

VOLUME 31 NUMBER 12 DECEMBER 22, 2009

COMMONWEALTH REGISTER

COMMONWEALTH REGISTER

VOLUME 31 NUMBER 12 DECEMBER 22, 2009

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Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Caller Box 10007 CK, Saipan, MP 96950 Tel. (670) 664-3000 • Fax: (670) 664-3067 email: commercedept@pticom.com

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE REVISIONS TO THE INSURANCE RULES AND REGULATIONS

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS

VOLUME 31 NUMBER 8 pp. 029898 - 029907, September 28, 2009

ACTION TO ADOPT PROPOSED REGULATIONS: The CNMI Department of Commerce, through its Secretary and Insurance Commissioner, 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 Insurance Commissioner announced that he intended to adopt them as permanent, and now does so.

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

Section A. 5(g). added "Unless otherwise reduced by the Insurance Commissioner through an Administrative Order" to the beginning of the sentence.

PRIOR PUBLICATION: The prior publication was as stated above.

AUTHORITY: The Department of Commerce is required by the Legislature to adopt rules and regulations over those matters, over which he has jurisdiction, including those that pertain to the Office of the Insurance Commissioner.

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 APA 1 CMC § 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 statement of the principle reasons for overruling the 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 documents.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations for 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 §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 <u>3rd</u> day of December, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

SIXTO K. IGISOMAR

Acting Secretary of Commerce/Insurance Commissioner

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 4th day of December, 2009

EDWARD T. BUCKING AM

Attorney General

Filed and recorded by:

ESTHER M. SAN NICOLAS

Commonwealth Register

12.04.09

03/2009

SECTION 15. SECOND RULE. SECURITY DEPOSIT

A. As security for the faithful performance of its obligations, each insurer, as a condition of engaging in the business of issuing surety bonds for nonresident worker labor-related risk exposure, as required by the Director of Labor for the bonding of nonresident worker labor-related risk exposure, for calendar year 2005 shall deposit in an established escrow account with a duly licensed bank in the Commonwealth, on a monthly basis, with a duly licensed bank in the Commonwealth (10) percent of its premiums written each month on every surety (labor) bond for nonresident workers, in addition to the required One Hundred Thousand (\$100,000) Dollars in time deposits for a period of one year, or the One Hundred Thousand (\$100,000) Dollars in irrevocable letter of credit in a duly licensed bank in the Commonwealth, for the benefit of labor-related risk exposure of nonresident workers, with such deposits to be maintained at all times. Each following calendar year, the same insurer shall, in addition to the required One Hundred Thousand (\$100,000) Dollars in time deposits for a period of one year, or the One Hundred Thousand (\$100,000) Dollars in irrevocable letter of credit, shall increase the monthly deposit into the escrow account by an additional five (5) percent of its labor-related risk exposure for nonresident workers. The additional calendar year five (5) percent increases in monthly deposits shall continue until the monthly deposits reach twenty-five (25) percent of the total nonresident worker labor-related risk exposure.

For example: for calendar year 2005, the monthly deposit shall be ten (10) percent of the total nonresident worker labor-related premiums written; for calendar year 2006, the monthly deposit shall be fifteen (15) percent of the total nonresident worker labor-related premiums written; for calendar year 2007, the monthly deposit shall be twenty (20) percent of the total nonresident worker labor-related premiums written; and, for calendar 2008 and beyond, the monthly deposit shall be twenty-five (25) percent of the total nonresident worker labor-related premiums written.

The Insurance Commissioner prescribes the following procedures and guidelines:

- 1. On or before renewal of an insurer's Certificate of Authority, it must present to the Insurance Commissioner the required security deposits or irrevocable letter of credit and a quarterly listing of all nonresident labor bonds. The listing shall include such items as names of insured, employers, amount of coverage, and dates of the expiration of such bonds;
- 2. Time deposit account or irrevocable letter of credit must show "Insurance Company" and "Insurance Commissioner" as holders of the account or as beneficiaries;
- 3. The Commissioner shall turn over the time deposit to the **CNMI** Treasurer for safekeeping;
- 4. The savings/escrow account for the reserve requirement as percentage of premiums written must show "Insurance Company" and "Insurance

Commissioner" as holders of the account. Deposits to this account must be made on a monthly basis. In addition to the submission of a monthly labor bond report, insurers shall also be required to show proof on a monthly basis that the retention amount, based on total premiums written, has been duly deposited into the escrow account. The deadline to submit proof (i.e. copy of deposited into the eseron account the defendance of the deposit slip) is on the 20th of every month. For example, the March monthly report will be due on April 20th, and the April report will be due on May 20th. Failure to comply with the submission deadline will subject bonding companies to a \$50/day late filing fee for each day that the report or proof remains outstanding, or suspension of the insurer's COA, at the Insurance Commissioner's discretion.

5. Release of the Security Deposits and demand on letter of credit shall be accompanied by the Authority from the Insurance Commissioner and only upon satisfaction of the following conditions:

(RE-NUMBERED)

- a. A reasonable determination by the Insurance Commissioner and after making findings that the circumstances surrounding the release warrants for such release. Reasons, findings, and determinations must be documented.
- b. All its outstanding labor bonds have either expired, unearned premiums returned, or have been assumed by another bonding company;
- c. All existing claims arising out of insurance transacted in the CNMI have been paid in full.
- d. The bonding company shall cause publication of a notice of its intention to petition for the release of its security deposits and demand on letter of credit in a newspaper of general circulation in the CNMI once a week for four (4) consecutive weeks, and shall cause said newspaper to file an affidavit of publication with the Commissioner.
- e. If the Director of Labor or any person shall object to such release within one (1) week from date of last publication, and give good and sufficient cause therefore, the Commissioner may order that the release may be denied.
- f. If the Insurer has complied with the provisions of this section and no objection has been made, or if objection is made but without good and sufficient cause, the Commissioner shall order the release of the security deposits and demand on letter of credit.
- g. Unless otherwise reduced by the Insurance Commissioner through an Administrative Order, the minimum accumulated premium retention amount shall at all times be One Hundred Thousand Dollars (\$100,000). Bonding companies may be allowed to utilize the funds in escrow above

NUMBER 12

the One Hundred Thousand Dollars (\$100,000) amount only under the following conditions:

- i. The request for utilization of the escrow account shall only be made for payment of Wage, Labor & Repatriation bond claims as demanded by the Director of Labor. Any attempt to request utilization of the escrow account for other than the intended purpose shall be denied and any fraudulent claims will result in the immediate suspension and/or revocation of an insurer's Certification of Authority (COA).
- ii. In compliance with the Department of Labor's bond claim requirements, bonding companies shall use the attached "Wage, Labor & Repatriation Claim Form" to request for utilization of escrow funds. The Insurance Commissioner shall approve all labor bond claims to be paid through the escrow account.
- iii. Bonding companies with impaired capital pursuant to 4 CMC §7306(0)(5) based on their latest audited financial statements shall not be allowed to utilize the funds in escrow. Such companies shall be required to submit quarterly financial statements until the impairment is removed.
- h. The Insurance Commissioner, at his discretion, may allow insurers subject to the labor bond premium retention requirement, to cease making additional deposits into the escrow account, if the amount retained has reached \$100,000.
- i. The Insurance Commissioner reserves the authority through the issuance of administrative order to raise the minimum labor premium retention value from One Hundred Thousand Dollars (\$100,000) to a more appropriate amount if he or she believes that the existing threshold is insufficient to cover bond claims exposure.

WAGE, LABOR & REPATRIATION CLAIM REQUEST FORM

NOTICE OF CLAIM FROM DEPARTMENT OF LABOR (See Attached)

BANK	
ESCROW ACCT. NUMBER	
CLAIM AMOUNT	
AUTHORIZED PERSON REQUESTING DISBURSEMENT	
DATE OF RELEASE	
SURETY BOND COMPANY	
BOND NUMBER	
EMPLOYER	
EMPLOYEE	
REQUEST: APPROVED DENIED	
	CNMI INSURANCE COMMISSIONER
DATE	

NORTHERN MARIANA ISLANDS RETIREMENT FUND



Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building
1st Floor, Isa Drive, Capitol Hill
P.O. Box 501247 CK
Saipan, MP 96950-1247
Tel. No. (670) 322-3863~7 Fax No. (670) 664-8080

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 31, Number 10, pp 029940-029949, of October 29, 2009

Regulations of the Northern Mariana Islands Retirement Fund: PART 4 – Benefits: Sections 4.02(c) and (d) – Early Retirement Benefits for Class I Members

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Mariana Islands Retirement Fund Board of Trustees ("Board"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at pages 029940 to 029949 in Volume 31, Number 10 on October 29, 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 December 10, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Part 4, Sections 4.02(c) and (d), shall be amended to reflect publication in the Commonwealth Register, Volume 31, Number 10, pp 029940-029949 "(10/29/2009)" and final publication of this notice in Volume 31, Number 11, page and date printed below. I further request and direct that this Notice be published in the Commonwealth Register.

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 pursuant to 1 CMC § 8315(f).

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

Certified and ordered by:

SIXTO K. IGISOMAR

Chairman, Board of Trustees

Northern Mariana Islands Retirement Fund

Filed and

Recorded by:

ESTHER M. SAN NICOLAS

Commonwealth Register

12.15.09

Data

NORTHERN MARIANA ISLANDS RETIREMENT FUND



Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building 1st Floor, Isa Drive, Capitol Hill P.O. Box 501247 CK Saipan, MP 96950-1247 Tel. No. (670) 322-3863~7 Fax No. (670) 664-8080

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS Volume 31, Number 10, pp 029950-029961, of October 29, 2009

Regulations of the Northern Mariana Islands Retirement Fund: PART 4 - Benefits: Sections 4.05 and 4.06; and PART 7 - Appeals: Section 7.03

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Mariana Islands Retirement Fund Board of Trustees ("Board"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at pages 029950 to 029961 in Volume 31, Number 10 on October 29, 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 December 10, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Part 4, Sections 4.05 and 4.06, and Part 7, Section 7.03, shall be amended to reflect publication in the Commonwealth Register, Volume 31, Number 10, pp 029950-029961 "(10/29/2009)" and final publication of this notice in Volume 31, Number 11, page and date printed below. I further request and direct that this Notice be published in the Commonwealth Register.

