the employee to meet teacher certification requirements.
 - (2) The extent to which the employee's proposed course of study will meet the present and future needs of the Department of Education;
 - (3) The employee's nearness to the completion of degree requirements;
 - (4) The employee's performance of his or her duties with the Department of Education (in this connection, the Superintendent shall take into a consideration all factors bearing upon performance, including but not limited to past personnel evaluations.)
 - (5) The need for continuing education to enable the employee to maintain currency with his or her field of endeavor; and
 - (6) The employee's seniority.
- f. Educational and Training Leave may be approved for a maximum term of nine months, and may not be extended. No employee shall be eligible for Education and Training Leave for more than a cumulative total of nine months.
- g. An employee who is in the status of Educational and Training Leave shall be entitled to receive only his or her salary, and shall not accumulate annual or sick leave, and shall not be entitled to step increases while on such status. The employee shall, however, be eligible for life and health insurance programs to the same extent as other employees of

Under no circumstances will the Government of the Northern Mariana Islands be responsible for employee's costs of transportation, per diem, books, tuition, living expenses, or any other cost attributable directly or indirectly to employee's attendance at the course of study for which Educational and Training Leave is granted.

- h. Educational and Training Leave shall be approved only in accordance with the terms and conditions of the Agreement attached hereto as "Exhibit A".
- i. Educational and Training Leave status will be suspended during any period in excess of five consecutive calendar days (excluding Saturdays and Sundays) when the employee's course of study is recessed, as for vacation or similar reasons. The employee is expected to return to the Department of Education (at his or her own expense) for assignment to duties within the Department during such time, and if the employee does not do so, he or she will be placed on leave status (annual or AWOL, as appropriate) during such period.
- j. An employee on Educational and Training Leave is expected to be a full time student at the institution which she or he attends. For this purpose, employees shall carry a minimum load of six credits for summer sessions, or 12 credits per quarter or semester.
- k. The Superintendent shall require each employee to meet certain reporting requirements concerning her or his course of study and her or his performance therein. Any employee who fails to comply with such reporting requirements shall be placed on leave status, and shall not be entitled to reinstatement of Educational and Training Leave status unless and until such requirements are complied with. Any employee who, while on Educational and Training Leave status, fails to comply with the conditions under which such leave was granted, shall be placed upon Annual Leave status or Leave Without Pay status, as appropriate, retroactive to the date when such employee was placed on Educational and Training Leave.
- l. Every employee who is on Educational and Training Leave status shall cause to be sent to the Superintendent of Education a certification of her or his participation in the course of study attended, which certification shall indicate the number of credits carried, if applicable. Within thirty (30) days after completion of every grading period while the employee is on such status, transcripts of the grades received and courses taken must be submitted to the Superintendent.

THIS AGREEMENT, made and entered into this ___ day of _____, 19____, by and between the Department of Education and _____, a resident of _____, Northern Mariana Islands, hereinafter referred to as Employee,

WITNESSETH:

WHEREAS, Employee is an employee of DOE: and

WHEREAS, both of the parties to this Agreement, for their mutual benefit, desire that employee obtain instruction in matters which will enable Employee more adequately to fulfill the duties of Employee's present positions and/or to acquire skills and knowledge which will better prepare Employee for advancement within DOE: and

WHEREAS, DOE is desirous of assuring that its investment in Employee's education is returned to DOE by virtue of Employee's continued service; now, therefore,

FOR AND IN CONSIDERATION of the mutual promises and covenants contained herein, and of the mutual benefit to the parties to be realized hereunder, the parties do hereby agree as follows:

- 1. Employee will be granted Educational and Training Leave for the purposes of attending the following:

Educational Institution:

Location:

2. Educational and Training Leave is granted to Employee subject to the provisions of DOE's Policy Concerning Educational and Training leave", which is incorporated herein by this reference.

3. Within thirty (30) days following the completion of Employee's attendance at the educational described hereinabove, DOE shall present to employee, in writing, paid to Employee while Employee was on Educational and Training Leave Status. The total salary so paid shall constitute an obligation of Employee to the Government of the Northern Mariana Islands, and Employee agrees to repay the Government the full amount thereof, without interest, up on the date of termination of his or her employment with DOE, as follows:

- a. If Employee is dismissed by DOE for other than disciplinary reasons, the obligation to Employee hereunder shall be cancelled, as of the date of such dismissal.
- b. If Employee resigns from employment, or if Employee is terminated for disciplinary reasons, the obligation of Employee hereunder shall be reduced by two and one-half percent (2½%) for each full month of employment completed following the date of completion of the course of instruction, and cancelled in its entirety after the expiration of three (3) years of employment following such date; provided, that periods of time while Employee is on annual leave or leave without pay status shall be excluded in calculating the period of employment following completion of the course of instruction for the purposes of this paragraph.

4. Employee agrees that any amounts due the Government of the Northern Mariana Islands under this Agreement may be withheld and deducted from any salary or other payments due Employee by the Government upon Employee's termination of employment; that, in the event that any balance remains due and owing after such deduction, such balance shall bear interest from the date of termination at the rate of 12% per annum; and that, if the matter is referred to an attorney for collection of any sum due hereunder, Employee will in addition be liable for attorney's fees of 20% of the balance due, including the principal sum and interest thereupon, together with the costs of any legal action to recover the same.

5. The parties further understand and agree as follows:

- (a) This Agreement constitutes the entire agreement between the parties, and there are no representations, promises, or warranties other those expressly set forth herein.
- (b) This Agreement may be deemed only in writing, upon mutual agreement of the parties.
- (c) This Agreement shall be binding upon the parties hereto, and upon their respective heirs, successors, administrators, and assigns.
- (d) This Agreement shall take effect upon its execution by the parties hereto.

IN WITNESS WHEREOF, the parties hereto and cause these premises to be executed, the date and year above-written:

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF EDUCATION

EMPLOYEE:

Attorney General
Government of the Northern
Mariana Islands

Employee

- 601.1 A child shall be admitted to the first grade of elementary school at the beginning of a school year if the child meets one of the following conditions:
- a. The child's sixth birthday occurs on or before September 30 of the school year for which entrance application is made; or
 - b. The child has satisfactorily completed one school year of kindergarten prior to entrance application; and the kindergarten was recognized as an accredited or chartered school by the state in which it is located; and the child will be six years of age on or before January 31 of the school year in which application is made.

601.2 The Superintendent may make exceptions to this Policy in event that the Superintendent determines that, because of the particular circumstances the application thereof in a particular case would be in the best interests of the child and would not be detrimental to the Public School System.

POLICY 602 COMPULSORY ATTENDANCE

By law, attendance at a public or nonpublic school is required every child between the ages of six and fourteen, unless of such child has graduated from elementary school or is exempted by the Superintendent with justifiable reason.

MISCELLANEOUS PROVISIONS

POLICY 1001. Authority for Adoption.

These regulations are adopted pursuant to the authority of Section 9 of Chapter 14 of Public Law No. 1-8, and in accordance with the provisions of Title 17 of the Trust Territory Code.

POLICY 1002. Repealer.

All Regulations of the Department of Education previously published in the Commonwealth Register and covered by these Policies are hereby repealed. These repealed Regulations include those concerning teacher certification, and education and training leave.

POLICY 1003. Effective Date.

These policies shall take effect forty (40) days following the publication of notice of their proposed adoption, in the manner provided in Section 4(1) of Title 17 of the Trust Territory Code.



NORTHERN ISLANDS

SAIPAN

TINIAN

ROTA

Marianas Public Land Corporation

P.O. Box 380
Saipan, CM 96950

BOARD OF DIRECTORS

Saipan:
Antonio R. Sablan-Chairman
Jesus D. Sablan-Treasurer
Estepo I. Ruak
Vacant

Tinian:
Leonardo F. Diaz
Vacant

Rota:
Amiceto H. Mundo-Vice Chairman
Juan M. Manclona

Northern Islands:
Vicente C. Allan

Executive Director:
Pedro A. Tenorio

Legal Counsel:
Andres M. Alarce
Vacant

March 13, 1981

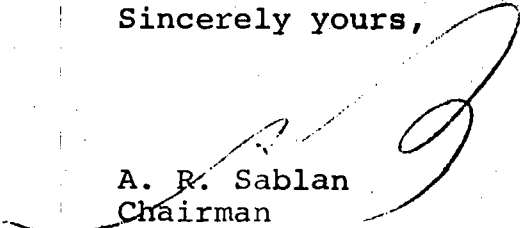
Mr. Joseph Hill
Registrar of Corporations
Office of the Attorney General
Commonwealth of the NMI
Saipan, CM 96950

Dear Mr. Hill:

RE: Certification of Adopted Rules and Regulations
Promulgated Pursuant to the Northern Mariana
Islands Village Homesteading Act of 1979
(Public Law 1-42)

This is to certify that the attached adopted Rules and
Regulations promulgated pursuant to the Northern
Mariana Islands Village Homesteading Act of 1979 are
true and correct copies of the Rules and Regulations as
formally adopted by the Board of Directors of the
Marianas Public Land Corporation.

Sincerely yours,


A. R. Sablan
Chairman
Board of Directors

Attachments

Attested by:


Pedro A. Tenorio
Executive Director



NORTHERN ISLANDS

SAIPAN

TINIAN

ROTA

Marianas Public Land Corporation

P.O. Box 380
Saipan, CM 96950

BOARD OF DIRECTORS

Saipan:
Antonio R. Nolasco Chairman
Jesus D. Sabido Treasurer
Felipe I. Rios
Vacant

Tinian:
Leonardo I. Diaz
Vacant

Rota:
Anfredo H. Mundo Vice Chairman
Juan M. Mendosa

Northern Islands
Vacante C. Allan

Executive Director:
Pedro A. Tenorio

Legal Counsel:
Cesar H. Lopez
Luis...

February 26, 1981

Richard Lassman, Esq.
Attorney General
Commonwealth of the NMI
Nauru Bldg., 5th Floor
Saipan, CM 96950

Dear Mr. Lassman:

Enclosed please find two copies of the final rules and regulations that will govern the implementation and administration of the Village Homesteading Program, pursuant to P.L. 1-42.

Since we did not receive any written comment from the general public on the proposed rules and regulations during the thirty-day review period and since the Board of Directors of the Marianas Public Land Corporation has approved this proposed rules and regulations, we would like to request your assistance to have the final rules and regulations publicized in the Commonwealth Register.

Sincerely yours,

Pedro A. Tenorio
Executive Director

Enclosures

/es

Office of the Attorney General
Government of the Northern Mariana Islands
81-04-135
FEB 26 1981

RULES AND REGULATIONS PROMULGATED
PURSUANT TO THE NORTHERN MARIANA ISLANDS
VILLAGE HOMESTEADING ACT OF 1979
(PUBLIC LAW 1-42)

The Marianas Public Land Corporation, pursuant to its duties and responsibilities under Article XI of the Constitution and the authority given the Corporation by and through the Northern Mariana Islands Village Homesteading Act of 1979, do hereby promulgate these rules and regulations that shall govern the implementation and administration of the new village homesteading program.

1. AUTHORITY

These rules and regulations are hereby promulgated and issued by the Marianas Public Land Corporation pursuant to Section 7 of the Northern Mariana Islands Village Homesteading Act of 1979 (Public Law 1-42).

2. PURPOSE

The purposes of these rules and regulations are to set forth the necessary procedures with respect to village homesteading applications; to set out in detail the standards of eligibility; to provide for certain requirements necessary to meet the goals and objectives of the village homesteading program; to provide for methods of inspection and review, as well as a system of notice and hearing prior to homestead revocation; to provide for basic setback and other building standards; to provide a basic format for applications and other documents and instruments necessary to administer and implement the village homesteading program.

3. STANDARDS OF ELIGIBILITY

The following eligibility criteria shall be applicable in determining the eligibility of an applicant (or joint applicants) for a village homestead.

- a) An applicant shall be a person of Northern Marianas descent as provided for in the Constitution;
- b) An applicant must be at least eighteen (18) years old;
- c) An applicant may be either married, widowed, or single;

- d) An applicant must be a resident of the Commonwealth and does not own a fee simple interest in any village lot in the Commonwealth on which to build a dwelling place;
- e) An applicant must not have ever been a village homestead recipient under the previous village homesteading programs; and
- f) An applicant shall not receive more than one (1) village homestead lot.

4. APPLICATION PROCEDURE

- a) All applicants for a village homestead shall fill out the village homestead application form provided for by MPLC. The said form is attached as Appendix "A".
- b) All applicants who have submitted applications for a village homestead before the passage of the Northern Mariana Islands Village Homesteading Act of 1979 shall also have to fill out the MPLC application form for purposes of updating previously submitted village homestead applications and for purposes of determining the eligibility status of an applicant so as to ensure conformance with the Constitutional requirements and the requirements of the Village Homesteading Act of 1979.
- c) All applications shall be signed and acknowledged before a notary public, or attested by at least two witnesses.
- d) After submission of an application, MPLC shall review the application and may, if necessary, require the applicant to appear before the MPLC Homestead Administrator or his designee for an interview to clarify or verify the answers given in the application.

5. PRIORITY OF APPLICANTS

In addition to the eligibility requirements set out in the Constitution, the Village Homesteading Act of 1979 and as provided herein, MPLC shall prioritize the applications submitted under the following categories. The reasons for setting out a system of priority are the probability that there would not be sufficient village lots to accommodate all eligible applicants at one time and the recognition that certain eligible applicants have more pressing and immediate need for a homestead lot to build a dwelling house.

A. First Priority

Depending on the number of village homestead lots available for homesteading, MPLC shall, as a matter of First Priority, give a village homestead to those eligible applicants residing in the Commonwealth and do not own any land in the Commonwealth. Applicants in this category, subject to demonstration of need for a village lot, are as follows:

- a) Married and are with or without children.
- b) Widowed with children or dependents.
- c) Single (or head of household) with children or dependents.

B. Second Priority

Those applicants who are eligible to a village homestead, reside in the Commonwealth and do not own any land in the Commonwealth, shall be considered Second Priority, if such applicants are:

- a) Widowed without children or dependents.
- b) Single without children or dependents.

C. Third Priority

The applicants, as listed in First and Second Priorities above, shall be considered as falling in Third Priority if such applicants are temporarily residing outside the Commonwealth for reasons of education, employment training or Commonwealth employment related reason, or for health or medical reasons. Also falling in Third Priority are applicants who have an undivided fee interest in lands within the Commonwealth. Applicants in Third Priority shall be considered for homestead lot issuance, after First and Second Priority applicants have been dealt with.

D. Ineligible Applicants

Those applicants who are determined ineligible to receive village homestead lots due to Constitutional and statutory restrictions shall be notified in writing of such determination. The letter notice shall specify the reasons showing ineligibility and informing the applicant that he or she may appear before MPLC for a reconsideration of his application to homestead.

For purposes of each category of eligible applicants, the Corporation shall take into consideration the date of application, so that an earlier applicant shall take precedence over a later applicant, all other factors being equal.

6. THE HOMESTEAD PERMIT PROCESS

Applicants found eligible in either first, second, or third priority shall be informed in writing of such finding. An eligible applicant in second or third priority shall be informed of the reason for such determination, and such applicant may request MPLC for reconsideration to a higher priority if there is ground for such.

- a) Applicants falling in First Priority shall, depending on the availability of homestead lots, be entitled to a village homestead permit, once a village homestead subdivision has been cleared, surveyed, monumented, mapped, and ready for homesteading. The Corporation shall, by drawing of lots, pick out the homestead lot for eligible applicants.
- b) After a village homestead lot is picked for an applicant, the Corporation shall prepare a village homestead permit for the applicant which shall be issued to the homesteader, upon payment of a \$50.00 filing fee. The homesteader shall be given a copy of the map showing the homestead lot as surveyed and shall also be physically shown the lot he is to homestead. The permit is as shown in Appendix "B".
- c) After applicants in the first priority have been considered, and there are still village homestead lots available, the Corporation shall also, by drawing of lots, pick out homestead lots for eligible applicants under the second priority, and thereafter third priority applicants. Applicants in second or third priority who are not issued homestead permits due to unavailability of lots shall have to wait until the Corporation has prepared for village homesteading other new homestead subdivisions.

7. VILLAGE HOMESTEAD REQUIREMENTS

The homesteader, after being issued a homestead permit, shall within three months after receipt of his/her permit, enter the lot and begin to clear the lot and thereafter build a dwelling house. The homesteader shall, in addition, comply with the following requirements.

- a) He/she shall comply with the setback and building requirements as provided for in the attached Appendix "C".
- b) The principal dwelling place shall be completed within one year of the issuance of the permit.
- c) The dwelling place shall be used as a place of residence by the homesteader and his family within the second year of issuance of the permit.
- d) The dwelling place and outhouses or septic tanks shall be kept and maintained in a clean, safe, and sanitary standard.
- e) Other conditions provided for in the homestead permit.

8. HOMESTEAD PROGRESS INSPECTION

- a) The Corporation shall conduct inspections of the homestead at least once a year, or more often as it deems necessary, to determine compliance with the homestead requirements. Notice of Inspection shall be given the homesteader at least fourteen (14) days in advance.
- b) After each inspection, the homestead inspection team shall issue a brief report on the progress of and compliance by the homesteader.
- c) In the event that a homesteader is not complying with the homestead requirements, the inspection team shall so note in its report and inform the homesteader of the requirement he/she is not complying with. Appropriate written warnings shall be given the homesteader.
- d) All inspection reports shall be signed by the Inspection Team Chairperson and all participating team members.

9. CERTIFICATION OF COMPLIANCE

Three years after issuance of a village homestead permit and after full compliance with the village homestead requirements, the homesteader shall be entitled to a certificate of compliance as shown in the attached Appendix "D". The Inspection Team shall issue a brief report showing that the homesteader has complied with the homestead requirements and that he/she is entitled to receive a certification that he/she has so complied.

No later than three months after issuance of a compliance certificate, the Corporation shall execute, issue, and deliver to the homesteader a grant deed to the lot homesteaded in favor of the homesteader. The deed is as shown in Appendix "E".

10. WARNINGS/REVOCAION OF PERMIT

- a) A homesteader shall be given a written notice warning, if after an inspection it is found that the homesteader is not complying with any of the homestead conditions or requirements. The Inspection Team shall inform the homesteader as to the requirement not being complied with and provide a reasonable time within which the homesteader is to comply.
- b) If a homesteader, after a second warning has been given him/her, still fails to comply with any of the homestead requirements, the Homestead Administrator shall send the homesteader a NOTICE OF INTENTION TO REVOKE PERMIT.
 - 1) The notice of intention to revoke a permit shall be in writing in the language the homesteader is conversant with, and delivered to the homesteader. Such notice shall specify the reason(s) for the intention to revoke; and inform the homesteader that he/she may appear before a Hearing Committee set up by the Corporation to hear and determine why the homestead permit should not be revoked. Such a hearing shall be held no later than 30 days after receipt of such notice by the homesteader. If the homesteader has reasons to believe that his permit should not be revoked, he/she should present his/her case before the Hearing Committee for consideration. No later than two weeks after the hearing, the Committee, on behalf of the Corporation, shall issue its decision. If the Committee finds that it should revoke the permit, a written decision to that effect shall be prepared and given the homesteader. Such a decision shall be deemed as final.
 - 2) In the event that the Hearing Committee is satisfied that a permit should not be revoked, it shall issue a decision to that effect and shall, as it deems necessary, impose conditions that would assure compliance with the homestead requirements.

11. GROUNDS FOR REVOCATION

A homestead permit may be revoked for any of the following reasons:

- a) Failure to enter, improve and construct a dwelling house within one year after issuance of a permit.
- b) Failure to comply with the homestead requirements imposed on the permit or as otherwise provided in these rules and regulations.
- c) Failure to use the homestead lot as a place of residence within two years after issuance of a permit, or abandonment of homestead lot.
- d) Attempted sale or transfer of title of the homestead lot by the homesteader, whether the sale is recorded or not.
- e) Leasing out, renting out, or allowing somebody other than the homesteader and his family to use or reside on the homestead premise.
- f) Failure to maintain the homestead premises in a clean, safe, and sanitary condition.
- g) Falsification of homestead application, etc., etc.

12. GROUNDS OF EXCUSES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS WITHIN THREE YEARS

A homesteader issued a village homestead lot may, upon written request, be excused from complying with certain homestead requirements, if good cause is present and justifiable to the satisfaction of the Corporation. The following reasons may be considered as excusable grounds.

- a) The homesteader (and his family) has to leave the island on which the homestead lot is situated, on a temporary basis for educational reason, medical reason, employment training, or for other good reasons determined by the Corporation as excusable.
- b) Destruction of the dwelling house on the homestead lot due to fire, typhoon, or other natural calamities.
- c) Failure to comply with the homestead requirements due to illness or other health reasons.

- d) Temporary financial impediments in completing the dwelling house.
- e) For other good causes as determined by the Corporation.

For one or more of the above grounds, the Corporation may, using reasonable discretion, grant temporary extensions and impose certain conditions as it deems necessary.

13. WAIVER OF HOMESTEAD REQUIREMENTS

For those village lot homestead applicants who have continually used public lands for at least fifteen (15) years as of the effective date of the Constitution, and are eligible and found entitled to a village homestead as provided for under Article XI of the Constitution, the Village Homesteading Act of 1979, and the regulations herein, the following procedures and requirements shall be applicable.

- a) The applicant must be eligible to homestead a village lot and must fill out a village homestead application.
- b) The applicant must submit an affidavit satisfactory to the Corporation to the effect that he has been continuously using public lands for 15 years.
- c) If necessary, the Hearing Committee may require and conduct a hearing to determine that the Constitutional, statutory and eligibility requirements are satisfied. The Hearing Committee may require witnesses to verify the continuous use and testify under oath.
- d) In the event that the Hearing Committee is satisfied that a waiver should be granted, a village homestead permit shall be issued to the applicant to the lot he has been using, which shall not exceed 1,000 square meters. A field survey must first be made, and an official survey plat prepared prior to the issuance of the permit. Upon issuance of the permit, the three-year homesteading period shall be immediately waived, and a deed to the homestead lot shall be issued and delivered to the homesteader who shall not be restricted to the ten-year non-transfer of freehold interest requirement provided for in Article XI, Section 5 (a) of the Constitution.

14. WAIVER

The Corporation, upon recommendation of the Inspection Team and the Homestead Administrator and upon showing of good

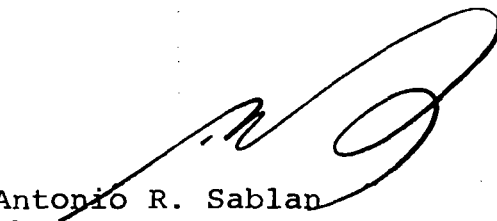
cause, may waive a homestead requirement in these regulations and the conditions imposed on the permit; provided that, no restrictive provisions of the Constitution or statute shall be waived.

15. EFFECTIVE DATE

The rules and regulations promulgated herein shall be effective and have full force and effect of law thirty (30) days after publication of these rules and regulations in the Commonwealth Register.

Duly passed and adopted by the MPLC Board of Directors, at its Fourth Quarter, 1980, Regular Board Meeting, a quorum being present.

Dated this *3rd.* day of *Nov.*, 1980.



Antonio R. Sablan
Chairman
MPLC Board of Directors

ATTESTED BY:



Juan M. Manglona
Board Secretary

MARIANAS PUBLIC LAND CORPORATION
P. O. Box 380
Saipan, CM 96950

RESIDENTIAL HOMESTEAD APPLICATION
(Single and Other Applicant(s))

A. Bio Data

1. Name of Applicant:

	(LAST)	(First)	(Middle)
--	--------	---------	----------
2. Place of Birth:
3. Date of Birth:
4. Home Address:
5. Mailing Address:
6. Number of dependent children
(Under 18 years) (unmarried
or widowed applicant)
7. Occupation:
8. Name and Address of Employer:
9. Bi-weekly Pay:

B. Land Ownership Statement

1. Do you own land in the
Commonwealth of the Northern Marianas?
2. Where is the land located? How large is the land?
3. Whose land/house are you presently residing on?
What arrangement?
4. Have you ever owned land in the
Commonwealth prior to this application?
Did you sell it? Give it away?
5. Are you presently occupying any public land?
Under what arrangement?

6. Do you own a house now?
Is the house located on your land?
If not, whose land?
8. Have you ever been given a village homestead permit?
Agricultural homestead permit?
What happened to your permit?
9. Have you ever applied for a village/agriculture homestead permit?
What happened to your application?
10. Are your parents living?
If deceased, are there any lands belonging to their estate?
If living, state location and size of land
11. Do any of your parents own land
in the Northern Marianas?

Village Lot(s) #

Agricultural Tract(s) #
12. On what island are you applying for residential homestead?

Saipan
Tinian
Rota
Pagan

C. Home Construction/Financing

1. If you are awarded public land for residential homestead, how soon do you plan to construct a house?

(Within three months?)

Others:

2. How do you propose to finance your home construction?

Amount

From personal savings	\$
Through the bank(s)	\$
Through MIHA/FHA	\$
Other financial sources	\$

Do you plan to mortgage your homestead lot to borrow funds for house construction?

3. Do you have a pending loan application for home construction with any of the following lending institution?

MIHA

Farmers Home

American Savings

Others - Specify

4. Do you have any

- a. Savings account? Amount:
- b. Checking account? Amount:
- c. Other investment? Amount:

5. Are you making any payments on any loans now?

Amount of loan	\$
Monthly installment payments	\$
Balance of loan to be paid	\$

6. If granted a residential homestead lot, what type of home construction to you plan to construct?

- Concrete
- Corrugated iron
- Wooden
- Other combination
(specify)

D. Certification by Applicant

I, _____, certify that to the best of my knowledge, the information provided above is true, and I understand that by falsifying any of the answers provided herein for the purpose of obtaining public land for residential homesteading, MPLC is authorized by me to declare my application null and void.

Date

Applicant

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

PERMIT TO HOMESTEAD VILLAGE LOT NO.

This Village Homestead Permit is issued by Marianas Public Land Corporation in favor of

, hereinafter referred to as "homesteader", who is hereby authorized to enter upon, use and improve for non-commercial residential purposes only, the parcel of land described as per Attachment "A" referred to as the "homestead" in accordance with the provisions of the Northern Mariana Islands Village Homestead Act of 1979 and the village homestead rules and regulations. The homesteader agrees as follows:

1. Commencement of Improvement and Occupancy. The homesteader shall enter upon and commence to use and improve the homestead lot which shall include beginning construction of a dwelling unit within three (3) months after receipt of this permit and shall occupy said dwelling unit as homesteader's principal place of residence within two (2) years after issuance of this permit, such occupancy to continue for the balance of the three-year homestead term.

2. Standards for Improvements. The homesteader shall construct on the homestead a dwelling unit which shall have kitchen and toilet facilities approved by the Marianas Public Land Corporation and such homestead shall be kept

clean and sanitary satisfactory to the Marianas Public Land Corporation (MPLC) which shall be based on public health and sanitation requirements and regulations. All dwelling units, kitchen and toilet facilities, shall be constructed on the homestead lot in accordance with the setback and other building requirements as provided for in Attachment "B".

3. Taxes and Assessments. Any and all taxes, utility charges, or assessments levied upon the homestead and during the term of the homestead shall be paid when due by the homesteader to the same extent as if the title provided for has already been transferred to the homesteader.

4. Boundaries. The homesteader shall at all times maintain the boundaries of the homestead clear of weeds, trash and underbrush. Markers or monuments placed at the corners of the homestead by the Government shall not be removed or destroyed.

5. Revocation of Permit to Homestead. This permit may be revoked by the Marianas Public Land Corporation if:

- a. The homesteader fails to enter and commence the use and improvement of the homestead within three (3) months from the date of this permit.
- b. The homesteader, after issuance of the permit, abandons the homestead; fails to comply with the Northern Mariana Islands homestead laws, and other applicable rules and regulations; or provisions of this permit.

- c. The homesteader fails to use the homestead lot as a place of residence within two (2) years after issuance of this permit; or abandonment of homestead during the 3-year period.
- d. The homesteader sold or attempts to sell the homestead, whether the sale is recorded or not.
- e. The homesteader during the 3-year homestead period leases out, rents out, or allows somebody else other than the homesteader to use or reside on the homestead premises.
- f. The homesteader fails to maintain the homestead premises in a clean, safe, and sanitary condition.
- g. Falsification by homesteader of information given in homestead application to the effect that it renders the homesteader ineligible to homestead.

6. Reservations of Easements. There is hereby reserved to the Government of the Commonwealth of the Northern Mariana Islands or its assigns, all mineral rights or such water rights as may be required, the existing roadways, rights of way, and other easements upon said homestead. There is also hereby reserved for the benefit of the Government of the Commonwealth of the Northern Mariana Islands or its assigns from the land above described necessary rights of way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the

RESTRICTIVE COVENANT

In order to protect the public health, insure safety and promote the general well being of the public, the Marianas Public Land Corporation does hereby establish the following rules and regulations to control the use and development of village homesteads.

1.0 LAND USE CONTROL

- 1.01 Definitions. The following definitions shall apply in the interpretation and enforcement of the land use control rules and regulations.
- a. Dwelling Unit - A building designed for the use of a family that includes a living, sleeping, cooking and sanitary facilities. The cooking and toilet facilities may be detached from the building.
 - b. Accessory Structure - A detached subordinate building located on the same lot with a main building, the use of which is customarily secondary to that use of the main building or to the use of the land, i.e., garage, laundry area, barbecue pit, household storage and the likes. A detached cooking and/or toilet facility is considered accessory structure.
 - c. Lot - A parcel of land with established boundaries which has been given to the homesteader.
 - d. Lot Coverage - The area of a lot which is covered by the main building and accessory buildings constructed thereon.
 - e. Building Height - The vertical distance measured between the average level of the existing ground surface to the highest point of the roof surface for flat roofs; and to the average height between the eaves and ridge for all other roofs.
 - f. Corner Lot - A lot bounded entirely by streets or a lot that adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the directions they take at their intersections with lot lines other than street lines forms an angle of approximately 135 degrees or less.

- g. Yard - An open space on the same lot with a building, which open space lies between the building and the bounding lot lines, and is unoccupied and unobstructed from the ground upward except for landscaping.
- h. Yard, Front - A yard lying between the street line on which the lot fronts and a line parallel thereto which runs through the point of the building nearest to said street line.
- i. Yard, Rear - A yard lying between the rear lot line and a line parallel thereto extended to intersect the side lot lines, which line runs through the point of a main building nearest the rear lot.
- j. Yard, Side - A yard extending from the required front yard to the required rear yard. In the case of a corner lot, any yard that is not a front yard shall be considered a side yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot lines toward the nearest part of the main building.

) 1.02 Requirements

- a. Maximum building height is two (2) stories or twenty-five (25) feet, whichever is greater.
- b. Maximum lot coverage shall be thirty (30) percent.
- c. Minimum setbacks from Primary and Secondary road right-of-way shall be twenty-five (25) feet, and fifteen (15) from collector road right-of-way.
- d. Minimum setbacks shall be fifteen (15) feet for front yards, eight (8) feet for side yards, and ten (10) feet for rear yards.
- e. Sight Distance at Intersections - No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same

sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

f. Accessory buildings or structures:

- i) Every accessory building shall be located on the rear one-half (1/2) of the lot and shall be not less than (8) feet from the side street lot line of a corner lot;
- ii) Every accessory building located in a rear yard (between the rear lot line and the rear-most main building on the lot) shall be not less than ten (10) feet from said main building and not less than five (5) feet from any lot line which is not a street line;
- iii) Every accessory building located in a side yard (between the side lot line and side of a main building) shall be not less than five (5) feet from such main building and not less than eight (8) feet from the side lot line.

g. A fence not more than six (6) feet in height may be located in any required front, side or rear yard to the extent that it complies with requirements under 1.02 (e).

h. Toilet facility must be in conformance with public health regulations.

2.0 NUISANCES

2.01 No noxious or offensive activities shall be carried on, upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

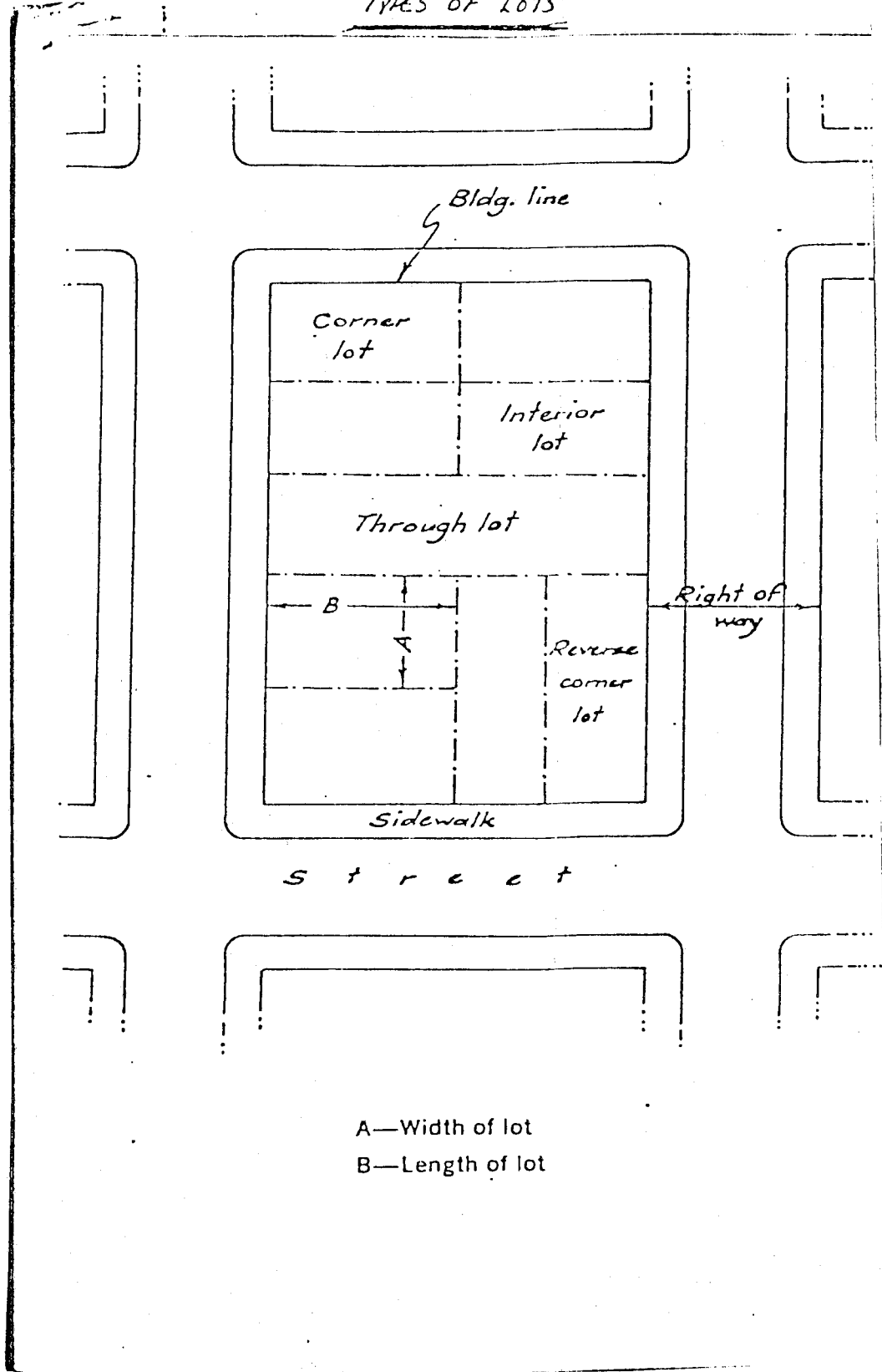
3.0 LIVESTOCK AND POULTRY

3.01 No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

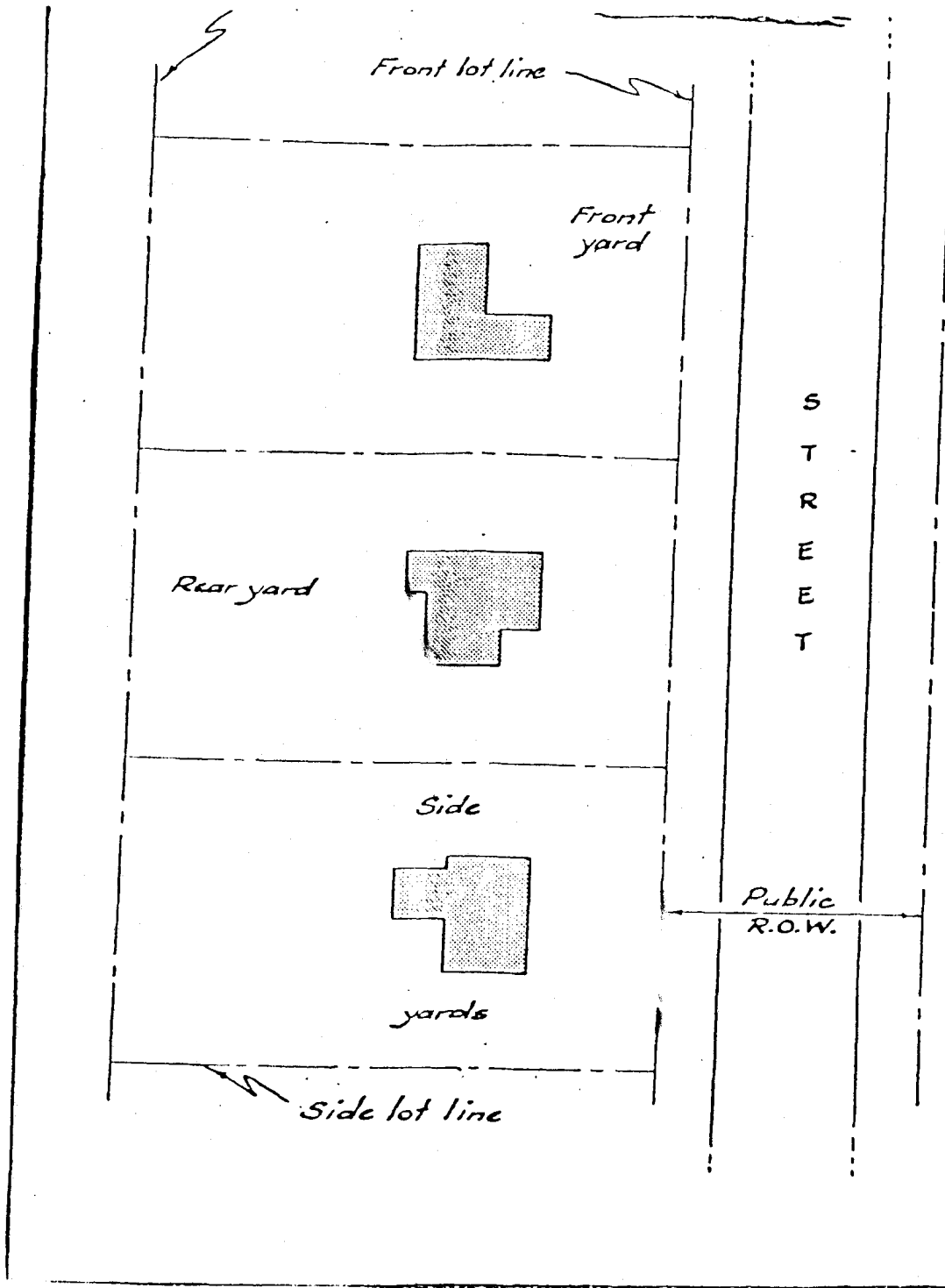
4.0 GARBAGE AND REFUSE DISPOSAL

4.01 No lot shall be used or maintained as dumping ground for solid waste. Garbage or other liquid wastes shall be kept in sanitary containers on the lot. Discarded automobile, scrap metal wastes, scrap lumber, and the likes shall not be stored on the lot.

TYPES OF LOTS



A—Width of lot
B—Length of lot



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 MARIANAS PUBLIC LAND CORPORATION

CERTIFICATE OF COMPLIANCE
 VILLAGE HOMESTEAD NO.

This certifies that _____,
 of _____, Northern Mariana Islands, has
 complied with the requirements of his/her village homestead
 permit No. _____, and all the laws, rules and
 regulations with respect to his/her homestead and is entitled
 to receive a quitclaim deed to the above-numbered homestead.
 Said homestead is situated at _____, Northern
 Mariana Islands, and described as follows:

Lot _____ as shown in the
 Division of Lands and Survey's Official
 Cadastral Plat Number _____
 dated _____
 on filed in said Office, said land
 containing an area of _____

19 Dated this _____ day of _____,

MARIANAS PUBLIC LAND CORPORATION

By:
 Antonio R. Sablan
 Chairman
 Board of Directors

following described real property situated and lying at [REDACTED]

, Northern Mariana Islands:

Lot containing an area of square meters more or less as shown on the Division of Lands and Survey's Official Cadastral Plat Number dated , the description therein being incorporated herein by reference.

TO HAVE AND TO HOLD the same unto the Grantee, his/her heirs and assigns, forever, together with all fixtures and appurtenances belonging thereto, but reserving to the Commonwealth, its successors and assigns, all mineral rights or such water rights as may be required, the existing roadways, and other easements upon the premises. There is also hereby reserved for the benefit of the Commonwealth, its successors and assigns, from the premises necessary rights of way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the Commonwealth, its successors and assigns; but this reservation shall not be construed to waive any claim for injury to growing crops, improvements, surface damage, or other injuries sustained by the Grantee, his/her heirs and assigns, as a direct result of the execution of the work or exercise of the right of entry under this reservation.

IN WITNESS WHEREOF, the Chairman of the Board of Directors of the Mariana Public Land Corporation, pursuant

to the authorization of the Board hereby enters his signature ~~_____~~
and affixes the seal of the Corporation on the day and year
first above written.

MARIANAS PUBLIC LAND CORPORATION

By:

Antonio R. Sablan
Chairman
Board of Directors

EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER NO. 25

WHEREAS, on August 23, 1976, the former resident commissioner issued a proclamation which provides, inter alia, for the establishment and operation of a Northern Marianas Community College; and

WHEREAS, among the impediments to the implementation of a Northern Marianas Community College in 1976 were the lack of funds, inadequate staff, and the lack of suitable facilities for the College; and

WHEREAS, the Task Force established by the Governor on May 23, 1980, has completed its review and study on the feasibility of a community college; and

WHEREAS, the recommendations of the Task Force are contained in a report entitled: "NMCC: A Feasibility Study" which report has been submitted to the Governor and the Legislature, and which report finds that a community college is now feasible; and

WHEREAS, the continued social and economic growth of the Commonwealth is dependent upon the Commonwealth's ability to meet the critical shortages of professional and technical personnel in both the public and private sector; and

WHEREAS, a community college with its unique design and purpose can and will enhance the Commonwealth's ability to meet such shortages of trained manpower; and

WHEREAS, the Governor is in agreement with the concept of a community college for the Northern Marianas as proposed by the Task Force's Report "NMCC: A Feasibility Study"; and

WHEREAS, this Executive Order would affect existing laws, to wit: Public Law No. 1-8, Chapter 14, Section 10; Public Law No. 1-9, Section 3; Public Law No. 2-1; Public Law No. 1-32; Title 3, Chapter 6 of the Saipan Municipal Code; Tinian Municipal Ordinance 1-71; Rota Municipal Ordinance 1-71; Executive Order No. 18; and 61 Trust Territory Code, Section 8; and

WHEREAS, it is the intent of this Executive Order to strengthen the Northern Marianas Community College; and

WHEREAS, it is the further intent of this Executive Order to consolidate and achieve efficient administration of the various local and federal programs pertaining to training and adult vocational education, and postsecondary and adult education by allocating and placing them under a single administration through the College.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the Commonwealth of the Northern Mariana Islands, I, Carlos S. Camacho, Governor, hereby revoke the Executive Proclamation dated August 23, 1976, entitled: "Proclamation Establishing the Northern Marianas Community College" and supersede that Proclamation with this Executive Order.

Section 1. Establishment. The Northern Marianas Community College is hereby established within the Department of Education under the control and supervision of the Board of Education, which Board shall serve as a Board of Regents for the College.

Section 2. Mandate. In addition to the powers and duties conferred by law, the College shall:

(a) Plan, organize and administer all post-secondary education programs;

(b) Assist local residents seeking post-secondary education outside the Commonwealth;

(c) Develop, consolidate and administer vocational and technical and other education for adults and out-of-school youth and coordinate the same with secondary schools;

(d) Consolidate and administer all programs of student financial assistance for education;

(e) Upgrade the skills and abilities of Civil Service personnel, including teachers and nurses, through such means as in-service and on-the-job training, special education programs, internships and administrative fellowships;

(f) Help employees of private businesses and organizations to acquire skills necessary and appropriate to the local economy;

(g) Prepare local residents for assimilation into the American political family; and

(h) Explore ways and means to achieve accreditation for the College and its programs and make recommendations accordingly to the Governor and the Legislature.

Section 3. Purposes. The purposes of the College are as follow:

(a) To offer instructional programs for adults and out-of-school youth; such programs shall include, but are not limited to:

(1) postsecondary preparation for higher education;

(2) vocational, para-professional and technical training;

(3) adult educationn;

(4) postsecondary education for college credit and on a non-credit basis; and

(5) continuing education.

(b) To conduct and support research relevant to the needs of the Northern Mariana Islands;

(c) To provide educational support services, including but not limited to: financial aid; career counseling; academic counseling; library services; and audio-visual and other study resources;

(d) To provide community services, including but not limited to:

(1) non-formal educational and cultural programs; and

(2) public use of college facilities, resources, and services.

Section 4. Powers of the Board. In addition to any other powers provided by law, the Board shall have such powers as are necessary to carry out the mandate and the purposes of the College as set forth in this Executive Order, including the following:

(a) To establish rules, regulations, and policies for the operation of the College;

(b) To establish the qualifications, term of

office and compensation of the Dean;

(c) To establish and periodically review, upon recommendation of the Dean, the general policies governing the operation of the College;

(d) To act upon recommendation of the Dean regarding curricula and courses of instruction, personnel policies, and the administration of the College;

(e) To recommend to the Governor the annual budget of the College, and to propose appropriate legislation to the Legislature;

(f) To administer the programs awarding financial assistance to students of the Commonwealth of the Northern Mariana Islands;

(g) To acquire property by lease, option, purchase or otherwise, as necessary for the operation of the College, and to dispose of the same in any manner which is now or may hereafter be provided by law;

(h) To accept gifts, grants, donations, bequests and other contributions;

(i) To establish tuition rates and fees for courses of instruction, and such other charges as are reasonable for the use of programs and facilities of the College;

(j) To authorize the granting of diplomas, certificates and degrees to students of the College;

(k) To adopt a seal of the College;

(l) To act on behalf of the College with respect to federal programs; and

(m) To perform all acts necessary to carry out the mandate and purposes of the College.

Section 5. Dean. The College shall be headed by a Dean who shall be appointed by the Governor upon the recommendation of the Board, and who shall serve as the Chief Executive of the College. The Dean shall be responsible for the overall day-to-day administration of the College and shall report to the Board through the Superintendent of Education. The Dean may be removed from office by the Governor for cause or upon the recommendation of the Board.

Section 6. Duties and Responsibilities of the Dean. The Dean shall:

~~(a) Direct the operation and~~ general administration of the College in accordance with the purposes of the College and in conformity with the policies established by the Board;

(b) Exercise all powers delegated by the Board and carry into effect the policies of the Board;

(c) Formulate and recommend to the Board new or revised policies affecting the College;

(d) Make recommendations to the Board concerning the annual budget and possible legislation for the College;

(e) Administer the finances of the College in accordance with the approved annual budget and submit to the Board a monthly report on revenues and expenditures of the College;

(f) Establish and maintain a program of effective recruitment, selection, orientation, development, and retention of personnel;

(g) Make recommendations to the Board concerning the establishment of new educational programs of the College, and review and make recommendations to the Board concerning existing educational programs;

(h) Develop community service programs, including but not limited to: seminars, workshops, symposia, concerts, lectures, and non-credit courses; and establish and maintain an effective program of community relations;

(i) Take such steps as are appropriate to insure faculty participation in the orderly and effective development of the College;

(j) Undertake such steps and research projects as are appropriate to insure effective long-range planning and projection for orderly development of the College;

(k) Prepare and submit an annual report of operations and finances of the College to the Board within 90 days following the end of the fiscal year, a copy of which shall also be furnished to the Governor and each house of the Legislature of the Commonwealth of the Northern Mariana Islands, and formulate such other reports as shall be required by the Board and the local and federal government agencies;

(l) Hire all necessary staff of the College subject to applicable Civil Service laws and regulations; and

(m) Perform such other duties as may be prescribed by the Board and the law.

Section 7.

(a) There is hereby established in the Commonwealth Treasury a fund that shall be known as the "Community College Trust Fund" (hereinafter referred to as the "Fund") which shall be maintained separate and apart from all other funds of the Commonwealth. The members of the Board shall be the trustees of the Fund and shall administer it in accordance with this section.

(b) All monies received by the College from whatever source shall be deposited in the Fund.

(c) There shall be established within the Fund, a separate account consisting of any monies appropriated to the College out of the financial assistance granted to the Commonwealth under Section 702(a) of the Covenant and reserved for a special education training fund. Such other accounts may be established within the Fund as are necessary for efficient administration and control, or to comply with the terms of any grant or any contribution.

(d) The Director of Finance shall disburse monies from the Fund upon the lawful order of the trustees, or their designee, to pay the expenses of the College incurred pursuant to this Executive Order.

(e) The Director of Finance shall keep the official books of the Fund. The Board, in consultation with the Director of Finance and the Public Auditor, shall establish and maintain a system of internal accounting which is in accordance with generally accepted accounting principles applicable to colleges and universities.

Section 8. Campus and Facilities. Not later than 180 days after the effective date of this Executive Order, the Board shall submit to the Governor and the Legislature a thorough and comprehensive study of facility requirements of the College. The Board shall make recommendations concerning suitable sites and facilities including housing, if any, for faculty and students. The recommendations made by the Board concerning sites and facilities shall be considered by the Governor in consultation with the Board and the Marianas Public Land Corporation, and the Governor shall make a

determination and designation of site, with the approval of the Marianas Public Land Corporation, and facilities subject to the overall needs of the Commonwealth Government for office facilities. Pending the formal designation of facilities for the College, the Governor and the Department of Education shall obtain, as necessary, and provide facilities for temporary occupation and use by the College.

Section 9. Interagency Cooperation. The College and other agencies and instrumentalities of the Government of the Northern Mariana Islands shall work closely and cooperate in the development, implementation, and operation of the College's programs.

Section 10. Designation of College as State Agency for certain Federal Programs. The College is hereby designated as the state agency of the Northern Mariana Islands for federal grants for postsecondary education programs.

Section 11. Interacademic Cooperation. The College is authorized to enter into such agreements as it shall deem necessary or appropriate, consistent with its mandate and purposes, with other institutions of higher learning.

Section 12. Transition. The incumbent Higher Education Coordinator shall serve as Acting Dean until such time as the Governor appoints a permanent Dean pursuant to Section 5 of this Executive Order.

Section 13. Transfer of Functions, Funds, and Programs. The following functions, programs, funds, personnel, and properties are hereby allocated and transferred to the College:

(a) Funds available pursuant to Article III, Section 9(a) of the Constitution at the levels of Sections 1(n)(4), 2(b)(4) and 10(c) of Title II of Public Law 2-1; Provided, that the Department of Education shall retain for elementary and secondary education curriculum development, the level of the amount of funds appropriated and obligated for elementary and secondary education curriculum development in FY 1980 from funds appropriated by Public Law 2-1, Title II, Section 1(n)(4);

(b) Funds and programs relating to teacher training, adult and vocational education, education information center, higher education, student services and scholarships and any programs funded by the United States Government for higher, adult and vocational education.

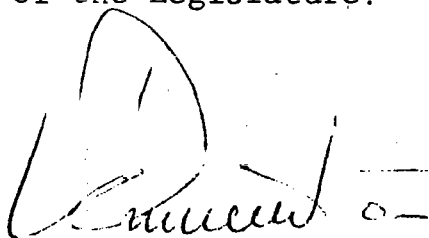
Section 14. Severability. If any provision of this Executive Order or any rule, regulation, or order promulgated

hereunder, or the application of any such provision, rule, regulation, or order to any person or circumstance shall be held invalid, the remainder of this Executive Order, or any rule, regulation, or order promulgated pursuant thereto and the application of such provision, regulation, rule, or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 15. Inconsistent Provision of Laws, Rules or Regulations. Public Law 1-8, Chapter 14, Section 10; Public Law 1-9, Section 3; Public Law 2-1, Title II, Sections 1(n)(4), 2(b)(4), 10(c) and 10(d); Public Law 1-32, Title III, Chapter 6 of the Saipan Municipal Code; Tinian Municipal Ordinance 1-71; Rota Municipal Ordinance 1-71; 61 Trust Territory Code, Section 8(k) and those portions of Executive Order No. 18 relating to the use of Covenant training funds, are hereby superseded by the provisions of this Executive Order upon its effective date.

Section 16. Effective Date. This Executive Order shall take effect 60 days from its submission to the Legislature unless specifically modified or disapproved by the majority of members of each house of the Legislature.

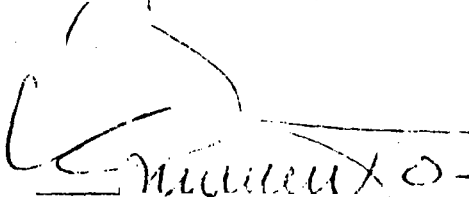
March 12, 1981
Date


CARLOS S. CAMACHO
Governor, Northern Mariana Islands

~~NOTICE~~ OF APPROVAL OF
EMERGENCY RULES AND REGULATIONS

Pursuant to 17 Trust Territory Code Section 4(2), I hereby authorize the emergency promulgation of Rules and Regulations for the Northern Mariana Islands Retirement Fund.

DATED this *12th* day of February, 1981.


CARLOS S. CAMACHO
Governor

NOTICE OF PROMULGATION
OF EMERGENCY REGULATIONS

The Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these emergency regulations pursuant to 17 Trust Territory Code Section 4(2).

The said Board of Trustees, with the concurrence of the Governor of the Commonwealth of the Northern Mariana Islands, finds that the public interest so requires this emergency promulgation, in that Public Law 1-43, which is the organic act creating the Northern Mariana Islands Retirement Fund, by its terms bestowed duties and obligations upon the Board of Trustees for the said Retirement Fund which require the promulgation of Emergency Rules and Regulations to act as interim rules and regulations until the procedures mandated by Title 17 of the Trust Territory Code may be complied with.

The regulations as set forth hereinafter are to be effective for a period of 120 days after promulgation. As it is the intention of the Board of Trustees for the Northern Mariana Islands Retirement Fund to promulgate permanent rules and regulations, comments, suggestions, criticism and recommendations concerning these Emergency Rules and Regulations are solicited, and should be submitted in writing to the Chairman, Board of Trustees, Northern Mariana Islands Retirement Fund, Post Office Box 222, Capitol Hill, Saipan, CM, 96950.

PART 1 - GENERAL PROVISIONS

1.1 Authority: Under and by virtue of the provisions of Public Law 1-43, Section 4(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates, by and with the consent of the Governor of the Commonwealth of the Northern Mariana Islands, these Emergency Rules and Regulations.

PART 2 - DEFINITIONS

2.1 Applicability: The following words and terms as used in these rules and regulations, or in interpreting Public Law 1-43, shall have the meanings indicated unless the context clearly indicates otherwise. The definitions herein provided shall supplement those contained in Public Law 1-43.

a. "Annual". The term "annual" shall mean yearly, and refer to the calendar year.

b. "Annual Salary". The term "annual salary" means the amount reported on an Employee's W-2 Form for a year.

c. "Commission". As used in Public Law 1-43, Section 5(a), the term "commission" shall mean the Board of Trustees for the Northern Mariana Islands Retirement Fund.

d. "Director". As used in Public Law 1-43, Section 5(b), 5(c), and 5(d), the term "director" shall mean "Trustee".

e. "Full Retirement Benefits". The phrase "full retirement benefits", as used herein and in Section 11(c) of Public Law 1-43, shall mean all annuities, benefits, and payments to which members are entitled, including survivor annuities.

f. "Regular Interest". The words "regular interest" shall mean interest at the rate of 3.5%, compounded annually, and credited for each complete month.

PART 3 - FUND MEMBERSHIP

3.1 Mandatory Membership for Certain Employees: Persons employed by the Government of the Northern Mariana Islands whose employment is to be for a length of time equal to or greater than 90 days shall be mandatory members, unless such employment, by its express terms, requires such employee to provide service for less than 20 hours per week.

3.2 Mandatory Membership, Elected and Appointed Officials: All individuals holding elected or appointed to office pursuant to the laws or Constitution of the Government of the Northern Mariana Islands shall be mandatory members.

3.3 Part-Time, Seasonal, Intermittent or Temporary Employees: Persons employed by the Government of the Northern Mariana Islands for terms of less than 90 days, or who are required under the express terms of their employment to provide less than 20 hours of service weekly, are deemed to be part-time, seasonal, intermittent or temporary employees.

3.4 Optional Membership for Part-Time Employees or Employees of Public Corporations:

(A) Part-time, seasonal, intermittent, or temporary employees, or employees of public corporations of the Government of the Northern Mariana Islands, have the option of accepting membership, and may become a member only upon submission of a membership application form to the Board of Trustees requesting such membership.

(B) All individuals who were employed by the Government of the Northern Mariana Islands on October 1, 1980, and who, under terms of this section, wish to elect to become members of the Retirement Fund must submit a completed membership application form to the Board of Trustees no later than February 20, 1981. Said application form

shall be available at the Northern Mariana Islands Retirement Fund Office. Exercise of the option pursuant to this subsection entitles an individual to fund membership retroactive to October 1, 1980, and further entitles the individual to receive prior service credit pursuant to Section 9(a) of Public Law 1-43, provided, however, that the individual and the employer make contributions as required by Public Law 1-43 in the amount required had the individual exercised the option for membership on October 1, 1980. Any individual not requesting membership will be deemed to have rejected the option for membership in the Retirement Fund.

(C) Persons who, under this section, have a membership option, and were employed on or after October 2, 1980 but prior to the effective date of these Rules and Regulations, must exercise their membership option by February 20, 1981, by filing a completed application form with the Board of Trustees. Individuals not so exercising the option for membership shall be deemed to have rejected membership.

(D) Persons employed after the date hereof, and who, under this section, may, at the said persons' option elect membership in the Retirement Fund, must exercise such option when first eligible to do so, and failure to do so will be deemed a rejection of the option. Such option is exercised by filing with the Board of Trustees a completed membership application form.

(E) The election of any person covered by this section to accept or reject membership is irrevocable and shall apply to such person for the entire term of the current employment.

PART 4 - CREDIT FOR SERVICE

4.1 Computation for Full-Time Employees: For full-time employees, service shall be measured in years, and complete calendar months each as one-twelfth (1/12) of a year. Annual leave, paid for in a lump sum, shall be included in measuring service. The number of days employed in the first month of employment (assuming it was not a complete calendar month) shall be added to the number of days in the last month of employment (assuming it was not a complete month). If the total equals or exceeds 45, he shall be credited with two additional months of service, and if less than 45, but 15 or more, he shall be credited with one additional month of service. If less than 15, no time shall be credited.

4.2 Service Credit for Part-Time, Seasonal or Intermittent Employees: If a part-time, seasonal, intermittent or temporary employee elects to become a member, such person will be credited with one-twelfth (1/12) of a year of service for every 160 hours for which he is paid in a calendar year after election, but in no case in excess of 12 months credit for any calendar year. If adequate records for years prior to 1980 are not available, the number of hours worked in previous years will be estimated by the Administrator of the

Retirement Fund based on available records or such other evidence as the Administrator finds persuasive.

4.3 Prior Service Credit: Prior service credit for service rendered prior to October 1, 1980 need not be continuous in order to be credited. However, credit for such service is restricted to persons becoming a member on October 1, 1980, or to those employees retiring after April 1, 1976 but prior to October 1, 1980, or to persons later becoming members, provided that persons becoming members after October 1, 1980, shall receive prior service credit only upon completion of three (3) years of contributing membership in the Fund.

PART 5 - SURVIVOR ANNUITIES

5.1 Spousal Annuity for Members Retiring Prior to October 1, 1980: If a retired employee died after April 1, 1976 but prior to October 1, 1980, the spouse shall be eligible to receive a benefit commencing on October 1, 1980.

5.2 Option for Unmarried Employees:

(A) As used in Section 17(d) of Public Law 1-43, the term "unmarried" is interpreted to mean not having a living spouse on the date of retirement or death. Should any member or employee be unmarried on the date of retirement, and designate an individual as a beneficiary pursuant to Section 17(d) of Public Law 1-43, and then subsequently marry, the said designation will be deemed null and void.

(B) Any individual designated by a member or employee pursuant to Section 17(d) of Public Law 1-43 shall be entitled to an annuity equal to that of the spouse of a member whose death occurred while in service, provided, however, that the designated individual need not meet the age requirements of Public Law 1-43 Section 17(a) to be entitled to an annuity.

PART 6 - RETIREMENT, BENEFITS

6.1 Application for Retirement: Written applications to the Board for retirement will be required for retirement pursuant to paragraphs (a), (b), (c), and (d) of Section 11 of Public Law 1-43. Application forms shall be available at the Office of the Northern Mariana Islands Retirement Fund.

6.2 Benefits for Employees Retiring Prior to October 1, 1980: Any employee as defined in Public Law 1-43, who retired while in service after April 1, 1976, but before October 1, 1980, shall be entitled to full retirement benefits as of October 1, 1980, if, and only if, such employee has completed a combined total of at least 25 years of

service for the Government of the Northern Mariana Islands; the Government of the Trust Territory of the Pacific Islands; any agency or instrumentality, including municipalities, of the Trust Territory of the Pacific Islands; any agency or instrumentality of the Government of the United States; or service as an elected or appointed official of the Northern Mariana Islands; provided that any such service, to be creditable, must have been performed in the Northern Mariana Islands.

6.3 Retirement, Time for: All retirement will be deemed to occur on the day following the last day of paid employment, provided, however, that the payment of a lump sum for accumulated unused leave and the crediting of service for such leave will cause deferral of retirement.

6.4 Annuities, Time for Payment: All annuity payments will be made in equal installments on the 15th and last day of each month. If the fifteenth (15th) or last day of any month shall fall on a weekend or legal holiday, payment will be made the last working day prior to the weekend or legal holiday.

PART 7 - REEMPLOYMENT AFTER RETIREMENT

7.1 Effect of Reemployment after Retirement: Should any employee or member retire pursuant to Public Law 1-43 and these rules and regulations, and subsequently be reemployed in any position in which membership in the Retirement Fund is either mandatory or optional, the effect of reemployment shall be as follows:

(A) If the person is reemployed in a position in which Fund membership is mandatory, pursuant to Public Law 1-43 or these rules and regulations, the individual shall thereupon be deemed to have withdrawn from retired status.

(1) Upon such reemployment, contribution to the Fund will be required of both the employee and the employer, pursuant to Public Law 1-43.

(2) Upon termination of such employment, the individual will be entitled to resume retirement status, service for the re-employment shall be credited, and the annuity of the individual recomputed.

(B) If the person is reemployed in a position in which Fund membership is optional, pursuant to these rules and regulations and Public Law 1-43, the person must either exercise the option for membership or reject such option, as provided in Public Law 1-43 and these rules and regulations. Upon such reemployment, the individual shall be deemed to have withdrawn from retired status.

(1) If the individual rejects Fund membership, he shall,

upon termination of the reemployment, be entitled to such retirement benefits as he enjoyed prior to reemployment, upon application to the Board of Trustees.

(2) If the individual exercises the option for Fund membership, contribution to the Fund will be required of the individual and his employer, pursuant to Public Law 1-43. Upon termination of such reemployment if the individual has opted for membership during such time, the individual will be entitled to resume retired status, and service for the reemployment shall be credited, and the annuity of the individual recomputed.

PART 8 - GENERAL

8.1 Headings: Headings or titles of sections contained herein are for convenience and shall not be used in construction or application of any section contained herein.

8.2 Severability: If a part or section of these rules and regulations are invalid, all valid portions that are severable shall remain in effect. If a part or section hereof is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from its invalid applications.

8.3 Effective Dates: These rules shall be effective on the 4th day of February, 1981, and for a period of 120 days thereafter.