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SAIPAN MARIANA ISLANDS**

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**COMMONWEALTH REGISTER
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OCTOBER 15, 1996**

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**NOTICE OF EMERGENCY ADOPTION
OF AMENDMENTS TO
THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

EMERGENCY: The Civil Service Commission finds for the reasons given and pursuant to Title 1, CMC Division 9, Chapter 1, Section 9104(b), that the public interest requires the adoption, on an emergency basis, of amendments to the Personnel Service System Rules and Regulations. The Commission also finds that the public interest requires these amendments to become effective immediately upon concurrence of the Governor and filing with the Registrar of Corporations, and shall remain effective for 120 days.

REASON FOR EMERGENCY: The public interest requires adoption of these amendments upon fewer than 30 days notice due to the fact that such amendments are necessary to ensure compliance with applicable federal employment laws.

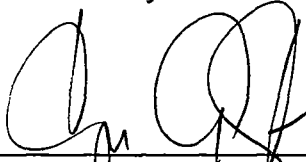
CONTENTS: The amendments address critical requirements through the Federal Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), and other applicable federal employment laws. The Personnel Service System Rules and Regulations are amended at Parts I.B1, I.E, III.A1.A, III.A3.D., III.A5, III.B4, III.C8, III.D1.D, III.D2.L(1), IV.B16.A, IV.B16.C, IVB16.D, IV.B17, V.E1, and VII.A5. The emergency regulations are published following this notice.

PUBLIC NOTICE: It is the intent of the Civil Service Commission to also adopt these amendments as permanent, pursuant to Title 1, CMC Division 9, Section 9104(a)(1) and (2), therefore publication in the Commonwealth Register, notice, opportunity for comment, and, if necessary, hearing will be provided. Comments on the contents of these amendments may be sent to: Chairman, Civil Service Commission, P.O. Box 5150 CHRB, Saipan, MP 96950.

AUTHORITY:

The Civil Service Commission is authorized to promulgate regulations pursuant to Title 1, CMC Division 8, Section 8117; Title 1, CMC Division 9; and, the Commonwealth Constitution, Article XX.


Certified by:



EUGENE A. SANTOS
Chairman
Civil Service Commission

Date: August 14th, 1996

Concurred By:



FROILAN C. TENORIO
Governor

Date: 8/23/96

Filed By:



DONNA J. CRUZ
Office of the Governor

Date: 8/28/96

Filed By:



SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 9/18/96 3:40 pm

AMENDMENTS TO THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

The amendments to the Personnel Service System Rules and Regulations are as follows: Deletion from the existing language are indicated by highlighted text with a line through the text; additions are indicated by double-underlined text.

Part I.B1. is revised as follows:

1. Equal opportunity for all, regardless of age, race, ~~sex~~, color, religion, sex, national origin, ~~political affiliation or belief~~, place of origin, marital status, political affiliation or belief, ~~physical handicap~~ or ~~place of origin~~ disability;

Part I.E is revised as follows:

It is the policy of the government that the personnel system shall be applied and administered according to the principle of equal opportunity for all persons regardless of age, race, ~~sex~~, color, religion, ~~political affiliation or belief~~, sex, national origin, place of origin, marital status, political affiliation or belief, ~~physical handicap~~ or ~~place of origin~~ disability.

Part III.A1.A. is revised as follows:

- A. Assembled, wherein the applicants assemble in a designated place at a specific time to take written or performance tests ~~germane to the position(s)~~ that fairly measure the knowledge, skills, or abilities required by the particular position (or class of positions) sought. Assembled examinations shall be conducted under conditions affording maximum security at all times to protect the confidential nature of examination questions and related documents.

Part III.A3.D. is revised as follows:

- D. Minimum bona fide occupational qualifications for the position to include general experience, specialized experience, and such qualitative evaluation elements as may be deemed appropriate and necessary;

Part III.A5 is revised as follows:

Examinations shall be practical and reasonable and shall examine for the bona fide occupational qualifications, ~~capacity and relative fitness~~ necessary to perform the duties of the positions to be filled. Any acceptable method of examination may be used, including verification and evaluation of education, training, experience, aptitude and character of the applicants and any other accepted examination method deemed appropriate by the Personnel Officer.

Part III.B4 is revised as follows:

All persons appointed to positions in the Personnel Service System must be examined by medical personnel (see Part III.B5) and certified as physically capable of performing the duties of the position. They must be free from communicable diseases and any present or potential medical condition which would be detrimental to successful performance of duty or the health of other employees, or reflect discredit upon the Personnel Service System. However, if a claim is made by a candidate or appointee that the condition constitutes a disability under the federal Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

Part III.C8 is revised as follows:

There are conditions of employment which are considered implicit to successful performance in certain positions. These conditions may relate to hours of work, physical or medical standards, maintenance of a license, maintenance of a health standard, availability during off-hours, frequent need to travel and so on. Such conditions should be made part of the promotion record, the promotion opportunity announcement and the classification standard or, as a minimum, the position description.

Candidates selected for the position must be advised of the conditions and ~~agree~~ acknowledge those conditions in writing; to these conditions. However, with respect to physical or medical standards, if a candidate claims a disability under the federal Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

Part III.D1.D. is revised as follows:

- D. Termination for Medical Reasons. When an employee contacts an infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled for the satisfactory performance of duties of the position to which assigned, the Personnel Officer may terminate the employee provided:
- (1) No suitable reassignment can be made within the department or location to which the employee is assigned; and
 - (2) Medical examination procedures, as outlined in Part III.B5, have been complied with.

However, if a claim is made by the employee that the medical reason constitutes a disability under the federal Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

An employee whose services are terminated under this part may be eligible for disability retirement under the NMI Retirement Program. The responsibility for applying for disability retirement rests with the employee although it is the responsibility of the Personnel Officer to assure that the employee is aware of such an opportunity.

Part III.D2.L.(1) is revised as follows:

- (1) If it becomes evident during the probationary period that the employee lacks the ability, attitude or desire to become an efficient and productive employee in the position to which appointed, or there is lack of funds or work to be done, that employee shall be separated from the service. However, if the probationary employee claims that the apparent lack of ability, attitude, or desire is due to a disability under the Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

Part IV.B16.A. is amended as follows:

- A. **Exceptions.** Bona fide executive, administrative and professional employees are exempt from payment for overtime. ~~The criteria used in justifying such exemptions must be documented in the employees' job descriptions. Employees being paid typhoon-emergency differential are not eligible to receive overtime pay for the same work hour(s).~~ These terms shall have the meanings given them in the federal Fair Labor Standards Act of 1938, as amended (FLSA). Following is a summary of the FLSA criteria for these terms. However, the full explanation of these terms under federal law is extensive and complex and may change from time to time. The Office of Personnel Management and each agency not served by that office are responsible for determining whether or not a position fully meets the federal criteria for one of these categories. For such purpose, they may seek guidance from the Civil Service Commission, Office of the Attorney General, or the U.S. Department of Labor, as necessary.
 - (1) Executive Employees. The term Executive ~~shall include~~ employees generally includes employees--
 - (a) Who customarily and regularly supervise at least two employees whose primary duty is management of a department, division, section or other customarily recognized subdivision of the government; and
 - (b) Who make recommendations for hiring, firing, advancement or promotion that are given particular weight, and who customarily and regularly direct the work of at least two employees.

(c) Whose primary duty is management of a department, division, section or other customarily recognized subdivision of the government.

(2) Administrative Employees. The term Administrative shall include employees whose work is office or non-manual work directly related to management of policies or general operations; generally includes employees--

(a) whose primary duty consists of (i) responsible office or non-manual work directly related to management policies or general operations of the employing agency, or (ii) responsible work in the administration of a school, educational establishment, or department (or of a subdivision thereof) that is directly related to the academic instruction or training; and

(b) such primary duty includes work requiring the exercise of discretion and independent judgment.

Examples: Positions that often qualify under this exemption include executive and administrative assistants, such as executive secretaries and special assistants; staff employees, such as advisors, research experts, and analysts; and heads of small work units (generally those performing staff functions), including one-person units. However, regular secretaries, clerks, bookkeepers, and most "specialists", even though they do work commonly considered to be administrative in nature, are not exempt.

(3) Professional Employees. The term Professional shall include employees whose primary duty is work requiring knowledge of an advanced type in a field of science or learning customarily acquired by prolonged courses of study. Physicians and Attorneys are examples; generally includes employees--

(a) whose primary duty consists of work requiring knowledge of an advanced type in a field of science or learning, e.g., physicians and attorneys, or work as a teacher in an activity of imparting knowledge, which requires consistent exercise of discretion and judgment; or

whose primary duty is artistic work that requires invention, imagination, or talent in a recognized field of artistic endeavor.

Additional federal criteria for each category apply to any employee who receives less than \$250 a week (\$13,000 annually). No employee shall be categorized as an executive or administrative employee who is not paid a salary of at least \$155 a week (\$8,060 on an

annual basis). No employee (except certain doctors, lawyers, or teachers) shall be categorized as a professional employee who is not paid a salary of at least \$170 a week (\$8,840 annually).

Every personnel action or request therefor to appoint, promote, transfer, or detail an individual to a position shall be endorsed by the Office of Personnel Management (or agency not serviced by the office) either "FLSA Covered" or FLSA Exempt", and the latter term shall only apply to bona fide executive, administrative, or professional employees. The criteria used in justifying such exemptions must be documented in the employees' job descriptions. Every examination announcement, promotional opportunity announcement, or other vacancy announcement for a position that is FLSA Exempt shall indicate that the holder of that position is not eligible for payment for overtime. If changes in a job description effectively change an employee's coverage or exemption under the FLSA, a special personnel action shall be prepared to document such change.

In addition to the above exceptions, no employee shall be eligible to receive overtime pay for any hour for which the typhoon emergency differential is paid.

Part IV.B16.C. is amended as follows:

- C. Payments Included in Determining Regular Rate of Pay. The regular rate of pay shall include consideration of the following compensation for employment:
- (1) Basic pay (one-eightieth of biweekly salary) for the first forty (40) hours actually worked in the workweek, including work on a holiday (but not the amount also paid for holiday leave), and including basic pay for work during a typhoon emergency (but not the amount also paid for administrative leave), regardless of whether actual compensation during such emergency is higher because any such work was performed outside of regular duty hours ; and
 - (2) Any hazardous work differential earned during the ~~regularly scheduled~~ workweek; and
 - (3) Any night work differential earned during the regularly scheduled workweek (which can only be earned during regular duty hours); and
 - (4) Any premium earned for remaining on call for duty during a regularly scheduled period in excess of a forty (40) hour week; and
 - (5) Payment for housing or transportation to and from work provided to the employee, or the fair value of those benefits if they are provided directly by the government, pro-rated to determine the amount for that workweek. The fair value shall be the amount specified by the Secretary of Finance for tax purposes.

Part IV.B16.D. is amended as follows:

D. Calculation of Regular Rate of Pay and Overtime. ~~The regular rate is an hourly rate. The weekly payments included pursuant to IV.B16(C) shall be added together then divided by forty (40) to determine the regular rate.~~ The computations set forth below are guidelines that describe how overtime generally is computed under the FLSA as of the effective date of this provision. However, there are numerous official federal interpretations that may be applicable in individual cases. Also, as a result of federal statutory or regulatory changes or as a result of court rulings, the computations may change from time to time. In case of any discrepancy, applicable federal law, regulations, and interpretations shall be followed in lieu of these guidelines. All payroll offices are required to become knowledgeable and keep current regarding applicable overtime regulations under the FLSA. Guidance should be sought, as necessary, from the U.S. Department of Labor.

(1) The regular rate is an hourly rate. Except as described in subparagraph (2) below, the items of compensation for the week in question included pursuant to subparagraphs (1) through (5) of Part IV.B16.C, shall be added together and then divided by forty (40) to determine the regular rate. For the week's work, the employee shall receive cash wages including all amounts under subparagraphs C.(1) through C.(4), plus any cash payment under subparagraph C.(5), plus payment for each hour in excess of forty at one and one-half times the regular rate for that workweek.

If any hazardous work differential is earned during overtime hours, federal regulations require that a special calculation be made as follows: first compute the basic hourly rate (generally one-eightieth of the biweekly salary); multiply this by the total number of hours actually worked during the workweek (including overtime hours) and add all amounts under subparagraphs C.(2) through C.(5). This is the regular pay for all hours. Then divide this regular pay amount by the total number of hours actually worked to determine the regular rate. For the week's work the employee shall receive the regular pay for all hours as computed above, plus an overtime premium for each hour worked in excess of forty at one-half such regular rate. Cash wages would be this amount less the value of any benefit under subparagraph C.(5) received in kind. Any payroll office, at its option, may use this method for all overtime calculation.

Example for Paragraph D.(2): An employees who earns \$640 biweekly works 46 hours in a workweek. The employee is entitled to hazardous work differential for 16 of these hours, 10 during regular duty and all 6 of the overtime hours. The employee's regular rate of pay would be computed as follows: 46 hours at \$8 (\$368), plus hazardous work differential at 25% of \$8 for 16 hours (\$32), for regular pay for all hours of

\$400. Divide this by 46 hours for a regular rate of pay for all hours of \$8.70 per hour. For the week's work, the employee would receive regular pay for all hours of \$400 plus a 50% overtime premium for the 6 overtime hours at \$4.35 (\$26.10) for a total of \$426.10. Note that the overtime hours are considered twice--once at straight time and once at a 50% premium, for a total of time-and-a-half.

Part IV.B17 is amended as follows:

The standard work week commences on Monday at 7:30 a.m. and ends on the following Friday at 4:30 p.m. of each week. For FLSA purposes, including the computation of overtime pay, the workweek is the 168-hour period beginning at 12:01 a.m. on Sunday, unless a different FLSA workweek is specified for a particular position.

Part V.E1 is amended as follows:

It is the policy of the government that there shall be no discrimination based on such factors as race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, physical handicap, sex, religion, age and similar matters not related to merit and fitness. Also, as stated in 1 CMC §8101, et seq.:

"It is hereby declared to be the purpose of this Act to establish a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement and separation of public officials and employees.

It is also declared to be the purpose of this Act to build a career service which will attract, select and retain the best qualified civil servants on merit who shall hold their offices or positions free from coercion, discrimination, reprisal or political influences, with incentives in the form of genuine opportunities for promotions in the public service, to provide competent and loyal personnel to render such service, according to the dictates of ethics and morality. In order to achieve these purposes, it is declared to be the policy of the Commonwealth that the personnel system hereby established be applied and administered in accordance with the following merit principles:

- A. Equal opportunity for all regardless of age, race, sex, religion, political affiliation or place of origin;
- B. Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective and practical;
- C. Just opportunity for competent employees to be promoted within the service;

- D. Reasonable job security for the competent employee;
- E. Systematic classification of all positions through adequate job evaluation;
- F. Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and
- G. Proper employer-employee relations to achieve a well-trained, productive and happy work force."

All employees, and especially supervisors and managers, are expected to implement the equal employment opportunity policy at all times. Discrimination for or against any employee on the basis of age, race, color, religion, sex, national origin, place of origin, marital status, political affiliation, disability, or any other basis prohibited by federal or Commonwealth law shall not be tolerated. All agencies shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates government policy, and such misconduct will subject an employee to corrective action ranging from counseling to adverse action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited. Supervisors and management officials shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

Any employees who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually or in any other manner harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

A supervisor who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously; assure that it is investigated promptly, privately, and with as much confidentiality as possible consistent with the need to determine the facts; and document the investigation. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

After determining the facts, the appropriate supervisor shall take any corrective action required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including adverse action; making sure that this policy is reiterated to all employees or any group thereof; referral to the Civil Service Commission, Attorney General, or Public Auditor; or any other action necessary or likely to remedy the problem and prevent future discrimination or harassment. A supervisor who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

Except as noted below, every department or other agency shall designate at least one person as Equal Employment Opportunity Officer (EEO Officer) as part of that person's regular duties. The Governor may designate a single EEO Officer for two or more agencies of fewer than 50 employees each. Agencies that do not report to the Governor may voluntarily group themselves together and designate a single EEO Officer, and may seek the assistance of the Civil Service Commission in making such arrangements.

EEO Officers shall advise employees, including managers and other supervisors, regarding their rights and responsibilities under this policy and applicable federal and Commonwealth laws and shall be provided with appropriate training for such purpose.

Part VII.A5 is amended as follows:

- A. An employee on permanent status may be granted leave without pay not to exceed ninety (90) consecutive work days if the appointing authority considers it justified. Leave without pay may be extended up to ninety (90) additional consecutive work days ONLY with the approval of the Personnel Officer, upon recommendation by the appointing authority. Such leave without pay may be granted to permit the employee to attend to important family affairs, such as settling an estate or for justifiable personal or business reasons.

An employee desiring extended leave without pay shall prepare a memorandum of explanation addressed to immediate supervisor explaining in detail the reasons for the request.

- B. Training and Education Leave. Employees on permanent status who wish to pursue their education on a full-time basis, without financial assistance by the government, may be granted leaves of absence without pay for a period not to exceed one (1) year. Such employees shall have the right to return to their positions at the satisfactory conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Personnel Officer is responsible for approving or disapproving requests for Training and Education Leave, upon recommendation by the appointing authority.
- C. Leave Without Pay in Extension of Annual or Sick Leave. Employees on permanent status may be granted leave without pay (LWOP) for the purpose of extending annual or sick leave. When sick leave is so extended, the attending physician must certify to the necessity of the extension. The Personnel Officer is responsible for approving or disapproving requests for leave without pay, upon recommendation by the appointing authority.

D. Tardiness. At the end of each pay period tardiness shall be charged to Leave Without Pay (LWOP). The timekeeper shall determine the total number of minutes the employee has been late during the pay period, and charge LWOP to the hour amount nearest the total minutes tardy.

E. Extended Military Leave. The federal Uniformed Services Employment and Reemployment Act (USERRA) generally requires the Commonwealth government to provide extended military leave for its career employees, regardless of whether the service is voluntary or involuntary. The cumulative length of all absences due to military leave and extended military leave shall not exceed five years, unless extended for good reason documented in writing by the appointing authority. The employee must give advance notice to the appointing authority, unless military necessity or circumstances make this impossible or unreasonable. In most cases, the employee is guaranteed reinstatement rights and certain seniority rights upon return from leave. The employee must also comply with requests for documentation and with the requirements of these regulations regarding the timing of applications for reemployment. For details, employees and appointing authorities should contact the U.S. Department of Labor.

F. FMLA Leave. The federal Family and Medical Leave Act of 1993 (FMLA) entitles employees who have worked for the Commonwealth for at least one year and who worked at least 1,250 hours over the previous 12 months to take up to 12 weeks of LWOP for any of the following reasons:

to care for the employee's child after birth or placement for adoption or foster care;

(2) to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

(3) for a serious health condition that makes the employee unable to perform the employee's job.

At the option of the employee or the employing agency, annual leave, sick leave, maternity leave, or paternity leave may be substituted for LWOP for FMLA purposes. All leave qualifying under the FMLA shall be documented as FMLA leave either before it is taken or promptly thereafter. In most cases, participation in the government group health insurance program shall continue during FMLA leave. Agencies should contact the U.S. Department of Labor for detailed guidance regarding the requirements of the FMLA.

Dated this 14th day of August, 1996.

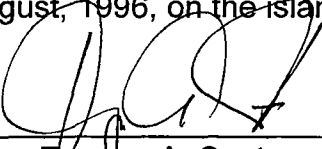


Eugene A. Santos
Chairman, Civil Service Commission

Certification


I, Eugene A. Santos, Chairman of the Civil Service Commission, Commonwealth of the Northern Mariana Islands, do hereby certify that the amendments set forth above are a true, complete and correct copy of the Amendments to the Personnel Service System Rules and Regulations adopted by the Board of the Civil Service Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of August, 1996, on the island of Saipan, Commonwealth of the Northern Mariana Islands.



Eugene A. Santos
Chairman, Civil Service Commission

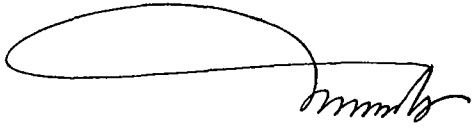
Filed By:



DONNA J. CRUZ
Office of the Governor

Date: 8/28/96

Filed By:



SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 9/18/96 3:40 pm

**NOTICE OF EMERGENCY ADOPTION
OF AMENDMENTS TO
THE EXCEPTED SERVICE PERSONNEL REGULATIONS
AND THE CONDITIONS OF EMPLOYMENT**

EMERGENCY: The Civil Service Commission finds for the reasons given and pursuant to Title 1, CMC Division 9, Chapter 1, Section 9104(b), that the public interest requires the adoption, on an emergency basis, of amendments to: (1) the Excepted Service Personnel Regulations, Commonwealth Register, Volume 17, Number 5, May 15, 1996, pages 13407, 13413, and 13418; and, (2) the Conditions of Employment. The Commission also finds that the public interest requires these amendments to become effective immediately upon concurrence of the Governor and filing with the Registrar of Corporations, and shall remain effective for 120 days.

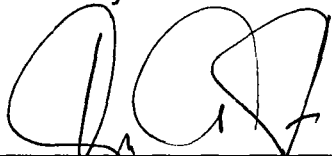
REASON FOR EMERGENCY: The public interest requires adoption of these amendments upon fewer than 30 days notice due to the fact that such amendments are necessary to ensure compliance with applicable federal employment laws.

CONTENTS: The amendments address critical requirements through the Federal Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), and other applicable federal employment laws. The Excepted Service Personnel Regulations are amended at Part I.7C, Part I.8, and Part II. The Conditions of Employment is also amended, specifically, at Section 3(B), to reflect the preceding changes in the Excepted Service Personnel Regulations. The emergency regulations are published following this notice.

PUBLIC NOTICE: It is the intent of the Civil Service Commission to also adopt these amendments as permanent, pursuant to Title 1, CMC Division 9, Section 9104(a)(1) and (2), therefore publication in the Commonwealth Register, notice, opportunity for comment, and, if necessary, hearing will be provided. Comments on the contents of these amendments may be sent to: Chairman, Civil Service Commission, P.O. Box 5150 CHRB, Saipan, MP 96950.

AUTHORITY: The Civil Service Commission is authorized to promulgate regulations pursuant to Title 1, CMC Division 8, Section 8117; Title 1, CMC Division 9; and, the Commonwealth Constitution, Article XX.

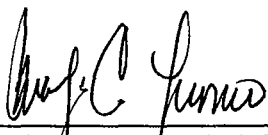
Certified by:



EUGENE A. SANTOS
Chairman
Civil Service Commission

Date: August 15, 1996

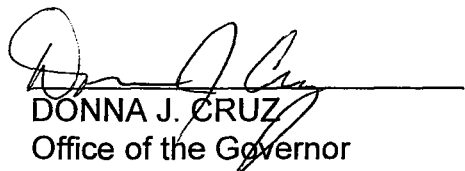
Concurred By:



FROILAN C. TENORIO
Governor

Date: 8/23/96

Filed By:



DONNA J. CRUZ
Office of the Governor

Date: 8/28/96

Filed By:



SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 9/18/96 3:40pm

**AMENDMENTS TO
THE EXCEPTED SERVICE PERSONNEL REGULATIONS
AND THE CONDITIONS OF EMPLOYMENT**

The amendments to the Excepted Service Personnel Regulations and the Conditions of Employment are as follows: Deletion from the existing language are indicated by highlighted text with a line through the text; additions are indicated by double-underlined text.

Part I.7C of the EXCEPTED SERVICE PERSONNEL REGULATIONS is revised as follows:

- C. The employee's workday and workweek may vary from time to time according to the needs of the government. Every effort shall be made to maintain a reasonable five (5) day, forty (40) hour workweek. ~~Pursuant to 1 CMC Subsection 8124(2), excepted service employees shall be deemed executive, administrative or professional personnel. Therefore, an excepted service employee shall not qualify for overtime, compensatory time off or standby rates of pay unless the Civil Service Commission certifies an exception to the Governor and Presiding Officers of the Legislature pursuant to PL 4-32 as codified at 1 CMC Subsection 8249.~~ Excepted service employees shall be eligible for or exempt from overtime and compensatory time as provided in Part IV.B16 of the Personnel Service System Rules and Regulations (PSSRR) and their personnel actions and other relevant documents endorsed accordingly.

Part I.8 of the EXCEPTED SERVICE PERSONNEL REGULATIONS is amended by adding 3 new paragraphs at the end thereof, as follows:

- Q. Military Leave. Military leave may be granted to excepted service employees as provided in Part VII.A4.I of the PSSRR.
- R. Extended Military Leave. Extended Military Leave shall be granted to excepted service employees as provided in Part VII.A5.E of the PSSRR.
- S. FMLA Leave. Leave under the federal Family and Medical Leave Act of 1993 (FMLA) shall be granted to excepted service employees as provided in Part VII.A5.F of the PSSRR.

Part II of the EXCEPTED SERVICE PERSONNEL REGULATIONS is amended by adding a new subpart at the end thereof, as follows:

- II.10. Applicability of Federal Employment Laws. Various federal employment laws, such as the Fair Labor Standards Act of 1938 (except its minimum wage provisions), Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and

Medical Leave Act of 1993, and the Uniformed Services Employment and Reemployment Act, may apply to some or all of the categories of employees included in this Part. Appointing authorities, servicing personnel offices, and payroll offices are cautioned to comply with all applicable federal law.

Section 3(B) of the CONDITIONS OF EMPLOYMENT is revised to read as follows:

- (B). Overtime. The Employer's workday and workweek may vary from time to time according to the needs of the Government. Every effort will be made to maintain a reasonable five (5) day, forty (40) hour workweek. ~~Pursuant to Public Law 1-20 §5(b) any excepted service employee is considered executive, administrative or professional personnel. Therefore, an excepted service employee does not qualify for overtime or standby rates of pay.~~ As noted below, this position is either covered under the Fair Labor Standards Act of 1938 (FLSA) for overtime and compensatory time purposes or is exempt from such coverage. FLSA covered positions are subject to Part IV.B16 of the Personnel Service System Rules and Regulations (PSSRR).

THIS POSITION IS (check one):

FLSA COVERED (eligible for overtime and compensatory time)

FLSA EXEMPT (not eligible for overtime or compensatory time)

Dated this 15th day of August, 1996.

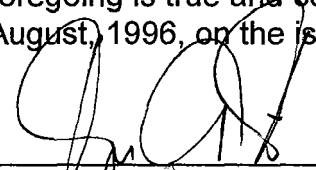


Eugene A. Santos
Chairman, Civil Service Commission

Certification

I, Eugene A. Santos, Chairman of the Civil Service Commission, Commonwealth of the Northern Mariana Islands, do hereby certify that the amendments set forth above are a true, complete and correct copy of the Amendments to the Excepted Service Personnel Regulations and the Conditions of Employment adopted by the Board of the Civil Service Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of August, 1996, on the island of Saipan, Commonwealth of the Northern Mariana Islands.



Eugene A. Santos
Chairman, Civil Service Commission

Filed By:



DONNA J. CRUZ
Office of the Governor

Date: 2/28/96

Filed By:



SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 9/18/96 3:40 pm



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

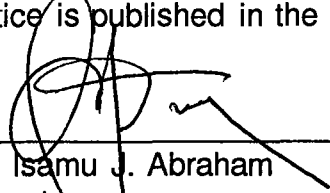
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PUBLIC NOTICE


PROPOSED REGULATIONS for the IMPLEMENTATION of the SLIDING FEE SCALE PROGRAM FOR THE MEDICALLY INDIGENT PATIENT

The Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC §2605, is proposing the implementation of the Regulations for the Sliding Fee Scale Program. The Sliding Fee Scale Program will establish a means of identifying eligible low income or indigent patients who cannot afford to pay the published fees for the medical services at the Commonwealth Health Center, Rota Health Center, and Tinian Health Center. These patients' medical bills will be discounted by a stated percentage depending on their income level and number of dependents in their families, as set forth in the payment Schedules.

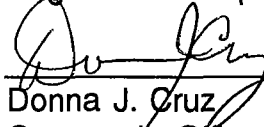
It is the intent of the Department of Public health to comply with the requirements of the Administrative Procedures Act, specifically 1 CMC §9104, in proposing these Regulations. Copies of the proposed Regulations may be obtained from the Office of the Secretary of Public Health located on the ground floor of the Commonwealth Health Center. Comments on the proposed Regulations may be sent to the Office of Public Health, Department of Public Health, P.O. Box 409, CK, Saipan, MP 96950. All comments must be recieved within thirty (30) days from the date this notice is published in the Commonwealth Register.

Certified by: 
Dr. Isamu J. Abraham
Secretary
Department of Public Health

10-11-96
DATE

Filed by: 
Soledad B. Sasamoto
Registrar of Corporations

10/11/96
DATE

Received by: 
Donna J. Cruz
Governor's Office

10/11/96
DATE



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

NOTISIAN PUBLIKU

PRINUPONI SIHA NA REGULASION PARA UMA IMPLIMENTA I PROGRAMAN DISKUENTA PARA I MAN TAKPAPA'SUETDON-NIHA PAT NINA'HALOM-NIHA

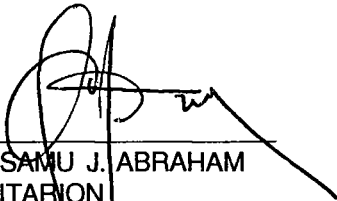
I SIKRITARION I DIPATTAMENTON HINEMLO' PUBLIKU, SIGUN GI ATORIDAT NI MA PRIBENIYE GI 1 CMC §2605, HA PROPOPONI PARA UMA IMPLIMENTA I REGULASION I PROGRAMAN DISKUENTA. ESTE NA PROGRAMA PARA U ESTABLESI MANERA NI PARA U DETETMINA I MAN ELIHABLE SIHA NA PETSONAS NI MAN TAKPAPA' SUETDON-NIHA PAT NINA'HALOM-NIHA YA TISINA MA APASE I APAS MEDIKU PAT OTRO SIHA NA SETBISIO GI COMMONWEALTH HEALTH CENTER, ROTA HEALTH CENTER, YAN TINIAN HEALTH CENTER. I APAS ESTI SIHA NA SETBISIO SIEMPRE MA DISKUENTA SIGUN GI MA ESTABLESI NA REGULASION NI PARA U GINIBETNA ESTE NA PROGRAMA.

I INTENSION I DIPATTAMENTON HINEMLO' PUBLIKU PARA U KUMPLE I NISISIDAT I ADMINISTRATIVE PROCEDURE ACT ESPISIFIKATMENTE I CMC §9104 NI PROMOPOSITU ESTE SIHA NA LAI YAN AREKLAMENTO.

SINA I KOPIAN I MAPROPOSITU NA LAI YAN AREKLAMENTO MACHULE' GINEN I OFISINAN I SIKRITARION I DIPATTAMENTON HINEMLO' PUBLIKU NI GAIGE GI PRIMET BIBIENDA GI COMMONWEALTH HEALTH CENTER. TODU REKOMENDASION POT I MAPROPOSITU NA LAI YAN AREKLAMENTO SINA U MANA'HANAO GUATO GI OFISINAN I SIKRITARION I DIPATTAMENTON HINEMLO' PUBLIKU, P.O. BOX 409 CK, SAIPAN MP 96950.

TODU REKOMENDASION DEBI DI U FANMARISIBI GI HALOM TRENTA (30) DIAS GINEN ESTE NA FECHA GUINI NA NOTISIA NI MAREHISTRA GI COMMONWEALTH REGISTER.

MA SETIFIKU GI AS:


DR. ISAMU J. ABRAHAM
SIKRITARION
DIPATTAMENTON PUBLIC HEALTH

10-11-96
FECHA

MA FILE GI AS:


SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

10/11/96
FECHA

MARISIBI GI AS:


DONNA CRUZ
GOVERNOR'S OFFICE

10/11/96
FECHA

REGULATIONS IMPLEMENTING THE SLIDING FEE SCALE PROGRAM

Section 1. PURPOSE

It is the intent of the Department of Public Health to provide quality care to the residents of the Commonwealth of the Northern Mariana Islands regardless of their ability to pay. Therefore, the Department of Public Health hereby establishes these Regulations for a Sliding Fee Scale Program to assist patients whose extenuating circumstances make it difficult to pay medical services rendered at the Commonwealth Health Center, Rota Health Center, and Tinian Health Center.

The Sliding Fee Scale is a schedule of discounts that allows for differing abilities of patients to pay for medical services. The ability to pay for services is determined by the patient's income and family size. See Section 6 for the Sliding Fee Scale Table. The patient whose family income from all sources falls within the income levels and family sizes set forth in the Tables is entitled to a discount on his or her medical charges. The patient will be billed for his or her portion of medical charges after the appropriate discount rate, which ranges from 75%, 50%, and 25%, is deducted from the medical bill.

It shall be the responsibility of the recipient of medical services, or his or her representative, to request and substantiate eligibility to qualify under the Sliding Fee Scale Program. The Sliding Fee Scale Program is intended to be the last resort for the payment of medical services for patients who cannot themselves pay for medical services because of inadequate income and who are not covered by medical insurance or other responsible third party payor.

Section 2 - Medical Coverage and Exclusions

Sliding Fee Scale Discounts shall apply towards bills for medical services (outpatient, inpatient, and emergency department), ancillary services, dental services, and prescription drugs considered medically necessary for the treatment or diagnosis of a disease, injury, or condition for which the patient is personally liable to pay.

The Sliding Fee Scale shall not apply to the following services:

- 1) Cosmetic Surgery;
- 2) Personal comforts and conveniences;
- 3) Non-emergency use of the Emergency Department;
- 4) Fertility procedures;
- 5) Over-the-counter drugs and supplies;
- 6) More than one routine or annual physical examination per year;
- 7) Medical services or supplies provided free of charge under Public Health Programs;
- 8) Substance abuse treatment on an outpatient basis;
- 9) Morgue or embalming services;
- 10) Prosthetic devices and durable medical equipment; and
- 11) Any services or items which are not medically required for the diagnosis or treatment of a disease, injury, or condition.

The Sliding Fee Scale Program is intended to be the last resort for the payment of medical services for patients who cannot themselves pay for medical services because of inadequate income and who are not covered by medical insurance or other responsible third party payor.

Section 3 - Eligibility Criteria

To be eligible for consideration for participation in the Sliding Fee Scale Program, the applicant must satisfy the following eligibility requirements:

a. Residency Requirements

The patient must be a United States citizen residing in the Commonwealth of the Northern Mariana Islands, or other individual who has established legal residence in the CNMI. For purposes of these Regulations, "residence" shall mean "the place where a person maintains an abode, with the intention of remaining permanently, or for an indefinite period of time." It shall be the responsibility of the patient, or patient representative, to demonstrate residence in the CNMI to the satisfaction of the Business Office staff.

In determining the residence of the patients, the Business Office staff shall consider the patient's overall situation in the CNMI, including the

following:

- i) the number of days spent in the CNMI each year;
- ii) employment within the CNMI;
- iii) whether the patient maintains an abode in the CNMI;
- iv) enrollment in a CNMI school;
- v) possession of a valid CNMI driver's license;
- vi) current postal address within the CNMI;
- vii) filing of personal income tax returns with the Department of Finance for prior years;
- viii) enrollment in other CNMI welfare programs such as the Medicaid program, Food Stamps, or Low Income Housing Energy Assistance Program; and
- ix) any other evidence considered as indicative of residency within the CNMI such as rental receipts, bank account statements, Social Security number, telephone number, cable TV subscription, etc.

b. Income Limitations

In order to qualify under the Program, the total income from all sources of the applicant, spouse, and dependent family shall not exceed the established Sliding Fee Scale standards set forth in the Sliding Fee Scale Tables.

For purposes of this Regulations, total income from all sources shall include, but not be limited to, annual gross wages and salaries and other sources of income such as, public assistance supplementary payments, social security, unemployment and workmen's compensation, alimony, child support, all forms of pensions, income from dividends, interests, rents, royalties, income from estates or trusts, etc.

"Family" or "family members" is defined as a group of two or more persons related by birth, marriage (including common-law spouses), adoption or guardianship who live together.

Section 4 - Procedures for Verifying Validity and Eligibility

The applicant's percentage of Sliding Fee Scale Discount is based on the supporting income documents and family size. The patient or patient representative, shall have the burden of providing verifiable documentation to support eligibility to qualify under the Sliding Fee Scale Program. To apply, the applicant must:

- a. Complete the Sliding Fee Scale Discount application form available at the Business Office Registration Desks.
- b. Provide proof of identification (birth certificate, certificate of identity, marriage licence, Labor and Immigration Entry Permit, Non-Resident Worker's Registration Card, Social Security card, passport, etc.)
- c. Provide employment verification and proof of current income including, at minimum, the last three pay check stubs and tax returns filed with the Division of Revenue and Taxation.
- d. Provide proof of residency.

Section 5 - Procedures for Processing Applications

The staff of the Department of Public Health shall follow the procedures set forth below:

- a. Advise indigent patients for possible qualification for Medicaid Program or Sliding Fee Scale Program. The applicant must be screened for and agree to apply for Medicaid, if potentially eligible, prior to being considered for eligibility in the Sliding Fee Scale Program.
- b. Advise applicants to submit and complete documents required in Section 4 within five (5) working days from date of service.

- 5
- c. Process the application and determine eligibility in the Program within fifteen (15) working days from the date the complete supporting documents are received.
 - d. Notify applicant by letter of the approval or denial of application. If approved, advise applicant of the total percentage of discount allowed and the percentage of his or her liability. Advise applicant that his or her share of medical charges must be paid either after each encounter or at the receipt of the medical bills. If approved, coverage under the Program will be effective from the date the application was submitted.
 - e. Issue a Program Card to the qualified applicant, listing all eligible family members.
 - f. Advise applicant that changes of circumstances must be immediately reported and that a redetermination of qualifications shall be made where necessary. Eligibility is for one year and the account will be reviewed and redetermined annually.
 - g. As a condition for eligibility, applicant and/or eligible members of the family may be required to authorize release of information from their employers or other agencies/institutions for purposes of verifying validity of supporting documents submitted.

SECTION 6

DEPARTMENT OF PUBLIC HEALTH 1996 SLIDING FEE SCALE TABLE

ANNUAL INCOME LEVEL¹

FAMILY UNIT SIZE	DISCOUNT 75% *	DISCOUNT 50% *	DISCOUNT 25% *
1	0 to 8,910	8,911 to 10,692	10,693 to 11,850
2	0 to 11,920	11,921 to 14,304	14,305 to 15,853
3	0 to 14,930	14,931 to 17,916	17,917 to 19,856
4	0 to 17,940	17,941 to 21,528	21,529 to 23,860
5	0 to 20,950	20,951 to 25,140	25,141 to 27,863
6	0 to 23,960	23,961 to 28,752	28,753 to 31,866
7	0 to 26,970	26,971 to 32,364	32,365 to 35,870
8	0 to 29,980	29,981 to 35,976	35,977 to 39,873

** For family units of more than 8 members, add \$3,500 for each additional member.*

¹The maximum annual income levels used in the Tables are based on the 1996 Hawaii Poverty Guidelines published in the Federal Register dated March 4, 1996.



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES DEPARTMENT OF PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC SS2603(f) and 2605(j), provides that the Secretary of the Department of Public Health(DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC S9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By: [Signature]
DR. ISAMU J. ABRAHAM
SECRETARY
Department of Public Health

10-11-96
DATE

Filed By: [Signature]
SOLEDAD B. SASAMOTO
Registrar of Corporations

10/11/96
DATE

Received By: [Signature]
DONNA CRUZ, Governor's Office

10/11/96
DATE



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

NUTISIAN PUBLIKU

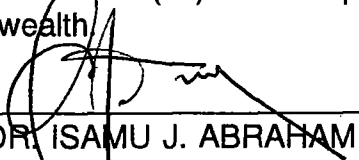
PRINUPONI SIHA NA AMENDASION GI LISTAN APAS DIPATTAMENTON HINEMLO' PUBLIKU

I Titulu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC s2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH) osino' Dipattamenton Hinemlo' Publiku, na para guiya u atministra todou fasilidat gobetno siha yan u enfuetsa todou areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numeru 4, gi Abril 15, 1995. Prisisu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

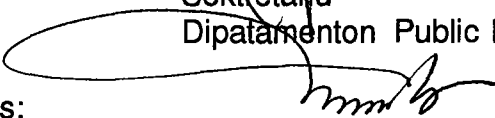
Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumumple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC s9104. Kopia siha put i manma prupoponi na amendasion gi Listan Apas siha sina manmachuchule' gi Ufisinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokumento siha put i manma' prupoponi na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todou dokumento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth.

Mas settefika nu as: _____


DR. ISAMU J. ABRAHAM
Sektretariu
Dipattamenton Public Health

10-11-96
Fecha

Ma Rikot nu as: _____


SOLEDAD B. SASAMOTO
Registrar of Corporations

10/11/96
Fecha

Received by: _____


Donna Cruz, Governor's Office

10/11/96
Fecha



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

ARONGORONGOL TOWLAP

FFE'E'RU'L LLIWEL REEL TA'LIL ABWO'S DIPATAMENTOOL PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, me bwal iye 1 CMC §2603(f) me 2605(j), nge e ayoora mille Sekreto'o riyal Dipatamentool Public Health (DPH) ebwe lemellil alongal iimw kka yaal gubenko me ebwe ayoora allegh bwe ebwe ghatch me mwetewet alillisisil aghatchu'l ilighil aramas mello'l CNMI.

Sa'ngi bwa'ng yeel, nge Sekreto'o'riya yeel aa ma'ngiiy bwe ebwe ffe'e'r lliwel reel abwo's kka e ghil nga'li Departments Medical me akka'a'w abwo's ikka eghi bwa'a'lo reel alillisisil aghatchu'l ilighil aramas me Commonwealth Health Center (CHC aa mwel bwe ebwele ayoora tappal health care services kka eso'o'r igiwe. Ila mille eghi fisch bwe rebwe fe'e'ru' sefa'liiy Ta'lili Abwo's bwe ebwe ghol fenga'l me tappal alillis kka re fe'e'ru' nga'liir aramas. Ghatchu'u'r towlap mille nga're re alisiir mello'l Commonwealth Health Center nge rebwe ghuleey fitifay abwo'ssul ighila schagh re alisiir me nga're ammwellar.

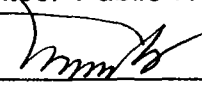
Igha re adapta'a'li Lliwel kka reel Ta'lil Abwo's, nge scho'o'l Dipatamentool Public Health re atabweey akku'le' ye sa'ngi Administrative Procedures Act, me bwal iye 1 CMC §9104. Kopiyaal lliwelil abwo's kkaal nge emmwel schagh bwe aramas ye e tipa'li ebwelo' bweibwogh sa'ngi Bwulasiyool Sekreto'o'riyaal Public Health iye elo CHC. Aramas ya e tipa'li nge emmwel schagh bwe ebwe ischiitiw meta ma'ngema'ngil me tipal nga're mweschel reel lliwel kkaal nge aa afanga nga'li Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Alongal ma'ngema'ng me tiip nge ebwe atotoolong llo'l eliigh (30) ra'l sa'ngi igha e atoowow arongorong yeel mello'l Commonwealth Register.

Alle'ghu'u'yal:


DR. ISAMU J. ABRAHAM
SEKRETOORIYA
Dipatamentool Public Health


10-11-96
Ra'l

Fele-liiyal:


SOLEDAD B. SASAMOTO
Registrar of Corporations

10/11/96
Ra'l

Bwughiyal:


DONNA J. CRUZ
Bwulasiyool Gobenno

11/11/96
Ra'l

DEPARTMENT OF PUBLIC HEALTH
 AMENDMENTS TO THE SCHEDULE OF MEDICAL
 AND OTHER RELATED FEES
 OCTOBER 15, 1996

CPT #	CPT SHORT DESCRIPTION	AMOUNT (in US \$)
CAT SCAN PROCEDURES:		
70450	CAT Scan of head or brain	350
70460	CAT Scan of head or brain with contrast	450
70470	CAT Scan of head or brain with&w/out contrast	550
70486	CAT Scan of Maxillofacial area	400
70487	CAT Scan of Maxillofacial area with contrast	450
70488	CAT Scan of Maxillofacial area with&w/out contrast	550
70490	CAT Scan soft tissue neck	400
70491	CAT Scan soft tissue neck with contrast	450
70492	CAT Scan soft tissue neck with&w/out contrast	550
71250	CAT Scan of chest	450
71260	CAT Scan of chest with contrast	500
71270	CAT Scan of chest with&w/out contrast	650
72125	CAT Scan of C-Spine	450
72126	CAT Scan of C-Spine with contrast	500
72127	CAT Scan of C-Spine with&w/out contrast	650
72128	CAT Scan of T-Spine	450
72129	CAT Scan of T-Spine with contrast	500
72130	CAT Scan of T-Spine with&w/out contrast	650
72131	CAT Scan of L-Spine	450
72132	CAT Scan of L-Spine with contrast	500
72133	CAT Scan of L-Spine with&w/out contrast	650
72192	CAT Scan of pelvis	450
72193	CAT Scan of pelvis with contrast	500
72194	CAT Scan of pelvis with&w/out contrast	600
73200	CAT Scan of upper extremity	400
73201	CAT Scan of upper extremity with contrast	450
73202	CAT Scan of upper extremity with&w/out contrast	550
73700	CAT Scan of lower extremity	400
73701	CAT Scan of lower extremity with contrast	450
73702	CAT Scan of lower extremity with&w/out contrast	540
74150	CAT Scan of abdomen	430
74160	CAT Scan of abdomen with contrast	500
74170	CAT Scan of abdomen with&w/out contrast	650
76360	CAT Scan for needle biopsy	500
76365	CAT Scan for cyst aspiration	500
SURGICAL PROCEDURES:		
44850	Repair of mesentery	694
46221	Ligation of hemorrhoid(s)	100
46606	Anoscopy and biopsy	55
56304	Laparoscopy; lysis	503
56740	Remove vagina gland lesion	316
57010	Drainage of pelvic abcess	386
96100	Psychological testing with interpretation and report, per hour (90830 has been deleted. Replaced by 96100)	150

DEPARTMENT OF PUBLIC HEALTH
AMENDMENTS TO THE SCHEDULE OF MEDICAL
AND OTHER RELATED FEES
OCTOBER 15, 1996

CPT #	CPT SHORT DESCRIPTION	AMOUNT (in US \$)
ROOM AND BOARD:	Medical and Surgical(holding beds); per day Labor and Delivery Room; per delivery (for Tinian and Rota Health Centers)	100 100



Commonwealth of the Northern Mariana Islands

Division of Environmental Quality

P.O. Box 1304, Saipan, MP 96950



Tels.: (670) 234-6114/6984
Fax: (670) 234-1003

PUBLIC NOTICE
PROPOSED AMENDMENT AND REVISIONS TO WATER QUALITY STANDARDS
PROMULGATED UNDER THE AUTHORITY OF
2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605
by the
DEPARTMENT OF PUBLIC WORKS

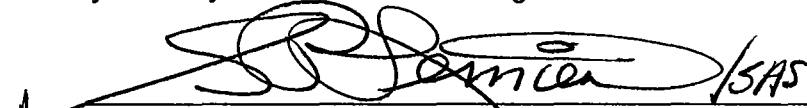
The Secretary of the Department of Public Works, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, proposes amendments to the existing CNMI Water Quality Standards. This review of the Water Quality Standards and some of the changes conform with the requirements imposed on Commonwealth in the Federal Clean Water Act.

The proposed changes pertain to the requirements set forth in the United States Environmental Protection Agency (EPA) that States and Territories periodically review their Water Quality Standards, make any necessary changes, and provide for an opportunity for public comment. The Division of Environmental Quality has reviewed the Water Quality Standards and made some minor corrections and updates to certain water quality criteria. The regulations were also amended to make adjustments to the fee structure for 401 Water Quality Certifications and include requirements for stormwater general permits and land disposal of wastewater.

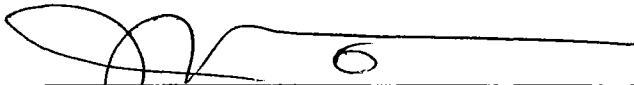
Comments, suggestions, and concerns about the proposed amendments to the Water Quality Standards are encouraged and welcomed. All comments concerning the proposed Water Quality Standards must be submitted in writing to the Department of Public Works, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), within thirty days of publication in the Commonwealth Register.

Copies of the proposed amendments to the regulations are also available for viewing at the office of the Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan, MP 96950. A public hearing will be held on November 6, 1996 at 7:00 p.m. at the Joeten-Kiyu Library to review these changes.

Date: 10.8.96

for 
Edward M. Deleon Guerro, Secretary
Department of Public Works

Date: 10/8/96


John V. Castro, Director
Division of Environmental Quality

Filed by:
Date: 10/9/96

Remedio M. Holleran
for: Soledad B. Sasamoto
Registrar of Corporations

Received at Governor's Office:

Date: 10/10/96

Donna J. Cruz
Donna J. Cruz



Commonwealth of the Northern Mariana Islands

Division of Environmental Quality

P.O. Box 1304, Saipan, MP 96950



Tels.: (670) 234-6114/6984
Fax: (670) 234-1003

**NUTISIAN PUPBLIKU
I MANMA-PROPOPONI NA AMENDASION YAN RIBISION SIHA GI REGULASION
I WATER QUALITY STANDARD NI MANMA LAKNOS GINEN I ATURIDAT
2 CMC §§ 3101 ASTA 3134 YAN 1 CMC §§ 2601 ASTA 2605
GINEN I DIPATTAMENTON PUBLIC WORKS**

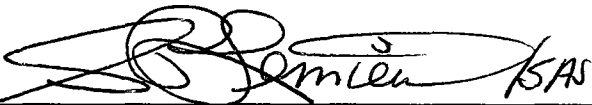
I Sekretarion i Dipatamenton Public Works Gi Commonwealth I Sangkattan siha na islas Marianas komu konsiste yan i 2 CMC §§ 3101 asta 3134 yan i 1 CMC §§ 2601 asta 2605, ha propoponi amendasion siha gi maneksisiste siha na CNMI Water Quality Standards. Este na ininan i Water Quality Standards yan i guaha siha na tinulaika manakonfotma yan i kondesion siha na manma enggañu i Commonwealth gi halom i Federal Clean Water Act na akto.

I manma propoponi siha na tinulaika ma tutuka i kondesion siha ni manma establi si mo'na gi halom i United States Environmental Protection Agency (EPA) na i Estados yan Teritoriu siha ma i'ina regulatmente i yon-niha Water Quality Standards, manmama'tinas nisisario siha na tinulaika yan ma pribeni opottinidat para i komentun pupbliku. I Dibision i Environmental Quality esta ha ina i Water Quality Standards yan mama'tinas unos kuantu siha na koreksion yan "updates" put unos kuantu siha na "Water Quality Criteria". I regulasion siha lokkue manma amenda put para u na'guaha inahusta siha gi estrakturan apas para i 401 "Water Quality Certification" yan ha engklusu i mangginagagao siha na kondesion para i hinirat siha na petmision put i "stormwater" yan para mendespuestion hanom "sewer" gi hilo' tano.


Komentu, rekomendasion, yan hafa siha na interes put i manma propoponi siha na amendasion gi regulasion hanom manma sosoyo' yan ma agradesi. Todu komentu siha put i regulasion hanom siha debi di u fansatmiti gi tinige guato gi Dipatamenton Public Works, Dibision Environmental Quality, ni gaige gi mina'tres na bibendan i Morgen Building giya San Jose, P.O. Box 1304, Saipan, MP 96950, entre trenta (30) dias desde ma pupblika-na gi halom Rehistran Commonwealth.

Guaha kopia siha put i manma propoponi siha na amendasion gi regulasion para ininan pupbliku gi ofisinan i Dibision Environmental Quality, ni gaige gi mina'tres na bibendan i Morgen Building, giya San Jose, Saipan MP 96950. Para u ma kondukta inekkungok pupbliku gi Nobiembre dia sais (6) oras alas seitte (7) gi puepuengi guato gi Joeten-Kiyu Library ni para u ma deskuti este siha na tinulaike.

Fecha: 10-8-96

for 
Edward M. Deleon Guerrero,
Sekretarion Dipatamenton Public Works

Fecha: 10/8/96


John I. Castro, Jr.
Direktot Dibision of Environmental Quality

Ma "File" as:

Fecha: 10/9/96

for: Remedio M. Hallacan
SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

MA'RISIBI GI OFISINAN GOBIETNO:

Fecha: 10/10/96

Donna J. Cruz
DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Division of Environmental Quality

P.O. Box 1304, Saipan, MP 96950



Tels.: (670) 234-6114/6984
Fax: (670) 234-1003

ARONGORONGOL TOULAP

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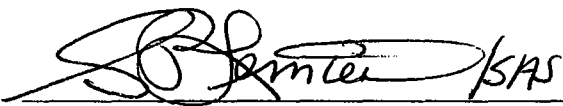
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Pomol igha ebwe lliwelelong llól requirements ikka e lo llól United Environmental Protection Agency (EPA) bwe states me territories kkaal rebwe ghal sów tigheey sefaáli yaar Water Quality Standards fáal eew llól eew sumwóola, liweli meeta kka e fit ebwe lliiwel me atéew wóor toulap bwe ebwe bwal yoor yaar ópotunidóód reel rebwe isisilong yaar mángemáng me aiyegh. Division-ul Environmental Quality a tigheey mille Water Quality Standards me ebwal fféer akkáaw lliiwel reel ebwe filelong reel mille Water Quality Criteria. Allegh ngñare aweewe kkaal mwo nge ebwal lliiwel reel ebwe eyoor adjustments reel fee structure ngali 401 Water Quality Certification ebwal schuulong requirements reel stormwater general permits me mille Land Disposal of Wastewater.

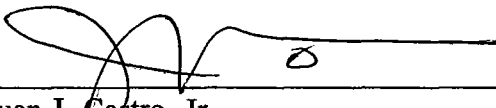
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Koopiyal pomol igha ebwe lliiwel Aweewe nge eyoor reel Division-ul Environmental Quality, e lo eluuw táál (3rd. floor) Morgen Building llól apilomwol San Jose, Seipel, MP 96950, Public Hearing ebwe bwel wóól Areyamwoy (November) 06, 1996 ótol 7:00 pm. mereel Joeten-Kiyu Library reel igha rebwe tigheey lliiwel kkaal.

Rál: 10.8.96


for Edward M. Deleon Guerrero
Sekereteriil Bwulasiyool Public Works

Rál: _____



Juan I. Castro, Jr.
Direktoodul Division-ul Environmental Quality

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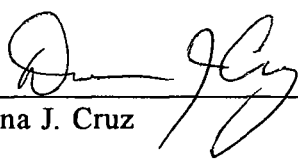
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Remedio Sr. Halluan

for: Soledad B. Sasamoto
Registrar of Corporations

Re Risibi Me Bwulasiyool Gubenko:

Rál: 10/10/96



Donna J. Cruz

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
WATER QUALITY STANDARDS

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
WATER QUALITY STANDARDS

PART 1 AUTHORITY

These regulations have been promulgated by the Division of Environmental Quality in accordance with 1 CMC Sections 9101-9115, and under the provisions of the Clean Water Act, P.L. 92-500 and CMC Section 248 as force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands. The Department shall apply these regulations and standards to all marine, fresh water bodies, **and ground water** in the Commonwealth.

PART 2 PURPOSE

The purpose of these regulations is to establish standards for water quality for all State waters and **ground water** in order to protect their use and value for propagation of fish and wildlife, recreational purpose, public water supply use, and taking into consideration their use and value for navigation.

PART 3 ANTI-DEGRADATION POLICY

It shall be the public policy of the Commonwealth of the Northern Mariana Islands that:

(a) The protection, maintenance, conservation, and improvement of the quality of the waters for the growth and propagation of aquatic life, for marine research and for the conservation of coral reefs and wilderness areas, and for domestic (**including drinking water**), agricultural, commercial, industrial, recreational and other uses are an historic and legal right of the people of the Northern Mariana Islands.

(b) The achievement of the water quality standards of the Commonwealth of the Northern Mariana Islands is in the best interest of the protection of public health and the environment.

(c) The existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(d) Waters where the quality exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected, unless the Commonwealth determines that the lower water quality is necessary to accommodate important economic or social

development in the area in which the waters are located. In allowing such degradation to occur the Commonwealth shall assure the following: 1) the lower water quality be fully protective of designated uses, (2) the impacts on water quality and economic and social development be subject to detailed water quality and economic analyses, (3) that inter governmental coordination and public participation be included in any determination, (4) the highest statutory and regulatory requirements be achieved for all new and existing point sources, and (5) that all cost effective and reasonable best management practices for nonpoint source control be employed.

(e) High quality waters which constitute an outstanding Commonwealth resource, such as waters of wildlife refuges and waters of exceptional recreational or ecological significance shall be maintained and protected.

(f) There shall be no point or nonpoint discharge of sewage or other wastewater into any planned or existing ground or surface source of drinking water.

(g) All sewage, wastewater, and any other matter shall receive a degree of treatment necessary to protect the beneficial uses of the state waters before discharging.

(h) The existing uses in wetlands and the level of water quality necessary to protect those uses shall be protected.

PART 4 DEFINITIONS

"Acute exposure value" - The threshold value at or below which there should be no unacceptable effects to aquatic organisms and their uses if the one-hour concentration does not exceed that value more than once every three years on the average.

"Ambient Conditions" means the existing conditions in surrounding waters not influenced by man.

"Brackish Waters" means waters with dissolved inorganic ions (salinity) greater than 500 ppm (parts per million), but less than 30,000 ppm.

"Chronic exposure value" - The threshold value at or below which there should be no unacceptable effects to aquatic organisms and their uses if the four-day concentration does not exceed that value more than once every three years on the average.

"Coastal Waters" means all waters of a depth less than ten (10) fathoms, or waters up to distance of 1,000 feet off-shore

from the mean high water mark if there is no defined reef area.

"Commonwealth" means Commonwealth of the Northern Mariana Islands.

"CWA" means the Clean Water Act, P.L. 92-500 as amended: 33 U.S.C. 1251 et seq.

"Department" means the Commonwealth Department of Public Works.

"DEQ" means the Commonwealth Division of Environmental Quality within the Department of Public Works.

"Director" means the Director of the Commonwealth Division of Environmental Quality.

"Discharger" means any person who emits any wastewater, substance, or material into the waters of the Commonwealth whether or not such substance causes pollution.

"Fresh Waters" means all waters with dissolved inorganic ions of less than 500 ppm.

"Mixing Zone" means the area or volume of a water body within which effluent(s) shall become physically mixed with the receiving waters through initial dilution. Initial dilution is the process through which the wastewater immediately mixes with the receiving water due to the momentum of the waste discharge and the difference in density between the discharge and the receiving water.

"Oceanic Waters" means all other marine waters outside of the ten (10) fathom depth contour or greater than 1,000 feet offshore from the mean high water mark if there is no defined reef area.

"Pollutant" means any substance that causes pollution.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"Receiving Water(s)" means State water(s) of the Commonwealth into which wastes or wastewaters are, or may be, discharged.

"Secretary" means the Secretary of the Commonwealth Department of Public Works.

"State Waters" means all waters, fresh, brackish, or marine including wetlands, around and within the Commonwealth and as

further delineated and defined under the Marine Sovereignty Act of 1980 (P.L. 2-7).

"Toxic" means lethal, oncogenic, teratogenic or mutagenic, or otherwise damaging to man or other living organisms.

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

"Wetlands" means an area which is inundated or saturated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances does support, vegetation typically adapted for life in saturated soil conditions.

"Zone of Passage" means a continuous water route of the volume, area, and quality necessary to allow passage of free-swimming and drifting organisms with no significant effects produced on their populations.

PART 5 CLASSIFICATION OF WATER USES

5.1 Marine Waters

(a) CLASS AA - It is the objective of this class that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-related source or actions. To the extent practicable, the wilderness character of such areas shall be protected. No zones of mixing shall be permitted.

The uses to be protected in this class of waters are the support and propagation of shellfish and other marine life, conservation of coral reefs and wilderness areas, oceanographic research, and aesthetic enjoyment and compatible recreation inclusive of whole body contact and related activities.

The classification of any water area as Class AA shall not preclude other uses of such waters compatible with these objectives and in conformance with the criteria applicable to them.

(b) CLASS A - It is the objective of this class of waters that their use for recreational purposes and aesthetic enjoyment be protected.

Any other use shall be allowed as long as it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters of a limited body contact nature. Such waters shall be kept clean of solid waste, oil and grease, and shall not act as receiving waters for any

effluent which has not received the best degree of treatment of control practicable under existing technology and economic conditions and compatible with standards established for this class. A zone of mixing is approvable in such waters.

5.2 Fresh Waters

(a) Class 1 - It is the objective of this class that these waters remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source. To the extent possible, the wilderness character of such areas shall be protected. Wastewater discharges and zone of mixing into these waters are prohibited.

The uses to be protected in this class of water are for domestic water supplies, food processing, the support and propagation of aquatic life, compatible recreation and aesthetic enjoyment including water contact recreation.

(b) Class 2 - It is the objective of this class of waters that their use for recreational purposes, propagation of fish and other aquatic life, and agricultural and industrial water supply not be limited in any way. The uses to be protected in this class of waters are all uses compatible with the protection and propagation of fish and other aquatic life, and with recreation in and on these waters. Compatible recreation may include limited body contact activities. Such waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control practical under technological and economic conditions and compatible with the standards established for this class. A zone of mixing is permissible in these waters.

5.3 Protection of Wetlands

Wetlands are waters of the State and are subject to the provisions of this rule. Point or nonpoint sources of pollution shall not cause destruction or impairment of wetlands. All provisions of these regulations apply to all wetlands unless replaced by site specific standards adopted by the Commonwealth and approved by EPA.

PART 6 BASIC WATER QUALITY CRITERIA APPLICABLE TO ALL WATERS

All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants and shall be capable of supporting desirable aquatic life and be suitable for recreation in and on the water.

This part will be subject to verification by monitoring as may be prescribed by the Secretary or Director to assure freedom from any of the following conditions:

(a) Materials that will settle to form objectionable sludge or bottom deposits.

(b) Floating debris, oil, grease, scum, or other floating materials.

(c) Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable odor, turbidity, or other conditions in the receiving waters.

(d) High temperatures; biocides; pathogenic organisms; toxic, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human health or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.

(e) Soil particles resulting from erosion on land involved in earth work, such as construction of public works; highways; subdivisions; recreational; commercial, or industrial development; or the cultivation and management of agricultural lands.

(f) Substances or conditions or combinations thereof in concentration which produce undesirable aquatic life.

PART 7 SPECIFIC WATER QUALITY CRITERIA

7.1 Microbiological Requirements

Applicable to:

The fecal coliform concentration shall not exceed a geometric mean of 200 per one hundred milliliter in not less than five samples equally spaced over a thirty-day period nor shall any single sample exceed 400 per one hundred milliliter at any time.

All Waters

The Enterococci concentration shall not exceed a geometric mean of 35 per one hundred milliliters.

AA

The Enterococci concentration shall not exceed a geometric mean of 33 per one hundred milliliters.

1

The E. Coli concentration shall not exceed a geometric mean of 125 per one hundred milliliters.

1

The Enterococci concentration shall not exceed a geometric mean of 125 per one hundred milliliters.

A

The Enterococci concentration shall not exceed a geometric mean of 90 per one hundred milliliters. 2

The E. Coli concentration shall not exceed a geometric mean of 300 per one hundred milliliters. 2

Fecal coliform and enterococci may originate from environmental sources as well as from human and animal fecal contamination. Where these microbiological standards are exceeded, a determination of the impact on public health and the environment may be based upon additional sampling, a sanitary survey of the drainage area contributing run-off to the contaminated water, and special studies of the environmental sources of fecal coliform and enterococci in the waters of the CNMI.

In areas which support shellfish habitat where the shellfish are harvested for human consumption the fecal coliform concentration shall not exceed a geometric mean of 14 per one hundred milliliters.

7.2 pH Applicable

pH shall not deviate more than 0.5 units from a value of 8.1. A,AA

pH shall not deviate more than 0.5 from ambient conditions and shall not be lower than 6.5 nor higher than 8.5. 1,2

7.3 Nutrients

Parameter	Concentration Shall Not Exceed (mg/l)	Applicable To
Nitrate-Nitrogen	0.20	AA
	0.50	A
Total Nitrogen	0.4	AA
	0.75	A,1
	1.50	2
Orthophosphate	0.025	AA
	0.05	A
	0.10	1,2
Total Phosphorus	0.025	AA
	0.05	A
	0.10	1,2
Ammonia (un-ionized)	0.02	AA,A,1,2

7.4 Dissolved Oxygen

Concentration of dissolved oxygen in all waters shall not be less than 75% saturation. Where natural conditions cause lower dissolved oxygen levels, controllable water quality factors shall not cause further reductions.

7.5 Total Filterable Suspended Solids

Applicable To

Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 5 mg/l except when due to natural conditions.

AA,1

Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 40 mg/l except when due to natural conditions.

A,2

7.6 Salinity

Marine Waters: No alterations of the marine environment shall occur that would alter the salinity of marine or estuarine waters more than 10% of the ambient conditions or which would otherwise adversely affect the indigenous biota and sedimentary patterns, except when due to natural causes.

A,AA

Fresh water: The maximum allowable amount of chlorides and sulfates shall be 250 mg/l, and the Total Dissolved Solids shall not exceed 500 mg/l or 133% of the ambient condition. The salinity of fresh water sources and wetlands shall not be increased more than 20% above ambient conditions by discharge of saline water.

1,2

7.7 Temperature

Water temperature shall not vary by more than 1.0°C from the ambient conditions.

AA,A,1,2

7.8 Turbidity

Turbidity at any point, as measured by nephelometric turbidity units (NTU), shall not exceed 0.5 NTU over ambient conditions except when due to natural conditions.

AA,1

Turbidity values (NTU) at any point shall

A,2

not exceed 1.0 NTU over ambient conditions except when due to natural conditions.

7.9 Radioactive Materials

Discharge of radioactive materials at any level into any waters of the Commonwealth is strictly prohibited. All Waters

7.10 Oil and Petroleum Products

The concentration of oil or petroleum products shall not: All waters

(a) Be detectable as a visible film, sheen, or discoloration of the surface or cause an objectionable odor.

(b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota or cause objectionable taste in drinking water.

(c) Form an oil deposit on beaches or shoreline or on the bottom of a body of water.

7.11 Toxic Pollutants

In order that the designated uses of State waters be protected, all waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species and/or significant alterations in population or community ecology or receiving water biota.

A "toxic pollutant" is as defined by the CWA, Section 502(13). Criteria for toxic pollutants are given as either a numeric criteria or are determined by multiplying the stated application factor by the concentration determined to be lethal to 50% of the most sensitive indigenous organism after 96 hours of exposure (96 LC 50). The 96 LC 50 values shall be determined by using bioassay procedures consistent with those described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

In order to determine compliance with this section, the Director may require additional studies of indicator organisms which include, but are not limited to, analyses of species

diversity, species abundance, reproductive success, population density, and growth anomalies. Additionally, effects on human health due to bioconcentration shall be considered.

Aquatic life and human health numeric criteria for the toxic pollutants included in the CWA, Section 307(a), list of priority pollutants, or any subsequent revision are incorporated by reference into the CNMI, Water Quality Standards. Numeric criteria are listed in Tables A and B, Water Quality Criteria.

In waters designated for use as a source of public water supply, the human health numeric criteria shall be at least as stringent as the maximum contaminant levels (MCL's) for drinking water established in the CNMI Drinking Water Regulations.

Site specific criteria shall be developed for toxic pollutants for which: numeric water quality criteria have not been established; a species inhabiting a given site may be more or less sensitive than those used in developing the established criteria; the water chemistry (e.g., pH, hardness, temperature, suspended solids, etc) appears to differ significantly from the laboratory water used in developing the criteria; or the residual toxicity or synergistic (combined) effect of pollutants requires analyses and development of site specific criteria.

Site specific criteria for aquatic life and human health shall be derived from the CWA, Section 304(a)(1) water quality criteria or by methods published by the U.S. Environmental Protection Agency as described in (45 Federal Register 79318), November 28, 1980.

In areas where site specific criteria are developed, the Department shall regulate point source discharges by establishing effluent limits which are protective of the designated use of the waters in the area.

7.12 General Considerations

(a) Effects of high temperature, biocides, pathogenic organisms or other deleterious substances at levels or combinations sufficient to interfere with aquatic life or human health, or in amounts sufficient to interfere with the beneficial use of the water shall be evaluated as a minimum by use of a 96-hour bioassay as described in the most recent editions of Standard Methods for the Examination of Water and Wastewater. Survival of test organisms shall not be less than that in controls which utilize appropriate water. Failure to determine presence of toxic substances by this method shall not preclude determinations of excessive levels of toxic substances on the basis of other criteria or methods.

(b) Pollutant discharges shall be regulated so as to

protect not only the receiving waters but also the surrounding state waters and marine life which are affected indirectly through pollutant discharges.

(c) Part 6 (e) shall be met upon showing that the land on which the erosion occurred or is occurring is being managed in accordance with the CNMI Earthmoving and Erosion Control Regulations, Commonwealth Register Vol. 8 No. 6, September 15, 1986, and that a comprehensive conservation program is being actively pursued, or that the discharge has received the best degree of treatment or control, and that the severity of impact of the residual soil reaching the receiving body of water is deemed by the Director to be acceptable.

(d) The health and life history characteristics of aquatic organisms in waters affected by controllable water quality factors shall not differ significantly from those for the same waters in areas unaffected by controllable water quality factors. Also, controllable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life.

PART 8 CLASSIFICATION AND ESTABLISHMENT OF WATER USE AREAS

8.1 Rota

(a) CLASS AA

All coastal and oceanic waters surrounding Rota except for those waters delineated in CLASS A.

(b) CLASS A

The coastal waters known as East Harbor and West Harbor.

(c) CLASS 1

All fresh surface waters on Rota.

8.2 Tinian and Agiguan

(a) CLASS AA

All coastal and oceanic waters surrounding Tinian and Agiguan except for those waters delineated in CLASS A.

(b) CLASS A

The coastal waters known as San Jose Harbor.

(c) CLASS 1

All fresh surface waters on Tinian and Aguigan.

8.3 Saipan

(a) CLASS AA

All coastal and oceanic waters surrounding Saipan except for those waters delineated in CLASS A and all waters up to 2000 feet in all directions from the mean high water mark on the shore of Managaha Island.

(b) CLASS A

The coastal waters from Puntan Muchot to Saddok As Agatan except for waters up to 2000 feet in all directions from the mean high water mark on the shore of Managaha Island.

The coastal waters surrounding the Agingan Wastewater Treatment Plant, within a 1,000 foot radius of the outfall.

(c) CLASS 1

All fresh surface waters on Saipan.

8.4 Northern Islands (Farallon de Medinilla, Anatahan, Sariguan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug, Farallon de Pajaros)

(a) CLASS AA

All coastal and oceanic waters surrounding the Northern Islands except for those delineated in CLASS A.

(b) CLASS A

The coastal and oceanic waters surrounding Farallon de Medinilla.

(c) CLASS 1

All fresh surface waters in the Northern Islands.

PART 9 MIXING ZONE IN RECEIVING WATERS

The water quality criteria in these regulations shall apply within a mixing zone unless specific alternative criteria have been approved by the Division of Environmental Quality and concurred upon by the U.S. Environmental Protection Agency. Mixing Zones will not be granted in lieu of reasonable control measures to reduce point source pollutant discharges but will be granted to complement the applicable controls. A limited mixing zone, serving as a zone of initial dilution in the immediate area

of a point source of pollution, may be allowed if the conditions set out in this part are met.

9.1 Establishment of Mixing Zone

No mixing zone shall be established unless the continuation of the function or operation involved in the discharge by the granting of the mixing zone is in the public interest, and the discharge occurring or proposed to occur does not substantially endanger public health and safety.

9.2 Prevention, Control, and Abatement

If the mixing zone is established on the grounds that there is no reasonable means known or available for the adequate prevention, control, or abatement of the discharge involved, it shall be allowed only until the necessary means for prevention, control or abatement become practicable, and subject to the taking of any substitute or alternative measures that the Director may prescribe. No renewal of a mixing zone shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the discharge involved.

9.3 Time Limit for Mixing Zone

The Director may issue an approval for the establishment of a mixing zone for a period not to exceed five years.

9.4 Mixing Zone Characteristics

An allowable mixing zone shall be defined by the following characteristics: receiving water; discharge location; volume of discharge; specific linear distance; area or volume; mixing velocities and other pertinent hydrologic and physio graphic characteristics, and the maximum concentrations of important constituents determined on a case-by-case basis.

9.5 Criteria for Mixing Zone

The following criteria shall be met in determining the location, size, shape, out-fall design and in-zone quality of mixing zones.

(a) Mixing zones shall not intersect any area of the waters in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.

(b) Mixing zones shall be as small as practicable and shall be limited to a total area or volume that will not cause substantial damage to or impairment of designated water uses or anticipated future uses within the mixing zone or surrounding waters.

(c) The total area or volume of water designated as a mixing zone shall be limited to that area or volume which will not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem.

(d) In a mixing zone an adequate zone of passage shall exist at all times for the movement or drift of aquatic life.

(e) Where two or more mixing zones are in close proximity, they shall be so defined that a continuous zone of passage for aquatic life is available.

(f) Mixing zones will not be approved for discharges of toxic pollutants which bio accumulate.

(g) Mixing zones shall be free from substances in concentrations or combinations that will cause acute lethality to aquatic life.

(h) The prohibition on acute lethality established in Part 9.5(g) shall be implemented by requiring that the concentrations of toxic pollutants in the pipe at the point of discharge shall not exceed the acute, aquatic life water quality criteria of Part 7.11 of these regulations.

(i) For discharges into freshwater streams and rivers the mixing zone will be limited to not more than 1/4 of the cross sectional area and/or volume of flow of the stream, leaving at least 3/4 free as a Zone of Passage. The mixing zone shall not extend more than 5 stream widths downstream from the point of discharge. Mixing zones will not be allowed in standing bodies of water.

(j) For discharges to marine waters the mixing zone shall be equal in depth to the depth of the water over the diffuser, in width to twice the depth of the water plus the width of the diffuser, and in length to twice the depth of the water plus the length of the diffuser, with the diffuser geographically centered within the mixing zone.

(k) All discharges to marine waters will comply with the Ocean Discharge Criteria promulgated under Section 403 (c) of the CWA.

PART 10 WATER QUALITY CERTIFICATION

A water quality certification is required by the CWA, Section 401 of any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States. The Division of Environmental Quality shall issue a water quality

certification for any proposed activity which: (1) complies with the applicable provisions of the CWA Sections 301, 302, 303, 306, and 307, (2) complies with applicable provisions of the CNMI Water Quality Standards, (3) will not interfere with the attainment or maintenance of the existing or designated use of the state waters, and (4) all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on aquatic life and human health, as determined by the Director.

10.1 Application For Water Quality Certification

An applicant for certification shall submit a completed application for the CNMI Water Quality Certification. The application shall include a description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. The application shall include the following:

- (a) The name and address of the applicants;
- (b) A description of the facility or activity, and of any discharge into state waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility. This description shall include the characteristic of the discharge, and the location or locations at which such discharge may enter state waters;
- (c) If applicable, a description of the function and operation of equipment or facilities to control discharges, including specification of the methods of control to be used;
- (d) The estimated date or dates on which the activity will begin and end and the date or dates on which the discharge(s) will take place;
- (e) If applicable, a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the control of the proposed discharge;
- (f) The Director may require the submission of additional information after a certification application has been filed. If a certification application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency. The Director shall notify the applicant, in writing, within **fifteen** days of the submission of an application, if an application is incomplete or otherwise deficient. A description of the type of additional information necessary to complete the application or correct the deficiency will be included with such a written notice. Failure to provide

additional information or to correct a deficiency shall be sufficient grounds for denial of certification;

(g) The applicant is required to notify the department, in writing, of changes which may affect the application and certification proces;

(h) The applicant will be informed, in writing, by the Director when a certification application is considered complete. The Director shall act on a request for certification within a period which shall not exceed six months; and

(i) Every applicant for water quality certification shall pay a filing fee. Filing fees for water quality certification are dependent on the type and scale of the proposed activity and its potential to affect water quality:

(1) Any commercial activity that will result in either the generation of an excess of 5000 gallons of wastewater per day, any clearing of 1000 square meters or filling exceeding 1000 cubic meters in waters of the CNMI, or any other large scale development as determined by the Director shall pay a fee of \$5000.

(2) Any commercial activity that will result in either the the generation of less than 5000 gallons of wastewater per day or any clearing less than 1000 square meters or filling in waters of the CNMI that is less than 1000 cubic meters shall pay a fee of \$1000.

(3) Any small family residential activity resulting in a clearing in a wetland that does not exceed 1000 square meters is required to obtain a water quality certification and shall pay a fee of \$100. Any residential activity exceeding 1000 square meters must pay an additional fee of \$5 per 100 square meters or fraction thereof.

This filing fee shall be submitted with the water quality certification application letter and shall not be refunded nor applied to any subsequent water quality certification following final action or denial of a water quality certification. Any Federal or CNMI government agency shall be exempt from paying filing fees.

10.2 Public Notification and Public Hearing

DEQ shall issue a public notification upon receipt of an application for a water quality certification.

(a) The notice will include the name and address of the applicant, and a brief description of the activity and of the

discharge involved in the activity for which certification is being sought.

(b) The notice shall be published in a minimum of two newspapers, one of which has a daily circulation.

(c) The public comment period shall be for at least 30 days from the date of the first publication of the notice. The Director may, upon request, provide the opportunity for public hearing(s) to consider issuance of a water quality certification. The Director shall inform the applicant, in writing, that such action has been taken.

(d) All publication costs related to public notification(s) and hearing(s) shall be paid by the applicant to the necessary and appropriate newspaper agency(ies) prior to publication date.

10.3 Determination of Water Quality Certification

(a) The Director shall make a determination on a Water Quality Certification based upon evaluation of:

(1) the application made by the applicant to the licensing or permitting agency and the information contained in such application which is relevant to water quality considerations,

(2) the application materials submitted pursuant to part 10.1,

(3) comments received during the public comment period,

(4) the record of a public hearing held pursuant to part 10.2, and

(5) any other information and data that the Director deems relevant.

(b) DEQ shall not grant a water quality certification for any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States unless the activity meets all of the provisions of the CWA 404(b)(1) as described in 40 CFR Part 230.

(c) The contents of the Water Quality Certification issued by DEQ shall include:

(1) the name and address of the applicant

(2) reference to the application materials which were

evaluated in making the certification, identified by date received, and federal license and permit application number or code where applicable,

(3) a statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards,

(4) a statement of any conditions which the Director deems necessary or desirable with respect to the discharge or the activity, and

(5) any such other information as the Director may determine to be appropriate.

(d) If after considering the information submitted pursuant to 10.3(a) the Director determines that there is reasonable assurance that applicable water quality standards will not be violated and the proposed methods of control will be applied to a discharge which is the result of any activity including, but not limited to, the construction and operation of facilities, then the Director shall so certify.

(e) The Director may modify the certification prior to the issuance of the federal license or permit, after consideration of information presented by the applicant licensing or permitting agency or other government agencies or interested parties.

(f) If the Director fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed six months) after receipt of a complete application, then the certification requirements of this section shall be waived with respect to federal applications.

(g) If the discharge in question is the result of one of the activities which receives a nationwide permit for the discharge of dredge and fill materials, thereby fulfilling specific conditions of that permit pursuant to 33 CFR 330.5 and 330.6, then the Director will determine, on a case-by-case basis, which projects are considered to be minor and non-controversial. Certification requirements of this section shall be waived for minor and non-controversial activities within six months of the receipt of a completed application.

(h) Water Quality Certifications for storm water discharges associated with industrial and construction site activities, as described in 40 CFR Part 122.26, shall be waived provided the following conditions are met:

(1) All conditions and requirements set forth in the United States Environmental Protection Agency, Final National Pollutant Discharge Elimination System (NPDES) General

Permits for Storm Water Discharges Associated With Industrial Activity and from Construction Sites, issued September 25, 1992, are complied with;

(2) A storm water pollution prevention plan for storm water discharges associated with industrial activities or from construction sites is approved by the Director of DEQ prior to submission of the Notice of Intent (NOI). For facilities with current storm water discharges associated with industrial activities, a storm water plan is submitted within thirty (30) calendar days of adoption of this regulation;

(3) a NOI (EPA Form 3510-6) to be covered by the general permit for discharges associated with industrial activities or for discharges from construction activities is submitted to DEQ and USEPA, Region IX, accompanied by a pollution prevention plan approval letter from DEQ;

(4) the NOI is postmarked seven (7) calendar days prior to any storm water discharges and a copy is submitted to the Director of DEQ no later than seven (7) calendar days prior to any storm water discharges; and

(5) all monitoring reports required by the respective general storm water permits are submitted to DEQ.

The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.

(i) If the discharge in question is the result of a National Pollutant Discharge Elimination System Permits for Storm Water Discharges, Certification requirements of this section shall be waived for Industrial Facilities provided:

(1) All requirements of Permit of United States Environmental Protection Agency (EPA) are complied with;

(2) the storm water pollution prevention plan must be approved by the Director of DEQ as follows:

<u>Type of Facility</u>	<u>Date by Storm Water Pollution Prevention Plan Submitted to DEQ</u>
Facility currently with storm water discharge associated with industrial activity	within 30 days from the adoption of this regulation.

Facility with storm water discharge

associated with industrial activity
commencing after the adoption of
these regulations Approval must occur prior to
the submittal of the NOI to EPA.

Oil & Gas Facility that is required
to apply for Registered Quantity
Release 60 calendar days after
commencement of discharge.

Facilities owned or operated by municipality
that is rejected or denied participation in
group application 365th day following the
date of rejection or denial.

(3) a NOI to be covered by the general permit must be submitted
to the United States Environmental Protection Agency (EPA) in the
form proscribed by the EPA;

(4) the NOI to EPA must be postmarked seven (7) calendar days
prior to any discharge; and

(5) a copy of the NOI must be submitted to the Director of DEQ no
later than seven (7) calendar days prior to any discharge.

The Director may deny coverage under this permit and require
submittal of an application for an individual NPDES permit based
on a review of the NOI or other information.

10.5 Water Quality Certification-General Provisions

(a) Where any facility or activity has received
certification pursuant to section 10.3 in connection with the
issuance of a license or permit for construction, and where such
facility or activity is not required to obtain an operating
license or permit, the Director, prior to the operation of such
facility or activity, shall be afforded the opportunity to
perform an initial inspection of such facility or activity for
the purpose of determining if the manner in which such facility
or activity will be operated or conducted will violate applicable
water quality standards.

(b) If the Director, after the initial inspection pursuant
to section 10.4 (a) determines that operation of the proposed
facility or activity will violate applicable water quality
standards, the Director shall so notify the applicant and the
licensing or permitting agency.

(c) Where a licensing or permitting agency, following a
public hearing, suspends a license or permit after receiving the
Director's notice and recommendation pursuant to section 10.3,

the applicant may submit evidence to the Director, that the facility or activity has been modified so as not to violate applicable water quality standards. If the Director determines that the applicable water quality standards have not been violated, the Director shall so notify the licensing or permitting agency.

(d) The Director may, and upon request shall, provide licensing and permitting agencies with determinations, definitions, and interpretations to the meaning and content of the CNMI water quality standards. The Director may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards.

10.6 Water Quality Certification-Adoption of New or Revised Water Quality Standards

To the extent permitted by applicable law, all water quality certifications to be issued by DEQ shall require the licensing or permitting authority to include a clause in the license or permit advising the licensee or permittee that the license or permit shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

Upon adoption or revision of water quality standards, DEQ shall notify the licensing or permitting authority and the licensee or permittee of the revised or newly-enacted water quality standards and shall request the licensing or permitting authority to amend or modify the license or permit, if and to the extent permitted by applicable law, to reflect the applicable water quality standards.

PART 11 LAND DISPOSAL OF WASTEWATER

11.1 General Applicability

Any action or activity that results in the disposal of wastewater on land in excess of fifty-five (55) gallons per day requires the Director of DEQ approval. Types of wastewater and pollutants discharges that need approval prior to land disposal include but are not limited to reverse osmosis brine and oil/water separator discharges.

(a) The disposal of human or animal wastewater is excluded under these requirements as this activity is regulated under the CNMI Individual Wastewater Disposal System regulations.

(b) The disposal of wastewater through an injection well is excluded as this activity is regulated under the CNMI Underground Injection Control (UIC) regulations.

11.2 Submission of Land Disposal Plans

Prior to the land disposal of any wastewater or other pollutants in excess of fifty-five (55) gallons per day, the Director of DEQ will review the plan for disposal and make a determination that the marine water or ground water will not be adversely affected by such disposal.

(a) The plan for the land disposal shall include the following items:

- (1) Name, address, and phone number of applicant;
- (2) Description of the physical process that produces the wastewater, chemical make-up of wastewater, and average volume produced on a daily and annual basis;
- (3) Map of disposal site which identifies elevation, nearby landmarks, and proposed point of discharge;
- (4) Schematic of proposed land disposal method (e.g. precolation trench, ponding basin, leachfield, infiltrator) to be used;
- (5) In the event that the land disposal plans requires seepage as a mechanism for the removal of fluids, the applicant must perform a percolation test on the proposed site and submit the results to the Director of the Division of Environmental Quality.

(b) The applicant must pay a \$500 filing fee for all land disposal plans that are submitted to the Director of the Division of Environmental Quality for review.

(1) This fee will be waived for projects that have applied for a Clean Water Act 401 Water Quality Certification.

(2) All government agencies shall be exempt from paying a fee.

11.3 Land Disposal in Coastal Lands

Land disposal in coastal lands is defined as disposal of wastewater within one hundred and fifty (150) feet of the mean high water mark of the shoreline. Any wastewater to be land

disposed on coastal lands must meet CNMI Water Quality Standards.

11.4 Land Disposal in Groundwater Recharge Areas

Land areas other than coastal lands are defined as groundwater recharge areas. The applicant must make a determination of the depth to ground water on documented evidence including the elevation above sea level and a review of the nearby well drilling records. The applicant may provide an estimate of the depth to ground water on the basis of a report from a professional hydrogeologist. Groundwater recharge areas are further divided into three subcategories:

(a) Primary groundwater recharge zones are defined as

(1) areas contributing surface infiltration within one hundred (100) feet vertically above a geologic formation that is saturated with ground water that is capable of transmitting water in sufficient quantity to sustain a public water supply well; or

(2) within three hundred (300) feet laterally upgradient from a public water water well; or

(3) one hundred and fifty (150) feet laterally downgradient from a public water supply well.

(b) Secondary groundwater recharge zones are defined as areas contributing surface infiltration but exceed 100 feet to a geologic formation that is saturated with ground water and currently or is capable of transmitting water in sufficient quantity to sustain a public water supply well.

(c) Transitional groundwater recharge zones are defined as areas contributing surface infiltration to a geologic formation that is saturated with brackish ground water with greater than 1000 part per million total dissolved solids.

11.5 Discharge Limitations for Land Disposal of Wastewater

Discharge limitations for wastewater that is to be land disposed in groundwater recharge areas is dependent on subcategory of groundwater recharge area and volume of wastewater to be disposed.

(a) Wastewater that is to be land disposed in primary groundwater recharge zones must meet drinking water standards as set in CNMI Drinking Water Regulations.

(b) Discharge limitations for water quality to be land disposed in secondary groundwater recharge zones are dependent on volume of wastewater. Specific criteria for discharge limitations will be determined on a case-by-case basis and authorized in the permit.

PART 12 INSPECTIONS AND RIGHT OF ENTRY

12.1 General Inspections

DEQ may make any inspections of any construction work or industrial facility deemed necessary to ascertain compliance with the provision of these regulations. As a condition for the issuance and continuation of any certification granted under these regulations, the holder of a certification shall allow prompt access to the premises covered by the permit or plan to the Director or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the certification. The inspection may be made with or without advance notice to the certification holder, with good purpose, at the discretion of the Director, but shall be made at reasonable times unless an emergency dictates otherwise.

12.2 Inspections at Reasonable Times

All facilities that have applied for or are required to obtain a water quality certification or NOI shall be subject to DEQ inspections at reasonable times by authorized employees of the DEQ.

12.3 Right to Enter When the Director Has Probable Cause

(a) If the Director has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a certification granted pursuant to these regulations, has occurred or is imminent, or if it is necessary to permit the Director to perform his duties under this Act, the Director shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

(b) The Director or his authorized representative may enter upon any property for the purpose set forth in subsection (a) of this section without an order or warrant if he/she has probable cause to believe all of the following:

- (1) That a violation described in these regulations has occurred or is imminent.

(2) That the violation poses a serious, substantial, and immediate threat to the public health or welfare.

(3) That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measures.

12.4 Inconsistent Conditions

If the inspector finds the conditions are other than as stated in the certification approved by DEQ, the Director may revoke the approval after issuance of a Notice of Violation and opportunity for a hearing.

PART 13 NOTICES OF VIOLATIONS, ADMINISTRATIVE ORDERS, AND PENALTIES

13.1 Power to Uphold Water Quality Standards

The Division is responsible for enforcement of these regulations in accordance with the applicable laws of the CNMI and the Clean Water Act and its amendments. Where State waters designated for recreational use fall below the CNMI water quality standards set forth in these regulations, the Director in consultation with the Secretary, shall have the authority to suspend public use of state waters or take other action which in the Director's discretion is necessary to protect the public health, safety and welfare.

13.2 Enforcement Actions

If upon an investigation pursuant to Section 11, the Director has reason to believe that any provision of these regulations promulgated pursuant hereto, or any any water quality certification, has been violated the Director shall within 10 days either:

(1) Issue a Notice of Violation or request to the correct the violation to the alleged violator; or

(2) Issue a Proposed Administrative Order and conduct a hearing pursuant to subsection 12.4 of these regulations; or

(3) When the Director has elected to issue a Notice of Violation and request to correct, and the alleged violator has not complied within ten (10) working days from the receipt of the notice, the Director shall immediately issue a Proposed Administrative Order and conduct a hearing pursuant to subsection 12.4 of these regulations.

13.3 Procedures for Administrative Orders

The Director may issue an proposed Administrative Order for each violation of the regulations adopted pursuant to the CNMI Water Quality Standards, or any conditions of the water quality certification issued pursuant to the regulations. Each day of continued violation after issuance of written notice by the Director or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.

The issuance of the proposed Administrative Order will include the schedule of a hearing conducted pursuant to 1 CMC Section 9109 and 9110. Notwithstanding any other provision of law, hearings may be public or closed at the discretion of the agency.

13.4 Settlement

The respondent may also request an informal Settlement Conference. If a settlement is reached, the parties shall forward a proposed consent order for the approval of both the Director and the Secretary. If the parties are unable to reach a settlement agreement, the hearing will take place as scheduled.

13.5 Hearing Procedures

(a) If a hearing is conducted, the Director or designee will preside over the hearing. The Director shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Director. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Director in any manner she/he reasonably determines to be just and efficient and promote the ends of justice.

(b) The Director shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

(c) At the hearing, the respondent shall also be provided the opportunity to state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, and (2) the facts which respondent intends to place at issue. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. Failure to appear or make a written response at the hearing also constitutes an admission of allegations. An oral answer may also be given at the time of hearing.

(d) At the closure of the hearing and review of the facts, an assessment of a penalty may be included and a fine will be levied as part of the Final Administrative Order.

13.6 Failure to Comply with Administrative Order

If the alleged violator has not complied with the Final Administrative Order, the Director may file a civil action initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Secretary and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

13.7 Appeal

An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

13.8 Additional Penalties

The Director may also recover from the violator all costs incurred by the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the violator's failure to comply with these regulations or a certification issued pursuant to these regulations.

13.9 Willful Violations

Any person who knowingly and willfully commits any act in violation of these regulations or conditions imposed in a water quality certification, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Director shall also remain in effect.

PART 14 SEVERABILITY

If any provision of these Regulations or their application is held to be invalid, such invalidity shall not affect any other provision or application that can be used without the invalid section, and to this end the provisions of these Regulations and their various applications are declared to be severable.

TABLE A
Aquatic Life Water Quality Criteria (1)
Priority Pollutants

POLLUTANT	FRESH	WATERS	MARINE	WATERS
	ACUTE	CHRONIC	ACUTE	CHRONIC
Pentachlorophenol	20 ⁽³⁾	13 ⁽³⁾	13	7.9
Aldrin	3.0	-	1.3	-
Dieldrin	2.5	0.0019	0.71	0.0019
Chlordane	2.4	0.0043	.09	0.004
4,4' - DDT	1.1	0.001	0.13	0.001
alpha-Endosulfan	0.22	0.056	0.034	0.0087
beta-Endosulfan	0.22	0.056	0.034	0.0087
Endrin	0.18	0.0023	0.037	0.0023
Heptachlor	0.52	0.0038	0.053	0.0036
Heptachlor expoxide	0.52	0.0038	0.053	0.0036
gamma-BHC (lindane) (Hexachlorocyclohexane-gamma)	2	0.08	0.16	-
PCBs	-	0.014	-	0.03
Toxaphene	0.73	0.0002	0.21	0.0002
Arsenic	360	190	69	36
Cadmium	3.9 ⁽²⁾	1.1 ⁽²⁾	43	9.3
Chromium (III)	1700 ⁽²⁾	210 ⁽²⁾	-	-
Chromium (VI)	16	11	1100	50
Copper	18 ⁽²⁾	12 ⁽²⁾	2.9	2.9
Cyanide (total)	22	5.2	1.0	1.0
Lead	82 ⁽²⁾	3.2 ⁽²⁾	140	5.6
Mercury	2.4	0.012	2.1	0.025
Nickel	1400 ⁽²⁾	160 ⁽²⁾	75	8.3
Selenium	20	5	300	71
Silver	4.1 ⁽²⁾		2.3	-
Zinc	120 ⁽²⁾	110 ⁽²⁾	95	86
Tribetyltin	0.44	0.06	0.36	0.01

(1) THESE CRITERIA APPLY TO ALL SURFACE WATERS. THE VALUES GIVEN IN THIS TABLE REFER TO THE TOTAL RECOVERABLE (DISSOLVED PLUS SUSPENDED) AMOUNT OF EACH SUBSTANCE. ALL CRITERIA ARE LISTED AS MICROGRAMS PER LITER (UG/L).

(2) HARDNESS DEPENDENT CRITERIA, VALUE GIVEN IS AN EXAMPLE ONLY AND IS BASED ON A CACO, HARDNESS OF 100 MG/L. CRITERIA FOR EACH CASE MUST BE CALCULATED USING THE APPROPRIATE EQUATIONS IN THE EPA CRITERIA DOCUEMNTS. FOR PURPOSES OF CALCULATING FRESHWATER AQUATIC LIFE CRITERIA FOR METALS FROM THE EQUATIONS THE MINIMUM HARDNESS ALLOWED FOR USE IN THE THOSE EQUATIONS SHALL NOT BE LESS THAN 25 mg/l, AS CALCIUM CARBONATE, EVEN IF THE ACTUAL AMBIENT HARDNESS IS LESS THAN 25 mg/l AS CALCIUM CARBONATE. THE MAXIMUM HARDNESS VALUE FOR USE IN THOSE EQUATIONS SHALL NOT EXCEED 400 mg/l AS CALCIUM CARBONATE, EVEN IF THE ACTUAL AMBIENT IS GREATER THAN 400 mg/l AS CALCIUM CARBONATE.

(3) PH DEPENDENT CRITERIA. VALUE GIVEN IS AN EXAMPLE ONLY AND IS BASED ON A PH OF 7.8. CRITERIA FOR EACH CASE MUST BE CALCULATED USING THE EQUATION INT HE EPA CRITERIA DOCUMENT.

TABLE B
Human Health Water Quality Criteria (1)
Priority Pollutants

POLLUTANT	HUMAN HEALTH VALUE	
	Fresh Waters (3)	Marine Waters (3)
Acrolein	320	780
Acrylonitrile ⁽⁴⁾	0.058	0.65
Benzene ⁽⁴⁾	1.2	71
Benzidine ⁽⁴⁾	0.00012	0.00053
Carbon tetrachloride ⁽⁴⁾ (Tetrachloromethane)	0.25	4.4
Chlorobenzene (Monochlorobenzene)	20	21000
Hexachlorobenzene ⁽⁴⁾	0.00072	0.00074
1,2 - Dichloroethane ⁽⁴⁾	0.38	99
1,1,1-Trichloroethane	200	
Hexachloroethane ⁽⁴⁾	1.9	8.74
1,1,2-Trichloroethane ⁽⁴⁾	0.60	41.8
1,1,2,2-Tetrachloroethane ⁽⁴⁾	0.17	10.7
Bis (2-chloroethyl) ether ⁽⁴⁾	0.03	1.36
2,4,6-Trichlorophenol ⁽⁴⁾	2.1	6.5
Chloroform (HM) ⁽⁴⁾ (Trichloromethane)	5.7	470
1,2-Dichlorobenzene	600	17000
1,3-Dichlorobenzene	400	2600
1,4-Dichlorobenzene	75	2600
3,3'-Dichlorobenzidine ⁽⁴⁾	0.04	0.077
1,1-Dichloroethylene ⁽⁴⁾	0.057	3.2
2,4-Dichlorophenol	93	790
1,3-Dichloropropylene (1,3-Dichloropropene) (cis and trans somers)	10	1700
2,4-Dinitrotoluene ⁽⁴⁾	0.11	9.1
1,2-Diphenylhydrazine ⁽⁴⁾	0.042	0.56
Ethylbenzene	700	29000

TABLE B
Human Health Water Quality Criteria (1)
Priority Pollutants

POLLUTANT	HUMAN HEALTH VALUE	
	Fresh Waters (2)	Marine Waters (3)
Fluorene (PAH) ⁽⁴⁾	1300	14000
Dibenzo (ah), anthracene (PAH) (1,2,5,6-Dibenzoathracene)	0.0044	0.049
Indeno (1,2,3-cd)pyrene (PAH)	0.0044	0.049
Pyrene (PAH) ⁽⁴⁾	960	11000
Tetrachloroethylene ⁽⁴⁾	0.8	8.85
Toluene	1000	200000
Trichloroethylene ⁽⁴⁾	2.7	80.7
Vinyl chloride ⁽⁴⁾ (Chloroethylene)	2.0	525
Aldrin ⁽⁴⁾	0.00013	0.00014
Dieldrin ⁽⁴⁾	0.00014	0.00014
Chlordane ⁽⁴⁾	0.00057	0.00059
4,4'-DDT ⁽⁴⁾	0.00059	0.00059
4,4'-DDE ⁽⁴⁾	0.00059	0.00059
4,4'DDD ⁽⁴⁾	0.00083	0.00084
alpha-Endosulfan	110	240
beta-Endosulfan	110	240
Endosulfan sulfate	110	240
Endrin	0.76	0.81
Endrin aldehyde	0.76	0.81
Heptachlor ⁽⁴⁾	.00021	.00021
Heptachlor epoxide ⁽⁴⁾	0.00028	0.00029
alpha-BHC ⁽⁴⁾ (Hexachlorocyclohexane-alpha)	.0039	.013
beta-BHC ⁽⁴⁾ (Hexachlorocyclohexane-beta)	.014	.046
gamma-BHC (Lindane) ⁽⁴⁾ (Hexachlorocyclohexane-gamma)	0.019	0.063
PCBs	0.000044	0.000045
Toxaphene ⁽⁴⁾	0.00071	0.00073
Antimony	6	4300
Arsenic ⁽⁴⁾	9.2	73
Asbestos	30000 fibers/l	-
Beryllium ⁽⁴⁾	0.0076	0.131
Cadmium	5	-
Chromium (III)	50	3433000
Chromium (VI)	50	-
Cyanide (total)	200	220000
Lead	50	-
Mercury	0.144	0.146
Nickel	3.4	100

TABLE B
Human Health Water Quality Criteria (1)
Priority Pollutants

POLLUTANT	HUMAN HEALTH VALUE	
	Fresh Waters (2)	Marine Waters (3)
Fluoranthene	300	370
Bis (2-chloroisopropyl)ether	1400	170000
Methylene chloride (HM) ⁽⁴⁾ (Dichloromethane)	4.7	1600
Methyl chloride (HM) ⁽⁴⁾ (Chloromethane)	0.19	15.7
Methyl bromide (HM) ⁽⁴⁾ (Bromomethane)	48	4000
Bromoform (HM) ⁽⁴⁾ (Tribromomethane)	4.3	360
Dichlorobromomethane (HM) ⁽⁴⁾	0.56	46
Chlorodibromomethane (HM) ⁽⁴⁾	0.41	34
Hexachlorobutadiene ⁽⁴⁾	0.45	50
Hexachlorocyclopentadiene	1.0	17000
Isophorone	36	2600
Nitrobenzene	17	1900
2,4-Dinitrophenol	70	14300
4,6-Dinitro-o-cresol (4,6-Dinitro-2-methylphenol)	13.4	765
N-Nitrosodimethylamine ⁽⁴⁾	.00069	8.1
N-Nitrosodiphenylamine ⁽⁴⁾	4.9	16.1
Pentachlorophenol	0.28	8.2
Phenol	21000	4600000
Bis (2-ethylhexyl)phthalate ⁽⁴⁾	1.8	5.9
Di-n-butyl phthlate	2700	12000
Diethyl phthalate	23000	120000
Dimethyl phthlate	313000	2900000
Benzo(a) anthracene (PAH) ⁽⁴⁾ (1,2-Benzanthracene)	0.0044	0.049
Benzo(a)pytene (PAH) ⁽⁴⁾ (3,4-Benzopyrene)	0.0044	0.049
Benzo(b) fluoranthene (PAH) ⁽⁴⁾ (3,4-Benzofluoranthene)	0.0044	0.049
Benzo(k) fluoranthene (PAH) ⁽⁴⁾ (11,12-Benzofluoranthene)	0.0044	0.049
Chrysene (PAH) ⁽⁴⁾	0.0044	0.049
Anthracene (PAH) ⁽⁴⁾	9600	110000

TABLE B
Human Health Water Quality Criteria (1)
Priority Pollutants

POLLUTANT	HUMAN HEALTH VALUE	
	FRESH	MARINE
Selenium	10	-
Silver	50	-
Thallium	1.7	6.3
Dioxin (,3,7,8-TCDD) ⁽⁴⁾	0.000000013	0.000000014
1,2 dichloropropane	0.52	39
1,2 Transdichloroethylene	100	140000
2,4 dimethylphenol	540	2300
acenaphthene	1200	2700
N-nitrosodi-n-propylamine	0.005	1.4
1,2,4 trichlorobenzene	100	940
<p>(1) THE VALUES GIVEN IN THIS TABLE REFER TO THE TOTAL RECOVERABLE (DISSOLVED PLUS SUSPENDED) AMOUNT OF EACH SUBSTANCE. EXCEPT FOR ASBESTOS, ALL CRITERIA ARE LISTED AS MICROGRAMS PER LITER (UG/L).</p>		
<p>(2) THE FRESH WATER VALUES APPLY TO ALL SURFACE FRESH WATERS AND ARE BASED ON TWO ROUTES OF EXPOSURE - INGESTION OF CONTAMINATED AQUATIC ORGANISMS AND DRINKING WATER.</p>		
<p>(3) THE MARINE WATER VALUES APPLY TO ALL SURFACE MARINE WATERS AND ARE BASED ON ONE ROUTE OF EXPOSURE - INGESTION OF CONTAMINATED AQUATIC ORGANISMS ONLY.</p>		
<p>(4) SUBSTANCE CLASSIFIED AS A CARCINOGEN WITH THE VALUE BASED ON AN INCREMENTAL RISK OF ONE ADDITIONAL INSTANCE OF CANCER IN ONE MILLION PERSONS.</p>		



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

**NOTICE OF PROPOSED
AMENDMENTS TO THE REGULATIONS
FOR
REAL ESTATE APPRAISERS**

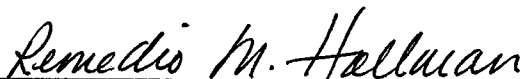
The Board of Professional Licensing hereby notifies the General Public that it proposes to amend its Regulations for Real Estate Appraisers. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing office, 2nd Floor of ICC Building, Gualo Rai.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 09 day of October, 1996.


FRANCISCO Q. GUERRERO
Chairman

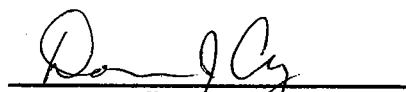
FILED BY:


for Soledad B. Sasamoto
Registrar of Corporations

10/10/96
Date

2:10 pm
Time

RECEIVED BY:


Donna J. Cruz
Governor's Office

10/10/96
Date

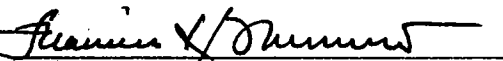
2:05 pm
Time

NUTISIA PUT I MA AMENDASION REGULASION
GI BANDAN REAL ESTATE APPRAISERS

I Board of Professional Licensing ginen este ha nutitisia i pupbliku enerat put i ma proponin i amendasion gi bandan Real Estate Appraisers. I man enteresao na indibiyuat hu fan man gagao kopian i ma proponin Amendasion Regulasion gi Ofisinan Board of Professional Licensing gi mina dos bibenda gi ICC Building, Gualo Rai.

I man enteresao na indibiyuat hu mana halom i komento siha put i ma proponin Amendasion Regulasion gi halom trenda (30) dias despues di i fecha ni ma pupblika este na nutisia gi halom i Rehistran Commonwealth.

Ma fecha este gi dia 09 gi Octubre na mes, 1996.


Francisco Q. Guerrero, Chairman

Ma satmiti as Remedio M. Halluan
to: Soledad B. Sasamoto
Rehistradoran Kotporasion

10/10/96 2:00pm
Fecha Ora

Ma risibi as Donna J. Cruz
Donna J. Cruz
Ofisinan Gobietnu

10/10/96 2:05 pm
Fecha Ora

ARONGORONGOL TOULAP

REEL POMOL IGHA EBWE AWWELELO' ALLEGHUL REAL ESTATE
APPRAISERS

Board of Professional Licensing reel milleel ekki arongaar toulap bwe a pomoli igha ebwe awwelelo' Alléghul Real Estate Appraisers. Aramas ye e tipeli ebwe isisilong yaal aiyegh ngáre yaal mángemáng reel pomol igha ebwe lliiwelelo' Allégh reel Real Estate Appraisers ebwe isisilong schagh nge ebwe líloli eliigh(30) rál kkaal sángi yaal isisilong arongorong yeel reel Commonwealth Register.

E máákketiw líloli rál ye 09 maramal October, 1996.

**REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL ESTATE APPRAISERS**

PART I. GENERAL PROVISIONS

- 1.1 PURPOSE. The purpose of these regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal regulations, as well as to protect the interests of land owners, financial institutions, appraisers and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI").
- 1.2 INTENT AND EFFECT. It is the intent of these regulations to ensure high standards of professional competence for real estate appraisers in the CNMI and to comply with applicable federal statutes and regulations.

Due to the scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real estate appraisers:

Non-Federally Related Transactions
Licensed Residential Real Estate
Appraiser
Licensed General Real Estate
Appraiser

Federally Related Transactions
Licensed Real Estate Appraiser
~~Transitional Licensed Real
Estate Appraiser~~
Certified Residential Real
Estate Appraiser
Certified General Real
Estate Appraiser

The first class of appraisers will qualify to do appraisals in non-federally related real estate transactions and will not qualify under federal law and these regulations to perform federally related real estate transactions.

The second class of real estate appraisers will qualify to perform appraisals in both federally related and non-federally related real estate transactions, the difference between licensed and certified status being further defined.

- 1.3 AUTHORITY. The CNMI Board of Professional Licensing (hereafter "Board") has the authority to regulate real estate appraisers pursuant to 4 CMC, Div. 3, Section 3105 and Section 3108.

PART II. DEFINITIONS

- 2.1 APPRAISAL OR APPRAISAL REPORT. A statement independently and impartially prepared by an appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date (s), supported by the presentation and analysis of relevant market information.
- 2.2 APPRAISAL FOUNDATION. The Appraisal Foundation established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois.
- 2.3 APPRAISAL QUALIFICATIONS BOARD. The board appointed by the Appraisal Foundation to establish criteria for appraiser licensing and certification.
- 2.4 APPRAISAL SUBCOMMITTEE. The Appraisal subcommittee of the Federal Financial Institutions Examination Council (FFIEC) consisting of representatives from the federal financial institutions regulatory agencies.
- 2.5 APPRAISER OR REAL ESTATE APPRAISER. A CNMI Licensed Residential Real Estate Appraiser, non-federally related real estate transactions, or a CNMI Licensed General Real Estate Appraiser, non-federally related real estate transactions, or a CNMI Licensed Real Estate Appraiser, federally related real estate transactions, ~~or a Transitional Licensed Real Estate Appraiser, federally related real estate transactions,~~ or a Certified Residential Real Estate Appraiser, federally related real estate transactions, or a Certified General Real Estate Appraiser, federally related real estate transactions, who for a fee or other valuable consideration prepares an appraisal assignment.
- 2.6 APPRAISER ASSISTANT. A person who is not licensed or certified as an appraiser but who assists in the preparation of an appraisal under the direct supervision of a CNMI certified or CNMI licensed appraiser and who is a bona fide employee of a licensed or certified appraiser or an employee of the same entity that employs the licensed or certified appraiser.
- 2.7 BONA FIDE EMPLOYEE OR EMPLOYEE. An individual who works for wages as the individual's primary compensation and who is not an independent contractor.
- 2.8 CERTIFICATE. A document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as CNMI certified real estate appraiser, federally related real estate transactions.
- 2.9 CERTIFIED APPRAISER. A CNMI certified Residential or General real estate appraiser, federally related real estate transactions.
- 2.10 CERTIFICATE HOLDER. The person in whose name the Board grants a certificate.
- 2.11 CLASSROOM HOUR. A classroom hour is defined as fifty minutes out of each sixty minute segment and may include time devoted to examinations.

- 2.12 COMPLEX ONE -TO-FOUR FAMILY RESIDENTIAL PROPERTY APPRAISAL. One in which the property to be appraised, market conditions, or form of ownership is atypical and which have a significant value contribution. For example, atypical factors may include but are not limited to:
- (A) architectural style;
 - (B) age of improvements;
 - (C) size of improvements;
 - (D) size of lot;
 - (E) neighborhood land use;
 - (F) potential environmental hazard liability;
 - (G) leasehold interests;
 - (H) limited readily available comparable sales data; or
 - (I) other unusual factors.
- 2.13 CONTINUING EDUCATION. Education that is creditable toward the education requirements that must be satisfied to renew licensure or certification as a Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser.
- 2.14 DIRECT SUPERVISION. To actively and personally review the appraisal report of an appraiser assistant, to accept responsibility for the appraisal, and to sign the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the uniform standards of professional appraisal practice (USPAP).
- 2.15 FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL. The council created under the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. § 3301 et seq.) consisting of representatives from the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision and the National Credit Union Administration Board.
- 2.16 FEDERALLY RELATED REAL ESTATES TRANSACTION. Any real estate-related financial transaction entered into on or after December 31, 1992, that:
- (A) any regulated institution engages in or contracts for; and
 - (B) requires the services of an appraiser.
- 2.17 FORFEIT OR FORFEITURE. The immediate and automatic termination of a license or certificate without any prior consultation with the licensee or certificate holder caused by the licensee or certificate holder's failure to comply with the requirements for maintaining or renewing the license or certificate.
- 2.18 LICENSE. The document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed appraiser.

2.19 LICENSED APPRAISER. Licensed Residential Real Estate Appraiser, non-federally related real estate transactions, or a Licensed General Real Estate Appraiser, non-federally related real estate transactions, or a Licensed Real Estate Appraiser, federally related real estate transactions, ~~or a Transitional Licensed Real Estate Appraiser, federally related real estate transactions.~~

2.20 LICENSEE. The person in whose name the Board grants a license.

2.21 MARKET VALUE. The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

(A) buyer and seller are typically motivated;

(B) both parties are well informed or well advised, and each acting in what each party considers in the party's own best interest;

(C) a reasonable time is allowed for exposure in the open market;

(D) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and

(E) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by a person associated with the sale.

In applying this definition of market value, adjustments to the comparable properties must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable properties by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

2.22 NON-FEDERALLY RELATED REAL ESTATE TRANSACTION. Any transaction which does not meet the definition of a federally related real estate transaction.

2.23 QUALIFYING EDUCATION. Education that is creditable toward the education requirements for initial licensure or certification under one or more of the three real estate appraiser classifications (Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser).

- 2.24 REAL ESTATE-RELATED FINANCIAL TRANSACTION. Any transaction involving:
- (A) the sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or
 - (B) the refinancing of real property or interests in real property; or
 - (C) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.
- 2.25 REGULATED INSTITUTION OR FEDERALLY FINANCIAL INSTITUTION. Any institution regulated by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the National Credit Union Administration.
- 2.26 RESIDENTIAL PROPERTY. Any parcel of real estate, improved or unimproved, that is utilized for one-to-four family purposes and where the highest and best use is for one-to-four family purposes. A residential unit in a condominium, townhouse or cooperative complex is considered to be residential real estate. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.
- 2.27 RESTORE OR RESTORATION. The granting of permission to perform appraiser work by the Board to a person whose license or certificate has been previously forfeited or suspended.
- 2.28 TRACT DEVELOPMENT. A project of five units or more that is constructed or is to be constructed as a single development. A tract development may be units in a subdivision, condominium project, time share project, or any similar project meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sell as a single development.
- 2.29 TRANSACTION VALUE. Transaction Value means:
- (A) for loans, participation, or other extensions of credit, the amount of the loan, participation, or extension of credit;
 - (B) for sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property involved; or
 - (C) for the purchase or sale of loans or interests in real property pooled for sale, the amount of the loan or the market value of the real property calculated with respect to each loan or real property interest in the pool.

The transaction value for a series of related transactions will be calculated as if only one transaction is involved if it appears that an entity is attempting to evade the requirements to have the appraisal performed by a licensed or certified appraiser. Master appraisals performed in support of Housing and Urban Development, Federal Housing Administration, or Veterans Administration loan transactions will not be considered as one transaction.

~~2.30 TRANSITIONAL LICENSE. The permission granted by the Board to a person to act as a transitional licensed appraiser.~~

~~2.31 TRANSITIONAL LICENSED APPRAISER. Any individual who has met all requirements for licensure as a CNMI license appraiser, federally related real estate transaction, except the education or the experience requirement.~~

2.30 UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE OR USPAP. The uniform appraisal standards including ethics and competency provisions established by the Appraisal Standards Board as adopted and as it may subsequently be amended by the Appraisal Foundation.

2.31 YEARS OF EXPERIENCE. A year is defined in terms of hours within a calendar year. One thousand (1,000) hours constitutes a year of appraisal experience.

PART III. POWERS AND DUTIES OF THE BOARD

3.1 POWERS AND DUTIES OF THE BOARD. In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:

- (A) to grant, deny, renew, or refuse to renew permission to practice as a licensed or certified real estate appraiser in the CNMI;
- (B) to adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;
- (C) to enforce the law and rules and regulations adopted pursuant thereto;
- (D) to discipline a real estate appraiser for any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real estate appraiser for any cause that would be grounds for disciplining a real estate appraiser;
- (E) to act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. § 3301 et seq.;
- (F) to revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license or certification of the appraiser for any violation of the law or these regulations;
- (G) to impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- (H) to issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year;

- (I) to compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representative acting by authority of law;
- (J) to contract with qualified persons, including attorneys, hearing officers, accountants, investigators, and other necessary personnel to assist the Board in exercising the Board's powers and duties;
- (K) to contract with a professional testing agency to develop and administer examinations;
- (L) to appoint an Appraiser Advisory Committee to assist and inform the Board in its implementation of these regulations and all applicable law; and
- (M) to do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing and certification of appraisers that the Board determines are appropriate for licensed and certified appraisers in the CNMI.

3.2 IMMUNITY. The members of the Board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any facts performed in the course of their duties except for their intentional or willful misconduct.

PART IV. REAL ESTATE APPRAISER ADVISORY COMMITTEE

4.1 MEMBERS.

(A) There shall be a Real Estate Appraiser Advisory Committee ("Committee") consisting of three (3) members appointed by the Governor to assist with the implementation of these regulations.

(B) Two members of the committee shall be appraisers who have been actively performing appraisal work for a period of not less than three (3) years preceding the date of the member's appointment. The third member shall be as selected in the discretion of the Governor.

(C) Appraiser members appointed shall be CNMI Licensed or Certified Real Estate Appraisers, federally related transactions, holding a current license or certificate.

(D) Each member of the committee shall serve without pay.

(E) The committee shall meet not less than once a year at a time and place determined by the Board or two members of the committee.

(F) Immediately upon the appointment and qualification of the original members, and annually thereafter, the committee shall organize by election of one member as Chair and one as Vice Chair.

4.2 TERMS OF MEMBERS.

(A) The terms of the members shall be for two years.

(B) Appraiser members first appointed shall have obtained a license or certificate as a CNMI Licensed or Certified Real Estate Appraiser, federally related transactions, to continue in office after December 31, 1992.

(C) Any member whose term has expired may continue in office as a holdover member until a successor is appointed; provided that a holdover member shall not hold office beyond the end of the calendar year that the member's term expired.

(D) A vacancy occurring in the membership of the committee during a term shall be filled for the unexpired term thereof by the Governor.

(E) The Governor may remove or suspend for cause any member of the committee after due notice.

PART V. LICENSE AND CERTIFICATION REQUIREMENTS

5.1 LICENSE OR CERTIFICATION REQUIRED. It shall be unlawful for an individual who is not licensed or certified in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real estate related transaction requiring licensure or certification under these regulations. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.

5.2 GENERAL REQUIREMENTS. All applicants for a license or certificate shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and a local appraisal examination approved by the Board and not have been convicted of a crime related to real estate appraisal profession. Applicants for the non-federally related appraiser license must take and pass the local appraisal examination as part of the requirement.

5.3 EDUCATION/EXAMINATION/EXPERIENCE REQUIREMENT FOR A REAL ESTATE APPRAISER, FEDERALLY RELATED REAL ESTATE TRANSACTIONS. Applicants must meet the following education, examination and experience requirements:

(A) Education.

(1) The applicant must have completed courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP). Subjects related to real estate appraisal shall include the following topics listed below:

- (a) Influences on Real Estate Value;
- (b) Legal Considerations in Appraisal;
- (c) Types of Value;

- (d) Economic Principles;
- (e) Real Estate Markets and Analysis;
- (f) Valuation Process;
- (g) Property Description;
- (h) Highest and Best Use Analysis;
- (i) Appraisal Math and Statistics;
- (j) Sales Comparison Approach;
- (k) Site Value;
- (l) Cost Approach
- (m) Income Approach;
- (n) Valuation of Partial Interests; and
- (o) Uniform Standards of Professional Appraisal Practice
- (p) Narrative Writing**

- (2) Prerequisites to taking the examination:
 - (a) Licensed classification - requires 75 classroom hours of courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP).
 - (b) Certified Residential classification - requires 120 classroom hours which may include the 75 classroom requirement for the Licensed classification, of courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP).
 - (c) Certified General classification - requires 165 classroom hours which may include the 75 hour classroom requirement for the Licensed classification and/or the 105 hour requirement for the Certified Residential classification of courses in subjects related to real estate appraisal which shall include coverage of Uniform Standards of Professional Appraisal Practice(USPAP).

- (3) A classroom hour is defined as fifty minutes out of each sixty minute segment. The prescribed number of classroom hours includes time devoted to examinations which are considered to be part of the course.

- (4) Credit toward the classroom hour requirement will not be granted unless the length of the educational offering is at least fifteen hours and the applicant successfully completes an examination pertinent to the education offering.

- (5) Credit for the classroom hour requirement may be obtained from the following:
 - (a) Colleges or Universities
 - (b) Community or Junior Colleges
 - (c) Real Estate Appraisal or Real Estate Related Organizations
 - (d) State or Federal Agencies or Commissions
 - (e) Proprietary Schools
 - (f) Other providers approved by the state certification/licensing agency

(6) Credit may be granted for teaching a course, provided the course is an approved course and further provided that the same teaching credit is not credited to meet the experience requirement.

(7) It shall be the applicant's responsibility to ensure that the course provider verifies the number of classroom hours, the length of the education offering and that the applicant successfully completed an examination for the course.

(8) An academic credit hour for a semester earned from an accredited college, university and community or junior college shall be equal to fifteen hours and academic credit hour for a quarter shall be equal to ten hours.

(9) There is no time limit regarding when qualifying education credit must have obtained.

(10) Experience may not be substituted for education.

(11) Correspondence courses may be acceptable to meet the classroom hour requirement provided each course is approved by the Board and meets the following conditions:

(a) The course has been presented by an accredited (Commission on Colleges or a regional accreditation association) college or university which offers correspondence programs in other disciplines; or

(b) the course has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (PONS) approval for college credit.

(c) The content of the offering must meet the requirements stated on Section 5.3 (A) (1) and the length of the educational offering is at least 15 hours, including examination time, and the applicant successfully complete an examination pertinent to the education offering.

(B) Examination.

(1) Each applicant for a license or a certificate shall successfully pass the appropriate examinations which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation or its equivalent and the local appraisal examination approved by the Board. The examination must be successfully completed. There is no alternative to successful completion of the examination.

(2) Passage of an examination taken in another jurisdiction may be approved as meeting the examination requirement provided the examination has been approved by the Appraiser Qualifications Board of the Appraisal Foundation and the applicant also take and passed the local appraisal examination.

- (C) Experience.
- (1) Each applicant shall obtain a minimum of two thousand hours of appraisal experience and shall submit notarized verification of appraisal experience in the form of reports or file memoranda obtained prior to the date of application.
 - (2) Acceptable appraisal experience includes, but is not limited to the following:
Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis/study, and teaching of appraisal courses, provided credit for teaching a course was not applied toward the educational requirement.
 - (3) The Licensed Real Estate Appraiser Classification applies the appraisal of (a) non-complex one to four residential units having a transaction value less than \$1,000,000; (b) other appraisals rendered in connection with any federally-related transaction having a transaction value up to, but not including, \$250,000; and (c) appraisals of rural properties where the rural property is a one-to-four family residential property where production of agricultural income is not significant or is primarily used for recreation or other non-income producing purposes.
 - (4) The Certified Residential Real Estate Appraiser Classification is certified to perform appraisals of residential property without regard to transaction value or complexity and appraisals of non-residential property rendered in connection with any federally-related transaction having a transaction value up to but not including \$250,000.
 - (5) The Certified General Real Estate Appraiser Classification is certified to perform appraisals for all real estate property types.
 - (6) All Licensed and Certified Appraisers are bound by the Competency **and Ethics** Provision of the Uniform Standards of Professional Appraisal Practice.
 - (7) Experience obtained after January 1, 1991 shall comply with the Uniform Standards of Professional Practice (USPAP).**

5.4 APPROVAL OF COURSE PROVIDERS.

- (A) Colleges, universities, and community and junior colleges accredited by nationally recognized accreditation organizations and State or Federal agencies or commissions or other entities or persons approved by the Board are approved course providers; or
- (B) Real estate appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the course offered by the course provider has been endorsed by the Appraisal Subcommittee or the Appraiser Qualifications Board and proof of the endorsement is filed with the Board; or

(C) Real estate appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the courses offered has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (PONSI) approval for college credit; or

(D) Real estate appraisal or real estate related organizations, proprietary schools, and other providers may be approved by the Board provided the course provider submits the course outline, course objectives, and instructor qualifications for approval, and agrees to:

- (1) submit, upon request, the copy of the course examination for review;
- (2) provide completion certificates to attendees which include information regarding the number of classroom hours, successful passage of examination and the index number assigned by the Board to the courses within two weeks of completion of the courses;
- (3) permit, upon request, the Board or the Board's representative to audit the course at no cost to the Board or the Board's representative;
- (4) provide that non-members of the association or organization may apply for the course without membership in the association or organization on the same terms and conditions as members of the association or organization; and
- (5) keep attendance records for a minimum of three years.
- (6) Completion certificates shall be issued only if the attendee physically attended at least eighty-five percent of the classroom hours.

(D) Upon approval of the course, an index number shall be assigned to indicate approval.

5.5 DISAPPROVAL OF COURSE PROVIDERS OR COURSES

- (A) Course providers or courses may be disapproved when:
- (1) The instructor or administrators of the course provider has had any disciplinary proceeding filed or disciplinary action taken by any jurisdiction;
 - (2) The instructor fails to demonstrate knowledge and competency in the subject matter being taught;
 - (3) The course is not equivalent in content and complexity to a college or professional level course;
 - (4) The course does not contribute to the professional competence of participants; or
 - (5) Five percent or more of the course covers nonsubstantive material such as, but not limited to personnel management, office management, or computer program courses not related to the appraisal practice.

(B) Course approval may be withdrawn for cause after notification to the course provider by the Board.

5.6 EDUCATION/EXPERIENCE REQUIREMENTS FOR NON-FEDERALLY RELATED REAL ESTATE TRANSACTIONS.

(A) Applicants must meet the following requirements for licensing as a CNMI Licensed Residential Appraiser or CNMI Licensed General Appraiser, non-federally related transactions or for renewal, and must take and successfully pass the local appraisal examination approved by the Board:

(1) Fifty (50) classroom hours of appraisal related courses with six (6) years experience as an appraiser; or

(2) An AA in Business Administration with Thirty (30) classroom hours of appraisal related courses with (4) years experience as an appraiser; or

(3) A Bachelor's degree or higher with Fifteen (15) classroom hours of appraisal related courses and two (2) years experience as an appraiser; and

(4) That the applicant has not been convicted of a crime related to real estate appraisal profession.

(B) Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

(C) To verify appraisal experience as required in (1), (2), (3), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience abovementioned.

(D) The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

(E) Classification of Licensed Residential and General Real Estate Appraiser, Non-Federally Related Transactions is:

(1) Licensed Residential Classification - includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. At least 50% of the experience claimed must have been in major residential appraisal work.

(2) Licensed General Classification - This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity.

5.7 CONTINUING EDUCATION.

(A) The equivalent of ten (10) classroom hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year certification term would require twenty hours. These hours may be obtained anytime during the two-year term.)

(B) As a prerequisite to renewal of a license or certificate, a real estate appraiser shall present satisfactory evidence of having met the continuing education requirements.

(C) Credit toward the classroom hour requirement may be granted only where the length of the education offering is at least two (2) hours.

(D) Approved course providers shall be as stated in Section 5.4. Course providers and courses may be disapproved as provided for in Section 5.5.

(E) Credit awarded for the continuing education requirement may also be awarded for the classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established for both the classroom hour and continuing education requirements.

(F) Credit for the classroom hour requirements may be obtained from the following:

- (1) colleges or universities;
- (2) community or junior colleges;
- (3) real estate appraisal or real estate related organizations;
- (4) commonwealth, state or federal commissions;
- (5) proprietary school;
- (6) other providers approved by the state certification/licensing agency.

(G) Credit may be granted for educational offerings which cover real estate appraisal related topics such as those listed below and which are consistent with the purposes of continuing education:

- (1) Ad Valorem Taxation
- (2) Arbitration
- (3) Business courses related to practice of real estate appraisal
- (4) **Development Cost Estimating**
- (5) Ethics and Standards of Professional Practice
- (6) Land use planning, zoning and taxation
- (7) Management, leasing, brokerage, timesharing
- (8) Property Development
- (9) Real estate appraisal
- (10) Real estate financing and investment
- (11) Real estate law
- (12) Real estate litigation
- (13) Real estate appraisal related computer applications
- (14) Real estate securities and syndication
- (15) Real property exchange

(H) Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtained continuing education.

(I) Correspondence courses may be acceptable to meet the classroom hour requirement provided each course is approved by the Board and meets the following conditions:

(1) The course has been presented by an accredited (Commission on Colleges or a regional accreditation association) college or university which offers correspondence programs in other disciplines; **or**

(2) the course has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (PONS) approval for college credit.

(J) The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

(K) Continuing education credit hours in excess of the twenty continuing education hours for each biennial year shall not be credited to satisfy continuing education hours for the next biennial renewal period.

5.9 REPUTATION FOR HONESTY, TRUTHFULNESS, FAIRNESS AND FINANCIAL INTEGRITY. Applicants shall demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity.

5.10 EXAMINATION REQUIREMENT. Each applicant for a license (federally related) or a certificate (federally related) shall successfully pass the appropriate examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for federal related real estate transaction and a local appraisal examination approved by the Board.

5.11 ISSUANCE OF LICENSE OR CERTIFICATE. The CNMI appraiser license or CNMI appraiser certificate shall be issued upon the applicant meeting all appropriate requirements and must be renew every two years from date of issue or renewal.

5.12 LICENSE OR CERTIFICATE ISSUED. A CNMI license or CNMI certificate shall only be issued to individuals and the license or certificate shall not be transferable.

5.13 FILING OF CURRENT ADDRESS. Every licensee or certificate holder shall provide written notice to the Board of any changes of the licensee's or certificate holder's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed or certified appraisers shall be deemed met if notice is sent to the address on file with the Board.

~~5.14 TRANSITIONAL APPRAISERS:~~

~~(A) An applicant for transitional CNMI license shall meet all requirements for licensure as a licensed appraiser except the education or experience requirement. No transitional license shall be issued to any applicant who fails to meet both the education or experience requirements.~~

~~(B) The transitional CNMI license appraiser may perform reports and advertise as a "transitional licensed appraiser".~~

~~(C) The validity of the transitional license shall not exceed two years and, in every case, shall expire on December 31, 1995, not be renewed. All provisions of these regulations shall be applicable to transitional licensed appraisers. Application for issuance or licensure or certification may be made at any time by the transitional licensed appraiser. The application shall apply as a new applicant.~~

PART VI. APPLICATION

6.1 APPLICATION FOR LICENSURE OR CERTIFICATION. Application for licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide:

- (A) The applicant's full name;
- (B) A statement that the applicant has attained the age of majority (18);
- (C) The applicant's current business or mailing address for publication, and the applicant's current resident address;
- (D) The applicant's social security number;
- (E) The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
- (F) The date and place of any conviction of felony or any crime directly related to any appraisal practice;
- (G) Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
- (H) A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant and the authority of the Board shall remain in force as long as any liability remains outstanding;
- (I) A photograph of the applicant for identification purposes;

(J) A statement that the applicant is a United States citizen **or a non U.S. citizen** authorized to work in the CNMI; and

(K) Any other information the Board may require to investigate the applicant's qualifications for licensure or certification.

6.2 SUPPORTING DOCUMENTS REQUIRED. Every applicant shall furnish the following with the application:

(A) The appropriate fees;

(B) Proof that the applicant has met the educational, **examination**, and experience requirements;

(C) Notarized statement of experience;

(D) Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;

(E) If requested, proof that the applicant is a CNMI or United States citizen or **a non-U.S. citizen** authorized to work in the CNMI; **and**

(F) If requested, appraisal reports or file memoranda.

6.3 RESPONSIBILITY OF APPLICANT TO FURNISH INFORMATION AND DOCUMENTATION. It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.

6.4 SIGNING AND VERIFICATION OF APPLICATION. Every application and all references shall be signed by the applicant or the person attesting to the experience and reputation of the applicant. All persons signing shall swear to the truth of the statements contained therein before a notary public.

