

PUBLIC LAW NO. 5-49

HOUSE BILL NO. 5-198

HOUSE OF REPRESENTATIVES
FIFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 1987

A LEGISLATIVE INITIATIVE

TO AMEND VARIOUS PROVISIONS OF ARTICLE VI OF THE COMMONWEALTH
CONSTITUTION SO AS TO MAINTAIN THE OFFICE OF THE MAYOR OF SAIPAN
AFTER THE SECOND MONDAY OF JANUARY 1990 AND TO ESTABLISH A
MUNICIPAL COUNCIL SIMILAR AS TO THAT PREVIOUSLY ESTABLISHED FOR
THE ISLANDS OF TINIAN AND ROTA, AND FOR OTHER PURPOSES.

Offered by Representatives William C. Ada and Benigno M. Sablan

Date: September 11, 1987

HOUSE ACTION

First and Final Reading: September 11, 1987

SENATE ACTION

Second and Final Reading: September 15, 1987

Frances P. Sablan
FRANCES P. SABLAN
Chief Clerk
House of Representatives

THIRD REGULAR SESSION, 1987

A LEGISLATIVE INITIATIVE

To amend various provisions of Article VI of the Commonwealth Constitution so as to maintain the Office of the Mayor of Saipan after the second Monday of January 1990 and to establish a Municipal Council similar as to that previously established for the Islands of Tinian and Rota, and for other purposes.

BE IT ENACTED BY THE FIFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be referred to as "The Saipan Mayor's Office Legislative Initiative Act of 1987."

Section 2. Purpose and Findings. Pursuant to Article XVII, Section 3 of the Commonwealth Constitution, the purpose of this Act is to approve a Legislative Initiative to place before the voters in the November 7, 1987 General Election proposed amendments to Article VI of the Commonwealth Constitution which will maintain the Office of the Mayor of Saipan after the second Monday of January 1990, and will establish a Municipal Council for Saipan similar to that which the Constitution provides for the Islands of Rota, and, Tinian and Aguiguan. The Legislature finds that:

(a) Constitutional Amendment No. 25, approved in the November, 1985 General Election, set into motion the framework to eliminate the Saipan Mayor's Office on the Second Monday of January, 1990, to be replaced by four Precinct Commissioners.

(b) The research conducted by the Constitutional Convention Committee which presented Amendment No. 25 was based on finding conducted in a very short period of time.

(c) In the General Election of November, 1985, a total of 1,579 voters who went to the polls failed to cast a vote on Amendment No. 25, which indicated a large number of voters

1 were not sure of the issues which this Amendment involved or
2 were familiar enough with the subject to cast a vote.

3 (d) The results of the November, 1985 General Election
4 more clearly indicated that the people of Saipan still desire
5 to continue the Office of the Mayor of Saipan.

6 (e) The offices of the four precinct commissioners, as
7 created by Amendment No. 25, will not result in economic
8 savings to the Commonwealth taxpayers nor will there be a
9 suitable substitute for the responsibilities and services
10 which are now being provided by the Saipan Mayor's Office to
11 the residents and people of Saipan.

12 (f) During the past several months the people of Saipan,
13 through petitions, have freely expressed their utmost concern
14 that Amendment No. 25, to abolish the Saipan Mayor's Office
15 was a regrettable action and one which they would now like to
16 reverse.

17 (g) That it is now desirable to allow the people of
18 Saipan another opportunity to express their true feelings by
19 again being able to vote on this issue in the November, 1987
20 General Election.

21 Section 3. Legislative Initiative. The Fifth Northern Marianas
22 Commonwealth Legislature does hereby approve the following Initiative be
23 placed on the ballot on the November, 1987 General Election so that the
24 people are given an opportunity to express their true feelings concerning
25 the abolition of the Saipan Mayor's Office:

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"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article VI relating to Local Government and decentralized delivery of public services.

"I. Article VI is amended to read:

"Section 1. Local Government. Agencies of local government shall be established as provided by this article.

"Section 2. Election of Mayor. The qualified voters from Rota, Tinian and Aguiguan, Saipan, and the islands north of Saipan shall elect a mayor for each island or group of islands.

(a) A mayor shall be qualified to vote in the island or islands served by the mayor, at least twenty-five years of age, a resident and domiciliary of the island or islands served by the mayor for at least three years immediately preceding the date on which the mayor take office, and must reside in the island or islands served by the mayor after each election, and shall meet other qualifications provided by law. No person convicted of a felony in the Commonwealth or in an area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

(b) The mayor shall be elected at a regular general election for a term of office of four years and may not hold that office for more than two terms. A vacancy in the Office of Mayor shall be filled by

1 special election if one-half or more of the term
2 remains and otherwise as provided by law.

3 "Section 3. Responsibilities and Duties of the Mayor.

4 (a) A mayor shall serve on the Governor's
5 Council as established by Section 5 of this article.

6 (b) A mayor shall administer government
7 programs, public services, and appropriations
8 provided by law, for the island or islands served by
9 the mayor, and shall report quarterly to the
10 governor, relating to these programs and services or
11 appropriations.

12 (c) A mayor may investigate complaints and
13 conduct public hearings with respect to government
14 operations and local matters, and may submit
15 findings or recommendations to the governor and the
16 legislature. A mayor may require information in
17 writing relating to local matters as may be necessary
18 to his investigation under this subsection.

19 (d) The Mayors of Rota, Tinian and Aguiguan,
20 Saipan, and the islands north of Saipan, in
21 consultation with the Municipal Council, shall
22 submit items for inclusion in the proposed budgets
23 for both government operations and capital
24 improvement projects. The governor's budget
25 submission to the legislature shall state his

1 disposition of the budgetary requests contained
2 in the submissions received from the Mayors.

3 (e) A mayor shall coordinate any extension
4 of federal programs extended to the island or
5 islands served by the mayor.

6 (f) A mayor shall act as the principal local
7 official for coordinating activities with disaster
8 control for the mobilization of resources and
9 meeting emergency conditions in the island or
10 islands served by the mayor.

11 (g) The Mayors of Rota, and, Tinian and
12 Aguiguan, shall appoint, in consultation with the
13 head of the respective executive branch department,
14 all resident department heads.

15 (h) A mayor shall perform other responsibilities
16 provided by law.

17 "Section 4. Compensation. A mayor shall receive an annual
18 salary, plus an allowance for reasonable expenses as provided by
19 law.

20 "Section 5. Governor's Council. The mayors elected under
21 Section 2, the executive assistants appointed under Article III,
22 Section 18, and the chairmen of the Municipal Councils shall be
23 members of a Governor's Council that shall advise the governor
24 on government operations and local matters. The governor shall
25 preside over the Council which shall meet regularly or at least

1 four times each year to consider matters concerning the
2 relationship between the Commonwealth and its separate islands.

3 "Section 6. Municipal Councils.

4 (a) There shall be municipal councils for Rota,
5 Tinian and Aguiguan, Saipan and the islands north
6 of Saipan, to be composed of three members, elected
7 at-large in the island or islands to be served and
8 on a non-partisan basis. Candidates for municipal
9 council shall be at least twenty-one years of age, a
10 resident of the municipality for at least three and
11 shall serve for a term of two years. Each council
12 shall adopt its own Rules of Procedures.

13 (b) In the case of a vacancy in a municipal
14 council, the mayor of the island or islands served
15 by the council shall appoint the unsuccessful
16 candidate for the office in the last election for
17 the council who received the next highest number of
18 votes. Otherwise, the mayor shall appoint a person
19 from the island or islands served with the advise
20 and consent of the legislative delegation of the
21 senatorial district for that island or islands.

22 "Section 7. Powers, Meetings and Compensations.

23 (a) The municipal councils shall meet in
24 regular session no more than twice a month, and
25 shall be paid for each meeting as provided by law.

1 The mayor, or a majority of the members of the
2 council, may call special sessions of the council
3 as needed. The powers of the municipal councils
4 shall extend to all local matters of a predominately
5 local nature not pre-empted by the Commonwealth
6 Legislature, and shall include the following:

- 7 (1) Assist the mayor in the formulation
8 of the annual budget delineating local needs,
9 (2) At the request of an Executive Branch
10 department head, in consultation with the mayor,
11 the council shall have the authority to approve
12 reprogramming of funds in the approved budget,
13 (3) To confirm all resident department heads
14 which are stationed on their island or islands,
15 (4) When a mayor is unable to discharge
16 the duties of office by reason of physical or
17 mental disability, the presiding officer of the
18 municipal council shall be acting mayor. If
19 the presiding officer is not available, another
20 member shall be selected by the council to
21 serve, and
22 (5) Additional powers and duties as
23 provided by law.

24 "Section 8. Agencies of Local Government.

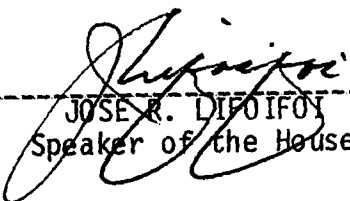
25 (a) The chartered municipality form of local
26 government on Rota, and, Tinian and Aguiguan, is

1 hereby established. Local taxes paid to the chartered
2 municipal governments of Rota, and, Tinian and
3 Aguiguan, and Saipan may be expended for local public
4 purposes on the island or islands producing those
5 revenues. New agencies of local government may not
6 be established without the affirmative vote of
7 two-thirds of the persons qualified to vote from the
8 island or islands to be served by the proposed
9 agency of local government."

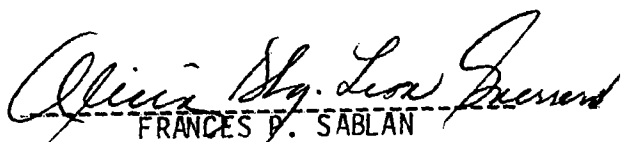
10 Section 4. Severability. If any provision of this Act is held
11 invalid by a court of competent jurisdiction, the remainder of this Act
12 shall not be affected thereby.

13 Section 5. Effective Date. This Act shall take effect upon its
14 approval by the Governor or upon its becoming law without such approval.
15 Pursuant to Article XVIII, Section 3 of the Constitution, this Act may
16 not be vetoed by the Governor. The amendments to the Constitution as
17 proposed in this Act shall take effect upon approval by the voters in
18 the General Election in November, 1987.

ATTEST:

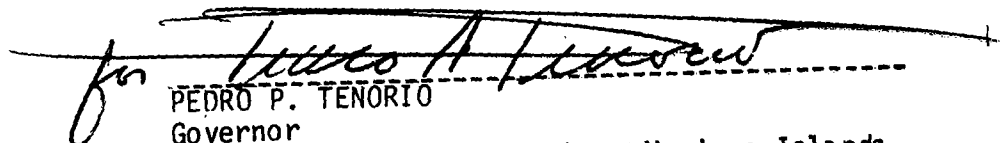


JOSE R. DIFOFOF
Speaker of the House



FRANCES P. SABLAN
House Clerk

OCTOBER 15, 1987



PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands