

VOLUME 31 NUMBER 08 AUGUST 27, 2009

**COMMONWEALTH REGISTER** 

### COMMONWEALTH REGISTER

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Office of the Governor		



### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial Governor

Eloy S. Inos
Lieutenant Governor

### EXTENSION OF EMERGENCY Volcanic of 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

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of 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prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further exteded for a like term, and giving reasons for extending the emergency.

Volumetic of Apprenia

Dated this 29th of July 2009 we have close declared the island of Angushan as upsafe for kronikas kati orak et to katol tennol kinda kita ito acceptant di decembri BENIGNO R. FITIAL Governor NOW, PRESERVEN, LIBERIGNO S. NELAT, by the anthority vested in mean Covernor and exercent to Article III, Section 10 of the Comment with Constitution and 3 Ce: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803) of the House Speaker (Fax: 664-8900) and the Geological Survey, do hereby extended state of disaster or Mayor of the Northern Islands (Fax: 664-2710) is the respect of the island of Anatalian under Executive Assistant for Carolinian Affairs (Fax: 235-5088) Attorney General (Fax: 664-2349) Secretary Of Finance (Fax: 664-1115) Commissioner of Public Safety (Fax: 664-9027): research to a life of the state of (30) days, and see Special Assistant for Management and Budget (Fax: 664-2272) Special Assistant for Programs and Legislative Review (Fax: 664-2313 Press Secretary (Fax: 664-2290) United States Coast Guard (Fax: 236-2968)

NA ADRIETE



#### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

## COMMONWEALTH ELECTION COMMISSION PUBLIC NOTICE OF EMERGENCY REGULATIONS

### WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE

### COMMONWEALTH ELECTION COMMISSION'S REGULATIONS

(Section 5.1, Section 5.2, Section 5.16, Section 5.28 & Section 5.29)

EMERGENCY: The Commonwealth Election Commission ("Commission") finds that under 1 CMC § 9201 (b), the public interest and welfare requires the adoption of emergency amendments to emergency amendments to the Commission's regulations and further finds that the public interest and welfare mandates adoption of these emergency amendments upon fewer than thirty (30) days notice and that these regulations shall become effective immediately upon filing with the Registrar of Corporation, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain in effect for 120 days.

REASON FOR EMERGENCY: Currently, recognized political parties are not accorded the right to a place on the ballot in any election and have its candidates identified in a columnar format. Such columnar format will ensure party recognition and therefore avoiding any confusion among the local voter population. By the columnar ballot format, the commission wishes to reduce or eliminate any such confusion and ensure that recognize parties are accorded that right pursuant to regulations. The commission intends to protect the fundamental rights of citizens in casting a ballot in any election, free from the taint of intimidation and/or fraud. With the enforcement of the 300 feet perimeter radius of a polling place, such type of action shall be eliminated and/or reduced. The commission finds the need to set forth procedures for the preliminary counting of ballots in each senatorial district. Such counting shall be conducted in an orderly fashion as prescribed in this emergency regulation.

Pursuant to Public Law 12-18, as amended, there shall be a General Election on Saturday, November 7, 2009. It is necessary to enact these regulations on an emergency basis to guarantee the regulations are in place for the general election and to provide time to educate the public before the election regarding the regulations contents.

AMENDMENT: The Commission's Regulations shall be amended to read as follows:

Section 5.1 Voting Ballots. The Commonwealth of the Northern Mariana Islands currently uses the paper ballot method of voting. Prior to the election, the Commission shall print a ballot for each voting precinct on paper which shall list all candidates who have met the requirements to be listed on the ballot. In addition to the names of the candidates, the candidates' political party affiliation, if any shall be listed on the ballot as well as the office that each candidate seeks. In the case of offices such as Municipal Council and Board of Education or Independently nominated candidates for any office with no political affiliation, shall be listed as those offices or candidates are by their very nature considered non-partisan. No independently nominated candidate who previously had a political affiliation may use that affiliation unless he/she is nominated for that office by that political party.

P.O. Box 500470, Saipan, MP 96950-0470
Tel: (670) 664-8683(VOTE) Fax: (670) 664-8689
Web Page: https://www.bobtecomi.gov.mp/

All candidate names shall be printed with a sufficient font size for all voters to read, but no candidate shall have a different font size than any other candidate. The ballot shall be organized by race, offices wherein the names of candidates for a particular office or offices shall be placed together identified as candidates for a particular office and the name of the candidate's political party or independent candidacy shall be placed immediately under the candidate's name on the ballot or in a columnar format for each political party or independent nomination of candidacy that is listed at the top of the ballot above the names of the nominated candidate for each office. The columns shall as nearly as possible be equal in size, except where a candidate's name requires additional space than that column will provide that additional space to accommodate the name of the candidate.

Section 5.2 Design and Non-Contestability of Ballot. The staff of the Commission shall have the primary responsibility for the design of the ballot. Election Commission shall have final approval over the design of the ballot. After the Election Commission publishes the ballot, a specimen copy of the ballot shall be made available on Saipan, Tinian, and Rota and Northern Islands for public viewing upon reasonable request. The design of the ballot as approved by the Election Commission shall be final and non-contestable in any Commonwealth Court or United States Court.

> Prior to the final publication of the ballot, the candidate locations (position or row) and/or columns for the political parties on the ballot for the various offices shall be designated by a number corresponding to their location (position and row). On a date designated by the Executive Director of the Commonwealth Election Commission, a representative of the political parties and the candidates (or their representatives) will select random numbers (corresponding to those ballot location numbers) out of a paper bag or hat container (paper bag, hat or box) in such a manner that the person choosing the number has no way of knowing which number they are choosing. The Executive Director shall conduct these drawings. The first drawing shall be for the drawing order for the political parties' columnar position on the ballot. The second drawing shall be for the political parties' columnar position on the ballot. The third drawing will be for the individual candidates locations (position or row) on the ballot where there is multiple (at least two) candidates for a particular race or office or offices from one political party for an individual office. The number chosen by each of the parties and the candidates (or their representatives) shall then correspond to those pre-designated number location on the ballot. Any person can act as a representative of more than one candidate, for instance, the Chairperson of a new or recognized political party may act as the representative for all their party's candidates provided an authorization has been issued by that candidate. Any person

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can act as a representative provided that an authorization has been issued by that candidate.

- Section 5.16 Voter Behavior within 100 300 Feet of Polling Place. No voter or other person shall engage in any activity that is prohibited pursuant to Section 5.15 of these regulations. Commonwealth law provides that campaign activity ceases on Election Day from 7:00 a.m. 7:00 p.m. within 100 300 feet of any polling place. Any voter who engages in such prescribed activity within 100 300 feet of the polling place which interrupts and/or interferes with the orderly procedures at the polling place shall be removed from the polling place.
- Section 5.28 Preliminary Counting of Ballots. Once the polling places are closed in each senatorial district and all ballots within a senatorial district have been compiled and accounted, a preliminary counting shall commence. There shall be no less than two (2) commissioners, a representative from the Public Auditor, an Assistant Attorney General, an Election Commission staff present to conduct preliminary counting on all locally decided ballots, to include referenda and/or initiatives. Although counting system will be through an approved electronic tabulating/counting device, only preliminary results that are decided by that senatorial district shall be released. All other information shall not be released and shall remain confidential until such time that a final count on all ballots are completed and certified by the Commission.
- Section 5.29 Rejected Machine Ballots, Overvote/Undervote Ballots (Preliminary Counting Only). Should the approved electronic tabulating/counting device reject any ballot in part or in its entirety or have recorded overvote, undervote, such ballot shall be placed in a locked ballot box and shall not be reviewed or touched further until such time that the Tabulation Committee convenes on the Third Senatorial District for final. Any ballot rejected for the above reason shall be reviewed by the Tabulation Committee for its disposition. All ballots once counted through the electronic tabulating/counting device shall be secured in the locked ballot box and transported to the Third Senatorial District for final counting.

AUTHORITY: The authority for the adoption and promulgation of these amendments to the Commission's Regulations is by virtue vested in the Commission pursuant to Public Law 12-18, as amended, and the Commonwealth Administrative Procedures Act, 1 CMC § 9101, et seq. These emergency regulations were approved by Commonwealth Election Commission on August 25, 2009.

Submitted by:

FRANCES M. SABLAN, Chairwoman Commonwealth Election Commission 8/25/09 Date

Received by:	ESTHER S. FLEMING Special Assistant for Administration	8/2 <b>\$</b> /09 Date
Concurred by:	BENIGNO R. FITIAL, Governor	8/25/09 Date
Filed & Recorded by:	ESTHER M. SAN NICOLAS Commonwealth Registrar	08·27·09 Date

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 27 day of August, 2009.

EDWARD T. BUCKINGHAM Attorney General

### Commonwealth of the Northern Mariana Islands Department of Public Health Joseph Kevin P. Villagomez, Secretary Lower Navy Hill Saipan, MP 96950

Tel 670-234-8950; Fax 670-234-8930 ikvsaipan@aol.com

### **PUBLIC NOTICE OF EMERGENCY REGULATIONS** WHICH ARE ADDITIONS TO THE COMMONWEALTH HEALTH CENTER'S **SCHEDULE OF FEES**

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands Department of Public Health Secretary ("Secretary") finds that:

- (1) The attached rates added to the Commonwealth Health Center's Schedule of Fees shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)); and
- (2) The same regulations shall be adopted, after a proper notice and comment period, as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

- (b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, an states in writing its reasons for that finding, it may, with the concurrence of Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt and emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.
- (c) No regulation adopted is valid unless adopted in substantial compliance with this section...

1 CMC § 9104 (b), (c).

THE TERMS AND SUBSTANCE: These Rules and Regulations provide for the adoption of new rates for the services and procedures provided at the Commonwealth Health Center. Specifically, they provide that services and procedures are priced for billing purpose.

THE SUBJECTS AND ISSUES INVOLVED: These Rules and Regulations:

Add the attached rates to the Commonwealth Health Center's Schedule of Fees.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Secretary has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASON FOR EMERGENCY ADOPTION: The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. CHC finds the listed services and procedures are necessary for the medical care of the patient, CHC hereby prices and includes these items in the Schedule of Fees.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (see 1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104 (a) (1))

The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105 (b) (2)) This is because the Secretary has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health.

TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding theses emergency regulations being presented as proposed regulations, in the August 2009 Commonwealth Register.

These emergency regulations were approved by the Secretary on August 14, 2009.

Submitted by:	Joseph Kevin Villagomez Secretary of Finance	8/14/09 Date
Received by:	Esther S. Fleming Special Asst. for Administration	8/18/09 Date
Concurred by:	Benigno Fitial Governor	8/55/09 Date
Filed and Recorded by:	Esther M. San Nicolas Commonwealth Register	08.27.09 Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104 (a) (3), 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).

Edward Buckingham Acting Attorney General 6.27.09

#### Amendments to CHC Fee Schedule

Sep-09

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GPT/HCPCS	Description	Physician/Professional Fee/Component	Technical/Facility Fee/Gomponent
34520	Cross-over vein graft	1330.00	\$51004E
35301	Rechanneling of artery	1358.00	5,000 a species of a
35371	Rechanneling of artery	1075.00	15¥00*
43820	Fusion of stomach and bowel	1487.00	15100   1200   1
45119	Remove rectum w/reservoir	2206.00	(5)000 - 100 P
49421	Insert abdom drain, permanent	445.62	59.00
50200	Renal biopsy; percutaneous, by trocar or needle	184.80	2000
59612	Vbac delivery only	858.60	Antaga i
90935	Hemodialysis, one evaluation	89.00	N/A Last Control of the Control of t
P9021	RED BLOOD CELLS		ACTUAL GOSTET OVERHEAD
P9021	RED BLOOD CELLS, QUAD		ACTUAL COSHILL OVERHEAD
P9017	FRESH FROZEN PLASMA (SINGLE DONOR), FROZEN WITHIN 8 HOURS OF COLLECTION		ACTUALGOSTE GVERHEAD
P9012	CRYOPRECIPITATE		ACTUAL GOST 1
P9034	PLATELETS, PHERESIS		ACTUAL GOSTAL OVERHEAD

### Notes:

- 1. Physician/Professional Fee is a fee for the services of a medical professional
- 2. Facility Fee fees for the services of the hospital/outpatient facility
- 3. Both Professional and Facility fees are charged when the medical professional is an employee of CHC. or if the medical professional is contracted to provide services for CHC
- 4. If the medical professional is working for a private clinic, the patient will receive a bill from CHC for the facility fee only and will receive a separate bill from the private clinic for the professional component,
- 5. Some procedures may only have either the professional component or the facility component and therefore, will only have one of the components with a fee.

### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

### COMMONWEALTH PORTS AUTHORITY

Efrain F. Camacho, P.E., Executive Director Main Office: SAIPAN INTERNATIONAL AIRPORT, 2<sup>nd</sup> Floor Arrival Bldg. P.O. Box 501055, Saipan, MP 96950

Tel. (670) 237-6500 Fax. (670) 234-5962 E-mail Address: cpa.admin@pticom.com

### PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS

Volume 31, Number 5, pp 029516 – 029523, May 20, 2009

### Regulations of the Commonwealth Ports Authority: Parts 200 - 600

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commonwealth Ports Authority announced that it intended to adopt them as permanent, and now does so. Id. I also certify by signature below that, as published, such adopted regulations are true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulations as final at its meeting of January 14, 2009.

AUTHORITY: Pursuant to 2 CMC 2122 (g), the Commonwealth Ports Authority has the statutory authority to determine the charges or rentals for the use of any property under its management and control, and the terms and conditions under which the property may be used.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon the adoption of the regulations, the agency, if requested

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to do so by an interested person, either prior to adoption or within 10 days thereafter, will issue a concise statement of the principal reasons for and against adoption. incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to any filed comments, which requested a response.

ATTORNEY GENERAL APPROVAL FOR non-modified regulations or with NONmaterial modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 312 day of August, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

EDWARD B. MENDIOLA

**CPA Acting Executive Director** 

7 (3/09 Date

Filed and Recorded by:

**COMMONWEALTH REGISTER** 

Commonwealth Register

AUGUST 27, 2009



### Commonwealth of the Northern Mariana Islands Commonwealth Department of Finance

Robert Schrack, Acting Secretary
Caller Box 10007, Capitol Hill, Saipan, MP 96950 xxx(Office of the Governor, 2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan) tel: 670.664.2200 fax: 670.664.2211

### PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Commonwealth Department of Finance

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS Volume 31, Number 05, pp 029553-576, of May 20, 2009

### Regulations of the Commonwealth Department of Finance: Chapter 70-50

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Finance ("DOF"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DOF announced that it intended to adopt them as permanent, and now does so.

I also certify by signature below that the following non-material changes are made to the prior publication:

- 1. Section 70-50.1-120 the phrase "United States Treasury listed" shall be excluded from the first sentence of the proposed amendment.
- 2. Section 70-50.1-140(a); should read Section 70.50-140(d).
- 3. Section 70-50.1-330(d)(1) should be amended by deleting the first two sentences and replacing with the following language:

Marianas Super Lottery drawings shall normally take place on Friday of each week at 7:00 p.m.

- Reference to Section 70-50.1-330(t)-(h) should read Section 70-50.1-330(f)-(h).
- 5. Reference to Section 70-50.1-335 should read Section 70-50.1-340

PRIOR PUBLICATION: The prior publication was as stated above.

AUTHORITY: The DOF is required by the Legislature to adopt rules and regulations regarding those matters over which the DOF has jurisdiction, including its regulation of the Commonwealth Lottery.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the

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agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

Xxx ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law). Xxx

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the \_\_\_\_ day of July, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Robert Schrack,

Acting Secretary of Fiance

0/5/09 Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified final regulations, modified as indicated above from the cited proposed regulations, 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 6 day of August, 2009.

GREGORY BAKA,

Acting Attorney General ] (F0199) xxx

Filed and Recorded by:

ESTHER M. SAN NICOLAS

Commonwealth Register

08.07.0

Date



### BOARD OF PROFESSIONAL LICENSING

Commonwealth of the Northern Mariana Islands P.O. Box 502078

> Saipan, MP 96950 Tel. No.: (670) 664-4809 Fax No.: (670) 664-4813 e-mail: bpl@pticom.com

### PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF RULES AND REGULATIONS FOR REAL PROPERTY APPRAISERS

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO THE REGULATIONS Volume 31, No. 6, pgs.029647-029649, June 22, 2009

Regulations of the Real Property Appraisers: NMIAC Title 125, §125-40.

ADOPTION OF PROPOSED AMENDMENT TO THE REGULATIONS FOR REAL PROPERTY APPRAISERS: The Board of Professional Licensing hereby adopts the above-referenced regulations as permanent regulations, which were published in the Commonwealth Register at pages 029647-029649, in Volume 31, No. 6 on June 22, 2009, pursuant to the procedures of the Administrative Procedure Act, 1 CMC §9104(a). The Board of Professional Licensing announced that it intended to adopt them as permanent and now does so. Id. The Board of Professional Licensing certifies by signature below that, as published, such adopted amendments to the regulations for Real Property Appraisers are a true complete and correct copy and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior published was as stated above. The Board of Professional Licensing adopts the regulations for Real Property Appraisers as final as of the date of signing below.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Chairman of the Board of Professional Licensing is empowered with the authority to promulgate, adopt and amend regulations.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC§ 9105 (b), these adopted amendments to the Regulations for Real Property Appraisers are effective 10 days after compliance with the APA, 1 CMC §9102 and 9104 (a) or (b), which, in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA 1 CMC§9104 (a)(2), the agency received no comments on the proposed amendments to the regulations for Real Property Appraisers. Upon this adoption of the amendments, the agency, if requested to do so by any interested person within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL for modified regulations: The adopted amendments to the regulations for Real Property Appraisers were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1CMC§ 2153 (e) (To review and approve as to form and legal sufficiency all rules and rules to be promulgated by any department, agency or instrumentality of the Commonwealth government, include public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 1244 day of August, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

ROMAN S. DEMAPAN

Acting Chairman

Filed and Recorded by:

ESTHER SAN NICOLAS

Commonwealth Register

08-13.09

**AUGUST 27, 2009** 

**VOLUME 31** 



# Commonwealth of the Northern Mariana Islands Department of Public Works Diego B. Songsong, Secretary



Division and Building and Safety Code, 2<sup>nd</sup> Floor Joeten Commercial Bldg, Gualo Rai

Tel. No. 234-2726(BSCO); fax no. 235-2732 martinsablan2006@yahoo.com

# PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Commonwealth Department of Public Works

The Commonwealth Department of Public Works

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 31, Number 05, pp 029538-029546 May 20, 2009

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Public Works ("DPW"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department of Public Works, Division of the Building and Safety Code announces that it intended to adopt them as permanent, and now does so. (ld) [A true copy is attached]. I also certify by signature below that:

As published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment:

PRIOR PUBLICATION: The prior publication was as stated above. The Department of Public Works, Division of the Building and Safety Code adopted the regulations as final at its meeting of May 20, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Department of Public Works, Division of the Building and Safety Code is required by the Legislature to adopt rules and regulations those matters over which the Department of Public Works, Division of the Building and Safety Code has jurisdiction.

EFFECTIVE DATE: pursuant to the APA 1 CM sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise

**AUGUST 27, 2009** 

statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise proved by law).

I DECLARE under penalty of perjury that the foregoing is executed on the day of fullust	s true and correct and that this declaration was
Northern Mariana Islands.	, 2007, at Sulpui, Commonwealth of the
Certified and ordered by:	
My Call	1/21/09
MARTIN C. SABLAN	Date
Acting Building Safety Code Official	/
Filed and	
Recorded by:	
	. •
moler	08.27.09
ESTHER M. SAN NICOLAS	Date

Cømmonwealth Register

# Commonwealth of the Northern Mariana Islands Department of Public Works

Diego Songsong, Secretary
Division of Building Safety, P.O. Box 510008 CK
2<sup>nd</sup> Floor, Joeten Comm. Bldg., Middle Road, Gualo Rai, Saipan, MP 96950

Tel: (670) 234-2726; Fax: (670) 235-2732 <u>Martinsablan2006@yahoo.com</u>

# PUBLIC NOTICE OF PROPOSED REGULATIONS WHICH ARE AMENDMENTS TO THE REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS, BUILDING SAFETY DIVISION

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Public Works, Division of Building Safety, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC §§ 2404 (Secretary issues regulations); 2 CMC §7153 (Building Safety Official issues regulations to enforce the building safety code). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Regulations provide for the adoption of the International Building Code and its energy code provisions, the Tropical Energy Code and its energy code provisions, update the schedule of fees, update seismic and typhoon standards, clarify permit, certification and enforcement provisions, and correct typographical errors.

THE SUBJECTS AND ISSUES INVOLVED: These regulations:

- 1. Qualify the CNMI for \$18.6 million in federal energy-related economic stimulus grants, under the federal American Recovery and Renewal Act of 2009 (ARRA), by taking steps to enhance energy efficiency and the wise use of energy consonant with the ARRA, and, in particular, by making certain regulatory changes (which went into effect by emergency regulations before the end of April 2009).
- 2. Publish the CNMI's goals, purposes and intentions in order to assist in qualifying for the stimulus funds;

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- 3. Implement the International Building Code's ("IBC"):
  - a. residential building energy code; and
  - b. commercial building energy code;
- 4. Implement the Tropical Energy Code;
- 5. Through the IBC bring the CNMI building codes up to date and further empower the Building Safety Official to update as the construction industry and its professions update;
- 6. Recognize and adopt the proper seismic and typhoon safety standards and codes;
- 7. Provide for electronic filings, hearings and meetings which are open to the public;
- 8. Clarify the terms for permits and certificates;
- 9. Clarify that violations are counted for each day of the offense;
- 10. Update and change fees;
- 11. Define terms;
- 12. Clarify through an appendix that guidance comes from the IBC; and
- 13. Correct typographical errors in the existing regulations.

CONCURRENT ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Building Safety Official has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these Proposed Regulations on an emergency basis for 120 days. The Governor signed the emergency regulations on April 29, 2009. The emergency regulations are now in effect.

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 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 Martin Sablan, *Attn: Building Safety Division Regulations*, at the above address, fax or email address, with the subject line "Building Safety Division Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

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COMMONWEALTH REGISTER VOLUME 31 NUMBER 08 AUGUST 27, 2009 PAGE 029777

These proposed regulations were approved by the Building Safety Official on April 29, 2009.

Submitted by:

MARTIN SABLAN

5//5/07 Date

Building Safety Official

Department of Public Works

Received by:

ESTHER S. FLEMING

5/19/09 Date

Governor's Special Assistant for Administration

Filed and

Recorded by:

ESTHER M. SAN NICOLAS

Commonwealth Register

05.09.09

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 19 day of May, 2009.

Gregory Baka

GREGORY BAKA.

Acting Attorney General

Commonwealth Gi Sangkattan Na Islan Marianas Siha Dipattamenton Public Works Diego Songsong, Sekritårio Dibision Building Safety, P.O.Box 510008 CK 2<sup>nd</sup> Bibienda, Joeten Comm. Bldg., Middle Road, Guålo' Rai, Saipan, MP 96950

> Tel: (670) 234-2726; Fax: (670) 235-2732 Martinsablan2006@vahoo.com

### NOTISIAN PUPBLIKU POT I MAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI PARA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA GI DIPATTAMENTON PUBLIC WORKS, DIBISION BUILDING SAFETY

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE I MANMAPROPNE NA **REGULASION SIHA:** I Commonwealth gi Sangkattan na Islan Marianas siha, Dipattamenton Public Works, Dibision Building Safety, ha intensiona para u adapta komu petmaniente na regulasion siha ni mañechetton gi Manmapropone na Regulasion, sigun i manera siha gi Åkton Administratvie Procedure, 1 CMC § 9104(a). I Regulasion siha para u efektibu gi halom dies(10) diha siha despues di ma'adaptå-ña van i pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b))

ÅTURIDÅT: I Lehislatura ha na'i fuetsa-ña i Sekritario para u adapta i areklamento yan regulasion siha para i atministrasion yan dinimamanda i estatua ni ginobebietna i aktibidat-ña siha. 1 CMC § § 2404 (I Sekritårio ha laknos i regulasion siha); 2 CMC § 7153 (I Building Safety Official ha laknos regulasion siha ni para u dimanda i lain building safety). Atan lokkue' i Otden i Eksakatibu 94-3 (Umefektibu gi Agosto 23, 1994, ya mata'lon otganisa ni råmas Eksakatibu).

I SUSTÅNSIAN I PALÅBRA SIHA: I Regulasion siha mapribeniyi para i adaptasion Lain International Building yan i minetgot probension lai siha, i Tropical Energy na yan minetgot probension lai siha, ma'adilanta i masiñalan apas siha, adilantan seismic yan typhoon standards, mana klåru i lisensia, settifikasion van dinimåndan probension siha, van mana dinanche i linachen typographical siha.

### I SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este na regulasion siha:

1. I CNMI kuålifikåo para i dies i ocho punto sais miyon pesos(\$18.6) gi federåt energy-related economic stimulus grants, gi papa' i federåt American Recovery yan Renewal Act gi 2009 (ARRA), machuchule' påsu siha para u ma'adilånta i energy efficiency yan i mehnalom pot i ma'usan energy consonant yan i ARRA, yan, gi pattikulåt, ya mana'siguguru i tinilaikan i areklo. (ni umefektibu ginen i emergency regulation siha åntes di uttimon i Abrit 2009).

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029541 PAGE

- 2. Para u mapupblika i CNMI goals, propositu yan intension siha anai para u inasiste para i fondon stimulus siha ni kumuålififika;
- 3. Para u implementa i International Building Code's (IBC)":
  - a. residential building energy code; yan
  - b. commercial building energy code;
- 4. Para u implementa i Tropical Energy Code;
- 5. Ginen i IBC muna fåtto gi CNMI i building code siha hulo para umadilanta yan mås para u gai fuetsa i Building Safety Official para u adilanta komu i construction industry yan i dimåndan profesion-ña siha;
- 6. Para u marekoknisa yan adapta i propiu na seismic yan typhoon safety standards yan lai siha;
- 7. Para u pribeniyi para electronic filings, inekungok yan hunta siha ni manmababa para i pupbliku;
- 8. Para u mana klåru i tema siha para lisensia yan settifika siha;
- 9. Para u mana klåru na i violations manmatufong i ofensa siha kada diha;
- 10. Ma'adilanta yan matulaika i apas siha;
- 11. Madefina i tema siha;
- 12. Para u mana klåru ginen i appendix na i dinirihi måfatto ginen i IBC; yan
- 13. Para mana'dinache i linachen typographical gi halom i presente na regulasion siha.

CONCURRENT NA ADAPTASION I ENSIGIDAS NA REGULASION SIHA PARA SIENTO BENTE (120) DIHA SIHA: I Building Safety Official ha tattitiyi i maneran i 1 CMC § 9104(b) yan (c) ni para u ma'adapta este siha i Manmapropone na Regulasion gi ensigidas na manera para i siento bente (120) diha siha. I Gobietno ha fitma i ensigidas na regulasion siha gi Abrit 29, 2009. I ensigidas na regulasion siha esta manefektibu.

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i Manmapropone na Regulasion siha debi na u mapupblika gi halom i RehistranCommonwealth gi seksiona ni mapropone yan nuebu na ma'adaptan regulasion siha (1 CMC 9102(a)(1) yan u mapega gi man kombiniente na lugat siha gi halom civic center yan gi ofisinan gobietnamento siha gi kada distriton senadot, parehu gi English yan i prinsipat na lengguahen natibu. (1 CMC 9104(a)(1)0

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AUGUST 27, 2009

PARA U MAPRIBENIYI OPIÑON SIHA: Na hanågue osino entrega i opiñon-mu para si Martin Sablan, *Attn: "Regulasion Dibision Building Safety Siha"* gi sanhilo na address, fax pat email address, yan i råyan suheto "Building Safety Division Regulations". Todu opiñon debi na u fanhålom trenta (30) diha siha ginen i fechan notisian pupblikasion Pot fabot na hålom infotmasion, opiñon, pat testamoñion kinentra siha. (1 CMC § 9104(a)(2))

Este i manmapropone na regulasion siha manma'apreba ginen i Building Safety Official gi Abrit 29, 2009.

Nina hålom as: Mai Oall	5/15/09
Martin Sablan	Fecha
Offsiåt Building Safety	
Dipattamenton Public Works	
Rinesibi as:  ESTHER S. FLEMING	5/19/09 Fecha
Espisiat Na Ayudante Para I Atministrasion	recna
Pine'lo yan Rinekot as:     Ministrative   Ministra	05.19.09
Esther M. San Nicolas	Fecha

Sigun i 1 CMC § 2153(e) (I Abugådu Heneråt ha apreba i regulasion siha na para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugådu Heneråt) i manmapropone na regulasion siha ni mañechetton guini ni manmarebisa yan ma'apreba komu fotma yan sufisiente ligåt ginen i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamento yan regulasion siha).

Mafecha gi diha 19 gi Måyu, 2009.

Gregory Baka

Rehistran Commonwealth

GREGORY BAKA Acting Abugådu Heneråt

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### Commonwealth Téél falúw kka falúwasch Efáng Marianas

Bwulasiyool Public Works Diego Songsong, Samwool

Dibisionul Building Safety, P.O. Box 510008 CK aruwowal pwó, Joeten Comm. Bldg., Middle Road, Amai raw, Seipél, MP 96950

Tilifoon: (670) 234-2726, Fax: (670) 235-2732 Martinsablan2006@yoo.com

# ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL NGÁLI ALLÉGHÚL PUBLIC WORKS

### MÁNGEMÁNG REEL EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Commonwealth Téél falúw kka falúwasch Efáng Marianas, <u>Bwulasiyool Public Works</u>, <u>Dibisionul Building Safety</u>, e mwuschel ebwe ipighil fillóóy allégh kka e appasch, bwelle <u>Administrative Procedure Act</u>. 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkamalló llól seigh (10) raalil ngáre raa fillóóy me atééw llól <u>Commonwealth Register</u>. (1 CMC Talil 9105(b)).

BWÁNGIL: Sów Fféérúl Allégh nge e ngálleey bwángil Samwoolul <u>Public Works</u> bwe ebwe fillóóy allégh kkaal ngáli <u>administrative</u> me bwangil igha e lemeli aweewel 1 CMC Tálil kka 2404 (isisiwowul allégh mereel Samwool); 2 CMC Tálil 7153. (Ammwelil building ye e atotoowow mereer Assamwool bwelle rebwe mwoghutaagheli ammwelil Safety code). *Bwal amweri* Tingórol Sow Lemelem 94-3 (schéschéél wóól Elúwel 23, 1994, aghatchúwuló tipal Executive branch).

AWEWEEL ME KKEPASAL: Re ayoora Allégh kkaal bwelle rebwe fillóóy ammwelil International Building Code me ammwelil energy, Tropical Energy Code me ngáre aweweel energy code, aghatchúwuló ótol óbwós (fee), ammwela seismic me alléghúl malamal, ammwela lisensial, schéél alúghúlúgh (certification me ammwelil rebwe mwóghutáágheli, me awela ischil (typographical errors).

### **ÓUTOL ME KKEPASAL**: Allégh kkaal ebwe:

- 1. Mmwelil bwe CNMI ebwe bwughi \$18.6 ssel (million) reel salapial <u>federal energy</u> iye e ghil ngáli <u>economic stimulus</u>, faal <u>federal American Recovery</u> me <u>Renewal Act</u> llól 2009 (ARRA), igha ebwe ammwela ghatchúw <u>energy</u> me
- 2. Ayoora yaal CNMI goals, bwulul me aghiyeghil bwelle rebwe fillong llol fundool stimulus.
- 3. Ayoora International Building Code's ("CIBC")
  - a. ammwelil residential building code reer aramas;
  - b. commercial building energy code;
- 4. Ayoora <u>Tropical Energy Code</u>;

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- 5. Sángi IBC nge e aghatchúwwuló <u>CNMI building Code</u> me Assamwool kkaal re sóbweey bwángil reel rebwe aghatchúwuló akkayúúl <u>industry</u> me ngáre alapeló ghuleyeer;.
- 6. Ghuleey me fillóóy schéschéél seismic me ammwelil malamal me code;
- 7. Ayoora ammwelil (filings) electronic, arongol, yéélághil igha ebwe susu ngáli toulap;
- 8. Affata mille terms reel lisensia me certificates;
- 9. Affata bwe ngáre rese tabweey aweweel nge e páápá alongal rál;
- 10. Aghatchúwuló me lliweli salaapial óbwós;
- 11. Aweewey mille terms;
- 12. Affatawow mellól appendix bwe aweewe yeel nge tooto me IBC; me
- 13. Awelaaló ischil llól allégh kka ighila

ALÚGHÚLÚGH REEL FILLÓÓL GHITIPWOTCHOL ALLÉGH KKAAL LLÓL EBWUGHÚW RUWEIGH (120) RÁÁL: Assamwoolul <u>Building Safety</u> e tabweey mwóghutul 1 CMC Talil 9104(b) me (e) ebwe fillóóy Pomwol Allégh kka rebwe ghitipwotchuw llól ebwughúw reweigh ráálil (120). Sów Lemelem nge aa takkal makkey ghitipwotchol allégh yeel wóól Séétá 29, 2009. Ghitipwotchol allégh kkaal nge aa fis ighila.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol allégh kkaal ebwe akkatééló llól <u>Commonwealth Register</u> llól tálil ye re pomwoli me fillóóy allégh kka e ffé (1 CMC tálil 9102(a)(1)) me appaschetá igha toulap rebwe matafáágheli me llól bwulasiyool gobenno kkaal kka <u>senatorial district</u>, llól ischil Amerikkónu, Remeraalis me Refalúwasch. 91 CMC tallil 9104(a)(1))

**REEL ISISILONGOL AGHIYEGH:** Afanga ngáli Martiin Sablan, Attn: Building Safety Division Regulations, mercel address ye weiláng, fax me ngáre email address, reel kkepas ye "Building Safety Division Regulations". Ischil mángemáng ebwe isisilong llól eliigh (30) ráálil ngáre schagh raa takkal atééw arong yeel. Ów ischil Mááfiyámi (1 CMC Tálil 9104(a)(2)).

Pomwol allégh kkaal nge allégheló mereel schóóy Assamwoolul <u>Building Satety Code</u> wóól Séétá 29, 2009.

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Isaliyallong:

Martin Sablan

Building Safety Official

Byulasiyool Public Works

Mwir sángi:

Esther S. Fleming

Sów alillisil Sów Lemelem

Ammwelil sángi:

ESTHER M. SAN NICOLAS

Commonwealth Register

Sángi allégh ye 1 CMC Tálil 2153(e) (Alúghúlúgh mereel AG reel allég kka ebwe akkaté ighila) me 1 CMC Talil 9104(a)(3) (bweibwogh alúghúlúgh mereel AG) reel pomwol allégh e appasch ika raa takkal amweri fischi me allégheló mereel CNMI Sów Bwungul Allégh Lapalap ebwe akktééló. 1 CMC Tálil 2153(f) (akkatéél allégh kkaal).

Ráálil ye 19 llól maramal Ghúúw, 2009

GREGORY BAKA

Acting ngáli Sów Bwungul Allégh Lapalap

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Lucio I. Rionco-Moratito Chairperson

Herman T. Guerrero Vice-Chairperson

Marylou S. Ada Secretary/Treasurer

Members Galvin S. Deleon Guerrero D. Tanya King

Non Public School Rep.

Francine R. Rabauta Student Representative

Teacher Representative

# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS STATE BOARD OF EDUCATION PUBLIC SCHOOL SYSTEM P.O. BOX 501370 SAIPAN, MP 96950



Commissioner of Education Rita A. Sablan, Ed.D. coe.ras@pss.cnmi.mp

### PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE COMMONWEALTH BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED **RULES AND REGULATIONS** Volume 31, Number 7, pp 029750-758, of July 23, 2009

Regulations of the Commonwealth Board of Education: § 60-60-805

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands State Board of Education ("Board") HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Regulations which were published in the Commonwealth Register at pages 029750 to 029758 in Volume 31, Number 7 on July 23, 2009 pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulations as final at its meeting of August 26, 2009.

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the Board has jurisdiction, including its regulation of the teaching profession, pursuant to Article XV of the CNMI Constitution and to 1 CMC § 2261.

**EFFECTIVE DATE**: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104 (a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon the adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against adoption, incorporating therein its

Telephone (107) Telephone Telephone : (670) 664-3711

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NUMBER 08

website: http://www.pss.cnmi.mo

**AUGUST 27, 2009** 

Commissioner of Education Telephone : (670) 237-3001

: (670) 664-3798

reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to any filed comments, which requested a response.

ATTORNEY GENERAL APPROVAL FOR MODIFIED REGULATIONS: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 26<sup>th</sup> day of August, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Lucia L. Blanco-Maratita, Chairperson

Board of Education

8/26/09 Date

Filed and Recorded by:

Esther M. San Nicolas

Commonwealth Register

08.26.09

**AUGUST 27, 2009** 

### Commonwealth of the Northern Mariana Islands Department of Commerce Michael J. Ada, Secretary/Insurance Commissioner Caller Box 10007 Saipan, MP 96950

Tei 670-664-3000; Fax 670-664-3067 commercedept@pticom.com

### PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS

WHICH AMEND EXISTING RULES AND REGULATIONS FOR THE DEPARTMENT OF COMMERCE, INSURANCE SECTION (Comm. Reg. Vol. 27 No. 01 pp. 23819-826)

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Commerce, Insurance Section intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

**AUTHORITY**: The Insurance Commissioner is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC §2454 and 4 CMC §7105(b). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide for procedures regarding the handling of security deposits and premium retention reserves for labor bonds.

### THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

- 1. Provide for procedures for bonding companies to access premium retention funds to pay for wage, labor and repatriation claims by the Director of Labor;
- Set the minimum labor retention reserve at an amount not less than \$100,000;
- Prohibit labor bonding companies with impaired capital from accessing retention reserves;

**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 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 Michael J. Ada, at the above address, fax or email address, with the subject line "Amended Insurance Rules and Regulations"

Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Insurance Commissioner on July 23. 2009.

COMMONWEALTH REGISTER VOLUME 31

Submitted by: Insurance Commissioner Received by: ESTHER SI FLEMING Governor's Special Assistant for Administration Filed and Recorded by:

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 24 day of July, 2009.

GREGORY BÅKA Acting Attorney General

**AUGUST 27, 2009** 

### COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA

Dipattamenton Kometsio
Michael J. Ada, Sekritårio/Kumisinan Insurance
Caller Box 10007
Saipan, MP 96950

Tel: (670)664-3000; Fax: (670)664-3067 commercedept@pticom.com

NOTISIAN PUPBLIKU POT I MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI MANMA'AMENDA I PRISENTE NA AREKLAMENTO YAN REGULASION SIHA PARA I DIPATTAMENTON KOMETSIO, SEKSIONAN INSURANCE (Comm. Reg. Baluma 27 No. 01 pp. 23819-826)

MATNTENSIONA NA AKSION PARA U MA'ADÂPTA ESTE SIHA I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islan Marianas siha, Dipattamenton Kometsio, Insurance Section ha intensiona para u adâpta komu petmaniente na regulasion siha ni mañechetton i Manmapropone na Regulasion siha, sigun gi areklo gi Åkton Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u efektibu gi halom dies (10) diha siha despues di adâptasion yan pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

**ÅTURIDÅT:** I Lehislatura ha åturisa i Kumisinan i Insurance para u adåpta i areklamento yan regulasion siha para i atministrasion yan minetgot gi estatua ni ginebebietna i aktibidåt-ña siha. 1 CMC § 2454 yan 4 CMC § 7105(b). Atan lokkue' i Etden Eksakatibu 94-3 (efektibu gi Agosto 23, 1994, ya mata'lon ma'arekla i råmas Eksakatibu).

I SUSTÂNSIAN I PALÂBRA SIHA: I Areklamento yan Regulasion siha ha pribeniyi areklo pot i taimanu mago'teña i security deposit siha yan i premium retention reserves para i labor bonds.

# SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este na Areklamento yan regulasion siha:

- 1. Pribeniyi para i areklo siha para i bonding companies para i access premium retention funds para i apas suetdo, hotnaleru, yan repatriation claims ginen i Direktot Hotnaleru;
- 2. Mana'guaha i minimum labor retention reserve gi bali-ña låo menus di \$100,000;
- 3. Pribi i labor bonding gi kompaniha siha ya ti numahong kapitat ginen i accessing retention reserves;

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i Manmapropone na Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi halom i seksiona gi manmapropone yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1) yan mapega gi kombiniente siha na lugat gi halom i civic center yan ofisinan gobietnamento siha gi kada distriton senadot, parehu English yan i dos na lengguahen natibu. (1 CMC § 9104(a)(1))

**PARA U MAPRIBENIYI OPIÑON SIHA:** Na'hanågue pat entrega i infotmasion-mu guatu gi as Michael J. Ada, gi sanhilo' na address, fax pat email address, yan i råyan suheto "Ma'amenda Na Areklamento yan Regulasion Siha"

Todu infotmasion siha debi na u fanhålom trenta(30) diha siha ginen i fechan este na notisian pupblikasion. Pot fabot na'hålom i enfetmasion, opiñon, testamoñon kinentra siha. (1 CMC 9104(a)(2))

Este i manmapropone na regulasion siha manma'apreba ginen i Kumisinan Insurance gi Huliu <u>2.3</u>, 2009.

Nina hålom as.	7/23/09
MICHAEL J. ADA	Fecha
Kumisinan Insurance	
Rinisibi as:	7/23/09
ESTHER S.\FLEMING \	Fecha <sup>7</sup>
Espisiåt Na Ayudånte Para 🏿 At	ministrasion
Pine lo Yan Rinekot as:	07.23.09
ESZHER M. SAN NICOLAS	Fecha
/	reclia
Réhistran Commonwealth	

Sigun i 1 CMC § 2153(e) ( I Abugådu Heneråt ha apreba i regulasion siha na para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugådu Heneråt) i manmapropone na regulasion siha ni mañechetton guini ni manmarebisa yan manma'apreba komu fotma yan sufisiente ligåt ginen i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamento yan regulasion siha).

Mafecha guini gi diha 224, Huliu, 2009

GREGORY BAKA Acting Abugådu Heneråt

### Commonwealth Téél falúw kka falúwasch Efáng Marianas Bwulasiyool Commerce Micheal J. Ada, Samwoolul/Insurance Commissioner Caller Box 10007 Seipél, MP 96950 Tel: 670-3000, Fax 670-664-3067 commercedept@pticom.com

ARONGOL TOULAP REEL ALLÉGH IKKA EBWE SIWELI ALLÉGH KKA IGHILA MELLÓL <u>BWULASIYOOL COMMERCE</u>, TÁLIL <u>INSURANCE</u> (Comm. Reg. Vol. 27 No. 01 pp. 23819-626)

### AGHIYEGHIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Commonwealth Téél falúw kka falúwasch Efáng Marianas, <u>Bwulasiyool Commerce</u>, Tálil <u>Insurance e</u> mwuschel ebwe schéschéél fillóóy allégh kka e pasch, bwlle reel mwóghutul <u>Administrative Procedure Act</u>, 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkamal llól seigh (10) ráálil ngáre schagh raa fillóóy arong yeel lll <u>Commonwealth Register</u>. )1 CMC Talil 9105(b)).

**BWÁNGIL**: Sów fféérúl Allégh nge e ngálleey bwángil <u>Insurance Commissioner</u> ebwe fillóóy allégh kkaal ngáli <u>administration</u> me mwóghutáágheli alléghúl ye e lemeli angaangal 1 CMC Talil 2454 me 4 CMC Talil 7105(b). Amweri tipal Sow Lemelem 94-3 (schéschéél Elúwel 23, 1994.(bwungúw sefááli Executive branch).

**ÓUTOL ME KKEPASAL**: Eyoorátá Allégh kkaal bwelle ebwe atamagheli <u>security</u> <u>deposi</u>t kkaal me aisisil premium ye eyoor ngáli ammwelil <u>labor</u>.

### KKEPASAL ME AWEEWE KKA E TÉÉTÁ: Allégh kkaal ebwe:

- 1. Ayoora lamal kompania kkaal. iye emmwel rebwe toolong (access) llol <u>premium</u> retention funds igha rebwe óbwóssuw wage, labor me salaapi kka e assefál mereel Samwoolul Labor,
- 2. Ayoora minimum labor retention reserve iye e ssbw toori \$100,000
- 3. Ayúwúló kompanial <u>labor bonding</u> me <u>capital</u> ye esóór ngáre eghús ngáre toolong llól <u>retention reserve</u>;

AFALAFAL ME AKKATEEL: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register llól tálil ye re pomwoli me fillóól allégh kka ffé (1 CMC Tálil 9102(a)(1)) me appaschetá igha efil iye llól civic center kkkaal me bwal bwulasiyool gobenno kkaal me llól alongal senatorial district, e weewe schagh llól kkasal Amerikkónu, Refalúwasch, Remeraalis. (1 CMC Talil 9104(a)(1)).

**ISISILONGOL AGHIYEGH**: Afanga ischil mááfiyámw ngáli Michael J. Ada, reel <u>address</u> ye weiláng, fax me ngáre <u>email address</u>, fengál me kkepas ye " Amended Insurance Rules and Regulations".

COMMONWEALTH REGISTER

Aghiyegh nge ebwe isisilong llól eliigh (30) ráálil sángi schagh igha e akkatééló arong yeel. Ów ffailong, ischilong ngáre eyoor yáámi ayegh. (1 CMC Talil 9104(a)(2))

Pomwol allegh kkaal nge aléghéléghéló mereel insurance Commissioner wóól Wuun 23 2009.

Isaliyallong: Samwoolul Insurance

Mwir sángi

Sów Alillisil Sów Lemelem

Ammwel

Sángi:

Sángi allégh ye 1 CMC Tálil 2153(e) (Alughulugh mereel AG igha ebwe akkatééló) me 1 CMC Tálil 9104(a)(3) (bwughi alughulughul AG) pomwol allégh kkaal nge raa takkal amweri fischi allégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló. 1 CMC Tálil 2153(f) (akkatéél allégh kkaal)

Rállil ye llól maramal Wuun, 2009.

Acting ngáli Sów Bwungul Allégh Lapalap

### Northern Mariana Islands Retirement Fund Commonwealth of the Northern Mariana Islands

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill

P.O. 80x 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

# PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE MEMBER HOME LOAN PROGRAM

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Rules and Regulations Governing the Member Home Loan Program, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Board of Trustees is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing their activities. 1 CMC § 8315(f). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Program is designed to facilitate investment of the assets and funds of the NMI Retirement Fund in a well-secured, prudent, and historically sound investment instrument, and at the same time assist eligible members of the Fund by making available certain sums of money for loans to construct, purchase or improve a principal home or residence, or to purchase a leasehold upon which an existing home is situated, or to refinance certain mortgage loans as approved by the Board of Trustees. Another objective of f the Program is to provide equity between members and non-member borrowers.

Furthermore, the following citations, statutes and regulations are affected by these proposed amendments: Part 15, Sections 15.1 and 15.2, codified at NMIAC §§ 110-40-1201 and 110-40-1205, respectively; and the Rules and Regulations as published in the Commonwealth Register, Volume 11, No. 1, dated January 15, 1989, and adopted as published in Volume 11, Number 06, dated June 15, 1989 (effective June 25, 1989); and as amended in Volume 12, No. 3, dated March 15, 1990, and adopted as published in Volume 12, No. 9, dated September 15, 1990 (effective September 25, 1990); Volume 13, No. 4, dated April 15, 1991, and adopted as published in Volume 13, No. 10, dated October 15, 1991 (effective October 25, 1991); Volume 15, No. 3, dated march 15, 1993, and adopted as published in Volume 15, No. 9, dated September 15, 1993 (effective September 25, 1993); Volume 15, No. 9, dated September 15, 1993, and adopted as published in Volume 15, No. 9, dated September 25, 1993); Volume 16, No. 4, dated April 15, 1994 and in Volume 16, No. 5, dated May 15, 1994, and adopted as published in Volume 17, No. 4, dated April 15, 1995 (effective

April 25, 1995); Volume 16, No. 9, dated September 15, 1994, and adopted as published in Volume 16, No. 11, dated November 15, 1994 (effective November 25, 1994); Volume 17, No. 2, dated February 15, 1995, and adopted as published in Volume 17, No. 4, dated April 15, 1995 (effective April 25, 1995); Volume 17, No. 4, dated April 15, 1995, and adopted as published in Volume 17, No. 6, dated June 15, 1995 (effective June 25, 1995); Volume 17, No. 10, dated October 15, 1995, and adopted as published in Volume 18, No. 2, dated February 15, 1996 (effective February 26, 1996); Volume 18, No. 6, dated June 15, 1996, and adopted as published in Volume 18, No. 8, dated August 15, 1996 (effective August 25, 1996); and further amended in Volume 19, No. 7, dated July 15, 1997, and adopted as published in Volume 19, No. 12, dated December 15, 1997 (effective date December 25, 1997).

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

To standardize loan collection procedures and make the process as objective as possible 1. by incorporating language into MHL Program Regulations by outlining steps to be taken when a loan becomes delinquent in Part 15 of the regulations, as further codified in NMIAC §§ 110-40-1201 and 110-40-1205.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and 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 Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Rules and Regulations Governing the Member Home Loan Program, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing the Member Home Loan Program". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These Proposed R	ules and Regulations were duly approved and a	dopted by the Board of
Trustees on July 22	<sup>nd</sup> ,_2009.	2/2/59
Submitted by:	AADKA AGUSA	Date
	MARK A. ÁGUON Administrator, NMIRF/GHLITF	Date
Received by:	The state of the s	8/4/09
	ESTHER S. FLEMING Governor's Special Assistant for Administration	Date
	dovernor s special rosistant or running	
Filed and Recorded by:	Mider	08.04.09
itoobiada wy	ESTHER M. SAN NICOLAS	Date
	Commonwealth Register	

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 Rules and 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 this 4 day of August 2009.

GREGORY BAKA"

Acting Attorney General

# Sangkattan Na Islan Marianas Fondon Ritiråo Commonwealth Gi Sangkattan Na Islan Marianas Siha

Mark A. Aguon, Atministradot

Primet Bibienda, Honoråpbie Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill P.O. Box 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

# NOTISIAN PUPBLIKU POT I MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTO YAN REGULASION SIHA GI MIEMBRON PRUGRÅMAN HOME LOAN

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE SIHA I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan na Islan Marianas Fondon Ritiråo ("NMIRF"), Commonwealth gi Sangkattan na Islan Marianas Siha, ha intensiona para u adapta komu petmaniente na areklamento yan regulasion siha ni mañechetton i Manmapropone na Amendasion siha para i Areklamento yan Regulasion siha ni ginebebietna ni Membron Prugraman Home Loan, sigun gi areklon i Åkton Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies (10) diha siha despues i adaptasion yan pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

**ÅTURIDÅT:** I Lehislatura ha nå'i fuetsa i Kuetpon i Trustees i Sangkattan na Islan Marianas Fondon Ritiråo ("Retirement Fund") para u adåpta i Areklamento yan Regulasion siha para i atministrasion yan u manå'i fuetsa i estatua ni ginebebietna i aktibidåtña siha. 1 CMC § 8315(f). Attan lokkue' i Etden Eksakatibu 94-3 (efektibu gi Agosto 23, 1994, mata'lon otganisa i råmas Eksakatibu).

I SUSTÅNSIAN I PALÅBRA SIHA: I Prugråma ha desikna para u alibai i investment i assets yan i fondo siha gi NMI Fondon Ritiråo gi anai gi mana'siguråo, praktikåo, yan sånu na instrumenton investment, yan gi parehu na tiempo u ma'asiste i mankualifikåo na miembro siha gi Fondo gi mana'guaha fitme na salåppe' para i inayåo para mafa'tinas, mafahan pat ma'adilånta i prinsipåt na guma' pat residente, pat mafahan i inkilinåtu gi anai gagaige i gima' ni gaige, pat para u ta'lon fumainas fitme na mortgage loans komu ma'apreba ginen i Kuetpon i Trustees. Otro nap unto gi Prugråma na para u mapribeniyi equity gi entalo' i miembro siha yan i ti manmiembro siha na mana'ayåo.

Pot mås, i sigiente na sitasion siha, estatua siha yan regulasion siha maninafekta ginen este siha i manmapropone na amendasion siha: Påtte 15, Seksiona 15.1 yan 15.2, makodifika gi NMIAC §§ 110-40-1201 yan 110-40-1205; yan i Areklamento yan Regulasion siha ni mapupblika gi Rehistran Commonwealth, Baluma 11, Numiru 01, ni mafecha gi Ineru 15, 1989, yan ma'adåpta komu mapupblika gi Baluma 11, Numiru 06, mafecha gi Huñiu 15, 1989 (efektibu gi Huñiu 25, 1989); yan ma'amenda gi Baluma 12, Numiru 03, mafecha gi Måtso 15, 1990, yan ma'adåpta komu mapupblika gi Baluma 12, Numiru 09, mafecha gi Septembre 15, 1991 (efektibu gi Septembre 25, 1990); Baluma 13, Numiru 04, mafecha gi Oktubri 15, 1991 (efektibu gi Oktubri 25, 1991); Baluma 15, Numiru 03, mafecha gi Måtso 15, 1993, yan ma'adåpta komu mapupblika gi Baluma 15, Numiru 09, mafecha gi Septembre 15, 1993 (efektibu gi Septembre 25, 1993);

Baluma 15, Numiru 09, mafecha gi Septembre 15, 1993, yan ma'adapta komu mapupblika gi Baluma 15, Numiru 12, mafecha gi Disembre 15, 1993 (efektibu gi Disembre 25, 1993); Baluma 16. Numiru 04, mafecha gi Abrit 15, 1994, yan gi Baluma 16, Numiru 05, mafecha gi Måyu 15, 1994, yan ma'adapta komu mapupblika gi Baluma 17, Numiru 04, mafecha gi Abrit 15, 1995 (efektibu gi Abrit 25, 1995); Baluma 16, Numiru 09, mafecha gi Septembre 15, 1994, yan ma'adapta komu mapupblika gi Baluma 16, Numiru 11, mafecha gi Nubembre 15, 1994 (efektibu gi Nubembre 25, 1994); Baluma 17, Numiru 02, mafecha gi Fibreru 15, 1995, yan ma'adåpta komu mapupblika gi Baluma 17, Numiru 04, mafecha gi Abrit 15, 1995 (efektibu gi Abrit 25, 1995); Baluma 17, Numiru 04, mafecha gi Abrit 15, 1995, yan ma'adapta komu mapupblika gi Baluma 17, Numiru 06, mafecha gi Huñiu 15, 1995 (efektibu gi Huñiu 25, 1995); Baluma 17. Numiru 10. mafecha gi Oktubri 15, 1995, yan ma'adapta komu mapupblika gi Baluma 18, Numiru 02, mafecha gi Fibreru 15, 1996 (efektibu gi Fibreru 26, 1996); Baluma 18, Numiru 06, mafecha gi Huñiu 15, 1996, yan ma'adapta komu mapupblika gi Baluma 18, Numiru 08, mafecha gi Agosto 15, 1996 (efektibu gi Agosto 25, 1996); yan mås inamenda gi Baluma 19, Numiru 07, mafecha gi Huliu 15, 1997, yan ma'adapta komu mapupblika gi Baluma 19, Numiru 12, mafecha gi Disembre 15, 1997 (efektibu gi Disembre 25, 1997).

#### SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este areklamento yan regulasion siha:

1. Para u mana'un klåsi ha' i areklon koleksion inayåo siha yan mafa'tinas i areklamento månu i siña ya u gai punto ginen i nina'hålom i lengguåhen Regulasion Prugråman MHL siha gi ma'outlining i påsu siha ni para u machule' gi ania i inayåo dumilingkuente gi Påtte 15 gi regulasion siha, komu mås makodifika gi NMIAC §§ 110-40-1201 yan 110-40-1205.

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i Manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni manmapropone yan nuebu na manma'adapta na regulasion siha (1 CMC § 9102(a)(1)) yan mapega gi kombiniente na lugat siha gi halom i civic center yan gi ofisinan gobietnamento siha gi kada distriton senadot, parehu English yan lengguahen natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hanågue pat entrega i infetmasion-mu guatu gi as Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion para i Areklamento yan Regulasion siha ni Ginebebietna i Prugråman Miembron Home Loan, gi sanhilo' na address, fax pat email address, yan i råyan suheto "Manmapropone na Amendasion siha para i Areklamento yan Regulasion siha ni Ginebebietna i Prugråman Miembron Home Loan". Todu infotmasion siha debi na u fanhålom gi halom trenta (30) diha siha ginen i fechan pupblikasion este na notisia. Pot fabot na'hålom i infotmasion, opiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha man ma adopta yan man ma'apreba nu i Kuetpon i Trustee gi Hulio 22<sup>nd</sup>, 2009.

Nina'hålom as:

Atministradot, NMIRF/GHLITF

Fécha

Rinisibi as:	Hen	8/4/09
	ESTHER'S. FLEMING	Fecha
	Espisiåt Na Ayudånte Para I Atministrasi	on
Pine'lo yan Rinekot as:	Amidos	08.04.09
,	ESTHER M. SAN NICOLAS	Date

Sigun i 1 CMC § 2153(e) (Inapreban Abugådu Heneråt ni regulasion siha na para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugådu Heneråt) i Manmapropone na Areklamento yan Regulasion siha ni mañechetton guini manmarebisa yan manma'apreba komu fotma yan sufisiente ligåt ginen i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion i areklamento yan regulasion siha).

Mafecha guini gi diha 4 gi Agestu 2009.

Rehistran Commonwealth

GREGORY BAKA

Acting Abugådu Heneråt

# Northern Mariana Islands Retirement Fund Commonwealth Téél Falúw kka Falúwasch Efáng Marianas

Mark A. Aguon, Samwool

Mmwal pwo, Awoolingil Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill P.O. Box 501247 CK, Seipél, MP 96950-1247
Tilifoon. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

# ARONGORONGOL TOULAP REEL POMWOL ALLÉGH KKAAL IKKA EBWE SSIWEL NGÁLI ALLÉGHÚL MEMBOROOL HOME LOAN PROGRAM

AGHIYEGHIL EBWE FILLÓÓY ALLÉGH KKAAL: Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth Téél falúw kka falúwasch Efáng nge e tipeli ebwe loofósch filóól allégh kka e appasch sángi Pomwol Lliwel kkaal ngáli Alléghul kka e lemeli Member Home Loan Program, bwelle aweweel Administrative Procedure Act, 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkammalló llól (10) ráálil ngáre schagh raa fillóóy me akkatééló llól Commonwealth Register. 1 CMC Tálil 9105(b)).

**BWÁNGIL:** Mwiischil <u>Trustees</u> nge eyoor bwángil iye Sów fféérúl Allégh e ngálleey ebwe fillóóy allégh kkaal bwell <u>administration</u> me mwóghut agheli meeta kka e lemeli. 1 CMC Tálil 8315(f). Amweri tingóreyal Sów Lemelem 94-3 (schéschéél Elűwel 23, 1994, aghatchúwuló Executive Branch).

**ÓUTOL ME KKEPASAL:** Progróóma yeel nge re ayoorátá bweigha rebwe mwóghut ágheli investment of assets me fundóól NMI Retirement Fund igha ebwe ammwel ghatch iye, ebwe allégh ghatch, me ebwe yoor lomotal, me ebwe alisiir memborool Fundo igha ebwe ayoora eghús salaapial loan ngáre ebwe akkayú, akkamé me aghatchúwuló wiisal immw me bwuley, me ngáre akkaméél peiraghil llól iimw iye elo weleórol, me ebwe refinance akkááw mortgage loans iye aa alúghúlúghúló mereer Mwiischil llól Trustees. Bwal eew, angaangal Progróóma yeel nge ebwe aweweey lefileer memboro me schóókka rese memboro nge re molofit (borrowers).

Sóbwólóól, Tálil aweewe kkaal, kkepasal me allégh kkaal nge ebwe aweiresi pomwol lliwel kkaal: Peigh 15, Tálil kka 15.1 me 15.2 codified llól NMIAC Tálil 110-40-1201 110-40-1205, e weewe schagh, me Allégh kka ebwe akkatééló llól Commonwealth Register, Volume 11, Numuro 1, ráálil Schoow 15, 1989, me fillóól igha raa atééw llól Volume 11, Numoro 6, ráálil Alimaté 15, 1989 (schéschéél Alimaté 25, 1989); me iye aa lliwel mellól Volume 12, Numuro 3, ráálil Mááilap 15, 1990, me filóól igha aa akkatééló llól Volume 12, Numuro 9, ráálil Maan 15, 1990 (schéschéél Maan 25, 1990); Volume 13, Numuro 4, ráálil Seeta 15, 1991, me fillóól igha aa akkateelo llól Volume 13, Numuro 10, ótol Sarobwel 15, 1991 (schéschéél Sarobwel 25, 1991); Volume 15, Numuro 3, ráálil ye Mááilap 15, 1993, me fillóól igha aa akkatééló llól Volume 15, Numuro 9, ráálil Maan 15, 1993 (schéschéél Maan 25, 1993); Volume 15, Numuro 9, ótol Maan 15, 1993, me fillóól igha aa akkatééló llól Volume 15, Numuro 12, ótol Tumwur 15, 1993 (schéschéél Tumwur 25, 1993); Volume 16, Numuro 4, ótol Ghúúw 15, 1994, me llól Volume 16, Numuro 5, ótol Ghúúw 15, 1994, me fillóól igha raa atééw llól Volume 17, Numuro 4, ótol Séétá 15, 1995 (schéschéél Séétá 25, 1995); Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil ye Maan 15, 1994, me fillóól llól Volume 16, Numuro 9, ráálil Numuro 10, volume 16, Numuro 9, ráálil Numuro 10

25, 1994); <u>Volume</u> 17, Numuro 2, ráálil ye Maaischigh 15, 1995, me fillóól igha aa akkatééló llól <u>Volume</u> 17, Numuro 4, ótol Séétá 15, 1995 (schéschéél Séétá 25, 1995); <u>Volume</u> 17, Numuro 4, ráálil Séétá 15, 1995, me fillóól igha raa fillóóy llól <u>Volume</u> 17, Numuro 6, ráálil Alimaté 15, 1995 (schéschéél Alimaté 25, 1995); <u>Volume</u> 17, Numuro 10, ráálil ye Sarobwel 15, 1995, me fillóól igha raa atééw llól <u>Volume</u> 18, Numuro 6, ráálil Alimaté 15, 1996, me fillóól llól <u>Volume</u> 18, Numuro 8, Eluwel 15, 1996 (schéschéél Eluwel 25, 1996); me e sobwosobw llól <u>Volume</u> 19, Numuro 7, ráálil Wuun 15, 1997, me fillóól igha raa atééw llól <u>Volume</u> 19, Numuro 12, ráálil Tumwur 15, 1997 (schéschéél ráálil Tumwur 25, 1997).

### AWEEWE ME KKEPASAL KKA EYOORÁTÁ: Allégh kkaal ebwe:

1. Alléghúw kkepasal <u>collection</u> me ayoora wiisal ye ebwe atotoolong mwaliilil llól Alléghúl MHL Program iye ebwe yoor aweewel ngare <u>loan</u> e <u>delinquent</u> llól Peigh 15 llól allégh kkaal, iye e codified llól NMIAC Tálil kka 110-40-1201 me 110-40-1205.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééló Ilól Commonwealth Register mellól tálil ye rekke pomwoli me fillóóy allégh kka e ffé (1 CMC Tálil 9102(a)(1)) me ayoora igha efil iye Ilól civic center me Ilól bwulasiyool gobenno kkaal mellól alongal senatorial district, e weewe schagh Ilól kkasal Amerikkonu, Refalúwasch, Remeraalis. (1 CMC Tálil 9104(a)(1)).

ISISILONGOL MÁNGEMÁNG: Afanga ngáli Mark A. Aguon, Samwool, Attn: Pomwol Lliwel kkaal ngáli Alléghúl kkaal iye lemeli Member Home Loan Program, mereel address, ye weiláng fax me ngáre email address, sángi kkepas ye "Pomwol Lliwel kkaal ngali Alléghúl ye e Lemeli Member Home Loan Program". Aghiyegh ebwe isisilong Ilól eliigh (30) ráálil sángi schagh igha re atééw arong yeel. Ów akkafangalong ischil mááfiyami. (1 CMC Tálil 9104(a)(2)).

Pomwol Allégh kkaal sángi Mwiischil Ilól <u>Trustees</u> ótol Wuun 22<sup>nd</sup>, 2009.

Isaliyallong:	MARK A. AGÙON Samwoolul, NMIRF/GHLITF	7/23/2009 Ráil
Mwir sángi:	ESTHER S. FLEMING Sów Alillisil Sow Lemelem	<u>8/4/09</u> Rál
Ammwelil:	ESTHER M. SAN NICOLAS Commonwealth Register	08.04.09 Rál

Sángi allégh ye 1 CMC Tálil 2153(e) (Alúghúlúgh merrel AG reel allégh kka ebwe akkaté) me 1 CMC Tálil 9104(a)(3) (bweibogh alúghúlúgh mereel AG) reel Pomwol Allégh kka e appasch ikka raa takkal amweri fischi mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC Tálil 2153(f) (akkatéél allégh kkaal).

Ráálil ye 4 1161 Elúwel 2009.

Legory Baka
GREGORY BAKA

Acting ngáli Sów Bwungul Allégh lapalap

# PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE MEMBER HOME LOAN PROGRAM

Amendments to PART 15 - Sanctions, Delinquent Loans, and Foreclosure; Sections 15.1 and 15.2 [Codified as NMIAC §§ 110-40-1201 and 110-40-1205]:

15. SANCTIONS, DELINQUENT LOANS, AND FORECLOSURE

#### 15.1 Sanctions.

- (a) The Applicant shall sign the application for a Mortgage Loan. By doing so, the Applicant shall be considered to have verified the truth of all statements made in the application. The Applicant shall be subject to the provisions of 1 CMC § 8385, et. seq.
- (b) If the Applicant or Borrower makes any false or untrue statement, intentionally or otherwise, for a mortgage loan, the Fund may, after providing the opportunity for a hearing in accordance with the Administrative Procedures Act, 1 CMC § 9108, et. seq., determine that the Applicant or Borrower shall not be eligible for a mortgage loan for a period up to five years after the date the Fund actually learns or discovers the false or untrue statement.
- (c) The Borrower shall be required to make immediate payment in full of all sums secured by the mortgage if the Borrower fails to fulfill any promise for a mortgage or with respect to a mortgage loan or makes or has made false statement(s) to qualify or be eligible for a mortgage loan or with respect to a mortgage loan under the Member Home Loan Program.
- <u>15.2 Delinquent Loans. The following steps shall be taken in addressing delinquent loans and collection efforts.</u>
- 1) 30 + days past due issue Delinquency Notice 30 Days Past Due to customer requesting payment to bring account current. Continue sending DN and charging late fees as long as there are past due amounts
- 2) 60 + days past due if account becomes more delinquent past 60 days issue Delinquency Notice 30 Days indicating that if the payments do not improve and account continues to deteriorate, the Fund may take legal action
- 3) 90 + days past due if account becomes more delinquent past 90 days issue Delinquency Notice 90 Days Past Due indicating that if the payments do not improve within 30 days, the account will be referred to foreclosure attorney for processing
- 4) 120 + days past due issue Final Delinquency Notice / Notice of Default indicating account will be forwarded to foreclosure attorney immediately for processing without further notice

Allowable workout plans - Borrowers who are 120 days or more delinquent may be granted the following options to bring the account current. These are onetime options only. Any

deviations or defaults on the agreed upon option shall result in the automatic transfer of the account to the foreclosure attorney for immediate processing.

- 1) Fully Paid at Maturity Borrower agrees to make payments adequate in amounts to payoff the loan by the original maturity date inclusive of penalty fees
- 2) Balloon Payment Borrower agrees to make payments adequate in amounts to pay down the loan to at most 1/4<sup>th</sup> of the original loan amount with balloon payment at the original maturity date inclusive of penalty fees.
- 3) <u>Refinance Loan total outstanding balance including past due and penalties due over a new 360 month term. The refinance loan shall be processed as if a new loan under these regulations.</u>
- 4) <u>Deed in Lieu of Foreclosure provided that Loan-to-Value Ratio is at most 75% of current appraised value</u>

15.2 <u>3</u> Foreclosure <u>and Post Foreclosure</u>. The Fund shall comply with such foreclosure restrictions as are established by 1 CMC § 8374(a)(6) and other applicable law. <u>Delinquent borrowers who are either unwilling or unable to adhere to work out plans provided in the preceding subsection shall be deemed not recoverable and shall be forwarded to the Fund's foreclosure attorney. Should at any time the delinquent borrower propose another work out plan, borrower must present the plan directly to the Board of Trustees for consideration. In no instance shall Fund management advise delinquent borrowers in foreclosure except that 1) they have the option to be heard by the Board, or 2) hire an attorney.</u>

While in foreclosure, foreclosure attorney may market the property and list it with a real estate agent or broker on a non-exclusive basis. Fund shall obtain a full appraisal report on each mortgaged property in foreclosure at the start of the foreclosure process. The defaulted borrower shall be legally evicted from the property so that it can be marketed and shown to potential buyers. Interested parties must sign an agreement indemnifying and holding the Board and the Fund harmless of any and all injuries or damages that might occur while viewing the property.

Foreclosure Sale / Public Auction — Fund shall enter a credit bid at the auction for not less than the most recent appraised value. Deficient amounts shall be pursued to the extent permitted by law unless otherwise indicated by the Board of Trustees.

Post Foreclosure – Should the Fund purchase the property at auction, the property shall be marketed for sale by the Fund. Copies of relevant pages of the appraisal reports shall be made available to interested parties and shown the property. Interested parties must sign an agreement indemnifying and holding the Board and the Fund harmless of any and all injuries or damages that might occur while viewing the property. The Fund shall only entertain written offers and all such offers shall be presented to the Board of Trustees within reasonable time for consideration. Only the Board may accept or reject an offer.

Fund management must report status of all delinquency to Board of Trustees at regular meetings or to Finance & Investment Committee. The report must include a list of each delinquent borrower and an update on status.

# Group Health Insurance Program Commonwealth of the Northern Mariana Islands

Mark A. Aguon, Administrator

1<sup>st</sup> Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill

P.O. Box 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

#### PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS

WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE GROUP HEALTH INSURANCE PROGRAM

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Rules and Regulations Governing the Group Health Insurance Program, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("Retirement Fund") has statutory power to promulgate and effect the CNMI Group Health and Life Insurance Rules and Regulations (Plan Description) pursuant to 1 CMC § 8424-27. See also NMIAC § 110-30.1-1401.

THE TERMS AND SUBSTANCE: The Program is underwritten exclusively by the CNMI Government to provide an affordable health insurance plan for the benefit of CNMI government employees. The Program is designed to be self sufficient, and therefore, must establish rates sufficient to pay for administration of the Program and particularly claims incurred by Enrollees in the Plan.

Furthermore, the following citations, statutes and regulations are affected by these proposed amendments: Article 10 – Section 10.15 – Chart of Bi-weekly Contributions, codified at NMIAC § 110-30.1-870; and the Rules and Regulations as published in the Commonwealth Register, Volume 28, Number 08, dated August 24, 2006, and as amended and adopted as published in the Commonwealth Register Volume 29, Number 07, dated July 18, 2007 and Volume 29, Number 08, dated August 17, 2007 (effective August 27, 2007), respectively; and as further amended and adopted as published in the Commonwealth Register Volume 29, Number 11, dated November 19, 2007 and Volume 29, Number 12, dated December 18, 2007 (effective December 28, 2007), respectively.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Modify the premium contribution rates under NMIAC § 110-30.1-870, for the government and both active government employees and retirees, by increasing the rate to fifty

percent (50%), with effective date of November 1, 2009, and alter government subsidization to apply only to government selected carrier(s).

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and 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 Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Rules and Regulations Governing the Group Health Insurance Program, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing Group Health Insurance Program". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These Proposed Rules and Regulations were duly approved and adopted by the Board of Trustees on July  $22^{nd}$ , 2009.

1 A.

Submitted by:	M	1/23/2009	
	MARK A. AGUON CAMERF/GHLITF	Dafte * '	
Received by:	Clar	8/4/09	
	ESTHER S. FLEMING	Date	
	Governor's Special Assistant for Administration		
_	/		
Filed and	$\alpha$ $\gamma$		
Recorded by:	miller	08.04.09	
	ESTHER M. SAN NICOLAS	Date	
	Commonwealth Register		

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 Rules and 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 this 4 day of August 2009.

Llugory Baka GREGORY BAKA

Acting Attorney General

# Prugråman Group Health INsurance Commonwealth Gi Sangkattan Na Islan Marianas Siha

Mark A. Aguon, Atministradot
Primet Pisu, Honoråpble Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950-1247
Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

# NOTISIAN PUPBLIKU POT MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI PARA I AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA GI POT I PRUGRÅMAN GROUP HEALTH INSURANCE

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE SIHA I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan na Islan Marianas Fondon Ritirão ("NMIRF"), Commonwealth gi Sangkattan na Islan Marianas Siha, ha intensiona para u adapta komu petmaniente na areklamento yan regulasion siha ni chechetton i Manmapropone na Amendasion siha gi Areklamento yan Regulasion siha ni ginebebietna ni Prugraman Group Health Insurance, sigun gi areklo gi Åkton Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies (10) diha siha despues i adaptasion yan pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

**ÅTURIDÅT:** I Kuetpon i Trustee siha ("Board") gi Sangkattan na Islan Marianas Fondon Ritiråo ("Retirement Fund") u gai fuetsa para u cho'gue yan u inafekta i Areklamento yan Regulasion i CNMI Group Health yan Life Insurance siha (Plan Description) sigun i 1 CMC § 8424-27. *Attan lokkue' i* NMIAC § 110-30.1-1401.

I SUSTÅNSIAN I PALÅBRA SIHA: I Progråma ma'underwritten exclusively ginen i Gobietnamenton CNMI para u pribeniyi ni affordable na health insurance plan para i benefision i emple'åo siha gi gobietnamenton CNMI. I Progråma ha desikna na para u self sufficient, yan guennåo, na debi na u ma'estapblisa sufisiente na kosta para i apas para i atministrasion i Prugråma yan pattikulåtmiente i claims ni inencurred ni Enrollees gi Plan.

Mås mona', i sigiente sitasion siha, statutes yan regulasions siha maninafekta ginen este i manmapropone na amendasion siha: Attikulu 10, Seksiona 10.15 – Chart of Bi-weekly Kontribusion siha, codified gi NMIAC § 110-30.1-870; yan i Areklamento yan Regulasion siha ni manmapupblika gi halom i Rehistran Commonwealth, Baluma 28, Numiru 08, mafecha gi Agosto 24, 2006, yan komu ma'amenda yan ma'adåpta komu mapupblika gi halom i Rehistran Commonwealth, Baluma 29, Numiru 07, mafechi gi Huliu 18, 2007 yan Baluma 29, Numiru 08, mafecha gi Agosto 17, 2007 (efektibu Agosto 27, 2007), respectively; yan komu mås mo'na ma'amenda yan ma'adåpta komu mapupblika gi halom i Rehistran Commonwealth, Baluma 29, Numiru 11, mafecha gi Nubembre 19, 2007 yan Baluma 29, Numiru 12, mafecha gi Decembre 18, 2007 (efektibu Decembre 28, 2007), respectively.

# I SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este areklamento yan regulasion siha:

1. Modify i premium kosta kontribusion gi papa' NMIAC § 110-30.1-870, para i gobietnamento yan parehu yan i active na emple'ao gobietnamento yan ritirao siha, gi

hinaksan i kosta para singkuenta pot siento (50%), ya u efektibu gi Nubembre 1, 2009, yan u tinahgui ni government subsidization para u aplika ayu ha para i inayek government carrier(s).

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i Manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni prinepone yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi kombiniente na lugat siha gi halom i civic center yan gi halom i ofisinan gobietnamento siha gi kada distriton senadot, parehu English yan lengguahen natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hanågue pat osino entrega i infetmasion-mu para gi as Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion siha para i Areklamento yan Regulasion siha ni Ginebebietna i Prugråman Group Health Insurance, gi sanhilo' na address, fax pat email address, yan i råyan suheto "Manmapropone na Amendasion siha para i Areklamento yan Regulasion siha ni Ginebebietna i Prugråman Group Health Insurance". Todu infotmasion siha debi na u fanhålom gi halom trenta (30) diha siha ginen i fechan pupblikasion este na notisia. Pot fabot na'hålom i infotmasion, opiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha man ma adopta yan man ma'apreba

nu i Kuetpon i Trus	stee gi Hulio 22,, 2009.	
Nina'hålom as:	M	7/23/2009
	MARK A. AGUON ( )	Fecha
	Atministradot, NMIRF/GHLITF	•
Rinisibi as:	Ore	8/4/09
	ESTHER S. FLEMING	Fecha
	Espisiåt Na Ayudånte Para I Atministrasion	
Pine'lo yan		
Rinekot as:	mister	08.04.09
	ESTHÉR M. SAN NICOLAS	Date
	Rekistran Commonwealth	

Sigun i 1 CMC § 2153(e) (Inapreban Abugådu Heneråt ni regulasion siha na para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugådu Heneråt) i Manmapropone na Areklamento yan Regulasion siha ni mañechetton guini manmarebisa yan manma'apreba komu fotma yan sufisiente ligåt ginen i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion i areklamento yan regulasion siha).

Mafecha guini gi diha 4 gi Agosta 2009.

\*\*Magory Baka\*\*

GREGORY BAKA\*\*

Acting Abugådu Heneråt

# Group Health Insurance Program Commonwealth Téél Falúw kka Falúwasch Efáng Marianas

Mark A. Aguon, Samwool

Mmwal pwo, Awoolingil Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill P.O. Box 501247 CK, Seipél, MP 96950-1247

Tilifoon. No. (670) 322-3863~10; Fax No. (670) 664~8080; E-mail: <a href="mailto:administrator01@nmiretirement.com">administrator01@nmiretirement.com</a>

# ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL IKKA EBWE SSIWEL NGÁLI ALLÉGHÚL LLÓL GROUP HEALTH INSURANCE PROGRAM

AGHIYEGH IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL: Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth Téél falúw kka falúwasch Efáng e mángi ebwe loofósch alléghúl kka e appasch reel Pomwol Lliwel kkaal ngáli Allégh kka e lemeli Progrómaal Group Health Insurance, sángi alléghúl Administrative Procedure Act, 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkammal llól seigh (10) ráálil ngáre schagh raa fillóóy me atééw llól Commonwealth Register. 1 CMC Tálil 9105(b)).

BWÁNGIL: Mwiischil Trustees ("Board") mellól Northern Mariana Islands Retirement Fund ("Retirement Fund") nge eyoor bwángil ebwe akkaté me amalawa sefááli Alléghúl CNMI Group Health me Life Insurance (Plan Discription) sángi 1 CMC Tálil 8424-27. Amweri NMIAC Tálil 110-30.1-1401.

**ÓUTOL ME KKEPASAL:** Progróóma yeel nge <u>CNMI Government</u> ebwe tilifischi plóónol <u>health</u> <u>insurance</u> ngáliir schóóy angaangal llól gobenno. Progóóma yeel nge eyoor bwángil, me bwal eew, ebwe ayoora yaal <u>rates</u> ebwe óbwóssuw progróómal <u>administration</u> me <u>claims</u> kka e aweiresiir schóóy llól plóóno yeel.

Sobwolool, tálil aweewe kkaal, kkapasal me allegh kkaal nge ebwe weires sángi pomwol lliwel kkaal: Article 10 – Tálil 10.15 – Chart of Bi-weekly Contributions, codified Ilól NMIAC Tálil 110-30.1-870; me alléghúl ebwe akkatééló Ilól Commonwealth Register, Volume 28, Numuro 08, ótol Elúwel (August) 24, 2006, me aa ssiwelló me fillóól Ilól Commonwealth Register. Volume 29, Numuro 07, ótol Wuun 18, 2007 me Volume 29, Numuro 08, ótol Elúwel 17, 2007 (schééschéél Elúwel 27, 2007), e weewe schagh; me e sóbwósóbw yaar siweli me fillóól Ilól Commonwealth Register, Volume 29, Numuro 11, ótol Aremwoy 19, 2007 me Volume 29, Numuro 12, ótol Tumwur 18, 2007 (schééschéél Tumwur 28, 2007), ese lifil.

# **ÓUTOL ME AWEEWE KKA E TÉÉTÁ:** Allégh kka rebwe:

1. Siweli <u>premium contribution rates</u> faal NMIAC Tálil 110-30.1-870, ngáli <u>government</u> me ii me ruwoow schóóy angaangal Ilól gobenno me schóóy aséésé (retirees, igha rebwe saraghi yaar <u>rates</u> ngali <u>fifty percent</u> (50%), fengál me schééschéél ótol Aremwoy 1, 2009, me affata iyo kka rebwe yááyá..

AFALAFAL REEL AMMWEL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register mellól tálil ye rekke pomwoli me fillóóy allégh kka e ffé (1 CMC Tálil 9102(a)(1)) me ayoora igha efil iye llól civic center me llól bwulasiyool gobenno kkaal llól alongal

senatorial district, e weewe schagh IIól kkasal Amerikkonu, Relaúwasch Remeraalis. (1 CMC Tálil 9104(a)(1)).

ISISILONGOL MÁNGEMÁNG: Afanga ngáli Mark A. Aguon, Samwool, Attn: Pomwol Lliwel kkaal ngáli Allégh kkaal iye e lemeli <u>Group Health Insurance Program</u>, sángi <u>address</u>, ye weilang <u>fax</u> me <u>email address</u>, sángi kkepas ye "Proposed Amendments to Rules and Regulations Group Health Insurance Program". Aghiyegh ebwe atotoolong Ilól eliigh (30) ráálil sángi schagh igha re atééw arong yeel. Ów isisilong ischil mááfiyami. (1 CMC Tálil 9104(a)(2)).

Pomwol Allégh kkaal sángi Mwiischil IIól <u>Trustees</u> ótol Wuun 22<sup>nd</sup>, 2009.

Isaliyallong:

MARK A. AGUON
Samwoolul, NMIRF/GHLITF

Mwir sángi:

ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

Ammwelil:

ESTHER M. SAN NICOLAS

Rál

Sángi allégh ye 1 CMC Tálil 2153(e) (Alúghúlúgh merrel AG reel allégh kka ebwe akkaté) me 1 CMC Tálil 9104(a)(3) (bweibogh alúghúlúgh mereel AG) reel Pomwol Allégh kka e appasch ikka raa takkal amweri fischi mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC Tálil 2153(f) (akkatéél allégh kkaal).

Ráálil ye 4 Ilól Elűwel 2009.

Commonwealth Register

Llegory Baka
GREGORY BAKA

Acting ngáli Sów Bwungul Allégh lapalap

# PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE GROUP HEALTH INSURANCE PROGRAM

Amendments to ARTICLE 10 – Premiums, Section 10.15: [Codified as NMIAC § 110-30.1-870]

10.15. The Chart below details the monthly Contributions required from Subscribers and the Government, and the total Premium, beginning on the Effective Date of this Plan Document, which Effective Date is November 1, 2007 November 1, 2009. Beginning with the Plan Year that commences November 1, 2007 November 1, 2009, the Government Contribution and total Premium for each category and coverage shall be as follows (see next page).

Unless determined otherwise by actuarial study and recommendation, the Government Contribution to Premiums shall increase by five percent (5%) annually, each such increase to become to fifty percent (50%) effective at the beginning of the Plan Year, commencing November 1, 2009 with the first such increase being effective in January 2003. The automatic increases shall continue annually until such time the Government's Contribution is equal to the Subscriber's Contribution. The Government shall pay no subsidized premium to any carrier not competitively selected as the exclusive carrier(s) for the Government Plan. The issuance of a Request for Proposals will be the subject of an annual review process commencing in the third quarter of each Fiscal Year.

Contribution Rates
Rates Effective November 1, 2007 November 1, 2009

Type of Enrollment	Enrollment Code Number	Contribution Distribution	Active and Retired Monthly Premium
Single	1	Government Contribution Subscriber Contribution	\$ <del>52.0</del> 0 \$ \$ <del>117.9</del> 0 \$
		Total Premium	\$1 <del>69.90</del> \$
		Government Contribution	\$ <del>104.50</del> \$
Couple	2	Subscriber Contribution	\$243.82 \$
		Total Premium	<b>\$348.32</b> \$
		Government Contribution	<b>\$163.12</b> \$
Family	3	Subscriber Contribution	\$380.59 \$
		Total Premium	\$543.71 \$

Enrollees' premium rates may vary from time to time. In the event an increase in premiums is necessary, the Board of Trustees of the NMI Retirement Fund will promulgate this increase in the Commonwealth Register pursuant to the Administrative Procedures Act.

#### **PUBLIC NOTICE**

#### OF PROPOSED RULES AND REGULATIONS

WHICH ARE AMENDMENTS TO
THE IMMIGRATION RULES AND REGULATIONS
OF THE OFFICE OF THE ATTORNEY GENERAL, DIVISION OF IMMIGRATION

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Attorney General, Division of Immigration (hereafter the "Division") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The Commonwealth immigration authority is authorized to promulgate regulations pertaining the citizenship, permanent residents, and entry and deportation of aliens pursuant to Division 4 of Title 3 of the Commonwealth Code.

THE TERMS AND SUBSTANCE: The proposed revisions are to correct errors, consolidate related provisions to make them easier for the public to understand and use, and delegate authority to the United States.

#### A SUMMARY OF THE SUBJECTS AND ISSUES INVOLVED:

These rules and regulations are promulgated:

- To correct typographical and cross-reference errors in §5-40.0-201(k), §5-40.2-405, §5-40.3-230, §5-40.3-250, §5-40.3-270, §5-40.3-301(b), §5-40.3-310(d), and the index to subchapter 40.5 as shown in the attached pages.
- 2. To consolidate related provisions with respect to immediate relatives to make them easier for the public to understand and use in §5-40.3-240(b), §5-40.3-240(e), §5-40.3-240(n), §5-40.3-240(n) as shown in the attached pages.
- 3. To clarify the reference to minimum wage in §5-40.3-220, to clarify the status of missionaries in §5-40.3-240(m), to clarify the exit requirement and the Director's authority to waive the exit requirement in §5-40.3-261as shown in the attached pages:
- 4. To delegate to the United States with respect to refugees as shown in §5-40.4-201and §5-40.4-210.

CITATION OF RELATED AND/OR AFFECTED STATUTES, RULES AND REGULATIONS. These proposed regulations will supersede the specified sections in Title 5, Chapter 5-40 of the N.M.I. Administrative Code.

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 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 Director of Immigration, Melvin Grey, at Afetna Square Building, 2nd floor, San Antonio, Saipan MP 96950 or email address MGrey@cnmi-gov.net, with the subject line "Proposed IR&R". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or proposed changes. (1 CMC § 9104(a)(2))

Submitted by:

MELVIN L. GREY

**Director of Immigration** 

Received by:

ESTHER'S. FLEMING

Governor's Special Assistant for Administration

Filed and

Recorded by:

ĒSTHER SAN NICOLAS

Commonwealth Register

Date

Date

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 23 day of August, 2009

EDWARD BUCKINGHAM

**Attorney General** 

**AUGUST 27, 2009** 

#### PROPOSED CHANGES

The following changes are proposed in paragraphs contained in the current Immigration Regulations. Sections (and paragraphs within sections) that remain unchanged <u>are not included</u> in the items set out below. Sections in which language has been deleted are reproduced below.

\* \* 1

§5-40.0-201(k) "Entry permit" means documentation authorizing the entry into and the continued presence of a nonimmigrant alien in the Commonwealth, including but not limited to an entry permit document or card issued by the Division of Immigration, a Visitor Entry Permit form, a passport stamp, or a visa; The entry permit is issued for purposes of providing entry to and exit from the Commonwealth for qualified persons, as long as the person remains qualified under the particular requirements applicable to each class of entry permit as provided in Part 5-40.3-240;

§5-40.1-200 CNMI Permanent Residents.

Persons are permanent residents of the Commonwealth who are aliens and who were granted permanent resident status in the District of the Northern Mariana Islands by the Administration of the Trust Territory of the Pacific Islands prior to January 9, 1978 or who were granted permanent resident status pursuant to Commonwealth law prior to April 1981.

§5-40.2-405 Non-performance of Requested Service.

If employees have reported to work in order to provide requested overtime services, but services are not performed by reason of circumstances beyond the control of the employees concerned, compensation shall be in accordance with Section 5-40.2-401(a)(1).

§5-40.3-220(e) The Division may refuse to allow a person to be a sponsor of an alien applying in an entry class as an immediate relative if the sponsor fails to demonstrate income over the immediately preceding four months at a rate that will provide a gross annual income totaling 40 hours per week for 52 weeks at the prevailing federally-mandated minimum wage in the Commonwealth. The Director may waive this income requirement in the interests of the Commonwealth.

§5-40.3-230 Applications for a two-year permit will be accepted, at the discretion of the Director, for entry permit class 240(d) immediate relatives of citizens, U.S. nationals, and permanent residents, 240(g) and 240(o) foreign investors, 240(h) foreign students; 240(k) foreign workers, and 240(n) long term business owners upon the Director's finding that a two-year permit is in the interests of the Commonwealth. The Director shall make available automatic two-year permits for CNMI permanent residents (as defined in § 5-40.0-201(q)), and for the immediate relatives of deceased U.S. citizens, U.S. nationals, and U.S. permanent residents should permitting be needed or required for any reason.

#### §5-40.3-240(b) Government Employment Entry Permit

An alien hired as a Commonwealth government employee in accordance with 3 CMC §4532 or §4972, an alien hired as a Federal government employee, or an alien performing services under a contract (either directly or indirectly) with the Commonwealth or Federal governments, who meets other applicable requirements to enter the Commonwealth as set out in these regulations, may enter and remain in the Commonwealth for one (1) year. The application must include a copy of the contract which has been approved by the government agency.

This class of entry permit is renewable.

Holders of this class of entry permit may engage in any work in the Commonwealth that is covered by the government employment or contract.

# §5-40.3-240(d) Immediate Relative of Citizen, U.S. National or CNMI Permanent Resident Entry Permit

Immediate relatives of persons who are citizens, U.S. nationals, or CNMI permanent residents may enter and remain in the Commonwealth for one year so long as the immediate relative status is in effect, the citizen, U.S. national, or permanent resident meets the qualifications as a sponsor of the alien, and all other qualifications are met. The application for an Immediate Relative Entry Permit shall be filed not earlier than 60 days following the marriage and during the period in which the alien has a lawful immigration status in the Commonwealth. In the event a marriage is terminated by judicial decree, the alien has a grace period of 60 days from the date of the final decree either to change to a different lawful immigration status or to depart the Commonwealth. In the event a marriage is terminated by the death of the U.S. citizen spouse, a widow or widower may apply at any time for a two-year permit in order to facilitate change of status to U.S. permanent resident (green card holder) or other status.

Upon application and such documentation as the Director may require, the Director may waive restrictions applicable to an immediate relative who is a dependent child or dependent adult who is physically or mentally challenged and whose care and support is provided by the sponsoring U.S. citizen or other person qualified under this section.

#### §5-40.3-240(e) Immediate Relative of Alien Entry Permit

An immediate relative of an alien may enter and remain in the Commonwealth under an Entry Permit for the same term as the sponsoring alien's Entry Permit if the immediate relative satisfies the applicable requirements under these regulations, the sponsoring alien meets the requirements to be a sponsor, the sponsoring alien posts a cash bond with the Director in the amount of twice the cost of return travel to the point of origin at the time of application, and the immediate relative is not an excludable alien.

This class of entry permit has the following sub-classifications:

EB: Immediate relative of a government employee

EF: Immediate relative of a diplomat

EG: Immediate relative of a foreign investor

EI: Immediate relative of a representative of foreign press

EK: Immediate relative of a foreign national worker

EL: Immediate relative of a minister or religious leader

EM: Immediate relative of a missionary

EN: Immediate relative of a long-term business permit holder

EO: Immediate relative of a retiree investor

ET: Immediate relative of the holder of a passport issued by a Freely Associated

State

Upon application, the Director may waive restrictions applicable to an immediate relative who is a dependent child who is physically or mentally challenged and whose care and support is provided by the sponsoring alien.

# §5-40.3-240(h) Foreign Student Entry Permit

This class of entry permit does not include enrollees or students in preschool programs.

#### §5-40.3-240(i) Foreign Press Entry Permit

An alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the Commonwealth solely to engage in such vocation, and who meets the other applicable immigration requirements in these regulations may be issued a Foreign Press Entry Permit.

This entry permit shall be valid for a maximum of 90 days.

This class of entry permit is renewable.

A holder of this class of permit may not work or be employed in the Commonwealth except as a representative of foreign media.

#### §5-40.3-240(m) Missionary Entry Permit

Prior to October 1, 2008, an alien who is a bona fide missionary who is in the Commonwealth solely for the purpose of engaging in religious doctrine teaching and not receiving compensation at the level of a living standard of monetary compensation, may be issued a Missionary Entry Permit. The missionary must be petitioned for by a bonafide religious organization showing that the missionary's services are needed by a denomination having a bonafide organization in the Commonwealth. Missionary work is limited to teaching religious doctrine in a church, classroom, or in a home visit setting. After October 1, 2008, the entry class of missionary ceases to exist, provided however that persons holding multi-year permits issued prior to October 1, 2008 may register each year within this class until the term of the original permit expires.

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#### §5-40.3-240(n) Long-term Business Entry Permit

The Long-Term Business Entry Permit allows an alien to remain in the Commonwealth for up to two (2) years. The applicant must present a certificate of eligibility for a long-term business entry permit issued by the Department of Commerce.

A holder of this class of entry permit may engage in any lawful business or commercial activity in the Commonwealth as permitted by the Department of Commerce.

A holder of this class of entry permit may not work or be employed in the Commonwealth except to be employed in the business for which the Department of Commerce approved the entry permit.

#### §5-40.3-240(o) Retiree Investor Entry Permit

An alien who is at least 55 years of age on the date of arrival in the Commonwealth, who presents a certificate of foreign retiree investment issued by the Department of Commerce, and who meets the other applicable immigration requirements in these regulations, may be issued a Retiree Investor Entry Permit.

The holder of a Retiree Investor Entry Permit may be employed for less than 20 hours a week in the Commonwealth.

#### § 5-40.3-250 Revocation of entry permit.

The Director may revoke any entry permit issued pursuant to these regulations upon a finding that the alien to whom the permit was issued no longer satisfies the criteria for the permit category; the permit was obtained by fraud, deceit, material misrepresentation, or in violation of CNMI law; or the sponsor of the alien has become ineligible under or has failed to satisfy the requirements of § 5-40.3-220.

#### §5-40.3-261 Change of class of permit.

The holder of a valid entry permit in one entry permit class for nonimmigrant aliens under Section 5-40.3-240 more than thirty (30) days from expiration may apply for an entry permit in another entry permit class for nonimmigrant aliens without leaving the Commonwealth. Aliens holding entry permits that are expired or have less than thirty (30) days of remaining validity and aliens holding tourist entry permits must exit the Commonwealth before applying for an entry permit in another entry permit class. The Director may waive the exit requirement in the interests of the Commonwealth.

§5-40.3-265(b) Possession of Cards. Except for persons entering under subsections 240 (c), (f), (g), (l) or (m), all aliens shall maintain their entry permit in their personal possession during working hours and when entering or exiting the Commonwealth.

§5-40.3-270

The following fees apply to entry classes 240(d) (immediate relative of a citizen or permanent resident), 240(e) (immediate relative of an alien), 240(l) (minister of religion), 240(m) (missionary). (All other classes either have no fees or the fees are payable to the Commonwealth commerce and labor authorities.)

Annual registration with the Division

\$25.00

Renewal with the Division

\$100.00

§5-40.3-301(b) Entry may be allowed, at the discretion of the Director, if a sponsor in the Commonwealth posts sufficient cash with the Division to ensure the alien's support and repatriation costs for the duration of the entry permit. The full amount of cash deposited with the Division shall be kept in a trust account until the departure of the alien.

§5-40.3-310(d) Persons with a documented history of violence or destructive behavior regardless of whether convicted of a crime may be excluded at the port of entry. Documentation may include medical, law enforcement, employment, or other records acceptable to the Director.

§5-40.4-201 Memorandum of Agreement. The Commonwealth shall administer its nonrefoulement protection program according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth and the Office of Insular Affairs dated September 12, 2003, provided however that if funding for the program has not been made available to the Commonwealth in the full amount necessary for all aspects of the program as covered by the Memorandum of Agreement, then the Department of Homeland Security shall perform all functions assigned to the Commonwealth thereunder.

§5-40.4-205. Federal authority. Public Law 13-61, which authorizes participation in the nonrefoulement protection program is based on the Commonwealth's immigration authority. When any aspect of the Commonwealth's immigration authority is preempted by federal law, the entire nonrefoulement protection program becomes the responsibility of the appropriate federal agency and the Commonwealth is no longer involved in this program.

§5-40.4-210 Repeal. Prior Parts 5-40.4-200, 300, 400, and 500 are repealed.

# PART 5 Subchapter 40.5 Transition

PART 5-40.5-100 Transition for Department of Commerce

PART 5-40.2-200 Effective date

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#### NOTISIAN PUPBLIKU

#### MAPROPONE NA AREKLAMENTO YAN REGULASION SIHA NI AMENDASION SIHA PARA

### I AREKLAMENTO YAN REGULASION IMIGRASION SIHA GI OFISINAN ABUGADO HINERAT, DIBISION IMIGRASION

MA'INTENSIONA NA AKSION PARA MA'ADOPTA ESTI MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Commonwealth I Sankattan na Isla siha, I ofisinan Abugado Hinerat, DiBision Imigrasion ("Dibision") ha intensiona para ma'adopta komu petmanente I regulasion siha ni mañechetton ni manmapropone na regulasion siha, sigun I areklamenton I Administrative Procedure Act, 1 CMC 9104(a). I regulasion siha umifektibu gi halom 10 diha siha despues ni ma'adopta. (1CMC 9105 (b)).

ATURIDAT: I aturidat, Imigrasion I Commonwealth ma'aturisa para u famatinas regulasion siha pot citizenship, permanent residents, yan entry yan deportation I alien siha sigun I Dibision 4 gi Titilu 3 gi Kodigon I Commonwealth.

I SUSTANSIAN I PALABRA SIHA: I mapropone na ribision para ufan makorihi I linachi siha, manafandaña I manparehu na probision siha kosaki ti mapot I pupbliku makomprendi yan ma'usa yan madesigna aturidat para I Ustados Unidos.

#### SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA:

Esti siha na areklamento yan regulasion manmafatinas:

- 1. Para makorihi I typographical van cross-reference errors gi halom 5-40.0-201(k),5-40.2-405,5-40.3-230,5-40.3-301(b),5-40.3-310(d) yan I index para I subchapter 40.5 ni annok gi mañecheton gi pahina siha.
- 2. Para manafandana I manachule na probision siha pot I immediate relatives puno ufan mapot mokomprendi ni pupbliku yan ma'usa gi halom 5-40,3-240 (b), 5-40.3-240 (e) 5-40.3-240(i) 5-40.3-240 (n) 5-40.3-240 (o) ni mañecheton gi pahina siha.
- 3. Para maklarifika pot I minimum wage gi halom 5-40.3-220, para maklarifika pot I estao I missionaries gi halom 5-40.3-240(m), para maklarifika pot I exit requirement yan I aturidat I Direktod ni para u wave I exit requirement gi halom 5-40.3-261 ni annok gi mañechecheton gi pahina siha.
- 4. Para madesigna I Ustados Unidos pot I refugees ni annok gi halom 5-40.4-201 yan 5-40.210.

NUMBER &

I MAN ACHULE YAN/PAT MANINAFEKTA NUI STATUA, AREKLAMENTO YAN REGULASION SIHA:

Esti siha I manmapropone na regulasion siha ti bumali I ma'espesifika na seksiona siha gi halom I Titilu 5 Chapter 40 gi NMI Administrative Code.

#### DIREKSION PARA U MA PO'LO YAN MAPUPBLIKA:

Esti manmapropone na regulasion siha ufan mapupblika gi Commonwealth Register gi seksiona ni manmapropone yan nuebo ni manma'adopta na regulasion siha (1CMC 9102(a)(1) yan ufan mapega gi kombiniente na lugat gi civic center yan gi todo ofisinan gobietnamento siha kada senatorial district gi fino English yan I prinsipat na fino natibu. (1CMC 9104 (a)(1)).

PARA MAPRIBENTYI IPINION SIHA: Na hanao I opinion-mu siha guato gi Direktod I Imigrasion, Melvin Grey giya Afetnas Square Building, mina dos bibienda, San Antonio, Sapan MP 96950 osino email MGrey@cnmi-gov.net, nui "proposed IR&R". I mensahe siha ufan halom gi halom 30 diha siha despues ni fechan pupblikasion esti na notisia. Pot fabot na halom I sinente-mu, opinion pat tinilaika siha (1CMC 9104 (a)(2)).

Ninahalom a	s:	:	
	MELVIN L. GREY		Fecha
	Direktod Imigrasion	promote.	
Rinisibe as:			
	ESTHER S. FLEMING	. <del>.</del>	Fecha
	Espesiat na Ayudante Para I Administrasion		
Pine'lo yan Rinekot as:	Jmida	·	08.24.09
	Esther SanNicolas		Fecha
	Rehistran Commonwealth		

Sigun I 1 CMC 2153 (e) (I Abugado Hinerat ha apreba I regulasion siha na para u macho'gue komu fotma) yan I 1 CMC 9104 (a)(3)(hentan inapreban Abugado Hinerat) I manmapropone na regulasion siha ni mañechetton guini ni manmarebisa manma'apreba

komu fotma yan sufisiente ligat ginen I CNMI Abugado Hinerat yan debi na u mapuplika, 1 CMC 2153 (f)(puplikasion areklamento yan regulasion siha).

Mafecha guini gi diha 23 Agosto, 2009.

EDWARD BUCKINGHAM

Abugado Hinerat

#### ARONGOL TOULAP

## REEL POMWOL ALLÉGH KKAAL IKKA EBWE SSIIWEL

### MEREEL ALLÉGHÚL IMMIGRATION

# BWULASIYOOL SÓW BWUNGUL ALLÉGH LAPALAP, DIVIDIONUL IMMIGRATION

AGHIYEGHIL EBWE FILLOOY ALLÉGH KKAAL: Commonwealth Teel Falúw Kka Efáng Mariana, Bwulasiyool Sów Bwungul Allégh Lapalap, Divisionul Immigration (Division) e mángi ebwe allégh ffóscholó pomwol allégh kkaal, sángi ammwelil Administrative Procedure Act ye, 1 CMC § 9104(a). Allégh kkaal ebwe allégheló llól 10 rál mwiril fillóól. (1 CMC § 9105(b))

**BWÁNGIL:** Commonwealth Immigration eyoor bwángil ebwe akkaté alléghúl citizenship, permanent resident me entry me deportationul aliens, sángi Division 4 mercel Title 3 reel Commonwealth Code.

**ÓUTOL ME KKAPASAL:** Pomwol ssiiwel kkaal nge rebwe awela, aschu fengáli allégh kka e fil fengál, bwelle ebwe mescher;gh ngáliir toulap rebwe metaf me yááyá me rebwe ngálleey bwángil ngáli United States.

#### KKAPASAL ME AWEEWE:

Allégh kka nge aa akkatéwow:

- Ebwe awelaaló typographical me tapelal kka ese wel mellól 5-40.0-201(k), §5-40.2-402, 5-405, §5-40.3-230, §5-40.3-250, §5-40.3-270, §5-40.3-301(b), §5-40.310(d), me index ye subchapter 40.5 ikka e bwá mellól schéékka e appasch.
- 2. Ebwe akkaschu fengál allégh kka e fil fengál reel aweewe ngáliir immediate relatives bwelle ebwe mescherágh ngáliir toulap rebwe metaf me yááyá mellól §5-40.3-240(b), §5-40.3-240(e), §5-40.3-240(i), §5-40.3-240(n), §5-40.3-240(o) ikka e bwá mellól schéékka e appasch.

- 3. Ebwe affata aweweel abwós (minimum wage) mellól 5-40.3-220, ebwe affata aweweel missionaries mellól 5-40.3-240(m), ebwe affata aweweel exit requirements me bwángil Direktood igha ebwe waive-li exit requirement mellól §5-40.3-261 ikka e bwá melló schéékka e appasch.
- 4. Ebwe lighiti ngáli Unitd States reel aweweel refugees iye elo llól §5-40.4-201 me §5-40.4-210.

AWEWEL ALLÉGH KKA EFIL ME ESE FIL FENGÁL: Pomwol allégh kkaal ebwe ayúwúló aweewe kka reel section kka llól Chapter 5, Chapter 5-40 mellól NMI Administrative Code.

AFALAFAL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééwow mellól Commonwealth Register llól tálil kka epomw llól me ikka e ffé yaal filló (1CMC §9102(a)(1) me ebwe appasch llól bwuley kka e fil mellól bwulasiyool maghalaay llól alongal senatorial District, llól kkepasal English me mwaliyeer schóól faleey. (1 CMC § 9104(a) (1))

ISISILONGOL AGHIYEGH: Afanga máfiyómw ngáli Samwoolul Immigration Melvin Grey, me Afetña Square Building 2<sup>nd</sup> floor, San Antonio Seipél MP 96950 me ngáre email MGREY@cnmi-gov.net, fengál me "Proposed IR&R". Máfiyámi ebwe toolong llól 30 rál sángi yaal fillo Arong yeel. Ów isisilong yáámi aghiyegh, máfiyámi me ngáre pomwol ssiiwel. (1 CMC § 9104(a) (2))

Isáli yallong:		
	MELVIN L. GREY	Rál
	Samwoolul Immigration	
Mwir Sángi:		- -
	ESTHER S. FLEMING	Rál
	ar response to t	

Sów Aliilisil Sów Lemelem

PAGE 029825

Ammwel Sángi:

Smoler

08.24.09

ESTHER SAN NICOLAS

Ral

Commonwealth Register

Sángi allégh ye 1 CMC § 2153(e) (Alúghúlúgh mereel Sów Bwángil Allégh Lapalap igha ebwe akkatééló) me 1 CMC § 9104(a) (3) (sángi alúghúlúghúl AG) pomwol allégh kkaal aa takkal ammwel fischiló mereel Sów Bwungul Allégh Lapalap me ebwe akkatééló 1 CMC §2153 (f) (akkatéél allégh kkaal).

Rállil ye 23 llól maramal Elúwel, 2009

EDWARD BUCKING IAM

Sów Bwungul Allégh Lapalap

**COMMONWEALTH REGISTER** 



# Commonwealth of the Northern Mariana Islands Department of Public Health-Hospital Division

Joseph Kevin P. Villagoemz, Secretary Department of Public Health, Hospital Division, PO Box 500409 CK Lower Navy Hill, Saipan, MP 96950

> Tel 670.234.8950; fax:670.234-8930 ikvsaipan@aol.com

### PUBLIC NOTICE OF PROPOSED REGULATIONS WHICH ARE AMENDMENTS TO SCHEDULE OF FEES OF THE COMMONWEALTH HEALTH CENTER

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Public Health, Hospital Division, of the Commonwealth Health Center (CHC) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act,1 CMC [§ 9104(a)]. The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC § § 2557 (rules and regulations). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Regulations provide that the Secretary adopts these regulations for the following reasons:

- 1. The Current Procedural Terminology (CPT) Codes determine the structure of the fees at the Commonwealth Health Center. Recent changes make it necessary for CHC to make amendments to their Schedule of Fees, as described by the CPT structure.
- 2. CHC physicians do not necessarily perform services listed in the CPT Manual. Therefore, when physicians find services and procedures are necessary for the medical care of the patient, CHC must price them and include them in the Schedule of Fees.

THE SUBJECTS AND ISSUES INVOLVED: These Regulations:

Page 1

 Amend and add the attached rates in the Commonwealth Health Center's Schedule of Fees

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 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 Joseph Kevin P. Villagomez, Attn: Commonwealth Health Center's Schedule of Fees, at the above address, fax or email address, with the subject line "Commonwealth Health Center's Schedule of Fees". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Secretary on August 20, 2009.

Submitted by:	Joseph Kevin P. Villagomez Secretary of Health	Date Date
Received by:	ESTHER S. FLEMING Governor's Special Assistant for Ad	8/14/09 Date ministration
Filed and Recorded by:	Amilon ESTHER M. SAN NICOLAS	08.24.09 Date

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 day of hun, 2009.

Commonwealth Register

EDWARD BUCKINGHAM Attorney General

# NOTISIAN PUPBLIKU POT MAPROPENEN REGULASIONS SIHA NI MANMA'AMENDA PARA I MASIÑALAN APAS SIHA GI SENTRON HINEMLO GIYA COMMONWEALTH

MA'INTENSIONA NA AKSION PARA MA'ADOPTA ESTI MANMAPROPONE NA REGULASION SIHA: I Commonwealth I Sankattan na isla siha, Dipattamenton Hinemlo, Dibision Hospitat, I Sentron Hinemlo giya Commonwealth (CHC) ha intensiona para u adopta komu petmanente na regulasion siha ni mañechetton gi manmapropone na regulasion siha, sigun I areklamenton I Administrative Act, 1CMC 9104 (a). I regulasion siha ufan efektibu gi halom 10 diha siha despues di ma'adopta yan mapupblika gi Commonwealth Register. (1 CMC 9105 (b).

ATURIDAT: I Sekritario manahi pudet nui Lehislatura para u adopta areklamento yan regulasion siha para I administrasion yan u enfuetsa I statua ni ha gobietna I aklibidat-ña siha. 1 CMC 2557 (areklamento yan regulasion siha) Atan lokkue I Otden Eksekatibu 94-3 (ni efektibu Agusto 23, 1994, ni maotganisa di nuebo I ramas Eksekatibu).

I SUSTANSIAN I PALABRA SIHA: I Regulasion siha ha pribeniye I Sekritario para u adopta esti I regulasion siha para I sigiente siha na rason:

- 1. I presenti na Procedural Terminology (CPT) Codes ha ditetmina I estrakturan apas siha gi Commonwealth Health Center. I mapos na tinilaika siha mina nesisario para I CHC u famatinas amendasion siha para I masiñala na apasñiha siha, komu madeskribe nui estrakturan CPT.
- 2. I medikun CHC siha ti sesso machogue setbisio siha ni manmalista gi halom I CPT Manual. Ayo mina, yanggen I mediko siha masodda setbisio yan areklamento siha ni mannesisario para inadahen medikat gi malango, I CHC debi u na guaha presion ñiha yan mainklusu siha gi halom I Siñalan Apas siha (Schedule Fees).

# SUHETO YAN ASUNTO NI TINEKKA: Esti siha na Regulasion:

1. Ma'amenda yan na danña' i mañechetton na rates (apas siha) gi Commonwealth Health Center's Schedule of Fees.

DIREKSION MAPO'LO YAN MAPUPBLIKA: Esti siha I manmapropone na Regulasion siha ufan mapupblika gi Commonwealth Register gi halom I seksionan I manmapropone yan I nuebo ni manma'adopta na regulasion siha. (1 CMC 9102 (a)(1) yan ufan mapega gi kobiniente na lugat siha gi civic center yan gi ofisinan gobietnamento siha gi kada senatorial district, gi fino English yan I prinsipat na lengguahen natibu. (1 CMC 9104 (a)(1)).

MAPROBENIYEN OPINION: Na hanao I sinenti-mu guato as Joseph Kevin P. Villagomez, Attn: Commowealth Health Center's Schedule of Fees, gi sanhilo na

address, fax osino email, yan I subject line "Commonwealth Health Center's Schedule Fees". I sinenti siha ufan halom gi 30 diha siha despues di mapupblika esti na notisia. Pot fabot na halom I sinente-mu, opinion pat testimonio. (1 CMC 9104 (a)(2).

Esti siha ni manmaproponi, ma'apreba nui Sekritario gi Agosto 20, 2009.

Ninahalom as: Joseph Kevin P. Villagomez Sekritarion Hinemlo

Rinisibe as:

Espisiat na Ayudante Para

I Administrasion

Pine'lo yan

Rinekot as: ESTHER M. SAN NICOLAS

Rehistran Commonwealth

Sigun I 1 CMC 2153 (e) ( I Abugado Hinerat ha apreba I regulasion siha na para u macho'gue komu fotma) yan I 1 CMC 9104 (a)(3)(hentan inapreban Abugado Hinerat) I manmapropone na regulasion siha ni manechetton guini ni manmarebisa manma'apreba komu fotma yan sufisiente ligat ginen I CNMI Abugado Hinerat yan debi na u mapupblika, 1 CMC 2153 (f) (puplikasion areklamento yan regulasion siha).

Mafecha guini gi diha 27 Mes Agosto, 2009.

Abugado Hinerat

# ARONGOL TOULAP REEL POMWOL ALLEGH KKAAL IKKA AA SSIIWEL REEL AWEWEEL ABWOSUL COMMONWEALTH CENTER

AGHIYEGHIL FILLÓÓL POMWOL ALLÉGH KKAAL: Commonwealth mellól Téél Falúw Kka Efáng, Bwulasiyool Limifischil Malaweer Toulap, Dibisionul Espitóód mellól Commonwealth Health Center (CHC) e mángi ebwe fillóóy bwe ebwe alléghefóscheló allégh kkaal ikka e appasch reel pomwol allégh kkaal, sángi aweweel Administrative Act, I CMC [§9104(a)]. Allégh kkaal ebwe allégheló llól 10 rál mwiril fillóól me akkatéwow mellól Commonwealth Register (1 CMC § 9105(b)).

BWÁNGIL: Samwool (Secretary) re ngálleey bwángil mereel Sów Fféérúl Allégh bwe ebwe fillóy allégh kka e fil ngáli bwulasiyo me amamawa alléghúl mwóghutughutul. 1 CMC § § 2557 (allégh kkaal). Bwal piipi Alléghul Sów Lemelem 94-3 (e allégheló Elúwel 23, 1994, (ammwel sefáál reel bwulasiyool Sów Lemelem).

**OUTOL ME AWEWEEL:** Allégh kka e aweweiwow bwe Samwool ebwe fillóóy allégh kkaal bwelle igha:

- 1. Mille current Procedural Terminology (CPT) Codes e affatawow bwe aweweel abwósul Commonwealth Health Center. Ssiwel kkaal aa titingór bwe CHC ebwe siwelil aweweel Abwós kkaal iye e afatawow mereel Structure.
- 2. Sów Safey kka CHC re ghi kke féérú tappal ammwel kka llól Tilighiil CPT. Ila mille ngáre sów safey kkaal re schuungi bwe tappal ammwel kka e pirisisu ngáli ammweliir schóókka re semwaay, iwe CHC ebwe ayoora llapal abwósul me ebwe akkatélong llól Aweweel Abwós kkaal.

KKEPASAL ME AWEWEEL: Allégh kkaal: 1. E siweli me aschuwulong abwós kka e appaschelong llól Aweweel Abwósul Commonwealth Health Center.

AFALAFAL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéwow llól Commonwealth Register, llól tálil pomwol me filló kka e ffé. 1 CMC § 9102(a)(1) me ebwe appasch igha e fil iye me civic ceter, bwulasiyool maghalaay me Senatorial District Ilól kkapasal English me mwaliyeer schóól faleey (1 CMC § 9104(a)(1).

I SISILONGOL AGHIYEGH: Afanga yáámi mwaliili ngáli Joseph Kevin P. Villagomez, Attn: Commonwealth Health Center's Schedule of Fees, reel address kka weiláng fax me ngáre email reel subj. line ye "Commonwealth Health Center's Schedule of Fees" yáámi mángemáng ebwe isislong llól 30 rál sángi akkatéwowul arong yeel. Ów isisilong yáámi ahiyegh me ngáre aingiing. (1 CMC 9104(a)(2)).

Pomwol allégh kkaal aa allégh sángi Samwool wóól Elúwel 20, 2009.

Isáliyallong.	5/21/09
Joseph Kevin P. Villagomez Samwoolul Health	Rál
Mwir Sángi:  Esther S. Fleming  Sów Alillisil Sów Lemelem	8/2K/09 Rál
Ammwel Sángi: Esther San Nicolas Commonwealth Register	08.37.09 Rál

Sángi allégh ye 1 CMC Tálil 2153(e) (Alúghúlúgh mereel Sów Bwungul Allégh Lapalap igha ebwe akkatééló) me 1 CMC Tálil 9104(a)(3) (sángi alúghúlúghúl AG) pomwol allégh kkaal aa takkal ammwel fischiló mereel Sów Bwungul Allégh Lapalap me ebwe akkatééló 1 CMC Tálil 2153(f)(akkatéél allégh kkaal)

Rállil ye 27 llól maramal Eluwe 2009

Edward Buckingham

Sów Bwungul Allégh Lapalap

### Commonwealth of the Northern Mariana Islands Department of Public Health Joseph Kevin P. Villagomez, Secretary Lower Navy Hill Saipan, MP 96950

Tel 670-234-8950; Fax 670-234-8930 kvsaipan@aol.com

# PUBLIC NOTICE OF EMERGENCY REGULATIONS WHICH ARE AMENDMENTS TO THE COMMONWEALTH HEALTH CENTER'S **SCHEDULE OF FEES**

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands Department of Public Health Secretary ("Secretary") finds that:

- (1) The attached amendment to the Commonwealth Health Center's Schedule of Fees shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)); and
- (2) The same regulations shall be adopted, after a proper notice and comment period, as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

- (b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, an states in writing its reasons for that finding, it may, with the concurrence of Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt and emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.
- (c) No regulation adopted is valid unless adopted in substantial compliance with this section...

1 CMC § 9104 (b), (c).

THE TERMS AND SUBSTANCE: These Rules and Regulations provide for the adoption of new and amended rates for the services and procedures provided at the

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NUMBER 08 AUGUST 27, 2009

Commonwealth Health Center. Specifically, they provide that services and procedures are priced for billing purpose.

THE SUBJECTS AND ISSUES INVOLVED: These Rules and Regulations:

 Amend and add the attached rates in the Commonwealth Health Center's Schedule of Fees.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Secretary has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASON FOR EMERGENCY ADOPTION: The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

- 1. The Current Procedural Terminology (CPT) Codes determine the structure of the fees at the Commonwealth Health Center. CPT changes make it necessary for CHC to make amendments to their Schedule of Fees, as described by the CPT structure.
- 2. CHC physicians do not necessarily perform services listed in the CPT Manual. Therefore, when physicians find services and procedures are necessary for the medical care of the patient, CHC must price them and include them in the Schedule of Fees.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (see 1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104 (a) (1))

The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105 (b) (2)) This is because the Secretary has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health.

TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding theses emergency

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regulations being presented as proposed regulations, in the February 2009 Commonwealth Register.

These emergency regulations were approved by the Secretary on May 20, 2009.

Submitted by:

(evin Villagomez Secretary of Rinance

Received by:

Esther 9. Flerhing Special Asst. for Administration

Concurred by:

Benigno R. Fitial Governor

Filed and Recorded by:

Esther M. San Nicolas Commonwealth Register *05 ⋅ 21 ⋅ 09* Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104 (a) (3), 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).

Gregory Baka Baka

**Acting Attorney General** 

21 May 09 Date

## Amendments to CHC Fee Schedule

May-09

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COTILIADAS	Description	Physician/Professional	Technical/Facility Fee/Component
CPT/HCPCS	Description	Fee/Component	Fee/Component 5:00
27269	Optx thigh fx		
32020	Insertion of chest tube	178.29	5:00
32421	Thoracentesis for aspiration	194.00	n/a
32551	Insertion of chest tube	410.00	5.00
32602	Thoracoscopy, diagnostic	333.65	5.00
32650	Thoracoscopy, surgical	685.72	5:00
35207	Repair Blood Vessel Lesion Direct; Hand, Finger	1427.07	5:00
37607	Ligation of a-v fistula	540.24	5.00
44126	Enterectomy w/o taper, cong	2172.24	5.00
45378	Diagnostic Colonoscopy	465.00	n/a
49421	Insert Abdominal Drain, Permanent	427.03	5:00
<del></del>	Omental flap, extra-abdom	1450.79	5:00
49905	Omental flap, intra-abdom	425.38	5:00
58300	Insertion of IUD	95.00	n/a
59020	Fetal contract stress test	39.24	114.81
59025	Fetal non-stress test	32.13	107-70
59030	Fetal scalp blood sample	118.19	213.32
59400	Obstetrical care	1803.03	2563,00
59409	Obstetrical care	803.00	1169.00
59410	Obstetrical care	924.07	1325:00
59412	Antepartum manipulation	108.21	161 00
59614	Vbac care after delivery	1211.17	1475,00
59899	Manual Replacement of Inverted Uterus	233.30	n/a
61312	Open skull for drainage	2361.55	5.00
62141	Repair of skull defect	1328.63	5.00

## Amendments to CHC Fee Schedule

May-09

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Physician/Professional Technical/Facility

CPT/HCPC	S Description	240.00	100:00
62270	lumbar puncture	240.00	MUJU
		467.10	5:00
64721	Carpal Tunnel Surgery		
CE 40A	Removal of our legion	975.00	500
65420	Removal of eye lesion	1049.00	5.00
65426	Removal of eye lesion	1043.00	5.00
		140.00	
69000	Drainage external ear, simple		5.00
		190.00	
69005	Drainage external ear, complex		500
ennan	Droinggo out puditory const	175.00	5:00
69020	Drainage, ext. auditory canal	78.00	2:00
69220	Debridement, mast, simple	70.00	5.00
		168.00	
69222	Debridement, mast, complex		5.00
		1346.00	
69320	Reconstruction,external aud	1.000	5.00
69420	Myringotomy w/o anesthesia	139.00	5'00
02460	wymigotomy wio anestresia	179.00	I GOV
69421	Myringotomy w/ anesthesia		5.00
		81.00	
69424	Ventilating tube removal		5.00
00400	Transporter level espeit	148.00	
69433	Tympanostomy, local anesth	201.00	5.00
69436	Tympanostomy, general anes	201.00	5.90
		655.00	
69440	Middle ear exploration		5.00
		749.00	
69501	Transmastoid antrotomy	000.00	5.00
69502	Mastoidectomy, complete	996.00	5.00
00002	micacoucciony, complete	1050.00	S5W
69505	Mastoidectomy, mod.radical		500
		1101.00	
69511	Mastoidectomy, radical		5.00
		147.00	
69540	Excision aural polyp	1280.18	5.00
69604	Mastoid surgery revision	1200.10	5.00
	3.,,	359.00	
69610	Tympanic memb repair		5.00
		478.00	
69620	Myringoplasty		5:00
00004	T	815.00	
69631	Tympanoplasty w/out ossicular		5.00

# Amendments to CHC Fee Schedule

May-09

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Description	Physician/Professio Fee/Component	
ossicular	1029.00	5.00
	BER 8	PAGE 02983
	ossicular VOLUME 31 NUM	Description Fee/Component 1029.00 ossicular VOLUME 31 NUMBER 511.00 MAY 20

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69641	Tympanoplasty, middle ear		5.00
69660	Stapedectomy	945.00	5.00
69720	Decompression facial nerve	1155.00	5.00
69960	Decompression, internal canal	2060.00	5100
72285	X-ray c/t spine disk	58.84	7 <b>38</b> :00÷
90945	Dialysis procedure, with single MD eval	n/a	174:15
90947	Dialysis procedure, with repeated MD eval	n/a	280:64
92552	Pure tone audiometry, air	22.07	135:00
92557	Comprehensive Hearing Test	48.75	108.00
92567	Tympanometry	24.47	<b>48 0</b> 0
92586	Auditor evoke potent, limit	81.45	83/55
92587	Evoked auditory test	7.77	116:16
92950	Cardiopulmonary Resuscitation	177.36	49.15
92975	Coronary Thrombolysis, intracoronary	393.19	156:61
92977	Coronary Thrombolysis, intravenous	286.20	298.80
93005	Electrocardiogram, tracing	n/a	60.00
93012	Transmission of ecg	251.44	π/a
93041	Rhythm ECG, tracing	6.96	19:00
93225	ECG monitor/record, 24 hrs	55.65	H10.00
93231	Ecg monitor/record, 24 hrs	64.12	135.16
93236	ECG monitor/report, 24 hrs	n/a	230:60
93268	ECG record/review	338.47	n/ä
93270	ECG recording	46.80	223.00
93271	Ecg/monitoring and analysis	263.40	rva

# Amendments to CHC Fee Schedule May-09 Page 4 of 5

1 480 1 01 0			
CPT/HCPCS	Description	Physician/Professional Fee/Component	Technical/Facility Fee/Component
94002	Continuous Inhaler, 1st hour	n/a	90.00
94003	Continuous Inhaler, Add'l Hour	n/a	70.00
94010	Breathing capacity test	8.53	115.00
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94060	Wheezing evaluation/Breathing Capacity	Test	760.00
94150	Vital capacity test	n/a	80.75
94375	Respiratory flow volume loop	15.50	78,65
94640	Airway inhalation treatment	14.79	
94642		n/a	28'50
	Airway inhalation, pentamidine	41.37	60.00
94644	Airway inhalation treatment	15.69	40.00
94645	Airway inhalation treatment	38.19	40:00
94660	Pos airway pressure, CPAP	15.87	55 28
94664	Evaluate pt use of inhaler	25.04	30:25
94667	Chest wall manipulation	21.00	5139
94668	Chest wall manipulation		85.50
94750	Pulmonary compliance study	11.81	862.774
94762	Measure blood oxygen level	27.93	1430.71
94770	Exhaled carbon dioxide test	7.29	42.32
96422	Chemo ia infusion up to 1 hr	n/a	551.00
96423	Chemo ia infuse each addl hr	n/a	220:50
96521	Refill/maint, portable pump	156.77	n/a
96522	Refill/maint pump/resvr syst	139.40	n/a
96523	Refill/main pump	n/a	33.65
97001	Physical Therapy, Evaluation	n/a	95100
97002	Physical Therapy, Re-Evaluation	n/a	50:00
97802	Medical nutrition, indiv, in	u/a	82:50

# Amendments to CHC Fee Schedule May-09

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CPT/HCPCS	Description	Physician/Professional Fee/Component	Technical/Facility Fee/Component
97803	Med nutrition, indiv, subseq	n/a	82-50
97804	Medical nutrition, group	n/a	<b>32</b> 00
99143	Mod cs by same phys, < 5 yrs	69.42	n/a
99144	Mod cs by same phys, 5 yrs +	103.51	n/a
99145 COMMONWEALT		25.76 BER 5 MAY 20. 2	nia nno PAGE 029
MONWEALTH F	1	n/a	PAGE 02

99195	Phlebotomy		78.60
99341	Home Visit, Straightforward, NEW	120.00	N STATE OF THE STA
99342	Home Visit, Low complexity, NEW	155.00	p/a
99343	Home Visit, Moderate, NEW	225.00	n/a
99344	Home Visit, comprehensive, NEW	260.00	n/a
99345	Home Visit, comp. High complxity, NEW	325.00	n/a
99347	Home Visit, EST, problem focused	95.00	n/a
99348	Home Visit, EST, expanded	135.00	R/a
99349	Home Visit, EST, detailed	205.00	n/a
99350	Home Visit, EST, comprehensive	298.00	n/a
G0101	CA Screen; pelvic/breast exam	39.21	38.55

### Notes:

- 1. Physician/Professional Fee is a fee for the services of a medical professional
- 2. Facility Fee fees for the services of the hospital/outpatient facility
- 3. Both Professional and Facility fees are charged when the medical professional is an *employee* of CHC. or if the medical professional is contracted to provide services for CHC
- 4. If the medical professional is working for a private clinic, the patient will receive a bill from CHC for the facility fee only and will receive a separate bill from the private clinic for the professional component.
- 5. Some procedures may only have either the professional component or the facility component and therefore, will only have one of the components with a fee.



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial Governor

Eloy S. Inos
Lieutenant Governor

#### **EXECUTIVE ORDER 2009-05**

**DECLARATION OF A STATE OF DISASTER EMERGENCY:** 

COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION AND OTHER FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

#### **CONTINUATION #10**

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect the Governor's preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20 through -22., and EO 2009-01 through -04, except as specifically modified. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200 /2300 Facsimile: (670) 664-2211/2311

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Declaration of Disaster Emergency: CUC Continuation 10

#### I find that:

- 1. All findings and conclusions of EO 2008-10, -13, -17, -20 through -22 and of EO 2009-01 through -04 are incorporated by reference, except as specifically varied in this Executive Order. The narrative paragraphs of this EO address improvements in the circumstances that gave rise to the preceding orders.
- 2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, dieselfired power generators, pursuant to CUC contract # CUC-PG-08-CO16. This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipe-fitters, and the related personnel, materials and supplies. Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies. While CUC must continue to rely on Aggreko's generation, the facility's output has been reliable and of high quality. With the Aggreko contract fee running at roughly \$500,000 per month, and contract advance notice requirements mandating that CUC tell Aggreko whether to stay or leave, CUC approaches a key deadline of September 12. While CUC's customers would benefit from saving the monthly fee, the decision to terminate the Aggreko contact is far from certain. A shortage of manpower forced by legislation limiting skilled foreign workers, shipping delays for delivery of parts, and ongoing unplanned technical issues will complicate the CUC decision. A premature termination could plunge Saipan into blackouts.
- 3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would trigger renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, thereby effecting a shutdown of this required 15 MW of capacity. There is no indication that any of the above situation will be resolved in the next month,
- 4. CUC faces additional challenges due to the failure of its electric distribution facilities. However, some of these challenges have been met, and some of the conditions have been moderated settle on the jump of the three by whether shape and data one deligate it is an and which applies the beat made to the englished to be here he will be a second

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- In particular, the transformer feeding the Chalan Kiya distribution transformer а still requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the prison, the Courthouse and Public Safety offices, water wells in the Airport area and the Agingan Point sewage treatment facilities. CUC continues to operate without the back-up 34.5 KV Power Plant Substation for Kiyas 1,2 and 4. However, CUC has settled issues with the manufacture. Waukesha has agreed to repair the unit and their techs are expected to arrive in late June. Due to the time required to mobilize off island men and materials, and then analyze and fix technical issues they find here, the work may not be completed in the next month, however. Until the repair work is done on the backup unit, therefore, the risk of a half-island outage remains.
- b. The distribution system lacked airbrake switches and reclosures on each of its 7 circuits, or feeders, so that small feeder faults tripped breakers at Power Plant #1, bringing large parts of the system off-line. The new equipment has been specified and has been procured, with some arriving already. The new equipment is being installed to avoid these problems. (See below, paragraph 6.) To residential the air submooth to drive that I had I had been also
- c. During January Saipan experienced 22 hours of partial blackouts and one 4-hour whole-island blackout. The situation has markedly improved. In February Saipan experienced 23 hours of partial field outages, but no whole island blackout. Some of the outages were necessary, scheduled outages. Virtually all of these outages were due to deteriorated power distribution hardware. Thus, CUC has achieved relatively good generation system reliability. It has developed a plan to upgrade the distribution system, and, with increasingly stable revenues, is implementing the plan. Old dilapidated power pole hardware has been an ongoing issue, resulting in most of the field outages. However, materials, including insulators, fuse cutouts and fuse holders, have arrived and maintenance schedules are being prepared to deal with the most severe issues first. This repair work will be ongoing for some time. re orang an Albahar. Ta their wild ta wild to that, you give his beauty and
- d. Also, the service trucks were failure-prone, interfering with service and repair of other facilities. CUC has instituted a repair and maintenance plan to increase service vehicle reliability, including a series of qualified vehicle repair contracts and increased employee responsibility for their vehicles. Nonetheless, failed trucks have limited CUC's ability to attend to system maintenance on a timely basis. Patentie te finale te transferente de la finale de la esta de la esta de la composition della c
- 5. Federal court Stipulated Order # 2, relating to the used oil from the engines for four facilities (Power Plants 1, 3, 4 and Rota) and all CUC transformers addresses major issues. CUC over the

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years has built up a storage of approximately 466,000 gallons of used oil within various facilities. Improper maintenance over the last 15 years of the plant and improper protection of the related pipeline and tank structures have rendered many of the tanks, including Tank 104, 101, and 102, a threat to the lagoon and shoreline of Saipan, and to the water table. CUC must take emergency steps to remove such threats from impacting the water, the community, and, of course, our remaining principal industry, tourism. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed.

- a. The removal must comply with federal environmental law. CUC lacks the internal capability to carry out the removal and must contract for these services. A related concern is the effect on the structural integrity of Tank 104 which drawing down its contents will create; suggesting that the proper plan and contractor are critical. In the meantime, CUC has been trying to reduce its 2800 drums of used oil through incineration. This situation will continue to challenge CUC well past the next month. and a figuration of the first term of the company o
- b. CUC is taking concrete steps to resolve this situation, in compliance with the federal stipulated order in USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 2"). See also http://www.usdoj.gov/enrd/Consent Decrees html. It has undertaken an emergency, competitive procurement for expert oil-issue-related environmental consulting firms to help it timely and competently meet the requirements of the first 90 days' deliverables in Stip Order 2. It has been incinerating oil stored in drums and has provided drums to Island businesses which can properly burn the oil to make power. It is developing plans for "secondary containment", typically berms, for the oil drums.
  - CUC has appointed a manager to address Stip Order 2 issues and hired expert c. firms to help it meet tight, complex, federal deadlines. The key objectives are to reduce generation of used oil at the source, the engines and transformers, and replace equipment that contributes to the problems. CUC will also, necessarily, reduce storage at all the sites (source elimination/reduction) and insure proper containment during the reduction phase. Oil-handling pipelines must also be properly managed. Disposal is a challenge, requiring multiple strategies. These include: recycling, through outside vendors and burning directly to make electricity; incinerating at the plant; developing a CUC-private sector partnership to reprocess and sell; recycling internally; disposing outside of the CNML. All

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Declaration of Disaster Emergency: CUC Continuation 10

actions must, and will, be coordinated with the US EPA and CNMI DEQ, with prior approvals, which adds to the time required to accomplish the fixes.

- 6. CUC has substantially minimized the risk of losing generation capacity, which has created intermittent blackouts on portions of its system.
  - The Island of Saipan lost power on January 10 when poorly maintained protective a. devices in the distribution system failed, and protective relays at Power Plant #1's busbar also failed, thereby exposing the generators to a transient, causing the generators' own relays to trip. (See above, paragraph 4.b.) CUC is repairing the distribution system equipment and taking steps to increase the manpower needed for a proper protective system. (See below, paragraphs 6.c and 9.c, on manpower.) We are not free of technical challenges: Saipan had a island-wide blackout on May 20 that lasted 1 hour. an 3000-as
- b. CUC continues to rehabilitate Power Plant #1 engine/units No.'s 5 and 1. The rehab of engine No. 7 by CUC staff has been completed. CUC tries to maintain and rehabilitate the operating units to adequately meet load. CUC has secured federal funds to buy needed parts to avoid outages. But, in spite of advertising locally, CUC lacks the contractors or in-house staff to carry out complete 6 CERT has a maintenance and repair; by that all learning proceeds a capable of the Base process. uncommerc block was on postsom Allis sy
  - c. A major challenge to carrying out this rehabilitation will be finding as soon as possible the 8 more mechanics and 8 more operators who are needed to carry out this project and run the equipment. They must be ready for service when needed and they must be affordable. But there is a shortage of such US professionals with experience with CUC's type of engines. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding all the qualified candidates. CUC has identified 16 potential new staff after interviews - 7 mechanics, 1 welder, 1 machinist, and 7 operators. Two of the operator candidates are US citizens, one. Presently CNMI law (PL 16-14) prohibits CUC from hiring any more non-US technical workers than the 19 skilled professionals presently with CUC. CUC plans to ask the Legislature for relief from this statute regulating the Government's work force. In the meantime CUC is concerned that any significant reduction in its present technical workforce, as by the feared swine flu pandemic, could seriously compromise CUG's ability to generate and distribute power. The second residues as as as form of the second of the
  - CUC is presently operating with 60 MW of power generation to meet the recently experienced peak loads of about 40 MW. PP #1 offers 25 MW and PP

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#2 offers 6 MW. The PP #1 capacity includes units 6 and 8, which are undergoing maintenance that allows them to be brought on line from standby, for emergency purposes. Utility industry safety margins for isolated, island systems, typically require a reserve equal to the capacity of the two largest units; in CUC's case this would be another 15 MW of load. The independent power producers provide as follows: PP #4 generates 14 MW and Aggreko generates 15 MW. This means that PP #4 and the Aggreko units are essential to meeting Saipan load of about 40 MW plus the reserve margin.

- There is no indication that any of the above situation will be resolved in the next e. month.
- 7. The water/wastewater division has been negatively impacted during the past month, and has experienced some improvements in the past month:
- Designation of University tradegraphs (CSI Comparation 1): CUC is providing more water to more people than ever before. Four wells are a. down, however, due to low water levels, salinity and heat. As fresh water supplies decreased with the dry season, the pumps had to operate in more difficult conditions, which caused the failures. CUC has bottomed out on the fresh water supplies in some of the aquifers. While some water supplies have been compromised, if the rains resume soon there will be adequate water. Rains, however, have not been strong. Therefore, CUC Water Division technical staff have determined that declaration of a water emergency may be required.
  - d about 40 MeW plus the reserve margin CUC has installed over 2,000 new Severn-Trent smart meters, manufactured for b. the CNMI's environment. Another 3,500 were ordered, shipped, and awaiting Ċ. delivery.
- The water well drill rig has been out of service, awaiting parts and service, C. 7. The water scheduled to come in June. The rig's unavailability continues to impede CUC's ability to expand service.
  - d. The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance. While the Agingan Point treatment plant waits for delivery of drive components so that staff can repair the non-functioning clarifier, staff have fabricated drives from a junked 20-year old unit. CUC staff have rebuilt non-functional equipment with spare parts. The solids inventory has stabilized, but the plant is still operating outside of limits for BOD and enterococci. The Sadog Tasi Plant's solids handling equipment still awaits proper parts, so, in the meantime the staff jury-rigged treatment equipment from scrap

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material. Tons of biosolids still must be processed later. The aeration system is compromised by large leaks. The bids for the projected rehab of Sadog Tasi were twice the amount of CUC's projected budget, requiring a halt to the project schedule, and a continuing search for more funds. There is no indication that this situation will be resolved in the next month.

- 8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 1"). See also http://www.usdoi.gov/enrd/Consent Decrees.html. In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only portions of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. Continued electric service revenues are critical, because the Commonwealth Public Utilities Commission has determined that CUC presently runs its water/wastewater system at a \$7 million per year loss. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month. Nonetheless, the Water and Wastewater Division has continued to meet Stip Order 1 deliverables within the prescribed time frame.
- 9. CUC faces additional, critical challenges in the water/wastewater area. Failures of key aspects of the systems could harm our people and our ability to meet our commitments to the EPA and the federal district court.
  - As of this writing, four different pumps are out of service at CUC water wells and two major sources are dry. See above.
- b. Materials have entered the wastewater collection pipes through pipe failure. Pipe failures result from age (some over 30 years old) and undue corrosion. For instance, the iron pipe for the main pumping station to the Agingan Point Wastewater Treatment Plant failed completely after only six years of service. Sewage lift stations are vulnerable. Approximately 60 miles of force and gravity sewer mains have been compromised by naturally occurring hydrogen sulfide gas. This means holes throughout and 200-foot section collapse in San Jose. While this collapse was fixed, other collapses are likely.

- c. Three new backup pumps for sewage transport arrived this past month.. The backup generators in the wastewater treatment plants have failed and do not function. CUC has put out a work order for assessment and potential repair of the generators. The only cost-effective responses were from foreign nationals, one of whom who had an excellent track record in assessment and repair. But local law prohibited the hire.
- d. While CUC staff are working hard to fix these problems, CUC lacks the manpower or available funding to fully address these conditions.
- e. New water rates, set by the Commonwealth Public Utilities Commission, only partially provide for full cost recovery, due to the potential "rate shock" effect of full cost rates. Due to billing lag, those rates do not produce meaningful Evil Nationals revenues for 60 days, or until June collections. Partially adequate wastewater Decigrations rates are still before the Commission for review.
- 10. The CPUC issued a partial electric rate case opinion and order on December 19, 2008. Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters, Decision and Order (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's electric rates for three-to-six months, including CUC's fuel clause rates. There are escape valve provisions of the order, but these have not yet been tested. In its most recent LEAC order, of April 2, 2009, in the same docket, the Commission modestly reduced rates in order to reflect, among other things, the lowered world price of oil.
  - á. If the Commission order's estimated oil price rate is too low, CUC could be prevented from purchasing needed supplies and material, including oil, during the period between the perceived price rise and the entry of a CPUC emergency order. Such a contingency would impede CUC's ability to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko, and to begin steps to meet the above-referenced federal consent orders. CUC must continue to pay eash for oil, often weekly. We dequate wastewater rice for suff before the Controlly broken by herea.
- CUC has begun to develop cash reserves pursuant to the new rates from the b. 10. The CPUC's developing regulatory Investigation (relationship has addressed funding required personnel, material and supplies idual Mutters, Decis while CUC takes steps to enhance efficiency and accountability. The preceding rates for three EO 2009-03 clarified the broad scope of the CPUC's power and authority, and the provisions of limited reasons for restrictions during this disaster emergency. The revised, April 2, 2009, clarifying language of the EO continues in this EO. 2019 to the following language of the EO continues in this EO. arrang other talkied the folderill world once of oil.

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- 11. The CPUC's Contract Protocol Order of December 19, 2008, agreed to by CUC, also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency, particularly if the 35-day approval period were observed (para. 2(c)); however, due to continued interaction between CUC and the CPUC it is thought that the two agencies will be able to communicate on all but the most sudden of emergencies.
- 12. CUC has been unable to borrow money to run its operations since the inception of this State of Disaster Emergency due to (a) its poor financial condition and (b) the existence on its books of a liability to the Commonwealth Development Authority ("CDA") of approximately \$115 million. This situation must be corrected.
- a. That booked obligation has rendered CUC nominally insolvent. WhileCUC is deemed insolvent, CUC cannot borrow money.
- b. But CUC must be able to borrow money to bridge the need to spend money with the lagged collection of revenues. While the CPUC, in its oversight of CUC, has begun to address improvements in CUC's finances, sound business practices productions or equire that CUC be able to borrow money. The baseline in the second of the manual of

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- c. Further CUC has functioned without a Board of Directors, because it has had to. While CUC's enabling act, now PL 16-17, as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's Office have diligently tried to find Board volunteers who meet the statutory qualifications, they have been unable to do so. Nonetheless, CUC must continue to function, including it must be able to resolve the CDA relationship to allow it to borrow money, and make the executed many at the Article Article and installing the material training and the committee of
  - d. The Legislature has fully authorized CUC to settle the matter with CDA. CUC has come to an agreement to eliminate the CDA debt, converting the debt to preferred stock, forgiving some of the principal, postponing interest payments and giving CDA a Board of Directors seat. But Contain in the all it is the contained to the contained to the contained of the contained in the contained
  - CUC and CDA have settled the matter. CUC has petitioned the Commission this past month for approval of the settlement.

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- f. But CDA required that CUC's Board accept the deal. Therefore, it is critical that CUC sign the deal with the authority of a Board. My directive below provides such authority to the Executive Director. It also permits him to continue to run CUC, providing power, water and wastewater services, until the remaining members of a Board can be identified, confirmed, and convened for business.
- 13. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

In contain that they be not a larger of the Containing in the fit Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

- (f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:
- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, The amount the rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping from the Conswith the emergency; the published from his

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- (2) Utilize all available resources of the Commonwealth as reasonably fixervise of the necessary to cope with the disaster emergency of the Commonwealth; red
- (3) Transfer the direction, personnel, or functions of the Commonwealth the State of Di departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3). The define sower double statement that the virial by the statement of the statement

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I direct:

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a written finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements, CUC must fully document all such procurement activity for Executive, CPUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, as amended, and orders issued under either are suspended insofar as they would require the CPUC's advance approval of CUC contracts and other procurement measures which: (1) relate to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency; and (2) are in an amount of less than \$350,000. Except that the \$350,000 limitation on the suspension shall itself be lifted if the following takes place: the CUC Executive Director makes a written finding that such compliance is not feasible for purposes of responding to an emergency. Thereafter, within three days, or as soon thereafter as emergency conditions allow, the Executive Director shall file details of the procurement activity with

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years ordess to distribute abid at a common to organização función to fit, apart 1877 - ดีอาหาก เปลดี ดี กระ y and man manufactively and parameters (1917). Parameters to be an earlier of

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Directive 4: All regulatory statutes and regulations relating to the Aggreko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved. And Alexander through the SELT 600 maintains on the surgransform, nathaigh for hit a airleachdas una mars ptaren and 1730 begant actalisean.

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters कर में अन्य महाराज्य एक राजिन अमेरिक कर कर के कि मिल कर महिला कर के कि कर कर कर कर है।

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Declaration of Disaster Emergency: CUC Continuation 10

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiya-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon. The production of Disaster Congression: CAC Continuation 10.

Directive 8: Reserved.

Directive 9: The Executive Director of CUC shall have all the powers of the CUC Board, thereby enabling him to carry out all critical business of CUC, pending the earlier of either (1) the confirmation and convening of an operating CUC Board, or (2) the termination of the authority of this order. In particular, the Executive Director shall have full power and authority to agree to swap CDA debt and related obligations for preferred stock and related features and rights. Directive 6: CUC half produce as more as practicable the recessors we half expents.

and other labor, parts and inspecies to remade the follows of extension. Keep telep d

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As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the CPUC or the CPUC's issuance of a certificate of convenience and necessity. Each of these CPUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime.

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to Built proved abilt statistically built has to a self-little and to be statistical about the confirmal

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Directive 9.1 The Libertine Director of CFC small have all the growing of the CGC

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enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power equipment into service.

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. 1 CMC § 7403(a); 3 CMC § 5121(c). A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 31st day of May 2009.

/benign $\phi$  r. fitial

Governor

Exec Ord 2009-05 CUC Disaster Emergency continuation 10 (3) May091.wp

**AUGUST 27, 2009** 



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial Governor

Eloy S. Inos Lt. Governor

#### **EXECUTIVE ORDER 2009-06**

DECLARATION OF A STATE OF DISASTER EMERGENCY:
COMMONWEALTH UTILITIES CORPORATION'S
IMMINENT GENERATION AND OTHER FAILURE AND THE NEED
TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

#### **CONTINUATION #11**

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect the Governor's preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20 through -22., and EO 2009-01 through -05, except as specifically modified. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

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Declaration of Disaster Emergency: CUC Continuation 11

#### I find that:

a.

- All findings and conclusions of EO 2008-10, -13, -17, -20 through -22 and of EO 2009-01 through -05 are incorporated by reference, except as specifically varied in this Executive Order. The narrative paragraphs of this EO address improvements in the circumstances that gave rise to the preceding orders.
- 2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, dieselfired power generators, pursuant to CUC contract # CUC-PG-08-CO16.
- This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. 1 (3 / 10094)/6 Although the Aggreko installation is professionally managed, events can occur Here applied to the property of the attention of non-CUC personnel, including security, pipe-fitters, and the related personnel, materials and supplies.
- Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies. While CUC must continue to rely on Aggreko's generation, the facility's output has been reliable and of high quality. With the Aggreko contract fee running at roughly \$500,000 per month, and the proceding c contract advance notice requirements mandating that CUC tell Aggreko whether to stay or leave, CUC approaches a key deadline of September 12. While CUC's customers would benefit from saving the monthly fee, the decision to terminate the hower gothe Aggreko contact was not final, until recently. Color
  - c. A shortage of manpower forced by legislation limiting skilled foreign workers, shipping delays for delivery of parts, and ongoing unplanned technical issues complicated the CUC decision. For instance, since March 2009, CUC has been trying to hire 16 new employees, consisting of 8 mechanics and 8 power plant operators. CUC vigorously recruited locally, but, as of today, only 3 qualified operators have been hired. At the same time CUC lost another 3 plant employees, who resigned for various reasons. While CUC may be able to bring on entry-level trade assistants, it still needs 16 qualified technical employees to make the production system work right.
  - However, CUC has determined that it should be able to produce from its owned units by September 12 at least 55 MW. This would give CUC a reserve of 15 MW, the minimum needed to reliably manage the system. CUC gave Aggreko notice on June 12, 2009, that the contract will not be extended.

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of the Administration with the confidence of the

- This decision to rely on CUC's own generation, at a substantial cost e. savings for the people of the CNMI, is safe as long as CUC can employ the staff required to manage its system. Aggreko was not bound by the artificial US-only hiring decision presently mandated by CNMI legislation. It is rational to expect that CNMI law will change to permit the islands' key industry to operate rationally, and hire the people essential to providing critical electric, water and wastewater services.
- f. Until Aggreko ends service, the CUC environmental conditions discussed below will be in effect
- 3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would trigger renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, thereby effecting a shutdown of this required 15 MW of capacity. There is no indication that any of the above situation will be resolved in the next month.
- 4. CUC faces additional challenges due to the failure of its electric distribution facilities. However, some of these challenges have been met, and some of the conditions have been I mile Appear of Linds services. The CFC perchronne and conditions is decised. moderated.
- In particular, the transformer feeding the Chalan Kiya distribution transformer still requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the prison, the Courthouse and Public Safety offices, water wells in the Airport area and the Agingan Point sewage treatment facilities. CUC continues to operate without the back-up 34.5 KV Power Plant Substation for Kiyas 1,2 and 4. However, CUC has settled issues with the manufacture. Waukesha has agreed to repair the unit and their techs arrived on June 26. The expected completion date for the project is the first week of July. Until the repair work is done on the backup unit, therefore, the risk of a half-island outage remains.

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The distribution system lacked airbrake switches and reclosures on each of its 7 circuits, or feeders, so that small feeder faults tripped breakers at Power Plant However som #1; bringing large parts of the system off-line. The new equipment has been specified and has been procured, with some arriving already. The new equipment is being installed to avoid these problems. (See below, paragraph 6.)

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a.

- c. During January Saipan experienced 22 hours of partial blackouts and one 4-hour whole-island blackout. The situation has markedly improved. In February Saipan experienced 23 hours of partial field outages, but no whole island blackout. Some of the outages were necessary, scheduled outages. Virtually all of these outages were due to deteriorated power distribution hardware. Thus, CUC has achieved relatively good generation system reliability. It has developed a plan to upgrade the distribution system, and, with increasingly stable revenues, is implementing the plan. Old dilapidated power pole hardware has been an ongoing issue, resulting in most of the field outages. However, materials, including insulators, fuse cutouts and fuse holders, have arrived and maintenance schedules are being prepared to deal with the most severe issues first. This repair work will be ongoing for some time.
- d. Also, the service trucks were failure-prone, interfering with service and repair of other facilities. CUC has instituted a repair and maintenance plan to increase service vehicle reliability, including a series of qualified vehicle repair contracts and increased employee responsibility for their vehicles. Nonetheless, failed trucks have limited CUC's ability to attend to system maintenance on a timely basis; and all if the most rain a civer men, is the recovered below.
- 5. Federal court Stipulated Order # 2, relating to the used oil from the engines for four facilities (Power Plants 1, 3, 4 and Rota) and all CUC transformers addresses major issues. CUC over the years has built up a storage of approximately 466,000 gallons of used oil within various facilities. Improper maintenance over the last 15 years of the plant and improper protection of the related pipeline and tank structures have rendered many of the tanks, including Tank 104, 101, and 102. a threat to the lagoon and shoreline of Saipan, and to the water table. CUC must take emergency steps to remove such threats from impacting the water, the community, and, of course, our remaining principal industry, tourism. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed.
  - The oil removal must comply with federal environmental law. CUC lacks a. the internal capability to carry out the removal and must contract for these services. A related concern is the effect on the structural integrity of Tank 104 which drawing down its contents will create; suggesting that the proper plan and contractor are critical. In the meantime, CUC has been trying to reduce its 2800 drums of used oil through incineration. This situation will continue to challenge CUC well past the next month. ing a final box substantives in disc

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Declaration of Disaster Emergency: CUC Continuation 11

- b. CUC is taking concrete steps to resolve this situation, in compliance with the federal stipulated order in USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 2"). See also http://www.usdoj.gov/enrd/Consent Decrees.html. It has undertaken an emergency, competitive procurement for expert oil-issue-related environmental consulting firms to help it timely and competently meet the requirements of the first 90 days' deliverables in Stip Order 2. It has been incinerating oil stored in drums and has provided drums to Island businesses which can properly burn the oil to make power. It is developing plans for "secondary containment", typically berms, for the oil drums.
  - CUC has appointed a manager to address Stip Order 2 issues and hired expert firms to help it meet tight, complex, federal deadlines. The key objectives are to reduce generation of used oil at the source, the engines and transformers, and replace equipment that contributes to the problems. CUC will also, necessarily, reduce storage at all the sites (source elimination/reduction) and insure proper containment during the reduction phase. Oil-handling pipelines must also be properly managed. Disposal is a challenge, requiring multiple with strategies. These include: recycling, through outside vendors and burning directly to make electricity; incinerating at the plant; developing a CUC-private sector partnership to reprocess and sell; recycling internally; disposing outside of the CNML attributed stated environmental consulting firms to help a timely and

control onto men the recobements of the first 90 days' ediverables in Nin Order

- d. All actions must, and will be coordinated with the US EPA and CNM DEO, with prior approvals, which adds to the time-required to accomplish the fixes: constant mentioning of the problem because for the oil drages.
- A major challenge will be the funding required to fully comply with all e. federal requirements. Scope, and therefore, cost, will be clearer only after the above investigations are completed and response actions are EPA-approved. and replace confirment that contributes to the problems, CCC will also.

perestable, established like abditions by (source dimination/reduction) and

- 6. CUC has substantially minimized the risk of losing generation capacity, which has created intermittent blackouts on portions of its system. Mayoranasis a Haller La the quiries analysis summunds. – The coloridad normal and the duff consider i and one wild their incoding director.
  - The Island of Saipan lost power on January 10 when poorly maintained a. protective devices in the distribution system failed, and protective relays at Power Plant #1's busbar also failed, thereby exposing the generators to a transient, causing the generators' own relays to trip. (See above, paragraph 4.b.) CUC is repairing the distribution system equipment and taking steps to increase the manpower needed for a proper protective system. We are not free of technical challenges: Saipan had a island-wide blackout on May 20 that lasted 1 hour.

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6. CUC has substantially tradingly-divine risk of Pown Francischer aurbeing which has been accepted

- Ъ. CUC continues to rehabilitate Power Plant #1 engine/units No.'s 5 and 1. The rehab of engine No. 7 by CUC staff has been completed. CUC tries to maintain and rehabilitate the operating units to adequately meet load. CUC has secured federal funds to buy needed parts to avoid outages.
- A major challenge to carrying out this rehabilitation will be finding as c. soon as possible the 8 more mechanics and 8 more operators who are needed to carry out this project and run the equipment. They must be ready for service when needed and they must be affordable. But there is a shortage of such US professionals with experience with CUC's type of engines. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding all the qualified candidates. CUC has identified 16 potential new staff after interviews — 7 mechanics, 1 welder, 1 machinist, and 7 operators. Two of the operator candidates are US citizens, one. Presently CNMI law (PL 16-14) prohibits CUC from hiring any more non-US technical workers than the 19 skilled professionals presently with CUC. CUC plans to ask the Legislature for relief from this statute regulating the Government's workforce. In the meantime CUC is concerned that any significant reduction in its present technical workforce, could seriously compromise CUC's ability to generate and distribute power.
- d. CUC is presently operating with 60 MW of power generation to meet the recently experienced peak loads of about 40 MW. PP #1 offers 25 MW and PP #2 offers 6 MW. The PP #1 capacity includes units 6 and 8, which are undergoing maintenance that allows them to be brought on line from standby, for emergency purposes. Utility industry safety margins for isolated, island systems, typically require a reserve equal to the capacity of the two largest units; in CUC's case this would be another 15 MW of load. The independent power producers provide as follows: PP #4 generates 14 MW and Aggreko generates 15 MW. This means that PP #4 and the Aggreko units are essential to meeting Saipan load of about 40 MW plus the reserve margin. So the Way CNM law reliable by profine at 14 la car materiale e 1978, politica diliminale della come terra di la 19 sulta come la come accide

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- There is no indication that any of the above situation will be resolved in e. the next month, as a secretary and a second of the second
- ang sagit til kolon. Dan her se besprins blet i Ringe at warding ble konstruction. I og skripter til til skriftet til kolonier kan had blette besprinske skriptet i skriptet. 7. The water/wastewater division has been negatively impacted during the past month, and has experienced some improvements in the past month:
  - HER TO A SERVICE AND A SERVICE OF THE SERVICE AND A SERVICE AS A SERVICE OF THE CUC is providing more water to more people than ever before. Four wells a. are still down, however, due to low water levels, salinity and heat. As fresh water supplies decreased with the dry season, the pumps had to operate in more difficult conditions, which caused the failures. Regular pumping activities continued to drain the fresh water supplies in many of the aquifers last month. June rainfall

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Declaration of Disaster Emergency: CUC Continuation 11

amounted to just under 6 inches. Little of this rainfall matched or exceeded "plant root demand". This resulted in little, if any, aquifer recharge. We are not yet at adequate water supplies.

- b. CUC has installed over 2,000 new Severn-Trent smart meters. manufactured for the CNMI's environment. Another 2000 have been delivered and are awaiting clearance from Customs. A 4-person crew has been tasked with installing these meters.
- The water well drill rig has been out of service, awaiting parts and service, c. scheduled to come in June. The rig's unavailability has continued to impede CUC's ability to expand service. But the rig has now received factory maintenance. Drill rig staff are planning to develop new wells in July.
- Declar divaged Disaste The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance.

amounted to be a timeter of brokers. In little of this rainfull materied or executed of plane

i. The Agingan Point plant is generating effluent at near-environmentalpermit performance levels. The lack of staffing, proper equipment and spare parts threatens recent gains. While the treatment plant waits delivery of drive components so that staff can repair the non-functioning clarifier. belt press, and pumps, staff have fabricated drives from a junked 20-year and arcold unit. CUC staff have rebuilt non-functional equipment with spare parts. The solids inventory has stabilized, but the plant is still operating iust outside of limits for BOD and enterococci.

he were well drill rig has been our of anylor rewriting puris and an acc.

ii. The Sadog Tasi Plant's solids handling equipment continues to await proper parts, so, in the meantime the staff jury-rigged treatment equipment from scrap material. Tons of biosolids still must be processed later. The aeration system is compromised by large leaks. The bids for the projected rehab of Sadog Tasi were twice the amount of CUC's projected budget, requiring a halt to the project schedule, and a continuing search for more funds. CUC plans to use ARRA stimulus funds to complement about \$550,000 in DOI-administered compact funds identified last year, and address the issue. Presently, CUC's Wastewater Division deems the plant to be "marginally operable." There is no indication that this situation will be resolved in the next month.

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8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 1"). See also http://www.usdoj.gov/enrd/Consent Decrees.html. In July 2008 CUC, the CNMI Page 7 of .14

(i) Saparino del Consenso Languagemento Col Continuation (1)

and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only portions of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. Continued electric service revenues are critical, because the Commonwealth Public Utilities Commission has determined that CUC presently runs its water/wastewater system at a \$7 million per year loss. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month. Nonetheless, the Water and Wastewater Division has continued to meet Stip Order 1 deliverables within the prescribed time frame.

9. CUC faces additional, critical challenges in the water/wastewater area. Failures of key aspects of the systems could harm our people and our ability to meet our commitments to the EPA and the federal district courties Court on the disc the Complaint was fibed. These orders

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of CUC's 47 sewer lift stations 43 have only one pump instead of the two which industry standards and public health require. CUC sought bids for the timent systemplacements, and will be contracting for the work, ration vapuability has only nordings of these systems. Cir.Cir ability to buy and install needed parts and contribls rests on te-

the become notice of Materials have entered the wastewater collection pipes through pipe with and the sear failure. Pipe failures result from age (some over 30 years old) and undue assemble corrosion. For instance, the iron pipe for the main pumping station to the Agingan Point Wastewater Treatment Plant failed completely after only six years of service. Sewage lift stations are vulnerable. Approximately 60 miles of force and gravity sewer mains have been compromised by naturally occurring hydrogen sulfide gas. This means holes throughout and 200-foot section collapse in San Jose. While this collapse was fixed, other collapses are likely. 6. C. C. makes addenound sential challenges in the water wester after area. Publicus of key

c. Three new backup pumps for sewage transport arrived in May. The backup generators in the wastewater treatment plants have failed and do not function. CUC needs skilled technicians to fix the wastewater systems. CUC put out a work order for assessment and potential repair of the generators. The only cost-effective responses were from foreign nationals, one of whom who had an excellent track record in assessment and repair. But local law prohibited the hire, because CUC has used up the very modest level of statutorily-available non-local hires for the critical power plant rehabilitation. So CUC did not hire the individual: ตอกกลายองโรงอยุที่ก็ต้อยตองอยุตอะตองโดยกลังโดง (กองโรงส์ที่โดง) ตกต่อย (การโร

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- d. While CUC staff are working hard to fix these problems, CUC lacks the manpower or available funding to fully address these conditions. Staffing is simply inadequate to meet system maintenance and operational requirements. For instance, operating staffing is less than 1 year ago, and is over 30 percent less than 7 years ago. While CNMI legislation demands US citizen hires, CUC has exhausted the market. There are qualified, immediately available non-US CNMI technicians, but the Legislature has prohibited CUC from hiring them. Without relief from this law soon, CUC may not be able to maintain a safe public health system.
- New water rates, set by the Commonwealth Public Utilities Commission, e. only partially provide for full cost recovery, due to the potential "rate shock" effect of full cost rates. Due to billing lag, those rates do not produce meaningful revenues for 60 days, or until June collections, which have only recently begun, Partially adequate wastewater rates are still before the Commission for review. While this rate relief is important, CUC will continue to work with the PUC to develop rates that fully pay the costs of safely operating CUC's water and wastewater systems we funding to fully address these candidates. Madfing is

simple incleased to make system meantenance and operational requirements. For lies are on operation shalling is less than Thear ago, and in over 30 percent is a time

- 10. The CPUC issued a partial electric rate case opinion and order on December 19, 2008. Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters, Decision and Order (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's electric rates for three-to-six months, including CUC's fuel clause rates. There are escape valve provisions of the order, but these have not yet been tested. In its most recent LEAC order, of April 2, 2009, in the same docket, the Commission modestly reduced rates in order to reflect, among other things, the lowered world price of oil. Journal wealth Public Unlities Commission. only parabilly madade for fulf cost receivers, due to the notantial trate shock
- If the Commission order's estimated oil price rate is too low, CUC could be prevented from purchasing needed supplies and material, including oil, during the period between the perceived price rise and the entry of a CPUC emergency order. Such a contingency would impede CUC's ability to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko, and to begin steps to meet the above-referenced federal consent orders. CUC must continue to pay cash for oil, often weekly. Oil prices are now rising, and CUC rates may be inadequate to cover them. The CPU C is seen a such a Substitute distribution and demand defendar Defender Defender Defender.
- b. CUC has begun to develop cash reserves pursuant to the new rates from the December and April rate orders. CUC's and the CPUC's developing regulatory relationship has addressed funding required personnel, material and supplies while CUC takes steps to enhance efficiency and accountability. The April 2, 2005 preceding EO 2009-03 clarified the broad scope of the CPUC's power and arrans, driver through the book traditional project but bel

Page 9 of 14

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authority, and the limited reasons for restrictions during this disaster emergency. The revised, clarifying language of the EO continues in this EO.

- 11. The CPUC's Contract Protocol Order of December 19, 2008, agreed to by CUC, also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency, particularly if the 35-day approval period were observed; however, due to continued interaction between CUC and the CPUC it is thought that the two agencies will be able to communicate on all but the most sudden of emergencies.
- 12. CUC has been unable to borrow money to run its operations since the inception of this State of Disaster Emergency due to (a) its poor financial condition and (b) the existence on its books of a liability to the Commonwealth Development Authority ("CDA") of approximately \$115 million. This situation must be corrected.
  - That booked obligation has rendered CUC nominally insolvent. While CUC is deemed insolvent. CUC cannot borrow money. Fire Control of Carrier Hamey Code, in Dasanber 19, 2008 agreed to be CEC, also

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But CUC must be able to borrow moneyto bridge the need to spend money with the lagged collection of revenues. While the CPUC, in its oversight of CUC, has begun to address improvements in CUC's finances, sound business sample of the practices require that CUC be able to borrow more. The property and the sample of the

man row, and the finite reasons if the thickonsidium the discourage, reac

- c. Further CUC has functioned without a Board of Directors, because it has had to. While CUC's enabling act, now PL 16-17 as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's Office have diligently tried to find Board volunteer who meet the statutory qualifications, they have been unable to do so. Northeless, CUC must continue to function, including it must be able to resolve the CDA relationship to allow it notified line to borrow money.
  - The Legislature has fully authorized CUC to settle the matter with CDA. d. CUC has come to an agreement to eliminate the CDL debt, converting the debt to preferred stock, forgiving some of the principal, postoning interest payments and giving CDA a Board of Directors seat: The extrangle of the commence of the control of the

AND THE CONTRACTOR OF A PARTY PARTY.

CUC and CDA have settled the matter. CUC has petitioned the Commission for approval of the settlement. The mater should be heard by the PUC at its August meeting. The angrey that is productive that character and the with the terms.

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Declaration of Disaster Emergency: CUC Continuation 11

- But CDA required that CUC's Board accept the deal. Therefore, it is f. critical that CUC sign the deal with the authority of a Board. My directive below has provided such authority to the Executive Director. It also permits him to continue to run CUC, providing power, water and wastewater services, until the remaining members of a Board can be identified, confirmed, and convened for business.
- 13. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

- (f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:
- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services; (f) In addition is appropriate provers conferred upon the Coversion by Low.

3 CMC § 5121(f)(1)-(3). Literary is salte of distributor emergence

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other Suspend the provisions of any regulatory statute prescribing the

Declaration of Disaster Emergency: CUC Continuation 11

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a written finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, CPUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, as amended, and orders issued under either are suspended insofar as they would require the CPUC's advance approval of CUC contracts and other procurement measures which: (1) relate to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency; and (2) are in an amount of less than \$350,000. Except that the \$350,000 limitation on the suspension shall itself be lifted if the following takes place: the CUC Executive Director makes a written finding that such compliance is not feasible for purposes of responding to an emergency. Thereafter, within three days, or as soon thereafter as emergency conditions allow, the Executive Director shall file details of the procurement activity with the CPUC parallelistic as made 1. C. Halling as Director to a small experiment or over

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less combinatività della Secolution (1974), de Jella Auditaria cell'oggistation essenti

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Directive 4: All regulatory statutes and regulations relating to the Aggreko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved to be be believed to be proved the CO of security a Elizabeth edaka ayan dalah yingang dala segit sakan banggara berayan 1865 a Padaparan darah minda salah

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters: Book and the State of the Control of

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a: Persons: The Governor, President of the Senate, Speaker of the House, Public Control Auditor; and the home the electric control of the property of the control for the control of the contro 

Declaration of Disaster Emergency: CUC Continuation 11

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiya-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon.

Directive 8: Reserved.

Directive 9: The Executive Director of CUC shall have all the powers of the CUC Board, thereby enabling him to carry out all critical business of CUC, pending the earlier of either (1) the confirmation and convening of an operating CUO Board, or (2) the termination of the authority of this order. In particular, the Executive Director shall have full power and authority to agree to swap CDA debt and related obligations for preferred stock and related features and rights: 1 - as maches to the necessing melinical concerns.

on deather natural courses of the authorization expects the department of this Court, participant to a first court and

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary lower from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster energency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the CPUC or the CPUC's issuance of a certificate of convenience and necessity. Each of these CPUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime. The developed is the meantime of the Beare there we brut has his not beautiful and the distribution of which work COP in a title of heavisies with

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as of 2006) resultivate regular to a pairoratababilit doctavitation of the context of meeter bureloan

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Declaration of Disaster Emergency: CUC Continuation 11

practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power equipment into service.

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. 1 CMC § 7403(a); 3 CMC § 5121(c). A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

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Done this 30th day of June 2009.

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# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial Governor

Eloy S. Inos Lt. Governor

## **EXECUTIVE ORDER 2009-07**

DECLARATION OF A STATE OF DISASTER EMERGENCY:

COMMONWEALTH UTILITIES CORPORATION'S
IMMINENT GENERATION AND OTHER FAILURE AND THE NEED
TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

#### **CONTINUATION #12**

Boulean R. Fifth

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect the Governor's preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20 through -22., and EO 2009-01 through -06, except as specifically modified. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

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- All findings and conclusions of EO 2008-10, -13, -17, -20 through -22 and of EO 2009-01 through -06 are incorporated by reference, except as specifically varied in this Executive Order. The narrative paragraphs of this EO address improvements in the circumstances that gave rise to the preceding orders.
- 2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, dieselfired power generators, pursuant to CUC contract # CUC-PG-08-CO16. This Executive Order, and the relevant directives, will remain effective until Aggreko has completely demobilized in September.
  - This generation has meant the difference between rolling blackouts and a. generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipe-fitters, and the related personnel, materials and supplies. From 1-22 and of EQ 2000-11
- Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies. While CUC must continue to rely on Aggreko's generation, the facility's output has been reliable and of high quality. With the Aggreko contract fee running at roughly \$500,000 per month, and contract advance notice requirements mandating that CUC tell Aggreko whether to stay or leave, CUC approaches a key deadline of September 12. While CUC's customers would benefit from saving the monthly fee, the decision to terminate the Aggreko contact was not final, until recently.
  - C. A shortage of manpower forced by legislation limiting skilled foreign workers, shipping delays for delivery of parts, and ongoing unplanned technical issues complicated the CUC decision. For instance, since March 2009, CUC has been trying to hire 16 new employees, consisting of 8 mechanics and 8 power plant operators. CUC vigorously recruited locally, but, as of today, only 4 qualified operators and 1 mechanic have been hired. At the same time CUC has since lost 3 mechanics and 1 operator, who resigned for various reasons. While CUC may be able to bring on entry-level trade assistants, it still needs 16 qualified technical employees to make the production system work right. And taken screening does, the constitution occurring has been religible and of high qualities
- However, CUC has determined that it should be able to produce from its owned units by September 12 at least 55 MW. This would give CUC a reserve of 15 MW, the minimum needed to reliably manage the system. CUC gave Aggreko notice on June 12, 2009, that the contract will not be extended. Something. The approhence he covered find, both notemby.

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- This decision to rely on CUC's own generation, at a substantial cost e. savings for the people of the CNMI, is safe as long as CUC can employ the staff required to manage its system. Aggreko was not bound by the artificial US-only hiring decision presently mandated by CNMI legislation. It is rational to expect that CNMI law will change to permit the islands' key industry to operate rationally, and hire the people essential to providing critical electric, water and wastewater services.
- f. Until Aggreko ends service, the CUC environmental conditions discussed below will be in effect
- 3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would trigger renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, thereby effecting a shutdown of this required 15 MW of capacity. There is no indication that any of the above situation will be resolved in the next month.
- 4. CUC faces additional challenges due to the failure of its electric distribution facilities. However, some of these challenges have been met, and some of the conditions have been moderated. The progress made by CUC's distribution team warrants removing distribution system concerns from this Executive Order. In sum, the Chalan Kiya backup transformer for half of Saipan has been repaired, causes of many wide outages are being addressed with the installation of replacement parts and right-of-way clearing, and the Kagman and Dandan homestead systems are being reinforced. Faulty vehicles remain a problem, but a solvable one.

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5. CUC has taken concrete steps to address the storage and disposal of used oil, consonant with the federal court's Stip Order 2. The progress made in this area warrants removing this concern from the scope of this Executive Order. Federal court Stipulated Order #2, relates to the used oil from the engines for four facilities (Power Plants 1, 3, 4 and Rota) and all CUC transformers. USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 2"). See also http://www.usdoj.gov/enrd/Consent Decrees.html. CUC over the years has built up a storage of approximately 466,000 gallons of used oil within various facilities. Improper maintenance over the last 15 years of the plant and improper protection of the related pipeline and tank structures have rendered many of the tanks, including Tank 104, 101, and 102, a threat to the lagoon and shoreline of Saipan, and to the water table. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, of Selven has been a Track yer

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including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed. CUC's used oil manager reports that US EPA has accepted CUC's first report (April 24, 2009) with conditions and some requests for modification. CUC is awaiting EPA's response to draft requests for qualifications and invitations for bids (RFO/IFB) for contractors to perform used oil transfers, tank cleaning and tank integrity inspection. A draft IFB for "Removal and Safe Disposal of Used Oils: Tanks and Barrels Stored, Power Plant 1" that includes Tank 104, has been submitted to EPA for review.

- 6. CUC has substantially minimized the risk of losing generation capacity, which has created intermittent blackouts on portions of its system. It therefore advised Aggreko in June that the temporary power contract will not be extended past its September termination date. This will save CUC customers at least \$6 million per year in fees. But it presents risks, as the strategy requires proper operation and maintenance of CUC's owned engines by CUC's technical staff.
  - CUC continues to rehabilitate its owned power plants. . CUC tries to maintain and rehabilitate the operating units to adequately meet load. CUC has secured federal funds to buy needed parts to avoid outages. be now well of ECOs, and an increasing upon that Soft Adapting of
  - b. A major challenge to carrying out this rehabilitation will be finding as soon as possible the 8 more mechanics and 8 more operators who are needed to carry out this project and run the equipment. They must be ready for service when needed and they must be affordable. But there is a shortage of such US professionals with experience with CUC's type of engines. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding all the qualified candidates. CUC has identified 16 potential new staff after interviews -7 mechanics, 1 welder, 1 machinist, and 7 operators. Only two of the operator candidates are US citizens. Presently CNMI law (PL 16-14) prohibits CUC from hiring any more non-US technical workers than the 19 killed professionals presently with CUC. CUC plans to ask the Legislature for relief from this statute regulating the Government's workforce. In the meantine CUC is concerned that any significant reduction in its present technical workfore, could seriously compromise CUC's ability to generate and distribute power.
    - CUC is presently operating with 60 MW of power generation to meet the recently experienced peak loads of about 40 MW. PP #1offers 25 MW and PP #2 offers 6 MW. The PP #1 capacity includes units 6 and 8 which are undergoing maintenance that allows them to be brought on line from tandby, for emergency purposes. Utility industry safety margins for isolated, island systems, typically require a reserve equal to the capacity of the two largest units; in CUC's case this would be another 15 MW of load. The independent powe producers provide as follows: PP #4 generates 14 MW and Aggreko generates 5 MW. This means that PP #4 and the Aggreko units are essential to meeting Saipan load of about 40

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Declaration of Disaster Emergency: CUC Continuation 12

MW plus the reserve margin. But the Aggreko units, and their operators, will be gone by the end of September.

- đ. A new, avoidable power crisis is approaching. Generation and proper distribution and supply of power is at risk without increasing the specialized staff required to adequately operate and maintain the equipment and machinery. This is because the Legislature, through 3 CMC §4972(5), as amended by PL 16-14 (Aug. 27, 2008), has limited CUC's ability to hire technical staff, up to 19 foreign workers only. The CUC Act, as subsequently re-enacted by PL 16-17 (Oct 1, 2008), provides that CUC shall hire such persons as are necessary for operations, except as otherwise limited by other law. 4 CMC § 8123(h).
- There are not enough technical specialists at CUC to get the power 103 3000 47 generation work done. CUC believes that the vast majority of skill sets must Declaration of come from non-US personnel. community 12
  - f. CUC has hired some local staff recently thanks to the aggressive steps of CUC HR and the Executive Director. CUC hired six US citizens and 2 foreign workers who have IR status - a total of 8 workers. But CUC also lost technical workers – one more technician recently resigned, bringing the total to four this year. CUC is, thus, net four, and still needs 12 more skilled workers for power plant operations and maintenance. However as more units begin working after the rehabilitations are largely complete in September, CUC will need more staff to operate and maintain them. Substitute to the reclinical staff, and to 19 forcion
    - The impact of an inadequate workforce will be three-fold. First, there will be a direct effect on the existing consumers. There will be brownouts, or area blackouts. Second, the power plants will again degrade, producing more outages. Third, there will be an indirect effect, on rates. CUC will be unable to convince large commercial customers, particularly the hotels, to join its system. The hotels need reliable, 24/7 power. If the hotels were to become part of the system, they could help pay CUC fixed costs, which would lower everyone else's rates. Further, the failure to meet federal court deadlines could result in appointment of a federal receiver and consulting team - all charged to CUC customers. Thus, the indirect effect of an inadequate workforce will be to boost rates so lost technical workers a true and a fixility entractive alterrogramed bringing the total to doper this

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h. CUC has repeatedly asked the Legislature to lift the restrictions on foreign workers. None of the independent generators—Aggreko, PMIC and Telesource operates under these limits. If the Legislature fails to act on the CUC request, it will effectively set the stage for loss of service and higher rates. It will thereby reverse the \$6 million-per-year benefit of terminating the Aggreko temporary power contract the total indequals we delined will be three limb. This there will 23 he address of the tree the brighted conservers. There will be brownous, or area

blackours. Second, the re-Page Saft 15 Hugain degrade, producing more outages.

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- i. Rota is now suffering blackouts from inadequate generator maintenance. The power plant's other facilities and the island's distribution system similarly need the attentions of additional manpower. The present alternative for Rota is akin to Saipan's purchasing higher cost power from the Rota Resort.
- j. CUC has lost 2 senior accountants plus a related specialist in the last 30 days, with a federally-mandated interim financial plan due in September. The IT and billing department is down to one staffer, having advertised for 4 weeks to no avail.
- k. To summarize: CUC's ability to supply power is at risk. While the utility company's owned hardware looks to be ready for Aggreko's September departure, the generation and power distribution services will not be adequately staffed without an immediate lifting of the artificial legislative regulation of CUC's workforce. Water and wastewater services will be compromised if new professional staff cannot be hired. CUC *MUST*, have the staff required to adequately operate and maintain its equipment and machinery, or higher costs and loss of service will follow.
- l. There is no indication that any of the above situations will be resolved in the next month.
- 7. The water/wastewater division has been negatively impacted during the past month, and has experienced some improvements in the past month. The progress made in this area warrants removing this concern from the scope of this Executive Order, except for issues relating to proper staffing of the division.
  - CUC is providing more water to more people than ever before, due in-part to the return of the wet weather season. Regular pumping activities continued to drain the fresh water supplies in many of the aquifers last month. There are still chronic leaks in the system, due in part to iron and steel materials that have corroded underground, and due in part to their having exceeded their design life. Leaks are difficult to detect because of the porous nature of the local geology. Otherwise-US-acceptable ductile iron pipe is not compatible with Saipan's saline CUC water and high salinity in groundwater where pipes are installed at or below sea level. As a result, CUC is not yet at adequate water supplies.
  - b. CUC has installed over 2,000 new Severn-Trent smart meters, manufactured for the CNMI's environment. An additional 3,300 were expected to arrive during June, but have not yet arrived. Then, another 1,500 are expected to arrive in December. Once all of the replacement meters have arrived and been Page 6 of 15

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Declaration of Disaster Emergency: CUC Continuation 12

installed, water conservation will be enhanced A 4-person crew has been tasked with installing these meters.

- The well drilling staff drilled one new water well during July; and pump c. testing is being performed. Depending on the pump test and water quality results, the well could be placed into service during September.
- d. The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance.
- i. The Agingan Point plant is generating effluent at near-environmentalpermit performance levels. The lack of staffing, proper equipment and spare parts threatens recent gains. While the treatment plant waits delivery of drive components so that staff can repair the non-functioning clarifier. Deviation of this we belt press, and pumps, staff have fabricated drives from a junked 20-year old unit. CUC staff have rebuilt non-functional equipment with spare parts. The solids inventory has stabilized, but the plant is still operating just outside of limits for BOD and enterococci.
  - ii. The Sadog Tasi Plant's solids handling equipment continues to await proper parts, so, in the meantime the staff jury-rigged treatment equipment from scrap material. Tons of bios lids still must be processed later. The aeration system is compromised by large leaks. The bids for the projected rehab of Seadog Tarsi were twice the amount of CUC's projected budget. requiring a halt to the project schedule, and a continuing search for more funds. CUC plans to use ARRA stimulus funds to complement about \$550,000 in DOI-administered compact funds identified last year, and address the issue. Presently, CUC's Wastewater Division deems the plant to be "marginally operable." where White the mean and a plane wait of the exon it is the companies of the staff can are in the remainstering classifier.
  - iii. CUC is severely in need of additional engineers to meet water and wastewater project and program workload issues. A detailed workload assessment shows that 3 additional engineers are needed, particularly to meet requirements of Stip Order 1 (see below). The staff shortage has limited troubleshooting of water system leaks, and wastewater collection failures. It also puts CUC in danger of failing to meet 25 discrete Stip Order requirements, from developing financial and technical plans to implementing technical plans: "The wards of the accuracy of them. The
  - iv. There is no indication that this situation will be resolved in the next month for a half der Mittagert er av laur, detta best halfing er av beforde er c applies. Clinical prints as over ARRA solvenies, limits to complement about

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- 8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. USA v. CUC & CNMI, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 1"). See also http://www.usdoj.gov/enrd/Consent Decrees.html. In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only portions of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. Continued electric service revenues are critical, because the Commonwealth Public Utilities Commission has determined that CUC presently runs its water/wastewater system at a \$7 million per year loss. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month. Nonetheless, the Water and Wastewater Division has continued to meet Stip Order 1 deliverables within the prescribed time frame. And critical water and sewage treatment real memeris. TNES, TCC & CVM, CA, No. 08-0051 (D. NXU Mar. 11, 2009) (18tic Order
- 9. CUC faces additional, critical challenges in the water/wastewater area. Failures of key aspects of the systems could harm our people and our ability to meet our commitments to the EPA and the federal district court. New water rates, set by the Commonwealth Public Utilities Commission, only partially provide for full cost recovery, due to the potential "rate shock" effect of full cost rates. Due to billing lag, those rates do not produce meaningful revenues for 60 days, or until June collections, which have only recently begun. Partially adequate wastewater rates are still before the Commission for review. While this rate relief is important, CUC will continue to work with the PUC to develop rates that fully pay the costs of safely operating CUC's water and wastewater systems, a personal revenue: a campoted local to shouldown or lose the revenues from now of his services. Communed electric service revenues are critical, because the Commonwealth
- 10. The CPUC issued a partial electric rate case opinion and order on December 19, 2008. Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters, Decision and Order (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's electric rates for three-to-six months, including CUC's fuel clause rates. There are escape valve provisions of the order, but these have not yet been tested. In its most recent LEAC order, of April 2, 2009, in the same docket, the Commission modestly reduced rates in order to reflect, among other things, the lowered world price of oil. The Commission will be revisiting CUC rates, fees, charges and operations at its early September meeting. The preceding EO 2009-03 clarified the broad scope of the CPUC's power and authority, and the limited reasons for restrictions during this disaster emergency. The revised, clarifying language of the EO continues in this EO: true of the rest of the feet which the professional professional fit as the two or or buys.

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Declaration of Disaster Emergency: CUC Continuation 12

- 11. The CPUC's Contract Protocol Order of December 19, 2008, agreed to by CUC, also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency, particularly if the 35-day approval period were observed; however, due to continued interaction between CUC and the CPUC it is thought that the two agencies will be able to communicate on all but the most sudden of emergencies.
- 12. CUC has been unable to borrow money to run its operations since the inception of this State of Disaster Emergency due to (a) its poor financial condition and (b) the existence on its books of a liability to the Commonwealth Development Authority ("CDA") of approximately \$115 million. This situation must be corrected.

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- Desire a season like the That booked obligation has rendered CUC nominally insolvent. While CUC is deemed insolvent, CUC cannot borrow money. The CPUS is Courted Protocol Order of Geographer, 19, 2008, egreed to by CUC also
- But CUC must be able to borrow money to bridge the need to spend Mile the CPUC in its oversight of CUC, has begun to address improvements in CUC's finances, sound business practices require that CUC be able to borrow money.
- Further CUC has functioned without a Board of Directors, because it has mass adden thad to. While CUC's enabling act, now PL 16-17, as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's 2. Char Office have diligently tried to find Board volunteers who meet the statutory a State of Design Equalifications, they have been unable to do so. Nonetheless, CUC must continue to function, including it must be able to resolve the CDA relationship to allow it the to borrow money.
  - The Legislature has fully authorized CUC to settle the matter with CDA. CUC has come to an agreement to eliminate the CDA debt, converting the debt to preferred stock, forgiving some of the principal, postponing interest payments and giving CDA a Board of Directors seat. er inner störrige kregelikelittaliden åbarrekaret. Willetia ka vittille har i tristik, besti i
  - CUC and CDA have settled the matter. CUC has petitioned the Commission for approval of the settlement. The matter should be heard by the PUC at its early September meeting. the service of the first of the state of the companies of the service of the section of the sect
- f. But CDA required that CUC's Board accept the deal. Therefore, it is critical that CUC sign the deal with the authority of a Board. My directive below has provided such authority to the Executive Director. It also permits him to ત્વારા કે વાર્ગા કરતા હો કોઈલ સાંભળ કરતા હતા. જે જે તેને વાલુ વર્ષા કું જ પોલાનો કરતા છે, જો કારણ જે કરતા છે.

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continue to run CUC, providing power, water and wastewater services, until the remaining members of a Board can be identified, confirmed, and convened for business.

- 13. CUC is approaching a crisis due to its lack of qualified trained and professional staff, addressed above. The crisis will produce an inability to generate power; and to meet federal legal requirements. Action is needed immediately to forestall disaster.
  - The CNMI Legislature has subjected CUC to its broad restriction against a. the CNMI Government's employing foreign workers. 3 CMC § 4972(b)(5), as enacted by Public Law 15-108 and most recently amended by Public Law 16-14.
- b. While they have created difficulties for CUC in the past, the restriction Ent Display? will shortly cause a disaster. CUC's contract with Aggreko for temporary electric i badanamma power generation expires in September 2009, eliminating a 15-MW security cushion for CUC power generation. Soon CUC will have to insure that its power plants are operating properly and ready to generate upon demand. Vives, until the remaining members of a Board can be identified, confirmed, and convened for
- But CUC does not have sufficient staff levels to operate and maintain the c. Saipan and Rota power generation facilities. It will take at least a month to hire and the main power plant power rehabilitation of the main power plant addressed abofacilities requires 16 additional skilled workers who are familiar with the engines at requirements, at the plants and can commence work with the engines immediately.
  - d. Presently CUC is overworking its technical staff. Over pay period numbers 2 through 11 of the year 2009, CUC accumulated 18,053 hours of overtime from technical employees who have each worked 40 or more hours of overtime in a pay period. This condition is extreme. Such excessive hours result in inefficiencies and poor work quality, and can lead to dangerous mistakes. Workers cannot continue to perform adequately the Agencia for a important electric ipkidvar processor avgidės kiršingerabės išlobė, eliminajog a 15-MP security
  - CUC has taken extra measures to recruit staff, but has been unable to fill e. these positions with permanent residents or citizen employees possessing the education, training and experience required;

silbor CLC does not have sufficient staff levels to operate and maintain the

- CUC is also subject to the two federal Stip Orders, which demand to hire f. technical performance on dozens of timelines, with no excuses for CUC's inability to find qualified workers. Performance is required for the water, wastewater and oil disposal functions discussed in this Executive Order.
- g. CUC has only about a month left to solve this critical staffing problem, which is due solely to the Legislative prohibition. The required workers are en e deskrip de historia bere in esta almantena adele en encest da demante desarri el c

Page 10 of 15 is exerve. Such excessive hours of

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Declaration of Disaster Emergency: CUC Continuation 12

available as nonresident workers, and cost-effectively so. It will take a few weeks to advertise positions, interview and hire.

- Thus, relief from the prohibition of hiring foreign national workers is h. necessary to ensure the delivery of uninterrupted power, water, and wastewater services to the people of the Commonwealth.
- There is no more time period. For several months the legislature has been i. advised of CUC's personnel shortfalls. On July 7, CUC submitted a proposed bill that if effected would give CUC the required relief to fill professional, engineering, technical, and trade positions. The Legislature has not passed the bill despite CUC's request for immediate legislation. There is no alternative to providing this immediate relief other than an order from the Governor. Inaction will produce a disaster in which CUC is unable to provide its critical community Declaration of services: Parencewer CLC Communication
- 14. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

advised of CLC (generally should be On July 7, CUC submitted a proposed bill

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address 10 providing this immediate relief other then up order from the Covernor, inaction the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

- (f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:
- (1) Suspend the provisions of any regulatory statute prescribing the The control of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation had the Conwould in any way prevent, hinder, or delay necessary action in coping with the emergency:

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Declaration of Disaster Emergency: CUC Continuation 12

- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(3) Transfer the direction, pursonnel, or functions of the Commonwealth

3 CMC § 5121(f)(1)-(3).

I direct:

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Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a written finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, CPUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, as amended, and orders issued under either are suspended insofar as they would require the CPUC's advance approval of CUC contracts and other procurement measures which: (1) relate to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency; and (2) are in an amount of less than \$350,000. Except that the \$350,000 limitation on the suspension shall itself be lifted if the following takes place: the CUC Executive Director makes a written finding that such compliance is not feasible for purposes of responding to an emergency. Thereafter, within three days, or as soon thereafter as emergency conditions allow, the Executive Director shall file details of the procurement activity with the CPUC incremediagn in the first back was responsible such compliance is not

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less count activity for Executive, CFI-C, Public Auditor, and Legislative review

Femalpho for purposes of responsiting to the State of Wishaer Finerheney, the CDC

Directive 4: All regulatory statutes and regulations relating to the Aggreko temporary wholesale generation power contract, #CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance. The transporter transporter and

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Declaration of Disaster Emergency: CUC Continuation 12

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters:

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: Reserved.

Directive 7: Reserved.

Declaration of Disaster Engineering CCC Continuation 12

Directive 8: Reserved.

Directive 9: The Executive Director of CUC shall have all the powers of the CUC Board, thereby enabling him to carry out all critical business of CUC, pending the earlier of either (1) the confirmation and convening of an operating CUC Board, or (2) the termination of the authority of this order. In particular, the Executive Director shall have full power and authority to agree to swap CDA debt and related obligations for preferred stock and related features and rights. by Matters: Subject of the basest enemt; continetess arither appollers; amounts

Directive 5: 3 140 shall notify as soon as possible by about after each programment

Directive 10. The following strike-out-formatted language of the quoted provision of the following statute regulating government employment is suspended immediately:

Directi(b) Transition exemptions for government employment. .... (5) Commonwealth Utilities Corporation. Engineers, and professional employees in technical or trade areas may be exempted and CUC may contract with manpower services or directly hire power plant mechanics Directiand utility technicians who may be exempted; provided that direct or manpower hire of foreign national workers shall not exceed nineteen (19) employees. This exemption shall expire on September 30, 2010, and no then becontract may provide to the contrary. Invitouss of Cl. C. pendary the earther of either (1) the confirmation and convening of an operating CLC Board, at (2) the

3 CMC § 4972(b)(5), as most recently amended by PL 16-14. (Underlining in original) That is, the following language is suspended: "provided that direct or manpower hire of foreign national workers shall not exceed nineteen (19) employees. This exemption shall expire on September 30, 2010, and no contract may provide to the contrary."

Directive เพื่อเป็น กิสเล่าการกระบายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายสมาชายส following stance or a large are a figure to the flavore in suspended in a seducity

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Fig. Contract with intersower services or directly bird him or object exceptables in some and talking technicises who may be exempted provided due disease on

Declaration of Disaster Emergency: CUC Continuation 12

The effect of the suspension shall be that CUC shall have the complete power, without regard to citizenship or otherwise lawful immigration status, to hire engineers. professional employees in technical or trade areas, power plant mechanics and utility technicians, either directly or indirectly. These professional employees may include, but shall not be limited to, sanitarians, engineers, accountants, information technology specialists, mechanics, electricians, well-drillers, pipefitters, plumbers, wastewater treatment facilities operators, and other trades technicians.

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the CPUC or the CPUC's issuance of a certificate of convenience and necessity. Each of these CPUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime provise haveful immigration strins, to him engineers. or declimal criplovies in technical or trade areas, pover plan mechanics and callity

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. B. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as All Carlo practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power and the second equipment into service at less additions (we redical distributed the CP C is because of a certificate of convenience and necessity. Each of these CPLC decisions would have taken and ong si kawang ne ang pakerang lalake than tak bakat taken disinggal taken a sagar tawan a Covered beautiful the meanthment of the transmission of the control of the contro professional profession is a substitution of publication researchest movimes of and arbitist Indeterminated that, If CAPE results behind believed and the countries is countried by the Televidentification depoint content acinomical subspections service and about strong discondition dangerbas Powers Harris & Regulars is By Link Rander had hard commendation combined to the within the selection bearing of the property of the with a person contract with the appropriate Species.".

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Declaration of Disaster Emergency: CUC Continuation 12

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. 1 CMC § 7403(a); 3 CMC § 5121(c). A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 30th day of July 2009.

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BENIGNO/REFITIAL stack of Decaster i magginery shall take effect immediately and of Governords, directives and other measures taken in necessaries with this Decamina sharl contain in the directive Order and as I may be able to the series of this Executive Order and as I may be able to the track of the arity. The day period many the Presiding Orders of the Legislan restrictive share a contained of the fifth of this became extended for an additional generical limit to exact of the days. The highest President Comprehensive spaces in the exercise of the first of the presiding offices of the Accustance as one as the contained to the presiding offices of the Accustance as one as the days of the first order.

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