



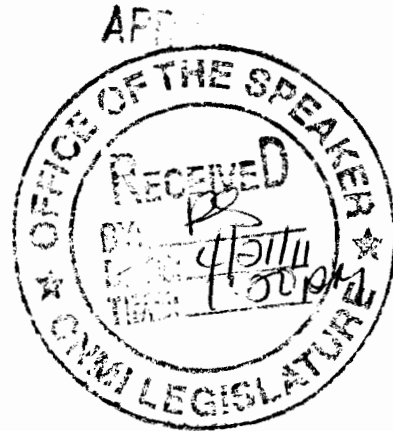
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

Honorable Eliceo "Eli" D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Paul A. Manglona
President, The Senate
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950



Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 17-16, HD1, entitled, "To amend the Board of Professional Licensing's licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code; and for other purposes." The bill was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-39**. Copies bearing my signature are forwarded for your reference.

Sincerely,

Benigno R. Fitial
BENIGNO R. FITIAL

cc: Lt. Governor, Attorney General, Board of Professional Licensing,
Department of Finance, Department of Works,
Department of Public Lands, Commonwealth's Law Revision Commission,
Special Assistant for Programs and Legislative Review

HOUSE CLERK'S OFF

RECEIVED BY *Sh*
DATE *4/25/11* TIME *10:19 am*



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

First Regular Session

February 5, 2010

Representative Ramon A. Tebuteb, of Saipan, Precinct 3 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

Public Law No. 17-39

H.B. 17-16

AN ACT

**TO AMEND THE BOARD OF PROFESSIONAL LICENSING'S
LICENSING REQUIREMENTS BY REPEALING AND
REENACTING CHAPTERS 1 AND 2 OF DIVISION 3, TITLE 4 OF
THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 17-52, adopted by the House on November 16, 2010.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, FEBRUARY 11, 2011;**
with amendments in the form of H. B. 17-16, HD1 and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 4, 2011;
without amendments.

H. B. 17- WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON MARCH 8, 2011.

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña, House Clerk



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

THIRD REGULAR SESSION

FEBRUARY 11, 2011

Public Law No. 17-39

H. B. 17-16, HD1

AN ACT

**TO AMEND THE BOARD OF PROFESSIONAL LICENSING'S
LICENSING REQUIREMENTS BY REPEALING AND
REENACTING CHAPTERS 1 AND 2 OF DIVISION 3,
TITLE 4 OF THE COMMONWEALTH CODE; AND FOR
OTHER PURPOSES.**

Be it enacted by the Seventeenth Northern Marianas
Commonwealth Legislature:

1 **Section 1. Short Title.** This Act may be cited as the "Board of
2 Professional Licensing Amendments Act of 2010".

3 **Section 2. Findings and Purpose.** The Legislature finds that the Board
4 of Professional Licensing has examined the licensing requirements set forth in
5 P.L. 14-95, and in order to further safeguard the life, health, and property of the
6 Commonwealth of the Northern Mariana Islands, recommends the following
7 amendments.

1 **Section 3. Amendment.** 4 CMC § 3106 is hereby amended by re-
2 lettering subsections (d) thru (i) to (n) thru (s), and inserting the following new
3 subsections (d) through (m) to read as follows:

4 “§ 3106. Board of Professional Licensing Powers.

5 (d) Issue or deny licenses, including temporary, provisional,
6 conditional and limited licenses;

7 (e) Conduct investigations and hearings;

8 (f) Discipline, including: refuse to issue or renew; fine; reprimand;
9 suspend; revoke; place on probation; require payment of fees, charges, or
10 expenses; levy fines; and place conditions on granting or renewal of a
11 license;

12 (g) Settle disciplinary and other contested matters, consistent with
13 the policy of this Act;

14 (h) Work with and secure from professional, governmental, and
15 other organizations the following services and goods: receipt and review
16 of applications; investigations; development of standards; development,
17 administration and review of examinations; and/or other goods and
18 services related to the Board’s duties;

19 (i) Join and maintain memberships in professional, governmental
20 and national organizations;

21 (j) Determine, charge and collect reasonable fees;

1 (k) Receive fees and appropriated funds, grants, contract payments,
2 and other funds;

3 (l) Establish and employ accounts, including restricted fund
4 accounts;

5 (m) Employ staff and consultants as required to assist it in
6 performing its duties;

7 (n) Apply for relief by injunction in the Superior Court, without
8 bond, to enforce the provisions of this Act, or to restrain any violation
9 thereof. In such proceedings, it shall not be necessary to allege or prove,
10 either that an adequate remedy at law does not exist, or that substantial or
11 irreparable damage would result from the continued violation thereof. The
12 members of the Board shall not be personally liable under these
13 proceedings;

14 (o) Determine those professional organizations with whom it will
15 affiliate for approving applications. In establishing credentialing criteria or
16 administering examinations, the Board may enter into contracts for the
17 purchase or other acquisition, using scoring or validation of professional
18 tests. In lieu of an examination, the Board may accept the license or
19 certification issued by an agency of the United States, or of a state or
20 political subdivision of a state, or of a territory or possession of the United
21 States;

1 (p) Contract with private entities for the performance of such
2 duties, functions, and powers as the Board considers appropriate;

3 (q) Subject an applicant for licensure or certification to such
4 examinations as it deems necessary to determine their qualifications;

5 (r) Require a demonstration of continuing competency of
6 architects, engineers, land surveyors, landscape architects, or real property
7 appraisers as a condition of renewal of license; and

8 (s) Do all other things necessary to carry out the provisions of this
9 Act, the rules and regulations and to meet the requirements of federal law
10 where necessary regarding licensing or certification of architects,
11 engineers, land surveyors, landscape architects, and real property
12 appraisers that the Board determines are appropriate for these professions
13 in the CNMI.”

14 **Section 4. Amendment.** 4 CMC, Division 3, Chapter 1 is amended by
15 adding new Sections 3111 and 3112 to read as follows:

16 “§ 3111. Revolving Fund.

17 (a) The Board of Professional Licensing Revolving Fund (BPLRF)
18 is hereby established. The Department of Finance shall maintain all funds
19 generated under this Chapter in a segregated, restricted special account
20 within the general fund.

21 (b) All monies received in payment for licensing fees to the board
22 and shall be deposited into the BPLRF. Funds shall be expended to pay

1 for fees and dues to professional, governmental, and other organizations.
2 Notwithstanding any other provision of law, they shall not be
3 reprogrammed for any other purposes. At the end of each fiscal year, all
4 lapsed funds shall be transferred to the CNMI general fund.

5 (c) The Board's budget shall be appropriated by the Legislature.
6 The budget may exceed the amount of the funds projected to be generated
7 under this Chapter.

8 (d) The Chair of the Board of Professional Licensing or the Chair's
9 designee shall be the expenditure authority for the BPLRF.

10 (e) At the close of each fiscal year, the Board shall provide the
11 presiding officers of the Legislature with an accounting of the use of funds
12 deposited into the BPLRF.

13 § 3112. Meetings; Meetings by Electronic Means.

14 (a) In general:

15 (1) The Board shall act at its meetings, or as otherwise
16 provided by law.

17 (2) The Board shall make provision for the attendance of
18 members by electronic means, if a member so requests.

19 (3) Meetings shall be noticed as required by law.

20 (4) A copy of meeting materials distributed to the members
21 shall be available to any person for review at the meeting site,

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except for materials subject to confidentiality or privilege as permitted or required by law.

(b) Time. The time for the regular meetings of the Board shall be established by action of the Board for each year, except as otherwise permitted or provided by law.

(c) Location.

(1) Regular meetings shall be held at such place as the Board may establish by regulation, and the location shall be properly noticed to the public.

(2) The Board may meet by electronic means, and any member may attend a meeting by electronic means.

(3) When the Board meets by electronic means, access to the meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending member at the site. This may include use of a speaker phone or video conferencing equipment for a conference call meeting.

(4) Votes of members may be received by electronic means and announced at a meeting.

(d) Quorum. Three members are necessary to make a quorum and a majority of the members then in office shall constitute a quorum for the transaction of business at any Board meeting, or for approval of those

1 matters needing approval of the Board. One or more vacancies in the
2 Board shall not impair the right of the remaining members to constitute a
3 quorum and exercise all the powers of the Board.

4 (e) Open Meetings. Board meetings and hearings shall be open to
5 the public, as provided in the Open Government Act, 1 CMC § 9901-18,
6 as amended.

7 (f) Conduct of Meetings. Unless the Board adopts regulations that
8 provide for other procedures, the latest edition of Robert's Rules of Order
9 shall govern the proceedings of the Board.

10 (g) Regular Meetings. Regular meetings shall be held as
11 determined by the Board.

12 (h) Special Meetings. Special meetings may be held from time to
13 time, and shall be duly noticed by the Board.

14 (i) Executive Session. Ordinarily the Board's meetings shall be
15 open to the public. The Board may meet privately, in Executive Session,
16 for the following purposes:

17 (1) To discuss personnel matters, including the hiring,
18 firing and discipline of staff and/or contractors;

19 (2) To discuss pending or potential litigation or
20 investigations;

21 (3) To discuss aspects of the Board's business affairs that
22 are confidential and/or proprietary by law;

1 (4) To discuss a matter that may give rise to a conflict of
2 interest, or an appearance of a conflict, with the discussion taking
3 place in the absence of the member(s) related thereto; and

4 (5) To address other matters permitted by law.

5 (j) Discussions by electronic means.

6 (1) The Board may discuss a matter over time by electronic
7 means, as well as in real time, provided that access to the
8 discussion shall be publicly given so that a person seeking to
9 review the discussion as it happens shall have substantially the
10 same access to the discussion as each participating member.

11 (2) Typically such a discussion shall be by electronic
12 bulletin board open to the view of the public.

13 (3) Such discussion shall be noticed according to the
14 Board's regulations and shall comply with Commonwealth law
15 regarding open meetings.

16 (4) The Board shall arrange for a person, upon request, the
17 reasonable use of a public-available electronic means at the
18 Board's office with internet access in order to allow review of the
19 discussion.

20 (k) Accessibility. The Board shall comply with the accessibility
21 requirements required by law and may, upon a person's request

1 accommodate other special needs relating to sight, sound, language or
2 location.”

3 **Section 5. Amendment.** 4 CMC § 3211 is hereby amended by re-
4 lettering subsection (c) to (d), subsection (d) to (f), subsection (g) to (l), and
5 inserting new subsections to read as follows:

6 “(c) ‘BPLRF’ means the Board of Professional Licensing
7 Revolving Fund, established by this Act.

8 (d) ‘Commonwealth’ means the Commonwealth of the Northern
9 Mariana Islands, and its public corporations.

10 (e) ‘Electronic means’ shall include telephone, video-conference,
11 electronic telecommunications-mediated written, aural and/or video
12 means, including mediated through the internet, a wireless service, and/or
13 email; and shall further include the presentation, service, filing and storage
14 of documents in their electronic form.

15 (f) Engineer.

16 (1) ‘Engineer’ means a person who has been duly
17 licensed by the Board to engage in the practice of engineering,
18 including any of the branches thereof, as hereinafter defined.

19 (A) ‘Practice of Engineering’ means any service
20 or creative work, the adequate performance of which
21 requires engineering education, training, and experience
22 in the application of special knowledge of the

1 mathematical, physical and engineering sciences to such
2 services or creative work as consultation, investigation,
3 expert technical testimony, evaluation, planning, design
4 and design coordination of engineering works and
5 systems, planning the use of land, air, and water,
6 teaching of advanced engineering subjects, performing
7 engineering surveys and studies, and the review and/or
8 management of construction for the purpose of
9 monitoring and/or ensuring compliance with drawings
10 and specifications; any of which embraces such services
11 or work; either public or private, in connection with any
12 utilities, structures, buildings, machines, equipment,
13 processes, work systems, projects, communication
14 systems, transportation systems, and industrial or
15 consumer products, or equipment of a control systems,
16 communications, mechanical, electrical, hydraulic,
17 pneumatic, chemical, environmental, or thermal nature,
18 insofar as they involve safeguarding life, health or
19 property, and including such other professional services
20 as may be necessary to the planning, progress and
21 completion of any engineering services.

1 Design coordination includes the review and
2 coordination of those technical submissions prepared by
3 others, including as appropriate and without limitation,
4 consulting engineers, architects, landscape architects,
5 surveyors, and other professionals working under the
6 direction of the engineer.

7 Engineering surveys include all survey activities
8 required to support the sound conception, planning,
9 design, construction, maintenance, and operation of
10 engineered projects, but exclude the surveying of real
11 property for the establishment of land boundaries, rights-
12 of-way, easements, and the dependent or independent
13 surveys or re-surveys of the public land survey system.

14 (B) A person is considered to practice or offer to
15 practice engineering, within the meaning and intent of
16 this Chapter, who practices any branch of the profession
17 of engineering or who, by verbal claim, sign,
18 advertisement, letterhead, card or in any other way
19 represents themselves to be an engineer or through the
20 use of some other title, implies that they are licensed
21 under this Chapter or holds themselves out as able to
22 perform or who does perform any engineering service or

1 work or any other service designated by the practitioner
2 which is recognized as engineering.

3 (g) 'License' means a certificate issued to a person licensed,
4 certified or otherwise approved to practice as an engineer, architect, land
5 surveyor, landscape architect, or real property appraiser.

6 (h) 'Licensee' means a person licensed, certified or otherwise
7 approved to practice as an engineer, architect, land surveyor, landscape
8 architect, or real property appraiser.

9 (i) 'Licensure' means the process or condition or being licensed to
10 practice as an engineer, architect, land surveyor, landscape architect or
11 real property appraiser.

12 (j) 'Person' means a person real or legal, including a human being,
13 and an artificial person, including government entity, non-governmental
14 organization, association, corporation, limited liability company, limited
15 liability partnership, partnership, or sole proprietorship.

16 (k) 'State' includes a United States of America state, territory,
17 tribal land, commonwealth, the District of Columbia, and any other U.S.
18 jurisdiction other than the U.S. Government itself.

19 (l) Real Property Appraiser.

1 (1) Real Property Appraiser means a person who has
2 been duly licensed or certified by the Board to engage in the
3 practice of Real Property Appraiser as hereinafter defined.

4 (A) Practice of real property appraisal means a
5 profession which engages in real property appraisal
6 activity for federally or non-federally related
7 transactions, for a fee or other valuable consideration, by
8 preparing independent and impartial written or oral
9 statement setting forth an opinion as to the market value
10 of an adequately described property as of a specified
11 date(s), supported by the presentation and analysis of
12 relevant market information prepared in conformity with
13 the Uniform Standards of Professional Appraisal Practice
14 (USPAP), as amended and published by the US.
15 Appraisal Foundation.

16 (B) A person is considered to practice or offer to
17 practice real property appraisal, within the meaning and
18 intent of this Chapter, who practice the profession of real
19 property appraisal or who, by verbal claim, sign,
20 advertisement, letterhead, card or in any other way
21 represents themselves to be a real property appraiser or
22 through the use of some other title, implies that they are a

1 real property appraiser, or that they are licensed or
2 certified under this Chapter or holds themselves out as
3 able to perform or who does perform any real property
4 appraisal service work, or any other service designated
5 by the practitioner which is recognized as real property
6 appraisal.”

7 **Section 6. Amendment.** 4 CMC § 3214(a) is hereby amended to read as
8 follows:

9 “§ 3214. Temporary Licenses.

10 (a) The Board may grant a temporary license to a person who is
11 not a resident of the Commonwealth or who has no established place of
12 business in the Commonwealth and who desires to practice on a limited
13 basis architecture, engineering, land surveying, landscape architecture,
14 or real property appraisal in the Commonwealth provided that such
15 person is legally qualified and licensed or certified in any United States
16 or foreign jurisdiction and that his or her qualifications for obtaining the
17 license meet those requirements for licensure under Section 3215(a) to
18 (f).”

19 **Section 7. Amendment.** 4 CMC § 3215(a) is hereby amended to read as
20 follows:

21 “§ 3215. Qualification for Licensure.

1 (a) No person shall be eligible for licensure or certification as a
2 engineer, architect, land surveyor, landscape architect, or real property
3 appraiser unless such person meets the following requirements:

4 (1) be at least 21 years of age;

5 (2) be a U.S. citizen or a foreign national and lawfully
6 entitled to remain and work in the Commonwealth;

7 (3) has met all the education, examination, and experience
8 qualifications as required by law and the regulations;

9 (4) be of good moral character; and shall not have been
10 convicted in any jurisdiction or a crime of moral turpitude or a
11 crime related to the person's profession; and

12 (5) fully and honestly provide the information to the Board
13 required for the Board's decision."

14 **Section 8. Amendment.** 4 CMC § 3215 is hereby amended by adding a
15 new subsection (d), re-lettering existing subsections (d) and (e), to read as
16 follows:

17 "§ 3215. Qualification for Licensure.

18 (d) Licensure by Endorsement.

19 (1) The Board may grant a license to a person to practice as
20 an engineer, architect, land surveyor, or landscape architect
21 without examination if:

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(A) the person holds a valid, active license to practice as an engineer, architect, land surveyor, or landscape architect in another jurisdiction;

(B) the requirements in the jurisdiction of licensure are at least as stringent as those under this Chapter.

(2) The Board may deny a license by endorsement to a person to practice as an engineer, architect, land surveyor, or landscape architect if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

(e) Except as provided in the Commonwealth Constitution, Schedule on Transitional Matters, all applicants for a license or certificate shall possess a reputation for honesty, trustworthiness, fairness, financial integrity and is of good moral character and shall not have been convicted of a crime of moral turpitude or a crime related to their profession in the Commonwealth or any other jurisdiction.

(f) The Board may by regulation provide for the licensure of architectural intern, engineer intern, land surveyor intern, and appraiser trainee. The architectural intern, engineer intern, surveyor intern, or appraiser trainee license does not authorize the holder to practice as a professional architect, engineer, surveyor or licensed or certified appraiser.”

1 **Section 9. Amendment.** 4 CMC § 3216(g) is hereby amended to read as
2 follows:

3 “§ 3216. Application for Licensure, Certification or Renewal;
4 Inactive License.

5 (g) Every certificate or license expires two years following its
6 issuance or renewal and becomes invalid after that date unless renewed on
7 a timely basis prior to such expiration. The Secretary of the Board or
8 designee shall mail, at least one month in advance of the expiration of the
9 certificate or license, a notice to every person or firm licensed or certified
10 hereunder giving the date of expiration and the fee and any additional
11 requirement for the renewal thereof. As a prerequisite to renewal of a
12 license, real property appraisers shall present satisfactory evidence of
13 having met the continuing education requirements. The Board shall by
14 regulation fix the fee for renewal of a certificate or license. Certificates or
15 licenses which have expired for failure to renew on or before the date
16 herein required may be reinstated within three years of the expiration date
17 upon payment of the renewal fee fixed by the Board, plus a penalty, in
18 such amount as the Board shall fix by regulations, for each calendar month
19 or fraction thereof until the renewal fee is paid. Each licensee or firm
20 whose license or certificate has expired and lapsed for more than three
21 years by failure to renew must file a new application, meet present day
22 requirements for licensure or certification, and receive board approval.”

1 **Section 10. Amendment.** 4 CMC § 3216(h)(1)(A) is hereby amended to
2 read as follows:

3 “§ 3216. Application for Licensure, Certification or Renewal.

4 (h) A person must file as a new applicant if:

5 (1) He/she was a licensure or firm, and

6 (A) His/her/its license or certificate has expired

7 and has not been renewed for more than three years; or

8 **Section 11. Amendment.** § 3216 is hereby amended by adding a new
9 subsection “j” to read as follows:

10 “(j) A license may be placed on an inactive status upon notification
11 to the board before his/her license expires by the licensee in writing of the
12 effective date of inactivation and payment of an inactive fee. Failure to
13 reactivate a license on inactive status after three years for engineers,
14 architects, land surveyors, and landscape architects, shall render the
15 license null and void and licensee must file a new application, meet
16 present day requirements for licensure or certification, and receive board
17 approval. Real property appraisers must reactivate their license within
18 two years a required under the Appraisal Qualifications Board guidelines.
19 An inactive licensee may apply for reactivation upon payment of all fees
20 owing from time of inactivity and proof of completion of all continuing
21 education hours (if required) the applicant would have had to submit if the
22 applicant has maintained licensure from the date of inactivation. Failure

1 to meet the requirements for reactivation shall require a person desiring
2 licensure to apply as a new applicant and meet present day requirements
3 for licensure or certification, and receive board approval.”

4 **Section 12. Amendment.** 4 CMC § 3218(a), (a)(10) and (15) are amended
5 and a new subsection (a)(16) is added to read as follows:

6 “§3218. Disciplinary Action: Reprimand, Suspension or
7 Revocation; Refusal to Issue, Restore or Renew; Place on Probation or
8 Conditioning of Certificate or License.

9 “(a) The Board shall have the power to impose administrative
10 penalty and/or reprimand; revoke or suspend; refuse to issue, restore or
11 renew; place on probation or condition in any manner the certificate,
12 license, or certificate of authorization to any engineer, architect, land
13 surveyor, landscape architect, real property appraiser, or firm who is found
14 guilty, in any jurisdiction, of one or more of the following violations:

15 (a)(10) Using or attempts to use an expired, suspended or
16 revoked, or inactive certificate or license; or

17 (a)(15) Any individual or firm which advertises and offers
18 to engage or engaging in the practice of architecture, engineering,
19 land surveying, landscape architectural or real property appraisal
20 services without first complying with the requirements of this Act.

21 or

1 (a)(16) Failing to report to the Board an adverse action
2 taken against the person by another jurisdiction's profession
3 regulatory agency or court, professional society or association, by
4 a governmental agency, including a law enforcement agency or by
5 a court for acts or conduct similar to acts or conduct that would
6 support disciplinary action under this Chapter.”

7 **Section 13. Amendment.** 4 CMC § 3219 is hereby amended to read as
8 follows:

9 “§ 3219. Disciplinary Action: Procedures.

10 (a) The Board shall amend the regulations to provide prompt and
11 efficient receipt, investigation and resolution of complaints and hearings.
12 Such procedures shall include notification of a licensee of an outstanding
13 complaint, with due regards given to maintaining the confidentiality of the
14 complainant during the investigation.

15 (b) Any person, including a board member, may prefer charges in
16 writing with the Board against any person subject to the Board's
17 jurisdiction, including but not limited to non-licensees or a firm holding a
18 certificate of authorization. The Board may seek relief, but need not
19 specify the relief sought. The complaint shall be as specific as possible to
20 the time, place, and nature of the violation.

1 (c) The Board or its designee shall promptly and fully investigate
2 all non-trivial allegations filed with the Board for the purposes of
3 determining whether to proceed with or dismiss the complaint. The Board
4 may dismiss without a hearing a complaint as unfounded, or trivial, or
5 failing to state a ground for which relief may be granted, with a written
6 order explaining its decision. Notwithstanding any other provision of law,
7 the dismissal of a complaint shall be subject only to a retrospective notice
8 and opportunity to be heard. The Board may dismiss an anonymous
9 complaint without investigation.

10 (d) The Board shall hear and determine complaints and other
11 contested matters pursuant to the Commonwealth Administrative
12 Procedure Act, 1 CMC §9108.

13 (e) Until an investigation is completed and administrative
14 charges are filed against the licensee or firm, or the matter is referred to
15 the Attorney General for criminal prosecution, any and all matters
16 related to the allegation(s) including the name(s) of the party filing such
17 charges, shall be confidential and exempt from disclosure to the public
18 pursuant to applicable law including, but not limited to the Open
19 Government Act of 1992, 1 CMC 9901 et seq.

20 (f) The time and place of said hearing shall be fixed by the
21 Board, and a copy of the charges, together with a notice of the time and
22 place of hearing, shall be personally served on or mailed to the last

1 known address of such individual licensee or firm at least thirty days
2 before the date fixed for the hearing. At any hearing, the accused person
3 or firm shall have the right to appear in person or by counsel, or both, to
4 make arguments and cross-examine witnesses and to produce evidence
5 and witnesses in their own defense. If the accused person or firm fails or
6 refuses to appear, the Board or the Boards authorized representative
7 may proceed to hear and determine the validity of the charges.

8 (g) The members of the Board or the Boards authorized
9 representative presiding at a hearing may:

10 (1) Administer oaths and affirmations;

11 (2) Issue subpoenas to compel the attendance of
12 witnesses and the production of records and documents;

13 (3) Rule on offers of proof and receive relevant evidence;

14 (4) Require and supervise discovery, including taking
15 depositions or have depositions taken;

16 (5) Regulate the course of the hearing, including
17 administer sanctions for conduct within Rule 11 of the CNMI
18 Rules of Civil Procedure;

19 (6) Hold conferences for the settlement or simplification
20 of the issue by consent of the parties;

21 (7) Dispose of procedural requests or similar matters; and

1 (8) Make or recommend orders or decisions in
2 accordance with this Chapter.”

3 **Section 14. Severability.** If any provision of this Act or the application
4 of any such provision to any person or circumstance should be held invalid by a
5 court of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 **Section 15. Savings Clause.** This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of this Act shall not have
13 the effect of terminating, or in any way modifying, any liability civil or criminal,
14 which shall already be in existence at the date this Act becomes effective.

1 **Section 16. Effective Date.** This Act shall take effect, upon approval by
2 the Governor or upon its becoming law without such approval.

Attested to by:



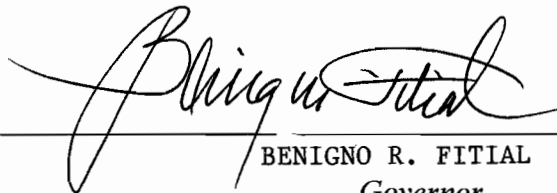
Linda B. Muña, House Clerk

Certified by:



ELICEO "Eli" D. CABRERA, SPEAKER

APPROVED this 21st day of APRIL, 2011



BENIGNO R. FITIAL
Governor

Commonwealth of the Northern Mariana Islands