

July 22, 1995

MEMORANDUM FOR DELEGATES

SUBJECT: Consideration of Local Government Issues at Plenary Session  
of July 22, 1995

The Committee on Executive Branch and Local Government has deliberated for several days on local government issues raised by proposed amendments to Section 17 of Article III and Article VI. The Committee has made good progress on some subjects, in particular the drafting of a new Article VI that defines the enlarged responsibilities of local government in the three Senatorial districts. On other issues, however, there are profound differences among Committee members, as there undoubtedly are among Convention delegates generally. The Committee on Organization and Procedures has therefore decided that these issues should be brought to the Committee of the Whole for discussion and, if possible, resolution. If some decisions can be made, then the Committee can continue the drafting and related work. But time is of the essence and the Convention cannot afford more delays in considering all the issues before the Convention.

At the direction of the Committee on Organization and Procedures, the following agenda will be followed once this subject is reached in the Committee of the Whole.

First, we will consider the four alternative approaches to the important issues raised by proposed amendment of Section 17 of Article III set forth in the memorandum from counsel dated July 21, 1995. These alternatives were discussed at length by Committee members yesterday. They are as follows:

- 1) Retain Section 17 in its present form as interpreted by the Court in the Inos v. Tenorio decision.
- 2) Return to the language of the first Constitutional Convention in 1976 regarding the delegation to the mayors of responsibility for the delivery of public services.
- 3) Amend the language to make clear that the mayors have full responsibility for the enforcement of Commonwealth laws as well as the delivery of public services in the island or islands that they serve.
- 4) Amend the language to make clear that the mayors do not have full responsibility for the enforcement of Commonwealth laws but do have responsibility for the delivery of some, if not all, of public services in their jurisdiction.

Variations on these approaches are clearly possible, but these alternatives present basic choices for the Convention to make. If the Convention can provide direction here, the Committee and counsel can do more drafting with the objective of bringing a proposed amendment to the floor in the next day or two.

Second, I suggest that we spend some time reviewing the draft Article VI that has been prepared and the draft report that explains it. The Committee has reviewed the draft article in some detail, but some of its provisions cannot be finalized until the delegation issue is resolved. There are a few basic issues here that the Convention could respond to:

1) The Committee recommends that the Office of the Mayor for the Northern Islands be abolished. Is there agreement on this?

2) The Committee recommends that the local government be given jurisdiction over local matters -- defined as matters that affect only one Senatorial district and are not inconsistent with Commonwealth law. Any problem with the concept?

3) The Committee recommends that the mayor and council together can produce ordinances, the equivalent of local laws, and that the authority of the Commonwealth legislative delegations to promulgate local laws be eliminated.. Agreement in concept?

4) The Committee recommends that the municipal council on Saipan be elected from five precincts, whereas the councils in the other two districts will be elected at large. How do the delegates feel about this?

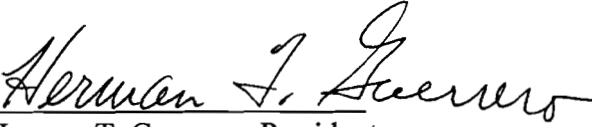
5) The Committee has discussed only preliminarily the issues related to the funding of local government. The Committee is considering a transitional period during which the local governments would have to develop sources of revenue to support local government. Some have suggested a time frame of five years; others propose a shorter period of time. Whatever the period is, the Committee expects that funding by the Commonwealth legislature would gradually be reduced. What are the reactions of the delegates to this general approach?

6) The Committee also wants to consider further whether some cap on the size of local government should be imposed. The draft provision suggests two possibilities -- one based on the number of employees of local governments as of June 5, 1995, and the other based on some percentage of registered voters in the district. There are other techniques that might be used. Do the delegates want the Committee to continue this search for such method for constraining the size of local government?

Third, there may be other important issues relating to local government that should be considered by the Committee. This discussion in the Committee of the Whole provides an opportunity to identify concerns and provide guidance to the Committee on Executive Branch

and Local Government.

Whatever issue is discussed today, I urge the delegates to restrain their rhetoric and treat each other with civility. These are very important issues and their resolution requires our very best cooperative effort. Thank you.

  
Herman T. Guerrero, President