

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



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**VOLUME 37
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Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING'S REGULATIONS FOR
REAL PROPERTY APPRAISERS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
VOLUME 37, NUMBER 02, PP 036022-036031 OF FEBRUARY 28, 2015

Regulations for Real Property Appraisers: NMIAC Title 125-40, §125.40-001

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR REAL PROPERTY APPRAISERS:

The Board of Professional Licensing (BPL) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

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

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

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

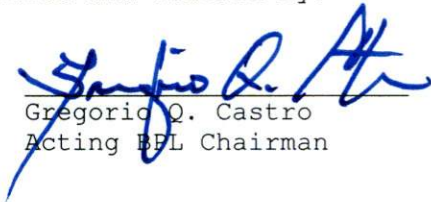
EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the BPL regulations for Real Property Appraisers are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a), which in this instance is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to the APA, 1 CMC § 9104(a)(2), the BPL has reviewed the comments on the proposed amendments to these regulations it received during the thirty-day period. Upon this adoption of the amendments, the agency, if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

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

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

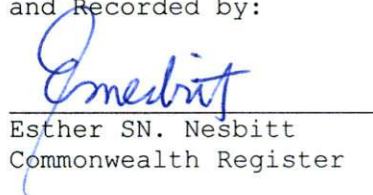
Certified and Ordered by:



Gregorio Q. Castro
Acting BFL Chairman

5/12/2015
Date

Filed and Recorded by:



Esther SN. Nesbitt
Commonwealth Register

05.20.2015
Date

To amend section 4.2 of the regulations or Section 125-40-105 of 125-40, NMIAC Title 125.

4.2 **General Requirements.** All applicants for a license shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and not have been convicted of or pled guilty or nolo contendere to, a felony in a domestic or foreign court during the five year period immediately preceding the date of the application for licensing or certification, or at any time preceding the date of application, if such felony involved an act of fraud, dishonestly, or a breach of trust, or money laundering. Applicants for the non-federally related appraiser license must take and pass the local appraisal examination as part of the requirement.

To amend section 4.3 to add new subsection (E) and move subsection (D) to (E) of the regulations or Section 125-40-110(d) of 125-40, NMIAC Title 125.

D. Extension of Time for Active Duty U.S. Military
An applicant in the Reserve components of the US Armed Forces, who was pursuing an appraiser license or certification prior to December 1, 2011, and who was called to active duty between December 1, 2011 and December 31, 2014, may satisfy the qualifications required under the 2008 Criteria for an additional time period after January 1, 2015. The extension of time shall be equal to the applicant's time of active duty, plus 12 months.

E. Compliance with USPAP
Appraisers in all classifications shall perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

To add a subsection (c) to section 4.4(A) (1) and amend (4) (e) of the regulations or Section 125-40-115(a) (1) (4) (v) of 125-40, NMIAC Title 125.

c. Effective after 1/1/15, both the Trainee Appraiser and Supervisory Appraiser shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB (including existing supervisors if they take on a new trainee after 1/1/15). The course will be oriented toward the requirements and responsibilities of Supervisory Appraisers and expectations for Trainee Appraisers. The course must be completed by the Trainee Appraiser prior to obtaining a Trainee Appraiser credential, and completed by the Supervisory Appraiser prior to supervising a Trainee Appraiser.

e. The supervising appraiser shall be in good standing within the training jurisdiction, not subject to any disciplinary action within the last three years that affects the Supervisory Appraiser's legal eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be considered to be in good standing three years after the successful completion/termination of the sanction imposed against the appraiser.

To amend section 4.4(B) (1(a) and (2) of the regulations or Section 125-40-115(b) (1) of 125-40, NMIAC Title 125.

1. Qualifying Education
 - a. Applicants for the licensed real property credential shall successfully complete 30 semester hours of college-level education, from an accredited college, junior college, community college, or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program® (CLEP) and examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course. Applicants holding an Associate degree, or higher, from an accredited college, junior college, community college, or university satisfy the 30-hour college-level education requirement.

2. Examination
 - a. The AQB approved Licensed Residential Real Property Appraiser Examination must be successfully completed. The only alternative to successful completion of the Licensed Residential examination is the successful completion of the Certified Residential or Certified General examination.

 - b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) One hundred fifty (150) creditable class hours as specified in the Required Core Curriculum; and

 - (2) Completion of the college-level education requirements specified in (B) (1) (a) above; and

 - (3) Two thousand (2,000) hours of qualifying experience in no fewer than twelve (12) months.

To amend section 4.4(C) (1(a) and (b), delete (c), and amend (2) of the regulations or Section 125-40-115(c) (2) and (3) of 125-40, NMIAC Title 125.

1. Qualifying Education
 - a. Applicants for the Certified Residential credential must hold a Bachelor's degree, or higher, from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

 - b. The Certified Residential Real Property Appraiser classification requires completion of two hundred (200) creditable class hours as specified in the Required Core Curriculum. As part of the 200 required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.

2. Examination
 - a. The AQB approved Certified Residential Real Property Appraiser Examination must be successfully completed. There is no alternative to successful completion of the examination.
 - b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) Two hundred (200) creditable class hours as specified in the Required Core Curriculum;
 - (2) Completion of the college-level education requirements specified in © (1) (a) above; and
 - (3) Two thousand five hundred (2,500) hours of qualifying experience obtained in no fewer than twenty-four (24) months.

To amend section 4.4(D) (1(a) and (b), delete (c), and amend (2) of the regulations or Section 125-40-115(d) (2) and (3) of 125-40, NMIAC Title 125.

1. Qualifying Education
 - a. Applicants for the Certified General credential must hold a Bachelor's degree, or higher, from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.
 - b. The Certified General Real Property Appraiser classification requires completion of three hundred (300) creditable class hours as specified in the Required Core Curriculum. As part of the 300 required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.
2. Examination
 - a. The AQB approved Certified General Real Property Appraiser Examination must be successfully completed. There is no alternative to successful completion of the examination.
 - b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) Three hundred (300) creditable class hours as specified in the Required Core Curriculum;
 - (2) Completion of the college-level education requirements specified in (D) (1) (a) above; and
 - (3) Three thousand (3,000) hours of qualifying experience obtained in no fewer than thirty (30) months, where a minimum of 1,500 hours must be obtained in non-residential appraisal work.

To amend section 4.6(G) of the regulations or Section 125-40-125(g) of 125-40, NMIAC Title 125.

G. Aside from complying with the requirements to complete the 7-Hour National USPAP Update Course, or its equivalent, appraisers may not receive credit for completion of the same continuing education course offering within an appraiser's continuing education cycle.

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

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

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF
The Department of Community and Cultural Affairs**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

Volume 35, Number 09, pgs 034286 to 034317, of September 28, 2013

**Regulations of the Department of Community and Cultural Affairs:
Commonwealth Council for Arts and Culture**

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Commonwealth Council for Arts and Culture HEREBY ADOPTS AS PERMANENT regulations the Proposed Amendments to the Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department of Community and Cultural Affairs, Commonwealth Council for Arts and Culture announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the Referenced Proposed Amendments to the Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Department of Community and Cultural Affairs, Commonwealth Council for Arts and Culture as final as of September 28, 2013.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the

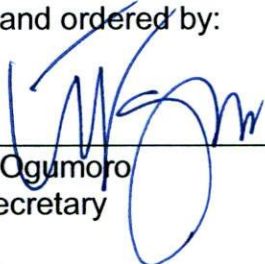
statute governing activities over which the department has jurisdiction 1 CMC §§ 2354.
EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

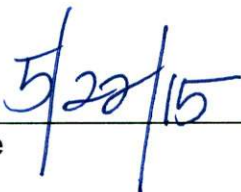
ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form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

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th day of May, 2015, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Laura T. Oguimoro
DCCA Secretary




Date

Filed and
Recorded by:



ESTHER S.N. Nesbitt
Commonwealth Register



Date



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

NOTICE OF PROPOSED AMENDMENTS TO THE
 HEALTH CARE PROFESSIONS LICENSING BOARD
 REGULATIONS FOR LICENSED BACCALAUREATE SOCIAL WORKER,
 LICENSED MASTER' SOCIAL WORKER AND LICENSED CLINICAL SOCIAL WORKER

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

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


THE TERMS AND SUBSTANCE: The HCPLB shall amend the regulations to temporarily suspend the licensure requirements for social workers for one year to enable the current social workers to prepare for and take the necessary examinations to fully comply with their licensure requirements.

THE SUBJECTS AND ISSUES INVOLVED: The proposed amendments to the regulations are:

1. To add a subsection (b) to section §140-50.3-002304 of the regulations

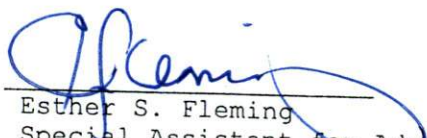
DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by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

Submitted By:


 Theodore R. Parker
 HCPLB Chairman

3/12/2015
 Date

Received By:


 Esther S. Fleming
 Special Assistant for Administration

5/22/15
 Date

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

05-22-2015
Date

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

Edward Manibusan
Edward Manibusan
Attorney General

5-22-15
Date

To add a subsection (b) to section §140-50.3- 002304 of the regulations

(b) Notwithstanding the above licensure requirements, at its February 18, 2015 board meeting, the Board granted the written requests of social workers currently practicing in the Commonwealth of the Northern Mariana Islands (CNMI) to temporarily suspend the licensure requirements that social workers must possess either a Baccalaureate, Master's or Clinical degree. This temporary suspension is unique for these particular social workers only and does not apply to any other group. The purpose of the temporary suspension is to enable the current social workers to prepare for and take the necessary examinations to fully comply with their licensure requirements. This one-year temporary suspension shall expire on July 2, 2016. Upon the expiration of this temporary suspension, all social workers practicing in the CNMI shall be expected to have met all their respective licensure requirements, thereby qualifying them to possess a valid license issued by the Board to continue practicing social work in the CNMI.

Commonwealth of the Northern Mariana Islands
Health Care Professional Licensing Board
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

ARONGORONG REL POMMWOL LIWELL REL BOARD OF PROFESSIONAL LICENSING REL ALLÉGHÚL
MWÓGHUTÚGHÚT REL LICENSED BACCALAUREATE SOCIAL WORKE, LICENCED MASTER SOCIAL
WORKER, ME LISENCED CLINICAL WORKER

MÁNGEMÁNGIL MWÓGHUT YEEL BWE E BWE ADAPTÁALI POMMWOL ALLÉGHÚL

MWÓGHUTÚGHÚT: Board of Professional Licensing (BPL) re mángemángil re bwe adaptáali bwe e bwe llégh ló allégh kka re appasch long bwe pommol allégh, sáangi mwóghútughútúl Administrative Procedure Act, 1 CMC § 9104 (a). E bwe bwung-ló mwóghutúghútúl allégh lól seigh (10) rál mwiiril yal palúweli 1CMC §§ 9102 me 9104 (a) ngáre (b) (1 CMC § 9105 (b)).

BWÁNGIL: Eyoor bwángil Board of Professional Licensing bwe re bwe arongowoow me re bwe mwóghut agháli allégh sáangi P.L. 15-105, Tálil 3, § 2206 (b), igha e liwell.


KKAPASAL ME AWEEWEL: HCLBP e bwe liwelliy mwóghutúghútúl allégh bwe e bwe schagh ayúmwayúló licensure requirements ngáli social worker lóll eew rágh bwe e bwe mmwel ngáli social worker kka re llo bwe re bwe fféer ngáli me re bwe ayoora millikka e nesesóoriyo re bwe ammweeri fischiy bwe re bwe palúwellil yaar licensure requirements.

KKAPASAL ME ÓUTOL: Pommwol liwell ngáli mwóghutúghútúl ikka re lo lóll tálil:

1. Re bwe aschuulong subsection (b) rel section § 140-50.3-002304

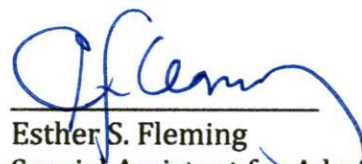
AFAL REEL AMWELIL ME ARONGOWOWUL: Board e tittingór mángemángiir toulap rel pommol liwell kka iye re bwe bwughil lóll eliigh 30 ráll, mmwal yal arongongowoow me rel Commonwealth Register. Schóó kka re re mweschál copy-il pommol liwell kkal emwel re bwe faingi numero ye 664-4809 me ngare email bpl@pticom.com me ngare mweteló reel bwulasiyo Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Ischil mángemáng ebwe iisilong llól bwulasiyo me ngáre afanga ngáli BPL, P.O. Box 502078, Saipan, MP 96950 me ngáre email bpl@pticom.com

Isáliiyalong:


Theodore R. Parker
Chairman, BPL

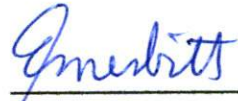
3/12/2015
Ráll

Mwiir Sáangi:


Esther S. Fleming
Special Assistant for Administration

5/22/15
Ráll

Ammwel Sáangi:



Esther SN. Nesbitt
Commonwealth Register

05.22.2015
Ráll

Sáangi 1 CMC § 2153(e) (Allégh kkaal a llégh-ló sáangi AG bwe e fil reel fféerúl) me 1 CMC § 9104 (a) (3) (mwiir sáangi AG) Pomwol atiweligh kkal a appasch-long a takkal amweeri fischiiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me e bwele akkatewoow, 1 CMC § 2153 (f) (Arongowowul allégh me atiwiligh kkaal).



EDWARD MANIBUSAN
Sóulemelemil Allégh Lapalap

5-22-15
Ráll

Re bwe aschuulong subsection (b) rel section §140-50.3-002304 rel mwóghutúghútúl allégh

(b) rel aweweel mille e llo weiláng bwe licensure requirements, sáangi yal yéélágh Board wól Febreero 18, 2015, Board e iischilong kkapasal igha e tittingóór bwe social worker kka re llo bwe re kke akkabwung lóll Commonwealth Téé Falúw kka Efáng lóll Marianas (CNMI) bwe re bwe ayúmwayúló licensed requirements iye social worker re bwe akkamwasch, e weewe schagh ngáre leyil Baccalaureat, Master's me ngáre Clinical Degree. Millikka e bwe ayúmwayúló nge e fill ngáliir schagh social worker kkey nge ese bwal apply ngáliir akkááw. Pommol ayúmwayúlól bwelle e bwe mmwel bwe social worker kka re llo bwe re bwe fféerú me re bwe attakka ló examination kka e fill bwe re bwe attabweey licensure requirements. Mille e ayúmwayúló lóll eew rágh, nge e bwe bwung ló wól July 2, 2016. Óttol igha e bwe bwung ayúmwayúlól mwóghutúghút yel, nge e bwe le mmwel bwe social workers kka re kke akkabwung lóll CNMI, nge re bwe le bwuughil ólongal millikka e tittingóór sáangiir rel yaar licensure requirements, nge e bwe le mmwel bwe re bwe le akkamwasch yaar valid license, igha e ammwel sáangi Board, bwe e bwe mmwel re bwe bwal kke pommoli schagh mwóghutúghútúl social worker lól CNMI.

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

NUTISIAN I MANMAPROPONI NA AMENDASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD NA I REGULASION SIHA PARA I LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTERS' SOCIAL WORKER, YAN I LICENSED CLINICAL SOCIAL WORKER

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

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

I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I HCPLB debi na u amenda i regulasion siha na u suspendi tempuráriu i dinimándan licensure siha para social workers gi un áñu ni para u siña imamprisenti na social workers u fanmapripára para yan u fanmachuli' i nisisáriu na eksaminasion siha gi kabális na kinimpli yan i dinimándan licensure-ñiha siha.

I MASUHETU YAN ASUNTU NI MANTINEKKA: I manmaproponi na amendasion para i regulasion siha ni:

1. *Para u áomenta i subsection (b) para i seksiona §140-50.3-002304 gi regulasion siha.*

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


Nina'hálum as:



Theodore R. Parker
Kabesityu, HCPLB



Fetcha


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

5/22/15
Fetcha

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

05-22-2015
Fetcha

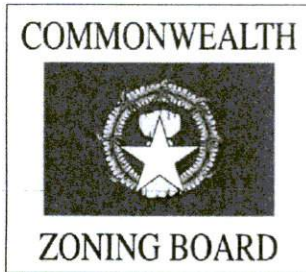
Sigun i 1 CMC § 2153 (e), (Inapueba ni Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapueban Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan suficienti ligât ginin i CNMI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


EDWARD MANIBUSAN
Abugâdu Henerât

5-22-15
Fetcha

Para u ma'ãomenta i seksiona (b) para seksiona §140-50.3 – 002304 gi regulasion siha.

(b) Maskiseha hãfa i dinimãndan i licensure ni gaigi gi sanhilu', i huntan i Kuetpu gi Fibreru 18, 2015, I Kuetpu ha gratis ni finaisin tinigi' gi social workers ni manmampraktitika gi presentu gi halum i Commonwealth Notti Marianas (CNMI) para u tempurãriu na sinsuspendin i dinimãndan licensure siha na i social workers debi na u machuli' maseha i Baccalaureate, Masters' pat Clinical degree. Esti i tempurãriu na sinuspendi ispisiãt ni para esti siha i mampattikulãt na social workers ha' yan ti inaplika ottru na gurupu. I hinangai tempurãriu na sinuspendi para u siña i presentu na social workers para u mapripãra para yan u machuli' i nisisãriu na eksaminasion siha para u makumpli i dinimãndan licensure-ñiha siha. Esti un ãñu na sinuspendin tempurãriu na debi di u fãkpu' gi Huli 2, 2016. Gigun mãkpu' esti i tempurãriu na sinuspendi , todú social workers ni manmampraktitika gi halum CNMI debi na u ma'ekspekta na esta makumpli todú i respective-ñiha gi dinimãndan licensure siha, atyu na u fangkualifikão ni para u machuli' i valid license ginin i Kuetpu ni para u makuntinuha mapraktika i social work gi halum i CNMI.



ZONING BOARD

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Caller Box 10007, Saipan, MP 96950 Tel. 670-234-9661, FAX 234-9666

E-mail ZoningBoard@zoning.gov.mp

Diego C. Blanco, Chairman
Gus M. Kaipat, Vice-Chairman
Alice S. Igitol, Treasurer

Joe E. Ayuyu, Jr., Member
Herman P. Sablan, Member

Commonwealth of the Northern Mariana Islands Commonwealth Zoning Board

Diego C. Blanco, Chairman
P O Box 10007 Saipan MP 96950
Tel 670.234.9661
www.zoning.gov.mp

PUBLIC NOTICE OF PROPOSED REGULATIONS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Zoning Board, intends to amend as permanent regulations the attached proposed amendment to the Zoning Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104 (a) or (b). (1 CMC § 9105(b)).

AUTHORITY: The Commonwealth Zoning Board is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Zoning Code of the Commonwealth of the Northern Mariana Islands. 2 CMC § 7221(d).

THE TERMS AND SUBSTANCE: The proposed amendment to the regulations follows:

1. To repeal the establishment of an adult business overlay zone along Middle Road as a result of SLL 18-06, which removed the adult business overlay zone from the Saipan Zoning Law of 2013.
2. To remove subsection 165-30.1-401 *Wind Energy System Definitions*, subsection 165-30.1-405 *Small Wind Energy System Requirements*, and subsection 165-30.1-410 *Large Wind Energy System Requirements*. These sections have been incorporated into the Saipan Zoning Law of 2013, SLL 18-4.
3. To add update the fee schedule for zoning permits.
4. To clarify the conflict of interest provisions with respect to family members for Board Members.

THE SUBJECTS AND ISSUES INVOLVED:

The Zoning Board revises its regulations to be consistent with changes in the law and to increase the fees for zoning permits. In addition, the Zoning Board proposes to clarify that or any familial relationship that may influence or may appear to influence a board member requires recusal from the decision-making process.

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

TO PROVIDE COMMENTS: Send or deliver your comments to Therese Ogumoro, Zoning Administrator, at the above address or to the above fax number. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Chairman on April 9, 2015.

Submitted by:



Diego C. Blanco
Chairman, Commonwealth
Zoning Board

4/22/15
Date

Received by:



ESTHER S. FLEMING
Governor's Special Assistant
for Administration

4/22/15
Date

Filed and
Recorded by:

for 

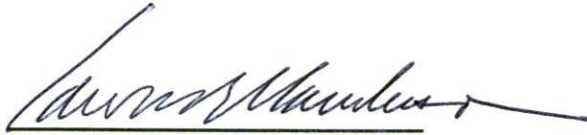
ESTHER M. SAN NICOLAS
Commonwealth Register

4/27/2015
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form)

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

Dated the 27 day of April 2015.



Edward Manibusan
Attorney General

Commonwealth Islas Notti Marianas

Kuetpun Commonwealth Zoning

Diego C. Blanco, Kabesiyu

Caller Box 10007, Saipan, MP 96950 Tel: 670-234-9661

www.zoning.gov.mp

NUTISIAN PUBLIKU PUT I MAPROPONIN REGULASION SIHA

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGUALSION SIHA:

I Commonwealth Islas Notti Marianas, i Kuetpun Commonwealth Zoning ha intensiona para u amenda kumu petmanienti na regulasion siha, ni mañechettun i manmaproponi na amendasion para i Regulasion i Zoning, sigun gi manera siha gi Áktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempri u ifektibu dies(10) dihas dispues di compliance yan i 1 CMC §§ 9102 yan i 9104(a) pat (b). (1 CMC § 9105(b)).

ÁTURIDÁT: I Kuetpun Commonwealth Zoning nina'i fuetsa ni Leyislatura para u adapta i areklamentu yan i regulasion siha para i atministrasion yan enforcement i Kodigun Zoning gi Commonwealth Islas Notti Marianas. 2 CMC § 7221(d).

I TEMA YAN I SUSTANSIAN I PALÁBRA SIHA: I maproponi na amendasion para i regulasion siha gi sigienti:

1. Para u madiroga i inestaplesin adult business overlay zone gi Middle Road kumu i risuttan i SLL 18-06, ni mana'suha i adult business overlay zone ni Lain Saipan Zoning gi 2013.
2. Para u mana'suha i subsection 165-30. 1-401 ni *Wind Energy System Definitions*, subsection 165-30-30.1 -405 *Small Wind Energy System Requirements*, yan i subsection 165-30.1-410 *Large Wind Energy System Requirements*. Esti na seksiona siha man-incorporated hálum gi Lain Saipan Zoning gi 2013, SLL 18-4.
3. Para uma'áomenta i update na siniñálan ápas para i lisensian zoning.
4. Para u klarifika i conflict of interest na prubinsion siha kunrispetu para i miembrun familia siha gi Miembrun i Kuetpu siha.

I MASUHETU YAN I PUNTU SIHA NI MANTINEKKA': I Kuetpun i Zoning ha ribisa i regulasion-ña ni para u kunsisti yan i tinilaikan i lai yan para u hâtsa i apas siha para i lisensian zoning siha. Itmâs, i Kuetpun i Zoning ha proponi para u klarifika atyu pat hâfa uma'achuli' na relasion anai siña tinilaika pat siña kâsi annuk na para u tinilaika i miembrun i kuetpu ni dinimânda i recusal ginin i decision-making process.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmaproponi na Regulasion Siha debi na u mapublika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adâpta na regulasion siha gi (1 CMC § 9102(a)(1)) yan u mapega gi mangkumbinieti na lugât siha tâtkumu i civic center yan i ufisinan gubietnu siha gi kada distritun senadot, kuntodu fino' English yan i dos na lingguâhin natibu. (1CMC§ 9104(a)(1)).

PARA U MAPROBENIYI OPIÑON SIHA: Na' hanao pat intrega i upiñon-mu guatu gi as Therese Ogumoro, Atministradoran Zoning, gi sanhilu' na address pat guatu gi sanhilu' na fax number. Todu opiñon manmanesisita gi halum trenta(30) dihas ginin i fetchan publikasion nui esti na nutisia. Put fabot na'hâlum i upiñon, imfotmasion-mu, pat i testimoñun kinentra siha. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha maninaprueba ni Kabesiyu gi Abrit 9, 2015.

Nina'halum as:


DIEGO C. BLANCO

Kabesiyun, Commonwealth Zoning Board

4/22/15
Fetcha

Rinisibi as:


ESTHER S. FLEMING
Ispesiãt na Ayudãnti Para Atministrasion

4/27/15
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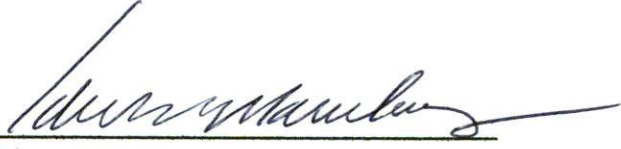
Pine'lu yan
Ninota as:

for: 
ESTHER SN. NESBITT
Rehistran Commonwealth

4/27/2015
Fetcha

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

Mafetcha gi diha 27 di April, 2015.



Edward Manibusan
Abugãdu Henerãt

ZONING BOARD
COMMONWEALTH OF THE NORTHERN MARIANA ISLAND
Caller Box 10007, Saipan MP 96950 Tel: 670-234-9661, Fax: 234-9666
Email: ZoningBoard@zoning.gov.mp

Commonwealth rel Téel Falúw kka Efáng lól Marianas
Commonwealth Zoning Board
Diego C. Blanco, Chairman
P O Box 10007 Saipan MP 96950
Tel 670.234.9661
www.zoning.gov.mp

ARONGORONGOL TOULAP REL POMMWOL MWÓGHUTÚGHÚT

MÁNGEMÁNGIL MWÓGHUT YEEL BWE E BWE ADAPTÁALI POMMWOL ALLÉGHÚL MWÓGHUTÚGHÚT:

Commonwealth rel Téel Falúw kka Efáng lól Marianas, Commonwealth Zoning Board, re mángemángil bwe re bwe Amendaay bwe e bwe llégh ló bwe mwóghutúghútú millikka re appasch long bwe pommwol re bwe amendaay ngáli Zoning Regulations, sáangi mwóghutúghútú Administrative Procedure Act. 1 CMC §9104 (a). Mwóghutúghút nge e bwe bwung ló lóll seigh (10) ráll mwiiril yaal palúweli 1 CMC §§ 9102 me 9104 (a) ngáre (b). (1 CMC §9105 (b)).

BWÁNGIL: Eyoor bwángil Commonwealth Zoning Board sáangi Legislature bwe re bwe adaptáay allégh me mwóghutúghút ngáli administration me enforcement sáangi Zoning Code rel Commonwealth Téel Falúw kka Efáng lól Marianas. 2 CMC § 7221 (d).

KKAPASAL ME ÓUTOL: Pommwol liwell ngáli mwóghutúghútú ikka re lo lóll táilil:

1. Re bwe ayúghúló fféeritiwel Adult Business kka pilesághil Middle Road sáangi kkapasal SLL 18-06, igha e bwe milááló Adult Business kka re llo fetel órol aal sáangi Saipan Zoning Law of 2013
2. E bwe milááló subsection 165-30.1-401 Wind Energy System Definition, subsection 165-30.1-405 Small Wind Energy System Requirements, me subsection 165-30.1-410 Large Wind Energy System Requirements. Tállil kkaal nge re attotoolong rel Saipan Zoning Law of 2013, SLL 18-4.
3. E bwe aschuulong rel ayooralongol kkapasal fee schedule rel zoning permits.
4. Re bwe afatta ló rel mwóghutúghútú kkapasal Conflict of Interest leyil membroot, rel aweewel leyil Familiya bwe re bwe llo tá bwe bwal membroot Board.

KKAPASAL ME AWEEWEL: Zoning Board e ghal amweeri fischiy kkapasal mwóghutúghútú bwe re bwe aweewey me liwell kka re lo bwe allégh me re bwe allangaaló óbwóosul zoning permits. E bwal aschuulong, bwe Zoning Board e pommwoli bwe re bwe afatta ló bwe ngáre eyoor kkapasal familiya ye bwe bwal affeekktáay me ngáre e bwááló bwe re affeektaay membroot Board, nge e bwe atiwiligh bwe re bwe towoow merel fféerúl mwóghutú Mángemáng.

AFAL REEL AMWELIL ME ARONGOWOWUL: Pommwol mwóghutúghútú kkaal nge e bwe arongoowow rel Commonwealth Register leyil tállil pommwol me millikka e ffé bwe re adaptáay bwe mwóghutúghútú (1 CMC § 9102 (a) 1)) me e bwe appasch tá lól bwuleey kka lól civic center me bwulasyol gobeetnamento lól senatorial district, lól mwaliyaasch me kkasal English.

IISISSILONGOL KKAPAS ME MÁNGEMÁNG: Afanga me ngáre bwuughiló mwaliyóómw rel Therese Ogumoro, Adminstradoodul Zoning, rel address ye ello weiláng me ngáre fax number ye weiláng. Atotoolongol Kkapas nge lól (30) Eliigh ráll mwiir sáangi arongowoowul. Ów bwe attotoolong kkapasal, views me anáinósi (1 CMC § 9104 (a) (2))

Isáliiyalong:



Diego C. Blanco
Chairman, Commonwealth
Zoning Board

4/22/15
Ráll

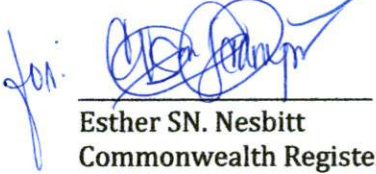
Mwiir Sáangi:



Esther S. Fleming
Governor's Special Assistant
for Administration

4/27/15
Ráll

Ammwel Sáangi:



Esther SN. Nesbitt
Commonwealth Register

4/27/2015
Ráll

Sáangi 1 CMC § 2153(e) (Allégh kkaal a llégh-ló sáangi AG bwe e fil reel fféerúl) me 1 CMC § 9104 (a) (3) (mwiir sáangi AG) Pommwol atiwelligh kkal a appasch-long a takkal amweeri fischiiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me e bwe le arongowow, 1 CMC § 2153 (f) (Arongowowul allégh me mwóghutúghút kkaal).

E mmákkeitiw wól 27 ráll ye lól maramal April 2015



EDWARD MANIBUSAN
Sóulemeleml Allégh Lapalap

4-27-15
Ráll

Subchapter 165-30.1: Saipan Zoning Board Regulations

PART 001 - GENERAL PROVISIONS

§ 165-30.1-001 Purpose

The regulations in this subchapter describe the organization, powers, duties, and operations of the Commonwealth Zoning Board. They also provide the rules of procedure required in 2 CMC § 7221(j)(2).

§ 165-30.1-005 Authority

(a) The regulations in this subchapter are promulgated pursuant to PL 6-32, § 1(d), as amended, 2 CMC § 7221(d) (Zoning Board: Regulations.), and 1 CMC § 9908(a) (times and places of meeting). See also 10 CMC § 3511 Section 309 Zoning Board.

(b) Authority lies in: PL 6-32 (effective June 27, 1989), the “Zoning Code of the Commonwealth of the Northern Mariana Islands.” PL 6-32 § 1; 2 CMC § 7201. The zoning code is codified at 2 CMC §§ 7201, et seq. and creates the Zoning Board. PL 6-32 § 1(a), as amended by PL 7-41, § 2, and modified; and by PL 8-10, §§ 3, 4, 5. (Source: LRC Comment to 2 CMC § 7221.) The Saipan Zoning Law is 10 CMC § 3511 and the Zoning Map.

(c) The zoning code empowers the Board to regulate all zoning in the Commonwealth and administer its provisions. PL 6-32 § 1(b) and (c), 2 CMC § 7221(b) and (c).

§ 165-30.1-010 Numbering and Headings

The regulations in this subchapter are organized as follows:

(a) There is a “table of contents”, which summarizes the provisions. There are headings for each part and section. There are also citations and comments to statutes in brackets. The table of contents, headings and citations, and comments are not part of the regulations in this subchapter, and are placed in this subchapter for the convenience of the reader. When in doubt as to meaning, the reader should look to the text and not to the heading, citation, or comment. Exception: the heading for a definition is part of the definition.

(b) There are outline divisions to the regulations, as follows:

(1) There are “parts”, like this part 100.

(2) Each part may be divided into “sections,” like section 1.03.

(3) Each section may be divided into subsections, then paragraphs, and subparagraphs, and so forth, each indicated by double parentheses, like section 1.03, subsection (a), paragraph (1), subparagraph (i), sub-subparagraph (A).

(4) Further divisions may be provided after/below outline level “(A)” in single parentheses, like 1), then a), then i), and A).

(c) There may be annexes containing graphic or other detailed material. Each annex may be divided into sections, subsections, paragraphs, and subparagraphs.

§ 165-30.1-015 Scope

The regulations in this subchapter shall apply to all matters before the Board.

§ 165-30.1-020 Seal

The official seal of the Board is a vignette of the official flag of the Commonwealth surrounded by the words "Commonwealth Zoning Board."

§ 165-30.1-025 Principal Office

The principal office of the Board shall be at such place as the Board shall designate by resolution.

§ 165-30.1-030 Organization and Membership

(a) Officers.

(1) Chair.

(i) A chairman or chairwoman ("chair") shall be elected by a majority vote of the Board each December for a term of one year from January to December. S/he is eligible for re-election without limitation.

(ii) The chair shall preside over all meetings and hearings, appoint such committees as directed by the Board, and shall affix his/her signature in the name of the Board.

(iii) The chair shall serve as the Board's expenditure authority for the purposes of signing checks, receiving funds, and making deposits. The chair may, with the Board's approval, delegate some or all of this authority to the zoning administrator.

(2) Vice-chair.

(i) A vice-chair shall be elected annually by a majority vote of the Board in the month of December for a term of one year. S/he is eligible for re-election without limitation.

(ii) The vice-chair shall preside as acting chair in the absence of the chair and shall have the full powers of the chair on matters that come before the Board during the absence of the chair.

(3) Secretary.

(i) A secretary shall be elected annually by a majority vote of the Board in the month of December for a term of one year. S/he is eligible for reelection without limitation.

(ii) The secretary shall preside as acting chair in the absence of the chair and vice-chair, and shall have the full powers of the chair on matters that come before the Board during such absence.

(iii) The secretary shall be responsible for the recording of minutes, publishing of notices, and maintenance of the books and records of the Board. The secretary shall sign all orders and other decisions on which the Board's signature is required.

(4) Treasurer.

(i) The Board may elect a treasurer annually by majority vote in the month of December for a term of one year. S/he is eligible for re-election without limitation.

(ii) The treasurer shall be responsible for the maintenance of the Board's accounts and the reporting and auditing of the Board's funds. If there is no treasurer, the secretary shall be given this responsibility.

(b) Committees.

(1) The Board may provide by resolution for standing and ad hoc committees.

(2) Once a committee is designated, the chair shall appoint the members.

(3) The chair may provide for and appoint the members of ad hoc committees.

(c) Removal of Members.

(1) A member may be removed by a majority vote of the Board for breach of fiduciary duty or for an intentional violation of conflict of interest prohibitions, as provided in the zoning code (2 CMC § 7221(i)).

(2) Such a member shall be brought promptly before the Board for a vote of the members.

(3) The chair shall give such a member prior notice and an opportunity to defend him/herself before the Board.

(4) The chair shall notify the Governor if any member has been absent in any 12 month period from more than 50 percent of, or from three consecutive, duly noticed, regular meetings, unless such absence is the result of a documented health problem (2 CMC § 7221(i)).

§ 165-30.1-035 Conflicts of Interest

Any Zoning Board member, staff, or consultant having a personal or financial interest in any official proceeding of the Board, or a familial relationship to the second ~~fourth~~ degree of consanguinity, or any familial relationship that may influence or may appear to influence ~~with~~ any party to a proceeding or decision, shall disqualify himself or herself from officially hearing or ruling in the proceeding or decision (2 CMC § 7254(c)).

§ 165-30.1-040 Powers and Duties

(a) Specific powers. The Board shall have all powers provided it by law to ensure compliance with the requirements of the regulations in this subchapter, including:

- (1) Inspection at reasonable times;
- (2) Use of or entry upon private land;
- (3) Giving of notices;
- (4) Granting of permits;
- (5) Conduct of hearings and issuance of orders; and
- (6) Levying of fines, penalties and suspension and/or revoking of permits.

(b) Enforcement and delegation of power. The regulations in this subchapter shall be read to authorize their enforcement by the Board, by the zoning administrator, and by any other instrumentality of CNMI government, including, the office of a mayor, as provided by the Board's written designation.

(c) Public safety. The Board may request the assistance of the Department of Public Safety in enforcing the provisions of the regulations in this subchapter and/or protecting the public health, safety, and welfare with respect to them.

(d) Zoning administrator. The Board may employ a zoning administrator, as provided by statute (2 CMC § 7222).

(1) Form. The Board, may, by agreement, provide for an instrumentality of the CNMI Government to provide the services of the administrator, subject to statutory qualifications.

(2) Duties and responsibilities.

(i) The administrator shall have the duties provided by statute:

(A) To act as staff to the Board;

(B) To maintain and keep custody of the dockets, files, and records of the Board;

(C) To prepare and maintain all necessary land use and zoning maps; and

(D) To carry out the Board's directives (2 CMC § 7222(b)).

(ii) The administrator shall have the following additional duties:

(A) Negotiate and administer contracts and other agreements;

(B) Receive and collect fees, gifts, appropriations, and other funds;

(C) Manage the day-to-day affairs of the Board;

(D) Hire and supervise staff and consultants;

(E) Sign checks, as authorized by the Board;

(F) Take part in contested case proceedings as a party;

(G) Sue and defend lawsuits on the Board's behalf;

(H) Enforce compliance with the zoning code and the zoning law.

(3) Consultants and employees. The administrator may employ and/or retain executive staff, in-house and consulting attorneys, planners, engineers, architects, and other experts, consultants, secretaries, office clerks, and other personnel as it may deem necessary to carry out the provisions of the zoning code and the zoning law and/or to perform the duties and exercise the powers conferred by law upon the Zoning Board.

(4) The administrator may negotiate with and provide for such persons' and/or their firms' compensation and other payment.

§ 165-30.1-045 Decisions as Orders

(a) The Board shall issue its decisions whenever practicable as orders, which shall be titled and numbered, signed by the Secretary and indicate votes by the Board.

(b) The administrator shall whenever practicable issue his/her decisions as orders, which shall be titled, numbered and signed.

(c) The Board's decisions shall ordinarily be those of the majority of the members transacting business. A majority of the Board members is required to transact official business. (2 CMC § 7221(j)(2)).

§ 165-30.1-050 Internal Administration

(a) The Board, in compliance with applicable CNMI law and procurement regulations, may delegate to the administrator, the chair or the officers, as an executive committee, the management of the internal affairs of the Board.

(b) These affairs shall include, but not be limited to, managing office space, securing materials, services and supplies, budgeting, bookkeeping and financial management, development of educational activities and publications.

§ 165-30.1-055 Definitions

When used in the regulations in this subchapter the following terms shall have the respective meanings set forth for each such term:

(a) "Law" means the Saipan Zoning Law of 200713, as amended.

(b) "Site Plan, Major" means a site plan for a development that is not a minor site plan.

(c) "Site Plan, Minor" means:

(1) A new building or structure with less than 500 square meters in gross floor area and less than 20 parking spaces (except a single family residence that is constructed by the owner or lessee on an individual lot);

(2) A single family residence that is not constructed by the owner or lessee on an individual lot;

(3) Enlarging a building or structure from 25% to 50%, or by 500 square meters, whichever is less;

(4) Demolishing and reconstructing a building or structure up to 50% of the gross floor area or 500 square meters, whichever is less;

(5) Adding one floor with less than 500 square meters to an existing building or structure;

(6) Enlarging the land area used for an existing development by from 25% to 50% or by 1,000 square meters, whichever is less;

(7) Adding 11 to 20 parking spaces; or

(8) Development that the Zoning Administrator determines does not have a potential for significant adverse impact on:

(i) Pedestrian movement or vehicular traffic;

(ii) Neighborhood character;

(iii) Stormwater runoff;

(iv) Habitat for endangered species;

(v) Wetlands;

(vi) Air quality;

(vii) Views;

- (viii) Property values;
- (ix) Utility demand;
- (x) Infrastructure; and
- (xi) Public services including schools, police, ambulance, or fire.

(d) “Virtual” or “Virtually,” when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.

§ 165-30.1-060 Notices and Mailings

Any notice or mailing for which the regulations in this subchapter provide may be given as an electronic communication, except for public notices specifically required to be given otherwise.

PART 100 - MEETINGS

§ 165-30.1-101 In General

(a) The Board shall make its decisions at its public meetings (2 CMC § 7221(j)(2); 1 CMC §§ 9901 - 9916). The Board shall otherwise act as provided in this subchapter.

(b) The Board shall make provision for the virtual attendance of Board members, if a Board member so requests.

(c) Meetings shall be publicly noticed as required by law. Ordinarily such notice shall be by publication in at least one newspaper of local circulation at least one time each week for two weeks prior to a meeting (2 CMC § 7221(j)(2); 10 CMC § 3511). If a meeting includes a “public hearing”, as defined by the zoning law, the notice must be published at a minimum of one notice per week for two consecutive weeks, no more than 21 days and no less than five days prior to the date of the meeting (10 CMC § 3511).

(d) A copy of meeting materials distributed to the Board members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law (See 2 CMC § 7221(j)(3); 1 CMC §§ 9917 - 9918).

§ 165-30.1-105 Time and Frequency

(a) The Board shall meet monthly, or as the Board determines is as often as necessary to discharge its responsibilities without undue delay (2 CMC § 7221(j)(2)).

(b) The day for the regular meeting of the Board shall be the first Thursday of every month.

(c) The regular meeting shall begin at 65:00 p.m., except as the chair shall otherwise provide by notice.

(d) The chair may change the regular meeting date for any month by providing notice to the Board two weeks in advance of the regular meeting.

(e) The Board may change the date and time by resolution.

§ 165-30.1-110 Location

(a) Meetings shall be held at such place as the chair may determine unless otherwise provided by the Board. The location shall be properly noticed to the public. Ordinarily the Board shall meet at its principal office.

(b) The Board may meet virtually, and a Board member shall have the right to attend a meeting virtually.

(c) When the Board meets virtually, access to the virtual meeting shall be freely given through the noticed site so that any person attending at the site shall have the same access to the meeting as each attending Board member. Typically this will include use of a speaker phone for a conference call meeting.

(d) Votes of Board members may be received by electronic means and announced at a meeting.

§ 165-30.1-115 Calling a Meeting

Either the chair or any three members may call a meeting (2 CMC § 7221(j)(2)).

§ 165-30.1-120 Types of Meetings

(a) Regular Meetings. Regular meetings shall be held as determined by the Board's regulations, except as otherwise determined by the Board, by resolution. The Board shall publish the schedule and place for regular meetings in the Commonwealth Register (1 CMC § 9909).

(b) Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Board (see 1 CMC § 9911).

(c) Executive Session. Ordinarily the Board's meetings shall be open to the public (2 CMC § 7221(j)(2); 1 CMC §§ 9901 - 9916). The Board may meet privately, in executive session, for the following purposes:

(1) To discuss termination, hiring, or discipline of the zoning administrator (2 CMC § 7221(j)(2));

(2) To discuss other personnel matters, including the hiring, firing, and discipline of staff and/or contractors (1 CMC § 9912(a)(3)-(5));

(3) To discuss acquisition of an interest in real estate when public discussion would likely cause the price to increase (1 CMC § 9912(a)(1)-(2));

(4) To consult with legal counsel (1 CMC § 9912(a)(6));

(5) To discuss a matter which may infringe on a person's right to privacy, including confidential medical or financial information (1 CMC § 9912(a)(7));

(6) To discuss aspects of the Board's business affairs that are confidential and/or proprietary by law; and

(7) To address other matters permitted by law for discussion in a non-public meeting.

(8) In order to meet in an executive session, the Board must:

(i) Have the presiding officer publicly announce the purpose of excluding the public and the time when the executive session will conclude;

(ii) Vote by roll call;

(iii) Secure the vote of 2/3 of those members present; and

(iv) Record these matters in the minutes (1 CMC § 9912(b)-(d));

(d) Virtual discussions.

(1) The Board may discuss a matter virtually over time, as well as in real time, provided that access to the virtual discussion shall be freely given to the public so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating Board member.

- (2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.
- (3) Such discussion shall be noticed according to the regulations in this subchapter and shall comply with CNMI law regarding open meetings (1 CMC §§ 9901 - 9916).
- (4) The Board shall arrange for a person, upon request, the reasonable use of a publicly-available computer with internet access in order to allow review of the discussion.
- (5) No electronic communication may be used to circumvent the spirit or requirement of open, public meetings to make a decision or deliberate toward a decision upon a matter over which the Board has supervisory control, jurisdiction, or advisory power, as provided in the regulations in this subchapter (1 CMC § 9912(d)).

§ 165-30.1-125 Accessibility

- (a) The Board shall comply with the accessibility requirements required by law and may, upon a person's request, accommodate other special needs relating to sight, sound, language, or location.
- (b) Ordinarily the Board shall meet on a ground floor or on a floor accessible by elevator.

§ 165-30.1-130 Meeting Rules

- (a) Meetings of the Board members shall be conducted according to Robert's Rules of Order, most recent revision, unless:
- (1) Otherwise specified in the regulations in this subchapter; or
- (2) The rules are suspended pursuant to a vote of two-thirds of those present and voting.
- (b) Quorum.
- (1) A quorum shall be a majority of the Board members (2 CMC § 7221(j)(1)). A majority of the Board's members is required to transact business, except as provided in § 165-30.1-130(b)(2) (2 CMC § 7221(j)(2)).

(2) The Board shall meet upon the declaration of a quorum. Except that if a quorum does not exist due to a conflict of interest involving one or more of the members, then three members shall constitute a quorum (2 CMC § 7221(j)(1)).

(c) Votes.

(1) A vote on a motion before the Board shall be either by voice, show of hands, or roll call.

(2) A vote by show of hands or roll call may be required by any member of the Board.

(3) Any motion that does not receive a majority affirmative vote is thereby rejected and cannot be re-introduced in its same form at the same Board meeting, except that a motion to reconsider may be brought.

(4) All decisions shall be made by a majority vote of the members present and voting, unless otherwise specifically stated in the regulations in this subchapter or in the zoning code or zoning law.

(d) Motions.

(1) A motion to be put before the Board must be raised in definitive form, either orally or in writing, by one of the members of the Board.

(2) A motion must then be seconded promptly or it shall fail.

(3) Once a motion has been properly introduced and seconded, that motion shall be restated by the chair before debate. Debate shall continue until the chair closes the debate and calls for a vote on the motion.

(4) Any motion may be withdrawn by the initiator at any time before it has been adopted.

(e) Rulings of the chair.

(1) A ruling of the chair is final.

(2) The Board may reverse a ruling of the chair.

(3) A member may appeal a ruling of the chair to the Board. When an appeal is made from a ruling of the chair, the member making the appeal shall be allowed to state his/her reasons briefly.

(4) The question shall be immediately put in the following form: "Shall the ruling of the Chair be sustained?"

(f) Agendas.

(1) Each agenda shall provide an opportunity for the participation of the public (2 CMC § 7221(j)(2)).

(2) The chair shall prepare an agenda for each scheduled meeting listing the items of new and old business to be considered at the meeting.

(3) The agenda ordinarily shall be transmitted to the Board members at least 48 hours before the meeting for their review, in writing.

(g) Minutes.

(1) Minutes shall be kept for all the meetings, and thereafter reviewed and approved by the Board.

(2) Proposed minutes shall ordinarily be transmitted in writing to the members of the Board at least 48 hours before the next meeting.

(h) Committee reports.

(1) A committee report does not require a second to be submitted to the Board for discussion or approval.

(2) The minority on a committee report shall be given a brief opportunity to state its position and the reasons for it.

PART 200 - PRACTICE AND PROCEDURE [RESERVED]

[Reserved.]

PART 300 - FEES, CHARGES, AND ASSESSMENTS

§ 165-30.1-301 Fees

(a) Fees for permits applications, approvals, or petitions shall be assessed according to Table 300-1, Zoning Fees and other provisions of this section.

(b) Provided, fees shall be waived for government agencies.

(1) In addition to the base application fee in Table 300-1, an applicant shall reimburse the Zoning Office for the costs of professional engineers and other consultants hired by the Zoning Administrator to review and inspect the applicant's proposal when the Zoning Office is unable to do so with existing in-house staff.

(i) These professional services may include, but are not limited to: legal; planning; hearing examiner; environmental review; financial; accounting; soils; and civil, environmental, traffic, mechanical, and structural engineering.

(ii) In the event that a project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the Zoning Office at a rate of \$25.00 per hour for this extra staff time.

(iii) The Zoning Administrator may require the applicant to deposit an amount with the CNMI Treasurer to cover anticipated costs of retaining professional consultants or performing special staff analysis.

(2) If a permit category is not listed in Table 300-1, the Zoning Administrator or his/her designee shall determine the fee schedule for that category, subject to Zoning Board approval.

(3) In the event of unique and unusual circumstances or economic hardship, the Zoning Administrator may waive or reduce a fee. The Zoning Administrator shall notify the Zoning Board of any waivers or reductions, and shall rescind any charges deemed inappropriate by the Zoning Board.

(c) Fees for documents and related services shall be as follows:

(1) Photocopies: less than 10 copies – ~~no charge~~ \$0.15 per copy; 10+ or more copies ~~within the same week~~: \$0.50 per page;

- (2) Electronic files on CD: ~~\$1~~20.00 for each CD;
- (3) Electronic files on DVD: \$230.00 for each DVD;
- (4) Copies of meeting minutes on ~~cassette tape~~CD: ~~\$15.00 per tape~~20 per CD;
- (5) Copies of the Zoning Law: \$50 each;
- (6) Copies of the Official Zoning Map: 11 x 17 \$10 each
- (57) If complying with a request for information takes longer than one hour, labor shall be charged at the rate of \$20.00 per hour.

Table 300-1 Zoning Fees

Permit or Action	Project Cost	Base Fee (Cost may be added. See section <u>165-30.1-301.</u>)
Minor Subdivision	All projects	\$100.00
Minor Site Plan	All projects	\$50.00
Major Site Plan or Variance	Up to \$200,000	\$100.00
	\$200,001 to \$500,000	\$200.00
	\$500,001 to \$1,000,000	\$500.00
	Over \$1,000,000	\$1,000.00
Preliminary Plat—Major Subdivision	Any amount	\$200.00
Final Plat—Major Subdivision	All projects	\$100.00
Conditional Use	Up to \$200,000	\$200.00
	\$200,001 to \$500,000	\$300.00
	\$500,001 to \$1,000,000	\$700.00
	Over \$1,000,000	\$1,200.00
Temporary Use	All projects	\$25.00

Zoning Permit	All projects	\$30.00
Sign Permit	All projects	\$25.00
Verification of a Nonconformity	All projects	\$30.00
Beneficial Use	All projects	\$100.00

Table 1. Zoning Fees

<u>Permit or Action</u>	<u>Project Cost</u>	<u>Fee</u> <u>(Costs may be added. See below)</u>
<u>Minor subdivision</u>	<u>All projects</u>	<u>\$75.00</u>
<u>Minor Site Plan</u>	<u>All projects</u>	<u>\$75.00</u>
<u>Minor Site Plan Amendments</u>		<u>100.00</u>
<u>Major Site Plan</u>	<u>Up to \$200,000</u>	<u>\$200.00</u>
	<u>\$200,001 to \$500,000</u>	<u>\$300.00</u>
	<u>\$500,001 to \$1,000,000</u>	<u>\$750.00</u>
	<u>Over \$1,000,000</u>	<u>\$1500.00</u>
<u>Major Site Plan Amendments</u>		<u>Same as above per project cost</u>
<u>Major Subdivision</u>	<u>Any Amount</u>	<u>\$200.00</u>
<u>Conditional Use</u>	<u>Up to \$200,000</u>	<u>\$350.00</u>
	<u>\$200,001 to \$500,000</u>	<u>\$450.00</u>
	<u>\$500,001 to \$1,000,000</u>	<u>\$1000.00</u>
	<u>Over \$1mill to \$5 mill</u>	<u>\$1800.00</u>
	<u>Over 5,000,000</u>	<u>\$3000.00 plus \$275 for add'l 1,000,000</u>
<u>Conditional Use Amendments</u>		<u>Same as above per project cost</u>
<u>Temporary Use</u>	<u>All projects</u>	<u>\$40.00</u>
<u>Zoning Permit</u>	<u>All projects</u>	<u>\$50.00</u>
<u>Zoning Permit Amendments</u>		<u>50.00</u>
<u>Single Family Dwelling</u>	<u>---</u>	<u>25.00</u>
<u>Home Business</u>	<u>---</u>	<u>25.00</u>
<u>Sign Permit</u>	<u>All projects</u>	<u>\$30.00</u>
<u>Verification of a Nonconformity</u>	<u>All projects</u>	<u>\$30.00</u>
<u>Beneficial Use</u>	<u>All projects</u>	<u>\$100.00</u>
<u>Zoning Clearance</u>	<u>All projects</u> <u>(except renovation of residential dwellings)</u>	<u>10.00</u>

PART 400—WIND ENERGY SYSTEMS

§ 165-30.1-401 Wind Energy System Definitions

When used in this subchapter, the following terms shall have the respective meanings set forth for each such term:

(a) “Large Wind Energy System” means a wind energy conversion system consisting of a wind turbine and associated control or conversion electronics that has a rated nameplate capacity of more than 30 kW or that is intended primarily to generate power for sale.

(b) “Rated Nameplate Capacity” means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

(c) “Small Wind Energy System” means a wind energy conversion system consisting of a wind turbine and associated control or conversion electronics which has a rated nameplate capacity of not more than 30 kW and that is intended primarily to reduce on-site consumption of utility power.

(d) “Tower Height” means the height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

(e) “Wind Facility” means all equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

(f) “Wind Turbine” means a device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

~~§ 165-30.1-405 Small Wind Energy System Requirements~~

(a) A small wind energy system is an accessory use and shall be processed as a minor site plan.

(b) In addition to meeting all other requirements of the Saipan Zoning Law, a small wind energy system shall meet the following requirements:

(c) Design Approval. A small wind turbine design must have been approved by National Electrical Manufacturers Association and CNMI Department of Public Works Division of Building Safety.

(1) Wind Tower Height and Setbacks. Setbacks shall be as shown in subsection (c)(2). Provided, the Zoning Administrator may reduce the minimum setback if written permission is granted by the owner or other entity with significant property interest in the affected asset or lot.

(2) Wind Tower Height and Setbacks

Lot size (square meters)	Tower Height (maximum)	Setback from Lot Line (minimum)	Setback From: Inhabited Structure; Overhead Utility Line; or Public Road Right-of-Way (minimum)
Up to 2,500	The higher of: 45 feet; or 25 feet above the peak of the roof.	10 feet	Distance equal to tower height
Over 2,500	The higher of: 60 feet; or 30 feet above the peak of the roof.	20 feet	Distance equal to tower height

(d) Noise. A small wind energy system shall not exceed 55 decibels (dBA), as measured at the closest lot line except during short term events such as utility outages and severe wind storms.

(e) FAA compliance. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

~~(f) CUC notice. CUC shall be notified, prior to installation of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.~~

~~(g) Paint and finish. The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the building permit.~~

~~(h) Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.~~

~~(i) Signs and advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the Saipan Zoning Law.~~

~~(j) Removal requirements. A small wind energy system that has been abandoned is considered to be a public nuisance and shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for 364 consecutive days (52 weeks). The Zoning Administrator may follow the procedures in Section 1209 of the Saipan Zoning Law to obtain removal.~~

~~(k) System maintenance. The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.*~~

~~(l) Unauthorized access. Wind turbines or other structures art of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.~~

~~(m) Temporary meteorological (Met) towers. A Met tower shall be permitted under the same standards as a small wind system, except that the requirements apply to a temporary structure. A~~

permit for a temporary Met tower shall be valid for a maximum of 3 years after which an extension may be granted. Wind monitoring shall be permitted in all zoning districts subject to issuance of a zoning permit for a temporary structure.

* See Commission Comment.

~~§ 165-30.1-410 Large Wind Energy System Requirements~~

(a) A large wind energy system shall meet the requirements for a commercial renewable energy facility as defined in the Saipan Zoning Law (10 CMC § 3511). In addition to meeting the requirements of Section 702 General Requirements for all Conditional Uses of the Saipan Zoning Law and all other requirements of the Saipan Zoning Law, a large wind energy system shall meet the following requirements:

(b) Height. A wind facility shall be no higher than 400 feet above the current grade of the land, provided that a wind facility may exceed 400 feet if:

(1) The applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility; and

(2) Such excess height is necessary to prevent financial hardship to the applicant.

(c) Setbacks

(1) A wind turbine shall be set back a distance equal to 1.5 times the tower height of the wind turbine from the nearest existing residential or commercial structure and 100 feet from the nearest property line and private or public way.

(2) The Board may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a conditional use permit.

(d) Color and Finish. The Board shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

~~(e) Lighting. A wind turbine shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.~~

~~(f) Signage. Signs on the wind facility shall comply with the requirements of the Saipan Zoning Law, and shall be limited to:~~

~~(1) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.~~

~~(2) Educational signs providing information about the facility and the benefits of renewable energy.~~

~~(g) Advertising. A wind turbine shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.~~

~~(h) Appurtenant structures:~~

~~(1) All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible.~~

~~(2) Structures shall only be used for housing of equipment for the particular site.~~

~~(3) Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.~~

~~(i) Support Towers. Monopole towers are the preferred type of support for wind facilities.~~

~~(j) Emergency Services. The applicant shall provide a copy of the project summary and site plan to the Department of Public Safety or Emergency Management Office, as designated by the Board. Upon request the applicant shall cooperate with these agencies in developing an emergency response plan.~~

~~(k) Unauthorized Access. Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.~~

~~(l) Shadow/Flicker. A wind facility shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.~~

~~(m) Noise~~

~~(1) The wind facility and associated equipment shall not:~~

~~(i) Increase the broadband sound level by more than 10 dB(A) above ambient. or~~

~~(ii) Produce a "pure tone" condition when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.~~

~~(2) These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from Zoning Administrator. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.~~

~~(n) Facility Condition. The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Department of Public Safety. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way and the cost of repairing any damage occurring as a result of operation and construction.~~

~~(o) Modifications. All material modifications to a wind facility made after issuance of the conditional use permit shall require approval by the Board.~~

~~(p) Removal Requirements. Any wind facility that has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was~~

~~constructed or any other legally authorized use. More specifically, decommissioning shall consist of:~~

~~(1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.~~

~~(2) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.~~

~~(3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.~~

~~(p) Abandonment. Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than 364 consecutive days (52 weeks) without the written consent of the Board. The Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 182 days (26 weeks) of abandonment or the proposed date of decommissioning, the Board may declare the facility to be a public nuisance and take appropriate action.~~

PART 500—ADULT BUSINESS

~~§ 165-30.1-501 Adult Business Overlay Zones~~

~~(a) An adult business overlay district is established pursuant to Section 513 of the Saipan Zoning Law of 2007. The district is comprised of land within 200 feet of each side of the centerline of Chalan Pale Arnold (Middle Road) as follows: from Chalan Msgr. Guerrero north to a line extending along the center of Commonwealth Avenue (south side of Sugar King Park).~~

PART 600 [RESERVED]

[Reserved]

PART 700 [RESERVED]

[Reserved]

PART 800 [RESERVED]

[Reserved]

PART 900 - MISCELLANEOUS PROVISIONS

§ 165-30.1-901 Severability

If any provision of the regulations in this subchapter shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

§ 165-30.1-905 Effective Date

The regulations in this subchapter shall take effect upon the notice of adoption and upon final publication in the Commonwealth Register, or if promulgated by emergency regulation, at such earlier time.



Eloy S. Inos
Governor

**DEPARTMENT OF FIRE AND
EMERGENCY MEDICAL SERVICES**
Station 1 Tekken Drive
Civic Center Susupe



Ralph DLG Torres
Lt. Governor

PUBLIC NOTICE OF PROPOSED REGULATIONS

**WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF
THE DEPARTEMNT OF FIRE AND EMERGENCY MEDICAL SERVICES**

INTENDED ACTION: The Commonwealth of the Northern Mariana Islands, Department of Fire and Emergency Medical Services, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations will become effective 10 days after adoption and publication in the Commonwealth Register.

AUTHORITY: The Department of Fire and Emergency Medical Services is empowered by the Legislature to adopt regulations for its administration by 1 CMC §28006.

TERMS AND SUBSTANCE: The proposed regulations provide for official badges and the official seal of the Department of Fire and Emergency Medical Services.

REGULATIONS BEING AMENDED: NMIAC §§ 72, et seq.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular.

SEND OR DELIVER COMMENTS TO: Commissioner Claudio K. Norita
Department of Fire and EMS
Attn: proposed Regulations
PO Box 7068 SVRB
Saipan, MP 96950

Comments, data, views, or arguments for or against the proposed regulations are due within 30 days of the date of publication of this notice.

P. O. Box 7068 SVRB Saipan, MP 96950
Telephone: (670) 664-9003/4 (24 Hours) · Facsimile: (670) 664-9015
www.dfems.gov.mp




Eloy S. Inos
Governor

**DEPARTMENT OF FIRE AND
EMERGENCY MEDICAL SERVICES**
Station 1 Tekken Drive
Civic Center Susupe



Ralph DLG Torres
Lt. Governor

Submitted by: 
Claudio K. Norita
Commissioner, DFEMS

Date: 5-22-15

The proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Approved by: 
Edward Manibusan
Attorney General

Date: 5-28-15

Filed and
Recorded by: 
Esther Nesbitt
Commonwealth Register

Date: 05.28.2015



Eloy S. Inos
Governor

**DEPARTMENT OF FIRE AND
EMERGENCY MEDICAL SERVICES**
Station 1 Tekken Drive
Civic Center Susupe



Ralph DLG Torres
Lt. Governor

SECTION 1: ADOPTION OF OFFICIAL SEAL

The Department of Fire and Emergency Medical Services hereby adopt the following image for its official seal:



P. O. Box 7068 SVRB Saipan, MP 96950
Telephone: (670) 664-9003/4 (24 Hours) · Facsimile: (670) 664-9015
www.dfems.gov.mp



Eloy S. Inos
Governor

DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES

Station 1 Tekken Drive
Civic Center Susupe

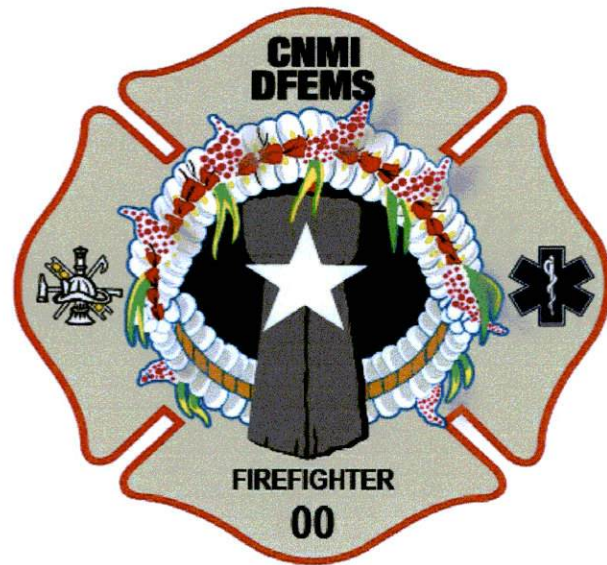


Ralph DLG Torres
Lt. Governor

SECTION 2: ADOPTION OF THE OFFICIAL BADGES

The Department of Fire and Emergency Medical Services hereby adopts the following badges as its official badges. All fire and EMS personnel shall carry badges which identify them as members of the Department of Fire and Emergency Medical Services. The gold badge shall be carried by the Commissioner, Resident Deputy Commissioner, Deputy Commissioner, Assistant Fire Chief, Fire Captain and Fire Crew Supervisor. The silver badge shall be carried by the Firefighter III, Firefighter II, Firefighter I.

Size: 2.5" Height x 2.5" Width





DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Fire Station 2 Garapan
P. O. Box 7068 SVRB · Saipan, MP 96950
Telephone: (670) 664-9003 (24 Hours) · Facsimile: (670) 664-9015



ONUTISIAN PUBLIKU PUT I MANMAPROPONI NA REGULASION SIHA

**NI AMENDASION GI PARA I AREKLAMENTU YAN REGULASION SIHA GI DIPATTAMENTUN
KIMASON YAN EMERGENCY MEDICAL SERVICES**

MA'INTENSIONA NA AKSION: I Commonwealth Notti Marianas, Dipattamentun Kimason yan Emergency Medical Services, ha intensiona para u adãpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi manera gi Åktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum i dies(10) dihas dispues di adãptasion yan publikasion gi halum i Rehistran Commonwealth.

ÅTURIDÅT: I Dipattamentun Kimason yan Emergency Medical Services nina'i fuetsa ni Leyislatura para u adãpta i regulasion siha para i atministrasion-ña ginin i 1 CMC § 28006.

TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I manmaproponi na regulasion siha ha pribeniya official badges yan official seal gi Dipattamentun Kimason yan Emergency Medical Services.

REGULASION SIHA NI MANMA'AMENDA: NMIAC §§ 72, et seq.

DIREKSION NI PARA U MAPO'LU YAN I PUBLIKASION: Esti i Manmaproponi na Regulasion Siha debi na u fanmapublika gi halum i Rehistran Commonwealth yan u mapega gi halum i mangkumbinienti na lugåt siha gi civic center yan gi halum ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan i dos lingguåhin natibu.

NA'HÅNÅO PAT INTREGA I UPIÑON GUATU GI AS: Claudio K. Norita
Commissioner
Dipattamentun Kimason yan EMS
Attn: Manmaproponi na Regulasion Siha
PO Box 7068 SVRB
Saipan, MP 96950

Todu upiñon, imfotmasion, inatan, pat testimoñon kinentra siha para pat kontra i manmaproponi na regulasion siha debi na u fanhålum trenta (30) dihas ginin i fetchan esti na nutisian publikasion.

"The Department of Fire and EMS is an equal opportunity provider and employer"



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Nina'hålum as: 
 Claudio K. Norita
 Commissioner
 Department of Fire and EMS

5-1-15
 Fetcha

I manmaproponi na regulasion siha ni mañechettun guini manmaribisa yan manma'aprueba kumu fotma yan ligåt sufisienti ginin i Ufisinan Abugådu Heneråt.

Inaprueba as: 
 Edward Manibusan
 Abugådu Heneråt

5-28-15
 Fetcha

Ninota yan Rinikot as: 
 Esther Nesbitt
 Rehistran Commonwealth

05.28.2015
 Fetcha



DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
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Seksiona 1: ADAPTACION OFFICIAL SEAL

I Dipattamentun Kimasion yan i Emergency Medical Services ha adãpta guini i sigienti na hechura para iyon-ña official seal:



"The Department of Fire and EMS is an equal opportunity provider and employer."



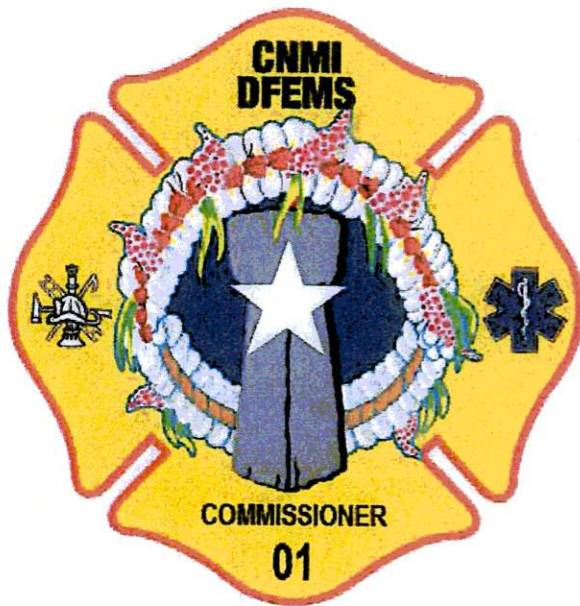
DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
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SEKSIONA 2: ADĀPTASION OFFICIAL BADGES

I Dipattamentun Kimason yan Emergency Medical Services ha adāpta guini i sigienti na badges kumu official badges. Todu Fire yan EMS Personnel debi na u machuchuli' i badges ni para u ma'aidentifika siha kumu miembru siha gi Dipattamentun Kimason yan Emergency Medical Services. I oru na badge debi na u makākatga ni Commissioner, Resident Deputy Commissioner, Deputy Commissioner, Assistant Fire Chief, Fire Captain, yan i Fire Crew Supervisor. I kulot salāppi' na badge debi na u makākatga ni Firefighter III, Firefighter II, yan i Firefighter I.

Size: 2.5" Height x 2.5" Width





DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 Fire Station 2 Garapan
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PUBLIC NOTICE OF PROPOSED REGULATIONS

MILLIKKA RE LLO BWE LIWELL NGÁLI ALLÉGH ME MWÓGHUTÚGHÚTÚL ALLÉGH REL BWULASIYOL FIRE ME EMERGENCY MEDICAL SERVICES

MÁNGEMÁNGIL POMMOL MWÓGHUTÚGHÚT: Sángi Commonwealth Téél Falúw kka Efáng lóll Marianas, Bwulasiyol Fire me Emergency Medical Services, re mángemángil re bwe adaptáali bwe e bwe llégh ló bwe mwóghutúghútúl allégh millikka e appasch long bwe pommol mwóghutúghútúl allégh, igha e palúweli mwóghutúghútúl Administrative Procedure Act. 1 CMC § 9104 (a). E bwe bwung ló mwóghutúghútúl allégh lóll seigh (10) ráll mwiiril yaar adaptáali me arongowoowul me rel Commonwealth Register.

BWÁNGIL: Sángi sów allégh re ngalleey Bwulasiyol Fire me Emergency Medical Services bwe re bwe adaptáali mwóghutúghútúl allégh ngáli administration sángi 1 CMC § 28006

KKAPASAL ME ÓUTOL: Pommol mwóghutúghútúl allégh e bwe ngalleey official badges me official seal merel Bwulasiyol Fire me Emergency Medical Services

AFAL REEL AMWELIL ME ARONGOWOWUL: Pommol Mwóghutúghút kkaal nge e bwe arongowoow me rel Commonwealth Register nge re bwe appasch tá lóll bwuleey kka re lo civic center me bwulasiyol gobetnameento lól senatorial district, rel English me lól mwaliyaasch.

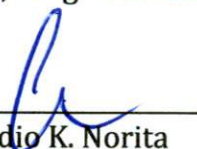
LIWELL REL MWÓGHUTÚGHÚTÚL ALLÉGH: NMIAC §§ 72, et seq.

AFANGA LÓ ME ATTOTOOLONG MWALIILI REL:

Claudio K. Norita
 Commissioner
 Department of Fire and EMS
Attn: Proposed Regulations
 PO Box 7068 SVRB
 Saipan, MP 96950

Mwaliili, data, views me angiingi, rel yóómw mángemáng rel pommol mwóghutúghút nge e bwe attotoolong lól 30 rál, sángi rállil akkatééwowul arongroong yel.

Isáliiyalong:


 Claudio K. Norita
 Commissioner
 Department of Fire and EMS


 Ráll

"The Department of Fire and EMS is an equal opportunity provider and employer."



DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Fire Station 2 Garapan
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Pommol mwóghutúghút, iye e appaschlong bwe ra amweeri me a bwunguló bwe e bwe fféer me legal sufficiency sáangi bwulasiyol Soulemil Allégh Lapalap.

E LLÉGH SÁNGI:

Edward Manibusan
Soulemil Allégh Lapalap

5-28-15

Ráll

AMMWEL SÁNGI:

Esther Nesbitt
Commonwealth Register

05.28.2015

Ráll



DEPARTMENT OF FIRE AND EMS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Fire Station 2 Garapan
P. O. Box 7068 SVRB · Saipan, MP 96950
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TÁLIL 1: RE BWE ADAPTÁÁLI BWE OFFICIAL SEAL

E bwung ló bwe Bwulasiyol Fire me Emergency Medical Services igha re adaptááli millikka e bwáá bwe litiróoto bwe official seal:



"The Department of Fire and EMS is an equal opportunity provider and employer."



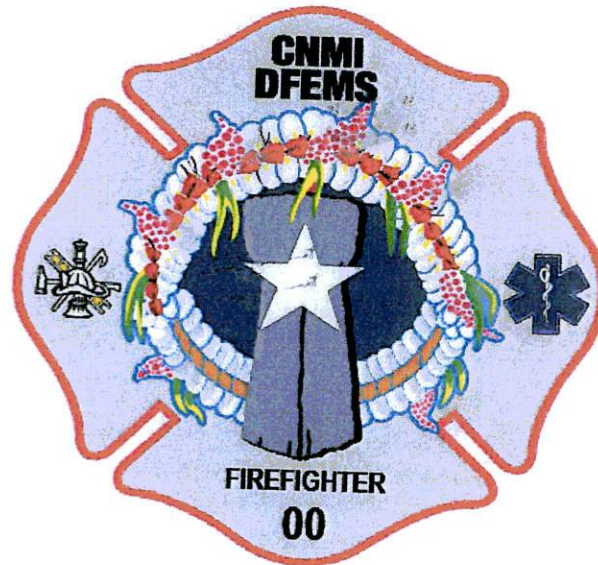
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TÁLIL 2: REBWE ADAPTÁALI BWE OFFICIAL BADGE

A bwung ló bwe Bwulasiyol Fire me Emergency Medical Services re bwe adaptáali badges kka e appasch tá bwe official badges. Ólongéer Schóól Angaang rel Fire me EMS nge re bwe akkamwaasch badges iye e bwe abwáári bwe membroot Bwulasiyol Fire me Emergency Medical Services. Mille e ooro, nge Commissioner, Resident Deputy Commissioner, Deputy Commissioner, Assistant Fire Chief, Fire Captain, me Fire Crew Supervisor mille re bwe aifar. Mille e silver nge Firefighter III, Firefighter II, me Firefighter, mille re aifar.

Size: 2.5" Height x 2.5" Width



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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER NO. 2015-03

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

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

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

WHEREAS, WITHOUT CUC ELECTRICITY:

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

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

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed over \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by other users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to

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nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

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

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I,

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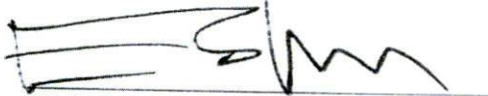
prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

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

DIRECTIVE: Insofar as it applies to CUC, 3 CMC § 4531 is hereby suspended. As a result of the suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

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

SIGNED AND PROMULGATED on this 16th day of March 2015.

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

ELOY S. INOS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER NO. 2015-04

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

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

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

WHEREAS, WITHOUT CUC ELECTRICITY:

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

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

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed over \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by other users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to

nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

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

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I,

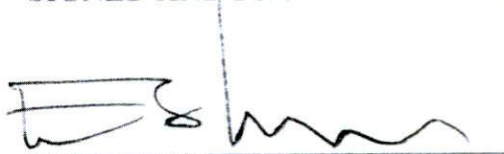
prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

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

DIRECTIVE: Insofar as it applies to CUC, 3 CMC § 4531 is hereby suspended. As a result of the suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

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

SIGNED AND PROMULGATED on this 16th day of April 2015.

A handwritten signature in black ink, appearing to read 'Eloy S. Inos', is written over a horizontal line. A vertical line extends upwards from the signature area.

ELOY S. INOS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER NO. 2015-05

DECLARATION OF STATE OF EMERGENCY

I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, hereby declare a State of Emergency for the Commonwealth of the Northern Mariana Islands and I am ordering the activation of the State Emergency Operations Plan throughout the Commonwealth.

This emergency declaration is necessary for the Commonwealth Government to identify and mobilize available resources in response to the anticipated impact and potential damage as a result of Typhoon Dolphin.

Duly executed this 14th day of May, 2015.

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a vertical line extending upwards from the end of the signature.

ELOY S. INOS

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 237-2200 Facsimile: (670) 664-2211/2311



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER NO. 2015-06

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

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

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

WHEREAS, WITHOUT CUC ELECTRICITY:

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

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

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed over \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by other users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to

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nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

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

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I,

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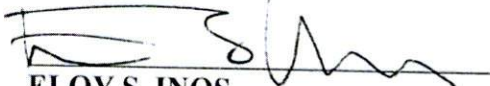
prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

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

DIRECTIVE: Insofar as it applies to CUC, 3 CMC § 4531 is hereby suspended. As a result of the suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

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

SIGNED AND PROMULGATED on this 16th day of May, 2015.



ELOY S. INOS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER No. 2015-07

DECLARATION OF MAJOR DISASTER AND SIGNIFICANT EMERGENCY ON THE ISLAND OF ROTA

WHEREAS, on May 15, 2015, Typhoon Dolphin affected the island of Rota;

WHEREAS, Typhoon Dolphin resulted in significant damage to public and private property, the full extent of which is presently unknown;

WHEREAS, the Commonwealth Utilities Corporation estimates that 55 homes and business are without power or water service;

WHEREAS, the present conditions on Rota threaten the public peace, health, and safety of its residents;

WHEREAS, the Commonwealth Homeland Security and Emergency Management Office indicates that local resources and capabilities have been exhausted; the assistance and resources of the Commonwealth government are required to respond to and recover from the effects of Typhoon Dolphin;

NOW THEREFORE, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and 1 CMC § 20144, do hereby declare a State of Major Disaster and Significant Emergency on the island of Rota, Commonwealth of the Northern Mariana Islands.

I HEREBY INVOKE MY AUTHORITY under Article III, § 10 of the Commonwealth Constitution and 1 CMC § 20144(c), to protect the health and safety of the people of Rota. Accordingly, it is hereby **ORDERED**:

SECTION 1

The Commonwealth Homeland Security and Emergency Management Office shall provide assistance and support to the people of Rota. In doing so, the Commonwealth Homeland Security and Emergency Management Office, and any government agency acting pursuant to its request, is hereby granted a temporary exemption from any Commonwealth regulation which would tend to prevent, hinder, or delay any action deemed necessary to support Rota's recovery from Typhoon Dolphin. However, all government agencies must continue to comply with regulations which do not

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prevent, hinder, or delay actions necessary to carry out this order. On or about July 1, 2015, the Commonwealth Homeland Security and Emergency Management Office shall prepare and submit a report to the Office of the Governor which details any actions taken under this section.

SECTION 2

The Commonwealth Homeland Security and Emergency Office is hereby authorized to utilize all available government equipment and property on the island of Rota to respond to the State of Major Disaster and Significant Emergency on Rota. The Office of the Governor hereby invokes its authority to utilize all available government resources necessary to respond to the State of Major Disaster and Significant Emergency on Rota.

SECTION 3

The Commonwealth Homeland Security and Emergency Management Office may, after consultation with the Office of the Governor, temporarily transfer the direction, personnel, and functions of government agencies on Rota to facilitate its response and recovery programs.

SECTION 4

The Commonwealth Homeland Security and Emergency Management Office may prescribe routes, modes of transportation, and destinations in consultation with public safety authorities for the provision of emergency services.

SECTION 5

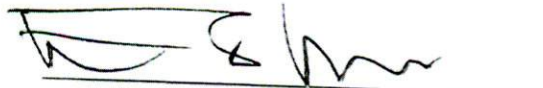
The Commonwealth Homeland Security and Emergency Management Office may control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises therein, if such action is reasonable and necessary to facilitate its response or recovery programs.

SECTION 6

The Commonwealth Homeland Security and Emergency Management Office will provide daily updates to the Office of the Governor regarding the impacts of Typhoon Dolphin. The Office of the Governor will seek aid from the federal government if any such aid is available and necessary.

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order.

Done this 19th day of May 2015.



ELOY S. INOS