

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION
HOUSE OF TAGA
SAIPAN, CM 96950

MEMORANDUM

LEGAL OPINION NO. 10

To : Attorney General

Date: June 24, 1985

From : Chairman, Local Governmental Committee

Subject : Mayor's Subpoena Power

The Committee on Local Government has been referred Delegate Proposal No. 75-85, and the members wish to have your legal opinion as to whether the Mayor can be given subpoena powers, and if so, whether he can legally subpoena members of the legislature?


Paul A. Manglona

Attachment

xc: Con-Con President

primary # 2

*Received
7/8/85*



SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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MEMORANDUM

TO : Chairman, Committee on Local Government

From : Governor's Special Legal Advisor

Subject: Proposal No. 75-85 -- Mayor's Subpoena Power

Legal Opinion No. 10

Date: July 9, 1985

I have been requested to provide an opinion regarding whether a member of the Legislative Branch may be subpoenaed by a Mayor should this measure be adopted by the Second Northern Marianas Constitutional Convention and ultimately become part of the Constitution of the Northern Mariana Islands. My comments follow:

First the amendment to Section 3(c) of Article VI clarifies a Mayor's authority to investigate complaints and conduct public hearings by specifying that he or she has the power to subpoena witnesses and compel the production of books, papers or other materials. In my opinion, this amendment makes the existing provision more meaningful.


As to whether a Mayor could subpoena a member of the Legislative Branch, I direct your attention to Section 12, Article II of the Constitution which provides a limited immunity to members of the Legislative Branch and reads as follows:

"A member of the legislature may not be questioned in any other place for any written or oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of treason, a felony or breach of the peace."

I see no reason why a member could not be subpoenaed or compelled to produce books, papers or other materials in the course of an investigation provided the information sought is not privileged or

Chairman, Committee Local Government
July 9, 1985
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protected by Section 12 of Article 11 of the Constitution. Presumably,
a law would be enacted which would provide adequate notice requirements,
fees for attendance and describe the materials being compelled, etc.

A handwritten signature in cursive script that reads "David L. Price".

David L. Price

xc: Attorney General
President, Con-Con