

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 CK, 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"), intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, 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 of the NMIRF 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 7, Section 7.03, codified at NMIAC § 110-10-510, and Section 7.04, codified at NMIAC § 110-10-515; Public Law 13-60; Public Law 15-70; 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 29, No. 6, dated June 18, 2007, and adopted as published in Volume 29, No. 7, dated July 18, 2007 (effective July 28, 2007); 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); and as amended in Volume 29, No. 11, dated November 19, 2007, and adopted as published in Volume 29, No. 12, dated December 18, 2007 (effective December 28, 2007); and as amended in Volume 30, No. 3, dated March 25, 2008, and adopted as published in Volume 30, No. 5, dated May 27, 2008 (effective June 6, 2008); 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); 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); and as further amended in Volume 31, No. 10, dated October 29, 2009, and adopted as published in Volume 31, No. 12, dated December 22, 2009 (effective January 1, 2010).

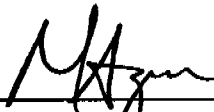
THE SUBJECTS AND ISSUES INVOLVED: These amended rules and regulations would:

1. Modify the administrative appeal process for a more comprehensible and efficient 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 Rules and Regulations Governing the Administrative Appeal Process*, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing the Administrative Appeal Process". 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 March 31, 2010.

Submitted by:  4/16/10
MARK A. AGUON Date
Administrator, NMIRF

Received by: _____ Date _____
ESTHER S. FLEMING
Governor's Special Assistant for Administration

Filed and
Recorded by: _____ Date _____
ESTHER M. SAN NICOLAS
Commonwealth Register

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 ___ day of _____ 2010.

EDWARD T. BUCKINGHAM
Attorney General

Sangkattan Na Isla Marianas Fondon Ritiru
COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA

Mark A. Aguon, Atministradot

Primet Bibienda, Honoráppli Lorenzo I. Guerrero Guma' Fondon Ritiru, Isa Drive, Capital Hill
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Tel: No. (670) 322-3863-10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

**NOTISIAN PUBLIKU POT I MANMAPROPONEN AREKLAMENTO YAN
REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTO YAN
REGULASION SIHA GI SANGKATTAN NA ISLAN MARIANAS FONDON RITIRU**

MA'INTENSIONA NA AKSION PARA U MA'ADÁPTE ESTE I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan na Islan Marianas Fondon Ritiru ("NMIRF"), ha intensiona na para u adápta komu petmaniente i areklamento yan i regulasion siha ni mafiechetton i Manmapropone na Amendasion para i Areklamento yan Regulasion siha ni Ginebebetna i Sangkattan na Islan Marianas Fondon Ritiru, sigun gi manera siha gi Ákton i Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan i Regulasion siha para u ifektibu gi dies(10) diha siha despues di adáptasion yan publikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

ÁTURIDÁT: I Kuetpon i Trustees i NMIRF ináturisa ni Lehislatura na para u adápta i areklamento yan i regulasion siha para i atministrasion yan i enforcement i statua ni ginibebebetna i aktibidát-fiha siha. 1 CMC § 8315(f). Atan lökkue' i Etdin Eksekatibu 94-3 (ifektibu gi Agosto 23, 1994, ya mata'lon otganisa i rámas Eksekatibu).

I SUSTÁNSIAN I PALÁBRA SIHA: I Areklamento yan Regulasion siha ha pribeniyi giniha siha para i Kuetpo ni para u minaneha i gobetnamento na Prográman Ritiru, asi komu mapribeniyi i emple'ao gobetnamento yan i ritirao siha imfetmasion gi taimanu i funksion i Prugráma siha.

Itnás, i sigiente na sitasion siha, estatua yan i regulasion siha maninafekta ginen este i manmapropone na amendasion siha: Pátte 7, Seksiona 7.03, ni makodigu gi NMIAC § 110-10-510, yan Seksiona 7.04, ni makodigu gi NMIAC § 110-10-515; Lai Publiku 13-60; Lai Publiku 15-70; Lai Publiku 16-19; yan i Areklamento yan Regulasion siha ni mapubliku gi halom i Rehistran Commonwealth, Baluma 27, No. 9, ni mafecha gi Oktubri 24, 2005, yan gi halom i Baluma 27, No. 11, ni mafecha gi Disembre 30, 2005, yan ma'adápta komu mapubliku gi halom i Baluma 28, No. 3, ni mafecha gi Mátdo 30, 2006, (umifektibu gi Abrit 9, 2006); (umifektibu gi Abrit 9, 2006); yan komu ma'amenda gi Baluma 29, No. 6, ni mafecha gi Huniu 18, 2007, yan ma'adápta komu mapubliku gi halom i Baluma 29, No. 7, ni mafecha gi Huliú 18, 2007, (umifektibu gi Huliú 28, 2007); yan ma'adápta komu mapubliku gi Baluma 29, No. 7, ni mafecha gi Huliú 18, 2007, ma'adápta komu mapubliku gi Baluma 29, No. 8, ni mafecha gi Agosto 17, 2007, (umifektibu gi Agosto 27, 2007); yan komu ma'amenda gi Baluma 29, N0. 11, ni mafecha gi Nubembre 19, 2007, yan ma'adápta komu mapubliku gi Baluma 29, No. 12, ni mafecha gi Disembre 18, 2007 (umifektibu gi Disembre 28, 2007); yan komu ma'amenda gi Baluma 30, No. 3, ni mafecha gi Máyu 27, 2008 (umifektibu Huniu 6, 2008); yan komu ma'amenda gi Baluma 30, No. 5., ni mafecha gi

Máyu 27, 2008, yan ma'adáp̄ta ya mapupblika gi halom i Baluma 30, No. 6 , ni mafecha gi Huniu 27, 2008 (umifektibu gi Huliú 7, 2008); gi Baluma 30, No. 7, ni mafecha gi Huliú 28, 2008, komu ma'adáp̄ta ya mapupblika gi Baluma 30, No. 10, ni mafecha gi Oktubri 25, 2008 (umifektibu gi Nubembre 4, 2008); Baluma 30, No. 12, ni mafecha gi Disembre 22, 2008, yan komu ma'adáp̄ta ya mapupblika gi Baluma 31, No. 2, ni mafecha gi Fibreru 29, 2009 (umifektibu gi Mátso 7, 2009); yan más mo'na ma'amenda gi Baluma 31, No. 10, ni mafecha gi Oktubri 29, 2009, yan ma'adáp̄ta komu mapupblika gi Baluma 31, No. 12, ni mafecha gi Disembre 22, 2009 (ifektibu gi Ineru 1, 2010).

SUHETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: Este i manma'amenda na areklamento yan regulasion siha para u:

1. U modify i apelan i administrative process para i más komprendiyon yan efficient na process.

DIREKSION PARA U MAPO'LO 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'adáp̄ta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi kombiniente na lugát siha gi halom i civic center yan gi halom i ofisinan gobetnamento gi kada distriton senadot, pareha English yan i lingguáhin natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hánao pat entrega i imfetmasion guatu gi as Mark A. Aguon, Atministradot, Attn: I Mapropone na Amendasion para i Areklamento yan Regulasion siha ni ginebebetna i apelan Administrative Process, gi sanhilo' na address, fax pat email address, yan i ráyan suheto "Mapropone na Amendasion para i Areklamento yan Regulasion siha ni Ginebebetna i Apelan Administrative Process". Todu imfetmasion debi na u fanhálom gi halom trenta(30) diha siha ginen i fechan este na notisian pupublikasion. Pot fabot na'háalom i imfetmasion, hinasso pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha manma'apreba yan manma'adáp̄ta ginen i Kuetpon i Trustees gi March 31, 2010.

