

TITLE 10: LOCAL LAWS
DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN, ETC.)

§ 3901. Acting Mayor.

Whenever the Mayor of Saipan or the Mayor of the Northern Islands is to be physically absent from the Third Senatorial District, he/she shall appoint a duly elected or appointed presiding officer of the Saipan and Northern Islands Municipal Council (SNI) to be Acting Mayor, or if the presiding officer of the Council is also absent or otherwise unavailable, the Acting Mayor for Saipan or the Acting Mayor of the Northern Islands shall be the Saipan and Northern Islands Delegation presiding officer for the purpose of carrying out the duties of the absent Mayor until the Mayor physically returns. The Acting Mayor is not authorized to reprogram any funds or hire or terminate employees unless the Mayor is out of the Commonwealth for a period of thirty days or more.

Source: Saipan LL 12-6, § 3; amended by Saipan LL 17-8 § 2 (May 9, 2011), modified.

Commission Comment: The Commission removed figures that repeated words pursuant to 1 CMC § 3806(e).

Saipan LL 12-6, which took effect December 28, 2000, contained short title, purpose, and severability provisions. According to SLL 12-6:

Section 1. Short Title. This Local Act shall be known and cited as the Saipan Acting Mayor Act of 2000.

Section 2. Purpose. The Third Senatorial District Delegation is cognizant that when a Mayor is unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the Municipal Council shall be acting Mayor. If the presiding officer is not available, another member shall be selected by the council to serve, as provided by the CNMI Constitution. However, the Constitution does not cover the authority when the Mayor is off-island. Therefore, the purpose of this act is to grant to the Mayor the discretion to delegate authority to act in his stead during his absence from Saipan.

Saipan Local Law 17-8 (effective May 9, 2011) contained severability and savings clause provisions and the following:

Section 1. Findings. The Saipan and Northern Islands Legislative Delegation (SNILD) finds that 10 CMC § 3901 gives the Mayor of Saipan the sole discretion to designate who shall be the Acting Mayor to carry out the duties of the Office of the Mayor whenever the Mayor is physically absent from the Third Senatorial District. This provision authorizes "only" the Mayor to appoint anyone within the Office of the Mayor or from the community, elected or not, to be Acting Mayor during his/her absence from the Third Senatorial District and until his/her return. And contrary to 10 CMC §

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3901, Article III, § 8 of the Northern Mariana Islands Constitution designates the Lieutenant Governor, when the Governor is physically absent from the Commonwealth, as Acting Governor; and if the Lieutenant Governor is also absent or is otherwise unavailable, the Presiding Officer of the Senate shall be Acting Governor. Therefore, it is appropriate and necessary to adopt and apply such provision by amending 10 CMC § 3901. Henceforth, whenever the Mayor of Saipan is physically absent from the Third Senatorial District, the Chairperson of the Saipan Municipal Council (SMC) shall be Acting Mayor or in the absence of the Chairperson, the Vice Chairperson of the SMC shall be Acting Mayor.

The Saipan and Northern Islands Legislative Delegation further finds that the provision of 10 CMC § 3901 does not apply to the Mayor of the islands north of Saipan (Northern Islands); and since the Northern Islands is geographically located within the Third Senatorial District and represented also by the Saipan Municipal Council, the amended provision of 10 CMC § 3901 provided under Section 2 of this Act shall apply to the Mayor of the Northern Islands.