

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Third Reg. SESSION, 2020

S. L. B. NO. 21-08

A LOCAL BILL FOR AN ACT

To amend 10 CMC § 2313 to designate the Acting Municipal Council when 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, through Tinian Local Law 21-8, codified under 10 CMC § 2312, provides that when
4 the Mayor of Tinian is absent from the Commonwealth, the Chairperson of the Municipal
5 Council serves as the Acting Mayor. The Acting Municipal Council chairperson, through
6 TLL 15-14, codified previously under 10 CMC § 2313, provides that when the
7 Chairperson of the Tinian and Aguiguan Municipal Council (Council) is absent from the
8 municipality the Council Vice Chairperson serves as Acting Chairperson.

9 The Delegation finds that because of modern technology such as high-speed
10 internet and reliable and consistent inter-island transportation the Mayor and the Council
11 Chairperson can oversee their respective operations from anywhere in the
12 Commonwealth and can return to the municipality on short notice. To carry out this
13 intent, the Tinian Legislative Delegation passed SLB 21-04. However, the wrong version
14 of the bill was unintentionally transmitted to the Governor for consideration and was
15 signed into law as TLL 21-8. As a result of the error, the current code provisions under
16 10 CMC §§ 2312 and 2313 are exactly the same in which both providing for Acting
17 Mayor when the Mayor of Tinian and Aguiguan is absent from the Commonwealth.

1 The purpose of this Act is to correct 10 CMC § 2313 to provide for the
2 designation of the Acting Municipal Council Chairperson when the Council Chairperson
3 is absent from the Commonwealth.

4 **Section 2. Amendment.** 10 CMC § 2313 is amended to read:

5 “§ 2313 ~~Acting Mayor~~ Municipal Council Acting Chairperson.

6 Whenever the ~~Mayor of Tinian~~ Chairperson of the Municipal Council is to be
7 physically absent from the Commonwealth of the Northern Mariana Islands, the ~~presiding~~
8 ~~officer or chairperson of the Municipal Council shall be Acting Mayor~~ Vice Chairperson
9 of the Municipal Council shall be the Acting Chairperson of the Municipal Council. If the
10 ~~presiding officer or~~ Vice Chairperson is also absent, then the ~~vice chairperson of the~~
11 ~~Municipal Council shall be Acting Mayor.~~ In the event that both the chairperson and vice
12 ~~chairperson of the Municipal Council are absent,~~ remaining council member shall be the
13 Acting ~~Mayor~~ Chairperson of the Municipal Council. In the event that all members of the
14 Municipal Council are absent, then the ~~Mayor~~ Chairperson of the Municipal Council
15 shall designate whom shall be the Acting ~~Mayor to carry out the duties of the Office of~~
16 ~~Mayor until the Mayor or any member of the Municipal Council physically returns~~
17 Chairperson until any member of the Municipal Council physically returns.”

18 **Section 3. Severability.**

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

23 **Section 4. Savings Clause.**

24 This Act and any repealer contained herein shall not be construed as affecting any
25 existing right acquired under contract or acquired under statutes repealed or under any
26 rule, regulation or order adopted under the statutes. Repealers contained in this Act shall
27 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 5. Effective Date.**

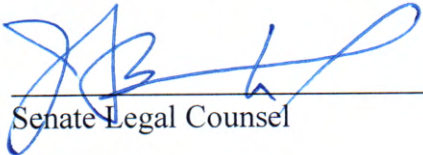
4 This Act shall take effect upon its approval by the Governor or upon its becoming
5 law without such approval.

Date: 02.04.20

Introduced By: _____

Senator Francisco M. Borja

Reviewed for Legal Sufficiency by:



Senate Legal Counsel