

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
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JULY 15, 1991

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER
JULY 15, 1991
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PROPOSED REGULATIONS:

Proposed Regulations Promulgated governing fees and deposits
for gaming applications and licenses to be utilized by the
Commission under the Tinian Casino Gaming Act of 1989.
Tinian Casino Gaming Control Commission.7802

PROPOSED AMENDMENTS:

Proposed to amend the Workers' Compensation commission regulations
pursuant to Public Law 6-33, and the Administrative Procedure Act, 1
CMC Section 9101, et. seq.
Northern Mariana Islands Retirement Fund.7809

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth Constitution and the Tinian Casino Gaming Control Act of 1989.

The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming Control Act of 1989 promulgates these proposed regulations governing fees and deposits for gaming applications and licenses to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 5th day of July, 1991.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: _____


John U. Hofschneider
Chairman

NOTICIA PUBLIKO

Ma-propopone na Areglo yan Regulasion ni ma-estaplesi sigun i Attikulo XXI gi Commonwealth Constitution yan i Tinian Casino Gaming Control Act of 1989.

I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia publiku sigun gi responsibilidad gi papa i Attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-estaplesi este siha i mapropopone na regulasion yan i punto siha i Commission para u-usa gi para i ginagagao na apas yan diposita pot i aplikantin huego (casion) yan lisensia siha gi papa i Tinian Casino Gaming Control Act 1989 yan todo inekkungok siha ni manginagagao.

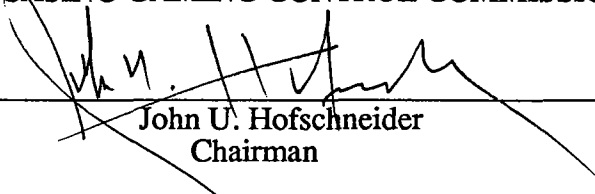
I Commission ha-abibisa i pupbluku henerat na i Areglu yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, MP 96952.

Este siha na areglo yan regulasion para u efektibo gi noticia na ma-adopta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 5th na haane gi Julio, 1991.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: _____


John U. Hofschneider
Chairman

TINIAN CASINO GAMING CONTROL COMMISSION RESOLUTION
HEARING AND CRITERIA REGULATIONS

Resolution No. 91-11

WHEREAS, the people of the Second Senatorial District, in the exercise of a fundamental constitutional right, enacted the Tinian Casino Gaming Control Act of 1989 pursuant to Articles XXI and IX of the Commonwealth Constitution; and

WHEREAS, the Tinian Casino Gaming Control Commission, an autonomous local governmental entity, was created pursuant to the Tinian Casino Gaming Control Act of 1989, by Local Initiative, which was approved overwhelmingly by the voters of the Second Senatorial District on November 4, 1989; and

WHEREAS, pursuant to the Tinian Casino Gaming Control Act of 1989, the Tinian Casino Gaming Control Commission is vested with the power and authority to establish, regulate, set standards for casino operations, solicit and select suitable qualified applicants/operators, and enact and enforce rules and regulations to carry out the intent and purpose of the Tinian Casino Gaming Control Act of 1989; and

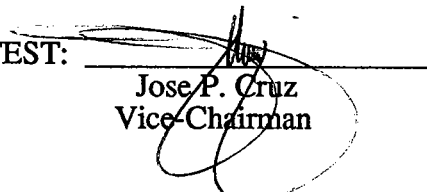
WHEREAS, the Tinian Casino Gaming Control Commission deems it is necessary and appropriate to achieve these purposes has tentatively adopted regulations governing fees and deposits for gaming applications and licenses which shall be published in the Commonwealth Registrar during the month of June, 1991, and

NOW, THEREFORE, BE IT RESOLVED, that the Tinian Casino Gaming Control Commission does hereby tentatively adopt the attached regulations governing fees and deposits for gaming applications and licenses which shall be published for comment in the Commonwealth Register during the month of July, 1991.