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 pursuant to 1 CMC § 8315(f).

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 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 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 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 penalty of perjury that the foregoing is true and correct and that this declaration was executed on the log_{-}^{th} day of December, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

SIXTO K. IGISOMAR

Chairman, Board of Trustees

Northern Mariana Islands Retirement Fund

Filed and

Recorded by:

Commonwealth Register

GROUP HEALTH INSURANCE PROGRAM



Commonwealth of the Northern Mariana Islands

Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building

1st Floor, Isa Drive, Capitol Hill

P.O. Box 501247 CK

Saipan, MP 96950-1247

Tel. No. (670) 322-3863~7 Fax No. (670) 664-8080

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE GROUP HEALTH INSURANCE PROGRAM

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS EMERGENCY REGULATIONS
October 30, 2009 Addendum to Volume 31, Number 10, of October 29, 2009

Regulations of the Group Health Insurance Program: ARTICLE 10 - Premiums: Section 10.15

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Mariana Islands Retirement Fund Board of Trustees ("Board"), HEREBY ADOPTS AS PERMANENT regulations the Emergency Regulations which were published in the October 30, 2009 Addendum to Commonwealth Register Volume 31, Number 10 on October 29, 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 December 10, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Article 10, Section 10.15 shall be amended to reflect publication in the October 30, 2009 Addendum to Commonwealth Register Volume 31, Number 10 "(10/29/2009)" and final publication of this notice in Volume 31, Number 11, page and date printed below. I further request and direct that this Notice be published in the Commonwealth Register.

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 pursuant to 1 CMC §§ 8424-27.

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

Certified and ordered by:

SIXTO K. IGISOMAR

Chairman, Board of Trustees

Northern Mariana Islands Retirement Fund

Date

Filed and Recorded by:

ESTHER M. SAN NICOLAS

Commonwealth Register

12.15.09

Jate



Lucia L. Blanco-Maratita Chairperson

Herman T. Guerrero Vice-Chairperson

Marylou S. Ada Secretary/Treasurer

Members Galvin S. Deleon Guerrero D. Tanya King

Scott Norman Non Public School Rep.

Francine R. Babauta 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 9, pp 029888-029897, of September 28, 2009

Regulations of the Commonwealth Board of Education: § 60-20-430

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 029888 to 029897 in Volume 31, Number 9 on September 28, 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 December 22, 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

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Board of Education
Telephone : (670) 237-3010
Fax : (670) 664-3711

Commissioner of Education Telephone : (670) 237-3001 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 abovecited 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 22 day of December, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Lucia L. Blanco-Maratita, Chairperson

Board of Education

Date

Filed and Recorded by:

Esther M. San Nicolas

Commonwealth Register

12.22.09

Data



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950



Lucia L. Blanco-Maratita Chairnerson

Herman T. Guerrero Vice-Chairperson

Marylou S. Ada SecretarylTreasurer

Members Galvin S. Deleon Guerrero D. Tanya King

Scott Norman Non Public School Rep.

Francine R. Babauta Student Representative

Teacher Representative

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

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING THE TRAVEL AND REIMBURSEMENT REGULATIONS OF THE PUBLIC SCHOOL SYSTEM

PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System ("PSS") finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Public School System ('PSS") 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 compliance with 1 CMC § 9102 and 9104(a) or (b). (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed regulation deletes the mandatory submission of travel documents five days prior to inter-island travel and allows for PSS personnel the flexibility to travel among PSS schools system wide without unnecessary delays.

THE SUBJECTS AND ISSUES INVOLVED: PSS personnel must have equal access to all islands in which a PSS facility is located. At times meetings are called or matters must be attended at different PSS locations CNMI wide. Travel to/from Tinian, Rota and Saipan should be afforded the same flexibility as travel within each island. This amendment to this regulation allows for necessary travel between islands without unnecessary delays.

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))

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Board of Education
Telephone : (670) 237-3010
Fax : (670) 664-3711

Commissioner of Education Telephone : (670) 237-3001 TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 237-3010 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a)(2))

This regulation was approved by the Board of Education on August 27, 2009.

Submitted by:

Lucia L. Blanco-Maratita, Chairperson

Board of Education

Received by:

Esther S. Fleming

Special Asst. for Administration

Filed and Recorded by:

ESTHER M. SAN NICOLAS

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 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 22 day of December, 2009.

Attorney General

60-20-720 Accounting and Reporting; Travel and Reimbursement

- (c) Travel Authorizations (TA)
- (8) Within CNMI travel requests shall be submitted to the Commissioner. Out of CNMI travel requests shall be submitted to the Commissioner or the Chairperson of the Board of Education, as appropriate, no later than 10 working days prior to commencement of travel, except for extenuating circumstances.

NOTISIAN PUPBLIKU NI MANMAPROPONE NA AREKLAMENTO YAN AREGULASION SIHA NI MANMA'AMENDA NA AREKLAMENTO YAN REGULASION SIHA POT I REGULASION I TRAVEL YAN REINBURSEMENT SIHA GI SISTEM AN ESKUELAN PUPBLIKU

I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sisteman Eskuelan Pupbliku giya Commonwealth I Sangkattan Na Islan Marianas Siha ("PSS") ha sodda na:

I MA'INTENSIONA NA AKSION PARA U MA'ADOPTA ESTI MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Eskuelan Pupbliku giya Commonwealth I Sangkattan na Islan Mariana Siha ha intensiona para u ma'adopta kumo petmanente na regulasion siha ni manchecheton gi Manmapropone na regulasion siha, sigun i ginagao areklamenton i Administrative Procedure Act 1CMC § 9104(A). I regulasion siha u efektibu dies(10) diha siha despues ni makomple (1 CMC § 9102). Yan 9104(a) pat (b) (1CMC § 9105(b))

ATURIDAT: I manmapropone na amendasion para i regulasion PSS siha mafalai sigun i aturidat i Kuetpo ni maprobeniye ni Attikulu XV gi Konstitusion i CNMI, Lai Pupbliku 6-10 yan i CNMI Administrative Procedure Act.

I SUSTANSIAN I PALABRA SIHA: I mapropone na regulasion ha na suha i mamandan i masubmiten dokumenton hinanao (travel) gi halom singko (5) diha siha antes di hinanao interisland yan ha sedi i taotao PSS bintaha para i eskuela siha sin hafa na ditension.

I MANTINEKA SIHA: I taotao PSS siha debi na u guaha parehu na bintaha para todo isla siha ni mangaige i fasilidat PSS. Guaha na biahe nai ma'angang i hunta osino debi na u ma'atendi gi difirentes lugat ni gaige i fasilidat PSS gi enteru CNMI. Hinanao para/ginen Tinian, Luta yan Saipan debi na u guaha bintaha gi para hinanao gi kada isla. Esti na amendasion rgulasion ha sedi para i manpresisu na hinanao gi entalo i isla siha sin hafa na ditension.

DIREKSION PARA PINE'LO YAN PUPBLIKASION: Esti i manmapropone na regulasion siha u fan mapupblisa gi halom i Commonwealth Register gi halom i seksionan i manmapropone yan nuebo na inadopta na regulasion siha, (1 CMC § 9102 (a)(1)) yan u fan mapega gi mankombiniente na lugat siha gi halom civic center yan gi ofisinan i gobietno siha gi kada senatorial district, gi fino English yan i prinsipat na lengguahi. (1 CMC § 9104 (a)(1))

Todo i man interesao na petsona siña ma'eksamina i MAPROBENIYEN MENSAHI: manmapropone na amendasion siha ya en submite tinige mensahi, posision, osino kinentra pat fabot gi manmapropone na amendasion siha para i Kabiseyon i Kuetpon Edukusion, P O Box 1370 CK, Saipan MP 96950, AGANG I 237-3010 osino fax 664-3711, gi halom trenta (30) diha siha despues ni pupblikasion gi halom Commonwealth Register nui esti na amendasion siha. (1 CMC § 9104 (a)(2))

Esti na regulasion siha manma'apreba nui Kuetpon Edukasion gi Agostu 27, 2009.

SKA. II

Ninahalom:		10	Mar		12/1	7/09	
	Lucia I. B	lanc	o-Maritita L		Fecha	,	
	Kabiseyo	n Ku	etpon Edukasi	ion			
Rinisibe as:		4	Lun.	\	12/	121/09	
	Esther S.	Fleg	ning	1	Fecha		
	Espesiat na Ayudanten i Administrasion						
Pine'lo	_						

Sigun i 1 CMC § 2153 (e) (inapreban i Abugado Henerat nui regulasion siha ni para u mafa lai komu mafotma) yan 1 CMC § 9104(A)(3) (ni machule aprebasion i AG) i manmapropone na regulasion siha ni mañechetton guini ni manmaribisa yan ma'apreba komu fotma yan sufisiente ligåt ginen i Ofisinan Abugado Henerat ya u mapupblisa (1 CMC § 2153(f) (pupblikasion areklamento yan regulasion siha).

Fecha

Mafecha diha 22 gi Disembre, 2009

Esther M. San Nicolas

Rehistran Commonwealth

Edward Buckingham Attorney General

Rinikot as:

60-20-720 Accounting and Reporting; Travel and Reimbursement

- (c) Travel Authorizations (TA)
- (8) Within CNMI travel requests shall be submitted to the Commissioner. Out of CNMI travel requests shall be submitted to the Commissioner or the Chairperson of the Board of Education, as appropriate, no later than 10 working days prior to commencement of travel, except for extenuating circumstances.

ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL IYE EBWE SIWELI ALLÉGHÚL SCHÓÓL FÁÁRÁGH (TRAVEL) ME ALLÉGHÚL ÓBWÓS SEFÁÁL (REIMBURSEMENT) MELLÓL GAKKOOL TOULAP

POMWOL ALLÉGH: Alléghúl Gakkool Toulap ("PSS") mellól Commonwealth Téél falúw kka falúwasch Efáng Marianas nge e schuungi:

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL: Gakkool Toulap mellól Commonwealth Téél falúw kka falúwasch Efáng Marianas nge e tipeli ebwe schéschéél fillóóy allégh kka e appasch, bwelle mwóghutul Administrative Procedure Act, 1 CMC Tálil 9104(A). Allégh kkaal ebwe fil schagh ngare e attabweey allegh ye 1 CMC Talil 9102 me 9104(a) me (b). (1 CMC Tálil 9105 (b)).

BWÁNGIL: Pomwol ssiwel kkaal ngáli Alléghúl PSS ebwe akkaté bwelle bwángil Mwiisch iye toowow mereel XV llól CNMI Allégh Lapalap, Alléghúl Toulap ye 6-10 me alléghul CNMI Administrative Procedure Act.

AWEEWEL ME KKAPASAL: Pomwol allégh kkaal ebwe atoowowu dokkomentool travel kkaal llól mmwal limirallil yaal ebwe asfaluw (inter-island) me emmwel bwe aramasal PSS rebwe mescheragh llol yaar mwete fetal llól gakko kkaal nge e ssóbw yoor fitighogho.

AWEEWE KKA EGHAL YOORÁTÁ: Aramasal PSS rebwe tam llól alongal falúw kka eyoor imwal gakko iye. Ngare eghal eyoor mwiisch me meeta kka rebwe tabweey inaamwo iya igha eyoor PSS mewóól CNMI. Fáárágheti/ sángi Tchúlúyól, Luuta me Seipél rebwe tawe ngáre rebwe mweteeti falúw kkaal. Ssiwel yeel sángi allégh kkaal ebwe mmwelil bwe fáárághil falúw kkaal nge essóbw mmway fetal.

AFALAFAL ME AKKATÉÉL: Pomwol allégh ebwe akkatééló llól Commonwealth Register sángi tálil ye rekke pomwoli me fillóól allégh kka e ffé. (1 CMC Talil 9102(a)(1) me appasch igha toulap rebwe reepiya meiye me llól bwulasiyool gobenno kkaal, alongal senatorial district kkaal, llól Amerikkonu/Refaluwasch/Remeraalis. (1 CMC Talil 9104(a)(1)).

REEL ISISILONGOL AGHIYEGH: Schóókka eyoor mááfiyeer nge emmwel rebwe ischilong reel Assamwoolul, Mwiischil llól Gakko. P.O. Box 1370 CK, Seipél, MP 96950, faingi 237-3010 me ngáre fax ngáli 664-3711 llól eliigh (30) ráálil ngáre schagh raa atééw ssiwel kkaal llól Commonwealth Register.

Allégh kkaal nge aa aléghélégh mereel Mwiischil Gakko wóól Agusto 27, 2009.

12/17/09 Rál /2/27/09 Isaliyallong: (Lucia L. Blanco-Maratita, Samwoolul Mwiischil llól Gakko Mwir sángi: Esther S. Fleming Sów Alillisil Sów Lemelem Ammwel sángi: Miller

ESTHER M. SANCOLAS SAN NICOLAS

Commonwealth Register

Sángi allégh ye 1 CMC Tálil 2153 (e)(aléghélégh reel allégh kka ebwe akkaté ighila) me 1 CMC Talil 9104(A) (3) (Bwughi yaal aléghélégh AG reel pomwol allégh kka e appasch ikka raa takkal amweri fischi mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló llól (1 CMC Tálil 2153 (f) (akkatéél allégh kkaal)).

Rállil yeel 22 llól Tumwur, 2009.

Acting ngáli Sów Bwungul Allégh Lapalap

60-20-720 Accounting and Reporting; Travel and Reimbursement

- (c) Travel Authorizations (TA)
- (8) Within CNMI travel requests shall be submitted to the Commissioner. Out of CNMI travel requests shall be submitted to the Commissioner or the Chairperson of the Board of Education, as appropriate, no later than 10 working days prior to commencement of travel, except for extenuating circumstances.



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) 664-4814

NOTICE OF PROPOSED AMENDMENTS TO THE BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR REAL PROPERTY APPRAISERS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Board of Professional Licensing ("BPL") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). Regulations would become effective 10 days after compliance with 1 CMC \$9102\$ and <math>9104 (a) or (b) (1 CMC \$9105(b)).

AUTHORITY: The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95, as amended. See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The BPL must amend the regulations to meet the guidelines adopted by the Appraisal Qualifications Board (AQB) relating to graduate degree programs in Real Estate and their applicability toward the qualifying education specified in the Required Core Curriculum.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

- 1. Address the accreditation of the degree-granting college or university in the U.S. or the equivalent;
- 2. Addresses the Distance Education in order to clarify the confusion that exists regarding the course delivery mechanism approval requirement.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at bpl@pticom.com or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan MP 96950.

Submitted By:

Francisco Q. Guerrero

Received By:

Esther S. Fleming
Special Assistant for Administration

/2////09 Date

Filed and Recorded by: 6

Esther M. San Nicolas Commonwealth Register 12.18.09

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).

EDWARD T. BUCKINGHAM

Attorney General

12-18-09

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) 664-4814 e-mail: bpl@pticom.com

NOTISIAN I MAPROPONEN AMENDASION SIHA PARA REGULASION MANLISENSIAN PROFESIONÂT SIHA PARA I MANESTITIMA PROPIEDÂT SIHA

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTI I MANMAPRONE NA REGULASION SIHA: I Kuetpon Profesionat Manlisensia ("BPL") ma'intensiona para u ma'adopta kumo petmanente na regulasion siha I manchecheton na regulasion ni manmapropone, sigun I areklamenton, Akton Administrative, 1CMC § 9104(a). I regulasion siha para ufan efektibu gi halom dies (10) diha siha despues ni makomple i 1 CMC § 9102 yan i 9104(a) pat (b) (1 CMC 9105(b)).

ATURIDAT: I Kuetpon I Profesionat na Manlisensia gai fuetsa para u fama regulasion siha yan u efekta sigun I Lai Pupbliko 14-95 ni ma'amenda. Atan lokkue I Otden Ekseketibu 94-3 (efektibu gi Agusto 23,1994, matalon ma'otganisa I ramas I Eksekatibu).

I SUSTENSIAN I PALABRA SIHA: I BPL debi na u amenda I regulasion siha para u afakcha I giniha siha ni ma'adopta ginen I Kuetpon I Appraisal Qualifications (AQB) para u achule yan I programan I graduate Degree siha gi Real Estate yan I aplikablen ñiha guato gi Kualifikao na edukasion ni ma'espisifika gi halom I Required Core Curiculum.

I MANTINEKA SIHA: Esti siha na Areklamento yan Regulasion siha:

- 1. Ha tuka pot I accreditation I degree-granting college osino university gi halom U.S. pat parehu;
- 2. Ha tuka pot I Distance Education pot para u maklarifika I ti klaru ni gaipe pot I course delivery mechanism approval requirement.

I DIREKSION NI PARA U MAPO'LO YAN PUBLIKASION: I Kuetpo ha solisisita infotmasion siha sigun I manmaproponen amendasion siha na debi na u marisibi ni Kuetpo gi halom trenta (30) diha siha gi este I finene'na na notisian pupblikasion gi halom I Rehistran Commonwealth. Maninteresåo na petsona siha siña manmanggågåo kopia siha ni manmaproponen amendasion ni u ma'ågang ham gi 664-4809 pat gi email gi bpl@pticom.com pat fatto gi ofisina ni gaige gi BLDG. 1242, Pohnpei Ct. Capitol Hill, Saipan. Tinige' infotmasion gi este na amendasion siha debi na u mapega guatu gi ofisinan-mami pat u mana'hanao para I BPL, P.O. Box 502078, Saipan MP 96950.

Nina'halom as:

Francisco Q. Guerrero

Kabisayon, BPL

12-11-09

echa

Rinisibi as:

Esther S. Fleming

Espisiat Na Ayudante Para I Atministrasion

Fecha

Pine'lo yan

Rinikot as:

Esther M. San Nicolas

Rehistran Commonwealth

12.18.09

Fecha

Settifikasion ginen I Ofisinan Abugadu Henerat

Sigun I 1 CMC 2153, komu ma'amenda ginen I lai Pupbliku 1050, I manmapropone na amendasion siha para I areklamento yan regulasion siha ni mañechetton guini ni manmaribisa yan ma'apreba komu fotma yan sufisiente ligât ginen I Ofisinan Abugådu Heneråt.

Edward Buckingham, Abugadu Henerat

12-18-9

Fecha



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) 664-4814 e-mail: bpl@pticom.com

ARONGORONGOL TOULAP REEL POMWOL SSIWEL KKAAL NGÁLI MWIISCHIL <u>PROFESSIONAL LICENSING</u> REEL LLAPAL MÉÉL FALÚW

AGHIYGHIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL: Mwiischil Professional Licensing ("BPL") nge e tipeli ebwe schescheel fillooy allegh kka re p;omwoli, bwelle reel Administrative Procedure Act, 1 CMC tálil 9104 (a). Allégh kkaal ebwe kkamalló llól seigh (10) raalil ngáre re attabweey allégh ye 1 CMC Talil 9102 me 9104 (a) me (b). (1 CMC Tail 9105 (b)).

BWÁNGIL: Mwiischil <u>Professional Licensing</u> nge eyoor bwángil ebwe akkaté me mwóghutáágheli allégh bwelle P.L 14-95, iye aa liwelló. Amweri tingóreyal Sów Lemelem 94-3 (schéschéél wóól Agusto 23, 1994, siweli sefááli Executive branch).

KAPASAL ME ÓUTOL: BPL ebwe siweli allégh kkaal bwelle ebwe tabweey aweewe kka ebwe fillóóy sángi <u>Appraisal Qualifications Board</u> (AQB) iye ebwe ghil ngáli yaar <u>graduate degree program</u> llól <u>Real Estate</u> me ghuleyeer reel <u>qualifying education</u> iye e tittingór mellól <u>Core Curriculum.</u>

AWEEWEL ME MILIKKA EYOOR: Allegh kkaal nge ebwe:

- 1. Abwáári <u>degree</u> mellól <u>college</u> ye e <u>accredited</u> me <u>university</u> mellól U.S. me ese lefil:
- 2. Abwáári tool gakko bwelle igha ebwe affata peigh kka ese ffat tappal akkabwung reel aweweel alúghúlúghúl <u>course</u>.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Schóóy Mwiisch nge rekke tingór ichil mángemáng reel pomwol ssiwel kkaal ikka Mwiisch rebwe bwughi llól eliigh (30) ráálil mmwal schagh yaar atééw ammataf yeel mellól Commonwealth Register. Schóókka re tipeli nge emmwel schagh rebwe tingór tilighial pomwol yeel ngare u faingi numero ye 664-4909 me email reel bpl@pticom.com me ngáre mweteeti bwulasiyo yeel me Bldg. 1242, Pohnpei ct., Capitol Hill, Seipél. Ischil pomwol yeel ebwe isisilong llól bwulasiyo me afanga ngáli BPL, P.O Box 502078, Seipél MP 96950.

Isaliyallong: Thenes Whenen	12-11-09
Francisco Q. Guerrero	Rál
Samwoolul, BPL	
Samwoolul, BPL	
Mwir sangi:	12/11/09
Esther S. Fleming	Rál
Sów Alillisil Sów Lemelem	
Ammwel sangi: Amile-	12.18.09
Esther San Nicolas	Rál
Commonwealth Register	

Alúghúlúgh mereel Bwulasiyool Sów Bwungul Allegh Lapalap

Sángi allégh ye 1 CMC 2153, iye aa lliwel mereel Alléghúl Toulap 1050, pomwol ssiwel kkaal reel allégh kaal nge raa takkal amweri fischi me aléghéléghéló mereel bwulasiyool Sów Bwungul Allégh Lapalap.

Edward Buckingham

Sów Bwungul Allégh Lapalap

12.18-69 Rál Section 4.3(A)(6)(b) of the Regulations or Section 125-40-110(6)(ii) of 125-40, NMIAC Title 125.

6. Qualifying Education (QE).

- a. Class hours will be credited only for educational offerings with content that follows the required AQB Guidance for Curriculum Content listed in \$4.3(A)(3) for each respective classification. Course content requirements may be general or specific to property type. Applicants must take the 15-Hour National USPAP course, or its equivalent, and pass the associated 15-Hour National USPAP Course Examination. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP qualifying education credit shall only be awarded when the class is instructed by an AQB Certified USPAP Instructor(s) who is also a state certified appraiser.
- b. Credit toward QE requirements may also be obtained via the completion of a graduate (masters or doctoral) degree in Real Estate from an accredited college or university approved by the American Association of Collegiate Schools of Business, or a regional or national accreditation agency recognized by the U.S. Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB. The AQB may maintain a list of approved college or university graduate degree programs, including the Required Core Curriculum and Appraisal Subject Matter Elective hours satisfied by the award of the degree. Candidates for the Trainee, Licensed, Certified Residential or Certified General credential who are awarded graduate degrees from approved institutions are required to complete all additional education required for the credential, in which the approved degree is judged to be deficient by AQB.
- <u>c.</u> Class hours may be obtained only where the minimum length of the education offering is at least 15 hours and the individual successfully completes an approved closed-book examination pertinent to that education offering.
- <u>d.</u> Courses taken for QE must not be repetitive in nature. USPAR Courses taken in different years are not repetitive.
- Section 4.3 (A)(7)(a) of the Regulations or Section 125-40-110(A)(7)(i), (iii) of 125-40, NMIAC Title 125.
- 7. Distance Education to meet Qualifying Education Requirement
 For qualifying education, distance education is defined as any
 educational process based on the geographical separation of learner and
 instructor. For qualifying education, distance education must provide
 interaction between the learner and instructor and include testing.
 - a. Distance education courses may be acceptable to meet the classroom hour requirement, or its equivalent, provided that the course is approved by the Board, the learner successfully completes a written examination proctored by an official approved by the presenting entity, college or university, the course meets the requirements for qualifying education established by the AQB, the course is equivalent to the

minimum of 15 classroom hours, and meets one of the following conditions:

- The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines; or
- 2. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either a) the approval of the AQB through the AQB Course Approval Program, or b) the course is approved by the Board.

Section 4.4(C)(1)(b) of the Regulations or Section 125-40-115(c)(2)(ii) of 125-40, NMIAC Title 125.

- Certified Residential Real Property Appraiser Classification
 - The Certified Residential Real Property classification applies to the appraisal of one to four residential units without regard to transaction value or complexity. This classification includes the appraisal of vacant or unimproved land that is utilized for 1-4 family purposes or for which the highest and best use is for 1-4 family This classification does not include the appraisal of subdivisions for which a development analysis/ appraisal is necessary.
 - Qualifying Education 1.
 - Applicants for this classification must hold an Associate degree or higher, from an accredited college, junior college, community college, or university; o
 - b. In lieu of the Associate degree, an applicant shall successfully **complete** all of the following collegiate subject matter courses at a college or university that is an accredited, degree-granting institution:
 - 1. English Composition;
 - 2. Principles of Economics (Micro or Macro);
 - 3. Finance:
 - Algebra, Geometry, or higher mathematics; 4.
 - 5. Statistics;
 - 6. Introduction to Computers Word Processing/spreadsheets; and
 - Business or Real Estate Law.

Section 4.4(D)(1)(b) of the Regulations or Section 125-40-115(d)(2) (ii) of 125-40, NMIAC Title 125.

- Certified General Real Property Appraiser Classification This classification applies to the appraisal of all types of real property.
 - Qualifying Education Applicants for this classification must hold a Bachelors degree or higher, from an accredited college or university; or
 - In lieu of the Bachelors degree, an applicant shall successfully complete all of the following collegiate

subject matter courses at a college or university that is an accredited, degree-granting institution:

- English Composition;
- 2. Micro Economics;
- 2. Macro Economics:
- 3. Finance:
- Algebra, Geometry, or higher mathematics; 4.
- Statistics;
- 6. Introduction to Computers Word Processing/spreadsheets;
- 7. Business or Real Estate Law; and
- Two elective courses in accounting, geography, ageconomics, business management, or real estate.

Section 4.6(M)(1),(2),(3) of the Regulations or Section 125-40-125(1) (1), (2), (3) of 125-40, NMIAC Title 125.

- Μ. Distance Education to meet Continuing Education Requirement For continuing education, distance education is defined as educational process based on the geographical separation of learner and instructor.
 - Distance education courses may be acceptable to meet the continuing education requirement provided that the course is approved by the Board, the course is a minimum of 2 classroom hours and meets the requirements for continuing education courses established by the AQB, and meets one of the following conditions:
 - The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance; or
 - The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or
 - The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either a) the approval of the AQB through the AQB Course Approval Program, or b) the course is approved by the Board and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or if a written examination is not required, the student successfully completes the course mechanisms required.



Commonwealth of the Northern Mariana Islands Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg. Caller Box 10007, Capitol Hill Saipan, MP 96950

Attorney General/Civil Division Tel: (670) 664-2341 Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/2367/2368
Fax: (670) 234-7016

AG Opinion 2009 – 03

Re: Duty of the Executive Branch Departments and Autonomous agencies to respond to requests for information, documents or meeting attendance deriving from the Transition Committee(s) of the respective Mayor-Elect

The Office of the Attorney General has been advised of an urgent question – whether the Executive Branch Departments and Autonomous agencies have a legal duty to transmit information and / or documents to the Transition Committee(s) of the Tinian Mayor-Elect or Rota Mayor-Elect?

I. Legal Issues

1. What legal duty, if any applies to the Executive Branch Departments and Autonomous agencies to respond to requests for information, documents or meeting attendance deriving from the Transition Committee(s) of the respective Mayor-Elect?

II. Short Answer

1. There is no legal duty to respond to a Transition Committee(s) request for information and / or documents or request for meeting attendance.

III. Background

The Legislature has considered the issue of transition as part of the election process. Specifically, the Legislature has enacted provisions in Title I, Part 2, Chapter 1 titled "Executive Transition Act." This Act provides *inter alia* for an official "office of the Governor-Elect." 1 CMC § 2902. Subsequent sections provide for temporary employees and explicit authority for access to information and cooperation from "the head of each department, office, board, commission, instrumentality, or other entity of the executive

branch, and the head of each independent entity of the Commonwealth government including any government corporation...¹"

No statutory provision other than that applicable to the Governor-Elect² currently exists.

IV. Analysis

The Legislature has broad discretion to enact legislation on a wide range of public issues. The Legislature has seen fit to enact legislation on the issue of "transition." In so doing, the Legislature made two choices: (1) to enact legislation on the issue of transition; (2) to define and limit the scope of legally-established duties.

In the instant question, one is not looking for language to interpret. Rather, one is considering what legal duty may exist (apparently) by implication. In other words, did the Legislature, by choosing **not** to address Mayoral offices, intend to create an identical or substantially similar set of rights and authority for a Mayor-Elect Transition Committee(s) as exists for the Governor-Elect.

To create a legal duty for the Executive Branch Departments and Autonomous agencies to respond to requests for information, documents or meeting attendance deriving from the Transition Committee(s) of the respective Mayor-Elect based on non-existing legislative language is inappropriate. To reach a different position, one must conclude that a "Mayor-Elect Transition Committee" has legal standing even though it does not exist in statute. While this may or may not represent sound public policy, such legal duty should not be created out of whole cloth. Should the Legislature deem such activity necessary, the Legislature has the capacity to enact appropriate legislation.

Assuming *arguendo* that no legal duty exists, there exists the related question about the **capacity** of the incumbent the Executive Branch Departments and Autonomous agencies to respond to requests for information, documents or meeting attendance deriving from the Transition Committee(s) of the respective Mayor-Elect. Such response, if any, rests within the sound exercise of discretion³ of the respective incumbent the Executive Branch Departments and Autonomous agencies.

¹ 1 CMC § 6904 Office of the Governor-Elect: Access to Information.

² In the instant circumstance, the Election Commission acted on December 7, 2009 to certify the election results that result in the re-election of the incumbent Governor.

³ Certain information contemplated for release to the Governor-Elect includes "confidential" information. The transmission of "confidential" information to a designated "Mayor-Elect Transition Committee" appears inappropriate until and unless appropriate agreements and safeguards are established so that such information may be disclosed. It is not the intent of this Opinion to address the means by which such arrangements might be undertaken. However, caution is urged so that inadvertent disclosure of confidential information does not create unintended harm.

V. Conclusion

There is no legal duty to respond to a Transition Committee(s) request for information and / or documents or request for meeting attendance. However, subject to other existing legal requirements related to confidential and/or otherwise non-public information and documents, no legal prohibition exists for cooperation and information exchange authorized by the incumbent the Executive Branch Departments and Autonomous agencies based on custom or practice or the sound exercise of discretion.

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