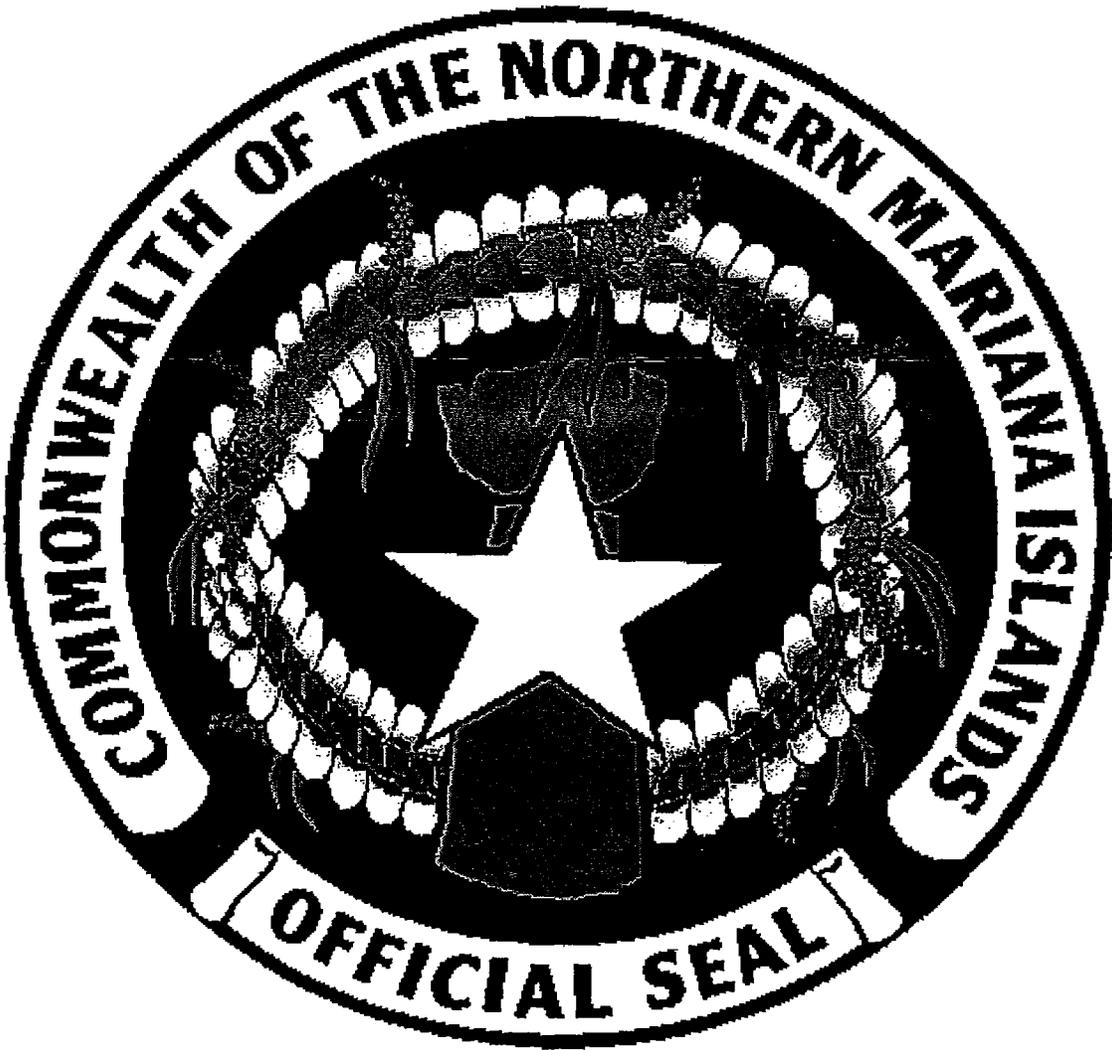
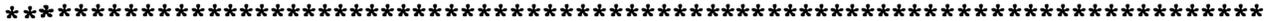


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



**COMMONWEALTH REGISTER  
VOLUME 33  
NUMBER 02  
FEBRUARY 24, 2011**



# COMMONWEALTH REGISTER

VOLUME 33  
NUMBER 02

FEBRUARY 24, 2011

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
HEALTH CARE PROFESSIONS LICENSING BOARD**

*In the Matter of Tinian Health Center* )  
(Amendment of Practice Agreement for )  
Remote Supervision )

Case No. 2010-04

**THIRD AMENDMENT TO THE BOARD EMERGENCY ORDER #01  
APPROVING PRACTICE AGREEMENT AMENDMENT  
FOR REMOTE SUPERVISION**

**Summary of Amendment**

This amendment to this Order is entered on Thursday, February 17, 2011, pursuant to the Board's decision at its meeting on Wednesday, February 9, 2011. It immediately authorizes the licensees, physician assistants Juan B. Pangelinan (medex), William R. Weiss PA-C, and any other CNMI licensed physician assistant ("PA"), during the period this Order is in effect, to work at the Tinian Health Center ("THC"), under the supervision of THC's physician, Dr. Stephan Lebamoff and any other a physician located at a site other than the same Tinian Health Center, when Dr. Lebamoff is off duty or off-island. This Order is valid through the end of the day of Sunday, March 20, 2011.

**Discussion**

The "Health Care Professions Licensing Act of 2007" ("the Health Care Act" or "the Act"), 3 CMC §§ 2201 – 36, P.L. 15-105, requires that a physician assistant ("PA") be licensed by the Health Care Professions Licensing Board ("the Board") and that his/her conduct conform to certain statutory and regulatory standards and specific dictates.

The pre-existing regulations of the predecessor Medical Professions Licensing Board continue in effect, except as amended by the Board:

- (e) Except as otherwise provided herein, the regulations, guidelines, standards, and procedures related to the regulation of the functions and operation of a regulated health care professional and/or profession that are in force when this Act becomes effective, shall continue to apply until amended or repealed by the Board.

3 CMC §§ 2235(e). The Board has amended its regulations in part. 140 NMIAC 50-3 Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388 – 28426. It has not yet amended its PA regulations so the pre-existing regulations apply.

The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act established the Board with complete jurisdiction, power and authority to regulate the health care professions. 3 CMC § 2204(a). The Board's powers include:

- To adopt rules and regulations to enforce the Act. 3 CMC § 2206(b);
- To issue, deny and condition licenses. 3 CMC § 2206 (c) ;
- To conduct disciplinary hearings to suspend or revoke licenses, 3 CMC § 2206 (h);
- To suspend or revoke a license. 3 CMC § 2206(k);
- To act summarily in the face of the likelihood of harm to:
  - i. the public health, safety or welfare; or
  - ii. to the patients of a health care professional who is regulated by this Chapter. 3 CMC § 2206(n).

1 A PA practicing with a license issued prior to the new Act and its new regulations continues as  
2 a licensee until the Board suspends or revokes that license:

3  
4 For the transition period between the application of the old Medical Practice Act  
5 and the new Health Care Professions Licensing Act, specifically until new applicable  
6 Regulations are promulgated, each practicing member of each profession over which  
7 the Board has jurisdiction shall be deemed practicing with a license until regulations  
8 are promulgated for the respective profession and an indicated re-licensing  
9 application period has ended, or until the Board acts to suspend, modify, revoke or  
10 otherwise affect a license, whichever comes first.

11  
12 140 NMIAC § 50.3-101-002.

13  
14 At all times a PA shall have in place a “practice agreement” with a supervising physician. 140  
15 NMIAC § 50.1-1220, 1230(d). Such agreement ordinarily provides the scope of a PA’s activities  
16 and ensures that the physician will be available for consultation, and will review and co-sign  
17 patient records. It also provides that the physician co-signs for prescription of medication and  
18 other treatments, except that the PA may not prescribe DEA-controlled substances. 140  
19 NMIAC § 50.1-1235.

20  
21 The Administrative Procedure Act provides for license hearings, when a notice of a hearing is  
22 required, and defers to an agency’s specific organic act. 1 CMC §§ 9108 – 10. This Order  
23 addresses an emergency situation coming under the specific “immediate and grave danger to  
24 the public” provision of the HCPLA, 3 CMC § 2206(n).

25  
26 **Facts**

27 Dr. Priyantha Wijayagunaratne, the only physician at THC, has submitted his resignation  
28 effective December 1, 2010. However, beginning on Friday, November 12, 2010, Dr.  
29 Wijayagunaratne will be on sick leave until December 1, 2010. Accordingly, as of Monday,  
30 November 15, 2010, THC is without a physician.

31  
32 THC requested the Board consider an Emergency Order to exempt THC’s Mid-Level Provider,  
33 PA Juan B. Pangelinan, PA-C William R. Weiss, and any other CNMI licensed physician  
34 assistant (“PA”), during the period this Order is in effect, to provide health care at THC through  
35 remote supervision. CHC, through Mr. John Tagabuel and Secretary Joseph K. Villagomez,  
36 has agreed to provide physician supervision to the physician assistants at THC. Supervision  
37 will be provided by the CHC’s Emergency Room physician, Dr. Greg Kotheimer. Additional ER  
38 physicians at CHC who are designated by DPH administration and whose names are submitted  
39 in writing to the Board, may also provide supervision.

40  
41 **Board Findings and Conclusions**

42 The Board finds that it would be unfair to the people of Tinian to restrict physician assistants  
43 from practicing at THC merely because the Center does not presently have a physician. This  
44 Order provides authority for remote supervision from Saipan. We will not continue the  
45 authority provided in this Order indefinitely but we will continue it for a time.

46  
47 **Ruling and Ordering Paragraphs**

48 The Board having been fully advised in the premises of this matter, for the above-stated  
49 reasons, hereby Orders that:

- 50  
51 1. Mr. Juan B. Pangelinan, Mr. William R. Weiss, and any other CNMI licensed  
52 physician assistant during the period this Order is in effect, may work at the Tinian  
53 Health Center (“THC”), under the supervision of a physician located at a site other than  
54 the same Tinian Health Center when Dr. Stephan Lebamoff is not on duty or off-island.  
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2. Supervision: Dr. Greg Kotheimer and any other ER physicians at CHC designated by DPH in writing to the Board, as supervising physicians.
  
3. Mr. Pangelinan, Mr. Weiss, and any other CNMI licensed physician assistant during the period this Order is in effect, shall submit a new Practice Agreement, which shall be approved by the Board, to address the requirements of the amendments to the Order, and which shall be signed by both the PA and the supervising physician(s) (fax signatures are acceptable). This agreement must be submitted to the Board no later than Wednesday, February 23, 2010, by hard copy or electronically, otherwise this Order expires 24 hours later.
  
4. The agreement shall include:
  - a. The supervising physician(s) will provide adequate means for direct communication between themselves and the PA. The direct communication may occur through the use of technology, which may include but is not limited to, two-way radio, telephone, fax machine, modem, or other telecommunication device.
  
  - b. Daily emails shall be exchanged between the PA and the supervising physician for permitted prescriptions.
  
  - c. The database of patients on chronic or long-term scheduled medications shall be maintained and updated by the PA. The supervising physician to ensure adherence to the standard of care shall review it monthly
  
  - d. Chart notes and prescriptions will be sent to the supervising physician for review and signature, as provided below.
  
  - e. The supervising physician shall closely monitor chronic pain contracts for adherence.
  
5. The physician assistants are authorized to prescribe:
  - a. Schedule III-V medications as follows:
    1. The PA is authorized to prescribe Schedule III through V medications as needed but shall be limited to prescribing, administering, and/or dispensing no more than 21-day supply. For refills, the supervising physician must co-sign the prescription and clearly write his DEA number on the prescription form. The supervising physician(s) shall review and sign chart notes within 21 days.
  
    2. All prescriptions for Schedule III-V medications written by the PA must be documented in the patient's chart and must include the name of the drug, dose, and route of administration, frequency, duration, quantity prescribed and name of supervising physician he consulted.
  
  - b. Schedule II medications as follows:
    1. In extreme emergency cases (myocardial infarction, motor vehicle trauma, certain fractures, pancreatitis, urethral and ureteral stones) Schedule II medications may be administered immediately, followed by a phone call to the supervising physician as soon as the patient is stable. In all other emergencies, Schedule II medications may not be prescribed, administered, or ordered without a verbal order from the ER physician on duty at CHC. The PA must first discuss the case with the ER physician. If the physician makes a verbal order for a Schedule II

1 medication it must be appropriately documented in the patient's chart  
2 (as described in "B" above).

3  
4 2. All such prescriptions and chart notes must be presented to the  
5 supervising physician(s) within seven (7) days for co-signature. The PA  
6 shall be limited to prescribing no more than a 7-day supply and there  
7 will be no refills.

8  
9 c. All prescriptions will indicate the quantity of the medication being  
10 prescribed both numerically and alphabetically (e.g., "10" and "ten").

11  
12 6. This Order is valid through the end of the day of March 20, 2011.

13  
14 7. The Board shall review this matter at its next board meeting. THC management  
15 is invited to appear at that meeting or via conference call and update the Board on its  
16 efforts at recruiting a supervising physician.

17  
18 8. A copy of this Order shall be placed in a public area of the Tinian Health Center.  
19 The Executive Director, or her designee, is directed to do the following in person or by  
20 electronic means:

- 21 a. Serve this Order on the physician assistants;  
22 b. Serve this Order on the director of the Tinian Health Center;  
23 c. Serve this Order on the Secretary of the Dept. of Public Health;  
24 d. Serve this Order on the supervising physicians at CHC's ER;  
25 e. Have this Order published in the next Commonwealth Register; and  
26 f. Place this matter on the Board's agenda for ratification at its next board  
27 meeting.

28  
29 A party seeking to appeal this Order is directed to 1 CMC § 9112 (b), which provides for judicial  
30 review of final orders within 30 days in the Commonwealth Superior Court. The Board believes  
31 that this is a final Order.

32  
33   
34 /s/ Ken Pierson, DDS  
35 Acting Chair

Dated: 02/22/11

36  
37 /s/ Ahmad Al-Alou, MD, Board Member  
38 /s/ Leticia Borja, MD, Board Member  
39 /s/ Pam Carhill, MPT, Board Member

Health Care Professions Licensing Board  
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**Commonwealth of the Northern Mariana Islands  
Commonwealth Board of Nurse Examiners**

In the Matter of APRN's in the CNMI (Case No. 2010-01)  
(Advanced Practice Registered Nurse authorization)

**BOARD EMERGENCY ORDER #01  
Authorizing approval for dispensing Prescriptive medication approved by DEA  
schedule II thru V.**

Summary

This Order is entered Wednesday, December 30, 2010, pursuant to the Board's decision at its meeting on December 28, 2010. It IMMEDIATELY authorizes the licensees, Advance Practice Registered Nurses ("APRN") working in the CNMI whether private health agencies or Government to prescribe medications covered by (drug enforcement agency) schedule II thru V. This order thereby allows the APRNs to continue to treat patients with proof of an active DEA license. This Order amends the APRNs' licenses. It is valid through 2011, until such time the new approved Rules and Regulations are promulgated.

Discussion

The "Nurse Practice Act of 2003". ("the Nursing Act" or "the Act"), 3 CMC §§ 2301 - 19, PL 14-62 (2005), as amended, requires that a nurse practitioner ("NP") be licensed by the Board of Nurse Examiners ("the Board") and that the conduct conform to certain statutory and regulatory standards and specific dictates. Specifically, an APRN shall practice autonomously as amended in PL 16-34. 3 CMC § 35 2304(a). The general scope of APRN practice is defined in the statute, id. It includes prescribing and dispensing medication within the context of a "written agreement" with a "supervising physician". 3 CMC § 2304(k).1

The pre-existing licensure of the Board continued in effect under the new Act, except as amended by the Board's rules and regulations 3 CMC §§ 2319. The Board has amended its rules and regulations in part. 140 NMIAC 60 - Commonwealth Board of Nurse Examiners Regulations.1 It has not yet amended its NP regulations. The pre-existing regulations do not mention APRNs.

1 See the statutory definition reproduced below  
The Board's authority proceeds from the Act, and from the Administrative Procedure Act, 3 CMC § 2309. The Act established the Board with complete jurisdiction, power

1 and authority to regulate the nursing profession. 3 CMC § 2306. The Board's powers  
2 include:

3  
4 to adopt rules and regulations to enforce the Act. 3 CMC § 2306(a) - (c);  
5 to issue, deny and condition licenses. 3 CMC § 2306(c)  
6 to develop and enforce standards. 3 CMC sec 2306(e);  
7 to conduct disciplinary hearings to suspend or revoke licenses. 3 CMC § 2314;  
8 to discipline an APRN who has practiced beyond the scope of the APRN  
9 category. 3 CMC § 2314(c);  
10 to act on an emergency or temporary basis. 3 CMC § 2315.

11  
12 An APRN requires a "written agreement" with a supervising physician for the purposes  
13 of prescribing medicine:

14  
15 "Prescriptive/Dispensing Authority" means an Advance Practice  
16 Registered Nurse authorized to prescribe and dispense drugs and  
17 therapeutic measures described within scope of practice, defined by the  
18 board, and described in the Written Agreement entered into with the  
19 supervising physician. The authorization to prescribe and dispense  
20 drugs and therapeutic measures is for administration to and use by other  
21 persons (patients or clients) within the scope of practice of the Advanced  
22 practice Registered Nurse.

23  
24 3 CMC § 2304(k) (emphasis added). Such agreement should provide for the  
25 relationship between the physician and the APRN.

26  
27 The Administrative Procedure Act provides for licensee hearings, when a notice of a  
28 hearing is required, and defers to an agency's specific organic act. 1 CMC §§ 9108-10.2  
29 The APA contemplates that an agency will act through its orders, rules and regulations.

30  
31 Facts and allegations

32  
33 The Board met on December 28, 2010.

34 Emergent topics were discussed due to barriers to health care in the CNMI, shortage of  
35 Physicians in the CNMI, and other related quick turn over physicians in the last 15 years.  
36 Private clinics in Saipan may not always have a physician available for APRN's to have  
37 Prescriptions with Schedule II to III signed.

38 This is inconvenient to patients and takes all providers away from continuing direct patient  
39 care. In specific to Tinian Health Center please see specific facts and allegations. Mrs.  
40 Aurelia G. Long holds a CNMI license as an APRN first issued on January, 2000, through  
41 the Medical Licensing Board, and has been every two years since. The license expires on  
42 June 30, 2012.

43  
44 She has 18 years of experience as an RN, passed the NCLEX, and has eleven years'

1 experience as a Nurse Practitioner. She specializes in family practice and women health,  
2 including certificates for pediatrics, adult and family, as well as women's health care.  
3

4 In addition to her CNMI license, she holds an active California RN license, and a  
5 California Nurse Practitioner License. She has an active California NP furnishing  
6 number, and an active DEA license and number, allowing her to prescribe scheduled III  
7 - V drugs. She is a certified sexual assault examiner, and has a National certification in  
8 women's health care from the NCC .  
9

10 Tinian presents DEA schedule II and III patients who are chronic, and have been  
11 medicated for quite some time. There are about 15-20 patients, including veterans of war,  
12 chronic back problems, needing pain medications.  
13

14 The Board has been informed by the Department of Public Health, the Tinian Health  
15 Center ("THC") staff, the Tinian Legislative Delegation, and staff and counsel for the  
16 Health Care Professions Licensing Board that Dr. Priyantha Wijayagunaratne, the  
17 full-time physician of the Tinian Health Center ("THC") recently resigned. Mrs. Long had  
18 worked in collaboration with Dr. Wijay.  
19

20 The above sources have described the health care provider situation at the Tinian  
21 Health Center. Mrs. Long and Physician's Assistant Bill Weiss, are now the only senior  
22 health care professionals at the Health Center. That means that they are the  
23 primary patient care-givers to all Tinian residents. Further, they are responsible for call.  
24 In fact she, Mrs. Long, is scheduled for half of the 24/7 call in the absence of Dr.  
25 Wijay. The Board recognizes that being "on call" can be a punishing experience for a  
26 medical professional, who can be summoned to the Health Center at any time, day or  
27 night, during the call period.  
28

29 The Board is aware that there is an acute shortage of physicians in the CNMI. The  
30 Department of Public Health helped find Dr. Gary Ramsey to work at the THC.  
31 A practice agreement has been signed by Dr. Balachandra, and Dr. Kotheimer for offsite  
32 supervision of Bille Weiss. This agreement was executed pursuant to an  
33 emergency order of the Commonwealth Health Professions Licensing Board,  
34 which licenses and regulates both PAs and physicians.  
35

36 The Board is aware that the Center is responsible for dozens of chronic patients, many  
37 of who must be medicated for various levels of pain control. One of the patients being a  
38 cancer patient receiving chemotherapy. The prescriptions presently require the co-  
39 signature of a physician. Many of these prescriptions are for DEA-scheduled  
40 substances. One was for the medication necessary to treat a cancer patient. While  
41 many NPs in various US jurisdictions have Schedule II through V prescription privileges,  
42 the Board's old rules and regulations did not provide such authority.  
43 Mrs. Long as other APRN's in the CNMI have lacked the solo prescription authority.  
44 They have depended on the physician Agreement to prescribe such medication.

1  
2 If Mrs. Long cannot secure physician co-signatures on scrips their patients could not  
3 receive their medications, including pain-reduction medications. Arguably, if there were  
4 no physician at THC, Mrs. Long could not treat patients with DEA scheduled drugs.  
5

6 This situation presents the prospect of grave harm to the public health, safety and  
7 welfare of Tinian and to the patients of the Tinian Health Center. While the Board  
8 understands that Mrs. Long badly wants to provide medical services to her patients and  
9 the community, we understand that she also does not want to violate the terms of her  
10 license, specifically the requirement for physician Agreement. We understand that she  
11 requests that the Board fashion a remedy.  
12

13 We have read the HCPLB's Order of December 03, 2010. It authorizes Mr. Bill Weiss to  
14 work under remote supervision with a physician who will sign his practice agreement.  
15 It also declares that he has complied with that Board's rules and regulations in coping with  
16 the extraordinary situation on Tinian. That Board did not authorize Mr. Bill Weiss to  
17 prescribe Schedule II and III substances only on an emergency basis with consultation  
18 with an ER MD, or supervising MD.  
19

20 The CBNE Board has approved new regulations which would apply to Advanced  
21 Practice Registered Nurses, including APRN, like Mrs. Long. The Board's regulations  
22 have been at the Attorney General's office, awaiting the completion of review which will  
23 put them in a form suitable for promulgation. The regulations, as approved by the CBNE  
24 Board and as they will be proposed, recognize the last decades' changes  
25 in the nursing profession, particularly the growth and complexity of the field of Advance  
26

27 Practice Registered Nursing. The Board's intention is to promulgate APRN regulations  
28 that would empower Mrs. Long, or all other APRN for that matter to work autonomously,  
29 and prescribe DEA-scheduled substances class II through V with an active DEA License  
30 in a separate jurisdiction. The regulations will identify the scope of APRN practice by the  
31 certification and training for each professional's recognized specialty.  
32

### 33 Board findings and conclusions

34  
35 Mrs. Long and has over 18years' experience in medical care.. The Board is convinced  
36 that she is an experienced, dedicated health care professional and is eager to treat her  
37 community's patients.  
38

39 The Board is further aware that Dr. Wijayagunaratne suddenly resigned due, among  
40 many things. Mrs. Long is not responsible for his failure to communicate, or his  
41 employer's failure to anticipate the problem and timely assign another physician to the  
42 THC.  
43  
44

1 community it serves, are clearly in a health care crisis situation.  
2

3 The Board has concluded that it will issue an order allowing Mrs. Long and other APRN's  
4 in the CNMI to prescribe medications covered by DEA schedule II-V with proof of an  
5 active DEA License in a separate jurisdiction.  
6

7 Dr. Ramsey and other CHC MD's may not be available to THC on a regular basis. The  
8 order will be valid until such time that the new approved rules and regulations are  
9 promulgated, in order to give the Department and THC the ability to an opportunity  
10 services to accommodate patient care.  
11

12 The Board must emphasize that it does not have the power to manage the outcome of  
13 this situation. Indeed, as CHC does not control or manage the Tinian Health Center –  
14 the Tinian Mayor does – Mrs. Long will need to discuss the matter with THC  
15 management. The Board's powers are limited. We will do as much as we can to help  
16 the people of Tinian. Ultimately an MD is needed due to PA regulations.  
17

18 The Board has since learned that DPH Secretary Villagomez arranged for Dr. Greg  
19 Kotheimer, and Dr. Shirish Balashandra, of Saipan, to provide remote supervision for the  
20 PA on Tinian. However, of course, while a physician may be currently working  
21 at CHC or on -call they would not be expected to be present at the THC or may  
22 find themselves not available due to current patient care.  
23

24 CNMI APRN's still need a physician agreement for prescribing medications covered  
25 under DEA II-III, up until the Board promulgates regulations or issues an order providing  
26 for "emergency coverage". Her patients still require medication. She has a DEA license  
27 and can prescribe schedule III through V substances in the CNMI if authorized to do so.  
28 We have considered these matters and conclude that she can responsibly treat patients  
29 within her specialty and prescribe medications and treatments. This includes the  
30 prescription of DEA-controlled substances of schedules II through V.  
31

32 The Board is also aware that the remoteness of THC will continue past this crisis. While  
33 Tinian is just a few minutes' flight away from Saipan, or about an hour by ferry, there  
34 are no airplane flights after dark unless a true emergency and, without serviceable  
35 landing lights, no emergency helicopter service to Tinian's airport. The Tinian ferry is no  
36 longer operating.  
37

38 Tinian is a village of about 3,500 residents on a small island.  
39 Thus, there will always be practical limits to Tinian's access to Saipan's medical  
40 infrastructure, including the larger community's 74-bed hospital, a number of private  
41 clinics, and physicians and nurses with varying specialties. The Board intends that its  
42 forthcoming regulations will continue the practical, flexible measures that we include in  
43 this emergency order or all APRN's in the CNMI.  
44

1 Ruling and ordering paragraphs  
2

3 The Board having been fully advised in the premises of this matter, for the above-stated  
4 reasons, hereby ORDERS that:  
5

- 6 1. Mrs. Long has been fully in compliance with the terms of her license, given the  
7 totality of the facts and circumstances of this matter;
- 8 2. Mrs. Long has acted responsibly and professionally in addressing with the Board  
9 the absence of her supervising physician;
- 10 3. The people of Tinian are in dire need of medical care at the Tinian Health  
11 Center. The situation presents the likelihood of grave harm to the public health,  
12 safety and welfare of Tinian and to the patients of the Tinian Health Center.
- 13 4. But there may not be a physician on-island to provide that care on an  
14 uninterrupted basis for some days or weeks in the immediate future;
- 15 5. The Board does not, and cannot, hire or order a physician to provide medical  
16 care to Tinian or supervise Mrs. Long;
- 17 6. Mrs. Long is ready, willing and able to provide medical services to the Tinian  
18 community, including prescribing medications covered by DEA and treatments;
- 19 7. The Board believes that it is appropriate and necessary to provide Mrs. Long  
20 and other APRN' with prescription authority at this time, so long as there is proof of  
21 an active DEA license in a separate jurisdiction.
  - 22 a. She is hereby authorized to prescribe and order medications and  
23 treatments for her patients.
  - 24 b. In particular, she may prescribe, procure and/or authorize the use of  
25 schedule II through V drugs, controlled substances, therapeutic devices,  
26 and other measures, and dispenses drugs consistent with her scope of  
27 specialty and practice.
  - 28 c. Standing orders, protocols, or written prescriptions may also be given for  
29 over-the-counter medications as clinically necessary
  - 30 d. Such medication includes DEA Schedule II through V substances, for  
31 which she has registered for, and obtained, a DEA license. The Board's  
32 Order is not, and shall not be interpreted to be, a substitute for DEA  
33 registration.
  - 34 e. She must comply with all pertinent local and federal statutes, rules and  
35 regulations regarding the prescription and ordering of controlled  
36 substances;
- 37 8. The Board emphasizes that it's providing this authority without having  
38 promulgated applicable detailed rules and regulations requires all APRN's to be  
39 especially diligent in following federal and CNMI statutes, rules, regulations and  
40 professional procedures in prescribing and ordering controlled substances. The  
41 Board may summarily deny, suspend or revoke the authority to write prescriptions  
42 and/or dispense drugs for the following conduct:  
43  
44

- a. Prescribing, dispensing, or distributing drugs not listed in the appropriate formulary;
- b. Prescribing, dispensing, administering, or distributing drugs for other than therapeutic or prophylactic purposes;
- c. Prescribing, dispensing, or distributing drugs to an individual who is not the nurse practitioner's patient or is not within the scope of practice or type of client population served;
- d. Prescribing, dispensing, or distributing drugs for personal use;
- e. Prescribing, dispensing, administering, or distributing drugs while functionally impaired;
- f. Prescribing, dispensing, administering, or distributing drugs in an unsafe or unlawful manner, or without adequate instructions to the patient according to acceptable and prevailing standards or practice;
- g. Failing to properly assess and document client assessment when prescribing, dispensing, administering, or distributing drugs;
- h. Selling, purchasing, trading, or offering to sell, purchase or trade any drug sample;
- i. Dispensing medications without dispensing authority granted by the Board or other dispensing authority; and/or
- j. Charging a patient or any third party payer in a grossly negligent manner for the service.

The constantly changing situation with respect to a physician for Tinian and the realities of the Board's meeting schedule, warrant the Board's authorizing this matter through 2011, when approved rules and regulations are promulgated;

Nothing in this Order shall be construed to prohibit the rendering of assistance in an emergency or disaster. See 23 CMC § 2317(b).

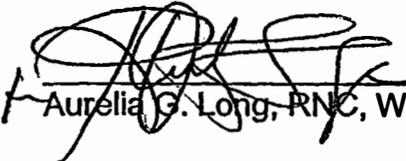
This Order amends the license.

A copy of this Order shall be placed in a public area of the Tinian Health Center, private agencies and Government agencies;

The Administrator is directed to do the following in person or by electronic means:

- a. serve this Order on the licensee, Mrs. Aurelia G. Long (email: arley\_long@hotmail.com);and other APRN's in the CNMI.
- b. serve this Order on the director of the Tinian Health Center (tel: 433-9233; fax 433-9247);
- c. have the Order published in the next Commonwealth Register.

1 The Board has adopted this Order on the date stated below. A party seeking to appeal  
2 this Order is directed to 1 CMC § 9112(b), which provides for judicial review of final  
3 orders within 30 days in the Commonwealth Superior Court. The Board believes that  
4 this IS a final Order.  
5

6  
7  
8   
9 Aurelia G. Long, RNC, WHNP, FNP, Chairwoman  
10

Dated: 2/2/2011

11  
12  
13  
14 Dated: December 31, 2010  
15 Aurelia G. Long, RNC, WHNP, FNP Chairwoman:  
16 Roca Quitugua Sablan, CNM, CNP, Vice Chair:  
17 Elaine Camacho, RN, Secretary  
18 Anna V. Diaz, HT, Treasurer:  
19 Bertha P. Camacho, CNP, Board Member:  
20 Ana Marie G. Charfauros, LPN, Board Member: off-island  
21 Rafaela Perry, Community member  
22

23 Commonwealth Board of Nurse Examiners  
24 PO BOX 501458 CK  
25 Saipan MP 96950  
26 tel 670.234-8950 ext 3449/3587  
27 fax: 670.664.4813  
28 cbone@pticom.com  
29

30 **ENDNOTES**  
31

32  
33 1. For the Board's current rules and regulations, see, for example:

34  
35 Rules and regulations for meetings, procedure, definitions, regulation, licensing, fees,  
36 discipline, appeals, other general, and midwives were promulgated as follows:  
37 Proposed Rules or regulations adopted by resolution of the Board of Nurse Examiners on  
38 March 30, 2006; proposed rules and regulations were published in the Commonwealth  
39 Register, Vol. 28, No.05 (5/19/06), pp 025686-706. Final regulations were promulgated  
40 by publication in the Commonwealth Register Vol. 29, No. 11 (11/19/2007), pp 027463  
41  
42

1 Rules and regulations for fees were adopted as follows: Fees (per 3 CMC § 2306(e)(14)):  
2 Emergency Regulations were adopted by resolution of the Board  
3 on November 13, 2007, approved by the Governor on January 11, 2008, and delivered to  
4 the Register on January 14, 2008. 30 Com. Reg. 1 (1/22/2008), pp 27949-55.  
5 The emergency regulations were published in the Commonwealth Register as proposed  
6 regulations, 30 Com. Reg. 1 (1/22/2008), pp 27968-74, 27953-55. Final regulations  
7 were promulgated by publication in the Commonwealth Register. 30 Com. Reg. 4.  
8

9 2. The APA sections are as follows:

10 § 9108. Administrative Procedure: Adjudications.  
11

12 (a) This section applies in every adjudication in which a sanction may be imposed,  
13 except in an agency proceeding respecting the grant or renewal of a license, unless an  
14 agency proceeding therefore is required by law to be preceded by notice and opportunity  
15 to be heard. In adjudication under this section, all parties shall be afforded an opportunity  
16 for a hearing after reasonable notice.  
17

18 (b) Hearings shall be conducted and orders shall be made in accordance with 1  
19 CMC §§ 9109 and 9110; provided, however, that in the event and to the extent that any  
20 other law provides for adjudication, then the provisions of such other law shall be  
21 controlling.  
22

23 § 9109. Administrative Procedure: Conduct of Hearings.  
24

25 (a) Persons entitled to notice of an agency hearing shall be timely informed of:

- 26 (1) The time, place, and nature of the hearing;  
27 (2) The legal authority and jurisdiction under which the hearing is to be held;  
28 (3) The particular sections of the statutes and regulations involved;  
29 (4) The matters asserted.  
30

31 If the agency or other party is unable to state the matters in detail at the time the notice is  
32 served, the initial notice may be limited to a statement of the issues involved.  
33 Thereafter, upon application, a more definite and detailed statement shall be furnished.  
34

35 (b) Unless precluded by law, informal disposition may be made of any contested  
36 case by stipulation, agreed settlement, consent, order, or default.

37 (c) A party or any other person entitled to be present and represented by counsel  
38 of his own choosing in an agency hearing.  
39

40 (d) Upon request of any party and, when required by rules of procedure, on a  
41 statement or showing of general relevance and reasonable scope of the subject sought,  
42 an agency authorized by law to issue subpoenas shall issue subpoenas to compel the  
43 attendance of persons at a hearing or in taking depositions. On contest, the court shall  
44 sustain the subpoena or similar process or demand to the extent that it is found to be in

1 accordance with law. In a proceeding for enforcement, the court shall issue an  
2 order requiring the appearance of the witness or the production of the evidence or data  
3 within a reasonable time under penalty of punishment for contempt in case of failure to  
4 comply.

5  
6 (e) There shall preside at the taking of evidence:

7 (1) The agency; or

8 (2) A hearing officer appointed by the agency.

9 The function of persons presiding at hearings and of persons participating in orders or  
10 decisions in accordance with this chapter shall be conducted in an impartial manner.

11 A presiding or participating person may at any time disqualify himself or herself.

12 On the filing in good faith of a timely and sufficient affidavit of personal bias and prejudice  
13 or other disqualification of a presiding or participating person, the  
14 agency shall determine the matter as a part of the record and order or decision in the  
15 case.

16 (f) Subject to published rules of the agency and within its powers, persons  
17 presiding at hearings may:

18  
19 (1) Administer oaths and affirmations;

20 (2) Issue subpoenas authorized by law;

21 (3) Rule on offers of proof and receive relevant evidence;

22 (4) Take depositions or have depositions taken when the ends of justice would  
23 be served;

24 (5) Regulate the course of the hearing;

25 (6) Hold conferences for the settlement or simplification of the issues by consent  
26 of the parties;

27 (7) Dispose of procedural requests or similar matters;

28 (8) Make or recommend orders or decisions in accordance with this chapter; and

29 (9) Take such other action authorized by agency rule consistent with this  
30 chapter.

31 (g) Except to the extent required for the disposition of ex parte matters as  
32 authorized by law, persons presiding at hearings or persons participating in  
33 orders or decisions may not:

34  
35 (1) Consult a person or party or representative of a person or party on a fact in  
36 issue or on applicable law, unless on notice and opportunity for all parties to participate; or

37 (2) Be responsible to or subject to the supervision or direction of an employee or  
38 agent engaged in the performance of investigative or prosecutory functions for an  
39 agency.

40 (h) Persons presiding at hearings or participating in orders or decisions may:

41 (1) Communicate with other members of the agency, except as limited by  
42 subsection (g) of this section; and,

43 (2) Have the aid and advice of one or more personal assistants and of the Attorney  
44 General and his or her staff if such assistance would not be in violation of subsection (g)

1 of this section.

2 (i) Except as otherwise provided by statute, the proponent of an order or decision  
3 has the burden of proof. Any oral or documentary evidence may be received, but the  
4 agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial,  
5 or unduly repetitious evidence. Except as otherwise provided by law, privileges relating to  
6 evidence in the Commonwealth Superior Court shall apply in the conduct of hearings.  
7 A sanction may not be imposed or an order or decision issued except on consideration of  
8 the whole record or those parts thereof cited by a party and supported by and in  
9 accordance with reliable, probative, and substantial evidence. A party is entitled to  
10 present his case or defense by oral or documentary evidence, to submit rebuttal  
11 evidence, and to conduct such cross-examination as may be required for a full and true  
12 disclosure of the facts.

13 (j) The record in a hearing under this chapter shall include:

14 (1) The notice and any pleadings, motions, and intermediate rulings;

15 (2) Evidence received or considered;

16 (3) A statement of matters officially noticed;

17 (4) Questions and offers of proof, objections, and rulings on them;

18 (5) Any order or decision, recommended order or decision, opinion, or report by the  
19 person presiding at the hearing;

20 (6) All staff memoranda or data submitted to the hearing officer or members of the  
21 agency in connection with their consideration of the case;

22 (7) Transcript or summary of testimony and exhibits; and

23 (8) All papers and requests filed in the proceedings which are not specifically  
24 mentioned above.

25 (k) On payment of lawfully prescribed costs, the record shall be made available to  
26 the parties within a reasonable time.

27 (l) Findings of fact shall be based exclusively on the evidence and on matters  
28 officially noticed.

29  
30 § 9110. Administrative Procedure: Issuance of Orders and Decisions Upon Hearing.

31  
32 (a) When the agency does not preside at the reception of the evidence, the person  
33 presiding shall initially decide the case unless applicable law or agency rule requires,  
34 either in specific cases or by general rule, the entire record to be certified to it for the  
35 making of an order or a decision concerning a regulation. When the person presiding  
36 makes an initial order or decision, that order or decision then becomes the order or  
37 decision of the agency without future proceedings unless there is an appeal to, or review  
38 on motion of, the agency within the time provided by rule. On appeal from or review of the  
39 initial order or decision, the agency has all the powers which it would have  
40 in making the initial order or decision except as it may limit the issues on notice or by rule.  
41 When the agency makes the order or decision without having presided at the reception of  
42 the evidence, the person presiding shall first recommend an order or decision to the  
43 agency.

44 (b) Before a recommended initial order or decision, or an order or decision on

1 agency review of an order or decision, the parties are entitled to a reasonable opportunity  
2 to submit for the consideration of the persons participating in the decision:

3 (1) Proposed findings and conclusions;

4 (2) Exceptions to the order or decision or recommended order or decision; and

5 (3) Supporting reasons for the exceptions or proposed findings and conclusions.

6 (c) The record shall show the ruling or decision on each finding, conclusion, or  
7 exception presented. All orders or decisions, including initial or recommended orders or  
8 decisions, or those on agency review, are a part of the record and shall include a  
9 statement of:

10 (1) Findings and conclusions, and the reasons or basis for them, on all the material  
11 issues of fact, law, or discretion presented on the record; and

12 (2) The appropriate decision, order, sanction, relief, or denial thereof.

13  
14 1 CMC §§ 9108-10.



# Northern Marianas College

P.O. Box 501250, Saipan, MP 96950 U.S.A.

Phone: (670) 234-5498

Fax: (670) 234-1270

www.nmcnet.edu

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE POLICIES AND PROCEDURES/REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS NORTHERN MARIANAS COLLEGE PROCUREMENT AND PROPERTY MANAGEMENT**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED POLICIES AND PROCEDURES/REGULATIONS**

**Volume 32, Number 12, pp. 031109 to 031171, December 20, 2010**

**Policies and Procedures/Regulations of the Northern Marianas College Procurement and Property Management: No Changes**

**ACTION TO ADOPT PROPOSED POLICIES AND PROCEDURES/REGULATIONS:** The Board of Regents of the Northern Marianas College (NMC) HEREBY ADOPTS AS PERMANENT policies and procedures the Proposed Policies and Procedures/Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). The Board of Regents announced that it intended to adopt them as permanent, and now does so.

I also certify by signature below that:

As published, such adopted policies and procedures/regulations are true, complete and correct copies of the above-referenced Proposed Policies and Procedures/Regulations, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board of Regents adopted the policies and procedures/regulations as final at its meeting of February 10, 2011.

**MODIFICATIONS FROM PROPOSED POLICIES AND PROCEDURES/REGULATIONS:** NONE. I further request and direct that this Notice be published in the Commonwealth Register.

**AUTHORITY:** The Board of Regents is mandated by the Northern Marianas Constitution to “formulate policy relating to the higher education needs of the Commonwealth of the Northern Mariana Islands.” One of the statutory duties of the Board of Regents is “To establish procurement policies for the college, and to expend funds appropriated by the federal or Commonwealth government or donated to the college by any other entity.”

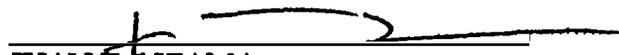
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted policies and procedures/regulations are effective 10 days after compliance with the APA, 1 CMC § 9102 and 9104(a), which, in this instance, is 10 days after this publication in the Commonwealth Register.

**COMMENTS AND NMC CONCISE STATEMENT:** Upon this adoption of these policies and procedures/regulations, NMC, if requested to do so by an interested person, within 30 days after adoption, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. No request was made by an interested person prior to adoption.

**ATTORNEY GENERAL APPROVAL for non-modified policies and procedures/regulations or policies and procedures/regulations with Non-material modification:** The adopted policies and procedures/regulations were approved for promulgation by the Attorney General at page 031109 of the above-cited Commonwealth Register, pursuant to 1 CMC § 2153.

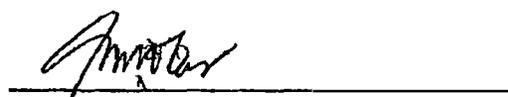
**I DECLARE** under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed on the 22<sup>nd</sup> day of February 2011, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
**JUAN T. LIZAMA**  
CHAIRPERSON  
BOARD OF REGENTS  
NORTHERN MARIANAS COLLEGE

2-22-11  
DATE

**FILED AND RECORDED BY:**

  
\_\_\_\_\_  
**ESTHER M. SAN NICOLAS**  
COMMONWEALTH REGISTRAR

2 23 11  
DATE

**Commonwealth of the Northern Mariana Islands**  
**Scholarship Office**  
Caller Box 10007, Saipan, MP 96950  
Tel. (670) 664-4750 Fax: (670) 664-4759 Email: [cnmieap@cnmischolarship.com](mailto:cnmieap@cnmischolarship.com)

**NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS**  
**To Implement the Provisions of the CNMI Honor Scholarship Act, 3 CMC § 1342.**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Scholarship Advisory Board, HEREBY ADOPTS AS PERMANENT REGULATIONS the proposed regulations previously published in Volume 33, Number 01 of the Commonwealth Register at pages 031267 to 031290.

**AUTHORITY:** The Scholarship Advisory Board is authorized to promulgate regulations pursuant to Executive Order 94-3, Sec. 211 and 3 CMC §§ 1341 - 1343.

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

**EFFECTIVE DATE:** These regulations will become effective ten days after this publication in the Commonwealth Register.

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

**ATTORNEY GENERAL APPROVAL:** These regulations were approved for promulgation by the Attorney General in the above cited pages of The Commonwealth Register pursuant to 1 CMC §2153(e).

**CERTIFICATION:** I, Carolyn P. Honsono, Chairperson of the Scholarship Advisory Board, hereby approve these regulations, and certify that the regulations published in Volume 33, Number 01 of the Commonwealth Register at pages 031267 to 031290 are

a true and correct copy of the regulations as adopted by the Scholarship Advisory Board.

Submitted by:   
\_\_\_\_\_  
Carolyn F. Honson  
Chairperson,  
Scholarship Advisory Board

2/16/2011  
Date

Filed and  
Recorded by:   
\_\_\_\_\_  
ESTHER M. SAN NICOLAS  
Commonwealth Register

2.23.11  
Date

**DIRECTIVE**DATE: OCT 11 1994  
No. 131

**TO** : Secretary Department of Labor and Immigration  
Secretary of Commerce

**FROM** : Governor

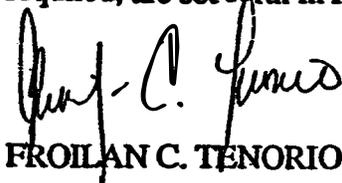
**SUBJ.** : Executive Order 94-3; Transfer of Division of Labor and Division of  
Employment Services to Department of Labor and Immigration

This is to inform you that, in accordance with Executive Order No. 94-3, Section 301(b) of Re-organization Plan No. 2 of 1994, effective immediately, the Division of Labor and Employment Services are transferred from the Department of Commerce to the Department of Labor and Immigration.

The Secretary of Labor and Immigration shall strengthen the Division of Labor and Employment Services to increase its ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Labor and Employment Services is considered by the Division of Labor before nonresident worker certificates are issued.

Mr. Gonzalo Santos is appointed the new Director of the Division of Labor and Employment Services, effective immediately.

The Procedure for transferring authority, funds, records, property and personnel, should this be required, are set forth in Part V of the Executive Order, Sections 503-505.



FROILAN C. TENORIO

CC: Mr. Gonzalo Santos

**DIRECTIVE**DATE: OCT 12 1994  
No. 132

**TO** : Secretary, Department of Labor and Immigration  
Secretary of Commerce

**FROM** : Governor

**SUBJ.** : Withdrawal of Directive No. 131 and Replacement Herewith

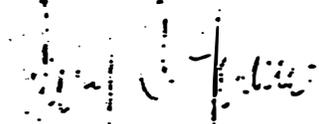
Due to several substantial errors contained in Directive No. 131, that Directive is hereby withdrawn. The substance of new Directive No. 132 follows.

This is to inform you that, in accordance with Executive Order No. 94-3, ~~Re-organization Plan~~ No. 2 of 1994, Section 301(b)(1), effective immediately, the Division of Labor and the Division of Employment Services are transferred from the Department of Commerce to the Department of Labor and Immigration.

The Secretary of Labor and Immigration shall strengthen the Divisions of Labor and Employment Services to increase their ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Employment Services is considered by the Division of Labor before nonresident worker certificates are issued.

Mr. Gonzalo Santos is appointed the new Director of the Division of Labor, offices immediately.

The procedures for transferring authority, funds, records, property and personnel, should this be required, are set forth in Part 5 of the Executive Order, Sections 503-505.



FROILAN C. TENORIO

CC: Mr. Gonzalo Santos

**DIRECTIVE**Date: OCT 12 1994  
No.: 133

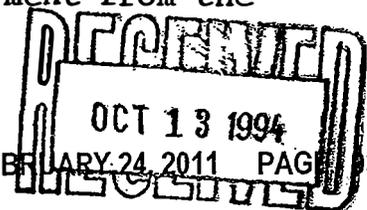
**TO** : Mayors of Tinian and Rota

**FROM** : Governor

**SUBJECT** : Authority to Hire, Fire and Supervise Resident Department Heads and Personnel for the Executive Branch Department Offices on Tinian and Rota

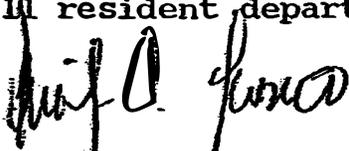
**This directive is provided to inform you that, in accordance with and in compliance with Amendment 25 of the CNMI Constitution, your authority to hire and/or appoint personnel for the Executive Branch Departments on Tinian and Rota is limited to your authority under Article VI Section (g) to appoint the resident department heads. The mayors of Tinian and Rota have no constitutional or statutory authority to hire staff, detail staff, and/or make personnel decisions for the Executive Branch department offices on their respective islands. Pursuant to 1 CMC. §5106(1) resident department head (not the mayors) are vested with the authority to hire executive branch employees for the islands of Tinian and Rota pursuant to the rules and regulations promulgated by the Civil Service Commission.**

Although there are no constitutional or statutory provisions setting forth who has the authority to terminate a duly appointed resident department head, resident department heads implicitly serve at the pleasure of the mayors of Tinian and Rota (pursuant to the mayors' constitutional authority to appoint them). Resident department heads also implicitly serve under the direction and supervision of the Secretaries (or other appointees of equivalent title) of the principal executive branch departments (pursuant to the Secretaries' constitutional duty to ensure that all Commonwealth laws pertaining to their departments and the rules and regulations promulgated thereunder, are duly respected and enforced). If a resident department head fails to comply with the mandate of the principal department to which he is appointed (e.g., for acts such as those premised upon unethical conduct, impropriety, misfeasance, malfeasance, neglect, and misuse of public office) and if the mayor who appointed the resident department head fails to take appropriate corrective action and/or terminate the resident department head's employment for such acts, the Secretaries of the principal departments have the duty and lawful authority to terminate for cause the resident department head's employment from the department.



The employees of the principal executive branch departments on Tinian and Rota generally work under the supervision of the resident department heads. However, if a department secretary or deputy secretary directs an executive branch employee to take a lawful action, a resident department head may not countermand that order. If a resident department head knowingly interferes with an order of a department secretary or deputy secretary, that resident department head may be terminated for cause on the ground of insubordination. An executive branch employee who fails to carry out an order from a department secretary or deputy secretary shall be subject to disciplinary measures set forth in the Personnel Service System Rules and Regulations promulgated by the Civil Service Commission.

This directive shall be conspicuously posted in the offices of all resident department heads.



FROILAN C. TENORIO

cc: All Department Heads  
All Resident Department Heads

**DIRECTIVE**DATE: OCT 14 1994  
No. 134

**TO** : Attorney General  
Secretary of Labor and Immigration

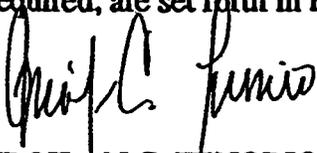
**FROM** : Governor

**SUBJ.** : Executive Order 94-3, Immigration Service

This is to inform you that, in accordance with Executive Order 94-3, Section 301(c) of Reorganization Plan No. 2 of 1994, effective immediately, the Office of Immigration and Naturalization is redesignated the Immigration Service and is transferred to the Department of Labor and Immigration as a division of that department. All functions of the Attorney General relating to immigration and naturalization are transferred to the Secretary of Labor and Immigration, with the exception of those functions relating to the hearing of immigration appeals as provided in 3 CMC Section 4336(d) and the constitutional function of legal representation.

The Immigration Service shall have at its head a Director of Immigration, who shall have all the powers assigned by law to the Immigration and Naturalization Officer. Mr. George F. Camacho is appointed the new Director of Immigration, effective immediately.

The procedures for transferring authority, funds, records, property and personnel, should this be required, are set forth in Part V of the Executive Order, Sections 503-505.



FROILAN C. TENORIO

cc: Special Assistant for Administration

# DIRECTIVE

DATE: Oct 17 1994  
No. 135

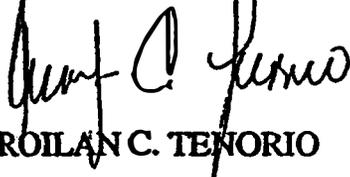
**TO** : Attorney General  
Secretary of Labor and Immigration  
Special Assistant for Administration

**FROM** : Governor

**SUBJ.** : Executive Order 94-3, Passports and Certificates of Identity

**This is to inform you that, in accordance with Executive Order 94-3, Section 201 of Reorganization Plan No. 2 of 1994, effective immediately, the functions of the Attorney General and the Director of Immigration relating to Northern Mariana Islands Certificates of Identity or United States passports are transferred to the Office of the Governor and delegated to the Special Assistant for Administration.**

**The procedures for transferring authority, funds, records, property and personnel, should this be required, are set forth in Part V of the Executive Order, Sections 503-505.**



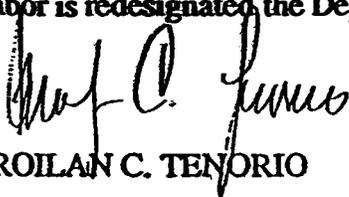
FROILAN C. TENORIO

# DIRECTIVE

DATE: OCT 17 1994  
No. 136

**TO** : Secretary of Commerce  
**FROM** : Governor  
**SUBJ.** : Executive Order 94-3, Renaming of Department of Commerce & Labor

This is to inform you that, in accordance with Executive Order 94-3, Section 103 of Reorganization Plan No. 2 of 1994, effective immediately, the Department of Commerce and Labor is redesignated the Department of Commerce.



FROILAN C. TENORIO

cc: Special Assistant for Administration

**DIRECTIVE**Date: OCT 18 1994  
No.: 137

**TO** : Mayors of Tinian and Rota

**FROM** : Governor

**SUBJECT** : Withdrawal of Directive No. 133 - Issuance of Revised Directive on the Executive Branch Department Secretaries' Authority to Hire, Fire and Supervise Resident Department Heads and Personnel for the Executive Branch Department Offices on Tinian and Rota

This directive is provided to inform you that, in accordance with and in compliance with Amendment 25 of the CNMI Constitution, the mayors' authority to hire and/or appoint personnel for the Executive Branch Department offices on Tinian and Rota is limited to their authority under Article VI, Section 3(g) to appoint the resident department heads. The mayors of Tinian and Rota have no constitutional or statutory authority to hire staff, detail staff, and/or make personnel decisions for the Executive Branch Department offices on their respective islands.

Notwithstanding the mayors' lack of constitutional or self-executing statutory authority to make such personnel decisions for the Executive Branch offices on Tinian and Rota, on November 21, 1990, the former Administration broadly delegated to the mayors the responsibility for executing Commonwealth laws and administering public services on their respective islands (pursuant to Article III, Section 17(a) of the CNMI Constitution). If such delegation could be construed to mean that the former Administration transferred its authority to make personnel decisions for its offices on Tinian and Rota, such grant of authority has not been made by this Administration. Accordingly, any such grant of authority by the former Administration is hereby withdrawn in its entirety by this directive.

The resident department heads appointed by the mayors also have no constitutional or self-executing statutory authority to hire staff or make personnel decisions for their respective offices. Although 1 CMC §5106(i) purports to grant resident department heads the authority to hire Executive Branch employees for their respective offices, 1 CMC §5106(i) is effective only as an ancillary provision of Article III, Section 17(a) of the CNMI Constitution and thereby operates only if the Governor delegates to the mayors the responsibility for executing specified Commonwealth laws. If no such delegation is made to the mayors, the resident department heads in turn cannot be delegated the

authority to make personnel decisions for the Executive Branch Department offices. As stated above, any purported delegation of authority to the mayors pertaining to personnel matters is withdrawn by this directive.

It should be further noted that 1 CMC §5106(i) was enacted within P.L. 5-31 - the "Government Appropriation Act of 1987." Accordingly, strict construction of applicable statutory law would find that this public law and the statutory provision were of temporary duration. Pursuant to Section 10(a)(1) of P.L. 3-90, all appropriation laws are temporary laws which, by definition, expire in accordance with the specific termination date of the appropriation law or the end of the fiscal period for which the appropriation law was enacted. Therefore, 1 CMC §5106(i) may well have technically expired on September 30, 1987 (the close of the 1987 fiscal year).

For purposes of efficiency, accountability and coordination, Executive Branch offices on Tinian and Rota should and will operate pursuant to a unified mandate set forth by the respective Executive Branch Departments headed by their respective Secretaries (or gubernatorial appointees of equivalent title). The Secretaries have a constitutional duty to ensure that all Commonwealth laws pertaining to their departments, and the rules and regulations promulgated thereunder, are duly respected and enforced. Since the Secretaries have the power to staff their departments, and any authority delegated to the mayors contrary to this position has now been withdrawn by this directive, it seems quite evident that the Secretaries have the exclusive authority to hire and fire personnel for the Executive Branch Department offices on Tinian and Rota.

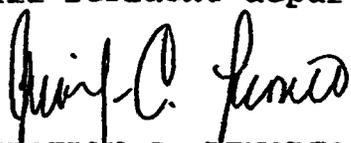
Department Secretaries have the discretionary authority to delegate to the resident department heads the responsibility for assisting in personnel decisions including the making of recommendations as to who should be hired to, or fired from, their respective offices. However, by this directive, no person may be employed by an Executive Branch office on Tinian and Rota unless and until such person's personnel action has been approved by the respective department Secretary.

Although there are no constitutional or statutory provisions setting forth who has the authority to terminate a duly appointed resident department head, resident department heads implicitly serve at the pleasure of the mayors of Tinian and Rota (pursuant to the mayors' constitutional authority to appoint them) Resident department heads also implicitly serve under the direction and supervision of the Secretaries of the Executive Branch Departments. If a resident department head fails to comply with the mandate of the principal department to which he was appointed (e.g., for acts such as those premised upon unethical conduct, impropriety, misfeasance, malfeasance, neglect, or misuse of public office), and if the mayor who appointed the resident department head fails to take appropriate

corrective action and/or terminate the resident department head's employment for such acts, the Secretaries have the duty and lawful authority to terminate for cause the resident department head's employment in the department.

Government employees working for the Executive Branch offices on Tinian and Rota generally work under the supervision of the resident department heads. However, if a department Secretary or Deputy Secretary directs an Executive Branch employee to take a lawful action, a resident department head may not countermand that order. If a resident department head knowingly interferes with an order of a department Secretary or Deputy Secretary, that resident department head may be terminated for cause on the ground of insubordination. Executive Branch employees who fail to carry out an order from a department Secretary or Deputy Secretary shall be subject to the disciplinary measures set forth in the Personnel Service System Rules and Regulations promulgated by the Civil Service Commission.

This directive shall be conspicuously posted in the offices of all resident department heads.

  
FROILAN C. TENORIO

cc: All Department Heads  
All Resident Department Heads

**DIRECTIVE**DATE: OCT 20 1994  
No. 138

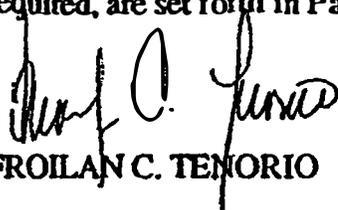
**TO** : Executive Director, Mariana Islands Housing Authority  
Executive Director, Commonwealth Development Authority

**FROM** : Governor

**SUBJ.** : Executive Order 94-3, Abolishment of Mariana Islands Housing Authority

This is to inform you that, in accordance with Executive Order 94-3, Section 407 of Re-organization Plan No. 2 of 1994, effective immediately, the Mariana Islands Housing Authority is abolished and its function transferred to a Division of Housing within the Commonwealth Development Authority.

The procedures for transferring authority, funds, records, property and personnel, should this be required, are set forth in Part 5 of the Executive Order, Sections 503-505.



FROILAN C. TENORIO



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**FROILAN C. TENORIO**  
Governor

**JESUS C. BORJA**  
Lt. Governor

Capital:  
Saipan, MP 969  
Telephone: (670) 322-5091  
Fax: (670) 322-50

**4 JUN 1994**

The Honorable Diego T. Benavente  
Speaker of the House of Representatives  
Ninth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Juan S. Demapan  
Senate President  
Ninth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President,

I am transmitting with this letter Executive Order 94-3, the Second Re-organization Plan of 1994.

As you know, the Superior Court just recently ruled on Executive Order 94-2. The Court found that the so-called autonomous agencies were, indeed, part of the Executive Branch and so subject to re-organization. Nevertheless, the Court voided the order because of a technical defect in its passage.

This Order restates E.O. 94-2. There are a few minor changes. The Attorney General's office will not be renamed the Department of Justice; they prefer their present title. The Director of Public Safety will be Commissioner of Public Safety, not the Secretary. More powers have been given to the Office of Personnel Management, the Emergency Management Office has been moved into the Governor's Office, and the provision dealing with Marianas Visitors' Bureau has been re-written. And, in the single most important change, Customs has been moved back under the Department of Finance. Almost all of the rest of this order, though, is identical to E.O. 94-2

There could well be tremendous confusion and difficulty if the re-organization plan is first reversed and then carried out for a second time. Therefore, I respectfully request that the Legislature move forward as quickly as possible in acting on this Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Froilan C. Tenorio".

FROILAN C. TENORIO

**EXECUTIVE ORDER NO. 94-3**

**SUBJECT:** Re-organization Plan No. 2 of 1994

**AUTHORITY:** Constitution, Article III, Section 15

**WHEREAS**, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies, and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, grouped as far as practicable according to major purposes; and

**WHEREAS**, pursuant to such section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

**WHEREAS**, the Governor may make changes in the allocation of offices, agencies, and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

**WHEREAS**, such changes may affect existing law; and

**WHEREAS**, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and,

**WHEREAS**, the power of the Governor to reorganize the Executive Branch, has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of Marianas Visitor's Bureaus, et al. v. CNMI;

**NOW, THEREFORE**, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

**ORDERED:**

That the following provisions shall constitute Re-organization Plan No. 2 of 1994:

**PART 1. RE-DESIGNATIONS.**

**Section 101. Special Assistant for Management and Budget.** The Special Assistant for Planning and Budgeting is re-designated the Special Assistant for Management and Budget and shall head the Office of Management and Budget.

**Section 102. Special Assistant for Public Liaison.** The Special Assistant for Political Affairs is re-designated the Special Assistant to the Governor for Public Liaison and shall head the Office of Public Liaison.

**Section 103. Department of Commerce.** The Department of Commerce and Labor is re-designated the Department of Commerce.

**Section 104. Department of Lands and Natural Resources.** The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

**Section 105. Department of Public Health.** The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

**Section 106. Changes in Departmental Components and Titles.**

**(a) Department Secretaries.** Each department director, except the Attorney General and the Director of Public Safety, is re-designated a secretary. The Director of Public Safety is re-designated the Commissioner of Public Safety.

**(b) Division Directors.** Except as otherwise provided in this plan, the major components of a department shall be known as divisions. Each chief of a major component of a department is re-designated a director. For example, the Chief of Labor is re-designated Director of Labor. If the head of a division has a title other than chief, that title may be retained at the discretion of the head of the department, adjusted as necessary to reflect any re-allocation of duties or functions made by this plan.

**(c) Office Chiefs.** Except as otherwise provided in this plan, minor components of a department, whether or not within a division, shall be known as

offices. Each office head is re-designated a chief.

(d) **Renaming by Department Heads.** With the approval of the Governor, the head of a department may vary the designation of any component of such department or the title of the head of any such component from the designations and titles provided in subsections (a) through (c) of this section.

## **PART 2. OFFICE OF THE GOVERNOR.**

**Transfers, abolishments, creations, and changes in functions and duties, not otherwise provided for, relating to the Office of the Governor are hereby effected as set forth in this part.**

**Section 201. Passports and Certificates of Identity.** The functions of the Attorney General and the Immigration and Naturalization Officer (including those as Chief of Immigration) relating to Certificates of Identity or United States passports are transferred to the Governor and delegated to the Special Assistant for Administration. The Special Assistant for Administration may designate any qualified officer or employee of the Commonwealth Government to serve as an examining officer pursuant to 3 CMC §4126.

### **Section 202. Planning and Management Functions.**

(a) **There is hereby established a Planning Office in the Office of the Governor, which shall have at its head a Special Assistant for Planning, who shall be appointed by and serve at the pleasure of the Governor.**

(b) **The planning functions of the Special Assistant for Management and Budget, other than those relating to land use planning, are transferred to the Special Assistant for Planning.**

(c) **The functions of the Special Assistant for Management and Budget relating to land use planning are transferred to the Secretary of Lands and Natural Resources.**

(d) **The Special Assistant for Management and Budget shall, in addition to any other duties, be responsible for improving and coordinating the management of**

the Commonwealth Government. In this regard, the Special Assistant shall ensure discipline in government programs and activities for consistency with the Governor's policies and budget, improve government efficiency by reducing duplication and overlaps between and among agencies, and assist department and activity heads in internal organization and management to achieve maximum effectiveness at minimum cost to the taxpayers.

**Section 203. Special Assistant for Youth.**

(a) There is established the Office of Youth Affairs, which shall have at its head a Special Assistant for Youth, who shall be appointed by and serve at the pleasure of the Governor.

(b) The Special Assistant for Youth shall coordinate all Commonwealth Government programs and activities for youth. The Special Assistant may also conduct programs and activities for youth that are not being conducted by other agencies and, in particular, may develop and implement innovative programs and activities for youth.

(c) As used in this section, the term "programs and activities for youth" means programs and activities with substantial participation by, or designed for the benefit of, non-delinquent and non-criminal individuals under the age of twenty-three years, except primarily academic programs of the Public School System or the Northern Marianas College, and except primarily medical programs of the Department of Public Health.

**Section 204. Constitutional Officers.**

(a) The following officers and their respective offices are transferred to the Department of Community and Cultural Affairs:

- (1) Executive Assistant for Carolinian Affairs;
- (2) Special Assistant for Women's Affairs; and
- (3) Resident Executive for Indigenous Affairs.

(b) Except as provided in subsection (c) of this section, the Secretary of Community and Cultural Affairs shall coordinate the activities of the officers and offices transferred pursuant to this section to reduce or eliminate conflict and overlaps and to promote productivity and efficiency.

(c) Notwithstanding the provisions of subsection (b) of this section, all rights, powers, and responsibilities of the officers transferred pursuant to this section shall be preserved as set forth in the Constitution and shall not be derogated by the Secretary of Community and Cultural Affairs. For example, pursuant to the Constitution, the Executive Assistant for Carolinian Affairs, without the permission of the Secretary, may require information in writing (even from the Secretary), conduct investigations, report findings, and make recommendations to the Governor.

**Section 205. Health Planning and Coordination.** The Health Planning and Development Agency and the Health Coordination Council are allocated to the Department of Public Health for purposes of administration and coordination.

**Section 206. Coastal Resources Management.**

(a) The Coastal Resources Management Office is transferred to the Department of Lands and Natural Resources.

(b) The Coastal Advisory Council is abolished and its functions transferred to the Development Advisory Council established by Section 402 of this plan.

**Section 107. Corporate Charters.** All functions of the Governor relating to corporate charters pursuant to Chapter 1 of 4 CMC, Division 4, are delegated to the Attorney General.

**Section 208. Weights and Measures.** All functions of the Governor relating to weights and measures pursuant to Chapter 4 of 4 CMC, Division 5, are transferred to the Secretary of Commerce.

**Section 209. Temporary Alcoholic Beverage Licenses.** The authority of

the Governor under 4 CMC §5525 to issue temporary licenses for the sale of alcoholic beverages by nonprofit organizations is transferred to the Secretary of Commerce.

**Section 210. Public Liaison.** The Special Assistant for Public Liaison shall coordinate the government's participation in community events and celebrations and provide outreach to various organizations, association, and other groups.

**Section 211. Scholarships.**

(a) All functions of the Northern Marianas College Board of Regents relating to student scholarships, except those donated, bequeathed, or granted to the College by parties outside the Commonwealth Government, are transferred to the Office of the Governor.

(b) There is hereby established in the Office of the Governor a Scholarship Advisory Board consisting of nine members who shall be appointed by and serve at the pleasure of the Governor. At least two of the members shall be from Tinian, and at least two from Rota. Not more than five of the board members shall be associated with a single political party. The Board shall review applications for scholarships and make recommendations to the Governor with respect thereto. The Board shall also recommend objective standards for the award of scholarships. The provisions of Public Law No. 8-41 shall not apply to the Board.

(c) As used in this section, the term "scholarships" includes student grants, student loans and other programs of student financial assistance.

**Section 211. Energy Office.** The Energy Office is transferred to the Department of Public Works.

**Section 213. Board of Parole.**

(a) The Board of Parole is allocated to the Office of the Special Assistant for Administration for purposes of administration and coordination. After the effective date of this section, appointments to the Board shall be made by the Governor with the advice and consent of the Senate.

(b) Subsection (a) of 6 CMC §4205, relative to probation, is repealed and succeeding subsections re-designated accordingly.

(c) Section 4207 of <sup>6</sup>CMC is revised to read as follows:

"§4207. Board of Parole; Staff.

**The Special Assistant for Administration shall provide staff support to the Board, including a Probation Officer who shall have the power of arrest of persons under the jurisdiction of the Board."**

(d) **Any existing staff of the Board of Parole is transferred to the Office of the Special Assistant for Administration.**

#### **Section 214. Personnel Management.**

(a) **There is hereby established an Office of Personnel Management, which shall have at its head a Director of Personnel, who shall be appointed by the Governor with the advice and consent of the Senate and who shall have the rank of a special assistant to the Governor.**

(b) **The Personnel Office is abolished and, except as otherwise provided in this section or in Section 307, its functions transferred to the Office of Personnel Management.**

(c) **Boards and commissions (including the Civil Service Commission for its own employees), the Marianas Public Land Trust, the Board of Education/Public School System, the Northern Marianas College, and the Legislative and Judicial Branches (for their administrative staffs) may, to the extent of budgetary resource retain or establish personnel management functions within their organizations, or they may, by agreement, arrange with the Office of Personnel Management to perform such functions on their behalf.**

(d) **The following functions of the Personnel Office shall be retained by the Civil Service Commission (which may establish an appropriate administrative structure for such purpose) and may be delegated in whole or in part to any or all of**

the appointing authorities:

(1) Exemption of positions from Civil Service classifications.

(2) Development, evaluation, and improvement of the Personnel Service Performance Standards and Appraisal System.

(3) Recommendation and promulgation of regulations relating to Personnel matters.

(e) Notwithstanding any other provision of law, the function of taking any personnel action is, subject to the policies set forth by the Civil Service Commission, vested in the respective appointing authorities and shall not require further approval. Such actions shall be documented by the Office of Personnel Management (or by any office or employee conducting personnel management functions pursuant to subsection (b) of this section), and a copy of such documentation forwarded to the Civil Service Commission.

(f) The functions of the Personnel Office relating to training programs for government employees are transferred to the Northern Marianas College. The Board of Regents of the Northern Marianas College shall consult as necessary with the Director of Personnel regarding such programs. Government agencies and instrumentalities may, after consultation with the College, supplement such programs as budgetary resources may permit.

(g) Nothing in this section shall be taken to derogate from the constitutional authority of the Civil Service Commission.

**Section 215. Special Assistant for Drugs & Substance Abuse.**

(a) There is established in the Office of the Governor the Office of Drugs and Substance Abuse, which shall be headed by a Special Assistant for Drugs and Substance Abuse, who shall be appointed by and shall serve at the pleasure of the Governor.

(b) The Special Assistant for Drugs and Substance Abuse shall

coordinate all activities of the Commonwealth Government relating to drugs and substance abuse, including education, prevention, interdiction, enforcement, treatment, and rehabilitation.

(c) The heads of Public Health and Environmental Safety, Finance, Community and Cultural Affairs, Public Safety, and all other relevant agencies shall advise the Special Assistant regarding programs and activities of their respective offices and departments relating to drug control and substance abuse and shall coordinate such programs and activities with each other and with the Special Assistant; provided, that nothing in this subsection shall be taken to require advice or coordination where such action would compromise a pending investigation or legal proceeding or would violate any law.

The Special Assistant shall also coordinate with private and voluntary organizations, religious groups, businesses, health care practitioners (including practitioners of traditional medicine) and other persons or groups in the Commonwealth expressing an interest in controlling drugs and combating substance abuse.

(d) The Special Assistant may stimulate or supplement programs and activities conducted by other agencies, or may initiate new programs and activities, subject to the availability of funding. \*

(e) All applications for grants or grant renewals from the Federal Government or other sources in the areas of drug control and substance abuse shall be coordinated by and require the approval of the Special Assistant.

(f) The Special Assistant shall utilize funds appropriated or otherwise available to the Office of the Governor and designated for such purpose by the Governor and may, with the approval of the Governor, employ staff or procure the services of independent contractors.

(g) The position of Special Assistant for Drugs and Substance Abuse shall continue in existence for four years from the effective date of this order. If still needed, it may be renewed thereafter by a subsequent Executive Order.

**Section 216. Emergency Operations.** The Disaster Control Office and the Office of Civil Defense are consolidated in a Division of Emergency Operations

within the Office of the Governor, which shall have at its head a Director of Emergency Operations.

### **PART 3. THE DEPARTMENTS**

Transfers, abolishments, creations, and changes in functions and duties relating to the major departments, not otherwise provided for, are hereby effected as set forth in this part.

#### **Section 301. Department of Labor and Immigration.**

**(a) Department Established.** There is hereby established a Department of Labor and Immigration which shall have at its head a Secretary of Labor and Immigration.

#### **(b) Labor and Employment Services.**

(1) The Division of Labor and the Division of Employment Services are transferred from the Department of Commerce to the Department of Labor and Immigration. The Secretary of Labor and Immigration shall strengthen the Division of Employment Services to increase its ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Employment Services is considered by the Division of Labor before non-resident worker certificates are issued.

(2) The functions of the Secretary of Commerce under Chapter 2 or 4 CMC, Division 9, relating to minimum wages and hours, are transferred to the Secretary of Labor and Immigration.

(3) The Wage and Salary Review Board is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Labor and Immigration..

(1) The State Job Training Coordination Council/Private Industry

Council and the JTPA office are allocated to the Department of Labor and Immigration for purposes of administration and coordination.

(5) Pursuant to paragraph (2) of 3 CMC §4424(a), the Secretary of Labor and Immigration shall by regulation increase to not less than \$200 the annual fee for the processing of the initial application and for each annual renewal of a non-resident worker certificate, provided that the additional funds collected as a result of such increase shall be covered into the General Fund. On October 1, 1994, any funds remaining in the Commonwealth Non-resident Worker Fee Fund or in any account established pursuant to paragraph (1) of such subsection, shall be covered into the General Fund, may be reprogrammed by the Governor, and shall remain available for obligation until expended. The Governor may transmit to the Legislature revised budget estimates for Fiscal Year 1995 as necessary to conform to the provisions of this paragraph.

**(c) Immigration.**

(1) The Office of Immigration and Naturalization is re-designated the Immigration Service and is transferred to the Department of Labor and Immigration as a division of that department. The Immigration Service shall have at its head a Director of Immigration, who shall have all the powers assigned by law to the Immigration and Naturalization Officer, except any power transferred pursuant to Section 201 of this plan. The position of Immigration and Naturalization Officer is abolished.

(2) All functions of the Attorney General relating to immigration and naturalization, are transferred to the Secretary of Labor and Immigration except:

(A) any function transferred pursuant to Section 201 of this plan,

(B) the hearing of immigration appeals as provided in 3 CMC §4336(d), and

(C) the constitutional function of legal representation.

**Section 302. Department of Commerce.**

**(a) Taxicab Bureau.** The Taxicab Bureau is abolished and its functions transferred from the Department of Finance to the Department of Commerce.

**(b) Marianas Visitors Bureau.**

**(1) The Marianas Visitors Bureau is allocated to the Department of Commerce for purposes of administration and coordination.**

**(2) The Board of Directors is increased from 9 members to 14 members.**

**(3) (i) Nine of the members of the Board shall be appointed by the Governor with the advice and consent of the Senate and shall serve a term of four years. At least two of the members appointed by the Governor shall be from Rota and at least two shall be from Tinian.**

**(ii) The present members of the Board shall serve out their terms, the Governor appointing replacements as their terms expire.**

**(4) One representative apiece from each of the following groups shall serve as a member of the Board.**

- A) All the hotels serving the Commonwealth**
- B) All the airlines serving the Commonwealth**
- C) The major retailers of the Commonwealth**
- D) The small businesses of the Commonwealth that are members of the Marianas Visitors Bureau; and,**
- E) The travel agencies of the Commonwealth.**

The Secretary of Commerce may provide definitions of "major retailer", "small business", and "travel agency" by regulation. Each group may select its representative by consensus. If a consensus is not reached within a group, the Secretary of Commerce shall conduct an election with each member of the group having one vote

The five members selected pursuant to this subsection shall each serve a term of

one year. Neither such member may serve two successive terms, nor may an airline, a travel agency, or a major retailer be represented twice in succession.

The five members selected pursuant to this subsection shall take office as soon as a consensus may be reached, or an election held, after the effective date of this Order.

(c) **Alcoholic Beverage Control.** The Commonwealth Alcoholic Beverage Control Board is abolished and its functions transferred to the Secretary of Commerce.

(d) **Statistical Advisory Council.** The Statistical Advisory Council is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Commerce. The Secretary of Commerce shall solicit from all activities of the Commonwealth Government, including those of the Legislative and Judicial Branches, and from the private sector as appropriate, their needs for government statistics and shall consider such needs when determining what statistics to collect, compile, and report.

### **Section 303. Department of Public Safety.**

(a) **Criminal Justice System.** The Criminal Justice Planning Agency, CJPA Youth Advisory Council, and the Council for the Improvement of the Criminal Justice System are allocated to the Department of Public Safety for purposes of coordination and administration.

(b) **Alternative Programs.**

(1) The Secretary of Public Safety shall investigate and, if appropriate, establish military-style programs of rigorous discipline and training for youth and adults as an alternative or supplement to traditional secure care and correctional facilities. If such a program is established for youth, the Secretary of Public Safety shall coordinate such program with the Secretary of Community and Cultural Affairs. Youth shall be strictly separated from adults in such programs, except that the programs for youth may include young adults under an age to be determined by the Secretary of Public Safety after consultation with the Secretary of Community and

**Cultural Affairs.**

(2) The Secretary of Public Safety, in coordination with the Special Assistant for Youth, may conduct voluntary programs for youth and young adults similar to, but separate from, the alternative programs described in paragraph (1) of this subsection.

**Section 304. Department of Public Works.**

(a) **Commonwealth Ports Authority.** The Commonwealth Ports Authority is allocated to the Department of Public Works for purposes of administration and coordination.

(b) **Commonwealth Utilities Corporation.** The Commonwealth Utilities Corporation is allocated to the Department of Public Works for purposes of administration and coordination.

(c) **Board of Professional Licensing.** The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

(d) **Environmental Quality.** The Division of Environmental Quality is transferred from the Department of Public Health to the Department of Public Works. To the maximum extent practicable, the Secretary of Public Works shall integrate land-based earth moving permits into the building permit process.

**Section 305. Department of Public Health.**

(a) **Board of Public Health and Environmental Quality.** The Board of Public Health and Environmental Quality is abolished and its functions transferred to the Secretary of Public Health.

(b) **Federally-Mandated Councils.** The State Planning Council on Developmental Disabilities and the State Rehabilitation Advisory Council are allocated to the Department of Public Health for the purposes of administration and

coordination.

**Section 306. Department of Lands and Natural Resources.**

**(a) Marianas Public Land Corporation.** Pursuant to Section 4(f) of Article XI of the Constitution, the Marianas Public Land Corporation is dissolved and its functions transferred to a Division of Public Lands in the Department of Lands and Natural Resources, which shall have at its head a Director of Public Lands.

**(b) Land Commission.** The Land Commission is abolished and its functions transferred to a Division of Land Registration in the Department of Lands and Natural Resources, which shall have at its head the Senior Land Commissioner who is re-designated as the Director of Land Registration and who shall report to and serve under the direction of the Secretary of Lands and Natural Resources. The Deputy Land Commissioners are re-designated as Deputy Directors of Land Registration.

**(c) Zoning Board.** The Zoning Board is abolished and, except as provided in Section 401(c) of this plan, its functions transferred to a Division of Zoning in the Department of Lands and Natural Resources, which shall have at its head a Director of Zoning. The Zoning Board of Rota, established by Rota Local Law No. 8-2, is not affected by this subsection.

**(d) Permit Simplification and Coordination.** The Secretary of Lands and Natural Resources shall simplify, coordinate, and, to the extent practicable, integrate the development permitting process and public land leasing process within the Department of Lands and Natural Resources. The Secretary of Lands and Natural Resources, the Secretary of Public Works, and the head of any other agency regulating development shall coordinate and may, by agreement, integrate the permitting and regulatory processes of their agencies in order to expedite government decisions incident to private sector development. If two or more agencies disagree regarding such coordination or integration, the head of any such agency may refer the matter to the Special Assistant for Management and Budget and the Special Assistant for Administration for resolution.

**Section 307. Department of Finance.**

**(a) Lottery Commission.** The Commonwealth Lottery Commission is abolished and its functions transferred to the Department of Finance. The Secretary of Finance shall consult with the Secretary of Commerce and the Attorney General as necessary for the effective administration of such functions.

**(b) Procurement.**

1) To the extent that any provision of law may be interpreted to authorize the Civil Service Commission or the Personnel Officer to exercise any function relating to the procurement of services from outside contractors, that function is transferred to the Secretary of Finance. The function of deciding whether it is in the public interest for the government to obtain professional services by employing more people to work for the government (either in the classified Civil Service or the Excepted Service as determined by the Personnel Officer) or by procuring such services from the private sector is allocated to the Office of the Governor, the Marianas Public Land Trust, and the various boards and commissions.

(2) In order to implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected, for clarification purposes only, to interpret 1 CMC §8131(a)(2) henceforth to apply only to government employees and not to outside contractors.

(3) In order to further implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected by changing the definition of "employee" in 1 CMC §8243 to exclude, rather than include, independent service contractors, consultants, and professional services contractors.

**(c) Government Health and Life Insurance.** Any function of the Personnel Office relating to administration of group health or life insurance programs for government officials or employees is transferred to the Department of Finance. The Public Auditor shall conduct an audit of such programs in connection with such transfer and shall report the results of such audit to the Governor, the

Legislature, and the public.

**Section 308. Department of Community and Cultural Affairs.**

**(a) Sports and Recreation.** There is established in the Department of Community and Cultural Affairs a Division of Sports and Recreation, which shall have at its head a Director of Sports and Recreation. The Division shall develop and administer programs relating to team and individual sports, recreational activities, and physical fitness for youth and adults, including senior citizens and persons with mental or physical disabilities.

**(b) Amateur Sports Association.** The Northern Marianas Amateur Sports Association is allocated to the Division of Sports and Recreation of the Department of Community and Cultural Affairs for purposes of administration and coordination.

**(c) Council for Arts and Culture.** The Commonwealth Council for Arts and Culture is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

**(d) Chamorro-Carolinian Language Policy Commission.** The ~~Chamorro-Carolinian~~ Language Policy Commission is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

**(e) Library Council.** The Commonwealth Library Council is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

**(f) Historic Preservation Review Board.** The Historic Preservation Review Board is abolished and its functions transferred to the Historic Preservation Office in the Department of Community and Cultural Affairs.

**(g) Hall of Fame.** The Commonwealth Hall of Fame is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Community and Cultural Affairs.

**Section 309. Attorney General.** The Division of Intergovernmental Relations is abolished and its functions assigned by the Attorney General as the Attorney General determines to be the most productive use of available resources.

#### **PART 4. OTHER AGENCIES AND INSTRUMENTALITIES**

Transfers, abolishments, creations, and changes in functions and duties relating to other agencies and instrumentalities of the Commonwealth, not otherwise provided for, are hereby effected as set forth in this part.

##### **Section 401. Development Appeals Board.**

(a) There is hereby established a Development Appeals Board consisting of nine members, including five from Saipan, two from Rota, and two from Tinian. Not more than three of the members from Saipan, and not more than five members of the entire Board shall be associated with a single political party. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate for terms of two years, except that of the members first appointed, five shall serve for one year and four shall serve for two years, as the Governor shall determine. The members of the Board shall be compensated at the rate established for board members of government corporations and councils by 1 CMC §8247.

(b) Except as provided in subsection (c) of this Section, the Development Appeals Board shall hear appeals of adverse decisions of agencies and instrumentalities regarding permits and other approvals for private sector development.

(c) To the extent that changes in zone boundaries or changes of zones for individual parcels are decided by the Saipan Legislative Delegation by local law, the Board shall not hear any appeal from a decision or recommendation of the Division of Zoning on a request from any person regarding a change of zone or of zone boundary. Any function of the Zoning Board abolished by Section 306(c) of this plan relating to variances is transferred to the Development Appeals Board, and the five Saipan members of the Board shall sit as a Board of Zoning Appeals and shall hear and decide upon applications for variances from the Saipan Zoning Law as

approved by Saipan Local Law 8-7 and as may from time-to-time be amended.

(d) The Board may, subject to appropriations, hire employees under Civil Service procedures or contract for professional services to assist it in carrying out its duties. The Board may, by agreement, utilize the services of employees of other agencies of the government on a reimbursable or non-reimbursable basis.

(e) The Coastal Resources Appeals Board and the Building Safety Code Review Board are abolished and their functions transferred to the Development Appeals Board.

(f) The functions of the Governor regarding historic preservation appeals pursuant to 2 CMC §4831(c) are transferred to the Development Appeals Board. Decisions of the Development Review Board relating to historic preservation, shall, in lieu of the procedure set forth in such section, be subject to judicial review as provided in subsection (h) of this section.

(g) The Development Appeals Board and that portion thereof designated as the Board of Zoning Appeals shall each meet as necessary to discharge its responsibilities without undue delay and not less frequently than once a month when there are matters pending consideration, except that by-laws may provide for hearings by panels consisting of less than the full membership of the Board (or of the Board of Zoning Appeals). At least one member of any such panel of the Development Appeals Board shall be from the senatorial district involved. All members of any such panel of the Board of Zoning Appeals shall be from Saipan.

(h) Decisions of the Development Appeals Board, including those of the Board of Zoning Appeals, shall be subject to judicial review pursuant to the provisions of 1 CMC §9112, except that the court shall act upon such review within 60 days after the written record of the proceedings is made available to the court.

#### **Section 402. Development Advisory Council.**

(a) There is hereby established a Development Advisory Council consisting of nine members, including five from Saipan, two from Rota and two from Tinian, who shall be appointed by and serve at the pleasure of the Governor. The Council

is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the Governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors the Legislature, and the respective legislative delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

(b) To the extent that the Zoning Advisory Council has not fully disbanded as required by 2 CMC §7223(d), it is abolished and its records, property, facilities, equipment, and supplies transferred to the Development Advisory Council.

**Section 403. Board of Education.** For purposes of administration and coordination, the State Education Advisory Council, the State Interagency Coordinating Council, and the Special Education State Advisory Panel are allocated to the Board of Education, which may assign any of them to the Public School System for such purposes.

**Section 404. Saipan Street Directory Commission.** The Saipan Street Directory Commission is abolished and its records, property, facilities, equipment, and supplies transferred to the Office of the Mayor of Saipan.

**Section 405. Taxation Task Force.** The Task Force on Income and Sales Taxation and Business Tax Incentives is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Finance.

**Section 406. Other Task Forces.** The Termination and Trusteeship Task Force and the Task Force on Privatization of Government Services are abolished and their records, property, facilities equipment, and supplies transferred to the Office of the Governor.

**Section 407. Marianas Housing Authority.**

(a) The Marianas Housing Authority is abolished and its functions transferred to a Division of Housing within the Commonwealth Development Authority, which shall have at its head a Director of Housing.

(b) Any bond or other indebtedness of the Mariana Island Housing Authority shall be assumed by the Commonwealth Government, but only upon such terms and security as shall have been agreed to previously by the Authority. The full faith and credit of the Commonwealth shall not secure such bond or other indebtedness, except as may have been pledged prior to such assumption or as otherwise provided by law.

## **PART 5. GENERAL PROVISIONS.**

**Section 501. Definition of Agency.** As used in this part, the term "agency" means any office, division, bureau, board, commission, authority, corporation, instrumentality, or other entity or component of the Commonwealth Government, other than one within the Legislative or Judicial branches.

**Section 502. Legal and Regulatory References.** All references in law or regulation to any agency of official re-designated by this plan shall be deemed to be a reference to such agency of official as so re-designated. In addition, references to an agency and to the head of such agency are used interchangeably in this plan as regards the authority or a function thereof.

**Section 503. Authority Transferred.** Except as otherwise provided in this plan, the functions of the head of any department or other agency (including those of a collective head, such as a board or commission) relating to the administration of any agency or function transferred pursuant to this plan are hereby transferred to, and shall be exercised by the head of the department or other agency to which such transferred agency or function is transferred by this plan.

### **Section 504. Transfer of Records, Property, and Personnel.**

(a) All records and property (including office equipment) of the various agencies, and all records and property used primarily in the administration of any function, transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including employees whose chief duties relate to such administration) are hereby transferred to the respective departments or other agencies concerned for use in the administration of the agencies and functions transferred by this plan.

(b) The Special Assistant for Management and Budget, the Special Assistant for Administration, and the Director of Personnel shall consult with each other regarding appropriate procedures for the integration of the personnel of any abolished agency, the functions of which are transferred to another agency, into the employment of the gaining agency. The three officials shall, within 30 days after the effective date of this plan, make recommendations to the Civil Service Commission, which shall, within 30 days thereafter, promulgate regulations for such integration. If such regulations provide for the appointment of such personnel to positions in the classified Civil Service of the Excepted Service, the individuals involved must be qualified to perform the duties of such positions.

