

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



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**COMMONWEALTH REGISTER**

**VOLUME 35  
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# COMMONWEALTH REGISTER

VOLUME 35  
NUMBER 09

September 28, 2013

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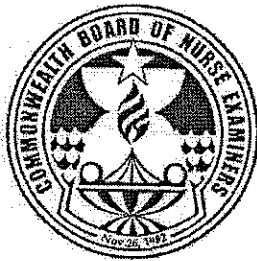
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**PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS**

**EMERGENCY REGULATIONS ESTABLISHING STANDARDS FOR EDUCATIONAL PROGRAMS IN NURSING**

**EMERGENCY ADOPTION AND IMMEDIATE EFFECT:** The Commonwealth Board of Nurse Examiners (CBNE), finds that the attached amendments to the Northern Mariana Islands Board of Nursing Rules and Regulations shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)). These emergency regulations shall become effective immediately upon filing with the Commonwealth Register and delivery to the Governor, (1 CMC § 9105(b)(2)), and shall remain in effect for 120 days. (1 CMC § 9104(b)).

**AUTHORITY:** The CBNE, under 1 CMC § 2306(b)-(c), has the power to promulgate and adopt regulations. Further, 1 CMC § 9104(b) of the Administrative Procedure Act provides that:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

**REASON FOR EMERGENCY ADOPTION:** The Northern Marianas College is under accreditation review by its accrediting agency, and to pass that process, NMC is requesting specific nursing education regulations be established by the CBNE. NMC and its nursing program have expressed concern of the lack of regulatory language necessary to justify the nursing program's implementation of nursing programs policies such as the faculty to student ratios, clinical practices, and standards of nursing education practices. It appears that a section on standards for nursing education programs was erroneously left out of the CBNE's recently adopted comprehensive regulations.

Without regulations established by the CBNE over the nursing program, the accreditation of NMC and NMC's nursing program may be in jeopardy. Further, NMC has been informed that the regulations need to be implemented before the end of September.

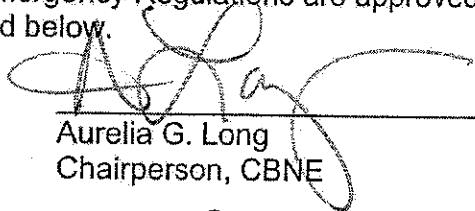
For the forgoing reasons, CBNE finds that the public interest requires the adoption of regulations upon fewer than 30 days notice. Adoption of regulations through the emergency process will have the effect of ensuring that NMC and its nursing program will maintain accreditation, which in turn will ensure that local students will continue to have a local school to study nursing and Commonwealth public and private health providers will have a locally trained supply of competent nurses.

**THE TERMS AND SUBSTANCE:** The attached Emergency Amendment to Regulations add Standards for Educational Programs in Nursing (Associate and Bachelors Degree) and Standards for Educational Program (Licensed Practical/ Licensed Vocational Nurse).

**DIRECTIONS FOR FILING AND PUBLICATION:** The Secretary of Public Health will take appropriate measures to make these Emergency Rules and Regulations known to the persons who may be affected by them. (1 CMC § 9105(b)(2)).

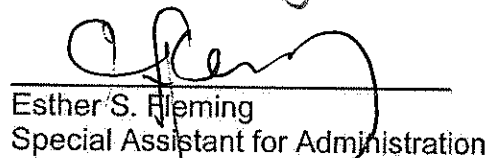
The attached Emergency Regulations are approved by the Secretary of Public Health on the date listed below.

Submitted by:

  
Aurelia G. Long  
Chairperson, CBNE

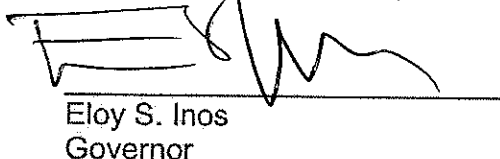
9/17/13  
Date

Received by:

  
Esther S. Fleming  
Special Assistant for Administration

9/27/13  
Date

Concurred by:

  
Eloy S. Inos  
Governor

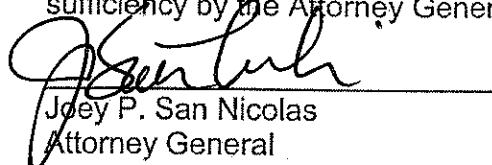
27 SEP 2013  
Date

Filed and  
Recorded by:

  
Esther SN. Nesbitt  
Commonwealth Register

9-27-2013  
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), the Emergency Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Attorney General and shall be published. (1 CMC § 2153(f)).

  
Jdey P. San Nicolas  
Attorney General

9/26/13  
Date

**EMERGENCY REGULATIONS ESTABLISHING  
STANDARDS FOR EDUCATIONAL PROGRAMS IN NURSING**

**I. Standards for Educational Programs in Nursing (Associate and Bachelors Degree)**

**A. Philosophy Governing Approval of Schools of Nursing:**

- 1) While the Board of Nurse Examiners herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purpose, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered Nurses to meet current and future nursing needs of the public.
- 2) The Board of Nurse Examiners believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purposes, and objectives.
- 3) The Board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

**B. Purpose of Board - The Board of Nurse Examiners approves schools of nursing for the following purposes:**

- 1) To ensure the safe practice of nursing by setting minimum standards for schools of nursing preparing persons for licensure as Registered or Practical nurses.
- 2) To provide the public and prospective students with a list of schools of nursing that meet the minimum standards.
- 3) To safeguard the educational preparation of the students.
- 4) To assure the graduates of approved schools of their eligibility for admission to the licensing examination for Registered or Practical Nurses.
- 5) To facilitate interested endorsement of graduates from other Board of Nurse Examiners approved schools of nursing.

**C. Purpose, Philosophy and Objectives for Approved Schools of Nursing.**

- 1) The purpose, philosophy and objectives of the school shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice.
- 2) The school shall have a statement of philosophy that is consistent with the philosophy of the college or university.

- 3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective and psychomotor capabilities of the graduate.
- 4) The philosophy and objectives shall be used by the faculty in planning, implementing and evaluating the total program.

D. Organization and Administration for Approved Schools of Nursing.

- 1) Accreditation of colleges and universities and of extended learning sites:
  - a. Colleges and universities which sponsor a school of nursing shall be accredited by their appropriate accrediting bodies.
  - b. Extended learning sites shall be accredited or approved by the appropriate body.
- 2) There shall be adequate financial support to provide stability for the development and continuation of the school of nursing.
- 3) School of nursing organization and administration.
  - a. Administration of the school of nursing shall be the responsibility of a Nurse Administrator.
  - b. There shall be an organizational chart showing lines of authority, formal communication and cooperative relationships among the school of nursing and the educational, administrative and support service units of the college or university.
  - c. Administrative policies shall be stated clearly and be available in written form. Nursing education program policies and procedures shall be in written form, congruent with those of the institution, and shall be reviewed periodically.
  - d. Administrative records shall be maintained and shall include general school records, faculty vitae, minutes of faculty and committee meetings, and reports to the college or university. Nursing education program policies and procedures shall be in written form, congruent with those of the institution, and shall be reviewed and updated periodically by both school staff and CBNE.
  - e. The Nurse Administrator of the school of nursing shall be responsible for preparing budget recommendations and for budget administration.
  - f. Allocation of the school budget shall reflect the purpose, philosophy and objectives of the school.
  - g. A current school bulletin shall be available and shall provide an accurate description of the school of Nursing and its program.

E. Resources, Facilities and Services for Approved Schools of Nursing.

- 1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

- 2) Offices shall be available and adequate in size, number and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Offices shall have adequate space for clerical staff, records, files, and other equipment.
- 3) Extended learning site:
  - a. A variety of sites may be utilized for student experience. These may include, but need not be limited to hospitals, mental health clinics and public health departments.
  - b. Extended learning sites shall provide learning experiences of sufficient number and variety for student achievement of the course/curriculum objectives.
  - c. Written agreement shall be maintained between the school and the extended learning sites. Such agreement shall be reviewed periodically and shall state the responsibilities and privileges of each party, which shall include a termination clause.
  - d. Extended learning sites shall be approved by the Board of Nurse Examiners for their educational use.
- 4) Library facilities shall be provided for use by the faculty and students. Physical arrangement, usefulness, scope and currency of books, periodicals, and hours shall be appropriate for the purpose of the school and the number of faculty and students.
- 5) Secretarial and support services shall be adequate to meet the needs of the nursing school.

F. Nurse Administrator for Approved School of Nursing / Nurse Administrator shall have the following qualifications:

- 1) A current license to practice as a Registered Nurse in the Commonwealth.
- 2) A baccalaureate degree in nursing and a master's degree with a major in nursing or education from an accredited college or university.
- 3) A minimum of five years of professional experience as a Registered Nurse which includes two years teaching in an approved school of nursing.
- 4) Exceptions shall be justified to and approved by the CBNE.

**Nurse Administrator shall have sufficient time provided for carrying out administrative and instructional responsibilities that are consistent with the scope of the administrative responsibility.**

All Nurse Administrators are responsible for the following functions:

- 1) Create and maintain an environment conducive to teaching and learning.
- 2) Serve as liaison with the central administration and other units of the college or university.
- 3) Organize and administer the nursing program.
- 4) Provide educational leadership for the faculty and students of the school.



- 5) Facilitate recruitment, selection and development of qualified faculty.
- 6) Recommend faculty for appointment, promotion, tenure and retention.
- 7) Facilitate recruitment, selection and development of qualified faculty.
- 8) Plan and administer the budget.
- 9) Facilitate arrangements for all necessary resources and services.
- 10) Facilitate peer and student evaluation of teaching effectiveness.
- 11) Facilitate development of long range goals and objectives for the nursing program.
- 12) Facilitate the recruitment, selection and retention of students.
- 13) Assure that the minimum rules and regulations of the CBNE are effectively implemented.

G. Faculty for Approved Schools of Nursing

- 1) Faculty shall have the following qualifications:
  - a. A current license to practice as a Registered Nurse in the United States or U.S. territory, and the CNMI.
  - b. The Nurse Educator or Nurse Educator Associate shall hold at least a master's degree in nursing or a baccalaureate degree in nursing with a master's degree in a related field and have at least 3 years of nursing experience.
  - c. Each Clinical Teaching Associate shall hold at least a bachelor's degree in nursing with no less than three years of nursing experience. Each Clinical Teaching Associate shall hold at least the level of preparation for which students are being taught; and have at least three years of nursing experience.
  - d. Exceptions shall be justified to and approved by the Board of Nurse Examiners.
- 2) Principal functions of the faculty shall include but not be limited to:
  - a. Develop, implement and evaluate the philosophy and objectives of the program.
  - b. Construct, implement, evaluate, and revise the curriculum.
  - c. Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university.
  - d. Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma.
  - e. Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university.
  - f. Participate in academic counseling of students.

- g. Provide for peer and student evaluation of teaching effectiveness.
  - h. Participate in periodic review of the total nursing program.
  - i. Participate in the overall faculty activities of the college or university, (e.g. governance, interdepartmental teaching and research).
- 3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.
- a. All faculties shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.
  - b. Committees shall be established, as necessary, to effectively carry out the functions of the faculty. The purpose and membership of each committee shall be defined clearly.
  - c. Meetings shall be held on a regular basis.
  - d. Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.
- 4) Facility/student ratio:
- a. Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program
  - b. Twelve students is the maximum a faculty member shall be responsible for at any one time in the clinic area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:
    - i. The preparation and expertise of the faculty member
    - ii. The objectives to be achieved
    - iii. The level of students
    - iv. The number, type, and conditions of patients
    - v. The number, type, location and physical layout of clinical facilities

H. Curriculum for Approved Schools of Nursing

- 1) The basic curriculum shall not be less than two academic years.
- 2) The length, organization, content, instruction methods, and placement of courses shall be consistent with the philosophy and objectives of the school and of the college or university.
- 3) The curriculum shall reflect faculty-wide participation in its planning, implementation and evaluation.
- 4) The curriculum shall include:

- a. Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined or presented as separate courses.
- b. Instruction in the social and behavioral sciences and shall include content drawn from the areas of psychology, sociology, and which may be integrated, combined or presented as separate courses.
- c. Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing which may be integrated, combined or presented as separate courses.
- d. History, trends, and legal and ethical issues pertaining to the nursing profession that may be integrated, combined or presented as separate courses. Baccalaureate programs shall include study of research principal.
- e. Opportunities for the student to learn assessment of needs, planning, implementation and evaluation of nursing care for diverse individuals and groups.
- f. Clinical experiences in the care of persons at each state of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness and rehabilitation. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program.

5) Dedicated Education Unit (DEU) Conceptual Model for Clinical Teaching

- a. A Dedicated Education Unit (DEU) is a client Unit that is developed into an optimal teaching/learning environment through the collaborative efforts of nurses, clinicians, management and faculty. It is designed to provide students with a positive clinical learning environment that maximizes the achievement of student learning outcomes, uses proven teaching/learning strategies and capitalizes on the expertise of both clinicians and faculty while giving excellent patient care.
- b. The DEU concept is built on the belief that the clinician's educational roles are vital to the development of students' professional skills and knowledge.
- c. Clinicians on the DEU are the primary teachers of the students. Staff are selected on this unit and agreed to collaborate with faculty to be preceptors, educators, and clinical expert role models for the students. Staff are prepared for their teaching role through a one-day workshop at the School of Nursing to introduce the concept of the DEU, review the curriculum, clinical course content and expected clinical outcomes and explore teaching/learning strategies to facilitate clinical learning.

d. The DEU climate is one of mutual respect, open communication and collaboration. DEU clinicians, faculty and students are committed to work together to build an optimal learning community.

e. A School of Nursing using the DEU Conceptual Model for clinical teaching and best practice for clinical learning, its students are the only ones present on the unit. Clinicians selected to be a Clinical Teaching Associate on a DEU for one Nursing Program cannot be a Clinical Teaching Associate for another Nursing Program. This allows staff to develop closer relationships with both the students and the faculty and avoid the confusion of different outcomes and expectations of different nursing programs.

f. A clinical faculty member is assigned to the DEU and is present at various scheduled times during the week. A faculty's primary role is to work directly with the staff as coach to support their teaching, facilitate the transfer of classroom learning to practice, assure the achievement of expected learning outcomes and assist with the resolution of problems that may arise.

g. Faculty have the final responsibility for evaluation, but will collaborate with the staff in their evaluation of student's achievement.

h. Description of roles & responsibilities for Nurse Manager of a DEU, DEU Clinicians (Clinical Teaching Associate), DEU Coordinator, Clinical Faculty Coordinator, and Student will be defined by the School of Nursing using the DEU Conceptual Model for clinical teaching.

- 6) Provision shall be made for systematic and periodic evaluation of the curriculum by faculty and students.
- 7) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the Board at least three months prior to implementation and in accordance with procedures outlined by the Board.

I. Students in Approved Schools of Nursing.

- 1) Policies and Procedures for selection, admission, promotion, Graduation, withdrawal and dismissal shall be consistent with the policy of the college or university, and shall be available in written form.
- 2) Students who seek admission by transfer from another approved school of nursing or re-admission for completion of the program, shall meet the equivalent of the school's current standards required of those regularly enrolled.

A comprehensive system of student records shall be maintained and shall include:

- a. Application for admission, which shall include, but not be limited to the following:
  - i. Completed application form;

- ii. Official transcript of completion of high school or equivalent GED; and/or
- iii. College work.
- iv. A physical examination and report on health status is required.
- b. Performance evaluation reports, which shall be completed at systematic intervals in keeping with the objectives of the program.
- c. Course and clinical experience records.
- d. A summary record completed on graduation. Such record will be turned over to the Board of Nurse Examiners if school ceases to exist.

J. Program Evaluation by Approved Schools of Nursing: There shall be a systematic, ongoing, written plan for evaluation of the program, with evidence of its implementation that is directed toward the improvement of the program. The plan shall include, but not limited to:

- a. Purpose, philosophy and objectives.
- b. Organization and administration.
- c. Resources, facilities and services.
- d. Faculty.
- e. Curriculum.
- f. Students.
  - 1. Evaluation of student achievement and performance, including, performance on the National Council of Licensure Examination. Minimum NCLEX passing rate for approved RN Nursing school programs shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the CNMI average pass rate for first time candidates of accredited vocational nursing schools for the same period.
    - i. Failure to achieve the required yearly average minimum pass rate within two years of initial approval may be cause to place a program on provisional accreditation.
    - ii. Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation.
- h. Follow-up studies on performance of graduates

K. Reports to the Board of Nurse Examiners by Approved Schools of Nursing.

- 1) One month following spring graduation, an annual report concerning the program and progress of the school shall be submitted by each school on forms supplied by the CBNE.
- 2) Written notification shall be sent to the Board of Nurse Examiners regarding major changes related, but not limited to the following:

- a. Change in the Nurse Administrator.
- b. Organizational change.
- c. Changes in the program of study.
- d. Changes in the extended learning sites.
- e. License numbers of new nursing faculty.

The information submitted to the CBNE shall include the rationale for the proposed change with comparison to the present situation. And the Board may require such additional reports as it deems necessary.

L. Survey Visits

- 1) The CBNE, through its authorized representative, shall survey each approved school of nursing at least every four years. Full approval is for a four year period; however, approval may carry recommendations for continued improvements.
- 2) The survey visit to the program shall be scheduled on dates mutually acceptable to the Board and to the school.
- 3) The Board shall require a comprehensive self-evaluation report by the Nurse Administrator and the faculty of the school of nursing based on the rules and regulations for approval of schools and in accordance with guidelines and forms provided by the Board.
- 4) Four copies of the self-evaluation report shall be submitted to the CBNE at least one month prior to the scheduled visit.
- 5) The self-evaluation report prepared for the National Nursing Accreditation body may be substituted in lieu of the Board's survey report for the year if a national accreditation survey is scheduled for that year.
- 6) The authorized representative of the Board shall prepare a report of the survey visit to be submitted to the Board. The school shall receive a copy of the report. If the school is in disagreement with any portion of the report, it may furnish written materials regarding its disagreement to be presented to the Board of Nurse Examiners for its consideration.

M. Board of Nurse Examiners Action Following Survey Visits

- 1) Wherever a matter directly concerning a school of nursing is being considered by the Board of Nurse Examiners, any Board member who is associated with the school of nursing shall not participate in the deliberation or decision-making action of the Board of Nurse Examiners.
- 2) Each school shall be evaluated in terms of its total program.
- 3) The Board shall give written notice to the college or university and the Nurse Administrator of the school of nursing regarding its decision on the school's approval status.

- 4) Full approval shall be granted to a school of nursing that meets the requirements of the Law and the Rules and Regulations of the Board of Nurse Examiners. Full approval may carry recommendations for continued improvements.
- 5) Conditional approval shall be granted a school that has failed to meet the minimum standards contained in the Law and the Rules and Regulations of the Board of Nurse Examiners. Conditions that must be met within a designated time period shall be specified in writing.
- 6) A conditionally approved school shall be reviewed at the end of the designated time. Such review shall result in one of the following actions:
  - a. Restoration of full approval/
  - b. Continuation of conditional approval for a specified period of time; or
  - c. Removal of approval if a school of nursing fails to meet conditions established by the Board.

N. Restoration of Approval. A school of nursing may petition the CBNE for restoration of approval by submitting evidence to the CBNE for restoration of approval by standards for schools of nursing.

O. Appeal of Board of Nurse Examiners Decisions. A school of nursing deeming itself aggrieved by a decision of the Board affecting its approval status shall have the right to appeal the CBNE's decision to the Board.

P. Consultation Services. Consultation will be provided by the Board of Nurse Examiners at the request of a school of nursing. A request for consultation shall be in writing and shall include the purpose and objectives for the visit. Consultation fee may apply.

Q. Closure of an Approved School of Nursing

- 1) When an organization has decided to discontinue its school of nursing, it should immediately send written notification of its plans to the Board.
- 2) A school in the process of closing shall remain approved until the enrolled students have been graduated, provided that the minimum standards are maintained.
- 3) Upon graduating all students, the Board of Nurse Examiners approval of the school of nursing shall be terminated.
- 4) An organization closing a school of nursing shall provide for safe storage of vital school records and shall confer with the Board concerning the matter.

R. Establishment of a New School of Nursing

- 1) Application
  - a. An organization desiring to establish a Board approved school of nursing shall submit an application in the form requested by the Board. It is recommended that

the organization seek consultation from the Board in the initial planning of the program.

- b. The organization shall submit a statement that addresses the need for program and the size and type of the program proposed in relation to the nursing needs of the geographical area to be served. The statement also shall include information on the potential students, the potential impact on other schools of nursing in the geographical area, the availability of learning experiences, anticipated human and material resources, community support, relationship of school to parent organization, purposes and accreditation status of the sponsoring organization, and a tentative timetable for initiating the program.
- c. Supplementary information may be sought by the Board through a site visit.
- d. If the Board's review of the statement and any supplementary information provided results in approval of the plan, the organization shall be notified that program development may proceed.
- e. And pay a non-refundable fee.

2) Program Development

- a. At least one year in advance of the anticipated admission of students, the organization shall appoint a qualified Nurse Administrator to develop a tentative program. The tentative program plan shall include:
  - i. Purpose, philosophy and objectives
  - ii. Organization and administration
  - iii. Budget
  - iv. Resources, facilities and services
  - v. Provisions for faculty, including qualifications, functions, organization and faculty/student ratio
  - vi. Curriculum, including course descriptions
  - vii. Policies and procedures for student selection
  - viii. Sample form of written agreements between the school and extended learning sites
  - ix. Projected plans for the orderly expansion of the program.
- b. The Nurse Administrator shall submit to the Board a written report of the tentative program plan at least five weeks prior to the scheduled Board's meeting at which the plan is to be reviewed. This review shall take place six (6) months prior to the scheduled opening date of the program.
- c. The Nurse Administrator of the program and other administrative officers of the organization shall meet with the Board to present the formal application and clarify and amplify materials included in the written report.



- d. The Board shall grant or withhold initial approval of the proposed nursing program.
- e. Schools receiving initial approval shall:
  - i. Submit course outlines to the Board for review and approval at least three months prior to offering the course.
  - ii. Submit progress reports as requested by the Board.
  - iii. Be scheduled for survey when deemed necessary by the Board during the period of initial approval.
  - iv. Be surveyed to assess its eligibility for full approval at least four months prior to graduation of the first class.

S. Criteria for Approved Refresher Course

1) Philosophy, Purpose and Objectives:

- a. Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing.
- b. Objectives reflecting the philosophy of the school shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

2) Nurse Faculty:

- a. All faculty shall hold a current license to practice as a Registered Nurse in the Commonwealth.
- b. All faculty shall be qualified academically and professionally for their respective areas of responsibility.
- c. There shall be an adequate number of qualified faculty to develop and implement the program and to achieve that stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the Board.

3) Course Content:

- a. The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.
- b. The course content shall include, but not be limited to minimum of eighty hours of theory in current basic concepts of:
  - i. Nursing process
  - ii. Pharmacology
  - iii. Review of the concepts in the areas of:
    - 1. Contemporary nursing including legal expectation.
    - 2. Basic communications and observational practices needed for

identification, reporting, and recording patient needs.

3. Basic physical, biological and social sciences necessary for practice.
  - c. The course shall include a minimum of one hundred hours of clinical practice in the areas listed in subsection (4b) below. Exceptions shall be justified to and approved by the Board.
  - d. Examination shall be given to measure knowledge of content.
  - e. Method shall be used to measure the student's achievement of the stated clinical objectives.
  - d. The course shall be periodically evaluated by faculty and students.
- 4) Reviewing and Updating Basic Nursing Knowledge Necessary for Assisting People With:
  - a. Maintenance of physical and mental health throughout life span.
  - b. Medical/surgical problems.
  - c. Behavioral problems.
  - d. Problems of development and aging.
- 5) Admission Requirements
  - a. Requirements for admission shall be available in writing.
  - b. All students shall hold a current valid limited educational license approved by the Board.
  - c. Refresher courses taken outside the CNMI shall be reviewed individually for approval by the Board.

## **II. Standards for Educational Program (Licensed Practical/ Licensed Vocational Nurse)**

- 1) Procedure for Accreditation
  - a. The institution shall apply to the Board for accreditation. A written documentation shall be prepared by the director and shall include:
    - i. Philosophy of the program.
    - ii. Conceptual framework.
  - b. Terminal objectives to indicate expected student outcomes upon successful completion of the program.
    - i. Curriculum objectives.
    - ii. Course outlines.
    - iii. Course objectives.
    - iv. Instructional Plan.
    - v. Evaluation methodology for curriculum.

- vi. Faculty who meet the qualifications set forth in this Section.
  - vii. Clinical facilities.
  - viii. Evaluation methodology for clinical facilities.
  - ix. Admission criteria.
  - x. Screening and selection criteria.
  - xi. Number of students.
- c. A school may admit alternate students in each new class to replace students who may drop out.
  - d. The number of alternate students admitted may not exceed 10% of the school's Board approved number of students per class.
  - e. Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.
  - f. Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.
  - g. Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.
  - h. Evaluation methodology for student progress.
- 2) Student Policies:
- a. Credit granting.
  - b. Attendance.
  - c. Grievance
- 3) Organizational Chart
- 4) Proposed Starting Date
- 5) Evidence of program need to include, but not be limited to:
- a. description of the geographic area and community to be served by the proposed program;
  - b. clinical affiliations available for student clinical experience; and
  - c. existing nursing programs with which clinical affiliations are shared.
    - i. An institution may commence a new vocational nursing program upon Board's approval.
    - ii. A Board representative shall make a survey visit prior to graduation of the initial class. A program shall not commence another class without prior Board approval.
    - iii. Accreditation will be granted by the Board when a vocational nursing program

demonstrates that it meets all requirements as set forth in this Chapter.

- iv. The accreditation period shall be for a term of four years unless the Board grants an extension.
- v. An extension may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements as set forth in this Section and in Section 2312 of the Act and may be granted for a period not to exceed four years.
- d. six months prior to the date of accreditation expiration, a program may apply for continued accreditation based upon submission of documentation satisfactory to the Board. As subsequent survey visit may be conducted by a Board representative.
- e. a material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation.

6) Provisional Accreditation

- a. Provisional accreditation means a program has not met all requirements as set forth in this Section.
- b. Provisional accreditation shall be granted for a period not to exceed two years unless the Board grants an extension.
- c. The Board may place any program on provisional accreditation when a program does not meet all requirements as set forth in this Chapter and in this Section. A provisional accreditation may be extended when a program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- d. Any program holding provisional accreditation may not admit "new" classes beyond the established pattern of admission previously approved by the Board.
- e. A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.
- f. A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional accreditation.
- g. A revocation of provisional accreditation is cause for removal from the Board's list of accredited programs.

7) Reports

- a. The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not accreditation will be continued.
- b. A school shall report to the Board within ten days of the termination of a faculty member.

- c. A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation of provisional accreditation.
- 8) Report of Changes of Faculty Qualifications.
- a. A school shall submit qualifications of the proposed faculty members for approval by the Board prior to employments.
  - b. Each vocational nursing program shall have one faculty member, designated as a director who meets the requirements

**Commonwealth of the Northern Mariana Islands**  
**Office of the Governor, Division of Environmental Quality**  
Frank M. Rabauliman, Director  
Gualo Rai Center, Chalan Pale Arnold  
P O Box 501204 Saipan MP 96950  
Tel 670.664.8500; Fax: 670.664.8540  
storagetankspesticides@deq.gov.mp

**NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF  
Pesticide Management**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 35, Number 7; July 28, 2013

**Regulations of the Pesticide Management**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Division of Environmental Quality (DEQ), 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 DEQ 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 be published in the Commonwealth Register.

**AUTHORITY:** The Director of DEQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act (2 CMC § 3101 to 3134), Commonwealth Groundwater Management and Protection Act (2 CMC § 3311 to 3333), and the Commonwealth Solid Waste Management Act (2 CMC § 3511 to 3521),

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

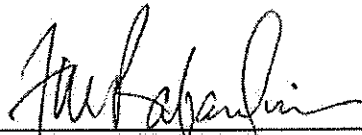
**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to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

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

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

I **DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 4 day of September, 2013 at Saipan, Commonwealth of the Northern Mariana Islands.


Certified and  
ordered by:



FRANK M. RABULIMAN  
Director,  
CNMI Division of Environmental Quality

9/4/13  
Date

Filed and  
Recorded by:

  
ESTHER SN. NESBITT  
COMMONWEALTH REGISTER

09.19.2013  
Date

# Response to comments received for the Proposed Pesticide Regulations of the Division of Environmental Quality.

## Summary

The Division of Environmental Quality published a 30-day public notice in the Commonwealth Register on July 28, 2013 (Commonwealth Register Volume 35, Number 7) to invite public comment on the Proposed Pesticide Regulations. Previously, DEQ published a 60-day public notice in the Commonwealth Register on January 28, 2013 (Commonwealth Register Volume 35, Number 01, and Docket Number 033145). The intent of the re-publication of notice was to ensure the proper management of pesticide use, sale and other requirements to meet federal standards and practices applicable to the Islands, further define and expand the prohibited acts in accordance with federal law, Federal Insecticide Fungicide, Rodenticide Act (FIFRA). This notice responds to the comments received during the 30-day public notice.

## Comment Received:

In Part 7 Use of Pesticides, 7.1.2 Notification, requires the applicator to provide notice to household and businesses located within 75 feet of the proposed application. It also provides that a copy of this written notice must be submitted to DEQ prior to termiticide application. I recommend that DEQ provide an explanation on why the notices to household and business are required and what the consequences are if the household or business refused to sign the notice due to concerns of possible contamination of say, water catchments. Base on our recent personal experience at the project site in Garapan, right across our house on Cactus St., the notices that are not signed by the household and businesses are not submitted to DEQ. Thus, DEQ cannot verify that the notice requirement is being met nor track if the households and business within 75 feet are notified.

**DEQ REPOSE:** DEQ is requiring the applicator to provide written notices to each household and business that is located within seventy-five (75) feet of the proposed application so that individuals living and working nearby are informed that a pesticide treatment shall take place. The 1994 pesticide regulations do not require any notification by the applicator to any home or business. Further, DEQ has made it a practice since 2011 as part of its permit conditions to apply pesticides that the applicator provides notice to homes and business. This notification, whether it is signed or not, is submitted to DEQ.



**Commonwealth of the Northern Mariana Islands**  
**Department of Lands and Natural Resources**  
Arnold Palacios, Secretary  
Department of Lands and Natural Resources,  
Caller Box 10007  
Saipan, MP 96950  
Tel. 322-9830

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF REGULATIONS FOR THE OUTER COVE MARINA UNDER THE DEPARTMENT  
OF LANDS AND NATURAL RESOURCES**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS:  
Volume 35, Number 7, pp 034038–034062 (July 28, 2013)

**ACTION TO ADOPT PROPOSED RULES AND REGULATIONS:** In accordance with the Administrative Procedure Act (“APA”), the Commonwealth of the Northern Mariana Islands Department of Land and Natural Resources HEREBY ADOPTS the proposed regulations published in the Commonwealth Register at the above-referenced pages. The Secretary of Lands and Natural Resources (“Secretary”) announced that he intended to adopt the regulations and now does so.

I also certify by signing below that the regulations being adopted are set forth as proposed regulations in the Commonwealth Register as cited above, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The proposed regulations were published on July 28, 2013.

**AUTHORITY:** The Secretary is empowered by statutory authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC § 2654; 3 CMC § 2624; 1 CMC §§ 9101-9115 (Administrative Procedure Act).

**THE TERMS AND SUBSTANCE:** These regulations establish procedures and rules for the Outer Cove Marina.

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


**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the 1 CMC § 9104(a)(2), the Secretary has fully considered all written and oral submissions regarding 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. There were no comments submitted in opposition to the adoption of these regulations.

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

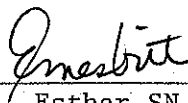
I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the \_\_\_ day of August 2013, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Arnold Palacios  
Secretary of Lands and Natural Resources

9-23-2013  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Register

09-24-2013  
Date

**Commonwealth of the Northern Mariana Islands**  
**Department of Lands and Natural Resources**  
Arnold Palacios, Secretary  
Department of Lands and Natural Resources,  
Caller Box 10007  
Saipan, MP 96950  
Tel. 322-9830

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF REGULATIONS FOR THE DIVISION OF PARKS AND RECREATION  
UNDER THE DEPARTMENT OF LANDS AND NATURAL RESOURCES**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS:  
Volume 35, Number 7, pp 034063–034089 (July 28, 2013)

**ACTION TO ADOPT PROPOSED RULES AND REGULATIONS:** In accordance with the Administrative Procedure Act (“APA”), the Commonwealth of the Northern Mariana Islands Department of Land and Natural Resources HEREBY ADOPTS the proposed regulations published in the Commonwealth Register at the above-referenced pages. The Secretary of Lands and Natural Resources (“Secretary”) announced that he intended to adopt the regulations and now does so.

I also certify by signing below that the regulations being adopted are set forth as proposed regulations in the Commonwealth Register as cited above, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The proposed regulations were published on July 28, 2013.

**AUTHORITY:** The Secretary is empowered by statutory authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC § 2654; 3 CMC § 2624; 1 CMC §§ 9101-9115 (Administrative Procedure Act).

**THE TERMS AND SUBSTANCE:** These regulations establish procedures and rules for the Division of Parks of Recreation.

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


**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the 1 CMC § 9104(a)(2), the Secretary has fully considered all written and oral submissions regarding 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. There were no comments submitted in opposition to the adoption of these regulations.

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

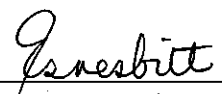
I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the \_\_\_ day of August 2013, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Arnold Palacios  
Secretary of Lands and Natural Resources

9-23-2013  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Register

09.24.2013  
Date



Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: bpl@pticom.com

NOTICE OF PROPOSED AMENDMENTS TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD  
REGULATIONS FOR PHYSICIANS

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Amendments to the Regulations for Physicians, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to add the definition of the Federation Credentials Verification Services (FCVS) since it accepts these credentials from FSMB for physician or physician assistant applicants.

**THE SUBJECTS AND ISSUES INVOLVED:** Amendment to these regulations:

1. To add a new definition under §140-50.3-4201 Definitions as subsection (m) of the HCPLB Regulations for Physicians and re-letter the subsections accordingly.
2. To add subsection (v) under §140-50.3-4213 (b) (4) Applications of the HCPLB Regulations for Physicians.

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

Submitted By: Ahmad Al-Alou, MD  
Ahmad Al-Alou, MD  
Acting Chairman, HCPLB

8/26/13  
Date

Received By: Esther S. Fleming  
Esther S. Fleming  
Special Assistant for Administration

9/24/13  
Date

Filed and Recorded By: Esther SN Nesbitt  
Esther SN Nesbitt  
Commonwealth Register

09.24.2013  
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).

Gilbert Birnrich  
Gilbert Birnrich, Acting Attorney General

for JOEY P. SAN NICOLAS  
Attorney General

9/24/13  
Date

§ 140-50.3-4200      Part 4200.      Physicians (Doctor of Osteopathy and Medical Doctor).

*To add a new definition under §140-50.3-4201 Definitions as subsection (m) of the HCPLB Regulations for Physicians and re-letter the subsections accordingly.*

**(m) "FCVS" mean the Federation Credentials Verification Services established by the FSMB in September 1996 to provide a centralized, uniform process for state medical boards to obtain a verified, primary-source record of a physician's core medical credentials. FCVS obtains primary-source verification of medical education, postgraduate training, examination history, board action history, board certification and identity. This repository of information allows a physician and/or physician assistant to establish a confidential, lifetime professional portfolio with FCVS which can be forwarded, at the applicant's request, to any state medical and osteopathic board, hospital, health care or other entity.**

*To add subsection (v) under §140-50.3-4213 (b) (4) Applications of the HCPLB Regulations for Physicians.*

**(v) The FCVS's profile of the applicant submitted to the Board by the FSMB shall be accepted in lieu of the documents required in subsections (i), (ii), (iii), and (iv) above.**

*To add a new definition under §140-50.3-4201 Definitions as subsection (m) of the HCPLB Regulations for Physicians and re-letter the subsections accordingly.*

**(m) "FCVS" mean the Federation Credentials Verification Services established by the FSMB in September 1996 to provide a centralized, uniform process for state medical boards to obtain a verified, primary-source record of a physician's core medical credentials. FCVS obtains primary-source verification of medical education, postgraduate training, examination history, board action history, board certification and identity. This repository of information allows a physician and/or physician assistant to establish a confidential, lifetime professional portfolio with FCVS which can be forwarded, at the applicant's request, to any state medical and osteopathic board, hospital, health care or other entity.**

*To add subsection (v) under §140-50.3-4213 (b) (4) Applications of the HCPLB Regulations for Physicians.*

**(v) The FCVS's profile of the applicant submitted to the Board by the FSMB shall be accepted in lieu of the documents required in subsections (i), (ii), (iii), and (iv) above.**



Commonwealth gi Sangkattan na Islas Marianas Siha  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814  
e-mail: bpl@pticom.com

**NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE  
PROFESSIONS LICENSING BOARD PARA MEDIKU SIHA**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION  
SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu  
petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha  
para Mediku siha, sigun i manera siha gi Áktun Administrative Procedure, 1 CMC § 9104 (a). I  
regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan  
9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÁTURIDÁT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i  
regulasion siha sigun gi Lai Pupbliku 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I HCPLB debi na u amenda i regulasion siha para u  
áomentâyi i definision i Federation Credential Verification Services (FCVS) put di esta ma'aksepta esti i  
credentials ginin i FSMB para mediku siha pat ayudântin mediku na aplikânti siha.

**SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA:** Amendasion para esti na regulasion siha:

1. Para u ma'áomentâyi nuebu na definision gi papa' i § 140-50.3 -4201 Definision siha kumu  
subsection (m) go Regulasion i HCPLB siha para Mediku siha yan mata'lun ma lettra i subsections  
ni ginagagâo.
2. Para u ma'áomentâyi subsection (v) gi papa' i §140-50.3 – 4213 (b) (4) Aplikasion siha gi  
HCPLB na regulasion siha para mediku siha.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi  
manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na  
tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Hâyi gai intires  
na petsona siña manggâgâo kopia siha gi manmaproponi na amendasion siha ya â'agang ham gi  
664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fâttu gi ufisinan-mâmi ni gaigi gi Bldg. 1242, Pohnpei Ct.,  
Capitol Hill, Saipan. Tugi'i hâlum put esti na amendasion siha ya u machuli' guatu gi ufisinan- mâmi  
pat na'hânâo para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'hålum as: Ahmad Al-Alou  
Ahmad Al-Alou, MD  
Kabesiya, HCPLB

8/26/13  
Fetcha

Rinisibi as: Esther S. Fleming  
Esther S. Fleming  
Espisiât Na Ayudânti Para Atministrasion

9/24/13  
Fetcha

Pine'lu Yan Ninota as: Esther SN. Nesbitt  
Esther SN. Nesbitt  
Rehistran Commonwealth

09.24.2013  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan suficienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (pubplikasion areklamentu yan regulasion siha).

Gilbert Birnbrich  
Gilbert Birnbrich, Acting Attorney General  
for JOEY P. SAN NICOLAS  
Abugâdu Henerât

9/19/13  
Fetcha

**§ 140-50.3-4200 Pátti 4200 Mediku Siha (Mediku gi Osteopathy yan Medikun Mediku).**

*Para u ma'áomentáyi nuebu na difinision gi papa' i § 140-50.3-4201 Difinision siha kumu subsection (m) gi Regulasion HCPLB siha para Mediku yan mata'lum malettra i subsections gi sigun ni ginagagão.*

**(m) "FCVS" kumeke'ilekña na Federation Credentials Verification Services ni ma'estaplesi ni i FSMB gi Septembri 1996 para u pribeniyi centralized, uniform process para i state medical boards ni para u ahenta i verified, primary-source record gi physicians core medical credentials. I FCVS ha ahenta i primary-source verification gi medical education, postgraduate training, examination history, board action history, board certification yan identity. Esti i repository na imfotmasion ha sedi i mediku yan /pat ayudántin mediku na para u estaplesi i credential, lifetime professional portfolio yan i FCVS nai siña para u ma-forward, gi finaisin i aplikãnti, para maseha háfa na state medical yan osteopathic board, hospital, health care pat ottru na identity.**

*Para u ma'áomentáyi i subsection (v) gi papa' i §140-50.3-4213 (b) (4) Aplikasion siha gi Regulasion HCPLB para mediku siha.*

**(v) I FCVS's profile gi aplikãnti ni ha na'hálum guatu gi Kuetpu ni ginin i FSMB debi na u ma'aksepta enlugát na i dokumentu siha ni madimánda gi halum i subsections (i), (ii), (iii) yan (iv) gi sanhilu'.**



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
 P.O. Box 502078, #1242 Pohnpei Court  
 Capitol Hill, Saipan, MP 96950  
 Tel No: (670)664-4809 Fax: (670)664-4814  
 Email: bpl@pticom.com

**NOTICE OF PROPOSED AMENDMENTS TO THE  
 HEALTH CARE PROFESSIONS LICENSING BOARD  
 REGULATIONS FOR PHYSICIAN ASSISTANTS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Amendments to the Regulations for Physician Assistants, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to add the definition of the Federation Credentials Verification Services (FCVS) since it accepts these credentials from FSMB for physician or physician assistant applicants.

- THE SUBJECTS AND ISSUES INVOLVED:** Amendment to these regulations:
1. To add a new definition under §140-50.3-4101 Definitions as subsection (h) of the HCPLB Regulations for Physicians and re-letter the subsections accordingly.
  2. To amend subsection (D) and (E) and add a subsection (F) under §140-50.3-4109 (a) (4) Applications of the HCPLB Regulations for Physician Assistants.

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

Submitted By: Ahmad Al-Alou  
 Ahmad Al-Alou, MD  
 Chairman, HCPLB

8/26/13  
 Date

Received By: Esther S. Fleming  
 Esther S. Fleming  
 Special Assistant for Administration

9/24/13  
 Date

Filed and Recorded By: Esther SN Nesbitt  
Commonwealth Register

09.24.2013  
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).

Gilbert Birnrich  
for Gilbert Birnrich, Acting Attorney General  
JOEY P. SAN NICOLAS  
Attorney General

9/19/13  
Date

§ 140-50.3-004100 Part 4100. Physician Assistant.

*To add a new definition under §140-50.3-4101 Definitions as subsection (h) of the HCPLB Regulations for Physician Assistant's and re-letter the subsections accordingly.*

**(h) "FCVS" mean the Federation Credentials Verification Services established by the FSMB in September 1996 to provide a centralized, uniform process for state medical boards to obtain a verified, primary-source record of a physician's core medical credentials. FCVS obtains primary-source verification of medical education, postgraduate training, examination history, board action history, board certification and identity. This repository of information allows a physician and/or physician assistant to establish a confidential, lifetime professional portfolio with FCVS which can be forwarded, at the applicant's request, to any state medical and osteopathic board, hospital, health care or other entity.**

*To amend subsection (D) and (E) and add a new subsection (F) under §140-50.3-4109 (a) (4) Applications of the HCPLB Regulations for Physician Assistants.*

**(D) Documents showing proof that applicant is licensed to practice as a physician assistant in another U.S. jurisdiction; and**

**(E) The FCVS's profile of the applicant submitted to the Board by the FSMB shall be accepted in lieu of the documents required in subsections (A), (B), (V), and (D) above; and**

**(F) Document showing proof of a current and valid DEA registration certificate, if required.**

**Commonwealth gi Sangkattan na Islas Marianas Siha**

**HEALTH CARE PROFESSIONS LICENSING BOARD**

P.O. Box 502078, #1242 Pohnpei Court

Capitol Hill, Saipan, MP 96950

Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814

e-mail: bpl@pticom.com

**NUTISIA PUT I MANMAPROPONI NA AMENDASION NA REGULASION SIHA PARA AYUDANTIN  
MEDIKU SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA**

**REGULASION SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mafechettun i Manmaproponi na Amendasion para i Regulasion siha para Mediku siha, sigun i manera siha gi Aktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ATURIDAT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Puplicu 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

**I TEMA YAN SUSTANSIAN I PALABRA SIHA:** I HCPLB debi na u amenda i regulasion siha para u aomentayi i difinision i Federation Credentials Verification Services (FCVS) kumu inaksepta esti siha na credentials ginin i FSMB para mediku pat ayudantin mediku yan ayudantin mediku na aplikanti siha.

**SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA:** Amedasion para esti na regulasion siha:

1. Para u ma'amenta nuebi na difinision gi papa' i §140-50.3-4101 Difinision siha kumu i subsection (h) gi regulasion siha gi HCPLB para Mediku siha yan mata'lun malettra sigun gi subsections.
2. Para u ma'amenda i subsection (D) yan i (E) yan para u ma'aomentayi i subsection (F) gi papa' i §140-50.3-4109 (a) (4) Aplikasion siha gi HCPLB Regulasion siha para i Ayudantin Mediku siha.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Hanyi gai intires na petsona siña manggãgão kopia siha gi manmaproponi na amendasion siha ya a'agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fattu gi ufisinan-mãmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i halum put esti na amendasion siha ya u machuli' guatu gi ufisinan- mãmi pat na'hãnao para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'halum as:

*Ahmad Al-Alou*

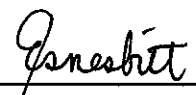
Ahmad Al-Alou, MD  
Kabesiya, HCPLB

*8/26/13*

Fetcha


Rinisibi as:   
Esther S. Fleming  
Espisiât Na Ayudânti Para I Atministrasion

9/24/13  
Fetcha

Pine'lu yan  
Ninota as:   
Esther SN. Nesbitt  
Rehistran Commonwealth

09.24.2013  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (pupplikasion areklamentu yan regulasion siha).

  
Gilbert Birnbrich, Acting Attorney General  
for **JOEY P. SAN NICOLAS**  
Abugâdu Henerât

9/19/13  
Fetcha



*Para u ma'âomentâyi difinision gi papa' i §140-50.3-4101 Difinision siha kumu subsection (h) gi Regulasion siha gi HCPLB para Ayudântin Mediku yan mata'lun malettra sigun gi subsections.*

**(h) "FCVS" kumeke'ilekña na Federation Credentials Verification Services ni ma'istapblesi ginin i FSMB gi Septembri 1996 para u pribeniya centralized, uniform process para i state medical boards ni para u ahenta i verified, primary-source record gi physician's core medical credentials. I FCVS ha ahenta i primary-source verification gi medical education, postgraduate training, examination history, board action history, board certification yan identity. Esti na repository na imfotmasion ha sedi i mediku yan/pat ayudântin mediku para u istapblesi kunfidensiât, lifetime professional portfolio yan i FCVS ni siña ha forwarded, gi finaisin i aplikânti, para maseha hâfa na state medical yan osteopathic board, hospitât, health care pat ottru entity.**

*Para u ma'amenda i subsection (D) yan i (E) yan para u ma'âomenta i nuebu na subsection (F) gi papa' i §140-50.3-4109 (a) (4) Aplikasion siha gi Regulasion siha para i HCPLB para Ayudântin Mediku siha.*

**(D) I dokumentu siha ni a'annuk apruebasion na i aplikânti malisensia para u praktika kumu ayudântin mediku gi ottru U.S. jurisdiction; yan**

**(E) I FCVS na profile gi aplikânti ni ha na'hålum guatu gi Kuetpu ginin i FSMB debi na u ma'aksepta enlugât na i dokumentu siha ni madimânda gi halum i subsections (A), (B), (V), yan i (D) gi sanhilu'; yan**

**(F) I dokumentu ni a'annuk apruebasion ni current yan valid DEA registration certificate, yanggin madimânda.**

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box. 502078, #1242 Pohnpei Court  
Capital Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

**ARONGORONG REEL POMWOL AMENDÁÁ NGALI ATIWLIGHIL HEALTH CARE PROFESSIONS  
LICENSING BOARD REEL PHYSICIAN ASSISTANTS**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAL:**  
Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptááli me aleghú ló  
atiwligh kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative  
Procedure Act, 1 CMC § 9104(a). Atiwligh kka ebwe bwunguló 10 ráál mwiril re atabwey  
allegul 1 CMC §§ 9102 me 9104(a)ngare (b) (1 CMC §9105(b)).

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté me  
ghitipwotchuw allégh kkaal bwelle reel P.L. 15-105, Talil 3, § 2206 (b), igha e amenda.

**KKAPASAL ME AWEWEEL:** HCPLB ebwe amendali atiwligh yeel reel ebwe apaschalong meta  
faal Federation Credentials Verification Services (FCVS), igha ra akseptali credentialsz kka sangi  
FSMB reel physician me ngare physician assistants applicants

**KKAPASAL ME ÓUTOL:** Amendáá ngali Atiwligh kkaal :

1. Appaschalong eew feel awewe fáál §140-50.3-4101 Awewe ngare subsection (h) reel  
HCPLB Regulations reel Physicians me ebwe re-letter subsections.
2. Ámendááli subsection (D) me (E) appaschlong eew subsection (F) faal §140-50.3-4109  
(a) (4) Application reel HCPLB Regulations reel Physician Assistant.

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingor mángemángiir toulap reel pomwol  
amenda kkaal ikka rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register.  
Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me  
ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill,  
Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078,  
Seipél, MP 96950.

Isáliiyalong: Ahmad Al-Alou  
Ahmad Al-Alou, MD  
Chairman, HCPLB

8/26/13  
Ráll

Mwir Sáangi: Esther S. Fleming  
Esther S. Fleming  
Special Assistant for Administration

9/24/13  
Ráll

Amwel Sáangi: Esther Nesbitt  
Esther Nesbitt  
Commonwealth Register

09.24.2013  
Ráll

Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiiir sáangi AG) Pomwol atiwliigh kkaal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwliigh kkaal.

Gilbert Birnbrich  
Gilbert Birnbrich, Acting Attorney General  
for JOEY P. SAN NICOLAS  
Attorney General

9/19/13  
Ráll

**§140-50.3-004100 Part 4100. Physician Assistant.**

Appaschalong eew féél awewe fáál §140-50.3-4101 Awewel subsection (h) reel HCPLB Regulations Reel Physician Assistants's me re-letter li subsections.

(h) "FCVS" fáál nge Federation Credentials Verification Services bweleta sangi FSMB llól Settembre 1996 reel ebwe ayoora eew centralized, uniform process reel state medical boards reel rebwe bwughi eew verified, primary-source record reel yaal eschay physician core medical credentials. FCVS eghal bwughi primary source verification reel medical education, postgraduate training, examination history, board action history, board certification me identity. Leliyal isesil infotmasion kkaal nge reel eschay physician me/ngare physician assistant rebwe fééruta eew mil mwólómwol, lifetime professional portfolio me FCVS igha emwal rebwe afanga, ngare igha applicant we e tingor ngali state medical me osteopathic board, hospital health care me bwal akkaw entity.

Ebwe amendáá subsection (L) me (E)me appaschalong eew feel subsection (F) faal §140-50.3-4109 (a) (4) Applications reel HCPLB Regualtions reel Physician Assistants.

(D) Dokkomento kka ebwe bwari bwe applicant e lisensia ebwe angaang ngare eschay physician assistant llól eew U.S. jurisdiction;

(E) FCV's profile il applicant iye e isalilong ngali Board sangi FSMB nge rebwe akseptali bwe liwelil dokkomento kka re nesesitay llól subsections (A), (B), (V), me (D) weilang; me

(F) Dokkomento iye e bwari bwe e current me valid DEA registration certificate, ngare e nesisita.

Commonwealth of the Northern Mariana Islands  
Department of Community and Cultural Affairs  
Commonwealth Council for Arts and Culture  
P.O. Box 5553 CHRB  
Ascension Road, Capitol Hill  
Saipan, MP 96950

Tel no. 670-322-9982/83 Fax no. 670-664-2571

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS  
WHICH ARE ADOPTION OF RULES AND REGULATIONS OF THE  
Department of Community and Cultural Affairs,  
Commonwealth Council for Arts & Culture**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**  
The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Commonwealth Council for Arts & Culture intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104 (a). See 1 CMC § 9105(b).

**AUTHORITY:** The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statutes governing activities over which the department has jurisdiction. See 1 CMC § 2354.

**THE TERMS AND SUBSTANCE:** The Rules and Regulations provide for the regulation of the Garapan Street Market which is now run under the auspices of the Commonwealth Council for Arts & Culture.

**THE SUBJECTS AND ISSUES INVOLVED:** These proposed regulations to the Commonwealth Code of Administrative Procedure are as follows:

## **Purposes, Goals, Structure**

### **§ 55-50-001 PURPOSE**

The purpose of the Garapan Street Market in Garapan, Special District on Saipan is to promote a feeling of community pride and enthusiasm for Saipan and its surrounding environment, specifically, the event is designed to:

- a) Create a positive image for the Garapan Special District;
- b) Provide a gathering place for residents and tourists of all ages to enjoy the bounty of local talents, produce, and products;
- c) Provide a forum for community activities;
- d) Maintain the downtown identity important to a community's self-image; and
- e) Enhance the community as a whole.
- f) Create avenue for Local Artists to display and market their crafts.

### **§ 55-50-002 GOAL**

It is the goal of the Garapan Street Market to stage an event with activities that promote a wholesome, family atmosphere. The Market seeks activities which, individually or in combination with other activities, appeal to both young and old, and provide a consumer mix that reaches all aspects of the marketplace. All activities must be consistent with these goals.

### **§ 55-50-003 ORGANIZATION**

The Garapan Street Market is organized by the Department of Community and Cultural Affairs (DCCA) and supported through cooperation with the following organizations and agencies: Bureau of Environmental Health and Sanitation under the Department of Public Health, Department of Public Safety Fire and Police Division, Department of

Public Works, Marianas Visitors Authority (MVA), Corporate Sponsors, Friends of the Market, and volunteers.

**§ 55-50-004 AUTHORITY**

All activities are under the auspices of the Garapan Street Market Coordinator (designated by the Executive Director of the Arts Council) and in consultation with the Secretary of DCCA in whom are given the authority to review applications, plans events with promotions, and enforces all rules and regulations. The rules and regulations may be revised at the discretion of the Garapan Street Market Coordinator in consultation with the head of the department and/or the concurrence of the DCCA Secretary.

**Hours of Market Operation**

**§ 55-50-004 LENGTH OF SEASON**

The Garapan Street Market season will be from August 1<sup>st</sup> through August 1<sup>st</sup> of the subsequent year.

**§ 55-50-005 HOURS OF OPERATION**

The Garapan Street Market hours of operation are 5:00 P.M. to 9:30 P.M.

**§ 55-50-006 SET UP TIME**

Participants may begin set up at any time after 3:00 P.M.

**§ 55-50-007 INFORMATION BOOTH TIME**

The Market Information Booth will be open at 4:15 P.M. to assist participants and will close at 9:00 P.M.

**§ 55-50-008 WALK THROUGH INSPECTION TIME**

All participants shall have their set-up complete at 5:00 P.M. A walk-through inspection will take place each Thursday at approximately 4:55 P.M. to 5:15 P.M.

**§ 55-50-004 SHUT DOWN TIME**

All booths and equipment must be out of the Market area by 10:15 P.M.

**§ 55-50-005 THERE ARE NO REFUNDS FOR RAINED OUT MARKETS AND/OR OFFICIAL CEASE OF OPERATIONS DUE TO EMERGENCY CALAMITIES AS DECLARED BY THE CNMI EMERGENCY MANAGEMENT OFFICE.**

**General Policies and Operation Procedures for all Participants**

**§ 55-50-006 ALL PARTICIPANTS MUST COMPLY WITH ALL OF THE POLICIES, RULES, REGULATIONS, AND OPERATING PROCEDURES OF THE GARAPAN STREET MARKET. NON-COMPLIANCE INCLUDING OFFENSIVE CONDUCT, BREACH OF THESE RULES, REGULATIONS AND POLICIES, REFUSAL TO COOPERATE WITH GARAPAN STREET MARKET PERSONELL (INCLUDING VOLUNTEERS) MAY RESULT IN IMMEDIATE SANCTIONS, INCLUDING REVOCATION OF THE PERMIT, REMOVAL FROM THE MARKET WITH FEES NOT REFUNDED, AND POSSIBLE PERMANENT EXCLUSION FROM FUTURE PARTICIPATION IN THE GARAPAN STREET MARKET'S FUNCTIONS OR OPERATIONS.**

**§ 55-50-007 All booths and activities will be opened and operating during all the hours the Market is open to the public, unless a written request is submitted in advance to the Garapan Street Market management and approved.**

**§ 55-50-008 All sales, activities and entertainment will commence at opening time and will cease at closing time. Participants who open early or who do not close on time may not be permitted to open the following week, and their fees will not be refunded.**



Arrangements for disposal of all leftover food should be made prior to closing time.

§ 55-50-009 All selling activities, entertainments and informational activities must take place entirely within the assigned space. It is the responsibility of the participating organizations to keep their staff and volunteers entirely within the space assigned.

§ 55-50-010 It is the responsibility of all participants to promptly notify the Garapan Street Market Coordinator, or the Executive Director of the Arts Council of any changes in leadership within the organization or seek prior approval for changes in proposed activities, items for sale, menus or prices.

§ 55-50-011 Participants in the Garapan Street Market shall be appropriately dressed (e.g. shirts and shoes), and conduct themselves with proper decorum, with the proper exception to entertainer's attire.

§ 55-50-012 No person shall deface or otherwise abuse public or private property, and shall not use any public or private facilities or structure for electricity, water, or otherwise without prior consent of the Executive Director of the Arts Council or the owner of the facility or structure.

§ 55-50-013 All participants shall set up their area in a safe manner. All electrical cords will be taped securely and completely covered. All barbecue units will be barricaded from the public. Structures, signs and equipment will be secured against the wind.

§ 55-50-014 All participants shall keep their area clean during the Market and leave the space surrounding their area clean after the Market closes.

§ 55-50-015 Participants shall reimburse the Garapan Street Market or DCCA for any costs they incur relating directly to the participant's activities.

§ 55-50-016 No person participating in the Garapan Street Market shall state, imply or

otherwise suggest that the Garapan Street Market, its officers or employees, or its sponsors endorse or support the views of the his or her organization.

§ 55-50-017 Alcoholic beverages may not be sold, consumed or advertised at the Garapan Street Market.

§ 55-50-018 DCCA, the Commonwealth Council for Arts & Culture and the Garapan Street Market Committee are not responsible for any theft or damage to property belonging to persons participating the Garapan Street Market. The Garapan Street Market assumes no responsibility for items left unattended before, during or at the conclusion of the Market activities.

§ 55-50-019 The Garapan Street Market and/or DCCA reserves the right to revoke the permit and/or order the removal of all equipment and material belonging to participant from the Market boundaries for any reason deemed necessary to better meet the goals and purposes of the Garapan Street Market or for reasons of public health, safety and welfare, and fees shall not be refunded.

### **Participation and Application**

§ 55-50-020 Participation in the Garapan Street Market is limited to:

- a) Established food service businesses that wish to sell barbecue, pre-pared or pre-packaged food for consumption at the Market.
- b) Artists and craftspeople who wish to sell their own locally handmade art or handicraft. No one will be allowed to sell mass produced imported art or handicraft brought in from outside of Micronesia.
- c) Community Service Organizations who wish to tell their story, showcase and/or exhibit their services to Market attendees.

- d) Local growers who wish to sell their agricultural produce.
- e) Entertainers whose talents are deemed by the selection committee to be attractive to families, youngsters and/or senior citizens.
- f) Processed Food Vendors, who locally produce, manufacture and package products for sale that are not ready to eat.
- g) Corporate Sponsors who contract directly with the Garapan Street Market.

§ 55-50-021 All participants must apply in writing to the Garapan Street Market on the application form it provides.

§ 55-50-022 Application for participation in any Market activity is an offer to contract with the Garapan Street Market subject to the provisions stated on the Application Form and subject to the Market's Rules and Regulations.

§ 55-50-023 Applications are reviewed to determine space availability and the extent to which they meet the Market's objectives and selection priorities.

§ 55-50-024 Approved applicants must provide to the Market the following no less than one (1) month before initial participation:

- a) Necessary fees (non-refundable) as applicable.
- b) Copies of necessary licenses and permits from regulatory agencies.
- c) Insurance Certificate, if required.
- d) All other documentation required on each specific application.

§ 55-50-025 When all documents and fees are received, Market management assigns space.

§ 55-50-026 Selection to participate is for one Market season only, or the period applied for, whichever is less.

§ 55-50-027 Participation privileges may **NOT** be assigned, transferred or sold.

§ 55-50-028 Once space is allocated, participation is required. Otherwise future applications may be denied and no prepaid fees will be refunded.

§ 55-50-029 Participants will be assigned space locations at the discretion of the Garapan Street Market Coordinator in conformity to the Garapan Street Market/DCCA approved site designation.

§ 55-50-030 The number of spaces to be allotted to each vendor or other participants will be determined by the Garapan Street Market Coordinator.

§ 55-50-031 Participants shall limit their sales and activities to that which is specified on their application, unless prior written consent of the Market is obtained.

§ 55-50-032 The person in charge of any activity must be in possession of a valid Market permit at all times during set-up, operation and dismantling. The permit is to be clearly displayed during operation. Additionally, if the activity involves food sales, the participant must also be in possession of all relevant documents and permits demonstrating compliance with all applicable government regulations and statutes.

§ 55-50-033 It is the responsibility of approved applicants to have their Market permit. Permits not received in the mail may be picked up at the Market Information Booth after 4:15 P.M., but before 4:45 P.M. on Thursday.

§ 55-50-034 The Garapan Street Market permit may be revoked for any one of the following reasons which are not all-inclusive:

- a) Non-compliance with these or any other provisions of the Garapan Street Market Rules and Regulations.
- b) Non-compliance with any applicable government regulations, statutes or

rules, including those of DPS Fire Department and the Department of Public Health. 3 CMC §§ 2121-2147 & 3 CMC §§ 2701-2798

c) Violations of 4 CMC §§ 1201-1713 or the requirements of 4 CMC §§ 5611-5614 & §§ 5701- 5703.

d) Non-payment of proscribed feed within the designated time period.

e) Poor attendance. (Vendors who are assigned space and do not attend are subject to loss of their participation privileges for the Market season, and fees shall not be refunded.)

### **Regulatory Agencies and Market Participants**

§ 55-50-035 Where applicable, regulations of all government agencies must be adhered to by all the Garapan Street Market participants and vendors.

§ 55-50-036 It is the responsibility of the participant to obtain **all permits and license applicable to participants at the Garapan Street Market**, including but not limited to the Department of Finance Business License and any necessary permits required for food preparation issued by the Department of Public Health.

§ 55-50-037 Fees for all necessary permits, licenses and taxes are the responsibility of the participant.

### **Equipment and Services**

§ 55-50-038 The Garapan Street Market/DCCA is under no obligation to provide more than two 110 volt electrical power outlets. Furthermore, the Garapan Street Market/DCCA is under no obligation to provide water, tables or any equipment to participants.

§ 55-50-039 Participants must provide or make arrangements for services and

equipment themselves, and no fees will be refunded for participant's failure to obtain services or make such arrangements for themselves.

### **Fees for the Garapan Street Market Season**

§ 55-50-040 Participation in the Garapan Street Market is a privilege for all. There are substantial costs in operation for the weekly events. Vendor fees are set to cover the cost of operating the Market. Fees are not refundable, except as provided herein.

Partial spaces or double spaces may be available at varying fees.

§ 55-50-041 Fees for Food Sales are \$ 45 per night.

§ 55-50-042 Fees for Arts & Crafts sales are \$ 20 per night. All spaces for this type of activity are approximately 10' X 10'.

§ 55-50-043 Fees for Non-Profit/Community Service Agencies are \$ 10 per night.

Spaces for this type of activity are usually 8' X 8'. These groups pay on a weekly basis with fees to be paid no less than three weeks prior to participation.

§ 55-50-044 Fees for Farm Product Sales are \$ 40 per night. Spaces for this type of activity are 10' X 10'.

§ 55-50-045 Fees for Processed Food Vendors are \$ 45 per night.

§ 55-50-046 All Garapan Street Market participants agree to submit to Garapan Street Market Coordinator the record of their gross sales generated at the Thursday Garapan Street Market on the following Monday.

§ 55-50-047 A warning letter will be issued for the first violation of the Garapan Street Market Rules and Regulations. The second violation will result in a fine equal to one night's fee. The third violation will result in a suspension for the entire Garapan Street Market season.

§ 55-50-048 Participants should be aware that the Garapan Street Market's liability insurance does NOT cover them. They are encouraged to obtain their own liability insurance. (It is recommended, but not required, that all applicants provide a certificate of insurance insuring them as follows: \$ 1,000,000 Product & Comprehensive General Liability Insurance which names the Garapan Street Market/DCCA as an additional insured.)

§ 55-50-040 All applicants and participants in the Garapan Street Market shall sign the following agreement.

### AGREEMENT

**Applicant/Participant agrees to defend, hold harmless, and indemnify the Garapan Street Market/Department of Community and Cultural Affairs (DCCA), its officers and employees, from and against any and all claims for damages and any or all loss, provide such claim, liability or loss that arises in whole or in part by any act or omission of applicant/participant or that of any employee or agent of applicant/participant, and so applicant/participant agrees, irrespective of whether such claim, damages or loss arose from or were caused by a negligent act or omission on the part of the DCCA, the Garapan Street Market, or any of its officers or employees.**

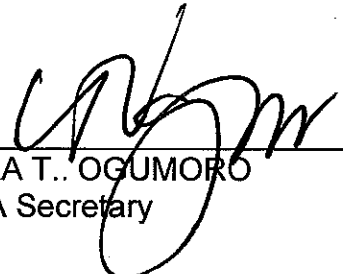
**Applicant/participant has read the foregoing Garapan Street Market Rules and Regulations and agrees to conform to these regulations.**

Garapan Street Market Participant: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print and Sign)


Garapan Street Market Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print and Sign)

TO PROVIDE COMMENTS: Send or deliver your comments to Ms. Laura T. Ogumoro DCCA Secretary, above address, fax or email address. Please use the subject line: "Garapan Street Market Rules and Regulations." Comments must be submitted within 30 days of the date of publication of this notice. The DCCA welcomes your data, views and arguments. See 1 CMC § 9104(a)(2).

These proposed regulations were approved by the DCCA Secretary on August 30, 2012.


Submitted by:  9/16/13  
LAURA T. OGUMORO Date  
DCCA Secretary

Received by:  9/16/13  
ESTHER S. FLEMING Date  
Governor's Special Assistant for Administration

Filed and Recorded by:  09.17.2013  
ESTHER M. SN. Nesbitt Date  
Commonwealth Register

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

Signed the 17th day of September, 2013.

