

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 53007. CNMI Cannabis Commission.

(a) The CNMI Cannabis Commission is hereby established as a regulatory agency of the government of the Commonwealth of the Northern Mariana Islands.

(b) Appointment of Commissioners and Term. The Commission shall consist of five commissioners.

(1) The Governor shall appoint from the Third Senatorial District three members to the Commission, subject to the advice and consent of the Saipan and Northern Islands Legislative Delegation. Provided that one of the three members appointed by the Governor shall be a voter from the Northern Islands and selected by the Northern Islands' Mayor.

(2) The Mayor of Rota shall appoint from the First Senatorial District one member to the Commission, subject to the advice and consent of the Rota Legislative Delegation.

(3) The Mayor of Tinian and Aguiguan shall appoint from the Second Senatorial District one member to the Commission, subject to the advice and consent of the Tinian and Aguiguan Legislative Delegation.

(4) Each member shall serve a term of four years, except that of the members first appointed, two members shall serve a term of two years, and three members shall serve a term of four years, which shall be determined by lottery at the first meeting of the Commission. No member shall serve more than two terms.

(5) The first members of the Commission shall be appointed as provided in this section within 30 days after the effective date of PL 20-66.

(6) Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof. No member shall serve more than two consecutive terms. A member removed from the Commission for cause shall not be re-appointed to the Commission.

(c) Qualifications of Commissioners.

(1) Each member shall be a citizen or national of the United States and shall be a resident of and registered to vote in the Senatorial District from which they were appointed.

(2) A Commission member must be an adult, and possess a good moral character, and at least two Commission members must at least have a bachelor's degree in any field of study from a postsecondary educational institution accredited in the United States or must have at least five years' work experience in the following areas: business management, government management, or financial management.

(3) No person shall be appointed who has been convicted of a crime, excepting traffic offenses, in any jurisdiction of the United States, the Commonwealth, or any foreign country carrying a maximum sentence of more than six months, or any crime or offense involving moral turpitude unless a full pardon has been granted.

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(4) No individual shall serve as a member of the Commission, if such individual, or a parent or child of such individual, holds or is an applicant for any license under this chapter or holds any direct or indirect financial interest in any person or entity that holds or is an applicant for any license under this chapter.

(5) The requirements of 1 CMC § 2901 shall apply to the Commission.

(6) No person shall be appointed who is an employee of the Commonwealth Government.

(d) Removal of Commissioner for Cause Only. The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Superior Court, which may stay such removal or suspension pending such review.

(e) Membership on the Commission shall be automatically forfeited upon violation of subsection (3) of this section,* upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.

(f) The Commission shall not be considered an agency of local government for purposes of Article VI, Section 8, of the Constitution.

(g) Compensation. The Commission shall be a working Commission and the members of the Commission shall each be compensated at the rate of \$55,000 per annum; provided that each Commissioner must attend all scheduled meetings unless excused by the Chairperson of the Commission; provided further that if a Commissioner fails to attend three scheduled meetings without excuse, his or her salary shall be reduced and prorated accordingly. All travel will be subject to 1 CMC § 7407.

(h) The members of the Commission shall elect their chairman, vice chairman, secretary, and treasurer for terms of one year, beginning from the effective date of their term.

(i) Quorum. The minimum number of members needed to constitute a quorum for the conduct of Commission business shall be three members; provided at least one member of the Senatorial District of Tinian or Rota is counted in the quorum. The Commission is encouraged to adopt rules and regulations to provide for the appearance at meetings telephonically or via videoconference by members who are physically in the CNMI but not physically present at the meeting. A member who appears telephonically or via videoconference pursuant to Commission rule or regulation shall be deemed present to constitute a quorum and attend the scheduled meeting.

(j) The members of the Commission shall be subject to 1 CMC § 8392 (reemployment and double dipping) and 1 CMC §§ 8441 and 8442 (reemployment and salary waiver).

* So in original.

Source: PL 20-66 § 2(107) (Sept. 21, 2018), modified; amended by PL 21-05, § 2(A) (Aug. 21, 2019).

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Commission Comment: In codifying PL 20-66, the Commission inserted a comma after “years” in (b)(4), after “Commonwealth” in (c)(3), and after “secretary” in (h) pursuant to 1 CMC § 3806(g). The Commission changed “this Act” to “PL 20-66” in (b)(5) pursuant to 1 CMC § 3806(d). The Commission changed “this Act” to “this chapter” in (c)(4) pursuant to 1 CMC § 3806(g). The Commission changed “Compensation - upon availability of Funds” to “Compensation – Upon Availability of Funds” in (g) pursuant to 1 CMC § 3806(f) and (g).

In addition to savings and severability clauses, PL 21-05 contained the following Findings section:

Section 1. Findings. The Legislature finds that Taulamwaar Sensible CNMI Cannabis Act of 2018 became law on September 21, 2018. The Governor, in his transmittal letter to the Legislature, recommended changes to some provisions of the Act (House Governor’s Communication 20-235). The Attorney General also recommended changes to the Act. The proposed amendments have been reviewed by the Governor’s Office and the appointees to the Cannabis Commission.