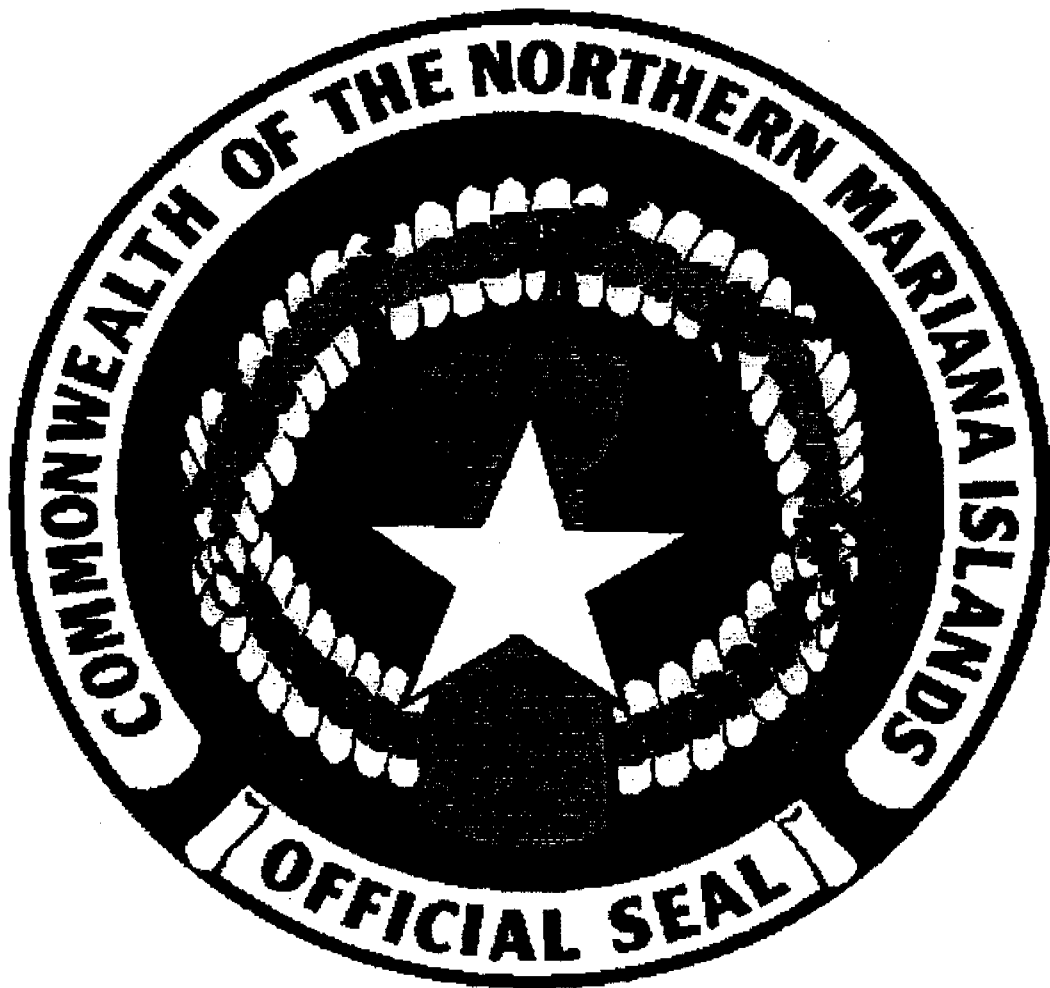


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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

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*proposed amends. 4.05(c), 4.06(a),(b),(c), and 7.03  
need to be adopted after 30 days (11/28/09)*

