

A BILL FOR AN ACT

To amend sections of the Commonwealth Code relative to the term of members of Commonwealth boards and commissions; and for other purposes.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature finds that staggered terms of
2 most Commonwealth boards and commissions were established with the intent that they
3 would ensure order, continuity and stability in the overall supervision and administration
4 of the respective governmental agency so that institutional knowledge is preserved by not
5 having all terms expire at the same time. However, this commendable purpose is
6 frustrated and goes unfulfilled when there exists substantial doubt as to or there is a lack
7 of integrity, dedication, objectivity and cooperation with other government entities on the
8 part of the agency's policymakers, its board members.

9 To give the governor better control over the appointment of board and
10 commission members, this act provides that the tenure of members of boards and
11 commissions shall not exceed the tenure of the governor who appointed the members.
12 The legislative intent is that limiting the tenure of boards and commissions to match that
13 of the administration will provide a safeguard against errant or unproductive boards and
14 commissions, and thus further preserve the integrity, harmony, and cooperation both
15 within the agency and with other government entities.

16 Section 2. Amendments.

17 (a) Section 6103(a) of Public Law 12-18 relating to the Election
18 Commission is amended to read as follows:

19 “(a) Members shall serve ~~for a term not to exceed the tenure of the~~
20 Governor who appointed the members. ~~of four years, except that of the~~
21 ~~members first appointed, two~~ one (2) (1) ~~shall serve for a term of one (1)~~
22 ~~year, two~~ one (2) (1) ~~shall serve for two years, two~~ one (2) (1) ~~shall serve~~
23 ~~for three (3) years, and three~~ two (3) (2) ~~shall serve for four (4) years. No~~
24 ~~member may serve more than two (2) consecutive four year terms, or in~~
25 ~~the case of members appointed for less than four years, for the period of~~
26 ~~term to which he is appointed plus one (1) four year term. Upon the~~

1 ~~expiration of the term of a member of the Commission, such person shall~~
2 ~~cease to be a member unless reappointed in the manner prescribed by law.~~
3 No appointee may act as a commission member until confirmed by the
4 Senate.”

5 (b) 1 CMC §8314 (a) relating to the term of the Retirement Fund Board of
6 Trustees is hereby amended to read as follows:

7 “(a) All powers vested in the fund shall be exercised by the Board
8 of Trustees, composed of seven members called trustees, appointed by the
9 Governor with the advice and consent of the Senate. No person may
10 assume, perform, or participate in the duties of a trustee until such
11 person’s appointment receives the advice and consent of the Senate. The
12 board shall select a chairman by a majority vote. Members shall serve for
13 a term of four years not to exceed the tenure of the governor who
14 appointed the members. ~~Trustees of the fund prior to May 7, 1989, shall~~
15 ~~continue to serve the remainder of their previous term.~~ Vacancies shall be
16 filled in the same manner as the original appointment.”

17 (c) 2 CMC §4875(b), as amended by PL 12-57, relating to the term of the
18 Museum Board of Governors is hereby amended to read as follows:

19 “(b) Term of Office. The members of the board shall serve a
20 term not to exceed the tenure of the Governor who appointed the
21 members. ~~of four years with the initial term of the first members to~~
22 ~~be staggered by drawing lots, so that two members shall serve a~~
23 ~~two year term, three members shall serve a three year term, and~~
24 ~~four members shall serve a four year term. Each member replacing~~
25 ~~a board member after his or her original term shall serve a four~~
26 ~~year term. Members may be reappointed to serve successive~~
27 ~~terms.”~~

28 (d) 2 CMC §2123 relating to the term of the Commonwealth Ports
29 Authority Board of Directors is hereby amended to read as follows:

30 “§2123. Board of Directors: Composition.

31 All powers vested in the authority shall be exercised by the
32 board of directors, composed of seven members appointed by the
33 Governor with the advice and consent of the Senate. Members of
34 the board shall serve ~~staggered terms of four years~~ a term not to

1 ~~exceed the tenure of the governor who appointed the members,~~
2 ~~subject to reappointment, or until their successors have been~~
3 ~~appointed and qualified. The initial terms of the members shall be~~
4 ~~determined according to 2 CMC §2182. Appointments to fill~~
5 ~~vacancies shall be for the remainder of the unexpired term. The~~
6 ~~provisions of 1 CMC §2901(f) and any other similar provision of~~
7 ~~law, now or hereafter enacted, shall not apply to the board.~~
8 ~~Members of the board may be removed by the Governor for~~
9 ~~cause.”~~

10 (e) 4 CMC §2111(c) relating to the term of the Marianas Visitors
11 Authority Board of Directors is hereby amended to read as follow:

12 “(c) Board members shall serve ~~for~~ a term not to exceed the tenure
13 of the governor who appointed the members ~~of four years provided that~~
14 ~~the initial members appointed under 4 CMC § 2111(a)(1) shall serve for~~
15 ~~three years and the initial members chosen under 4 CMC § 2111(a)(2)~~
16 ~~shall serve for two years.”~~

17 (f) 3 CMC §1203 relating to the term of the board members of the
18 Chamorro-Carolinian Language Policy Commission is hereby amended to read as
19 follows:

20 “§ 1203. Composition and Tenure.

21 All 12 members of the Chamorro-Carolinian Language
22 Policy Commission shall be of Chamorro-Carolinian descent,
23 conversant in either Chamorro or Carolinian, and residents of the
24 Commonwealth. At least six members shall be women. The
25 members of the commission shall serve ~~for~~ a term not to exceed
26 the tenure of the governor who appointed the members. ~~four years;~~
27 ~~provided, that of the members first appointed, three members are~~
28 ~~to serve for four years, three members are to serve for three years,~~
29 ~~three members are to serve for two years, and three members are to~~
30 ~~serve for one year. No member may be appointed for more than~~
31 ~~two consecutive terms. Determination of who serves what term~~
32 ~~initially is to be by the drawing of lots. Members serve at the~~
33 ~~pleasure of the Governor.”~~

1 (g) 3 CMC §1312(a) relating to the term of the Northern Marianas
2 College Board of Regents is hereby amended to read as follows:

3 “(a) Members of the board shall serve a term not to exceed the
4 tenure of the governor who appointed the members ~~staggered terms of~~
5 ~~four years; provided, that at the first meeting of the first board the~~
6 ~~members shall by choosing lots designate three members who shall serve~~
7 ~~for four years, and two members who shall serve for three years, and two~~
8 ~~members who shall serve for two years.”~~

9 (h) 4 CMC §10301(b) relating to the term of the Commonwealth
10 Development Authority Board of Directors is hereby amended to read as follows:

11 “(b) Members of the board shall be appointed by the Governor of
12 the Northern Mariana Islands with the advice and consent of the Senate;
13 the provisions of 1 CMC § 2901(g) shall not apply to the composition of
14 the board. ~~Initially, two members shall serve a two year term, three~~
15 ~~members shall serve a three year term, the terms to be selected by a~~
16 ~~drawing of lots. Each member replacing a board member after his original~~
17 ~~term, shall serve a four year term. Any member may be reappointed to~~
18 Members shall serve successive terms; a term not to exceed the tenure of
19 the governor who appointed the members.”

20 (i) 4 CMC §8131(b) relating to the term of the Commonwealth Utilities
21 Corporation Board of Directors is amended to read as follows:

22 “(b) The appointed members shall serve a term ~~of four years~~ not to
23 exceed the tenure of the governor who appointed the members. Vacancies
24 shall be filled in the same manner as the original appointment. Any
25 person appointed to fill a vacancy created prior to the expiration of the
26 term of a member shall serve the remainder of the unexpired term. Any
27 member may be reappointed to serve successive terms. No person may
28 act as a member of the board until confirmed by the Senate, except that
29 reappointment to another term shall not affect the ability of an incumbent
30 member to serve until the expiration of his or her term.”

31 (j) 6 CMC §4202, as amended by Public Law 12-41, relating to the Board
32 of Parole are hereby further amended to read as follows:

33 “§ 4202. Board of Parole: Tenure.

1 The term of the members of the board shall not exceed the
2 tenure of the governor who appointed the members ~~serve for six~~
3 ~~years, except that of the members first appointed, two shall serve~~
4 ~~for two years, two shall serve for four years and four shall serve~~
5 ~~for six years.~~ A board member may be removed from the board, if,
6 in the opinion of a majority of the members, that member has been
7 ~~habitually~~ excessively absent, and has thereby impeded the ability
8 of the board to perform its duties.”

9 (k) Executive Order 94-3, Section 211(b) relating to the Scholarship
10 Advisory Board is hereby amended to read as follows:

11 “Section 211. Scholarships.

12 (b) There is hereby established in the Office of the
13 Governor a Scholarship Advisory Board consisting of nine
14 members who shall be appointed by and serve at the pleasure of
15 the Governor. The term of the members shall not exceed the
16 tenure of the governor who appointed the members. At least two of
17 the members shall be from Tinian, and at least two from Rota. Not
18 more than five of the board members ~~shall~~ may be associated with
19 ~~a single~~ the same political party. The Board shall review
20 applications for scholarships and make recommendations to the
21 Governor with respect thereto. The Board shall also recommend
22 objective standards for the award of scholarships. Members shall
23 receive compensation for meetings actually attended and shall be
24 reimbursed for reasonable and necessary expenses incurred as
25 provided in 1 CMC §8247. The provisions of [PL 8-41] shall not
26 apply to the Board.”

27 (l) Section 7(b) of Public Law 12-20 relating to the term of the
28 Commonwealth Free Trade Zone Authority Board of Directors is hereby amended
29 to read as follows:

30 “(b) Members of the board shall serve a term ~~staggered terms~~ not
31 to exceed the tenure of the governor who appointed the members. ~~of four~~
32 ~~years and~~ Members may be reappointed. ~~The initial terms of members~~
33 ~~shall be as follows: five members shall serve an initial term of two years,~~

1 ~~and four members shall serve an initial term of four years. The terms of~~
2 ~~the initial members shall be determined by the drawing of lots.”~~

3 (m) Section 103(d) of Chapter 14 under Division 2 of Title 1 pursuant to
4 Public Law 12-33 relating to the term of the Board of Public Lands is hereby
5 amended to read as follows:

6 “(d) The directors shall serve a term not to exceed the tenure of the
7 governor who appointed the members of four years except that three of the
8 first five directors appointed shall serve a term of two years and two shall
9 serve a term of four years. The Governor shall specify the term of a
10 director at the time of nomination. Directors appointed to fill a vacancy
11 shall serve the remainder of the unexpired term. A director may not hold
12 any other Commonwealth government employment of or position. The
13 directors shall be held to strict standards of fiduciary care. The governor
14 may remove a director only for cause.”

15 (n) Section 101(a) of PL 12-33, as amended by PL 12-71, is hereby
16 further amended to read as follows:

17 “(a) There is established within the Executive Branch a an
18 ~~independent~~ public corporation of the Commonwealth of the Northern
19 Mariana Islands, ~~a public corporation~~ to be known as the Marianas Public
20 Lands Authority. The office of the Marianas Public Lands Authority shall
21 be headed by the Commissioner of ~~Marianas Public Lands Authority~~ and a
22 Deputy Commissioner for each Senatorial District. ~~All other A D~~ a Division
23 of the Marianas Public Lands Authority shall be headed by ~~the a D~~ a Division
24 ~~C~~ Chief. The Commissioner shall serve at the pleasure of the Board of
25 Directors. ~~This Public Corporation is established under the control and~~
26 ~~general supervision of the Board of Directors to execute, implement and~~
27 ~~enforce the policies, decisions, orders, rules and regulations of the Board.~~
28 ~~The Board of Directors shall serve every five years with three serving four~~
29 ~~and two serving five years. The present board is not effected by this~~
30 ~~amendment upon effective of this Act.”~~

1 (o) Public Law 12-39 is hereby amended to correct an error so that now
2 the provisions of PL 12-71 regarding the Commonwealth Telecommunications
3 Commission are codified in a new chapter 4 of Division 8 of Title 4 of the
4 Commonwealth Code rather than in chapter 3 as provided by PL 12-71. The Law
5 Revision Commission shall effectuate as necessary changes to the numbering of
6 the title of the chapter, articles and sectional headings. In addition, Sections 8308
7 of PL 12-39 relative to the term of the Commonwealth Telecommunications
8 Commission members is hereby amended to read as follows:

9 “Section 8308. Terms of the Commissioners.

10 ~~Except in the case of initial appointments to the~~
11 ~~Commission, each e~~Commissioners shall serve a term not to
12 ~~exceed the tenure of the governor who appointed the~~
13 ~~commissioners of five (5) years. The governor shall designate who~~
14 ~~among the initial appointees shall serve, respectively, for terms of~~
15 ~~one year, two years, three years, four years and five years.”~~

16 (p) 1 CMC § 2641 relative to the term of the Medical Profession
17 Licensing Board is hereby amended to read as follows:

18 “(b) The term of office for members of the board shall not exceed
19 ~~the tenure of the governor who appointed the members be four years;~~
20 ~~provided, that of the members first appointed, one member shall be~~
21 ~~appointed for four years, one member shall be appointed for three years,~~
22 ~~one member shall be appointed for two years, and two members shall be~~
23 ~~appointed for one year.”~~

24 (q) 1 CMC § 2463(c) relative the term of the Board of Nurse Examiners is
25 hereby amended to read as follows:

26 “(c) The term of office for members of the board shall not exceed
27 ~~the tenure of the governor who appointed the members be four years;~~
28 ~~provided, that of the members first appointed, one member shall be~~
29 ~~appointed for four years, one member shall be appointed for three years,~~
30 ~~one member shall be appointed for two years, and two members shall be~~
31 ~~appointed for one year.”~~

1 (r) 2 CMC § 1541(a) relative to the term of the Coastal Resources
2 Management Appeals Board is hereby amended to read as follows:

3 “(a) An appeals board is established consisting of three persons
4 with interest and knowledge related to coastal resources management and
5 appointed by the Governor with the advice and consent of the Senate. The
6 term of office shall not exceed the tenure of the governor who appointed
7 the members ~~is three years; provided, that of the members first appointed,~~
8 ~~one member is to be appointed for one year, one member is to be~~
9 ~~appointed for two years, and one member is to be appointed for three~~
10 ~~years.~~

11 (s) 2 CMC § 4422 relative to the term of the board members of the
12 Northern Marianas Housing Corporation is hereby amended to read as follows:

13 “§ 4422. Board of Directors: Tenure.

14 The term of office shall not exceed the tenure of the
15 governor who appointed the members ~~be four years and staggered~~
16 ~~when the board is first established. One member’s term shall~~
17 ~~expire in one year, another to expire in two years, a third to expire~~
18 ~~in three years, and the last two in four years, except that in the case~~
19 ~~of a prior vacancy, an appointment shall be only for the length of~~
20 ~~the unexpired term. Each member of the board shall hold office~~
21 ~~until his or her successor has been appointed and has qualified.~~

22 (t) 2 CMC § 7221(f) relative to the term of the members of the Zoning
23 Board is hereby amended to read as follows:

24 “(f) Term; Limitation. The terms of Zoning Board members shall
25 not exceed the tenure of the governor who appointed the members
26 ~~commence upon confirmation of the appointment by the appropriate~~
27 ~~legislative delegation and shall run for two years. A Zoning Board~~
28 ~~member may serve a maximum of three two-year terms for a total of six~~
29 ~~years, subject, however, to reappointment by the Governor and~~
30 ~~reconfirmation by the appropriate legislative delegation at the expiration~~
31 ~~of each two-year term; provided, however, that the six-year limit on the~~
32 ~~term of service for Zoning Board members who were appointed and~~
33 ~~confirmed prior to October 31, 1991, shall commence on October 31,~~
34 ~~1991.”~~

1 (u) 4 CMC § 6924(a) relative to the term of the members of the
2 Commonwealth Government Employees' Credit Union is hereby amended as
3 follows:

4 “(a) Board of Directors. There shall be a board of directors of the
5 credit union (hereafter “the credit union board” or “the board”). The
6 board shall consist of five members appointed by the Governor. Any
7 person who is appointed must be eligible to be a member of the credit
8 union. Each member shall serve a term not to exceed the tenure of the
9 governor who appointed the member ~~of four years~~ unless and until the
10 credit union is officially privatized, at which time the board shall be
11 elected as provided by the bylaws of the credit union.”

12 Section 3. Transition. The term of any person serving on any board or
13 commission affected by this act shall expire 60 calendar days from the effective date of
14 this act, unless the governor exempts or extends the expiration of such term beyond the
15 60-day period.

16 Section 4. Exemption. Constitutionally established boards and commissions are
17 exempt from the provisions of this act.

18 Section 5. Severability. If any provision of this Act or the application of any
19 such provision to any person or circumstance should be held invalid by a court of
20 competent jurisdiction, the remainder of this Act or the application of its provisions to
21 persons or circumstances other than those to which it is held invalid shall not be affected
22 thereby.

23 Section 6. Savings Clause. This Act and any repealer contained herein shall not
24 be construed as affecting any existing right acquired under contract or acquired under
25 statutes repealed or under any rule, regulation or order adopted under the statutes.
26 Repealers contained in this Act shall not affect any proceeding instituted under or
27 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,
28 or in any way modifying, any liability, civil or criminal, which shall already be in
29 existence at the date this Act becomes effective.

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

Date: 02/09/06

Introduced By: /s/

Senator Pete P. Reyes