



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

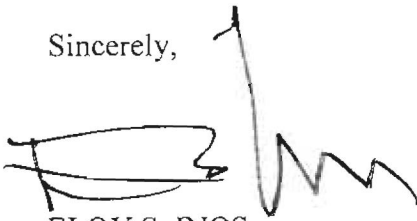
Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law ~~Senate~~ Bill No. 18-18, SS1, HD1, CCD1, entitled, "To amend 1 CMC § 8131(a), as amended by Public Law 17-80, by adding a new subsection (a)(13); and for other purposes," which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-05**. Copies bearing my signature are forwarded for your reference.

Sincerely,



ELOY S. INOS

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



THE SENATE

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law No. 18-05

SENATE BILL NO. 18-18, SS1, HD1, CCD1

AN ACT

To amend 1 CMC § 8131(a), as amended by Public Law 17-80, by adding a new subsection (a)(13) and for other purposes.

SENATE ACTION

Offered by Senator(s): Ray N. Yumul

Date: February 27, 2013

Referred to: Conference Committee

Conference Committee Report No.: 18-01 Adopted on 05/23/13

Final Reading: May 23, 2013

HOUSE ACTION

Referred to: Conference Committee

Conference Committee Report No.: 18-01 Adopted on 05/21/13

First and Final Reading: May 21, 2013

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

Dolores S. Bermudes
Senate Clerk

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2013

**Public Law No. 18-05
S. B. NO. 18-18, SS1, HD1, CCD1**

AN ACT

To amend 1 CMC § 8131(a), as amended by Public Law 17-80, by adding a new subsection (a)(13) and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature recognizes that Public Law 17-
2 80 repealed and re-enacted the Civil Service Act on August 31, 2012. PL 17-80 also
3 repealed the regulations pertaining to excepted service employees codified under NMIAC §§
4 10-10 *et seq.* and 10-120 *et seq.* The Legislature also finds that past abuses of employment
5 under excepted service is curtailed by the passage of PL 17-80. However, the interpretation
6 of the mechanics of PL 17-80 posed great difficulty in processing some employment
7 contracts after PL 17-80 took effect. Additionally, the Legislature foresees challenges in
8 recruiting personnel with unique skills, special knowledge, and expertise necessary and
9 essential to the public interest. Therefore, the purpose of this Act is to provide flexibility to
10 accommodate special and unique skills.

11 Further, because of ambiguity surrounding PL 17-80, many excepted service
12 contracts for positions requiring special and unique skills were entered into after PL 17-80
13 became law. Therefore, this Act is intended to make the exemption for positions requiring
14 special and unique skills applicable to excepted service contracts entered into on or after
15 August 31, 2012. The purpose of doing so is to ratify those contracts for positions requiring
16 special and unique skills that were entered into after PL 17-80 became law.

17 It is not the intent of this Act to authorize salary increases or renegotiations of new
18 contracts or contract renewals. The intent of this Act is to ratify those excepted service

1 contracts that were executed by employees and their respective employers but due to the
2 exclusion of the authority to hire personnel with special and unique skills, degree of
3 expertise or special knowledge requirements, such contracts are not valid or have not been
4 certified by the Office of Personnel Management.

5 **Section 2. Amendment.** 1 CMC § 8131(a) as amended by Public Law 17-80 is
6 amended by adding a new subsection (a)(13) as follows:

7 “(a)(13) Positions where the appointing authority, with the concurrence ~~and~~
8 ~~certification of by~~ the Director of Personnel, has certified in writing that the
9 service to be performed is special and unique and is essential to the public
10 interest, ~~and that~~, because of the degree of expertise or special knowledge
11 required and the essential nature of the services to be performed, ~~it would not~~
12 ~~be practical to obtain personnel, including attorney positions, to perform such~~
13 ~~service through normal public service recruitment procedures.”~~

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

18 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
19 construed as affecting any existing right acquired under contract or acquired under statutes
20 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
21 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
22 law. The enactment of the Act shall not have the effect of terminating, or in any way
23 modifying, any liability, civil or criminal, which shall already be in existence on the date
24 this Act becomes effective.

25 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
26 Governor or becoming law without such approval. This Act shall be applicable to excepted
27 service contracts entered into on or after August 31, 2012.

CERTIFIED BY:



RALPH DLG. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAQ
SENATE LEGISLATIVE SECRETARY

Approved this 24TH day of MAT, 2013



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands