

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

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Date: July 3, 1985

Legal Opinion No. 28

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MEMORANDUM

To : Attorney General
From : Chairman, Committee on Local Government
Subject : Request for Legal Opinion.

The Committee on Local Government is confronted with the following question and thus, solicit for your legal opinion:

Can a mayor submit the budget of the island or islands served by the mayor directly to the legislature?

Thank you for your assistance.


Paul A. Manglona

XC: Con-Con President



OFFICE OF THE ATTORNEY GENERAL
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

5TH FLOOR, NAURU BUILDING

SAIPAN, CM 96950

PHONE: 6207-7111

REXFORD C. KOSACK
ATTORNEY GENERAL

TO: Chairman, Committee on Local
Government

DATE: 7-9-85

FR: Legal Counsel

RE: Direct Submission of Mayoral Budget to the Legislature
Legal Opinion No. 28

You have requested that we issue an opinion whether a mayor can submit the budget of the island or islands served by the mayor directly to the legislature.

Article VI, section 3, clause d, presently provides that the mayor's proposed budget for his island shall be submitted to the governor in order that he might include those items the governor submits to the legislature pursuant to Art. III, sec. 9, clause a.

There is no legal restriction that would prohibit a constitutional amendment allowing the mayor's budget from being submitted directly to the legislature rather than being part of the annual budget submitted by the governor.

The constitution establishes in the governor the power to control and run all governmental services through the executive branch departments. Presently, the mayor's function in this area is to review the needs of the islands in order to determine whether funds allocated to the islands are adequate to pay for the required services. The mayor acts as a "watch dog" to ensure that the services provided are being administered in accordance with the laws. By amending the constitution to bypass the governor's budget, the mayor does not lose any of his "watch dog" duties but the governor, who has the duty to provide the services for all of the islands, loses the ability to budget properly for the services he is mandated by the constitution to provide. The constitution establishes that the governor provides the services with the budget he submits to the legislature. With a bifurcated budget, his ability to offer services to the people may be hampered.

ERIC S. SMITH
Assistant Attorney General

Rec'd 7/10/85 - am/104