Nina'háalom as:



Mark A. Aguon
Atministradot, NMIRF

4/16/10
Fecha

**Northern Mariana Islands Retirement Fund Commonwealth Téél falúw kka
falúwasch Efáng Marianas**

Mark A. Aguon , Samwool

**Mmwal pwó. Awóólingil Lorenzo I. Deleon Guererro Retirement Fund Building,
Isa**

Drive, Capital Hill

P.O.Box 591247 CK, Seipel, MP 96950 – 1247

Tilifoon, No. (670)3223863-10; Fax No. (670)664-8080; E-mail:

Administrator01@nmiretirement.com

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE LLIWEL NGÁLI ALLÉGHÚL
ADMINISTRATIVE MELLÓL NORTHERN MARIANA ISLANDS**

RETIREMENT FUND

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Northern Mariana Islands Retirement Fund (“NMIRF”), e tipeli bwe ebwe schéschéél fillóóy pomwol Lliwel kkaal ngáli Alléghúl Administrative iye e lemeli Northern Mariana Islands Retirement Fund, bwelle mwóghutul Administrative Procedure Act, 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkamall llól seigh (10)rááilil mwiril fillóól me akkatéél llól Commonwealth Register, (1CMC Tálil 9105(b)).

BWÁNGIL: Mwiischil (Board) turstees mellól NMIRF nge e ngálleey bwángil Sów Fféérúl Allégh (Legislature) ebwe fillóóy allégh kkaal ngáli administrative me mwóghutáágheli aweewe kka eyoor, 1 CMC Tálil 8315(f). Amweri Tingóreyal Sów Lemelem 94-3 (schéschéél Eluwel 23, 1994, ssiwel mellól Executive branch).

AWEEWEL ME NGÚLÚWAL: Allégh kkaal nge e ayoorátá aweweel kkaal (guidelines) ngáli Mwiisch (Board) igha ebwe ammwela Progrómaal government Retirement, ebwal ayoora schóóy angaangal llól gobenno me ammataf reer schóóy aséésé (retirees), ebwe faisúl mwóghutul Progróoma kkaal.

SÓBWÓLÓÓL: Tálil aweewe kkaal me allégh kka ebwe weires mereel pomwol lliwel kkaal: Peigh fisuuw(7), Talil 7.03, codified mellól NMIAC Tálil 110-10-510, me Tálil 7.04, codified llól NMIAC Tálil 110-10-515; Alléghúl Toulap 13-60; Alléghúl Toulap 15-70; Alléghúl Toulap 16-19; me Alléghúl kka ebwe akkatééló Commonwealth Register, Volume 27, No.9, ótol Sarobwel 24, 2005, mellól Volume 27, No. 11, ótol Tumwur 30, 2005, me fillóól igha e akkatééló Volume 28, No. 3, ótol Mááilap 30, 2006 (schéshéél wóól Séétá 9, 2006): me iye aa ssiwel mellól Volume 29, No.7 ótol Wuun 18, 2007 (schéshéél Wuun 28, 2007); me iye aa ssiwel mellól Volume 29, No. 7, ótol Wuun 18,2007, me fillóól igha e akkatééló llól Volume 29, No.8, ótol Eluwel 17,2007 (schéshéél Eluwel, 27,2007); me iye aa ssiwel mellól Volume 30, No.3, ótol Mááilap 25,2008, me fillóól igha e akkatééló Volume 30, No. 5, ótol Ghúúw 27, 2008 (schéshéél Alimaté 6, 2008); me iye aa ssiwel mellól Volume 30, No.5, ótol Ghúúw 27, 2008, me fillóól igha e akkatééló Volume 30, No.6, ótol Alimaté 27,2008 (schéshéél Wuun 7, 2008); Volume 30, No. 7, ótol Wuun 28, 2008, me fillóól igha e akkatééló llól Volume 30, No. 10, ótol Sarobwel 25, 2008 (schéshéél) Aremwoy 4, 2008); Volume 30, No.12, ótol Tumwur 22, 2008, me fillóól igha e akkatééló Volume 31, No.2, ótol Mááilap 29,2009 (schéshéél Mááilap 7,2009); me e sóbwósóbw yaal lliwel mellól Volume 31, No. 10, ótol Sarobwel 29, 2009 me fillóól igha e akkatééló llól Volume 31, No.12, ótol Tumwur 22, 2009 (schéshéél Schoow 1, 2010).

AWEEWE ME ÓUTOL KKA E TÉÉTÁ: Ssiwel reel allégh kkaal ebwe:

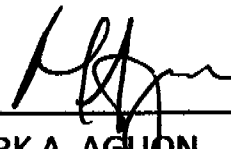
1. Siweli yaal administrative appeal process bwele ebwe ghatch mweteló mmwal.

AFALAFAL REEL AMMWEL ME MILIKKA E TÉÉTA: Pomwol allégh kkaal ebwe akkatéeló llól Commonwealth Register mellól Tálil ye rekke pomwoli me fillóól allégh kka e ffé me bawl llól bwulasiyool gobenno kkaal me senatorial district, e weewe schagh llól mwaliyeer Amerikkonu, Remeraalis me Refalúwasch. (1 CMC Tálil 9104(a)(1)).

ISISILONGOL AGHIYEGH: Afangaaló ischil mángemángúmw reel Mark A. Aguon, Samwool, Att: Proposed Amendments to Rules and Regulation Governing the Administrative Appeal Process, reel address ye weiláng, fax me ngáre email reel address, fengál me kkapasal ye “Pomwol Lliwel kkaal reel Alléghúl ye elemeli Administrative Appeal Process”. Aghiyegh ebwe atottoolong llól eliigh (30) ráálil sáangi schagh igha raa atéew arong yeel. Óutu ghal soong, ów ischilong mááfiyámi. (1 CMC Tálil 9104(a)(2)).

Pomwol allégh kkaal ebwe allégh me fillóól mereel Mwiischil Trustees wóól March 31, 2010.

Isáliyallong:


MARK A. AGUON
Samwoolul, NMIRF

4/6/10
Rál

Mwir sáangi: _____
ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

Rál

Ammwel sáangi: _____
ESTHER M. SAN NICOLAS
Commonwealth Register

Rál

Sáangi allégh ye 1 CMC Tálil 2153(e)(alughulugh mereel AG reel allégh kka ebwe akkaté ighila) me 1 CMC 9104(a)(3) (bwughi yaa alughulugh AG), pomwol allégh kka e appasch ikka raa takkal amweri fischi me allégheio mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 cmc Tálil 2153(f) (akkatéél alléh kkaal)

Rállil ye _____ llól maramal _____ 2010.

EDWARD T. BUCKINGHAM
Sów Bwungul Alléh Lapalap

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

Amendments to PART 7- Appeals: Section 7.03 [Codified as NMIAC §§ 110-10-510] and Section 7.04 [Codified as NMIAC §§ 110-10-515]:

7.03 Hearing on Appeal. [NMIAC § 110-10-510]

- A. After reviewing the notice of appeal, the Board may then, at its discretion, in accordance with 1 CMC Section 9109, either: (1) preside at the taking of evidence; or (2) appoint a hearing officer to preside at the taking of the evidence. No hearing officer will be appointed where the aggrieved party in its notice of appeal does not dispute any factual findings of the Administrator, or raise any new factual issues. [NMIAC § 110-10-510(A)]
- B. In accordance with 1 CMC Section 9110, if a hearing officer is appointed, the hearing officer shall only issue a recommended decision in the case in accordance with the procedures outlined in 1 CMC Section 9109. The hearing officer shall then certify the entire record in the matter, along with the recommended decision to the Board of Trustees so that the Board of Trustees can issue its decision and order in the matter in accordance with the procedures outlined in 1 CMC Section 9110. The hearing officer shall provide the recommended decision to the Board of Trustees within ninety (90) days from the date the matter was referred to the hearing officer, or the hearing officer shall inform the Board, in writing, of the reason for any delay with an estimated date for delivery of the recommended decision. The recommended decision of the Hearing Officer shall be promptly served on the Board of Trustees. [NMIAC § 110-10-510(B)]
- C. At the next meeting of the Board of Trustees following receipt of the hearing officer's recommended decision, the Board of Trustees shall issue its decision on the matter. Any appeal of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC Section 9112(b). [NMIAC § 110-10-510(C)]
- ~~C.D.~~ In accordance with 1 CMC Section 9110, if the Board presides at the initial hearing, the Board shall decide the case in accordance with the procedures outlined in 1 CMC Section 9109. Any further appeal of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC Section 9112(b). [NMIAC § 110-10-510(~~C~~)(D)]
- ~~D.E.~~ For purposes of all administrative proceedings and appeals under this Part, service shall be accomplished by any reasonable means including personal service, registered mail and publication. [NMIAC § 110-10-510(~~D~~)(E)]