

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SIXTH SPECIAL SESSION, 2019

S. L. B. NO. 21-04

A LOCAL BILL FOR AN ACT

To amend 10 CMC §§ 2312 and 2313 to designate Acting Mayor and Acting Municipal Council when the Mayor or Municipal Council Chair is outside the Commonwealth.

BE IT ENACTED BY THE SECOND SENATORIAL DISTRICT DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:

1 **Section 1. Findings and Purpose.**

2 The Tinian and Aguiguan Legislative Delegation (Delegation) finds that current
3 law provides that when the Tinian and Aguiguan Mayor is absent from the municipality
4 the Chairperson of Tinian and Aguiguan Municipal serves as the Acting Mayor.
5 Similarly, when the Chairperson of the Tinian and Aguiguan Municipal Council
6 (Council) is absent from the municipality the Council Vice Chairperson serves as Acting
7 Chairperson.

8 The Delegation finds that because of modern technology such as high-speed
9 internet and reliable and consistent inter-island transportation the Mayor can oversee the
10 operations of the municipality from anywhere in the Commonwealth and can return to the
11 municipality on short notice. The Council Chairperson can likewise do the same when
12 physically present in the Commonwealth.

13 The purpose of this Act is to designate the Acting Mayor or Acting Council
14 Chairperson when the Mayor or Council Chairperson is absent from the Commonwealth.

15 **Section 2. Amendment.** 10 CMC § 2312 is amended to read:

16 “§ 2312. Acting Mayor.

17 Whenever the Mayor of Tinian is to be physically absent from the ~~Second~~
18 ~~Senatorial District of Tinian and Aguiguan islands~~ Commonwealth of the Northern

1 Mariana Islands, the presiding officer or chairperson of the Municipal Council shall be
 2 Acting Mayor. If the presiding officer or chairperson is also absent, then the vice-
 3 chairperson of the Municipal Council shall be Acting Mayor. In the event that both the
 4 chairperson and vice chairperson of the Municipal Council are absent, then the remaining
 5 council member shall be the Acting Mayor. In the event that all members of the
 6 Municipal Council are absent, then the Mayor shall designate whom shall be the Acting
 7 Mayor to carry out the duties of the Office of Mayor until the Mayor or any member of
 8 the Municipal Council physically returns.”

9 **Section 3. Amendment.** 10 CMC § 2313 is amended to read:

10 “§ 2313. Municipal Council Acting Chairperson.

11 Whenever the Mayor of Tinian is to be physically absent from the ~~Second~~
 12 ~~Senatorial District of Tinian and Aguiguan islands~~ Commonwealth of the Northern
 13 Mariana Islands, the vice chairperson of the Municipal Council shall be the Acting
 14 Chairperson of the Municipal Council. If the vice chairperson is also absent, then the
 15 remaining council member shall be the Acting Chairperson of the Municipal Council. In
 16 the event that all members of the Municipal Council are absent, then the chairperson of
 17 the Municipal Council shall designate whom shall be the Acting Chairperson until any
 18 member of the Municipal Council physically returns.”

19 **Section 4. Severability.**

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

24 **Section 5. Savings Clause.**

25 This Act and any repealer contained herein shall not be construed as affecting any
 26 existing right acquired under contract or acquired under statutes repealed or under any
 27 rule, regulation or order adopted under the statutes. Repealers contained in this Act shall
 28 not affect any proceeding instituted under or pursuant to prior law. The enactment of this

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

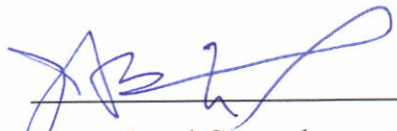
3 **Section 6. Effective Date.**

4 This Act shall take effect upon its approval by the Governor or upon its becoming
5 law without such approval.

Date: 7/9/19

Introduced By: 
Senator Francisco M. Borja

Reviewed for Legal Sufficiency by:


Senate Legal Counsel



The Senate

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

August 15, 2019

The Honorable Senator Jude U. Hofschneider
Chairman
21st Tinian and Aguiguan Legislative Delegation
Second Senatorial District
Tinian, MP 96950

Dear Chairman Hofschneider:

I have the honor to transmit for Delegation Action **Senate Local Bill No. 21-04**, entitled, "To amend 10 CMC §§ 2312 and 2313 to designate Acting Mayor and Acting Municipal Council when the Mayor or Municipal Council Chair is outside the Commonwealth." S.L.B. No. 21-04 has met the required provision of 1 CMC §1403 making its Third Appearance on the Second Regular Session, August 15, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Kaipat".

Frances Joan P. Kaipat
Senate Journal Clerk

Attachment

cc: Delegation Clerk

Transmitted to Delegation Clerk:

Received by: Chanelle C. Borja Date: 8-15-19 Time: 2:39pm