

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-50

H. B. NO. 10-12, SD1

FIRST REGULAR SESSION, 1996

AN ACT

To charge the Office of the Attorney General with the duty to review all rules or regulations promulgated by any department, agency or instrumentality of the Commonwealth government; to make approval by the Attorney General a condition precedent to promulgation and validity any such rules or regulations; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

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.

Section 2. Duties of Attorney General: Amendment. 1 CMC § 2153 is hereby amended to read as follows:

“Section 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.”

Section 3. Amendment to Administrative Procedure Act.

(a) 1 CMC §9102 is hereby amended by redesignating subsections (c) and (c) as subsections (d) and (e) and adding a new subsection (c) to read:

“(c) No agency rule or regulation is valid or effective against any person or party not may it be invoked by the agency until the rule or regulation has been approved by the Attorney General after review pursuant to 1 CMC § 2153(e) and promulgated in conformance with this Chapter.”

(b) 1 CMC § 9104(a) is amended by adding thereto a new paragraph (3) to read:

“(3) Obtain the approval of the Attorney General pursuant to 1 CMC §2153(e).”

Section 4. Severability. If any Section of this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect validity of the Act as a whole, other than the particular part declared invalid or unenforceable.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

ATTESTED BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

____ Approved _____ this ____19th____ day of ____ March _____, 1997

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands