

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND DAY, FIRST REGULAR SESSION, 2006 **PUBLIC LAW NO. 15-84**
SENATE BILL NO. 15-13, SD1

AN ACT

To amend 1 CMC § 2904 regarding executive appointments; and for other purposes.

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

1 Section 1. Findings. Sections 2901 *et seq.* of Title 1 of the Commonwealth
2 Code address the matter of executive appointments requiring the advice and consent of a
3 legislative body. The Legislature finds that 1 CMC § 2904 arguably can be construed to
4 distinguish between a person who was appointed temporarily and a person who was
5 appointed to permanently fill a vacant position. The purpose of this act is to eliminate
6 this ambiguity by making § 2904 apply to all appointments requiring the advice and
7 consent of the respective confirming body, regardless whether one is appointed to fill a
8 vacancy temporarily or permanently.

9 Section 2. Amendment. 1 CMC § 2904 is hereby amended as follows:

10 “§ 2904. Appointments: Failure to Confirm.

11 If the appointment is not confirmed by the Senate, or House, or by a
12 majority of members from the senatorial district within 90 consecutive
13 calendar days from the date the person was appointed, the appointment is
14 deemed rejected and shall automatically terminate, the position shall become
15 vacant, and the person nominated shall not be renominated. Nothing in this
16 section shall preclude the Governor from submitting an appointment to a
17 special session of the legislature. This subsection shall apply to an

1 appointment to any position that requires advice and consent pursuant to the
2 Constitution or statute."

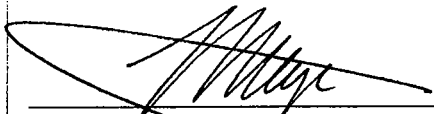
3 Section 3. Severability. If any provision of this Act or the application of any such
4 provision to any person or circumstance should be held invalid by a court of competent
5 jurisdiction, the remainder of this Act or the application of its provisions to persons or
6 circumstances other than those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

7 Section 4. Savings Clause. This Act and any repealer contained herein shall not be
8 construed as affecting any existing right acquired under contract or acquired under statutes
9 repealed or under any rule, regulation or order adopted under the statutes. Repealers
10 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
11 law. The enactment of this Act shall not have the effect of terminating, or in any way
12 modifying, any liability, civil or criminal, which shall already be in existence at the date this
13 Act becomes effective.

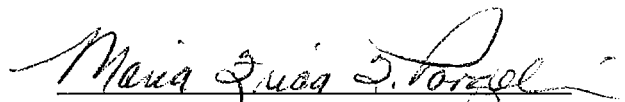
14 Section 5. Effective Date. This Act shall take effect upon its approval by the
15 Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:




PETE P. REYES
Acting President of the Senate



MARIA FRISCA T. PANGELINAN
Senate Legislative Secretary

APPROVED this 19 day of SEPTEMBER, 2007



BENIGNO R. FITIAL
Governor

Commonwealth of the Northern Mariana Islands