

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 40  
NUMBER 07  
JULY 28, 2018**

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# COMMONWEALTH REGISTER

VOLUME 40  
NUMBER 07  
JUNE 28, 2018

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**ORDER**

**Number:** 2018-001

**Subject:** Order Designating In-House Counsel as Casino  
Key Employees Requiring Licensure

**Authority:** P.L. 18-56 and 19-24, Regulations of the Commonwealth  
Casino Commission, NMIAC Chapter 175-10.1

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**Commonwealth of the Northern Mariana Islands**

**DEPARTMENT OF PUBLIC LANDS**

Marianne Concepcion-Teregeyo, Secretary

P.O. Box 500380

Saipan, MP 96950

Tel. 234-3751

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS FOR THE  
DEPARTMENT OF PUBLIC LANDS**

**PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Department of Public Lands (DPL) finds that:

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS AFTER CONSIDERING PUBLIC COMMENT:** The Commonwealth of the Northern Mariana Islands, Department of Public Lands ("the Department") 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 ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** The Department has the inherent authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Article IX of the Commonwealth Constitution and 1 CMC § 2801 et. seq.

**THE TERMS AND SUBSTANCE:** The proposed regulations set forth to allow for agricultural homesteading activities on the island of Rota by adopting rules and regulations governing the Rota Agricultural Homestead Program.

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


1. Establish procedures for agricultural homestead applications.
2. Establish standards of eligibility.
3. Provide requirements necessary for the homestead program.
4. Regulate the permitting and inspection process.
5. Implement penalties.
6. Establish administrative hearing procedures.

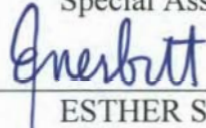
**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and this notice shall be posted in convenient places in the civic center and in local government offices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

**TO PROVIDE COMMENTS:** Send or deliver your comments to the Department of Public Lands Attn: Secretary, at the above address, fax or email address. 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)).

The Department of Public Lands approved the attached Proposed Regulations on the date listed below.


Submitted by:  12 JUL 2018  
MARIANNE CONCEPCION-TEREGEYO Date  
Secretary, Department of Public Lands

Received and filed by:  7/19/18  
SHIRLEY P. CAMACHO-OGUMORO Date  
Special Assistant for Administration

Filed and Recorded by:  7.20.2018  
ESTHER SN NESBITT Date  
Commonwealth Registrar

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

Dated the 20 day of July, 2018.

  
Hon. EDWARD MANIBUSAN  
Attorney General

**Commonwealth Gi Sangkattan Na Islas Mariáñas**  
**DIPÁTTAMENTUN TANU' PUPBLIKU**  
Marianne Concepcion-Teregeyo, Sekretária  
P.O. Box 500380  
Saipan, MP 96950  
Tel. 234-3751

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN  
REGULASION SIHA PARA I DIPÁTTAMENTUN TANU' PUPBLIKU**

**I MAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth Gi Sangkattan Na Islas Mariáñas, Dipáttamentun Tanu' Publiku (DPL) ha sodda' na:

**I AKSION NI MA 'INTENSIONA PARA U ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA DISPUES DI KUNSIDERAN I UPIÑON PUPBLIKU:** I Commonwealth gi Sangkattan na Islas Mariáñas, Dipáttamentun Tanu' Publiku ("I Dipáttamentu") ha intensiona para u adápta kumu petmanienti i regulasion ni mañechettu na Manmaproponi na Regulasion siha sigun para i Ákton Atministrasion Procedure, I CMC §9104(a). I regulasion siha para u ifektibu gi hálum dies (10) dihas dispues di adáptasion yan publikasion gi hálum i Rehistran Commonwealth. (I CMC § 9105(b))

**ÁTURIDÁT:** I Dipáttamentu gai aturidát para u adápta i Areklamentu yan Regulasion siha ni para u adilánta mo' na i obligasion yan responsabilidát siha sigun i Article IX giya Commonwealth Konstitusion yan I CMC §2801 et. Seq.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I maproponi na regulasion siha mapega mo' na para u sedi i aktibidát agrikutturán homesteading siha gi islan Luta ginin i ma'adápta na areklamentu yan regulasion siha ni gumubiebieta i Prugráman Agrikutturán Homestead Luta.

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** Esti na areklamentu yan regulasion siha:

1. Istablesi i manera para i aplikasion agrikutturán homestead siha.
2. Istablesi i standards i kuálifikasion.
3. Pribeni i nisisidát siha ni nisisáriu para i prugráman homestead.
4. Gubietna i maneran permitting yan inspeksion.
5. Kátga huyung i pena siha.
6. Istablesi i maneran administrative hearing siha.

**DIREKSION PARA U MA PO'LU YAN PARA PUBLIKASION:** Esti i manmaproponi na regulasion siha debi na u mapublika gi hálum i Rehistran Commonwealth gi hálum i seksiona ni manmaproponi yan nuebu na ma'adápta na regulasion siha (I CMC § 9102(a)(1)) yan esti na nutisia debi na u mapega gi hálum mankumbinienti na lugát siha giya i civic center yan gi hálum ufisinan gubietnu gi kada distritun senatorial parehu Inglis yan i lingguáhi natibu, (I CMC § 9104(a)(1)).

**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hãnao pat na'hålum iyo-mu upiñon siha guatu gi Dipåtamentun Tanu' Pupbliku Atn: Sekretãria, giya sanhilu' na address, fax pat email address. I upiñon siha debi na u hålum gi hålum trenta (30) dihas ginin esti na nutisian pupplikasion. Put fabot na hålum iyo'-mu data, views pat agumentu siha. (1 CMC § 9104(a)(2)).

I Dipåtamentun Tanu' Pupbliku ma'aprueba i mañechettun na Manmaproponi na Regulasion siha gi fetcha ni malista pâpa'.

Nina'hålum as:

  
MARIANNE CONCEPCION-TEREGEYO  
Sekretãria, Dipåtamentun Tanu' Pupbliku

12 JUL 2018  
Fetcha

Rinisibi yan  
pine'lu as:

  
SHIRLEY P. CAMACHO-OGUMORO  
Ispisiãt Na Ayudãnti Para I Atministrasion

7/19/18  
Fetcha

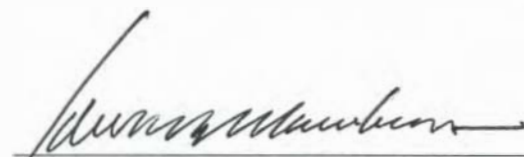
Pine'lu yan  
Ninota as:

  
ESTHER SN. NESBITT  
Rehistran Commonwealth

7-20-2018  
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugãdu Henerãt ha aprueba i regulasion siha na para u macho' gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, 1 CMC § 2153(f) (pupplikasion areklamentu yan regulasion siha).

Mafetcha guini gi diha 20, gi July 2018.

  
Hon. EDWARD MANIBUSAN  
Abugãdu Henerãt

**Commonwealth Téel Falúw kka Efáng Ilól Marianas  
BWULASIYOL AMMWELIL FALUWEER TOULAP**

Marianne Concepcion-Teregeyo, Sekkretóoriya  
P.O. Box 500380  
Saipan, MP 96950  
Til. 234-3751

**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT  
NGÁLI BWULASIYOL AMMWELIL FALUWEER TOULAP**

**POMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téel Falúw kka Efáng Ilól Marianas, Bwulasiyol Ammwelil Faluweer Toulap (DPL) re schuungi bwe:

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUT KKAL MWIRIL AAR RÁGHIIY KKAPAS MEREER TOULAP:** Commonwealth Téel Falúw kka Efáng Ilól Marianas, Bwulasiyol Ammwelil Faluweer Toulap (Bwulsiayo we" re mángemángil rebwe adóptááli bwe ebwe lléghló mwóghutughut ikka e appasch bwe Pommwol Mwóghutughut sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kka llól seigh ráál mwiril aal adóptáánil me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Eyoor bwángil Bwulasiyo reel rebwe adóptááli allégh me mwóghutughut llól mwóghutughutúl me lemelemil sáangi Article IX reel Commonwealth Constitution me 1 CMC §2801 et. seq.

**KKAPASAL ME AWEEWEL:** Pommwol mwóghutughut kka ebwe tééló mmwal reel igha ebwe lighiti ngáliir mwóghutughutúl agricultural homesteading wóól falúw iye Luuta reel igha rebwe adóptááli allégh me mwóghutughutúl lemelemil Progróomal Rotá Agricultural Homestead.

**KKAPASAL ME ÓUTOL:** Allégh me mwóghutughut kkal:

1. Itittiwel mwóghut ngáli agricultural homestead applications.
2. Itittiwel standards reel ngare re ffil.
3. Ayoora requirements ikka e ffil ngáli progróomal homestead.
4. Lemeli bwángil me inspection process.
5. Ayoorai mwóghutughutúl penalties.
6. Itittiwel mwóghutughutúl administrative hearing.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughutúl me llól Commonwealth Register llól tánil pommwol me ffél mwóghutughut ikka r adóptáánil (1 CMC § 9102(a)(1)) me ebwe appaschetá me llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial



district, fengál reel English me mwáliyaasch. (1 CMC § 9104(a)(1)).

**ISIISILONGOL KKPAS:** Afanga ngáre bwughiló yóómw ischil kkapas ngáli Bwulasiyol Ammwelil Faluweer Toulap Attn: Sekkretóoriya, reel féléfél iye e lo weiláng, fax ngáre email. Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngáre angiingi. (1 CMC §9104(a)(2)).

Bwulasiyol Ammwelil Faluweer Toulap rá átirow reel Pommwol Mwóghutughut iye e amwirimwiritiw wóól ráálil iye e lo faal.

Isáliyalong:

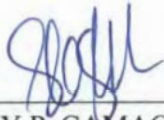


MARIANNE CONCEPCION-TEREGEYO

Sekkretóoriya, Bwulasiyol Ammwelil Faluweer Toulap

12 JUL 2018  
Ráál

Bwughiyal:



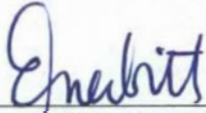
SHIRLEY P. CAMACHO-OGUMORO

Special Assistant ngáli Administration

Ráál

7/19/18

Ammwelil:



ESTHER SN NESBI

Commonwealth Registrar

7-20-2018

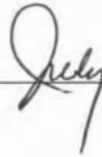
Ráál

Sángi 1 CMC § 2153(3) (sángi átirowal AG bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sángi átirowal AG) bwe ra takkal amwuri fischiiy pommwol mwóghutughut ikka e appasch me átirow bwe aa lléghló reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

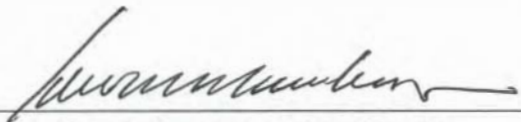
Aghikkilátiw wóól

20

ráálil



, 2018.



Hon. EDWARD MANIBUSAN

Soulemelemil Allégh Lapalap

## **Part 001 – General Provisions**

### **§ 145-20.2-001 Authority**

The regulations in this chapter are promulgated by the Department of Public Lands (“DPL”) pursuant to the authority set forth in Article XI of the Commonwealth Constitution, Public Law 7-11, and Public Law 15-2.

### **§ 145-20.2-005 Purpose**

The purpose of these rules and regulations are to set forth the necessary procedures with respect to agricultural homestead applications; to set out in detail the standards of eligibility; to provide for certain requirements necessary to meet the goals and objectives of the agricultural program; to provide for an efficient system of notice and hearing process for applicants whose applications have been denied, and to provide a basic format for applications and other documents and instruments necessary to administer and implement the agricultural homestead program.

### **§ 145-20.2-010 Definitions**

- (a) “Domicile” means that place in which a person maintains a residence with the intention of continuing that residence for an unlimited or indefinite period, and to which that person has the intention of returning whenever absent, even for an extended period.
- (b) “Marriage” A legal status requiring the issuance of a marriage license and a ceremony performed by a person authorized under Commonwealth law or the laws of another jurisdiction recognized by the Commonwealth, or a customary marriage between citizens that is solemnized in accordance with recognized customs and Commonwealth law.

## **Part 100 – Rota Agricultural Homestead Program Requirements**

### **§ 145-20.2-101 Designation of Homestead Areas**

DPL may designate areas suitable for farming and agricultural activities, and shall use such designated areas for the distribution of agricultural homestead lots. No applicant may be granted an agricultural homestead lot outside of the designated area without the prior approval of the DPL Secretary.

### **§ 145-20.2-105 Establishment of Area**

All eligible applicants shall be entitled to a maximum area of one hectare or 10,000 square meters of agricultural land.

### **§ 145-20.2-110 Persons Eligible to Homestead**

All applicants for agricultural homestead lots must meet and satisfy all of the following criteria:

- (a) An applicant must be 18 years of age, or over, and is a citizen of the Commonwealth of the Northern Mariana Islands, and of Northern Marianas descent as provided for in the CNMI Constitution.
- (b) An applicant must have been domiciled on the island of Rota for not less than five years.
- (c) An applicant or his/her spouse must not own or have an interest in agricultural land within the Commonwealth of the Northern Mariana Islands which equals or exceeds a half hectare or 5,000 square meters.
- (d) An applicant or his/her spouse must not have been a recipient of an agricultural homestead lot from a previous agricultural homesteading program.
- (e) An applicant shall not receive more than one agricultural homestead lot.
- (f) If two applicants marry, the applicants must notify DPL of the marriage and one of the applications must be withdrawn. If an applicant marries a permittee, the applicant must notify DPL and withdraw the application. If two permittees marry, the permittees must notify DPL of the marriage and one of the permits must be canceled. If an applicant or permittee marries the recipient of an agricultural homestead lot, the permittee or applicant must notify DPL of the marriage and withdraw his/her application or cancel his/her permit.

**§ 145-20.2-115 Priority of Applicants**

DPL shall take into consideration the date of application, so that an earlier applicant shall take precedence over a later applicant, all other factors being equal.

Applicants who have incomplete files will not be considered until all required documents and information is submitted.

DPL shall then prioritize the applications submitted according to the following categories:

- (a) Residency Status
  - (1) Applicants physically residing on the island of Rota will be given first priority.
  - (2) Applicants physically residing somewhere other than the island of Rota, will be given second priority.
- (b) Ineligible Applicants
  - (1) Those applicants who are determined ineligible to receive agricultural lots due to constitutional and statutory restrictions shall be notified in writing of such

determination. The notification shall specify the reasons for ineligibility and inform the applicant of a right to appeal the determination within 30 days from the date of the notice.

In order to verify the information provided in the application and in order to accurately determine the actual need and priority for an agricultural homestead lot, DPL may require the applicant to provide additional documentation as DPL deems appropriate.

**§ 145-20.2-120      Application Procedure**

- (a) All applicants for agricultural homestead shall fill out an application form provided by DPL. Applications may be submitted in the Saipan Office or directly to the Rota Office. Applications shall be date stamped by the DPL when received.
- (b) All applications must be signed and notarized under penalty of perjury.
- (c) All applications must be accompanied by a \$100.00 non-refundable application fee.
- (d) After submission of an application, DPL shall verify the eligibility of the applicant and all essential facts set forth by the applicant, and if necessary, require the applicant to appear before the DPL Resident Director or Homestead Director or his/her designee for an interview to clarify or verify the information given in the application. Approval or disapproval of application shall be rendered no later than 90 days after receipt of a completed application.

It is the applicant's responsibility to notify DPL of any changes to their mailing address or other contact information. Any letters, notices or other documents mailed to the applicant's last known address on file and returned by the postal service as undeliverable, unable to forward, etc. will result in the applicants file being placed under inactive status until such time they update their contact information.

**§ 145-20.2-125      Issuance of Homestead Permit**

- (a) DPL shall issue a permit to enter upon, use, and improve the land once the agricultural tract has been surveyed, monumented, mapped, and is ready for homesteading. The DPL shall conduct a lottery wherein the eligible applicant will pick their lot by blind draw.
- (b) After an agricultural lot is drawn by an eligible applicant, the DPL shall prepare an agriculture homestead permit for the applicant, and shall give a copy of the map showing the agriculture homestead tract as surveyed, and shall also physically show the tract to the homesteaders.
- (c) A permit fee of \$100.00 shall be paid by the homesteaders due and payable at the

time the permit is executed.

**§ 145-20.2-130 Conditions of Occupancy**

- (a) The homesteader shall enter upon and commence the use and improvement of the agriculture lot consistent with a land utilization and planting program approved by DPL within 90 days after the receipt of the permit. Upon noncompliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to the land. DPL shall then have the right to enter and possess the land.
- (b) The homesteader shall, at all times, maintain all boundaries clear of any and all weeds, trash, and underbrush.
- (c) DPL shall show the homesteader the actual boundaries of the homestead lot. However, any subsequent request by homesteader for retracement of boundaries by DPL may be undertaken only after a \$300.00 fee is paid in advance.
- (d) During the period of occupancy, the homesteader shall observe and comply with all rules, regulations, and requirements concerning the use, occupation, and development of the homestead lot.
- (e) No permanent structure, e.g. reinforced concrete or hollow concrete blocked construction is allowed during the term of the permit. All temporary construction for housing of people shall provide sanitation facilities approved by the Bureau of Environmental and Coastal Quality (BECQ).

**§ 145-20.2-135 Homestead Progress Inspection**

- (a) DPL shall conduct inspections of the homestead at least once a year, or more often as it deems necessary, to determine compliance with the homestead requirements. Notice of Inspection shall be given to the homesteader at least ten (10) days in advance.
- (b) After each inspection, the homestead inspection team shall issue a brief report on the progress of and the compliance of the homesteader.
- (c) In the event that a homesteader is not complying with the homestead requirements, the inspection team shall so note in its report and inform the homesteader of the requirement he/she is not complying with. Appropriate written warnings shall be given to the homesteader. Such notice shall contain specific corrective actions to be taken by the homesteader to bring himself/herself into compliance with the homestead requirements.
- (d) All inspection reports shall be signed by the homestead inspector.

It is the homesteader's responsibility to notify DPL of any changes to their mailing address or other contact information. Any letters, notices or other documents mailed to the homesteader's last known address on file and returned by the postal service as undeliverable, unable to forward, etc. could result in the homesteader losing the opportunity to contest the revocation of their lot.

**§ 145-20.2-140 Deeds of Conveyance**

Deeds of conveyance shall be issued by DPL for homestead lots entered pursuant to the Rota Agriculture Homestead Act of 1990. Upon maturity of the permit and only upon execution of a certification by DPL certifying that the homesteader has resided on the island of Rota for three years from the date of entry upon the homestead lot and has complied with all laws, rules, and regulations appertaining to the homestead. DPL shall issue the deed of conveyance within six months of the time the homesteader becomes eligible to receive the deed of conveyance.

**§ 145-20.2-145 Transfer of Homestead Permit**

No rights in or to a homestead permit shall be sold, assigned, leased, transferred or encumbered. Except that in the event of the death of the homesteader prior to the issuance of a deed of conveyance, all rights under the permit shall inure to the benefit of such person or persons, if any, as the homesteader shall designate in the permit or letter filed with DPL. In the event that the homesteader makes no designation, the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to DPL or its successor.

**§ 145-20.2-150 Penalties**

(a) Grounds for Revocation of Permit.

If at any time after the issuance of the homestead permit, and before the expiration of the permit period, the homesteader abandoned the land or failed to comply with the laws, then the permit shall be revoked and the land shall revert to DPL or its successor. DPL may at its discretion allow the homesteader an extension of the permit period.

(b) Grounds for Disqualification.

- (1) If an applicant knowingly and willfully submits false information to DPL under penalty of perjury, the matter shall be referred to the Attorney General for prosecution and the applicant's permit shall be revoked and the applicant shall be disqualified from participation in the agricultural homesteading program.
- (2) If an applicant negligently or recklessly submits false information to DPL, or otherwise misleads DPL, the applicant may be disqualified from participation in the agriculture homestead program permanently or for a period of time to be determined by the Secretary.

**§ 145-20.2-155 Notice and Hearing**

An applicant whose application for an agricultural homestead has been received, verified, and found ineligible, shall be informed in writing of such decision, the reason therefore, and provided notice of a right to appeal the decision within 30 days of the date of the letter. Such hearing shall be held no later than 90 days after receipt of such notice by the applicant. The applicant has the right to be represented by a counsel of his/her choosing and to bring witnesses to the hearing. No later than 30 days after the hearing, the hearing officer, on behalf of the DPL, shall issue his/her decision. If the hearing officer denies an application, a written decision to that effect shall be prepared and given to the applicant. Such a decision shall be deemed final.

