

THIRTEEN NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

Public Law 13-1
SENATE BILL
NO. 13-15

AN ACT

To amend certain sections of the Commonwealth Code regarding excepted service employees in the Executive Branch, the Office of the Resident Representative to the United States, and the Municipal Councils for each Senatorial District; and for other purposes.

**BE IT ENACTED BY THE THIRTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Findings and Purpose. The Legislature finds that staff positions under the Office of the Governor, Office of the Lieutenant Governor, Office of the Resident Representative to the United States, and the Municipal Councils for each Senatorial District rightfully should be exempt from the civil service. For obvious policy reasons, each administration should be allowed the discretion and flexibility to determine its own staffing requirements to more efficiently and effectively meet its goals and objectives. Along with this, the term “executive position” should be defined to clarify the positions that are intended to be exempt from the civil service under 1 CMC § 8131(a)(6). The Legislature finds that the Office of Personnel Management should be returned to the control of the Office of the Governor for purposes of administrative efficiency.

Section 2. Repealer. PL 12-54 is hereby repealed in its entirety.

Section 3. Re-enactment. Executive Order 94-3, Section 214 is hereby reinstated in its entirety.

Section 4. Amendments.

(a) 1 CMC § 2051 is repealed and reenacted as follows:

“There is in the Commonwealth government the office of the Governor, composed of the Governor, the Governor’s Council, and offices

and functions as set forth within Part 2 of Executive Order 94-3 as amended, the provisions of which are incorporated by reference, including resident offices of Special Assistants to the Governor. All such positions are exempt from civil service.

(b) 1 CMC § 2052 is repealed and reenacted as follows:

“§ 2052. Office of the Governor: Staff

The Governor may employ staff as required to assist the office of the Governor in performing its functions, subject to budgetary appropriation. Such positions shall be exempt from the civil service.”

(c) 1 CMC § 2103 is repealed and reenacted as follows:

“§ 2103. Office of the Lieutenant Governor: Staff.

The Lieutenant Governor may employ staff as required to assist in performing his duties, subject to budgetary appropriations. Such positions shall be exempt from the civil service.”

(d) 1 CMC § 8131(a)(2) is repealed and reenacted as follows:

“Persons or organizations retained by contract where the appointing authority, with the concurrence of the Governor, has certified that the service to be performed is special and unique and is essential to the public interest, and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such service through normal public service recruitment procedures.”

(e) 1 CMC § 8131(a)(6) is repealed and reenacted as follows:

“(6) Any official at or above the level of division director, including the principal executive or head and deputy secretary of departments and the principal executive or head of offices, divisions, boards, commissions and councils, and the executive and staff of any Commonwealth liaison office.”

(f) 1 CMC § 8131(a) is further amended by adding items (14) and (15) to read as follows:

“(14) Personnel and staff of the Office of the Resident Representative to the United States.

(15) Personnel and staff of the Municipal Council of any Commonwealth municipality.”

Section 5. Transition. Any Commonwealth government employee who loses civil service status as a result of this Act shall, for a period of three years, have reemployment rights for any civil service position for which he or she is qualified, and shall be entitled to transfer into such employment pursuant to applicable rules, regulations and procedures.

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

Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/S/ _____
PAUL A. MANGLONA
President of the Senate

/S/ _____
JOSE M. DELA CRUZ
Senate Legislative Secretary

Approved this 13th day of February, 2002

/S/ _____
JUAN N. BABAUTA
Governor
Commonwealth of the Northern Mariana Islands