# COMMONWEALTH REGISTER

VOLUME 31  
NUMBER 10  
OCTOBER 29, 2009

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

**Mark A. Aguon, Administrator**

1<sup>st</sup> Floor, Honorable Lorenzo I. Delson Guerrero Retirement Fund Building, Isa Drive, Capital Hill  
P.O. Box 501247 CK, Saipan, MP 96950-1247  
Tel. No. (670) 322-3863-10; Fax No. (670) 664-8080; E-mail: [administrator01@nmiretirement.com](mailto: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 4.05 and 4.06, codified at NMIAC §§ 110-10-220 and 110-10-225, respectively; Part 7, Section 7.03, codified at NMIAC § 110-10-510; Public Law 13-60; Public Law 16-19; 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 30, No. 5, dated May 27, 2008, and adopted as published in Volume 30, No. 6, dated June 27, 2008 (effective July 7, 2008); Volume 30, No. 7, dated July 28, 2008, and as adopted as published in Volume 30, No. 10, dated October 25, 2008 (effective November 4, 2008); and further amended in Volume 30, No. 12, dated December 22, 2008, and adopted as published in Volume 31, No. 2, dated February 29, 2009 (effective March 7, 2009).

**THE SUBJECTS AND ISSUES INVOLVED:** These rules and regulations:

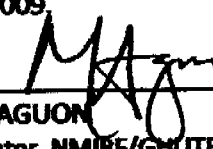
1. Clarify existing application of non-occupational disability benefits; applicability of potential unfunded liabilities pending Court decision; and, the administrative decision-making process.

**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 Member Home Loan Program". 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 ~~September 24, 2009~~, 2009.

Submitted by:

  
MARK A. AGUON  
Administrator, NMIRF/GHLTF

Date

9/24/09

Received by:

  
ESTHER S. FLEMING  
Governor's Special Assistant for Administration

Date

10/29/09

Filed and  
Recorded by:

  
ESTHER M. SAN NICOLAS  
Commonwealth Register

Date

10.29.09

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.

  
~~ONE SON - DAKA~~

~~AG~~ Attorney General

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

Mark A. Aguon, Atministradot

Prinet Bilienda, Hónoráble Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill

P. O. Box 501247 CK, Saipan, MP 96950-1247

Tel. Nu. (670)322-3863-10; Fax Nu. (670) 664-8080; E-mail: [administrator01@nmirretirement.com](mailto:administrator01@nmirretirement.com)

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

**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 maficchetton 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 Ákton Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies(10) diha siha despues di adáptasion yan publikasion gi halom i Rehistran Commonwealth. (1 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 administrasion yan dinimándan i estatua ni ginebebieta i aktibidát-ña siha. 1 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 Prográman Ritiru, parehu ha' para u pribeniya i emple'ao gobietnamento yan i ritiráo siha infotmasion gi taimanu i fungksion i Prográma siha.

\*Itmás, i sigiente na sitasion, estatua yan regulasion siha maninafekta ginen este i manmapropone na amendasion siha: Pátte 4, Seksiona 4.05 yan 4.06, codified gi NMIAC §§ 110-10-220 yan 110-10-225, komrespetu; Pátte 7, Seksiona 7.03, codified gi NMIAC § 110-10-510; Lain Pupbliku 13-60; Lain Pupbliku 16-19; yan i Areklamento yan Regulasion siha komu mapupblika 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 mapupblika gi Baluma 28, Nu. 3, mafecha gi Mátso

30, 2006 (umefektibu gi Abril 9, 2006); yan komu ma'amenda gi Baluma 30, Nu. 5, mafecha gi Mäyu 27, 2008, yan ma'adäpta komu mapupblika gi Baluma 30, Nu. 6, mafecha gi Huniu 27, 2008 (efektibu gi Hului 7, 2008); Baluma 30, Nu. 7, mafecha gi Hului 28, 2008, yan komu ma'adäpta komu mapupblika gi halom i Baluma 30, Nu. 10, ya mafecha gi Oktubri 25, 2008, (umefektibu gi Nubembre 4, 2008); yan itmäs ma'amenda gi Baluma 30, Nu. 12, ya mafecha gi Disembre 22, 2008, yan ma'adäpta komu mapupblika gi Baluma 31, Nu. 2, ya mafecha gi Fibreru 29, 2009 (umefektibu gi Mätso 7, 2009).

**I SUHETO NI MASUMÄRIA YAN ASUNTO NI TINEKKA:** Este na areklamento yan regulasion siha:

1. Para u maklarifika i a'annok na aplikasion i non-occupational disability benefits; applicability of potential unfunded liabilities pending Court decision; yan i administrative decision-making process..

**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 muebu na ma'adäptan regulasion siha (1 CMC § 9102(a)(1) yan mapega gi kombiniente siha na lugät gi halom i civic center yan gi ofisinin gobietnamento siha gi kada distriton senadot, parehu English yan i lengguähen natibu. (1 CMC § 9104(a)(1)).

**PARA U MAPRIBENIYI OPIÑON SIHA:** Na'hänao pat sino entrega i opifion-mu para si Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebietna i Fondo Ritiru gi Sangkattan na Islan Marianas siha, gi sanhilo' na address, fax, pat email address, yan i räyan subheto "Manmaproponen Amendasion siha para i Areklamento yan Regulasion siha ni ginebebietna i Fondon Ritiru gi Sangkattan na Islan Marianas siha". Todu opifion debi na u fanhälom trenta(30) diha siha ginen i fechan publikasion este na notisia. Pot fabot na'häloim infotmasion, opifion, pat testamofion kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha manma'apreba yan ma'däpta ginen i Kuetpon Trustee gi Sept. 22<sup>nd</sup>, 2009.

Nina'häloim as: \_\_\_\_\_

MARK A. AGUON  
Atministradot, NMIRF/GHLITF

9/24/09  
Fecha

Rinisibi as:

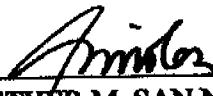
  
ESTHER S. FLEMING  
Especiál Na Ayudánten Para l Atministrasion Gubietno

Fecha

10/29/07

Pine'lu yan

Rinikot as:


  
ESTHER M. SAN NICOLAS  
Rehistran Commonwealth

Fecha

10-29-07

Sigun i l CMC § 2153(e) (Inapreban i Abugádu Henerát gi regulasion siha ni para u macho' gue komu fotma) yan l CMC § 9104(a)(3) hentan inapreban Abugádu Henerát) i Manmaproponen Areklamento yan Regulasion siha ni mañechetton guini manmaribisa yan manma'apreba komu para fotma yan ligát suficiente ginen i CNMI Abugádu Henerát yan debi u mapupblika, l CMC § 2153(f) (pubplikasion areklamento yan regulasion siha).

Mafecha este gi diha 29 gi 09., 2009.

  
EDWARD T. BUCKINGHAM  
Abugádu Henerát

**TÉÉL FALÚW KKA EFANG MARIANAS RETIREMENT FUND**

**MELLÓL COMMONWEALTH NMI**

**Mark A. Agnon, Administrator**

**1<sup>st</sup> Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building Ica Drive, Capital Hill**

**P.O.Box 501247 CK, Saipan, MP 96950-1247**

**Tel. No. (670) 664-8080; E-MAIL: administrator01@nmiretirement.com**

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL**

**REEL AMMWELIL ME ALLÉGHÚL ADMINISTRATIVE REEL AWEWEEL RETIREMENT FUND**

**MELLÓL TÉÉL FALÚW KKA EFANG MARIANAS**

**AGHIYÁGHIL FILLÓÓL POMWOL ALLÉGH KKAAL:** Retirement Fund (NMIRF) Téél Fakúw kka Efang Marianas, ebwe fillooy ammwel me allégh kkaal bwe ebwe allégh ffóscholó pomwol ssiwel kka e appasch reel alléghul Administrative kka e lemili Téél Fakúw Kka Marianas, sángi 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 sángi Sów Fféérul 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 sefáánil Executive branch).

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

Allégh me ammwel kka e táttáletiw nge e fillong reel pomwol ssiwel kkaal; Peigh 4, tánil 4.05 me 4.06, aa allégh me NMIAC 110-10-220 me 110-1—225, Peigh 7, talil 7.03, aa allégh me NMIAC 110-10-510; Alléghúl Toulap 13-60; 16-19 me allégh kka aa akkatewow mellól Commonwealth Register, volume 27, No. 9 ránil Oct. 24, 2005, mellól volume 27, No. 11 ránil December. 30, 2005, me aa filló mellól volume 28, No.3 ránil March. 30, 2006 (e kkamalló April 9, 2006); me igha aa ssiwel mellól volume 30, No. 5 ránil May 27, 2008, me fillool me akkatewow llól volume 30, No. 6, ránil June 27, 2008 (e kkamalló July 7, 2008); Volume 30, No. 7, ránil July 28, 2008, me fillool me akkatewow llól volume 30, No. 10, ránil October 25, 2008 (e kkamalló Nov. 4, 2008, me aa ssiwel llól volume 30, No.12, ránil December 22, 2008, me fillool me akkatewow llól volume 31 No. 2 ránil February 29,2009, (e kkamalló March. 7, 2009).

