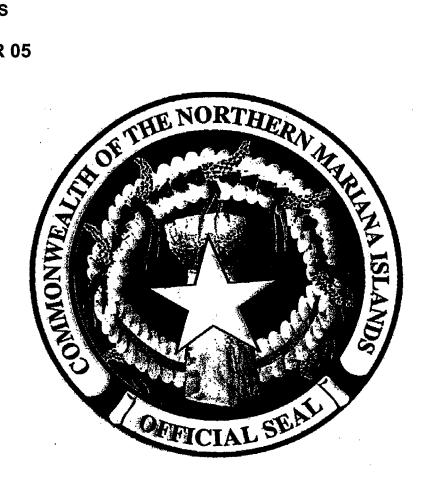
## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN MARIANA ISLANDS

#### **VOLUME 19 NUMBER 05**



**MAY 15, 1997** 

# COMMONWEALTH REGISTER

#### COMMONWEALTH REGISTER VOLUME 19 NUMBER 05 MAY 15, 1997

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#### ETHICS ACT ADVISORY OPINION 97-01

Office of the Public Auditor April 16, 1997

<u>Issue</u>: Whether a member of the Foreign Investment Review Committee is required to file a Statement of Financial Interests under the CNMI Ethics Code, in light of the right of privacy guaranteed by the CNMI Constitution.

<u>Background</u>: The Department of Commerce adopted Foreign Investment Regulations by publication in the January 15, 1995 Commonwealth Register, Vol. 17 number 01. Section 701 established the Foreign Investment Review Committee composed of the Secretary of Commerce, the Attorney General, and "any other person(s) whom the Secretary deems appropriate." The Secretary appointed a number of members from within the Department of Commerce, and added a member from the Division of Revenue and Taxation and another from the Attorney General's Office.

Some of the Committee's duties are to "review all applications for or renewals of regular term business certificates, long-term business certificates, and foreign investor certificates" (section 701A), "hold public hearings from time to time on the type of investments needed in the Commonwealth" (section 701D), and to "determine the criteria for approval of the application for a Long Term Business Certificate" (section 1001B.2.) The Secretary of Commerce's letter of appointment describes a Committee member's duties thus:

Your duties shall include, among others: the review of applications for Regular Term Business Certificates, Long Term Business Certificates, and Foreign Investor Certificates and approve or deny such applications; provide for recommendations to correct deficient applications; meet regularly amongst yourselves to review policies, establish SOP's; address concerns and appeals, and provide reports to the Secretary for my consultation to the Governor.

The Secretary of Commerce must certify that an alien investor is qualified for a Commerce certification before the Division of Immigration may issue a business or foreign investor visa, but such certification "shall be consistent with the recommendation by the Foreign Investment Review Committee" (section 601).

An appointed official requested an opinion from the Office of the Public Auditor as to whether the non-elected members of the Committee who were appointed by the Secretary are required to file a Statement of Financial Interest under the CNMI Ethics Code, specifically with reference to the right of privacy guaranteed under the CNMI Constitution.

<u>Opinion</u>: A member of the Foreign Investment Review Committee is required to file a Statement of Financial Interests notwithstanding the constitutional right of privacy.

#### Discussion:

- 1. Members of the Foreign Investment Committee are "appointed employees of the Commonwealth" and are subject to the financial disclosure requirements of the Ethics Act.
- 1 CMC §8501 of the Government Ethics Act states, in pertinent part:

[T]he legislature hereby enacts a comprehensive code of conduct for <u>all</u> elected officials and <u>appointed employees and officers of the Commonwealth Government</u> and its political subdivisions <u>including members of</u> boards, commissions and <u>other instrumentalities</u>. (Emphasis added.)

The specific reference to boards and commissions does not exclude members of other government entities. The use of the words "and other instrumentalities" contemplates that bodies such as committees are covered by the Act. This intention becomes clear when provisions of the financial disclosure and definitions sections are considered.

1 CMC §8511(d) provides:

No <u>appointed</u> Commonwealth official or <u>public employee</u> shall be allowed to take the oath of office or <u>enter or continue his or her duties</u>, nor shall he or she receive compensation from the Commonwealth, <u>unless he or she has filed a statement of financial interests with the Public Auditor</u> as required by this Chapter. (Emphasis added.)

1 CMC §8503(k) defines "public employee" as follows:

"Public employee" means an individual who is an <u>appointed employee of the</u> Commonwealth government, whether part-time or full-time. (Emphasis added.)

1 CMC §8503(b) contains the following definition of "Commonwealth Government":

"Commonwealth government" means <u>any</u> administrative unit, board, commission, <u>committee</u>, department, division, executive branch, independent agency, judiciary, legislature, political subdivision, public corporation, or public school system <u>of the Commonwealth</u>. (Emphasis added.)

In our opinion, the language cited and emphasized above leaves little doubt that broad coverage was intended, and that the bottom line is to require officials in responsible positions with the government to be accountable in the conduct of their prescribed duties. The members of the Foreign Investment Committee have significant responsibilities and influence in the foreign investment area which is of vital importance to the Commonwealth economy. Among other duties, they are required to approve or deny individual applications for business and investment certificates, and to hold public hearings on what types of investments the Commonwealth needs. After considering the legislative language and the importance of the Foreign Investment Review Committee's responsibilities, we conclude that the Legislature must have intended that appointed officials or employees with such a substantial degree of authority be required to file Statements of Financial Interests.<sup>1</sup>

2. The financial disclosure requirements in the Ethics Code do not improperly infringe on the right to privacy provided in the CNMI Constitution.

Article I, §10 of the CNMI Constitution states:

The right of individual privacy shall not be infringed except upon a showing of compelling interest.

The first paragraph of the Analysis of the Constitution makes clear that the right is not absolute:

The section [§10] balances this right [of privacy] against governmental or public interests that might conflict with it.

Analysis, p. 24.

The Analysis later elaborates:

<sup>&</sup>lt;sup>1</sup> See Forney v. State Ethics Com., 425 A.2d (PA 1981), where the court liberally construed a financial disclosure act in order to effect its purpose of fostering public confidence in the impartiality and honesty of public servants. It held that a municipal authority was an agency of the Commonwealth performing essential government functions, and the authority's employees had to be regarded as employees of the Commonwealth and therefore subject to the act. See also Montgomery County v. Walsh, 336 A.2d 97 (MD 1975), app dism'd. 424 U.S. 901, 47 L.Ed.2d 306, 96 S.Ct. 1091, where the court ruled that a financial disclosure law was intended to apply to a broad range of government officials and employees exercising significant governmental authority, whether elected or appointed, and overruled a lower court decision that the law applied only to those who held public office.

The right of individual privacy guaranteed by this section is not absolute. The public has an interest in protecting the health, safety and welfare of the community composed of individuals. Each individual makes a compromise when that individual chooses to live with others and to enjoy the benefits of society.

Analysis, p. 25 (emphasis added.)

A justifiable intrusion on the right of privacy must involve a public purpose, one that "advances the health, safety or welfare of the community":

The term "public purpose" includes the need...to permit the dissemination of public information."

Analysis, p. 26 (emphasis added.)

The <u>Analysis</u> goes on to say that the public purpose, for an intrusion to be justified, must be "compelling" and not capable of accomplishment in any less intrusive way.

An increasing number of states and municipalities have enacted statutes and ordinances requiring disclosure of financial information by public officials and employees. The right of privacy has frequently been raised as an objection, but courts have generally not been receptive to the privacy claim

Many courts have rejected these claims,...considering the invasion of individual privacy interests to be *outweighed by the compelling state interest in government integrity*.

Comment, 22 ALR4th 237, 241 (1983). (Emphasis added.)

#### Financial Privacy is Different from Personal Privacy

Courts have often distinguished between privacy considerations of a personal or intimate nature, which are strongly protected, and those of a financial nature, which are more easily outweighed by public interest considerations. In <u>Snider v. Shapp</u>, 405 A.2d 602 (PA 1979), a law requiring financial disclosure by public officials and candidates for office was challenged as violating the constitutional right to privacy. The Court upheld the financial disclosure law, emphasizing that the right of privacy was not unlimited:

The right of privacy...is a right that is protected by degrees and in kind. Thus, personal finances and the right to be free from regulation or disclosure have been accorded less protection on the value scale of privacy than purely personal interests involving marriage or the family [citations omitted] Conversely, the interest of the public in knowledge of their government runs to the core of our political system. It is the right to be informed concerning matters bearing upon the fitness of an individual to serve in a public office and hold a public trust that is being vindicated by the requirement that private interests be disclosed.

At p. 609. (Emphasis added.)

Federal courts have also stressed the dichotomy between personal and financial interests. In <u>Plante v. Gonzales</u>, 575 F.2d 1119, *reh den* 580 F.2d 1052 (FL 1978), *cert den* 439 U.S. 1129, 59 L.Ed.2d 90, 99 S.Ct. 1047, the 5th Circuit Court of Appeals held that a state constitutional provision requiring public officials and candidates to disclose personal financial information did not violate the right to privacy under the U.S. Constitution. The Court determined that the disclosure requirement was not within the branch of the right of privacy concerned with autonomy, which had developed in cases involving government interference with intimate decisions usually connected with the family; such intrusion was considered offensive to commonly shared standards. Financially privacy, on the other hand, had not been given similar protection. The court did acknowledge that financial privacy was another strand of the right to privacy and was a matter of serious concern. Nevertheless, the interests served by the disclosure requirement in deterring corruption, developing an informed electorate, and restoring public confidence in state officials, were strong enough to outweigh the privacy interests of officials and candidates, whose legitimate expectations of privacy were less than those of ordinary citizens.

Interestingly, the court in <u>Plante</u> rejected the claim that the state's interests would be served just as well by limiting disclosure to an ethics commission, stating that the needs of an informed electorate justified public disclosure of the required financial data. It should be noted that the CNMI's financial disclosure law is more limited, since the information is not publicly released when filed with the Public Auditor and is available upon written request only to the Legislature, in the case of an appointee requiring confirmation, and to the Board of Elections, for candidates seeking elective office.

See also <u>Illinois State Employees Assn. v. Walker</u>, 315 N.E.2d 9 (1974), cert den 419 U.S. 1058, 42 L.Ed.2d 656, 95 S Ct 642, where the Court upheld an executive order imposing financial disclosure requirements on state employees, stating that such requirements did not interfere with the right to privacy under either the U.S. or Illinois Constitution. The Court ruled that the right of privacy was concerned with the invasion of intimate family relationship, not the financial affairs of persons occupying positions of public trust whose conduct the government had a strong interest in regulating. And in <u>Lehrhaupt v. Flynn</u>, 356 A.2d 35, 41 (NJ 1976), aff 'd 383 A.2d 428, the Court pointed out that officials' right to privacy is not absolute and must be balanced against the "legitimate right of the public to acquire knowledge of all facts relevant to the actual or potential performance of its public officials" and the justified public interest in "maintaining the integrity in the democratic process."

#### Financial Disclosure is a Compelling Public Interest

Courts have upheld financial disclosure laws because the public has a reasonable expectation of high ethical standards in its public officials. The public's right to know of possible conflicts of interest that could jeopardize those standards constitutes the compelling interest justifying limits on individual privacy:

[I]t seems appropriate to us to require disclosures of sources of substantial amounts of income and of significant business interests. It would be an anomaly to enact a statute, designed to eliminate conflicts of interest between public trust and private gain, in such manner that the person affected is permitted to decide when a financial interest relates to his public employment. The purpose of the legislation supports the necessity for broad statutory coverage in this area. We believe that the statute as cast reflects the compelling government interest which is paramount to the rights of the individual, and that the statute is not overbroad as an unconstitutional invasion of privacy.

Stein v. Howlett, 280 N.E.2d 409, 413 (IL 1972.) (Emphasis added.)

[W]e think the County Ordinance facially demonstrates a *compelling interest* necessary to the accomplishment of County policy to which is subordinated any resulting infringement on the right of privacy. The State Act and Ordinance have a common purpose — to assure that citizens maintain the highest trust and confidence in their public officials. These laws are concerned not just with actual conflicts of financial interest but with appearances....such legislation seeks to foster a climate of honesty perceptible by the public at large. It can hardly be denied that the County has a *compelling interest* on behalf of its citizens, in ensuring that its public officials and employees act with honesty, integrity and impartiality in all their dealings, and that their private financial holdings and transactions present no conflict of interest between the public trust and private interests.

Montgomery County v. Walsh, 336 A.2d 97, 105-6 (MD 1975.) (Emphasis added.)

The State of Florida has a *compelling interest* in protecting its citizens from abuse of the trust placed in their elected officials, and no court has yet declared that a federal right of privacy overrides a reasonable effort by the state to implement a policy of ethics in government...The disclosure of personal finances to the extent prescribed in [the Florida statute] advances the legitimate interest of the state in preventing the wrongful diversion of governmental authority to private financial gain.

Goldtrap v. Askew, 334 So.2d 20, 22 (FL 1976.)

In our system of government no state interest is more compelling than the assertion of the right of the public to have relevant information concerning the conduct of its government and its employees.

Evans v. Carey, 385 NYS2d 965 (NY 1976), aff 'd 359 N.E.2d 983. (Emphasis added.)

Commonwealth residents clearly have a compelling interest in mandating their elected and appointed public officials to provide financial information that could reveal possible conflicts of interest between their private interests and their public responsibilities. The method selected by the Legislature — a required filing with the Public Auditor — is much less intrusive on privacy than the requirements in many other jurisdictions. Net worth and annual income need not be disclosed. And the Statement of Financial Interests is not filed publicly but rather with the Public Auditor who is under a strict statutory duty to maintain confidentiality of records.

#### Legislature May Establish General and Non-Specific Filing Requirements

The Legislature is not required to adopt disclosure requirements that are narrowly fashioned to the demands of each public position. To require such an onerous task would be unreasonable.

Respondents assert the [public disclosure] initiative does not sufficiently relate required disclosure to the nature of the office. It would be, however, an insurmountable legislative task to tailor disclosures to each of literally a myriad of public posts, and an anomaly to require each individual to make a personal determination as to what items of his financial affairs would be relevant.

Fritz v. Gorton, 517 P.2d 911, 926 (WA 1974.) (Emphasis added.)

Accord, Snider v. Shapp, supra, at 610; Goldtrap v. Askew, supra, at p. 22 ("It was not necessary that the Legislature experiment with less intrusive or more particularized disclosure laws, or that less rigid disclosure thresholds be established. In this area the Legislature need only adopt a uniform code which requires disclosure of matters reasonably relevant to the duties of public office. We agree with the Supreme Court of Washington...")

<u>Conclusion</u>: Members of the Foreign Investment Review Committee are appointed government employees subject to the financial disclosure requirements of the CNMI Ethics Code. Any infringement on their right of privacy is outweighed by the Commonwealth's compelling interest in requiring disclosure of financial data, in order to maintain high ethical standards and avoid conflicts of interest in the conduct of government business. The filing requirements, which do not involve broad public disclosure, are no more intrusive than are necessary to achieve this objective. As one court stated:

[T]he objectives sought by financial disclosure laws are in principle unassailable and theoretically justify a broad scope of inquiry. Honest government is so patently a worthy objective, and the capacity for venality in human behavior is so profound and ingenious, that virtually any disclosure law however intrusive might be rationally justifiable.

Slevin v. City of New York, 551 F.Supp. 917, 921 (S.D. NY 1982), aff 'd in part and rev'd in part sub nom. Barry v. City of New York, 712 F.2d 1554 (2d Cir.), cert den 464 U.S. 1017, 78 L.Ed.2d 723, 104 S.Ct. 548 (1983.)

Public Auditor

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office

day of April, 1997. Dated this 25

Robert B. Dunlap II

Seneral [Acting] Attorney

Assistant Attorney General

## Commonwealth of the Northern Mariana Islands DEVELOPMENT APPEALS BOARD

## NOTICE OF ADOPTION OF EMERGENCY REGULATIONS and NOTICE OF PROPOSED RULE MAKING

Emergency. Executive Order 94-3 became effective in August of 1994. Due to delays in the appointment of a quorum of the Board and its initial organization, final Board regulations have not yet been adopted. During the intervening period, the Board has been advised that several disputes have arisen which could have been resolved through Board review. However, because the Board had not yet been organized, resolution of these disputes has been either delayed or accomplished through other mechanisms. The Board finds that the orderly and efficient private sector development of Commonwealth resources and the need to protect the public interest in that development is not served by further delay. In addition, the Board finds that its adoption of organizational and procedural rules on an emergency basis pending adoption of final regulations on the same subjects does not impair or adversely affect any existing rights of future parties before the Board. Rather, by permitting the resolution of existing disputes during the interim comment period, those rights are further protected. For these reasons, the Board has concluded that the public interest warrants and requires the adoption of the foregoing proposed regulations on an emergency basis under 1 CMC §9104(b).

Summary: The proposed by-laws, in the form of regulations, clarify the powers and authorities of the Development Appeals Board; provide the structure and administrative organization of the Board and set out the procedures governing the conduct of meetings and the receipt, hearing and resolution of appeals.

Statutes Affected. The Historic Preservation Act of 1982, P.L. 3-39, the Coastal Resources Management Act of 1983, P.L. 3-47, the Zoning Code of the Commonwealth of the Northern Mariana Islands, P.L. 6-32 as amended by P.L. 7-41, and the Building Safety Code, P.L. 6-45 as amended by P.L. 8-8.

Contact: For copies of this notice or for additional information, members of the public may contact Arlene A. Yamagata, Acting Administrative Assistant, Development Appeals Board, 664-2306 (voice), 664-2210 (facsimile), Office of the Special Assistant for Administration, P.O. Box 10007, Saipan, MP 96950.

Comment Period: Interested members of the public are invited to submit written comments on the proposed regulations governing the operation and administration of the Development Appeals Board on or before June 15, 1997. Written comments should be submitted in person

to: Arlene A. Yamagata, Acting Administrative Assistant, Development Appeals Board, Office of the Special Assistant for Administration, 1st Floor, Administration Building, Capitol Hill, Saipan or by mail to: Development Appeals Board, Office of the Special Assistant for Administration, P.O. Box 10007, Capitol Hill, Saipan, MP 96950. Comments must be received or be post-marked by June 15, 1997 to ensure consideration.

For the convenience of the public, comments may also be submitted by facsimile to: 664-2210. Comments submitted by facsimile will not be confirmed as received by the Board.

Citation of Authority: These by-laws, in the form of regulations, are promulgated pursuant to authority granted under Section 401(g) of Executive Order 94-3 and 1 CMC §9104.

Dated this 12 day of May, 1997.

Jose Pangelinan Cruz

Chairman/

Development Appeals Board

CONCURRENCE:

Governor

APPROVED:

PLEASE SEE PAGE 5

**ATTORNEY GENERAL** 

FILED-WITH:

SOLEDAD B. SASAMOTO

Registrar of Corporations

"PART 1. GENERAL PROVISIONS

- 1.1. Authority. These by-laws, in the form of regulations, are promulgated pursuant to authority granted under Section 401(g) of Executive Order 94-3 and 1 CMC §9104.
- 1.2. Short Title. These regulations shall be known as the "Development Appeals Board Regulations" and may be cited as "DAB, §\_\_\_".
- 1.3. *Purpose*. The purpose of these regulations is to set out the procedures and standards that govern the organization, activities, authority, meetings and adjudicatory decisions of the Board.
- 1.4. Establishment and Jurisdiction. The Development Appeals Board was created by Section 401 of Executive Order 94-3 to function as the single administrative body to receive and resolve disputes arising under the Historic Preservation Act of 1982, P.L. 3-39, the Coastal Resources Management Act of 1983, P.L. 3-47, the Zoning Code of the Commonwealth of the Northern Mariana Islands, P.L. 6-32 as amended by P.L. 7-41, and the Building Safety Code, P.L. 6-45 as amended by P.L. 8-8. In resolving such disputes, the Board is delegated authority to exercise the appellate responsibilities of the Governor under 2 CMC §4831(c), the Coastal Resources Management Appeals Board under 2 CMC §1541, the Zoning Board under 2 CMC §7241(a); and the Building Safety Code Review Board under 2 CMC §7125.
- 1.5. Definitions. For the purposes of these regulations,
  - 1.51. "Board" shall mean the Development Appeals Board.
  - 1.52. "Chairman" shall mean the Chairman of the Development Appeals Board, except in the case of the Board of Zoning Appeals, in which case "Chairman" means the Chairman of the Board of Zoning Appeals.
  - 1.53. "Presiding Officer" shall mean the Presiding Officer of a committee or hearing panel under §2.3.
  - 1.54. "Vice Chairman" shall mean the Vice Chairman of the Development Appeals Board as designated by the Governor.

#### PART 2. ORGANIZATION AND POWERS

- 2.1 Board Organization, Vacancies and Quorum.
  - 2.11. Any vacancy in the membership of the Board is filled in the same manner in which the original appointment was made.
  - 2.12. Where any member ceases to reside on the island from which he or she was originally appointed, that place on the Board is deemed to be vacant.
  - 2.13. Five members of the Board constitute a quorum when the Board takes action as a whole, three or more members constitute a quorum when the Board takes action as the Board of Zoning Appeals as a whole, and two or more members constitute a quorum of a hearing panel. A majority vote of the members constituting a quorum shall constitute action by Board or one of its entities.
- 2.2. Board of Zoning Appeals. The five members of the Board appointed from the island of Saipan shall also serve as the Board of Zoning Appeals.
- 2.3. Committees. The Board may establish such committees and hearing panels and delegate such of its powers and authorities as it deems necessary or desirable to assist in the discharge of its duties and responsibilities.

2.4. Authority of Chairman. The Chairman shall be the administrative head of the Board and shall have the authority, consistent with the rules, regulations and policies of the Board and applicable law, to employ, fix the compensation, supervise and remove personnel; enter into contracts and agreements for the Board; preside over all hearings and meetings of the Board; develop and submit an annual budget for Board consideration and adoption; maintain the records and files of the Board; and take such other action as authorized by law or delegated by the Board. In the absence of the Chairman, the Vice Chairman shall preside at Board meetings. In the absence of both the Chairman and Vice-Chairman, the Board member who will preside shall have been designated by the Chairman or failing such designation, by majority vote of those attending.

#### PART 3. PRACTICES AND PROCEDURES

#### 3.1. General Provisions.

3.11. Appellate Jurisdiction. The Board has jurisdiction over any appeal from agency action for which appeal to the Board is authorized by law. Authorized appeals include but are not necessarily limited to appeals under 2 CMC §§1541(b), 4831(c), 7114, 7125, 7221(d) and (j)(2) and 7251(b).

3.12. Filing Fees. No notice of appeal shall be accepted or docketed unless the notice of appeal is accompanied by any filing fees required by statute. Upon adoption of a schedule of fees by the Board, such schedule shall be published as an Appendix to

these regulations.

- 3.13. Place of Filing. Appeals authorized under this Part may be filed with the Administrative Assistant, Development Appeals Board. In the case of appeals arising in the First or Second Senatorial District, appeals may be filed by mail, with the date of filing deemed to be the date the appeal was postmarked. The time period for Board action shall not commence until the appeal is received by the Administrative Assistant of the Board.
- 3.14. Number of Copies to be Filed. In the case of an initial notice of appeal other than an appeal under 2 CMC §7241(b), the original and nine copies of the notice, together with all accompanying papers, shall be filed with the Board. In the case of appeals under 2 CMC §7241(b), the original and five copies shall be filed. In the case of all documents filed after the initial notice of appeal, parties shall file the original and sufficient copies for each member of the Board or Board committee or panel assigned responsibility to adjudicate the matter.
- 3.15. Referrals of Appeals and Adjudicatory Documents. Upon receipt of a notice of appeal, the Board Clerk shall docket the matter and refer the copies of the notice and all accompanying papers to the Chairman of the Board or, in the case of an appeal under 2 CMC §7241(b), to the Chairman of the Board of Zoning Appeals, and each member of the respective Board. In the case of any document filed after a notice of appeal, the Clerk shall file the original in the official appellate docket of the Board and refer the copies to each member of the Board or Board committee or panel assigned responsibility to adjudicate the matter.
- 3.16. Service. A copy of any notice of appeal filed with the Board shall be served upon the agency whose decision is appealed and upon all formal parties to the agency proceeding or matter giving rise to the decision appealed. A copy of any subsequent adjudicatory document filed with the Board shall be served upon all parties to the appeal before the Board.
- 3.17. Computations of Time. Where an act is required under these regulations to be performed within a specified time period, the time for such action shall be determined in conformity with the Commonwealth Rules of Civil Procedure for the Superior

Court of the Commonwealth of the Northern Mariana Islands. 3.18. Appointment of Hearing Panel. Subject to such regulations, rules or policies as the Board may adopt, the Board may, in its discretion, appoint under Section 2.3 of these regulations and refer an appeal for resolution to a three member hearing panel from among the members of the Board, provided that at least one member of the hearing panel shall be from the Senatorial District in which the matter giving rise to the appeal is located or is proposed to be located.

3.2. Appeals. Appeals shall be heard and resolved by the Board consistent with the statutory procedures applicable to each type of appeal subject to the Board's jurisdiction."

Dated this 12 day of May, 1997.

Chairman

Development Appeals Board

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

May, 1997 . Dated this 13th day of



## Office of the Public Auditor

Commonwealth of the Northern Mariana Islands
World Wide Web Site: www.mtccnmi.com/community/opa
2nd Floor J. E. Tenorio Building, Middle Road
Gualo Rai, Saipan, MP 96950

Mailing Address: P.O. Box 1399 Saipan, MP 96950 E-mail Address: opa@mtccnmi.com ☎ (670) 234-6481/2 Fax: (670) 234-7812

#### **PUBLIC NOTICE**

#### PROPOSED REVISED OPA PERSONNEL REGULATIONS

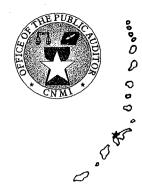
The Public Auditor hereby provides public notice of the Proposed Revised Office of the Public Auditor (OPA) Personnel Regulations.

The Proposed Revised OPA Personnel Regulations govern the employment, payment of salary, allowances, benefits, and separation of personnel under contract of employment with OPA. These revised regulations are established pursuant to 1 CMC §2305, as repealed and reenacted by Public Law No. 9-68, which authorizes the Public Auditor to establish personnel regulations for the employees of his office who are exempt from the Commonwealth Civil Service Act. These regulations revise and replace existing personnel regulations which were published in Volume 18, Number 02 of the Commonwealth Register, on February 15, 1996.

The proposed revised regulations are published in the Commonwealth Register. Copies of the proposed revised regulations may be obtained from the Office of the Public Auditor, Gualo Rai, P.O. Box 1399, Saipan, MP 96950.

Anyone interested in commenting on these revised regulations may do so in writing, addressed to the Public Auditor, at the address given above not later than 30 days from the date of its publication in the Commonwealth Register.

Issued by:	Leo L. LaMotte Public Auditor, CNMI	Date:	418/97
Filed and Recorded by:	Soledad B. Sasamoto Registrar of Corporations	Date:	5/13/97
Received at the Governor's Office:	Helling V. Fuerrer Governor's Authorized Staff	Date:	5/13/97



#### Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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#### **NUTISIAN PUPBLIKU**

#### I MANMA PROPOPONI NA RINIBISAN REGULASION SIHA PUT EMPLEHAON I OFISINAN AUDITOT PUPBLIKU

I Auditot Pupbliku ginen este ha pribebeni i pupbliku nutisian i Manma Propoponi na Rinibisan Regulasion siha put Emplehaon Ofisinan Auditot Pupbliku (OPA).

I Manera Propoponi na Rinibisan Regulasion siha ma gubebetna i ma empleha, Ma apasen suetdo, gastu, benefisiu siha yan seperasion petsonat gi papa' kontratan emplehao yan i Ofisinan Auditot Pupbliku OPA. Este na Rinibisan Regulasion siha manma establesi sigun gi 1 CMC papa' seksiona 2305, ni ma ripela yan ma agon enakta ni Lai Pupbliku No. 9-68, ni ha aturisa i Auditot Pupbliku para u establesi regulasion siha put petsonat para emplehaon Ofisina-ña siha ni manma na'fansahnge ginen i Setbisiun Sibit Commonwealth na Akto. Este siha na regulasion ma ribisa yan tahgue i eksisiste siha na regulasion petsonat ni manma pupblika gi halom Baluma 18, Numiru 02 gi Rehistran Commonwealth, gi Febreru 15, 1996.

I Manma Propoponi na rinibisan regulasion siha manma pupblika gi halom Rehistran Commonwealth. Kopia siha put i manma propoponi na rinibisan regulasion siha siña manma chule' ginen i Ofisinan Auditot Pupbliku, giya Gualo Rai, P.O. Box 1399, Saipan, MP 96950.

Todu ayu interesao manma' komentu gi este siha rinibisan regulasion siña macho'gue gi tinige' ya u ma adres guatu gi Auditot Pupbliku gi adres ni matuge' gi sanhilo' sin mas ki trenta (30) dias despues di i fechan i ma pupblikan-ñiha gi halom i Rehistran Commonwealth.

Linaknos as: Fecha: 4/10/97
Leo L. LaMotte

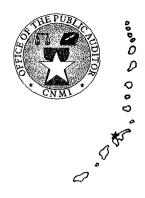
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#### ARONGORONGOL TOWLAP

## FFEERUL LLIIWEL MELLOL ÓWTOL ALLEGHUL SCHOOL ANGAANGAL BWULASIYOOL OPA

<u>Public Auditor</u> sángi milleel nge ekke arongaar towlap igha ekke Pomoli bwe ebwe Liwili Owtol Alléghúl Ilól Bwulasiyool <u>Public Auditor OPA.</u>

Pomol fféérúl lliiwel kkaal mellól Bwulasiyool OPA, nge ebwe lemeliir schóól angaang, abwósuur reel angaang, allowances, benefits, me úmwéilóór aramas kka re contract mellól Bwulasiyool OPA. Lliiwel kkaal nge reféérúl sángi bwángil me ailééwal 1 CMC § 2305, igha e lliiwel nge aa fféér sefáál mellól ówtol Alléghúl Towlap ye No. 9-68, iye e ayoora bwángil Public Auditor bwe ebwe fféér allégh reel aramas kka rekke angaang iye nge reselo faal mille Commonwealth Civil Service Act. Allégh kkaal nge ebwe liwilil Allégh kka ighila iwe e toowow llól Volume 18, Nuumuro 02 mellól Commonwealth Register, wóól Meischigh (Febreero) 15, 1996.

Fféerúl Iliiwel kkaal nge aa takkal toowow mellól <u>Commonwealth Register</u>. Kopiyaal Iliiwel kkaal nge emmwel schagh bwe iyo e tipáli nge ebwe ló bweibwogh sángi Bwulasiyool <u>Public Auditor</u>, <u>Gualo Rai, P.O. Box</u> 1399, Seipél, MP 96950.

Aramas ye e tipáli nge emmwel schagh bwe ebwe ischiitiw meeta mángemángil me tipal reel lliiwel kkaal nge aa afanga ngáli <u>Public Auditor</u> reel address we elo weiláng, nge essóbw lu sángi eliigh (30) rál sángi igha e toowow arongorong yeel mellól Commonwealth Register.

Mercel: Leo L. LaMotte Rál: 4/10/97

Isaliiyal me Print Po Rekoodliyal: S-/13/97

Soledad B. Sasamoto Registrar of Corporations

Public Auditor, CNMI

Aramas ye e bwughi mellol Bwulasiyool Aramas ye Re Aturisaay

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## OFFICE OF THE PUBLIC AUDITOR PERSONNEL REGULATIONS

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## OFFICE OF THE PUBLIC AUDITOR PERSONNEL REGULATIONS

#### **I INTRODUCTION**

#### 1.1 Purpose

The revised regulations established herein implement the provisions of 1 CMC §2305 authorizing the Public Auditor to establish personnel regulations for the employees of his office, who are exempt from the Commonwealth Civil Service Act. These regulations govern the employment, payment of salary, allowances, benefits, and separation of personnel under contract of employment with the Office of the Public Auditor (OPA).

#### 1.2 Background

Pursuant to Article III, Section 12 of the Commonwealth Constitution, the Commonwealth Auditing Act of 1983 established the Office of the Public Auditor to conduct audits of all government agencies and activities. 1 CMC §2305(a), as repealed and reenacted by Public Law No. 9-68, provides: "The Public Auditor may appoint and remove such employees as he or she deems necessary to perform the duties of the office. These employees may include assistant public auditors, accountants, auditors, financial management analysts, investigators, attorneys, paralegal, secretaries, clerks, and the like. All personnel employed by or contracted for by the Office of the Public Auditor shall be exempt from the application of the Commonwealth Civil Service Act (1 CMC §8101 et seq.). The Office of the Public Auditor shall set its own compensation, wage, and salary scales. The wage and salary scales shall be commensurate with those paid by the Commonwealth requiring comparable education, training, and experience. The Office of the Public Auditor may provide staff housing as part of its compensation package to its employees. The Office of the Public Auditor may administer a program of staff housing for its employees."

The Office of the Public Auditor published personnel regulations in Volume 18, Number 02 of the Commonwealth Register, on February 15, 1996. Appendix A of those regulations contained a salary schedule setting forth, in part, salary ranges for some positions that included minimum and maximum compensation levels. These salary ranges were commensurate with existing Commonwealth salaries.

Pursuant to 1 CMC §2305 (a), as repealed and reenacted by Public Law No. 9-68, OPA is allowed to adopt its own compensation schedule. Recently, the Commonwealth Legislature enacted Public Law No. 10-27 which also granted the Commonwealth Utilities Corporation authority to adopt its own compensation schedule. Other autonomous agencies and public corporations also have the authority to establish their own salary schedules. This allows the agencies and corporations to establish the classification for employment positions unique to

their operations. For OPA, these are auditors and investigators. It has also become apparent that from time to time OPA must adjust its employee compensation levels to keep salaries commensurate with those elsewhere in the Commonwealth government. OPA needs the flexibility to adjust pay levels without having to republish its personnel regulations for each adjustment. For that reason, OPA has decided to revise its Personnel Regulations published on February 15, 1996 and to eliminate the existing salary schedule included as Appendix A.

#### 1.3 Policy

It is the policy of OPA to use its resources efficiently and effectively, and to employ nondiscriminatory practices in matters relating to recruitment, selection, classification, compensation, and separation of employees.

It is also the policy of OPA to encourage the professional and technical education and training of resident citizens of the Commonwealth, and to give qualified residents preferential treatment, whether by appointment, transfer, or promotion.

#### 1.4 Coverage

These personnel regulations apply to all personnel under contract of employment with OPA.

#### 2 APPOINTMENTS AND SEPARATIONS

#### 2.1 Search for Qualified Resident Workers

2.1.1 Prior to new hiring, OPA will publicize the job vacancy. The publication will be done by posting notices in public places in the Commonwealth, advertising in a newspaper of general circulation in the Commonwealth, and posting in the OPA web site and other Job Seeker News groups on the Internet for availability of information outside of the CNMI. The publication or advertisement will continue for a period of 15 days, except that all or part of the 15-day period may be waived if the Public Auditor finds that a waiver is in the public interest and the waiver is approved by regulatory agencies required to approve OPA hiring documents.

#### 2.2 Pre-Employment Condition

- 2.2.1 Persons hired by OPA must be physically capable of performing the duties of the position. They must be free from communicable diseases, and from any present or potential medical condition that prevents the successful performance of duty, poses a health risk to other employees, or reflects discredit upon OPA.
- 2.2.2 Persons hired must be examined by medical personnel authorized to conduct such examinations for employment purposes, and the results must be documented on forms acceptable to OPA.

#### 2.3 Effective Dates of Appointment

- 2.3.1 Appointment from outside the Commonwealth will be effective on the date of departure from place of residence for direct travel to the duty station, adjusted for en route stop-overs arranged for the convenience of the employee.
- 2.3.2 Appointment from within the Commonwealth will be effective on the date that the employee initially reported for duty.
- 2.3.3 The Public Auditor is authorized to provide Conditions of Employment for contracts not inconsistent with the provisions of these regulations.

#### 2.4 Expatriation and Repatriation of Employees Hired Outside the CNMI

Employees hired outside the CNMI will receive expatriation and repatriation benefits in accordance with the following provisions.

- 2.4.1 **Expatriation Benefits:** Subject to conditions set forth in section 2.6.4 of these Regulations, travel and transportation expenses will be paid by OPA as follows:
  - 1) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from point of recruitment to duty station.
  - 2) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from point of recruitment to duty station.
  - Cost of transportation of household goods and personal effects of the employee from point of recruitment to duty station, not to exceed a) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or b) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.
    - The shipment must originate within six months of the date of entry on duty, unless extended by the Public Auditor for just cause. In the event temporary storage of household goods and personal effects intended for shipment to the duty station is necessary at the point of recruitment after pick-up by the carrier and prior to departure by sea, OPA will pay the cost of such temporary storage.
  - 4) Cost of storage of household goods and personal effects at the point of recruitment, not to exceed a) 2,000 pounds net weight for employees hired with dependents, or b) 1,000 pounds net weight for employees hired without dependents.

- 2.4.2 Repatriation Benefits: Subject to conditions set forth in section 2.6.4 of these Regulations, OPA will pay all return travel and transportation expenses to the point of recruitment upon (1) completion of the agreed-upon period of service as set forth in the initial contract, and (2) separation from OPA. However, OPA will be discharged of this responsibility if repatriation expenses are not incurred within one year of the termination date. Travel and transportation expenses will be paid by OPA as follows:
  - 1) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from duty station to point of recruitment.
  - 2) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from duty station to point of recruitment.
  - Cost of transportation of household goods and personal effects of the employee from duty station to point of recruitment, not to exceed a) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or b) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.
  - 4) Before repatriation benefits are provided and the employee's final paycheck is issued, the employee must obtain signatures from the Manager of CUC Utility Branch, Hospital Administrator of CHC, Director of Revenue and Taxation, Director of Finance and Accounting, and Public Auditor.
- 2.4.3 **Shipments:** Only those items not restricted by Commonwealth or Federal regulations may be shipped.
- 2.4.4 Employee's Dependents: The employee's dependents are defined as 1) spouse, 2) children, including step-children and legally adopted children, who are unmarried and under 21 years of age (children who reach the age of 21 while the employee is employed by OPA will be returned to the employee's point of recruitment at OPA's expense), children who are physically or mentally incapable of supporting themselves regardless of age, and children by a previous marriage for whom the employee or spouse has legal custody (except

children by a previous marriage who are primarily domiciled by Court Order in other than the employee's household), and 3) wholly dependent parents of the employee and/or spouse.

#### 2.5 Duty Station and Work Assignment

- 2.5.1 An employee is employed for a specific position and assigned to a specific duty station as identified in the employment contract. However, upon the Public Auditor's consent, an employee may be assigned to another related employment position and to another duty station when it is in the best interest of the government to do so.
- 2.5.2 In the event of a transfer of employment and duty station, the employee will be entitled to transportation for self and dependents, to shipment of household effects not to exceed 1,500 pounds for single status and 3,000 pounds for employees with dependents, and to shipment of one privately-owned automobile.

#### 2.6 Termination and Resignation

- 2.6.1 The Public Auditor may terminate an employee without cause upon written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice.
- 2.6.2 The Public Auditor may terminate an employee with cause upon written notice seven days in advance of termination of employment.
- 2.6.3 When resigning, the employee must give the Public Auditor written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice. The Public Auditor may waive the advance written notice requirement at the time of the employee's resignation.
- 2.6.4 **Early Termination of Contract:** Early termination of contract occurs when an employee refuses to perform duties, fails to perform at work satisfactorily, resigns, is removed for cause, or willfully vacates his or her position.

The following provisions apply to employees hired outside the CNMI:

- 1) If the employee terminates the contract before completing one year of service from the initial date of hire, then there will be no repatriation benefits and the employee must repay OPA the cost of expatriation benefits and other costs associated with the employee's recruitment.
- 2) If the employee has not completed the full term of the initial contract and terminates that contract after completing one year of service from the initial date of hire, then there will be no repatriation benefits, but the employee will not have to repay the cost of expatriation benefits and other costs associated with the employee's recruitment.
- OPA may permit the employee to resign and authorize return transportation for the employee, the employee's dependents (if the employee is hired with dependents), and the employee's household effects and personal property at any time for compelling reasons of humanitarian nature, as determined by the Public Auditor, subject to such proof as the Public Auditor may consider necessary.
- 2.6.5 Without Cause Separation of Employees Hired Outside the CNMI: Any separation without cause from duty station will be effective upon the arrival of the employee at his or her place of residence after travel by the most direct route from the duty station, adjusted for en route stop-overs not exceeding three days, for the convenience of the employee. Should the employee decide to go someplace other than his or her place of hire, the separation date will be computed using his or her return to the place of hire as a maximum. The employee will bear any additional cost associated with the employee's travel to the place of his or her choice.

#### 3 COMPENSATION AND WORK SCHEDULE

#### 3.1 Regular Salary

- 3.1.1 Salary will be negotiated based on the qualifications of the individual, labor market conditions, and other pertinent factors used in the selection process. Salary will be expressed in terms of the gross amount per annum to be paid on a biweekly basis.
- 3.1.2 An employee will earn salary, as stated in his or her appointment, on the basis of a twelve-month period consisting of 26 biweekly pay periods. When not actually engaged in work, as assigned, the employee may be on leave status, with or without pay as appropriate.
- 3.1.3 **Regular Rate of Pay:** The regular rate of pay per hour includes the following:
  - 1) base salary rate per hour (annual salary per employment contract divided by 2,080 hours) and
  - 2) 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, prorated to determine the amount for that work week, divided by total hours actually worked during the work week.

#### 3.2 Work Schedule

An employee's work day and work week may vary from time to time according to the needs of OPA. Every effort must be made to maintain a reasonable five-day, 40-hour work week. OPA employees shall be eligible for or exempt from overtime and compensatory time pursuant to the provisions of the Fair Labor Standards Acts of 1938 (FLSA). Such eligibility or exemption shall be provided in the provisions of the employment contract or other relevant documents.

#### 3.3 Overtime Compensation

- 3.3.1 Hours Actually Worked: Overtime compensation to eligible employees will only be paid for hours actually worked in a work week in excess of 40 hours. Time during which an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place will be included in the computation of hours actually worked, even if no work is performed. Paid leave (e.g., annual leave, sick leave, administrative leave, etc.) and holidays will not be included in the computation of hours actually worked.
- 3.3.2 <u>Overtime</u>: Hours actually worked in a workweek in excess of 40 hours will be paid overtime at the rate of one-and-one-half times the regular rate of pay to employees who are not exempt from overtime provisions.
- 3.3.3 <u>Compensatory Time</u>: If funds are not available for overtime compensation, compensatory time-off may be granted at the rate of one-and-one-half hours for each hour actually worked in a workweek in excess of 40 hours. Compensatory time will be controlled by OPA as follows:
  - 1) The employee must sign a statement agreeing to compensatory time in place of overtime.
  - 2) The employee's request to use compensatory time-off must be granted within a reasonable time unless the employee's immediate supervisor determines the time-off would unduly disrupt the operation of OPA.
  - 3) The employee's accumulated compensatory time must not exceed 80 hours. Accrued compensatory time must be paid entirely in cash at the employee's current hourly rate when the accrued balance has reached 80 hours.
  - 4) Upon termination of employment, an employee must be paid for unused compensatory time at the average regular rate received by such employee during the last three years of employment, or at the final regular rate received by such employee, whichever is higher.
- 3.3.4 **Exempt Employees**: Bona fide executive, administrative, and professional employees are exempt from payment of overtime and compensatory time. The criteria used in justifying such exemptions must be documented in the employees' job descriptions.

- 1) **Executive Employees**: An executive employee must meet all of the following requirements to be exempt from overtime provisions:
  - a) has primary duty of managing an agency, department, or subdivision;
  - b) customarily and regularly supervises at least two employees;
  - c) makes recommendations for hiring, firing, advancement, or promotion that are given particular weight;
  - d) customarily and regularly exercises discretionary power; and
  - e) does not devote more than 20 percent of his or her hours in a work week to the performance of activities not closely related to items a) through d) above.
- 2) Administrative Employees: An administrative employee must meet all of the following requirements to be exempt from overtime provisions:
  - a) has primary duty of performing non-manual or office work directly related to management policies or general operations;
  - b) customarily and regularly exercises discretion and independent judgment;
  - c) regularly and directly assists a person employed in an executive or administrative capacity; or performs (under general supervision only) work requiring special training, experience, or knowledge; or executes special assignments and tasks (under general supervision only); and
  - d) does not devote more than 20 percent of work time to activities not directly or closely related to the performance of administrative work.

- 3) **Professional Employees**: A professional employee must meet all of the following requirements to be exempt from overtime provisions:
  - a) has primary duty of performing work requiring advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships, or routine training;
  - b) customarily and regularly exercises discretion and independent judgment;
  - c) produces work product that is predominantly intellectual and varied in character and cannot be standardized in relation to a given period of time; and
  - d) does not devote more than 20 percent of work time to activities not essential to, part of, or necessarily incident to, the work.
- 3.3.5 **Approval of Overtime**: Overtime must be approved in advance by the Public Auditor or his designee on an Overtime Request and Authorization form.
  - 1) An employee who is permitted to work overtime without authorization shall be paid, because the time represents an obligation of the government.
  - 2) The responsible management official has an obligation to discourage overtime that is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization.

#### 4 EMPLOYEE BENEFITS

#### 4.1 Housing for Employees Hired Outside the CNMI

- 4.1.1 An employee hired outside the Commonwealth under Excepted Service contract may receive either housing or housing allowance.
  - 1) At the discretion of the Public Auditor, an employee hired with dependent/s will receive either free family government housing or a housing allowance for the lease of family private housing.
  - 2) At the discretion of the Public Auditor, an employee hired without dependent/s will receive free single government housing or a housing allowance for the lease of single private housing.
  - 3) The Public Auditor has the discretion to increase the housing benefits of employees.
- 4.1.2 Government-owned or government-leased housing, if provided to an employee, must be in habitable condition.
- 4.1.3 If government-owned housing is unavailable and a lease of private housing has not been arranged, the employee will receive a temporary lodging allowance equal to the government's established per diem rate for travel at the duty station. If this rate is insufficient to pay for temporary lodging and meals, the Public Auditor may authorize a greater allowance.
- 4.1.4 **Responsibilities**: OPA and the employee provided with a government-owned or government-leased housing have the following responsibilities:
  - 1) OPA is responsible for repairs to government-owned housing.
  - 2) The employee will be assessed a deposit fee payable to OPA within 45 days subsequent to his or her occupancy of a government-owned or government-leased housing to cover the costs of clean-up or damage to premises, furniture, and appliances.
  - 3) The employee is responsible for utility and trash collection costs.

- 4) The employee is responsible for taking reasonable action to protect government-owned housing entrusted to him or her from damage caused by a storm.
- The employee is responsible for returning government premises, furniture, and appliances to OPA at the termination of his or her contract of employment, in the same condition as when those were entrusted to the employee, ordinary wear and tear excepted. Upon the employee's departure from the premises, OPA will inspect the premises. If no clean-up or repairs are required, OPA will refund the employee's deposit in his or her final payroll check.
- 4.1.5 Government housing is intended for the use of the employee and his or her dependents. No person who is not a dependent may remain in government housing for more than 30 days unless it is approved in writing by the Public Auditor.
- 4.1.6 No employee, whose contract has been terminated or has expired, may remain in government-owned or government-leased housing unless it is approved in writing by the Public Auditor.

#### 4.2 Insurance

- 4.2.1 Workmen's Compensation: In the event of on-the-job work-related injury or illness, the employee will be entitled to benefits under the Workmen's Compensation Insurance contract in force for the Northern Mariana Islands Government. The employee is responsible for reporting any on-the-job work-related injury or illness to the employee's supervisor as soon as possible.
- 4.2.2 **Group Insurance**: Group health and group life insurance coverage are available for those who wish to apply. The government will pay part of the cost of the insurance in accordance with the current agreement between the government and the insurance carriers.

4.2.3 <u>Limitation on Insurance</u>: The government provides no insurance other than workmen's compensation, group health, and group life. OPA assumes no liability for loss or damage to household goods and personal effects of the employee and his or her dependents located in housing furnished by OPA, or otherwise present in the Commonwealth.

#### 4.3 Annual Leave

Annual leave or vacation will be granted for the purpose of rest and relaxation.

- 4.3.1 **Annual Leave Accrual**: An employee will accrue annual leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period. The accrual rate per pay period is:
  - 1) four (4) hours for employees who have less than three years of creditable service,
  - 2) six (6) hours for employees who have three but less than six years of creditable service, or
  - 3) eight (8) hours for employees who have six or more years of creditable service.
- 4.3.2 **Use of Annual Leave**: Use of annual leave by employees must be in accordance with the following:
  - 1) A newly appointed or recruited employee will be entitled to use annual leave only after having been employed for a continuous period of 90 days without a break in service.
  - Annual leave request for more than three working days must be made in advance on a leave request form, which must be approved by the Public Auditor.
- 4.3.3 **Unused Annual Leave**: An employee permanently separated from OPA will receive on the next regular pay period a lump-sum payment for all unused annual leave. The lump-sum payment will be computed based on the employee's current hourly rate.

Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused annual leave from the prior contract may either be paid in the next regular pay period or carried over under the new employment contract, at the election of the employee.

#### 4.4 Sick Leave

Sick leave will be allowed whenever an employee is to be absent from duty due to illness, injury, or quarantine of the employee's family or residence.

- 4.4.1 <u>Sick Leave Accrual</u>: An employee will accrue four (4) hours of sick leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period.
- 4.4.2 **Use of Sick Leave**: Use of sick leave by employees must be in accordance with the following:
  - 1) An employee is entitled to use sick leave from the time sick leave is first earned.
  - An employee who is on sick leave for more than three consecutive days may be required, as appropriate, to submit a certification from the attending physician certifying the employee's incapacity to work. If a certification is not furnished when required, the absence will be charged to Absence Without Leave (AWOL).
  - 3) If the employee's supervisor believes the employee is misusing sick leave, or requesting sick leave for purposes other than illness, the supervisor may request proof of illness for a period of less than three days. If the proof is not provided or is unpersuasive, the supervisor may deny the employee's request for sick leave.
  - 4) No employee will be allowed to undertake gainful employment while on sick leave status.
  - 5) Falsification of an illness report will be considered sufficient cause for disciplinary action, including termination of employment for repeated offenses.

- 6) Sick leave with pay will be allowed during vacation, provided, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by the attending physician.
- 4.4.3 <u>Unused Sick Leave</u>: Upon completion of an employment contract or termination of employment, whichever occurs first, no payment will be made for unused sick leave.

Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused sick leave from the prior contract will be carried over under the new employment contract. An employee who is separated from government service for a period longer than three years will be divested of all unused sick leave.

#### 4.5 Leave Without Pay

Leave without pay may be taken only after obtaining the written approval of the employee's immediate supervisor.

#### 4.6 Administrative Leave With Pay

Administrative leave with pay is granted by the Governor in exceptional circumstances such as typhoons and state funerals. Requests for administrative leave with pay may also be authorized by the Public Auditor for employees serving on government boards or commissions, provided such employees do not receive compensation from the boards or commissions, or for employees participating in civic activities of interest to the government, or for such reasons as the Public Auditor may determine.

A request for administrative leave and its approval or disapproval must be in writing. The request must contain the employee's name, beginning and ending dates of leave, and adequate justification.

A decision to approve or disapprove a request for administrative leave will be based on the adequacy of the justification, the convenience of the office in releasing the employee, and the past performance and attendance of the employee. A request that gives as justification a civic or social need for the employee's services must be carefully reviewed.

#### 4.7 Holidays

Except during emergencies, employees will be released from work on all legal holidays without loss of pay or charge to leave account.

#### 4.8 Advance Leave

Where, for good reason, an employee requires an advance of annual or sick leave, the Public Auditor may grant leave in advance of up to a maximum of one-half of the total earnable leave credits for one year from the date the request is approved or one-half of the total earnable leave credits for the remainder of the employment contract, whichever is shorter. Subsequent leave earnings will serve to replace the amount of advance leave granted and taken. In the event the employee resigns from his or her employment, any annual or sick leave overdraft must be paid as part of the final clearance of the employee.

### 4.9 Court Leave

The government encourages its employees to fulfill their obligations as citizens and residents of the Commonwealth. Thus, employees who are called upon to serve as jurors may, at their option, be granted court leave for such period as the jury may be impaneled.

An employee who is called to jury duty must present the Juror Summons to his or her immediate supervisor together with a completed Request for Leave.

An employee who serves as juror using court leave to cover the period of absence must turn over to the Commonwealth Treasurer such jury fees (as distinct from expense allowances) as the employee receives from the Court. An expense allowance paid to the employee for whatever purpose may be retained by the employee to defray expenses for which the allowance was granted.

An employee subpoenaed as a witness, other than as a government witness, must charge such absence to annual leave or leave without pay. Court leave will be granted to an employee subpoenaed in litigation in which the government has no interest, if the employee is required to serve as a witness in his or her official capacity as a government employee or will be required to present government records in testimony. Such employee must inform the Public Auditor of the required testimony as soon as possible after being subpoenaed.

### 4.10 Compassionate Leave

A full-time employee will be granted compassionate leave of no more than five consecutive working days in case of death in the immediate family of the employee. For this purpose, the term "immediate family" includes the employee's mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), stillborn child, grandfather, grandmother, grandchild, mother-in-law, and father-in-law.

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Personnel	Regulations

Compassionate leave must be taken within 18 days after the death of the immediate family member.

The Public Auditor is responsible for granting compassionate leave requests.

### 4.11 Maternity/Paternity Leave

Maternity/Paternity leave may be granted by the Public Auditor a maximum of one time per year to an employee who is the mother or father of a newborn child. A maximum of 15 working days of paid maternity leave, in addition to any accumulated sick leave, will be granted to an employee because of confinement for childbirth. A maximum of 15 working days of paid paternity leave may be granted to an employee because of his wife's confinement for childbirth. Maternity/Paternity leave may only be used within one month of the birth of the employee's child. See also §4.12, Family and Medical Leave.

### 4.12 Family and Medical Leave

- 4.12.1 Eligible Employees: The federal Family and Medical Leave Act of 1993 (FMLA) entitles employees who have been employed by the Commonwealth government for at least one year and have worked for at least 1,250 hours¹ during the preceding 12-month period to take up to 12 workweeks of family and medical leave during any 12-month period.
- 4.12.2 **Entitlement to Leave**: Family and medical leave will be granted by the Public Auditor to eligible employees for any of the following reasons:
  - 1) Because of the birth of the employee's child and in order to care for the child;
  - 2) Because of the placement of a child with the employee for adoption or foster care;
  - In order to care for the employee's spouse, child, or parent who has a serious health condition<sup>2</sup>; or

<sup>1,250</sup> hours include only the hours in which actual work was rendered by the employee; paid leave time (e.g. annual, sick, administrative leave, etc.) is not included.

The term serious health condition, for purposes of family and medical leave, means an illness, injury, impairment, or physical or mental condition that involves either: a) inpatient care in a hospital, hospice, or residential medical care facility; or b) continuing treatment by a health care provider.

4) Because of a serious health condition that renders the employee unable to perform the functions of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.

In any case in which a husband and wife entitled to leave are both employed by OPA, the aggregate number of workweeks of leave to which both may be entitled is limited to 12 workweeks during any 12-month period, if such leave is taken to care for a sick parent described in reason 3, or taken for reasons 1 and 2 under §4.12.2.

All leave qualifying under the FMLA shall be documented as FMLA leave either before it is taken or promptly thereafter.

- 4.12.3 <u>Unpaid Leave/Substitution of Paid Leave</u>: Family and medical leave will be unpaid leave. However, accrued annual leave (for reasons 1 to 4 under §4.12.2), sick leave (for reasons 1 and 4 under §4.12.2), maternity leave (for reason 1 §4.12.2), or paternity leave (for reason 1 §4.12.2) may be substituted for leave without pay (LWOP). If there is not enough accrued paid leave balance, the remaining weeks of leave necessary to attain up to 12 workweeks of family and medical leave will be charged to LWOP.
- 4.12.4 **Restoration to Position**: All eligible employees, except for those who are identified by the FMLA as "highly compensated employees," who take family and medical leave for the intended purpose of the leave will be returned to the same or an equivalent position (with equivalent employment benefits, pay, and other conditions of employment) upon their return from family and medical leave.

For purposes of FMLA, a highly compensated employee is a salaried eligible employee who is among the highest paid ten percent of the employees employed by OPA. The Public Auditor may deny such employee restoration to the same or equivalent position if -

- such denial is necessary to prevent substantial and grievous economic injury to the operations of OPA;
- 2) the Public Auditor notifies the employee of the intent to deny restoration at the time the Public Auditor determines that such injury would occur; and

- in any case in which the leave has commenced, the employee elects not to return to work after receiving such notice.
- 4.12.5 <u>Intermittent Leave</u>: Unless the employee and the Public Auditor agree otherwise, leave taken for reasons 1 or 2 under §4.12.2 shall not be taken by an employee intermittently or on a reduced leave schedule, which reduces the number of hours per workweek or hours per workday of the employee. Leave taken for reasons 3 or 4 under §4.12.2 may be taken intermittently or on a reduced leave schedule when medically necessary.
- 4.12.6 Foreseeable Leave: In any case in which the necessity for leave is foreseeable, the employee shall provide the Public Auditor with not less than 30 days' notice of intention to take leave, except that if the date of birth or placement or medical treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
- 4.12.7 <u>Certification</u>: When requesting family and medical leave for reasons 3 or 4 under §4.12.2, the employee must provide the Public Auditor, in a timely manner, with a certification from the health care provider containing the following information:
  - 1) the date when the serious health condition commenced;
  - 2) the probable duration of the condition;
  - 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
  - for reason 3, a statement that the condition warrants the employee's participation to provide care to a child, spouse, or parent, and an estimate of time needed to care for the individual involved; or for reason 4, a statement that the employee is unable to perform the functions of the position due to the condition;

For intermittent leave or for leave on a reduced schedule, the certification from the health care provider should contain the following additional information:

5) the dates when planned medical treatment is expected to be given and the duration of such treatment; and

a statement of the medical necessity for the intermittent leave or leave on a reduced schedule, and the expected duration of such necessity.

### 4.13 Tardiness

Tardiness will be charged to leave without pay at the end of each pay period. The timekeeper will determine the total minutes an employee has been late during the pay period, and charge leave without pay to the nearest hour.

### 5 EMPLOYEE OBLIGATIONS AND CONDUCT

#### 5.1 Conduct

All employees of OPA must maintain the highest standards of honesty, integrity, objectivity, and personal conduct.

While living in the CNMI, employees and their dependents are subject to the laws, rules, and regulations of the CNMI concerning conduct and activities.

### 5.2 Code of Ethics

All employees of OPA must comply with the provisions of the Government Ethics Code found in 1 CMC, Division 8, Part 4.

### 5.3 Outside Activities

Pursuant to 1 CMC §2305(b), no employee of OPA may hold or be a candidate for any elective public office while an employee, nor may the employee hold office in any political party or political committee, or participate in any political campaign of any candidate for public office while an employee. No employee may actively engage in any other business, profession, or governmental office.

### 5.4 Tax Obligations

All employees of OPA are employees of the Commonwealth Government. They are subject to the applicable CNMI Income Tax laws.

### 5.5 Nepotism

There will be no limit to the number of members of the same household who may be employed by OPA, provided

- 5.5.1 no employee may supervise another member of the same family,
- 5.5.2 all other qualifications for employment are met, and

5.5.3 no costs, other than salary and employment benefits as provided by regulation, will accrue to the government as a result of hiring persons from a household containing another employee.

Pursuant to 1 CMC  $\S2153$  as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney

General's Office.

Dated this 2 day of May, 1997.

Robert B. Dunlap III
Attorney General [Acting]

Elliott A. Sattler, AAG



### DEPARTMENT OF FINANCE

### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

### **PUBLIC NOTICE**

### DEPARTMENT OF FINANCE

### PROPOSED AMENDMENTS TO CUSTOMS SERVICE REGULATIONS NO. 4300

The Secretary of the Department of Finance hereby provides public notice of the Proposed Amendments to Customs Service Regulations No. 4300. The purpose of these amendments is to implement, interpret, prescribe and clarify the policies and procedures required to implement, enforce and administer the provisions of law administered and enforced by the CNMI Division of Customs Service. These amendments are promulgated by virtue of the authority and directions given to the Secretary of Finance as set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402, 4 CMC §1425, 4 CMC §1818, and the Commonwealth Administrative Procedures Act, 1 CMC §9101 et seq.

The proposed amendments are published in the Commonwealth Register. Copies of the proposed amendments may be obtained from the Office of the Secretary of Finance, Capitol Hill, P.O. Box 5234, CHRB, Saipan, MP 96950.

Anyone interested in commenting on these proposed amendments may do so in writing addressed to the Secretary of Finance, Commonwealth of the Northern Mariana Islands, at the above-referenced address not later than thirty (30) days from the date of their publications on the Commonwealth Register.

Issued by:

ANTONIO R. CABRERA

SECRETARY OF FINANCE

Received by:

Herman T. Guerrero

REGISTRAR OF CORPORATIONS

Filed and

Recorded by:

COMMONWEALTH REGISTER

SOLEDAD B. SASAMOTO

Date

VOLUME 19 NUMBER 05 MAY 15, 1997 P. O. Box 5234, Saipan, MP 96950 Telephone: (670) 664-1100 \* Facsimile: (670) 664-1115



### **DEPARTMENT OF FINANCE**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

### CERTIFICATION

#### DEPARTMENT OF FINANCE

#### PROPOSED AMENDMENTS TO CUSTOMS SERVICE REGULATIONS

NO. 4300

I, Antonio R. Cabrera, the Secretary of the Department of Finance who is publishing these Proposed Amendments to Customs Service Regulations No. 4300, by signature below hereby certifies that the Proposed Amendments to Customs Service Regulations is a true, correct, and complete copy of the amendments proposed by the Department of Finance. I further request and direct that this certification and the Proposed Amendments to Customs Service Regulations No. 4300 be published in the Commonwealth Register.

I declare under penalties of perjur	y that the forego	omg is tru	e and correct at	nd that this decla	aration was
executed on the $\frac{5}{2}$ day of $\frac{1}{2}$	lay,	1997, 8	ıt Saipan, Com	monwealth of th	e Northern
Mariana Islands.	•	7	_		
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ANTONIO R. CABRERA Secretary of Finance

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Robert B. Duplat II

Dated this 7th day of May, 1997.

Attorney General [Acting]

Elliott A Sattler, AAG

Telephone: (670) 664-1100 \* Facsimile: (670) 664-1115



### DEPARTMENT OF FINANCE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

### PROPOSED AMENDMENTS TO CUSTOMS SERVICE REGULATIONS NO. 4300

- Section 4301.3(k) of Customs Service Regulations No. 4300. 1. Section 4301.3(k) is amended to include CNMI based airlines and shipping lines.
  - Repair and In-flight Supplies. Engines, parts, testing equipment, other (k) navigational tools, equipment, and in-flight supplies brought in by an airline or shipping line, whose commercial operations are not based in the CNMI, to repair, maintain, or supply its own vessel or aircraft are exempt. For purposes of this exemption, "in-flight supplies" shall include only those supplies brought into the CNMI by such airline or shipping line; This exemption does not apply to airlines or shipping lines which are based in the CNMI.

COMMONWEALTH REGISTER PAGE 15359

Telephone: (670) 664-1100 \* Facsimile: (670) 664-1115



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 \$\inserpsilon 2603(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:

DR. ISAMU J. ABRAHAM SECRETARY

DATE

Deportment

Department of Public Health

Filed Bv:

SOLEDAD B. SASAMOTO

Registrar of Corporations

5-15-97

Received By:

DONNA CRUZ, Governor's Office

DATE



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 Tituilu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC s2603(f) yan 2606(i), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku. na para guiya u atministra todu fasilidat gobetno siha yan u enfuetsa todu 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, qi Febreru 15, 1995 yan Volume 17, Numero 4, qi Abrit 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 qi Listan Apas siha sina manmachuchule' gi Ufisinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokomento 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. Todu dokomento 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. SAMU J. **ABRAHAM** 

Sektretariu

Dipatamenton Publi Health

Ma Rikot nu as:

Registrar of Corporation

Ma Resibi as:

SOLEDAD B. SASAMOTO

Donna Cruz, Governor's Office

		AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
26567	OSTEOPLASTY FOR CORRECTION OF DEFORMITY; PHALANX OF FINGER	522
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	AXILLARY LYMPHADENECTOMY; COMPLETE	824
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	REPAIR, LACERATION OF PLALATE; OVER 2CM OR	347
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42200	PALATOPLASTY FOR CLEFT PALATE, SOFT AND/OR	797
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42205	PALATOPLASTY FOR CLEFT PALATE, WITH CLOSURE ALVEOLAR RIDGE; SOFT TISSUE ONLY	936
42215	PALATOPLASTY FOR CLEFT PALATE; MAJOR REVISION	772
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72300	EXTERNAL FOR FEEDING)	400
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42962	CONTROL OROPHARYNGEAL HEMORRHAGE W/	605
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45900	REDUCTION OF PROCIDENTIA(SEPARATE	108
	PROCEDURE)UNDER ANESTHESIA	
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	PROCEDURE) UNDER ANESTHESIA OTHER THAN	
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45910	DILATION OF RECTAL STRICTURE(SEPARATE	130
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45915	REMOVAL OF FECAL IMPACTION OR FOREIGN	135
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47721	CHOLECYSTOENTEROSTOMY; WITH GASTROENTE-	1288

CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
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47741	CHOLECYSTOENTEROSTOMY; ROUX-EN-Y WITH	1512
	GASTROENTEROSTOMY	
47760	ANASTOMOSIS, OF EXTRAHEPATIC BILIARY DUCTS	1550
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47765	ANASTOMOSIS, OF INTRAHEPATIC DUCTS AND	1666
	GASTROENTEROSTOMY TRACT	
47780	ANASTOMOSIS, ROUX-EN-Y, OF EXTRAHEPATIC BILIARY	1647
	DUCTS AND GASTROINTESTINAL TRACT	
47785	ANASTOMOSIS, ROUX-EN-Y, OF INTRAHEPATIC BILIARY	1809
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47800	RECONSTRUCTION, PLASTIC, OF EXTRAHEPATIC	111
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	PLACEMENT OF CHOLEDOCHAL STENT	800
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49561	REPAIR INITIAL INCISIONAL HERNIA; INCARCERATED	829
40500	OR STRANGULATED	074
49566	REPAIR RECURRENT INCISIONAL HERNIA; INCARCE-	871
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52606	TRANSURETHRAL FULGURATION FOR POSTOPERATIVE	508
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52014	TRASURETHRAL RESECTION OF PROSTATE; SECOND	629
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		<b>AMOUNT</b>
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	OPERATIVE	
52630	TRANSURETHRAL RESECTION; OF REGROWTH OF	815
	OBSTRUCTIVE TISSUE LONGER THAN ONE YEAR	
	POSTOPERATIVE	
52640	TRANSURETHRAL RESECTION; OF POSTOPERATIVE	596
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55040	EXCISION OF HYDROCELE; UNILATERAL	482
	EXCISION OF HYDROCELE; BILATERAL	712
55060	REPAIR OF TUNICA VAGINALIS HYDROCELE	448
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	REMOVAL OF FOREIGN BODY IN SCROTUM	308
	RESECTION OF SCROTUM	575
	SCROTOPLASTY; SIMPLE	450
	SCROTOPLASTY; COMPLICATED	806
55720	PROSTATOTOMY, EXTERNAL DRAINAGE OF PROSTATIC	519
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55725	PROSTATOTOMY, EXTERNAL DRAINAGE OF PROSTATIC	631
	ABSCESS, ANY APPROACH; COMPLICATED	
55859	TRANSPERINEAL PLACEMENT OF NEEDLES OR	664
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	RADIOELEMENT APPLICATION, WITH OR WITHOUT	
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EGOOE	OVIDUCTS BY DEVISE	400
50305	LAPARASCOPY, SURGICAL; WITH BIOPSY OF	438
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50300	LAPARASCOPY, SURGICAL; WITH ASPIRATION	452
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50507	ADNEXAL STRUCTURES (PARTIAL OR TOTAL OOPHO-	653
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30330	DURE)	219
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56352	HYSTEROSCOPY, SURGICAL; WITH LYSIS OF INTRA-	353
00002	UTERINE ADHESIONS (ANY METHOD)	555
56353	HYSTEROSCOPY, SURGICAL; WITH DIVISION OR RE-	370
00000	SECTION OF INTRAUTERINE SEPTUM (ANY METHOD)	370
56354	HYSTEROSCOPY, SURGICAL; WITH REMOVAL OF	481
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56355	HYSTEROSCOPY, SURGICAL; WITH REMOVAL OF	251
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			AMOUNT
CI	PT #	CPT SHORT DESCRIPTION	(IN US \$)
	56356	HYSTEROSCOPY, SURGICAL; WITH ENDOMETRIAL ABLATION (ANY METHOD)	490
	56360	PERITONEOSCOPY; WITHOUT BIOPSY	376
		PERITONEOSCOPY; WITH BIOPSY	443
		PERITONEOSCOPY WITH GUIDED TRANSHEPATIC	357
	00002	CHOLANGIOGRAPHY; WITHOUT BIOPSY	007
	56363	PERITONEOSCOPY WITH GUIDED TRANSHEPATIC	435
		CHOLANGIOGRAPHY; WITH BIOPSY	
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	57220	PLASTIC OPERATION ON URETHRAL SPHINCTER,	414
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		WITH OR WITHOUT REPAIR OF URETHROCELE	
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		WITH ANTEROCELE REPAIR	
	57268	REPAIR OF ENTEROCELE, VAGINAL APPROACH	667
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		APPROACH	
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	64832	SUTURE OF DIGITAL NERVE, HAND OR FOOT; EACH	332
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		SUTURE OF POSTERIOR TIBIAL NERVE	1061
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CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
64859	SUTURE OF EACH ADDITIONAL MAJOR PERIPHERAL NERVE	380
74740	HYSTEROSALPINGOGRAPHY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	90
	INTERACTIVE INDIVIDUAL MEDICAL PSYCHOTHERAPY PHARMACOLOGIC MANAGEMENT, INCLUDING PRESCRIPTION, USE, AND REVIEW OF MEDICATIONS WITH NO MORE THAN MINIMAL MEDICAL PSYCHO-	30
	THERAPY; PER HOUR	26
97032	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; ELECTRICAL STIMULATION (MANUAL), EACH 15 MINUTES	25
97033	IONTOPHORESIS, EACH 15 MINUTES	25
97035	ULTRASOUND, EACH ADDITIONAL 15 MINUTES	20
97250	MYOFASCIAL RELEASE/SOFT TISSUE MOBILIZATION, ONE OR MORE REGIONS	30
97265	JOINT MOBILIZATION, ONE OR MORE AREAS (PERIPHERAL OR SPINAL)	30

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 13th day of May

Filiatt A St Jan AAG



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 §2603(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.

The operation of the Laboratory Department at the Commonwealth Health Center will revert to the Department of Public Health effective July 25, 1997. Pursuant to the authority vested in him, the Secretary of Public Health is hereby proposing a revised Schedule of Fees for the operation of the Laboratory upon its return to the government. The Schedule of Fees 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:

DR. ISAMU J. ABRAHAM
SECRETARY
Department of Public Health

Filed By:

SOLEDAD B. SASAMOTO
Registrar of Corporations

Received By:

Physical Polyman
DONNA CRUZ, Governor's Office

Total Corporations

7-15-97
DATE

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

deneral S Office.

Dated this 13th day of May, 1997.

Attorney Gehreal [Acting]

Elliott A. Sattler, AAG

COMMONWEALTH REGISTER VOLUME 19 NUMBER 05 MAY 15, 1997 PAGE 15367



## COMMONWEALTH HEALTH CENTER

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

OFFICE OF THE SECRETARY

#### **NUTISIAN PUBLIKU**

### PRINUPONI SIHA NA AMENDASION GI LISTAN APAS **DIPATTAMENTON HINEMLO' PUBLIKU**

I Tituilu 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 todu fasilidat gobetno siha yan u enfuetsa todu areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

I setbision I laboratorio gi Commonwealth Health Center para u mana bira tatte gi Depattamenton Public Health. Esti na tinilaika para u mana efektibu gi Julio 25, 1997. Sigun gi aturidat ni ma pribeniye qui, I Sikritarion I Depattamenton Public Health ha propoponi para u amenda i listan presiu para i setbision laboratio yanggen mana na'lu tatte qi qobietno. I listan presiu siha inklusu quine na publikasion ya siempre u mana danna'yan I pumalu siha na listan presiu put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi dipattamento 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. Dokomento 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. Todu dokomento 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

<del>Dipatame</del>nton Publi Health

Ma Rikot nu as:

SOLEDAD B. SASAMOTO

Registrar of Corporation

Ma Resibi as:

onna Cruz. Governor's Office

		AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
80002	CHEM 2	15
	CHEM 3	30
	CARDIAC PROFILE (CPK,SGOT, LDH)	30
80004	AUTOMATED MULTICHANNEL TEST;	37
	4 CLINICAL CHEMISTRY TESTS	
80005	CHEM 5	30
	CHEM 6	30
80007	AUTOMATED MULTICHANNEL TEST;	45
	7 CLINICAL CHEMISTRY TESTS	
80008	CHEM 8	32
	CHEM 9	35
	CHEM 10	37
	CHEM 11	40
80012	AUTOMATED MULTICHANNEL TEST;	60
	12 CLINICAL CHEMISTRY TESTS	••
	CHEM 13	30
_	CHEM 14	30
	CHEM 15	30
	CHEM 16	30
80018	AUTOMATED MULTICHANNEL TEST;	70
	17-18 CLINICAL CHEMISTRY TESTS	0.5
	CHEM 19	35
	CHEM 20	35
	PRENATAL PANEL	100
80058	HEPATIC FUNCTION PANEL THIS PANEL	50
	MUST INCLUDE THE FOLLOWING:	
	ALBUMIN, SERUM (82040)	
	BILIRUBIN, TOTAL OR DIRECT (82250)	
	PHOSPHATASE, ALKALINE (84075)	
	TRANSFERASE, ASPARTATE AMINO (AST) (SGOT) (84450)	
	TRANSFERASE, ALANINE AMINO (ALT)	
	(SGPT) (84460)	
80061	LÌPID PÁNEL	47
	THIS PANEL MUST INCLUDE THE FOLLOWING:	
	CHOLESTEROL, SERUM, TOTAL (82465)	

		AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
	LIPOPROTEIN, DIRECT MEASUREMENT,	
	HIGH DENSITY CHOLESTEROL	
	(HDL CHOLESTEROL) (83718)	
	TRIGLYCERIDES (84478)	
80091	THYROID PANEL	42
	THIS PANEL MUST INCLUDE THE FOLLOWING TESTS:	•
	THYROXINE, TOTAL (84436)	
	TRIIODOTHYRONINE (T-3), RESIN UPTAKE (84479);	
80092	THYROID PANEL	92
	THIS PANEL MUST INCLUDE THE FOLLOWING TESTS:	
	THYROXINE, TOTAL (84436)	
	TRIIODOTHYRONINE (T-3), RESIN UPTAKE (84479);	
	WITH THYROID STIMULATING	
	HORMONE (TSH) (84443)	
	AZEPINES	
80156	CARBAMAZEPINE	45
80162	DIGOXIN	32
80170	GENTAMICIN	30
80178	LITHIUM	25
80184	PHENOBARBITAL	30
80185	PHENYTOIN; TOTAL	28
80196	SALICYLATE	36
80198	THEOPHYLLINE	28
81000	URINALYSIS, BY DIP STICK OR TABLET	12
	REAGENT FOR BILIRUBIN, GLUCOSE,	,
	HEMOGLOBIN, KETONES, LEUKOCYTES, NITRITE,	
	PH, PROTEIN, SPECIFIC GRAVITY,	
	UROBILINOGEN, ANY NUMBER OF THESE	
	CONSTITUENTS; WITH MICROSCOPY	
81002	URINALYSIS, BY DIP STICK OR TABLET	12
	REAGENT FORBILIRUBIN, GLUCOSE,	
	HEMOGLOBIN, KETONES, LEUKOCYTES, NITRITE,	
	PH, PROTEIN, SPECIFIC GRAVITY, UROBILINOGEN,	
	ANY NUMBER OF THESE CONSTITUENTS; WITHOUT	
	MICROSCOPY, NON-AUTOMATED	
81005	URINALYSIS; QUALITATIVE OR	7

CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
	SEMIQUANTITATIVE, EXCEPT IMMUNOASSAYS	•
81050	VOLUME MEASUREMENT FOR TIMED	10
	COLLECTION, EACH	
81099	URINALYSIS, CONFIRMATORY TEST	5
81015	URINALYSIS, MICRO ONLY	10
82003	ACETAMINOPHEN	35
82009	ACETONE OR OTHER KETONE BODIES, SERUM;	15
	QUALITATIVE	
82010	ACETONE OR OTHER KETONE BODIES, SERUM;	22
	QUANTITATIVE	
	ALBUMIN; SERUM	12
	MICROALBUMIN, URINE	30
82055	ALCOHOL (ETHANOL); ANY SPECIMEN	30
	EXCEPT BREATH	00
	AMMONIA	30
	AMYLASE	22
	BILIRUBIN; TOTAL OR DIRECT	15
	BILIRUBIN; TOTAL AND DIRECT	30 10
82270	BLOOD, OCCULT; FECES SCREENING,	10
00070	1-3 SIMULTANEOUS DETERMINATIONS	10
	OCCULT, BLOOD, STOOL	13
	CALCIUM; TOTAL CALCIUM; URINE QUANTITATIVE,	25
02340	TIMED SPECIMEN	20
82374	CARBON DIOXIDE (BICARBONATE)	15
	CHLORIDE: BLOOD	12
	CHLORIDE; URINE	24
	OTHER SOURCE SPINAL FLUID	20
	CHOLESTEROL, SERUM, TOTAL	13
	CREATINE KINASE (CK), (CPK); TOTAL	22
	CREATINE KINASE (CK), (CPK);	25
	ISOENZYMES	
82553	CKMB	30
	CREATININE; BLOOD	12
	CREATININE, OTHER SOURCE	21
82575	CREATININE; CLEARANCE	31

		<b>AMOUNT</b>
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
82705	FAT OR LIPIDS, FECES; QUALITATIVE	20
	FERRITIN	35
82803	GASES, BLOOD, ANY COMBINATION OF	60
	pH, pCO2, pOS, CO2, HCO2	
	(INCLUDING CALCULATED O2 SATURATION);	
82947	GLUCOSE; QUANTITATIVE	15
82948	GLUCOSE; BLOOD, REAGENT STRIP	10
82950	GLUCOSE; POST GLUCOSE DOSE	21
	(INCLUDES GLUCOSE)	
82951	GLUCOSE; TOLERANCE TEST (GTT),	25
	THREE SPECIMENS (INCLUDES GLUCOSE)	
82952	GLUCOSE; TOLERANCE TEST, EACH	6
	ADDITIONAL BEYOND THREE SPECIMENS	
	GAMMA GT (GGT)	20
83036	HEMOGLOBIN A1C/GLYCOHEMOGLOBIN	25
83540	IRON	16
83550	IRON BINDING CAPACITY	29
83615	LACTATE DEHYDROGENASE (LD), (LDH);	16
83690	LIPASE, SERUM	25
83718	LIPOPROTEIN, DIRECT MEASUREMENT;	24
	HIGH DENSITY CHOLESTEROL(HDL	
	CHOLESTEROL)	
83721	LDL, CALC., (MUST HAVE CHOL, TRIG, HDL)	30
83735	MAGNESIUM	15
	OSMONALITY, SERUM	20
	PH, BODY FLUID, EXCEPT BLOOD	15
	PHOSPHATASE, ACID; TOTAL	25
	PHOSPHATASE, ALKALINE;	19
	PHOSPHORUS INORGANIC (PHOSPHATE);	14
84105	PHOSPHORUS INORGANIC (PHOSPHATE);	24
	URINE	
	POTASSIUM; SERUM	14
	POTASSIUM; URINE	24
	PSA (PROSTATE SPECIFIC ANTIGEN)	30
	PROTEIN; TOTAL, EXCEPT REFRACTOMETRY(24HR URINE)	12
84160	PROTEIN; REFRACTOMETRIC	44

ODT #	ORT OLIOPT DECORIPTION	AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
	SODIUM; SERUM	14
	SODIUM; URINE	24
	SPECIFIC GRAVITY (EXCEPT URINE)	10
	THYROXINE; TOTAL THYROID STIMULATING HORMONE (TSH)	22 50
	TRANSFERASE; ASPARTATE AMINO	16
04430	(AST) (SGOT)	10
84460	TRANSFERASE; ALANINE AMINO	16
01700	(ALT) (SGPT)	10
84478	TRIGLYCERIDES	15
	TRIIODOTHYRONINE (T-3); RESIN UPTAKE	30
	UREA NITROGEN; QUANTITATIVE	12
	UREA NITROGEN, URINE	24
	UREA NITROGEN, CLEARANCE	31
84550	URIC ACID, BLOOD	15
84560	URIC ACID; OTHER SOURCE	24
84702	GONADOTROPIN, CHORIONIC (HCG);	55
	QUANTITATIVE	•
84703	GONADOTROPIN, CHORIONIC (HCG);	15
	QUALITATIVE	
84999	UNLISTED CHEMISTRY PROCEDURE;	20
	STOOL REDUCING SUBSTANCES	
	BLEEDING TIME	25
85007	BLOOD COUNT; MANUAL DIFFERENTIAL WBC	10
	COUNT (INCLUDES RBC MORPHOLOGY AND	
05000	PLATELET ESTIMATION)	0
00000	BLOOD COUNT; MANUAL BLOOD SMEAR EXAMINATION WITHOUT DIFFERENTIAL	8
	PARAMETERS	
85013	BLOOD COUNT; SPUN MICROHEMATOCRIT	10
	BLOOD COUNT; OTHER THAN SPUN HEMATOCRIT	12
	BLOOD COUNT; HEMOGLOBIN	12
	BLOOD COUNT; HEMOGRAM, AUTOMATED	12
JUU	(RBC, WBC, HGB, HCT AND INDICES ONLY)	
85022	CBC, (HEMOGRAMO w/ MANUAL DIFF.	15
	BLOOD COUNT; HEMOGRAM AND PLATELET	15
	•	

		AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
	COUNT, AUTOMATED, AND MANUAL DIFFERENTIAL	
	WBC COUNT (CBC)	
85024	CBC w/ PARTIAL AUTO. DIFF.	15
85025	BLOOD COUNT; HEMOGRAM AND PLATELET	15
	COUNT, AUTOMATED, AND AUTOMATED COMPLETE	
	DIFFERENTIAL WBC COUNT (CBC)	
85027	BLOOD COUNT; HEMOGRAM AND PLATELET	12
	COUNT, AUTOMATED	
85029	ADDITIONAL AUTOMATED HEMOGRAM INDICES	12
	(EG, RED CELL DISTRIBUTION WIDTH (RDW),	
	MEAN PLATELET VOLUME (MPV), RED BLOOD	
	CELL HISTOGRAM, PLATELET HISTOGRAM,	
	WHITE BLOOD CELL HISTOGRAM); ONE TO	
	THREE INDICES	
	RBC, MANUAL	10
85044	BLOOD COUNT; RETICULOCYTE COUNT,	14
	MANUAL	
	BLOOD COUNT; WHITE BLOOD CELL (WBC)	12
	BONE MARROW; ASPIRATION ONLY	30
85097	BONE MARROW; SMEAR INTERPRETATION	50
	ONLY, WITH OR WITHOUT DIFFERENTIAL	
	CELL COUNT	
	BONE MARROW BIOPSY, NEEDLE OR TROCAR;	50
85362	FIBRIN(OGEN) DEGRADATION (SPLIT)	25
	PRODUCTS (FDP)(FSP); AGGLUTINATION	
	SLIDE, SEMIQUANTITATIVE	
	FIBRINOGEN; ACTIVITY	20
	FIBRINOGEN; ANTIGEN	
	PLATELET COUNT, MANUAL	15
	PLATELET; AUTOMATED COUNT	12
	PROTHROMBIN TIME;	15
85651	SEDIMENTATION RATE, ERYTHROCYTE,	10
	NON-AUTOMATED	
	SICKLE CELL SCREEN	15
85730	THROMBOPLASTIN TIME, PARTIAL (PTT);	18
	PLASMA OR WHOLE BLOOD	

CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
86060	ANTI STREPTOLYSIN O TITER/ASO TITER	20
86063	ANTISTREPTOLYSIN 0; SCREEN	22
86078	BLOOD BANK PHYSICIAN SERVICES;	30
	INVESTIGATION OF TRANSFUSION REACTION	
	INCLUDING SUSPICION OF TRANSMISSIBLE	
	DISEASE, INTERPRETATION AND WRITTEN	
	REPORT	
86079	BLOOD BANK PHYSICIAN SERVICES;	30
	AUTHORIZATION FOR DEVIATION FROM STANDARD	
	BLOOD BANKING PROCEDURES (EG, USE OF	
	OUTDATED BLOOD, TRANSFUSION OF RH	
	INCOMPATIBLE UNITS), WITH WRITTEN REPORT	
	COLD AGGLUTININ; TITER	25
	HEPATITIS B SURFACE ANTIGEN (HBSAG)	25
	HEPATITIS B SURFACE ANTIBODY (HBSAB)	30
	HEPATITIS C ANTIBODY	50
	HETEROPHILE ANTIBODIES; SCREENING	14
	RHEUMATOID FACTOR; QUANTITATIVE	22
	RAPID DIRECT GROUP A STREP. SCREEN	20
86592	SYPHILIS TEST; QUALITATIVE (EG,	15
00007	VDRL, RPR, ART)	
	HTLV I/II ANTIBODY	55
	ANTIBODY; HIV-1	35
	HIV-2 ANTIBODY	65
00/03	ANTIBODY; HIV-1 AND HIV-2, SINGLE ASSAY	65
96762	ANTIBODY; RUBELLA	35
	ANTIBODY, ROBELLA ANTIBODY SCREEN, RBC, EACH SERUM	20
00000	TECHNIQUE	20
86870	ANTIBODY ID	60
	ANTIHUMAN GLOBULIN TEST (COOMBS TEST);	20
00000	DIRECT, EACH ANTISERUM	20
86886	ANTIHUMAN GLOBULIN TEST (COOMBS TEST);	20
00000	INDIRECT, TITER, EACH ANTISERUM	20
86900	BLOOD TYPING; ABO	15
	BLOOD TYPING; RH (D)	6
		_

CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
	BLOOD TYPING; ANTIGEN SCREENING FOR	(π <b>τ οο φ)</b> 15
00004	COMPATIBLE UNIT USING PATIENT SERUM,	10
	PER UNIT SCREENED	
86905	BLOOD TYPING; RBC ANTIGENS,	15
	OTHER THAN ABO OR Rh (D), EACH	
86920	COMPATIBILITY TEST EACH UNIT;	15
	IMMEDIATE SPIN TECHNIQUE	
86921	COMPATIBILITY TEST EACH UNIT;	10
	INCUBATION TECHNIQUE	
86922	COMPATIBILITY TEST EACH UNIT;	15
	ANTIGLOBULIN TECHNIQUE	
86985	SPLITTING OF BLOOD OR BLOOD PRODUCTS,	18
	EACH UNIT	
87040	CULTURE, BACTERIAL, DEFINITIVE;	35
07015	BLOOD (INCLUDES ANAEROBIC SCREEN)	
87045	CULTURE, BACTERIAL, DEFINITIVE;	35
07000	STOOL	20
87060	CULTURE, BACTERIAL, DEFINITIVE;	20
97070	THROAT OR NOSE	31
6/0/0	CULTURE, BACTERIAL, DEFINITIVE; ANY OTHER SOURCE	31
87075	CULTURE, ANAEROBIC	35
	CULTURE, BACTERIAL, SCREENING ONLY,	15
07001	FOR SINGLE ORGANISMS	10
87086	CULTURE, URINE w/ COLONY COUNT	20
	CULTURE, BACTERIAL, URINE;	15
0,000	IDENTIFICATION, IN ADDITION TO	.•
	QUANTITATIVE OR COMMERCIAL KIT(URINE 1)	
87088	ID, ORGANISM, URINE 2	30
	ID, ORGANISM, URINE 3	45
87072	ID, AEROBIC, ISOL. 1	15
87072	ID, AEROBIC, ISOL. 2	30
87072	ID, AEROBIC, ISOL. 3	45
87072	ID, ANAEROBIC, ISOL 1	15
87072	IC, ANAEROBIC, ISOL 2	30
87177	OVA AND PARASITES, DIRECT SMEARS,	25

CPT#	CPT SHORT DESCRIPTION	AMOUNT (IN US \$)
	CONCENTRATION AND IDENTIFICATION	•
87184	SENSITIVITY STUDIES, ANTIBIOTIC;	25
	DISK METHOD, PER PLATE (12 OR LESS DISKS)	
87186	SENSITIVITY STUDIES, ANTIBIOTIC;	28
	MICROTITER, MINIMUM INHIBITORY	
	CONCENTRATION (MIC), ANY NUMBER OF	
	ANTIBIOTICS	
87205	SMEAR, PRIMARY SOURCE, WITH	12
	INTERPRETATION; ROUTINE STAIN FOR	
	BACTERIA, FUNGI, OR CELL TYPES	
87206	SMEAR, PRIMARY SOURCE, WITH	18
	INTERPRETATION; FLUORESCENT AND/OR ACID	
	FAST STAIN FOR BACTERIA, FUNGI, OR	
	CELL TYPES	
87207	SMEAR, PRIMARY SOURCE, WITH	18
	INTERPRETATION; SPECIAL STAIN FOR	
	INCLUSION BODIES OR INTRACELLULAR	
	PARASITES (EG, MALARIA, KALA AZAR,	
.=	HERPES)	
87208	SMEAR, PRIMARY SOURCE, WITH	15
	INTERPRETATION; DIRECT OR CONCENTRATED,	
07040	DRY, FOR OVA AND PARASITES	A PP
8/210	SMEAR, PRIMARY SOURCE, WITH	15
	INTERPRETATION; WET MOUNT WITH SIMPLE	
	STAIN, FOR BACTERIA, FUNGI, OVA, AND/OR	
	PARASITES BACTERIA, FUNGI, OVA,	
07044	AND/OR PARASITES (MICROFILARIA)	45
0/211	SMEAR, PRIMARY SOURCE, WITH	15
	INTERPRETATION; WET AND DRY MOUNT,	
97220	FOR OVA AND PARASITES	15
0/220	TISSUE EXAMINATION FOR FUNGI	15
99000	(EG, KOH SLIDE)	2000
00000	NECROPSY (AUTOPSY), GROSS EXAMINATION ONLY; WITHOUT CNS	2000
88044	•	500
00014	NECROPSY (AUTOPSY), GROSS EXAMINATION ONLY; STILLBORN OR	500
	LAAIVIINATION ONLI, STILLDUKN UK	

		AMOUNT
CPT#	CPT SHORT DESCRIPTION	(IN US \$)
00040	NEWBORN WITH BRAIN	_
88016	NECROPSY (AUTOPSY), GROSS	0
00000	EXAMINATION ONLY; MACERATED STILLBORN	
88020	NECROPSY (AUTOPSY), GROSS AND	2200
00000	MICROSCOPIC; WITHOUT CNS	700
88029	NECROPSY (AUTOPSY), GROSS AND	700
	MICROSCOPIC; STILLBORN OR NEWBORN	
99000	WITH BRAIN	0000
	UNLISTED NECROPSY (AUTOPSY) PROCEDURE	2000
	REPEAT PAP SMEAR PAP SMEAR	45
	UNLISTED CYTOPATHOLOGY PROCEDURE	15 17
	SPECIAL STAINS (LIST SEPARATELY IN	25
00010	ADDITION TO CODE FOR SURGICAL	23
	PATHOLOGY EXAMINATION); GROUP II, ALL	
	OTHER, (EG, IRON, TRICHROME), EXCEPT	
	IMMUNOCYTOCHEMISTRY AND IMMUNOPEROXIDASE	
	STAINS, EACH	
89050	CELL COUNT, MISCELLANEOUS BODY FLUIDS	23
	(EG, CSF, JOINT FLUID), EXCEPT BLOOD;	20
89051	CELL COUNT, MISCELLANEOUS BODY FLUIDS	26
	(EG, CSF, JOINT FLUID), EXCEPT BLOOD;	
	WITH DIFFERENTIAL COUNT	
89060	CRYSTAL IDENTIFICATION BY LIGHT	35
	MICROSCOPY WITH OR WITHOUT POLARIZING	
	LENS ANALYSIS, ANY BODY FLUID	
	(EXCEPT URINE)	
89125	FAT STAIN, FECES, URINE, OR SPUTUM	25
89190	NASAL SMEAR FOR EOSINOPHILS	30
89310	SEMEN ANALYSIS; MOTILITY AND COUNT	30
89320	SEMEN ANALYSIS; COMPLETE (VOLUME,	40
	COUNT, MOTILITY AND DIFFERENTIAL)	
99000	HANDLING OF SPECIMEN	20
99058	STAT FEE	20
	LAB-CPT-90	
	REFERENCE LABORATORY(LABORATORY PROCEDURES	ACTUAL

CPT#

CPT SHORT DESCRIPTION THAT CANNOT BE DONE IN-HOUSE)

AMOUNT (IN US \$)

REF. LAB
FEE
PLUS
SPECIMEN
COLLECTION
& HANDLING

### COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION

P.O. BOX 135 SAIPAN, MP 96950 TEL: (670) 664-3900 / FAX: (670) 664-3910

## NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED RULES AND REGULATIONS FOR THE SOUND AND EFFICIENT ADMINISTRATION AND OPERATION OF THE COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION.