  
Gilbert Birnbrich Acting  
for Gilbert Birnbrich for  
Joey P. San Nicolas  
Attorney General



**COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS SIHA  
DIPATTAMENTUN KUMUNIDÁT YAN KUTTURA  
COUNCIL para ATTISTA yan KUTTURAN COMMONWEALTH  
P. O. Box 5553 CHRB  
Ascension Road, Capitol Hill  
Saipan, MP 96950**

Numirun Tilifon: 670-322-9982/83 Numirun Fax: 670-664-2571

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA NI  
ADÁPTASION I AREKLAMENTU YAN REGULASION SIHA GI Dipattamentun Kumunidát yan Kuttura,  
Commonwealth Council para Attista yan Kutturan COMMONWEALTH**

**I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN**  
Kuttura, Council para Attista yan Kutturan Commonwealth ha intensiona para u adápta kumu  
petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi maneran i  
Áktun Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10)  
dihas dispues di kinimplin i 1 CMC §§ 9102 yan i 9104(a). *Atan* i 1 CMC § 9105(b).

**ÁTURIDÁT:** I Dipattamentun Kumunidát yan Kuttura nina'i fuetsa ni Leyislatura para u adápta i  
areklamentu yan i regulasion siha para i atministrasion yan u matattiyi i estatua siha ni ginibebietna i  
aktibidát siha kontra i áturidát i dipattamentu. *Atan* i 1 CMC § 2354.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I Areklamentu yan Regulasion siha ha pribeniyi regulasion gi  
Garapan Street Market ni pá'gu minaneneha gi papa' i Council para Attista yan Kutturan Commonwealth.

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** Esti i manmaproponi na regulasion siha gi  
Commonwealth Kodigun Administrative Procedure mantinattitiyi gi sigienti siha:

## Purposes, Goals, Structure

### § 55-50-001 HINANGAI

I hinangai i Garapan Street Market giya Garapan, Special District giya Saipan ni para u atbansa i sinientin dinanña' gi kumunidat yan intires giya Saipan yan i uriyan lugat, ispisiatmienti, i sinisedi ni madisikna para:

- a) Para u mana'guaha dinaña' para i Garapan Special District;
- b) Para u guaha sagan dinanña' para i residenti yan i bisita siha gi todū idat siha ni para u magosa i bounty of local talents, produktu tinanum, yan produktu siha;
- c) Para u pribeniyi forum gi aktibidat kumunidat siha;
- d) Para u maintain i downtown identy ni impottanti para community's self-image; yan
- e) Para u insima todū i kumunidat kumu unu ha'.
- f) Para u na'guaha manera para i Local Artists ni para u display yan u market crafts-ñiha.

### § 55-50-002 DINISEHA

I dinisehan i Garapan Street Market para u stage i sinisedin aktibidat siha ni para u promote i wholesome, family atmosphere. I Market manaliligao aktibidat siha ni, kada unu pat dumanña' yan ottru na aktibidat siha, ni para u kinimbida parehu ha' manhobin yan manamku', yan para u pribeniyi i consumer mix ni para u hagu' todū i banda siha i marketplace. Todū aktibidat siha debi na u kunsisti yan esti na diniseha siha.

### § 55-50-003 OTGANISASION

I Garapan Street Market ma'otganisa ni Dipattamentun Kumunidat yan Kuttura (DCCA) yan sinipotta kontra ko'operasion i sigienti na otganisasion siha yan ahensia siha: I Bureau of Environmental Health yan Sanitation gi papa' i Dipattamentun Hinemlu' Publiku, Dipattamentun Sinafu' Kimason yan Dibision Pulisia, Dipattamentun Public Works, Marianas Visitors Authority (MVA), Corporate Sponsors, Friends of the Market, yan volunteers.

§ 55-50-004 **ÁTURIDÁT**

Todu aktibidát siha manggaigi gi papa' i supottasion i Garapan Street Market Coordinator (Executive Director of the Arts Council) yan kunsuttasion i Sekretáriun DCCA ni manninana'i áturidát para u ribisa i aplikasion siha, maplaneha i events siha yan i promotions, yan enforces todú areklamentu yan regulasion siha. I areklamentu yan regulasion siha siña marinueba gi discretion i Coordinator Garapan Street Market gi kunsuttasion i sanhilu' gi dipattamentu/yan pat i kinonfitman i Sekretárian DCCA.

**Oran Operasion i Market**

§ 55-50-004 **INANÁKKU' I TIEMPU**

I tiempun i Garapan Street Market para desdi Agostu 1<sup>st</sup> asta i Agostu 1<sup>st</sup> gi sigienti sákkán.

§ 55-50-005 **ORAN OPERASION SIHA**

I oran operasion i Garapan Street Market desdi alas singku(5:00) gi pupuengi asta alas nuebi imedia(9:30) gi pupuengi.

§ 55-50-006 **ORAN SET UP**

I pattisipánti siha siña matutuhun i set up maseha háfa ora dispues di alas tres(3:00) gi dispues di talu'áni.

§ 55-50-007 **ORAN INFORMATION BOOTH**

I Market Information Booth para u mababa gi alas kuátru kinsi(4:15) gi dispues di talu'áni para u asisti i pattisipánti siha yan para u mahuchum gi alas nuebi(9:00) gi pupuengi.

§ 55-50-008 **WALK THROUGH INSPECTION TIME**

Todu pattisipánti siha debi na u ma-set up kabális gi alas singku(5:00)gi pupuengi. I walk-through inspection para u masusedi kada Huebis gi propiu oran alas kuátru kuarentaisingku(4:55) asta oran alas singkukinsi(5:15) gi pupuengi.

§ 55-50-004 **ORAN MAHUCHUM**

Todu booths yan equipment debi na u fanhuyung gi árian i Market gi oran alas dies kinsi(10:15) gi pupuengi.

§ 55-50-005 PARA U TÁYA' REFUNDS PARA I RAINED OUT MARKETS YAN/PAT MAHUCHUM UFISIÁT I OPERASION SIHA PUT IRAN EMERGENCY SIHA KUMU MADIKLÁRA NI UFISINAN CNMI EMERGENCY MANAGEMENT.

**Areklun Henerát yan Maneran Operasion Siha para todú Pattisipánti Siha**

§ 55-50-006 TODU PATTISIPÁNTI SIHA DEBI NA U MATATTIYI TODU AREKLU, AREKLAMENTU, REGULASION SIHA YAN MANERAN OPERASION SIHA GIYA GARAPAN STREET MARKET. NON-COMPLIANCE INGKLULUSU I OFFENSIVE CONDUCT, KINENTRAN ESIT NA AREKLAMENTU, REGULASION SIHA YAN AREKLU SIHA, RINUNSIÁ PARA U COOPERATE YAN I PERSONNEL I GARAPAN STREET MARKET (INGKLUSU I MAMBULUNTÁRIU) SIÑA RINISUTTA GI IMMEDIATE SANCTIONS, INGKLUSU I REVOCATION I LISENSIA, MANA'PÁRA GI MARKET YA TI U MA-REFUND, YAN PUSIPBLI U MANA'SUHA KONTRA PATTISIPASION GI PÁTTIN FUNGKSION GI PARA MO'NA GI TIEMPU GIYA GARAPAN STREET MARKET PAT OPERASION SIHA.

§ 55-50-007 Todu booths yan aktibidát siha para u mababa yan operating gi durántin todú i ora siha anai mababa i Market para i pupbliku, solu mana'hálum kuintempu i finaisin para i Garapan Street Market management yan ma'aprueba.

§ 55-50-008 Todú binendi, aktibidát siha yan entertainment para u matutuhun gi mababan i ora yan para u pára gi oran mahuchum. I pattisipánti siha ni bumaba táftaf pat ti ha húchum gui' gi ora siña ti u petmiti para u baba gui' gi sigienti simána, yan i apas-ñiha ti u mana'na'lu. Arrangement s ni para u fanmayuti todú sopblan nengkannu' debi na u macho'gui ántis di oran mahuchum.

§ 55-50-009 Todú aktibidát binendi siha, entertainments yan informational activities debi na u macho'gui interimienti gi lugát anai madisikna. Responsáplibidát i pumattisipápáo na otganisasion siha para u mana'siguru na i staff-ñiha yan i volunteers manggaigi i lugát anai madisikna.

§ 55-50-110 Responsáplibidát todú i pattisipánti siha na para u na'tungu' i Garapan Street Market Coordinator, pat i Executive Director of the Arts Council gi maseha háfa na tinilaika gi leadership gi halum

i otganasion pat u aligão ântis di inapueba para i tinilaika gi maproponi na aktibidât siha, kosas ni para u mabendi, menus pat presiu siha.

§ 55-50-011 I pattisipânti siha giya Garapan Street Market debi na u fanminagâgu propiu (tâtkumu franela yan sapâtus siha), yan u makunduktan maisa siha ni asintâdu propiu, solamienti i magâgun entertainment.

§ 55-50-012 Tâya' ni unu debi u fanyamak pat sino para u abuse public pat private property, yan ti debi na u usa maseha hâfa na fasilidât pupbliku pat private siha pat structure elektrisidâ, hânun, pat sino sin u masedi gi Executive Director of the Arts Council pat i dueñun i fasilidât pat structure.

§ 55-50-013 Todu pattisipânti siha debi na u set up i ârian-ñiha ni para i sinâfu' na manera. Todu electrical cords debi na u fanmatep mâolik yan u matâmpi siguru. Todu barbecue units debi na u mana'sahngi kontra i pupbliku. Structures, signs yan equipment debi na u mana'sigurão kontra i manglu'.

§ 55-50-014 Todu pattisipânti siha debi na i mana'gâsgas i uriyan-ñiha gi durânti yan anggin para u madingu i lugât-ñiha dispues di mahuchum i Market.

§ 55-50-015 I pattisipânti siha debi na u reimburse i Garapan Street Market pat i DCCA para maseha hâfa na gâstu siha ni ma-incur sigun i aktibidât i pattisipânti siha.

§ 55-50-016 Tâya' petsona ni pumattisipâpao gi Garapan Street Market debi na u state, imply pat sino u suggest na i Garapan Street Market, i ufisiâles-ña, pat emple'âo-ña siha, pat iyon-ña sponsors u ma'-endorse pat suppotta i views otganasion-ña.

§ 55-50-017 I maneska siha ti debi na u mabendi, magimin pat u advertised giya Garapan Street Market.

§ 55-50-018 I DCCA, i Commonwealth Council for Arts & Kuttura yan i kumiten i Garapan Street Market ti manrisponsâpbli ni hâfa masâkki pat mayamak gi propiedât ni kosas i petsona siha ni pumattisipâpao gi Garapan Street Market. I Garapan Street Market tâya' risponsâpblidât-ña gi kosas siha ni ti ma'atetendi ântis, gi durânti pat gi ottimun i aktibidât i Market siha.

§ 55-50-019 I Garapan Street Market yan/pat i DCCA gai diretchu para u revoke i lisensia yan/pat u otdin i mana'suhan todun equipment yan matiriât siha ni iyun i pattisipânti gi boundaries i Market gi maseha hâfa na hinangai ni ma-deem para u mâs mâolik mu-meet i diniseha siha yan hinangai siha gi

Garapan Street Market pat hinangain hinemlu' pupbliku siha, sinãfu' yan minãolik, yan ápas siha debi na ti u ma-refund.

### **Pattisipasion yan Aplikasion**

§ 55-50-020 Pattisipasion gi Garapan Street Market mamidi para:

- a) Ma'estapblesi bisnis sitbisiun nengkannu' ni madiseha para u mabendi tininu, mapripãra pat ma-pre-packaged na nengkannu' para consumption gi Market.
- b) Attista siha yan craftpeople ni dumiseha para u bendi i fina'tinãs-ña art pat handicraft . Ni unu siña masedi para u bendi kantidã na pruduktu ni mana'hãlum ginin hiyung na art pat handicraft ni mana'hãlum ginin hiyung giya Micronesia.
- c) Otganisasion Sitbisiun Kumunidãt siha ni dumiseha para u sãngan i estorian-ñaiha, showcase yan /pat exhibit i sitbisiun-ñaiha para i manggaigi gi Market.
- d) Lancheru siha ni dumiseha bumendi i produktun-ñaiha siha.
- e) Entertainers ni manggai talentu manma-deem ni sileksion i kumite ni para u kumbida i familia siha, manhobin yan/pat manãmku' siha.
- f) Processed Food Vendors, ni maprudusi guini, mafa'tinas yan mapaketi i produktu siha ni para u mabendi ni ti listu para u makãnnu'.
- g) Corporate Sponsors ni ma-contract dairektamienti ni Garapan Street Market.

§ 55-50-021 Todu pattisipãnti siha debi na fanaplika gi tinigi' guatu gi Garapan Street Market gi fotman aplikasion ni mapribeniyi.

§ 55-50-022 Aplikasion para pattisipasion gi maseha hãfa na aktibidãt Market ni ma'ufresi para contract yan i Garapan Street Market ni masuhetu gi prubesion siha ni masãngan gi Fotman Aplikasion yan u masuhetu gi Areklamentu yan Regulasion siha gi Market.

§ 55-50-023 I aplikasion siha manmaribisa para u madetitmina i guaha na kãmpu yan i extent ni para u ma-meet i diniseha yan i sileksion priorities gi Market.

§ 55-50-024 I ma'aprueba na aplikãnti siha debi na u pribeniyi guatu i Market i sigienti ti u menus di un(1)mes ântis di initial participation:

- a) Nisisãriu na âpas (non-refundable) kumu aplikãppli.
- b) Nisisãriu na kopian lisensia siha yan petmiti siha ginin i regulatory agencies.
- c) Settifikun Insurance, yanggin madimãnda.
- d) Todu pumalu na dokumentu madimãnda gi kada ispisifikãt na aplikasion.

§ 55-50-025 Yanggin todu dokumentu yan âpas siha manmarisibi, i manihãntin i Market ha asikna i lugãt.

§ 55-50-026 Sileksion para pattisipão gi unu ha' na season Market, pat i tiempu ni ma'aplika, i mãnu menus.

§ 55-50-027 Pribilehun pattisipasion siña TI ma'asikna, u matransferi pat mabendi.

§ 55-50-028 Gigun masodda'i kãmpu, madimãnda i pattisipasion. Sino para i mamamaila' na aplikasion siha siña mapuni yan tâya' apas prepaid para u ma-refund.

§ 55-50-029 I pattisipãnti siha para u ma'asikna kãmpun lugãt siha gi discretion i Garapan Street Market Coordinator gi ha na'siguru na i Garapan Street Market/DCCA ma'aprueba i lugãt ni madisikna.

§ 55-50-030 I numirun i kãmpu siha ni mana'sahngi para kada vendor pat ottru pattisipãnti siha para u madetitmina ni Garapan Street Market Coordinator.

§ 55-50-031 I pattisipãnti siha debi u midu i binendin-ñiha yan i aktibidãt siha ni ma'ispisifika gi aplikasion-ñiha, solu ma'ahenta i prior written consent ni Markei.

§ 55-50-032 I petsona ni gai inkãtgu gi maseha hãfa na aktibidãt debi na u gai lisensia para i Market gi todu i tiempu gi durãntin i set-up, operation yan dismantling. I lisensia debi na u annuk klãru gi durãntin operation. Itmãs, yanggin guahu aktibidãt ni sãonão binendin nengkannu', i pattisipãnti debi lokkui' na u gai bãli na dokumentu yan lisensia siha ni ha demonstratrehã i compliance i regulasion yan estatuan gubietnamentu ni manaplikãppli todu.

§ 55-5-033 Responsáplidát i ma'aprueba na aplikánti siha na para u na'guaha ni lisensian i Market. Lisensia siha ni ti marisibi gi mail siña machuli' gi Market Information Booth dispues di 4:15 p.m., lão ántis di 4:45 p.m. gi Huebis.

§ 55-50-034 I lisensian i Garapan Street Market siña ma-revoke gi maseha unu gi sigienti na rason siha ni ti todú-inclusive:

a) Non-compliance gi esti siha pat maseha háfa ottru na prubension siha gi Areklamentu yan Regulasion siha gi Garapan Street Market.

b) Non-compliance gi maseha háfa na regulasion, estatua pat areklamentu siha ni aplikáplli gi gubietnamentu, ingklusu atyu i DPS Dipattamentun Kimason yan i Dipattamentun Hinemlu'.

3 CMC §§ 2121-2147 & 3 CMC §§ 2701-2798

c) Violations gi 4 CMC §§ 1201-1713 pat i dinimánda siha gi 4 CMC §§ 5611-5614 & §§ 5701-5703.

d) Non-payment gi mapreskribi na feed gi halum i ma'disikna na tiempu.

e) Poor attendance. (Vendors ni ma'asikna ni kãmpu yan ti ha atendi u fanmasuhetu gi malingun i pribilehun pattisipasion siha gi para i Market season, yan i apas siha ti u mana'la'lu tátti.)

#### **Regulatory Agencies yan Pattisipántin i Market**

§ 55-50-035 Anai mánu na aplikáplli, i regulasion siha gi todú ahensian gubietnamentu debi na u matattiyi para ni todú i pattisipánti siha yan i vendors gi Garapan Street Market.

§ 55-50-036 Responsáplidát i pattisipánti para u ahenta **todú petmiti yan lisensia siha ni aplikáplli para i pattisipánti siha gi Garapan Street Market**, ingklusu lão ti minidi para i Department of Finance Business License yan maseha háfa i nisisáriu na petmiti siha ni madimánda para i preparasion nengkannu' ni malaknus gi Dipattamentun Hinemlu' Pupbliku.

§ 55-5-037 Ápas siha para todú nisisáriu na petmiti siha, lisensia yan taxes manresponsáplidát i pattisipánti.



## Equipment yan Sitbisiu Siha

§ 55-50-038 I Garapan Street Market/DCCA tãya' opbligasion-ña para u pribeniyi mãski dos na 110 volt electrical power outlets. Putmãs, i Garapan Street Market/DCCA tai opbligasion para u pribeniyi hãnum, lamasa siha pat maseha hãfa na equipment para i pattisipãnti siha.

§ 55-50-039 I pattisipãnti siha debi na pribeniyi pat u fama'tinas arrangements para sitbisiu siha yan equipment para siha mismu, yan tãya' ápas siha siña u mana'la'lu tãtti gi pattisipãnti ni ti ahenta i sitbisiu siha pat u fa'tinas arrangements para siha mismu.

## Ápas Siha para i Tiempun Garapan Street Market

§ 55-50-040 Pattisipasion giya Garapan Street Market pribilehu para todú. Guaha substantial costs gi operasion gi kada event gi simãna. I apas i vendor mapega para u cover i gãstun operasion i Market. I apas siha ti refundable, solu kumu mapribeniyi guini. Partial spaces pat dopbli na kãmpu siha siña gumuaha gi dipendi na ápas siha.

§ 55-50-041 Ápas siha para Mambendin Nengkannu' kada puengi sa' \$45.00.

§ 55-50-042 Ápas siha para Mambendin Arts & Crafts kada puengi sa' \$20.00. Todú kãmpu siha para esti na klãsin aktibidãt propiu 10' x 10'.

§ 55-50-043 Ápas para i Non-profit/Ahensian Sitbisiun Kumunidãt siha sa' \$10.00 kada puengi. Kãmpu siha para esti na klãsin aktibidãt gi mina'gãhit 8' x 8'. Esti na gurupu siha u ma'apãsi gi sigun gi simãna ya i apas debi na u ma'apãsi putlumenus ki tres simãna ãntis di pattisipasion.

§ 55-50-044 Ápas siha para Mambendin Produktun Lãnchu man \$40.00 kada puengi. Kãmpu siha para esti na klãsin aktibidãt man 10' x10'.

§ 55-50-045 Ápas siha para i Processed Food Vendors sa' \$45.00 kada puengi.

§ 55-50-046 Todú pattisipãntin Garapan Street Market mannguntentu para u mana'hãlum guatu gi Garapan Street Market Coordinator i record i gross na binendin-ñiha gi Thursday Garapan Street Market gi sigienti Lunis.

§ 55-50-047 Káttan abisu para u malaknus para i primet na violation gi Areklamentu yan Regulasion siha gi Garapan Street Market. I sigundu na violation para u risutta i mutta gi parehu yan i apas un puengi. I tetseru na violation para u risutta gi suspension para intieru tiempun Garapan Street Market.

§ 55-50-048 I pattisipánti siha debi na u matungu' na i Garapan Street Market's liability na insurance TI mangkinibri siha. Manma fafaisin siha para u ma'ahenta i iyun-ñiha liability insurance. (Manmarekumemenda, lão ti madimãnda, na todú pattisipánti siha u mapribeniyi settifikun insurance insuring siha gi sigienti: \$1,000,00 Product & Comprehensive General Liability Insurance ni na'ãn i Garapan Street Market/DCCA kumu pátti gi in-insured.)

§ 55-50-040 Todú aplikánti yan pattisipánti siha gi halum i Garapan Street Market debi na u fitma i sigienti na kuntrãta.

### KUNTRÃTA

**I Aplikánti/Pattisipánti kunfotmi para u difendi, hold harmless, yan indemnify i Garapan Street Market/Dipattamentun Kumunidãt yan Kuttura (DCCA), i ufisiãlis/emple'ão siha, ginin yan kontra maseha hãfa yan todú claims para i dãñu siha yan maseha hãfa pat todú loss, provide such claim, liability pat loss that arises in whole pat gi pátti ni maseha hãfa na aksion pat omission i aplikánti/pattisipánti pat that of maseha hãyi na emple'ão pat ahensian i aplikánti/pattisipánti, yan lokkuí' i aplikánti/pattisipánti kumentu, irrespective gi maseha hãfa na claim, dãñu siha pat loss arose ginin pat ma-caused put aksion diskuidu pat omission gi pátti gi DCCA, i Garapan Street Market, pat maseha hãyi na ufisiãles-ña pat emple'ão siha. I Aplikánti/pattisipánti ha taitai i manggaigi na Areklamentu yan Regulasion siha gi Garapan Street Market, ya kumentu para u kunfotma gi esti siha na regulasion.**

**Pattisipántin Garapan Street Market: \_\_\_\_\_ Fetcha: \_\_\_\_\_  
(Imprenta yan Fitma)**

**Garapan Street Market Coordinator: \_\_\_\_\_ Fetcha: \_\_\_\_\_  
(Imprenta yan Fitma)**

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânão i upiñon-mu guatu gi as Laura T. Ogumoro, Sekretarian DCCA, gi sanhilu' na address, fax pat email address. Put fabot usa i ráyan suhetu: "Areklamentu yan Regulasion siha gi Garapan Street Market." Todu upiñon siha debi na u mana'hålum gi halum trenta(30) dihas gi fetchan publikasion esti na nutisia. I DCCA ha saluda i upiñon, imfotmasion yan kinentran kinontesta siha. Atan i 1 CMC § 9104(a)(2).

Esti i manmaproponi na regulasion siha manma'aprueba ni Sekretarian DCCA gi Agostu 30, 2012.

Nina'hålum as:

  
LAURA T. OGUMORO  
Sekretarian DCCA

  
Fetcha

Rinisibi as:

  
ESTHER S. FLEMING  
Espisiåt Na Ayudãnti para i Atministrasion Gubietnu

  
Fetcha

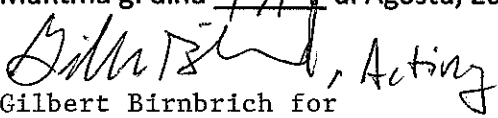
Pine'lu yan  
Ninota as:

  
ESTHER SN. Nesbitt  
Rehistran Commonwealth

  
Fetcha

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3), esti i manmaproponi na regulasion siha manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugãdu Heneråt yan debi na u mapublika, 1 CMC § 2153(f).

Mafitma gi diha 17<sup>th</sup> <sup>Septembre,</sup> di ~~Agostu,~~ 2013.

  
Gilbert Birnbrich for

Joey P. San Nicolas  
Abugãdu Heneråt

Commonwealth of the Northern Mariana Islands  
Department of Community and Cultural Affairs  
Commonwealth Council for Arts and Culture  
P.O. Box 5553 CHRB  
Ascension Road, Capital Hill  
Saipan, MP 96950

Tel no. 670-322-9982/83 Fax no. 670-664-2571

**ARONGORONGOL TOULAP REEL POMWAL ALLÉGH KKA RE ÁDÁPTÁÁLI REEL**

Department of Community and Cultural Affairs,  
Commonwealth Council for Arts & Culture

**MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL** Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Commonwealth Council for Arts & Culture schéschéél e tipeli ebwe adaptááli pomwol allégh kka e appasch, bwelle reel mwóghutul Administrative Procedure Act, 1 CMC§ Talil 9104 (a). Allégh kkaal ebwe kkamalló llól siegh (10) raalil ngáre schagh re tabweey ngáli alléghúl 1 CMC§§ Tálil kka 9102 me 9104 (a) me amweri 1 CMC §9105 (b).

**BWANGIL:** Department of Community me Cultural Affairs eyoor bwángil mereel Legislature ebwe adaptaali allégh kkaal reel pomwol me amamawal reel mwoghutughut kka e lo faal lemelemele depattamento . Amweri 1 CMC §2354.

**OUTOL ME KKAPASAL:** Allégh kkal e ayoora alléghul Garapan Street Market iye a lo faal amwellil Commonwealth Council for Arts & Culture.

**KKAPASAL ME AWEWEEL:** Pomwol allégh ngali Commonwealth Code of Administrative Procedure:

## BWULUL, GOALS, STRUCTURE

### § 55-50-001 BWULUL

Bwulul Garapan Street Market me Arabwal, Special District wóol Seipél igha toulap rebwe abwari me angola Seipél me meta welearol, spesiamenti, mwoghutughut yeel ebwe:

- a) Alinga Garapan Special District;
- b) Afisis eew lely ngaliir toulap, tourists ese lifilifil raghir reel rebwe meseight soghul tapelal local talents, produce, me products.
- c) Ayoora leliyal schufengal reer toulap
- d) Maintain-li downtown identity bwe igha e impotanti ngali self-image il community
- e) Aghatchu kkominidóod.
- f)Ayoora eew leliy iye Local Artist rebwe abwari me akkamwéló crafts

### § 55-50-002 GOAL

Yaal Goal Garapan Street Market ebwe ayoora mwóghutughut kka ebwe ayoora eew leliyal schuulap reer familia. Market ebwal ghut akktibidad ngare eew ngare combination il activities kka ebwe ffil ngalir olightat me tufey, me sokopatel school akkamweló. Alongal mwoghutughut nge ebwe wewe ngali goals kkaal.

### § 55-50-003 ORGANIZATION

Garapan Street Market e llo faal lemelemil Department of Community and Cultural Affairs (DCCA)me alilis sangi akkaw organizations me agencies: Bureau of Environmental Health and Sanitation faal lemelemil Department of Public Health, Department of Public Safety Fire me Police Division, Department of Puiblic Works, Marianas Visitors Authority (MVA), Corporate Sponsors, Friends of the Market, me volunteers.

### § 550-50-004 BWANGIL

Alongal mwóghutughut faal lemelemil Garapan Street Market Coordinator(affali sangi Executive Director of the Arts Council) me Secretary of DCCA iye re ngaley bwangil reel ebwe amweri applications, plóono , abwari me amamawa allégh. Garapan Street Market Coordinator emwel ebwe liweli allégh kkaal ngare a takkal bwungi mereel head departments me bwunguló mereel DCCA Secretary.

## OTOL MARKET

**§ 55-50-004 LENGTH OF SEASON**

Ótol Garapan Street Market ebwe sangi Agosto 1<sup>st</sup> ngali Agosto 1<sup>st</sup> lól ráágh kka e mwemweto.

**§ 55-50-005 HOURS OF OPERATION**

Garapan Street Market nge ebwe suusu otol 5:00 P.M. ngali 9:30 P.M.

**§ 55-50-006 SET UP TIME**

Participants emwal rebwe le set up inamwo ora met mwuril 3:00 P.M.

**§ 55-50-007 ORAL INFORMATION BOOTH**

Ebwe suusu Market Information Booth 4:14 P.M. reel rebwe alisis participants me ebwe titt 9:00 P.M.

**§ 55-50-008 ORAL WALK THROUGH INSPECTION**

Alongeer participants nge ebwele taak jaar set up oral 5:00 P.M. Walk-through inspection alongal Weipis otol 4:55 ngali 5:15 P.M.

**§55-50-004 ORAL TITT**

Alongal booths me pisegh nge ebwe towow sangi Market area oral 10:15 P.M.

§55-50-005 ESÓÓR REFUND NGALI RAINED OUT MARKETS ME/NGARE EYOOR OFFICIAL CEASE OF OPERATION BWELE NGARE EYOOR EMERGENCY CALAMITIES RE DEKKLÓROLI SANGI CNMI EMERGENCY MANAGEMENT OFFICE.

**Allégh me Mwóghutughut ngaliir alonger Participants**

§ 55-50-006 ALONGER PARTICIPANTS REBWE ATABWEY ALONGAL ALLÉGHÚL ME MWÓGHUTUGHUTUL GARAPAN STREET MARKET. NON-COMPLIANCE E TOOLONG OFFENSIVE CONDUCT, ESE ATABWEY ALLÚGH, USSE COOPERATE ME SCHOOL ANGAANGAL GARAPAN STREET MARKET ME NGARE VOLUNTEERS) EMWAL EBWE YOOR SANCTION, E TOOLONG , BWUGHI SANGÚGH PERMIT, TOWOW SANGI MARKET ME ESSABW YOOR FEE REFUND, ME EMWAL BWE USSABW SCHIWEL LO SCHUULONG LLOL MWOGHUTUGHUTUL GARAPAN STREET MARKET.

§55-50-007 Alongal booths me activities nge ebwe suusu alongal ora durantil igha e suusu Market ngalir toulap, ngare schagh bwe eyoor iischil tingor re ghomwal isisilong ngali Garapan Street Market management nge re apreballi.

§ 55-50-008 Alongal akkamwéló, mwoghutughut, uur, ebwe bwal ótol sussul me úló ótol titt. Participants kka susus taftaf me rese titt otol titt nge resabw mwut ngaliir rebwe suusu simóna mwuril, alongal yaar fees esabw asafali ngaliir. Alongal akkasch lól mwungo nge rebwe feeru mwal ótol rebwe titt.

§55-50-009 Alongal mwoghutughutul akkamwéló, bweila me arong ebwe lo llól assigned area. Responsibilidóodil participating organizations bwe alonger layur staff me volunteers rebwe lo llol yaar assigned space.

§55-50-010 Responsibilidóodil alonger participants rebwe kkayil aghuley ngali Garapan Street Market Coordinator, ngare Executive Director il Arts Council ngare eyoor liwel llol leadership llol organization me ngare ghomwal bwughi apreba ngare eyoor liwel llol yaar proposed activities, items for sale, menus me prices.

§55-50--011 Participants il Garapan Street market nge rebwe ghatch mwungóghur(eg. Silila, tubwótus), me proper decorum, exception ngali piseghir schóól bweila.

§55-50-012 Esoor iyo emwal ebwe féérey ngare abuse li public ngare private property, me esabw yááya public ngare private facilities, structure reel dengki, schaal, ngare esoor gomwal tingor mereel Executive Director of the Arts Council ngare malle yaal fasilidóód ngare structure.

§55-50-013 Participants rebwe set up li leliyer nge ebwe safe. Alongal electrical cords ebwe teep me secured me rebwe tampiló. Alongal barbeque units ebwe bwal titt sangi toulap. Structures, signs, equipments rebwe secured reel yááng.

§55-50-014 Alonger participants rebwe aghasaghasa leliyer durantil Market me ngare a titt.

§55-50-015 Participants rebwe obwossu sefali Garapan Street Market ngare DCCA reel alongal góstor reel yaar mwoghutughut.

§55-50-016 Esoor participants rebwe ira bwe Garapan Street Market , officers, employees ngare layur sponsors re sóppota li yaar view ngare yaar organization.

§55-50-017 Ese mwal akkamwélól aschi, uul ngare advertised me llol Garapan Street Market.

§55-50-018 DCCA, Commonwealth Council reel Arts & Culture me Garapan Street Market Committee rese responsabilidóod reel meta e feyir, repurufa reel piseghiir aramas kka re tuta reel Garapan Street Market. Garapan Street Market ese responsabilidóod reel pisegh kka re lughutaló rese afali durantil Market me tittlól.

§55-50-019 Eyoor bwangil Garapan Street Market me /ngare DCCA rebwe bwughi sefali permi me/ngare amereyló alongal piseghil eschay participant sangi Market boundaries reel inamwo

meta rasoon ngare re mengi bwe ghatchul Garapan Street Market, me bwal ngare reel public health, safety me welfare, me fees esabw refunded.

### Participation me Application

§ 55-50-020 Participation llól Garapan Street Market nge ese bwal aighugh ngali:

- (a) Business-il mwungo iye remwuschel rebwe akkamwéló barbecue, prepared ngare pre-packed mwungo reel rebwe mwungo me Market.
- (b) Artist ngare craftpeople kka remwuschel rebwe akkamwéló yaar locally handmade art ngare handicraft. Esoor malle emwal ebwe akkamwéló mass produced imported art ngare handicraft kka rebweibwogh llóng lughul Micronesia.
- (c) Community Service Organizations kka remwuschel rebwe titilap, showcase me abwari yaar services ngaliir schóól totto Market.
- (d) Schóól ammat kka remwuschel rebwe bwal akkamwéló yaar agricultural products.
- (e) Schóól bweila kka re afelir mereel selection committee bwe ffil yaar bweila ngalir familia, olight me tufey
- (f) Processed Food Vendors, kka re féér, me package li yaar products rebwe akkamwéló ikka rese bwal kke mwungo.
- (g) Corporate Sponsors kka re contract ngali Garapan Street Market.

§ 55-50-021 alongeer participants rebwe applikka llól iisch ngali Garapan Street Market wool scheel iye re ayoora.

§55-50-022 Application reel participation llól mwoghutughutul Market nge eew contract me Garapan Street market subject ngali provisions kka e affat wóól Application me Alleghúl Market.

§ 55-50-23 Applications nge re amweri reel rebwe detetminali ngare eyoor space me ngare re attabwey objectives me selection priorities il Market.

§ 55-50-024 Applications kka re abrebali nge rebwe isisilong reel Market esabw luu sangi eew maram mwal aeewal rebwe toolong:

- a) Obwoss(ese refundable) ngare e ffil
- b) Kkopia lisensia me permits sangi regulatory agencies.



c) Insurance Certificate, ngare e nesesariyo.

d) Alongal dokkomento kka re nesisitay reel eew application.

§ 55-50-025 Ngare alongal dokkomento me obwoss ra risibili, imwu Market management rebwe le ngalégh leliyómw.

§ 55-50-026 Tuuta lloil Market nge ebwe faal eew schaagh, me ngare otol lla u applikka, ifa iye e ghitighit.

§55-50-027 Participation privileges nge ese mwel ebwe assigned, amweta ngare amwéwló.

§55-50-028 Ngare ra ngalégh leliyomw, e nesesita ubwe le bwel, bwe emwal bwe yoomw application kka mwal resabwe aprebalí me prepaid fees resabw asefali ngalugh.

§ 55-50-029 Garapan Street Market Coordinator ebwe afili ngalugh leliyomw iye e attabwey ngaley leli kka re aprebalí sangi Garapan Street Market/DCCA .

§55-50-030 Garapan Street Market Coordinator ebwe detetminali fitoow spaces ebwe ngaley eschay vendor ngare participant.

§ 55-50-031 Participants nge rebwe akkamwéló me féerú meta iye schagh e lo wool yaar application, ngare schagh bwe reghomwal bwughi mwumwuta sangi Market.

§55-50-032 Aramas iye e in charge nge e debi bwe ebwe bwughi ngali valid Market permit itetal otol durantil set-up, operation me ngare ra taak. Permit yeel nge ebwe lo igha ebwe bwaa durantil operation., ngare activity nge akkamwelol mwungo, e debi bwe ebwe bwal yoor akkaw dokkomento me permits kka ebwe bwari bwe rekke attabwey alléghul government.

§ 55-50-033 Responsibilidóódiil Participant bwe ebwe yoor yaar Market permit. Permits kka rese resibili llól mail nge emwal rebwe bwughi me Market Information Booth mwuril 4:15 P.M., nge mwal 4:45 P.M. wool Weipis.

§ 55-50-034 Permit il Garapan Street Market emwal rebwe bwughi sefali reel aweewe kka faal nge ese bwal toolong alongal.

a) Rese attabwey provisions kkaal me bwal akkaw Alleghul Garapan Street Market.

b) Rese attabwey alleghul government, statues, e toolong alleghul DPS Fire Department me Department of Public Health. 3 CMC §§ 2121-2147 & 3 CMC §§ 2701-2798.

c) Attay alleghul 4 CMC §§ 1201-1713 me ngare requirements reel 4 CMC §§ 5611-5614 & §§ 5701-5703.

d) Ese ghatch attendance. (Vendors kka ra ngaler leliyer nge rese tooto emwal rebwe mwalingu reel yaar privileges- reel Market season, me fees resabw refund liir).

### **Regulatory Agencies me Market Participants**

§ 55-50-035 Igha e ffil, alleghul alongal government agencies nge rebwe attabwey reer alongal participants me vendors il Garapan Street Market.

§ 55-50-036 Responsibilidóódiil participants rebwe bwughi alongal permits me lisensia kka e ffil reel rebwe toolong Garapan Street Market, e toolong me ese bwal aighugh reel Department of Finance Business License me bwal akkaw permits kka re nesisitay reel féerúl mwungo iye re isisiwow mereel Department of Public Health.

§55-50-037 Obwossul permits, lisensia me taxes nge responsabilidóódiil participant.

### **Equipment me Services**

§55-50-038 Garapan Street Market/DCCA nge sabw obligationil rebwe ayoora luu sangi ruwoow 110 volt electrical power outlets. Me bwal schaal, lamasa me bwal akkaw pisegh ngali participants.

§55-50-039 E lo ngaliir participants bwe rebwe bwusil féer arrangements reel pisegh me alilis, esoor fees rebwe refund –li ngaliir .

### **Óbwóss reel Garapan Street Market Season**

§ 55-50-040 Participation lloil Garapan Street Market nge eew privilege. Eyoora tumoghol gusto reel operation reel weekly events. Obwoss sangi vendors nge ebwe obwossu gustoí mwoghutughutul Market. Fees nge ese refundable, ngare schaagh bwe, Eghus ngare double space emwal ebwe yoor nge ese wewe obwossul.

§55-50-041 Méél reel akkamwélól mwungo nge \$45 e bwoong.

§ 55-50-042 Méél reel akkamwélól Arts & Crafts nge \$ 20 ebwoong. Lapal leliyal akkamwelo nge 10X10'.

§55-50-043 Méél reel Non-Profit/Communiity Service Agencies nge \$10 ebwoong. Lapal leliy re tapelal mwoghutughut yeel nge eghal 8X8'. Gurupu yeel nge reghal obwoss weekly basis me re obwoss eluuw simona mwal.

§ 55-50-044 Méél reel akkamwélól mwungol ammat nge \$40 ebwoong. Lapal leliyal tapelal akkamwelo yeel nge 10X10'.

§ 55-50-045 Méél reer Processed Food Vendors nge \$45 ebwoong.

§ 55-50-046 Alongeer school kka re schuulong Garapan Street Market nge re tipiew ngali rebwe isalilong reel Garapan Street Market Coordinator jaar record reel gross sales kka rebwughi wool Weipis Grapan Street Market wool Lunnis.

§ 55-50-047 Ebwe yoor warning letter rebwe isisiwow ngare eyoor alleghul Garapan Street Market use attabwey. A ruuwowal violations nge fine e wewe ngali méél eew bwoong. Ailuuwal nge rebwe le aighughló mereel Garapan Street Market season.

§ 55-50-048 Participants rebwe ghuley bwe liability insurance il Garapan Street Market nge rese bwal schulong llol. Reghal tingor ngaliir rebwe bweibwogh jaar liability insurance. (Re rekkomendali, nge ese bwal nesesita bwe rebwe ayoora certificate il insurance iye e insured liir ; \$ 1, 000,000 Product & Comprehensive General Liability Insurance iye ebwal ira bwe Garapan Street Market bwe additional insured.)

§ 55-50-049 Alongeer applicants me participants reel Garapan Street Market nge rebwe fitma li agreement yeel

#### AGREEMENT

**Applicant/Participant e tipiyeev ngali bwe ebwe difendili, esabw amwuschi Garapan Street Market/Department of Community and Cultural Affairs (DCCA) officers me emplyow, reel inamo meta kklem reel meta e feyir me jaar loss, kklem reel liability ngare reel malinge e fiis in whole ngare eghus sangi mwoghutughut ngare omission reel applicant/participant ngare sangi inamwo iyo employee ngare agent il applicant/participant, me applicant/participant e tipiyeev ngali, inamwo ngare mwoghutughut yeel ngare omission nge sangi DCCA, Garapan Street Market, officers ngare employees. Applicant/Participant a takkal areghi Alléghul Garapan Street Market nge a tipiyeev ngali.**

Garapan Street Market Participant: \_\_\_\_\_  
(Print and Sign)

Date: \_\_\_\_\_

Garapan Street Market Coordinator: \_\_\_\_\_  
(Print and Sign)

Date: \_\_\_\_\_

**ISISILONGOL MÁNGEMÁNG:** Afanga ngare bwughi lo mángemangim ngali Laura T. Ogumoro DCCA Secretary, reel address iye weilang, fax ngare email address Yáaya subject line: "Garapan Street Market Rules and Regulations . Isisilongol mángemáng nge ebwe lól 30 ráll mwuril akkatel arong yel. DCCA ebwe bwughi yaami data, mefiyami, angingi. Amweri 1 CMC §9104(a)(2)

Pomwol atiwligh kka re apreba sangi DCCA Secretary wool Agosto 30, 2012.

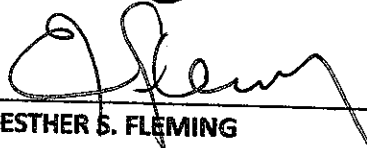
Isáliiyalong:

  
Laura T. Ogumoro  
DCCA Secretary

Ráll

9/16/13

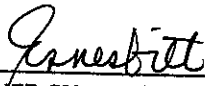
Mwir Sángi:

  
ESTHER S. FLEMING  
Governor's Special Assistant for Administration

Ráll

9/16/13

Amwel Sángi:


  
ESTHER SN. Nesbitt  
Commonwealth Register

Ráll

09.17.2013

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiiir sángi AG) Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f)

E fitma wól 17th <sup>Sept.</sup> rállil lól Agosto, 2013

  
Gilbert Birnbrich for *Acting*  
Joey P. San Nicolas  
Attorney General

Ráll

9/17/13



# COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950  
Tel.: (670) 234-6245/6293/7145/7146 • Fax (670) 235-7147  
Email: [administration@cda.gov.mp](mailto:administration@cda.gov.mp) • Website: [www.cda.gov.mp](http://www.cda.gov.mp)



## PUBLIC NOTICE

### OF PROPOSED AMENDMENTS TO THE DEVELOPMENT CORPORATION DIVISION (DCD) RULES AND REGULATIONS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

**INTENDED ACTION TO ADOPT THE PROPOSED AMENDMENTS TO THE DCD RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Development Corporation Division of the Commonwealth Development Authority intend to adopt the attached amendments to the DCD Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Amendments to the DCD Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

**AUTHORITY:** The Board of Directors of the Development Corporation Division of the Commonwealth Development Authority thru its Chairman and the Board of Directors of the Commonwealth Development Authority thru its Chairman are authorized to promulgate the DCD Rules and Regulations pursuant to §6 of the CDA Act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2) and (a)(30), and Section 1.4 of the DCD Rules and Regulations.

**THE TERMS AND SUBSTANCE:** The proposed amendments to the DCD Rules and Regulations were formulated to restate, enhance and clarify the existing regulations and are necessary to effectively carry out the intent of the Development Corporation Division of the Commonwealth Development Authority.

**THE SUBJECTS AND ISSUES INVOLVED:** The proposed amendments to the DCD Rules and Regulations are promulgated:

1. To add four new subsections (2.18, 6.4, 8.2 and 19.4) to be inserted among the current subsections for the purpose of setting forth a renewable energy preference, establishing qualified LLCs as eligible loan applicants, and setting forth the permitted timing for the seizure of chattels and accounts if loan payments are not received.
2. To amend subsection 11.6 (Additional Security) to require individual guarantees from shareholders, partners and owners of the loan applicant; and to allow the Board of Directors to also require individual guarantees from directors and other managers of loan applicants as deemed necessary as well as the assignment of life and mortgage insurance.

**CITATION OF RELATED AND/OR AFFECTED STATUTES, RULES AND REGULATIONS.**

These proposed amendments would affect some sections of the existing DCD Rules and Regulations, namely subsection 11.6 and sections 2, 6, 8 and 19.

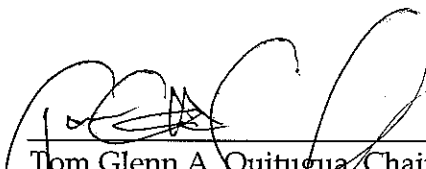
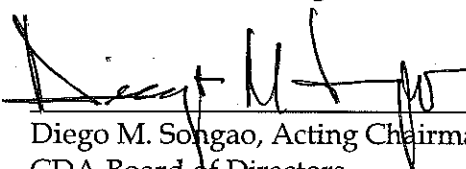
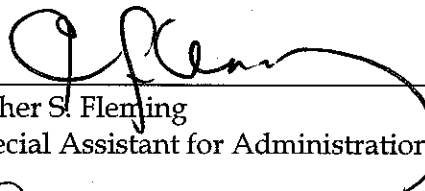
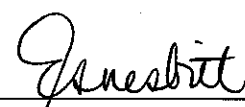
**DIRECTIONS FOR FILING AND PUBLICATION:** The proposed amendments to the DCD Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government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

**TO PROVIDE COMMENTS:** Send or deliver your comments to Manuel A. Sablan, CDA Executive Director, to the following address, fax or email address, with the subject line "Proposed Amendments to DCD Rules & Regulations".

Commonwealth Development Authority  
P.O. Box 502149 • CDA Building • San Jose Village  
Saipan, MP 96950  
Tel. Nos.: 234-7145/7146/6293/6245 ext. 311 • Fax No.: 235-7147  
Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)


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

These proposed amendments to DCD Rules and Regulations were approved by the DCD Board of Directors on May 23, 2013 and the CDA Board of Directors on September 5, 2013.

Submitted by:	 _____ Tom Glenn A. Quitugua, Chairman DCD Board of Directors	<u>9/24/13</u> Date
	 _____ Diego M. Songao, Acting Chairman CDA Board of Directors	<u>9/24/13</u> Date
Received by:	 _____ Esther S. Fleming Special Assistant for Administration	<u>9/26/13</u> Date
Filed and Recorded by:	 _____ Esther SN. Nesbitt Commonwealth Register	<u>9-27-2013</u> 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 amendments to the DCD Rules & 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 26<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
JOEY P. SAN NICOLAS  
Attorney General

# PROPOSED AMENDMENTS

## CHAPTER TWO

### GENERAL DEFINITIONS

#### ADD SUBSECTION:

**2.18 Renewable Energy.** Renewable Energy means any energy resource that is naturally regenerated over a short time scale and derived directly from the sun (such as thermal, photochemical and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy). Renewable energy does not include energy resources derived from fossil fuels, waste products from fossil sources, or waste products from inorganic sources.

## CHAPTER SIX

### LOAN ELIGIBILITY AND AVAILABILITY

#### ADD SUBSECTION:

**6.4 Limited Liability Companies.** Eligible Loan Applicants who are limited liability companies (LLCs) must be wholly owned by United States citizens or nationals who have been domiciled in the Commonwealth for at least two (2) continuous years immediately preceding the submission of the loan application.

## CHAPTER EIGHT

### LOAN APPLICATION REQUIREMENTS AND REVIEW

#### ADD SUBSECTION:

**8.2 Renewable Energy Preference.** Business plans and loan applications that incorporate Renewable Energy into their structures, utility and business models, and that make green energy part of their business approach, may be given loan approval preference over those business plans and loan applications that fail to incorporate Renewable Energy into their businesses.



## CHAPTER ELEVEN

### SECURITY

#### AMEND SUBSECTION:

**11.6 Additional Security.** In addition to any one or combination of the above securities, the Board of Directors shall require individual guaranties from the shareholders of a corporation, the partners in an association or partnership and the owners and members of an LLC. The Board of Directors may also require individual guaranties from directors of a corporation and other managers of the loan applicant and may require an assignment of receivables and/or assignment of life or mortgage insurance from each Loan Applicant. All guarantors, endorsers or other cosigners are subject to the same credit underwriting standards as the principal loan applicant.

## CHAPTER NINE

#### ADD SUBSECTION:

**19.4 Seizure of Chattel & Accounts.** At CDA's option, if any payment is not received by the thirtieth (30th) day after its due date, then the Loan Manager, or his or her designee, may at any time after the thirtieth (30th) day, seize, secure and/or sell, in accordance with the chattel mortgage, security agreements or applicable law, any and all mortgaged chattels or other movable security or accounts including, but not limited to, automobiles, boats, furniture, fixtures, merchandise, machinery, inventory, equipment, appliances, bank accounts, accounts receivable and supplies.



# COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950  
Tel.: (670) 234-6245/6293/7145/7146 • Fax (670) 235-7147  
Email: administration@cda.gov.mp • Website: www.cda.gov.mp



## NUTISIAN PUPBLIKU

### GI MANMAPROPONI NA AMENDASION SIHA PARA I DEVELOPMENT CORPORATION DIVISION (DCD) NA AREKLAMENTU YAN REGULASION SIHA GI COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

#### I AKSION NI MA'INTENSIONA NA PARA U MA'ADÁPTA ESTI SIHA I

**MANMAPROPONI NA REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas, i Development Corporation Division gi Commonwealth Development Authority ha intensiona para u adápta mañechettun na amendasion para i Areklamentu yan Regulasion siha para i DCD, sigun gi manera siha gi Áktun Administrative Procedure, 1 CMC § 9104(a). I Amendasion siha para i Areklamentu yan i Regulasion siha gi DCD para u ifektibu gi dies (10) dihas dispues di adáptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC §9105(b))

**ÁTURIDÁT:** I Kuetpun Direktot siha gi Development Corporation Division gi Commonwealth Development Authority ginin i Kabesiyu-ña yan i Kuetpun Direktot siha gi Commonwealth Development Authority ginin i Kebesiyu-ña manma'aturisa para u macho'gui i Areklamentu yan Regulasion siha gi DCD sigun gi §6 gi Áktu gi 1985 gi CDA (Lai Pupbliku 4-49, kumu ma'amenda), 4 CMC § 10203(a)(2) yan (a)(30), Seksiona 1.4 gi Areklamentu yan Regulasion siha gi DCD.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmaproponi na amendasion siha gi Areklamentu yan Regulasion siha gi DCD manmafotma para u ma'restate, insima yan mana'kláru i presentu na regulasion siha yan mannisisáriu para u ifektibu chumo'gui i ma'itensiona ni Development Corporation Division gi Commonwealth Development Authority.

**SUHETU NI MASUMÁRIA YAN ASUNTU NI MANTINEKKA:** I manmaproponi na amendasion gi Areklamentu yan Regulasion siha gi DCD manmacho'gui:

1. Para u áomentáyi kuátru (4) na nuebu na subsections (2.18, 6.4, 8.2 yan 19.4) ni para u mana'hálum gi presentu na subsections para i hinangain i mapega mo'na i renewable energy preference, ma'istapblelesi i kuálifikáo na LLCs kumu kuálifikáo na aplikántin loan siha, yan mapega mo'na i

mapetmiti na ora para i seizures of chattel, yan account yanggin i apas i loan siha ti manmarisibi.

2. Para u ma'amenda i subsection 11.6 (Ottru más Security) para u dimánda i indibiyuát guarantees ginin i shareholders, partners yan dueñun i loan na aplikánti; yan para u sedi i Kuetpun Direktot siha para u dimánda lokkui' i indibiyuát guarantees ginin i direktot siha yan ottru manihánti siha gi aplikántin i loan siha kumu ma-deemed na nisisáriu parehu yan i assignment i life yan mortgage insurance.

**SITASION GI MANAACHULI' YAN/PAT MANINAFEKTA NA ESTATUA,**

**AREKLAMENTU YAN REGULASION SIHA.** Esti i manmaproponi na amendasion siha para u inafekta palu seksiona siha gi presentin na Areklamentu yan Regulasion Siha gi DCD, atyu ha' i subsection 11.6 yan i seksiona siha 2, 6, 8 yan 19.

**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** I manmaproponi na amendasion siha para i Areklamentu yan Regulasion siha gi DCD debi na u mapuplika gi halum i Rehistran Commonwealth gi halum i seksiona gi manmaproponi yan nuebu na ma'adápna na regulasion siha (1 CMC §9102(a)(1)) yan u mapega gi halum i kumbiniente na lugát siha gi halum i Civic Center yan gi ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan i lingguáhin natibu. (1 CMC §9104(a)(1)).

**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hánáo pat intrega i upiñon-mu guatu gi as Manuel A. Sablan, CDA Eksakatibun Direktot, gi sigienti na address, fax pat email address, yan i ráyan suhetu gi "Manmaproponi na Amendasion Siha para i Areklamentu & Regulasion Siha para i DCD".

Commonwealth Development Authority  
P.O. Box 502149 • CDA Building, Beach Road • San Jose Village  
Saipan, MP 96950  
Tel. Nos.: 234-7145/7146/6293/6245 ext. 311 • Fax No.: 235-7147  
Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)

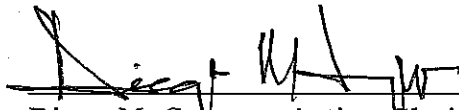
Todu upiñon siha debi na u fanhálum gi halum trenta (30) dihas ginin i fetchan puplika gi esti na nutisia. Put fabot na'hálum todú upiñon, imfotmasion yan testimoniun kinontesta siha. (1 CMC §9104(a)(2)).

Esti i manmaproponi na amendasion siha gi Areklamentu yan Regulasion siha para i DCD manma'aprueba ni DCD Kuetpun Direktot Siha gi Máyu 23, 2013 yan i CDA Kuetpun Direktot Siha gi Septembri 5, 2013.

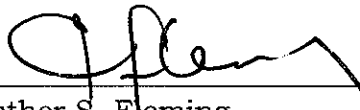
Nina'hálum as:

  
Tom Glenn A. Quitugua, Kabesiyu  
DCD Kuetpun Direktot Siha

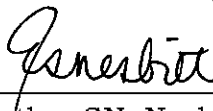
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Diego M. Songao, Acting Chairman  
CDA Kuetpun Direktot Siha

9/24/13  
Fetcha

Rinisibi as:   
\_\_\_\_\_  
Esther S. Fleming  
Espisiât Na Ayudanti para i Atministrasion

9/25/13  
Fetcha

Pine'lu yan  
Ninota as:   
\_\_\_\_\_  
Esther SN. Nesbitt  
Rehistran Commonwealth

9-27-2013  
Fetcha

Sigun i 1 CMC § 2153(e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC §9104(a)(3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC §2153(f) (pupublikasion areklamentu yan regulasion siha).

Mafetcha gi diha 26<sup>th</sup> gi Septembri, 2013.

  
\_\_\_\_\_  
JOEY F. SAN NICOLAS  
Abugâdu Henerât



# COMMONWEALTH DEVELOPMENT AUTHORITY

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## ARONGORONGOL TOULAP

### POMWOL ALLÉGH ME ATIWLIGH KKA REBWE AMENDÁALI REL DEVELOPMENT CORPORATION DIVISION (DCD) ME COMMONWEALTH DEVELOPMENT AUTHORITY

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL AMENDA KKA REL ALLÉGH ME ATIWLIGH KKA DCD:** Commonwealth of the Northern Mariana Islands, Development Corporation Division of the Commonwealth Development Authority ebwe adaptáali amendments kka e appasch ngáli allégh me atiwilighil DCD, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Amendments kka a ffer ngáli alléghul me atiwilighil CDA nge ebwe bwunguló 10 ráal mwiril igha e palaweli 1 CMC §§ 9102 Commonwealth Register. (1 CMC § 9105(b)).

**BWÁNGIL:** Board of Directors-il Development Corporation Division rel Commonwealth Development Authority sáangi Chairman me Board of Directors-il Commonwealth Development Authority sáangi yaar Chairman eyoor bwángiir bwe rebwe arongawow allégh me atiwiligh kka §6 rel CDA act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2) me (a)(30) me Section 1.4 rel Alléghúl me Atiwilighil DCD.

**KKAPASAL ME AWEWEEL:** Pomwol ameenda ngáli alléghul me atiwilighul DCD e ffer bwe igha ebwe restate, amamawa, aghatchú me aweweey atiwiligh kka efasil llo bwe allégh me igha e nesesariyo bwe rebwe fferi meta mángemángil me muschelil Development Corporation Division of the Commonwealth Development Authority.

**KKAPASAL ME ÓUTOL:** Pomwol ameenda kkal ngáli Allégh me Atiwiligh-il DCD ebwe attotoowow:

1. Rebwe aschuw faawu mill ffé leyiir sub-section (2, 318, 6, 4, 8.2 me 19.4) be rebwe appascha llong leyiir current subsections bwe ebwe ayoora la mwal Renewable Energy Preference, ebwe establesi affatal LLCs bwe e fisch ngaliir loan applicant, me ebwe afatta ótoll igha rebwe amwuschúl chattels me accounts ngere rese yeéli óbwóssul.
2. Ebwe liwil subsection 11.6 (Additional Security) rebwe ayoora alúghúlúgh mereer stakeholders, partners, me owners, me ebwe bwal mmwel ngaliir Board of Directors bwe rebwe aghuleey ngaliir Directors me Managers-il Loan Applicants bwe eghi nesesario bwe rebwe ayoora Life me Mortgage insurance.

**CITATION KKA E TAFATAF NGELI, ME STATUES, ALLÉGH ME ATIWLIGH KKA EBWE AFFEKKTALIL.** Pomwol amenda kka ebwe affekktali akkaw sections kka e lo lól DCD Allégh me Atiwligh, subsection 11.6 me section 2, 6, 8, me 19.

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Pomwol allégh me atiwligh kkaal ebwe appasch llong lól Commonwealth Register llól section we e ira proposed me newly adopted regulations (1 CMC § 9102(a)(1) me ebwe bwal appasch fetal llól bwuley kka elo civic center me bwal llól bwulasiyoo kka llól senatorial district rel kkasal English, Remeraalis me Refaluwasch.  
(1 CMC § 9104(a)(1))

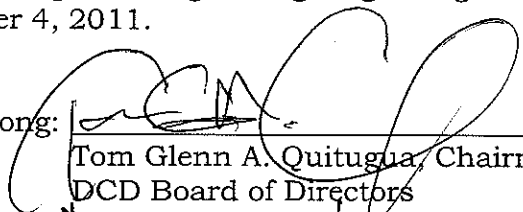
**ATOTOOLONGOL MANGEMENG:** Afanga ngáre bwughiló yóomw mángemáng reel Manuel A. Sablan, CDA Executive Director, ngáli address, fax me email reel subject line "Proposed Amendments to DCD Rules and Regulations".

Commonwealth Development Authority  
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Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)

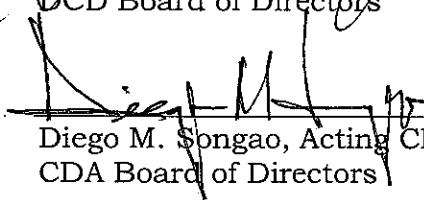
Isiisilongol mángemáng nge ebwe llól 30 ráll sángi all toowow arongorong yeel. Isáliilong yóomw data, views, ngáre angiiingi. (1 CMC 9104(a)(2)).

Pomwol allégh kkal nge a angaanga sángi DCD & CDA Board of Directors wóoll November 4, 2011.

Isáliiyallong:

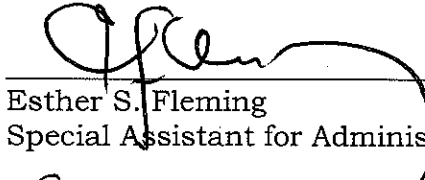
  
Tom Glenn A. Quitugua, Chairman  
DCD Board of Directors

9/24/13  
Ráll

  
Diego M. Songao, Acting Chairman  
CDA Board of Directors


9/24/13  
Ráll

Aramas ye:  
E bwughi

  
Esther S. Fleming  
Special Assistant for Administration

9/25/13  
Ráll


File me  
Rekoodliiyal:

  
Esther SN. Nesbitt  
Commonwealth Register

9.27.2013  
Ráll

Sengi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sáangi AG bwe e fil reel fféeruúl) me 1 CMC § 9104 (a)(3) (mwiir sáangi yaar lemelem AG) rel Pomwol Allégh merel CDA Board Directors ie re aschuwlong ra takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f) (Arongowowul allégh me atiwligh kkaal).

Rááilil iye 26<sup>th</sup> September 2013.



JOEY P. SAN NICOLAS  
Attorney General



# COMMONWEALTH DEVELOPMENT AUTHORITY

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## PUBLIC NOTICE

### OF PROPOSED BOARD OF DIRECTORS' BY-LAWS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

**INTENDED ACTION TO ADOPT THE PROPOSED BY-LAWS OF THE CDA:** The Commonwealth of the Northern Mariana Islands, Commonwealth Development Authority intend to adopt the attached CDA Board of Directors By-Laws, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The proposed CDA Board of Directors' By-Laws would become effective 10 days after compliance with 1 CMC §§ 9102, 9104(a), and 9105(b)).

**AUTHORITY:** The Board of Directors of the Commonwealth Development Authority, through its Acting Chairman, is authorized to promulgate the CDA Board of Directors' By-Laws pursuant to §6 of the CDA Act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2).

**THE TERMS AND SUBSTANCE:** The proposed CDA Board of Directors' By-Laws was formulated to restate, enhance and clarify the existing unpublished CDA Board of Directors' By-Laws and is necessary to effectively carry out the powers, duties and functions of the CDA Board of Directors.

**CITATION OF RELATED AND/OR AFFECTED STATUTES, RULES AND REGULATIONS.** These proposed By-Laws would affect the existing unpublished CDA Board of Directors' By-Laws in its entirety.

**DIRECTIONS FOR FILING AND PUBLICATION:** The proposed CDA Board of Directors' By-Laws 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 of Chamorro and Carolinian. (1 CMC § 9104(a)(1)

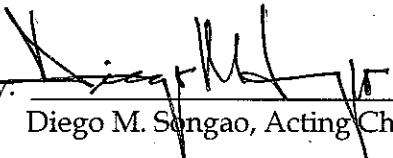
**TO PROVIDE COMMENTS:** Send or deliver your comments to Manuel A. Sablan, CDA Executive Director, to the following address, fax or email address, with the subject line "Proposed CDA Board of Directors' By-Laws".

Commonwealth Development Authority  
P.O. Box 502149 • CDA Building, Beach Road • San Jose Village  
Saipan, MP 96950  
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Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)

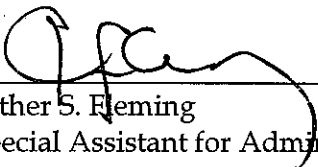


Comments are due within 30 days from the date of publication of this notice. Please submit your supporting data, views and arguments. (1 CMC § 9104(a)(2))

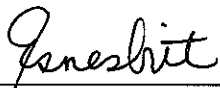
The proposed CDA Board of Directors' By-Laws was approved in substance and for publication by the CDA Board of Directors on September 5, 2013.

Submitted by:   
Diego M. Songao, Acting Chairman

9/24/13  
Date

Received by:   
Esther S. Fleming  
Special Assistant for Administration

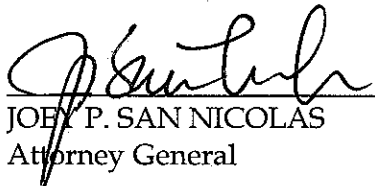
9/24/13  
Date

Filed and Recorded by:   
Esther SN. Nesbitt  
Commonwealth Register

9-27-2013  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtaining AG approval) the proposed CDA Board of Directors' By-Laws 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) (publication of rules and regulations).

Dated the 24<sup>th</sup> day of September, 2013.

  
JOEY P. SAN NICOLAS  
Attorney General

**COMMONWEALTH DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS  
BY-LAWS**

We, the undersigned Members of the Board of Directors of the Commonwealth Development Authority, for the purpose of ensuring and facilitating the orderly conduct of the meetings of the Board, do hereby adopt these by-laws as the By-Laws of the Board of Directors of the Commonwealth Development Authority

**ARTICLE I. NAME OF ORGANIZATION**

The name of this organization is the Board of Directors of the Commonwealth Development Authority (hereinafter the "Board").

**ARTICLE II. PRINCIPAL OFFICE**

The Board shall have as its principal office, and meeting place, the principal office of the Commonwealth Development Authority (the "Authority") located in Saipan, and may establish such other offices or branches elsewhere in the Commonwealth of the Northern Mariana Islands as the Board deems necessary. The principal office is Beach Road, San Jose Village, Saipan, MP 96950.

**ARTICLE III. ENABLING LEGISLATION**

The Commonwealth Development Authority is established and created pursuant to 4 CMC §10101, *et seq.*, as amended.

**ARTICLE IV. COMPOSITION OF THE BOARD**

Section 1. The affairs of the Authority shall be governed and controlled by the Board, which shall consist of seven (7) members. Members of the Board are appointed by the Governor with the advice and consent of the Senate. Members of the Board shall serve staggered terms of four years. Appointment to fill vacancies shall be for the remainder of the unexpired term.

Section 2. The Board membership shall consist of U.S. citizens or U.S. nationals as defined in Section 8 of the Schedule on Transitional Matters of the Constitution who have at least one year continuous residency in the Commonwealth and who are domiciles of the Commonwealth as defined in Section 1005(e) of the Covenant, with at least two members representing Rota

and at least two members representing Tinian. Board members shall be individuals with knowledge and experience in business, finance, banking or other economic affairs and may include the Public Auditor.

## **ARTICLE V. MEETINGS OF THE BOARD**

Section 1. All meetings of the Board shall be held in the Commonwealth and pursuant to Public 8-41; "the Open Government Act of 1992".

Section 2. Quarterly Meetings Required. The Board shall meet not less than once each quarter at a time and place designated at least 14 calendar days in advance by the Chairperson.

Section 3. Other Meetings. The majority of the Board or the Chairperson may convene other meetings on 72 hours' notice.

Section 4. Special Meetings. The majority of the Board or the Chairperson may call at any time a special meeting at least twenty-four hours before the time of such meeting as specified in the notice.

Section 5. Open and Closed Meetings. Meetings shall be open to the public during discussion of policies, procedures and administrative and other non-confidential matters, and closed to the public during discussion of personnel and other matters of a confidential nature as may be defined in these by-laws or other applicable local or federal laws. Matters of a confidential nature shall include, but not limited to, the following:

- a. All matters requiring consultation with the governing body's legal counsel.
- b. All matters which may infringe on a person's right to privacy as guaranteed by the Commonwealth Constitution and as further defined in 1 CMC § 9903, including but not limited to confidential medical or financial information.
- c. All matters pertaining to any actual or suspected wrongdoing, fraud, misfeasance or other violations of agency law, regulations, policies and procedures whether or not the violation can be criminally prosecuted.
- d. All matters involving the receipt and evaluation of complaints or charges brought against the agency, its officers, board members and employees.

Section 6. Compensation. The members of the Board shall be compensated pursuant to 1 CMC Section 8247, including but not limited to the following, and may be reimbursed in accordance with the Commonwealth law for any reasonable and necessary expenses incurred in the performance of their duties under this division:

- a. A Board of Director shall be entitled to compensation rates of \$60.00 for a meeting for four (4) or more hours and \$30.00 for a two (2) to four (4) hours meeting. The compensation shall not exceed a maximum of \$6,000 per year; provided further that compensation for meetings shall be limited to those meetings open and public as required by 1 CMC §9904 and for which notice has been published in accordance with 1 CMC §9910. A member who is employed by the Commonwealth shall receive his or her regular salary under administrative leave status in lieu of compensation for meetings held during working hours.
- b. For purposes of this section, a full-day is defined as not less than four (4) hours. A half-day is defined as not less than two (2) nor more than four (4) hours.
- c. A member shall not be compensated for attendance at a meeting unless the minutes of that meeting have been transcribed and adopted.
- d. Standing committees, subcommittee meetings, ad hoc and informal meetings shall not be compensable.
- e. Rules and rates for travel and per diem rates shall be the same as those established for the Executive Branch.

## **ARTICLE VI. MEMBERS OF THE BOARD**

Section 1. Members of the Board. Members of the Board, constituting a quorum, shall elect a Chairperson and Vice-Chairperson, immediately upon their first meeting following Senate confirmation of all seven members. The Chairperson and Vice-Chairperson shall serve for a term of two years. At the end of every two year period, the Board shall elect its Chairperson and Vice-Chairperson. The Chairperson shall preside over the meetings of the Board. The election of said Chairperson and Vice-Chairperson will be conducted as the first order of business of the first scheduled meeting of the calendar year.

Section 2. Secretary. The Board shall designate a Secretary to keep the minutes and records of the Board, who may or may not be a member of the Board.

Section 3. Resignation. An appointed member may at any time resign his or her office by notice in writing to the Governor. Upon resignation, removal or expiration of the term of appointment, the member shall cease to sit on the Board, and shall not be included in a quorum count.

Section 4. Removal and Vacancies of Board. Removal of a Board member before the expiration of his or her term shall occur only by the Governor and on grounds of gross neglect or dereliction of duty, breach of fiduciary duty, conviction of a felony or mental or physical incapacity. In the event that a Board member is removed from the Board or ceases to sit on the Board for any other reason, the Governor shall appoint a replacement, with the advice and consent of the Senate. Such a replacement member of the Board shall serve the remainder of the term of the member he or she replaces and must be confirmed by the Senate.

In the event the Chairperson or Vice-Chairperson is replaced, the Board will select a Chairperson or Vice-Chairperson from among its members pursuant to Article VI, Section 1.

Section 5. The Chairperson shall preside at all meetings of the Board. He or she shall also have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board. In the absence of such specifications, he or she shall have the powers and authority and shall perform and discharge the duties of a chairperson serving in public corporations having the same or similar general purposes and objectives as this public corporation.

## **ARTICLE VII. OFFICERS OF THE AUTHORITY**

Section 1. The Board shall appoint an Executive Director who shall be its Chief Executive Officer, and shall exercise the power and duties under the provision of 4 CMC §10306(a). The Board shall also appoint a Comptroller and such other officers as the by-laws may require for the operation of the Authority.

Section 2. The person appointed as Executive Director shall be knowledgeable, and have a minimum of five years professional experience, in banking procedures and activities, or in economic development and financial management, and shall possess a graduate degree in business administration, economics, engineering, accounting or law from an accredited university or college.

Section 3. The Comptroller shall exercise the following functions:

- (a) keep the official books and accounts of the Authority;
- (b) prepare an annual report of the financial condition of the Authority for the Executive Director and the Board; and
- (c) perform such other functions as the Executive Director or the Board may require.

The Comptroller shall hold at least a bachelor's degree in accounting and five (5) years experience in governmental or financial accounting.

Section 4. The Board may appoint an attorney who will serve at its pleasure and whose duties and compensation may be fixed by the Board. The Attorney shall advise the Board, the Executive Director and staff in all legal matters to which the Authority is a party or in which the Authority is legally interested, and may represent the Authority before the Legislature, Boards, and other agencies of the Commonwealth or of the United States.

Section 5. The Executive Director and Comptroller shall be paid at salaries established pursuant to 1 CMC Section 8246.

Section 6. The Executive Director, Comptroller and other officers of the Authority may be dismissed for cause by the affirmative vote of five Board members

#### **ARTICLE VIII. PROCEDURES IN MEETINGS**

Section 1. Quorum. A quorum for meetings and transacting business shall be five voting members present and able to conduct a meeting. A vote of five members shall be required for all action taken by the Board. An abstention is not considered a vote. After a quorum is established and a meeting has convened, no member shall leave the meeting room without the permission of the Chairperson and permission may not be granted, except for good cause, if such departure will destroy the quorum.

Section 2. Unless otherwise provided for in this division, all decisions of the Board shall be made by a majority of those members present and voting when a quorum is present. A member of the Board, who is unable to attend a particular meeting, may authorize in writing another Board member to cast the absent

member's vote upon any item of business previously noticed on the agenda for that meeting. Notice of such proxy designation must be given to the Chairperson no less than 24 hours before the meeting. A proxy authorization cannot be used to establish a quorum.

Section 3. A motion to be put before the Board must be raised in definitive form either verbally or in writing by one of the members of the Board. The motion must thereupon be seconded by another member of the Board within a one-minute interval, or the proposed motion will fail at that juncture. Once a motion has been properly introduced and seconded, that motion shall then be stated by the Chairperson before debate. Debate shall continue until the Chairperson closes the debate and calls for a vote on the motion. Any motion may be withdrawn by the initiator at any time before it has been adopted.

Section 4. A vote on a motion before the Board shall be either by voice, show of hands, roll call, or secret ballot. A secret ballot may be requested by any member of the Board on any vote on any motion provided, however, such request is supported by a majority of the members present. A vote by show of hands or roll call may be requested by any member of the Board which shall be entertained by the Chairperson upon such request. Any member may require for the record an indication of the outcome of the vote as to each individual member of the Board except in those instances where a secret ballot is requested whereupon only the ascertainment of the result of the vote will be recorded.

Section 5. Any motion that does not receive a majority affirmative vote is thereby rejected and cannot be re-introduced in its same form at the same meeting of the Board.

Section 6. When a question is under debate, no motions shall be received except the following: To adjourn; for the previous question; to table the motion; to postpone indefinitely; to postpone to a certain time; to defer; to amend; or to recess. These motions shall have precedence in the order listed.

Section 7. When an appeal is taken from a decision of the Chair, the member taking the appeal shall be allowed to state his reason for so doing. The question shall then be immediately put in the following form:

"Shall the ruling of the Chair be sustained?"

Section 8. A motion to adjourn shall always be in order, except when a vote is being taken on any question before the Board, or when a member has the floor, provided that there be some intervening business proposed and determined between two (2) motions to adjourn.

Section 9. Meetings of the Board shall be conducted according to these By-laws. Should any procedural problem develop that is not specifically answered by the By-laws, the Chairperson shall refer to the most current edition of "Robert's Rules of Order" to assist in a determination of the appropriate procedure to follow.

**ARTICLE IX. CODE OF ETHICS**

The members of the Board shall comply with the requirements of the Commonwealth Ethics Code pursuant to Public Law 8-11. The members of the Board and the Executive Director shall file an annual Statement of Financial Interest on or before May 1 of each year with the Office of the Public Auditor.

**ARTICLE X. CONFLICTS OF INTEREST**

The members of the Board shall comply with the requirements of the Commonwealth Ethics Code pursuant to Public Law 8-11 and Section 16 of the Commonwealth Development Authority Act of 1984, NMI Public Law 4-49, as amended and as codified in 4 CMC § 10408.

**ARTICLE XI. CONFIDENTIALITY AGREEMENT**

The Board shall adopt a Confidentiality Agreement to be executed by each member of the Board immediately after being officially sworn. The Agreement shall comply with the privacy information requirements of Section 19 of the Commonwealth Development Authority Act of 1984, NMI Public Law 4-49, as amended and codified in 4 CMC §10410.

**ARTICLE XII. SEAL**

There shall be a seal for the Commonwealth Development Authority which seal shall be kept by the designated Secretary of the Board.


**ARTICLE XIII. ADOPTION AND AMENDMENTS OF BY-LAWS**

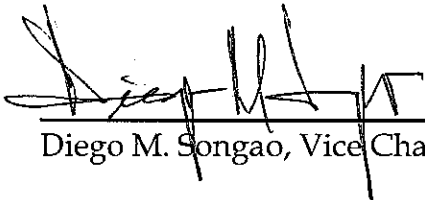
Section 1. These By-Laws shall become effective when adopted by a majority of the members of the Board.




Section 2. These By-Laws, except those provisions existing pursuant to law or its amendment therefore, may be amended, altered, changed, added to or repealed by the affirmative vote of the majority of the membership of the Board, after due notice of said proposal in accordance with Article V, above.

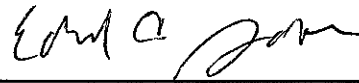
ADOPTED THIS 5th day of September, 2013.

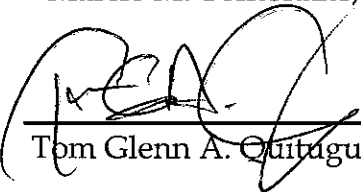
  
Pedro I. Itibus, Chairman

  
Diego M. Songao, Vice Chairman

  
Edwin P. Aldan, Secretary

  
Marcie M. Tomokane, Member

  
Edward C. Sablan, Member

  
Tom Glenn A. Quitagua, Member



# COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950  
Tel.: (670) 234-6245/6293/7145/7146 • Fax (670) 235-7147  
Email: administration@cda.gov.mp • Website: www.cda.gov.mp



## NUTISIAN PUPBLIKU

### GI MANMAPROPONI BOARD OF DIRECTORS' BY-LAWS GI COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA I MANMAPROPONI NA BY-LAWS GI CDA:** I Commonwealth gi Sangkattan na Islas Marianas, Commonwealth Development Authority ha intensiona para u adapta i mañechettun na By-Laws CDA Kuetpun Direktot siha, sigun gi manera siha gi Áktun Administrative Procedure, 1 CMC §9104(a). I maproponi na CDA By-Laws Kuetpun Direktot siha para u ifektibu gi dies (10) dihas dispues di compliance i 1 CMC §§9102, 9104(a) yan 9105(b)).

**ÁTURIDÁT:** I Kuetpun Direktot siha gi Commonwealth Development Authority, ginin i iyon-ña Acting Chairman, ma'aturisa para u cho'gui i CDA By-Laws Kuetpun Direktot siha sigun gi §6 gi Áktun CDA gi 1985 (Lai Pupbliku 4-49, kumu ma'amenda), 4 CMC §10203(a)(2).

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I maproponi na By-Laws CDA Kuetpon Direktot siha mafotma para u ma-restate, insima yan kláru i prisenti na ti mapupblika na By-Laws CDA Kuetpun Direktot siha yan nisisáriu para u ifektibu chumo'gui i fuetsa, obligasion yan funksion siha gi CDA Kuetpun Direktot siha.

**SITASION GI MANA'ACHULI' YAN/PAT MANINAFEKTA NA ESTATUA, AREKLAMENTU YAN REGULASION SIHA:** Esti i manproponi na By-Laws para u afekta i prisenti By-Laws ni ti mapupblika entiramienti ni CDA Kuetpun Direktot siha.

**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** I maproponi na By-Laws CDA Kuetpun Direktot siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona gi maproponi yan nuebu na ma'adapta na regulasion siha (1 CMC §9102(a)(1) yan u mapega gi halum i mangkumbinienti na lugát siha gi halum i Civic Center yan gi halum i ufisinan gubietnamentu gi kada distritun senadot, parehu English yan i linguáhin natibu Chamorro yan Refaluwasch (1 §9104(a)(1)).

**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hánao pat intrega i upiñon-mu guatu gi as Manuel A. Sablan, CDA Eksakatibun Direktot, gi sigienti na address, fax pat email address, yan i ráyan suhetu gi "Manmaproponi na By-Laws CDA Kuetpun Direktot siha".

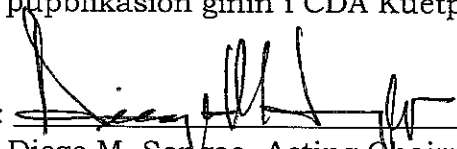
Commonwealth Development Authority  
P.O. Box 502149 • CDA Building, Beach Road • San Jose Village  
Saipan, MP 96950

Tel. Nos: 234-7145/7146/6293/6245 ext. 311 • Fax No.: 235-7147  
Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)

Todu upiñon siha debi na u fanhálum gi halum trenta (30) dihas ginin i fetchan pupbliku gi esti na nutisia. Put fabot na'hálum todú upiñon, imfotmasion yan testimoniun kinontesta siha (1CMC §9104(a)(2)).

I manmaproponi na By-Laws CDA Kuetpun Direktot siha manma'aprueba in substance yan publikasion ginin i CDA Kuetpun Direktot siha gi Septembri 5, 2013.

Nina'halum as:

  
Diego M. Songao, Acting Chairman  
CDA Kuetpun Direktot Siha

Fetcha

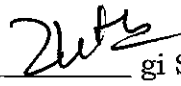
Rinisibi as:

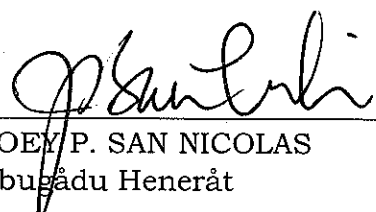
  
Esther S. Fleming  
Espisiát Na Ayudánte Para I Administrasion

Fetcha

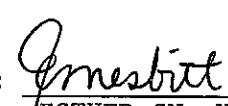
9/26/13

Sigun i 1 CMC §2153(e), (Inaprueban Abugádu Henerát i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC §9104(a)(3) (inahentan inaprueban Abugádu Henerát) i manmaproponi na By-Laws CDA Kuetpun Direktot siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumo fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC §2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha  gi Septembri, 2013.

  
JOEY P. SAN NICOLAS  
Abugádu Henerát

Filed and Recorded by:

  
ESTHER SN. NESBITT  
Commonwealth Register

DATE

9.27.2013



# COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950  
Tel.: (670) 234-6245/6293/7145/7146 • Fax (670) 235-7147  
Email: [administration@cda.gov.mp](mailto:administration@cda.gov.mp) • Website: [www.cda.gov.mp](http://www.cda.gov.mp)



## ARONGORONGOL TOULAP

### POMWOL ALLÉGHÚL BOARD OF DIRECTORS' REL COMMONWEALTH BOARD OF DIRECTORS (CDA)

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ALLÉGH ME KKA CDA:** Commonwealth of the Northern Mariana Islands, Commonwealth Development Authority ebwe adaptááli milikka e appasch ngáli yaar allégh CDA Board of Directors' sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Pwomwol yaar allégh CDA Board of Directors' ebwe bwunguló 10 ráál mwiril yal palaweli 1 CMC §§ 9102, 9104 (a), me 9105 (b)).

**BWÁNGIL:** Board of Directors-il Development Corporation Division rel Commonwealth Development Authority sáangi Acting Chairman ebwe yoor bwángil bwe rebwe attootowow allégh me atiwligh sáangi CDA Board of Directors' sáangi §6 rel CDA act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2).

**KKAPASAL ME AWEWEEL:** Pomwol Allégh merel CDA Board of Directors' e ffér bwe igha ebwe restate, amamawa, me afatta ló Allégh kka esáál attootowow merel CDA Board of Directors' nge eghi nesesario bwe ebwe mwetewet ebwe mwoghutughut llól bwángil, móghutughutúl me yaal angaang CDA Board of Directors.

**CITATION KKA E TAFATAF NGELI, ME STATUTES, ALLÉGH ME ATIWLIGH KKA EBWE AFEKKTÁLIL.** Pomwol allégh kka nge ebwe afekktá-lil CDA Board of Directors' Allégh ikka esáál attootowow, rel ghooghol.

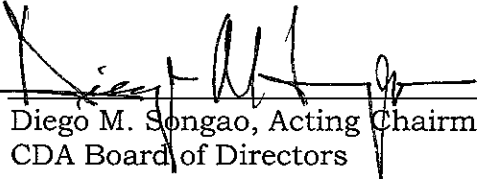
**AFALAFAL REEL AMWELIL ME ARONGOWOWUL:** Pomwol CDA Board of Directors' allégh kkaal ebwe appasch llong lól Commonwealth Register llól section we e ira proposed me newly adopted regulations (1 CMC § 9102(a)(1)me ebwe bwal appasch fetal llól bwuley kka elo civic center me bwal llól bwulasiyoo kka llól senatorial district rel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1))

**ATTOTOOLONGOL MÁNGEMÁNG:** Afanga ngáre bwughiló yóómw mángemáng reel Manuel A. Sablan, CDA Executive Director, ngáli address, fax me email reel subject line "Proposed Amendments to DCD Rules and Regulations".

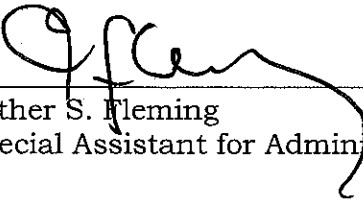
Commonwealth Development Authority  
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Tel. Nos.: 234-7145/7146/6293/6245 ext. 311 • Fax No.: 235-7147  
Email address: [administration@cda.gov.mp](mailto:administration@cda.gov.mp)

Isiisilongol mángemáng nge ebwe llól 30 ráll sáangi al toowow arongorong yeel. Isáliilong yóómw supporting data, views, ngáre angíngi. (1 CMC § 9104(a)(2)).

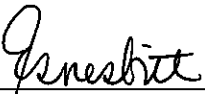
Pomwol CDA Board of Directors Allégh nge aa llégh ló bwe ee fil féérúl me arongowowul sáangi CDA Board of Directors wól September 05, 2013.

Isáliiyallong:   
Diego M. Songao, Acting Chairman  
CDA Board of Directors

9/24/13  
Ráll

Aramas ye:   
E bwughi Esther S. Fleming  
Special Assistant for Administration


9/26/13  
Ráll

File me  
Rekoodliiyal:   
Esther S. Nesbitt  
Commonwealth Register

9.27.2013  
Ráll

Sáangi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sáangi AG bwe e fil reel fféeruúl) me 1 CMC § 9104 (a)(3) (mwiir sáangi yaar lemelem AG) rel pomwol CDA Board Directors' allégh ie re aschuwlong bwe ra takkal amwuri fiischiy, me llégh ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele attootowoow, 1 CMC § 2153(f) (Arongowowul allégh me atiwligh).

Ráálil iye 26<sup>th</sup> September 2013.

  
JOEY P. SAN NICOLAS  
Attorney General

**Commonwealth of the Northern Mariana Islands  
Office of the Governor, Division of Environmental Quality**

Frank M. Rabauliman, Director  
Gualo Rai, on Middle Road across from "Subway"  
Saipan MP 96950  
tel 670.664.8500; fax:670.664.8540  
[RayMasga@deq.gov.mp](mailto:RayMasga@deq.gov.mp)

**PUBLIC NOTICE OF PROPOSED REGULATIONS**

**COMMONWEALTH REGISTER V33, #09, SEPTEMBER 26, 2011, PGS 031971-031983**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Division of Environmental Quality intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104 (a) or (b). (1 CMC § 9105(b))

**AUTHORITY:** The Director of DEQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act. 2 CMC § 3122.

**THE TERMS AND SUBSTANCE:** The proposed regulations provide for a voluntary response program for the cleanup of hazardous substance and petroleum products by property holders under the supervision of the Division of Environmental Quality, without incurring liability under local law.


**THE SUBJECTS AND ISSUES INVOLVED:**

1. The regulations would allow property holders with contaminated property to secure assistance from DEQ with the cleanup of the property; and.
2. The regulations would help property holder obtain liability protection if the site cleanup were completed and approved by DEQ.

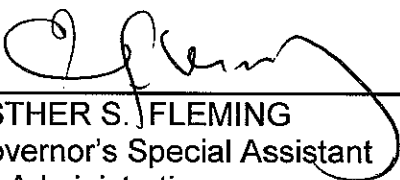
**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district,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

TO PROVIDE COMMENTS: Send or deliver your comments to Ray Masga, SAR Branch Manager, *Re: Voluntary Response Program Regulations*, at the above address or to the above fax number. 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 Director on September 25, 2013.

Submitted by:   
Frank M. Rabauliman  
Director, CNMI Division of  
Environmental Quality

9/25/13  
Date

Received by:   
ESTHER S. FLEMING  
Governor's Special Assistant  
for Administration

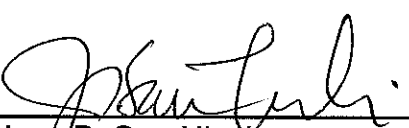
9/27/13  
Date

Filed and Recorded by:   
ESTHER SN Nesbitt  
Commonwealth Register

9.27.2013  
Date

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

Dated the 27<sup>th</sup> day of September, 2013.

  
Joey P. San Nicolas  
Attorney General

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

**Commonwealth Mellól Téél Falúw Kka Falúwasch Marianas**

**Bwelasiyol Sóulem, Division of Environmental Quality**

**Frank M. Rabauliman, Director**

**Gualo Rai, on Middle Road across from "Subway"**

**Seipél, MP 96950**

**Tilifon 670.664.8500; fax 760.664.8540**

**raymasga@deq.gov.mp**

**ARONGORONGOL TOULAP REEL POMWOL ALLÉGH KKAAL:**

**COMMONWEALTH REGISTER, V33, # 09, SEPTEMBER 26, 2011, PGS031975-031976**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁLI POMWOL ALLÉGH KKAAL:**

Commonwealth mellól Téél Falúw kka Falúwasch, bwulasiyol Sóulem, Division of Environmental Quality e tipáli ebwe ipighil adaptáli allégh kka aa appasch bwe Pomwol Alléghúl Voluntary Response Program, sáangi mwóghutul Administration Procedure Act, 1 CMC §§9102(a). Allégh kkaal ebwe kkamaló loll seigh (10) ráll mwiiril igha e atabweey 1 CMC §§ 9102 me 9104 (a) ngare (b). (1 CMC § 9105(b))

**BWÁÁNGIL:** Legislature e ngálleey bwáángil Samwoolul DEQ bwe ebwe adaptáli allégh kkaal ngáli administration me enforcement reel Commonwealth Environmental Protection Act. 2 CMC § 3122.

**KKAPASAL ME AWEEWEL:** Pomwol allégh kkaal e ayoora ngáli voluntary response program reel limálimil hazardous substance me petroleum products reer schóókka falúwer falúw nge loll aar supervision Division of Environmental Quality, essóbw yoor incurring liability llól local law.

**KKAPASAL ME OUTOL:**

1. Allégh kkaal nge ebwe mweitingáliir schóókka e contaminated falúwer bwe ewbwe ghoow ngáliir DEQ bwe rebwe alisiir reel ebwe limálim falúwer; me
2. Allégh kkaal ebwe alisiir schóókka falúwer falúw bwe rebwe bweibwogh liability protection ngare bwuley we e limálim aa takkló me alléghló mereel DEQ.

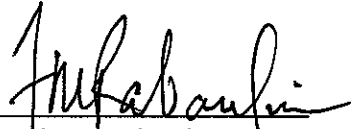
**AFALAFAL REEL AMWELIL ME AKKATÉÉL:** Pomwol Allégh kkaal ebwe akkatéélong loll Commonwealth Register loll táilil ye pomw me allégh ffé kka aa adaptaló (1 CMC § 9102(a)(1)) me ebwe appaschtá lól bwuley kka loll civic center me bwulasiyol government kka loll senatorial distric, reel kkapasal English me vernacular. (1 CMC § 9104 (a) (1))



Isiisilongol Mwáliili: Afanga ngáre bwughiló yóómw mwáliili reel Ray Masga, SAR Branch Manager, Re: Voluntary Response Program Regulations, Reel Adress ye elo mmwal weiláng ngáre fax liiló reel number ye elo mmwal. Mwáliili kkaal nge ebwe toolong eliigh (30) ráll mwiiril akkatééwowul arongorong yeel. Aw issiilong yáámi aghiyágh, mángemáng ngare angíngi. (1 CMC § 904(a) (2)).

Pomwol allégh kkaal aa lléghló mereel Samwool(Director) Settembre(September) 25, 2013

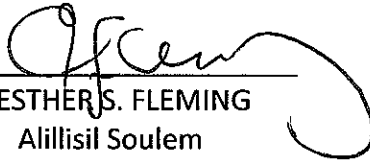
Lisáliyállong:



Frank M. Rabauliman  
Director, CNMI Division  
Of Environmental Quality

9/25/13  
Ráll

Mwiir sángi:



ESTHER S. FLEMING  
Alillisil Soulem

9/27/13  
Ráll

Amwel sángi:



Esther SN. Nesbit  
Commonwealth Register

9.27.2013  
Ráll

Sángi 1CMC § 2153(e) ( allégh kkaal aa lléghló mereel AG bwe ebwe akkatééwow reel féerúl) me 1 CMC § 9104(a)(3) (aa bweibwogh alléghúl sángi AG) pomwol allégh kka aa appaschlong aa takkal amwuri fischiy me angúungú ló féerúl me legal suffienciency sángi CNMI Sóubwungúl Allégh Lapalap me ebwele akkatééwow, 1 CMC § 2153(f) (akkatéél allégh kkaal).

Ráll ye 27<sup>th</sup> Settembre(September), 2013



Joey Patrick San Nicolas  
Sóubwungúl Allégh Lapalap

Commonwealth gi Sangkattan na Islas Marianas Siha  
**UFISINAN GUBIETNU, Dibision Environmental Quality**

Frank M. Rabauliman, Direktot  
Gualu' Rai, gi Middle Road across ginin "Subway"  
Saipan, MP 96950  
tel: 670.664.8500; fax: 670.664.8540  
[raymasga@deg.gov.mp](mailto:raymasga@deg.gov.mp)

**NUTISIAN PUBLIKU GI MANMAPROPONI NA REGULASION SIHA**

COMMONWEALTH REGISTER V33, #9, Setember 26, 2011, PGS031973-031974

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA:**

I Commonwealth gi Sangkattan na Islas Marianas siha, gi Ufisanan i Gubietnu, Dibision i Environmental Quality ha intensiona para u adãpta kumu petmanenti na regulasion siha ni mañechettun i Manmaproponi na Voluntary Response Program Regulations, sigun gi manera siha gi Åktun i Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halu i dies(10) dihas dispues di makumpli i 1 CMC §§ 9102 yan i 9104 (a) pat (b). (1 CMC § 9105(b))

**Åturidãt:** I Lehislatura ha nã'i fuetsa Direktot i DEQ na para u adãpta i areklamentu yan regulasion siha para i atministrasion yan enforcement gi Åktun Environmental Protection gi Commonwealth. 2 CMC § 3122.

**I TEMA YAN I SUSTANSIAN I PALABRA SIHA:** I manmaproponi na regulasion siha ha pribeniyi para i voluntary response program para i nina'gãsgas i hazardous substances yan prudoktun pitoliu siha ginin i manggai siti siha gi papa' i supervision i Dibision Environmental Quality, sin incurring liability ginin i papa' i local law.

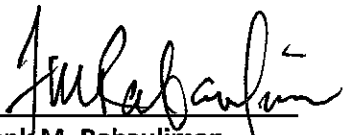
**I SUHETU NI MASUMARIA YAN ASUNTU NI MANTINEKKA:**

1. I regulasion siha para u sedi i manggai siti siha na i siti siha ni mannina'yi binenu para u mana'siguru inasistencia ni ginin i DEQ ni nina'gãsgas i siti ; yan
2. I regulasion siha para u inayuda i manggai siti siha u ma-obtain liability protection yanggin i lugãt ni mana'gãsgas mangkumplidu yan ma'aprueba ginin i DEQ.

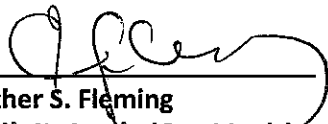
**DIREKSION NI PARA U MAPO'LU YAN PUBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapublika gi halum i Rehistran Commonwealth gi halum i seksiona gi manmaproponi yan nuebu na ma'adãpta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi kumbinienti na lugãt siha gi halum i civic center yan gi ufisanan gubietnamentu siha gi kada distritun senadot, parehu English yan i lingguãnhin natibu. (1 CMC § 9104(a)(1))

**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hãnão pat intrega i opiñon-mu siha guatu gi as Siñot Ray Masga, SAR Branch Manager, *Re: Voluntary Response Program Regulations*, gi sanhilu' na address, pat gi sanhilu' na numirun fax. Todu opiñon u mana'fanhãlum trenta(30) dihas ginin i fetchan i publikasion esti na nutisia. Put fabot na'hãlum i imfetmasion, opiñon, pat testamoñon kinentesta siha. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha manma'apueba ginin I Direktot gi Setembre 25, 2013

Nina'hålum as:   
Frank M. Rabauliman  
Direktot, Dibision Environmental Quality CNMI

9/25/13  
Fetcha

Rinisibi as:   
Esther S. Fleming  
Ispisiât Na Ayudânti Para I Atministrasion Gubietnu

9/27/13  
Fetcha

Pine'lu yan  
Ninota as:   
Esther SN. Nesbitt

9.27.2013  
Fetcha

Sigun i CMC § 2153(e) (Inapueban Abugâdu Henerât na para u macho'gui I regulasion siha kumu fotma yan i 1 CMC § 9104(a)(3) ( hinentan inapueban Abugâdu Henerât) I manmaproponi na regulasion siha ni mafechettun guini ya manmaribisa yan manma'apueba kumu sufisienti ligâ gini I CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion I areklamentu yan I regulasion siha).

Mafetcha gi diha 27<sup>th</sup> gi Setembre, 2013

  
Joey Patrick San Nicolas  
Abugâdu Henerât

# VOLUNTARY RESPONSE PROGRAM REGULATIONS

## PART 1 GENERAL

### 1.1 AUTHORITY AND SCOPE:

The Division of Environmental Quality (DEQ) is responsible for protecting, preserving and enhancing the environmental quality of water, air and land of the Commonwealth of the Northern Mariana Islands (CNMI).

These regulations are promulgated by the Division of Environmental Quality pursuant to the Commonwealth Environmental Protection Act (CEPA) codified as amended 2 CMC §§ 3101 to 3134, and the Commonwealth Solid Waste Management Act of 1989, codified as amended at 2 CMC §§ 3511-3521. These regulations and technical provisions shall have the 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.

### 1.2 PURPOSE

These regulations specify the criteria a person must meet in order to qualify for liability protection from action by the DEQ for the release or threatened release of a harmful substance as defined under the DEQ Harmful Substance Cleanup Regulations.

### 1.3 PROHIBITIONS

Facilities that are not eligible to enter this program include:

- (1) A facility that is subject to a planned or ongoing Federal removal action under CERCLA;
- (2) A facility that is listed on the CERCLA National Priorities List or is proposed for listing; and
- (3) A facility that is subject to a unilateral administrative order, a court order, and an administrative order on consent or judicial consent decree issued or entered into by EPA or DEQ.

## PART 2 DEFINITIONS

2.1 Days shall mean calendar days, including weekends and holidays.

2.2 Environmental remedial cleanup means a remedial action at an affected site undertaken and financed by a person, which remedial action is subject to the oversight and approval by the DEQ, and with respect to which remedial action the person agrees to pay the DEQ's site specific costs incurred in administration and oversight.

2.3 Hazardous substance means any hazardous substance specified in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601(14)(A)-(F), as amended (CERCLA), petroleum and petroleum products, and any hazardous waste as defined by the CNMI hazardous waste regulations, or as defined by the CNMI Harmful Substance Cleanup Regulations, NMIAC, § 65-40-0109(w), as amended. The terms hazardous substance and harmful substance shall mean the same thing under these regulations.

2.4 Nonresidential property means any real property currently or previously used for industrial or commercial purposes, or both.

2.5 Participation fee means the following: one hundred dollars (\$100) for non-commercial application fee, two hundred dollar (\$200) for commercial application fee, and the assessment and cleanup permit fees deposit not to exceed five thousand dollars (\$5000) and all additional oversight cost reimbursements to be determined by DEQ pursuant to Part 5 of this regulation.

2.6 Oversight Cost means any cost reasonably attributable to the site and may include cost of direct activities such as review of response action plans, site visits to project site, and the like; support cost of direct activities; and interest charges for delayed payments. The assessment and cleanup permit fees shall be waived for non-commercial applicants, if no viable and potentially liable commercial entity exists.

2.7 Person means any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust estate, political subdivision, or any agency, board, DEQ of the CNMI or Federal government, or any other legal entity whatever is recognized by law as the subject of rights and duties.

2.8 Phase I Environmental Site Assessment (ESA) means a noninvasive physical assessment of the real property and a records review conducted by a qualified Environmental Professional in accordance with American Society for Testing and Materials (ASTM) Standard E 1527-05, or as subsequently amended. A Phase I ESA report must be prepared following the format in Appendix X4 with the addition of a specific section on data gaps as defined in Section 12.7 of the ASTM E 1527-05 Standard.

2.9 Phase II Environmental Site Assessment means an invasive sampling investigation by a technical consultant or the environmental professional in accordance with American Society for Testing and Materials (ASTM) Standard E 1903 -97 (Reapproved 2002) of those areas of concern, or recognized environmental conditions, identified in the Phase I ESA report for the site. Phase II investigations must be approved by the US Environmental Protection Agency.

2.10 Remediation or remedial action means all appropriate actions taken to clean up contaminated real property, including but not limited to removal, remedial actions, and response actions as such terms are defined by CERCLA.

### **PART 3      STAGE 1**

3.1 Any person, including but not limited to a person acquiring, disposing of or possessing a lien hold or leasehold interest on real property, or other circumstances as may be established by rule involving real property that is known to be or suspected to be contaminated by harmful substances, may apply to remediate the real property with oversight by the DEQ. Such application shall be made on forms provided by the DEQ and shall include the location of the real property, the legal description of the real property, a general description of the nature of the operations and activities and the dates, if known, that such activities occurred on the real property, the names of known past and present owners or operator of the real property, a description of the nature and extent of known or suspected contamination and an application fee for either a non-commercial or a commercial application.

3.2 Application forms may be submitted at any time from the completion of an ASTM E1527-05 Phase I environmental site assessment up through the development, but not including the implementation of a remedial action plan. The applicant shall submit copies of all reports prepared concerning the results of any site assessments, investigations, sample collections and sample analyses completed to date with the application.

3.3 The DEQ will review the application forms for completeness. The DEQ will return any form deemed incomplete to the person for completion. Upon receipt of all requested information, the DEQ will notify the person that the application form is complete.

3.4 Following the approval of an application, the applicant shall complete a Phase II ESA in accordance with the ASTM E 1903-97 (Reapproved 2002) Standards. The complete Phase II ESA shall be submitted to DEQ within one hundred eighty (180) days following approval of the application.

3.5 The DEQ shall review the reports submitted and comment, within thirty (30) days, on the completeness of the report and nature and extent of any additional required environmental site assessments to be conducted on the real property. The applicant shall complete all required additional work required by DEQ.

3.6 Once the Phase II ESA is complete, as documented by the DEQ's acceptance of the report, the DEQ shall determine if remedial action is necessary. If the DEQ determines that no remedial action is required, the DEQ will issue a Letter of Completion with respect to the specific Phase II ESA investigation. If the DEQ determines that remediation is required, the applicant may apply to enroll in Stage 2.

3.7 An applicant may withdraw from the program at any time with written notification to DEQ. The application fee is non refundable.

3.8 DEQ reserves all rights to require investigation and remediation by potential liable parties under CNMI law, including but not limited to the CNMI Harmful Substance Cleanup Regulations.

## **PART 4      STAGE 2**

4.1 Any person completing the Phase II ESA process Part 3 may apply to continue in the DEQ's Voluntary Response Program by completing an application available from the DEQ.

4.2 Following the approval of an application, the applicant and DEQ shall execute an oversight agreement to be incorporated in the DEQ assessment and cleanup permit. The DEQ shall require the applicant to post a deposit, not to exceed five thousand (\$5,000) dollars for the permit, which shall be used to cover the site-specific oversight costs to the DEQ.

4.3 The applicant shall submit a remedial action plan to the DEQ for review and approval for any contamination identified in the Phase II ESA report. The applicant shall develop the remedial action plan following DEQ VRP Guidance.

4.4 DEQ shall review the remedial action plan and notify the applicant regarding comments requiring revision to the plan or approval of the plan.

4.5 The DEQ shall review reports of any additional environmental site assessments and make a determination, within sixty (60) days, of any required remedial actions. If the DEQ determines that no remedial action is required, the applicant shall submit, if required by the director, a monitoring plan to the DEQ. Upon approval by the director, the plan, if required, shall be implemented by the applicant. If the DEQ determines that remediation is required, the applicant shall submit a revised remedial action plan to the DEQ for any contamination identified in the environmental site assessments.

4.6 The DEQ shall review the remedial action plan. Remedial action plans shall be developed following DEQ guidance and include work plans, health and safety plans, testing protocols, and an analysis of alternatives. In addition, remedial action plans shall include appropriate monitoring plans as determined necessary by the DEQ based on the Phase II ESA analytical results. The DEQ shall, within ninety (90) days, approve the plan if the plan satisfies the requirements of this section. The remedial action plan is subject to public review and comment prior to DEQ approval. The applicant shall provide public notice at its own expense in two local newspapers of the opportunity to comment on the plan, once during the week after the plan is submitted and once 4 weeks after the plan has been submitted. The deadline for comments shall be thirty (30) days from the time the first notice is published.

4.7 Following approval of the remedial action plan by the DEQ, the applicant shall implement the remedial action plan.

4.8 During the implementation of the remedial action plan, the applicant shall submit to the DEQ, on forms provided by the DEQ, quarterly progress reports of such remedial action.

4.9 The applicant shall submit to the DEQ a copy of all reports prepared concerning such remedial action.

4.10. The DEQ shall review the remedial action report conducted in accordance with the provisions of the approved remedial action plan.

4.11. Nothing in this Part shall limit the right of an applicant to terminate participation upon providing written notification to the DEQ. Upon receipt of notice of termination from the applicant, the DEQ shall refund any remaining deposit balance, after incurred costs are deducted, within sixty (60) days.

4.12. Nothing in this Part shall limit the DEQ's ability to take action, including enforcement action under CNMI law as appropriate to prevent or mitigate any potential threats to human health and the environment.

4.13. The applicant may appeal in writing any decision of the DEQ under this Part to the Director within thirty (30) days of such decision. The Director, at his discretion, may hold a hearing or may decide the matter solely on the existing record. The Director shall issue a reasoned determination in writing of the matter appealed within ten days of the submission of all evidences and arguments.

4.14. If the provisions set forth in this Part are met, and the applicant has remitted all applicable permit fees, the DEQ shall issue, to the applicant, a Letter of Completion stating that no further action need be taken at the site related to any contamination identified in the environmental assessments and for which remedial action has been taken in accordance with the approved remedial action plan. Such letter, however, shall provide that the DEQ may require the person to conduct additional environmental site assessments or remedial actions in the event that any monitoring conducted at or near the real property or other circumstances indicate that additional contamination is present which was not identified by the environmental site assessments or for which remedial action was not taken according to the remedial action plan.

## PART 5 REIMBURSEMENT FOR DEQ COSTS

5.1. The DEQ shall be reimbursed for its site-specific costs incurred in administration and oversight of the voluntary response actions. Assessment and cleanup permit fees shall be determined by the number of hours that DEQ spends on oversight and investigation at a standard rate \$40 per hour. The DEQ shall furnish to the applicant a complete, full and detailed accounting of the costs incurred by the DEQ for which the applicant is charged. The applicant may appeal any charge to the Director within thirty (30) days of receipt of the bill. Appeal to the Director shall stay the required payment date until thirty (30) days following the rendering of the written decision of the Director. The DEQ shall initially draw down its charges against the permit fee. Timely remittance of reimbursements, as provided in subsection 3 of this section, to the DEQ is a condition of continuing participation. If, after the conclusion of the remedial action, a balance remains, the DEQ shall refund that amount within sixty (60) days. If the DEQ fails to render any decision or take any action within the time period specified in these regulations, then the applicant shall not be required to reimburse the DEQ for costs incurred for DEQ's time associated with the missed deadline.



5.2. All funds remitted by the participant conducting the voluntary response action shall be deposited into a separate account for oversight costs for each participant and shall be used by the DEQ for its administrative and oversight costs.

5.3. The DEQ may terminate participation in the program for cause. Grounds for termination include, but are not limited to:

(1) Discovery of conditions that DEQ believe warrant action pursuant to the CNMI Harmful Substances Cleanup Regulations;

(2) Failure to submit cost reimbursements within sixty (60) days following notice from the DEQ that such reimbursements are due;

(3) Failure to submit required information within ninety (90) days following notice from the DEQ that such information is required;

(4) Failure to submit a remedial action plan within ninety (90) days following notice from the DEQ that such plan is due;

(5) Failure to properly implement the remedial action plan; and

(6) Continuing noncompliance with any of the provisions of these regulations.

5.4. Upon termination of the oversight agreement, and if there is a balance in the applicant's participation fee after deducting costs incurred by the DEQ, such balance shall be refunded within sixty (60) days as specified in 5.1. Upon termination pursuant to subdivisions (2) to (5) of Part 5.3, if a balance remains in the applicant's participation fee, such balance shall be forfeited and deposited in the fund.

## PART 6 SEVERABILITY

Should any provision of these regulations or its application to any person or circumstance be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining portion of the regulations and/or application of the affected provision to other persons or circumstance shall not be affected thereby.

## PART 7 EFFECTIVE DATE

These regulations will take effect (ten) 10 calendar days after notice of adoption is published in the Commonwealth Register.



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

## **EXECUTIVE ORDER NO. 2013- 20**

### **SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY**

**AUTHORITY:** I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

**WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER** to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

### **WHEREAS, WITHOUT CUC ELECTRICITY:**

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited oil supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;

- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup oil supplies for emergency generators were exhausted; and
- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

**WHEREAS, THERE EXISTS A FINANCIAL CRISIS:**

- (1) CUC is owed approximately \$16 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) There is conflict and potential conflict between CUC and government agencies over money owed and other issues. Such conflict drains resources especially if it results in the parties going to court. Interagency cooperation and oversight is vital to ensure that government agencies can continue its operations without draining CUC's remaining resources.
- (3) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (4) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

**WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:**

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;

- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law.* 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth.

**WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:**

- (1) There is no Board of Directors. CUC has functioned without a Board because it has had to. While CUC's enabling act, reenacted as P.L. 16-17, as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's Office have diligently tried to find persons who meet the complex statutory qualifications, they have been unable to do so. Nonetheless, CUC must continue to function.

- (2) Without a Board in place, I still must provide for the continued operations of CUC. The Executive Director needs to be able to negotiate with federal and other agencies.

**WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY,** I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**NOW, THEREFORE,** I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**DIRECTIVE 1:** All of the executive power of the CUC, which shall include any and all powers vested in the Board of Directors and the Executive Director, shall be exercised by my designated Executive Director.

**DIRECTIVE 2:** Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:

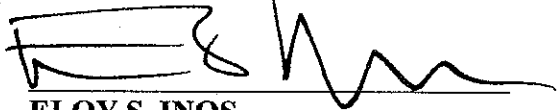
**3 CMC §4531. Restrictions on Government Employment**

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

**SIGNED AND PROMULGATED** on this 18<sup>TH</sup> day of September 2013.

A handwritten signature in black ink, appearing to read 'ELOY S. INOS', written over a horizontal line.

**ELOY S. INOS**

Governor,

Commonwealth of the Northern Mariana Islands