**§ 145-20.2-160      Waiver**

DPL, upon recommendation of the inspection team, the Rota Director, and upon a showing of good cause, may temporarily waive a homestead requirement in the regulations in this subchapter and the conditions imposed on the permit, provided that no provisions set forth in the Constitution or by statute shall be waived.



Commonwealth of the Northern Mariana Islands  
**OFFICE OF THE GOVERNOR**  
**Bureau of Environmental and Coastal Quality**  
DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304  
DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8540  
DCRM Tel: (670) 664-8300; Fax: (670) 664-8315  
[www.deq.gov.mp](http://www.deq.gov.mp) and [www.crm.gov.mp](http://www.crm.gov.mp)



**Ralph DLG. Torres**  
Governor

**Victor B. Hocog**  
Lt. Governor

**Eli D. Cabrera**  
Administrator

**Ray S. Masga**  
Director, DEQ

**Janice Castro**  
Director, DCRM

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO:  
THE BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY,  
DIVISION OF ENVIRONMENTAL QUALITY,  
WATER QUALITY STANDARDS**

**INTENDED ACTION:** The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ), Division of Environmental Quality, intends to adopt as permanent regulations the attached Proposed Amendments to the Water Quality Standards 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 1 CMC § 9105(b).

**AUTHORITY:** The BECQ has statutory authority to promulgate and adopt regulations regarding Water Quality. P.L. 3-23 § 7; 2 CMC § 3121.

**TERMS AND SUBSTANCE:** The attached proposed amendments amend the Water Quality Standards, NMIAC Chapter 65-130, to: (1) remove already-repealed language that remains codified; (2) adopt the most current versions of the U.S. EPA's Aquatic Life Criteria Table and Human Health Criteria Table, including updated thresholds for cadmium, selenium, and ammonia; and (3) remove excess language regarding chlorine covered by the Aquatic Life Criteria Table.

**SUBJECTS AND ISSUES INVOLVED:** These amendments to the Water Quality Standards include the following areas:

1. Water Quality Criteria for microbiological organisms; and
2. Water Quality Criteria for toxic pollutants.

**REGULATIONS BEING AMENDED:** Water Quality Standards, NMIAC Chapter 65-130.

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

**TO PROVIDE COMMENTS:** Pursuant to 40 CFR §§ 131.20 and 25.5, BECQ shall hold a public




hearing regarding these amendments to the Water Quality Standards on July 13, 2018. Comments may be submitted during the hearing, or the public may submit comments to Eli D. Cabrera, Administrator of BECQ, at the above address, with the subject line "Water Quality Standards." Any written comments are due within 30 days from the date of publication of this notice. 1 CMC § 9104(a)(2).

Submitted by:

  
\_\_\_\_\_  
ELI D. CABRERA  
Administrator, BECQ


06/19/18  
Date

Received by:

  
\_\_\_\_\_  
SHIRLEY CAMACHO-OGUMORO  
Governor's Special Assistant for  
Administration


7/10/18  
Date

Filed and Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Register *SN*

7.24.2018  
Date

Pursuant to 1 CMC § 2153(e) (Attorney General approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (Attorney General 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 MANIBUSAN  
Attorney General

7/11/18  
Date

**ARONGORONGOL TOULAP REEL POMMWOL LIIWEL NGÁLI:  
DEPATTAMENTOOL ENVIRONMENTAL ME COASTAL QUALITY,  
BWULASIYOL ENVIRONMENTAL QUALITY,  
WATER QUALITY STANDARDS**

**MÁNGEMÁNGIL MWÓGHUT:** Commonwealth Téél Falúw kka Efáng Ilól Marianas, Depattamentool Environment me Coastal Quality (BECQ), Bwulasiyol Environmental Quality, re mángemángil rebwe adóptáali mwóghut kkal bwe ebwe lléghló mwóghutughut ikka e appasch bwe Pommwol Liiwel ngáli Water Quality Standards sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghut kkal llól seigh ráál mwiril aal angúungú ngáli 1 CMC §§9102 me 9104(a) ngáre 1 CMC § 9105(b).

**BWÁNGIL:** Eyoor bwángiir BECQ reel rebwe arongowow me adóptáali mwóghut ikka e ssúl ngáli Ammwclil Schaal. P.L. 3-23 § 7; 2 CMC § 3121.

**KKAPASAL ME AWEEWEL:** Pommwol liiwel ikka e appasch ebwe siiweli Water Quality Standards, NMIAC Chapter 65-130, ngáli: (1) siiweli kkapas iye ra takkal siiweli iye e lo bwe e codified; (2) adóptáali milikka e lo bwe e ffélong reel U. S. EPA's Aquatic Life Criteria Table me Human Health Criteria Table, eschuulong ffél threshold ngáli cadium, selenium, me ammonia; me (3) siiweli ssoghul kkapas ikka e ssúl ngáli chloring iye e cover sáangi Aquatic Life Criteria Table.

**KKAPASAL ME ÓUTOL:** Ebwal schuulong llól liiwel ngáli Water Quality Standards milikka e amwirimwiritiw:

1. Water Quality Criteria ngáli microbiological organisms; me
2. Water Quality Criteria ngáli toxic pollutants.

**MWÓGHUTUGHUT IKKA REBWE LIIWELI:** Water Quality Standards, NMIAC Chapter 65-130.

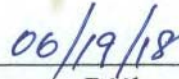
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow pommwol liiwel kkal me llól Commonwealth Register llól táilil pommwol me ffél mwóghut ikka ra adóptáalil, 1 CMC § 9102(a)(1), me ebwe arongowow mángemángil mwóghut reel rebwe adóptáali pommwol mwóghutughut kkal me ebwe appaschctá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch, 1 CMC § 9104(a)(1).

**REEL ISIISILONGOL KKPAS:** Sáangi 40 CFR §§ 131.20 me 25.5, BECQ rebwe amuschú eew yéélágh iye ebwe ssúl ngáli liiwel ngáli Water Quality Standards wóól Ullyo 13, 2018. Kkapas ebwe isiisilong atol yéélágh yeel, ngáre toulap emmwel rebwe isiisilong aar kkapas ngáli Eli D. Cabrera, Administrator-il BECQ, reel féléfél iye e lo weiláng, ebwe lo wóól subject line bwe "Water Quality Standards." Ebwe toolong ischil mángemáng llól eliigh ráál mwiril aal akkatééwow arongorong yeel. 1 CMC § 9104(a)(2).

Isáliyalong:



ELI D. CABRERA  
Administrator, BECQ



Ráál

Bwughiyal:



SHIRLEY CAMACHO-OGUMORO  
Layúl Gobenno Special Assistant ngáli  
Administration

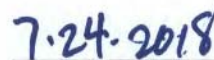


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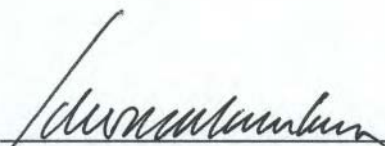


ESTHER SN. NESBITT  
Commonwealth Register



Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal Soulemelemil Allégh Lapalap bwe aa lléghló me ffil reel fféerúl) me 1 CMC § 9104(A)(3) (átirowal Soulemelemil Allégh Lapalap) ra takkal amuria fischiiy pommwol mwóghut ikka e appasch me aa átirow bwe aa lléghló me legal sufficiency sáangi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).



EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap



Ráál

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDASION SIHA PARA:  
DIPÁTTAMENTUN KUÁLIDÁT URIYAN I TANU' YAN I TÁSI, DIBISION KUÁLIDÁT I  
URIYA, KUÁLIDÁT STANDARD I HÁNOM SIHA**

**I AKSION NI MA'INTENSIONA:** I Commonwealth gi Sangkåtán na Islas Mariánas, i Dipáttamentun Kuálidát Uriyan I Tanu' yan I Tási (BECQ), Dibision Kuálidát I Uriya, ha intensiona para u adápta kumu petmanienti i mañechettun na regulasion i Manmaproponi na Amendasion siha para i Kuálidát Standard I Hánom Siha sigun para i maneran nu i Ákton Administrative Procedure, 1 CMC § 9104(a). I regulasion siha mu ifektibu gi dies dihas dispues di compliance yan 1 CMC §§ 9102 yan 9104(a) pat 1 CMC § 9105(b).

**ATURIDÁT:** I BECQ gai ligát na aturidát para u cho'gui yan adápta i regulasion siba put i Kuálidát i Hánom. P.L. 3-23 § 7; 2 CMC § 3121.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I mañechettun na manmaproponi na amendasion siha ha amenda i Kuálidát Standard I Hánom Siha, NMIAC Pátti 65-130, para: (1) na'suha i lingguáhi ni esta-marichása ni sumága kumu codified; (2) adápta i más nuebu na fotman nu i U.S. Aquatic Life Criteria Table yan Human Health Criteria Table siha, ina'ingklusi i más nuebu na thresholds para cadmium, selenium, yan armonia; yan (3) na'suba i inipus na lingguáhi put i chlorine ni tinampi ginin i Aquatic Life Criteria Table.

**SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** Esti na amendasion para i Kuálidát Standard I Hánom Siha inklusi i tinattiyi na lugát siha:

1. Criteria Kuálidát i Hánom para microbiological organisms; yan
2. Criteria Kuálidát i Hánom para ináplacha' i binenu siha.

**I REGULASION NI MA'AMENDA:** Kuálidát Standard I Hánom Siha, NMIAC Pátti 65-130.

**DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA:** Esti i manmaproponi na amendasion siha debi u mapupblika gi hálum i Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adápta na regulasion siha, 1 CMC § 9102(a)(1), yan nutisian i aksion ni ma'intensiona para u adápta esti i manmaproponi na regulasion siha ni debi na u mapega gi kumbinienti na lugát siha gi hálum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu Englis yan prinsipát na lingguáhin natibu, 1 CMC § 9104(a)(1).

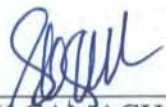
**PARA U MAPRIBENIYI UPIÑON SIHA:** Sigun para 40 CFR §§ 131.20 yan 25.5, BECQ debi na u managuaha public hearing put esti i amendasion para i Kuálidát Standard I Hánom siha gi Hului 13, 2018. Siña mu na'hálum upiñon siha gi durántin i hearing, pat i Pupbliku siña mu na'hálum upiñon siha guatu as Eli D. Cabrera, Atministradot I BECQ, gi sanhilu' na address, yan i suhetu na ráya "Kuálidát Standard I Hánom Siha." Maseba háfa na tinigi' upiñon siha debi na u fanhálum gi hálum trentai (30) dihas ginin i fetchan i pupplikasion esti na nutisia. 1 CMC § 9104(a)(2).

Nina'hålum as:

  
\_\_\_\_\_  
ELI D. CABRERA  
Atministradot, BECQ

06/19/18  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
SHIRLEY CAMACHO-OGUMORO  
Ispisiât Na Ayudânti Para I Atministrasion

7/10/18  
Fetcha

Pine'lu yan  
Ninota as:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Rehistran Commonwealth

7-24-2018  
Fetcha

Sigun i 1 CMC § 2153(e) (1 Abugâdu Hinerât ma'apueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inapueban Abugâdu Hinerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Hinerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupplikasion areklamentu yan regulasion siha).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Abugâdu Henerât

7/11/18  
Fetcha

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

CHAPTER 65-130

WATER QUALITY STANDARDS

**Part 001 General Provisions**

- § 65-130-001 Authority
- § 65-130-005 Purpose
- § 65-130-010 Anti-degradation Policy
- § 65-130-015 Definitions

**Part 100 Classification of Water Uses**

- § 65-130-101 Marine Waters
- § 65-130-105 Fresh Surface Waters
- § 65-130-110 Protection of Wetlands
- § 65-130-115 Protection of Ground Water

**Part 200 Classification and Establishment of Water Use Areas**

- § 65-130-201 Rota
- § 65-130-205 Tinian and Aguiguan
- § 65-130-210 Saipan
- § 65-130-215 Northern Islands

**Part 300 Basic Water Quality Criteria Applicable to All Waters**

- § 65-130-301 Basic Surface Water Quality Criteria
- § 65-130-305 Verification by Monitoring

**Part 400 Specific Water Quality Criteria**

- § 65-130-401 Microbiological Requirements
- § 65-130-405 pH
- § 65-130-410 Nutrients
- § 65-130-415 Dissolved Oxygen
- § 65-130-420 Total Filterable Suspended Solids
- § 65-130-425 Salinity
- § 65-130-430 Temperature
- § 65-130-435 Turbidity
- § 65-130-440 Radioactive Materials
- § 65-130-445 Oil and Petroleum Products
- § 65-130-450 Toxic Pollutants
- § 65-130-455 General Considerations

**Part 500 Mixing Zone in Receiving Waters**

- § 65-130-501 Mixing Zones; When Permitted
- § 65-130-505 Establishment of Mixing Zone
- § 65-130-510 Prevention, Control, and Abatement
- § 65-130-515 Time Limit for Mixing Zone
- § 65-130-520 Mixing Zone Characteristics
- § 65-130-525 Criteria for Mixing Zone
- § 65-130-530 Dredging and Discharge of Dredged or Fill Material

**Part 600 Water Quality Certification**

- § 65-130-601 Water Quality Certification Required
- § 65-130-605 Application for Water Quality Certification
- § 65-130-610 Public Notification and Public Hearing
- § 65-130-615 Determination of Water Quality Certification
- § 65-130-620 Water Quality Certification; General Provisions
- § 65-130-625 Water Quality Certification; Adoption of New or Revised Water Quality Standards

**Part 700 Land Disposal of Wastewater**

- § 65-130-701 General Applicability
- § 65-130-705 Submission of Land Disposal Plans
- § 65-130-710 Land Disposal in Coastal Lands
- § 65-130-715 Land Disposal in Groundwater Recharge Areas
- § 65-130-720 Discharge Limitations for Land Disposal of Wastewater

**Part 800 Prohibitions**

- § 65-130-801 Prohibitions

## TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

<b>Part 900 Inspections and Right of Entry</b>	§ 65-130-1015	Hearings
§ 65-130-901 Inspections and Right of Entry	§ 65-130-1020	Emergency Suspension Provisions
	§ 65-130-1025	Criminal Penalties
<b>Part 1000 Notices of Violations, Administrative Orders, and Penalties</b>	<b>Part 1100 Miscellaneous Provisions</b>	
§ 65-130-1001 Power to Uphold Water Quality Standards	§ 65-130-1101	Severability
§ 65-130-1005 Enforcement Actions		
§ 65-130-1010 Administrative Orders		
	<b>Appendix I Water Quality Standards Program History, Statutory Authority, and Other Background Information</b>	

Chapter Authority: 1 CMC §§ 2646-2649; 1 CMC § 2650; 2 CMC §§ 3101-3135.

Chapter History: Amdts Adopted 36 Com. Reg. 35400 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35171 (July 28, 2014); Amdts Adopted 36 Com. Reg. 34956 (May 28, 2014); Amdts Proposed 36 Com. Reg. 34847 (Mar. 28, 2014); Amdts Adopted 26 Com. Reg. 22896 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22237 (Apr. 23, 2004); Amdts Adopted 19 Com. Reg. 15554 (Aug. 15, 1997); Amdts Adopted 19 Com. Reg. 14908 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14388 (Oct. 15, 1996); Amdts Adopted 15 Com. Reg. 11015 (Oct. 15, 1993); Amdts Proposed 15 Com. Reg. 10833 (Sept. 15, 1993); Amdts Adopted 13 Com. Reg. 8309 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7955 (Sept. 15, 1991); Amdts Adopted 8 Com. Reg. 4733 (Nov. 17, 1986); Amdts Proposed 8 Com. Reg. 4458 (Aug. 15, 1986); Amdts Adopted 5 Com. Reg. 2453 (Aug. 31, 1983); Amdts Proposed 5 Com. Reg. 2242 (July 29, 1983); Adopted 5 Com. Reg. 1938 (Mar. 31, 1983); Proposed 5 Com. Reg. 1869 (Feb. 28, 1983).

Commission Comment: For a complete history of the authority of the Division of Environmental Quality (DEQ), see the commission comment to NMIAC chapter 65-10.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that "all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated."

### Part 001 - General Provisions

#### § 65-130-001 Authority

The regulations in this chapter have been promulgated by the Bureau of Environmental and Coastal Quality in accordance with the Commonwealth Environmental Protection Act, (CEPA), 2 CMC §§ 3101 to 3134, Public Law 3-23; the Commonwealth Environmental Amendments Act, (CEAA), 1999, Public Law 11-103; and the Commonwealth Groundwater Management and Protection Act (CGMPA), 1988, 2 CMC §§ 3311 to 3333, Public Law 6-12, of the Commonwealth of the Northern Mariana Islands, and under the provisions of the Clean Water Act, Pub. L. No. 92-500 (33 U.S.C. §§ 1251, et seq.) as force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands. The BECQ shall apply these regulations and standards to all marine, fresh water bodies, and ground water in the Commonwealth.

Modified, 1 CMC § 3806(d).

## TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

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Commission Comment: This section was originally the first paragraph of part 300. The Commission created the section title.

### § 65-130-305 Verification by Monitoring

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

- (a) Materials that will settle to form objectionable sludge or bottom deposits.
- (b) Floating debris, oil, grease, scum, or other floating materials.
- (c) Substances in amounts sufficient to produce taste, odor, or detectable off flavor in the flesh of fish; or in amounts sufficient to produce odor or turbidity in the water, or other conditions that alter the naturally occurring characteristics of the water.
- (d) High temperatures; biocides; pathogenic organisms; toxic, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human health or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.
- (e) Soil particles resulting from erosion on land involved in earth work, such as construction of public works; highways; subdivisions; recreational; commercial, or industrial development; or the cultivation and management of agricultural lands that adversely affect beneficial use.
- (f) Substances or conditions or combinations thereof in concentration which produce undesirable aquatic life.

History: Amdts Adopted 36 Com. Reg. 34956 (May 28, 2014); Amdts Proposed 36 Com. Reg. 34847 (Mar. 28, 2014); Amdts Adopted 26 Com. Reg. 22896 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22237 (Apr. 23, 2004); Amdts Adopted 19 Com. Reg. 14908 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14388 (Oct. 15, 1996); Amdts Adopted 13 Com. Reg. 8309 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7955 (Sept. 15, 1991); Amdts Adopted 8 Com. Reg. 4733 (Nov. 17, 1986); Amdts Proposed 8 Com. Reg. 4458 (Aug. 15, 1986); Adopted 5 Com. Reg. 1938 (Mar. 31, 1983); Proposed 5 Com. Reg. 1869 (Feb. 28, 1983).

Commission Comment: This section was originally the second paragraph of part 300. The Commission created the section title.

The 1991 amendments added a new subsection (e) and redesignated subsection (f). The 1997 amendments amended the opening paragraph and subsection (d). The 2004 amendments amended the opening paragraph and subsections (c) and (e).

### Part 400 - Specific Water Quality Criteria

#### § 65-130-401 Microbiological Requirements

- (a)



**TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY**

<b>Microbiological Requirements</b>	<b>Applicable to:</b>
(1) <del>Fecal Coliform</del> The fecal coliform concentration shall not exceed a geometric mean of 200 CFUs per one hundred milliliter based on samples taken in any 30 day interval nor shall any single sample exceed 400 CFUs per one hundred milliliter at any time.	All Waters
(12) Enterococci The Enterococci concentration shall not exceed a geometric mean of 35 per 100 mL based on samples taken in any 30 day interval. No single sample result shall exceed 130 Enterococci per 100 mL.	All Waters
(23) <i>E. coli</i> The <i>E. coli</i> concentration shall not exceed a geometric mean of 126 per 100 mL based on samples taken in any 30 day interval. The Statistical Threshold Value is 410 <i>E. coli</i> per 100 ml.	All Fresh Waters

(b) ~~Fecal coliform and e~~Enterococci and *E. coli* may originate from environmental sources as well as from human and animal fecal contamination. Where these microbiological standards are exceeded, a determination of the impact on public health and the environment may be based upon additional sampling, a sanitary survey of the drainage area contributing run-off to the contaminated water, or special studies of the environmental sources of ~~fecal coliform and e~~Enterococci and *E. coli* in the waters of the CNMI. Procedures for beach closures and public advisories can be found in the latest edition of the CNMI Water Quality Standards Implementation Guidance Manual.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 36 Com. Reg. 35400 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35171 (July 28, 2014); Amdts Adopted 36 Com. Reg. 34956 (May 28, 2014); Amdts Proposed 36 Com. Reg. 34847 (Mar. 28, 2014); Amdts Adopted 26 Com. Reg. 22896 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22237 (Apr. 23, 2004); Amdts Adopted 19 Com. Reg. 14908 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14388 (Oct. 15, 1996); Amdts Adopted 13 Com. Reg. 8309 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7955 (Sept. 15, 1991); Amdts Adopted 8 Com. Reg. 4733 (Nov. 17, 1986); Amdts Proposed 8 Com. Reg. 4458 (Aug. 15, 1986); Adopted 5 Com. Reg. 1938 (Mar. 31, 1983); Proposed 5 Com. Reg. 1869 (Feb. 28, 1983).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1991 amendments revised subsection (a) in its entirety and added new subsections (b) and (e). The 1997 amendments readopted and republished this section in its entirety with numerous amendments. The 2004 amendments amended subsection (b) and deleted former subsection (c). The July 2014 Notice of Proposed Regulations contained the following statement:

The amendments to the Water Quality Standards Regulations adopted on June 11th, 2014, stated in Part 1.6.1 § 65-130-401 Microbiological Requirements, that the *E. coli* requirement was applicable to "All Waters". This is a typographical error. Prior regulations stated that the *E. coli* requirement was applicable to fresh waters, which is what BECQ intended to retain. BECQ wishes to correct the typographical errors. Therefore, Part 1.6.1 § 65-130-401 Microbiological Requirements shall now read:

Microbiological Requirements

Applicable to:

## TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

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- (b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota, or cause objectionable taste in drinking water.
- (c) Form an oil deposit on beaches or shoreline, or on the bottom of a body of water.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 22896 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22237 (Apr. 23, 2004); Amdts Adopted 19 Com. Reg. 14908 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14388 (Oct. 15, 1996); Amdts Adopted 13 Com. Reg. 8309 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7955 (Sept. 15, 1991); Amdts Adopted 8 Com. Reg. 4733 (Nov. 17, 1986); Amdts Proposed 8 Com. Reg. 4458 (Aug. 15, 1986); Adopted 5 Com. Reg. 1938 (Mar. 31, 1983); Proposed 5 Com. Reg. 1869 (Feb. 28, 1983).

### § 65-130-450 Toxic Pollutants

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

(b) Criteria for toxic pollutants are given as either a numeric criteria or for mixtures of pollutants with no recommended criteria, are determined by multiplying an appropriate application factor by the concentration determined to be lethal to 50% of the most sensitive indigenous organism after 96 hours of exposure (96 LC 50). The 96 LC 50 values shall be determined by using bioassay procedures consistent with those described in the latest edition of Standard Methods for the Examination of Water and Wastewater (for ordering information, contact the American Public Health Association, 1015 Fifteenth Street, NW, Washington, D.C. 20005-2605, or go to <http://www.apha.org> to order on-line).

(c) In order to determine compliance with this section, the Administrator may require additional studies of indicator organisms which include, but are not limited to, analyses of species diversity, species abundance, reproductive success, population density, or growth anomalies. Additionally, effects on human health due to bio-concentration of toxic pollutants shall be considered.

(d) BECQ hereby incorporates the U.S. Environmental Protection Agency's National Recommended Water Quality Criteria. U.S EPA, National Recommended Water Quality Criteria – Aquatic Life Criteria Table (2018), available at <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table>. The concentration of toxic pollutants shall not exceed EPA's Aquatic life criteria for freshwater and/or saltwater, whichever is appropriate. ~~human health numeric criteria for the toxic pollutants included in the CWA § 307(a) list of priority pollutants are incorporated by reference into the CNMI Water Quality Standards (National Recommended Water Quality Criteria: 2013, (EPA 2013) available at~~

**TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY**

~~<http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm>~~ or the most recent version

(1) Acute Toxicity Standards: All Commonwealth or state waters shall be free from pollutants in concentrations which exceed the acute standards listed in the National Recommended Water Quality Criteria ~~respectively~~ for fresh and marine waters. ~~(EPA 2013).~~

(2) Chronic Toxicity Standards: ~~No pollutant in~~ All Commonwealth or state waters shall ~~be free from pollutants in~~ exceed concentrations ~~over which on average during any 24-hour period exceed a four-day average of the~~ chronic standards listed in the National Recommended Water Quality Criteria ~~respectively~~ for fresh and marine waters ~~more than once in three years.~~ (EPA 2013).

(3) ~~Criteria are listed below for maximum levels of total residual chlorine allowable in Commonwealth waters.~~

Pollutant	<u>Fresh Water</u>		<u>Marine Water</u>	
	Acute	Chronic	Acute	Chronic
Chlorine (µg/L)	19	11	13	7.5

(e) BECQ hereby incorporates the U.S. Environmental Protection Agency's National Recommended Water Quality Criteria established pursuant to CWA 304(a). U.S. EPA, National Recommended Water Quality Criteria – Human Health Criteria Table (2018), available at <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table>.

(fe) In waters designated for use as a source of public water supply, the human health numeric criteria shall be those listed in the EPA 2002 publication, Appendix 1, for water plus organism consumption and shall be at least as stringent as the maximum contaminant levels (MCLs) for drinking water established in the CNMI Drinking Water Regulations [NMIAC, title 65, chapter 20]. In waters not designated as a source of public water supply, the human health numeric criteria shall be those listed in the EPA 2002 publication, Appendix 1, for organism consumption only. The human health numeric criteria for arsenic in the EPA 2002 publication are an exception. These arsenic criteria are excluded from the CNMI standards, and instead, the CNMI human health criterion for arsenic is 5 µg/L.

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

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

## TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

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(h) In areas where site specific criteria are developed, BECQ shall regulate point source discharges by establishing effluent limits which are protective of the designated uses of the waters in the area.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 36 Com. Reg. 34956 (May 28, 2014); Amdts Proposed 36 Com. Reg. 34847 (Mar. 28, 2014); Amdts Adopted 26 Com. Reg. 22896 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22237 (Apr. 23, 2004); Amdts Adopted 19 Com. Reg. 14908 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14388 (Oct. 15, 1996); Amdts Adopted 13 Com. Reg. 8309 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7955 (Sept. 15, 1991); Amdts Adopted 8 Com. Reg. 4733 (Nov. 17, 1986); Amdts Proposed 8 Com. Reg. 4458 (Aug. 15, 1986); Adopted 5 Com. Reg. 1938 (Mar. 31, 1983); Proposed 5 Com. Reg. 1869 (Feb. 28, 1983).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d). The Commission corrected the abbreviation for microgram in subsection (e) from "ug" to "µg" pursuant to 1 CMC § 3806(g).

The 1991 amendments readopted and republished this section in its entirety with numerous amendments and additions. The 1997 amendments amended subsections (c) and (d). The 2004 amendments amended subsections (a), (b), (c), and (d), and added subsections (e) through (h).

The 1991 amendments deleted former § 7.11, entitled "General Toxic Standards." See 8 Com. Reg. at 4468 (Aug. 15, 1986); 5 Com. Reg. at 1946 (Mar. 31, 1983).

### § 65-130-455 General Considerations

(a)(1) Effects of high temperature, biocides, pathogenic organisms or other deleterious substances at levels or combinations sufficient to interfere with aquatic life or human health, or in amounts sufficient to interfere with the beneficial use of the water shall be evaluated, at a minimum, by use of a 96-hour bioassay as described in the most recent editions of Standard Methods for the Examination of Water and Wastewater (for ordering information, contact the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005-2605, or go to <http://www.apha.org> to order on-line). Survival of test organisms shall not be less than that in controls which utilize appropriate water. Failure to determine presence of toxic pollutants by this method shall not preclude determinations of excessive levels of toxic pollutants on the basis of other criteria or methods.

(2) References for approved methods are: EPA 600/4-91/002 Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Second Edition, 1994; or EPA 600/4-90/027F Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Cincinnati, Ohio, EMSL, Fourth Edition, 1993; or EPA 600/4-600 R-95/136 Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine Estuarine Organisms, Cincinnati, Ohio, EMSL, May, 1995.

(b) Pollutant discharges shall be regulated so as to protect not only the receiving waters but also the surrounding Commonwealth or state waters and marine life which are affected indirectly through pollutant discharges.

Office of the Secretary  
Department of Finance



P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL (670) 664-1100 FAX: (670) 664-1115



**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO REGULATIONS to  
the DEPARTMENT OF FINANCE, DIVISION OF CUSTOMS SERVICE**

**INTENDED ACTION TO ADOPT THESE PROPOSED AMENDED REGULATIONS:**

The Department of Finance – Division of Customs Service intends to amend the Customs Service Regulations, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). If adopted, these amendments will become effective ten days after the publication of a Notice of Adoption in the Commonwealth Register. 1 CMC §9105(b)

**AUTHORITY:** These amendments are promulgated under the authority set forth in the Commonwealth Code, including but not limited to 1 CMC §2553, 1 CMC §2557, 1 CMC §252021, 1 CMC §1104, 1 CMC §1402, 4 CMC §1425 and §1820.

**THE TERMS AND SUBSTANCE:** The purpose of the amendment to the Customs Service Regulations is to implement a gradual increase in the rates of Customs & Quarantine (CQ) charges for arriving passengers. The seven-dollar passenger fee shall remain at \$1 per arriving passenger. Effective October 1, 2018, the fee will increase to \$2.50 per arriving passenger. Effective April 1, 2019, the fee will increase to \$4.50 per arriving passenger. Effective October 1, 2019, the fee will increase to \$7.00 per arriving passenger.

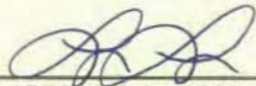
**DIRECTIONS FOR FILING AND PUBLICATION:** These proposed amended regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial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

**TO PROVIDE COMMENTS:** Interested parties may submit written comments on the proposed regulations to Larrisa C. Larson, Secretary of Finance, via US mail to the Dept. of Finance, P O Box 5234 CHRBS, or via hand-delivery to the Office of the Secretary of Finance, Capitol Hill, Saipan, MP. Comments, data, views, or arguments are due within 30 days from the date of publication in this notice.

Comments are due within 30 days from the date of publication of this notice. 1 CMC § 9104(a)(2).

These proposed regulations were approved by the Secretary of Finance on March 26, 2018.

Submitted by:

  
\_\_\_\_\_  
LARRISA C. LARSON  
Secretary of Finance  
Department of Finance

7/10/18  
Date

Received by:

  
\_\_\_\_\_  
SHIRLEY P. CAMACHO-OGUMORO  
Governor's Special Assistant for Administration

7/13/18  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Register

7.17.18  
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, pursuant to 1 CMC § 2153(f)

Dated this 17 day of July, 2018.

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General



Office of the Secretary  
Department of Finance



P.O. Box 5234 CHRFB SAIPAN, MP 96950

TEL (670) 664-1100 FAX: (670) 664-1115

**ARONGORONGOL TOULAP REEL POMMWOL LIHWEL NGÁLI  
MWÓGHUT NGÁLI BWULASIYOL FINANCE, DIVISION OF CUSTOMS SERVICE**

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL MWÓGHUT IKKA RA LIHWELI:** Bwulasiyol Finance – Division of Customs Service re mángemángil rebwe liiweli Mwóghutughutúl Customs Service, sángi mwóghutughutúl Administrative Procedure Act (APA), 1 CMC § 9104(a). Ngáre re adóptááli, liiwel kkal ebwe bwunguló seigh ráál mwiril aal akkatééwow reel Arongorongol Adópta me llól Commonwealth Register. 1 CMC §9105(b)

**BWÁNGIL:** Liiwel kkal nge aa ffil reel fféerúl faal bwángil Commonwealth Code me ebwe tééló mmwal, ebwe schuu nge ese mwutch ngáli 1 CMC §553, 1 CMC §2557, 1 CMC §252021, 1 CMC §1104, 1 CMC §1402, 4 CMC § 1425 me § 1820.

**KKAPASAL ME AWEEWEL:** Bwulul liiwel kka ngáli Mwóghutughutúl Customs Service nge ebwe yoor mwóghutughutúl igha ebwe lapaló aar rate Customs & Quarantine (CQ) reel óbwóss ngáliir schóó kka re toolong igheey. Fisuuw dóóla reel fee ebwe lo bwe \$1 reel escháy passenger. E bwung bwe wóól Ottuubre 1, 2018, ebwele táátá fee reel \$2.50 ngáli escháy passenger. Ebwe bwunguló bwe wóól April 1, 2019, ebwe táátá fee reel \$4.50 ngáli escháy passenger iye e toolong igheey. Ebwe bwunguló bwe wóól Ottuubre 1, 2019, ebwe táátá fee reel \$7.00 ngáli escháy passenger iye e toolong igheey.

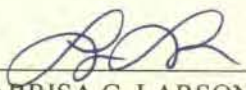
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow pommwol mwóghut ikka ra liiweli me llól Commonwealth Register llól táлил Pommwol me Ffél Mwóghut ikka ra adóptááлил ( 1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center me llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwaliyaasch. 1 CMC § 9104(a)(1)

**ISHISILONGOL KKPAS:** Schóó kka re mwuschel rebwe isiisilong ischil mángemáng wóól pommwol mwóghut kkal ebwe mwet ngáli Larrisa C. Larson, Sekkretóoriyal Finance, via US mail ngáli Dept. of Finance, P O Box 5234 CHRFB, ngáre bwughiló reel Bwulasiyol Sekkretóoriyal Finance, Asungúl, Seipél, MP. Kkupas, data, views, ngáre angiingi ebwe toolong llól eliigh ráál mwiril aal akkatééwow arongorong yeel.

Kkupas ebwe toolong llól eliigh ráál mwiril ráálлил akkatééwowul arongorong yeel. 1 CMC § 9104(a)(2).

Aa átirow pommwol mwóghutughut kkal sángi Sekkretóoriyal Finance wóól Móózo 26, 2018.

Isáliyalong:

  
LARRISA C. LARSON  
Sekkretóoriyal Finance  
Bwulasiyol Finance


7/10/18  
Ráál

Bwughiyal:

  
SHIRLEY P. CAMACHO-OGUMORO  
Layúl Gobenno Special Assistant ngáli Administration

7/13/18  
Ráál

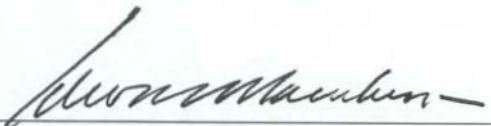
Ammwelil:

  
ESTHER SN. NESBITT  
Commonwealth Register <sup>CMR</sup>

7.17.18  
Ráál

Sáangi 1 CMC §2153(e) me 1 CMC § 9104(a)(3) ra takkal amuri fischiiy pommwol liiwel ikka e appasch me aa átirow bwe aa lleghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalalpal CNMI me ebwe akkatééwów, sáangi 1 CMC § 2153(f)

Aghikkilátiw wóól 17 ráálil July, 2018.

  
EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalalpal





Office of the Secretary  
Department of Finance



P.O. Box 5234 CHR B SAIPAN, MP 96950

TEL (670) 664-1100 FAX: (670) 664-1115

**NUTISIAN PUPBLIKU NI MANMAPROPONI NA AMENDASION I REGULASION SIHA  
PARA I DIPATTAMENTUN I FINANSIAT, SITBISIUN DIBISION I CUSTOMS**

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI MA'AMENDA NA REGULASION SIHA:** I Dipattamentun i Finansiát - Sibisiun Dibision i Customs ha intensiona para u amenda i Regulasion i Sitbisiun I Customs siha, sigun para i maneran nu i Áktun Administrative Procedures (APA), I CMC § 9104(a). Kumu ma'adapta, esti siha na amendasion siempri mu ifektibu gi hálum dies (10) dihas dispues di publikasion nu i Nutisian i Adaptasion gi hálum i Rehistran Commonwealth. (I CMC § 9105(b))

**ÁTURIDÁT:** Esti na amendasion siha para u macho'gui gi pápa' i aturidát ni mapega mo'na gi hálum i Commonwealth Code iningklusi, láo ti chi-ña para, I CMC §2553, I CMC §2557, I CMC §252021, I CMC §1104, I CMC § 1402, 4 CMC § 1425 yan §1820.

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I rason nu i amendasion para i Regulasion Sitbisiun I Customs para u ma'implimenta adumididi' i aomentan i rates i Customs & Quarantine (CQ) ni magágágo na ápas para i manmá'fattu na pasaheru siha. I sietti-pesu na ápas para kada pasaheru ni manmá'fattu debi na u sága gi \$1. Ifektibu Oktubri 1, 2018, i ápas siempri ma'aomenta para \$2.50 para kada na pasaheru. Ifektibu Abril 1, 2019, i ápas siempri ma'aomenta para \$4.50 para kada manmá'fattu na pasaheru. Ifektibu Oktubri 1, 2019, i ápas siempri ma'aomenta para \$7.00 para kada manmá'fattu na pasaheru.

**DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA:** Esti i manmaproponi na ma'amenda na regulasion siha debi na u mapupblika gi hálum i Rehistran i Commonwealth gi hálum i seksiona ni Maproponi yan Nuebu na Ma'adapta na Regulasion siha (I CMC § 9102(a)(1)) yan u mapega gi hálum i kumbinienti na lugát gi hálum civic center yan gi hálum ufisinan gubiermentu siha gi hálum distritun senadot, parehu Englis yan gi lingguáhin natibu. ICMC § 9104(a)(1)

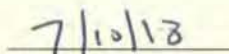
**PARA U MAPRIBENIYI UPIÑON SIHA:** I manintirisáo na petsona siha siña manna'hálum tinigi' upiñon ni manmaproponi na regulasion siha para as Larrisa C. Larson, i Sekretárian I Finansiát, via U.S. mail para Dipattamentun i Finansiát, P.O. Box 5234 CHR B, pat intrega hálum gi Ufisinan i Sekretárian Finansiát, giya Capitol Hill, Saipan, MP. I upiñon, data, views, pat agumentu siha nisisita u fanhálum gi hálum trenta (30) dihas ni tinattiyi gi fetchan kalendáriu gi publikasion nu esti na nutisia.

I upiñon siha debi na u fanhálum gi hálum trenta (30) dihas ginin i fetchan publikasion esti na nutisia. I CMC § 9104 (a)(2).


Esti i manmaproponi na regulasion manma'aprueba ginin i Sekretárian I Finansiát gi Mätsu 26, 2018.

Nina'hálum as:

  
LARRISA C. LARSON  
Sekritárian I Finansiát  
Dipattamentun I Finansiát

  
Fetcha

Rinisibi as:

  
SHIRLEY P. CAMACHO-OGUMORO  
Ispisiât Na Ayudânti Para Atministrasion Gubietnu

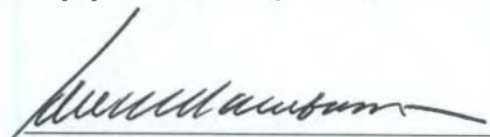
7/13/18  
Fetcha

Pine'lu yan  
Ninota as:

  
ESTHER SN. NESBITT  
Registran Commonwealth

7.17.2018  
Fetcha

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f)

  
EDWARD MANIBUSAN  
Abugâdu Henerât

July 17, 2018  
Fetcha

**§ 70-10.1-720 Customs and Quarantine (CQ) Charges**

(a)(1) General Rule for Charges After Normal Working Hours. For purposes of application, a standard rate in lieu of overtime charges of the Customs Division will be included and billed using a flat rate that also includes the overtime charges of the Quarantine Division. This rate will be applied to the following flight particulars for work performed after normal working hours:

(i)	Per flight over 20 tons gross weight	\$35.00
(ii)	Per flight under 20 tons gross weight	\$17.50
(iii)	Per arriving passenger for planes over 20 tons gross weight	<del>\$7.00</del> <b>\$1.00</b>
	Effective <b>October 1, 2018</b> the rate per passenger for planes over 20 tons gross weight	<b>\$2.50</b>
	Effective <b>April 1, 2019</b> the rate per passenger for planes over 20 tons gross weight	<b>\$4.50</b>
	Effective <b>October 1, 2019</b> the rate per passenger for planes over 20 tons gross weight	<b>\$7.00</b>
(iv)	Per arriving passenger for planes under 20 tons gross weight	<del>\$7.00</del> <b>\$1.00</b>
	Effective <b>October 1, 2018</b> the rate per passenger for planes under 20 tons gross weight	<b>\$2.50</b>
	Effective <b>April 1, 2019</b> the rate per passenger for planes over 20 tons gross weight	<b>\$4.50</b>
	Effective <b>October 1, 2019</b> the rate per passenger for planes over 20 under gross weight	<b>\$7.00</b>
(v)	Per cargo lb.	\$.035

## TITLE 70: DEPARTMENT OF FINANCE

### § 70-10.1-715

[Reserved.]

History: Amdts Adopted 39 Com. Reg. 40374 (Nov. 28, 2017); Amdts Proposed 39 Com. Reg. 39962 (Sept. 28, 2017); Adopted 19 Com. Reg. 15155 (Feb. 15, 1997) (superseding all rules and regulations prior to adoption); Proposed 18 Com. Reg. 14745 (Dec. 15, 1996); Amdts Proposed 17 Com. Reg. 13562 (July 15, 1995); Adopted 17 Com. Reg. 13538 (June 15, 1995) (superseding all rules and regulations prior to adoption); Proposed 17 Com. Reg. 13456 (May 15, 1995).

### § 70-10.1-720 Customs and Quarantine (CQ) Charges

(a)(1) General Rule for Charges After Normal Working Hours. For purposes of application, a standard rate in lieu of overtime charges of the Customs Division will be included and billed using a flat rate that also includes the overtime charges of the Quarantine Division. This rate will be applied to the following flight particulars for work performed after normal working hours:

- |       |  |         |
|-------|--|---------|
| (i)   | Per flight over 20 tons gross weight                         | \$35.00 |
| (ii)  | Per flight under 20 tons gross weight                        | \$17.50 |
| (iii) | Per arriving passenger for planes over 20 tons gross weight  | \$7.00  |
| (iv)  | Per arriving passenger for planes under 20 tons gross weight | \$7.00  |
| (v)   | Per cargo lb.  | \$.035  |
- (2) After normal working hours is work performed:
- (i) For flights and passengers:
- (A) Weekdays – work performed between the hours of 4:30 p.m. through 7:30 a.m. the next day, Monday through Friday, excluding holidays.
- (B) Holidays – work performed during the 24 hour period of a holiday.
- (C) Weekends – work performed after 4:30 p.m. Friday through 7:30 a.m. Monday.
- (ii) For cargo:
- (A) Weekdays – cargo arriving between 4:30 p.m. through 8:00 p.m.
- (B) Holidays – cargo arriving after 4:30 p.m. the day preceding a holiday up to 8:00 p.m. the day of the holiday.
- (I) If the holiday falls on Friday, the chargeable hours shall start after 4:30 p.m. Thursday and continue through 8:00 p.m. Sunday.
- (II) If the holiday falls on a Monday, the weekend chargeable hours shall continue through the weekend up to 8:00 p.m. Monday.
- (C) Weekends - cargo arriving after 4:30 p.m. Friday up to 8:00 p.m. Sunday.
- (D) No service - no cargo service will be provided from 8:00 p.m. through 7:30 a.m. the following morning.

(b) Application of Overtime Pay. All air and sea carriers and other persons whose operations require the service of a customs agent of the Commonwealth government of the Northern Mariana Islands after normal working hours shall be charged with the overtime pay of the customs agent(s) rendering the service as follows:

Commonwealth of the Northern Mariana Islands  
Commonwealth Election Commission

Jesus I. Sablan, Pro Tempore Chairman  
PO Box 500470 CK  
Susupe, Saipan MP 96950

Tel. No.: 670.235.8683; fax:670.664.8689  
[administrative@votecnmi.gov.mp](mailto:administrative@votecnmi.gov.mp)

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS  
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE  
COMMONWEALTH REGULATION**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**  
The Commonwealth of the Northern Mariana Islands, Commonwealth Election Commission, 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 Election Commission is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Election Law. 1 CMC § 6105(e) ("To promulgate rules, regulations, and instructions necessary to conduct and administer elections, including questions pertaining to initiatives, referenda, recalls, and voter registration").

**THE TERMS AND SUBSTANCE:** The Rules and Regulations provide that proof of U.S. citizenship or nationality as a prerequisite to voter registration.

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

1. Require individuals registering to vote be required to show satisfactory evidence of U.S. citizenship or nationality.
2. Identify what constitutes satisfactory evidence of U.S. citizenship or nationality.
3. Provide that individuals who are currently registered will not be required to submit satisfactory evidence of U.S. citizenship or nationality unless he or she changes his or her registration to a different district or re-registers after being removed from the Register pursuant to 1 CMC § 6206
4. Provide that once an individual has submitted satisfactory evidence of U.S. citizenship or nationality, he or she will not be required to resubmit satisfactory evidence of U.S. citizenship or nationality.

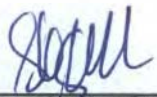
5. Provide that once an individual has submitted satisfactory evidence of U.S. citizenship or nationality, the Commonwealth Election Commission will note that the individual has submitted such satisfactory evidence.

**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 *Julita Villagomez, Attn: New Voter Registration Regulations*, at the above address, fax or email address, with the subject line "New Voter Registration 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 Commonwealth Election Commission on June 14, 2018.

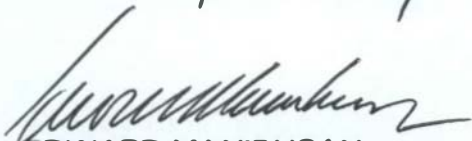
Submitted by:  7/6/18  
JESUS I. SABLAN Date  
Pro Tempore Chairman

Received by:  7/10/18  
SHIRLEY P. CAMACHO-OGOMURO Date  
Governor's Special Assistant for Administration

Filed and Recorded by:  7.13.2018  
ESTHER SN. NESBITT Date  
Commonwealth Register *SN*

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 <sup>3</sup>14 day of July, 2018.



EDWARD MANIBUSAN  
Attorney General

0 NOPR proposed regs on computer software P&S.wpd

Commonwealth Gi Sangkattan Na Islas Mariãnas  
Kumision Ileksion Commonwealth  
Jesus I. Sablan, Tempurãriu na Kabesiyu  
PO Box 500470 CK  
Susupe, Saipan MP 96950

Numiron Tilifon: 6790.235.8683; fax: 670.664.8689  
[administrative@votecnmi.gov.mp](mailto:administrative@votecnmi.gov.mp)

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA  
NI MANMA'AMENDA PARA I AREKLAMENTU YAN REGULASION NU I  
REGULASION COMMONWEALTH**

MA'INTENSIONA NA AKSION PARA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariãnas, I Kumision Ileksion Commonwealth, ha intensiona para u adãpta kumu petmanienti i regulasion siha i mañechettun na Manmaproponi na Regulasion siha, sigun para i maneran nu i Æktun Administrative Procedure, I CMC § 9104(a). I Regulasion siha mu ifektibu gi hãlum dies (10) dihas dispues di adãptasion yan pubplikasion gi hãlum Rihistran Commonwealth. (I CMC § 9105(b)).

ÆTURIDÆT: I Kumision Ileksion magubietna ginin i Lehislatura para u adãpta i areklamentu yan regulasion siha para i administrasion yan implimentasion i Lai Ileksion Commonwealth I CMC § 6105(e) ("Para u macho'gui i areklamentu, regulasion, yan instruksion siha ni manisisita para u makondukta yan para u macho'gui i Ileksion siha, inklusi kuestion siha ni propiu para i initiatives, referenda, recalls, yan rihistrasion botasion").

I TEMA YAN SUSTÆNSIA: I Areklamentu yan Regulasion siha ha pribeni ebidensian Citizenship Istãdus Unidus pat nasionãt ni manisisita ãntis di para rihistrasion botasion.

SUHETU NI MASUMÆRIA YAN ASUNTU NI TINEKKA: Esti na areklamentu yan regulasion siha:

1. I indibiduãt ni marihihista para u fambota nisisita na u mana'annuk ebidensian Citizenship Istãdus Unidus pat nasionãt.
2. Identifika hãfa na klãsin sufisientin ebidensian Citizenship Istãdus Unidus pat nasionãt.
3. Pribeni na i indibiduãt ni marihista gi presentu ti manisisita para u na'hãlum ebidensian citizenship Istãdus Unidus pat nasionãt solamenti guaha tinilaika gi rihistrasion-ñiha para otru na distriktum pat marihista ta'lu dispues di manasuha ginin i Rihistra sigun para I CMC § 6206.
4. Pribeni atyu insigidas na i indibiduãt ni esta muna'hãlum sufisienti na ebidensian citizenship Istãdus Unidus pat nasionãt, ti manisisita na para u na'hãlum ta'lu sufisienti na citizenship Istãdus Unidus pat nasionãt.
5. Pribeni atyu insigidas na i indibiduãt ni muna'hãlum sufisienti na ebidensian citizenship Istãdus Unidus pat nasionãt, i Kumision Ileksion Commonwealth debi na u manota i indibiduãt na esta muna'hãlum sufisienti na ebidensia.



DIREKSION PARA U MAPO'LU YAN PARA PUPBLIKASION: Esti i manmaproponi na Regulasion siha debi na u mapupblika gi hálum i Rihistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adápata na regulasion siha (1 CMC § 9102(a)(1)), yan u mapega gi kumbinienti na lugát siha gi halum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu Englis yan prinsipát na linguáhiu natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanao pat intrega i upiñon-mu siha guatu as Julita Villagomez, *Attn: Nuebu na Regulasion Rihistrasion Botasion*, gi sanhilu' na address, fax pat email address, yan i suhetu na ráya "Nuebu na Regulasion Rihistrasion Botasion". I upiñon siha debi na u fanhálum gi hálum trenta (30) dihas ginin i fetchan pupublikasion esti na nutisia. Put fabot na'hálum iyon-miyu upiñon, data, views, pat agumentu siha. (1 CMC §9104 (a)(2))

Esti i manmaproponi na regulasion siha manma'aprueba ginin i Kumision Ileksion Commonwealth gi Huniu 14, 2018.

Nina'hálum as:   
\_\_\_\_\_  
JESUS I. SABLAN  
Tempuráriu na Kabesiyu

  
\_\_\_\_\_  
Fetcha

Rinisibi as:   
\_\_\_\_\_  
SHIRLEY P. CAMACHO-OGUMORO  
Espisiát Na Ayudánti Para I Atministrasion

  
\_\_\_\_\_  
Fetcha

Pine'lu yan Ninota as:   
\_\_\_\_\_  
ESTHER SN. NESBITT  
Rihistran Commonwealth

  
\_\_\_\_\_  
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugádu Henerát ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion areklamentu yan regulasion siha).

Mafetcha gi diha \_\_\_\_\_ gi \_\_\_\_\_, 2018.

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Abugádu Henerát

  
\_\_\_\_\_  
Fetcha

Commonwealth Téel Falúw kka Efang Ilól Marianas  
Commonwealth Election Commission  
Jesus I. Sablan, Pro Tempore Chairman  
PO Box 500470 CK  
Suupi, Seipél MP 96950

Tit: 670.235.8683; fax:670.664.8689  
[administrative@votecnmi.gov.mp](mailto:administrative@votecnmi.gov.mp)

**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT  
IKKA E LO BWE LIWEL NGÁLI ALLÉGH ME MWÓGHUTUGHUTÚL  
COMMONWEALTH REGULATION**

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téel Falúw kka Efang Ilól Marianas, Commonwealth Election Commission, re mángemángil rebwe adóptááli Pommwol Mwóghut ikka e appasch bwe ebwe llégblo fféerul, sángi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghut kkal llól seigh ráal mwiril aal akkatéwow adóptaal me arongowowul me llól Commonwealth Register. (1 CMC § 9105(b)).

**BWÁNGIL:** Eyoor bwángil Election Commission sángi Legislature bwe rebwe adóptááli allégh me mwóghutughut ngáli administration me aghatchú faráaghil Alléghúl Commonwealth Election. 1 CMC § 6105(e) (“Rebwe arongowow reel allégh, mwóghutughut, me afal ikka e ffil ngáli lemeleml me mwóghutughutúl election, ebwal schuulong aiyégh ikka e ssúl ngáli initiatives, referenda, recalls, me voter registration”).

**KKAPASAL ME AWEEWEL:** Allégh me Mwóghutughut kkal ebwe ayoorai lemeleml igha aramas ebwe abwáari aal U.S citizenship ngáre i schóol falúw bwe eew tappal mwóghut ngáli voter registration.


**KKAPASAL ME ÓUTOL:** Allégh me mwóghutughut kkal:

1. Re tipáli bwe schóo kka rebwe toolong register reel rebwe bota rebwe bweibwoghlóng ghikkillil ngáre tapelal ID ebwe abwáari U.S. Citizenship ngáre ii schóol falúw.
2. Ebwe ffat meeta kka e lo bwe e ffil reel rebwe abwáariló U.S. citizenship ngáre schóol falúw.
3. Schóo kka ra lo bwe ra register ressóbw bweibwoghló tappal I.D. rebwe abwáari aar U.S. Citizenship ngáre i schóol falúw. Schóo kka ra siiweli igha re loílo iye ngáre aa siiwel aar registration district rebwe bweibwoghlóng aar I.D. me ngáre schóo kka re lo bwe iir milikkal rebwe milaarló sángi Register sángi 1 CMC § 6206



Sáangi 1 CMC § 2153(e) (sáangi átirowal Soulemelemil Allégh Lapalap bwe aal lléghló me ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) pommwol mwóghutughut ikka e appasch nge ra takkal anwuri fischiiy me átirow bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Aghikkilátiw wóol 19<sup>3</sup> rááilil July, 2018

  
EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap

## TITLE 30: COMMONWEALTH ELECTION COMMISSION

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### § 30-10-225 Establishment of Identity and U.S. Citizenship or Nationality a Prerequisite to Voter Registration

- (a) The registration clerk shall reject any application for registration that is not accompanied by satisfactory evidence of identity and United States citizenship or nationality. Satisfactory evidence of identity and citizenship or nationality shall include any of the following:
- (1) The number of the applicant's currently valid driver license or non-operating identification license issued by a government agency within the United States if the agency indicates on he applicant's driver license or non-operating identification license that the person has provided satisfactory proof of United States citizenship or nationality.
  - (2) A legible photocopy of the applicant's birth certificate that verifies U.S. citizenship or nationality to the satisfaction of the registration clerk. Any rejection of a legible birth certificate shall be done in writing within 15 days at the applicant's request.
  - (3) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the registration clerk of the applicant's United States passport.
  - (4) A presentation to the registration clerk of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the Commonwealth Election Commission. The Commonwealth Election Commission shall accomplish the verification within five (5) business days.
  - (5) Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.
  - (6) Other documents or methods of proof that are established pursuant to the Article III of Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. § 1801 note.
  - (7) The applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number.
- (b) Notwithstanding subsection (a) of this section, any person who is registered in the Commonwealth on the effective date of this section is deemed to have provided satisfactory

## TITLE 30: COMMONWEALTH ELECTION COMMISSION

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evidence of citizenship or nationality and shall not be required to resubmit evidence of citizenship or nationality unless the person is changing voter registration from one election district to another, or is re-registering after having his or her name removed from the Register. Provided, however, that all individuals shall be required to establish identity.

- (c) For the purposes of this section, proof of voter registration from another State, Territory, or Commonwealth is not satisfactory evidence of citizenship or nationality.
- (d) A person who modifies voter registration records with a new residence ballot shall not be required to submit evidence of citizenship or nationality, but shall be required to establish identity.
- (e) After citizenship has been demonstrated to the Election Commission, the person is not required to resubmit satisfactory evidence of citizenship or nationality, but shall be required to establish identity when re-registering or changing registration status.
- (f) After a person has submitted satisfactory evidence of citizenship or nationality, the Commonwealth Election Commission shall indicate this information in the person's permanent voter file. After two years, the Commonwealth Election Commission may destroy all documents that were submitted as evidence of citizenship or nationality.
- ~~(g)~~
- ~~(h)~~ For the purposes of establishing identity when sufficient evidence of U.S. citizenship or nationality is not required, any of the evidence listed in (a)(1) to (7) shall be sufficient, provided that such evidence need not demonstrate U.S. citizenship or nationality.
- ~~(g)~~(i) Any person who wishes to appeal a denial of registration under this section shall appeal in writing within 14 days. Such appeal shall be conducted pursuant to the hearing procedures for registration challenges as set forth in § 30-10-420.

### § 30-10-235 No Refusal Right

- (a) A registration clerk shall not refuse to register a person seeking to register to vote under any circumstances, provided that the person has submitted satisfactory evidence of identity and U.S. citizenship or nationality.
- (b) If the registration clerk believes that a person is not qualified to register to vote, the registration clerk shall allow the person to fill out the affidavit and then immediately inform the Executive Director or a Commission staff person that the person may not be eligible to vote in the Commonwealth. The registration clerk shall also provide the reasons why he or she believes that the person may not be eligible to vote. The Commission shall then follow the hearing procedures for registration challenges as set forth in § 30-10-240.



Commonwealth of the Northern Mariana Islands  
**OFFICE OF THE GOVERNOR**  
 Bureau of Environmental and Coastal Quality  
 DEQ P.O. Box 501304, DCRM P.O. Box 10007, Saipan, MP 96950-1304  
 DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8540  
 DCRM Tel: (670) 664-8300; Fax: (670) 664-8315  
[www.deq.gov.mp](http://www.deq.gov.mp) and [www.cnm.gov.mp](http://www.cnm.gov.mp)



**Ralph DLG. Torres**  
 Governor

**Victor B. Hocog**  
 Lt. Governor

**Eli D. Cabrera**  
 Administrator

**Ray S. Masga**  
 Director, DEQ

**Janice Castro**  
 Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
 OF PROPOSED AMENDMENTS TO  
 The Bureau of Environmental and Coastal Quality,  
 The Division of Environmental Quality,  
 Litter Control Regulations**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
 AS PROPOSED AMENDED REGULATIONS  
 Volume 40, Number 06, pp. 040748-040763 of June 28, 2018

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ) HEREBY ADOPTS AS PERMANENT the Proposed Amendments 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). BECQ announced that it intended to adopt them as permanent, and now does so. 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.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None. I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

**AUTHORITY:** BECQ has statutory authority to promulgate and adopt regulations regarding Litter Control. P.L. 19-53 § 7; 2 CMC § 3417.

**THE TERMS AND SUBSTANCE:** The Adopted Amendments amend the Litter Control Regulations, NMIAC Chapter 65-60, to: comply with Public Law 19-53; implement a Fee Matrix to guide enforcement discretion for issuing fines within the statutory range; add definitions; and clarify responsibilities of relevant agencies.

**DIRECTIONS FOR FILING AND PUBLICATION:** These 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).

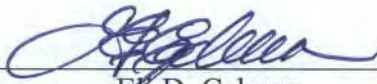
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these Adopted Regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.


**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency has considered fully all written 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.

**ATTORNEY GENERAL APPROVAL:** The Proposed 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).

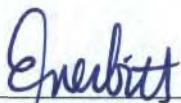
I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 9th day of July, 2018, at Saipan, Commonwealth of the Northern Mariana Islands.

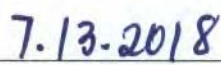
Certified and ordered by:

  
\_\_\_\_\_  
Eli D. Cabrera  
Administrator, Bureau of Environmental and Coastal Quality

  
\_\_\_\_\_  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Register *bar*

  
\_\_\_\_\_  
Date



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



EDWARD MANIBUSAN  
Attorney General

7/13/18

Date



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, Bldg., 1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670) 664-4809 Fax: (670) 664-4814  
Email: [cnmi@cnmibpl-hcplb.net](mailto:cnmi@cnmibpl-hcplb.net)  
Website: [cnmibpl-hcplb.net](http://cnmibpl-hcplb.net)



**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD  
REGULATIONS FOR PHYSICIAN ASSISTANT**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED  
AMENDMENTS TO REGULATIONS**

VOLUME 40, NUMBER 03, PP 040606-040611 OF MARCH 28, 2018

Regulations for Physician Assistant: NMIAC Title 140 § 140-50.3-4130

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Health Care Professions Licensing Board, 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 Health Care Professions Licensing Board announced that it intended to adopt them as permanent, and now does so.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Health Care Professions Licensing Board adopted the attached regulations as final as of the date of signing below.

**MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:** None.

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC §2206(b), as amended.

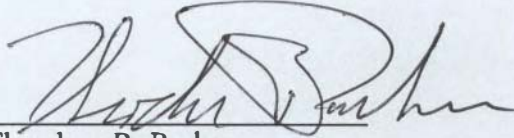
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Physician Assistant are effective 10 days after compliance with the APA, 1 CMC §§9102 and 9104(a) or (b), which in this instance, is 10 days after publication in the Commonwealth Register.

**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 Physician Assistant. 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:** The adopted regulations for Physician Assistant were approved for promulgation by the CNMI 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).

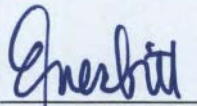
I DECLARE under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 17 day of July, 2018, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

  
Theodore R. Parker  
HCPLB Chairman

7/12/2018  
Date

Filed and Recorded by:

  
Esther SN Nesbitt *nes*  
Commonwealth Register

7.18.2018  
Date



# NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 500514, Saipan, MP 96950-0514

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Northern Marianas Housing Corporation

Tel: (670) 234-6866  
234-9447  
234-7689  
234-7670  
Fax: (670) 234-9021

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 40, Number 5, pp. 40715-40745 of May, 2018

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Northern Marianas Housing Corporation (NMHC) HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). The NMHC announced that they intended to adopt these regulations as permanent, and now do so. I also certify by signature below that: as published, Adopted Regulations are a true, complete, and correct copy of the referenced Proposed, and they are being adopted without any modifications.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None.

**AUTHORITY:** The Northern Marianas Housing Corporation is empowered by the Legislature with the authority to adopt and modify rules and regulations for the administration and enforcement of its housing programs. 2 CMC § 4433(i).

**THE TERMS AND SUBSTANCE:** The Adopted Regulations represent a substantial revision to the HOME Program Regulations and are in conformity with NMHC's obligation to operate the HOME Program consistent with the policies in 2 CMC §§ 4433(i) and (j).

**DIRECTIONS FOR FILING AND PUBLICATION:** These 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).

**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.

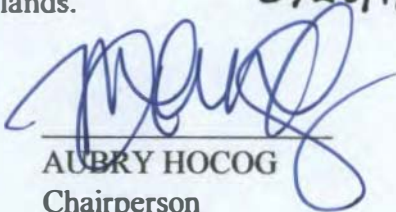
**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency shall consider all written submissions respecting the Proposed Regulations. No written comments were submitted to NMHC on the Proposed Regulations.

"NMHC is a fair housing agency and an equal opportunity, lender and employer"

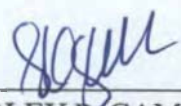
**ATTORNEY GENERAL APPROVAL:** The Adopted Regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any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

The Adopted Regulations were approved by the Northern Marianas Housing Corporation through the approval of the Board of Directors during its meeting on 12/20/2017, ~~2018~~, and the Board of Directors was authorized to promulgate these regulations on behalf of the Northern Marianas Housing Corporation.


I DECLARE under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on ~~20~~ day of ~~December 2017~~, ~~2018~~, at Saipan, Commonwealth of the Northern Mariana Islands. 6/28/18

Certified and ordered by:   
AUBRY HOCOG  
Chairperson  
Board of Directors

06/28/18  
Date

Reviewed by:   
SHIRLEY P. CAMACHO-OGUMORO  
Governor's Special Assistant  
For Administration

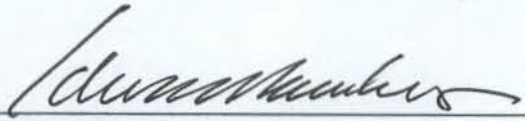
7/10/18  
Date

Filed and Recorded by:   
ESTHER SN. NESBITT  
Commonwealth Register *far*

7.17.2018  
Date

Pursuant to 1 CMC § 2153(e) (Attorney General approval of regulations to be promulgated as to form) and 1 CMC § 91-4(a)(3) (obtain Attorney General 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, pursuant to 1 CCM § 2153(f) (publication of rules and regulations).

Dated this 17 of July, 2018.

  
EDWARD MANIBUSAN  
Attorney General



Commonwealth of the Northern Mariana Islands  
**BOARD OF PROFESSIONAL LICENSING**  
P.O. Box 502078, Bldg., 1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670) 664-4809 Fax: (670) 664-4814  
Email: [cnmi@cnmibpl-hcplb.net](mailto:cnmi@cnmibpl-hcplb.net)  
Website: [cnmibpl-hcplb.net](http://cnmibpl-hcplb.net)

**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS  
VOLUME 36, NUMBER 07, PP035180-035198 OF JULY 28, 2014

Regulations for Engineers, Architects, Land Surveyors and Landscape Architects: NMIAC Title 125-20.1, §125-20.1-805

**ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS:** The Board of Professional Licensing, hereby adopts the attached regulations as permanent regulations, 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.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board of Professional Licensing adopted the attached regulations as final as of the date of signing below.

**MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:**

1. To amend § 125-20.1-001, § 125-20.1-005 and § 125-20.1-010 of the regulations.
2. To add, delete and amend definitions of § 125-20.1-020 and re-number accordingly.
3. To add a new section which will be the new § 125-20.1-030 (Exceptions to Licensure) of NMIAC Title 125. Transfer the Part 100. (Applications) of the Regulations to Part 200 of the Regulations; sections to be re-assigned accordingly.
4. To amend the Regulations of Part 300. (Qualifications for Licensure) which will now be Part 100 and Part 200. (Fees) will now be Part 400, and sections to be assigned accordingly.
5. To amend the whole Sections of § 125-20.1-130 Examinations of the Regulations and reassigned subsections accordingly.
6. To delete § 125-20.1-101(C) (now § 125-20.1-201(C)) of the Regulations and re-assigned subsections accordingly.
7. To amend § 125-20.1-101 (F) (now § 125-20.1-201 (E) of the Regulations.
8. To delete § 125-20.1-101(G) (now § 125-20.1-201(G) and re-assigned subsections accordingly.

9. To delete § 125-20.1-105(A) and (B) (now § 125-20.1-205 (A) and (B) and re-assigned subsections accordingly.
10. To amend § 125-20.1-110(A) (now § 125-20.1-210) and re-assigned subsections accordingly.
11. To transfer Part 800 (Temporary Licenses) of the Regulations to Part 300 and transfer from § 125-20.1-801 to § 125-20.1-301 of 125-20.1, NMIAC Title 125 and amend Part 300(C) of the regulations.
12. To amend § 125-20.1-805 now § 125-20.1-305 (A) of the Regulations.
13. To amend § 125-20.1-420 of the Regulations.
14. Part 400. Licensure Classification is now Part 500 of the Regulations and § 125-20.1-500 of 125-20-1, NMIAC Title 125.
15. To amend § 125-20.1-601, 605, 615, and 620 of the Regulations, NMIAC Title 125.
16. Part 500. Certificate of Authorization is now Part 700 of the Regulations and § 125-20.1-701 of 125-20.1, NMIAC Title 125.
17. To amend § 125-20.1-701(A) and § 125-20.1-705(A) of the Regulations.
18. Part 700. Seals is now Part 800 of the Regulations.
19. To amend § 125-20.1-701, 720, 725, 730, and 735 Board Seal now § 125-20.1-801, 820, 825, 830, and 835 Board Seal of the Regulations.
20. To amend § 125-20.1-905 of the Regulations.
21. To amend § 125-20.1-1005(D) and (K) of the Regulations.
22. To add a new section which will be the new Part 1200. Conflict and Bias and will be §125-20.1-1200 of 125-20.1, NMIAC Title 125.

**AUTHORITY:** The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to 4 CMC §3101.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects 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.

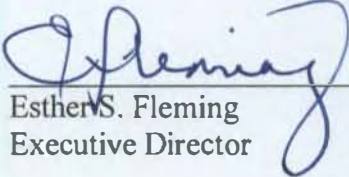
**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency received comments on the proposed amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects. Upon this adoption of the amendments, the agency if requested to do so by 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:** The adopted regulations for Engineers, Architects, Land Surveyors and Landscape Architects were approved for promulgation by the CNMI 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).



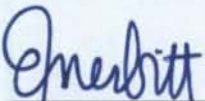
I DECLARE under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 27<sup>th</sup> day of July, 2018, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

  
\_\_\_\_\_  
Esther S. Fleming  
Executive Director

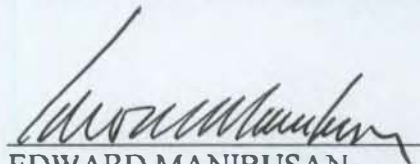
07/27/18  
Date

Filed and Recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Registrar

7.27.2018  
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)).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

7/27/18  
Date

**PART 001. GENERAL PROVISIONS**

*To amend § 125-20.1-001, § 125-20.1-005 and § 125-20.1-010 of the regulations.*

**125-20.1-001 Purpose**

The purpose of adopting the these regulations in this subchapter is to clarify and implement Public Laws 1-8, 4-53, 5-43, 11-99, 14-95, and 17-39, to the end that the provisions thereunder be best effectuated and the public interest most effectively served.

**§ 125-20.1-005 Authority**

The regulations in this subchapter are adopted herewith pursuant to authority vested in the Board under PL 4-53, P.L. 14-95, and P.L. 17-39 CMC § 3106.

**§ 125-20.1-010 Force and Effect**

The These regulations in this subchapter and the Rules of Professional Conduct [~~NMIAC, title 1215, chapter 20.2~~] adopted by the Board shall be binding upon all persons and entities licensed under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding licenses, certificates of authorization and temporary ~~permits~~ licenses. No person except those exempted by §§ sections 3213 and 3215 of P. L. ~~11-99~~ 14-95 shall practice engineering, architecture, land surveying or landscape architecture unless licensed hereunder.

**§ 125-20.1-015 Rules of Order**

The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

*To add or amend definitions of § 125-20.1-020(a)-(oo) and re-number accordingly.*

**§ 125-20.1-020 Definitions**

(a) "ABET" - The letters "ABET" shall mean Accreditation Board for Engineering and Technology.

(b) "Advertise" - includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure or advertising through the media. Advertising through the "media" means newspapers, magazines, and telephone directories including all listings in the yellow pages or commercial broadcasting through radio or television or any other means of dissemination.

(c) "Approved Institution of Higher Education" - The term "approved institution of higher education" shall mean institutions offering curricula leading to a Ph.D. or master's degree in engineering or architecture accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.

(d) "Approved School or College" - The term "approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.

(e) "A.R.E." - The letters "A.R.E." shall mean Architect Registration Examination prepared by NCARB.

(f) "Architect" - The term "architect" shall mean a person who has been duly licensed by the Board to engage in the practice of architecture within the Commonwealth, as hereinafter defined.

(g) "Base State" - The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially licensed or the jurisdiction to which an applicant has transferred his base state status.

(h) "Board" - The "board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by ~~chapter 1 of 4 CMC division 3~~ § 3101.

"BPELSG" - The letter "BPELSG" shall mean the Board of Professional Engineers, Land Surveyors and Geologists for the state of California.

~~(j)~~ (j) "BPLRF" - The letters "BPLRF" shall mean the Board of Professional Licensing Revolving Fund".

~~(k)~~ (k) "Branch" - The term "branch" shall mean the various branches of the engineering profession, i.e. civil, structural, mechanical, electrical, etc.

~~(l)~~ (l) "CACB" - The letters "CACB" shall mean the Canadian Architectural Certification Board.

~~(t)~~ ~~CBPELS~~ - The letters ~~"CBPELS"~~ shall mean the ~~California Board of Registration for Professional Engineers and Land Surveyors.~~

(m) "CEAB" - The letters "CEAB" shall mean the Canadian Engineering Accreditation Board.

(n) "Certificate of Authorization" - The term "certificate of authorization" means a written certificate issued by the Board to a partnership or corporation which identifies the firm as legally entitled to engage or offer to engage in the practice of engineering, architecture, land surveying or landscape architecture within the CNMI.

(o) "Chemical Engineering" - That branch of engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved.

(p) **"Civil Engineering"** - That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena forces of nature; preparation and /or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals, valuations and inspection of the construction of engineering structures.

(q) **"CLARB"** - The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.

~~(r) **"Commercial Building"** - The term "commercial building" shall mean a single building, not a complex of or multiple buildings, used for commercial purposes.~~

(r) **"Commonwealth" ("CNMI")** - The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.

(s) **"Construction Inspection"** - The term "construction inspection" means making periodic visits to the site by a licensed engineer, architect, ~~land surveyor~~, or landscape architect, or qualified representatives, to inspect or observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents, including but not limited to plans, specifications, reports or other technical documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape architect be responsible for construction means, methods, techniques, sequences, or procedures or for safety precautions and programs in connection with the work. Additionally, it is not intended that the engineer, architect, or ~~land surveyor~~, acting in the capacity as an inspector, be responsible for deficiencies in the ~~plans and specification done by other professional and procured to prepare such plans and specifications in accordance with the regulations.~~

~~(t) **"Construction Management"** - The term "construction management" to be performed by licensed engineers, architects, landscape architects, or land surveyors, shall include, but not limited to, professional services during construction, such as, permitting process and coordination, bid evaluation and contract award, processing of payment requests and change orders, claims and dispute resolution, review and approval of submittals and progress schedules, onsite quality assurance inspections and testing, survey checks, compliance to contract documents, and contract closeout including as-built drawings and operation & maintenance manuals and training. shall include, but not limited to, professional services during construction, such as permitting process and coordination, bid evaluation and contract award, processing of payment requests and change orders, claims and dispute resolution, review and approval of submittals and progress schedules, onsite quality assurance inspections and testing, survey checks, compliance to contract documents and contract.~~

~~(t)(u)~~ **"Consulting Engineer"** - The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.

~~(u)(v)~~ **"Direct Supervision"** - The term "direct supervision" shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

~~(v)(w)~~ **"Design"** - The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.

~~(w)(x)~~ **"Directly In Charge of the Professional Work"** - The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.

~~(y) **"EAC/ABET"** - The letters "EAC/ABET" shall mean Engineering Accreditation Commission for ABET.~~

~~(x)(y)~~ **"Electrical Engineering"** - That branch of engineering which embraces studies, design and activities relating to the general transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.

~~(y)(z)~~ **"Electronic Means"** - The term "electronic means" shall include telephone, video-conference, electronic telecommunications-mediated written, aural and/or video means, including mediated through the internet, a wireless service, and/or email; and shall further include the presentation, service, filing and storage of documents in their electronic form.

~~(z)(aa)~~ **"Engineer"** - The term "engineer" shall mean a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined.

~~(aa)(bb)~~ **"Engineer Intern" ("Engineer-In-Training")** - Engineer intern shall mean a person who has met the education and character requirements as set forth herein and have taken and passed the Fundamentals of Engineering Examination and has been duly licensed by the Board.

~~(bb)(cc)~~ **"Firm"** - The term "firm" shall mean the business entity, including but not limited to partnership, limited partnership, limited liability company (except single-member limited liability company) and corporations that offers engineering, architectural, land surveying or landscape architecture services to the public or their licensed personnel who are either employees, officers or partners of the company.

(cc) **"Good Moral Character"** - The term "good moral character" shall mean such character as will enable a person to discharge the fiduciary duties of a licensed architect, engineer, land surveyor or landscape architect, engineer, land surveyor or landscape architect to his/her client and to the public for the protection of health, safety, and welfare. Evidence of inability to discharge such duties shall include the commission of an offense justifying discipline under section 13.1.

(dd) **"Gross Negligence"** - The term "gross negligence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions indifference to and/or wanton disregard of accepted standards of care and/or legal obligation so far as other persons may be affected.

(ee) **"Human Occupancy or Habitation"** - The term "human occupancy or habitation" shall refer to structures where people live, work, recreate, congregate or assemble. This is to differentiate from structures and buildings whose primary purpose is for storage or to house equipment.

(ff)(ff) **"Incompetence"** - The term "incompetence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions lack of ability to produce work in conformity with accepted professional standards.

(gg)(gg) **"Investigation"** - The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.

(hh)(hh) **"Jurisdiction"** - The term "jurisdiction" shall mean the state, commonwealth, territory or possession of country authorized by law to license engineers, architects, land surveyors or landscape architects.

(i) **"LAAB"** - The letters "LAAB" shall mean the Landscape Architectural Accreditation Board which develops and promulgates the accreditation standards, rules and procedures for conducting the accreditation process which determines if a school curriculum or program meets accreditation requirements.

(jj)(jj) **"Landscape Architect"** - The term "landscape architect" shall mean a person who has been duly licensed by the Board to engage in the practice of landscape architecture in the Commonwealth, as hereinafter defined.

(kk)(kk) **"Land Surveyor"** - The term "land surveyor" shall mean a person who has been duly licensed by the Board to engage in the practice of land surveying in the Commonwealth, as hereinafter defined.

(ll)(ll) **"Land Surveyor Intern"** (Land Surveyor in Training) - The term "land surveyor intern" shall mean a person who has met the educational requirement as set forth herein, and in either case has passed the examination on fundamentals of ~~land~~ surveying and has been duly licensed by the Board.

(mm) **"Lawful Experience"** - The term "lawful experience" shall be interpreted by the Board to mean experience in the appropriate profession or engineering branch under the supervision of a NCEES, NCARB, CACB or CEAB member board licensed engineer, architect, and surveyor or landscape architect in the District of Columbia, any state, commonwealth or territory of the United States and Canada.

(nn) **"LARE"** - The letters "LARE" shall mean the computerized Landscape Architect Registration Examination designed to determine whether applicants for landscape architectural licensure possess sufficient knowledge, skills and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public. It is prepared and scored by CLARB in accordance with all current standards for fairness and quality of licensure exams.

(oo)(oo) **"License"** - The term "license" means a certificate issued to a person licensed, certified or otherwise approve to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(pp)(pp) **"Licensee"** - The term "licensee" means a person licensed, certified or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(qq)(qq) **"Licensure"** - The term "licensure" means the process or condition of being licensed to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(rr)(rr) **"Marine Engineering"** - That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.

(ss)(ss) **"Mechanical Engineering"** - That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment and systems, including research, design, production, operation, organization, and economic aspects of all the above.

(tt)(tt) **"NAAB"** - The letters "NAAB" shall mean the National Architectural Accreditation Board.

(uu)(uu) **"Naval Architect"** - This discipline is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structures mechanics, elements of ship architecture and ship static and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.

(vv)(vv) **"NCARB"** - The letters "NCARB" shall mean the National Council of Architectural Registration Boards.

~~(tt)~~(vv) **"NCEES"** - The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.

~~(uu)~~(ww) **"Negligence"** - The term "negligence" is the performance of professional work by a licensee which demonstrates through errors and /or omissions a lack of due care in accordance with accepted professional standards.

~~(vv)~~(xx) **"Person"** - The term "person" means a person real or legal, including a human being, and an artificial person, including government entity, non-governmental organization, association, corporation, limited liability company, limited liability partnership, partnership, or sole proprietorship.

~~(www)~~(yy) **"Practice of Architecture"**

(1) The term "practice of architecture" ~~as defined by 4 CMC § 3211 (a)(2)(A)~~ means the rendering or offering to render those services consisting of providing or offering to provide certain services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and site surrounding such buildings, which have as their principal purpose human occupancy or habitation; the service referred to include pre-design services, programming, planning, ~~providing preliminary studies~~, providing designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined hereinafter.

(2) A person is considered to practice or offer to practice architecture, within the meaning and intent of the law, who practices the profession of architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents ~~himself or herself~~ themselves to be an architect through the use of some other title, implies that ~~he or she~~ they are licensed as an architect or ~~that he or she~~ holds themselves out as able to perform or does perform any architectural service or work or any other service designated by the practitioner which is recognized as architecture.

~~(xx)~~(zz) **"Practice of Engineering"**

~~(1)~~(i) (A) The term "practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air and water, teaching of advanced engineering subjects, performing engineering surveys and studies, and the review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications; any of which embraces such services or work; either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

~~(ii)~~(i) Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer.

~~(iii)~~(ii) Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, right-of-way, easements, and the dependent or independent surveys or re-surveys of the public land system.

~~(2)~~ (B) A person is considered to practice or offer to practice engineering, within the meaning and intent of the law, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents ~~himself or herself~~ themselves to be ~~professional engineer~~ an engineer or through the use of some other title, implies that ~~he or she is a professional engineer or that he or she~~ they are licensed or holds ~~himself or herself~~ themselves out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

~~(yy)~~(aaa) **"Practice of Landscape Architecture"**

(1) The term "practice of landscape architecture" ~~as defined by 4 CMC § 3211(e)(2)(A)~~ (A) means one who holds themselves out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is the preservation and enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities. A licensed landscape architect shall not practice or offer to practice architecture or any branch of engineering.

