

July 10, 2017

# CODIFICATION AND REVISION OF REGULATORY CODE

ISLAND-STYLE



COMMONWEALTH *of* THE NORTHERN MARIANA ISLANDS  
LAW REVISION COMMISSION

# **PRESENTATION OVERVIEW**

1. Introduction to the CNMI
2. The Law Revision Commission
3. The NMI Administrative Code (NMIAC)
4. Future NMIAC Projects
5. A little more about the CNMI
6. Questions and suggestions

# WHERE IS THE CNMI?



## **Brief Overview of CNMI History**

**1521: Ferdinand Magellan lands on Guam, claims archipelago for Spain.**

**1898–99: Spain cedes Guam to U.S., rest of Mariana Islands to Germany.**

**1919: League of Nations awards all of Northern Mariana Islands to Japan.**

**1947: U.N. declares U.S. as Administering Authority of Northern Mariana Islands.**

**1975: Covenant to establish a Commonwealth in political union with United States approved.**



# Map of the

## NORTHERN MARIANA ISLANDS



Total  
CNMI Population:  
53,883 (2010)

Saipan Population:  
48,220

Tinian Population:  
3,136

Rota Population:  
2,477

Guam Population:  
159,440



# THE COMMISSION

Chief Justice Alexandro C. Castro as Chairperson

Attorney General Edward Manibusan

Senator Steve K. Mesngon

Representative Ivan A. Blanco

NMI Bar Association Representative Bruce L. Mailman

GUMA HUSTISIA  
IIMWAL AWEWE  
HOUSE OF JUSTICE

# LAW REVISION STAFF

**Sheila N. Trianni, Executive Director**

**Ryan J. Meyerhoff, Staff Attorney**

**Colby K. Stewart, Staff Attorney**

**Kelsey O. George, Publications Clerk**

**Albert A. Hicking, Website and Office Manager**



# PRIMARY LRC DUTIES

- Compile, codify, and publish Commonwealth permanent statutes in the Commonwealth Code;
- Headnote and publish opinions of the Supreme Court of the Northern Mariana Islands in the Northern Mariana Islands Reporter;
- General Counsel for CNMI Judiciary.

- Compile, codify, and publish Commonwealth agency regulations in the Northern Mariana Islands Administrative Code;
- Make Commonwealth law available to the public in both print and online formats;

# LRC PRODUCTS

## Commonwealth Code (CMC)

- All Public Laws and Local Laws of a permanent nature, codified;
- 5 Volumes, 10 Titles;
- Current through 12/30/10;
- Vol. 1 includes NMI Constitution, Covenant, and a selection of other documents relevant to the establishment and operation of the CNMI government.

NORTHERN  
MARIANA  
ISLANDS



COMMONWEALTH  
CODE

ANA ISLANDS  
CODE

ANA ISLANDS  
CODE

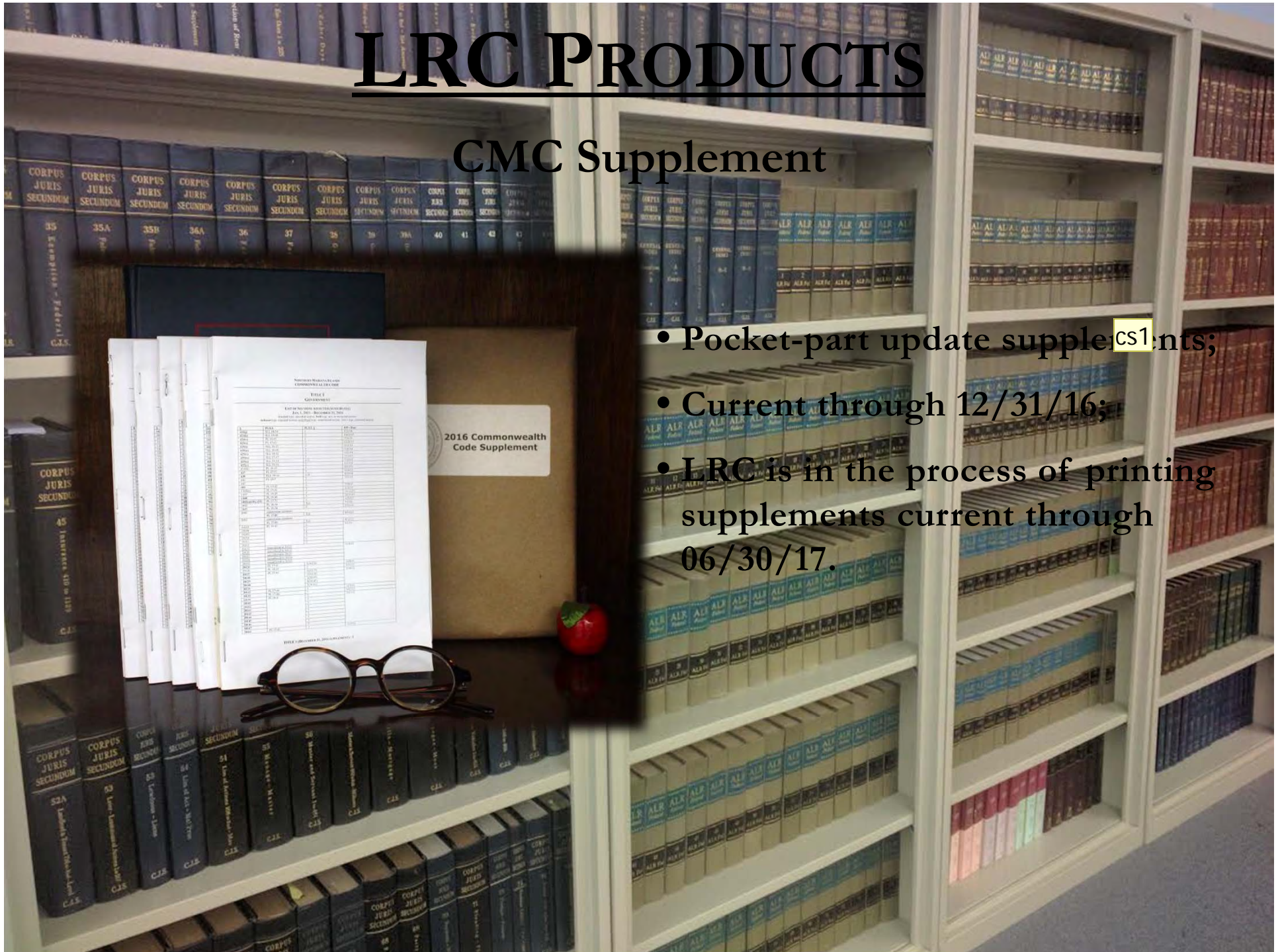
ANA ISLANDS  
CODE

ANA ISLANDS  
CODE

# LRC PRODUCTS

## CMC Supplement

- Pocket-part update supplements;<sup>CS1</sup>
- Current through 12/31/16;
- LRC is in the process of printing supplements current through 06/30/17.



## Slide 10

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cs1

Maybe 6/30/2017  
colby stewart, 6/19/2017

# LRC PRODUCTS

## NMI Administrative Code (NMIAC)

### NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE

- Farallon de Pajaros
- Maug Islands
- Asuncion Island
- Agrihan
- Pagan
- Alamagan
- Guguan
- Sarigan
- Anatahan
- Farallon de Medinilla

SAIPAN  
Tinian  
Aguiguan

• Rota

- Permanent CNMI rules and regulations promulgated pursuant to the NMI APA (Administrative Procedures Act);
- 36 Titles (1 through 170);
- Current through 12/31/05.

# LRC PRODUCTS

## NMI Reporter

- NMI Supreme Court decisions;
- Eight volumes (1989–2011);
- All opinions headnoted by LRC staff;
- Volume 9 to be printed in September 2017, and to include 2012 MP 01 through 2017 MP 05.

### NORTHERN MARIANA ISLANDS REPORTER



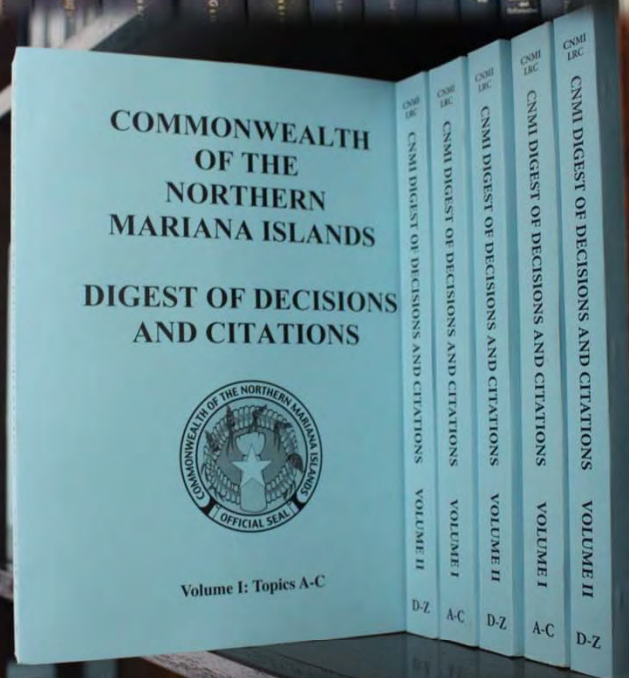
CNMI LRC  
LexisNexis

### NORTHERN MARIANA ISLANDS REPORTER



# LRC PRODUCTS

## NMI Digest



- Compilation of all NMI Supreme Court decision headnotes from 1989 through 2012;
- Also includes select headnotes from 1979 through 1989, derived from significant decisions of the Commonwealth trial courts, NMI federal district court, and the trial and appellate divisions;
- Organized by topic to facilitate efficient legal research.

# LRC PRODUCTS

## Others

- CNMI Driver's Handbook;
- CNMI Index
- Court Rules (Evidence, Civ. Pro, Crim. Pro, Supreme Court, etc.);
- Registers (searchable DVD format);
- NMI Constitution;
- Analysis of the NMI Constitution;
- Commonwealth Covenant;
- Analysis of the Commonwealth Covenant;
- Department of Public Safety Handbook;
- NMIAC by title;
- Other special edition publications.

# THE LAW REVISION COMMISSION

## Revision of Codes—1 CMC § 3806

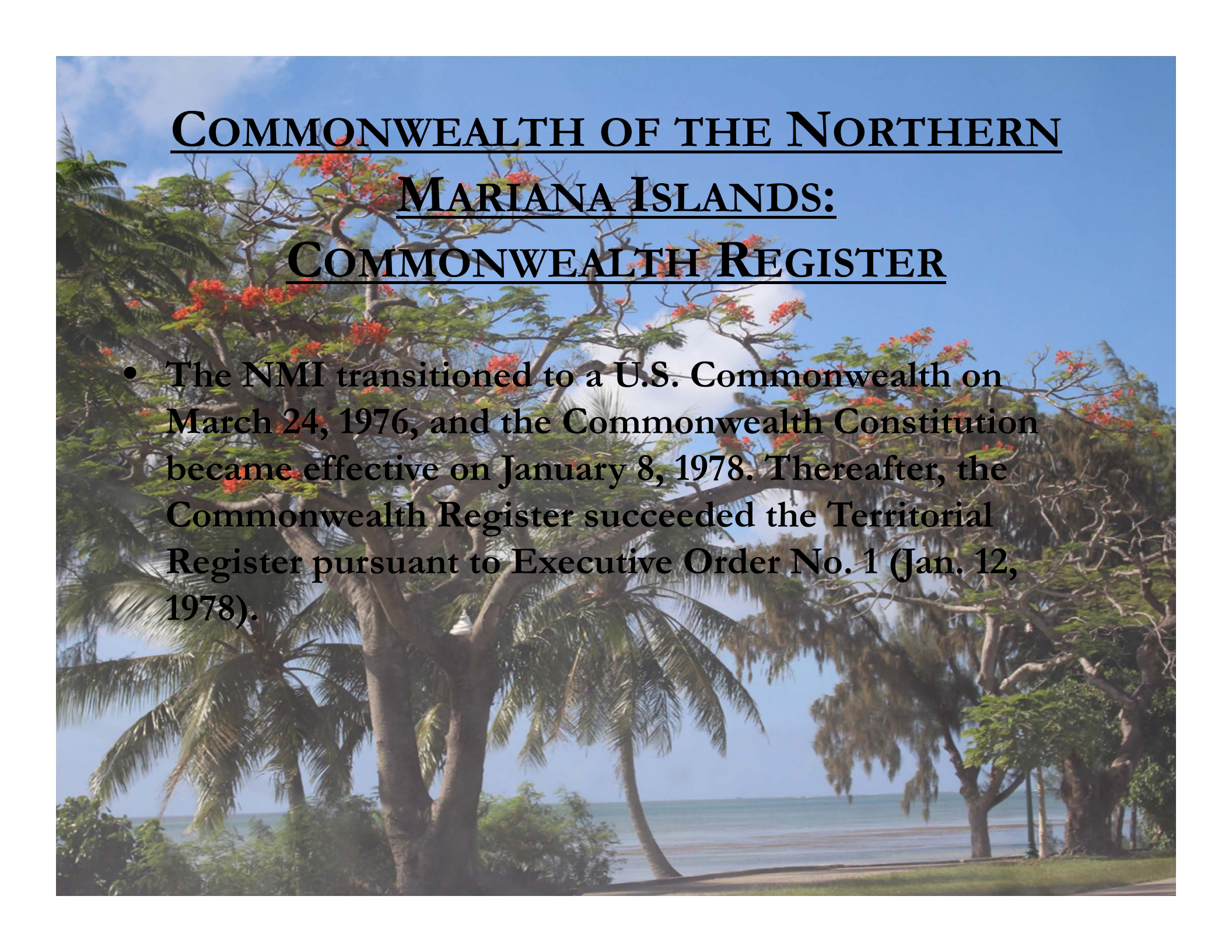
In revising the Commonwealth Code or in producing and revising a Commonwealth Administrative Code, the executive director may, with the approval of the commission:

- a) Number and renumber chapters, sections and parts of sections;
- b) Rearrange sections so that they fit harmoniously within the code;
- c) Change reference numbers to agree with renumbered chapters, parts or sections;
- d) Substitute the proper section or chapter number for the terms “the preceding section” or “this act” or similar terms;
- e) Strike out figures where they are merely a repetition of written words;
- f) Change capitalization for the purpose of conformity; and
- g) Correct manifest clerical and typographical errors.



# TRUST TERRITORY OF THE PACIFIC ISLANDS: TERRITORIAL REGISTER

- The Territorial Register was published monthly by the Office of the Attorney General to provide a uniform system for making regulations, rules, decisions, orders and notices issued by Territorial agencies, and other agency documents available to the public.
- The first two issues of the Territorial Register were devoted exclusively to the publication of regulations adopted before July 1, 1974, which were still in effect.



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS: COMMONWEALTH REGISTER

- The NMI transitioned to a U.S. Commonwealth on March 24, 1976, and the Commonwealth Constitution became effective on January 8, 1978. Thereafter, the Commonwealth Register succeeded the Territorial Register pursuant to Executive Order No. 1 (Jan. 12, 1978).



# **NORTHERN MARIANA ISLANDS**

## **ADMINISTRATIVE CODE**

- **The Northern Mariana Islands Administrative Code (NMIAC) is the administrative code for the CNMI. The NMIAC included all permanent administrative rules in effect on December 31, 2004, including rules and regulations dating to the Territorial Register. It was published in 2005.**
- **The Law Revision Commission continues to update the NMIAC.**

# NMI ADMINISTRATIVE CODE (NMIAC)

## Introduction

- Abbreviated and cited to as the “NMIAC”;
- Originally published in 2005;
- NMIAC contains all administrative rules and regulations of the Commonwealth.

### NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE

• Farallon de Pajaros

• Maug Islands

• Asuncion Island

• Agrihan

• Pagan

• Alamagan

• Guguan

• Sarigan

• Anatahan

• Farallon de Medinilla







Aguiguan • SAIPAN  
Tinian

• Rota

# NMI ADMINISTRATIVE CODE (NMIAC)

## Structure

- NMIAC is separated into 38 titles, numbered 1 through 175;
- Each administrative agency has its own title.

 NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE	 NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE	 NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
<b>1</b>	<b>2</b>	<b>3</b>
<b>TITLES</b> 1 Board of Accountancy 5 Office of the Attorney General 10 Civil Service Commission 15 Coastal Resources Management 20 Department of Commerce 25 Commonwealth Development Authority 30 Commonwealth of the Northern Mariana Islands Election Commission 35 Commonwealth Government Employees' Credit Union 40 Commonwealth Ports Authority 45 Commonwealth Telecommunications Commission 50 Commonwealth Utilities Corporation 55 Department of Community and Cultural Affairs 57 Department of Corrections 60 Board of Education	<b>TITLES</b> 65 Division of Environmental Quality 70 Department of Finance 75 Office of the Governor 80 Department of Labor 85 Department of Lands and Natural Resources 90 Marianas Visitors Authority 95 Northern Marianas College Board of Regents 100 Northern Marianas Housing Corporation 105 Northern Mariana Islands Museum of History and Culture Board of Governors 110 Northern Mariana Islands Retirement Fund	<b>TITLES</b> 115 Board of Parks 120 Office of Personnel Management 125 Board of Professional Licensing 130 Office of the Public Auditor 135 Office of the Public Defender 140 Department of Public Health 145 Marianas Public Lands Authority Board of Public Lands Management 155 Department of Public Works 160 Local Rules and Regulations: Rota (First Senatorial District) 165 Local Rules and Regulations: Saipan and Northern Islands (Third Senatorial District) 170 Local Rules and Regulations: Tinian and Aguiguan (Second Senatorial District) Index
CNMI LRC  LexisNexis	CNMI LRC  LexisNexis	CNMI LRC  LexisNexis

# **NMI ADMINISTRATIVE CODE (NMIAC)**

## **Structure of a Title**

### **TITLE 65 BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY DIVISION OF ENVIRONMENTAL QUALITY**

- Chapter 65-5 Aboveground Storage Tank Regulations**
- Chapter 65-10 Air Pollution Control Regulations**
- Chapter 65-20 Drinking Water Regulations**
- Chapter 65-30 Earthmoving and Erosion Control Regulations**
- Chapter 65-40 Harmful Substance Clean Up Regulations**
- Chapter 65-50 Hazardous Waste Management Regulations**
- Chapter 65-60 Litter Control Regulations**
- Chapter 65-70 Pesticide Regulations**
- Chapter 65-80 Solid Waste Management Regulations**
- Chapter 65-90 Underground Injection Control Regulations**
- Chapter 65-100 Underground Storage Tank Regulations**
- Chapter 65-110 Used Oil Management Rules and Regulations**
- Chapter 65-115 Voluntary Response Program Regulations**
- Chapter 65-120 Wastewater Treatment and Disposal Rules and Regulations**
- Chapter 65-130 Water Quality Standards**
- Chapter 65-140 Well Drilling and Well Operations Regulations**

# NMI ADMINISTRATIVE CODE (NMIAC)

Title



## CHAPTER 65-100

Parts &  
Sections



### UNDERGROUND STORAGE TANK REGULATIONS

#### Part 001 General Provisions

- § 65-100-001 Authority
- § 65-100-005 Purpose
- § 65-100-010 Administration
- § 65-100-015 Severability
- § 65-100-020 Supersedure

#### Part 100 Adoption by Reference

- § 65-100-101 Adoption by Reference

#### Part 200 Definitions

- § 65-100-201 Definitions

#### Part 300 Permits

- § 65-100-301 Permit Required
- § 65-100-305 Application for a Permit
- § 65-100-310 Underground Storage Tank Location Requirements
- § 65-100-315 Permit
- § 65-100-320 Permit to Operate (Renewals)
- § 65-100-325 Permit Conditions
- § 65-100-330 Permit Transfers

#### Part 400 Spill Reporting

- § 65-100-401 Spill Reporting

#### Part 500 Records and Public Information

- § 65-100-501 Records and Public Information
- § 65-100-505 Records Available to DEQ
- § 65-100-510 Release Information Available

#### Part 600 Delivery Prohibition

- § 65-100-601 Delivery Prohibition
- § 65-100-605 Notification
- § 65-100-610 Fines
- § 65-100-615 Reclassification
- § 65-100-620 Enforcement of Delivery Prohibition

#### Part 700 Enforcement

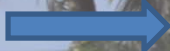
- § 65-100-701 Civil Actions
- § 65-100-705 Procedures for Administrative Orders
- § 65-100-710 Responsibility of Administrator
- § 65-100-715 Civil Actions Through Commonwealth Courts
- § 65-100-720 Searches of Property
- § 65-100-725 EPA Enforcement
- § 65-100-730 Penalties and Fines
- § 65-100-735 Criminal Prosecutions

Chapter  
Authority



Chapter Authority: 1 CMC §§ 2646–2649; 1 CMC § 2650; 2 CMC §§ 3101–3135.

Chapter  
History



Chapter History: Amdts Adopted 39 Com. Reg. 39158 (Jan. 30, 2017); Amdts Proposed 38 Com. Reg. 38915 (Nov. 29, 2016); Amdts Adopted 38 Com. Reg. 37908 (Apr. 28, 2016); Amdts Proposed 38 Com. Reg. 37613 (Feb. 28, 2016); Amdts Adopted 27 Com. Reg. 25748 (May 19, 2006); Amdts Proposed 27 Com. Reg. 25341 (Dec. 30, 2005); Amdts Adopted 14 Com. Reg. 9674 (Sept. 15, 1992); Amdts Proposed 14 Com. Reg. 9483 (July 15, 1992); Adopted 13 Com. Reg. 8281 (Nov. 15, 1991); Proposed 13 Com. Reg. 7870 (Sept. 15, 1991).

# NMI ADMINISTRATIVE CODE (NMIAC)

Citing to NMIAC

NMIAC § 20-10.2-101

Title

Chapter

Section



# NMI ADMINISTRATIVE CODE (NMIAC)

## Contents of a Regulation—NMIAC § 20-10.2-101

Title



Body



Modifications



History



Commission  
Comment



### § 20-10.2-101

### Required Documents

The following documents must be submitted prior to the review and granting of a license to sell tobacco and tobacco products in the Commonwealth:

- (a) Tobacco control license application;
- (b) Current police clearance/criminal record;
- (c) List of names of employees or agents authorized to sell tobacco items (must be 18 years or older) with a valid photocopy of their official identification;
- (d) Public health sanitation permit (if applicable for other business purposes);
- (e) Copy of business license;
- (f) Copy of lease or rental agreement, or title or deed (if a property owner);
- (g) Map of exact business location; and
- (h) Payment receipt (application fee of \$5.00, and license fee depending on license sought by the applicant).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 21 Com. Reg. 16801 (June 23, 1999); Proposed 21 Com. Reg. 16769 (May 19, 1999).

Commission Comment: The Commission corrected the placement of the semicolon in subsection (g) and removed an extraneous comma pursuant to 1 CMC § 3806(g).

# NMI ADMINISTRATIVE CODE (NMIAC)

## Making a Regulation

### COMMONWEALTH REGISTER

VOLUME 39  
NUMBER 04  
April 28, 2017

#### TABLE OF CONTENTS

Adopted Regs. →

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Public Notice and Certification of Adoption of the Amendment to the Regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and Licensed Clinical Social Worker of the Health Care Professions Licensing Board .....	039587
Notice of Certification and Adoption of Amendments to The Rules and Regulations of the Board of Parole .....	039590
Public Notice of Certification and Adoption of Amendments To the Airport Rules and regulations for the Commonwealth Ports Authority .....	039592

Proposed Regs. →

#### PROPOSED REGULATIONS

Public Notice of Proposed Rules and Regulations Which are Amendments to the TCGCC Personnel Rules and Regulations Regarding Part 500 Subsection 170-30.5-520 Other Leave of the Tinian Casino Gaming Control Commission .....	039594
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------

Other →

#### ORDERS

Order No. . . . .	2017-002	
Subject: . . . . .	Extension of Casino Live Training Facility	
Authority: . . . . .	P.L. 18-56 and 19-24, NMIAC Ch. 175-10.1	
Commonwealth Casino Commission .....		039603

# NMI ADMINISTRATIVE CODE (NMIAC)

## Adoption of a Reg.



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, Bldg., 1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670) 664-4809 Fax: (670) 664-4814  
Email: [cnmi@cnmibpl-hcplb.net](mailto:cnmi@cnmibpl-hcplb.net)  
Website: [cnmibpl-hcplb.net](http://cnmibpl-hcplb.net)

### **PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE HEALTH CARE PROFESSIONS LICENSING BOARD REGULATIONS FOR LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER AND LICENSED CLINICAL SOCIAL WORKER**

#### **PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS**

VOLUME 38, NUMBER 12, PP 039115-039121 OF DECEMBER 28, 2016

Regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and Licensed Clinical Social Worker: NMIAC Title 140 § 140-50.3- 002300

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Health Care Professions Licensing Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed 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 Health Care Professions Licensing Board announced that it intended to adopt them as permanent, and now does so.

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

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

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC §2206(b), as amended.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and Licensed Clinical Social Worker 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 publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency received no comments on the proposed amendments to the regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and Licensed Clinical Social Worker. 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.

Proposed →

Modifications →

Authority →

# NMI ADMINISTRATIVE CODE (NMIAC)

## Publication of Regulations

- 1 CMC § 9104(a)(1) requires agencies publish proposed regulations at least 30 days prior to adoption;
- Proposed regulations are published in monthly Commonwealth Register, which is released on or around the 28th of each month;
- Regulations become effective 10 days after publication of the notice of adoption for the regulation. 1 CMC § 9105(b).

# NMI ADMINISTRATIVE CODE (NMIAC)

## LRC Codification Procedure

- Receipt of Monthly Register by Office & Website Manager on or around 28th of each month;
- Office & Website Manager makes monthly register document searchable (OCR), uploads to “Registers” portion of website, and informs Staff Attorneys;
- Staff Attorney I reviews Register for adopted, proposed, and emergency regulations;
- Emergency and proposed regulations separated from register and uploaded as individual files on LRC website;

# NMI ADMINISTRATIVE CODE (NMIAC)

## LRC Codification Procedure (Cont.)

- Staff Attorney I codifies content in proposed regulation with any changes contained in the notice of adoption;
- Staff Attorney II reviews codification;
- Codification meetings held for final review of statutes and regulations prior to approval;
- Staff Attorney I sends Office Manager an upload directive;
- Ten days following notice of adoption, Office Manager uploads finalized regulations to NMIAC page on LRC website;
- All tracked in “Master Process Log.”

# NMI ADMINISTRATIVE CODE (NMIAC)

## Emergency Regulations

- Can only be made in certain situations: where “the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days’ notice.”
- Temporary: “not longer than 120 days.” 9 CMC § 9104 (b).
- Separate “Emergency Regulations” page on our website where LRC tracks all emergency regulations currently in effect.

# NMI ADMINISTRATIVE CODE (NMIAC)

## Future of the Regulations Process

- New (now elected) AG considering modifying regulations process;
- LRC now providing Word master document before agencies amend their regulations, to ensure consistency;
- No online or electronic filing yet;
- Governor's State of the Commonwealth.

## U.S.S. INDIANAPOLIS

July 26, 1945: Delivered components of atomic bomb (inc. enriched uranium) to Tinian.

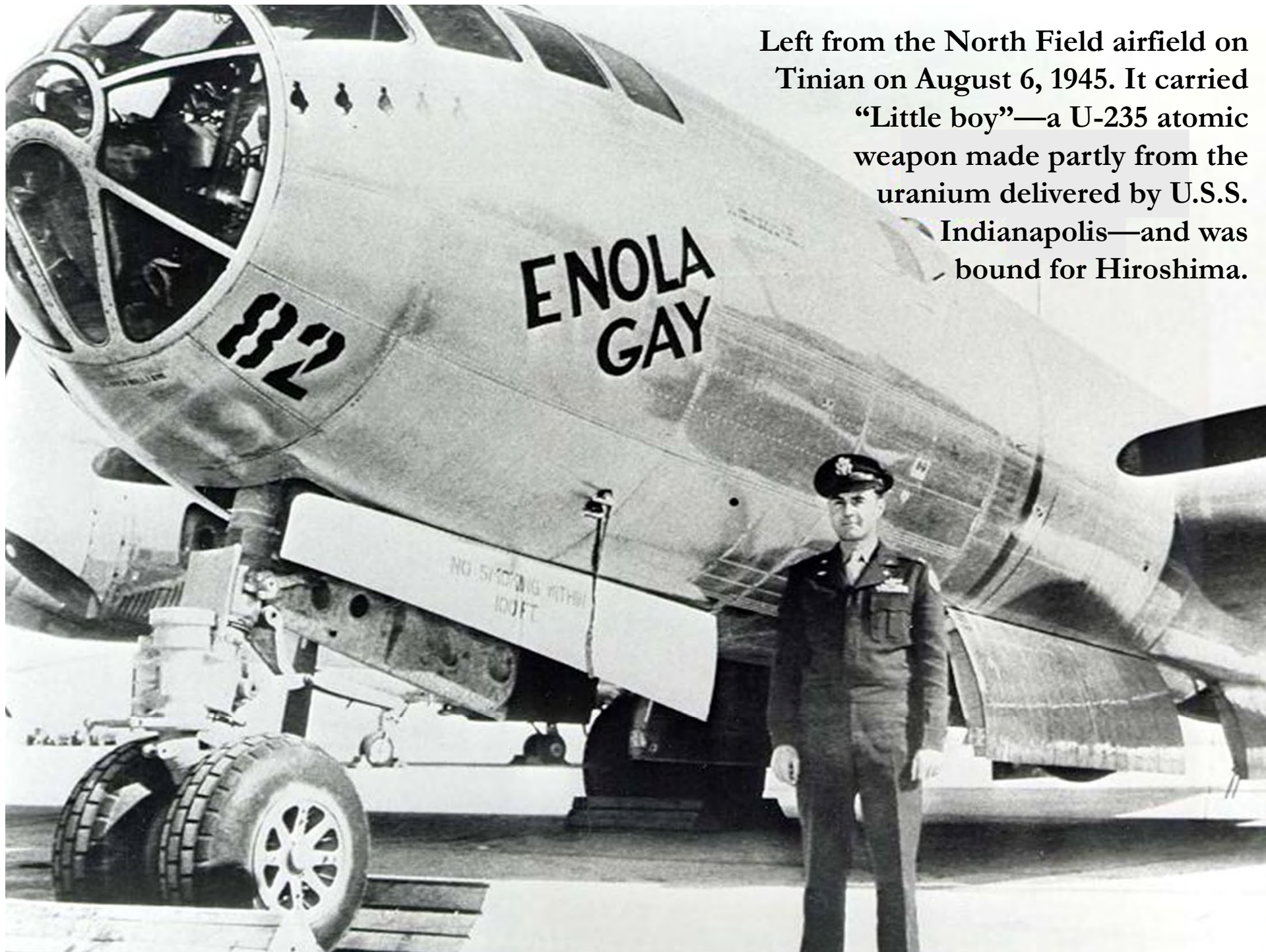
July 28, 1945: Left Guam for the Philippines, eventually Okinawa

July 30, 1945: Shortly after midnight, two Japanese torpedoes struck starboard-side.

August 2, 1945: Survivors spotted by two pilots on a routine patrol flight.



Of the 1,196 aboard the vessel, only 317 survived. The event is not only one of the worst maritime disasters in U.S. history, it is also still considered one of the worst shark attacks in history, with estimates ranging from a few dozen to nearly 150 crew-members dying from shark attacks.



Left from the North Field airfield on Tinian on August 6, 1945. It carried “Little boy”—a U-235 atomic weapon made partly from the uranium delivered by U.S.S. Indianapolis—and was bound for Hiroshima.



World War II's legacy  
is on display all  
around the CNMI

But it's not  
all history!







# Forbidden Island



# Managaha









**Si Yu'us Ma'ase, Tirow, and Thank You!**



# CONTACT INFORMATION



Si Yu'us Ma'ase, Tirow, and Thank You!

# CONTACT INFORMATION

## **Commonwealth Law Revision Commission**

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- (670) 236-9897 (fax)
- [cnmilaw@justice.gov.mp](mailto:cnmilaw@justice.gov.mp)
- [www.cnmilaw.org](http://www.cnmilaw.org)