

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2153. Attorney General: Duties.

The Attorney General shall have the powers and duties as provided in the Commonwealth Constitution. In addition, the Attorney General shall have the following powers and duties:

- (a) To maintain the seal of the Commonwealth and to authenticate official actions and documents of the Commonwealth;
- (b) To register corporations and businesses;
- (c) To appoint and certify the appointment of notaries public and issue notarial certificates;
- (d) To be responsible for any matter pertaining to alien property;
- (e) To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law;
- (f) To be responsible for the publication of rules, regulations, and executive orders;
- (g) To review and approve, as to form and legal capacity, all proposed contracts, bonds, or other evidence of contractual obligations of the Commonwealth, its departments, agencies, and instrumentalities, including public corporations;
- (h) To act, upon request, as counsel to all departments, agencies, and instrumentalities of the Commonwealth, including public corporations, except the Marianas Public Land Trust. Subject to availability of funds by budgetary appropriation, separate legal counsel may be retained for particular matters.

Source: N.M.I. Const. art. III, § 11; PL 1-8, tit. 1, ch. 3, § 3, modified; amended by PL 8-22, § 4; PL 10-50, § 2.

Commission Comment: PL 10-50 took effect on March 19, 1997. According to PL 10-50, § 1:

Section 1. Findings and Purpose. The Legislature finds that there is currently no agency charged with the duty to review for legal sufficiency rules and regulations promulgated by various government agencies. Pursuant to Public Law 1-8, the Attorney General's responsibility is limited to publication and compilation of rules and regulations. The result of this limitation of responsibility has been the occasional publication of rules and regulations which do not conform to the constitutional or statutory authority on which they are based. In order to avoid such oversight in the future and in order to ensure that the future regulations are in conformity with the Constitution and laws of the Commonwealth, it is the purpose of this legislation to charge the office of the Attorney General with the legal review of all rules and regulations to be promulgated by any governmental authority in the Commonwealth.

With regard to subsection (b) above, Executive Order 97-03, which was signed on November 13, 1997, transferred the subject duty and related duties and responsibilities of the Registrar of Corporations (set forth in 4 CMC §§ 4201-4204) to the Department of Commerce. As of March 31, 2003, no transfers had taken place.