~~(2)~~ (B) A person is considered to practice or offer to practice landscape architecture, within the meaning and intent of the law, who practices the profession of landscape architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents ~~himself or herself~~ themselves to be a landscape architect or through the use of some other title, implies that ~~he or she~~ they are licensed or holds ~~himself or herself~~ themselves out as able to perform or who does perform any landscape architecture service or work or any other service designated by the practitioner which is recognized as landscape architecture.

~~(zz)~~(bbb) **"Practice of Land Surveying"**

(1) The term "practice of land surveying" (A) shall mean providing or offering to provide professional services using such service as mathematics, geodesy, and photogrammetry, and involving both:

(i) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth;

- (ii) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.
- (2) Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:
- (i) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon.
  - (ii) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.
  - (iii) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, or easement.
  - (iv) Making any survey for the division, subdivision, or consolidation of any tract(s) of land.
  - (v) Locating or laying out alignments, positions, or elevations for the construction of fixed works.
  - (vi) Determining, by the use of principles of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point.
  - (vii) Creating, preparing, or modifying electronic or computerized or other data, relative to the performance of the activities in the above described items (a) through (f).
- (3) A Any person is considered to practice or offer to practice land surveying with the meaning and intent of the law who engages in land surveying or who by verbal claim, sign, letterhead, card or in any other way represents ~~himself or herself~~ **themselves** to be a land surveyor or who represents ~~himself or herself~~ **themselves** as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.

~~(aaa)~~**(ccc)** "Probation" - A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrates that they have maintained a satisfactory performance in their practice over a specific period of time.

~~(bbb)~~**(ddd)** "Reprimand" - A formal criticism and/or admonishment directed to the licensee as a result of the violation noted.

~~(ccc)~~**(eee)** "Responsible Charge" - The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a licensed engineer, architect, land surveyor or landscape architect.

~~(ddd)~~**(fff)** "Revocation" - A termination of a license or certificate to practice. Such action should require that the licensee or firm surrender any and all license or certificate and wallet card issued by the Board. ~~In order for a licensee or corporation to reinstate a certificate and/or license that has been revoked, the licensee or corporation is required to apply as a new applicant.~~

~~(eee)~~**(ggg)** "Rules of Professional Conduct" - The term "Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture, land surveying and landscape architecture in the Commonwealth. ~~{See NMIAC, title 125, chapter 20.2}~~

~~(fff)~~**(hhh)** "Signature" - The term "signature" shall mean the reproducible original signing of one's own name applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. A facsimile, electronically digitized signature, or rubber signature stamp will not be acceptable.

~~(ggg)~~**(iii)** "Specifications" - The term "specifications" shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed, land areas and projects.

~~(hhh)~~**(iii)** "State" - The term "state" includes a United States of America state, territory, tribal land, commonwealth, the District of Columbia, and any other U.S. jurisdiction other than the U.S. Government itself.

~~(iii)~~**(kkk)** "Structural Engineering" - That branch of engineering which deals with investigation, design, selection, and construction supervision of the fore-resisting and load-supporting members, of structures, such as foundation walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than three stories high must be designed by a structural engineer.

~~(jjj)~~**(lll)** "Suspension" - A suspension terminates a certificate and/or license privileges for a limited time. The certificate and/or license may be reinstated after the licensee or firm fulfilled conditions imposed by the Board.

~~(mmm)~~ **"Technical Submissions"** - The term "technical submissions" shall mean designs, drawings, specifications, studies, and other technical documents prepared in the course of practicing architecture, engineering, land surveying or landscape architecture. All technical submissions shall be identified by date and by the name and address of the licensee or the firm.

~~(kkk)~~**(nnn)** "Warning Letter" - A letter issued to a licensee or firm based upon a threshold determination that unacceptable conduct has occurred. A warning letter can be used when it is determined that a suspension or revocation is not appropriate, but some level of criticism is needed.

To add a new section which will be the new § 125-20.1-030 (Exceptions to Licensure) of NMIAC Title 125. Transfer the Part 100. (Applications) of the Regulations to Part 200 of the Regulations; sections to be re-assigned accordingly.

**§ 125-20.1-030 Exceptions to Licensure**

Pursuant to §3213 and §3109 of P.L. 14-95, the following persons are exempted from licensure:

- (a) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officers or employees of the United States government;
- (b) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officer or employees of the Commonwealth government during the terms of office or employment of such persons; and
- (b) Apprentices, trainees or helpers who practice under the general supervision of a licensee which licensee is ultimately responsible for the work product of such apprentice, trainee or helper.

To amend the Regulations of Part 300. (Qualifications for Licensure) which will now be Part 100 and Part 200. (Fees) will now be Part 400, and sections to be assigned accordingly.

**PART ~~300~~ 100. QUALIFICATIONS FOR LICENSURE**

**§ 125-20.1-~~301~~ 101 Qualifications for Licensure**

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person meets the following requirements:

- (a) Be at least 21 years of age;
- (b) Be a U.S. citizen, or a foreign national and lawfully entitled to remain and work in the Commonwealth;
- (c) Has met all the education, examination, and experience qualifications as required by law and the regulations;
- (d) Be of good moral character; and shall not have been convicted in any jurisdiction of a crime of moral turpitude or a crime related to the person's profession; and
- (e) Fully and honestly provide the information to the Board required for the Board's decision.

**(a) Engineering**

(1) Engineer Intern (EIT)

- (i) Applicant graduated from a university/college accredited by ABET or CEAB with four (4) years of engineering curriculum and has also successfully passed the Fundamentals of Engineering Examination; or
- (ii) Applicant graduated from a university/college not accredited by ABET or CEAB with four (4) years of engineering curriculum, has four (4) years of progressive engineering experience satisfactory to the Board and has also successfully passed the Fundamentals of Engineering Examination; or
- (iii) Applicant has eight (8) years of progressive engineering experience and has also successfully passed the Fundamentals of Engineering Examination.

(2) Professional Engineer (PE)

- (i) Applicant holds a master's degree in engineering from an institution of higher education accredited by ABET or CEAB, and has completed two (2) years of progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or
- (ii) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college accredited by ABET or CEAB and has completed four (4) years of progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or
- (iii) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college not accredited by ABET or CEAB and has completed eight (8) years of progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or
- (iv) Applicant has twelve (12) years of progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for.

**(b) Architecture**

(1) Architect:

- (i) Applicant holds a master's degree in architecture from an institution of higher education accredited by NAB or CACB, and has at least one (1) year of progressive experience in architectural work satisfactory to the Board, which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or
- (ii) Applicant is a graduate of an architectural curriculum of five (5) years or more in a college accredited by NAAB or CACB, and has completed two (2) years of progressive experience in architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or
- (iii) Applicant is a graduate of an architectural curriculum of four (4) years or more in a college not accredited by NAAB or CACB, and has completed eight (8) years of progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or
- (iv) Applicant has had twelve (12) years of progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE).

(c) Land Surveying

(1) Surveyor Intern (SI)

- (i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying and has also successfully pass the Fundamentals of Land Surveying Examination; or
- (ii) Applicant is a graduate of a community college approved by the Board and has completed a civil engineering or surveying curriculum of two years or more, has four (4) years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or
- (iii) Applicant has eight (8) years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or\*

(2) Professional Land Surveyor (PLS):

- (i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying, and has completed four (4) years of progressive experience in land surveying work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or
- (ii) Applicant is a graduate of a college not accredited by ABET or CEAB, has completed a civil engineering or surveying curriculum of two years or more, has completed eight (8) years of progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or
- (iii) Applicant has had twelve (12) years of progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination.

(d) Landscape Architecture

(1) Landscape Architect:

- (i) Applicant graduated from a university/college accredited by LAAB with four (4) years of landscape architectural curriculum, has four (4) years of progressive experience in landscape architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the ~~Uniform National Examination (UNE)~~ LARE; or
- (ii) Applicant graduated from a university/college not accredited by LAAB with four (4) years of landscape architectural curriculum, and has completed eight (8) years of progressive experience in landscape architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the ~~Uniform National Examination (UNE)~~ LARE; or
- (iii) Applicant has had twelve (12) years of progressive experience in landscape architecture work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the ~~Uniform National Examination (UNE)~~ LARE.

~~§ 125-20.1-310~~ 110 Engineering Technology Degrees

approved four-year Bachelor of Technology (B.T.) engineering curriculum is not considered equal to an approved Bachelor of Science engineering curriculum.



**§ 125-20.1-315 115 Applicants with Degrees from Foreign Schools**

Applicants who are graduates of a foreign college or university may have their college/university certified documents evaluated by an educational evaluation service approved by the Board, equating the degree toward a comparable U.S. degree. The Board has the discretion to approve the transcript evaluation or not. Any cost of evaluation shall be the responsibility of the applicant.

**§ 125-20.1-320 120 Experience**

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, architecture, land surveying or landscape architecture, the following will be considered:

- (a) **A.** Field and office training under the supervision of licensed engineers, architects, land surveyors or landscape architects.
- (b) **B.** Experience must be progressive on engineering, architecture, land surveying and landscape architecture projects to indicate that it is of increasing quality and requiring greater responsibility.
- (c) **C.** Only lawful experience of an engineering, architectural, land surveying or landscape architecture, as the case may be, which follows graduation is creditable.
- (d) **D.** Experience must not be obtained in violation of the statute, regulations or rules of professional conduct.
- (e) **E.** Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian section doing similar work.
- (f) **F.** Teaching experience to be creditable must be at an advanced level in a college or university offering an engineering, architectural, land surveying or landscape architecture curriculum, as the case may be, of four years or more that is approved by the Board.
- (g) **G.** Experience gained in engineering or architectural research and design projects by members of an engineering or architectural faculty where the curriculum is approved by the Board is creditable.
- (h) **H.** Successful completion of graduate study leading to a master's degree in engineering following a baccalaureate degree in engineering is creditable for one (1) year experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The (2) two years credit includes the one (1) year credited for the master's degree. If the Ph.D. is obtained without a master's degree or with a master's degree in a non-engineering curriculum, the total creditable experience may be two (2) years.
- (i) **I.** Land Surveyors are required that a substantial portion of their experience be spent in charge of work related to property conveyance and/or boundary line determination and, that they demonstrate adequate experience in the technical field aspects of the profession.
- (j) **J.** Experience as a contractor in the execution of work designed by an engineer, architect or landscape architect or employment considered as supervision of construction of such work shall not be considered as creditable experience.
- (k) **K.** Experience may not be anticipated. The experience must have been gained by the time of the application.

**§ 125-20.1-325 125 References**

- (a) **A.** References shall be individuals who are personally acquainted with the applicant and are able to issue judgements on the applicant's character and reputation, ability and experience.
- (b) **B.** Applicants for licensure shall submit the names and current addresses of five (5) references, three of the references must be licensed practitioners in the discipline or branch in which licensure is requested. References must be able to provide information based upon first hand knowledge of the applicant's character, experience and professional qualifications.
- (c) **C.** At least three (3) character references must be given for engineer intern or surveyor intern licensure.
- (d) **D.** Relatives of the applicant may not be used as reference.
- (e) **E.** No current member of the Board may be used as a reference.
- (f) **F.** Each applicant should inform the persons being used as references.
- (g) **G.** For a state board's verification, the Board shall accept only an official verification of licensure forwarded by the state board when sealed with the Board's seal and signed by a board director/administrator, which issued the applicant's license attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in Section 5.7 of this regulations.
- (h) **H.** The applicant shall be responsible for requesting the transmittal of council records from NCARB or NCEES to the Board and paying all fees associated with the transmittal.
- (i) **I.** It is the responsibility of the applicant to assure the return of a completed reference form to the Board by the persons giving the reference within a reasonable time. This includes educational transcripts and verification of a license in other jurisdictions. All reference materials must be complete before any Board action may be taken on an application.
- (j) **J.** The Board shall accept completed reference verification forms only when:
  - (a) received from the U.S. Postal Service or other delivery services from the reference source directly;

(2) (b) hand-delivered to the Board office by the reference himself/herself and the form is signed and sealed by the reference himself/herself.

(k) K. Verification submitted by or passing through the hands of the applicant shall not be accepted. Facsimile transmittal of verification or references shall not be accepted unless followed by the original copy delivered to the Board as set forth above.

(l) L. In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.

(m) M. Slow response or failure of a reference or a college university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.

(n) N. Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information will not be divulged except in special cases when required by law.

*To amend the whole Sections of § 125-20.1-130 Examinations of the Regulations and reassigned subsections accordingly.*

## § 125-20.1-~~330~~ 130 Examinations

### (a) A. General Provisions

(1) The application and experience record submitted by an applicant for licensure by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time devoted to professional work but also to the degree of responsibility and nature of the work.

(2) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board received from NCEES, NCARB or CBRPELS for distribution to the examinees at least thirty (30) days prior to the examination date.

(3) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten (10) days after receipt of notification from the Board that he or she has been qualified to sit for the exam. ~~The Board shall assume that a candidate receives the notification no later than five (5) days from the date of mailing.~~

(4) The Board shall adopt the recommendations of the National Council of Examiners for Engineering and Surveying (NCEES) ~~NCARB, or CBRPELS and BPELSG~~ on passing scores for the grading of engineering, land surveying, ~~architecture and landscape architecture examinations,~~ and the special seismic examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

5. ~~The Fundamentals of Engineering (FE) Examination requirement may be waived to an applicant who has taken and passed the PE examination administered by another NCEES member board, is a licensed engineer in good standing, the requirements for licensure at the time the applicant was licensed are acceptable to this Board, and the applicant was waived from taking the FE by the state board where applicant was first licensed.~~

6. ~~The examination requirement may be waived, upon approval by the Board, for an applicant who has taken and passed an examination administered by another NCEES or NCARB member board, is a licensed professional in good standing, and if the requirements for licensure at the time the applicant was licensed are acceptable to this Board.~~

7.(5) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

8. ~~Application to take the examination must be accompanied by the application fees.~~

### (b) Engineering Examinations

#### (1) Classification of Engineering Examinations

~~The Board shall adopt and administer examinations prepared by NCEES as the standard examination of applicants for licensure as an engineer as follows:~~

~~(i) FE — Fundamentals of Engineering Examination for engineer intern applicants (8 hours); and~~

~~(ii) PE — Principles and Practice of Engineering Examinations for professional engineer in the appropriate engineering branch (8 hours);~~

~~(iii) SE — Structural Engineering Examinations (16 hours, Structural I — 8 hours and Structural II — 8 hours);~~

~~(iv) All civil engineering applicants (comity or by examination) are required to take and pass the California Special Civil Seismic Examination before they could qualify for licensure. Grading shall conform to current practices of the California Board of Registration for Professional Engineers and Land Surveyors (CBRPELS).~~

#### (2) Eligibility of Applicant for an Engineering Examination

~~(i) No applicant may sit for the FE, PE, or SE examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for licensure except passage of the examination.~~

(ii) An applicant for the PE or SE shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.

(iii) An applicant for licensure as an engineer intern shall become eligible to sit for the FE during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved university/college of engineering. Enrollment must be confirmed by the school/university/college being attended by the applicant. Confirmation must be sent by the university/college directly to the Board.\*\*

(c) Architecture Examinations

(1) The Board shall adopt the Architect Registration Examination (ARE) prepared by NCARB as the standard examination of applicants for licensure as an architect.

(2) Grading shall conform to current practices of NCARB.

(3) Eligibility of Applicant for a Architectural Examination

No applicant may sit for the ARE until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for licensure except passage of the examination.

(d) Land Surveying Examinations

(1) Classification of Land Surveying Examinations

The Board shall adopt and administer examinations prepared by NCEES as the standard examination of applicants for licensure as a land surveyor as follows:

(i) FLS—Fundamentals of Land Surveying Examination for land surveyors intern applicant (8 hours); and

(ii) PLS—Principles and Practice of Land Surveying Examination (6 hours)

(iii) CNMI Land Matters Examination (4 hours)—Applicants for comity licensure as a land surveyor shall be required to pass this exam testing such applicant's knowledge of CNMI land matters, when such examination is in existence.

(2) Eligibility of Applicant for a Land Surveying Examination

(i) No applicant may sit for the FLS or PLS examination until the Board has determined that all the required documentation has been received and approved and the applicant has otherwise met all the requirements for licensure except passage of the examination.

(ii) An applicant for the PLS shall not be permitted to sit for the examination until he or she has taken and passed the FLS.

#### 4.6 Examinations

A. Engineers and Land Surveyors

1. The Board shall adopt the NCEES's examinations for engineers and land surveyors developed by NCEES as the national examinations of applicant for licensure as an engineer or land surveyor.

2. No applicant may sit for the NCEES's examination until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

3. An applicant for the NCEES's engineering (PE) or land surveying (PLS) examinations shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination (FE) or the Fundamental of Land Surveying Examination (FLS).

4. The Fundamentals of Engineering (FE) Examination or the Fundamentals of Land Surveying Examination (FLS) requirement may be waived to an applicant who has taken and passed the PE or the PLS examination, is a licensed engineer or land surveyor in good standing in another U.S. state or territory and the applicant was waived from taking the FE or FLS by the board where applicant was licensed.

5. All civil engineering applicants are required to take and pass the California Special Civil Seismic Examination before they could qualify for licensure. All civil engineering applicants who are licensed structural engineers in any U.S. state or territory is waived from taking the California Special Civil Seismic Examination.

6. California Special Civil Seismic Examination  
As applicant to sit for the California Special Civil Seismic Examination shall file an application no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before an examination which is conducted by the Board in October.

7. Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

B. Architects

1. The Board shall adopt the NCARB's Architect Registration Examination (ARE) as the national examination of applicants for licensure as an architect.

2. — No applicant may sit for the A.R.E. until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

3. — Applicants who wish to take the ARE can apply to take the examination at the Guam PEALS Board or any other U.S. State board. All divisions of the ARE are administered exclusively on computers at Prometric test centers year round throughout the U.S. or its territories. Candidates may take the division in any order, and at any time and location they choose (subject to availability). Most test centers are open six days a week, 50 weeks a year. After you have been authorized to test, you can begin scheduling exam appointments via My Examination at [www.ncarb.org](http://www.ncarb.org). All divisions of the ARE must be passed within five years as stipulated in the ARE 4.0 Guidelines and the Certification Guidelines at [www.ncarb.org](http://www.ncarb.org). Results for all divisions are typically processed within 4 to 6 weeks of your test date and then made available to you via the board where you took the exam or NCARB. Call the state board where you're taking the ARE or NCARB if you have questions about your eligibility to test, the Rolling Clock, scheduling an exam, testing accommodations, and technical issues experienced while testing.

C. — Landscape Architects

1. — The Board shall adopt the LARE as the national examination of applicants for licensure as a landscape architect.

2. — No applicant may sit for the LARE until the Board has determined the applicant has meet all the requirements for licensure except passage of the examination.

B. — Engineers and Land Surveyors

(1) — The Board adopts the NCEES's examinations for engineers and land surveyors developed by NCEES as the national examinations of applicants for licensure as an engineer or land surveyor. The NCEES Fundamentals of Engineering (FE) and Fundamental of Surveying (FS) exams are administered via computer and the Principles and Practice of Engineering (PE), Principles and Practice of Surveying (PS) and Structural Engineering (SE) exams are administered as pencil-and-paper exams. All interested applicants who wish to take the NCEES's engineering or land surveying examination should log into engineering or land surveying examination should log into [www.ncees.org](http://www.ncees.org) and should review the NCEES Examinee Guide for information on the examinations.

(2) — Classification of Engineering Examinations – The following NCEES and BPL examinations are offered for licensure as an engineer or land surveyor:

(a) — The NCEES Fundamentals of Engineering (FE) examination for licensure as an Engineer Intern or Fundamentals of Surveying (FS) examination for licensure as a Land Surveyor Intern.

(b) — The NCEES Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline.

(c) — The NCEES Structural Engineering (SE).

(d) — The NCEES Principles and Practice of Surveying (PS) examination.

(e) — CNMI Land Matters Examination (4 hours) — Applicants for comity licensure as a land surveyor shall be required to pass this exam testing such applicant's knowledge of CNMI land matters, when such examination is in existence.

(f) — The Civil Seismic Principles Examination, offered by the BPELSG, for civil engineer applicants. All civil engineering applicants are required to take and pass this Examination before they could qualify for licensure.

(3) — Eligibility of Applicant for an Engineering or Land Surveying Examination

(a) — An applicant must register with NCEES to take the FE or FS examination.

(b) — No applicant may sit for the PE, SE or PS until the Board has established that the applicant is eligible for the examination.

(c) — Engineering doctorate degree applicants with an undergraduate degree from an EAC/ABET-accredited program and a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the licensure qualifications may sit for the PE examination without having taken and passed the FE examination.

(d) — The Fundamentals of Engineering (FE) Examination requirement may be waived to an applicant who has taken and passed the PE examination administered by another NCEES member board, is a licensed engineer in good standing, the requirements for licensure at the time the applicant was licensed are acceptable to this Board, and the applicant was waived from taking the FE by the state board where applicant was first licensed.

(e) — The Civil Seismic Principles Examination is required to be taken and passed by all civil engineering applicants. No applicant may sit for this examination until the Board has established that the applicant is eligible for the examination.

(4) — Examination Dates and Location

(a) — Written examinations shall be offered on dates set by NCEES. The location of each examination is determined by the Board and is based upon the availability of acceptable examination space.

(b) — An applicant to sit for the PE or the PS examination shall file an application with the Board by January 15 for the April exam schedule and July 15 for the October exam schedule. The application must be submitted with the application fee.

(c) — An applicant to sit for the California Civil Seismic Principles Examination shall file an application with the Board by January 15 for the Spring administration of the exam and July 15 for the Fall administration of the exam.

### C. Architect Examination

The Board adopts the NCARB's Architect Registration Examination (ARE) as the national examination of applicants for licensure as an architect. No applicant may sit for the ARE until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

### D. Landscape Architects Examinations

The Board adopts the LARE as the national examination of applicants for licensure as a landscape architect. No applicant may sit for the LARE until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

### (g) E. Language

All examinations shall be in English. The examinations shall not be translated into another language either orally or in writing.

### (h) F. Study Information

(i) G. The Board shall not make available or distribute any study information.

(j) H. sit

(k) I. To Re-take the PE, SE or LS Examination

J. Applicants may retake examinations pursuant to NCEES's policy.

## PART 100 200. APPLICATIONS

### § 125-20.1-101 201 Filing of Applications

(a) (A) All applications filed with the Board shall be complete, filed on the forms provided by the Board and prepared in accordance with and contain all the information called for on the form.

(b) (B) Information on the application form must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.

To delete § 125-20.1-101(C) (now § 125-20.1-201(C)) of the Regulations and re-assigned subsections accordingly.

(c) — To allow time for the Board to process the application for examination, receive verification of required information and order examination booklets, application must be filed with the Board at least ninety (90) days prior to the examination date established by NCEES or CBRPELS.

(d) (C) Information on the application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was employed in another type of work for a period of time, that must be indicated in the applicant's experience record.

(e) (D) Council record submitted to the Board by NCEES or NCARB shall be accepted in lieu to the information required on the application furnished by the Board. Application must still be signed and notarized under oath and a photograph attached, as required under Section 19 of the application.

To amend § 125-20.1-101 (F) (now § 125-20.1-201 (E)) of the Regulations.

(f) (E) All applications shall be accompanied by one ~~enlarged~~ passport-size photograph of the applicant. The photograph may be either black and white or color, not profiled or retouched, full-face taken within 30 days of the date of the application. Signature must be affixed on the lower right hand corner of the photograph.

To delete § 125-20.1-101(G) (now § 125-20.1-201(G)) and re-assigned subsections accordingly.

(g) — Applications submitted to the Board shall be signed and attested before a notary public.

(h) (F) The withholding of information, misrepresentation of fact, or a testing to untrue statements shall be ground for the denial or revocation of an application or license.

(i) (G) It is the responsibility of the applicant for all documents, references, certificates, transcripts and/or diplomas as required, to be submitted on time to the Board.

To delete § 125-20.1-105(A) and (B) (now § 125-20.1-205 (A) and (B)) and re-assigned subsections accordingly.

To amend § 125-20.1-210(A) (now § 125-20.1-210) and re-assigned subsections accordingly. (Added)

### § 125-20.1-105 205 Kinds of Applications

(a) — Applicants for licensure as an Engineer Intern or Surveyor Intern shall be accepted from individuals who believe they are qualified by education and/or experience, and have taken and passed the Fundamentals of Engineering (FE) or the Fundamentals of Surveying (FS) Examination.

(b) — Those who are senior students in an engineering college approved by the Board, leading to a baccalaureate degree may apply to take the fundamentals examination during their senior year. Applicant's senior status must be verified directly by the college. If and when the applicant pass the FE exam, he/she need to provide the Board an official transcript directly from the college indicating the award of their degree in order to get their engineer intern license.

(a)(A) Applications for licensure as a professional engineer, architect, land surveyor or landscape architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the Laws of the Commonwealth, to be licensed to practice their profession in the Commonwealth.

**§ 125-20.1-~~119~~ 210 Licensure by Endorsement**

(a)(A) The Board may grant a license to a person to practice as an engineer, architect, land surveyor, or landscape architect without examination if:

(1) The person holds a valid, active license to practice as an engineer, architect, land surveyor, or landscape architect in another jurisdiction; and

(2) The person applying to practice engineering practices the same type of engineering field they are applying for in the CNMI jurisdiction; and

(3) If the person is applying to practice civil engineering in the CNMI, the applicant has also taken and passed the California Civil Seismic Principles Examination; and

(~~2~~)(4) The requirements in the jurisdiction of licensure are at least as stringent as those under the law and these regulations.

(b)(B) The Board may deny a license by endorsement to a person to practice as an engineer, architect, land surveyor, or landscape architect if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

**§ 125-20.1-~~115~~ 215 Foreign Education and Experience**

(a)(A) All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

(b)(B) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES or NCARB as appropriate.

(c)(C) All applicants must be able to speak, read and write in the English language as a requirement for licensing

**§ 125-20.1-~~120~~ 220 Interview**

An applicant for examination or licensure shall appear before the Board for a personal interview, if necessary.

**§ 125-20.1-~~125~~ 225 Reconsideration of Disapproved Application**

An applicant whose application for a license has been disapproved by the Board may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

(a)(1) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within thirty (30) days of the date of the notice of disapproval.

(b)(2) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:

(1)(a) mistake of fact or law;

(2)(b) new evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;

(3)(c) any other evidence or reason justifying a petition for reconsideration.

(e)(d) Only one petition for reconsideration shall be accepted by the Board.

(d)(e) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

To transfer Part 800 (Temporary Licenses) of the Regulations to Part 300 and transfer from § 125-20.1-801 to § 125-20.1-301 of 125-20.1, NMIAC Title 125 and amend Part 300(C) of the regulations.

**PART 800 300. TEMPORARY LICENSES**

**§ 125-20.1-~~801~~ 301 Temporary Licenses; Requirements**

(a)(A) The Board may grant a temporary license to a person who is not a resident of the Commonwealth or who has no established place of business and who desires to practice on a limited basis architecture, engineering, land surveying or landscape architecture in the CNMI, provided such person is legally qualified and licensed in another jurisdiction and that his or her qualifications for obtaining the license meet those required for licensure by this Board.

(b)(B) A temporary license shall be granted for each specific job which length of time not to exceed one (1) year and shall provide that there is no right to practice architecture, engineering, land surveying or landscape architecture with respect to any other works not set forth in the temporary license.

~~(c)(C)~~ A consecutive temporary license may be extended but only for the purpose of completing the specific job for which the original temporary license was issued.

~~(d)(D)~~ The applicant for a temporary license to practice civil engineering must have passed the California Special Seismic exam.

To amend § 125-20.1-805 now § 125-20.1-305 (A) of the Regulations.

**§ 125-20.1-~~805~~ 305 Renewals**

~~(a)(A)~~ Renewal of all certificates or licenses shall be renewed on a biannual basis. Renewal of all certificates or licenses shall be every two years following their issuance or renewal.

~~(b)(B)~~ Failure of a licensure to renew on or before the expiration date shall render the license or certificate null and void.

~~(c)(C)~~ A renewal notice shall be mailed or sent by email by the Board to the last known address of each individual holding a license and to each firm holding a certificate of authorization indicating the date of expiration of the license or certificate and the renewal fee amount due.

~~(d)(D)~~ Each licensee, firm or holder of a temporary license is responsible to immediately notify the Board of any changes to his/her or its mailing address.

~~(e)(E)~~ Temporary licenses shall not be renewable.

~~(f)(F)~~ Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal. Responsibility for the timely payment of the renewal fee rests solely with the licensee.

**§ 125-20.1-~~810~~ 310 Reinstatement**

Each licensee or firm whose license or certificate has expired and lapsed or on an inactive status may be reinstated within three (3) years of the expiration day upon (a) payment of the reinstatement fee for the period of the lapsed license as determined by the Board; (b) payment of all penalties owing since the date of expiration, and in such amount as determined by the Board, for each calendar month or fraction thereof until the reinstatement fee and all penalties are paid. As a precondition to reinstatement, the Board may require a written explanation or an interview showing that the applicant is competent to practice his or her profession.

**§ 120-20.1-~~815~~ 315 Inactive License**

A license may be placed on an inactive status upon notification to the board before his/her license expires by the licensee in writing of the effective date of inactivation and payment of an inactive fee. Failure to reactivate a license on inactive status after three years for engineers, architects, land surveyors, and landscape architects, shall render the license null and void and licensee must file a new application, meet present day requirements for licensure or certification, and receive board approval. An inactive licensee may apply for reactivation upon payment of all fees owing from time of inactivity and proof of completion of all continuing education hours (if required) the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant and meet present day requirements for licensure or certification, and receive board approval.

**PART 200 400. FEES**

**§ 125-20.1-~~201~~ 401 Method of Payment**

Payment of fees shall be made by personal check, money order, cashier's check, traveler's check or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made at the CNMI Treasurer's office.

**§ 125-20.1-~~205~~ 405 Application Fees**

The receipt issued by the Treasurer upon payment of the application fee shall be attached to the application when submitted to the Board office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

**§ 125-20.1-~~210~~ 410 Examination Fees**

The receipt issued by the Treasurer upon payment of the examination application fee shall be attached to the application when submitted to the Board office. Examination application fees are non-refundable. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies.

**§ 125-20.1-~~212~~ 412 Dishonored Checks**

The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

**§ 125-20.1-~~215~~ 415 Renewal Fees**

~~(a)(A)~~ License/certificate renewal fees must be paid on or before the license/certificate expiration date to avoid assessment of a delinquent fee.

~~(b)(B)~~ Licensees or firms whose fees are received after the renewal date shall be assessed a renewal fee and a delinquent fee for every month the fees are not received.

To amend § 125-20.1-420 of the Regulations.

**§ 125-20.1-~~220~~ 420 Schedule of Fees**

**Application Fees:**

Initial Application  
Re-consideration Application

\$100.00  
100.00

Certificate of Authorization Application	100.00
Application for Examination	100.00

**Examination Fees:**

Follow all NCEES's fee schedule for all exams  
Follow BPELSG fee schedule for Seismic Exam

Fundamentals of Engineering (FE)	150.00
Principles and Practice of Engineering (PE)	180.00
Special-Civil Seismic Examination	300.00
Structural I	180.00
Structural II	450.00
Fundamentals of Land Surveying (FLS)	180.00
GNMI Land Matters Exam	50.00
Proctoring Fees	150.00
NCARB ARE - Follow all NCARB's fee schedule for all divisions.	

**Licensure Fees:**

E.I.T./L.S.I.T. License	100.00
Initial License	200.00
Inactive License	100.00
Certificate of Authorization	200.00
Temporary License	250.00

**Renewal Fees:**

Bi-Annual (Individual)	200.00
Delinquent (each month)	25.00
Certificate of Authority	200.00
Delinquent (each month)	25.00
Replacement/Duplication of License	75.00
Replacement/Duplication of wallet-size card	25.00

These examination fees will automatically change without notice once NCEES, NCARB, CBRPELS or their examination vendor raise fees.

~~(e) These examination fees will automatically change without notice once NCEES, NCARB, CBRPELS or their examination vendor raise fees.~~

Part 400. Licensure Classification is now Part 500 of the Regulations and § 125-20.1-600 of 125.20-1, NMIAC Title 125.

**PART 500. LICENSURE CLASSIFICATION**

**§ 125-20.1-401 501 Engineering**

~~(a)~~(A) An applicant approved for licensure as an engineer shall be licensed as an:

- (1) Engineer Intern; or
- (2) Professional Engineer

~~(b)~~(B) Professional Engineers shall be licensed in one of the recognized NCEES branches of engineering.

**§ 125-20.1-405 505 Architecture**

An applicant approved for licensure as an architect shall be licensed as an Architect.

**§ 125-20.1-410 510 Land Surveying**

~~(A)~~ An applicant approved for licensure as a land surveyor shall be licensed as a:

- ~~(a)~~(1) Land Surveyor Intern; or
- ~~(b)~~(2) Professional Land Surveyor

**§ 125-20.1-415 515 Landscape Architecture**

An applicant approved for licensure as a landscape architect shall be licensed as a Landscape Architect.

To amend § 125-20.1-601, 605, 615, and 620 of the Regulations, NMIAC Title 125.

**PART 600 600. CERTIFICATES OR LICENSES**

**§ 125-20.1-601 Issuance of Certificates or Licenses**

Upon completion of all requirements for licensure or Certificate of Authorization, the Board shall issue a certificate or license to applicant or firm. The certificate or license shall identify the applicant as an engineer intern, a professional engineer, architect, land surveyor intern, a professional land surveyor or a landscape architect, and the certificate shall identify the name of the firm, as the case may be.

**§ 125-20.1-605 License or Certificate Number**

Each licensee or holder of a Certificate of Authorization shall be assigned a license or certificate number at the time licensure or certificate is approved by the Board. Numbers are issued consecutively and separately for professional engineers, architects, land surveyors and landscape architects in the order in which applications are approved.

**§ 125-20.1-610 Certificate/License**

The certificate or license shall be in the form required by law and as otherwise approved by the Board.



**§ 125-20.1-615 Engineering Branch**

The license or certificate for a professional engineer or engineering firm shall designate the branch in which such person or firm is licensed to practice. The license for a professional engineer or certificate for an engineering firm shall designate the branch in which such person or firm is licensed to practice.

**§ 125-20.1-620 Display**

Every person licensed as an individual and every ~~partnership, corporation~~ **firm**, association and joint venture maintaining an office or other place of business for the practice or his/her or its profession, shall display his/her or its original license or certificate together with evidence of current validation in a conspicuous manner, in his/her or its principal office or place of business.

**§ 125-20.1-625 Replacement of License or Certificate**

Upon submittal of a request accompanied by affidavit attesting to loss, destruction or mutilation of the original license or certificate, a license or certificate shall be furnished upon payment of the prescribed fee.

**§ 125-20.1-630 Prohibited Act**

It is expressly prohibited, and is a violation of these regulations for any licensee to use his/her license to apply a seal or stamp approval to any plans or work over which he/she does not have proper control or supervision. Furthermore, no licensee may use his/her authorization for any plans or work performed by any other person or entity unless the licensee is a full time employee of such person or entity, or a partner or officer of such entity and such acts of the licensee must be in full compliance with the law, rules and regulations.

Part 500. Certificate of Authorization is now Part 700 of the Regulations and § 125-20.1-701 of 125-20.1, NMIAC Title 125.

To amend § 125-20.1-701(A) and § 125-20.1-705(A) of the Regulations.

**PART 500 700. CERTIFICATE OF AUTHORIZATION**

**§ 125-20.1-~~501~~ 701 General Provisions**

~~(a)~~**(A)** Any ~~corporation or partnership~~ "firm" joint venture or any other association of two (2) or more firms, whether organized under the laws of the CNMI or any other jurisdiction, hereafter offering to engage or engaging in the practice of engineering, architecture, land surveying, or landscape architecture in the Commonwealth must have a valid Certificate of Authorization (COA) issued by the Board.

~~(b)~~**(B)** All engineers, architects, land surveyors, or landscape architects may practice engineering, architecture, land surveying, or landscape architecture on behalf of the firm provided that:

- (1) Each person also possess a valid license issued by the Board in the appropriate discipline and/or engineering branch; and
- (2) That such person is designated as being directly in charge and responsible for the work performed by the firm; and
- (3) That such person is a partner, officer, or a full-time employee of the firm; and
- (4) That such person has been delegated the legal authority to bind the firm in all matters relating to the work performed.

~~(c)~~**(C)** No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners or managers by reason of its compliance with the provisions of this Section. No individual practicing engineering, architecture, land surveying, or landscape architecture under the provisions of this regulations shall be relieved of responsibility by reason of their employment or other relationship with a firm holding a valid Certificate of Authorization.

~~(d)~~**(D)** A professional engineer, architect, land surveyor, or landscape architect who renders occasional, part-time, or consulting engineering, architectural, land surveying, or landscape architectural services to, or for a firm, may not for the purpose of this Section, be designated as being responsible for the professional activities of the firm.

~~(e)~~**(E)** All firms must have a valid Certificate of Authorization before advertising to offer professional engineering, architectural, land surveying, or landscape architectural services in the CNMI (see definition of "advertise" in Section 2.2 of this regulations).

**§ 125-20.1-~~505~~ 705 Application for a Certificate of Authorization**

~~(a)~~**(A)** Applications for a Certificate of Authorization ~~of partnerships or corporations~~ **by firms** to engage or offer to engage in the practice of engineering, architecture, land surveying, or landscape architecture shall be on the form prescribed by the Board and shall be prepared, completed and signed under oath or penalty of perjury before a notary public by an authorized partner or officer of the firm and shall contain the following information and comply with the following requirements:

- (1) The name, license number, discipline and/or branch and signature of the engineer, architect, land surveyor, or landscape architect licensed in the CNMI who is designated as being directly in charge and responsible for the work in the appropriate discipline and/or branch.
- (2) That should there be any change in the status of any person on file, whether as to a valid license, direct charge and responsible of work, full-time employment, partnership or officer of the firm, or legal authority to bind the firm, the firm shall notify the Board in writing within fifteen (15) days of such change, and, if necessary, also within the same fifteen days period, file the name of a replacement.

~~(b)~~**(B)** The application shall include a copy of the following documents:

- (1) A Certificate of Registration for a ~~corporation~~ firm not incorporated in the CNMI (also known as a foreign corporation); or
- (2) A Certificate of Incorporation for a ~~corporation~~ firm formed in the CNMI; or
- (3) A file stamped Partnership Registration statement; and
- (4) A business license for the appropriate professional business activity issued by the Business License Office of the Division of Revenue and Taxation, CNMI Department of Finance.

Part 700. Seals is now Part 800 of the Regulations.

To amend § 125-20.1-701, 720, 725, 730, and 735 Board Seal now § 125-20.1-801, 820, 825, 830, and 835 Board Seal of the Regulations.

## PART 800. SEALS

### ~~§ 125-20.1-701~~ 801 Board Seal

The official seal of the Board shall be a metal impression seal consisting of four symbols imposed inside the smaller circle representing the islands: a large latte stone with a star placed on the capstone; a Carolinian outrigger canoe, two fairy terns flying in pairs; and a Carolinian mwar. Imposed on the bottom portion of the small circle is the date the Board was established. In the outer annular space are the words "Board of Professional Licensing" and "Commonwealth of the Northern Mariana Islands". ~~consist of a imposed latte stone with star surrounded by the words "CNMI Board of Professional Licensing".~~

### ~~§ 125-20.1-705~~ 805 Seal of Licensure

~~(a)~~ (A) The seal shall be a rubber stamp, an electronically digitized seal or a metal impression seal. The licensee is require to use the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1/5/8" in diameter. The name of the licensee and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Professional Engineer", "Architect", "Professional Land Surveyor", or "Landscape Architect" together with the license number, shall appear in the center space.

~~(b)~~ (B) In the case of an engineer, the license shall also indicate the branch of engineering below the word "Professional". There must be a separate stamp for each engineering branch they are licensed to practice.

~~(c)~~ (C) Whenever the seal is applied, the licensee's original signature and date of the signature shall be written adjacent to or across the seal. A facsimile signature or electronically digitized signature will not be acceptable.

~~(d)~~ (D) The seal shall be signed and dated by the licensee in such a manner that the seal, signature and date will be legible when reproduced.

~~(e)~~ (E) Authorized use of the prescribed seal is an individual act, therefore, the licensee shall personally inscribe the seal. The licensee is responsible for its security at all times. The licensee shall permit no other person or entity to use the prescribed seal.

### ~~§ 125-20.1-710~~ 810 Seal on Documents

~~(a)~~ (A) The seal and signature of the licensee shall be placed on all final engineering, architectural, land surveying or landscape architectural specifications, land surveys and plats whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under his or her direct supervision.

~~(b)~~ (B) Working drawings, unfinished documents, In-progress drawings or documents may or may not have a seal or signature. A working drawing or document must, however, contain a statement to the effect "Preliminary, Not for Construction, Recording Purposes, or Implementation".

~~(c)~~ (C) The seal or stamp shall be prima facie evidence that the work was prepared by or under the direct supervision or control of the licensee named on the seal and the licensee accepts full responsibility and liability for the professional work represented.

~~(d)~~ (D) Licensees shall approve and seal only those design documents and surveys which are safe for public health, property and welfare in conformity with accepted engineering, architectural and land surveying standards.

~~(e)~~ (E) It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reinstated.

~~(f)~~ (F) Pursuant to Section 3219 (e) of 4 CMC, Div. 3, no official of the Commonwealth who is or may hereafter be charged with the enforcement or laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect holding a valid license or with the seal of a licensed engineer holding a valid license on which has been indicated that he or she has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted; and no map or survey prepared after the effective date of this chapter shall be filed with any official of the Commonwealth unless stamped with the seal of a land surveyor holding a valid license.

~~(g)~~ (G) The licensee's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.

(h)(H) When the document contains more than one sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each drawing shall be sealed and signed by the licensee responsible for each sheet. When a firm performs the work, each drawing shall be sealed and signed by the licensee who actually did the work. The principal in responsible charge shall sign the seal on the first or title page.

(h)(I) When a licensee in another jurisdiction has a temporary permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the CNMI temporary permit number on all work they controlled and are responsible for.

(j)(J) When a CNMI licensee certifies the work of an out-of-state licensor, the CNMI licensee shall have complete dominion control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

**§ 125-20.1-715 815 Design Certification**

(a)(A) All design work prepared by or under the supervision of a licensed Professional engineer, architect, land surveyor or landscape architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the licensee thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

-----  
Signature

(b)(B) A licensed engineer, architect, land surveyor or landscape architect who signs plans, specifications, reports or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports or documents, where the subsequent changes or uses, including changes or uses made by state or local government agencies, are not authorized or approved by the licensed engineer, architect, land surveyor or landscape architect who originally signed the plans, specifications, reports or documents, provided that the engineering, architectural, land surveying or landscape architectural service rendered by the engineer, architect, land surveyor or landscape architect signed the plans, specifications, reports or documents was not also a proximate cause of the damage.

**§ 125-20.1-720 820 Construction Inspection**

(a)(A) In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamped of the duly licensed professional engineer, architect, land surveyor, or landscape architect charged with inspection of the construction pursuant to these regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCTION INSPECTION OF PROJECT WILL BE UNDER MY SUPERVISION

-----  
Signature

(b)(B) When an engineer, architect, land surveyor, or landscape architect has responsibility for the design and construction inspection, the certification shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONSTRUCTION INSPECTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

-----  
Signature

(c)(C) Any licensed engineer, architect, land surveyor, or landscape architect sealing or stamping plans, specifications, reports or documents shall not be imposed a legal duty or responsibility to be in charge of the construction inspection work on the construction which are the subject of the plans, specifications, reports or documents. However, nothing in this section shall preclude an engineer, architect or landscape architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction supervision services.

(d)(D) In the event the licensed engineer, architect, land surveyor, or landscape architect whose seal or stamp and signature appears in connection with the foregoing statement concerning construction inspection, shall be removed, replaced or otherwise unable to discharge his or her duties; such licensed engineer, architect or landscape architect shall so notify the Board with fifteen (15) days, and such notification shall include the name, if known, of the licensed engineer, architect or landscape architect charged with continuing the construction inspection.

**§ 125-20.1-725 825 Construction Management Services**

A licensed engineer, architect, land surveyor, or landscape architect may also practice, either in public or private capacity, construction management services, including, but not limited to, ~~professional services during construction, such as, permitting process and coordination, bid evaluation and contract award, processing of payment requests and change orders, claims and dispute resolution, review and approval of inspections and testing, survey checks, compliance to contract documents, and contract closeout including as-built drawings and operation & maintenance manuals and training.~~ construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

**§ 125-20.1-730 830 Engineer's Seal**

(a)(A) The seal and signature of a licensed professional engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form which involves the practice of engineering as defined herein.

~~(b)(B) The seal and signature of an engineer, licensed in the appropriate branch, is required for each portion of documents involving the practice of engineering that is within the licensee's area(s) of engineering competence, a separate branch of engineering except as provided below:~~

~~(1) All portions of documents for single family residential home\* may be sealed and signed by a civil or structural engineer or an architect.~~

~~(2) All portions of documents for multi family dwelling and residential subdivisions not more than three stories in height and containing 10 or fewer dwelling units may be sealed and signed by a civil or structural engineer or an architect.~~

~~(3) An engineer is not required for outbuildings in connection with detached residential buildings.~~

~~(4) All portions of documents for any type of buildings not more than three stories in height may be sealed and signed by a civil or structural engineer or an architect.~~

~~(c) Documents for multi family dwelling and residential subdivisions more than three stories in height and containing more than 10 dwelling units or any type of building shall be sealed and signed by engineers licensed in the appropriate branches as well as an architect.~~

~~(d) Documents for pre-engineered structures sealed and signed by an engineer licensed in another jurisdiction shall also be reviewed and sealed and signed by a civil or structural engineer licensed in the CNMI.~~

~~(d)(C) Documents involving the structural portion of a site adaption of a pre-engineered structure or building.~~

~~(e)(D) Designs and calculations for Individual Wastewater Disposal Systems(IWDS) for any building except for single-family residential home, may must be sealed/signed by a CNMI licensed civil, mechanical or environmental engineer, architect.~~

~~(f)(E) Storm water design and calculations for any building, except for single family residential home\*, may be performed must be sealed/signed by a CNMI licensed engineer.~~

**§ 125-20.1-835 Architect's Seal**

~~(a) The seal and signature of an architect shall be affixed to each drawing, specification, report, calculation, or other documents in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.~~

~~(b) The seal of an architect shall be placed on documents for multi family dwelling units and subdivisions as well as the seal and signatures of engineers in the appropriate branches.~~

**§ 125-20.1-840 Land Surveyor's Seal**

~~(A) The seal and signature of a land surveyor shall be placed on each drawing, plan, property metes and bound descriptions, computation sheets, reports and other documents in its final form which involve the practice of land surveying as defined herein.~~

~~(B) No seal shall be placed on drawings, plans, property metes and bound descriptions, computation sheets, reports and other documents in its final form which involve the practice of land surveying if performed by officers or employees of the CNMI government.~~

~~(C) All documents prepared and certified by a land surveyor shall be stamped with a statement under the seal stating: "I (name of land surveyor), hereby certify that this map was prepared by me or under my direct supervision, and that it is based upon a field survey made in (insert date), in conformance with all applicable laws and regulations". The signature of the land surveyor and date shall be affixed directly under the statement.~~

To amend § 125-20.1-905 of the Regulations.

**PART 900. PROFESSIONAL CONDUCT**

**§ 125-20.1-901 Rules of Professional Conduct; Regulations**

The Board has prepared and adopted Rules of Professional Conduct for engineers, architects, land surveyors and landscape architects practicing in the Commonwealth. [See NMIAC, title 125, chapter 20.2]

**§ 125-20.1-905 Knowledge of the Rules**

All persons licensed to practice engineering, architecture, land surveying and landscape architecture in the CNMI are charged with having knowledge of the existence of the Rules of Professional Conduct [NMIAC, title 125, chapter 20.2] and these regulations as well as amendments from time to time. ~~which shall be made known in writing to every licensee and applicant for licensure, which shall be published in the Commonwealth Register pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a).~~

**§ 125-20.1-910 Convictions**

Any individual or firm who has been fined, received a reprimand; had a license or certificate revoked, suspended, denied; convicted of a crime related to the engineering, architectural, land surveying or landscape architect profession by another jurisdiction; or who for reasons or causes which this Board finds would constitute a violation of the law or any provision of these rules and regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the CNMI, shall be subject to a fine, reprimand, revocation or suspension by this Board of the license or certificate to practice in the CNMI. It is the duty of each licensee to report a conviction to the Board within ten (10) days following entry of such conviction, notwithstanding any appeal.

**§ 125-20.1-915 Enforcement**

The attorney general of the CNMI has the authority to enforce the provisions of CMC, Div. 3, and to assist the Board in ensuring compliance with these regulations. The attorney general serves as legal advisor to the Board and renders such legal assistance as may be necessary in carrying out these provisions.

**PART 1000. DISCIPLINARY ACTION; REPRIMAND, SUSPENSION OR REVOCATION; REFUSAL TO ISSUE, RESTORE, OR RENEW LICENSE OR CERTIFICATE**

**§ 125-20.1-1001 Disciplinary Action**

~~(a)~~(A) The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew; place on probation or condition in any manner the certificate, license, or certificate of authorization to any engineer, architect, land surveyor, landscape architect, or firm who is found guilty, in any jurisdiction, of one or more of the following violations:

- (1) Any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or
- (2) Any negligence, incompetence or misconduct in the practice of engineering, architecture, land surveying or landscape architecture; or
- (3) Conviction of or pleading guilty to a crime of moral turpitude or a crime related to their profession either in the CNMI or in another state or jurisdiction. A certified copy of the court of such conviction or plea shall be presumptive evidence of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or
- (4) Signing, affixing or permitting the licensee's seal or signature, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or his or her direct personal supervision; or
- (5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or
- (6) Practicing or offering to practice, offers to practice, or holding him or herself out as authorized and qualified to practice engineering, architecture, land surveying or landscape architecture, without a valid license or certificate issued by the Board; or
- (7) Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", or "landscape architecture", any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or
- (8) Using or attempts to use as his or her own the seal or the license or certificate of another; or
- (9) Falsely impersonating any duly licensed engineer, architect, land surveyor or landscape architect; or
- (10) Using or attempts to use an expired, suspended, or revoked or inactive license or certificate; or
- (11) Aiding or assisting another person in violating any provision of this Chapter, or the rules and regulations pertaining thereto; or
- (12) Providing false testimony or information to the Board; or
- (13) Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of this Chapter; or
- (14) Failure to comply with any provisions of this Chapter, any regulations pertaining thereto, and the Rules of Professional Conduct for engineers, architects, land surveyors, and landscape architects; or
- (15) Any individual or firm which advertises and offers to engage or engaging in the practice of engineering, architecture, land surveying or landscape architecture services without first complying with the requirements of the Act; or
- (16) Failing to report to the Board an adverse action taken against the person by another jurisdiction's profession regulatory agency or court, professional society or association, by a governmental agency, including a law enforcement agency or by a court for acts or conduct similar to acts or conduct that would support disciplinary action under this Chapter.

~~(b)~~(B) The Board may also take disciplinary action against a licensee who is found guilty of the following:

- (1) Any act or omission which fails to meet the generally accepted standards of engineering, architecture, land surveying or landscape architecture practice; or
- (2) Violation of, or aiding or abetting in the violation of the provisions of the law, any rules or regulations adopted by the Board, or any order of the Board issued in conformance with the provisions hereof: or\*\*
- (3) Use of false, deceptive, or misleading advertising; or
- (4) Performing services beyond one's competency, training, or education; or
- (5) Failure to report to the Board any licensee or firm known to have violated the law, rules and regulations, or any order of the Board; or

(6) Failure to report to the Board any malpractice claim against such licensee or any firm, that is settled or in which judgment is rendered, within sixty (60) days of the effective date of such settlement or judgment, if such claim concerned professional services performed or supervised by such licensee.

(c)(C) In addition to any other penalty provided in this section, the Board shall have the power to impose administrative penalty and/or reprimand, revoke, or suspend, refuse to issue, restore or renew; place on probation or condition the Certificate of Authorization of any firm where one or more of its agents, officers, directors, partners, managers, or employees have been found guilty of any conduct which would constitute a violation under the provisions of this section.

(d)(D) Upon conviction in a court of law, any person or firm who violates any of the provisions of the law or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

To amend § 125-20.1-1005(D) of the Regulations.

To amend § 125-20.1-1005(K) of the Regulations.

#### § 125-20.1-1005 Disciplinary Proceedings

(a)(A) Any person, including a board member, may prefer charges in writing with the Board against any person subject to the Board's jurisdiction, including but not limited to non-licensees or a firm holding a certificate of authorization. The Board may seek relief, but need not specify the relief sought. The complaint shall be as specific as possible to the time, place, and nature of the violation.

(b)(B) The Board or its designee shall promptly and fully investigate all non-trivial allegations filed with the Board for the purposes of determining whether to proceed with or dismiss the complaint. The Board may dismiss without a hearing a complaint as unfounded, or trivial, or failing to state a ground for which relief may be granted, with a written order explaining its decision. Notwithstanding any other provision of law, the dismissal of a complaint shall be subject only to a retrospective notice and opportunity to be heard. The Board may dismiss an anonymous complaint without investigation.

#### (c)(C) Complaints

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a certificate of authorization may be initiated by any person who may prefer charges of any of the violations as prescribed under Section 13.1 (a) and (b).

(1) All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.

(2) All charges shall be made on forms provided by the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint.

#### (d)(D) Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to ~~an investigative committee by the Board consisting of at least one board member and the Board's legal counsel~~ the Executive Director. The member of the Board in the investigative committee cannot vote at the disciplinary hearing. ~~The~~ investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and complaint. Action against the licensee or firm may be brought ~~in the name of the Board or brought~~ before the Board in the name of the claimant versus the respondent.

#### (e)(E) Summons and Complaint

(1) In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.

(2) The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statute, rules, or regulations involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint shall indicate that at any hearing the accused individual licensee or firm shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses for his/her or its own defense.

(3) The summons and complaint shall be personally served or mailed at least thirty (30) days before the date fixed for the hearing to the licensee's or firm's last known address.

(4) If the accused licensee or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(f)(F) Until an investigation is completed and administrative charges are filed against the licensee or firm, or the matter is referred to the attorney general for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P. L. 8-41, the Open Government Act of 1992.

#### (g)(G) Conduct of Hearing

The members of the Board or the Board's authorized representative shall conduct all hearings pursuant to 1 CMC, Section 9109, and Administrative Procedures - Conduct of Hearings.

(1) At its discretion, the Board may appoint some person (preferably an attorney or someone familiar with the laws and procedures) to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on app questions or evidence and procedure.

(2) In the event a hearing examiner is not appointed, the chairperson of the board may preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the board.

(3) Normally, the proceeding shall follow those used by a civil court in which an opening statement is made by the plaintiff and the respondent. Both sides with rebuttals then present evidence. Witnesses may be examined by the plaintiff and respondent or their attorneys and by members of the board. Re-direct and re-cross and re-examinations

- (4) The record of the hearing of the case shall include;
- (i) (1) All motions, intermediate ruling, and depositions.
  - (ii) (2) Evidence received and considered.
  - (iii) (3) Statement of matters officially noted.
  - (iv) (4) Questions and offers of proof, objections, and rulings thereon.
  - (v) (5) Proposed findings and exceptions.
  - (vi) (6) Any decision, opinion, or report by the officer presiding at the hearing.

(H) The members of the Board or the Board's authorized representative presiding at the hearings may:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
- (3) Rule on offers of proof and receives relevant evidence;
- (4) Require and supervise discovery, including taking depositions or have depositions;
- (5) Regulate the course of the hearing, including administer sanctions for conduct within Rule 11 of the CNMI rules of Civil Procedure;
- (6) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (7) Dispose of procedural requests or similar matters; and
- (8) Make or recommend orders or decisions in accordance with the law, rules, or regulations.

(I) It shall require a unanimous majority vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license or certificate of the accused.

(J) The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.

**(K) Reinstatement of License or Certificate**

Each licensee or firm whose license or certificate has been revoked by the Board or any jurisdiction must file a new application, meet present day requirements for licensure or certification, and receive Board approval. The Board may reissue a license or certificate to a person or firm whose license or certificate has been revoked provided that a majority of the members of the Board vote in favor of such issuance.

**PART 1100 MISCELLANEOUS PROVISIONS**

**§ 125-20.1-1101 Reinstatement of Licensure After Revocation**

(a) Upon petition of an individual or firm, the Board may reissue a license or certificate of authorization provided that a majority of the members of the Board votes in favor of such issuance. The petition must clearly and concisely set forth reasons for requesting reinstatement.

(b) For reason(s) the Board deems sufficient, an expired or revoked license or certificate may be reinstated.

**§ 125-20.1-1105 Advertising Practices**

It is in violation of these regulations for any individual or firm to advertise as an engineer, architect, land surveyor, or landscape architect unless such individual or firm holds a license or certificate of authorization.

**§ 125-20.1-1110 Board Records**

(a) Retention of Records

Applications received by the Board may be approved, disapproved or deferred pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board. Application from either an individual or firm in which a violation of the CNMI law was evident shall be retained indefinitely by the Board.

(b) Disposal of Records

(1) Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those documents submitted by the applicant.

(2) The following is the schedule of retention time for applications submitted to the Board:

- (i) Disapproved 2 years

- (ii) Examination, inactive 2 years
- (iii) Expired license 2 years

**§ 125-20.1-1115 Severability**

If any provision of these regulations, or the application of any such provision, to any person or firm or under any circumstances shall be held invalid by a court or competent jurisdiction, the remaining provisions of these regulations and the application of such remaining provisions to persons or firms or under any circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these regulations are and shall be severable.

To add a new section which will be the new Part 1200. Conflict and Bias and will be §125-20.1-1200 of 125-20.1, NMIAC Title 125.

**PART 1200 CONFLICT AND BIAS**

**§ 125-20.1-1201 Conflict and Bias**

~~A Board Member shall be excused and shall not vote in any action, disciplinary or otherwise, if the Board Member may be biased for or~~

~~obligated to disclose such a potential conflict. Board members shall follow the conflict of interest policy established by the Government Ethics Code, 1 CMC §§ 8501-8577.~~





**COMMONWEALTH CASINO COMMISSION**  
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Jiran M. Sablan, Chairman  
Joseph C. Reyes, Vice Chairman  
Alvaro A. Santos, Secretary/Treasurer  
Ramiro M. Dela Cruz, Commissioner

## **COMMISSION ORDER NO: 2018-002**

### **Order Designating In-House Counsel as Casino Key Employees Requiring Licensure**

For good cause determined at the June 28, 2018 public meeting of the Commonwealth Casino Commission, which was duly publicly noticed, and based on the authority granted by the laws of the Commonwealth (including but not limited to Public Laws 18-56 and 19-24) and the Regulations of the Commonwealth Casino Commission, NMIAC Chapter 175-10.1, the Commonwealth Casino Commission hereby finds and ORDERS AS FOLLOWS:

1. WHEREAS, Regulation §175-10.1-040(q)(3), in pertinent part, defines "casino key employees" as "Any employee whatsoever of a casino licensee so designated by the Commission"; and
2. WHEREAS, due to the sensitive and important nature of the work normally provided by in-house counsel generally, and specifically the work provided by the counsel employed by the casino licensee of which the Commission is aware, the Commission has determined that it is beneficial to expand the definition of "casino key employee" to include in-house counsel; and
3. WHEREAS, this designation requires all in-house counsel of the casino licensee to apply for and receive licensure as a casino key employee pursuant to §175-10.1-1905; NOW, THEREFORE,
4. IT IS HEREBY ORDERED that all in-house counsel employed by the casino licensee are designated as casino key employees subject to licensure as a casino key employee; and,
5. IT IS HEREBY ORDERED that this Order applies to all in-house counsel employed by the casino licensee without regard to the counsel's job title or whether the counsel supervises other employees; and

6. IT IS HEREBY FURTHER ORDERED all in-house counsel hired after the date this Order takes effect must apply for and receive licensure, provisional or otherwise, as a casino key employee prior to beginning employment with the casino licensee; and

7. IT IS HEREBY FURTHER ORDERED that all in-house counsel employed by the casino licensee prior to the date this Order takes effect shall have sixty (60) days to apply for and receive licensure, be it provisional or otherwise, as a casino key employee if such counsel has not yet received licensure as a casino key employee; and

8. IT IS HEREBY FURTHER ORDERED that the Chairman or the Executive Director shall take steps necessary to ensure that this Order is published in the Commonwealth Register; and

8. IT IS HEREBY FURTHER ORDERED that this Order is to take effect immediately, or the earliest other time prescribed by law, and shall remain in effect until it is repealed or replaced by subsequent Order of the Commission.

SO ORDERED this 29 th day of June, 2018.

Signature: \_\_\_\_\_

  
JUAN M. SABLAN  
CHAIRMAN