(c) Pending the integration of personnel provided for in subsection (b) of this section, their terms of employment with the abolished agency shall continue to apply to the extent permitted by law.

(d) As used in this section, the term "gaining agency" means any agency to which an agency or any of its functions is transferred.

**Section 535. Transfer of Funds.** So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or other agency in the exercise of any function so transferred, as the Special Assistant for Management and Budget with the approval of the Governor shall determine, shall be transferred to the department or other agency concerned for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. Any portion of such balances not so transferred may be reprogrammed by the Governor.

**Section 506. Interim Appointments.** Whenever an appointment of a member of a board, commission, or other collective head of an agency is pending before the Senate for confirmation, the Governor may appoint an individual as an interim or acting member to serve until the Senate acts on the permanent appointment. If an individual is confirmed as a permanent member while serving as an interim or acting member, the term of office of that member shall be deemed to have begun on the date of the interim or acting appointment.

**Section 507. Administration and Coordination.** When an agency is allocated by this plan to another agency "for purposes of administration and coordination", the allocated agency shall not be integrated into the other agency. The individual or collective head of the allocated agency shall not report to or serve under the direction of the head of the other agency. However, there shall be regular communication between the two agencies, such that the officials and personnel of the allocated agency are aware of the policies and actions of the other agency. The two agencies may, at their discretion, enter into an agreement to coordinate any of their activities, to share staff or administrative services, or otherwise to improve efficiency and effectiveness. The annual budget for an allocated agency shall be set forth in the Governor's Budget as a separate entry under the general heading of the agency to which it is allocated.

**Section 508. Independence of Board members.** Notwithstanding any other provision of this plan, the independence of any member of a board or commission to whom the provisions of Section 21 of Article III of the Constitution apply, shall be preserved.

**Section 509. Governor's Appointments; Excepted Service.**

(a) In order to assure the accountability of government managers, all officials at or above the level of division director, or the equivalent by whatever title known, shall be appointed by and serve at the pleasure of the Governor, provided that such official shall report to and serve under the direction of the head of any supervisory official, such as a department head.

(b) In order further to ensure accountability, the executive director or other principal officer of any board, commission, or of any agency headed by a board or commission, shall be appointed by the Governor with the concurrence of a majority of the members of the relevant board or commission present and voting, a quorum thereof being present. Once appointed, such officer shall serve at the pleasure of the board or commission and shall also be subject to removal by the Governor for cause. Pursuant to Article XV of the Constitution, the provisions of this subsection shall not apply to the Commissioner of Education or the President of the Northern Marianas College.

(c) In order to assure consistency in government policies, and to ensure confidentiality in the formulation of policy, the following positions, if not subject to appointment by the Governor or otherwise exempt from the Civil Service system, shall be in the Excepted Service:

(1) Any position in the Office of the Governor (including the Office of the Lieutenant Governor), except the administrative staff of the Office of Personnel Management.

(2) Any position the duties of which include direct involvement in the making of government policy.

(3) Any position which requires a confidential relationship with an official appointed by the Governor or with a person appointed to a position described in paragraph (2) of this subsection.

(d) Any person appointed by the Governor, or appointed to a position described in subsection (c) of this section, who was a member of the classified Civil Service immediately before such appointment, shall, upon termination from such position, be reinstated in the classified Civil Service in a position for which such person is qualified at the grade and step previously held, except that, if the performance of such person has been sufficiently satisfactory, any within grade step increase that such person would have earned had that person remained in the classified Civil Service shall be awarded.

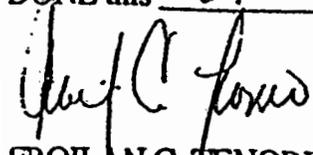
**Section 510. Codification of Changes.** The Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this plan.

**Section 511. Effective Date.** In accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided, that in case it shall appear to the Governor that the interests of economy or management require that any transfer, consolidation, or abolishment be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time.

Executive Order 94-3

Page 25

DONE this 24<sup>th</sup> day of JUNE, 1994.



FROILAN C. TENORIO  
Governor

**DIRECTIVE**DATE: NOV 10 1994  
No. 139

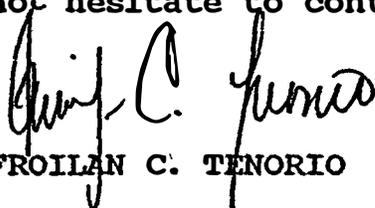
**TO :** All Department and Activity Heads

**FROM :** Governor

**SUBJ. :** Movement of Personnel, Offices and Divisions within Departments and the Acquisition of New Departmental Office Space

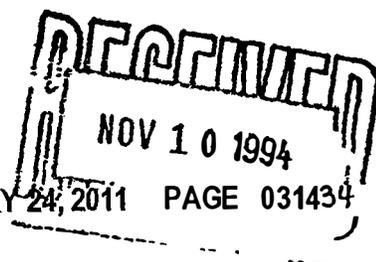
I have been notified that, in response to Executive Order 94-3, some departments have relocated personnel, offices, and divisions, within existing departmental office space and, in some cases, have acquired new office space to accommodate the needs of their departments. In the interest of keeping track of all Executive Branch personnel and, more importantly, in providing the most coordinated and efficient allocation of office space for the Executive Branch at the lowest possible cost and in compliance with the "Americans with Disabilities Act," by this directive, no personnel, offices, or divisions, may be moved within departments and no new office space may be acquired by departments without the prior written approval of the Special Assistant for Administration.

If you should have any questions about this directive, please do not hesitate to contact my office.



FROILAN C. TENORIO

cc: Special Assistant for Administration



# DIRECTIVE

DATE: NOV 16 1994  
No. 140

TO : All Department and Activity Heads  
FROM : Governor  
SUBJ. : Procedures for Official Travel

In order to attain a more consistent, effective, and efficient travel operation, I have included herein the new procedures for all official travel. I am urging that all department and activity heads inform, and more importantly, educate your employees of these new changes and requirements which will become effective on November 14, 1994. They are as follows:

## TRAVEL AUTHORIZATIONS (TAs)

All TA's are to be submitted to the Travel Section in the Office of the Special Assistant for Administration (SAA). As previously stated in my memorandum dated February 22, 1994, the Travel Section is responsible for arranging ALL travel reservations and for purchasing ALL airline tickets (a few exceptions are set forth in the memorandum). In addition, the following procedures shall be followed:

1. All TA forms must be fully completed and submitted to the Travel Section along with all supporting documents including, but not limited to, programs, itinerary, and agenda, pertaining to the purpose of travel. Departments, agencies and allocated units are advised to fully screen and finalize TAs before they are submitted to the Travel Section. The TAs must include the social security number of the traveler.
2. Any type of fee associated with the purpose of travel should be included on the TA; for example, a registration fee for a conference, training, seminar, car rental and land transportation.
3. Any TA that is requested for travelers whose destination requires a flight of five hours or more (point to point), one way, may be accommodated by the Government in flying Business Class or other comparable class. TAs requested for travelers whose destination requires less than five (5) hours will be provided with Economy Class or other comparable class.
4. Any TA that is requested for travel beyond the CNMI, as opposed to inter-island, must be submitted three to four weeks in advance. Any inter-island TA must be submitted one week in advance. The Travel Section and/or the Department of Finance will not be responsible for rushing the processing of any TA in order to meet the travel date.
5. After-the-fact TA requests must be submitted, with justification, to the Governor for review and approval.
6. Outstanding Travel Advance A Traveler with an outstanding travel advance shall not be authorized an additional travel advance unless a travel voucher has been submitted clearing all previous travel advance or, unless the traveler was required to travel within two weeks or less from the last travel performed.

### PER DIEM

The amount of per diem allowable for individual traveler varies by destination, and is calculated based on the following fixed scale:

a. Within the CNMI	\$ 85.00/day
b. Guam	\$175.00/day
c. U.S. Mainland (excluding Hawaii, California, New York and Washington, D.C.)	\$200.00/day
d. Hawaii, California, New York and Washington, D.C.	\$250.00/day
e. Far East and Southeast Asia	\$200.00/day
f. Japan	\$275.00/day
g. FSM, Palau, and Marshalls	\$125.00/day

Per diem rates for regions not shown herein will be calculated based on the previously established rates.

### GOVERNMENT TRAVEL REQUESTS (GTRs)

GTRs will no longer be picked up at the Department of Finance by the traveler or the department/agency. The authority to issue GTRs is hereby transferred to the SAA. A traveler or department/agency will pick up a ticket at the Travel Section in the Office of the SAA.

In addition, the following changes have been made on the GTR forms:

1. GTRs will indicate the remarks, "Tickets cannot be Reissued or Re-routed". Once the tickets are issued to the traveler or the department/agency, NO changes can be made.
2. GTRs will clearly indicate that any Upgrading of Class assignment will be at the traveler's expense, not the Government's.
3. The last statement of Condition #1 on the present GTR will be deleted because it provides a loophole for the flexibility of change in the GTR.
4. All GTR forms will indicate the name of the Carrier or Y Travel Agent tendered to. This will ensure that all Travel Agencies on the island are equally patronized by the Government.

### TRAVEL VOUCHERS (TVs)

As stated in the CNMI-FN-206-76, the filing of a TV is mandatory when funds for per diem and other expenses, honorarium, travel allowance have been obligated on a TA. I emphasize that, for more effective compliance with this rule, department and activity heads will also be held accountable for the filing of TVs by their employees. Therefore, travelers should be aware that it is their responsibility to prepare and submit TVs, complete with social security number, within 15 days after the completion of their travel.

In cases where a travel advance is issued to a traveler, a traveler's non-filing of a TV, within the 15 days grace period will result in the issuance of a notice to the traveler by the Finance Department. A traveler's failure to file a TV within 10 days after the 15 days grace period will

authorize the Finance Department to make a payroll deduction for that certain individual. Please be aware that this notice is also indicated in the Travel Advance forms.

### UNUSED TICKETS

If your trip is canceled after a TA is prepared, fill out the Traveler Information portion of the TV. In the Itinerary section of the TV, please print "Trip was canceled". If you received a travel advance check but did not cash it, write the word "VOID" in large letters across the face of the check and attach it with the TA to the voucher. If you have an unused GTR, write "CANCELED" across the face of it and submit it with a TV. If you have any unused airline tickets, please turn them in with the original TA and the TV to the Department of Finance, Finance & Accounting Division. **DO NOT WRITE ON THE TICKETS.** All unused tickets must be accompanied by a report justifying the trip cancellation.

### LOST/STOLEN TICKETS

It is the responsibility of the traveler and the department/agency for the security of a ticket once it is issued by the Travel Section. The traveler is responsible for informing the Travel Section/SAA of any lost/stolen ticket. Any fees involved in the retrieving process is at the expense of the traveler.

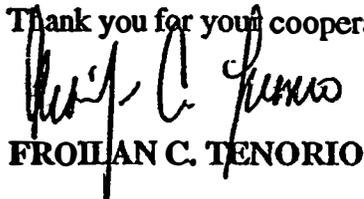
After verification of lost/stolen tickets, a Journal Voucher to the account for the lost ticket will be made by the Department of Finance, and a new GTR will be issued for the procurement of another ticket.

### NORTHWEST AIRLINES TRAVEL

Discussions with Northwest Airlines have resulted in the successful negotiation of a discount fare for all travel on official business. This discounted fare will result in substantial savings for the Government. As a result of the agreement entered into with Northwest, the Government must coordinate its travel arrangement. Therefore, each Government traveler must clear through the Travel Section/SAA all reservations and the issuance of travel tickets. You may not contact a travel agency to make Government travel arrangements. We are continuing discussions with Continental Micronesia and United Airlines.

It is very important for the viability of this improved travel operation that we work together in adhering to these new procedures. The Lt. Governor and I believe that, once they are put into practice, the government will be providing a more cost effective and efficient travel operation.

Thank you for your cooperation.



FROILAN C. TENORIO

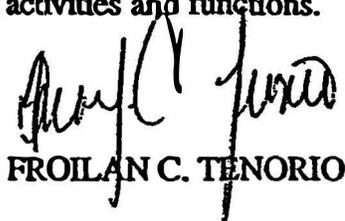
# DIRECTIVE

DATE: NOV 29 1994  
No. 141

**TO**           •   All Department and Activity Heads  
**FROM**       :   Governor  
**SUBJ.**       :   Coordination of Activities Affecting Carolinians

This is to remind all departments and Agencies' Heads that the Carolinian Affairs Office is constitutionally charged with the responsibility of promoting the general welfare and protecting the rights of the Carolinians in the Commonwealth, among other things. In order to enable that office to effectively advise this Administration in all aspects of Carolinians, it is imperative that the Executive Assistant for Carolinian Affairs is fully aware of all activities and functions directly or indirectly affecting all Carolinians.

Therefore, effective immediately, all department and activity heads, and individual government officials who have functions and activities relative to the well being of Carolinians must communicate and coordinate with the Carolinian Affairs Office prior to implementation of such activities and functions.

  
FROILAN C. TENORIO

NOV 29 1994