



RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

14 SEP 2018

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

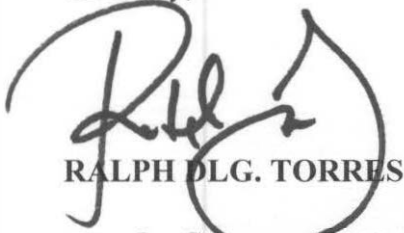
The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 20-92 entitled, "To amend 2 CMC § 2123 relative to the terms of CPA board members to comply with Article III, Section 21 of the NMI Constitution; and for other purposes.", which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-63**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor, Press Secretary; Attorney General's Office; Commonwealth Ports Authority; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



THE SENATE
Twentieth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

August 03, 2018

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 20-92, entitled: "To amend 2 CMC § 2123 relative to the terms of CPA board members to comply with Article III, Section 21 of the NMI Constitution; and for other purposes" which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachments



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 20-92

AN ACT

To amend 2 CMC § 2123 relative to the terms of CPA board members to comply with Article III, Section 21 of the NMI Constitution; and for other purposes.

SENATE ACTION

Offered by Senator(s): Justo S. Quitugua

Date: February 08, 2018

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: None


First and Final Reading: March 22, 2018

HOUSE ACTION

Referred to: Committee on Judiciary and Governmental Operations

Standing Committee Report No.: 20-132 adopted on 7/30/18

First and Final Reading: July 30, 2018


DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
 TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2018

S. B. NO. 20-92

AN ACT

To amend 2 CMC § 2123 relative to the terms of CPA board members to comply with Article III, Section 21 of the NMI Constitution; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the Constitution of
 2 the Northern Mariana Islands (NMI) was amended by the Second Constitutional
 3 Convention to include guidelines for boards and commissions appointed by the Governor.
 4 Specifically, Article III, Section 21 of the constitution provides as follows:

5 **“Section 21: Boards and Commissions.** In every case where the governor
 6 appoints a board or commission to perform a regulatory or administrative function or direct
 7 the activities of an agency, authority, or public or quasi-public corporation in the
 8 performance of a regulatory or administrative function, the members of such a board or
 9 commission shall be independent and may be removed only on grounds of gross neglect or
 10 dereliction of duty, breach of fiduciary duty, conviction of a felony, or mental or physical
 11 incapacity. *Upon the expiration of the term of a member of a board or commission, such*
 12 *person shall cease to be a member unless reappointed in the manner prescribed by law.*

13 The governor shall make appointments within ninety days to fill any vacant seats on a
 14 board or commission. This section does not apply to boards and commissions that serve a
 15 purely advisory function or, except to the extend specifically required by federal law, to
 16 boards and commissions created in order to comply with federal law” (*emphasis added*).

SENATE BILL NO. 20-92

1 The Legislature finds that Commonwealth Port Authority's (CPA) enabling statute
2 was enacted before the ratification of Article III, Section 21 of the NMI Constitution and
3 contains language that is contrary to Article III, Section 21. Specifically, 2 CMC § 2123
4 authorizes CPA board members whose term of office has expired to continue to serve on
5 the board of directors until their successors have been appointed and qualified contrary to
6 Article III, Section 21. Although the ratification of Article III, Section 21 implicitly repeals
7 the offending language in § 2123, the Legislature finds that it is necessary to amend the
8 Commonwealth Code to delete the said language. Accordingly, the purpose of this
9 legislation is to amend 2 CMC § 2123 relative to the terms of CPA board members to
10 comply with Article III, Section 21 of the NMI Constitution.

11 **Section 2. Amendment.** 2 CMC § 2123 is amended to read as follows:

12 **“§ 2123. Board of Directors: Composition.**

13 All powers vested in the authority shall be exercised by the board of
14 directors, composed of seven members appointed by the Governor with the
15 advice and consent of the Senate. Members of the board shall serve staggered
16 terms of four years, subject to reappointment, ~~or until their successors have been~~
17 ~~appointed and qualified.~~ The initial terms of the members shall be determined
18 according to 2 CMC § 2182. Appointments to fill vacancies shall be for the
19 remainder of the unexpired term. The provisions of 1 CMC § 2901(f) and any
20 other similar provision of law, now or hereafter enacted, shall not apply to the
21 board. Members of the board may be removed by the Governor for cause.”

22 **Section 3. Severability.** If any provision of this Act or the application of any such
23 provision to any person or circumstance should be held invalid by a court of competent
24 jurisdiction, the remainder of this Act or the application of its provisions to persons or
25 circumstances other than those to which it is held invalid shall not be affected thereby.

26 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not
27 be construed as affecting any existing right acquired under contract or acquired under
28 statutes repealed or under any rule, regulation, or order adopted under the statutes.
29 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant

SENATE BILL NO. 20-92

1 to prior law. The enactment of the Act shall not have the effect of terminating, or in any
2 way modifying, any liability, civil or criminal, which shall already be in existence on the
3 date this Act becomes effective.

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

CERTIFIED BY:


ATTESTED BY:



ARNOLD I. PALACIOS
PRESIDENT OF THE SENATE

JUSTO S. QUITUGUA
SENATE LEGISLATIVE SECRETARY

Approved this 14th day of September, 2018



RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands