



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

Honorable Victor B. Hocog
Acting President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950


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

Dear Mr. Acting President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 18-12, HD1, entitled, "To amend 1 CMC § 2902 regarding executive appointments; and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-17**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Acting Governor

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



The Senate

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500129
SAIPAN, MP 96950

September 04, 2013

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith Senate Bill No. 18-12, HDI, entitled: "To amend 1 CMC § 2902 regarding executive appointments; and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely,

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

Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-12, HD1

AN ACT

To amend 1 CMC § 2902 regarding executive appointments; and for other purposes.

Offered by Senator(s) Pete P. Reyes

Date: February 25, 2013

Referred to: None

Standing Committee Report No.: None

Final Reading: August 29, 2013

Referred to: Committee on Judiciary & Government Operations

Standing Committee Report No.: 18-38 Adopted on 07/26/13

First and Final Reading: August 01, 2013



DOLORES S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2013

S. B. NO. 18-12, HD1

AN ACT

To amend 1 CMC § 2902 regarding executive appointments;
and for other purposes.

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

1 **Section 1. Findings.** The Legislature finds that 1 CMC § 2902 has been construed
2 to authorize the Governor to make interim thirty day executive appointments. The CNMI
3 Superior Court in *Demapan v. Kara*, reviewing allegations that the Acting Attorney General
4 for the CNMI was holding her position illegally and in violation of the N.M.I. Constitution,
5 held that the “Governor does not have the authority to appoint any person as interim
6 Attorney General for periods of thirty days or less. Rather, the Governor’s sole authority to
7 appoint an Attorney General derives from Article III, § 11. Thus, whenever the Governor
8 appoints a so-called “Acting Attorney General,” he is appointing the person pursuant to his
9 authority under Article III, § 11 of the N.M.I. Constitution and no other authority.”

10 The Court in the *Demapan v. Kara* case further held that “[t]his court is aware that [1
11 CMC] § 2902 does not state what happens to a nomination if the name is not submitted
12 within the thirty day period. This court cannot conclude, however, that in the absence of
13 such a provision, an acting appointment can effectively be rendered permanent by an
14 unlimited number of acting reappointments. The court finds that an acting appointment must
15 be for a reasonable time period, and during this period, the appointee must either be
16 confirmed or rejected by the Senate. If such appointee is rejected, that person should vacate
17 the office and the Governor should proceed to make another appointment.”

SENATE BILL NO. 18-12, HD1

1 The Legislature finds that based on the Court's findings in *Demapan v. Kara*,
2 Article III, § 11 does not authorize "acting" executive appointments and executive
3 appointments must be submitted to the legislature and acted upon within a reasonable time.
4 Accordingly, the purpose of this legislation is to amend 1 CMC § 2902 to prohibit unlimited
5 thirty-day executive acting appointments, which constitute an unreasonable delay of the
6 appointment and confirmation process of executive appointments.

7 **Section 2. Amendment.** 1 CMC § 2902 is hereby amended to read as follows:

8 **"§ 2902. Appointments: Legislative Consent Required.**

9 Appointments to positions which require the advice and consent of the
10 Senate, or the Senate and House, or which require the advice and consent of
11 members of senatorial districts shall be submitted to the appropriate presiding officer
12 within 30 days following the date the person was ~~temporarily~~ appointed or assumed
13 the position, even in an acting capacity, due to the position becoming vacant for any
14 reason. If the appointment is not submitted to the presiding officers within the 30
15 day period, the appointment shall automatically terminate, the position shall become
16 vacant, and the person shall not be reappointed for the same position. If the Senate
17 (or, when applicable, the House) is in recess at the time of submission, the
18 appointment shall go over to the next regular session for appropriate action unless a
19 special session is called."

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

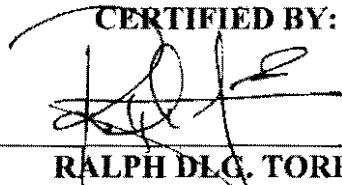
24 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
25 construed as affecting any existing right acquired under contract or acquired under statutes
26 repealed or under any rule, regulation or order adopted under the statutes. Repealers
27 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
28 law. The enactment of this Act shall not have the effect of terminating, or in any way

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1 modifying, any liability, civil or criminal, which shall already be in existence at the date this
2 Act becomes effective.

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

CERTIFIED BY:



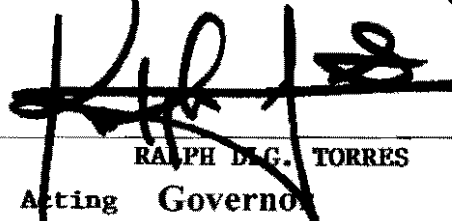
RALPH D.L.G. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

Approved 5th day of September, 2013



RALPH D.L.G. TORRES
Acting Governor
Commonwealth of the Northern Mariana Islands