

**AN ACT**

To clarify and set forth those additional duties of the Offices of the Mayors which have been historically and culturally performed by the Mayors; to assess fees for such services; and for other purposes.

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

Section 1. Short Title. This bill may be known as the "Mayoral Technical Act of 1998".

Section 2. Findings. The Legislature finds that the duties of the Mayors' Offices set forth under 1 CMC § 5107 require clarification with regard to services pertaining to roads, water service, and the use of equipment of the Mayors' Offices.

The Legislature also finds that the municipal equipment has been traditionally used to assist the community with land clearing, earthmoving (e.g., road grading) and water service. Such activities have been historically part of the responsibility of the Mayors' Offices stemming from the period when village commissioners assisted with such undertakings. The Mayors' Offices have assisted the community in this manner particularly with funerals and other cultural or social events.

The Legislature asserts that the use of the Mayors' Offices equipment for such activities are permitted when they benefit the village or local community with the primary purpose of public benefit being accessibility to a particular residence and water service for the community. Indeed, the Legislature recognizes, for example, that water service to individual residences benefits private individuals but are a necessary part of the Mayors' function to assist the community in general.

On the other hand, the Legislature declares that the Mayors' Offices equipment may not be used where there is no benefit to the community and only benefits a private property owner as a personal favor. Such assistance is impermissible and may subject offending employees to civil or criminal prosecution.

Section 3. Purpose. The purpose of this Act is to articulate in greater detail those activities which have been historically and culturally performed by the Mayors' Offices. Further, the Legislature intends, through this Act, to provide guidance to the Mayors' Offices in providing services where there is a community benefit, such as funerals, village fiestas, and other cultural or social events.

Section 4. Additional Duties of the Office of the Mayors. 1 CMC § 5107 is hereby amended by adding a new subsection (h) to read:

"(h) the offices of the Mayors may provide the following services; provided, however, that such services are, deemed to be in the public interest or are of benefit to the local community:

- (1) road clearing, repair, improvement, or maintenance leading to residences for the purpose of assisting with village fiestas, funerals, or other cultural and social occasions;
- (2) water service to individual residences or community centers in villages, farms, or homestead areas;
- (3) land clearing or earth moving activities for the purpose of allowing community access to isolated or enclosed areas where village fiestas, funerals, or other social and cultural events are to be held."

Section 5. New Section Fees for Services. A new Section 5110 is hereby added to 1 CMC Division 5, Chapter 1, to read:

§ 5110. Fees for Services. The offices of the Mayors are hereby authorized to assess reasonable fees, through promulgated rules and regulations, for the provision of services under section 1 CMC § 5107(h), except that indigent residents, upon proof of indigence, shall be exempt from paying such fees."

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

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The

enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Diego T. Benavente  
**DIEGO T. BENAVENTE**  
**Speaker**  
House of Representatives

**ATTESTED BY:**

/s/ Evelyn C. Fleming  
**EVELYN C. FLEMING**  
House Clerk

Approved this 5<sup>th</sup> day of October, 1998

/s/ Pedro P. Tenorio  
**PEDRO P. TENORIO**  
**Governor**  
Commonwealth of the Northern Mariana Islands