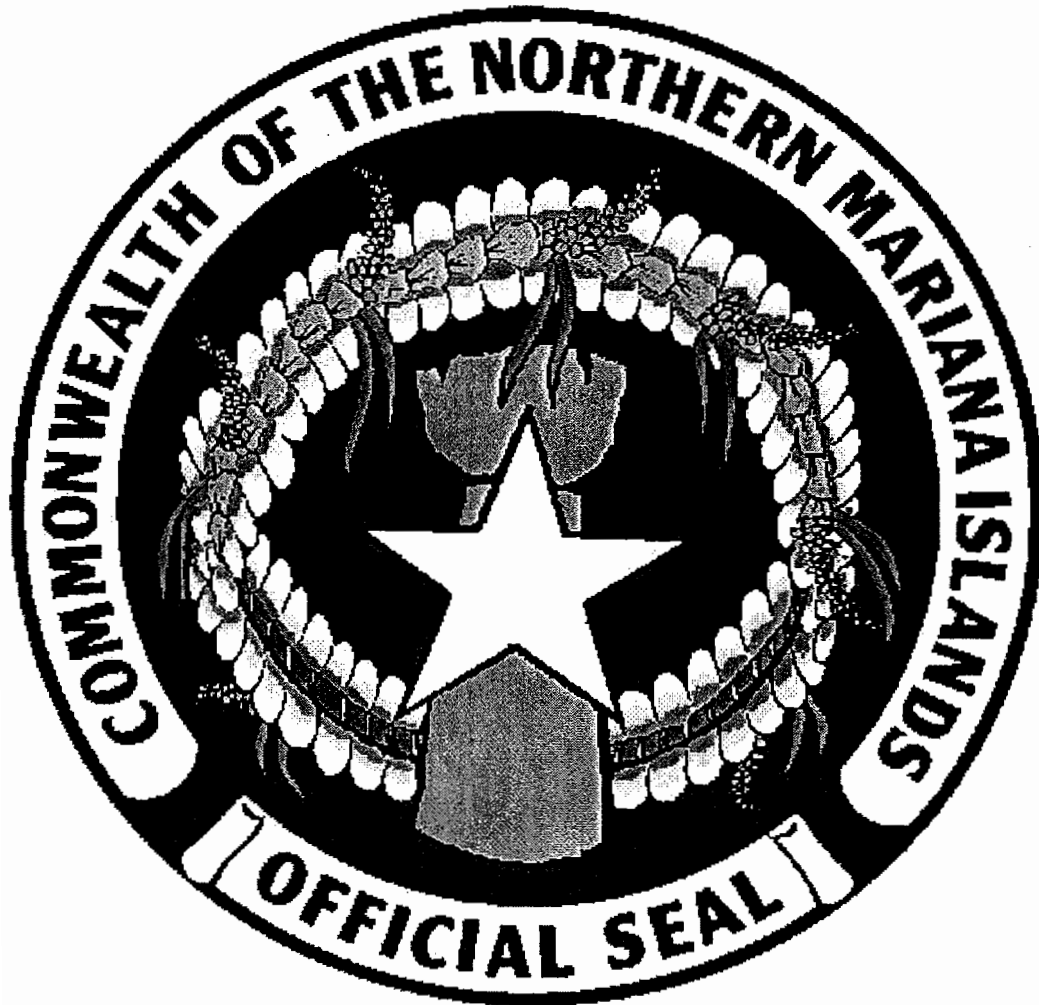


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



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COMMONWEALTH REGISTER  
VOLUME 29  
NUMBER 08

August 17, 2007

# COMMONWEALTH REGISTER

VOLUME 29  
NUMBER 08  
AUGUST 17, 2007

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# ***COMMONWEALTH REGISTER***

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# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

## **EXTENSION OF EMERGENCY Volcanic Activity on Anatahan**

WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

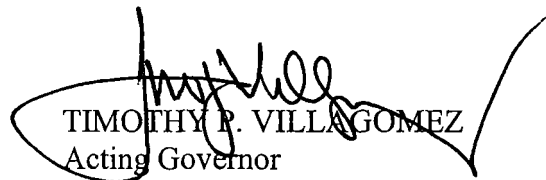
WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

WHEREAS, the volcanic activity and seismic phenomena which prompted said Declaration continues to exist on the island of Anatahan;

NOW, THEREFORE, I, TIMOTHY P. VILLAGOMEZ, by the authority vested in me as Acting Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, do hereby extend a state of disaster emergency in the Commonwealth with respect to the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for alike term, and giving reasons for extending the emergency.

Dated this 26<sup>th</sup> day of July 2007.

  
TIMOTHY P. VILLAGOMEZ  
Acting Governor

cc: Lt. Governor (Fax: 664-2311)  
Senate President (Fax: 664-8803)  
House Speaker (Fax: 664-8900)  
Mayor of the Northern Islands (Fax: 664-2710)  
Executive Assistant for Carolinian Affairs (Fax: 235-5088)  
Director of Emergency Management (Fax: 322-7743)  
Attorney General (Fax: 664-2349)  
Secretary of Finance (Fax: 664-1115)  
Commissioner of Public Safety (Fax: 664-9027)

Commonwealth of the Northern Mariana Islands  
Commonwealth Board of Accountancy  
David Burger, Chair

Caller Box 10007, Capitol Hill, Saipan, MP 96950  
(Office of the Governor, 2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan)  
tel: 670. 664.2200 fax: 670.664.221 1

**PUBLIC NOTICE OF PROPOSED REGULATIONS  
of the Commonwealth Board of Accountancy**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Board of Accountancy ("BoA" or "the Board"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The BoA intends to adopt them as permanent, and hereby gives at least 30 days' notice of its intent. (*Id.*) The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The BoA is required by the Legislature to adopt rules and regulations regarding those matters over which the BoA has jurisdiction, including its regulation of the accounting profession. PL 13-52, the "Accountancy Act of 2002," (not codified as of this writing), and section 4(h) ("the Act").

THE TERMS AND SUBSTANCE:

The Regulations provide a complete set of regulations for the Board to administer the Act. They recite the Board's powers, duties, standards, fees, and procedures for licensing and disciplining accountants and persons purporting to practice accounting. The Regulations define terms, state the requirements for licensing, and set out procedures.

These Regulations are part of the BoA's Regulations, found in the Northern Mariana Islands Administrative Code of regulations ("NMIAC"), Chapter 1-10, Parts 001 through 1300. Some of the sections are reserved, with no content presently. Some of the sections are noted as "no change" from previously adopted regulations; and the Board does not propose to alter those at this time..

THE SUBJECTS AND ISSUES INVOLVED: The subjects of these regulations are:

1. The Regulations address the administration of the Act, including licensing and discipline of accountants and other persons who claim to provide accounting services.
2. The Regulations provide:

- a. Licensure shall depend on specified education and experience, the passage of exams, and other matters of character and fitness;
- b. Procedures must be followed for licensure applications, testing, renewals and discipline;
- c. Professional services and documentation retention must conform to specified standards;
- d. Specified continuing professional education requirements must be met;
- e. Professionals licensed in other jurisdictions may practice in the CNMI if specified conditions are met;
- f. Firms must meet certain specified conditions in order to be licensed;
- g. Peer review will be required;
- h. Discipline will be undertaken for violation of the Act, the regulations and certain specified behavior;
- i. Procedures will be followed for investigation, hearing and discipline;
- j. Certain language will be found unacceptable for advertising and/or providing services and firm name; and
- k. CNMI practice will be allowed for "substantial equivalency" for non-CNMI professionals under stated conditions.

3. The Regulations provide that the American Institute of CPAs' Code of Professional Conduct shall govern CNMI professionals.

4. The Regulations provide procedures for the examination and copying of documents.

5. The Regulations provide a schedule of fees for specifically enumerated items.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to **BoA** Chairman David Burger, *c/o* Office of the Governor, *Attn:* New 2007 **BoA** Regs, Box 10007, Capital Hill, Saipan MP 96950 or fax **670.664.2211** or email to [BoAChair@gmail.com](mailto:BoAChair@gmail.com) with the subject line "New Commonwealth Board of Accountancy 2007 Regs". Comments are due 30 days **after** this notice is published in the Commonwealth Register. Please submit your data, views or arguments. **(CMC § 9104(a)(2))**

Proposed regulations approved by the **BoA** on April 26,2006 and December 26,2006.

Submitted by: David Burger 9 / 4 7  
David Burger **Date**  
Chairman, Board of Accountancy

Received by: ESTHER S. FLEMING 8/17/07  
**Date**  
Governor's Special Assistant for Administration

Filed and Recorded by: BERNADITA B. DELA CRUZ 8/16/07  
**Date**  
Commonwealth Registrar

Pursuant to 1 **CMC § 2153(e)** (AG approval of regulations to be promulgated as to form) and 1 **CMC § 9104(a)(3)** (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the **CNMI** Attorney General and shall be published, 1 **CMC § 2153(f)** (publication of rules and regulations).

Dated the 17<sup>th</sup> day of August, 2007.

Matthew T. Gregory

MATTHEW T. GREGORY,  
Attorney General

o BoA NOPR General Regs Aug 2007.wpd

Commonwealth I Sankattan Siha Na Islas Marianas  
Kuetpon I Kontadot I Commonwealth  
David Burger, **Kabiseyo**  
Caller **Box 10007**, Capitol Hill, Saipan, **MP 96950**  
(Ofisinan I Gubietno, mina dos bibienda gi **Juan A. Sablan** Building, Capitol Hill, Saipan)  
Numirun Tilifon: **670-664-2200** Fax: **670-664-2211**

**NOTISIAN PUBLIKU POT I MAN MAPROPONE NA  
REGULASION SIHA GI  
Kuetpon I Kontadot I Commonwealth**

INTENSION AKSION POT INADOPTASION I MAN MAPROPONE SIHA NA REGULASION: I Commonwealth I Sankattan Siha Na Islas Marianas, gi Kuetpon I Kontadot I Commonwealth (“BoA”), **ma’intensiona** para u **ma’adopta** I Man Mapropone na Regulasion siha **petmanente sigun** I areklamenton I Administrative Procedures Act, I CMC Seksiona 9104 (a). I Kuetpon I Kontadot I Commonwealth **ma’intensiona** para u ma’adopta petmanente, ya **lokkue** man **nãnã’i** trenta (30) diha siha na notisia pot I **intension-niha**. I regulasion siha siempre man **efektibu** dies (10) diha siha des pues I inadoptasion. (I CMC Seksiona 9105 (b)).

ATURIDÁT: I Kuetpon I Kontadot I Commonwealth **ma’otden nui** Lehislatura para u ma’adopta I areklamento yan regulasion siha ni **tineteke ayu** siha na **asunto ni gai’aturidát** I Kuetpon I Kontadot, a **enklulusu** I regulasion profession kontadot. “Lai Publiku 13-52, I Accountancy Act I 2002,” (ti **makodigu** ni este na **tinige’**), yan seksiona 4 (h) (“I **Ákto**”).

**I REGULASION YAN I SUSTANSIAN-NIHA:**

I Regulasion siha a **probeniyi kabáles** na regulasion para I Kontadot pot para u **atministreha** I **Ákto**. Mamensiona I **minetgot**, che’cho’, regulasion, **âpas** yan **areklamento** siha para man lisesensia yan **disaplinan** I kontadot siha yan petsona siha **ni** mapetsisiyi para u **praktika** para u kontadot. I regulasion a **dififina** I **palåbra** siha, a mensiona I **nisisidát** siha para malisesensia, yan u na **guaha** areklamento siha.

Este na Regulasion siha, man **pátte’ gi** Regulasion I Kuetpon I Kontadot, ni masodda gi **Kodigun Atministrasion** Commonwealth I Sankattan Siha Na **Islan Mariana (NMIAC)**), Kapitulu 1-10, gi **Pátte’ 001** esta **Pátte’ 1300**. Guaha gi seksiona man mapolu’, sin sinaguan gi presente. Guaha gi seksiona man manota **kumo** “**tåya tinilaika**” ginen I **halacha** anai ma’adopta na regulasion siha: ya I kuetpo ti mapropone para u **matulaika** gi este na **momento**.

**I PUNTO YAN ASUNTO SIHA NI MAN TINETEK:** I asunton este siha na regulasion man sigente:



1. I Regulasion siha a mensiona I atministrasion I **Ákto**, a **enklusu** I malisesensia yan disiplinan I Kontadot siha yan palu na petsona ni **mapetsisigi** I setbisiun kontadot.
2. Regulasion siha a probeniyi:
  - a. I malisesensia debi di u **dipende** gi **spesifiku** na edukasion yan **ekspiriensia**, I **ginannan** I **ebalusion**, yan palu siha ni **tineteka**;
  - b. Areklamento siha debi di u matatiyi para I malisensia na **aplikasion**, ma'ebalua, **marinueba** yan disiplina;
  - c. Setbisiun **professionát** yan **pinelon** dokumento debi di u **konfotma** para man **spesifiku** na areklamento;
  - d. **Kontinuan** **spesifiku** na edukasion **professionát** debi matitiyi I **nisisidát** siha;
  - e. **Malisensian Professionát** siha gi palu siha na **aturidát siña** man **mapraktika** gi **hálom** I **CNMI** yanggen matatiyi I man **spesifiku** na **nisisidát**;
  - f. **Ahensia** debi di u matatiyi **spesifiku** na kondision siha yanggen para u fan malisensia;
  - g. **Maribisan** I man ga'chong siempre **manisisita**;
  - h. Siempre **mana guaha disaplina** yanggen **makontradikta** I **Ákto**, I regulasion siha yan **spesifiku** na **kinalamten**;
  - i. Siempre matatiyi I areklamento para **imbestigasion**, **inetnun inekungok** yan disiplina;
  - j. Guaha siha na **lengguáhe** siempre ti man masedi para **kometsiánte yan/osino** maprobeniyi setbisiu yan I **na'an** I **ahensia**; yan
  - k. **Prinaktikan** I **CNMI** siempre man masedi para "substantial equivalency" para I man **professionát ni** ti man **CNMI** papa I mamensiona na kondision siha.
3. Este na regulasion siha a probeniyi na I Institute Amerika gi **Kodigun CPA** pot Kondukton **Professionát** debi di u **magubietna** I **professionát** **CNMI** siha.
4. I Regulasion siha maprobeniyi areklamento siha para **eksiminasion** yan kopian I dokumento siha.
5. I Regulasion siha a probeniyi **siñálan ápas** para **spesifikátmente** man **matufong** na kosas siha.

**DIREKSION YANGGEN PARA U MAPOLU YAN MAPUPBLIKA:** Este siha I Man Mapropone na Regulasion debi di u **mapupblika** gi Reistradoran i Commonwealth gi seksiona ni man mapropone ya nuebu anai ma'adopta (1 CMC Seksiona 9102 (a)(1)) ya i notisia debi di u **malaknos gi konbiniente** na **lugát** siha gi **civic center** yan ofisinan gobietnamento siha gi **kada** distritun **senadot** siha, todú i dos Engles yan i **lengguáhen** prinsipat ni Natibu, **Chamorro yan Refaluwasch**. (1 CMC Seksiona 9104 9(a)(1)).

**YANGGEN PARA UN NA GUAHA OPINION SMA:** Nahalom osino nahanáge' I opinion siha **guatu** I Kabiseyo as David Burger, Kuetpon I Kontadot, gi **Ofisinan** I **Gubietno**, **ATTN.:** Nuebu na Regulasion I Kuetpon I Kontadot, gi Box 10007, Capitol Hill, Saipan MP 96950 osino **fax** gi 670-664-2211 osino **email** **guatu** **BoAchair@gmail.com** ni I titilu "Nuebu na Regulasion I Kuetpon I Kontadot". I opinion

siha man uttimo **trenta** (30) **diha** siha despues este na notisia anai mapupblika gi **Rehistran** I Commonwealth. Pot fabot **nahalom infotmasion** pot I man mapropone na regulasion yanggen un **kontra**, opinion osino **mensahe**. (1 CMC Seksiona 9104 (a)(2))

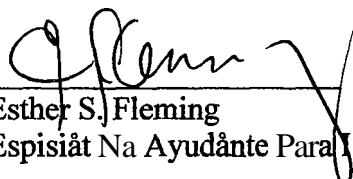
I Man Mapropone na regulasion siha man ma'aprueba ni I Kuetpon I Kontadot gi Oktubre 18,2005, ya

Manahalom as:

\_\_\_\_\_  
David Burger  
Kabiseyo, Kuetpon I Kontadot

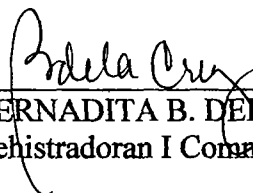
\_\_\_\_\_  
Fecha

Maresibe' as:

  
\_\_\_\_\_  
Esther S. Fleming  
Espisiat Na Ayudante Para Administration

8/17/07  
Fecha

Pinelo' yan  
Marikot as:

  
\_\_\_\_\_  
BERNADITA B. DELA CRUZ  
Rehistradoran I Commonwealth

8/16/07  
Fecha

Sigun i lai 1 CMC Seksiona 2153 (e) ( i inapueban i **Abugado Henerat** ni regulasion siha ni para u **ma'establesi** pot para u **fotrna** ) yan 1 CMC Seksiona 9104 (a)(3) (ma'aprueba ni **Abugado Henerat**) i man mapropone na regulasion siha man che'che'ton **esta man ma'ina yan** ma'aprueba pot para u **fotrna** yan **ligat suficiente** ni **Abugado Henerat** ya debi di u mapupblika (1 CMC Seksiona 2153 (f) (**puplikasion i areklamento** yan regulasion siha)).

Mafecha gi este **mina** \_\_\_\_\_ na **ha'ane** gi \_\_\_\_\_,2007

\_\_\_\_\_  
Matthew T. Gregory  
Abugadu Henerat

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL NGÁLI MWIISCHIL  
COMMONWEALTH OF ACCOUNTANCY**

**AGHIYEGHIL EBWE FILOOY POMWOL ALLEGH KKAAL:** Commonwealth Téel Faluw Kka Faluwasch Efang, Mwiischil Commonwealth of Accountancy ("BoA" me "schóoy Mwiisch"), re mángi rebwe schéshéél fillóoy pomwol allégh kka e appasch, bwelle reel mwóghutughutul Administrative Procedure Act, 1 CMC Tálil 9104(a). BoA nge re mángi rebwe schéshéél fillóoy, me e ayoora eliigh (30) ráálil arong reel aghiyegh yeel. (Id.) Allégh yeel ebwe kkamalló 116l ótol seigh (10) ráálil mwiril schagh fillóól. ( 1 CMC Talil 9105 (b))

**BWÁNGIL:** Sów fféerúl Allégh (Legislature) e tittingór bwe BoA (board of accountancy) ebwe fillóoy allégh kkaal bwelle reel mwóghut ye BoA e ayoora bwhngil 116l, e toolong alléghúl accounting profession. PL 13-52, Alléghúl Accountancy ótol 2002," (ese Aghikkil) me tálil 4(h) ("Allegh").

**AWEWEELE ME OUTOL:** Allégh kkaal nge e ayoora tálil allégh ngáliir Mwiisch bwelle rebwe mwóghut ágheli allégh yeel. Re féerú bwhngil mwiisch, yaar angaang, alléghúl, salaapial, me fféerúl lisensia me abwunguur accountants, me aramas kka rebwe akkabwung accounting. Allégh kkaal ebwe abwáari kkapasal, ayoora yááyál lisensia, me bwuluw angaang.

**KKAPASAL ME AGHIYEGHIL :** Allégh yeel nge elo bwe alléghúl BoA's, iye re schungi mel16l alléghúl Northern Marianas Administrative Code ("NMIAC"), Ghilighilil 1-10, Peigh 001 mwet ngáli 1300. Akkáaw tálil kkaal nge e aisis (reserved), esóór ótol ighila. Akkáaw tálil kkaal nge e ischitiw bwe "esóór lliwel" sáangi allégh kka mmwal ikka raa fillóoy; me schóoy Mwiisch resáál ssiwel 116l ótol kkaal..

**KKAPASAL ME AWEEWE KKA E TOOLONG:** Kkapasal allégh kkaal nge:

1. Allégh kkaal ebwe bwáári Alléghúl administration of Act, e bwal toolong lisensial me akkabwungul accountants me amweyút aramas kka rekke tingór rebwe ayoorá angaangal accounting .
2. Allégh kkaal nge e ayoorá:
  - a. Schooy lisensia ebwe mwir sangi yaal akkabwung me ghuleyal, atakkal yaal asóssót, me akkááw aweewe me mwóghutul;
  - b. Mwóghutul yeel ebwe mwiri ngali yaar schóóy lisensia tingor (applications), asóssót, fféer sefál me akkabwung;
  - c. Alilisiir sów mang (professional) me aisisil dokkomentool kka ebwe affat fillongol llool allégh kkaal;
  - d. Sóbwólóól abwungubwung yeel nge ebwe ghol, ngare tabweey yaal tittingór;
  - e. Schóóy professionals kka re lisensia mellol tafal bwángiir emmwel rebwe mwóghut agheli 1161 CNMI ngáre e fil kkapasal;
  - f. Mwiisch yeel ebwe tabweey kkapasal bwelle ebwe lisensia;
  - g. Rebwe amweri fischiy;
  - h. Mwóghut agheli fféer ngów igha ese tabweey allégh, allégh kkaal me akkááw fáfféer;
  - i. Rebwe affata alongal mwoghutughut, arong me abwungubwung.
  - j. Re ssóbw alisi mwaliili kka ese fil me ayoorá alillis me yááli ital mwiisch; me
  - k. Emmwel bwe alléghúl CNMI ebwe alisi ngare e "welepakk " ngaliir professional kka schooy lughul faal ammwelil faluw;
3. Re ayoorá allégh kka bwe American Institute mē1161 CPA Code of Professional conduct ebwe lemelem CNMI professionals.
4. Allégh kkaal e ayoorátá mwóghutughut bwelle asóssót me tilighial kkaal.
5. Allégh kkaal nge e ayoorá otol óbwós reel pápál meeta kkaal

**AFALAFAL REEL AMMWELIL ME AKKATÉÉL:** Pomwol Allegh kkaal bwe ekkatééló 1161 Commonwealth Register 1161 táliil ye rekke pomwoli me allégh kka e ffé ikka raa fillóóy (1 CMC talil kka 9102(a)(1) me arong yeel ebwe appasch mellol civic center me 1161 alongal bwulasiyool gobenno kkaal me bwal 1161 senatorial district kkaal, ii me eluuw Arnerikkonu, Remeraalis, Refaluwasch. (1 CMC táliil kka 9104(a)(1))

ISISILONGOL AGHIYEGH: Afanga yóómw ischil mángemáng ngali BoA Chairman David Burger, c/o Bwulasyool Sow Lemelem, Att: New 2007 Alléghúl BoA, Box 10007, Capital Hill, Seipél MP 96950 me ngáre email reel BoAchair@gmail.com reel aweewee ye ebwe isisilong 1161 eliigh (30) ráálil mwiril yaal arong yeel akkatéélong Commonwealth Register. Óutu ghal soong ow isisilong yáámi ischil mángemáng. (1 CMC Talil 9104(a)(2))

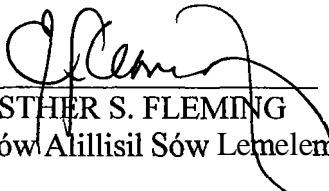
Pomwol allegh kkaal ebwe alúghúlúgh mereel BoA otol Séétá 26,2006 me Tumwur 26, 2006.

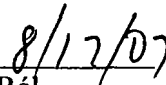
Isaliyallong:

\_\_\_\_\_  
David Burger  
Samwoolul, Mwiischil Accountancy

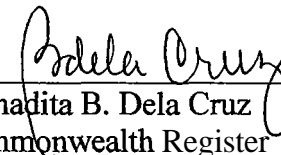
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Rál

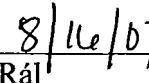
Mwir sáangi:

  
\_\_\_\_\_  
ESTHER S. FLEMING  
Sów Alillisil Sów Lemelem

  
\_\_\_\_\_  
Rál

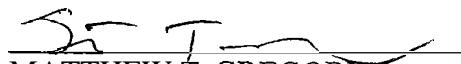
Ammwel sáangi:

  
\_\_\_\_\_  
Bernadita B. Dela Cruz  
Commonwealth Register

  
\_\_\_\_\_  
Rál

Sáangi allégh ye 1 CMC talil 2153 ( Alúghúlúgh mereel Sów Bwungul Allégh Lapalap ikka ebwe akkaté bweigha) me 1 CMC Tálil 9104(a)(3) (bweibwogh alúghúlúgh mereel sow bwungul allégh lapalap) pomwol allégh kka e appasch nge raa takkal amen fischiy me alúghúlúgh mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkaté, 1 CMC Tálil 2153(f) (akkatéél allégh me ammwelil kkaal).

Rallil ye \_\_\_llól \_\_\_\_\_,2007.

  
\_\_\_\_\_  
MATTHEW T. GREGORY,  
Sów Bwungul Allégh Lapalap



# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. BOX 501055, SAIPAN, MP 96950-1055

Phone: (670) 664-3500/1 Fax: (670) 234-5962

E-mail Address: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com)

Website: [www.cpa.gov.mp](http://www.cpa.gov.mp)

## NOTICE AND CERTIFICATION OF ADOPTION OF THE PROPOSED AMENDMENT TO THE PROCUREMENT RULES AND REGULATIONS

I, Stanley C. Torres, Acting Executive Director of the Commonwealth Ports Authority, which is promulgating the proposed amendment to the Procurement Rules and Regulations, as published in the Commonwealth Register, Volume 29, Number 03, March 15, 2007, on pages 26453-26461, by signature below hereby certify that, as published, such proposed amendments to Sections 3.3 (2, 3, 5 and 6) of the CPA Procurement Rules and Regulations are a true, complete, and correct copy of the amendment to the CPA Procurement Rules and Regulations, which, after the expiration of the appropriate time for public comment, with no comments having been received, have been adopted without any changes. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of AUGUST, 2007 at Saipan, Commonwealth of the Northern Mariana Islands.

STANLEY C. TORRES,  
Acting Executive Director

Pursuant to 1 CMC §2153, as amended, this Notice and Certification of Adoption, and the Amendment to the CPA Procurement Rules and Regulations to which they apply, have been reviewed and approved by the Office of the Attorney General.

BERNADITA B. DELA CRUZ  
Commonwealth Register

8/15/07  
Date



# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. BOX 501055, SAIPAN, MP 96950-1055

Phone: (670) 664-3500/1 Fax: (670) 234-5962

E-mail Address: cpaadmin@pticom.com

Website: www.cpa.gov.mp

## NOTICE AND CERTIFICATION OF ADOPTION OF THE PROPOSED AMENDMENT TO THE PROCUREMENT RULES AND REGULATIONS

I, Stanley C. Torres, Acting Executive Director of the Commonwealth Ports Authority, which is promulgating the proposed amendment to the Procurement Rules and Regulations, as published in the Commonwealth Register, Volume 29, Number 03, March 15, 2007, on pages 26436-26452, by signature below hereby certify that, as published, such proposed amendments to add a new Section called "HEIGHTENED RESIDENCY PREFERENCE IN SPECIFIC CONTRACTS FOR SERVICES" of the CPA Procurement Rules and Regulations are a true, complete, and correct copy of the amendment to the CPA Procurement Rules and Regulations, which, after the expiration of the appropriate time for public comment, with no comments having been received, have been adopted without any changes. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of AUGUST, 2007 at Saipan, Commonwealth of the Northern Mariana Islands.

STANLEY C. TORRES,  
Acting Executive Director

Pursuant to 1 CMC §2153, as amended, this Notice and Certification of Adoption, and the Amendment to the CPA Procurement Rules and Regulations to which they apply, have been reviewed and approved by the Office of the Attorney General.

  
BERNADITA B. DELA CRUZ  
Commonwealth Register

8/15/07  
Date



**GROUP HEALTH & LIFE INSURANCE TRUST FUND  
NMI RETIREMENT FUND**

P.O. Box 501247 C.K., Saipan, MP 96950

Phone: (670) 664-8026 / Fax: (670) 664-8070

Website: [www.nmiretirement.com](http://www.nmiretirement.com) / Email: [ghli@nmiretirement.com](mailto:ghli@nmiretirement.com)



**NOTICE AND CERTIFICATION OF ADOPTION  
OF THE  
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS  
GOVERNING THE GROUP HEALTH INSURANCE PROGRAM**

I, Juan T. Guerrero, Chairman of the Board of Trustees of the Northern Mariana Islands Retirement Fund, Commonwealth of the Northern Mariana Islands, which is promulgating the amended Rules and Regulations Governing the Group Health Insurance Program published in the Commonwealth Register, Volume 29, Number 07, on July 18, 2007, at pages 26657 through and including 26665, by signature below hereby certify that the Regulations as modified are a true, complete, and correct copy of the Rules and Regulations Governing the Group Health Insurance Program now adopted by the Board of Trustees. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7<sup>th</sup> day of August, 2007, at Saipan, Commonwealth of the Northern Mariana Islands.

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**JUAN T. GUERRERO**  
Chairman, Board of Trustees  
Northern Mariana Islands Retirement Fund





*Northern Mariana Islands*  
**R E T I R E M E N T F U N D**  
*"Investing For The Future Financial Security Of Our Members"*

**NOTICE AND CERTIFICATION OF ADOPTION  
OF THE  
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS  
GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

I, Juan T. Guerrero, Chairman of the Board of Trustees of the Northern Mariana Islands Retirement Fund, Commonwealth of the Northern Mariana Islands, which is promulgating the amended Rules and Regulations Governing the Northern Mariana Islands Retirement Fund published in the Commonwealth Register, Volume 29, Number 07, on July 18, 2007, at pages 26666 through and including 26675, by signature below hereby certify that the Regulations as modified are a true, complete, and correct copy of the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund now adopted by the Board of Trustees. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7<sup>th</sup> day of August, 2007, at Saipan, Commonwealth of the Northern Mariana Islands.

  
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**JUAN T. GUERRERO**  
Chairman, Board of Trustees  
Northern Mariana Islands Retirement Fund

**ATTORNEY GENERAL OPINION NO. 07-03**

**DATE:** 8/3/07

**TO** : Governor  
**FROM** : Attorney General  
**SUBJECT** : Application of Public Law 15-71 to Federally Funded Positions

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At the request of the Office of Management and Budget, this office has reviewed the requirements of Section 2(d) of Public Law 15-71 to determine whether the prohibition against hiring to fill existing or vacant positions applies to federally funded positions and whether it prohibits transfer of employees. It is the opinion of the Attorney General that Public Law 15-71 prohibition applies only to vacancies that are fully or partially funded by local funds, as that term is defined in Section 10(c) of Public Law 15-28. The prohibition does not apply to vacancies that are fully funded by federal funds nor to transfer of governmental employees .<sup>1</sup>

Public Law 15-71 amends Public Law 15-28 by adding a new Chapter VII.<sup>2</sup> Therefore, analysis of Public Law 15-71 must begin with an analysis of Public Law 15-28.

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<sup>1</sup> As defined within the Public Law 15-28, "local funds" means locally generated revenues and revenues received pursuant to Section 702 of the Covenant. For purposes of clarity, this opinion will refer to "local funds" as CNMI funds, to avoid confusion with municipal funds, which are also often referred to as local funds.

<sup>2</sup> Public Law 15-28 also renumbers Chapter VII of Public Law 15-28 as Chapter VIII.

Public Law 15-28 was enacted, "To make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide the budget authority for governmental corporation for Fiscal Year 2007..."<sup>3</sup> That law does not appropriate any funds other than local funds, as therein defined.

Public Law 15-71, was enacted to account for reduction in the estimated revenues for Fiscal Year 2007, to supplement the budgets of certain critical departments, to provide the Governor and other expenditure authorities with greater flexibility to reprogram funds to ensure the ongoing delivery of essential public services and to reduce further personnel spending by imposing a hiring and salary moratorium. P.L. 15-71, § 1. Section 2 of that amendment creates a new Chapter VII of Public Law 15-28 and imposes "an immediate emergency reduction in the revenue estimate and the appropriation for all budgeted activities of the Government of the Commonwealth of the Northern Marian Islands previously appropriated pursuant to Public Law 15-28,..." Section (a) of Public Law 15-28, reduces the estimate of CNMI revenues. Section (b) with certain exceptions, reduces the avvrovriation levels for budgeted activities of the government. Section (c) provides reprogramming authority. Section (d) provides the hiring and salary moratorium .

Public Law 15-17 does not govern the use of federal funds. With the exception of federal funds provided under Section 702(a) of the Covenant and federal funds provided to the Commonwealth for general governmental operations, federal funds are grants to specific programs for specific purposes. They are required to be used for the specific purposes for which they were granted. They are not subject to the Commonwealth appropriations process. Moreover,

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<sup>3</sup> The quote actually ends "and for other purposes." Review of the act shows that such catch all phrase adds nothing to either the act or analysis of it.

the Commonwealth cannot independently increase nor decrease the revenues resulting from federal grants. The Commonwealth may accept or reject federal grant funds. It may not alter their use.

Public Law 15-71 imposes a hiring and salary moratorium to "reduce further personnel spending" to reduce the Government budget in line with the decline in estimated revenue. A moratorium on hiring for, or filling vacancies in, positions that are fully funded by the federal government does not accomplish either of those objectives. To the contrary, failure to fill federally funded positions typically results in loss of the federal funds. Such failure would not reduce the government budget in line with the reduction in the Commonwealth's estimations or revenues for Fiscal Year 2007.

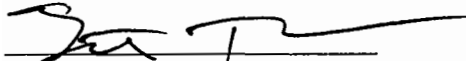
Because Public Law 15-28 is an appropriations and budgeting act, it is not applicable to federal funding other than that federal funding provided under the Section 702 of the Covenant or provided to the Commonwealth as discretionary funds. Therefore, the moratorium on hiring and salaries contained within Public Law 15-71 does not apply to vacancies or salaries that are fully funded by federal funds. It does apply to vacancies funded by local revenues even where those vacancies are partially funded by the federal government.

The issue of whether employees can be transferred between governmental agencies is not addressed by Public Law 15-71. That law only prohibits hiring to fill vacancies. Specifically, it prohibits only hiring to fill an "existing or vacant position."<sup>4</sup> Therefore, transfer of existing public employees from one CNMI funded position to another CNMI funded position is not prohibited unless such transfer results in the creation of a new contract of hire or results in the salary for that position being increased. P.L. 15-71(a) and (b). Moreover, since the prohibition on

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<sup>4</sup> The language of the law refers to "an existing or vacant position." Any distinction to be drawn between an existing position and a vacant position is unnecessary to this opinion.

hiring applies only to existing or vacant positions, it does not prohibit the extension of a contract of hire that is intended to prevent a position vacancy being created.



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MATTHEW T. GREGORY  
Attorney General



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

EXECUTIVE ORDER NO. 07- 09

SUBJECT: Re-organization Plan No. 01 of 2007

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, groups as far as practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities, and 'in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of *Marianas Visitors Bureau v. Commonwealth*, Civ. No. 94-0516 (Memorandum Decision and Judgment);

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following provisions shall constitute Re-organization Plan No. 01 of 2007:

## PART 1. OFFICE OF THE ATTORNEY GENERAL: DIVISION OF IMMIGRATION

Section 101. Labor and Immigration Identification System Office. The Labor and Immigration Identification System Office within the Office of the Governor is transferred to the Office of the Attorney General, Division of Immigration for organizational purposes but shall continue to provide critical resource data to the Department of Labor.

Section 102. Passports and Certificates of Identity. All functions of the Office of the Governor relating to Certificates of Identity or United States passports are transferred to the Office of the Attorney General, Division of Immigration.

## PART 2. GENERAL PROVISIONS

Section 201. Definition of Agency. As used in this part, the term “agency” means any office, division, bureau, board, commission, authority, corporation, instrumentality, or other entity or component of the Commonwealth Government, other than one within the Legislative or Judicial branches.

Section 202. Legal and Regulatory References. All references in law or regulation to any agency or official re-designated by this plan shall be deemed to be a reference to such agency or official as so re-designated. In addition, references to an agency and to the head of such agency are used interchangeably in this plan as regards the authority or a function thereof.

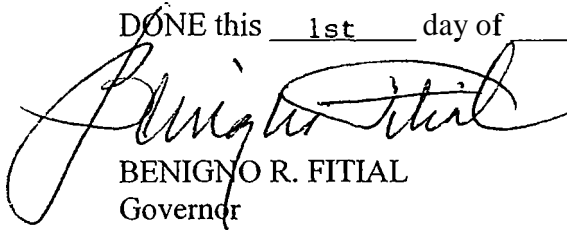
Section 203. Transfer of Records, Property, and Personnel. All records and property (including office equipment) of the various agencies, and all records and property used primarily in the administration of any function transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including employees whose chief duties relate to such administration) are hereby transferred to the respective departments or other agencies concerned for use in the administration of the agencies and functions transferred by this plan.

Section 204. Transfer of Funds. So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or other agency in the exercise of any function so transferred, shall be transferred to the department or other agency concerned for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. The Governor may reprogram any portion of such balances not so transferred.

Section 205. Codification of Changes. The Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this plan.

Section 206. Effective Date. In accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided that in case it shall appear to the Governor that the interests of economy or management require that any transfer, consolidation, or abolishment be delayed beyond the date of this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

DONE this 1st day of August, 2007.



BENIGNO R. FITIAL  
Governor