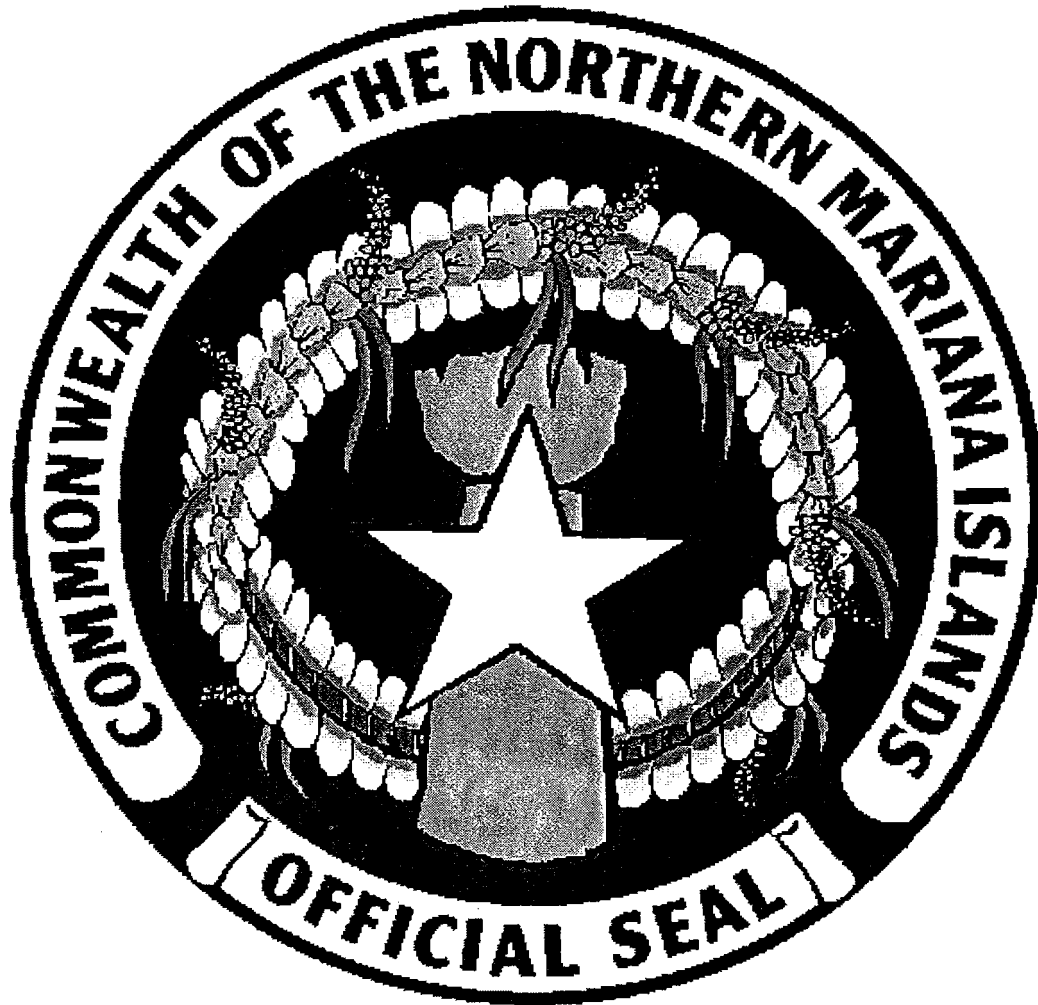


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



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COMMONWEALTH REGISTER  
VOLUME 29  
NUMBER 07

JULY 18, 2007

# COMMONWEALTH REGISTER

VOLUME 29  
NUMBER 07  
JULY 18,2007

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# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

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

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

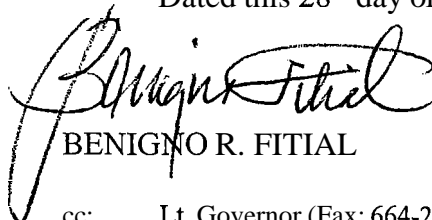
WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

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

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

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prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for alike term, and giving reasons for extending the emergency.

Dated this 28<sup>th</sup> day of June 2007.



BENIGNO R. FITIAL

cc: Lt. Governor (Fax: 664-2311)  
Senate President (Fax: 664-8803)  
House Speaker (Fax: 664-8900)  
Mayor of the Northern Islands (Fax: 664-2710)  
Executive Assistant for Carolinian Affairs (Fax: 235-5088)  
Director of Emergency Management (Fax: 322-7743)  
Attorney General (Fax: 664-2349)  
Secretary of Finance (Fax: 664-1115)  
Commissioner of Public Safety (Fax: 664-9027)  
Special Assistant for Management and Budget (Fax: 664-2272)



**BOARD OF PROFESSIONAL LICENSING**  
**Commonwealth of the Northern Mariana Islands**

P.O. Box 502078

Saipan, MP 96950

Tel. No.: (670) ~~234-5897~~ 664-4809

Fax No.: (670) ~~234-6040~~ 664-4813

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

The Board of Professional Licensing ("BPL") hereby gives notice to the general public that it proposes to amend the following of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects and §125-20.1 of NMIAC Title 25:

- Section 2.44 of the regulations and Section (rr)(1) 125-20.1-020
- Section 2.46 of the regulations and Section (tt)(1) 125-20.1-020
- Section 2.52 of the regulations and Section (zz)(1) 125-20.1-020
- Section 3.1(f) of the regulations and Section (f) 125-20.1-101
- Section 3.2(B) of the regulations and Section (b) 125-20.1-105
- Section 3.4(A) of the regulations and Section (a) 125-20.1-115
- Section 4.6 of the regulations and Section (b)(1),(2),(3),(4),(6), (9) 125-20.1-220
- Section 5.1 of the regulations and Section 125-20.1-301
- Section 5.2(1)(b),(c) of the regulations and Section (a)(1)(ii), (iii) 125-20.1-305
- Section 5.2(A)(2)(a),(b),(c),(d) of the regulations and Section (a)(2)(i),(ii),(iii),(iv) 125-20.1-305
- Section 5.2(B)(1)(a),(b),(c),(d) of the regulations and Section (b)(1),(2),(3),(4) 125-20.1-305
- Section 5 (C)(1)(b),(c) of the regulations and Section (c)(1)(ii),(iii) 125-20.1-305
- Section 5.2(C)(2)(a),(b),(c) of the regulations and Section (c)(2)(i),(ii),(iii) 125-20.1-305
- Section 5.2(D)(1)(a),(b),(c) of the regulations and Section (d)(1),(2),(3) 125-20.1-305
- Section 5.5(11) of the regulations and Section 125-20.1-320(k)
- Section 11.2(A) of the regulations and Section (a) 125-20.1-810
- Section 13.2(I) of the regulations and Section (i) 125-20.1-1005

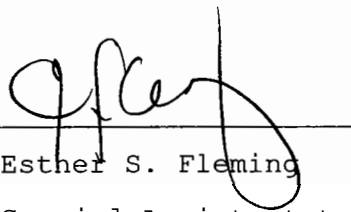
The attached proposed amendments would modify the regulations as published in the Commonwealth Register, Vol. 24, No. 5 on May 20, 2002.


The BPL must amend these sections of the regulations to be consistent with P.L. 14-95 (effective Oct 2005), the "Board of Professional Licensing Amendments Act of 2005" which amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code.

The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested

persons may obtain copies of the proposed amendments from the Board of Professional Licensing's office located at Bldg. 1336, Ascension Drive, Capitol Hill, Saipan. Written comments on these amendments should be sent to the BPL, P.O. Box 502078, Saipan MP 96950.

Submitted By:  6/07/07  
Francisco Q. Guerrero  
Chairman, BPL  
Date

Received By:  6/10/07  
Esther S. Fleming  
Special Assistant to the  
Governor  
Date

Received By:  7-10-07  
Bernie B. Delacruz  
Corporate Register  
Commonwealth  
Date

**Certification by the Office of the Attorney General**

Pursuant to 1 CMC 52153, as amended by P.L. 1050, the proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

 7/9/07  
Attorney General  
Date

NOTICE OF PROPOSED AMENDMENTS TO THE  
BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR  
ENGINEERS, ARCHITECTS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

**Citation of Statutory Authority**

The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to 1 CMC §3108.

***Summary of Amendment***

BPL must amend the regulations to be consistent with P.L. 14-95, the "Board of Professional Licensing Amendments Act of 2005" which amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Div. 3, Title 4 of the Commonwealth Code.

**Citation of Affected Regulations**

Sections 2.44, 2.46, 2.52, 3.1(f), 3.2(B), 3.4(A), 4.6, 5.1, 5.2(1)(b), (c), 5.2(A)(2)(a), (b), (c), (d), 5.2(B)(1)(a), (b), (c), (d), 5.2(C)(1)(b), (c), 5.2(C)(2)(a), (b), (c), 5.2(D)(1)(a), (b), (c), 5.5(11), 11.2(A), and 13.2(I)

**For Further Information:**

Florence C. Sablan  
BPL at tel# 664-4809



**BOARD OF PROFESSIONAL LICENSING  
Commonwealth of the Northern Mariana Islands**

P.O. Box 502078  
Saipan, MP 96950  
Tel. No.: (670) ~~234-5897~~ 664-4809  
Fax No.: (670) ~~234-6040~~ 664-

**NOTISIA POT MAN MAPROPONE NA AMENDASION SIHA PARA  
I REGULASION I KUETPON I MALISENSIAN PROFESIONÁT  
PARA I ENGINEER, ARCHITECT, GRAMINSOT YAN  
LANDSCAPE ARCHITECT SIHA**

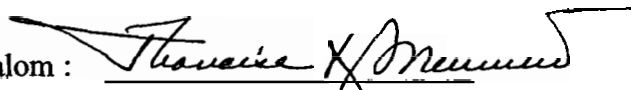
I Kuetpon I malisensian profesionát (“BPL”) este na momento man ná’ná’i’ notisia para I publiku henerát na man propopone para u amenda I man sigente siha na Regulasion siha para I Engineer, Architect, Graminsot yan Land Architects yan Seksiona 125-20.1 gi Titilu NMIAC 25:

- Seksiona 2.44 gi regulasion siha yan Seksiona (rr) (1) 125-20.1-020
- Seksiona 2.46 gi regulasion siha yan Seksiona (tt) (1) 125-20.1-020
- Seksiona 2.52 gi regulasion siha yan Seksiona (zz) (1) 125-20.1-020
- Seksiona 3.1 (f) gi regulasion siha yan Seksiona (f) 125-20.1-101
- Seksiona 3.2 (B) gi regulasion siha yan Seksiona (b) 125-20.1-105
- Seksiona 3.4 (A) gi regulasion siha yan Seksiona (a) 125-20.1-115
- Seksiona 4.6 gi regulasion siha yan Seksiona (b) (1), (2), (3), (4), (6), (9) 125-20.1-220
- Seksiona 5.1 gi regulasion siha yan Seksiona 125-20.1-301
- Seksiona 5.2 (1) (b), (c), (d) gi regulasion siha yan Seksiona (a) (1) (ii), (iii) 125-20.1-305
- Seksiona 5.2 (A) (2) (a), (b), (c), (d) gi regulasion siha yan Seksiona (a) (2) (i), (ii), (iii), (iv) 125-20.1-305
- Seksiona 5.2 (B) (1) (a), (b), (c), (d) gi regulasion siha yan Seksiona (b) (1), (2), (3), (4) 125-20.1-305
- Seksiona 5.2 (C) (1) (b), (c) gi regulasion siha yan Seksiona (c) (1) (ii), (iii) 125-20.1-305
- Seksiona 5.2 (C) (2) (a), (b), (c) gi regulasion siha yan Seksiona (c) (2) (i), (ii), (iii) 125-20.1-305
- Seksiona 5.2 (D) (1) (a), (b), (c) gi regulasion siha yan Seksiona (d) (1), (2), (3) 125-20.1-305
- Seksiona 5.5 (11) gi regulasion siha yan Seksiona 125-20.1-320 (k)
- Seksiona 11.2(A) gi regulasion siha yan Seksiona (a) 125-20.1-810
- Seksiona 13.2 (D) gi regulasion siha yan Seksiona (i) 125-20.1-1005

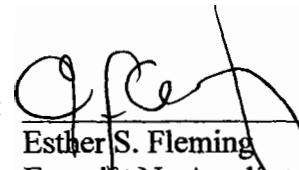
I man mapropone na amendasion siha ni man che’che’ton siempre a tulaika I regulasion siha anai mapupblisa gi Rehistran I Commonwealth Baluma 24, Numiru 5 gi Måyu 20, 2002.

I Kuetpon Malisensian Profesionát debi di u amenda este siha na seksiona gi regulasion siha pot para u konsiste ni I Lai Publiku 14-95 (efektibu gi Oktubre 2005), I “Åkton Amendasion I Kuetpon Malisensian Profesionit gi 2005” ni a amenda I nisisidåt I malisensian profesionát yanggen madiroroga ya ma’odedena Kapitulu 1 yan 2 gi Dibision 3, Titilu 4 gi Kodigun I Commonwealth.


Man gâgagâo I Kuetpo opinion siha ni tineteka este siha man mapropone na amendasion siha ni debi di u maresibi gi **hâlom** trenta (30) **diha** siha gi I **fine'nina** na publikan este na notisia gi **Rehistran** I Commonwealth. I **hâyi** man **enteresâo** na petsona **siña** man **mañule'** kopia siha pot I **man** mapropone na **amendasion** gi I **Ofisinan** I Kuetpon I Malisensian **Profesionât** gi Bldg. # 1336, Ascension Drive, giya Capitol Hill, Saipan. **Tinige'** opinion siha pot este na amendasion debi di u **ma'hanâgue** guatu I Kuepon I **Malisensian Profesionât**, gi P.O. Box 502078, Saipan MP 96950.

Ninahalom :   
Francisco Q. Guerrero  
Kabiseyo, Kuetpon I Malisensian **Profesionât**

6/07/07  
Fecha

Maresibe' as:   
Esther S. Fleming  
Espesiât Na Ayudântén Atministrasion  
~~Para~~ I Gubietno

7/10/07  
Fecha

Maresibe' as:   
Bernie B. Dela Cruz  
Rehistran I Koporasion

7-10-07  
Fecha

**Setifikasion ginen I Ofisinan I Abugâdu Henerât**

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni lai **Publiku** 10-50, I man mapropone na **amendasion** a para I **reklamento** yan **Regulasion** siha ni man che'che'ton **esta man** ma'ina yan ma'aprueba pot para u fotma yan **ligât** **sufisiente** ni I **Ofisinan** I **Abugâdu Henerât**.

\_\_\_\_\_  
Abugâdu Henerât

\_\_\_\_\_  
Fecha



**BOARD OF PROFESSIONAL LICENSING**  
**Commonwealth** Téél faluw kka Falúwasch Marianas  
P.O Box 502078  
Seipel, MP 96950  
Tilifoon No.: (670)664-4809  
Tilifoon No.: (670) 664-4813

**ARONG REEL POMWOL LLIWEL KKAAL MELLOL ALLÉGHÚL MWIISCH  
(BOARD) MELLÓL PROFESSIONAL LICENSING BWELLE ENGINEERS,  
ARCHITECTS, LAND SURVEYORS (SCHOOY AKKAPEEL FALÚW) ME  
LANDSCAPE ARCHITECTS (SCHOOY AMMWELIL FALÚW)**

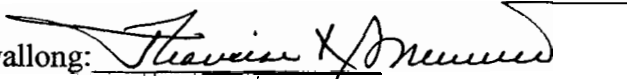
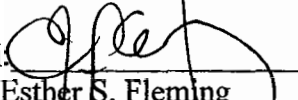
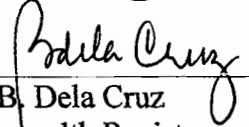
Board (Mwiischil) Professional Licensing ("BLP") ekke arongaar toulap igha ebwe liweli táilil allégh kkaal bwelle reel Engineers, Architects, Land Surveyors (schóoy akkapéel falúw) me Landscape Architects (schóoy ammwelil faluw) me Tálil 125-20.1 mel16l NMIAC Title 25:

- Tálil 2.44 116l allégh kkaal me Tálil (rr) (1) 125-20.-1-020
- Tálil 2.46 116l allégh kkaal me Talil (tt) (1) 125-20.-1-020
- Tálil 2. 52 116l alléghul kkaal me Tálil (zz) (1) 125-2.- 1-020
- Tálil 3.1 (f) 116l allégh kkaal me Tálil (f) 125-20. 1-105
- Tálil 3.2 (B) 116l allégh kkaal me Tálil (b) 125020. 1-105
- Tálil 3.4 (A) 116l allégh kkaal me Tálil (a) 125-20.1-115
- Tálil 4.6 116l allégh kkaal me Tálil (b) (1), (2), (3), (4), (6), (9) 125-20. 1-220
- Tálil 5.1 116l allégh kkaal me Tálil 125-20. 1 301
- Tálil 5.2 (1) (b), (c) 116l allégh kkaal me Tálil (a) (1) (ii), (iii) 1250-20. 1-305
- Tálil 5.2 (B) (1) (a), (b), (c), (d) 116l allégh kkaal me Talil (b) (1), (2), (3), (4) 125-20.1305
- Tálil 5.2 (C) (1) (b), (c) 116l allégh kkaal me Tálil (c) (2) (i), (ii), (iii) 125-20. 1-305
- Tálil 5.2 (D) (1) (a), (b), (c) llol allégh kkaal me Talil (d) (1), (2),(3) 125-20.1-305
- Tálil 5.5 (11) 116l allégh kkaal me Tálil 125-20. 1-320 (k)
- Tálil 11.2 (A) 116l allégh kkaal me Talil (a) 125-20. 1-810
- Tálil 13.2 116l allégh kkaal me Tálil (i) 125-20.1 1005

Pomwol ssiwel kka e appasch nge ebwe fféer ghatch alléghúl ikka aa akkatééwow mel16l Commonwealth Register, Vol. 24, No. 5 ótol Ghuuw (May) 20,2002.

BPL ebwe ssiweli táilil allégh kkaal igha ebwe ghol ngáli P.L. 14-95 ( schéschéél Sarobwél (October) 2005), “ Mwiischil Professional Licensing ebwe mweiti ngáli igha ebwe fféer sefál me allégh sefal ghilighil ye 1 me Táilil 3, Title 4 me1101 Commonwealth Code.

Schóóy mwiisch rekke tittingór ischil mángemáng bwelle reel pomwol lliwel kkaal ikka board (mwiisch) rebwe bwughil ótol eliigh (30) ráalil sáangi mmwal akkatéél ammataf yeel me1101 Commonwealth Register. Schóókka re tipeli nge emrwel rebwe bweibwogh pomwol lliwel **kkaal mereel** Bwulasiyool Board of Professional Licensing iye elo reel Bldg. 1336, Ascension Drive, capitol Hill, Seipél. Ischil mángemáng reel lliwel kkaal ebwe akkafang ngáli BPL, P.O. 502078, Seipel MP 96950.

Isáliyallong:		<u>6/07/07</u>
	Francisco Q. Guerrero Samwoolul, BPL	Ríl
Mwir sáangi:		<u>07/10/07</u>
	Esther S. Fleming Sow Alillisil Sow Lemelem	Rál
Ammwel sáangi:		<u>7-10-07</u>
	Bernie B. Dela Cruz Commonwelth Register	Rál

Alúghúlúgh mereel Bwulasiyool Sów Bwungul Allégh Lapalap

Sáangi allégh ye 1 CMC Táilil 2153, iye aa lliweló mereel Alléghúl Toulap 1050, pomwol lliwel kkaal ngáli alléghúl me ammwelil kka e appasch nge raa takkal amweri fischi me aléghéléghéló mereel Bwulasiyool Sow Bwungul Allégh Lapalap.

\_\_\_\_\_  
Sów Bwungul Allégh Lapalap

\_\_\_\_\_  
Ríl

REGULATIONS OF THE  
BOARD OF PROFESSIONAL LICENSING  
FOR  
ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

PART I. GENERAL PROVISIONS

**1.1 Purpose**

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

**1.2 Authority**

These regulations are adopted herewith pursuant to authority vested in the Board under P. L. 4-53.

**1.3 Force and Effect**

These regulations and the Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities licensed under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding licenses, certificates of authorization and temporary permits. No person except those exempted by sections 3213 of P. L. 14-95 shall practice engineering, architecture, land surveying or landscape architecture unless licensed hereunder.

**1.4 Rules of Order**

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

PART II. DEFINITIONS

**2.1 ABET** - The letters "ABET" shall mean Accreditation Board for Engineering and Technology.

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

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

- 2.4 Approved School or College** - The term " approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.
- 2.5 A.R.E.** - The letters "A.R.E." shall mean Architect Registration Examination prepared by NCARB.
- 2.6 Architect** - The term "architect" shall mean a person who has been duly licensed by the Board to engage in the practice of architecture within the Commonwealth.
- 2.7 Base State** - The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially licensed or the jurisdiction to which an applicant has transferred his base state status.
- 2.8 Board** - The "board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by 4 CMC § 3101.
- 2.9 Branch** - The term "branch" shall mean the various branches of the engineering profession, i.e. civil, structural, mechanical, electrical, etc.
- 2.10 CACB** - The letters "CACB" shall mean the Canadian Architectural Certification Board.
- 2.11 CBRPELS** - The letters "CBRPELS" shall mean the California Board of Registration for Professional Engineers and Land Surveyors.
- 2.12 CEAB** - The letters "CEAB" shall mean the Canadian Engineering Accreditation Board.
- 2.13 Certificate of Authorization** - The term "certificate of authorization" means a written certificate issued by the Board to a partnership or corporation which identifies the firm as legally entitled to engage or offer to engage in the practice of engineering, architecture, land surveying or landscape architecture within the CNMI.
- 2.14 Chemical Engineering** - That branch of engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved.
- 2.15 Civil Engineering** - That branch of engineering which embraces activities or studies in connection with fixed

works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena forces of nature; preparation and /or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals, valuations and inspection of the construction of engineering structures.

- 2.16 CLARB** - The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- 2.17 Commonwealth (CNMI)** - The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- 2.18 Construction Inspection** - The term "construction inspection" means making visits to the site by a licensed engineer, architect, or landscape architect, or qualified representatives, to inspect or observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape architect be responsible for construction means, methods, techniques, sequences, or procedures or for safety precautions and programs in connection with the work.
- 2.19 Consulting Engineer** - The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.
- 2.20 Direct Supervision** - The term "direct supervision" shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.
- 2.21 Design** - The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, scheme, model, contrivance or procedure which conveys the plan, location,

arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.

- 2.22 Directly In Charge of the Professional Work** - The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.
- 2.23 Electrical Engineering** - That branch of engineering which embraces studies, design and activities relating to the general transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.
- 2.24 Engineer** - The term "engineer" shall mean a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined.
- 2.25 Engineer Intern (Engineer-In-Training)** - Engineer intern shall mean a person who has met the education and character requirements as set forth herein and have taken and passed the Fundamentals of Engineering Examination and has been duly licensed by the Board.
- 2.26 Firm** - The term "firm" shall mean the business entity that offers engineering, architectural, land surveying or landscape architecture services to the public of their licensed personnel who are either employees, officers or partners of the company.
- 2.27 Gross Negligence** - The term "gross negligence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions indifference to and/or wanton disregard of accepted standards of care and/or legal obligation so far as other persons may be affected.
- 2.28 Incompetence** - The term "incompetence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions lack of ability to produce work in conformity with accepted professional standards.

- 2.29 Investigation** - The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.
- 2.30 Jurisdiction** - The term "jurisdiction" shall mean the state, commonwealth, territory or possession of country authorized by law to license engineers, architects, land surveyors or landscape architects.
- 2.31 Landscape Architect** - The term "landscape architect" shall mean a person who has been duly licensed by the Board to engage in the practice of landscape architecture in the Commonwealth.
- 2.32 Land Surveyor** - The term "land surveyor" shall mean a person who has been duly licensed by the Board to engage in the practice of land surveying in the Commonwealth.
- 2.33 Land Surveyor Intern (Land Surveyor in Training)** - The term "land surveyor intern" shall mean a person who has met the educational requirement as set forth herein, and in either case has passed the examination on fundamentals of surveying and has been duly licensed by the Board.
- 2.34 Marine Engineering** - That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.
- 2.35 Mechanical Engineering** - That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment and systems, including research, design, production, operation, organization, and economic aspects of all the above.
- 2.36 NAAB** - The letters "NAAB" shall mean the National Architectural Accreditation Board.

- 2.37 Naval Architect** - This discipline is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structures mechanics, elements of ship architecture and ship static and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- 2.38 NCARB** - The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- 2.39 NCEES** - The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- 2.40 Negligence** - The term "negligence" is the performance of professional work by a licensee which demonstrates through errors and /or omissions a lack of due care in accordance with accepted professional standards.
- 2.41 Person** - The term "person" shall include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, or any other person acting in a fiduciary or representative capacity, or any combination of individuals.
- 2.42 Practice of Architecture** - The term "practice of architecture" means consisting of providing or offering to provide certain services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and site surrounding such buildings, which have as their principal purpose human occupancy or habitation; the service referred to include pre-design services, programming, planning, providing designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined hereinafter.

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



other service designated by the practitioner which is recognized as architecture.

Section 2.44 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (rr) (1) of **125-20.1-020** of **125-20.1**, NMIAC Title 125.

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

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

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

(B) A person is considered to practice or offer to practice engineering, within the meaning and intent of the law, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement,

letterhead, card or in any other way represents themselves to be an engineer or through the use of some other title, implies that they are licensed or holds themselves out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

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

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

**Section 2.46 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (tt) (1) of 125-20.1-020 of 125-20.1, NMIAC Title 125.**

**2.45 Practice of Land Surveying** - The term "practice of land surveying" (A) shall mean providing or offering to provide professional services using such services as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of

the earth, improvements on the earth, the space above, on, or below the earth, (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

(i) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon.

(ii) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.

(iii) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, or easement.

(iv) Making any survey for the division, subdivision, or consolidation of any tract(s) of land.

(v) Locating or laying out alignments, positions, or elevations for the construction of fixed works.

(vi) Determining, by the use of principles of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point.

(vii) Creating, preparing, or modifying electronic or computerized or other data, relative to the performance of the activities in the above described items (a) through (f).

(B) Any person is considered to practice or offer to practice land surveying with the meaning and intent of the law who engages in land surveying or who by verbal claim, sign, letterhead, card or in any other way represents themselves to be a land surveyor or who represents themselves as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.

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

**2.47 Reprimand** - A formal criticism and/or admonishment directed to the licensee as a result of the violation noted.

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

**2.49 Revocation** - A termination of a license or certificate to practice. Such action should require that the licensee or firm surrender any and all license or certificate and wallet card issued by the Board.

**2.50 Rules of Professional Conduct** - The term "Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture, land surveying and landscape architecture in the Commonwealth.

**Section 2.52 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (zz) of 125-20.1-020 of 125-20.1, NMIAC Title 125.**

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

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

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

- 2.54 Suspension** - A suspension terminates a certificate and/or license privileges for a limited time. The certificate and/or license may be reinstated after the licensee or firm fulfilled conditions imposed by the Board.
- 2.55 Warning Letter** - A letter issued to a licensee or firm based upon a threshold determination that unacceptable conduct has occurred. A warning letter can be used when it is determined that a suspension or revocation is not appropriate, but some level of criticism is needed.

**PART III. APPLICATIONS**

**3.1 Filing of Applications**

- A. All applications filed with the Board shall be complete, filed on the forms provided by the Board and prepared in accordance with and contain all the information called for on the form.
- B. Information on the application form must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.
- C. To allow time for the Board to process the application for examination, receive verification of required information and order examination booklets, application must be filed with the Board at least ninety (90) days prior to the examination date established by NCEES or CBRPELS.
- D. Information on the application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was employed in another type of work for a period of time, that must be indicated in the applicant's experience record.
- E. Council record submitted to the Board by NCEES or NCARB shall be accepted in lieu to the information required on the application furnished by the Board. Application must still be signed and notarized under oath and a photograph attached, as required under Section 19 of the application.

**Section 3.1 (F) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (F) of 125-20.1-101 of 125-20.1, NMIAC Title 125.**

- F. All applications shall be accompanied by one endorsed passport-size photograph of the applicant. The photograph may be either black and white or color, **not profiled or**

retouched, full-face taken within 30 days of the date of the application. **Signature must be affixed on the lower right hand corner of the photograph.**

G. Applications submitted to the Board shall be signed and attested before a notary public.

H. The withholding of information, misrepresentation of fact or attesting to untrue statements shall be grounds for the denial or revocation of an application or license.

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

### **3.2 Kinds of Applications**

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

**Section 3.2 (B) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (b) of 125-20.1-105 of 125-20.1, NMIAC Title 125.**

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

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

D. No person shall be eligible for licensure by comity unless such person possesses the same qualifications and meets the same requirements as other applicants for a license in the same profession or branch.

### **3.3 Supporting Documents**

A. Applications for licensure by comity shall include one (1) copy of the applicant's:

(a) college or university diploma or a transcript of all college courses taken;

(b) license(s) or wallet size card(s) issued by another jurisdiction where the applicant is licensed. Applicants for licensure who are NCEES or NCARB certificate or council holders shall be exempt from this requirement.

B. Applications for licensure by examination shall include a certified transcript send directly to the Board by the college or university from which the applicant graduated.

**Section 3.4 (A) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (a) of 125-20.1-115 of 125-20.1, NMIAC Title 125.**

### **3.4 Foreign Education and Experience**

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

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

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

### **3.5 Interview**

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

### **3.6 Reconsideration of Disapproved Application**

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

1. The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the

Board within thirty (30) days of the date of the notice of disapproval.

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

- (a) mistake of fact or law;
- (b) new evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
- (c) any other evidence or reason justifying a petition for reconsideration.

3. Only one petition for reconsideration shall be accepted by the Board.

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

#### PART IV. FEES

##### **4.1 Method of Payment**

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

##### **4.2 Application Fees**

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

##### **4.3 Examination Fees**

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

##### **4.4 Dishonored Checks**



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

#### 4.5 Renewal Fees

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

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

**Section 4.6 (Examination Fees) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (b)(1),(2),(3),(4),(6),(9) of 125-20.1-220 of 125-20.1, NMIAC Title 125.**

#### 4.6 Schedule of Fees

##### Application Fees:

Initial Application

\$100.00

Re-consideration Application

100.00

Certificate of Authorization Application

100.00

Application for Examination

100.00

##### Examination Fees:

Fundamentals of Engineering (FE)

**150.00**

Principles and Practice of Engineering (PE)

**180.00**

Special Civil Seismic Examination

**300.00**

Structural I

**180.00**

Structural II

450.00

Fundamentals of Land Surveying (FLS)

**180.00**

CNMI Land Matters Exam

50.00

Proctoring Fees

**150.00**

NCARB ARE - Follow all NCARB's fee schedule for all divisions.

##### Licensure Fees:

E.I.T./L.S.I.T. License 100.00

Initial License 200.00

Certificate of Authorization 200.00

Temporary License 250.00

**Renewal Fees:**

Bi-Annual (Individual)	200.00
Delinquent (each month)	25.00
Certificate of Authority	200.00
Delinquent (each month)	25.00
Reinstatement	250.00
Replacement/Duplication of License	75.00

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

**PART V. REQUIREMENTS FOR LICENSURE**

**Section 5.1 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-301 of 125-20.1, NMIAC Title 125.**

**5.1 Character and Reputation**

All applicants shall possess a reputation for honesty, trustworthiness, fairness, good financial integrity and is of good moral and ethical character.

**5.2 Qualifications for Licensure**

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person has met the education, experience and examination qualifications as required by law. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure:

**A. Engineering**

1. Engineer Intern (EI)

(a) Applicant graduated from a university/college accredited by ABET or CEAB with four (4) years of engineering curriculum and has also successfully passed the Fundamentals of Engineering Examination; or

**Section 5.2 (1) (b), (c) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (a) (1) (ii), (iii) of 125-20.1-305 of 125-20.1, NMIAC Title 125.**

(b) Applicant graduated from a university/college not accredited by ABET or CEAB with four (4) years of engineering curriculum, has four (4) years of **progressive engineering experience satisfactory to the Board** and has also

**successfully** passed the Fundamentals of Engineering Examination; or

(c) Applicant has eight (8) years of **progressive engineering** experience and has **also successfully** passed the Fundamentals of Engineering Examination.

**Section 5.2 (A) (2)(a), (b), (c), (d) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (a) 2 (i), (ii), (iii), (iv) of 125-20.1-305 of 125-20.1, NMIAC Title 125.**

2. Professional Engineer (PE):

(a) Applicant holds a master's degree in engineering from an institution of higher education accredited by ABET or CEAB, and has completed two (2) years of **progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully** passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(b) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college accredited by ABET or CEAB and has completed four (4) years of **progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully** passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(c) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college not accredited by ABET or CEAB and has completed eight (8) years of **progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also**

**successfully** passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(d) Applicant has twelve (12) years of **progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully** passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for.

Section 5.2 (B) (1) a ), (b), (c), (d) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (b) 1 (2), (3), (4) of 125-20.1-305 of 125-20.1, NMIAC Title 125.

#### B. Architecture

##### 1. Architect:

(a) Applicant holds a master's degree in architecture from an institution of higher education accredited by NAB or **CACB**, and has at least one (1) year of **progressive experience in architectural work satisfactory to the Board, which shall have been under the supervision of a licensed architect, and has also successfully** passed the Architect Registration Exam (ARE); or

(b) Applicant is a graduate of an architectural curriculum of five (5) years or more in a college accredited by **NAAB** or **CACB**, and has completed two (2) years of **progressive experience in architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed architect, and has also successfully** passed the Architect Registration Exam (ARE); or

(c) Applicant is a graduate of an architectural curriculum of four (4) years or more in a college not accredited by **NAAB** or **CACB**, and has completed eight (8) years of **progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect,**

and has **also successfully** passed the Architect Registration Exam (ARE); or

(d) Applicant has had twelve (12) years of **progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect, and has also successfully** passed the Architect Registration Exam (ARE).

**Section 5.2(C)(1)(b),(c) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (c)(1)(ii),(iii) of 125-20.1-305 of 125-20.1, NMIAC Title 125.**

**C. Land Surveying**

1. Surveyor Intern (SI):

(a) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying and has also successfully pass the Fundamentals of Surveying Examination; or

(b) Applicant is a graduate of a community college approved by the Board and has completed a civil engineering or surveying curriculum of two years or more, has four (4) years of **progressive experience in land surveying work satisfactory to the Board,** and has also successfully passed the Fundamentals of Surveying Examination; or

(c) Applicant has eight (8) years of **progressive experience in land surveying work satisfactory to the Board,** and has **also successfully** passed the Fundamentals of Surveying Examination; or

**Section 5.2(C)(2)(a), (b),(c) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (c) 2 (i),(ii),(iii) of 125-20.1-305 of 125-20.1, NMIAC Title 125.**

2. Professional Land Surveyor (PLS):

(a) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying, and has completed four (4) years of **progressive experience in land surveying work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed land surveyor, and has also successfully** passed

both the Fundamentals of Surveyor Examination and the Principles and Practice of Surveying Examination; or

(b) Applicant is a graduate of a college not accredited by ABET or CEAB, has completed a civil engineering **or surveying curriculum** of two years or more, has completed eight (8) years of **progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully** passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Surveying Examination; or

(c) Applicant has had twelve (12) years of **progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully** passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Surveying Examination.

*Section 5.2 (D) (1) a , (b), (c) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (d) (1), (2), (3) of 125-20.1-305 of 125-20.1, NMIAC Title 125.*

**D. Landscape Architecture**

1. Landscape Architect:

(a) Applicant graduated from a university/college accredited by LAAB with four (4) years of landscape architectural curriculum, has four (4) years of **progressive experience in landscape architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed landscape architect, and has also successfully** passed the Uniform National Examination (UNE); or

(b) Applicant graduated from a university/college not accredited by LAAB with four (4) years of landscape architectural curriculum, and has completed eight (8) years of **progressive experience in landscape architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully** passed the Uniform National Examination; or

(c) Applicant has had twelve (12) years of progressive experience in landscape architecture work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the Uniform National Examination.

**5.3 Engineering Technology Degrees**

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

**5.4 Applicants with Degrees from Foreign Schools**

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

**5.5 Experience**

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

1. Field and office training under the supervision of licensed engineers, architects, land surveyors or landscape architects.
2. Experience must be progressive on engineering, architecture, land surveying and landscape architecture projects to indicate that it is of increasing quality and requiring greater responsibility.
3. Only work of an engineering, architectural, land surveying or landscape architecture, as the case may be, which follows graduation is creditable.
4. Experience must not be obtained in violation of the statute, regulations or rules of professional conduct.
5. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian section doing similar work.
6. Teaching experience to be creditable must be at an advanced level in a college or university offering

an engineering, architectural, land surveying or landscape architecture curriculum, as the case may be, of four years or more that is approved by the Board.

7. Experience gained in engineering or architectural research and design projects by members of an engineering or architectural faculty where the curriculum is approved by the Board is creditable.

8. Successful completion of graduate study leading to a master's degree in engineering following a baccalaureate degree in engineering is creditable for one year experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The two years credit includes the one year credited for the master's degree. If the Ph.D. is obtained without a master's degree or with a master's degree in a non-engineering curriculum, the total creditable experience may be two years.

9. Land Surveyors are required that a substantial portion of their experience be spent in charge of work related to property conveyance and/or boundary line determination and, that they demonstrate adequate experience in the technical field aspects of the profession.

10. Experience as a contractor in the execution of work designed by an engineer, architect or landscape architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.

**Section 5.5 (11) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-320 (k) of 125-20.1, NMIAC Title 125.**

11. Experience may not be anticipated. **The experience must have been gained by the time of the application.**

#### **5.6 References**

A. References shall be individuals who are personally acquainted with the applicant and are able to issue judgements on the applicant's character and reputation, ability and experience.

B. Applicants for licensure shall submit the names and current addresses of five (5) references, three of the references must be licensed practitioners in the discipline or branch in which licensure is requested. References must



be able to provide information based upon first hand knowledge of the applicant's character, experience and professional qualifications.

C. At least three (3) character references must be given for engineer intern or surveyor intern licensure.

D. Relatives of the applicant may not be used as reference.

E. No current member of the Board may be used as a reference.

F. Each applicant should inform the persons being used as references.

G. For a state board's verification, the Board shall accept only an official verification of licensure forwarded by the state board when sealed with the Board's seal and signed by a board director/administrator, which issued the applicant's license attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in Section 5.7 of this regulations.

H. The applicant shall be responsible for requesting the transmittal of council records from NCARB or NCEES to the Board and paying all fees associated with the transmittal.

I. It is the responsibility of the applicant to assure the return of a completed reference form to the Board by the persons giving the reference within a reasonable time. This includes educational transcripts and verification of a license in other jurisdictions. All reference materials must be complete before any Board action may be taken on an application.

J. The Board shall accept completed reference verification forms only when:

- (a) received from the U.S. Postal Service or other delivery services from the reference source directly;
- (b) hand-delivered to the Board office by the reference himself/herself and the form is signed and sealed by the reference himself/herself.

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

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

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

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

## **5.7 Examinations**

### **A. General Provisions**

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

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

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

4. The Board shall adopt the recommendations of NCEES, NCARB or CBRPELS on passing scores for the grading of engineering, land surveying, architecture and landscape architecture examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

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

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

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

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

B. Engineering Examinations

1. Classification of Engineering Examinations

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

(a) FE - Fundamentals of Engineering Examination for engineer intern applicants (8 hours); and

(b) PE - Principles and Practice of Engineering Examinations for professional engineer in the appropriate engineering branch (8 hours).

(c) SE - Structural Engineering Examinations (16 hours, Structural I - 8 hours and Structural II - 8 hours).

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

2. Eligibility of Applicant for an Engineering Examination

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

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

C. Architecture Examinations

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

2. Grading shall conform to current practices of NCARB.

3. Eligibility of Applicant for a Architectural Examination

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

D. Land Surveying Examinations

1. Classification of Land Surveying Examinations  
The Board shall adopt and administer examinations prepared by NCEES as the standard examination of applicants for licensure as a land surveyor as follows:

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

(b) PLS - Principles and Practice of Land Surveying Examination (6 hours)

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

2. Eligibility of Applicant for a Land Surveying Examination

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

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

E. Examination Dates and Locations

Examination dates are determined by the Board based on recommendations by NCEES, NCARB or CBRPELS, respectively. The location of each examination is determined by the Board and is based upon the availability of acceptable examination space.

1. Engineering and Land Surveying Examinations

An applicant to sit for the Fundamentals of Engineering Examination, the Fundamentals of Land Surveying Examination, the Principles and Practice of Engineering Examination or the Principles and Practice of Land Surveying Examination shall file an application no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

2. Architectural Examination

An applicant to sit for the computerized Architect Registration Examination (ARE) shall file an application at least 90 days before he or she plan to take the examination. Applicants approved by the Board to take the ARE will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. The application must be accompanied by the application fee.

3. California Special Civil Seismic Examination

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

later than July 01, before an examination which is conducted by the Board in October.

F. Proctoring Examinations for Other Jurisdictions

Proctoring examinations for other jurisdictions is at the discretion of the Board. A proctoring fee will be charged based on the fee established by the Board.

G. Language

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

H. Study Information

The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his or her own preparation material.

I. Instructions for Examinees

Instructions provided prior to each examination will declare an examination to be open or closed book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and some calculators or computers which are self-powered and non-printing may be used. None of this material may be loaned or exchanged between or among examinees.

J. Failure to Sit for Examination

A qualified applicant shall be given two (2) consecutive opportunities to take the examination. In the event the applicant fails to sit for the examination without cause acceptable to the Board, the application will be considered null and void and the applicant shall file new application and qualify to sit for a subsequent examination. The first scheduled examination following approval of an applicant to sit for the examination shall be considered the applicant's first opportunity. Failure of an applicant to attend an examination for which he/she has been scheduled to attend does not count as a failure of the examination.

K. Examination Results

Examination results will be reported only as pass or fail to each examinee in writing.

L. Review of Failed Examinations

Review of failed examinations shall be in accordance with the policies of NCEES, NCARB, CBRPELS or the exam vendors contracted by these organizations.

M. Examination for Record Purposes

1. An engineer, architect or land surveyor licensed by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fees.

2. Failure to pass an examination will in no way affect the current license.

N. Examination Offerings for Engineers and Land Surveyors  
A candidate who has failed to successfully complete the examination and wishes to retake it must submit a written request for re-examination, accompanied by the appropriate fees, no later than sixty (60) days prior to the scheduled exam date. A candidate may retake the examination as many times as necessary, but must submit a new application as required in Part III, accompanied by the appropriate fees, every third year following his or her initial examination session.

O. Examination Offerings for Architects  
Applicants approved by the Board to take the ARE will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. If you failed a division, you must wait a minimum of six months before retaking it. You must make arrangements directly with the test center to retake a division.

## PART VI. LICENSURE CLASSIFICATION

### **6.1 Engineering**

A. An applicant approved for licensure as an engineer shall be licensed as an:

1. Engineer Intern; or
2. Professional Engineer

B. Professional Engineers shall be licensed in one of the recognized NCEES branches of engineering.

### **6.2 Architecture**

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

### **6.3 Land Surveying**

A. An applicant approved for licensure as a land surveyor shall be licensed as a:

1. Land Surveyor Intern; or
2. Professional Land Surveyor

### **6.4 Landscape Architecture**

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

## VII. CERTIFICATE OF AUTHORIZATION

### 7.1 General Provisions

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

B. All engineers, architects, land surveyors, or landscape architects may practice engineering, architecture, land surveying, or landscape architecture on behalf of the firm provided that:

1. Each person also possess a valid license issued by the Board in the appropriate discipline and/or engineering branch; and

2. That such person is designated as being directly in charge and responsible for the work performed by the firm; and

3. That such person is a partner, officer, or a full-time employee of the firm; and

4. That such person has been delegated the legal authority to bind the firm in all matters relating to the work performed.

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

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

E. All firms must have a valid Certificate of Authorization before advertising to offer professional engineering, architectural, land surveying, or landscape



architectural services in the CNMI (see definition of "advertise" in Section 2.2 of this regulations).

7.2 Application for a Certificate of Authorization

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

1. The name, license number, discipline and/or branch and signature of the engineer, architect, land surveyor, or landscape architect licensed in the CNMI who is designated as being directly in charge and responsible for the work in the appropriate discipline and/or branch.

2. That should there be any change in the status of any person on file, whether as to a valid license, direct charge and responsible of work, full-time employment, partnership or officer of the firm, or legal authority to bind the firm, the firm shall notify the Board in writing within fifteen (15) days of such change, and, if necessary, also within the same fifteen days period, file the name of a replacement.

B. The application shall include a copy of the following documents:

1. A Certificate of Registration for a corporation not incorporated in the CNMI (also known as a foreign corporation); or

2. A Certificate of Incorporation for a corporation formed in the CNMI; or

3. A file stamped Partnership Registration statement; and

4. A business license for the appropriate professional business activity issued by the Business License Office of the Division of Revenue and Taxation, CNMI Department of Finance.

**PART VIII CERTIFICATES OR LICENSES**

**8.1 Issuance of Certificates or Licenses**

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

**8.2 License or Certificate Number**

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

**8.3 Certificate/License**

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

**8.4 Engineering Branch**

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

**8.5 Display**

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

**8.6 Replacement of License or Certificate**

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

**8.7 Prohibited Act**

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

**PART IX. SEALS**

**9.1 Board Seal**

The official seal of the Board shall consist of a imposed latte stone with star surrounded by the words "CNMI Board of Professional Licensing".

**9.2 Seal of Licensure**

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

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

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

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

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

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

**9.3 Seal on Documents**

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

B. Working drawings, unfinished documents, in-progress drawings or documents may or may not have a seal or signature. A working drawing or document must, however,

contain a statement to the effect "Preliminary, Not for Construction, Recording Purposes, or Implementation".

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

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

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

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

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

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

I. When a licensee in another jurisdiction has a temporary permit to practice in the Commonwealth, he or she

shall use his or her jurisdiction's seal and affix his or her signature and the CNMI temporary permit number on all work they controlled and are responsible for.

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

**9.4 Design Certification**

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

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

-----  
Signature

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

**9.5 Construction Inspection**

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

CONSTRUCTION INSPECTION OF PROJECT WILL BE UNDER MY SUPERVISION

-----  
Signature

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

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

-----  
Signature

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

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

#### **9.6 Construction Management Services**

A licensed engineer, architect, land surveyor, or landscape architect may also practice, either in public or private capacity, construction management services, including, but not limited to, construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

#### **9.7 Engineer's Seal**

A. The seal and signature of a licensed professional engineer shall be affixed to each drawing, specification,

report, calculation or other documents in its final form which involves the practice of engineering as defined herein.

B. The seal and signature of an engineer, licensed in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:

1. All portions of documents for single family detached dwellings may be sealed and signed by a civil or structural engineer or an architect.

2. Documents for the structural portion of buildings no greater than three (3) stories high may be sealed and signed by a civil engineer.

C. Documents for multi-family dwelling and residential subdivisions shall be sealed and signed by engineers licensed in the appropriate branches as well as an architect.

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

**9.8 Architect's Seal**

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

B. The seal of an architect shall be placed on documents for multi-family dwelling units and subdivisions as well as the seals and signatures of engineers in the appropriate branches.

**9.9 Land Surveyor's Seals**

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

B. No seal shall be placed on drawings, plans, property metes and bound descriptions, computation sheets, reports and other documents in its final form which involve the

practice of land surveying if performed by officers or employees of the CNMI government.

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

#### **PART X. TEMPORARY LICENSES**

##### **10.1 Requirements**

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

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

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

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

#### **PART XI. RENEWALS AND REINSTATEMENTS**

##### **11.1 Renewals**

A. Renewal of all certificates or licenses shall be every two years following their issuance or renewal.

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

C. A renewal notice shall be mailed by the Board to the last known address of each individual holding a license and



to each firm holding a Certificate of Authorization indicating the date of expiration of the license or certificate and the renewal fee amount due.

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

E. Temporary licenses shall not be renewable.

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

***Section 11.2 (A) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (a) of 125-20.1-810 of 125-20.1, NMIAC Title 125.***

**11.2 Reinstatement**

A. Each licensee or firm whose license or certificate has expired and lapsed for more than one year by failure to renew must file a new application, **meet present day requirements for licensure or certification**, and receive board approval for reinstatement.

B. A licensee who provides the Board with an affidavit that he or she is no longer practicing in the CNMI before the expiration date of his or her license may retain the license for later use upon reinstatement and payment of a reinstatement fee.

**PART XII. PROFESSIONAL CONDUCT**

**12.1 Rules of Professional Conduct**

The Board has prepared and adopted Rules of Professional Conduct for engineers, architects, land surveyors and landscape architects practicing in the Commonwealth.

**12.2 Knowledge of the Rules**

All persons licensed to practice engineering, architecture, land surveying and landscape architecture in the CNMI are charged with having knowledge of the existence of the Rules of Professional Conduct as well as amendments from time to time which shall be made known in writing to every licensee and applicant for licensure.

**12.3 Convictions**

Any individual or firm who has been fined, received a reprimand; had a license or certificate revoked, suspended,

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

#### **12.4 Enforcement**

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

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

#### **13.1 Disciplinary Action**

A. The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew, the license or certificate of any person who is found guilty of one or more of the following violations as prescribed by Section 3218 of 4 CMC, Div. 3:

1. Any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or

2. Gross negligence, incompetency, or misconduct in the practice of his or her profession; or

3. Conviction of or pleading guilty to a crime related to their profession either in the CNMI or in another state or jurisdiction. A certified copy of the judgement of the court of such conviction or plea shall be presumptive evidence of such conviction or plea for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or

4. Signing, affixing the licensee's seal, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or

calculations, or revisions thereof, which have not been prepared by the licensee responsible or his or her direct personal supervision; or

5. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or

6. Practicing, offers to practice, or holding him or herself out as authorized and qualified to practice engineering, architecture, land surveying or landscape architecture, except as provided in Sections 3213 and 3215; or

7. Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", or "landscape architecture", any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or

8. Using or attempts to use as his or her own the seal or the license or certificate of another; or

9. Falsely impersonating any duly licensed engineer, architect, land surveyor or landscape architect; or

10. Using or attempts to use an expired, suspended, or revoked license or certificate; or

11. Any firm which advertises or offers to furnish engineering, architecture, land surveying or landscape architecture services in the making of plans or specifications or in the construction of any building or other structure, project, or utility in the Commonwealth, without having completed Section 3220, or otherwise complied with the requirements of this Act.

B. The Board may also take disciplinary action against a licensee who is found guilty of the following:

1. Any act or omission which fails to meet the generally accepted standards of engineering, architecture, land surveying or landscape architecture practice; or

2. Violation of, or aiding or abetting in the violation of the provisions of the law, any rules or regulations adopted by the Board, or any order of the Board issued in conformance with the provisions hereof; or

3. Use of false, deceptive, or misleading advertising; or

4. Performing services beyond one's competency, training, or education; or

5. Failure to report to the Board any licensee or firm known to have violated the law, rules and regulations, or any order of the Board; or

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

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

### **13.2 Disciplinary Proceedings**

#### **A. Complaint**

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a certificate of authorization may be initiated by any person who may file charges against the licensee.

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

2. All charges shall be made on forms provided by the Board. The person or persons making the complaint shall sign the complaint.

#### **B. Probable Cause**

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the Board consisting of at least one board member and the Board's legal counsel. The member of the Board in the investigative committee cannot vote at the disciplinary hearing. The investigative committee makes a recommendation to the Board for a determination if probable cause exists for taking further action or for issuing a summons and complaint.

#### **C. Summons and Complaint**

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

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

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

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

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

E. The Board shall conduct all hearings pursuant to 1 CMC, Section 9109, Administrative Procedures - Conduct of Hearings.

F. The members of the Board presiding at hearings may:

1. administer oaths and affirmations;
2. issue subpoenas to compel the attendance of witnesses and the production of records and documents;
3. rule on offers of proof and receive relevant evidence;
4. take depositions or have depositions taken when the ends of justice would be served;
5. regulate the course of the hearing;

6. hold conferences for the settlement or simplification of the issues by consent of the parties;
7. dispose of procedural requests or similar matters; and
8. make or recommend orders or decisions in accordance with the law, rules, or regulations.

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

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

**Section 13.2 (I) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (i) of 125-20.1-1005 of 125-20.1, NMIAC Title 125.**

I. Each licensee or firm whose license or certificate has been revoked by the Board or any jurisdiction must file a new application, meet present day requirements for licensure or certification, and receive board approval.

#### **XIV. ADVERTISING PRACTICES**

##### **15.1 Advertising**

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

#### **PART XV. BOARD RECORDS**

##### **16.1 Retention of Records**

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

##### **16.2 Disposal of Records**

A. Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant

whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those documents submitted by the applicant.

B. The following is the schedule of retention time for applications submitted to the Board:

Disapproved	2 years
Examination, inactive	2 years
Expired license	2 years

**PART XVI. SEVERABILITY**

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

**PUBLIC NOTICE  
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS  
GOVERNING THE GROUP HEALTH INSURANCE PROGRAM**

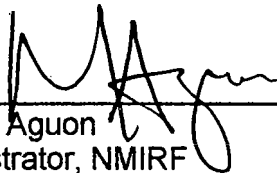
The Board of Trustees of the Northern Mariana Islands Retirement Fund ("NMI Retirement Fund"), pursuant to its authority under 1 CMC § 8424, hereby gives notice to the general public and particularly members of the CNMI Group Health Insurance Program of the proposed amendments to the Rules and Regulations Government the Group Health Insurance as published in the Commonwealth Register, Volume 28, Number 08, at pages 26029-103, on August 24, 2006 (effective date November 9, 2006).

The purpose of these amendments is to effectuate the provisions of Public Law 15-70 by amending language in Article 3, Section 3.04, deleting Sections 3.05(a) and (b) and reproping new language under Section 3.05, and amending language in Article 4, Sections 4.06, 4.07, 4.08 and 4.21. The Board is soliciting comments and recommendations regarding these proposed amendments, which must be received by the NMI Retirement Fund within thirty (30) days of publication of this notice in the Commonwealth Register.

Written comments on these amendments should be sent to Mark A. Aguon, Administrator, NMI Retirement Fund, Retirement Fund Building, Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, or by facsimile to (670) 664-8080. Copies of these amendments may be obtained at the NMI Retirement Fund offices on Saipan, Tinian and Rota.

Dated this 20<sup>th</sup> day of June 2007.

  
\_\_\_\_\_  
Juan T. Guerrero  
Chairman, Board of Trustees, NMIRF

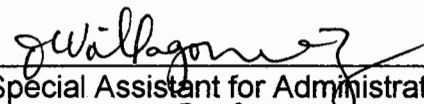
  
\_\_\_\_\_  
Mark A. Aguon  
Administrator, NMIRF

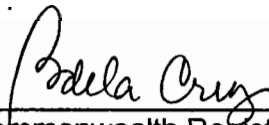
Reviewed for legal sufficiency this 20<sup>th</sup> day of June 2007 by:

  
\_\_\_\_\_  
Sara Estrella  
Fund Legal Counsel

RECEIVED BY:

FILED BY:

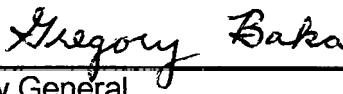
For   
\_\_\_\_\_  
Special Assistant for Administration  
Date: 07-18-07

  
\_\_\_\_\_  
Paula Cruz  
Commonwealth Register  
Date: 7-18-07

**Certification by the Office of the Attorney General**

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the proposed amendments to the Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated this 18 day of July 2007

  
\_\_\_\_\_  
Acting Attorney General



**NOTISIAN PUPBLIKU  
MAN MAPROPONE NA AMENDASION SIHA PARA I  
AREKLAMENTO YAN REGULASION SIHA NI  
GUMUBEBIETNA I PRUGRAMAN GROUP HEALTH INSURANCE**

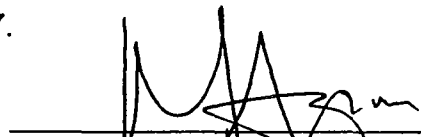
I Kuetpon Trustees i Fundon Ritiráo gi Sankattan Siha Na Islas Marianas, ("NMI Retirement Fund"), sigun gi aturidát i Kuetpon Trustees gi papa 1 CMC Seksiona 8424, ginen este ha nãã'i notisia i pupbliku henerát yan patikulatmente ayu siha na membru gi Prugrãman i Group Health Insurance pot i mapropopone siha na amendasion gi Areklamento yan Regulasion ni gumubebetna i Prugrãman i Group Health Insurance ni mapublika gi Rehistran i Commonwealth, Baluma 28, Numiru 08, gi pãhinan 26031-103, gi Augusto 24, 2006 (ha'ãne anai efektibu gi Novembre 09, 2006).

I rason este siha na amendasion para u na ektibu i probensyon siha gi Lai Pupbliku 15-70, ya para u ma'amenda i lengguãhi gi papa Atikulu 3, Seksiona 5.01, mana' suha i lengguãhi gi papa Seksiona 3.05(a) yan (b) ya u mana' guaha nuebo na lengguãhi gi papa Seksiona 3.05; yan mana' suha yan mana' nuebo na lengguãhi gi papa Atikulu 4, Seksiona 4.06, 4.07, 4.08 yan 4.21. I Kuetpo ha so'sohyo mensãhen opinion yan rekomendasion siha ni tineteka este siha na amendasion ni man mapropone, ni debi di u fan marisibe ni i Fundon Ritiráo gi Sankattan Siha Na Islas Marianas gi hãlom trenta (30) diha siha gi pupublikasion este na notisia gi Rehistran i Commonwealth.

I tinige' opinion siha pot este na amendasion siha debi di u mana fan hãlom guatu as Siñot Mark A. Aguon, i Atministradot, i Fundon Ritiráo gi Sankattan Siha na Islas Marianas, gi Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, osino facsimile guatu gi (670) 664-8080. Siña man machule' i kopian este na mapropone na amendasion siha gi maseha amãnu na Ofisinan i Fundon i Ritiráo giya Saipan, Luta yan Tinian.

Mafecha este gi mina 28<sup>th</sup> na diha gi Junio 2007.


  
\_\_\_\_\_  
Juan T. Guerrero  
Kabiseyu, Kuetpon i Trustee Siha, NMIRF Atministradot, Fundon i Ritiráo gi NMI

  
\_\_\_\_\_  
Mark A. Aguon  
Rehistran i Commonwealth

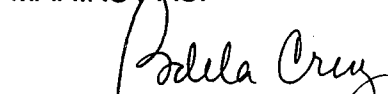
Maribisa para u ligát suficiente gi mina 28<sup>th</sup> na diha gi Junio 2007 as:

  
\_\_\_\_\_  
Konseherun Ligát i Fundon Ritiráo

MA'RISIBE AS:

*For*   
\_\_\_\_\_  
Espisiat na Ayudãnten i Gupietnu Para i  
Atministrasion  
Fecha: 07-18-07

MARIKOT AS:

  
\_\_\_\_\_  
Rehistran i Commonwealth  
Fecha: 7-18-07

**Setifikasion ginen i Ofisina i Abugão Henerát:**

Sigun i lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, i man mapropone na amendasion siha para i Areklamento yan Regulasion siha ni man che'cheton guine esta man ma'ina yan ma'aprueba pot para u fotma yan ligát suficiente ni i Abugão Henerát i Commonwealth i Sankattan Siha na Islan Marianas.

Mafecha este gi mina 18 na diha gi Julio 2007.

*Gregory Baka*  
Segundon i Abugádu Henerát


**ARONGOL TOULAP  
POMWOL LLIWEL REEL ALLÉGHÚL LEMELEMIL  
GROUP HEALTH INSURANCE PROGRAM**

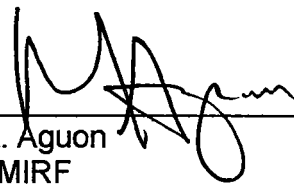
Mwiischil Trustees, Retirement Fund mellól Téél Falúwasch Marianas ("NMI Retirement Fund") eke arongowow reer membro me aramas toulap bwe raa fillóoy lliwel kkaal reel Alléghúl me Ammwelil Administrative mellol NMI Retirement Fund, sáangi bwángil allégh ye 1 CMC Tálil 9101 et. seq. me 1 CMC Tálil 8424. Pomwol lliwelil allégh kkaal e siwelió allégh kka aa akkatééwow llól Commonwealth Register Volume 27 Numero 11, loll 26029-103, August 24, 2006 (schescheel otol November 9, 2006).

Bwulúl lliwel kkaal bwelle ebwe fillóoy Alléghúl Toulap ye 15-70 by amending language in Article 3, Section 3.04, deleting Sections 3.05(a) and (b) and repropoing new language under Section 3.05, and amending language in Article 4, Sections 4.06, 4.07 and 4.08 Mwiischil yeel nge eke tingór mángemáng me tip reel pomwol lliwel kkaal, iyé NMI Retirement Fund ebwe bwughil ótol eliigh (30) ráálil akkatééló, arong yeel mellól Commonwealth Register.

Ischil mángemáng reel ssiwel kkaal ebwe akkafangeló reel Mark A. Aguon, Samwoolul, NMI Retirement Fund, Retirement Fund Building, Isa Drive, Capitol Hill, P.O. Box 501247, Seipél, MP 96950-1247, me ngáre facsimile reel (670) 664-8080. Emmwel óubwe bwughil tilighial mereel Bwulasiyool NMI Retirement Fund me wool Seipél, Tchúlúyól me Luuta.

Llól ráálil ye June 28<sup>th</sup> 2007.

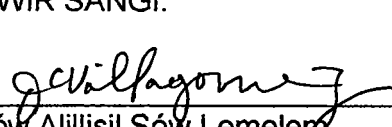
  
\_\_\_\_\_  
Juan T. Guerrero  
Assamwoolul, Mwiischil Trustees, NMIRF

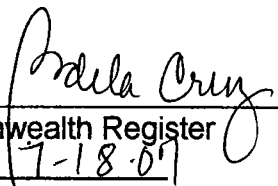
  
\_\_\_\_\_  
Mark A. Aguon  
Samwoolul, NMIRF

Aléghélegh sáangi 28<sup>th</sup> ráálil ye June 2007 sáangi:

  
\_\_\_\_\_  
Senóoy Ammwelil Fundo

MWIR SÁNGI:

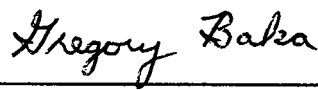
  
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Sów Alillisil Sów Lemelera  
Rál: 07-18-07

  
\_\_\_\_\_  
Commonwealth Register  
Rál: 7-18-07

**Alúghúlúgh sáangi Bwulasiyool Sów Bwungúl Allégh Lapalap:**

Sáangi allégh ye 1 CMC Tálil 2153, iye aa ssiwel mellól Alléghúl Toulap 10-50, pomwol ssiwel kkaal ngáli alléghúl kka e appasch nge raa takkal amweri fischiy me aléghéleghéól mereel Bwulasiyool Sów Bwungúl Allégh Lapalap.

Ráálil ye 18 loll Ulyo 2007

  
\_\_\_\_\_  
Acting Ngáli Sów Bwungúl Allégh Lapalap

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

**Citation of Statutory Authority:** The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("Retirement Fund") has statutory power to promulgate and effect the CNMI Group Health and Life Insurance Rules and Regulations (Plan Description) pursuant to 1 CMC § 8424.

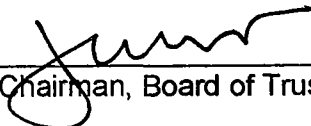
**Statement of Goals and Objectives:** The Program is underwritten exclusively by the CNMI Government to provide an affordable health insurance plan for the benefit of CNMI government employees. The Program is designed to be self sufficient, and therefore, must establish rates sufficient to pay for administration of the Program and particularly claims incurred by Enrollees in the Plan. The primary goals and objectives of the proposed amendments are to effectuate the changes outlined by Public Law 15-70, in order to provide potential retirees and retirees the option to continue health insurance coverage.

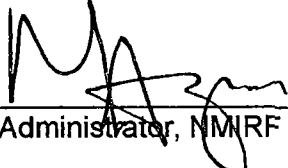
**Summary of Amendments:** These proposed amendments to the Rules and Regulations includes provisions of Public 15-70, which would give retiring employees and annuitants an option, to be exercised within six (6) months of the date they retire, to continue their government health insurance coverage as offered each fiscal year to government employees. However, any person declining to exercise this option within six months or who exercises this option and subsequently cancelling coverage more than six months after date of retirement, shall not be entitled to reapply for coverage. Further, retroactive enrollments and termination for the continuation, but not the initiation, of coverage applicable upon the date of retirement would not be allowed unless specifically provided in the Plan, or otherwise provided by law.

**For Further Information:** Contact Mark A. Aguon, Administrator, NMI Retirement Fund, by telephone (670) 322-3863 or facsimile (670) 664-8080.

**Citation of Related and/or Affected Statutes, Regulations and Orders:** Public Law 15-70; Article 3 – 3.04, 3.05(a) and (b), and Article 4 – Sections 4.06, 4.07 and 4.08, and 4.21 as published in the Commonwealth Register, Volume 28, Number 08, dated August 24, 2006, effective November 9, 2006.

Dated this \_\_\_\_\_ day of June 2007.

  
\_\_\_\_\_  
Chairman, Board of Trustees, NMIRF

  
\_\_\_\_\_  
Administrator, NMIRF

RECEIVED BY:

*FOR* *J. Villagor*  
Special Assistant for Administration  
Date: 7-18-07

FILED AND RECORDED BY:

*Prudela Cruz*  
Commonwealth Register  
Date: 7-18-07

**Proposed Amendments to the  
RULES AND REGULATIONS GOVERNING  
THE GROUP HEALTH INSURANCE PROGRAM**

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**ARTICLE 3, SECTIONS 3.04 language amended, and SECTIONS 3.05(a) and (b) language deleted and repropoed new SECTION 3.05 as follows:**

**3.04. Retiring Employees.** ~~An Employee who was enrolled in the Program on the day immediately preceding his or her date of retirement is eligible to continue enrollment in this Program for himself or herself, as a Retiree, and to continue the enrollment of any Dependents who were enrolled as of the last day of the Employee's employment. However, an Annuitant only has a one-time option to enroll and such option must be exercised at the time he or she is electing to retire, and the Annuitant who fails to do so, will be forever ineligible for enrollment of the Annuitant and any Dependents of the Annuitant.~~ **Annuitants shall be provided with an option, to be exercised within six (6) months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, is offered each fiscal year to Commonwealth government employees. The fund assumes no liability to the annuitant for group health insurance coverage beyond the payment of the Government's share of the premiums for that fiscal year on behalf of an electing annuitant as provided in this section. Any person who declines to exercise the health insurance option within six (6) months of the date of retirement, or who exercises the option and subsequently cancels health insurance coverage more than six (6) months after the date of retirement, shall not be entitled to reapply for coverage.**

**3.05. Retirees and Their Dependents in Prior Program.** ~~A Retiree and his or her Dependents are eligible to enroll in the Program if they~~

- ~~a. have exercised their one-time option to enroll in the Program; and~~
- ~~b. had no break in coverage under any Prior enrollment (maintained status in the Program after one-time election of coverage). However, an Annuitant only has a one-time option to enroll and such option must be exercised at the time he or she is electing to retire, and the Annuitant who fails to do so, will be forever ineligible for enrollment.~~ **Annuitants shall be provided with an option, to be exercised within six (6) months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, is offered each fiscal year to Commonwealth government employees. The fund assumes no liability to the annuitant for group health insurance coverage beyond the payment of the Government's share of the premiums for that fiscal year on behalf of an electing annuitant as provided in this section. Any person who declines to exercise the health insurance option within six (6) months of the date of retirement, or who exercises the option and subsequently cancels health insurance coverage more than six (6) months after the date of retirement, shall not be entitled to reapply for coverage.**

**ARTICLE 4, SECTIONS 4.06, 4.07 and 4.08 language amended as follows:**

**4.06. Rules for Persons Retiring from Government Employment.** ~~Enrollment in the Program may be continued for an Employee who retires from Government employment and who was an Enrollee in the Program on the day before his or her date of retirement, by filing an Application Form prescribed by the Administrator whether to continue or discontinue enrollment for both Retiree and his/her Dependents and acknowledging that he or she understands the consequences as specified in this Article for discontinuing enrollment. The Retiree's election to continue enrollment shall be effective to continue enrollment of his/her Dependents enrolled as of the date of the Retiree's dates of retirement. However, an Annuitant only has a one-time option to enroll and such option must be exercised at the time he or she is electing to retire, and the Annuitant who fails to do so, will be forever ineligible for enrollment of the Annuitant and any Dependents of the Annuitant.~~ **Annuitants shall be provided with an option, to be exercised within six (6) months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, is offered each fiscal year to Commonwealth government employees. The fund assumes no liability to the annuitant for group health insurance coverage beyond the payment of the Government's share of the premiums for that fiscal year on behalf of an electing annuitant as provided in this section. Any person who declines to exercise the health insurance option within six (6) months of the date of retirement, or who exercises the option and subsequently cancels health insurance coverage more than six (6) months after the date of retirement, shall not be entitled to reapply for coverage.**

**4.07. Rules for Retirees and Their Dependents in Prior Program.** ~~A Retiree whose last day of Government employment was before the Effective Date of this Program, and who has been covered under a Prior Program continuously since the Effective Date of this Program, may enroll himself or herself in this Program and may also enroll his or her Dependents, provided such Dependents were enrolled in the Prior Program on the day before the proposed date of enrollment in this Program. Application may be made at any time by filing an approved Application Form with the Administrator. Enrollment will be effective on the day after the first annuity payment date following approval. However, if such Retiree later terminates his or her enrollment from this Program, he or she will never be allowed to re-enroll unless he or she otherwise becomes eligible.~~ **Annuitants shall be provided with an option, to be exercised within six (6) months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, is offered each fiscal year to Commonwealth government employees. The fund assumes no liability to the annuitant for group health insurance coverage beyond the payment of the Government's share of the premiums for that fiscal year on behalf of an electing annuitant as provided in this section. Any person who declines to exercise the health insurance option within six (6) months of the date of retirement, or who exercises the option and subsequently cancels health insurance coverage more than six (6) months after the date of retirement, shall not be**

**4.08. Rules for Retirees Not Enrolled in Government Plan.** A Retiree not enrolled in a CNMI Government Group Health Insurance Plan ~~may elect to enroll himself or herself and any of his or her Dependents, provided the Retiree applies for enrollment within 30 days from the Effective Date of his/her retirement. Enrollment will be effective on the day after the first annuity payment date following approval~~ is ineligible for enrollment.

**4.21. Retroactive Enrollments and Termination.** Retroactive enrollments and terminations are not allowed unless specifically provided for in the Plan, or as otherwise provided by law for the continuation, but not the initiation, of coverage applicable upon the date of retirement.



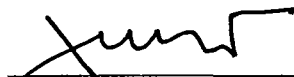
**PUBLIC NOTICE**  
**PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING**  
**THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

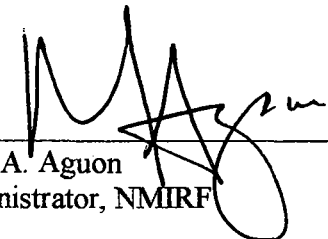
The Board of Trustees of the Northern Mariana Islands Retirement Fund ("NMI Retirement Fund"), as authorized pursuant to 1 CMC § 8315(f), hereby gives notice to its members and the general public that it has proposed amendments to the NMI Retirement Fund's Regulations pursuant to the Administrative Procedures Act, 1 CMC § 9101, *et. seq.* The attached proposed amendments would modify the Regulations published in the Commonwealth Register, Volume 27, Number 11, at pages 25361-66, on December 30, 2005 (effective date April 9, 2006).

The purpose of these amendments is to effectuate the provisions of Public Law 15-70 by amending the language under Part 4 – Sections 4.02, 4.02(A), (B) and (D); Part 5 – Section 5.01, deleting and reproping a new Section 5.01(B), proposing a new Section 5.01(C); and deleting and reproping new Part 6 – Section 6.03(A) and (B) and proposing a new Section 6.03(C). Further, Part 1 – Section 1.02 is also amended to add the words 15-13 and 15-70. The Board is soliciting comments and recommendations regarding these proposed amendments, which must be received by the NMI Retirement Fund within thirty (30) days of publication of this notice in the Commonwealth Register.

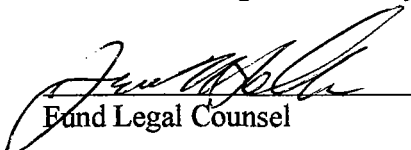
Written comments on these amendments should be sent to Mark A. Aguon, Administrator, NMI Retirement Fund, Retirement Fund Building, Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, or by facsimile to (670) 664-8080. Copies of these amendments may be obtained at the NMI Retirement Fund offices on Saipan, Tinian and Rota.

Dated this 28<sup>th</sup> day of June 2007.

  
\_\_\_\_\_  
Juan T. Guerrero  
Chairman, Board of Trustees, NMIRF

  
\_\_\_\_\_  
Mark A. Aguon  
Administrator, NMIRF

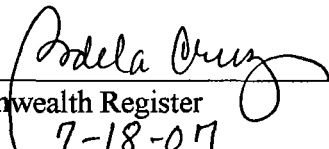
Reviewed for legal sufficiency this 28<sup>th</sup> day of June 2007 by:

  
\_\_\_\_\_  
Fund Legal Counsel

RECEIVED BY:

FILED BY:

For J. Villagomez  
\_\_\_\_\_  
Special Assistant for Administration  
Date: 07-18-07

  
\_\_\_\_\_  
Commonwealth Register  
Date: 7-18-07

**Certification by the Office of the Attorney General**

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the proposed amendments to the Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated this 18 day of July 2007.

  
\_\_\_\_\_  
ACTING ATTORNEY GENERAL

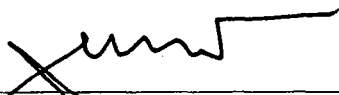
**NOTISIAN PUPBLIKU**  
**MAN MAPROPONE NA AMENDASION SIHA PARA I**  
**AREKLAMENTO YAN REGULASION SIHA NI GUMUBEBIETNA I**  
**FUNDON RITIRÃO GI SANKATTAN SIHA NA ISLAS MARIANAS**

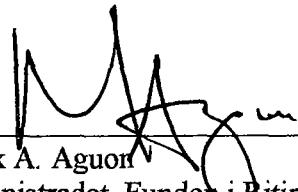
I Kuetpon Trustees i Fundon Ritirão gi Sankattan Siha Na Islas Marianas, ("NMI Retirement Fund"), sigun gi aturidat i lai gi 1 CMC Seksiona 8315(f), yan i Administrative Procedures Act gi papa 1 CMC Seksiona 9101, et. seq. ha nânâ'i' i membru siha yan i publiku henerat notisia pot i mapropopone siha na amendasion gi Areklamento yan Regulasion ni gumubebietna i Programan i Fundon Ritirão gi Sankattan Siha Na Islas Marianas. I man checheton na amendasion ni man mapropone siempre a modifika i regulasion siha ni mapublika gi Rehistran i Commonwealth, Baluma 27, Numiru 11, gi pahunan 25361-66, gi Disembre 30, 2005 (ha'ane anai efektibu gi Abrit 09, 2006).

I rason este siha na amendasion para u na ektibu i probensyon siha gi Lai Pupbliku 15-70, ya para u ma'amenda i lengguahi gi papa Part 4 – Seksiona 4.02, 4.02(A), (B) yan (D); Part 5 – Seksiona 5.01, mana' suha yan ma agon propone nuebo na lengguahi gi papa Seksiona 5.01(B), yan ma propone nuebo na Seksiona 5.01(C); mana' suha yan ma agon propone nuebo na lengguahi gi papa Part 6 – Seksiona 6.03(A) yan (B), yan ma propone nuebo na Seksion 6.03(C). Mas na amendasion para u mana' halom i lengguahi 15-13 yan 15-70 gi papa Part 1 – Seksiona 1.02. I Kuetpo ha so'sohyo mensáhen opinion yan rekomendasion siha ni tineteka este siha na amendasion ni man mapropone, ni debi di u fan marisibe ni i Fundon Ritirão gi Sankattan Siha Na Islas Marianas gi hálom trenta (30) diha siha gi pupublikasion este na notisia gi Rehistran I Commonwealth.


I tinige' opinion siha pot este na amendasion siha debi di u mana fan hálom guatu as Siñot Mark A. Aguon, i Atministradot, i Fundon Ritirão gi Sankattan Siha na Islas Marianas, gi Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, osino facsimile guatu gi (670) 664-8080. Siña man machule' i kopian este na mapropone na amendasion siha gi maseha amánu na Ofisinan i Fundon i Ritirão giya Saipan, Luta yan Tinian.

Mafecha este gi mina 20<sup>th</sup> na diha gi June 2007.

  
\_\_\_\_\_  
Juan T. Guerrero  
Kabiseya, Kuetpon i Trustee Siha, NMIRF

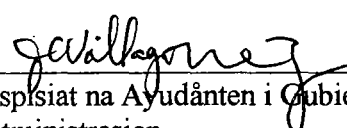
  
\_\_\_\_\_  
Mark A. Aguon  
Atministradot, Fundon i Ritirão gi NMI


Maribisa para u ligat suficiente gi mina 28<sup>th</sup> na diha gi June 2007 as:

  
\_\_\_\_\_  
Konseherun Ligat i Fundon Ritirão

MA'RISIBE AS:

MARIKOT AS:

*FOR*   
\_\_\_\_\_  
Espisiat na Ayudanten i Gubietnu Para i  
Administrasion  
Fecha: 07-18-07

  
\_\_\_\_\_  
Rehistran i Commonwealth  
Fecha: 7-18-07

**Setifikasion ginen i Ofisinan i Abugão Henerát:**

Sigun i lai 1 CMC Seksiona 2153, ni inamenda ni Lai Publiku 10-50, i man mapropone na amendasion siha para i Areklamento yan Regulasion siha ni man che'cheton guine esta man ma'ina yan ma'aprueba pot para u fotma yan ligát sufisiente ni i Abugão Henerát i Commonwealth i Sankattan Siha na Islan Marianas.

Mafecha este gi mina 18 na diha gi Julio 2007.

*Gregory Baka*  
Segundon i Abugádu Henerát

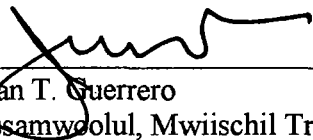
**ARONGOL TOULAP  
POMWOL LLIWEL REEL ALLÉGHÚL LEMELEMIL RETIREMENT FUND  
MELLÓL COMMONWEALTH**

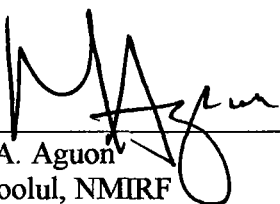
Mwiischil Trustees, Retirement Fund mellól Téél Falúwasch Marianas (“NMI Retirement Fund”) eke arongowow reer membro me aramas toulap bwe raa fillóoy lliwel kkaal reel Alléghúl me Ammwelil Administrative mellol NMI Retirement Fund, sáangi bwángil allégh ye 1 CMC Tálil 9101 et. seq. Pomwol lliwelil allégh kkaal e siweliló allégh kka aa akkatéewow llól Commonwealth Register Volume 27 Numero 11, loll 25361-66, Tumwur 30, 2005 (schescheel otol Seeta 9, 2006).

Bwulúl lliwel kkaal bwelle ebwe fillóoy Alléghúl Toulap ye 15-70 by amending the language under Part 4 – Sections 4.02, 4.02(A), (B) and (D); Part 5 – Section 5.01, deleting and reproposing a new Section 5.01(B), proposing a new Section 5.01(C); and deleting and reproposing new Part 6 – Section 6.03(A) and (B) and proposing a new Section 6.03(C). Further, Part 1 – Section 1.02 is also amended to add the words 15-13 and 15-70. Mwiischil yeel nge eke tingór mánagemáng me tip reel pomwol lliwel kkaal, iye NMI Retirement Fund ebwe bwughil ótol eliigh (30) ráálil akkatééló, arong yeel mellól Commonwealth Register.

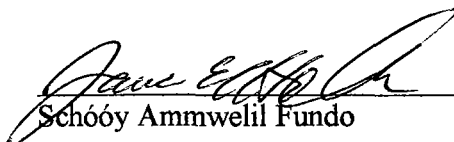
Ischil mánagemáng reel ssiwel kkaal ebwe akkafangeló reel Mark A. Aguon, Samwoolul, NMI Retirement Fund, Retirement Fund Building, Isa Drive, Capitol Hill, P.O. Box 501247, Seipél, MP 96950-1247, me ngáre facsimile reel (670) 664-8080. Emmwel óubwe bwughil tilighial mereel Bwulasiyool NMI Retirement Fund me wool Seipél, Tchúlúyól me Luuta.

Llól ráálil ye June 28<sup>th</sup> 2007.

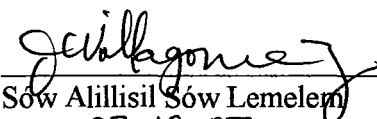
  
\_\_\_\_\_  
Juan T. Guerrero  
Assamwoolul, Mwiischil Trustees, NMIRF

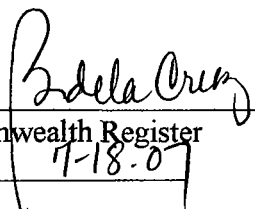
  
\_\_\_\_\_  
Mark A. Aguon  
Samwoolul, NMIRF

Aléghélégh sáangi 28<sup>th</sup> ráálil ye June 2007 sáangi:

  
\_\_\_\_\_  
Schóoy Ammwelil Fundo

MWIR SÁNGI:

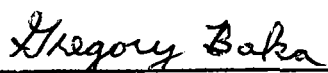
For   
\_\_\_\_\_  
Sów Alillisi Sów Lemelem  
Rál: 07-18-07

  
\_\_\_\_\_  
Commonwealth Register  
Rál: 7-18-07

**Alúghúlúgh sáangi Bwulasiyool Sów Bwungúl Allégh Lapalap:**

Sáangi allégh ye 1 CMC Tálil 2153, iye aa ssiwel mellól Alléghúl Toulap 10-50, pomwol ssiwel kkaal ngáli alléghúl kka e appasch nge raa takkal amweri fischiy me aléghéléghéló mereel Bwulasiyool Sów Bwungúl Allégh Lapalap.

Ráálil ye 18 loll uliyo 2007.

  
\_\_\_\_\_  
Acting Ngáli Sów Bwungúl Allégh Lapalap

**PROPOSED AMENDMENTS  
TO THE RULES AND REGULATIONS  
GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

**Citation of Statutory Authority:**

The Board of Trustees (“Board”) of the Northern Mariana Islands Retirement Fund (“Retirement Fund”) has statutory power to promulgate and effect Rules and Regulations pursuant to 1 CMC § 8315(f).

**Statement of Goals and Objectives:**

The Rules and Regulations provide guidelines for the Board to manage the government retirement program, as well as provide government employees and retirees information on how the program functions. The primary goals and objectives of the proposed amendments are to effectuate the changes outlined by Public Law 15-70, in order to provide retirees a more timely method of pension payment and the option to continue health insurance coverage, as well as to allow a time frame for Class I members to elect to take Early Retirement benefits and to increase their contribution to that of Class II members.

**Summary of Amendments:**

These proposed amendments to the Rules and Regulations includes provisions of Public 15-70, which requires annuitants to elect the form of receipt of benefits, either through direct deposit or mail; the receipt of annuity payments in person would no longer be authorized or applicable effective January 15, 2008. The recalculation of benefits is removed entirely and a new section added regarding payment of a pro rata share of a deceased annuitant upon death of annuitant before scheduled annuity disbursement date. Further, annuitants would be given an option, to be exercised within six (6) months of the date they retire, to continue their government health insurance coverage as offered each fiscal year to government employees. However, any person declining to exercise this option within six months or who exercises this option and subsequently cancelling coverage more than six months after date of retirement, shall not be entitled to reapply for coverage. Members of the Defined Contribution Plan would be eligible for the same term health coverage and same term life coverage available to Defined Benefit Plan members with the exception of the annuitant’s option to continue their Commonwealth government health insurance coverage pursuant to 1 CMC § 8363, 1 CMC § 8364, as amended by P.L. 15-70. Class I members would also be given five (5) years, from the effective date of P.L. 15-70, or up until June 14, 2012, to elect to take early retirement. Class I members would also be given the opportunity to elect to increase their contribution to that of Class II members, which starting fiscal year 2008, would increase the contribution rate by 1% each fiscal year until it reaches 11%. However, once a Class I member elects to increase their contribution, it is irrevocable. Further, slight modification is made to Section 1.02, which is to reflect the inclusion of Public Laws 15-13 and 15-70 as part of effective management of the Fund.

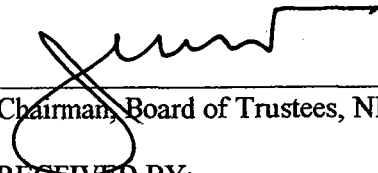
**For Further Information:**

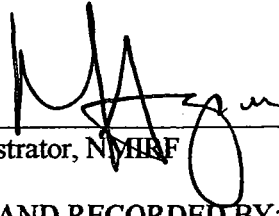
Contact Mark A. Aguon, Administrator, NMI Retirement Fund, by telephone (670) 322-3863 or facsimile (670) 664-8080.

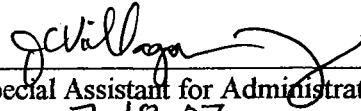
**Citation of Related and/or Affected Statutes, Regulations and Orders:**

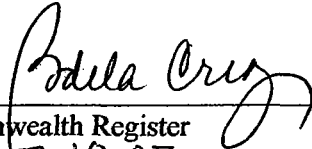
Public Laws 15-13; 15-70; Part 1 – 1.02, Part 4 – 4.02, 4.02(A), (B) and (D), Part 5 – 5.01, 5.01(B), Part 6 – 6.03(A) and (B), as published in the Commonwealth Register, Volume 27, Number 11, dated December 30, 2005, effective April 9, 2006.

Dated this 20<sup>th</sup> day of June 2007.

  
\_\_\_\_\_  
Chairman, Board of Trustees, NMIRF  
RECEIVED BY:

  
\_\_\_\_\_  
Administrator, NMIRF  
FILED AND RECORDED BY:

*For*   
\_\_\_\_\_  
Special Assistant for Administration  
Date: 7-18-07

  
\_\_\_\_\_  
Commonwealth Register  
Date: 7-18-07

**Proposed Amendments to the  
NORTHERN MARIANA ISLANDS RETIREMENT FUND  
ADMINISTRATIVE RULES AND REGULATIONS**

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***PART 1, SECTION 1.02 language amended as follows:***

**1.02. Purpose.** The Board promulgates these rules and regulations to effectively administer and maintain the Fund pursuant to Public Laws 6-17, 6-41, 7-39, 7-40, 8-24, 8-30, 8-31, 8-39, 9-45, 10-88, 11-2, 11-9, 11-95, 11-114, 13-60, 15-13 and 15-70, to update existing regulations, and for other purposes.

***PART 4, SECTION 4.02 language amended as follows:***

**4.02. Early Retirement Benefits for Class I Members, post P.L. 15-70 (effective date June 14, 2007).** A Class I member may elect to take early retirement under the following terms and conditions:

- A. A person who became a Class I member before April 16, 1998 (the effective date of Public Law 11-9) must be at least 52 years of age with 10 years of vesting service or be under 62 years of age with at least 25 years of vesting service, provided that the member has at least three (3) years of credited service earned after May 7, 1989, **and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70.**<sup>1</sup>
- B. A person who became a Class I member on or after April 16, 1998, must be at least 52 years of age with 10 years of membership service or be under 62 years of age with at least 25 years of membership service, provided that the member has at least 10 years of membership service earned after May 7, 1989, **and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70.**<sup>2</sup>

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<sup>1</sup> 1 CMC § 8342, entitled: "Early Retirement Benefits for Class I Members," as reenacted by P.L. 15-70, in pertinent part, states:

Any Class I member who has attained 52 years of age and has a minimum of 10 years of vesting service, or any member who has achieved a minimum of 25 years of vesting service, may elect to take early retirement, upon written application of the Board of Trustees, provided such member has at least three years of credited service earned after May 7, 1989.

(a) Any Class I member electing to take early retirement shall receive an amount equal to the amount the member would have been entitled to at normal retirement age reduced by an actuarially determined amount for each month the member is under 62 years of age.

<sup>2</sup> See Note 1, supra.

- C. A person eligible to take early retirement under subsection A or B, and who so elects, may pay to the Fund, prior to retirement, a lump sum amount equivalent to the difference between Class I and Class II contributions, including regular interest, for all periods in which the member was required to make contributions until the date of retirement. Such payment does not constitute conversion from Class I to Class II; rather, it entitles the member to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. No payment of such lump sum amount shall be allowed by installment or by deduction from the member's annuity. Provided, however, a person who became a member prior to 12/5/2003, may elect to have his/her benefits reduced by 3% for every year or fraction thereof that the member is under age 62.
- D. At any time prior to early retirement, a person who is actively employed with the CNMI Government, may elect to pay to the Fund the difference between Class I and Class II contributions, including regular interest, for all periods in which the member was required to make contributions until the date of election. Such payment shall be made in full, prior to retirement, ~~either in a lump sum or in installments to be set by the Fund.~~ Such payment does not constitute conversion from Class I to Class II; rather, it entitles the member, upon early retirement, to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. After such election, the member shall be deducted the applicable ~~nine percent (9%)~~ contribution rate of a Class II member until the date of retirement.<sup>3</sup> An election under this paragraph is irrevocable.
- E. A terminated vested member is not eligible to receive early retirement benefits under 1 CMC § 8342. Accordingly, a person seeking to receive early retirement benefits must file the required documents and application with the Fund before officially separating from Government service. No applications for early retirement will be considered if the person already has terminated employment with the CNMI Government without first having filed the required application and documents.

***PART 5, SECTION 5.01 language amended; SECTION 5.01(B) language deleted and repropoed new SECTION 5.01(B); and proposed new SECTION 5.01(C) as follows:***

***5.01. Time for Payments and Recalculation of Benefits Method of Payment***

- A. All payments for benefits (retirement, disability, surviving spouse and surviving child) shall be made on the fifteenth and last day of every month. Payments prior to the scheduled disbursement date may be released only by the Administrator and only upon a showing of an extraordinary circumstance. For purposes of this subsection, "extraordinary circumstance" shall be limited to the death or off-island medical referral of the beneficiary or the beneficiary's immediate family. "Immediate family" shall mean mother, father, brother, sister, spouse, child

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<sup>3</sup> 1 CMC § 8361(b), entitled: "Contributions to the Fund: By Member," as reenacted by P.L. 15-70, states:

Each Class II member of the fund shall contribute 9.0 percent of the salary earned and accruing to the member in fiscal year 2006 and 2007. Beginning on the first day of fiscal year 2008 the rate shall increase by 1.0 percent per fiscal year until the contribution rate reaches 11 percent.



(natural and culturally or legally adopted), grandfather, grandmother, grandchild, mother-in-law or father-in-law.

~~B. In the case where a benefit was paid based on estimated figures or service dates, the Fund shall, after receipt of updated information, re-compute the benefit. If the Fund determines that the benefit is underpaid, the annuitant shall receive a retroactive adjustment of his/her benefit. If the Fund determines that the benefit was overpaid, the Fund shall recover such overpayment by reducing the annuitant's benefit by 50% or another amount as authorized by the Administrator until the full amount is recovered.~~

**B. Benefits payable to Annuitants shall be in the form of an electronic direct deposit or by deposit in the United States, or International if applicable, Postal System. Receipt of annuity payments in person are no longer authorized nor applicable following the fifteenth day of January 2008 (following the first annuity payment of calendar year 2008). The annuitant shall inform the Fund as to which form of payment is preferred, and where this form of payment shall be sent. Those failing to provide appropriate information to the Fund may, in turn, receive payment during the Public Comments agenda of regularly scheduled Board Meetings.**

**C. Upon death of an annuitant before a scheduled annuity disbursement date, the pro rata share of the deceased annuitant shall be payable to the surviving spouse or beneficiary, as the case may be. If the deceased annuitant has no surviving spouse or beneficiary, the pro rata share shall be held in abeyance pending the court appointment of an administrator of the estate.**

*PART 6, SECTIONS 6.03(A) and (B) language deleted and repropose new SECTIONS 6.03(A) and (B); and propose new SECTION 6.03(C) as follows:*

**6.03. Health Insurance Contributions, Term Health Insurance Contributions/Coverage for Defined Contribution Plan Members, and Term Life Insurance Contributions/Coverage for Defined Contribution Plan Members.**

~~A. Recipients of service retirement and surviving spouse annuities are eligible to elect for health insurance coverage. Terms and conditions of eligibility and the Fund's share of the cost of health insurance premiums shall be determined by the Board through rules and regulations promulgated by the Group Life and Health Insurance Trust Fund.~~

~~B. The contributions of the Fund to other health insurance plans shall be equal to the amount it pays under the Government Health Insurance Plan.~~

**A. Annuitants shall be provided with an option, to be exercised within six (6) months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, is offered each fiscal year to Commonwealth government employees. The fund assumes no liability to the annuitant for group health insurance coverage beyond the payment of the Government's share of the premiums for that fiscal year on behalf of an electing annuitant as provided in this section. Any person who declines to exercise the health insurance option within six (6) months of the date of**

retirement, or who exercises the option and subsequently cancels health insurance coverage more than six (6) months after the date of retirement, shall not be entitled to reapply for coverage.

B. Annuitants who exercise the option within six (6) months of the date of retirement to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, was offered that same, or preceding (depending on the Annuitant's retirement date), fiscal year to Commonwealth government employees shall remit any and all applicable premium payment in a lump-sum for the premium applicable to the period of time within that same six month period.

C. Members of the Defined Contribution Plan are eligible for the same term health insurance coverage and term life insurance coverage available to Defined Benefit Plan Members with the exception of the Annuitant's option to continue their Commonwealth government health insurance or life insurance coverage pursuant to 1 CMC § 8363, and 1 CMC § 8364, as amended by P.L. 15-70, and originally modified by P.L. 15-13, codified at 1 CMC § 8472-73.



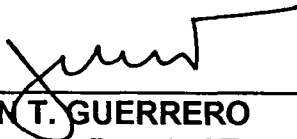
*Northern Mariana Islands*  
**R E T I R E M E N T F U N D**

*"Investing For The Future Financial Security Of Our Members"*

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

I, Juan T. Guerrero, Chairman of the Board of Trustees of the Northern Mariana Islands Retirement Fund, Commonwealth of the Northern Mariana Islands, which is promulgating the amended Rules and Regulations Governing the Northern Mariana Islands Retirement Fund published in the Commonwealth Register, Volume 29, Number 06, on June 18, 2007, at pages 26562 through and including 26569, by signature below hereby certify that the Regulations as modified are a true, complete, and correct copy of the Rules and Regulations Governing the Northern Mariana Islands Retirement Fund now adopted by the Board of Trustees. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 22<sup>nd</sup> day of June, 2007, at Saipan, Commonwealth of the Northern Mariana Islands.

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



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## ATTORNEY GENERAL LEGAL OPINION NO. 07-02

### In Re: Nonresident Workers Operating or Having Interest in Businesses

#### QUESTION PRESENTED AND CONCLUSION

We have been asked to address the question of whether a nonresident worker may operate or have an interest in a business. Because the general question of corporate management by nonresident workers concerns an issue of interest to many persons in the Commonwealth, and because there has been no authoritative discussion of this area of Commonwealth law, it is in the public interest to establish the law regarding nonresident worker participation in business operations as stated in the Commonwealth Code.

The question frequently arises regarding the capacity of a nonresident worker to be engaged in business activity other than strictly as a wage-earning employee of a business entity. It usually centers on the issue of whether a nonresident worker can be an officer or director of a corporation.

A nonresident worker is defined as “any available individual who is at least 18 years old and who is capable of performing services or labor desired by an employer and who is not a resident worker. Nonresident worker shall not include any immediate relative, spouse or children including legally adopted children of a U.S. citizen or any foreign investor.” 3 CMC § 4412 (i).

The statute at issue, 3 CMC § 4437(h), says, “No nonresident worker whose first entry into the Commonwealth for purposes of employment occurs after July 28, 1987, shall have a financial interest in or operate or engage in any business or become an employer.” Research has not disclosed any court decisions interpreting this statute. The legislative history available regarding P.L. 5-32 § 11, which created the statute in question, contains no statement of the Legislature’s intent or whether the Legislature envisioned any exceptions to the statute’s applicability. The only revisions made to this section during the bill’s travels through the House and Senate, and ultimately to a Conference Committee, are that some versions of the section had no date, some contained a date of Jan.1, 1987, and some simply referred to “the effective date of this Act.”

There are no court opinions nor opinions of the Attorney General directly on point. The only time the statute has been addressed with any formality is in a memorandum dated November 23, 1987 from an Assistant Attorney General to the Chief of Immigration. Since the memorandum was issued in the same general time frame as the enactment of the statute, by an attorney who had also commented to the Legislature regarding other provisions of the bill, it sheds some light on the reasoning of the Legislature when enacting the Public Law which created the statute. In that opinion, the Assistant Attorney General states,

“I believe the intent of the Legislature was that if on the effective date of the Act, July 29, 1987, a nonresident worker who is then in the Commonwealth, and who had a financial interest in, operated, engaged in a business, or was an employer that he could continue in that status. . . . [M]y interpretation of the law is that any nonresident worker who was present in the Commonwealth on July 29, 1987, and who had a financial interest in, or operated a business, or was an employer, may continue in that status. A nonresident worker who was present in the Commonwealth on July 29, 1987, and who did not have a financial interest in, or operated (sic) business, or who was not an employer on that date may not now obtain an interest in, or operate a business, or become an employer.”

This memorandum is not a formal opinion of the Attorney General on the subject. However, the memorandum deserves mention for its statement regarding the Legislature’s intention in passing the Act, and comes to the correct conclusion.

The position of director of a corporation is directly linked to the operation or conduct of a business enterprise. “All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation. 4 CMC § 4441 (b). Typically, a director will engage, with other directors, in setting the goals and establishing policies of the corporation and in the hiring of the corporate officers. The directors direct the business activity and, therefore, fall squarely within the prohibition of 3 CMC § 4437(h).

Similarly, corporate officers conduct the day-to-day activities of the corporation and clearly “operate or engage in” business. “Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent consistent with the bylaws, the duties prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the duties of other officers.” 4 CMC § 4482. Officers are given responsibility and discretion in conducting the affairs of the corporation. 4 CMC § 4483. They act in accordance with the general direction given by the board of directors, but exercise considerable judgment in accomplishing the day-to-day activities of the business. Thus, officers of the corporation also fall within the prohibition of the statute because they “operate or engage in any business.”

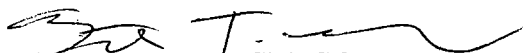
The statute operates prospectively and does not purport to affect interests already existing on the effective date. It is reasonable to presume that the Legislature placed the date in the statute, July 28, 1987, in order to avoid the legal and economic issues that would arise if the new

law attempted to divest nonresident workers of property interests that existed at the time the statute went into effect. It is more reasonable for the Legislature to establish a date that would preserve existing interests but forbid the formation of new businesses by nonresident workers.

In summary, a nonresident worker, as defined in 3 CMC § 4412 (i), who did not have a “financial interest in or operate or engage in any business or become an employer” before July 28, 1987, may not be either a member of the board of directors nor an officer of a corporation. This is true of nonresident workers who were present in the Commonwealth on July 28, 1987 but whom had not performed any of the described duties. This interpretation is consistent with the overall policy of the Nonresident Workers Act, as amended, to encourage the employment of resident workers and to steadily increase their numbers in the workforce. It is also consistent with other statutes regulating foreign investments, which place stringent requirements on persons seeking to enter into business in the CNMI from abroad. See 4 CMC § 5901 *et seq.* It is reasonable to assume that reducing competition for the operation of small businesses will make a more favorable business climate for residents to engage in commerce, thereby reducing the need for nonresident labor, a stated and legitimate goal of the Nonresident Workers Act. *Sagana v. Tenorio*, 384 F3d 731 (2005). Other business-related statutes outside the Nonresident Workers Act present an opportunity for nonresidents to participate in business in many capacities and to contribute to our economy.

Furthermore, a nonresident worker who had an interest in or operated a business, or was an employer on July 28, 1987 may continue in that capacity. The nonresident worker may not, consistent with the statute, commence another business activity where they have an interest in or operate a business or become an employer in a business entity formed, or a job acquired, after July 28, 1987. A nonresident worker who was present in the Commonwealth on or before that date who did not have such an interest at that time may not now have an interest in or operate a business or become an employer. A nonresident worker entering the Commonwealth after that date may not have an interest in or operate a business or become an employer.

Dated this 12<sup>th</sup> day of July, 2007.

  
MATTHEW T. GREGORY  
Attorney General