

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 1994

PUBLIC LAW NO. 9-2
SENATE BILL NO. 9-39

AN ACT

To amend P.L. 8-41, Section 3 to clarify certain terms as defined and used in the Open Government Act; to repeal and re-enact Section 4 to ensure conformity with Article I, Section 10 of the NMI Constitution; to repeal Section 11(c) to simplify to notice requirements; to repeal Section 14; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purposes. The Legislature finds that certain fine tuning is necessary to improve the application and ensure the proper enforcement of P.L. 8-41, the Open Government Act. The amendments in part simply clarify terms used within the Act. The repealers are to simplify the application of certain provisions and ensure conformity with the NMI Constitution, such as the constitutional mandate of Article II, Section 14(c) of the NMI Constitution requiring that the meetings of the Legislature and its committees shall be public. The Legislature finds these amendments are vital to ensure compliance with the requirements of the Act while also ensuring enforcement. Therefore, the purpose of this Act is to clarify and simplify certain provisions of the Open Government Act in order to strike the proper balance between the right of privacy as guaranteed as a fundamental right by Article I, Section 10 of the NMI Constitution and the compelling state interest of guaranteeing the delivery to the public of open and honest government.

Section 2. Amendment. Section 3(f) of P.L. 8-41 is hereby amended to read as follows:

"(f) "Public record" means any records which a public agency is required by law to keep or which it is necessary to keep in discharge of duties imposed by law. Such public records may include but are not limited to: any written or printed report, book, paper, map or plan, but shall not include records which invade the right of privacy of an individual or business entity."

Section 3. Repeal and Re-enactment. Section 4 of P.L. 8-41 is hereby repealed in its entirety and re-enacted to read as follows:

"Section 4. Right of Privacy. A person's 'right to privacy', 'right of privacy', or 'personal privacy', as these terms are used in this Act, and as guaranteed by Article I, Section 10 of the NMI Constitution, is invaded or violated when an intrusion into an individual's right of privacy is beyond what is necessary to accomplish a compelling governmental interest in

protecting the health, safety or welfare of the community. For the purposes of this act, protecting the health, safety or welfare of the community includes but is not limited to: enforcement of the laws, protection of the health of the people, and permitting the dissemination of public information."

Section 4. Repeal. Section 11(c) of P.L. 8-41 is hereby repealed in its entirety.

Section 5. Repeal. Section 14 of P.L. 8-41 is hereby repealed in its entirety.

Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 7. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Jesus R. Sablan
JESUS R. SABLAN
PRESIDENT OF THE SENATE

ATTESTED TO BY:

/s/ Ricardo S. Atalig
RICARDO S. ATALIG
SENATE LEGISLATIVE SECRETARY

Approved this 23rd day of May, 1994.

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS