

FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST SPECIAL SESSION, 2004

H. L. I. NO. 14-4

A HOUSE LEGISLATIVE INITIATIVE

To amend Article VI of the Commonwealth Constitution so as to treat each chartered municipality form of local governments within the Commonwealth on an equal basis and to further empower said municipal governments to pass local laws exclusively on local matters.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Title.** This Act shall be cited as “Municipal Government Legislative
2 Initiative Act of 2004.”

3 **Section 2. Purpose and Findings.** The Legislature finds that, at the present
4 time, there is existing chartered municipal governments for Saipan and islands north of
5 Saipan, Tinian and Aguiguan, and for Rota, each consisting of an Office of the Mayor and
6 Municipal Council. Through the years since the Northern Mariana Islands became a
7 Commonwealth, several attempts through Amendment 25, the Saipan Mayor’s Office
8 Legislative Initiative Act of 1987, and House Bill 12-141 have been made to try and have
9 these chartered forms of municipal governments become more involved in matters
10 exclusively on local nature which affects their peoples’ lives and well being. In light of
11 the foregoing attempts, there still remain uncertainties and ambiguities as to the legal
12 roles of these municipal governments as evidenced by the veto of H.B. No. 12-141 by
13 Governor Pedro P. Tenorio. The Legislature further finds, that since becoming a
14 Commonwealth, the population of the Northern Marianas Islands has grown and will
15 continue to grow thereby raising possibly numerous and complex issues of local concerns
16 affecting their daily lives.

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1 As such, the Legislature believes that certain issues of Local concerns is better left
2 to their local municipal governments to deal within form local municipal ordinances and
3 decentralized deliveries of public services.

4 Based upon the foregoing, therefore, the Legislature concludes that in the best
5 interest of the people within each municipality of the Commonwealth, the office of the
6 Mayors and the Municipal Councils of each chartered municipality should play a more
7 active role in local matters and issues as the same effect the lives of their people.
8 Accordingly, it is the intent of the foregoing legislative initiative to amend certain
9 provisions of the Commonwealth Constitution, as herein below set forth, to give the
10 Office of the Mayors as well as the Municipal Councils a more active role in matters and
11 issues strictly of local concern to their local people. Such an active role will only serve to
12 further enhance what has been expressed through Amendment 25, the Saipan Mayor's
13 Office Legislative Initiative Act of 1987, and House Bill No. 12-141 that the people of
14 the Commonwealth desire a stronger and more efficient form of local municipal
15 government that is sensitive to their needs.

16 **Section 3. Legislative Initiative.** The Fourteenth Northern Marianas
17 Commonwealth Legislature does hereby approve the following Legislative Initiative to be
18 placed on the ballot at the next general election or at a special election established by law,
19 whichever is first, so that the people are given an opportunity to express their true
20 feelings concerning a more active role of the Office of the Mayor as well as the Municipal
21 Council within each of their chartered municipal government

22 **"A PROPOSED CONSTITUTIONAL AMENDMENT**

23 **TO AMEND ARTICLE VI RELATING TO LOCAL GOVERNMENT"**

24 I. Article VI, as amended by the Saipan Mayor's Office Legislative Initiative Act of
25 1987, is hereby amended to read as follows:

26 **Section 1. Local Government.** Agencies of local government shall be
27 established as provided by this Article or by Municipal Ordinance.

1 **Section 2. Mayor.** The qualified voters of each Senatorial District shall elect a
2 Mayor for their island or islands.

3 (A) The Mayor shall be a United States citizen qualified to vote in the
4 island or islands served by the Mayor, at least twenty-five (25) years of age, a
5 resident and domiciliary of the island or islands served by the Mayor for three (3)
6 years immediately preceding the date on which the Mayor takes Office, and must
7 reside in the island or islands served by the Mayor after election, and shall meet
8 other qualifications as provided for by law or Municipal Ordinances. No person
9 convicted of any felony shall be eligible for this Office unless a full pardon has
10 been granted by the Governor of the Commonwealth of the Northern Mariana
11 Islands or as otherwise provided by law. A Mayor who has been charged for
12 commission of a felony, misconduct or serious crime while in office shall be
13 suspended from any and all functions and activities of the office of the Mayor
14 including compensation entitlement until a verdict is rendered by a competent
15 court with jurisdiction. A verdict of acquittal shall restore all rights, privileges,
16 compensations and authorities provided a Mayor under Article VI. A verdict of
17 conviction shall remove a Mayor from office and a vacancy shall be declared as
18 provided under Article VI, Section 2 (b).

19 (B) The Mayor shall be elected at a regular general election for a term
20 of office of four (4) years and shall not serve as Mayor for more than two terms.
21 A vacancy in the Office of Mayor shall be filled by a special election if one-half or
22 more of the term remains otherwise as provided by law.

23 (C) The Mayor shall receive an annual salary allowance for reasonable
24 expenses as provided by law.

25 **Section 3. Responsibilities and Duties of Mayor.**

26 (A) The Mayor shall have the executive authority limited to local laws
27 under this Article that effect only the island or islands served by the Mayor and
28 the faithful execution of such laws.

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1 (B) The Mayor may propose Municipal Ordinances relating to local
2 matters for enactment by the Municipal Council. The Mayor shall have thirty
3 days to either approve or veto Municipal Ordinances enacted by the Municipal
4 Council. Every ordinance enacted by the Council shall be signed by the presiding
5 officer of the Municipal Council and submitted to the Mayor. If the Mayor signs
6 the Municipal Ordinance, it shall become law.

7 If the Mayor vetoes the Municipal Ordinance, it shall be returned to the
8 presiding officer of the Municipal Council within five working days with a
9 statement of the reason of the veto. The Mayor may veto an item, section or part
10 of an appropriation affected and signed the remainder for the Municipal; provided
11 that the Mayor may not veto an item, section or part governing the manner in
12 which an appropriation may be expended if any appropriation affected by the
13 item, section or part is approved. If the Mayor fails to either sign or veto a
14 Municipal Ordinance within the applicable period, it shall become law.

15 (C) The Mayor shall administer departments, agencies, boards,
16 commissioner, etc., of local government established by Municipal Ordinance and
17 appoint their heads or members subject to confirmation by the Municipal Council.

18 (D) The Mayor shall serve on the Governor's Council establish by
19 section 6 of this Article.

20 (E) The Mayor may investigate complaints and conduct public
21 hearings with respect to government operations and local matters and may submit
22 finding on recommendations to the Municipal Council, Governor and Legislature.
23 The Mayor may require information in writing relating to government operations
24 and local matters as may be necessary to investigate under this subsection.

25 (F) The Mayor shall, in consultation with the Municipal Council,
26 prepare an annual budget for this island or islands served by the Mayor. The
27 budget shall set forth the anticipated Commonwealth funds to be provided to the
28 local government and those raised within each of the chartered municipalities.

1 Upon approval by the Municipal Council, the local fund shall become effective
2 and may be expended by law. The Commonwealth funds contained in the local
3 budget shall be transmitted to the Governor for inclusion in the Governor's
4 proposed Commonwealth Budget.

5 (G) The Mayor shall administer government programs, public services,
6 and appropriations provided by law for the island or islands served by the Mayor,
7 and shall report quarterly to the Governor, the Municipal Council and the
8 Legislature relating to those programs, services and appropriations.

9 (H) The Mayor shall perform such other responsibility provided by
10 law.

11 **Section 4. Municipal Council, Meetings and Compensations.** The qualified
12 voters of each Senatorial District shall elect Municipal Council for Saipan and islands
13 north of Saipan, for Tinian and Aguiguan and for Rota.

14 (A) The Municipal Council for Saipan and for Islands north of Saipan,
15 for Tinian and Aguiguan, and for Rota, shall consist of three (3) members elected
16 for a term of two (2) years. A candidate shall be a United States citizen qualified
17 to vote in the Commonwealth, at least twenty-one (21) years of age, and a resident
18 of the island or islands served by the Council for at least three (3) years
19 immediately preceding the date in which the member takes office. Members of
20 the Municipal Council shall be elected at-large in the island or islands to be
21 served. No person convicted of any felony shall be eligible to run as a candidate
22 for the Municipal Council unless a full pardon has been granted by the Governor
23 of the Commonwealth of the Northern Mariana Islands or otherwise as provided
24 by law. A member of the Municipal Council who has been charged for
25 commission of a felony, misconduct or serious crime while in office shall be
26 suspended from any and all functions and activities of the Municipal Council
27 including compensation entitlement until a verdict is rendered by a competent
28 court with jurisdiction. A verdict of acquittal shall restore all rights, privileges,

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1 compensation and authorities provided a member of the Municipal Council under
2 Article VI, Section 4. A verdict of conviction shall remove a member of the
3 Municipal Council from office and a vacancy shall be declared as provided under
4 Article VI, Section 4(b).

5 (B) In the case of a vacancy in the Municipal Council, the Mayor of the
6 island or islands served shall appoint, within thirty days, the unsuccessful
7 candidate for the office in the last election for the municipal council who received
8 the next highest number of votes and is willing to serve. Otherwise, the Mayor
9 shall appoint a person from the island or islands served with the advice and
10 consent of the remaining members of the Municipal Council for that island or
11 islands.

12 (C) The Municipal Council may hold its legislative and special
13 sessions as provided for under its own Rules and Regulation, with each member
14 being entitled to be compensated as provided by its own rules and regulations, but
15 not to exceed the compensation for members of the legislature. Any amount that
16 exceeds the compensation for members of the Legislature shall be paid from
17 locally raised revenues pursuant to local laws. The Mayor or a majority of the
18 members of the Municipal Council may call special sessions of the Council as
19 needed. each Municipal Council shall adopt its own Rules and Regulations.

20 **Section 5. Powers, Duties and Responsibilities and of the Municipal Council.**

21 (A) The Municipal Council shall have the legislative authority with
22 respect to local matters that affect only the island or islands served by the council.
23 Such legislative authority may by exercised through the enactment of Municipal
24 Ordinances that are consistent with Commonwealth law and are approved by the
25 Mayor in accordance with procedures established by the Council and Mayor. Any
26 such Municipal Ordinance so approved shall have the full force and effect of a
27 law.

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1 (B) An ordinance or item, section or part of an ordinance vetoed by the
2 Mayor may be reconsidered by the Council. The Council shall have thirty days
3 from receipt of the Mayor's veto message to reconsider the vetoed ordinance,
4 item, section, or part of an ordinance. If two-thirds of the members vote upon
5 reconsideration to pass the ordinance or the item, section or part of an ordinance,
6 it shall become effective.

7 (C) The Municipal Council shall confirm resident department heads of
8 local departments, agencies, boards, and commission nominated by the Mayor.

9 (D) Appropriation and revenues ordinances shall be introduced in the
10 Municipal Council. The Council shall hold public hearings on all appropriation
11 ordinances and on all ordinances involving taxation or revenue. The Council shall
12 not enact an ordinance that requires expenditure of public funds without also
13 appropriating the necessary funds. Local taxes paid to the chartered municipal
14 government for Saipan, for Tinian and Aguiguan, and for Rota shall be expended
15 by the Council for local public purposes on the island or islands producing those
16 revenues. Locally raised revenues pursuant to local laws shall not be subject to
17 appropriation or reprogramming by the legislature or the Governor.

18 (E) At the request of an Executive Branch department head, in
19 consultation with the mayor, the Municipal Council shall have the authority to
20 approve reprogramming of funds in the approved budget.

21 (F) The Municipal Council shall review the budget proposed by the
22 Mayor for submission to the Governor, approved those components that involved
23 local funding and expenditures, and shall propose recommendations to be
24 submitted by the Mayor to the Governor for inclusion in the Governor's proposed
25 Annual Budget.

26 (G) The Municipal Council and the Mayor through enactment of
27 Municipal Ordinance shall have the authority to define the size and structure local

1 governments, including the office of the mayor and local departments of agencies
2 established to serve the island or islands involved.

3 (H) When the Mayor is outside the Commonwealth or unable to
4 discharge the duties of the office by reason of physical or mental disability, the
5 presiding officer of the Municipal Council shall be acting Mayor. If the presiding
6 officer is not available, another member shall be selected by the Council to serve.
7 If the Mayor is unable to discharge the duties of office by reason of physical or
8 mental disability, the Council shall declare a vacancy in the office within the
9 meaning of Section 2(b) of this Article.

10 (I) The Council shall perform such other responsibilities provided by
11 Commonwealth laws.

12 **Section 6. Governor's Council.**

13 The Mayor elected under Section 2 of this Article, the Executive Assistant
14 appointed under Article III, Section 18, and the chairs of the Municipal Council shall
15 comprise a Governor's Council that shall advise the Governor and Government
16 operations and local matters. The Governor shall preside over the Council which shall
17 meet regularly or at least four times each year to consider matters concerning the
18 relationship between the Commonwealth and its separate islands.

19 **Section 7. Repealer and Re-Enactment of Local Public Laws.**

20 All Local Public Laws currently in effect in each respective Senatorial District
21 shall continue in full force and effect until repealed and re-enacted by the Municipal
22 Council of that respective Senatorial District.

23 **Section 8. Funding.**

24 The Mayor's office and the Municipal Council shall continue to receive funding
25 from the general fund until such time local funds become available, except that each
26 Municipal Council shall receive the maximum sum of four hundred thousand dollars
27 (\$4000,000) annually for operations and all others.

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1 **Section 9. Severability.** If any provision of this Act is held invalid of a court of
2 competent jurisdiction, the remainder of this Act shall not be affected hereby.

3 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or upon it becoming law without such approval. Pursuant to CNMI Const. Art.
5 XVIII, § 3, this Act may not be vetoed by the Governor. The Amendment to the
6 Commonwealth Constitution as proposed by this Act shall take effect upon approval by
7 the voters at the next general election or at a special election established by law
8 whichever is first.

Date: April 7, 2004

Introduced By: /s/ Rep. Oscar M. Babauta
(By Request)

Reviewed for Legal Sufficiency by:

House Legal Counsel