Dear Mr. Chairman and Mr. President:

This is to inform you that I have signed into law 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.” The bill was passed by the Tinian and Aguiguan Legislative Delegation of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes Tinian Local Law No. 21-8. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS
Acting Governor

cc: Governor; Press Secretary; Mayor of Tinian & Aguiguan; Secretary of Finance; Chairman, Tinian Municipal Council; Commonwealth Law Revision; Special Assistant for Administration; Special Assistant for Programs & Legislative Review
September 11, 2019

Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Saipan, MP 96950

Dear Governor Torres:

I am honored to transmit for your action Senate Local Bill No. 21-04, entitled:

A LOCAL BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT

"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."

This bill was passed unanimously by the Tinian and Aguiuan Legislative Delegation, Twenty-First Northern Marianas Commonwealth Legislature on First and Final Reading, a quorum duly present, during its First Day, Second Regular Session 2019 held on September 4, 2019.

Respectfully submitted,

Chanele C. Borja
Acting Delegation Clerk

Enclosures
TINIAN & AGUIGUAN LEGISLATIVE DELEGATION  
SECOND SENATORIAL DISTRICT  
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2019  

SENATE LOCAL BILL NO. 21-04  

A LOCAL BILL FOR AN ACT  
FOR THE SECOND SENATORIAL DISTRICT  

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.

Offered by

Senator Francisco M. Borja  
on  
July 9, 2018  

SENATE ACTION  
Transmitted to Tinian & Aguiguan Legislative Delegation for action on August 15, 2019.  

DELEGATION ACTION  

Refereed to : None  
Comments Solicited : 8/15/19 - Mayor of Tinian & Aguiguan; Chairman, Tinian & Aguiguan Municipal Council [Ref. Delegation Matter 21-28 & 21-29]  
Comments Received : 9/4/19 [Mayor of Tinian & Aguiguan; Tinian and Municipal Council; Oral Testimony]  
Standing Committee Report : None  
Passed First & Final Reading : September 4, 2019  

Chanele C. Borja, Acting Delegation Clerk
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:

Section 1. Findings and Purpose.

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

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

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

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

"Acting Mayor.

Whenever the Mayor of Tinian is to be physically absent from the Second Senatorial District of Tinian and Aguiguan islands Commonwealth of the Northern Mariana Islands, the presiding officer or chairperson of the Municipal Council shall be Acting Mayor. If the
presiding officer or chairperson is also absent, then the vice-chairperson of the Municipal Council shall be Acting Mayor. In the event that both the chairperson and vice chairperson of the Municipal Council are absent, then the remaining council member shall be the Acting Mayor. In the event that all members of the Municipal Council are absent, then the Mayor shall designate whom shall be the Acting Mayor to carry out the duties of the Office of Mayor until the Mayor or any member of the Municipal Council physically returns.”

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

“§ 2312. Acting Mayor.

Whenever the Mayor of Tinian is to be physically absent from the Second Senatorial District of Tinian and Aguijan islands Commonwealth of the Northern Mariana Islands, the presiding officer or chairperson of the Municipal Council shall be Acting Mayor. If the presiding officer or chairperson is also absent, then the vice-chairperson of the Municipal Council shall be Acting Mayor. In the event that both the chairperson and vice chairperson of the Municipal Council are absent, then the remaining council member shall be the Acting Mayor. In the event that all members of the Municipal Council are absent, then the Mayor shall designate whom shall be the Acting Mayor to carry out the duties of the Office of Mayor until the Mayor or any member of the Municipal Council physically returns.”

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.
Section 6. Effective Date.

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

CERTIFIED BY:

Jude U. Hofschneider
Chairman
Tinian & Aguiguan Legislative Delegation

Approved this 18th day of October, 2019.

ARNOLD I. PALACIOS
ACTING GOVERNOR
Commonwealth of the Northern Mariana Islands