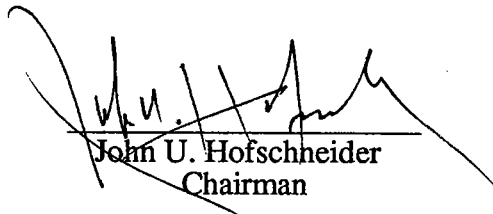
CERTIFICATION

This Resolution was duly adopted by a vote of 4 for and 0 against at a duly convened meeting of the Commission, with a quorum being present, on this 5th day of July, 1991.

ATTEST:



Jose P. Cruz
Vice-Chairman



John U. Hofschneider
Chairman

TINIAN CASINO GAMING CONTROL COMMISSION

Chapter 1

APPLICATION AND LICENSURE

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- 1:8.9 Casino service industry license fees (RESERVED)
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SUBCHAPTER 8. FEES AND DEPOSITS

1:8.1 General description of fees and policy

(a) Operations of the Commission shall be financed exclusively from fees charged each fiscal year to applicants and licensees and shall not be funded from General Funds. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. The Commission shall establish, by regulation, fees for the application, issuance and renewal of all licenses.

(b) The differing treatment of these license categories reflects a recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the Commission in implementing that process. Moreover, the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses will frequently exceed the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent reasonably possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to their application or license. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended and since a portion of the costs incurred by the Commission pertain to the industry generally, there will be an amount of the annual budget which will not be recoverable through specified fees for particular services.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from license fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the Commission should be spread among the licensed casino facilities or applicants for casino licenses. By their nature the agency activities generating the otherwise uncollected expenditures are not attributable to any specific casino operation and they produce benefits for all such operations, for example, by creating a pool of licensed individuals to employ and enlarging the class of licensed casino service industries to contract with for goods and services. Thus, it is reasonable to apportion the otherwise uncollected costs equally among the licensed casino facilities and applicants for casino licenses subject to appropriate adjustment where a particular facility is not licensed for an entire fiscal year or where a change of ownership or control of casino operations occurs during the fiscal year which necessitates additional investigation.

1:8.2 Fiscal year

For purpose of this subchapter, a fiscal year shall be the period commencing on October 1 and ending the subsequent September 30.

1:8.3 License renewal general provisions

(a) All classes of gaming licenses, except casino licenses which remain in force until cancelled, suspended or surrendered, are subject to renewal as provided herein. Pursuant to Section 49 of the Act, no license, other than a casino license, may be renewed later than the date of expiration of the current license.

(b) Any license, other than a casino license, which is not renewed prior to expiration will be considered as forfeited. Reinstatement of such a forfeited license will require processing as a new license application including payment of the proper fees associated with initial license issuance as prescribed herein.

1:8.4 Payment of fees and deposits

(a) No application shall be accepted for filing or processed by the Chairman except upon the proper and timely payment of all required fees and deposits in accordance with the Act and these regulations. Any portion of an application fee or deposit which is incurred or determined after the filing of the application or which is estimated in accordance with this subchapter shall be payable upon demand made by the Commission. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Except as otherwise provided in the Act and these regulations, failure to timely remit fees or deposits required under this subchapter shall result in suspension of the affected license or application until such time as the full amount of such fee or deposit is paid unless the Commission finds cause to permit an extension of time in which to remit the amount due. Failure to remit the full amount of a fee or deposit required under this section within 30 calendar days of the date such fee becomes due shall result in permanent forfeiture of the affected license or application unless the licensee or applicant shall show cause for nonforfeiture acceptable to the Commission.

(c) All fees payable under this subchapter shall be paid by check or money order made payable to the "Tinian Casino Gaming Control Commission" and presented to the Commission at its offices. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn. All casino license application fees and investigation costs deposits shall be payable only by cashier's check, certified check or money order.

1:8.5 Casino license fees and deposits

(a) No application for the issuance of a casino license shall be accepted for filing by the Commission unless a nonrefundable application fee of \$200,000 and a deposit against investigation costs of \$100,000 shall first have been paid in full to the Commission.

(b) No conditional or plenary casino license shall be issued or renewed unless the applicant shall first have paid in full an annual license fee of \$500,000 or prorated portion thereof for an initial license issuance. Pursuant to Section 50 (2)(b) of the Act, the license year for all casino licenses shall be a fiscal year which ends on September 30.

1:8.6 Casino license investigation costs

(a) The Commission shall cause all actual costs associated with investigation of a casino license application, as determined necessary by the Commission, to be paid from the investigation cost deposit. This shall include investigation of the applicant, officers, principals, shareholders, financiers, contract operators or any other parties which, in the sole view of the Commission, are subject to licensing standards pursuant to the Act.

(b) If the Commission determines that actual investigation costs will exceed the investigation cost deposit, the applicant will be notified to submit an additional deposit in an amount to be determined by the Commission based on an estimate of the amount of investigation remaining. Such notification shall establish a date by which the additional deposit amount is to be remitted which allows a reasonable time of not less than fifteen (15) days in which to comply.

(c) When the Commission determines that no further investigation is currently required of a casino license applicant, denies a casino license to an applicant or accepts the withdrawal of a casino license application, any unexpended portion of the investigation costs deposit, including additional amounts required by the Commission subsequent to the initial filing, shall be refunded to the applicant along with a generalized accounting of costs paid for investigation of parties associated with the application. To protect the confidentiality of investigation methodologies, such accounting to the applicant shall be limited to dates of payments, payees and amounts paid.

(d) Prior or subsequent to issuance of a license, if a licensee or applicant proposes a change to the ownership, capitalization or organizational structure of the licensee or applicant which, pursuant to the Act and in the sole judgement of the Commission, requires that additional investigation be undertaken, the Commission will notify the applicant of an amount and due date for remittance of an investigation cost deposit based on the estimated cost of such additional investigation. The disposition of this deposit amount shall be in accordance with other provisions of this section 1:8.5.

1:8.7 Investigation costs of pending casino license applications

(a) For purposes of payment of investigation costs, the provisions of this section shall apply to any casino license application which is pending at the time of adoption of this subchapter and, in connection with which, fees of \$300,000 or more have previously been remitted to the Commission.

(b) The \$200,000 application fee and the \$100,000 investigation cost deposit referred to in Subsection 1:8.5(a) shall be deemed to have been timely paid from amounts previously remitted.

(c) As investigations undertaken by the Commission prior to adoption of this subchapter have resulted in preliminary investigative reports being received on all pending applications and the considerable actual costs paid by the Commission for such investigations have exceeded the aggregate investigation cost deposits of all pending applicants, all such deposits of pending applicants shall be considered as having been fully depleted. Pending applicants shall have no further liability with regard to the cost of investigative efforts expended through the filing of the preliminary investigative reports.

(d) Any additional investigation costs incurred or expected to be incurred with respect to a pending application after the filing of the preliminary report shall be individually assessed by the Commission and paid by the affected applicant in accordance with the provisions of Section 1:8.6.

1:8.8 Slot machine fees
RESERVED

1:8.9 Casino service industry license fees
RESERVED

1:8.10 Casino key employee license fees
RESERVED

1:8.11 Casino employee license fees
RESERVED

1:8.12 Obligation to pay fees; nonrefundable nature of fees

(a) Any fee obligation arising in accordance with the Act or this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. Each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino shall also be liable for any amounts chargeable to the casino licensee or applicant.

(b) Unless otherwise provided, amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable.

1:8.13 Powers and duties of the Commission

Nothing in this subchapter shall be construed to limit the powers and duties of the Commission as provided in the Act or the regulations of the Commission.



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

PUBLIC NOTICE OF PROPOSED AMENDMENTS

The Board of Trustees of the Northern Mariana Islands Retirement Fund/Workers' Compensation Commission wishes to serve notice to the public that it proposes to amend the Workers' Compensation Commission regulations pursuant to Public Law 6-33, and the Administrative Procedure Act, 1 CMC Section 9101, et. seq.

Copies of the proposed amendments are available at the Fund's office on the ground floor of the Nauru Building, Susupe, Saipan, and its offices on Tinian and Rota.

The Fund urges the public to submit written comments and recommendations regarding the proposed amendments within 30 days after the first publication in the Commonwealth Register to the following address:

NMI Retirement Fund/
Workers' Compensation Commission
P. O. Box 1247
Saipan, MP 96950

Dated this ^{1st} day of July 1991.

Michael White
Chairman
Board of Trustees,
NMIRF/WCC

Tomas B. Aldan
Administrator
NMI Retirement Fund,
NMIRF/WCC



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247
SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

NOTICIAN PUBLIKO POT I MA PROPONE NA AMENDMENTS

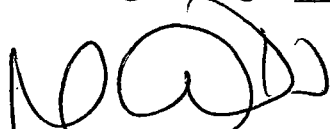
I Board of Trustees i Northern Mariana Islands Retirement Fund/Workers' Compensation Commission mananae noticia para i publiko na ha propone para uma amenda i areklamento pot i administracion i programan Workers' Compensation sigun i atoridat Lai Publiko 6-33, yan i Administrative Procedures Act, i CMC Section 9101, et seq.


Copian esti na tinilaika gi areklamento yan regulasion guaha gi ofisinan i Retirement/WCC gi Nauru Building, Susupe, Saipan, yan lokue gi ofisinan i Retirement Fund giya Tinian yan Luta.

I Fund/WCC ha sosojo todo i publiko para ufan submiti comentos yan rekomendasion pot i ma propopone na tinilaika gi halom trenta (30) dias despues de premet na ma publika gi Commonwealth Register guato gi Retirement Fund gi sigente na adres:

NMI Retirement Fund/
Workers' Compensation Commission
P. O. Box 1247
Saipan, MP 96950

Ma facha guine gi 1 na ha'ane, Julio, 1991.


Michael White
Chairman
Board of Trustees,
NMIRF/WCC


Tomas B. Aldan
Administrator
NMI Retirement Fund,
NMIRF/WCC

**WORKERS' COMPENSATION COMMISSION
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS**

The Board of Trustees, NMI Retirement Fund/CNMI Workers' Compensation Commission (WCC) hereby proposes to promulgate and adopt these amendments to the rules and regulations governing the CNMI Workers' Compensation Program pursuant to Public Law 6-33, and the Administrative Procedure Act, 1 CMC Section 9101, et.seq.

1. AUTHORITY TO MAKE RULES AND REGULATIONS

Under and by virtue of the provisions of Section 9351 (a) of Public Law 6-33 {Title 4 CMC Section 9351(a)(1)}, the WCC hereby promulgates these amendments to the regulations.

PART 2. DEFINITIONS

To amend Part 2 by adding the following two subsections:

(j) "Calendar year" means 12 consecutive months beginning January 1 and ending December 31 of the same year.

(k) "Premium" means the amount of money the insurance carrier receives from the employer in payment for workers' compensation coverage or insurance for employees of the employer.

(l) "Sibling" means a person who has one or both parents in common with the employee.

PART 3. SPECIAL COVERAGE

To amend subsection (a) of Section 3.102 to read as follows:

3.102 Coverage of Volunteers for the Commonwealth Government.

(a) A person who is injured while in the performance of approved volunteer service as a firefighter or reserve police officer for the Commonwealth Government, as provided by 4 CMC 9303 (e), shall be paid by the Commonwealth Government Compensation equal to that of the lowest paid full time firefighter or police officer employed by the Commonwealth Government on the date of the injury.

To amend Section 3.102 by adding the following subsection:

(c) Any person who is injured while in the performance of approved volunteer service as a firefighter or reserve police officer for the Commonwealth Government shall be compensated according to the provisions of Section 3.102(a).

PART 6. SPECIAL DISABILITY FUND

To amend Part 6 by adding the following three (3) Sections:

6.105 PERCENTAGE OF PREMIUMS TO BE REMITTED BY CARRIER.

For purposes of this Part, and pursuant to Title 4 CMC 9353(c)(2) and Section 6.104(c) of the rules and regulations, remittance of premium due to the Administrator by the carrier is an amount equal to 2% of the total premiums received by the carrier during the preceding calendar year.

Example I

Employer A purchased workers compensation insurance from Carrier Q for \$1,200. Carrier Q is required to remit to the Commission 2% of \$1,200 or \$24.00.

Example II

Employer B purchased workers' compensation insurance from Carrier G. Carrier G, in computing the premium to charge Employer B, multiplied \$1,200 times 2% and collected from the employer \$1,224 or \$24.48.

6.106 ALLOCATION OF PREMIUM BY CARRIER.

(a) Premiums collected pursuant to this Part which cover two (2) or more calendar years shall be separately allocated and the amount of remittance due to the Administrator shall be based on the premium allocated for each calendar year. In making the allocation, if coverage began on the 1st through the 14th of a month, the premium paid shall be allocated for that month. If coverage began on or after the 15th of a month, the premium paid shall be allocated to the following month.

Example I

Employer Y purchased workers' compensation coverage on October 5, 1990. The amount of premium paid by the employer was for one year coverage from October 5, 1990 to October 4, 1991. In determining the period for which a percentage of premium must be remitted to the Commission for calendar year 1990, the carrier will include October 1990. Therefore, the period for which remittance is due from the carrier for calendar year 1990, is one quarter which represents the period of October 1990 through December 1990.

Example II

Employer Y purchased workers' compensation coverage on October 20, 1990. The amount of premium paid by the employer was for one year coverage beginning October 20, 1990 to October 19, 1991. In determining the percentage of premium to be remitted to the Commission for calendar year 1990, the carrier will exclude the month of October. Therefore, the period for which remittance is due from the carrier for calendar year 1990, is two (2) months, that is, November 1990 and December 1990.

(b) Worker's Compensation coverage procured and in effect before October 25, 1989, the effective date of Public Law 6-33, which extends through the effective date of the Workers' Compensation law, must also be allocated and a percentage of premium collected on or after the effective date of the law must be remitted as provided in subsection (a) of this Section.

Example

Employer Z obtained worker's compensation coverage on July, 1989, for coverage from that date to June 1990 and paid the full year's premium. Since the law became effective on October 25, 1989, the carrier will exclude the month of October 1989, in determining the percentage of premium to be remitted to the Commission for calendar year 1989. Therefore, the period for which remittance is due from the carrier for calendar year 1989, is two (2) months, that is, November 1989 and December 1989.

6.107 PERCENTAGE OF PREMIUM; WHEN DUE FROM CARRIER.

The percentage of premium due by a carrier for premiums allocated to a calendar year shall be paid to the Administrator no later than thirty (30) calendar days after the end of the calendar year for which the premium was allocated.

PART 8

To retitle Part 8, to redesignate Section 8.101 as Section 9.107, as amended, and to amend Part 8 by substituting the following four (4) Sections:

PART 8. ADDITIONAL PROCEDURES WHEN CNMI GOVERNMENT IS EMPLOYER

8.101 RECORDS AND REPORTS MUST BE KEPT AND TRANSMITTED.

In cases involving employees of the CNMI Government, such records as are required by the Workers' Compensation law, Title 4 CMC Sections 9301, et.seq., shall be kept by the Administrator. Heads of Governmental agencies or departments shall make or cause to be made and transmitted to the Administrator, the employer's first report of accident or injury and shall thereafter furnish to the Administrator such information as is requested.