I, Magdalena C. Camacho, the Chairwoman of the Commonwealth Government Employees' Credit Union which is promulgating the Amended Rules and Regulations for the sound and efficient administration and operation of the Commonwealth Government Employees' Credit Union (hereinafter referred to as the Rules), published in the Commonwealth Register Vol. 19, No. 2, on February 15, 1997 commencing at page 15076, by signature below hereby certify that as published such Rules are a true, complete and correct copy of the Rules previously proposed by the Board of the Commonwealth Government Employees' Credit Union which, after the expiration of appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

1. Section 2 - Pg. 12, line 2- change March to April.

By signature below, I hereby certify that the proposed Rules as herein amended are the true, correct and complete Amended Rules adopted by the Board of Directors of the Commonwealth Government Employees' Credit Union. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed the \_\_\_\_\_\_ day of May, 1997 in Saipan, Commonwealth of the Northern Mariana Islands.

Magdalena C. Camacho, Chairwoman Commonwealth Government Employees' Credit Union

### PUBLIC NOTICE

### ADOPTION OF AMENDMENT TO THE AIRPORT RULES REGULATIONS GOVERNING TAXICAB OPERATORS

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC  $\S$  2122(j), and in accordance with the provisions of 1 CMC 9102, 9104(a) and 9105, hereby gives notice to the public of its adoption of amendments to the Airport Rules and Regulations Governing Taxicab Operators.

A public hearing was held on January 30, 1997 in which the public were afforded opportunity to present their views, data or arguments, orally or in writing, regarding the proposed amendments. Comments and information received at the hearing were reviewed and given due consideration; and those that have been incorporated herein were made a part of this final regulation.

Dated this 64 day of April, 1997.

CARLOS A. SHODA, Executive Director Commonwealth Ports Authority

Received by: Herman T. Guerrero Governor's Office

Filed by: Hendis M. Hallman 4/25/97

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations ttached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Robert B. Punlap II

Attome

Dated this 25th day of April, 1997.

COMMONWEALTH REGISTER VOLUME 19 NUMBER

Registrar of Corporations

Elliott A. Sattler, AAG D5 MAY 15, 1997 PAGE 15381

ral [Acting]

### NUTISIAN PUPBLIKU

### <u>INADOPTAN AMENDASION I AREKLAMENTO YAN REGULASION I PLASAN BATKON AIRE NI</u> PARA U GOBIETNA TAOTAO MANUGON TAXICAB

I Commonwealth Ports Authority, sigun gi aturidat 2 CMC gi papa Seksiona 2212(j), yan sigun gi prubision 1 CMC 9102, 9104(a), yan 9105 siha, ginen este nai mannanae I pupbliku nutitisia na esta ha'adopta I amendasion siha gi Areklamento yan Regulasion Plasan Batkon Aire ni gumubebetna ayu siha I manmanunugon takse.

Guaha inekungok pupbliku ma kondukta gi Ineru 30, 1997 ya manmanae I pupbliiku opputinidat para umaprisenta finihu pot hafa sinienten niha, punto, osino atgumento gi sinangan pat tinigi pot este na amendasion. I kuentos yan infotmasion ni manmarisibi gi ayu na inekungok manmaina yan manma konsidera; ya ayu siha I manma-nafanhalom como patten este gi uttimu na regulasion.

Ma fecha guine gi dia 16th gi April

CARLOS A. SHODA. Executive Director Commonwealth Ports Authority

Herman T. Guerrero

Ofisinan Gubetno

Ma file as: Rencedio In Hallman
SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

### ARONGORONGOL TOWLAP ADAPTAAL SSIIWEL MELLOL AUTOL ALLEGHUL AIRPORT IYE EBWE LEMELIIR SCHOOL AFFAARAGHIL TAXICAB

Commonwealth Ports Authority, sangi bwangil mille 2 CMC § 2122(j), me bwal ikka aileewal mille 1 CMC 9102, 9104(a) me 9105, nge ekke arongaar towlap igha a adaptaliilo ssiiwel kka llol owtol Alleghul Airport Iye Ebwe Lemeliir School Affaaraghil Taxicab.

Ighiwe eyoor Iyeelaghiir Towlap wool Schoow (Eneero) 30, 1997 igha re abwuraar towlap bwe rebwe iraawow meeta mangemangiir me tipeer reel ssiiwel kkaal eweewe schagh rebwe ischiitiw me ngare rebw apasaawow. Mangemang me tiip kka rebwughil mellol iyeelagh kkaal nge ra bwughi bwe rebwe mangiiy fischiiy me aschuulong llol aighuughul ffeerul allegh kkaal.

Effeer llol raalil ye <u>//6 出</u> maram ye <u>//</u> /	pril, 1997.
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Registrar of Corporations	

### CERTIFICATION OF AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING TAXICAB OPERATORS

I, CARLOS A. SHODA, Executive Director of the Commonwealth Ports Authority, the agency which is promulgating Amendments to the Airport Rules and Regulations Governing Taxicab Operators, by signature below, hereby certifies that the foregoing Amendments to the Airport Rules and Regulations Governing Taxicab Operators are a true, complete and correct copy of the amendments to the regulations adopted, on second and final reading, by the Board of Directors of the Commonwealth Ports Authority at its April 11, 1997 meeting; and that the original and one copy of the said Amendments to the Airport Rules and Regulations Governing Taxicab Operators have been filed with the Registrar of Corporations.

> CARLOS A. SHODA, Executive Director Commonwealth Ports Authority

### ADOPTION OF AMENDMENTS TO THE AIRPORT RULES AND REGULATIONS GOVERNING TAXICAB OPERATORS

The Airport Rules and Regulations, as promulgated by the Commonwealth Ports Authority, are hereby amended to add a new Part 2.8-1, immediately after Part 2.8. The new amendment shall read as follows:

### 2.8-1 Attire for Taxicab Operators and Related Matters

- a. Because all ports of entry in the Commonwealth convey to guests and visitors a "first impression" of the Northern Mariana Islands and its people, it is important that such impression convey not only its natural beauty and the friendliness of its people, but also <a href="that">that</a> of safety, neatness and proper decorum. To promote these objectives, the Authority finds it both necessary and proper to implement a dress code for taxicab operators authorized by the Authority to pick up passengers and customers at all airports under its jurisdiction.
- b. All taxicab operators having a valid permit to pick up passengers and customers at airport premises are required to wear dark dress pants, island print dress shirt, and dark dress shoes with socks. No taxicab operator shall be permitted to wear zorris or slippers, T-shirt or polo shirt, or short pants. All dress attire required of taxicab operators shall be neat and clean.
- c. No employee, <u>officer</u>, <u>or director</u> of the Commonwealth Ports Authority shall be permitted to operate a taxicab at any public airport in the Commonwealth.
- d. No person having a felony conviction or a misdemeanor conviction involving moral turpitude shall be given a permit by the Authority to operate a taxicab on airport premises.
- e. All taxicab operators applying for a permit to pick up passengers at airports under the jurisdiction of the Authority shall be required to provide the Authority with a current police clearance, a copy of the applicant's business license and driver's license. a

copy of the applicant's current automobile liability insurance policy, and a copy of the applicant's Taxicab Bureau Permit. Furthermore, the taxicab operator shall provide the Authority with a certified copy of his/her business gross revenue (BGR) report as filed with the CNMI Division of Revenue and Taxation, no later than 30 days after the end of each calendar year.

- f. All taxicab operators shall provide service to their customers and passengers courteously, cheerfully, promptly, and safely. Further, a taxicab operator shall, at all times, not be under the influence of intoxicating liquor or drugs, shall not be disorderly, boisterous, or argumentative, shall not be sleeping in his/her cab and shall comply with all rules and regulations of the CNMI Taxicab Bureau.
- g. No taxicab operator shall leave his/her vehicle unattended for longer than ten (10) minutes. Leaving one's vehicle unattended for longer than ten (10) minutes may result in the vehicle being towed away, at the operator's expense; unless for good reason, written permission is granted by the Commonwealth Ports Police for a taxicab operator to be away from his/her vehicle for longer than ten (10) minutes.
- h. All taxicab operators shall adhere to these rules <u>and regulations</u> and the directions and instructions of the <u>Commonwealth Ports Police</u> Office. The <u>Commonwealth Ports Police</u> Office shall make sure that all taxicab operators are in compliance with these regulations. Failure to comply may result in the suspension or revocation of the taxicab operator's permit to pick up passengers and customers at the airport.



## RETIREMENTFUND

P.O. Box 1247, Saipan, MP 96950
Telephone: (670) 234-7228 / Fax: (670) 234-9624
e-mail: nmi.retirement@saipan.com

## NOTICE AND CERTIFICATION OF ADOPTION OF PROPOSED RULES AND REGULATIONS REGARDING GROUP HEALTH AND LIFE INSURANCE PROGRAM

I, Edward H. Manglona, the Administrator of the NMI Retirement Fund, which is promulgating the Rules and Regulations regarding the Group Health and Life Insurance Program published in the Commonwealth Register, Volume 19, Number 2, on February 15, 1997 at pages 15106 to 15118, by signature below hereby certify that as published, such Rules and Regulations are a true, complete and correct copy of the Rules and Regulations regarding Group Health and Life Insurance Program previously proposed by the NMI Retirement Fund which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the <u>18th</u> day of <u>March</u>, 1997 at Saipan, Commonwealth of the Northern Mariana Islands.

EDWARD H. MANGLONA

Administrator

Received by:

HERMAN T. GUERRERO / Date

Executive Assistant to the Governor

SOLEDAD SASAMOTO

Registrar of Corporation

Pursuant to 1 CMC §2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

PAGE 15387

Proposed Rules and Regulations Regarding Group Health and Life Insurance Program March 18, 1997 Page 2

Dated this

lay of \_\_\_\_\_

, 1997.

Robert B. Dunlap II

Attorney General [Acting]

By:

Elliott A. Sattler

Assistant Attorney General



## RETIREMENTFUND

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Telephone: (670) 234-7228 / Fax: (670) 234-9624
e-mail: nmi.retirement@saipan.com

### NOTISIA YAN SETTEFIKASION NI MA ADAPTAN I MA PROPONE NA AREKLAMENTO YAN REGULASION POT I PROGRAMAN GROUP HEALTH YAN LIFE INSURANCE

Guahu, si Edward H. Manglona, i Administradot i NMI Retirement Fund, ni chúmogue i sigiente siha na Areklamento yan Regulasion siha pot i programan Group Health yan Life Insurance, ni ma pupblika gi halom Rehistran Commonwealth, Baluma 19, Numiru 2, gi Febrero 15, 1997, páhina 15106 - 15118, ginen i fitmá-ku gi sampapa, hu settefika na i ma pupblika man magahet, kumplidu yan dinanche na kopian I Areklamento yan Regulasion pot i Programan Group Health yan Life Insurance ni ginen ma propone ni NMI Retirement Fund, despucs di monhayan ma nái tiempo para i deklarasion i pupbliko, ma adapta sin tinalaika pat amendasion. Lokkué, Hu rikuesta yan dirihi na este na Notisia yan Settefikasion ni ma Adapta u mapupblika gi Rehistran Commonwealth.

Hu deklara na gi papa penan chatmanhulá na i manmoffóna siha na Areklamento yan Regulasion komu man magahet, dinanche ya este na deklarasion ma chógue gi dia <u>18</u> Matso, 1997, Saipan I Sañgkattan siha na Islas.

EDWARD H. MANGLONA

Administradot

Rinisibi as:

HERMAN T. GUERRERO / Fecha

Executive Assistant Para I Gubetno

SOLEDAD SASAMOTO

Rehistradoran Kotporasion

Sigun gi 1 CMC § 2153, ni ma amenda gi Lai Pupbliku 10-51, i checheton na Areklamento yan Regulasion siha man maribisa yan man ma-aprueba nui Ofisinan i Fiskat.

Ma Propone na Areklamento yan Regulasion Pot I Programan Group Health yan Life Insurance Matso 18, 1997 Páhina 2

Ma fecha gi dia

guine mes \_

1997.

Robert B. Dunlapp II

Fiskat [Kuentayi]

Ginen as:

Elliott A. Sattler Sigundon Fiskat