

## DIVISION 1 LEGISLATIVE BRANCH

### CHAPTER 1. The Legislature.

#### 1101. Commonwealth Legislature.

The Commonwealth Legislature is composed of a Senate and a House of Representatives.

**Source:** [N.M.I. Const. art. II, 1.](#)

**Commission Comment:** This chapter codifies several constitutional provisions concerning the legislature. For other provisions relating to the legislature, see N.M.I. Const. art. II.

#### 1102. Commonwealth Legislature: Senate.

(a) The Senate consists of nine members, with three members elected at large from each of three senatorial districts:

- (1) First Senatorial District: Rota.
- (2) Second Senatorial District: Tinian and Aguiguan.
- (3) Third Senatorial District: Saipan, and the islands north of Saipan.

(b) The term of office for senator is four years.

(c) A senator shall be qualified to vote in the Commonwealth, at least 25 years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office.

**Source:** [N.M.I. Const. art. II, 2.](#)

**Commission Comment:** 1985 Constitutional Amendment 4 added the requirement that a candidate for the senate shall be a registered voter in the senatorial district where he or she is a candidate. For qualifications for voting, see [1 CMC 6201](#); for the definition of and criteria for determining domicile, see [1 CMC 6202-6204](#).

#### 1103. Commonwealth Legislature: House of Representatives.

(a) The House of Representatives consists of 14 members with 12 members elected from Saipan and the islands north of Saipan, one member elected from Rota, and one member elected from Tinian and Aguiguan. For purposes of electing representatives, Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of Saipan shall constitute six districts.

(b) The term of office for representative is two years.

(c) A representative shall be qualified to vote in the Commonwealth, at least 21 years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office.

**Source:** [N.M.I. Const. art. II, 3.](#)

**Commission Comment:** 1985 Constitutional Amendment 4 added the requirement that a candidate for the House of Representatives shall be a registered voter of the election precinct where he or she is a candidate. For qualifications for voting, see [1 CMC 6201](#); for the definition of and criteria for determining domicile, see [1 CMC 6202-6204](#).

#### 1104. Commonwealth Legislature: Organization and Procedure.

Each house of the legislature shall:

(a) Convene for organizational purposes on Saipan at 11:00 a.m. on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings.

(b) Choose its presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure.

(c) Meet in regular sessions as provided by its rules of procedure. Each house may also be convened at other times by its presiding officer or by the Governor. When meeting pursuant to a call by the Governor, the legislature shall consider only those subjects described in the call.

**Source:** [N.M.I. Const. art. II, 13, 14\(b\)](#).

**Commission Comment:** [N.M.I. Const. art. II, 13](#) was amended by 1985 Constitutional Amendment 8, which provides, in part, that [e]ach house shall meet in regular sessions for no more than ninety days each year, sixty days before April 1 and thirty days after July 31 of each calendar year, and may be convened at other times for not more than ten consecutive days upon request by its presiding officer or by the governor.

## **1105. Commonwealth Legislature: Election of Officers by Secret Ballot.**

The election of officers of the Northern Marianas Commonwealth Legislature shall be decided upon during the first organizational session of the Commonwealth Legislature.

**Source:** PL 4-8, 1, modified (repealing PL 3-96).

**Commission Comment:** PL 4-8 took effect August 22, 1984. Former [1 CMC 1105](#) (PL 3-96, 3) provided for the election of officers of the Commonwealth Legislature by secret ballot from among its members.

## **1106. Legislative Contracts.**

Notwithstanding any other requirements of law, employment contracts or other contracts of the legislative branch shall be processed through and reviewed by the legislative counsels office only.

**Source:** PL 5-44, 6.

**Commission Comment:** PL 5-44, the Legislative, Judicial and Commonwealth Utilities Act of 1988, took effect October 27, 1987.

## **1107. Accounting of Fixed Assets and Capital Goods.**

All fixed assets and capital goods purchased under any legislative account established pursuant to Article II, Section 16 of the N.M.I. Constitution, shall not be transferred out of the custody of the legislative branch, except as provided by law. The director of the Legislative Bureau shall keep a listing of all fixed assets and capital goods purchased by both houses of the Legislature to ensure proper accounting of the custody and disposition of those items. The bureau shall also develop procedures to ensure the proper identification of the items for tracking purposes. The listing required under this section shall include, but not be limited to, a description of each item, model and year of make if ascertainable, the price of each item, the year of purchase, and the location of the item within the offices of the elected officials including field offices in the respective senatorial districts. Thirty days before the expiration of each legislative term, the Legislative Bureau shall conduct a comprehensive inventory of all fixed assets and capital goods within the respective offices. An elected official shall be personally liable for the value of any unaccounted for fixed asset or capital good purchased under his authority.

**Source:** PL 15-72, 2.

**Commission Comment:** Public Law 15-72 took effect July 6, 2007, and contained findings and purpose, severability, and savings provisions. According to PL 15-72:

Section 1. **Findings and Purpose.** The Legislature finds that it has been the practice of some outgoing legislators to distribute their office equipment and supplies to other government entities upon the conclusion of their terms. This practice is not practical as incoming legislators would then have to purchase new office equipment and supplies. Therefore, in order to more efficiently and prudently spend public funds, the purpose of this act is to empower the Legislative Bureau to maintain an inventory of all fixed assets and capital goods purchased by either house of the Legislature and to account for the custody and disposition of such items. This will allow incoming legislators with the opportunity to reuse office equipment or furniture instead of purchasing new ones.

