

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



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**COMMONWEALTH REGISTER**

**VOLUME 48  
NUMBER 01  
January 15, 2026**

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JOSEPH PATRICK FITIAL  
Chairperson, CSC

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**CIVIL SERVICE COMMISSION**  
**OFFICE OF PERSONNEL MANAGEMENT**

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JOSEPH M. PANGELINAN  
Director of Personnel

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE  
CIVIL SERVICE COMMISSION**

**AMENDMENTS TO PART 600 EMPLOYEE BENEFITS AND SERVICES  
(NMIAC §10-20.2-601 through §10-20.2-620)**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Civil Service Commission (“CSC”), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The CSC announced that it intended to adopt them as permanent and now does so.

I certify by signature below that as published, such adopted regulations are true, complete, and correct copy of the referenced proposed regulations, and that they are adopted without modification.

**PRIOR PUBLICATION:** These regulations were published as proposed regulations in the Commonwealth Register Volume 47, Number 09, Pages 052853 to 052890 dated September 15, 2025.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register pursuant to 1 CMC § 2153 (e).

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:**

Adoption Leave has been removed as a standalone category and its provisions have been consolidated under Parental Leave. The term “Pregnancy Disability Leave” has been revised to “Pregnancy Medical Leave” to better reflect the nature of the benefit. The updates also incorporate provisions from Public Law No. 24-18, which increased military leave from 15 to 30 working days per calendar year and expanded eligibility to include FEMA Reservists, National Oceanic and Atmospheric Administration Commissioned Officer Corps members, and other uniformed service members covered under USERRA. Additionally, all leave categories have been reorganized to ensure improved clarity, consistency, and ease of reference.

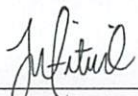
**AUTHORITY:** The Civil Service Commission has statutory authority to promulgate and effect personnel regulations pursuant to 1 CMC § 8117, as amended by Public Law No. 17-80, and specifically the Sick Leave Regulations, as authorized by Public Law No. 8-25.

**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: One (1) comment was received during the review period. The full comment is provided in the attached document.

I DECLARE under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 12th day of December 2025, at Saipan, Commonwealth of the Northern Mariana Islands.


Certified and ordered by:

  
\_\_\_\_\_  
JOSEPH PATRICK FITIAL,  
Chairperson, Civil Service Commission

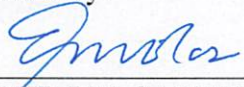
12.12.2025  
\_\_\_\_\_  
Date

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 certified final regulations, modified as indicated above from the cited proposed regulations, 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 30 day of December, 2025.

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

01.15.2025  
\_\_\_\_\_  
Date

September 23, 2025

TO : Theresa Borja, Executive Assistant  
Civil Service Commission

FROM : Lareina Camacho,  
Employee Experience and Development Section, Department of Finance

**SUBJECT: Comments on Part 600 – Employee Benefits and Services for Paid Leave**

We commend the Civil Service Commission and the Office of Personnel Management for their efforts in updating the regulations concerning government employee benefits. These revisions reflect a thoughtful consideration of employee health, well-being, and professional development.

Please find below our comments and suggestions regarding Part 600:

### **General Observations**

The proposed regulations appropriately align with the accrual of leave by hours per pay period rather than by days. For consistency, we recommend using “hours” instead of “days” throughout the document. For example, instead of stating “in excess of five days,” it would be clearer to state “more than 40 hours.”

### **Annual Leave**

The removal of the three-day advance notice requirement is noted. While we understand that flexibility is necessary in certain situations, advance notice supports operational planning. The proposed regulations do not specify a minimum notice period—does this imply that employees may request leave minutes before taking it, provided it is approved?

### **Health-Related Leaves**

- Sick Leave
  - We support the amendment allowing sick leave to be used for treatment, preventive care, and follow-up care for both the employee and household members.
  - We appreciate the increase in the threshold of hours before requiring medical certification (3 days to 5 days, or 40 hours). This change

acknowledges the practical challenges of seeking medical care while ill and promotes recovery.

- These amendments reflect a compassionate and employee-centered approach.
- **Family Sick Leave**
  - We thank you for expanding eligibility to include legal and common-law spouses. However, as the CNMI does not formally recognize common-law marriage, is documentation required to verify such status?
  - The Department of Finance utilizes an *Affidavit of Domestic Partnership* for health and life insurance purposes, which may serve as a useful reference for other agencies. We suggest considering its inclusion in the onboarding process. [Affidavit of Domestic Partnership](#)

## Parental and Related Leaves

- **Parental Leave**
  - The revision to 80 hours and the inclusive language recognizing all parents is a welcome and progressive change.
- **Pregnancy Disability Leave**
  - While the term “disability” may be viewed as neutral, it may also carry unintended connotations. We suggest renaming it to “Pregnancy Medical Leave” to encompass both pre- and post-birth medical needs, including complications and stillbirths.
  - The increase from 120 to 160 hours is greatly appreciated and supports recovery and bonding.
- **Adoption Leave**
  - The proposed 40 hours are not consistent with the 80 hours granted for Parental Leave. Adoption, particularly for older children, can be equally or more demanding.
  - We recommend either increasing Adoption Leave to 80 hours or integrating it into Parental Leave by revising the language to “per birth/adoption event.”

### **Organization of Leave Categories**

We suggest reorganizing the leave categories for clarity. Grouping all family-related leaves (e.g., sick, medical, parental, miscarriage, adoption) together would enhance comprehension. Currently, Administrative and Court Leave are interspersed among these, which may cause confusion.

### **Higher Education Leave**

We are enthusiastic about the proposed provision allowing up to 20 hours per workweek for academic or technical coursework. This initiative will significantly contribute to workforce development and capacity building.

Again, we appreciate the opportunity to provide feedback and look forward to the continued collaboration in enhancing employee benefits and services. Should you need assistance in developing new leave request forms for utilization among central government, please do not hesitate to solicit our assistance.

Respectfully,



Lareina C. Camacho  
Employee Experience and Development Section  
Office of the Secretary, Department of Finance

**SUBCHAPTER 10-20.2**  
**PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

**Part 600 - Employee Benefits and Services**

**§ 10-20.2-601 Policy**

It is the policy of the government to provide benefits and services to its employees in keeping with the general practices of government and private enterprise and as limited or prescribed by law. This part delineates those benefits and services which include:

- (a) Leaves of absence; and
- (b) Benefits, such as group life and health insurance, accident and health insurance, and worker's compensation coverage.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com. Reg. 2286 (Aug. 31, 1983).

Commission Comment: The August 2004 proposed amendments republished part 600 in its entirety. As of December 2004, a notice of adoption had not been published, and therefore, the Commission has not incorporated the proposed changes.

**Subpart A - Leaves of Absence**

**§ 10-20.2-605 Purpose**

Leaves of absence from the Personnel Service are for the mutual benefit of the employee and employer. When leaves of absence are granted, they are considered to be for legitimate reasons not detrimental to the Personnel Service.

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com. Reg. 2286 (Aug. 31, 1983).

Commission Comment: See the commission comment to § 10-20.2-601.

**§ 10-20.2-610 Creditable Service for Leave Purposes**

- (a) A public employee who performs services within and/or outside of the Commonwealth of the Northern Mariana Islands;
- (b) A public employee who performs services in any of the three (3) branches, executive, legislative, and judicial, of the Commonwealth of the Northern Mariana Islands;
- (c) A public employee who performs services in any of the municipal governments/councils.

~~(a) Trust Territory Public Service experience since United States administration took over (including when actually employed [WAE] until June 30, 1972).¶¶~~

~~(1) Includes trainees. Includes employment under 61 TTC, paragraph 9(d), (f), (h), (l), (m), (n) and (o).¶¶~~

~~(2) By Director of Personnel memorandum, dated January 26, 1972, to all Trust Territory of the Pacific Islands (TTPI) departments and districts, WAE appointments were to be terminated or converted to appointments per Administrative Directive 72-1 dated January 16, 1972. WAE appointments until June 30, 1972, are to be considered as full-time employment and service credited accordingly. After June 30, 1972, for WAE or intermittent employment, time actually worked will be used to compute creditable service.¶¶~~

~~(b) Marianas administration under U.S. Navy and NTTU. Until 1962, when TTPI Headquarters moved to Saipan, the Marianas (Saipan and Tinian) were under Naval Administration prior to 1962.¶¶~~

~~¶¶~~

~~(c) Personnel under municipal governments.¶¶~~

~~¶¶~~

~~(d) All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard.¶¶~~

~~¶¶~~

~~(e) U.S. military and civilian service in the Trust Territory; active military service in United States Armed Forces in the TTPI.¶¶~~

~~¶¶~~

~~(f) Employees of judiciary and legislative branches (Congress of Micronesia, municipal councils, and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments.¶¶~~

~~¶¶~~

~~(g) Service in the Commonwealth government since April 1, 1976.¶¶~~

~~¶¶~~

~~(h) Trust Territory Government employment under the Seaman's Act.¶¶~~

~~¶¶~~

~~(i) Employees of agencies and instrumentalities within the Commonwealth.¶¶~~

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com. Reg. 2286 (Aug. 31, 1983).

Commission Comment: The first paragraph was not designated. The Commission designated it subsection (a).

See the commission comment to § 10-20.2-601.

The Commission inserted commas after the words "services" in subsection (d) and "councils" in subsection (f) pursuant to 1 CMC § 3806(g).

## § 10-20.2-615 Kinds

Broadly characterized, leaves of absence are either with pay or without pay.

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com. Reg. 2286 (Aug. 31, 1983).

Commission Comment: See the commission comment to § 10-20.2-601.

## § 10-20.2-620 Leaves with Pay

### A. Core Leave Entitlements

#### i. Annual Leave.

1. Annual leave, ~~or vacation,~~ shall be granted for the purpose of ~~rest and relaxation~~ rest, relaxation, and for personal matters. ~~Personnel Service System~~ An employee ~~employees~~ who ~~has~~ have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period; except that newly appointed probationary ~~employee~~ employees shall undergo a waiting period of ninety (90) calendar days before the utilization of ~~accrued~~ being credited with annual leave. An employee ~~Employees~~ with three (3) ~~but~~ less than six (6) years of creditable service shall earn annual leave at the rate of six (6) ~~hours~~ hours per pay period. An employee ~~Employees~~ who ~~has~~ have six (6) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period.
2. Annual leave requests ~~of more than three working days~~ must be made in advance ~~on a leave request form. All annual leave requests must be approved by the employee's division head upon recommendation of such employee's immediate supervisor. In smaller organizations where divisions may not exist, the heads of such organizations shall approve annual leave.~~ Annual leave requests may be approved, disapproved, or modified, by the division or section head upon delegation by the appointing authority. Should the division head or section head deny the annual leave request, the appointing authority shall make the final decision. A denial of request for annual leave is subject to employees' grievance rights.
3. An employee shall earn their accrued annual leave each pay period in which they are in paid status for the entire standard work schedule. Current balance of accrued annual leave shall be reflected on the employee's pay stub.
4. Maximum Accumulation. The maximum accumulation of annual leave for ~~an Personnel Service System~~ employees shall be three hundred (360) sixty hours. Accrued annual leave in excess of 360 hours remaining at the end of the ~~calendar~~ leave year shall be converted to sick leave.

#### ii. Sick Leave.

1. Sick leave shall be allowed whenever the employee ~~on permanent status is~~ to be absent from duty because of illness, ~~or injury, or because of~~ quarantine of the family and/or residence, ~~relating to . Use of sick leave is appropriate only for~~ medical, dental, optometric, examinations, or treatments, preventive care and follow-up care, and mental health conditions. ~~(1) Sick leave shall be allowed whenever the employee on permanent or limited-term status is to be absent from duty because of illness, or injury, or because of quarantine of the family and/or residence, relating to. Use of sick leave is appropriate only for medical, dental, optometric examinations or treatments, and mental health conditions. or mental health conditions counseling, physical examinations, or treatment which the employee personally must undergo.~~
2. If an employee is absent because of illness, injury, or quarantine in excess of five (5) consecutive work ~~three (3) days~~, the employee must ~~may be required to~~ furnish a medical certification as to the incapacity from the certified health care provider ~~attending physician~~. The appointing authority may require certification for such other period(s) of illness as is appropriate, such as the misuse and abuse of sick leave benefits.
3. If the required medical certification is not furnished, all absence which would have been covered by such medical certification shall be indicated on the time and attendance record and the payroll as absent without leave (AWOL).
4. An employee shall earn their accrued sick leave at the rate of four (4) hours each pay period in which they are in paid status for the entire regular work schedule. ~~Employees on permanent status shall earn sick leave at the rate of four hours for each biweekly pay period in which they are in pay status for the entire ten days. Sick leave may be accumulated and carried over to succeeding leave years without limitation. A report showing the accrued sick leave balance will be provided to the employee each pay period. Current balance of accrued sick leave shall be reflected on the employee's pay stub.~~
5. The generality of the foregoing is subject to the following special provisions:
  - a. Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from the government service for repeated offenses.
  - b. Sick leave with pay shall be allowed during leaves of absence, ~~or~~ vacations, ~~or extended military leave~~; provided, however, that any sick leave taken by an employee while on vacation, ~~or extended military leave~~, must be supported by a certificate issued by ~~the a~~ certified health care provider ~~attending physician~~. No employee shall be allowed to undertake gainful employment while on sick leave status.
6. Sick leave accrued for service with the government shall vest in the employee upon accrual and shall remain vested so long as the individual is employed by the government, provided that if such employee is separated

from government service (other than through retirement) for a period longer than three (3) years, the employee shall be divested of accumulated sick leave. (See § 10-20.2-640.)

7. Retention and Transfer of Sick Leave for Elected or Appointed Officials. A personnel service employee who resigned from the CNMI Executive Branch to run and was successfully elected within a period of three (3) years from the date of resignation, shall retain and be able to utilize any of their accumulated sick leave hours. Whether the person is appointed or elected and employed in any of the three (3) branches of the CNMI government is considered a government employee. Therefore, any sick leave hours accumulated prior to resignation should be retained and utilized by an elected or appointed official. An appropriate account shall be established to permanently transfer the accumulated sick leave hours.
8. Leave Advance.
  - a. Where, for good reason, an employee on permanent or limited term appointment (more than one (1) year) status requires additional annual or sick leave in addition to the amounts accrued, the Director of Personnel, with recommendation of the appointing authority, may grant advance leave up to a maximum of one-half ( $\frac{1}{2}$ ) of the total earnable leave credits for which the employee is eligible for one (1) year from the date the application is received, or, in the case of a limited-term employees, up to a maximum of one-half ( $\frac{1}{2}$ ) of the total earnable leave credits for which the employee is eligible during the remainder of the employment term, whichever is shorter. Subsequent accrued leave earnings shall serve to replace the amount of advance leave granted and taken. Request for leave advance must be in writing from the employee with recommendation from the appointing authority.
  - b. Leave advance granted and taken:
    - i. Constitutes a legal contract between the employee and the government; and
    - ii. Must be repaid, even if the employee separates from government service. Recovery of advance leave that is unpaid may be through the government's assumption of employee's accrued unused leave, payroll deductions, matched reduction of service time, and/or recourse to the courts.

## B. Family and Medical Leaves

### i. Family Sick Leave

1. Family Sick Leave shall be used to care for immediate family defined as legal spouse, common-law spouse; child, whether natural or adopted; or parent who is sick or require additional support in providing care, including preventive care and follow-up care (e.g. routine check-up, vaccinations,

dental or vision care, mental health support, lifestyle modifications, health education, prenatal care, cancer prevention, etc).

2. Family Sick Leave may also be used when serving as a caregiver or medical escort who requires off-island or specialized medical treatment.
3. For leave in excess of five (5) consecutive work days, such request shall be supported by a certified medical statement. A certified medical statement is defined as a statement from an attending physician that a Commonwealth Government employee is needed to care for an immediate family member. Leave taken under this section shall be deducted from employee's earned sick leave. An employee must retain a minimum of forty (40) hours of sick leave for their own use before applying for family sick leave.

- ii. Compassionate Leave. ~~An employee~~ ~~Employees on permanent or limited term~~ may be granted compassionate leave with pay up to ~~of no more than five (5) consecutive work days or forty (40) work hours~~ in the event of a family member's death. ~~cases of death in the immediate family member of the employee regardless of whether the interment is on-island or off-island.~~ For the purpose of this subpart, the term "immediate family member" shall be defined as an employee's:

1. spouse (includes common law),
2. child(ren)~~immediate offspring;~~
3. siblings,
4. parents,
5. parents-in-law, ~~child(ren);~~
6. grandparents,
7. grandchild(ren),
8. step parents, and
9. step child(ren).

This is applicable to all natural, culturally, or legally adopted family member. An employee who had a stillbirth delivery is eligible for compassionate leave. Stillbirth is defined as a loss of a baby at or after the twentieth (20th) week of pregnancy. Compassionate leave must be taken **any time** within thirty (30) calendar days ~~eighteen days~~ after the death of the ~~immediate~~ family member. Compassionate leave does not require the employee to be physically present at the deceased's residence.

~~Paternity Leave. Paternity leave shall be granted to a male employee on permanent or limited term status who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two work days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.~~

- iv. Parental Leave. Parental leave shall be granted to an employee in connection with the birth of a child by their spouse, partner, intended parents, or through surrogacy, or for the purpose of child bonding following the birth or adoption of a child. Eligible employees may be granted up to eighty (80) hours of paid parental leave

per birth or adoption event, to be used within 12 weeks of the child's birth or adoption placement.

1. May be taken continuously or intermittently, subject to operational needs and approval by the appointing authority.
  2. Shall be granted regardless of the gender of the employee and inclusive of same-sex and non-married domestic partners, as well as surrogacy and adoption arrangements.
  3. May only be granted once per calendar year unless extraordinary circumstances exist (e.g., multiple childbirths or adoptions in a single year).
  4. Is separate from sick leave or vacation leave and shall not be deducted from those balances.
  5. Requests must be submitted in advance in accordance with agency leave procedures. The appointing authority shall approve all parental leave requests, ensuring consistent application across the organization.
- v. ~~Pregnancy Medical Disability Leave~~ . An employee shall be granted ~~fifteen (15) work days or~~ one hundred sixty (160) consecutive work hours of leave at the time of birth, for the purpose of childbirth and recovery due to pregnancy. An employee who had a stillbirth delivery is eligible for pregnancy medical leave. Pregnancy medical leave shall be approved by the appointing authority.
- vi. Miscarriage leave. An employee shall be granted five (5) work days equivalent to not more than forty (40) hours of leave with pay, in addition to any sick leave taken because of a miscarriage or the subsequent convalescence. The employee must submit a doctor certification from a healthcare provider to certify the miscarriage and to support the leave request. Miscarriage is defined as a loss of a baby before the twentieth (20th) week of pregnancy. An employee granted miscarriage leave is not eligible for compassionate leave. Any additional leave taken after five (5) work days shall be charged against accumulated sick leave. Miscarriage leave shall be approved by the appointing authority.

### C. Civic and Legal Obligations

- i. Court Leave. The government encourages its employees to fulfill their obligations as citizens of the Commonwealth. Thus, an employee who is called upon to participate in the jury selection process or serve as jurors may, at their option, be granted court leave for such a period as the jury may be impaneled. An employee who is called to jury duty shall present their juror summons to their immediate supervisor together with a completed request for leave, for the supervisor's signature and processing. An employee who serves as a juror using court leave to cover the period of absence shall turn over to the Commonwealth Treasurer such jury fees (as distinct from expense allowances) as they receive from the court. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted. This provision only applies to the CNMI judicial courts. An employee subpoenaed as witness, except as a government witness, shall charge such absence to annual leave or leave without pay. Court leave shall be granted to an employee subpoenaed in litigation in which

the government has no interest, to serve as a witness in the employee's present or past official capacity as a government employee and who may be required to present government records in testimony. The employee must inform the appointing authority of the required testimony as soon as possible after being subpoenaed. Court leave requests must be approved by the appointing authority.

~~Military Leave. Military leaves of absence with pay, not to exceed fifteen working days in any calendar year, regardless of the number of training periods in the year, may be granted by the Personnel Officer to employees on permanent status who are members of the United States National Guard and reserve components of the United States Armed Forces, when directed under orders issued by proper military authority. Administrative leave will not be granted in order to extend leave time for any additional training days.~~

- ii. Military and Emergency Service Leave<sup>1</sup>. An employee, who is a member of the United States National Guard, reserve components of the United States Armed Forces, the Federal Emergency Management Agency (FEMA) Reservist Program, the National Oceanic and Atmospheric Administration (NOAA) Commissioned Officer Corps, or any other uniformed service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301 et seq., shall be granted military and emergency service leave by the Director of Personnel when ordered to perform active duty, training, emergency response, or other authorized service under competent military, federal, or state authority, including service in response to a national emergency, disaster, or other major incident. Military and emergency service leave shall not exceed thirty (30) working days, or not more than two hundred forty (240) hours, in any calendar year, regardless of the number of training periods in the year. Military and emergency service leave shall be granted upon presentation of valid military orders or other appropriate documentation as approved by the Director of Personnel. The thirty (30) working day cap shall not prevent an employee from electing to use other accrued leave benefits, including annual leave, sick leave where applicable, or leave without pay, for absences in excess of the cap.

#### D. Professional Development

~~Training and Education Leave. Employees on permanent status who wish to pursue their education on a full-time basis without financial assistance by the government, may be granted leaves of absence without pay for a period not to exceed one year. Such employees shall have the right to return to their positions at the satisfactory conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Personnel Officer is responsible for approving or disapproving requests for training and education leave, upon recommendation by the appointing authority.~~

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<sup>1</sup> Pursuant to PL 24-18 - Military and Emergency Service Leave Act

- i. Training and Education Leave. An employee on permanent or limited-term appointment with a completion of more than three (3) years of satisfactory performance may be eligible for job-related training and education leave on a full-time status in the U.S.-accredited institution (academic or trade) for up to one (1) year. Renewal may be considered upon review of the justification and recommendation of the appointing authority as approved by the Director of Personnel. An employee from Tinian and Rota who are required to travel to Saipan for training and education courses may be eligible for this leave. ~~Leaves for the purpose of job-related training and education may be granted employees on permanent status for a period not to exceed one year, by the Personnel Officer with the recommendation of the appointing authority.~~ No training and educational leave, outside of the CNMI, shall be approved if such training is available locally.
- ii. Higher Education Leave. An employee permanent or limited term appointment (more than one (1) year) status is eligible up to twenty (20) hours per work week to attend academic or technical classes, on-campus or online, relevant to the field of work. The request must be supported with an official class registration form and payment receipt to show proof of enrollment recommended by the appointing authority and approved by the Director of Personnel. The employee may use up to twenty (20) hours of paid leave within the week to cover the time-off taken from work to attend scheduled classes and/or perform field class work assignments. The leave benefit is intended to support employees working towards a college degree or certification. On a weekly basis, the appointing authority must approve the leave request based on an established OPM Education Accountability form to certify an employee's satisfactory attendance and class performance. The Office of Personnel Management will be responsible for maintaining records and monitoring the employee's progress.

#### E. Administrative Leave

- i. Administrative Leaves. An absence from duty administratively authorized, without loss of pay and without charge to accrued leave, is administrative leave. The governor, appointing authorities or their designees have the responsibility for approving administrative leave requests. The following are the ~~threeseven (7)~~ general classes into which administrative leaves fall:
  - ii. Typhoon and Emergency Conditions. Administrative leave is absence authorized under emergency conditions beyond the control of management, e.g., typhoons, or for participation in civic activities of interest to the government, or employment connected examinations, or for such reasons as the Governor may determine ~~(such as a shortened work day on Christmas Eve, etc.)~~.
  - iii. Adverse Action. Administrative leaves related to ~~adverse disciplinary~~ actions. ~~The Appointing Authority~~ ~~Managers~~ may place an employee in non-working status with pay for up to three (3) work days pending preparation of a notice of proposed adverse action period ~~suspension~~. The Appointing Authority may grant ~~for up to thirty (30) calendar days administrative leave during the notice of proposed adverse action period as requested and justified~~ or removal from the

**Personnel Service.**

- iv. Boards and Commissions. Administrative leave may be granted to an employee~~employees~~ serving on government boards and commissions, provided the employee ~~such employees~~ does not receive compensation from the boards and commissions.
- v. Non-Critical Government Employees. When the Governor grants administrative leave for all non-critical government employees, the paid leave will be made applicable to everyone regardless of their work status. This means that if an employee is on paid leave status at the time of declaration, it shall be the responsibility of the timekeeper to make necessary adjustments to off-set any paid leave taken and instead apply the number of hours of administrative leave granted.
- vi. Critical Government Employees. An employee is required to report to work during the period of declared administrative leave, appointing authority shall ensure that equivalent administrative leave hours are granted at a later date, to be scheduled in coordination with the employee's supervisor. The employee must use the administrative leave within thirty (30) days from the original date of the Governor's declaration, unless otherwise approved by the appointing authority.
- vii. Training Off-Island. An employee, who returns from an official off-island training, conference, workshop, or meetings outside the Commonwealth will be granted a full workday of administrative leave if they arrive on a workday or a day preceding a workday to rest and recover.
- viii. American Red Cross. An employee may be granted fifteen (15) work days, or one hundred twenty (120) hours, of administrative leave to participate in the American Red Cross for relief efforts within the Commonwealth, when requested by the American Red Cross.<sup>2</sup>
- ix. Military. An employee may be granted additional administrative leave to extend military training days, not to exceed fifteen (15) work days or not more than one hundred twenty (120) hours in a calendar year.<sup>3</sup>

Modified, 1 CMC § 3806(c), (e), (f).

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 22 Com. Reg. 17279 (June 20, 2000); Amdts Proposed 22 Com. Reg. 17099 (Apr. 20, 2000); Amdts Adopted 19 Com. Reg. 15748 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15638 (Sept. 15, 1997); Amdts Adopted 12 Com. Reg. 7139 (June 15, 1990); Amdts Proposed 11 Com. Reg. 6148 (Apr. 15, 1989); Amdts Adopted 11 Com. Reg. 6156 (Apr. 15, 1989); Amdts Proposed 11 Com. Reg. 5854 (Feb. 15, 1989); Amdts Adopted 10 Com. Reg. 5579 (July 15, 1988); Amdts Proposed 10 Com. Reg. 5557 (June 15, 1988); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Amdts Adopted 6 Com. Reg. 3175 (Oct. 15, 1984); Amdts Proposed 6 Com. Reg. 3123 (Aug. 15, 1984); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com Reg. 2286 (Aug. 31, 1983).

<sup>2</sup> Pursuant to Public Law 9-63

<sup>3</sup> Pursuant to Executive Order 2018-04

Commission Comment: In subsections (a), (c), and (d), the paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2), (c)(1) through (c)(6), and (d)(1) and (d)(2).

The 1984 amendments added new subsection (g)(3) and amended subsections (d)(1), (e), (f), (i), (j) and (k). The February 1988 amendments added new subsection (d)(2). The July 1988 amendments amended subsection (a).

The 1989 amendments amended subsection (e). The starred language was probably included in error and should be deleted. See 11 Com. Reg. at 6164 (Apr. 15, 1989).

The 1990 amendments amended subsection (a). The 1997 amendments repealed former subsection (g)(2) and redesignated the paragraphs of subsection (g) accordingly. The 2000 amendments amended subsections (d)(1), (d)(2), (f), (j) and (k). See the commission comment to § 10-20.2-601.

Public Law 15-69 (effective June 5, 2007), codified at 1 CMC § 8276, authorized government employees to apply for sick leave to attend to an immediate family member who is sick. Public Law 15-116 (effective Nov. 29, 2007), codified at 1 CMC §§ 8265-8267, which repealed and reenacted PL 15-69, requires that sick leave requests to attend to immediate family members in excess of two days must be supported by a certified medical statement. The provisions of PL 15-116 supersede subsection (c) to the extent that they conflict.

The Commission inserted commas after the words “optometric” in subsection (c)(1), “injury” in subsection (c)(2), “time” in subsection (d)(2)(ii), and “mother-in-law” in subsection (f) pursuant to 1 CMC § 3806(g).



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
Caller Box 10007, Capitol Hill  
Saipan, MP 96950

**EDWARD MANIBUSAN**  
Attorney General

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF REGULATIONS OF  
The Commonwealth Attorney General**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 47, Number 10, October 15, 2025

**Regulations of the Commonwealth Attorney General: Part 001-Part 200**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, OFFICE OF THE ATTORNEY GENERAL 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 Attorney General announced that he intended to adopt them as permanent, and now does so. (Id.) [A true copy is attached]. I also certify by signature below that:

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

**PRIOR PUBLICATION:** The prior publication was as stated above. The Attorney General received comments, considered them fully, and then adopted the regulations as final.

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

I further request and direct that this Notice be published in the Commonwealth Register.

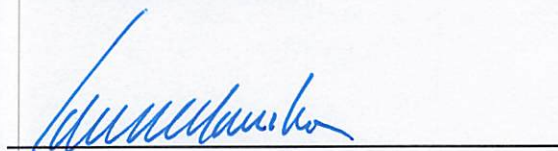
**AUTHORITY:** The Attorney General is constitutionally required to adopt rules and regulations regarding those matters over which the Attorney General has jurisdiction, including its duty to prosecute violations of Commonwealth Law. NMI CONST. Art. III, § 11 and 1 CMC § 2153 and 1 CMC §§ 9104 and 9105.

**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 response attached and published with this notice.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th Day of January 2026, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



EDWARD MANIBUSAN  
Attorney General

1/13/2026  
Date

Filed and Recorded by:



ESTHER RUTH M. SAN NICOLAS  
Commonwealth Registrar

01.15.2026  
Date



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
Caller Box 10007, Capitol Hill  
Saipan, MP 96950

**EDWARD MANIBUSAN**  
Attorney General

**PROPOSED REGULATIONS REGARDING THE USE OF INVESTIGATIVE  
SUBPOENAS BY THE OFFICE OF THE ATTORNEY GENERAL**

**AUTHORITY: NMI CONSTITUTION, Article III, Section 11, and the Commonwealth  
Administrative Procedures Act. 1 CMC Sections §§ 2153 and 9104**

**DATE OF PUBLICATION:** October 15, 2025, Volume 47, Number 10

**LOCATIONS WHERE PROPOSED REGULATIONS WERE PUBLISHED:**

- Saipan – Juan A. Sablan Building, Capitol Hill: October 15, 2025
- Tinian – Mayor’s Office: October 20, 2025
- Rota – Mayor’s Office: October 20, 2025

**WRITTEN COMMENTS RECEIVED:**

- Douglas Hartig, Office of the Public Defender
  - November 6, 2025 – by email
- Attorney Robert Torres
  - November 9, 2025 – by Email with Attachments:
    - Comments Joint Letter of CNMI Defense Attorneys in Opposition to Proposed Regulation: Use of Investigative Subpoenas by the Office of the Attorney General: Commonwealth Register Volume 47, Number 10: Pages 052967-052975
    - Congressional Research Service – Administrative Subpoenas in Criminal Investigations: A Brief Legal Analysis
    - Letter to the 23<sup>rd</sup> CNMI Legislature re H.B. 23-22 (AGID Subpoena Power Legislation): Joint Letter of CNMI Defense Attorneys in Opposition to Proposed Legislation and Joinder in the Opposition Comments by the Office of the Public Defender/Joint Recommendation to Shelve and Reject the Legislation.
    - H.B. 23-22, HS1, SS1: A Bill for an Act – To Codify an Investigative Subpoena process for the Office of the Attorney General and provide discovery for a defendant.

- Lieutenant Governor Dennis James C. Mendiola
  - November 12, 2025 – by Mail
    - Letter Re: Subpoena Regulations – Comments on Proposed “Criminal Investigative Subpoena Regulations,” Commonwealth Register

## **SUMMARY OF COMMENTS RECEIVED:**

The Office of the Attorney General has received several written comments in response to the proposed regulations published on October 15, 2025, regarding the use of investigative subpoenas by the Office. Pursuant to 1 CMC § 9104 of the APA, the procedure for adoption of regulations, the following is a concise statement of the principal reasons for and against adoption, incorporating the reasons for overruling the considerations urged against adoption. 1 CMC § 9104(a)(2).

The principal reasons against adoption contained in those comments are summarized as follows, along with the response:

1. **Power to Issue Subpoenas.** The comments stated that the CNMI Office of the Attorney General (“OAG”) lacks the authority to issue subpoenas without legislative approval. According to the Commonwealth Constitution, Article III, Section 11, the Office of the Attorney General is responsible for prosecuting violations of Commonwealth law. However, some comments suggest that this responsibility does not extend to conducting investigations through subpoenas without legislative approval.

**Response:** Several governmental agencies in the Commonwealth of the Northern Mariana Islands (CNMI), including the Legislature and the Judiciary, have established laws that outline a process for exercising investigative subpoena power. However, there are currently no written laws that specify a method for the Office of the Attorney General. Despite the absence of a formal process, the authority to conduct investigations through subpoenas is an inherent and necessary extension of the Attorney General's constitutional duty to prosecute criminal cases.

The NMI Constitution establishes an independent and elected Office of the Attorney General, led by an Attorney General who serves as the Chief Legal Officer. This office is responsible for providing legal advice to the executive branch and for prosecuting violations of Commonwealth law. NMI Const. Art. III, § 11. The prosecution of criminal matters involves conducting investigations and exercising discretion when deciding whether to charge individuals with criminal offenses. This investigative process includes the authority to issue subpoenas for individuals and items relevant to a criminal case, to ensure that proper prosecutions are brought and non-meritorious cases are dropped before charging.

In many U.S. jurisdictions, the investigation of criminal cases often involves a grand jury process, which includes the issuance of investigative subpoenas. However, when establishing its constitutional government, the CNMI opted for a prosecution system without a grand jury. Notably, the right to a grand jury is absent

from the list of personal rights granted to criminal defendants in CNMI's Constitution. NMI Const. Art. I, § 4. The framers of the NMI Constitution intended that the responsibilities for investigating and presenting criminal charges be centralized within the Office of the Attorney General. In this system, the subpoena serves as a crucial investigative tool. By adopting a unitary style of prosecution, the people entrusted the traditional authority to issue investigative subpoenas to the Office of the Attorney General.

A comprehensive examination of the ethical and constitutional responsibilities of a prosecutor before formal charges are filed, including the authority to conduct investigations through subpoenas, is presented in *People v. Nohren*, 283 Ill. App. 3d 753 (1996). The discussion concludes that “if the State's Attorney did not possess such investigative power, it would lead to the counterproductive outcome of requiring the State to formally charge an individual before investigating the factual basis for the charge.” *Id.* at 759.

In a case involving the subpoena power of the Inspector General (“IG”), who was seeking records from CNMI officials, the late Judge Alex R. Munson stated, “Granting the IG the authority to conduct audits without the necessary administrative subpoena power to obtain data when CNMI does not comply voluntarily would render the auditing power ineffective. An explicit provision providing for subpoena power to the IG to conduct an audit is not required because “legislative grants of power carry the right to use means and instrumentalities necessary and beneficial to exercise that power.” *U.S. ex rel. Richards v. De Leon Guerrero*, 1992 WL 321010 (D. N. Mar. I. 1992). Furthermore, for the CNMI Attorney General, this grant of power is even more robust, as it is derived from the NMI constitution.

The NMI Supreme Court has interpreted the NMI Constitution as a document that limits powers rather than enumerates them. The High Court stated that a fundamental principle of constitutional law is that each government department, without any explicit grant, possesses the inherent right to pursue all objectives naturally associated with that department. In *Commonwealth v. Kabir*, 2009 MP 19 ¶ 17, the court held that all powers not expressly limited or restricted by the NMI Constitution are vested in government agencies and departments to carry out their essential functions.

Prosecuting crimes is a specifically enumerated constitutional responsibility of the Attorney General. Conducting proper investigations to ensure effective prosecutions is a natural extension of the mandate to enforce Commonwealth law. Therefore, the authority to conduct investigations through subpoenas is inherent to this function.

- 2. Authority to Adopt Regulations.** The comments challenge the authority to promulgate regulations, asserting that only the Legislature may confer such authority.

As Judge Munson indicates above, granting authority to perform a particular duty (such as prosecuting criminal cases) without the power to obtain information and make a rational, ethical decision would render that authority illusory. Therefore, by assigning the constitutional duty of prosecution to the independent, constitutionally elected Attorney General, the people necessarily intended investigative powers to be included.

The constitutional change from an appointed to an elected Attorney General was demanded by the people in response to corruption from the Governor Fitial administration. The Attorney General was unable to investigate allegations of corruption against the sitting governor and others in the government because the Attorney General is appointed. With an appointed Attorney General, the Governor could remove an investigating Attorney General. Thus, the people of the CNMI wanted an elected Attorney General empowered to prosecute government officials, including the Governor.

The constitutional initiative was placed on the ballot, and voters overwhelmingly supported an independent, elected Attorney General (over 80%). The people mandated the Attorney General to “function independently and ensure the enforcement of the Commonwealth laws to the fullest extent.” HLI 17-2 (Findings).

Further, the Legislature provided for the Attorney General to “have all the powers and duties as provided in the Commonwealth Constitution.” 1 CMC § 2153. Enforcing the penal laws necessarily means investigating crimes before filing charges to ensure the proper exercise of prosecutorial power. Investigating a potential violation may show a person innocent of a crime or support a conviction. The APA under 1 CMC § 9104 established a procedure for implementing rules, regulations, and agency actions. The proposed regulations merely establish a process. That process could be established by policy, regulation, statute, judicial rule, common law, or any combination of these law-making methods. The Attorney General would welcome a reasonable statute establishing a subpoena process; however, a statutory vacuum does not eliminate the inherent subpoena power.

Indeed, until recently, the NMI judiciary accepted subpoena applications from the Office of the Attorney General and issued investigative subpoenas. The Clerk of the Superior Court handled such applications for many years. However, without any notice, hearing, or explanation, the Superior Court, via a memorandum, recently ordered the Clerk to stop accepting such applications unless a case had a cause number. The Legislature has failed to replace that process despite proposed bills. Absent conflicting law, the Attorney General may establish a process through regulation.

**3. Lack of Oversight.** The comments allege that the regulations grant the Office of the Attorney General investigative authority without oversight, creating a risk of abusive subpoenas.

The proposed regulations provide numerous protections and oversight for any person or business served with a subpoena. The comments from the Lt. Governor “recognize that the proposed regulations include procedural safeguards, such as notice to witnesses, the right to counsel and against self-incrimination, and the opportunity to seek judicial review through motions to quash, as well as the requirement that subpoenas be enforced through the Superior Court.” The regulations go even further in providing oversight.

Investigative subpoenas typically only require a signature of a prosecutor stating that the subpoena is material to a criminal investigation (i.e. that the materials will support or diminish probable cause in a case), do not require initial judicial approval, and are executed by law enforcement by service upon a person or

business to provide documents or appear at a time and place to give a statement. Any challenge to the subpoena must be made before the documents or testimony are produced, generally by moving to quash the subpoena in court.

The Attorney General's proposed regulations build on these principles and provide an even more protective process.

- a. **Application for subpoena.** The regulations require a law enforcement officer or prosecutor to apply for the issuance of an investigative subpoena. The application must be directed to one of three persons: the Attorney General, the Chief Prosecutor, or the Special Prosecutor (designated by the Attorney General). The application must then designate the type of subpoena: *duces tecum* (documents, information, or objects) or *ad testificandum* (testimony).
- b. **Duces tecum.** A subpoena does not authorize a law enforcement officer to enter private premises, seize property, or arrest anyone. The demand for documents, information, or objects under subpoena must be directed to a third party, agency, or business that maintains such records. For example, a bank maintains data for persons with accounts. A hospital maintains medical records for patients and medical professionals. A business maintains the required paperwork. However, items protected by the Fourth Amendment's search-and-seizure clause may be acquired only by means of a warrant.

The application must include a specific list of the records sought, the person to be served, the person's address, the deadline, and the location for document production. The production must provide the person with at least 24 hours' notice, but additional time may be requested if necessary to complete the production. In addition, the application must indicate whether the person may provide copies of the records and complete a business record affidavit (to make the records self-authenticating).

- c. **Testificandum.** A subpoena does not authorize a law enforcement officer to arrest an individual and then interrogate the person. However, a subpoena may authorize a law enforcement officer to serve an individual with notice to appear and submit to questioning. The subpoena must provide notice at least 24 hours in advance, but allows additional time for appearance if needed.

Questioning is constrained by individuals' constitutional rights. A witness warning form must be completed before any questioning to inform the witness of these rights.

The witness may invoke a privilege against self-incrimination or hire an attorney to be present and provide advice. However, if the witness is not an actual target of the criminal investigation and is merely an uncooperative witness to facts related to the crime, there is no constitutional right to refuse to answer questions. The fundamental basis of democracy is that people cooperate with the police when they are not the target of an investigation. A place cannot be a nation of laws if the laws cannot be enforced.

If a witness wrongfully invokes a privilege against self-incrimination or refuses to cooperate, the prosecutor must decide whether to seek enforcement of the subpoena through a court order. The enforcement must come through court oversight.

- d. Materiality.** Every investigator or prosecutor seeking a subpoena must truthfully state that the application is material to an ongoing criminal or consumer protection investigation. No details need be provided, but a witness served with a subpoena may challenge that statement by moving to quash the subpoena, asking a court to review it.
- e. Review.** The application for a subpoena shall be reviewed by the Attorney General, the Chief Prosecutor, or the Special Prosecutor, and signed before a subpoena is prepared and issued. This is an additional layer of protection that is not typically available in most jurisdictions.

These numerous layers of process provide substantial protection against any abuse of the subpoena process. Further, no comments have pointed to any past-issued subpoena being used for an improper or abusive purpose. In fact, many subpoenas have led to information that resulted in proper charges and convictions, as well as ending investigations due to lack of evidence or proving actual innocence, so that no charge was ever filed. The proposed process is far more protective than the subpoena powers exercised by the Legislature, the Judiciary, and numerous executive-branch agencies.

- 4. Grand Jury.** The comments argue that investigative authority for the Office of the Attorney General must be established by adopting a grand jury process.

In establishing the Commonwealth of the Northern Mariana Islands (CNMI), the people decided to forgo certain U.S. Constitutional rights, specifically the right to a trial by jury and the right to an indictment by grand jury. This is outlined in the CNMI Covenant, Article V, Section 501(a). Federal courts have observed that "traditional Anglo-American procedures, such as jury trial, might not be suitable in territories with cultures, traditions, and institutions that differ from our own." *CNMI v. Atalig*, 723 F.2d 682, 690, 9th Cir. 1984. This reasoning is even stronger in support of eliminating the grand jury process. As to trial by jury, the people expressly authorized the legislature to provide for such a right by statute. NMI Const. Art. I, § 8 ("The legislature may provide for trial by jury in criminal or civil cases."). Indeed, the CNMI Legislature subsequently provided for a limited statutory right to trial by jury in criminal cases. 7 CMC § 3101. However, with respect to authorizing the legislature to provide for a grand jury process, the CNMI Constitution is notably devoid of such language. Without express constitutional authority, the legislature may not impose a grand jury process that conflicts with the people's decision in negotiating the Covenant.

The citizens of the CNMI deserve justice. They chose an independent, elected Attorney General who would pursue justice and ensure robust prosecution when laws are violated. These regulations safeguard the rights of those same people while ensuring that legal violations are properly investigated, charged, and prosecuted. In summary, these regulations acknowledge that the Attorney General's unitary duty to prosecute violations of Commonwealth law inherently includes the authority to conduct investigations through subpoenas before any formal charges are filed. They establish a robust framework for gathering information while also

respecting individual rights defined by law. The Attorney General encourages the Judiciary and Legislature to create similar processes through rules or statutes; however, in the absence of such laws, these regulations will take precedence.



*Department of Commerce*  
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
 P.O. Box 5795 CHRB, Saipan, MP 96950  
 Website: <https://commerce.gov.mp/>  
**OFFICE OF THE SECRETARY**  
 Telephone: (670) 664-3000



David M. Apatang, Governor  
 Dennis James C. Mendiola, Lt. Governor

Remedio C. Mafnas, Secretary

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF  
 THE CNMI DEPARTMENT OF COMMERCE**

PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS  
 Volume 47, Number 10, pp. 052988-053049 on October 15, 2025

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Department of Commerce HEREBY ADOPTS AS PERMANENT publication to the Captive Insurance Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). This publication is to provide a clear and reliable framework to ensure the sound operation, oversight, and growth of captive insurance companies in the Northern Mariana Islands.

I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced proposed regulations, and that they are being adopted without modification.

**PUBLICATION:** Published as proposed regulations in Volume 47, Issue 10 (pp. 052988–053049) of the Commonwealth Register dated October 15, 2025.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3).

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None. The regulations remain in the exact form as originally published.

**AUTHORITY:** The CNMI Department of Commerce Secretary is empowered by Legislature to adopt rules and regulations for the administration and enforcement of the statute governing her activities such as (1CMC § 2454) CNMI Department of Commerce function, (rules and regulations). See also Executive Order 94-3.

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

**COMMENTS AND AGENDY CONCISE STATEMENT:** No written comments regarding the proposed regulations were submitted during the 30-day comment period. The Department of Commerce will, if requested to do so by any interested person within 30 days of this adoption, issue a concise statement of the principal reasons for and against its adoption.

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

Submitted by: Remedio C. Mafnas 1/14/2026  
Remedio C. Mafnas  
Secretary, CNMI Department of Commerce  
Date

Filed and recorded by: Esther R. M. San Nicolas 01.15.2026  
Esther R. M. San Nicolas  
Commonwealth Registrar  
Date



David M. Apatang, Governor  
Dennis James C. Mendiola, Lt. Governor

*Department of Commerce*  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
P.O. Box 5795 CHRB, Saipan, MP 96950  
Website: <https://commerce.gov.mp/>  
**OFFICE OF THE SECRETARY**  
Telephone: (670) 664-3000



Remedio C. Mafnas, Secretary

**AKONSEHUN PUPBLIKU PUT ASIGURASION YAN “ADOPTION” I  
AREKGLAMENTUN I “CNMI DEPARTMENT OF COMMERCE”**

ANAI MA PUPBLIKA GI “COMMONWEALTH REGISTER” KUMU MA PROPONI NA  
AREKGLAMENTU SIHA

Volume 47, Number 10, pp. 052988-053049 on October 15, 2025

**AKSION PARA MA APRUEBA INI NA MAN MA PROPONI NA AREGKGLAMENTU SIHA:** I “Commonwealth of the Northern Mariana Islands, Department of Commerce” INI HA APRUEBA KUMU PETMANENTI i “Captive Insurance Regulations” ni ma pupblika gi “Commonwealth Register at the above-referenced pages”, pattikulatmenti gi “Volume 47, Number 10, pp. 052988-053049 gi October 15, 2025” pursuant to procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). Esti na publikasion la`yiyi u prubiniyi klaru yan angngokkuyun na manera para u asigura dinanchi na arekglu (“sound operation”) man baba, pumulan yan adahi, yan u la`la` mo`na adyu siha na “captive insurance companies” guini iya Sangkattan na Marianas.

Hu “certify” yan asigura sigun I fitmaku ini gi san papa` kumu ma pupblika na enteramenti i man ma “adopted” na arekglamentu siha magahit, dinanchi, kabalis, yan dichu siha taimanu ha` i man ma pupblika anai fine`na in proponi gi “Commonwealth Register” gi alacha na Oktubri 15, 2025, ya sigidu u fan ma “adopted” sin tinilaika.

**”MA PUPBLIKA”:** Man ma pupblika kumu man ma propopi na arekglamentu gi “Volume 47, Issue 10 (pp. 052988–053049) of the Commonwealth Register dated October 15, 2025”.

**“ATTORNEY GENERAL APPROVAL”:** I man ma proponi na arekglamentu siha man ma pupblika kumu man ma aprueba ni “Attorney General” sigun gi sanhilu` na ma tuka` na pahina siha (Volume 47, Number 10, pp. 052988-053049) gi Commonwealth Register pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3).

**TINILAIKA GININ I MAN MA PROPONI NA AREKGLAMENTU SIHA, YANGGIN GUAHA’:** Taya`. I man ma proponi na arekglamentu siha taya` tinilaika pues parehu ha` desdi anai fine`na man ma pupblika gi “Commonwealth Register.”

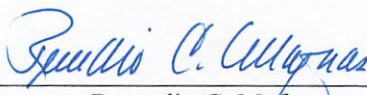
**ATTORIDAT:** I “CNMI Department of Commerce Secretary” ma entrega ya ma na`i pudet ginin i Lehislatura para hu “adopt” ini na arekglamentu siha ya u la`yiyi metgut yan antao i ma administra yan ma enfuetsa osino ma pulan yan ma adahi mo`na i kinalamtin yan lai sigun i ginagagao tat kumu “(1CMC § 2454) CNMI Department of Commerce function, (rules and regulations). See also Executive Order 94-3”.

**“EFEKTIBU NA FECHA”:** Sigun i “APA, 1 CMC § 9105(b)”, ini na “adopted amendments” la’yi u fan efektibu dies dihas (“10 days”) dispues na a kumpli sigun i “1 CMC §§ 9102 and 9104(a) or (b) of the APA, which in this instance, is 10 days after publication in the Commonwealth Register.”

**NINA’HALUM FINIHU PAT TINILAIKA GI Hafa NA PATTI NA AREKGLAMENTU:** Taya’ nina’halum finihu pat tinilaika gi hafa na patti na arekglamentu gi I man ma proponi gi tinituhun gi durantin I tiempu anai ma prubiniyi I pupbliku trenta dihas (“30 days comment period”). I “Department of Commerce” sigidu, yanggin ginagagao dinin maskiseha hayi gi halum trenta dihas ginin ma “adoption” esti na asigurasion, u na’huyung finihu put maseha hafa na rason parehu ha’ kumu sinupotta pat kinontra i ma “adoption” i arekglamentu siha kumu man ma pupblika dibuenamenti.

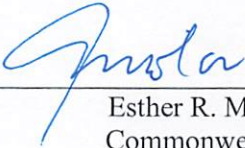
Hu diklara gi papa’ i ginagagao mumagahit gi halum i attoridathu na ini na infutmasion yan finihu dinanchi, magahit, yan dichu ya ini na diklarasion hu cho’gui gi fecha ni hu nota ini gi sanpapapa’ iya Sa’ipan, “Commonwealth of the Northern Mariana Islands.”

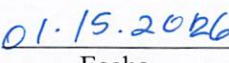
Nina’halum As:

  
\_\_\_\_\_  
Remedio C. Mafnas  
Secretary, CNMI Department of Commerce

  
\_\_\_\_\_  
Fecha

“Filed and Recorded by”:

  
\_\_\_\_\_  
Esther R. M. San Nicolas  
Commonwealth Registrar

  
\_\_\_\_\_  
Fecha



David M. Apatang, Governor  
Dennis James C. Mendiola, Lt. Governor

*Department of Commerce*  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
P.O. Box 5795 CHRB, Saipan, MP 96950  
Website: <https://commerce.gov.mp/>  
**OFFICE OF THE SECRETARY**  
Telephone: (670) 664-3000



Remedio C. Mafnas, Secretary

**ARONGORONG NGÁLIIR TOULAP REEL CERTIFICATION ME ADOPTION-UL ALLÉGHÚL  
DEPARTMENT-IL COMMERCE ME LLÓL CNMI**

ARONGORONGÚL ALLÉGHÚL ME LLÓL COMMONWEALTH REGISTER  
Volume 47, Numuro 10, pp. 052988-053049 wool Sarobwel 15, 2025

**MWÓGHUTUGHUT KKA EBWE ADOPT-LONG LLÓL ALLÉGH ME FÉFFÉRUL ALLÉGH:**

Commonwealth Northern Marianas, Department-il Commerce e **Aa fisiiló Captive Insurance Regulations bwe aa llégh**. Allégh kka e toowow me llól Commonwealth Register llól peigh kka e bwá me weiláng, iye e attabweey mwóghutughutul Administrative Procedure Act (APA), 1 CMC §9104(a). Arongorong yeel e isisiwow reel ebwe affatta weewel allégh reel ebwe alisi fischi captive insurance llól mwóghutughutur llól Falúw kka llól Northern Marianas.

I certify-li merel signature kka faal iye e toowow, bwe fféerul allégh kka re adopt-lil nge e ellet, ffat, me e wel weewel alléghúl, me esóór liwelil yaar adopt-li.

**ARONGORONG:** Isisiwowul fféerul allégh llól Volume 47, Issue 10 (pp. 052988-0530449) mereel Commonwealth Register ótol iye Sarobwel 15, 2025.

**E FISILÓ MEREEL ATTORNEY GENERAL:** Fféerul allégh iye e fisili reel promulgation-il mereel Attorney General me llól peigh kka weiláng mereel aleewal Commonwealth Register 1 CMC § 2153(e) me 1 CMC § 9104(a)(3).

**SIWEL MEREEL FFÉRUL ALLÉGH, NGÁRE EYOOR:** Esóór. Ese yoor siwel me llól fféerul allégh iye e isisiwow.


**BWÁNGIL:** E bwáng ngáli Secretary-il CNMI Department-il Commerce mereel Legislature bwe ebwe adapt-lil allégh me fféerul allégh iye ebwe ammwala me alléghúw alléghil yaal angaang (1 CMC § 2454). E schuulong allégh ngáliir Department-il Commerce. Amwuri Executive Order 94-3.

**RÁÁLIL:** Aileewal mereel APA, 1 CMC § 9105(b), siwelil milikka re adapt-lil nge ebwe bwel 10 ráál mwiril 1 CMC §§ 9102 me 9104(a) ngáre (b). Aweewel nge 10 ráál mwiril yaal isisiwow arongorong yeel me llól Commonwealth Register.

**AYOORAL COMMENTS ME STATEMENT:** Esóór ischil comments iye e sissilong mereel pwomwol siwelil allégh llól 30 ráál ótol comment. Department-il Commerce ebwe, tingór ngáir schóó kka re tipáli bwe rebwe isissilong yaar statement ngáli siwel kkaal me llól 30 ráál ótol siwel kkeey.

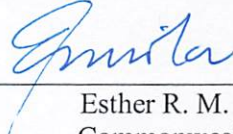
I apasa faal penalty-il perjury bwe e ellet me e wel me bwal reel declaration iye re fféeru wóol ráál iye e bwá me faal me Seipél, Commonwealth-il Northern Marianas.

Isissilong  
Mereel:

  
\_\_\_\_\_  
Remedio C. Mafnas  
Secretary, CNMI Department of Commerce

1/14/2026  
Ráál

Ammwelayal:

  
\_\_\_\_\_  
Esther R. M. San Nicolas  
Commonwealth Registrar

01.15.2026  
Ráál

**Commonwealth of the Northern Mariana Islands  
Marianas Visitors Authority**

Warren F. Villagomez, Chair, MVA Board of Directors  
Marianas Visitors Authority, P.O. Box 500861, Saipan MP, 96950  
3366 Beach Road, Gold Beach Hotel Building, I Liyang, Saipan MP, 96950

tel 670.664.3200; fax:670.664.3237  
[procurement@mymarianas.com](mailto:procurement@mymarianas.com)

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS  
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE MARIANAS  
VISITORS AUTHORITY, PROCUREMENT DIVISION**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Marianas Visitors Authority (MVA) approved the publication of the following amendments to its Procurement Regulations at its Board Meeting on April 10, 2025/ July 31, 2025. It intends to adopt these regulations as permanent, pursuant to the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** These amendments are promulgated under the authority of 4 CMC 2124(d), which authorizes MVA to adopt procurement and supply regulations consistent with those of the Commonwealth government, and 4 CMC, 2128, which grants MVA the authority to adopt rules and regulations.

**THE TERMS AND SUBSTANCE:** These proposed amendments would increase the Competitive Sealed Bid threshold. These proposed amendments would modify the way the MVA conducts Small Purchases. These proposed amendments would bring this regulation into compliance. These proposed amendments would implement adjustments to the current Title 90-20-240 Destination Enhancement. These proposed amendments would add a regulation to MVA Title 90-20.


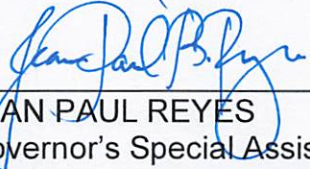

**THE SUBJECTS AND ISSUES INVOLVED:** MVA Procurement Rules and Regulations:  
Page 1

NMIAC § 90-20-205	Competitive Sealed Bidding; Invitation for Bid
NMIAC § 90-20-210	Small Purchases
NMIAC § 90-20-215	Sole Source Procurement
NMIAC § 90-20-240	Destination Enhancement Projects
NMIAC § 90-20-245	Airlift Development
NMIAC § 90-20-250	Change Order

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)).

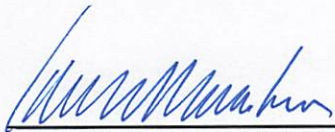
TO PROVIDE COMMENTS: Send or deliver your comments to George Sablan (procurement@mymarianas.com), Attn: New Procurement Rules and Regulations, at the above address, fax or email address, with the subject line "New Procurement Rules and Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Board of Directors on April 10, 2025 and July 31, 2025.

Submitted by:	 WARREN F. VILLAGOMEZ Chair, Board of Directors	<u>1.13.26</u> Date
Received by:	 JEAN PAUL REYES Governor's Special Assistant for Administration	<u>1/14/2026</u> Date
Filed and Recorded by:	 ESTHER R.M. SAN NICOLAS Commonwealth Registrar	<u>01.15.2026</u> 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 \_\_\_\_\_ day of \_\_\_\_\_, 2025.



**EDWARD MANIBUSAN**  
**Attorney General**

1/14/2026

Commonwealth Gi Sangkattan Na Islas Mariãnas  
Marianas Visitors Authority

Warren F. Villagomez, Chair, MVA Board of Directors  
Marianas Visitors Authority, P.O. Box 500861, Saipan MP, 96950  
3366 Beach Road, Gold Beach Hotel Building, I Liyang, Saipan MP, 96950

Tel. 670.664.3200; fax:670.664.3237

[procurement@mymarianas.com](mailto:procurement@mymarianas.com)

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN  
REGULASIÓ NI MANMA'AMENDA GI AREKLAMENTU YAN REGULASIÓ SIHA GI  
DIBISIÓ PROCUREMENT I MARIANAS VISITORS AUTHORITY**

**NUTISIAN I AKSION NI MA'INTENSIONA:** I Mariãnas Visitors Authority (MVA) ha aprueba i publikasion nu i mantinãtti i na amenda siha gi iyon-ñiha Regulasion "Procurement" gi huntan-ñiha gi Abrit 10, 2025/ Hului 31, 2025. I intensiõna para u adãpta esti na regulasiõn siha komu petmanienti, sigun para i Æktun "Administrative Procedure", 1 CMC § 9104(a). I regulasiõn siempre umifektibu gi halum dies dihas dispues di adaptasiõn yan publikasion gi halum i Rehistran Commonwealth. (1 CMC 9105(b))

**ÆTURIDÆT:** Esti na amenda siha manmacho'gui gi pãpa' i aturidãt nu 4 CMC 2124(d), ni aturisa i MVA para u adãpta i regulasiõn "procurement" yan suplika regulasiõn siha ni kunsisti yan atyu nu i gubietnamentun Commonwealth, yan 4 CMC, 2128, ni munã'i i MVA i aturidãt para u adãpta i areklamentu yan regulasiõn siha.

**I TEMA YAN SUSTANSIAN I PALÆBRA SIHA:** Esti i manmaproponi na amenda siha siempre ha aomenta i "Competitive Sealed Bid threshold". Esti i manmaproponi na amenda siha siempre ha mudifika i maneran i MVA makundukta i Mandikiki' Finãhan siha. Esti i manmaproponi na amenda siha siempre ha tãtti i mo'na esti na regulasiõn. Esti i manmaproponi na amenda siha siempre ha implimenta ahustamentu siha gi presenti na Titulu 90-20-240 "Destination Enhancement". Esti i manmaproponi na amenda siha siempre ha implimenta ahustamentu siha gi presenti na Titulu 90-20-245 "Airlift Development". Esti i manmaproponi na amenda siha siempre ha na'hãlum i regulasiõn MVA Titulu 90-20.

**SUHETU NI MASUMÆRIA YAN ASUNTU NI TINEKKA:** I Areklamentu yan Regulasiõn Procurement MVA siha:

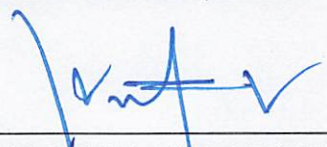
NMIAC § 90-20-205      Competitive Sealed Bidding; Invitation for Bid

NMIAC § 90-20-210	Small Purchases
NMIAC § 90-20-215	Sole Source Procurement
NMIAC § 90-20-240	Destination Enhancement Projects
NMIAC § 90-20-245	Airlift Development
NMIAC § 90-20-250	Change Order

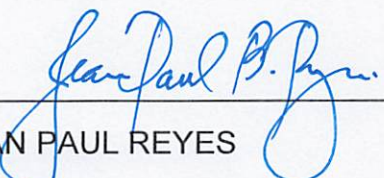
DIREKSION SIHA PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmapropoponi na Regulasion siha debi na u mapublika gi halum i Rehistran Commonwealth gi halum i maproponi na seksiona yan nuebu ma'adapta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi halum i kumbinienti na lugat gi halum i Civic Center yan gi halum ufisinan gubietnamentu siha gi kada distritun senadot, parehu Inglis yan i dos na lingguahi natibu (1 CMC § 9104(a)(1)).

PARA MAPRIBENIYI UPIÑON SIHA: Na'hanao pat intrega halum i upiñon-mu siha guatu as George Sablan (procurement@mymarianas.com), *Attn: Nuebu na Areklamentu yan Regulasion Procurement siha*, gi sanhilu' na address, fax osino email address, yan i suhetu na raya "Nuebu na Areklamentu yan Regulasion Procurement siha". I upiñon-mu siha debi di u fanhalum gi halum trenta (30) dihas ginin i fetcha pupublikasion esti na nutisia. Put fabot na'halum i imfutmasion, upiñon pat agumentom-mu siha.

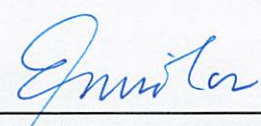
Esti i manmaproponi na regulasion siha ma'aprueba ni i Kuetpun Mandirektot siha gi Abril 10, 2025/ Huli 31, 2025.

Nina'halum as:   
 WARREN F. VILLAGOMEZ  
 Kabesiyu, Kuetpun Mandirektot

1.13.26  
 Fetcha

Rinisibi as:   
 JEAN PAUL REYES  
 Ispisiat Na Ayudanti Para I Atministrasion

1/14/2026  
 Fetcha

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

01.15.2026  
 Fetcha

Sigun i 1 CMC § 2153(e) ( inapruewan AG nu i regulasi3n siha para u macho'gui komu para fotma) yan 1 CMC § 9104(a)(3) (hentan inapruewan AG) i maproponi na regulasi3n siha ni mañechettun guini manmaribisa yan ma'apruewa komu para fotma yan ligat sufisienti ginin i CNMI Abugadu Hinerat yan debi na u mapupblika, 1 CMC § 2153(f) (publikasi3n areklamentu yan regulasi3n siha).

Mafetcha gi diha 14 gi January, 2025. 6



Edward Manibusan

Abugadu Hinerat

**Commonwealth Téel Falúw kka Efang Ilól Marianas  
Marianas Visitors Authority**

Warren F. Villagomez, Chair, MVA Board of Directors  
Marianas Visitors Authority, P.O. Box 500861, Saipan MP, 96950  
3366 Beach Road, Gold Beach Hotel Building, I Liyang, Saipan MP, 96950

tel 670.664.3200; fax:670.664.3237  
procurement@mymarianas.com

**ARONGORONGOL TOULAP REEL PPWOMWOL ALLÉGH ME MWÓGHUTUGHUT  
IYE E LO BWE LIIWEL NGÁLI ALLÉGH ME MWÓGHUTUGHUTÚL  
MARIANAS VISITORS AUTHORITY, BWULASIYOL PROCUREMENT**

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Marianas Visitors Authority (MVA) ra átirowa bwe ebwe arongowow liiwel ikka e amwirimwiritiw bwe Mwóghutughutúl Procurement igha re yéelagh wóól Sééta 10, 2025/ Wuun 31, 2025. Rebwe adóptááli mwóghutughut kkaal bwe ebwe lléghló reel fféerúl, sáangi Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkaal seigh ráál mwiril aar adóptááli me akkatééwowul me Ilól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Ebwe arongowow liiwel kkaal faal bwángil 4 CMC 2124(d), iye e ayoorai bwángil MVA reel rebwe adóptááli mwóghutughutúl "procurement" me "supply" iye e weewe fengál me bwulasiyol gobetnameentol Commonwealth, me 4 CMC, 2128, iye e ngaleer MVA bwááng rebwe adóptááli allégh me mwóghutughut kkaal.

**KKAPASAL ME AWEEWEEL:** Ebwe lapaló mille "Competitive Sealed Bid threshold" sáangi ppwomwol liiwel kkaal. Ppwomwol liiwel kkaal ebwe liiweli efaisúl MVA rebwe lemeli mwóghutughutúl "Small Purchases". Ppwomwol liiwel kkaal ebwe ayoora mwóghutughut me angúúngúl. Liiwel kka re mángemáangi nge ebwe awela "Title 90-20-240 Destination Enhancement" ye ighila. Ppwomwol liiwel ebwe aschuulong eew mwóghutughut ngáli MVA Title 90-20. Liiwel kka re tingór nge ebwe ayóóralong Ilól "MVA Title 90-20" bwal eew pwommwol mwóghutughut.

**KKAPASAL ME AUTOL:** Alléghúl me Mwóghutughutúl MVA:

NMIAC § 90-20-205	Competitive Sealed Bidding; Invitation for Bid
NMIAC § 90-20-210	Small Purchases
NMIAC § 90-20-215	Sole Source Procurement
NMIAC § 90-20-240	Destination Enhancement Projects
NMIAC § 90-20-245	Airlift Development
NMIAC § 90-20-250	Change Order


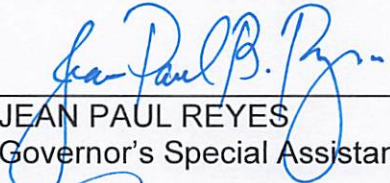
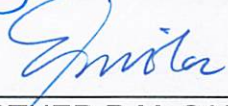
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Ppwommwol

Peigh 1

Mwóghutughut kkaal me llól Commonwealth Register llól táilil ppwommwol me ffél mwóghut ikka ra adóptáali (1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento, fengál reel English me mwáliyaasch. (1 CMC § 9104(a)(1)).


REEL ISIISILONGOL KKAPAS: Afanga ngare bwughiló yóomw ischil kkapas ngáli George Sablan (procurement@mymarianas.com), "Attn: New Procurement Rules and Regulations", reel féléfél imwu e lo weiláng, fax ngare email address, fengál wóol subject line bwe "New Procurement Rules and Regulations". Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatéewow arongorong yeel. Isiisilong yóomw data, views ngare angiingi. (1 CMC § 9104(a)(2))

Aa átirow ppwommwol mwóghutughut kkaal sáangi Board-il Directors wóol Sééta 10, 2025/ Wuun 31, 2025.

Isáliyalong:	 WARREN F. VILLAGOMEZ Chair, Board-il Directors	<u>1.13.26</u> Ráál
Bwughiyal:	 JEAN PAUL REYES Governor's Special Assistant ngáli Administration	<u>1/14/2026</u> Ráál
Ammwelil:	 ESTHER R.M. SAN NICOLAS Commonwealth Registrar	<u>01.15.2026</u> Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa fil reel fféerúl me ebwe arongowow) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa lléghló reel fféerúl me "legal sufficiency" sáangi Soulemelemil Allégh Lapalapa CNMI me ebwe akkatéewow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Ghikkill 14 ráálil January, 2025/6  
Peigh 2



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**EDWARD MANIBUSAN**  
Soulemelemil Allégh Lapalap

Peigh 3

**§ 90-20-205 Competitive Sealed Bidding; Invitation for Bid**

(a) The purchase of all supplies and materials and all construction works when the expenditure exceeds ~~\$10,000~~ \$50,000 shall be by contract let to the lowest responsible bidder.

## TITLE 90: MARIANAS VISITORS AUTHORITY

### § 90-20-210 Small Purchases

- (a) Any procurement not exceeding ~~\$10,000~~ \$50,000 may be made in accordance with small purchase procedures with this section. Procurement requirements shall not be artificially divided as to constitute a small purchase.
- (b) Small Purchases of ~~\$1,000~~\$25,000 or Less.
- (1) The Chair of the MVA Board delegates the expenditure authority for purchases of ~~\$1,000.00~~\$25,000.00 or less to the Managing Director.
- (2) The Managing Director may make small purchases of ~~\$1,000~~\$25,000 by any commercially reasonable method and shall exercise best efforts to ensure responsible expenditure of MVA funds. Purchase orders may be used for such transactions. Procurement requirements shall not be artificially divided so as to constitute a small purchase of ~~\$1,000~~\$25,000 or less.
- (3) The Managing Director shall maintain a small purchase log. For each small purchase, the log shall contain:
- (i) The date of the purchase;
  - (ii) The name of the vendor;
  - (iii) The goods or services purchased; and
  - (iv) The purpose of the purchase.
- (4) Insofar as it is practical for small purchases of goods or services between \$10,000.01 and \$25,000, no less than three businesses shall be solicited to submit written, electronic, or oral quotations that are recorded and placed in the procurement file. If fewer than three businesses submit quotations, the Authority shall certify, in writing, that there are fewer than three vendors available. In the event the Managing Director deems it is in the best interest of the CNMI and the Authority that purchases of goods and services of \$25,000 or less does not require multiple solicitations, the Managing Director shall submit written justification to the MVA Board of Directors supporting the decision. Award shall be made to the business offering the lowest acceptable quotation. Small purchases made under this provision will be completed through commercially reasonable methods and best efforts to ensure responsible expenditure of MVA funds will be applied.
- (c) The Managing Director shall provide the small purchase log to any board member upon request.
- (d) Small Purchases between ~~\$1,000.01~~\$25,000.01 and ~~\$10,000~~\$50,000.
- (1) The Chair of the MVA Board is the expenditure authority for small purchases between ~~\$1,000.01~~\$25,000.01 and ~~\$10,000~~\$50,000.
- (2) Insofar as it is practical for small purchases of goods or services between \$25,000.01~~1,000.01~~ and ~~\$10,000~~\$50,000, no less than three businesses shall be solicited to submit written, electronic, or oral quotations that are recorded and placed in the procurement file. If fewer than three businesses submit quotations, the ~~Managing Director~~ **requesting party** shall certify, in writing, that there are fewer than three vendors available. Award shall be made to the business offering the lowest acceptable quotation.
- (3) The names of the businesses solicited to submit quotations, the names of the businesses submitting quotations, and the date and amount of each quotation shall be recorded and maintained as a public record.
- (4) Purchase orders may be used for procurement under this section.

§ 90-20-215 Sole Source Procurement

(a) A contract may be awarded for a supply, service, or construction item without competition when: ~~the contracting officer determines in writing that there is only one source for the required supply, service, or construction item.~~

~~(b) A contract may be awarded when the supplies or services to be rendered are unique and the Managing Director determines it is in the best interest of the Bureau to procure the supplies or services without competitive bidding. A written justification for the sole source procurement shall be prepared by the contracting officer and the written determination shall state the unique capabilities required and why they should be procured without competition bidding.~~

~~(c) The Board shall approve all sole source procurement.~~

(1) The Board determines in writing, after reviewing the expenditure authority's written justification pursuant to § 90-20-205, that there is only one source for the required supply, service, or construction;

(2) The purpose is to obtain equipment or services identified as interoperable for the use of enhancing and protecting the Commonwealth homeland security from suppliers determined capable to deliver such equipment or services for the purpose specified or for purposes relating to the needs of agencies designated as homeland providers;

(3) Professional services are needed to facilitate the process of obtaining needed critical infrastructure funding to harden and enhance the capability of protecting critical infrastructure of the Commonwealth;

(4) Professional services are needed for the purpose of facilitating the establishment of a unit authorized in a federal defense appropriation act;

(5) The purpose is to obtain expert witnesses for litigation;

(6) The purpose is to obtain legal services;

(7) The purpose is to procure policy consultants of the Governor, Lt. Governor, or presiding officers of the Legislature;

(8) The purpose is to obtain the services provided by lecturers, speakers, trainers, or facilitators when the vendor uses specialized training methods or techniques or has expertise in the subject matter; or

(9) The purpose is to purchase registration or workshop fees for conferences or training.

(b) For any sole-source procurement pursuant to subsection (a)(1), a written justification for sole-source procurement shall be prepared by the official with expenditure authority and

**TITLE 90: MARIANAS VISITORS AUTHORITY**

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submitted to the Director. This written justification shall contain the specific unique capabilities required; the specific unique capabilities of the contractor; the efforts made to obtain competition; and the specific considerations given to alternative sources and specific reasons why alternative sources were not selected.

(c) For any sole source procurement pursuant to subsections (a)(2), (a)(3) or (a)(4), the official with expenditure authority shall provide a written copy of the applicable federal grant or act under which the services are authorized or required.

## TITLE 90: MARIANAS VISITORS AUTHORITY

### § 90-20-240 Destination Enhancement Projects

(a) Any contract for destination enhancement of ~~\$25,000~~\$150,000 or less may be conducted pursuant to this section.

(b) The Chair of the MVA Board is the expenditure authority for destination enhancement purchases of ~~\$15,000.01 or greater~~\$50,000.01 up to \$150,000. The Chair of the MVA Board delegates the expenditure authority for destination enhancement purchases of ~~\$15,000~~\$50,000 or less to the Managing Director.

(c) MVA may make destination enhancement purchases of ~~\$15,000~~\$150,000 or less by any commercially reasonable method and shall exercise best efforts to ensure responsible expenditure of MVA funds. If the destination enhancement purchase is for ~~\$5,000~~\$150,000 or less, MVA may use a purchase order for the transaction. Procurement requirements shall not be artificially divided so as to constitute a destination enhancement purchase under this section.

(1) The Managing Director shall maintain a destination enhancement purchase log. For each destination enhancement purchase of ~~\$15,000~~\$50,000 or less, the log shall contain:

- (i) The date of the purchase;
- (ii) The name of the vendor;
- (iii) The goods or services purchased; and
- (iv) The purpose of the purchase.

(2) The Managing Director shall provide the destination enhancement purchase log to any board member upon request.

(3) For destination enhancement purchases ~~of between \$5,000.01 and \$15,000~~ up to \$50,000, at least one business shall be solicited to submit written, electronic, or oral quotations that ~~are~~ recorded and placed in the procurement file. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses solicited to submit quotations, the names of the businesses submitting quotations, and the date and amount of each quotation shall be recorded and maintained as a public record.

(d) Insofar as it is practical for destination enhancement purchases of between ~~\$15,000.01 and \$25,000~~\$50,000.01 and \$150,000, no less than three businesses shall be solicited to submit written, electronic, or oral quotations that are recorded and placed in the procurement file. If fewer than three businesses submit quotations, the Managing Director shall certify, in writing, that there are fewer than three responsive vendors available. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses solicited to submit quotations, the names of the businesses submitting quotations, and the date and amount of each quotation shall be recorded and maintained as a public record.

§ 90-20-245 Airlift Development

(a) General

(1) The Airlift Development procurement category is established to support initiatives aimed at retaining current air service, increasing flight frequency, or attracting new air service from additional airlines to the CNMI.

(2) Expenditures under this category shall be made in the best interest of the CNMI, with a focus on maintaining or enhancing air connectivity to support tourism and economic development.

(3) For the purpose of Airlift Development, 'best interest of the CNMI' shall mean actions that demonstrably support sustained or increased air connectivity, passenger volume, or economic benefit from tourism.

(b) Expenditure Authority

(1) The Chair of the MVA Board is the expenditure authority for Airlift Development purchases of \$100,000.01 or greater but not exceeding \$250,000.

(2) The Chair of the MVA Board delegates the expenditure authority for Airlift Development purchases of \$100,000 or less to the Managing Director.

(3) Expenditures over \$250,000 require board approval.

(4) Both the Chairperson and Managing Director must justify and document the strategic benefit of the expenditure, including a brief cost-benefit analysis and data supporting the expected impact on air connectivity.

(c) Procurement Method

(1) Procurement will focus on the strategic goal of retaining or enhancing air service, with decisions based on demonstrated best interest to the CNMI.

(2) The Managing Director shall exercise best efforts to ensure responsible expenditure of MVA funds and shall document the rationale for each procurement, including expected impacts on air connectivity.

(d) Record Keeping

(1) The Managing Director shall maintain a log for all Airlift Development expenditures. For each purchase, the log shall contain:

(i) Date of the purchase;

(ii) Name of the vendor or service provider;

(iii) Description of goods or services procured;

(iv) Purpose of the purchase;

(v) Amount expended;

(vi) Justification for the expenditure including strategic benefits and impact on air connectivity.

(2) The Managing Director shall provide the Airlift Development log to any board member upon request.

(e) Public Record

(1) Procurement records related to Airlift Development shall be maintained as a public record and made available for inspection in accordance with applicable laws.

(f) Applicability

(1) All procurement made under this section will be made in compliance to Department of Finance §70-30.3-225 Sole Source Procurement.

**§ 90-20-250 Change Order**

(a) Execution of a change order shall only be allowed if an increase, decrease, or change in the scope of work is required which was not reasonably foreseeable at the time of the formation of the contract.

(1) Change in Account Number. When a change in account number is necessary, the expenditure authority shall execute a writing as prescribed by the Department of Finance to change the account number for an otherwise valid contract for the Director's approval. No change order is drafted for internal accounting purposes.

(2) For-Cost Change Order. The sum of all change orders cannot exceed 25 percent of the original contract amount.

(3) No change order resulting in an increase in contract cost or time is allowed when it is a direct result of the contractor's inexperience, inefficiency, or incompetence.

(b) Before adding significant new work to existing contracts, the expenditure authority shall provide a thorough written assessment explaining why it is or is not more advantageous to seek competition. Change orders on construction and architect-engineer contracts which exceed 25 percent of the cumulative contract price shall automatically be procured through the appropriate competitive procedure that uses full and open competition, except when the procurement of the additional work is authorized without using full and open competition.

(c) Contractors shall not be allowed to continue working beyond the expiration term of an original contract or change order in the absence of an approved new contract or change order. The expenditure authority shall circulate change orders not less than 30 days prior to expiration using the procedures for processing new contracts in Chapter 90-20. Change orders placed into circulation after the stated date of expiration of the underlying contract shall be denied.

(d) Extension of Services. Award of contracts for recurring and continuing service requirements are often delayed due to circumstances beyond the control of contracting offices. To avoid negotiation of short extensions to existing contracts, the Director may include an option clause in solicitations and contracts which will enable the Government to require continued performance of any services within the limits and at the rates specified in the contract. The option provision may be exercised more than once, but the total extension of performance thereunder shall not exceed 6 months.



**Commonwealth Utilities Corporation  
Board of Directors**



**BOARD RESOLUTION NO. 2025-022**

**A RESOLUTION TO INSTRUCT MANAGEMENT TO SEEK AND OBTAIN APPROVAL FROM THE BOARD OF DIRECTORS BEFORE INITIATING ANY PROCUREMENT TOTALING ONE MILLION DOLLARS OR MORE**

**WHEREAS**, the Board of Directors of the Commonwealth Utilities Corporation (Board) is granted the statutory authority to govern the Commonwealth Utilities Corporation (CUC); and

**WHEREAS**, in the exercise of such governance, the Board has promulgated regulations comprehensively regulating CUC's procurement activities, processes, and authority; and

**WHEREAS**, the procurement regulations do not place an upper limit on the amount any particular procurement may cost; and


**WHEREAS**, the Board is cognizant of its oversight responsibilities and now feels that it is prudent to require management to seek and obtain approval from the Board before initiating any procurement totaling one million dollars or more;


**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Commonwealth Utilities Corporation hereby instructs management to seek and obtain approval from the Board before initiating any procurement totaling one million dollars or more; and

**BE IT FURTHER RESOLVED**, that management is instructed to take all steps necessary to ensure that this resolution is printed in the Commonwealth Register at the earliest opportunity; and

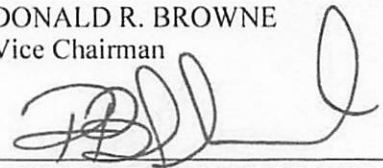
**BE IT FURTHER RESOLVED**, that the undersigned signatures are affixed on or about December 12, 2025 but reflect the vote taken in the publicly noticed meeting of the Board held on December 11, 2025 in Saipan, CNMI.

**DULY ADOPTED** this 11th day of December 2025, by a majority vote of the undersigned members:

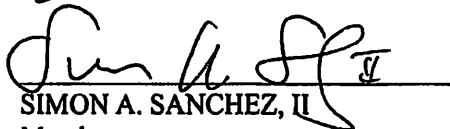
  
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ALLEN M. PEREZ  
Chairman

  
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DONALD R. BROWNE  
Vice Chairman

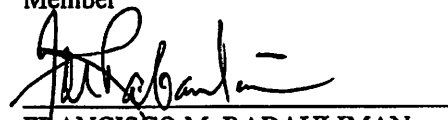
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RUFO T. MAFNAS  
Treasurer

  
\_\_\_\_\_  
ROSEMOND B. SANTOS-SWORD  
Secretary

  
REBECCA C. WHITE  
Member

  
SIMON A. SANCHEZ, II  
Member

  
MIRANDA V. MANGLONA  
Member

  
FRANCISCO M. RABULIMAN  
CEDA Chairman