

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

Public Law 13-9
SENATE BILL
NO. 13-12, HS1

AN ACT

To amend 4 CMC § 8131(a) regarding the qualifications of the board of directors of the Commonwealth Utilities Corporation; and for other purposes.

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

Section 1. Findings. The Legislature finds that the qualification requirements for to become a member of the board of directors of the Commonwealth Utilities Corporation (CUC) or other public boards or commissions is unduly restrictive with respect to the members appointed from the islands of Tinian and Rota. Because the population of these two islands is quite small compared to Saipan and a large majority of residents on Tinian and Rota work for the government, the pool from which to appoint prospective board members is severely limited. Therefore, the purpose of this act is to give the Governor the discretion to appoint members to represent Tinian and Rota on the CUC board, respectively, who are otherwise qualified but for their employment with the government.

Section 2. Amendment.

(a) 4 CMC § 8131(a) is amended to read as follows:

“§ 8131. Board of Directors: Established

(a) The corporation shall be governed by a board of directors composed of eight members. The Governor shall appoint the members with the advice and consent of the Senate; provided, however, that no employee or

official of the Commonwealth government (including any agency, instrumentality, or political subdivision thereof) shall be appointed except as explicitly authorized by this section; provided, further, that no person shall be appointed who does not have at least an Associate of Arts degree from an accredited postsecondary educational institution. Except as explicitly provided by this section, title 1, division 2, part 2 [1 CMC § 2901 et seq.], is applicable to the board. The board shall be composed as follows:

(1) At least one member shall be from Tinian and at least one member shall be from Rota, provided that the Governor, at his discretion, may appoint a person who is a Commonwealth government official or employee;

(2) At least two members shall be women;

(3) At least one member shall be from off-island with utility management experience; and

(4) At least five members shall possess a minimum of three years private sector business or professional background.”

(b) 1 CMC § 2901(a) is amended as follows:

“§ 2901. Appointments: General.

(a) No person may be appointed as a department head, or a member of a board or commission who is not a resident of the Commonwealth and who is not a citizen or a national of the United States and at least 18 years of age. The appointing authority may waive the requirement of Commonwealth residence when in its judgment the technical or professional expertise of a potential appointment is of critical importance. Notwithstanding any provision of law to the contrary, the appointing authority may waive any statutory employment restriction with the exception of those convicted of a felony, imposed on the appointment when such

restriction, in the judgment of the appointing authority, would place an undue burden by limiting the pool of otherwise qualified potential appointees.”

Section 3. 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 4. 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 5. Effective Date. This Act shall take effect upon its approval by the Governor or its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
PAUL A. MANGLONA
PRESIDENT OF THE SENATE

/s/ _____
THOMAS P. VILLAGOMEZ
SENATE LEGISLATIVE SECRETARY

Approved this 17^h day June, of 2002

/s/ _____
JUAN N. BABAUTA
Governor
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS