

AN ACT

To amend 2 CMC Section 7221 (e), (f) and (h) which provides for the qualifications and terms of Zoning Board Members, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Purpose and Findings.

2 (a) The Legislature finds that the effective
3 functioning of the Zoning Board, as created by Public Law
4 6-32 ("The Zoning Code of the Commonwealth of the
5 Northern Mariana Islands"), has been severely handicapped
6 by a high turnover of its members.

7 (b) The Legislature further finds that among the
8 probable causes of this high turnover are two: the quasi-
9 political nature of the position which requires that a
10 member run for election in order to be retained in
11 office; and the limited pool in the Commonwealth of
12 interested and technically capable persons to serve on
13 the Zoning Board.

14 (c) It is therefore the purpose of this legislation
15 to eliminate the requirement for election of members of
16 the Zoning Board; to limit the terms of members; and to
17 expand the pool of qualified candidates, by allowing two
18 out of seven members to be an officer or employee of the
19 CNMI government.

1 Section 2. Amendment. **2** CMC Section 7221, subsections
2 (e), (f) and (h) are hereby amended to read as follows:

3 "(e) composition: qualifications.

4 (1) The Board shall consist of seven persons,
5 appointed by the Governor, subject to the
6 confirmation of the legislative delegation of the
7 third senatorial district.

8 **(2)** The Governor shall make all such
9 appointments within thirty days of the effective
10 date of this chapter or of a vacancy occurring on
11 the Board. Upon failure of the Governor to make
12 such appointments, the chairman of the appropriate
13 legislative delegation shall appoint the remaining
14 members of the Board. Appointments by the chairman
15 shall be subject to confirmation by a majority vote
16 of the delegation.

17 **(3)** The legislative delegation shall have
18 thirty days from the date of being informed of an
19 appointment by either the governor or the chairman
20 of the delegation to confirm or reject such
21 appointment. Failure to act within this time shall
22 be deemed an acceptance of the appointment.

23 **(4)** Each member of the board shall be either
24 of Northern Marianas descent, as defined in Article
25 XII, Section 4, of the Constitution, or shall be a
26 United States citizen or national, who has been
27 domiciled in the Commonwealth for a minimum of five
28 consecutive years prior to selection. Each member
29 shall be qualified to vote in the Commonwealth and

1 be at least twenty-one years of age. No more than
2 two members of the board may be employees or
3 officers of the Commonwealth Government.

4 (f) Term; Limitation. The terms of Board
5 members shall commence upon confirmation of the
6 appointment by the appropriate legislative
7 delegation and run for two (2) years. A Board
8 member may serve a maximum of three two year terms
9 for a total of six years, subject however to
10 reappointment by the governor and reconfirmation by
11 the appropriate legislative delegation at the
12 expiration of each two year term. Provided
13 however, that the six year limit on the term of
14 service for Board members who were appointed and
15 confirmed prior to on the effective date of this
16 Act, shall commence on the effective date of this
17 Act.

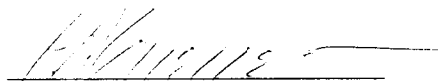
18 (h) Vacancy. Upon a vacancy on the Zoning
19 Board caused by death, resignation, removal or
20 expiration of the term of office, the Governor
21 shall appoint a replacement with the qualifications
22 and in the manner prescribed in subsection (e) of
23 this section."

24 Section 3. Severability. If any section of this Act
25 should be declared invalid or unenforceable by a court of
26 competent jurisdiction, the judicial determination shall not
27 affect the validity of the Act as a whole, other than the
28 particular part declared invalid or unenforceable.

1 Section 4. Effective Date. This Act shall take effect
2 upon its approval by the Governor or upon its becoming law
3 without such approval.

CERTIFIED BY:

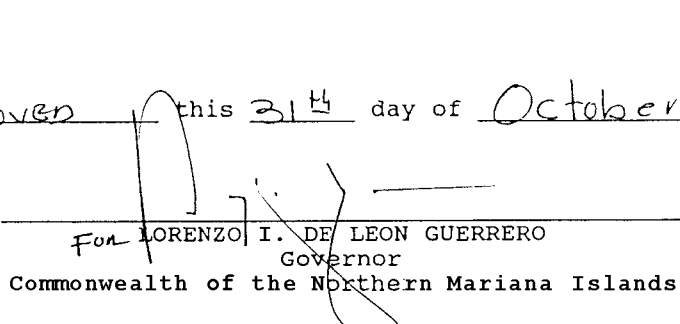
ATTESTED BY:



PEDRO R. DELEON GUERRERO
Speaker of the House

JOAN P. KAIPAT
Acting House Clerk

Approved this 31st day of October, 1991



For LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands