ARTICLE I: PERSONAL RIGHTS

Section 3: Search and Seizure

Q. Why was section 3 of article I altered from the version originally adopted by the Committee of the Whole?

A. The Committee recommended that the wording of the Fourth Amendment to the United States Constitution be substituted for the Committee's proposed language on search and seizure in section 3(a) of the article on personal rights previously reported to the Convention and adopted in principle by the Convention. The Committee received the views of law enforcement officials who believe that the Fourth Amendment language is more flexible and practical than the language proposed by the Committee. The Fourth Amendment is made applicable to the Commonwealth by the Covenant, and therefore the Committee believed that the substitution of the Fourth Amendment for the Committee's proposed draft would be appropriate.

The Committee's proposed language in section 3(b) covering wiretapping and section 3(c) covering compensation for victims of illegal search or seizure would remain unchanged.

Section 4(j): Treatment of Children in Criminal Proceedings

Q. What is the effect of section 4(j) of article I?

A. This provision requires that children under the age of 18 be protected in criminal judicial proceedings and in

conditions of imprisonment. The Committee of the Whole believed it appropriate for the Constitution to guarantee the basic rights of juveniles while leaving the specific implementation of those rights to the legislature.

The Committee believed that children under the age of 18 should be treated as delinquents rather than criminals. The criminal records of juveniles should not be available to the public; the interests of juveniles should be protected carefully in criminal proceedings because they are not old enough to protect their own rights. The Committee also believed that juveniles should not be imprisoned together with adults and that any term of imprisonment for juveniles should include participation in rehabilitation programs. The Committee believed that juveniles are more easily rehabilitated if they are kept separate from adult criminals. The Committee's recommended provision contains general language that would cover all of these objectives.

ARTICLE III: EXECUTIVE BRANCH OF GOVERNMENT

Section 18: Public Services

Q. What is the effect of the new section 18 of article III?

A. This section clarifies the relationship between the various portions of the Commonwealth and its central government. Subsection (a) permits the governor to delegate to the mayor of an island or islands responsibility for the

execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor was elected. Subsection (b) requires that public services on Rota and Tinian be supervised by resident assistant directors in the departments providing such services. The resident assistant directors are to be appointed by the heads of the departments in which they serve with the advice and consent of the representatives and senators in the legislature from the island where the executive assistant directors will perform their duties. Subsection (c) requires that public services be provided to all citizens of the Commonwealth on a fair and equitable basis. It permits the legislature to require decentralized delivery of services and requires the governor to make recommendations to the legislature for any action necessary to the accomplishment of the goal of equitable delivery of services.

Subsection (a) permits the governor to delegate such part of his duties as seems expedient to the mayors of the islands. Subsection (b) is intended to ensure that the persons in charge of the delivery of services on each island are accountable both to the people of the island and to the central government of the Commonwealth. It accomplishes this objective by requiring that the resident assistant director be appointed by the director of the

Commonwealth department concerned, but confirmed by the legislative delegation from the island where he is to serve. The assistant director must prove his acceptability to the people of the island where he is to serve in order to be confirmed. He must also be acceptable to the Commonwealth government to receive the appointment in the first place. Thus, he is doubly accountable. Subsection (c) guarantees that all citizens of the Commonwealth will be provided services equitably. The governor is required to make recommendations for action, if action is necessary to accomplish this objective.

ARTICLE VI: LOCAL GOVERNMENT

Section 3(d): Responsibilities of Mayor

Q. As drafted by the Committee on Finance, Local Government and Other Matters, section 3(d) provided that the mayor of an island or islands "may" propose items for inclusion in the annual budget, review the budget before its submission by the governor to the legislature, and recommend amendments in the budget relating to the island or islands served by the mayor. The Committee of the Whole substituted "shall" for "may". What was the reason for this change?

A. The result of this amendment is to compel, rather than merely permit, a mayor to participate in the budgetary process. The Committee of the Whole believed that it is essential for a mayor to involve himself in decisions

concerning appropriations for services provided his constituents.

Q. The Committee of the Whole added a sentence to section 3(d). That sentence reads, "Any proposal relating to the budget made by the mayor shall be considered by the responsible Commonwealth official and rejected only for good cause." What is the effect of this sentence?

A. This provision has two purposes. First, it requires the appropriate official of the Commonwealth government to give careful attention to budgetary proposals of the mayors. Second, it provides that a budgetary proposal may be rejected only for "good cause". This means that the Commonwealth government must demonstrate why a mayoral budgetary request is ill-advised before that request may be denied. The Committee of the Whole felt that these additional protections are necessary to ensure that all of the people of the Northern Mariana Islands receive adequate governmental services.

ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL

Section 1(a): Initiative.

Q. Why does this subsection state that an initiative petition shall be signed by at least twenty percent of the total number of voters qualified to vote on the proposed law?

A. This subsection makes clear that voters in a particular locality may initiate legislation on local matters by a petition signed by twenty percent of the voters in that locality. The interest is to allow voters on Saipan, Rota

or Tinian to initiate laws by petition that will apply to and affect just their island.

Q. Why must an initiative petition for a general law that affects each chartered municipality be signed by at least twenty percent of the qualified voters in each of two of the chartered municipalities?

A. This provision makes the initiative similar to legislation originated in the legislature. In the legislature, if two of the islands disagree with proposed legislation, the senators from those islands can block the legislation in the upper house. Similarly, this provision prevents an initiative proposal from being put on the ballot unless twenty percent of the voters on at least two of the islands support it and sign the petition.

Section 1(c): Initiative

Q. Why must an initiative proposal be voted on at a regular general election at least 180 days after the initiative petition was filed with the attorney general?

A. The 180 days allow time for the public to be educated about the content of the initiative so that voters can decide intelligently whether to support it.

Section 1(d): Initiative

Q. Why must an initiative petition be approved by two-thirds of the registered voters in order to become law?

A. This is a strict requirement ensuring that an initiative proposal will become law only if voters throughout the Commonwealth support it. The requirement that two-thirds of the registered voters vote for the initiative before it becomes law means that registered voters who do not vote count as votes against the initiative. This prevents an initiative from becoming law when only a small number of people go to the polls to vote on it.

Section 3(a): Recall

Q. Why must recall petitions state the grounds for recall?

A. This requirement ensures that each person who signs a recall petition knows the reasons why recall is sought and can make an informed decision whether or not to sign the petition. This requirement does not place any limitations on the grounds for recall. It makes removal by the voters as unlimited as election by the voters.

Section 3(c): Recall

Q. Why may the legislature require that recall petitions be submitted at special elections instead of general elections?

A. It is generally best to avoid special elections because of the extra cost they involve. A corrupt or incapable public official, however, might do great damage to the public interest if not removed from office quickly. This provision allows the legislature to permit consideration of a recall petition by the voters immediately rather

than waiting for the next regular general election. The legislature can weigh the cost of special elections, can consider the frequency of use of the recall and can decide if special elections are worth the cost.

Section 3(e): Recall

Q. Why does the Constitution provide that recall petitions may not be filed against any public official more than once in any year or during the first six months of a term in office?

A. These are specific limitations on the use of the recall. The prohibition on use of the recall against a public official during the first six months of the official's term in office permits the elected official to have some time in office to prove himself before he may be challenged. The official deserves this time because the voters have expressed their approval of him by electing him. The rule that a recall petition may not be filed against a public official more than once a year prevents abuse of the recall by subjecting a public official to continuous recall elections. This provision applies only to a single public official. It does not prevent recall petitions against different public officials in the same year.

ARTICLE XI: PUBLIC LANDS

Section 5(a): Fundamental Policies

Q. Section 5(a), as recommended by the Committee on Personal Rights and Natural Resources, provided that "(N)o person shall be eligible for more than one homestead." Why did

the Committee of the Whole modify this provision to read "one agricultural and village homestead"?

A. The provision as amended in the Committee of the Whole limits an individual to a maximum of two homesteads, one in the country and one in a village. The Committee of the Whole believed that the legislature should have the flexibility to permit a participant in the homestead program to receive a village as well as a rural plot of land. The Committee decided that this flexibility may be necessary to stimulate the development of all areas in the Commonwealth.

ARTICLE XII: ALIENATION OF LAND

Section 7: Statute of Limitations

Q. What is the effect of section 7 of article XII?

A. This provision permits the legislature to repeal any statute of limitations currently in force in the Commonwealth with respect to land. The provision does not require these statutes to be repealed because the Committee of the Whole believed that the legislature should study this matter and repeal only those statutes that have caused specific problems in the past. If statutes of limitation are repealed, the Commonwealth will be able to provide remedies for those whose land was taken in the past without just compensation. Those remedies may include monetary compensation or

priority in receiving public lands. The provision leaves to the legislature the form and amount of such compensation. The Committee of the Whole believed that this kind of detail would be inappropriate for inclusion in the Constitution.

ARTICLE XVIII: CONSTITUTIONAL AMENDMENT

Section 5(b): Ratification of Amendments

Q. The initial language of section 5(b) as recommended by the Committee on Finance, Local Government and Other Matters stated that amendments proposed by constitutional convention or popular initiative shall be approved if they receive an affirmative vote of two-thirds of the votes cast Commonwealth-wide. The Committee of the Whole revised the section to provide for approval of amendments proposed by constitutional convention or by popular initiative if the amendment receives a majority of votes cast Commonwealth-wide and, within such majority, approval by at least two-thirds vote in at least two of the three currently chartered municipalities. Why did tne Committee of the Whole make this revision?

A. The recommendation of the Committee of the Whole accommodates the interests of majority rule and recognition of the special needs of the individual islands of the new Commonwealth. To satisfy these dual interests, the ratification requirement is changed from a two-thirds Commonwealth-wide vote to a two-step test: the proposed

amendment must gain approval of a majority of the Commonwealth votes and within this majority, two-thirds of the votes cast in two of the three currently chartered municipalities. The dual requirement ensures that any amendment receive approval by a majority of the Commonwealth voters but also gives the individual islands a strong voice in ratifying proposed amendments.