



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Public Law 16-8

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

AUG 06 2008

The Honorable Maria T. Pangelinan
Acting Senate President, The Senate
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Joseph P. Deleon Guerrero
Acting Speaker, House of Representatives
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Acting President and Acting Speaker:

This is to inform you that pursuant to override action by the Senate and the House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature on July 25, 2008 and July 30, 2008, respectively, Senate Bill No. 16-19, SD1, entitled, "To amend PL 15-2 to codify its provisions as a new chapter 14 of Part 1, Div. 2, Title 1 of the Commonwealth Code and to give mayors of each municipality Saipan, Rota, Tinian and Aguiguan, and the Northern Islands an opportunity to affect the disposition of public lands in their respective municipality; and for other purposes," the bill became **Public Law No. 16-8**. Copies of this law are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor
Attorney General
Secretary, Department of Public Lands
All Mayors
All Municipal Councils
Secretary, Department of Finance
Special Assistant for Management and Budget
Executive Director, Commonwealth's Law Revision Commission
Acting Special Assistant for Programs and Legislative Review



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Public Law 16-8

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

The Honorable Pete P. Reyes
Senate President
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

JUL 18 2008

The Honorable Arnold I. Palacios
Speaker, House of Representatives
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have disapproved Senate Bill 16-19, SD1, entitled "To amend PL 15-2 to codify its provisions as a new Chapter 14 of Part 1, Division 2, Title 1 of the Commonwealth Code and to give mayors of each municipality, Saipan, Rota, Tinian and Aguiguan, and the Northern Islands an opportunity to affect the disposition of public lands in their respective municipality; and for other purposes" which was passed by the Sixteenth Northern Mariana Islands Legislature.

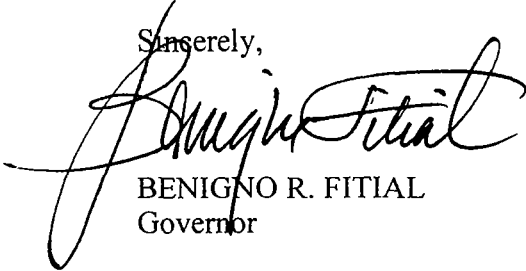
This measure mandates that the secretary of the Department of Public Lands (DPL) advise each respective mayor of actions the DPL intends to take with respect to public lands in his/her municipality and modify DPL's actions based on the respective mayor's position. I cannot support this bill as it impedes in the progress and development of the DPL and it violates our Constitution.

Requiring the secretary of the DPL to adhere to the mayors' position impedes in the progress and development by adding another layer of bureaucracy in managing public lands. Section 104 under Section 3 of Public Law 15-2 provides a mechanism to ensure the DPL complies with its fiduciary duties by providing for an advisory board which includes members from each municipality. Imposing this additional requirement on the DPL exposes both the mayors and the DPL to more fractured political considerations, which is clearly undesirable and an impediment on the DPL's progress and development.

Of more serious concern is the unconstitutionality of this measure. The constitution designates the management of public lands to the executive branch. *N.M.I. Const. art. XI §4(f)*. This measure would change that constitutional mandate as it will allow the mayors to share management authority, which is in direct violation of the Constitution.

For the reasons stated above, I am returning this bill disapproved. Thank you for your understanding on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial", written in a cursive style. The signature is positioned to the left of the printed name and title.

BENIGNO R. FITIAL
Governor

CC: Lt. Governor
Special Legal Counsels, Office of the Governor
Legal Counsel, Office of the Lt. Governor
Attorney General, Office of the Attorney General
Secretary, Department of Finance
Secretary, Department of Lands and Natural Resources
Secretary, Department of Public Works
Mayors, CNMI
All Departments and Agencies
Special Assistant to the Administration
Special Assistant for Programs & Legislative Review



The Senate

Public Law 16-8

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500129
SAIPAN, MP 96950

June 10, 2008

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith Senate Bill No. 16-19, SD1, entitled, "To amend PL 15-2 to codify its provisions as a new Chapter 14 of Part 1, Division 2, Title 1 of the Commonwealth Code and to give mayors of each municipality, Saipan, Rota, Tinian and Aguiguan, and the Northern Islands an opportunity to affect the disposition of public lands in their respective municipality; and for other purposes," which was passed by the Senate and the House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
PUBLIC LAW 16-8
SENATE BILL NO. 16-19, SD1

AN ACT

To amend PL 15-2 to codify its provisions as a new Chapter 14 of Part 1, Division 2, Title 1 of the Commonwealth Code and to give mayors of each municipality, Saipan, Rota, Tinian and Aguiguan, and the Northern Islands an opportunity to affect the disposition of public lands in their respective municipality; and for other purposes.

SENATE ACTION

Offered by Senator(s): Henry H. San Nicolas

Date: February 21, 2008

Referred to: Committee on Resources, Economic Development and Programs

Standing Committee Report No.: 16-09 Adopted on 03/19/08

Final Reading: March 19, 2008

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report No. 16-17 Adopted on 05/29/08

First and Final Reading: May 29, 2008


SENATOR MARIA FRICA T. PANGELINAN
SENATE LEGISLATIVE SECRETARY

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2008

Public Law 16-8

SENATE BILL NO. 16-19, SD1

AN ACT

To amend PL 15-2 to codify its provisions as a new Chapter 14 of Part 1, Division 2, Title 1 of the Commonwealth Code and to give mayors of each municipality, Saipan, Rota, Tinian and Aguiguan, and the Northern Islands an opportunity to affect the disposition of public lands in their respective municipality; and for other purposes.

**BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 Section 1. Findings and Purpose. The Legislature finds that: (1) a technical amendment
2 is necessary to codify the provisions of Public Law 15-2, establishing a new Department of
3 Public Lands, under its own separate chapter under Part 1, Division 2, of Title 1 of the
4 Commonwealth Code, as other departments have been so codified; (2) an amendment to Public
5 Law 15-2 to require the Department of Public Lands to give due consideration to the position of
6 each of the municipalities of Saipan, Rota, Tinian and Aguiguan, and the Northern Islands with
7 respect to proposed action affecting public lands in the respective municipality.

8 Section 2. Amendments to Public Law 15-2:

9 (a) The introductory clause to Section 3 is amended to read as follows:

10 “Section 3. Repeal. Public Laws 10-57, 12-33, and 12-71 to the extent
11 they are applicable to public lands, are hereby repealed and re-enacted as a new
12 Chapter 14 Article 3 under Title 1, Division 2, Part 1, Chapter 13, as follows:”

13 (b) A new Section 105 under Section 3 shall read as follows, and the existing
14 Section 105 and subsequent sections shall be renumbered as Section 106 and so forth:

1 “Section 105. Consultation with Mayor. Prior to the execution of a
2 proposed, final action by the department, other than action requiring or subject to
3 legislative approval, with respect to the lease, homestead, transfer of an interest or
4 other disposition of public lands, the secretary of the Department of Public Lands
5 shall advise, in writing, the respective mayor of the proposed, final action, who
6 shall have 20 days thereafter to submit, in writing, to the department the mayor’s
7 position advocating the best interest of the municipality. The secretary shall give
8 due consideration to the mayor’s position and, for good cause shown by the
9 mayor, modify, to the extent feasible, the proposed final action to address the
10 mayor’s concerns, while preserving the general intent of the proposed final
11 action.”


12 Section 3. Severability. If any provision of this Act or the application of any such
13 provision to any person or circumstance should be held invalid by a court of competent
14 jurisdiction, the remainder of this Act or the application of its provisions to persons or
15 circumstances other than those to which it is held invalid shall not be affected thereby.

16 Section 4. Savings Clause. This Act and any repealer contained herein shall not be
17 construed as affecting any existing right acquired under contract or acquired under statutes
18 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained
19 in this Act shall not affect any proceeding instituted under or pursuant to prior law. The
20 enactment of this Act shall not have the effect of terminating, or in any way modifying, any
21 liability, civil or criminal, which shall already be in existence at the date this Act becomes
22 effective.

23 Section 5. Effective Date. This Act shall take effect upon its approval by the Governor
24 or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

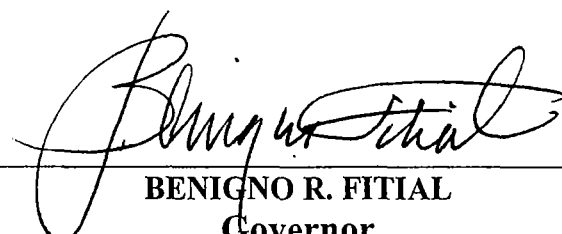


PETE P. REYES
PRESIDENT OF THE SENATE



MARIA FRISCA T. PANGELINAN
SENATE LEGISLATIVE SECRETARY


DISAPPROVED this 18th day of July, 2008



BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands

Overridden by the Senate on July 25, 2008 and the House of Representatives on July 30, 2008 with the affirmative vote of two-thirds of the members in each House.

CERTIFIED BY:



PETE P. REYES
President of the Senate

DATE: 7/31/08



ARNOLD I. PALACIOS
Speaker of the House of Representatives

DATE: 7/31/08

Became Public Law No. 16-8 on July day of 2008, 2008.