

House Clerk



GOV. COMM.
(HOUSE)

11-495

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan

Lt. Governor

The Honorable Paul A. Manglona
Senate President
Eleventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

and

The Honorable Diego T. Benavente
Speaker, House of Representatives
Eleventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 11-63, HD2, entitled, "To define "public purpose" pursuant to Section 1, Article X of the Commonwealth of the Northern Mariana Islands Constitution; and for other purposes," which was passed by the Eleventh Northern Marianas Commonwealth Legislature.

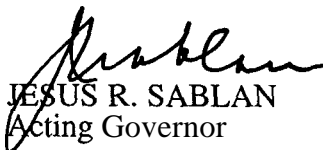
Our Constitution requires that no taxes may be levied or appropriations of public money made except for a "public purpose". The Legislature is mandated by the Constitution to define public purpose. This measure provides that definition, and it is long overdue.

The definition of public purpose must necessarily be broad enough to anticipate a variety of future circumstances, and yet specific enough to provide meaningful general guidelines against which to assess whether any particular purpose is for the public welfare generally. To avoid potential misinterpretation, the Legislature may wish to authorize the Secretary of Finance to promulgate rules and regulations which will provide specific guidelines in the implementation of this law.

In addition, this law states that all government entities and public officials and employees with expenditure authority for public funds will be bound by this definition. Therefore, they must be conscientious in determining whether a particular expenditure is for a public purpose as the Legislature has defined it in this law.

This bill becomes **Public Law No. 11-84**. Copies bearing my signature are forwarded for your reference.

Sincerely,


JESUS R. SABLON
Acting Governor

CC: Secretary of Finance; Special Assistant for Management and Budget; Public Auditor; SAPLR

JUL 21 1998



The Senate

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 129
Saipan, MP 96950

PUBLIC LAW NO. 11-84

JUN. 17 1999

Honorable Pedro P. Tenorio
Governor
Commonwealth of the Northern
Manana Islands
Saipan, MP 96950

Dear Governor Tenorio:

I have the honor to transmit herewith for your action one (1) original copy of Senate Bill No. 11-63, H.D.2, entitled, "A Bill for an Act To define "public purpose" pursuant to Section 1, Article X of the Commonwealth of the Northern Mariana Islands Constitution; and for other purposes. ", which was passed by the Senate and the House of Representatives of the Eleventh Northern Marianas Commonwealth Legislature.

Sincerely,


EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

Attachment

hail 11/1999

THE SENATE
ELEVENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

FIRST SPECIAL SESSION, 1999

PUBLIC LAW NO. 11-84
SENATE BILL NO. 11-63, H.D.2

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AN ACT

To define "public purpose" pursuant to Section 1, Article X of the Commonwealth of the Northern Mariana Islands Constitution; and for other purposes.

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Offered by Senator(s): Pete P. Reyes

DATE: July 8, 1998

SENATE ACTION

Standing Committee Report No.: None
Second and Final Reading: July 31, 1998
Accepted House amendments: June 2, 1999

HOUSE ACTION

Referred to the Committee on Judicial and Governmental Operations
Standing Committee Report No.: 11-66
First and Final Reading: March 16, 1999


EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

**ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE**

**PUBLIC LAW NO. 11-84
SENATE BILL
NO. 11-63, H.D.2**

SEVENTH SPECIAL SESSION, 1998

AN ACT

To define "public purpose" pursuant to Section 1, Article X of the Commonwealth of the Northern Mariana Islands Constitution; and for other purposes.

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

1 Section 1. Findings and purpose. The Legislature finds that Section 1 of
2 Article X of the Commonwealth of the Northern Mariana Islands Constitution, as
3 mended by Constitutional Amendment 28, mandates the Legislature to "provide the
4 definition of 'public purpose.'" However, to define "public purpose", the Legislature
5 deems it prudent and rightful that the definition of "public purpose" be construed
6 taking into consideration prevailing traditional and cultural notions of public purpose.
7 Therefore, the purpose of this Act is to satisfy the intent of Amendment 28 by
8 providing a definition of "public purpose" applicable wherever that term appears in
9 the constitution, laws, statutes, code, rules and regulations of the Commonwealth,
10 unless otherwise provided for by law.

11 Section 2. Title. This Act shall be commonly known as the "Public Purpose
12 Definition Act of 1998."

13 Section 3. Definition. The term "public purpose" shall include, but not be
14 limited to, any purpose which meets one or more of the following criteria:

- 15 1. the benefits are equally available to the entire community;
- 16 2. the service or commodity supplied is one needed by a large
17 number of the community pursuant to customs and traditions as applicable;
- 18 3. the enterprise bears directly and immediately upon the public
19 welfare;

1 4. the needs to be met by its nature requires a united effort under
2 unified control and cannot be served well by separate individuals;

3 5. where benefits accrue to individuals, the community has an
4 interest in having those individuals benefited (for example, sports teams,
5 school and school-related activities, recognition of individuals and
6 organizations, funerals, or other recognized cultural or community events);

7 6. the activity or service is in line with the historical development
8 of the Commonwealth and with the general purpose of its constitution and
9 laws:

10 7. a special emergency exists, such as may be brought about by
11 war or public calamity, (for example, typhoons);

12 8. the expenditure is reasonably related to the operation of
13 government or its objective in the promotion of the public health, safety,
14 morals, general welfare, security, prosperity, and the contentment of a
15 community of people or residents within the locality, (for example, fiestas and
16 other community celebrations, expenses related to or hosting off-island
17 visitors attending governmental events, meetings, conferences, or state funeral
18 expenses).

19 To determine whether a specific appropriation or expenditure is for a public
20 purpose the foremost test shall be whether it confers a direct benefit to a culturally or
21 traditionally significant part of the community as opposed to an incidental or
22 secondary benefit and whether the community has an interest in having the individual
23 or individuals benefited. Tradition and custom as well as the particular facts and
24 circumstances of each case shall be taken into consideration when determining
25 whether a public purpose is being served by a specific appropriation or expenditure.
26 Each and every governmental, agency, departmental, commission, board, authority
27 and public corporation official or employee with expenditure authority shall be
28 governed by this test.

29 Section 4 . Severability. If any provision of this Act or the application of any
30 such provision to any person or circumstance should be held invalid by a court of
31 competent jurisdiction, the remainder of this Act or the application of its provisions to
32 persons or circumstances other than those to which it is held invalid shall not be
33 affected thereby.

1 Section 5. Savings Clause. This Act and any repealer contained herein shall
2 not be construed as affecting any existing right acquired under contract or acquired
3 under statutes repealed or under any rule, regulation or order adopted under the
4 statutes. Repealers contained in this Act shall not affect any proceeding instituted
5 under or pursuant to prior law. The enactment of this Act shall not have the effect of
6 terminating, or in any way modifying, any liability, civil or criminal, which shall
7 already be in existence at the date this Act becomes effective.

8 Section 7. Effective Date. This Act shall take effect upon its approval by the
0 Governor or upon its becoming law without such approval.

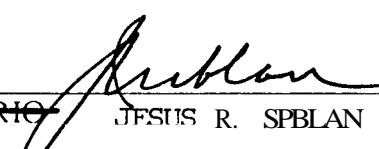
CERTIFIED BY:


PAWL A. MANGLONA
PRESIDENT OF THE SENATE

ATTESTED TO BY:


EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

Approved this 21st day of July, 1999.


~~PEDRO P. TENORIO~~ JESUS R. SPBLAN
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS