

11/30/76

SCHEDULE ON TRANSITIONAL MATTERS

Section 1: Effective Date of Constitution. The Constitution shall be effective on a date determined and proclaimed by the President of the United States following its approval by the United States and otherwise as provided by the Covenant.

Section 2: Continuity of Laws. Laws in force in the Northern Mariana Islands on the day preceding the effective date of the Constitution that are not inconsistent with the Constitution or the Covenant shall continue in force until they expire or are amended or repealed.

Section 3: Continuity of Government Employment and Operations. As of the effective date of the Constitution, employees of the Government of the Northern Mariana Islands and its political subdivisions shall be employees of the Commonwealth on the same terms and conditions of employment as were enforceable against the Government of the Northern Mariana Islands or its political subdivisions until otherwise provided by executive order, rule, regulation or law. Employees of the Government of the Northern Mariana Islands shall have the same functions and responsibilities and shall perform the same duties after becoming employees of the Commonwealth until otherwise provided by executive order, rule, regulation or law.

Section 4: Continuity of Judicial Matters. As of the effective date of the Constitution, the Marianas District Court of the Government of the Northern Mariana Islands shall become the Commonwealth trial court and

the judges serving on the Marianas District Court shall be judges of the Commonwealth trial court serving at the pleasure of the governor until the governor exercises the power to appoint judges of the Commonwealth trial court for full six-year terms pursuant to Article IV, section 5 of the Constitution. Civil and criminal matters pending before the Marianas District Court on the effective date of the Constitution shall become matters pending before the Commonwealth trial court. Civil and criminal matters pending before the High Court of the Trust Territory of the Pacific Islands on the effective date of the Constitution that involve matters within the jurisdiction of the Commonwealth trial court or the United States District Court for the Northern Mariana Islands shall remain within the jurisdiction of the High Court until finally decided.

Section 5: Continuity of Legislative Matters. The terms of office of members of the Northern Mariana Islands Legislature shall expire on the effective date of the Constitution. Legislation passed by the Northern Mariana Islands Legislature but not yet approved by the Resident Commissioner on the effective date of the Constitution shall be of no effect.

Section 6: Continuity of Corporations and Licenses. Corporations incorporated or qualified to do business in the Northern Mariana Islands on the effective date of the Constitution shall continue to be so incorporated or qualified until otherwise provided by law. Licenses in effect in the Northern Mariana Islands on the effective date of the Constitution shall continue in effect until otherwise provided by law

~~provided-however-that-a-professional-license-may-not-be-limited,~~
~~amended-or-revoked-except-for-cause~~ except that no such license
possessed by a health professional or a practicing lawyer may
be amended or revoked except for incompetence or unethical conduct.

Section 7: Statutes of Limitations. The legislature shall study whether to repeal any statute of limitations currently in force in the Commonwealth with respect to land in order for the Commonwealth to provide compensation for past transactions. If a statute is repealed after study, the compensation ~~to be~~ provided by the Commonwealth shall be limited to priority with respect to the distribution of public lands but shall not affect any right in property that vested ~~pursuant to~~ under the repealed statute of limitations.

Section 7 8: Citizenship. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term United States citizen or United States national as used in the Constitution ~~includes those~~ persons who, on the date of the approval of the Constitution by the people of the Northern Mariana Islands, do not owe allegiance to any foreign state and who qualify under one of the following criteria:

a) persons who were born in the Northern Mariana Islands, who are citizens of the Trust Territory of the Pacific Islands on

the date of the approval of the Constitution by the people of the Northern Mariana Islands, and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

b) persons who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; or

c) persons domiciled in the Northern Mariana Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands who, although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974.

Section 8 9: Commonwealth. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term Commonwealth as used in the Constitution to describe a geographic area means the Northern Mariana Islands as defined by section 1005(b) of the Covenant and otherwise means the government established under this Constitution.

Section 9 10: Elections. Within one hundred twenty days after the approval of the Constitution by the United States pursuant to section 202 of the Covenant, elections shall be held on a date set by the Northern Mariana Islands Legislature to fill the elective offices established by the Constitution. Persons shall be eligible to vote who are eligible to vote under article VII of the Constitution and the laws in force in the Northern Mariana Islands to the extent those laws are consistent with the Constitution. The Northern Mariana Islands Legislature shall establish procedures for registration of voters and as are otherwise required to carry out the election required by this section, and shall appropriate and make available sufficient funds for the implementation of this section. If the Northern Mariana Islands Legislature does not act to set the election date and establish registration and election procedures as required by this section within 30 days after the approval of the Constitution by the United States, the Resident Commissioner shall have the power to set the election date and establish registration and election procedures.

Section 10 11: Saipan Election Districts. For the purpose of electing members of the house of representatives, Saipan shall be divided into six election districts, electing a total of sixteen representatives, distributed as follows:

first district: municipal district nine and those portions of municipal district eight falling within census enumeration districts six, seven and eight, electing two representatives;

second district: municipal district eleven, excluding that portion of the district falling within census enumeration district eleven, electing three representatives;

third district: municipal districts five and seven, electing three representatives;

fourth district: those portions of municipal district one falling within census enumeration districts twenty-nine and thirty, municipal districts six and ten, that portion of municipal district eight falling within census enumeration district nine, and that portion of municipal district eleven falling within census enumeration district eleven, electing four representatives;

fifth district: municipal districts two and three, and that portion of municipal district one falling within census enumeration district thirty-one, electing three representatives; and

sixth district: municipal district four and the islands north of Saipan, electing one representative.

These election districts shall remain in effect until otherwise provided by law enacted under the Constitution.

Section 12: Commencement of Terms. All Officials elected in the election required by section 9 10 shall take office on the effective date of the Constitution. The oath of office shall be administered by a

judge designated by the Commonwealth trial court. For the purpose of determining the ~~expiration~~ date of the terms of officials elected under section 9 10 ~~expire~~, ~~such~~ the officials shall be considered to have taken office on the second Monday in January in the year ~~following~~ after the year in which the election ~~required-by-section-7~~ is held, ~~provided,-however,~~ except that if the election ~~required-by-section-7~~ is held ~~prior-to~~ before the first day of the month of July ~~in-the-year-in-which-it-is-held,~~ ~~such~~ the officials shall be deemed considered to have taken office on the second Monday in January of the year in which the election is held.

Section ~~11~~ 13: Succession. As of the effective date of the Constitution, the Commonwealth of the Northern Mariana Islands shall succeed to all rights and obligations of the previous Government of the Northern Mariana Islands. ~~theretofore-existing.~~