8.102 TREATMENT OR EXAMINATION FOR EMPLOYEE.

When an employee of the CNMI Government suffers an injury as defined in Title 4 CMC Section 9302(m), the department or agency head or supervisor shall send the employee to a local medical facility for such examination and treatment as is necessitated by such injury, and shall furnish to the medical facility such information or certification as the hospital requires.

8.103 PHYSICIAN'S AND OTHER MEDICAL REPORTS MUST BE TRANSMITTED.

(a) The attending physician's report required by Title 4 CMC Section 9307, and by these rules and regulations shall be transmitted by the medical facility to the Administrator or to the department or agency head or supervisor who referred the injured employee for treatment, within twenty 20 days of the first treatment.

(b) Any additional medical reports required by the Administrator shall be promptly rendered and transmitted by the medical facility to the Administrator or to the department or agency head or supervisor who referred the injured employee for treatment.

(c) Any and all medical reports concerning examination or treatment of an employee under the CNMI Workers' Compensation law, received by department or agency heads or supervisors, shall be promptly forwarded to the Administrator.

8.104 PAYMENT OF COMPENSATION FOLLOWING A DETERMINATION.

In any case in which the Administrator determines that an employee of the government of the Commonwealth Government has suffered an injury as defined in Title 4 CMC Section 9302(m) for which an amount of compensation is due by either the Government Self-Insurance Fund or an Insurance Carrier, regardless of whether a claim for compensation has been filed, the Administrator shall issue, in the name and on behalf of the Commission, an order directing the Treasurer of the Commonwealth or the Carrier to pay the compensation due.

PART 9.

To retitle Part 9, to redesignate and amend former 8.101 to Part 9, as Section 9.108, and to amend Part 9 by adding two (2) additional Sections to Part 9:

PART 9. NOTICES AND REPORTS

9.107 DISCHARGE BY CARRIER OF OBLIGATION AND DUTIES OF EMPLOYER.

(a) Notice to or knowledge by an employer of the work related injury or death of an employee shall be deemed notice to or knowledge by the carrier.

(b) Every obligation and duty of an employer to provide medical and other treatment and care, to pay or furnish any other benefit required by Title 4 CMC Section 9301, et seq., and to comply with the procedure required by the law or these rules and regulations shall be discharged and carried out by the carrier, except that the report of injury or death shall be sent by the employer to the Administrator and to the insurance carrier as required by Title 4 CMC Section 9339.

(c) The carrier shall be jointly responsible with the employer for the submission of all reports, notices, forms and other documents required by law or by these Rules and Regulations to be submitted by the employer. Any form, notice or other document so submitted shall contain, in addition to the name and address of the carrier, the full name and address of the employer on whose behalf it is submitted.

9.108 REPORT OF INJURY OR DEATH BY EMPLOYER.

(a) Within 10 days from the date of injury or death of an employee, or 10 days from the date an employer has knowledge of an employee's injury or death, including any disease or death proximately caused by the employment, the employer shall

furnish a report thereof to the Administrator or his designee, and shall thereafter furnish such additional or supplemental reports as the Administrator may request. Notice shall be made on CWC Form 202, or such other form as the Administrator or his designee may require. [See Title 4 CMC Section 9339].

(b) No report shall be filed unless the injury causes the employee to lose one or more shifts from work. However, the employer shall keep a record containing the information specified in Title 4 CMC Section 9339(a). Compliance with the current OSHA injury record-keeping requirements of 29 CFR Part 1904, will satisfy the record-keeping requirements of this section for no lost time injuries.

9.109 NOTICES AND REPORTS MAY BE FILED WITH THE ADMINISTRATOR.

In any case where the CNMI Workers' Compensation law, Title 4 CMC Section 9301, et. seq. or these Rules and Regulations require that notice be given to or a report filed with the Commission, notice to or filing with the Administrator shall be deemed notice to or filing with the Commission in compliance with the law and these rules and regulations.

PART 21. MEDICAL CARE AND SUPERVISION

To amend Part 21 by adding the following two (2) Sections:

21.118 TEST FOR INTOXICATION.

When an injured employee is referred for or seeks medical attention as a result of a job related injury or illness, the physician shall conduct a test to determine whether alcohol was a factor in the injury or illness, unless the physician determines that such a test would be detrimental to the health of the employee, in which case, the medical report shall contain an explanation for the physician's decision.

21.119 PHYSICIAN'S REPORT.

The Attending Physician's Report shall be legible and comprehensible to a lay person. To this end, the physician shall, to the extent possible, prepare the report using terms and words which a lay person can understand.

PART 27. PENALTIES

To amend Part 27 by adding the following two (2) Sections:

27.105 INTEREST PENALTIES.

Interest of twelve percent (12%) per annum shall accrue in favor of the Special Disability Fund on monies owed in the following instances:

(1) Failure of any employer/insurer to pay into the Special Disability Fund the amount of \$10,000.00, or any fraction thereof, within a period of 30 calendar days from the date that the compensation order has been entered in accordance with the provisions of Title 4 CMC Section 9353(c)(1) and Part 6, Section 6.104 of these rules and regulations.

(2) Failure of the insurer to remit an amount equal to two percent (2%) of the total premiums received, or any fraction thereof, pursuant to the provisions of Title 4 CMC Section 9353(c)(2) and Part 6 of these rules and regulations, within a period of 30 calendar days following the end of the calendar year.

(3) Any remittance on premiums received by the insurer for the calendar years 1989 and 1990, pursuant to Part 6 of these rules and regulations, which the insurer has failed to pay within a period of 30 calendar days following the effective date of these rules and regulations.

27.106 WAIVER OF PENALTIES.

(a) For good cause shown, the Administrator may waive any penalties imposed by Public Law 6-33 or by these rules and regulations. All requests for waiver of penalties must be in writing and addressed to the Administrator. All such requests must be received within 30 calendar days from the date of the Notice of Assessment or other notice that a penalty is due.

(b) In any case where an employer is considered high risk and workers' compensation coverage is denied by at least three (3) carriers, the Administrator shall waive the penalties imposed by Public Law 6-33 and by these rules and regulations upon receipt of these 3 letters of denial of coverage.

(c) A waiver of penalties under this Section does not relieve the employer of liability for the work related injury, illness or death of any of its employees.

PART 28. CERTIFICATES OF COMPLIANCE.

To amend Part 28 by adding the following Section:

28.104 POLICIES;REPORT BY CARRIER OF ISSUANCE.

Each carrier shall promptly transmit to the Administrator a report of each policy issued or renewed under Title 4 CMC Sections 9301, et.seq. The report may consist of: 1) a copy of the policy, or 2) a copy of the declarations page of the policy together with a signed copy of necessary endorsements, or 3) a 3 x 5 inch card in the following form:

EMPLOYER: _____

ADDRESS: _____

(Policy Number) (effective date) (expiration date)

Report is made of issuance of approved form of policy and endorsement under Title 4 CMC Section 9301, et.seq., to the above employer.

(Date)

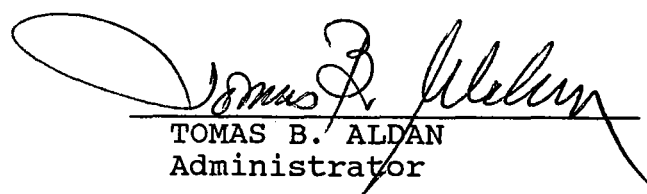
(Name of Carrier)

By: _____

(Title)

DULY ADOPTED BY THE CNMI WORKERS' COMPENSATION COMMISSION
ON: _____

MICHAEL A. WHITE
Chairman



TOMAS B. ALDAN
Administrator