## **CHAPTER 2.** **Legislative Allowances and Salaries.**

### **Article 1. [Reserved.]**

**Source:** PL 4-32, 14 (repealing former 1 CMC 1201-1203, PL 1-3, 1, 3, 4, as amended by PL 3-17, 1, 2).

**Commission Comment:** Former article one of this chapter, concerning legislative expense allowances, was repealed by PL 4-32, the 1984 Compensation Adjustments Act, effective April 1, 1985.

### **Article 2. Per Diem For Travel.**

#### **1251. Per Diem For Travel.**

Legislators traveling away from their home island on legislative business shall be paid such per diem as may be determined by the legislature.

**Source:** MIDC 2.24.020; amended by DL 4-95 (effective July 10, 1975), modified.

### **Article 3. Legislators Salaries.**

#### **1271. Legislators Salaries.**

The members of the legislature shall receive an annual salary of \$39,300 and no official representation allowance.

**Source:** PL 4-32, 3; amended by PL 7-31, 3, modified.

**Commission Comment:** The salary increase specified in PL 7-31, 3 took effect January 13, 1992. Legislators salaries have increased as follows: [N.M.I. Const. art. II, 10](#) (effective January 9, 1978), specifies an initial salary of \$8,000 (and also restricts increases in salaries); PL 4-32, 3 (effective January 13, 1986) specified a salary of \$30,000.

#### **1272. Legislature Salary Ceiling.**

Except as provided by law, no employee of the legislative branch or its subdivisions shall receive an annual salary higher than a legislator.

**Source:** PL 4-32, 10, modified.

## **CHAPTER 3.** **Legislative Investigations.**

### **1301. Subpoenas; Issuance; Form; Contents; Service and Execution.**

(a) The President of the Senate, the Speaker of the House of Representatives or other presiding officer of either house of the legislature may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before either house or a committee, as the case may be.

(b) Every investigating committee, when authorized by either house or both houses, as the case may be, may issue, by majority vote of all its members, subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before the committee.

(c) Any subpoena, warrant of arrest or other process issued under the authority of either house or both houses of the Commonwealth Legislature shall run in the name of the Commonwealth and shall be addressed to any or all of the following officers: the sergeant-at-arms of either house of the legislature; the sergeant-at-arms of both houses of the legislature, in the case of a subpoena issued in behalf of a joint committee of both houses; the Director of Public Safety; any police officer of the Commonwealth. The subpoena, warrant or other process shall be signed by the officer authorized to issue it, shall set forth the officers official title, shall contain a reference to the rule or resolution, or other means by which the taking of testimony or other evidence or the issuance of such warrant or other process was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.

(d) Any officer to whom such process is directed shall forthwith serve or execute the same upon delivery thereof to the officer without charge or compensation.

**Source:** 2 TTC 268, modified.

**Commission Comment:** Each house of the legislature has constitutional authority to compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. [N.M.I. Const. art. II, 14\(b\)](#). This chapter, based on provisions in the Trust Territory Code, sets forth procedures concerning the legislative subpoena power and remedies or penalties applicable in the event of noncompliance.

With respect to the reference to the Director of Public Safety, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to [1 CMC 2001](#).

### **1302. Subpoenas; Notice to Witnesses.**

(a) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all the members of the committee in a particular instance when, in their opinion, the giving of five days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(b) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a general statement of the subject matter of the committees investigation or inquiry and with a notice that the person may be accompanied at the hearing by counsel of his or her own choosing.

**Source:** 2 TTC 269, modified.

### **1303. Right to Counsel; Submission of Questions.**

(a) Every witness at a hearing of an investigating committee may be accompanied by counsel of his or her own choosing, who may advise the witness as to the witnesss rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(b) Any witness at a hearing, or his or her counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as are appropriate to the subject matter of the hearing.

**Source:** 2 TTC 271, modified.

### **1304. Testimony.**

(a) An investigating committee may cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairman may direct.

(b) Any testimony given or adduced at a hearing may be under oath or affirmation if the committee so requires.

(c) The presiding officer of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.

(d) The presiding officer at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt.

(e) A witness at a hearing or his or her counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing any sworn written statements relevant to the purpose, subject matter, and scope of the committees investigation or inquiry.

(f) A witness at a hearing, upon his or her request and at his or her own expense, shall be furnished a transcript of the witnesss testimony at the hearing, if a record of the same is kept.

(g) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(h) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information may be made public unless authorized by a majority vote of all the members of the committee for legislative purposes, or unless its use is required for judicial purposes.

**Source:** 2 TTC 272, modified.

### **1305. Interested Persons.**

(a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who in the opinion of the committee may be adversely affected thereby may, upon the persons own request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committees consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission of evidence shall limit in any way the investigating committees power of subpoena.

(c) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided by this chapter.

**Source:** See 2 TTC 273.

## **1306. Contempt.**

(a) A person shall be in contempt if the person:

(1) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(2) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of an investigating committee; or

(3) Exhibits disrespect of an investigating committee by unlawfully, knowingly, and wilfully interfering directly with the operation and function of the committee by open defiance of an order in or near the meeting place of the committee, by disturbing the peace in or near the meeting place, by interfering with an officer of the committee in the lawful performance of his or her official duties, or by unlawfully detaining or threatening any witness of the committee because of that persons duty as a witness.

(b) An investigating committee may, by majority vote of all its members, report to the legislative house by which it was established any instance of alleged contempt. The president or speaker shall certify a statement of the contempt under his or her signature as president or speaker, as the case may be, to the Attorney General who shall prosecute the offender in the Commonwealth Trial Court. If the legislature is not in session, a statement of the alleged contempt shall be certified by the chairman or acting chairman of the committee concerned, under his or her signature, to the Attorney General who shall prosecute the offender as aforesaid. An instance of alleged contempt shall be considered as though committed in or against the particular house or the legislature itself.

**Source:** See 2 TTC 274, modified.

**Commission Comment:** Section 4 of PL 6-25, the Commonwealth Judicial Reorganization Act of 1989, provides that [w]herever the term Commonwealth Trial Court appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.

## **1307. Penalties; Defenses.**

(a) A person guilty of contempt under this chapter shall upon conviction be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If any investigating committee fails in any material respect to comply with the requirements of this chapter, any person subject to a subpoena or a subpoena duces tecum who is injured by that failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and that failure shall be a complete defense in any proceeding against the person for contempt or other punishment.

(c) Any witness shall have only those privileges against testifying or producing other evidence under subpoena duces tecum which are:

(1) Authorized by the rules of evidence adopted by the Commonwealth Trial Court;

(2) Required by N.M.I. Const. art. I or other law applicable in the Commonwealth.

(d) Any person other than the witness concerned or his or her counsel who violates the provisions of [1](#) [CMC 1304](#)(g) or (h) shall upon conviction be fined not more than \$500 or imprisoned not more than six

months, or both. The Attorney General, on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure, may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this subsection shall limit any power which the legislature or either house thereof may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

**Source:** See 2 TTC 275, modified.

**Commission Comment:** Section 4 of PL 6-25, the Commonwealth Judicial Reorganization Act of 1989, provides that [w]herever the term Commonwealth Trial Court appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.

## **1308. Cooperation of Government Officers and Employees.**

The officers and employees of the Commonwealth shall cooperate with any investigating committee and with its representatives and furnish to it or to its representatives such information as may be called for in connection with the research activities of the committee.

**Source:** See 2 TTC 276, modified.

## **1309. Acquisition of Information by Other Lawful Means.**

Nothing contained in this chapter shall be construed to limit or prohibit the acquisition of evidence or information by an investigating committee by any lawful means not provided for in this chapter.

**Source:** See 2 TTC 277.

# **CHAPTER 4.**

## **Enactment of Local Laws.**

## **1401. Short Title and Purpose.**

This chapter may be cited as the Local Law Act of 1983.

**Source:** PL 3-77, 1, modified.

**Commission Comment:** PL 3-77 took effect September 21, 1983. See [N.M.I. Const. art. II, 6](#), relating to enactment of local laws.

**Case Annotation:** *Inos v. Tenorio*, Civil Action No. 94-1289 (Super. Ct. June 14, 1995).

If each senatorial district were to enact local laws that unilaterally carve out special exceptions from the application of Commonwealth-wide laws, the unifying thread that holds the Commonwealth together would be weakened and ultimately destroyed. To ensure that this disaster will not occur, [N.M.I. Const. art. II, 6](#) empowers the Commonwealth Legislature to define the local matters that may be the subject of local laws. Acting pursuant to this grant of authority, the legislature enacted the Local Law Act of 1983. [1 CMC 1401](#) et seq.

*Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134 (1992).

## **1402. Definitions.**

As used in this chapter:

(a) Local bill means a bill that, if enacted, becomes a law pertaining exclusively to matters within one senatorial district, and may include but is not limited to:

(1) Speed limits on any public road;

- (2) Naming of public buildings, parks, and streets;
- (3) Litter clean-up and sanitation;
- (4) Curfew for:
  - (i) Juveniles, or
  - (ii) Bars and other business establishments;
- (5) Conservation of wildlife such as deer, fruitbats, or coconut crabs, so long as it is more restrictive than Commonwealth-wide laws or regulations;
- (6) Regulation of admission to movie theaters and any other events open to the public;
- (7) Regulating the conduct of boxing and other sporting activities;
- (8) Gambling prohibition and regulation, so long as such regulations are in addition to Commonwealth regulations;
- (9) Regulation of cockfighting;
- (10) Regulation of bingo and batu;
- (11) Construction and maintenance of community halls and municipal buildings;
- (12) Noise abatement and prevention and nuisance control matters;
- (13) Licensing and control of animals;
- (14) Traffic control, so long as the traffic control is more restrictive than Commonwealth laws or regulations;
- (15) Construction and maintenance of public roads and docks which have not been designated as primary or secondary;
- (16) Hunting and fishing matters, so long as such requirements are in addition to what is required by Commonwealth law or regulation; and
- (17) Organization of and employment in the office of the local mayor.

(b) Local appropriation bill means a bill that, if enacted, becomes a law appropriating funds within one senatorial district, but shall be limited to funds generated from that district, and may include but is not limited to:

- (1) Funding for special projects, programs and other local public purposes;
- (2) Funding offices of the mayor;
- (3) Funding for recreational and parks facility maintenance and expansion; and
- (4) Authorization for mayors to spend for local public purposes pursuant to [N.M.I. Const. art. VI, 3\(f\)](#);

(c) Local revenue bill means a bill that, if enacted, becomes a law generating revenue within one senatorial district, and may include but is not limited to:

- (1) Gross revenue surtax not to exceed one percent;
- (2) Real property tax not to exceed two percent of the appraised values;
- (3) Admission tax to movie theaters and other events open to the public; and
- (4) Gambling amusement machine and gambling revenue taxes, so long as the taxes are in addition to any taxes required by Commonwealth law.

(5) Poker machine and pachinko slot machine license fees pursuant to [4 CMC 1503\(e\)](#) and [1504\(d\)](#).

(d) Northern islands means the islands north of Saipan.

(e) Senatorial district means the First Senatorial District of Rota, the Second Senatorial District of Tinian and Aguigan, and the Third Senatorial District of Saipan and the Northern Islands.

**Source:** PL 3-77, 2; amended by PL 9-35, 2, 3; new subsection (c)(5) added by PL 11-25, 16.

**Commission Comment:** PL 11-25, that added new subsection (c)(5) of this section, took effect on August 10, 1998.

**Case Annotation:** *Island Amusement Corp. v. Western Investors, Inc.*, Civil Action No. 94-166 (Super. Ct. Dec. 15, 1995); *Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145 (1992).

#### **1403. Introduction of Local Bills.**

A local bill may be introduced by one or more senators or representatives from the senatorial district to which the bill is intended to apply. Local revenue or appropriation bills shall be introduced in the House of Representatives. Each bill shall lie on the desks of members in the house in which it was introduced for three legislative days during which time any member may move that the bill is not a local matter that may be the subject of laws enacted by members from the respective senatorial district. The objecting member shall state the reasons for the motion. In the event the motion is later adopted by the house in which the bill was introduced, the bill shall be treated as though it had been introduced in the form prescribed by the official rules of the house. In the event the motion is not adopted or no motion is made within the prescribed time, the bill shall be referred to the appropriate legislative delegation, as provided in [1 CMC 1404](#). Provided, however, that the provisions of this section shall not apply to the Tinian Legislative Delegation in enacting an appropriation of casino gaming revenues pursuant to section 50 (5) of the Revised Tinian Casino Gaming Control Act of 1989.

**Source:** PL 3-77, 3; amended by PL 11-17, 2 (added new last sentence of this section).

**Commission Comment:** PL 11-17 took effect June 26, 1998. Section 1 of PL 11-17 set forth purpose and findings as follows:

Section 1. Purpose and Findings. The Legislature finds that there is an inherent conflict between the requirements of the Local Law Act of 1983 and the Tinian Casino Gaming Control Act, as enacted in 1991 by Tinian Local Initiative 1, and as subsequently revised by Order of the Superior Court, dated August 18, 1993 in CNMI v. Tinian Casino Gamine Control Commission, et al., Civil Action No. 91-690. (Revised Tinian Casino Gaming Control Act.) The conflict concerns the procedure by which revenues generated by casino gambling on Tinian may be appropriated.

On one hand, there is The Local Law Act of 1983 which requires that a local appropriation bill be introduced in the House of Representatives and lie on the desks of the members for three legislative days before it is referred to the appropriate local legislative delegation for action. ([1 CMC 1403](#).) The purpose of this delay is to provide any member with the opportunity to make an objection to the proposed measure that it is not legitimately a local matter which may be enacted by less than the full legislature. There is a further requirement under [1 CMC 1405](#) which gives the mayor of the respective senatorial district which is the subject of proposed local legislation 30 days in which to review and comment on the proposed measure.

There is on the other hand, section 50 (5) of the Revised Tinian Casino Gaming Control Act, which appears to require that the Tinian Municipal Council submit the proposed budget for the Tinian Casino Gaming Commission to the Tinian Local Delegation for action. The provision gives the Commission an opportunity for expedited judicial relief if the Tinian Local Delegation fails to enact the appropriation within 30 days after submission.

The Legislation finds that these two provisions are mutually exclusive and both cannot meaningfully be given effect. The Legislature also finds that the appropriation of revenues generated by casino gaming on Tinian is clearly a local matter and as such is both constitutionally and statutorily within the purview of the Tinian Legislative Delegation. Therefore the check and balance mechanism built into [1 CMC 1403](#) is not necessary in this instance. The notice and comment period for the mayor of Tinian is likewise unnecessary since the direct participation of that office is not contemplated by the Revised Tinian Casino Gaming Control Act. For these reasons, it is the purpose of this legislation to exempt the appropriation of revenues generated by casino gaming on Tinian from the procedural strictures of the Local Law Act of 1983 and allow the appropriation of these local revenues by the Tinian Legislative Delegation in concurrence with the Tinian Municipal Council without review either by the House of Representatives or by the mayor of Tinian.

Sections 4 and 5 of PL 11-17 set forth severability and savings clauses as follows:

**Section 4. 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 5. 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.

**Case Annotation:***Inos v. Tenorio*, Civil Action No. 94-1289 (Super. Ct. June 14, 1995); *Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145, 150 (1992).

#### **1404. Local Legislative Delegations.**

- (a) The following legislative delegations are established:
  - (1) The Rota legislative delegation, comprised of the senators and representative from Rota;
  - (2) The Tinian legislative delegation, comprised of the senators and representative from Tinian; and
  - (3) The Saipan and Northern Islands legislative delegation, comprised of the senators and representatives from Saipan and the islands north of Saipan.
- (b) Each legislative delegation shall select one of its members to serve as chairman and may adopt rules not inconsistent with the Constitution, Covenant, laws, or rules of either house of the legislature.
- (c) The duties of the legislative delegations shall include:
  - (1) Reviewing local legislation including scheduling public hearings and investigations;
  - (2) Enacting or disapproving local legislation; and
  - (3) Giving advice and consent to the appointment of a resident department head for the respective island or islands pursuant to [N.M.I. Const. art. III, 17\(b\)](#).

**Source:** PL 3-77, 4; amended by PL 9-35, 4, modified.

**Case Annotation:***Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145, 150 (1992).

#### **1405. Review by Mayor.**

(a) No local bill or local appropriation or revenue bill may be enacted by a legislative delegation until the mayor from the respective senatorial district has had an opportunity to review and comment on it. The mayor or his designee shall have 30 days in which to review and comment on all local bills. If the mayor fails to comment within the applicable period, the legislative delegation may act on the matter without input from the mayor. Provided, however, that the provisions of this subsection shall not apply to the Tinian Legislative Delegation in enacting an appropriation of casino gaming revenues pursuant to section 50 (5) of the Revised Tinian Casino Gaming Control Act of 1989.

(b) A local bill or local appropriation or revenue bill shall be enacted by an affirmative vote of the majority of the members of the legislative delegation. Upon enactment, the local bill or local appropriation or revenue bill shall be certified by the chairman of the legislative delegation and forwarded to the presiding officer of the house of origin. It shall then be certified by the presiding officer and transmitted to the Governor for his consideration pursuant to [N.M.I. Const. art. II, 7](#). The Governor may veto an item appropriating funds in a local appropriation bill. In the event the Governor vetoes the local bill, the local appropriation bill or item, or revenue bill, it shall be reconsidered by the legislature which may enact the bill over the Governor's veto by affirmative vote of two-thirds of the members of each house of the legislature pursuant to [N.M.I. Const. art. II, 7](#). Local appropriation authority of [N.M.I. Const. art. II, 9\(a\)](#).

**Source:** PL 3-77, 5; amended by PL 11-17, 3.

**Commission Comment:** See the comment to [1 CMC 1403](#).

It appears that in the last sentence of subsection (b), following the words Local appropriation, the phrase bills shall not be subject to the continuing appropriation had been inadvertently dropped in the amendatory language of PL 11-17, 3.

**Case Annotation:***Inos v. Tenorio*, Civil Action No. 94-1289 (Super. Ct. June 14, 1995); *Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145, 150 (1992).

#### **1406. Format of Local Bill.**

Each local bill shall contain the information required to be contained in a bill pursuant to the official rules of that house of the Commonwealth Legislature in which the local bill was introduced, except that it shall contain the words, a local bill for an act for \_\_\_\_\_ (the name of the respective senatorial district). Each local bill shall cite the specific local matter that may be the subject of laws enacted by the members from the respective senatorial district.

**Source:** PL 3-77, 6.

**Case Annotation:***Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145, 150 (1992).

#### **1407. Format of Local Appropriation or Revenue Bills.**

Appropriation or revenue bills shall be introduced in the House of Representatives and shall contain the information required pursuant to the official rules of the House, except that it shall contain the words a local appropriation bill for an act for \_\_\_\_\_ (the name of the respective senatorial district) or a local revenue bill for an act for \_\_\_\_\_ (the name of the respective senatorial district). Each local appropriation or revenue bill shall cite the specific local matter that may be the subject of laws enacted by the members of the respective senatorial district.

**Source:** PL 3-77, 7, modified.

**Case Annotation:***Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--141, 152 (1992).

#### **1408. Revenues Derived From Local Revenue Laws.**

(a) There is hereby established the following local fund accounts for each of the Senatorial Districts: (1) Rota Local Funds, (2) Tinian Local Funds, and (3) Saipan Local funds.

(b) All revenues derived from local revenue laws shall be deposited into the local fund account according to the Senatorial District where the revenues are derived and shall be available for appropriation in local appropriation laws enacted by the legislative delegation from which district the revenues are derived. A decision by the legislature to approve or reject a proposed expenditure preempts a decision on the same expenditure for the same fiscal year by the legislative delegation.

(c) Notwithstanding any laws to the contrary, the unobligated balance of any expired local appropriation shall be withdrawn and revert to the respective local fund account from which the appropriation was made if the local appropriation law does not provide otherwise.

(d) Notwithstanding any laws to the contrary, the fund balance for scholarships at the end of the fiscal year shall be carried forward to the following fiscal year and shall be available without further appropriation.

**Source:** PL 3-77, 8; repealed and reenacted by PL 14-74, 1.

**Commission Comment:** Public Law 14-74 took effect on June 17, 2005 and contained severability and savings clause provisions.

**Case Annotation:***Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--140, 151, 152 (1992).

### **CHAPTER 5.**

### **Reapportionment Act of 1991.**

#### **1501. Title.**

This chapter may be cited and shall be known as the Reapportionment Act of 1991.

**Source:** PL 7-37, 1 ( 1501).

**Commission Comment:** PL 7-37, which took effect September 17, 1991, repealed former title 1, division 1, chapter 5 (PL 3-78, the Redistricting and Reapportioning Act of 1983). PL 3-78 had previously repealed N.M.I. Const. Sched. on Transit Matters 11.

## **1502. Findings and Purpose.**

(a) In accordance with the mandate of [N.M.I. Const. art. II, 4](#)(a), the legislature finds that based upon the increase in the population of the Commonwealth as reported by the Bureau of the Census, it is necessary to reapportion the seats in the House of Representatives in the municipality of Saipan.

(b) It is the purpose of this chapter to reapportion the seats in the House of Representatives in the municipality of Saipan in accordance with the best information available to the legislature at the time of enacting this legislation. In light of the substantial population increase in the Commonwealth (158.3 percent), and especially in the municipality of Saipan (167.3 percent), the legislature deems it necessary to reapportion in order to comply with the one man-one vote rule. The one man-one vote rule requires that each representative in the House of Representatives represent approximately an equal number of residents in the Commonwealth.

**Source:** PL 7-37, 1 ( 1502).

## **1503. Increase in House Membership.**

Pursuant to [N.M.I. Const. art. II, 3](#)(a) and (b), and [4](#)(a), the membership of the House of Representatives is increased from 15 to 18 by increasing the number of representatives from Saipan and the islands north of Saipan from 13 to 16.

**Source:** PL 7-37, 1 ( 1503).

## **1504. Saipan Election District.**

For the purpose of electing 16 members of the House of Representatives from Saipan and the islands north of Saipan, Saipan shall be divided into the following four election districts:

*First District:* Municipal districts 6 and 10, electing six representatives.

*Second District:* Municipal districts 1, 2, 3, 4 and 5, electing two representatives.

*Third District:* Municipal districts 7 and 11, plus the islands north of Saipan, minus that portion of census enumeration district 11 or its functional equivalent which overlaps into municipal districts 7 and 11, electing six representatives.

*Fourth District:* Municipal districts 8 and 9, plus that portion of census enumeration district 11 or its functional equivalent which overlaps into municipal districts seven and 11, electing two representatives.

**Source:** PL 7-37, 1 ( 1504).

# **CHAPTER 6.**

## **Northern Mariana Islands Youth Congress.**

## **1601. Establishment.**

There is hereby established a Commonwealth of the Northern Mariana Islands Youth Congress under the administrative supervision of the Legislative Bureau of the Northern Marianas Commonwealth Legislature.

**Source:** PL 8-27, 5; amended by PL 11-18, 1(a).

**Commission Comment:** PL 8-27, the Northern Mariana Islands Youth Congress Act of 1993, took effect September 13, 1993. According to PL 8-27, 2 and 3:

Section 2. Purpose. The purpose of this Act is to establish a youth congress under the administrative supervision of the Legislative Bureau of the Northern Marianas Commonwealth Legislature and to provide a system which allows the youth to prepare to meet the challenges of the future and to make recommendations to the policy makers on youth programs.

Section 3. Findings. The Legislature finds that:

- (a) Policies on youth and youth programs and activities are lacking in the Commonwealth.
- (b) Juvenile offenses in the Commonwealth have increased by over 56 percent from 1982 to 1992.
- (c) The percentage of high school attrition has increased by 680 percent from 1982 to 1992.
- (d) There is a need for the development of youth programs and activities.

This chapter replaces a former chapter concerning the Law Revision Commission (PL 2-11, as amended), which was repealed by PL 8-22, 3. Current provisions concerning the Law Revision Commission are codified at [1 CMC 3801](#) et seq.

## **1602. Definitions.**

As used in this chapter:

- (a) Executive director means the executive director of the Northern Mariana Islands Board of Elections.
- (b) Bureau means the Legislative Bureau of the Northern Marianas Commonwealth Legislature.
- (c) Meetings means all meetings and sessions of the youth congress.
- (d) Youth means a person between the ages of 14 and 21 years.
- (e) Youth Congress means the Northern Mariana Islands Youth Congress.
- (f) Enrolled student means any person who is enrolled in his/her respective school as a full-time or part-time student.
- (g) Resident means a person who has lived in his/her respective precinct for a minimum of ten months immediately prior to the election.

**Source:** PL 8-27, 4, modified; amended by PL 11-18, 1(b) and (c).

## **1603. Functions.**

The youth congress shall act as a legislative body with the power to make its own rules, establish committees, hold hearings, pass resolutions and prepare and pass bills, which will be forwarded to the Governor and the presiding officers of the legislature for disposition.

The youth congress represents the youth of the Commonwealth, their desires and aspirations, and shall serve as training for the Commonwealth's future leaders.

The youth congress shall hold a youth conference within the Commonwealth at least once a year to report and discuss essential matters pertaining to the youth of the Commonwealth.

**Source:** PL 8-27, 6.

## **1604. Composition.**

The youth congress shall be composed of members to be known as senators, to be elected from the following areas as follows:

- (a) Saipan:
  - (1) Election precinct 1, three senators;
  - (2) Election precinct 2, one senator;
  - (3) Election precinct 3, three senators; and
  - (4) Election precinct 4, one senator;

- (b) Tinian:
  - (1) Election precinct 5, one senator;
- (c) Rota:
  - (1) Election precinct 6, one senator;
- (d) School representation:
  - (1) Each private and public school shall have one senator;
  - (2) Each private and public school with more than 1,000 students shall have one additional senator for every 500 students over 1,000; and
- (e) Three senators from the Northern Marianas College.

**Source:** PL 8-27, 7, modified; amended by PL 11-18, 1(d).

## **1605. Eligibility of Senators and Voters.**

(a) No person shall be eligible to vote for a senator or sit in the youth congress who has not attained the age of 14 years, who will be 21 prior to the expiration of the term for which he or she seeks to qualify as a voter or as a senator, or who has been convicted of a felony or crime involving moral turpitude and has not received pardon restoring his or her civil rights.

(b) School senators and voters must be an enrolled student in their respective school. Election precinct senators and voters shall be residents of their respective election precinct. A voter may vote only once, either in his/her respective school or election precinct, but not in both.

**Source:** PL 8-27, 8; amended by PL 11-18, 1(e), modified.

## **1606. Term.**

- (a) The term of each member shall be one year.
- (b) Any member who graduates from high school or college may continue to serve the balance of his or her term. Any member who drops out of high school or college shall automatically forfeit the balance of his or her term.
- (c) Any member who is outside of the Commonwealth for a total of 90 days shall forfeit the balance of his or her term.

**Source:** PL 8-27, 9; (b) repealed and reenacted by PL 15-39, 2.

**Commission Comment:** Public Law 15-39 took effect on December 14, 2006 and contained severability and savings clause provisions in addition to the following findings and purpose:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that [1 CMC 1606\(a\)](#) and (b) present a conflict for members of the CNMI Youth Congress when a high school or college senior graduates and is still serving as a member. The purpose of this Act is to remove the conflict by amending [1 CMC 1606\(b\)](#).

## **1607. Elections.**

(a) The general election for the youth congress shall be held on the third Monday in September of 1998, and each year thereafter. The elections for precincts one, two, three, four, five and six shall be conducted by the members of the House of Representatives from those election precincts. The election for school senators shall be conducted by the school principals and by the President of the Northern Marianas College at the schools the eligible voters attend, and at which the voters are officially enrolled. Each voter shall be entitled to vote for the number of candidates authorized for his school election precinct as provided in [1 CMC 1604](#). A voter may vote only once, either in his/her respective school, or election precinct, but not in both.

(b) It shall be the responsibility of the school principal, the President of the Northern Marianas College, or the Legislative Bureau as appropriate to provide forms for petitions, ballots and tally sheets, the

necessary ballot boxes and personnel to supervise the election, count and tally the ballots. The Board of Elections shall cooperate and make available to the greatest extent practicable, the resources of the Board of Elections to support the tasks and activities of the youth congress elections at no cost.

(c) Results of the election shall be certified by the members of the House of Representatives from each election precinct, school principal, or President of the Northern Marianas College as appropriate within three days after the election. Results shall be forwarded to the Floor Leader of the House of Representatives, who shall verify the election results, and certify the election of members to the youth congress. The results shall be forwarded to the Governor, Commissioner of Education, President of the Northern Marianas College, and the presiding officers of the legislature.

(d) Any disputes resulting from the election shall be resolved by the chairman of the House Standing Committee on Judiciary and Governmental Operations or its successor.

**Source:** PL 8-27, 10, modified; amended by PL 10-18, 2, modified; subsection (a) amended by PL 11-18, 1(f).

**Commission Comment:** The commission corrected an incorrect cross-reference to [1 CMC 1605](#) in PL 10-18, 2.

## **1608. Petitions.**

Candidates for election shall be nonpartisan and all candidates must obtain at least 50 signatures by petition in their election precincts or schools from individuals qualified to vote under [1 CMC 1605](#). No candidate shall run in both election precinct and school, but must select the one in which he or she may be eligible as a candidate.

**Source:** PL 8-27, 11, modified.

**Commission Comment:** The commission corrected an incorrect cross reference to [1 CMC 1606](#) in the original codification of this section.

## **1609. [Repealed by PL 11-18 2].**

**Source:** PL 8-27, 12; repealed by PL 11-18, 2.

## **1610. Vacancies.**

Each vacancy shall be filled by the candidate who received the next highest vote in that election precinct or school, except that no person filling a vacancy shall hold office longer than the remainder of the term for which his predecessor was elected. If there is no candidate to fill a vacancy, a special election shall be held to fill the remaining term of his predecessor.

**Source:** PL 8-27, 13.

## **1611. Sessions.**

(a) Regular sessions of the youth congress shall be held every three months on the third Saturday of the month, exclusive of holidays, for one day, commencing the third Saturday in October. Additional session days, but not more than three days, are permitted from June 1 to August 15 of each year.

(b) For the first organizational meeting until a speaker is elected, the Speaker of the House of Representatives shall preside over the session. In the absence of the Speaker, the President of the Senate shall preside.

(c) Sessions shall be held in the legislative chamber of the House of Representatives of the Northern Marianas Commonwealth Legislature.

(d) The meetings of the youth congress and its committees shall be open to the public.

**Source:** PL 8-27, 14.

## **1612. Organization and Qualification of Members.**

The youth congress shall be judge of the selection and qualification of its members. It shall elect officers, consisting of speaker, vice speaker, legislative secretary and floor leader. It shall establish standing and special committees essential to carry out its functions as set forth in [1 CMC 1603](#). The youth congress shall adopt rules and procedures not inconsistent with this chapter or the rules of the House of Representatives of the Northern Marianas Commonwealth Legislature.

**Source:** PL 8-27, 15, modified.

**Commission Comment:** The commission corrected an incorrect cross-reference to [1 CMC 1604](#) in the original codification of this section.

## **1613. Quorum.**

The quorum of the youth congress shall equal one-half of its members plus one. No bill or resolution shall be considered passed unless, a quorum being present, a majority of the members present and voting so indicate by affirmative vote.

**Source:** PL 8-27, 16, modified.

## **1614. Operations.**

The Legislative Bureau may provide staff services to the youth congress. The youth congress is authorized to employ on a full-time or part-time basis staff consisting of an administrative officer, a secretary and other essential personnel subject to the availability of funds. The youth congress shall first consider utilizing the staff of the Legislative Bureau before hiring necessary personnel.

**Source:** PL 8-27, 17, modified.

## **1615. Expenditure Authority.**

The speaker of the youth congress shall be the expenditure authority of the funds appropriated under this chapter. A request for payment shall be certified by the Director of Finance for fund availability.

**Source:** PL 8-27, 19.

**Commission Comment:** According to PL 8-27, 18: There is hereby authorized to be appropriated from the Northern Marianas General Fund the sum of One Hundred Thousand Dollars (\$100,000.00) to fund the operations and activities of the Youth Congress.

With respect to the reference to the Director of Finance, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to [1 CMC 2001](#).

## **1616. Compensation.**

Members of the youth congress shall be compensated at the rate of \$25 for each regular session meeting they attend. Members from Rota and Tinian shall be provided air transportation, per diem and other related travel expenses at the established Commonwealth government rates.

**Source:** PL 8-27, 20.

## **1617. Appointment as Non-Voting Honorary Members of Boards and Commissions.**

Notwithstanding the requirements of [1 CMC 2901](#) (a), the Speaker of the Youth Congress shall appoint individual members of the Youth Congress to serve as non-voting honorary members of each Commonwealth board and commission except those boards and commissions whose membership is provided for in the Commonwealth Constitution. Membership on a board or commission shall expire when the members Youth Congress term expires. Participation by these members shall be limited to those meetings in which the general public has access pursuant to Public Law 8-41, codified as [1 CMC 9901](#) et seq., the Open Government Act. Participation by Youth Congress members shall be limited to meetings held on the islands of the Commonwealth in which the members reside. Youth Congress members serving in an honorary position are not authorized to travel in connection with their service on boards and commissions. Youth Congress members serving in an honorary position shall not receive compensation in any form for attendance at meetings of the board nor any other compensation such as subsistence or out-of-pocket expenses incurred in the discharge of their responsibilities.

**Source:** PL 12-43, 3; amended by PL 13-55, 1.

**Commission Comment:** PL 12-43 took effect April 20, 2001, and contained the following short title, findings and purpose, and severability clause provisions:

Section 1. Short Title. This Act shall be known as the Youth Congress Non-Voting Honorary Members Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that one of the main functions of the Northern Marianas Islands Youth Congress as established in the Northern Mariana Islands Youth Congress Act of 1993 (PL 8-27), is to serve as a training ground for the Commonwealth's future leaders. The Legislature finds that the various board and commissions of the Commonwealth provide an invaluable insight into the many activities that affect the lives of every person within the Commonwealth and that the youth of the Commonwealth would benefit greatly from exposure to and participation in the activities of the boards and commission of the Commonwealth.

It is the purpose of this bill to provide for the appointment of individual members of the Youth Congress as non-voting honorary members of each Commonwealth board and commission except those boards and commissions whose membership is provided for in the Commonwealth Constitution.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstances should be held valid 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.

PL 13-55 was enacted on July 3, 2003.