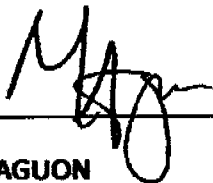
**ÓUTOL ME KKEPASAL: Allégh kkaal nge:**

1. Afatawow aweeel application of non-occupational disability benefits kka ighila; aweeel potential liabilities kka unfunded reel yaal kkotti aweewe; me mwóghutul alléghúl administrative.

**AFALAFAL ME AKKATÉÉL:** 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 fengál me subject line ye "Proposed Amendments to Rules and Regulations Governing the Member Home Loan Program". Máfiyámi ebwe toolong llól 30 rál sángi yaal fillo Arong yeel. Ów isisilong yáámi aghiyegh, máfiyámi me ngáre pomwol ssíwel. (1 CMC § 9104(a)(2)).

Allégh kkaal ebwe alléghúl me fillool sángiir Board of Trustees wóól Sept. 22<sup>nd</sup>, 2009.

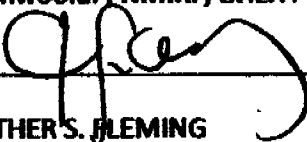
Isáliyallong:

  
MARK A. AGUON

9/29/09  
Rál

Samwootul, NMIRF/GHLTF

Mwir Sángi:

  
ESTHER S. FLEMING

10/29/09  
Rál

Sów Aliílisil Sów Lemelem

Ammwel Sángi:

  
ESTHER M. SAN NICOLAS

10-29-09  
Rál

Commonwealth Register

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

Rááil ye 29 llól maramal Oct. 2009.



**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 4.05 and 4.06 [Codified as NMIAC §§ 110-10-220 and 110-10-225, respectively]:**

**4.05. Disability Benefits. [See Disability Policy and Procedures] [NMIAC § 110-10-220]**

- A. Any member who becomes disabled from an occupational cause and qualifies for disability benefits will have his or her benefits computed at 50 percent of the salary earned at the time the disability was incurred, except that a person who is found by the Board to be disabled shall receive the amount of salary applicable according to the law in place at the time the Board finds the disability. Provided however, that any disabled Class I member, who is otherwise eligible to retire on a normal or service retirement, shall not receive a retirement annuity but rather shall receive disability benefits in an amount no greater than the retirement annuity to which they would have been otherwise entitled. [NMIAC § 110-10-220(a)]
- B. If the disability continues until the member reaches 62 years of age or if the disability commences after the member reaches age 62 years of age, the benefits shall be based on the normal retirement for Class I members or the greater of the normal retirement or disability benefits for Class II members. (1 CMC §8345(b)) [NMIAC § 110-10-220(b)]
- C. A member applying for non-occupational disability benefits (active members totally and permanently disabled while off-duty) must meet the following additional requirements:
1. A person who became a member before December 5, 2003 (the effective date of Public Law 13-60), and did not refund contributions must have at least eighteen (18) months of membership service. [NMIAC § 110-10-220(c)(1)]
  2. A person who became a member on or after December 5, 2003 (the effective date of Public Law 13-60), including those persons who were refunded contributions and who subsequently became re-employed with the CNMI Government on or after the effective date of Public Law 13-60 must have at least five (5) years of membership service. [NMIAC § 110-10-220(c)(2)]
- D. Investigation, Records, and Other Information. [NMIAC § 110-10-220(d)]
1. In accordance with 1 CMC §8347, the Administrator shall have the right to investigate the member's disability and submit any information gathered from an investigation to a licensed physician or a specialist to determine a member's initial or continuing entitlement to a disability annuity. [NMIAC § 110-10-220(d)(1)]