

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



**COMMONWEALTH REGISTER
VOLUME 31
NUMBER 10
OCTOBER 29, 2009**

*proposed amnts 4.02(c) and (d)
need to be adopted after 30 days (11/28/09)*

COMMONWEALTH REGISTER

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TABLE OF CONTENTS

NOTICE OF EMERGENCY REGULATIONS

Notice of Emergency Amendments to the Regulations of Commonwealth Election Commission.....	029929
Board Emergency Order #01 Approving Practice Agreement Amendment for Remote Supervision Commonwealth Health Care Professions Licensing Board.....	029932
Board Emergency Order #01 Approving Practice Agreement Amendment for Remote Supervision Commonwealth Health Care Professions Licensing Board.....	029935

NOTICE AND CERTIFICATION OF ADOPTION OF RULES AND REGULATIONS

Public Notice of Certification and Adoption of the Rules and Regulations of Member Home Loan Program Northern Mariana Islands Retirement Fund.....	029938
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PROPOSED RULES AND REGULATIONS

Public Notice of Proposed Rules and Regulations Which Are Amendments to the Administrative Rules and Regulations of the Northern Mariana Islands Retirement Fund.....	029940
Public Notice of Proposed Rules and Regulations Which Are Amendments to the Administrative Rules and Regulations of the Northern Mariana Islands Retirement Fund	029950

*sect. 4.02(c)
and (d)*

**Northern Mariana Islands Retirement Fund
Commonwealth of the Northern Mariana Islands**

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. DeLeon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CX, Saipan, MP 96950-1247
Tel. No. (670) 322-3863*10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE
NORTHERN MARIANA ISLANDS RETIREMENT FUND**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Board of Trustees is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing their activities. 1 CMC § 8315(f). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide guidelines for the Board to manage the government Retirement Program, as well as provide government employees and retirees information on how the Program functions.

Furthermore, the following citations, statutes and regulations are affected by these proposed amendments: Part 4, Sections 4.02(c) and (d), codified at NMIAC §§ 110-10-205(c) and (d); Public Law 13-60; Public Law 15-70; and the Rules and Regulations as published in the Commonwealth Register, Volume 27, No. 9, dated October 24, 2005, and in Volume 27, No. 11, dated December 30, 2005, and adopted as published in Volume 28, No. 3, dated March 30, 2006 (effective April 9, 2006); and as amended in Volume 29, No. 7, dated July 18, 2007, and adopted as published in Volume 29, No. 8, dated August 17, 2007 (effective August 27, 2007).

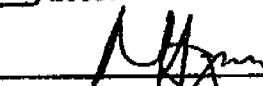
THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Modify language contained under 4.02(c) and (d) to include date of June 14, 2012 as the ending date for an eligible person to elect to take early retirement. Furthermore, regular interest would be capitalized to principal for payments made in full, prior to retirement, in a lump sum amount equivalent to the difference between Class I and Class II contributions.

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

TO PROVIDE COMMENTS: Send or deliver your comments to Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing the Northern Mariana Islands Retirement Fund". 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 Rules and Regulations were duly approved and adopted by the Board of Trustees on Sept. 29th, 2009.

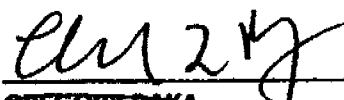
Submitted by:  9/29/09
MARK A. AGUON
Administrator, NMIRF/GHLITF Date

Received by:  9/29/09
ESTHER S. FLEMING
Governor's Special Assistant for Administration Date

Filed and Recorded by:  10.29.09
ESTHER M. SAN NICOLAS
Commonwealth Register 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 Rules and 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 this 29 day of Oct. 2009.


GREGORY BAKA
Acting Attorney General

**Sangkattan Na Islan Marianas Fondon Ritiru
Commonwealth gi Sangkattan na Islan Marianas Siha**

Mark A. Agnon, Administrador

Prinet Bilibinda, Honoripble Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill

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**NUTISIAN PUBLIKU PUT MAPROPONEN AREKLAMENTO YAN REGULASION
SIHA NI PARA I AMENDASION SIHA PARA I ADMINISTRATIVE NA
AREKLAMENTO YAN REGULASION SIHA GI SANGKATTAN NA ISLAN
MARIANAS SIHA FONDON RITIRU**

MA'INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTE I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan Na Islan Marianas Siha Fondon Ritiru ("NMIRF"), Commonwealth gi Sangkattan na Islan Marianas siha, ha intensiona para u adápta komu petmanente na areklamento yan regulasion siha ni maflecheton gi Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebieta i Sangkattan na Islan Marianas siha, sigun gi manera siha gi Akton Administrative Procedure, I CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies(10) diha siha despues di adaptación yan publikasion gi halom i Rehistran Commonwealth. (I CMC § 9105(b)).

ÁTURIDÁT: I Lehislatura ha ná'i fuetsa i Kuetpon i Trustee siha para u adápta i areklamento yan regulasion siha para i atministrasion yan dimimandan i estatua ni ginebebieta i aktibidát-ña siha. I CMC § 8315(f). Atan lokkue' i Otden Eksakatibu 94-3 (efektibu gi Agostu 23, 1994, mata'lon otganisa i rámas Eksakatibu).

I SUSTANSIAN I PALÁBRA SIHA: I Areklamento yan Regulasion siha mana' guaha giniha siha para i Kuetpo para u mancha i gobietnamenton gi Prugráman Ritiru, parehu ha' para u pribeniya i emple'ao gobietnamento yan i ritiráo siha infotmasion gi taimanu i funksion i Prugráma siha.

Itmás, i sigiente na sitasion, estatua yan regulasion siha maninafekta ginen este i manmapropone na amendasion siha: Pátte 4, Seksiona 4.02(C) yan (d) codified gi NMIAC §§ 110-10-205(c) yan (d); Lain Publiku 13-60; Lain Publiku 15-70; yan i Areklamento yan Regulasion siha komu mapublika gi halom i Rehistran Commonwealth, Baluma 27, Numiru 9, mafecha gi Oktubri 24, 2005, yan gi Baluma 27, Nu.11, mafecha gi Disembre 30, 2005, yan ma'adápta komu mapublika gi Baluma 28, Nu. 3, mafecha gi Mátso 30, 2006 (umefektibu gi Abril 9, 2006); yan komu ma'amenda gi Baluma 29, Nu. 7, mafecha gi Huliú 18, 2007, yan ma'adápta komu mapublika gi Baluma 29, Nu. 8, mafecha gi Agostu 17, 2007 (efektibu gi Agostu 27, 2007).

I SUBETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: Este na areklamento yan regulasion siha:

1. Matulaika i lengguáhi ni kinonsiste gi papa' 4.02(c) yan (d) ni para u inengklusu i fecha gi Huniu 14, 2012 komu i uttimon i fecha para i kualifikao na petsona para u ayek ni para u chule' i táftaf na ritirao. Itmás, i regulát na interes para u ma'usa para prinsipát para ápas siha gi kabales, antes di ritiu, gi i hump sum amount parchu para i diferensiao entalo' Klas I yan Klas II na kontribusion.

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Este i Manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi halom i seksiona ni mapropone yan nuebu na ma'adáptan regulasion siha (1 CMC § 9102(a)(1) yan mapega gi kombiniente siha na lugát gi halom i civic center yan gi ofisinan gobiernamento siha gi kada distriton senadot, parchu English yan i lengguáhen natibu. (1 CMC § 9104(a)(1)).


PARA U MAPRIBENIYI OPIÑON SIHA: Na'hánao pat sino entrega i opiñon-mu para si Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebieta i Fondo Ritiru gi Sangkattan na Islan Marianas siha, gi sanhilo' na address, fax, pat email address, yan i ráyan subeto "Manmaproponen Amendasion siha para i Areklamento yan Regulasion siha ni ginebebieta i Fondon Ritiru gi Sangkattan na Islan Marianas siha". Todu opiñon debi na u fanhálorom trenta(30) diha siha ginen i fechan publikasion este na notisia. Pot fabot na'hálorom infotmasion, opiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha manma'apreba yan ma'dápta ginen i Kuetpon Trustee gi Sept. 2009, 2009.

Nina'hálorom as:


MARK A. AGUON
Atministradot, NMIRF/GHLITF

9/29/09
Fecha

Rinisibi as: 
ESTHER S. FLEMING
Espiñat Na Ayudante Para I Administracion Gubietno

10/29/09
Fecha

Pine'lu yan
Rinikot as: 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

10.29.09
Fecha

Sigun i 1 CMC § 2153(e) (Inapreban i Abugadu Henerat gi regulasion siha ni para u macho' gue komu fotma) yan 1 CMC § 9104(a)(3) hentan inapreban Abugadu Henerat i Manmaproponen Areklamento yan Regulasion siha ni mafechetton guini manmaribisa yan manma'apreba komu para fotma yan ligat suficiente ginen i CNMI Abugadu Henerat yan debi u mapupblika, 1 CMC § 2153(f) (publikasion areklamento yan regulasion siha).

Mafecha este gi diha 29 gi Oct., 2009.


EDWARD T. BUCKINGHAM
Abugadu Henerat

Téel Falúw Kka Efang Marianas Retirement Fund Mellól

Commonwealth Téel Falúw Kka Efang Marianas

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. Delon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O.Box 501247 CK, Saipan, MP 96950-1247

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL
REEL AMMWELIL ME ALLÉGHÚL ADMINISTRATIVE REEL AWEWEEL RETIREMENT FUND
MELLÓL TÉEL FALÚW KKA EFANG MARIANAS**

AGHIYÁGHIL FILLÓÓL POMWOL ALLÉGH KKAAL: Retirement Fund (NMIRF) Téel Falúw kka Efang Marianas, ebwe fillooy ammwel me allégh kkaal bwe ebwe allégh ffóscholó pomwol ssiweli kka e appasch reel alléghul Administive kka e lemili Téel Falúw Kka Efang Marianas, sáangi allégh ye 1 CMC § 9104(a). Allégh kkaal ebwe kkamalló llól 10 rál mwiril yaal filló me akkatewow mellól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Mwiischil Board of Trustees eyoor bwángil sáangi Sów Fféerúl Allégh bwe ebwe fillooy allégh kka e fil ngáli bwulasiyo me ammwelil lemelemil mwóghut kkaal. 1 CMC § 8315(f). Bwal amweri Executive Order 94-3 (e kkamalló August 23, 1994, ammwel sefááilil Executive branch).

KKEPASAL ME AWEWE: Allégh kkaal e ayoora ammataf ngáli Mwiischil Board of Directors bwelle rebwe lemeli ammwelil government Retirement Program me bwal ayoora ngáliir ammataf schóól angaang me schóókka raa retired reel mwóghutul progróoma kkaal.

Allégh me ammwel kka e táttáletiw nge e fillong reel pomwol ssiweli kkaal; Peigh 4, táilil 4.02(c) me (d), aa allégh me NMIAC §§ 110-10-205(c) me (d); Alléghúl Toulap 13-60; Alléghúl Toulap 15-70; me allégh kka aa akkatewow mellól Commonwealth Register, Volume 27, No. 9, ráilil October 24, 2005, mellól Volume 27, No. 11, ráilil December 30, 2005, me aa filló mellól Volume 28, No. 3, ráilil March 30, 2006 (e kkamalló April 9, 2006); me igha aa ssiweli llól Volume 29, No. 7, ráilil July 18, 2007, me aa fillool me akkatewow llól Volume 29, No. 8, ráilil August 17, 2007 (e kkamalló August 27, 2007).

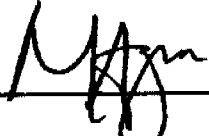
ÓUTOL ME KKEPASAL: Allégh kkaal nge:

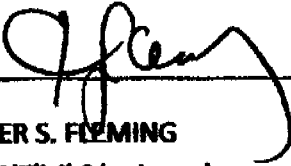
1. Ebwe siweli kkepas ye elo faal 4.02(c) me (d) bwe ebwe toolong ráilil ye June 14, 2012, bwe arorosol rál reel aramas ye ebwe fili mille early retirement. Me bwal reel aweweel schéschéel (reg.) ganansia, nge ebwe yááyá ng'li principal igha e abwós alongal (full), mmwal retirement, nge ebwe lump sum ngáli fischal Class 1 me Class 11, sáangi llapal kka e akkatealong.


AFALAFAL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéélong llól Commonwealth Register llól tálii kka epomw lóli me lkka e ffé yaal filló (1 CMC §9102(a)(1) me e appasch llól bwuley kka e fil meillól bwulasiyool maghalaay llól alongal senatorial District, llól kkepasal English me mwaliyeer schóól faleey. (1 CMC § 9104(a) (1)

ISISILONGOL AGHIYEGH: Afanga máfiyómw ngáli Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, reel address, fax ngáre email address fengáli me subject line ye " Proposed Amendments to Rules and Regulations Governing the Northern Mariana Islands Retirement Fund ". Máfiyámi ebwe toolong llól 30 rál sángi yaal filló Arong yeel. Ów isisilong yáami aghiyegh, máfiyámi me ngáre pomwol ssíwel. (1 CMC § 9104(a)(2)).

Allégh kkaal ebwe alléghúl me fillool sángiir Board of Trustees wóol Sept. 22nd, 2009.

Isáiyallong:  9/27/09
MARK A. AGUON Rál
Samwoolul, NMIRF/GHLITF

Mwir Sángi:  10/29/09
ESTHER S. FLEMING Rál
Sów Alíilísil Sów Lemelem

Ammwel Sángi:  10.29.09
ESTHER M. SAN NICOLAS Rál
Commonwealth Register

Sángi allégh ye 1 CMC § 2153(e) (Alúghúlúghúl mereel Sów Bwángil Allégh Lapalap igha ebwe akkatééló) me 1 CMC § 9104(a)(3) (sángi alúghúlúghúl AG) pomwol allégh kkaal aa takkal ammwel ischiló mereel Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC § 2153(f) (akkatéél allégh kkaal).

Rááilil ye 29 llól maramal Oct. 2009

Edward T. Buckingham

EDWARD T. BUCKINGHAM
Sów Bwungul Allégh Lapalap

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

**Amendments to PART 4 – Benefits: Section 4.02(c) and (d) – Early Retirement
Benefits for Class I Members [Codified as NMIAC § 110-10-205(a) and (d)]:**

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

- A. A person who became a Class I member before April 16, 1998 (the effective date of Public Law 11-9) must be at least 52 years of age with 10 years of vesting service or be under 62 years of age with at least 25 years of vesting service, provided that the member has at least three (3) years of credited service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70¹.
- B. A person who became a Class I member on or after April 16, 1998, must be at least 52 years of age with 10 years of membership service or be under 62 years of age with at least 25 years of membership service, provided that the member has at least 10 years of membership service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70¹.
- C. A person eligible to take early retirement under subsection A or B, and who so elects, may pay to the Fund, prior to retirement, a lump sum amount equivalent to the difference between Class I and Class II contributions, including regular interest, capitalized to principal, for all periods in which the member was

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

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

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

² See Note 1, *supra*.