6.5 APPLICATION FOR CERTIFIED REAL ESTATE APPRAISER, FEDERALLY RELATED TRANSACTIONS FROM LICENSED REAL ESTATE APPRAISER, FEDERALLY RELATED TRANSACTIONS.

(A) An individual holding a current real estate appraiser, federally related transaction license may apply for certified real estate appraiser, federally related transactions status upon submittal of the following:

(1) Certified Residential Real Estate Appraiser:

(a) appropriate fees;

(b) proof that the applicant has met the education requirement of one hundred twenty classroom hours, which may include the seventy-five classroom hour requirement for licensed classification, or courses in subjects related to real estate appraisal which shall include coverage of the USPAP; and

- (c) proof that the applicant has performed one thousand hours of major residential appraisal work.
- (2) Certified General Real Estate Appraiser:
- (a) appropriate fees;
 - (b) proof that the applicant has met the education requirement of one hundred sixty-five classroom hours, which may include the seventy-five classroom hour requirement for the licensed classification and/or the one hundred twenty hour requirement for the certified residential classification of courses in subjects related to real estate appraisal which shall include coverage of the USPAP and successful completion of the Appraiser Qualifications Board endorsed Uniform State Certification Examination or its equivalent;
 - (c) proof that the applicant has performed one thousand hours of non-residential appraisal work.

(B) Credit awarded for the continuing education requirement may also be awarded for the classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established for the classroom hour and continuing education requirements.

~~(C) A transitional licensed appraiser shall submit educational requirements as stated above and required experience requirements, as the case may be, for certification.~~

6.6 CRIMINAL CONVICTION. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant: copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence.

6.7 DENIAL OR REJECTION OF APPLICATION.

(A) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license or certificate:

- (1) When the applicant is known to have committed any of the acts for which a license or certificate may be suspended or revoked hereunder.
- (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

(B) An applicant shall be automatically rejected and the applicant shall be denied licensure or certification when the applicant, after having been notified to do so:

- (1) Fails to pay the appropriate fees within sixty days from notification; or

- (2) Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure or certification within sixty days of notification.
- (C) Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.
- (D) An applicant, whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.
- 6.8 TERM. All licenses and certificates expires two years following its issuance or renewal and becomes invalid after that date unless renewed.
- 6.9 DATE OF FILING FOR RENEWAL. All licenses and certificate holders shall complete and submit an application together with the required fees, and proof of the required completed continuing education hours on or before the date of expiration. A completed application with the required documents sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than the date of expiration.
- 6.10 AUTOMATIC FORFEITURE FOR FAILURE TO RENEW. The failure to timely renew the license or certificate, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license or certificate to be automatically forfeited.
- 6.11 RESTORATION OF FORFEITED LICENSE OF CERTIFICATE.
(A) A license or certificate which has been forfeited may be restored within two years after the date of forfeiture provided the applicant pays the appropriate fees including restoration fees, and submits all continuing education hours that would have been required had the licensee or certificate holder maintained licensure or certification.
(B) An individual whose license or certificate has been forfeited and who fails to restore the license or certificate as provided above, shall apply as a new applicant.
- 6.12 BOARD MAY REFUSE TO RENEW OR RESTORE LICENSE OR CERTIFICATE.
(A) The Board may refuse to renew or restore a license or certificate for failure or refusal of the licensee or certificate holder:
(1) To properly complete or timely submit the renewal application form and submit all fees and required documentation;
(2) To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
(3) To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or certificate; or
(4) To comply with these regulations.

(B) An applicant, whose application has been refused by the Board to be renewed or restored for the above reasons may file for an administrative hearing as provided by law.

6.13 INACTIVE STATUS.

(A) A license or certificate may be placed on an inactive status upon notification to the Board by the licensee or certificate holder in writing of the effective date of inactivation and payment of an inactive file.

(B) A licensee or certificate holder on inactive status shall be considered as unlicensed or uncertified.

6.14 REQUIREMENTS TO REACTIVATE.

(A) An inactive licensee or certificate holder may apply for reactivation upon payment of all fees due and owing from the time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure or certification from the date of inactivation.

(B) Failure to meet the requirements for reactivation shall require a person desiring licensure or certification to apply as a new applicant.

PART VII. SCOPE OF APPRAISERS

7.1 SUPERVISION OF APPRAISER ASSISTANTS. Licensed and certified appraisers may directly supervise appraiser assistants provided:

(A) The appraiser assistant is a bona fide employee of the licensed or certified appraiser, or an employee of the same entity who employs the licensed or certified appraiser; or

(B) The licensed or certified appraiser signs the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

7.2 USE OF TERMS "~~TRANSITIONAL LICENSED APPRAISER~~", "LICENSED APPRAISER", AND "CERTIFIED APPRAISER".

(A) The terms "~~transitional licensed real estate appraiser~~", "licensed real estate appraiser," "certified residential real estate appraiser", and "certified general real estate appraiser" for federally related transactions and "licensed residential real estate appraiser", and "licensed general real estate appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed or certified, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed or certified.

(B) This requirement shall not be construed to prevent a licensee or certificate holder from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if it is clear that only the individual is licensed or certified and the corporation, partnership, association, or group practice is not.

(C) No person may assume or use the title "~~transitional licensed real estate appraiser~~," "licensed real estate appraiser", "certified residential real estate appraiser", and "certified general real estate appraiser" for federally related transactions, or "licensed residential real estate appraiser", and licensed general real estate appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure or certification unless that persons holds a current license or certificate hereunder.

7.5 REAL ESTATE-RELATED FINANCIAL TRANSACTIONS NOT REQUIRING APPRAISAL BY A LICENSED OR CERTIFIED APPRAISER. An appraisal performed by a licensed or certified appraiser (federally related transaction) is not required for any real estate-related financial transaction in which:

(A) The transaction value is at or below the de minimus level established by a federal financial institutions regulatory agency;

(B) A lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been more favorable than it would have been in the absence of the lien;

(C) Real estate is leased unless the lease is the economic equivalent of a purchase or sale of the leased real estate;

(D) There is a renewal of an existing transaction in which the maturity and amortization of the obligation are intentionally mismatched for repricing or credit quality consideration, provided that:

(1) The borrower has performed satisfactorily according to the original terms;

(2) No new monies have been advanced;

(3) The credit standing of the borrower has not deteriorated; and

(4) There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection.

(E) A regulated institution purchases a loan or interest in a loan, pooled loan, or interests in real property, including mortgage-backed securities, provided that the appraisal prepared for each pooled loan or real property interest met the requirements of this part, if, applicable, at the time of origination.

7.5 NONAPPLICABILITY TO REAL ESTATE BROKERS OR REAL ESTATE SALESPERSONS.

These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

- (A) The opinion as to the listing or the purchase price shall not be referred to as an appraisal;
- (B) No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property; or
- (C) No representation is made that the real estate broker or salesperson is a certified or licensed real estate appraiser.

PART VIII. TEMPORARY RECOGNITION OF LICENSURE OR CERTIFICATION OF OUT-OF-CNMI APPRAISERS

8.1 RECOGNITION OF LICENSE OR CERTIFICATE. The Board may recognize the license or certification of an appraiser licensed or certified in another jurisdiction provided:

- (A) The licensure and certification requirements in that other jurisdiction are substantially equivalent to the CNMI and the applicant take and passed the local appraisal examination and further provided that:
 - (1) the property to be appraised is part of a federally related transaction;
 - (2) the appraiser's business is of a temporary nature; and
 - (3) the appraiser applies for the temporary license or certificate.

(B) The out-of-CNMI appraiser may elect to obtain licensure or certification of CNMI by filing an application.

8.2 REQUIREMENTS FOR RECOGNITION.

- (A) Application for recognition of appraiser licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide items abovementioned, and in addition, the applicant shall:
 - (1) submit evidence of current license or certificate from the other jurisdiction;
 - (2) submit a copy of the contract for appraisal services that requires the applicant to appraise real estate in the CNMI and certify that such contract is in full force and effect;
 - (3) certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
 - (4) agree, in writing, to conform with all the provisions of these regulations; and

(5) file a designation in writing which appoints the Board to act as the appraiser's licensed agent upon whom all judicial and other process or legal notices directed to the appraiser may be served. The appraiser shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the appraiser and that the authority of the Board shall continue in force as long as any liability of the appraiser remains outstanding in this jurisdiction.

8.3 BOARD MAY REFUSE TO RECOGNIZE. The Board may refuse to recognize licensure or certification for reasons hereunder:

(A) If the applicant fails to submit appropriate fees, within sixty days of notification to do so; or

(B) The applicant fails to meet equivalent qualifications or requirements for appraiser licensure or certification of this jurisdiction.

8.4 TERM OF RECOGNITION: RENEWAL.

(A) Recognition shall remain in force as long as the license or certificate is current in the other jurisdiction; provided however, that any new contracts for appraisal assignments shall be filed with the Board.

(B) The appraiser shall file with the Board evidence of renewal of license or certificate in the other jurisdiction, within two months of renewal.

8.5 WITHDRAWAL OF RECOGNITION. Recognition of the licensure or certification may be withdrawn after a hearing pursuant to law and these regulations if the appraiser is found to have violated the provisions of this law and/or these regulations or if the appraiser's license or certificate is disciplined, suspended, revoked or forfeited in the other jurisdiction.

PART IX. APPRAISAL STANDARDS

9.1 APPRAISAL STANDARDS FOR FEDERALLY RELATED REAL ESTATE TRANSACTIONS.

(A) For federally related real estate transactions valued at or above the de minimus level established by a federal financial institutions regulatory agency, all appraisals shall be performed by a licensed, transitional or certified appraiser and shall, at a minimum:

(1) conform to the current standards of professional appraisal practice (USPAP);

(2) if appropriate, disclose any steps taken to comply with the competency provision of the USPAP;

(3) be based upon the definition of market value as defined in these regulations;

(4) be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real estate appraised which can be readily understood by a third party;

(5) analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:

(a) for one-to-four family residential property, one year preceding the date when the appraisal was prepared; or

(b) for all other property, three years preceding the date when the appraisal was prepared.

(6) analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;

(7) analyze and report data on current revenues, expenses and vacancies for the subject property if it is and will continue to be income producing;

(8) analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;

(9) analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income of the absorption period, to the extent they affect the value of the subject property;

(10) analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;

(11) include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;

(12) contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third party study and its impact on value so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a final conclusion will enable the reader to understand the reasonableness of the conclusion;

(13) include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real estate being appraised;

(14) identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of the market value; and

(15) follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.

(B) If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.

(C) An appraiser shall perform all appraisals, review, or consult with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

9.2 SIGNATURE ON APPRAISAL REPORTS.

(A) If an appraisal report is prepared and signed by CNMI licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Licensed Appraiser" and the appraiser's license number and expiration date.

(B) If an appraisal report is prepared and signed by a CNMI certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Certified Appraiser" and the appraiser's certificate number and expiration date.

~~(C) If an appraisal report is prepared and signed by a transitional licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "transitional licensed appraiser" and the appraiser's license number and expiration date.~~

(C) If an appraisal report is prepared and signed by an appraiser licensed or certified in another jurisdiction whose license or certificate has been temporarily recognized by the board, the appraisal report shall state, immediately following the signature, ~~"transitional licensed appraiser,"~~ "licensed appraiser," "certified residential appraiser," "certified general appraiser," as the case may be, the appraiser's license or certificate number, the expiration date of the license or certificate, and the jurisdiction in which the appraiser is licensed or certified.

(D) Appraisal reports prepared by appraiser assistants shall be approved and signed by the licensed or certified appraiser.

9.3 RECORDS AND APPRAISAL REPORT RETENTION REQUIREMENT.

(A) Every licensed or certified appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.

(B) The five-year period shall commence upon date of delivery of the appraisal report to the client provided that if the appraiser is notified that the appraiser or appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.

(C) The appraiser shall make all records available, upon request, to the Board or the Board's authorized delegate.

PART X. ADVERTISING PRACTICES

- 10.1 ADVERTISING PRACTICES. A license or certificate holder advertising through any media shall be identified as a CNMI licensed, ~~transitional CNMI licensed~~, or CNMI certified appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. For purposes of this section, "media" includes, but is not limited to newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

PART XI. DISCIPLINARY SANCTIONS

11.1 DISCIPLINARY SANCTIONS.

(A) The Board, after a hearing may order one or more of the following remedies as appropriate relief:

- (1) Refunding the money paid as fees for services;
- (2) Correcting the work done in providing services;
- (3) Revoking the license or certificate;
- (4) Suspending the license or certificate;
- (5) Imposing a fine; and
- (6) Any other reasonable means to secure relief as determined by the Board.

(B) In addition, the Board may also impose conditions or limitations upon a license or certificate after a hearing conducted in accordance with applicable law and regulation. The violation of any condition or limitation on a license or certificate may be cause to impose additional sanctions against the appraiser. Any fine imposed by the Board after a hearing shall be no less than \$100 each violation, and each day of violation may be deemed a separate violation.

- 11.2 HEARINGS. Any proceeding before the Board to take disciplinary action or other sanctions against a licensed or certified appraiser shall be conducted in accordance with applicable law and regulations.

- 11.3 GROUNDS FOR REVOCATION, SUSPENSION, REFUSAL TO RENEW OR RESTORE, DENIAL, OR CONDITIONING OF LICENSES OR CERTIFICATES. In addition to any other acts or conditions provided by law, the Board may revoke, suspend, refuse to renew or restore, deny, or condition in any manner, any license or certificate for any one or more of the following acts or conditions:

(A) Procuring a license or certificate through fraud, misrepresentation, or deceit;

(B) Failing to meet or maintain the requirements or conditions necessary to qualify for licensure or certification;

(C) Acting negligently or incompetently or failing without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

- (D) Failing to comply with the uniform standards of professional appraisal practice;
- (E) Performing, for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
- (F) Conviction of, or pleading nolo contendere to any felony or any crime that is substantially related to the qualification, functions, or duties of an appraiser;
- (G) Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal;
- (H) Committing any act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person;
- (I) Accepting an appraisal assignment if the employment or fee is contingent upon:
 - (1) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - (2) The consequences resulting from the appraisal assignment.
- (J) Engaging in the business of real estate appraising under an assumed or fictitious name not properly registered;
- (K) Paying a finder's fee or a referral fee to a person who is not a licensed or certified appraiser in this jurisdiction in connection with appraisal of real estate or real property in this jurisdiction;
- (L) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;
- (M) Aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations;
- (N) Violating any conditions or limitations upon which the license or certificate was issued;
- (O) Failing to report to the Board, in writing, any disciplinary decision issued against the licensee or certificate holder in another jurisdiction; and
- (P) Violating the provisions in these regulations or any order of the Board.

- 11.4 RESTORATION OF SUSPENDED LICENSE OR CERTIFICATE. A person whose license or certificate has been suspended may apply for restoration of the license or certificate upon complete compliance with any term or condition imposed by the order of suspension. The application for restoration shall be accompanied by the appropriate fees, application, completed continuing education hours, and any other documents required.
- 11.5 REVOKED LICENSE OR CERTIFICATE. Upon the expiration of at least two years from the effective date of the revocation of the license or certificate, a person may apply for a new license or certificate by filing an application and complying with all current requirements for new applicants.
- 11.6 RELINQUISHMENT NO BAR TO JURISDICTION. The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license or certificate by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license or certificate.
- 11.7 JUDICIAL REVIEW. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

PART XII. UNAUTHORIZED PRACTICE AS AN APPRAISER

- 12.1 NO COMPENSATION FOR UNAUTHORIZED ACTIVITY; CIVIL ACTION. The failure of any person to maintain a current and valid license or certificate prior to engaging in any activity requiring licensure or certification by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on any legal basis to recover the reasonable value thereof.
- 12.2 SANCTIONS FOR UNAUTHORIZED ACTIVITY; FINES; INJUNCTIVE RELIEF; DAMAGES.
- (A) Any license or certificate holder aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations or knowingly combining or conspiring with an unlicensed or uncertified person, or acting as agent, partner, associate, or otherwise, of an unlicensed or uncertified person with the intent to evade these regulations may be fined up to \$1,000 for each violation.
- (B) Any person, who engages in an activity requiring an appraiser's license or certificate issued by the board and who fails to obtain the required license or certificate, or who uses any work, title, or representation to induce the false belief that the person is licensed or certified to engage in said activity, shall be guilty of a misdemeanor and be subject to a fine of not more than \$1,000 or imprisoned not more than one year, or both, and each day of violation shall be deemed a separate offense.

(C) The Board may maintain a suit to enjoin the performance or the continuance of an act or acts by a person acting without a license or certificate where a license or certificate is required by law or these regulations and if injured thereby, for the recovery of damages. The Board may also seek the imposition of fines provided by subsection (A) above. It shall not be necessary that actual damages to the plaintiff or petitioner be alleged or proved. Reasonable attorney fees and costs shall be allowed by the court to the plaintiff or petitioner as the prevailing party.

PART XIII. ADMINISTRATIVE REGULATIONS

- 13.1 ADMINISTRATIVE REGULATIONS. The rules of practice and procedure shall be as provided in the Administrative Regulations of the Board as adopted and as may subsequently be amended which are incorporated by reference and made a part of this regulations.

PART XIII. PUBLICATION OF ROSTER

- 13.1 PUBLICATION OF ROSTER. The Board shall prepare annually, a roster showing the name and place of business of each individual holding a license as a CNMI licensed appraiser, ~~or transitional CNMI license appraiser~~, or a certificate as a CNMI certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART XIV. FEES

- 14.1 FEES ESTABLISHED. The fees for licensure or certification shall be as follows:
- (A) Application Fee. \$100
 - (B) License or Certificate Fee \$100
 - (C) Annual Registry Fee. \$ 25
- to be transmitted to the Federal Financial Institutions Examination Council (FFIEC).
- (D) Renewal Fee. \$ 50
 - (E) Inactive Fee. \$ 20
 - (F) Reactivation Fee. \$ 20
 - (G) Restoration Fee. \$ 20
 - (H) Examination Fee shall be as provided by contract with a professional testing organization.
 - (I) Local Examination Fee. \$75
 - (J) Application Fee for Recognition of \$ 25
license or certificate

The application fees shall be nonrefundable. The annual registry fees may be increased if the Appraisal Subcommittee or the Federal Financial Institutions Examination Council so informs the Board of the increase, and may be imposed on licensees or certificate holders without hearing. Failure to pay any increase of the annual registry fee within sixty days of notification to do so shall result in automatic forfeiture of the license.

- 14.2 FORM OF FEE. The fees, if in the form of money order or check, shall be made payable to the CNMI Treasurer.
- 14.3 DISHONORED CHECKS CONSIDERED FAILURE TO MEET REQUIREMENTS. The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.
- 14.4 FEE DEPOSITED; TRANSMITTAL TO THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.
(A) All fees shall be deposited in the general fund of the CNMI.
(B) The annual registry fees shall be transmitted by the Board to the Federal Financial Institutions Examination Council annually.